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Rwanda: Situation of sexual minorities, including legislation; treatment by society and authorities; state protection and support services available (2014-October 2018)
[RWA106190.E]

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1. Legislation

According to sources, same-sex sexual activity is not criminalized in Rwanda (US 20 Apr. 2018, 40; Freedom House 2018, sec. F4; Human Rights First 31 Aug. 2016).

Sources indicate that anti-discrimination legislation in Rwanda does not specifically protect sexual orientation or gender identity (US 20 Apr. 2018, 45; Freedom House 2018, sec. F4).

2. Treatment by Society

According to sources, LGBT persons in Rwanda face "societal discrimination" (Human Rights First 12 Sept. 2016) or LGBTI individuals reported societal discrimination and abuse in Rwanda (US 20 Apr. 2018, 40). Sources indicate that there is a "stigma" against sexual minorities in Rwanda (Freedom House 2018, sec. F4; GlobalGayz 6 Oct. 2016), where being LGBT is "taboo" (GlobalGayz 6 Oct. 2016).

On its website, Human Rights First, a nonpartisan human rights organization based in New York and Washington, DC, states that Rwanda's social environment is "rife with homophobia" (Human Rights First 31 Aug. 2016). Without providing further details, the same source states that "there is widespread political and cultural animosity towards the LGBT community [and a] growing interest in excluding the LGBT community from constitutionally guaranteed rights" (Human Rights First 31 Aug. 2016). In a video clip from Human Rights First uploaded on the same webpage, an LGBT defender from Rwanda states the following:

"[The] LGBT community in Rwanda is perceived as something like abnormal, much like a mental illness. No one in the family wants to have such relatives. No person wants to have a neighbor who is seen as an LGBT person. No one wants to have any contact or ... any sort of relationship, either professional, friendship, whatever. ... [W]e don't speak about it." (Human Rights First 12 Sept. 2016)

In a 2014 article, the *East African*, a Kenyan newspaper, reports that a lesbian woman from Kigali "has been insulted, castigated and discriminated against for her sexual orientation since she was a teenager. When she was 14, [her] parents deliberately married her off in an effort to alter her sexuality" (*The East African* 31 May 2014).

On its website, Voice of America (VOA) [1] reports that in February 2017, a Rwandan TV journalist publicly prepared for a wedding abroad with her same-sex partner, which "sparked anger in the deeply conservative country" and prompted "many" LGBT people to flee Rwanda or go into hiding (VOA 27 Apr. 2017). VOA quotes a program officer at Rights For All, an LGBT rights organization in Rwanda, who is a transgender man, as stating the following regarding the same affair: "'We started to get harassed again, so we stopped going out in the street[s] of Kigali, we were scared'" (VOA 27 Apr. 2017).

According to an article published by Mashable, a "multi-platform media and entertainment company" (Mashable n.d.), and based on interviews with members from the LGBT community and organizations in Rwanda, the program coordinator of Human Rights First Rwanda Association and representatives from the Amahoro Human Respect Organization indicated that other NGOs "often" refuse to collaborate with them because they are known to work with the LGBT community (Mashable 18 Nov. 2017). According to the same source, the vice chairperson of the Amahoro Human Respect Organization stated that other NGOs have stepped out of photos with LGBTI advocates during human rights conferences for fear of being associated with LGBTI persons (Mashable 18 Nov. 2017).

Without providing further details, the same source states that, according to LGBT advocates in Rwanda, while all LGBT individuals "suffer discrimination," transgender people "struggl[e] disproportionately" (Mashable 18 Nov. 2017). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.1 Incidents of Violence

The US Department of State's *Country Reports on Human Rights Practices for 2017* for Rwanda indicates that there were "sporadic reports of physical attacks against LGBTI persons" (US 20 Apr. 2018, 40). Similarly, Human Rights First states that activists have reported "increasing acts of violence against LGBT Rwandans" and "calls to incite such violence" in Rwanda (Human Rights First 31 Aug. 2016). Without providing further details, GlobalGayz, a travel and culture website specializing on LGBT (GlobalGayz n.d.), states that in Rwanda, "queer people are violently attacked without a clear path to seek justice via explicitly laid out legal protections" (GlobalGayz 6 Oct. 2016).

