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# Trafficking in Persons Report 2014 - Rwanda

## Tier 2 Watch List

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Rwanda is a source and, to a lesser extent, transit and destination country for women and children subjected to forced labor and sex trafficking. Rwandan girls and, to a lesser extent, boys are exploited in domestic servitude within the country, often through extended family networks; some of these children experience nonpayment of wages and physical or sexual abuse. Older females offer vulnerable younger girls room and board, and force them into prostitution to pay for their expenses. Brothel owners supply girls in prostitution to clients staying at hotels. Rwandan men, women and children are recruited and transported abroad, including to Kenya, Uganda, South Africa, the United Arab Emirates (UAE), Malaysia, China, the United States, and Europe where they are subjected to forced agricultural and industrial labor, domestic servitude, and prostitution.

Women and children from neighboring countries and Somalia are subjected to prostitution and forced labor in Rwanda. A limited number of foreign nationals transit Rwanda before being exploited in third countries; for example, in 2013, an unknown number of potential African victims transited Kigali airport *en route* to destinations in the Middle East. Kampala- and Nairobi-based labor recruiters and brokers recruited workers through fraudulent offers of employment or excessive fees; these recruiters coached potential victims on evading detection at Rwanda's land border crossings or hired smugglers to assist in illegal, unregulated crossings.

In 2013, the UN Group of Experts and Human Rights Watch (HRW) reported that Rwandan government officials provided support to the M23, an armed group operating in the eastern Democratic Republic of the Congo, which recruited children and men, at times fraudulently and by force. The government's material and logistical support to the M23 included weapons, ammunition, the provision of training by Rwandan Defense Forces (RDF) officers, and reinforcement by RDF soldiers during combat operations. The M23 recruited men and children in Rwanda in 2013, with some demobilized M23 soldiers reporting being initially conscripted by Rwandan Defense Force (RDF) soldiers. HRW indicated that Rwandan army officers also forcibly returned Rwandan deserters to the M23. The M23 were militarily defeated in November 2013. The Rwandan government refrained from reinforcing the M23 during final combat operations against the group, and Rwandan support to and recruiting for the M23 ceased following the group's defeat.

The Government of Rwanda does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government investigated 17 suspected traffickers and initiated prosecutions involving 11 defendants. It opened five additional centers that provide assistance to victims of gender-based violence, including screening for trafficking victimization. The government failed to convict any traffickers in 2013 and did not provide details on the number of victims identified and assisted during the year. The police continued to arrest and detain some trafficking victims in government transit centers, where officials sporadically screened for trafficking victimization and referred victims to subsequent care. Further, the government remained complicit in the commission of trafficking crimes through its provision of material and logistical support to the M23, an armed group in eastern DRC that—through its forced or fraudulent recruitment of children and men to serve in combat and support roles—directly engaged in trafficking. In addition, Rwandan officials reportedly actively recruited children for use by the M23 and forcibly returned those attempting to desert. The government denied re-entry into Rwanda to some demobilized M23 combatants of Rwandan nationality and did not provide assistance to repatriated M23 members as part of greater reintegration efforts carried out by the Rwanda Demobilization and Reintegration Commission (RDRC). Such efforts run counter to the government's years of unparalleled care for former adult and child combatants. While the government ceased its support of the M23 in November 2013, it has not acknowledged or taken action to address the trafficking crimes that took place beginning in early 2012. Due to these aforementioned failures and its support for the M23 during the reporting period, Rwanda did not demonstrate increased efforts to combat trafficking and is placed on Tier 2 Watch List for the second consecutive year.

### Recommendations for Rwanda:

Investigate and prosecute those suspected of forcibly or fraudulently recruiting men and children in support of the M23 in Rwanda; enforce the trafficking-specific penal code amendments through increased investigations and prosecutions of trafficking offenses; draft and enact a national action plan; increase the number of labor inspectors and resources available to them to carry out their roles; use judicial police specifically trained on gender-based violence to supplement the work of the national police's anti-trafficking unit and government's labor inspectors; build capacity to screen for trafficking victims at child transit centers through increased collaboration between the police and the Ministry of Gender and Family Promotion (MIGEPROF) or NGOs; establish policies to provide foreign trafficking victims with relief from deportation; launch a national awareness campaign; and institute a unified system for collecting trafficking case data for use by all stakeholders.

