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Review of asylum processing

Rwanda: assessment

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Preface

Purpose

Country policy and information notes (CPINs) provide country of origin information (COI) on the most common and/or more complex issues arising in protection claims in the UK. We currently have around 150 published on the Gov.Uk website covering around 40 countries.

CPINs include information from a wide range of sources including media outlets; local, national and international organisations; and the Foreign, and Commonwealth and Development Office, in order to comply with our domestic and international obligations. Multiple sourcing is used to ensure that the information is accurate and balanced, and the use of open-source material ensures transparency, traceability and that it is fully disclosable to claimants, the immigration tribunal, and the public.

Where possible, we conduct primary research in countries of origin to fill information gaps we have identified through data analysis which cannot be addressed through desk-based research.

In addition to background information obtained from a range of sources, they also include relevant caselaw and our (CPIT's) general assessment of the key aspects of the refugee status determination process (that is risk, availability of protection, possibility of internal relocation, and whether the claim is likely to be certified as 'clearly unfounded').

This note provides an assessment of Rwanda's asylum system, support provisions, integration opportunities as well as some of the general, related human rights issues for use by Home Office decision makers handling particular types of protection and human rights claims.

It is not intended to be an exhaustive survey of a particular subject or theme.

It analyses the evidence relevant to this note – that is: information in the contained in the separate country information reports (see below); refugee/human rights laws and policies, in particular paragraph 345B of the immigration rules which sets out when a country is a 'safe third country of asylum'; and applicable caselaw – describes this and its inter-relationships, and provides an assessment of whether, in general, there are substantial grounds for believing that a person, if relocated to Rwanda, would face a real risk of being subjected to treatment contrary to Article 3 of the European Convention on Human Rights (ECHR).

It must be read in conjunction with the separate country information reports:

- Review of asylum processing Rwanda: country information on the asylum system
- Review of asylum processing Rwanda: country information on general human rights in Rwanda and;
- Review of asylum processing Rwanda: notes of interviews

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

Review

Our goal is to provide accurate, reliable, and up-to-date COI and clear guidance. We are therefore committed to reviewing the assessment, and the underlying evidence on which it is based, during 2022.

Contents

Preface **2**
Contents **4**
Assessment **5**
Key judgments 5
1. Introduction 7
1.1 Inadmissibility decision 7
2. Consideration of issues 7
2.1 Access to the asylum procedure 7
2.2 Access to legal representation 9
2.3 Ability to challenge/appeal a negative decision 9
2.4 Documentation confirming status 10
2.5 Limits or restrictions on freedom of movement 11
2.6 Access to housing 11
2.7 Access to education 12
2.8 Access to healthcare 12
2.9 Access to employment 12
2.10 Lack of financial support and risk of destitution 13
2.11 Sexual orientation and gender identity or expression 13
2.12 Sexual and/or gender-based violence (SGBV) 14
2.13 Refoulement 15
2.14 Risk of detention 16
2.15 Freedom of speech and/or (political) association 16

Assessment

Key judgments

This table summarises the key findings on whether a person whose claim is assessed as inadmissible is suitable for relocation to Rwanda as a 'safe third country' in line with paragraph 345B of the immigration rules.

Area evaluated	Key judgement
Access to the asylum procedure	A functioning asylum process is in operation in Rwanda and "the possibility exists to request refugee status" in accordance with paragraph 345B(iv) of the Immigration Rules. Therefore, there are not substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment that is likely to be contrary to Article 3 ECHR by virtue of any deficits in information about, or delays in, the asylum process.
Access to legal representation	Legal support is available free of charge once an individual's asylum appeal goes to the High Court in Rwanda. Independent legal support and advice is available at this stage and is free of charge and given by people competent to provide it. Therefore, there are not substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment that is likely to be contrary to Article 3 ECHR by virtue of not having a lawyer available for some or all of the RSD process.
Ability to challenge/appeal a negative decision	The right to practical and effective remedy exists. Therefore, there are not substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment that is likely to be contrary to Article 3 ECHR by virtue of any perceived shortcomings in the appeals process.
Documentation confirming status	A person who is recognised as a refugee is likely to 'receive protection in accordance with the Refugee Convention' in line with paragraph 345B(iv) of the Immigration Rules.
Limits or restrictions on freedom of movement	There are not substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment that is likely to be contrary to Article 3 ECHR by virtue of restrictions on their movement.
Access to housing	There are not substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment that is likely to be contrary to Article 3 ECHR by virtue of their accommodation or place they live.
Access to education	There are not substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment that is likely to be contrary to Article 3 ECHR by virtue of a lack of access to education.
Access to healthcare	There are not substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment that is likely to be contrary to Article 3 ECHR by virtue of a lack of access to healthcare or medical treatment.