Detailed reports of incidents of violence against LGBT people in Rwanda could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.2 Employment

Without providing further details, GlobalGayz reports that LGBT activists indicated they were not able to find a job because of their sexual orientation (GlobalGayz 6 Oct. 2016). In a 2016 report on the human rights situation of sex workers and LGBT communities in Rwanda, the East African Sexual Health and Rights Initiative (UHAH-EASHRI) [2] quotes a transgender man as stating the following: "Being a transgender man makes it very difficult to get a job here in Kigali. A potential employer can ask you multiple questions to only tell you afterwards that you are not hired for different reasons" (UHAH-EASHRI 13 May 2016, 28). Similarly, VOA quotes a transgender woman as

stating the following: "[W]hen I go to a job interview, employers will comment on my physical appearance and refuse to hire me. That is why most of the time, I don't have a job" (VOA 27 Apr. 2017).

2.3 Education

Without providing further details, the Mashable article reports that, according to the president of Hope and Care, an NGO dedicated to out-of-school youth, youth who drop out of school prematurely are "often" LGBTI (Mashable 18 Nov. 2017).

The UHAI-EASHRI report quotes a representative of the Horizon Community Association (HOCA), an LGBT organization established in 2003 in Kigali, as stating the following:

"They can expel you out of the school without disclosing that you are expelled because of your sexual orientation. In such cases, they never lack reasons. They either say that you are 'undisciplined' or that your grades are not enough to keep you in the school. That is how many of us do not continue with our studies." (UHAI-EASHRI 13 May 2016, 27)

The same report quotes a transgender woman as stating the following:

"As a transgender person, it is difficult to bare the harassment and humiliation from classmates and teachers. I was happy to finish high school because I thought it was the end of harassment suffered at school. Since then, I have never again wanted to return to the school, because what I have experienced is just enough for [m]e." (UHAI-EASHRI 13 May 2016, 28)

2.4 Housing

Without providing further details, UHAI-EASHRI indicates that LGBT persons they interviewed for the purpose of their study have reported having been evicted by their landlords or by the local administrative authorities "because of their sexual orientation and gender identity and expression," adding that some LGBT individuals interviewed reported receiving eviction notices "due to pressure from neighbourhoods representatives" (UHAI-EASHRI 13 May 2016, 27). The Mashable article similarly reports that a gay man who does community work in Rwanda spent "nearly a year homeless after his parents 'chased him out,' briefly moving into an apartment, only to be kicked out by his landlord upon discovering his sexuality" (Mashable 18 Nov. 2017). Further information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.5 Healthcare

The information in the following paragraph is taken from the UHAI-EASHRI report:

One of the challenges related to access to healthcare services for LGBT people in Rwanda is the "[l]ack of education and information dissemination tools on the health of LGBT people." Most LGBT people interviewed reported the existence of discrimination and stigmatization when attempting to access healthcare services. In public healthcare centres that do not have "partnerships with LGBT groups," service providers do not respect the privacy of their LGBT patients, "exposing them

to public humiliation in health care environments." In other healthcare centres, "flagged as 'unfriendly'," service providers purport to provide "lessons in morality" and do not properly serve LGBT people. Transgender and intersex people are not formally recognized in national health policies and programs, and hormonal therapy and psychosocial support are not available for them (UHA-I-EASHRI 13 May 2016, 35, 38, 40).

According to GlobalGayz, HIV-positive individuals face discrimination when seeking treatment in Rwanda because HIV/AIDS is regarded as a "gay disease" (GlobalGayz 6 Oct. 2016). The US *Country Reports 2017* states that, although discrimination against persons with HIV/AIDS occurred, these incidents "remained rare" (US 20 Apr. 2018, 40). According to the same source, the Rwandan penal code provides for up to six months imprisonment for "persons convicted of stigmatizing an individual who suffers from an incurable infection. There were no reports of prosecutions under this statute" (US 20 Apr. 2018, 40). The same source indicates that the Rwandan government made "public pronouncements against stigmatization of those with the disease" (US 20 Apr. 2018, 41). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. Treatment by Authorities

Sources indicate that in 2011, the Rwandan government signed the UN Joint Statement entitled "Ending Acts of Violence and Related Human Rights Violations Based on Sexual Orientation and Gender Identity" (US 22 Mar. 2011; Rights in Exile Programme n.d.).