## Prosecution

The government maintained strong efforts to investigate and prosecute some trafficking crimes; however, it remained complicit in other trafficking crimes through its support to the M23 until November 2013. Rwanda's penal code, promulgated in June 2012, criminalizes trafficking in persons under a variety of articles, mostly contained in Chapter 8. This chapter, in combination with forced labor articles and other provisions of law, cover almost all forms of trafficking. However, the penal code narrowly defines trafficking as a crime requiring movement, which would appear to leave some forms of trafficking outside the scope of the law. For example, it is not clear whether the law criminalizes the recruitment of an individual for the purpose of forced labor in the absence of movement. Chapter 8 prescribes penalties of seven to 10 years' imprisonment or fines the equivalent of approximately \$7,900 to \$15,900 for internal trafficking, and up to 15 years' imprisonment for transnational trafficking, penalties which are sufficiently stringent and commensurate with those prescribed for other serious crimes. However, penalties for trafficking crimes in other portions of the penal code differ; Article 206 (inciting adults into prostitution) and Article 178 (forced labor) prescribe penalties that are insufficiently stringent and not commensurate with other serious crimes. Child trafficking convictions are subject to a minimum five-year prison term, while slavery convictions carry three to 12-year prison terms. The Law Relating to the Rights and Protection of the Child, enacted in 2012, outlaws child trafficking, prostitution, and slavery under Article 51; however, the law fails to include penalties alongside these prohibitions, limiting its utility.

In 2013, the Rwandan National Police (RNP) and National Public Prosecution Authority (NPPA) reported the investigation of 17 suspected offenders and initiated prosecution of 11 defendants, some of which were charged under Chapter 8. These cases involved the sex trafficking of Rwandan women and girls abroad, often by Rwandan or Ugandan recruiters. Unlike previous years, the government did not convict any traffickers in 2013. Rwandan law enforcement officials cooperated with other countries to investigate transnational trafficking offenses, facilitate the repatriation of trafficking victims, and disrupt trafficking operations. Police and immigration officials maintained strict border control measures to prevent transnational trafficking. For example, in 2013, the government opened an INTERPOL liaison office at Kigali international airport, where Rwandan officials intercepted Ugandan women transiting to Dubai—where they may be subjected to sex trafficking or transit *en route* to similar exploitation in Asia.

The NPPA expanded its gender-based violence unit, which handles trafficking cases, from two to 12 prosecutors. The gender desk at each of Rwanda's 75 police stations has at least one judicial police officer; all judicial police officers specializing in serious crimes have undergone training on identifying and assisting victims of trafficking, and investigating and prosecuting trafficking cases. The government reported that an unknown number of NPPA, RNP, Ministry of Public Service and Labor (MIFOTRA), and Ministry of Health staff received training on trafficking as part of standard training on gender-based violence. All newly hired immigration officers received training on the identification of trafficking victims. Government officials facilitated sessions as part of NGO-funded trainings that reached 60 judicial police and prosecutors in 2013. RNP officials reported the number of investigators remained inadequate to properly investigate the numerous reports of forced labor, sex trafficking, and sexual exploitation of child domestic workers. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking or trafficking-related crimes, including those involved in the recruitment of child soldiers and border officials accepting bribes to allow irregular border crossings.

## Protection

In past years, the government was recognized for its unparalleled level of care for former child combatants; however, in 2013, victim protection efforts were undermined by support for the M23's at times forcible recruitment of child soldiers and denial of care to former M23 combatants. The government did not allow former M23 combatants—including both children and adults—to reintegrate through RDRC facilities. The UN Organization Stabilization Mission in the DRC (MONUSCO) also reported that in early 2014, the government denied some demobilized combatants their Rwandan citizenship and barred them from reentering Rwanda. The UN Group of Experts reported the repatriation of 78 Rwandan members of M23 in 2013, including 18 children. Thirty-eight former child combatants associated with other armed groups in the DRC received three months' care, including psycho-social counseling, at the government's center for child ex-combatants in Musanze. The RDRC worked with local authorities and an NGO to locate the children's families, and social workers sensitized families to their acceptance of the children's return.