Access to employment	There are not substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment that is likely to be contrary to Article 3 ECHR by virtue of their access to employment.
Lack of financial support and risk of destitution	There are not substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment that is likely to be contrary to Article 3 ECHR by virtue of ending up destitute.
Sexual orientation and gender identity or expression	There are not substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment that is likely to be contrary to Article 3 ECHR by virtue of their sexual orientation or gender identity/expression. The situation may be different for trans persons. Despite some evidence of discrimination and intolerance towards persons based on their sexual orientation and gender identity or expression, in general the treatment is not sufficiently serious by its nature and/or repetition, or by an accumulation of various measures, to establish a systemic risk or to amount to persecution or serious harm.
Sexual and/or gender-based violence (SGBV)	There are not substantial grounds for believing that a women or girl, if relocated, would face a real risk of being subjected to treatment that is likely to be contrary to Article 3 ECHR by virtue of being a woman in Rwanda.
Refoulement	'The principle of non-refoulement' (in line with paragraph 345B(ii) of the immigration rules) and 'the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law' (in line with paragraph 345B(iii) of the immigration rules) are both respected. There are not substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment that is likely to be contrary to Article 3 ECHR by virtue of being refouled or returned to a place where they have a well-founded fear of persecution.
Risk of detention	There is no evidence of detention being used in the asylum process, even for individuals whose claims are refused, and therefore there are not substantial grounds for believing that a person, if removed, would face a real risk of being detained and subjected to treatment that is likely to be contrary to Article 3 ECHR.
Freedom of speech and/or (political) association	In general, notwithstanding some restrictions on freedom of speech and/or freedom of association, it is unlikely that a person being relocated from the UK to Rwanda would face a real risk of treatment which is sufficiently serious by its nature and/or repetition, or by an accumulation of various measures, such that there are substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment contrary to Article 3 ECHR. The onus is on the person to demonstrate how and why they would likely attract the negative attention of the Rwandan authorities based on their 'political' associations or views.

1. Introduction

1.1 Inadmissibility decision

1.1.1 This is to support Home Office decision makers considering whether a person whose claim is assessed as inadmissible is suitable for relocation to Rwanda as a 'safe third country' in line with paragraph 345B, 345C and 345D of the immigration rules.

1.1.2 This section sets out the main issues that a decision maker should consider **after** a Notice of Intent is issued. This informs the person the Home Office is considering declaring their claim inadmissible and considering potential removal to Rwanda.

1.1.3 For general guidance on inadmissibility, see the Asylum Policy Instruction on Inadmissibility: third country cases.

1.1.4 The list of issues is not exhaustive and decision makers **must** consider all claims on an individual basis, taking into account each case's specific facts.

Back to Contents

2. Consideration of issues

2.1 Access to the asylum procedure

2.1.1 A functioning asylum process is in operation in Rwanda and "the possibility exists to request refugee status" in accordance with paragraph 345B(iv) of the Immigration Rules. Therefore, there are not substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment that is likely to be contrary to Article 3 ECHR by virtue of any deficits in information about, or delays in, the asylum process. Similarly, this test is whether the person will have access to an adequate asylum procedure, not for a guarantee on the outcome of their application.

2.1.2 Rwanda is a signatory to the Refugee Convention, relevant regional conventions including with the Africa Union (AU) conventions and has a long history of receiving significant numbers of people seeking refuge (mainly from neighbouring countries) and a positive, welcoming attitude to refugees (see sections Persons seeking refuge in Rwanda and Asylum/refugee law in the note on the asylum system).

2.1.3 Rwanda also has a track record of working constructively with domestic and international partners, including the UNHCR and non-government organisations (NGOs), to process and support the asylum seeker and refugee population. These partnerships operate across a range of sectors including food provision, healthcare, and schemes to provide livelihood opportunities and promote self-reliance. Rwanda is making significant progress on its pledges to improve the lives of refugees (see sections Proposed alternative accommodation for relocated persons and Agencies responsible for refugees and asylum seekers in the note on the asylum system).