According to the US *Country Reports 2017*, "cabinet-level government officials expressed support for the rights of [LGBTI] persons" (US 20 Apr. 2018, 40). Sources report that in 2016, while he was addressing a group of Rwandans at a Rwandan Cultural Day celebration in San Francisco, President Paul Kagame stated on the issue of LGBT rights in Rwanda: "It hasn't been our problem. And we don't intend to make it our problem" (GlobalGayz 6 Oct. 2016; Mashable 18 Nov. 2017). Mashable cites Kagame as adding the following on the same day: "We are struggling with all kinds of problems that we have. We want to have everybody involved at this table" (Mashable 18 Nov. 2017). Rwandan news website KTPress specifies that the President was answering a question about the possibility to live in Rwanda as LGBT (KT Press 25 Sept. 2016). While stating that Kagame's response is not "exactly the stuff of activist dreams," Mashable states that, according to a Rwandan LGBT activist, Kagame's quote is in sharp contrast with the voices of other country leaders in the region, including the Ugandan president, who called "gay people 'disgusting' and what they do 'terrible' or the Tanzanian president who said that even 'cows' disapprove homosexuality" (Mashable 18 Nov. 2017). However, the GlobalGays article notes, after citing Kagame, that LGBT rights is a problem "in the majority Catholic and Christian nation" (GlobalGayz 6 Oct. 2016).

The US *Country Reports 2017* states that

the LGBTI rights groups reported occasional harassment by ... police. ... Activists reported that two LGBTI individuals fled the country due to social media harassment from community members that they said was endorsed by local community leaders. (US 20 Apr. 2018, 40)

Sources state that LGBT people in Rwanda face arbitrary arrests (*The Jerusalem Post* 5 Mar. 2018) or "institutional ... discrimination" (Human Rights First 12 Sept. 2016). According to GlobalGayz, "anyone can be detained for an indefinite time without specific charges" (GlobalGayz n.d.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The information in the following paragraph is taken from the UHAI-EASHRI report:

Cases of human rights violations against LGBT are underreported "for fear of further persecution and stigmatisation." Inkeragutabara, the reserve force of the Rwanda Defence Forces, have been "largely cited in cases of physical violence, extortion and cruel and degrading treatment against LGBT people." There were reported cases of arbitrary arrests of LGBT people by the police under the pretences of disturbance of public order, theft, possession of illegal substances and idleness in the streets. Most persons interviewed for the report [the source does not specify how many] indicated that these arrests are carried out without verifying the identity of the concerned persons. "In most cases," individuals are compelled to pay bribes if they do not want to be taken to the police station. Some LGBT people have been identified by the police as "vagabonds" and taken to Gikondo Transit Centre, known as "Kwa Kabuga," a suburb of Kigali. The Gikondo Transit Centre was opened to reduce the number of people wandering in the streets of the capital city by offering them a socio-professional training before releasing them. The Centre is not formally recognized by law and it lacks "any form of documented legal detention procedures and conditions," which makes it "an arbitrary detention centre." Transgender people can be detained there "in an environment that is incompatible with their gender identity and expression." (UHAI-EASHRI 13 May 2016, 11-13).

Sources state that being known as an LGBT organization can prevent the organization from being legally registered (UHAI-EASHRI 13 May 2016, 23; Mashable 18 Nov. 2017); "[c]urrently, none of the existing LGBT organisations is recognised as a national NGO" (UHAI-EASHRI 13 May 2016, 23). GlobalGayz cites the director of Kaleidoscope Trust, "an LGBT watchdog organization based in London," as stating that LGBT organizations "oftentimes" get evicted (GlobalGayz 6 Oct. 2016). The Mashable article further explains that

[o]rganizations seeking to legally register with the government often won't highlight their work with the LGBTI community for fear of having their application rejected, advocates say. Those that do make their priorities explicit identify as human rights organizations that serve the LGBTI community, instead of principally LGBTI organizations. That seemingly nominal difference can be the key to an organization getting legal recognition or not. (Mashable 18 Nov. 2017)

4. Support Services

Information on support services for LGBT people in Rwanda was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

Without providing further details, UHAI-EASHRI states that "LGBT organisations in Rwanda continue to grow in number" (UHAI-EASHRI 13 May 2016, 19). The same source states that most LGBT organizations operate in Kigali, whereas rural areas are not covered by existing programs,

except Gisenyi and Musanze (UHAI-EASHRI 13 May 2016, 19). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] Voice of America (VOA) "is part of the U.S. Agency for Global Media, the government agency that oversees all non-military, U.S. international broadcasting. It is funded by the U.S. Congress" (VOA n.d.).

[2] The East African Sexual Health and Rights Initiative (UHAI-EASHRI) is "an indigenous activist fund which provides ... resources to support civil society activism around issues of sexuality, health and human rights in the East African region with a particular focus on the rights of sexual minorities" (UHAI-EASHRI n.d.). The 2016 report is based on information collected through literature reviews, online documentation research, interviews, and focus group discussions (UHAI-EASHRI 13 May 2016, 6).

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Additional Sources Consulted

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