The government did not provide detailed information on the number of victims identified and assisted in 2013. Police identified and referred an unknown number of sex and labor trafficking victims to a network of centers that provided assistance to victims of gender-based violence, including child domestic workers and children in prostitution. In 2013, the government opened five additional centers in district capitals, sometimes co-located with public hospitals, which provided medical exams, counseling, legal assistance, and short-term shelter. Social workers utilized a set of questions to identify potential cases of trafficking upon a person's arrival at these centers and, when working with victims, police used a standardized checklist, which required: securing medical, social, and counseling services; the presence of a victim's advocate during questioning; and referrals of victims to NGOs, religious entities, or community groups for further assistance. Judicial police officers encouraged victims to participate in the investigation and prosecution of trafficking crimes and interviewed victims at these centers rather than at police stations; these initial statements could stand as testimony if victims did not wish to appear in court. While the government took great care to protect victims during the trial process, officials acknowledged the frequent unwillingness of victims to cooperate with investigators and prosecutors, leading to the dismissal of an unspecified number of cases due to lack of evidence. The police headquarters in Kigali continued operating a hotline for reporting gender-based violence crimes; the number of trafficking-related calls received in 2013 was unknown. During 2013, the National Commission of Children deployed psychologists and social workers to three of Rwanda's 30 districts in order to identify and rehabilitate victims of child labor and gender-based violence, including trafficking.

The government allocated the equivalent of approximately \$400,000 to support 17 private or NGO-run child rehabilitation centers offering shelter, basic needs, and rehabilitative services to street children in 2013. It operated three transit centers for street children, including children in prostitution and street and market vendors, after their arrest by the RNP. MIGEPROF screened some of the children and young adults detained in these centers and referred some to rehabilitation centers or their families; however, such screening was sporadic and inadequate. The RNP often discharged young people from the transit centers without proper screening for trafficking victimization. Police held some child victims of trafficking in detention at these transit centers for weeks or months as they sought placement with their families, an appropriate foster home, or an institution. The one government-run rehabilitation center for street children provided psychosocial support, education and vocational trainings, and reintegration services to 135 former street children in 2013. Due to inadequate screening of vulnerable groups, victims likely remained unidentified and faced time in prison or the Nyagatare Rehabilitation Center for unlawful acts committed as a direct result of being trafficked. RNP officials acknowledged that training in victim identification and investigation remained inadequate.

Although Rwandan law does not provide foreign trafficking victims with legal alternatives to their removal to a country where they may face hardship or retribution, in practice, the government exercised discretion on a case-by-case basis to provide such alternatives. An NGO reported that officials sheltered one Congolese victim in a transit center rather than deporting her. Rwandan officials worked with the Rwandan embassies to locate, recover, and repatriate Rwandan victims; in August 2013, officials assisted in the repatriation of an unknown number of Rwandan women from Uganda. The government continued to encounter difficulty working with Chinese authorities to repatriate approximately 100 Rwandan women exploited in various cities in China; similar frustrations were reported involving a lack of cooperation from authorities in the UAE.

## Prevention

The government maintained anti-trafficking prevention efforts, but remained without a lead ministry or formal coordinating body to oversee its anti-trafficking efforts; the RNP and NPPA served as *de facto* coordinators of an interagency anti-trafficking working group that included the Directorate General of Immigration and Emigration, the National Institute of Statistics, and the Ministries of Internal Security, Local Government, Gender, Education, and Public Service and Labor. The government lacked a national action plan to guide government anti-trafficking efforts; nonetheless government ministries coordinated policies on gender-based violence and related trafficking issues, as part of its 2011-2016 National Gender-Based Violence Action Plan. The government continued a multi-stakeholder campaign against gender-based violence, including trafficking; as part of this campaign, billboards, radio and television programs, and school education campaigns included messages on sex trafficking. In 2013, women parliamentarians and an NGO partnered on an awareness-raising campaign to prevent employers and officials from coercing women to perform sexual acts in exchange for employment or services. The RNP and NPPA reported that law enforcement activities targeted labor recruiters, brokers, and international trafficking rings in 2013. In January 2014, the permanent secretary of MIGEPROF held a press conference to denounce the sending of Rwandan girls to third countries for commercial sexual exploitation and urged Rwandans to assist the government in identifying young women who might be susceptible to recruitment by trafficking rings. In 2013, MIFOTRA continued its review of draft amendments for the labor law to include new regulations on labor recruitment. MIFOTRA continued to train all labor inspectors twice per year on how to identify and handle cases of child labor, including trafficking in persons. MIFOTRA's labor inspectors held monthly sensitization activities and quarterly trainings for employers and local authorities on child labor regulations. However, these 30 district labor inspectors were insufficient to fulfill their monitoring mandate, and the government did not provide them with adequate resources. MIFOTRA continued its public awareness campaigns on the worst forms of child labor, including trafficking, through radio shows, television announcements, and skits. Officials and international organizations

acknowledged that child labor programming continued to overlook children in domestic servitude. Although it reported the arrest of men soliciting prostitution, the government did not take coordinated action to reduce the demand for commercial sex acts. The government trained Rwandan troops on gender sensitivity and sexual exploitation prior to their deployment to UN peacekeeping missions abroad.