2.1.4 Refugee status determination (RSD) in Rwanda is done in three ways:

1. **The Emergency Transit Mechanism (ETM).** An agreement signed with the UNHCR to transfer and resettle asylum seekers from Libya. Under

this scheme, asylum seekers are housed at a dedicated centre in Rwanda and have their refugee status determined by UNHCR. Refugees are then:

a. resettled in a third country,

b. assisted to return to their country of origin; or

c. resettled in Rwanda (although to date, no-one has opted for option c).

2. **Prima facie [sufficient evidence upon initial examination] recognition as refugees**. People seeking refuge are presumptively found to be refugees under the Refugee Convention. This has typically been used in response to crisis situations in neighbouring countries (particularly the Democratic Republic of Congo and Burundi) where there have been large-scale movements of people. Refugee status is determined by UNHCR in Rwanda; and

3. **Individualised consideration of claims**. Refugee status is determined by the Government of Rwanda.

2.1.5 This note focusses specifically on (3) as any person relocated from the UK would have his/her refugee status determined this way.

2.1.6 Rwanda has a clear asylum process set out in law, with fixed timeframes. The Government of Rwanda acknowledges that it is not always possible to meet all these timeframes in practice, although it is unclear how often this occurs and what the exact process for monitoring case progression is. Other sources were also aware of some delays in processing claims (see sections on Asylum process: general commentary, Key stages of the process and Timelines in the note on the asylum system).

2.1.7 Some sources considered that information provided about the asylum process was usually provided orally but is limited (see sections on Asylum process: Information provided to asylum seekers in the note on the asylum system).

2.1.8 No interpreter is required for languages which are spoken by members of the RSD Committee (generally: English, Kinyarwanda, Swahili, and French). For other languages, claimants are free to arrange interpreters (see section Asylum process: Use of interpreters/translators in the note on the asylum system).

2.1.9 UNHCR suggested that asylum seekers from the region are more likely to be recognised as refugees than those who are not. However, other sources did not corroborate this, nor is it evident from available statistics on case outcomes (see section Asylum process: Decision outcomes and recognition rates in the note on the asylum system).

2.1.10 Several sources suggested that LGBTQ+ asylum seekers have faced challenges in registering their claims. However, it has not been possible to verify and the scale, extent and frequency of this remains unclear (see section Asylum process: Decision outcomes and recognition rates in the note on the asylum system). Similarly, in section 9 of the Memorandum of Understanding between the government of the United Kingdom of Great Britain and Northern Ireland and the government of the Republic of Rwanda

for the provision of an asylum partnership arrangement ('the MoU'), the government of Rwanda has committed to ensuring that 'at all times it will treat each Relocated Individual, and process their claim for asylum, in accordance with the Refugee Convention, Rwandan immigration laws and international and Rwandan standards, including under international and Rwandan human rights law' (see the MoU).

Back to Contents

2.2 Access to legal representation

2.2.1 Legal support is available free of charge once an individual's asylum appeal goes to the High Court in Rwanda and given by people competent to provide it. Therefore, there are not substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment that is likely to be contrary to Article 3 ECHR by virtue of not having a lawyer available for some or all of the Refugee Status Determination (RSD) process.

2.2.2 The government does not provide legal assistance to asylum seekers during the first instance RSD process. However, UNHCR and the NGO the Legal Aid Forum (LAF) provide support at this stage of the process if required. People can be referred to LAF via UNHCR, and others self-refer, using information on the LAF website or through word-of-mouth. LAF and UNHCR provide advice on the asylum process; help with making the claim, including provision of a lawyer; and help with appeals. LAF have 15 specialised immigration lawyers available. They are not permitted, however, to accompany the person to the Refugee Status Determination Committee (RSDC) meeting where their claim is considered but this does not prevent or prohibit a person from presenting their case (see section Legal representation in the note on the asylum system).

Back to Contents

2.3 Ability to challenge/appeal a negative decision

2.3.1 The right to practical and effective remedy exists. Therefore, there are not substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment that is likely to be contrary to Article 3 ECHR by virtue of any perceived shortcomings in the appeals process.

2.3.2 Where a person is refused asylum, the process includes a two-tier right to challenge that. The first is to the government minister, who can convene a committee to review the initial decision. The second is an appeal to the High Court (see section Ability to challenge a negative decision in the note on the asylum system).

2.3.3 It is unclear how often, if at all, either one or both appeal routes has been exercised, with sources consulted not knowing or being unable to provide figures (see section Ability to challenge a negative decision in the note on the asylum system).

2.3.4 This could be because the appeal to the High Court was only recently introduced (in 2018), or because there is a relatively low number of individually considered claims and a high recognition rate. Some of those

who were refused may have chosen not to appeal (for example, to pursue a different status) or may have been unaware of their right to appeal.

2.3.5 The sources consulted and open-source material reviewed indicated that while claimants receive written notification of the outcome of the decision, they are not given a detailed explanation of the reason(s) for refusal (see section Asylum process: Notification of decisions in the note on the asylum system).

2.3.6 A person does not need to give clear reasons why they are appealing; it is sufficient to simply disagree. UNHCR and partner organisations can also help a person prepare for appeals and they provide advice on the process as well as aspects of the claim to focus on and highlight to aid their appeal (see section Ability to challenge a negative decision in the note on the asylum system).

2.3.7 The UNHCR observed that an appeal to a minister of the department which is represented on the RSD committee that decides asylum claims does not appear to be a fully independent process. However, there also exists the second-tier appeal right to the High Court and it is evident from available outcome statistics that first instance refusals are overturned (see section Decision outcomes and recognition rates in the note on the asylum system).

Back to Contents

2.4 Documentation confirming status

2.4.1 A person who is recognised as a refugee is likely to 'receive protection in accordance with the Refugee Convention' in line with paragraph 345B(iv) of the Immigration Rules.

2.4.2 Where a person makes an asylum application, they are given a temporary residence permit which is valid for 3 months initially but is renewable. This acts as confirmation that a claim has been registered and as a barrier against removal (see sections Asylum process: initial contact, Asylum process: Post initial contact and Documentation for asylum seekers and refugees in the note on the asylum system).

2.4.3 When a person is recognised as a refugee, they are issued with a refugee ID document. This enables them to apply for other documentation and services, such as registering for healthcare insurance, opening a bank account, applying for employment, or obtaining a driver's licence. Issuing valid refugee ID cards to all eligible persons was one of the four commitments to refugees Rwanda made in 2016 and has been lauded by UNHCR for making progress on (see sections Documentation for asylum seekers and refugees and Persons seeking refuge in Rwanda in the note on the asylum system).

2.4.4 A refugee can also apply for a Refugee Travel Document, which enables travel to and from Rwanda (see). Refugees also have a route to citizenship when they meet the eligibility criteria (see sections Documentation for asylum seekers and refugees Refugee rights and access to services: Citizenship in the note on the asylum system).

Back to Contents

2.5 Limits or restrictions on freedom of movement

2.5.1 There are not substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment that is likely to be contrary to Article 3 ECHR by virtue of restrictions on their movement.

2.5.2 Urban refugees and asylum seekers generally do not face restrictions on freedom of movement. There are some barriers for camp-based refugees. For example, they need permission to leave the camp but this is usually granted and there is no limit on how often people can ask or for how long, provided they return to the camp within 3 months (see section Freedom of movement within the country in the note on the asylum system).

2.5.3 Any such restrictions are proportionate and reasonable, and comparable to the freedoms afforded to Rwandan nationals.

2.5.4 In addition, any person relocated from the UK would not be required to live in a refugee camp and will not face restrictions potentially experienced by those living in the camps.

2.5.5 Similarly, in section 8.2 of the MoU, the government of Rwanda has committed to ensuring that 'A Relocated Individual will be free to come and go, to and from accommodation that has been provided, at all times, in accordance with Rwandan laws and regulations as applicable to all residing in Rwanda.' (see the MoU).

Back to Contents

2.6 Access to housing

2.6.1 There are not substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment that is likely to be contrary to Article 3 ECHR by virtue of their accommodation or place they live.

2.6.2 Housing is provided. Article 23 of the Law relating to refugees states that asylum seekers and refugees shall be entitled to settle in a refugee camp. However, where a person is self-sufficient, they may choose to live in an urban area (see sections Accommodation for asylum seekers and refugees in the note on the asylum system).

2.6.3 Any person relocated from the UK would be provided adequate accommodation by the Government of Rwanda under the terms of the agreement with the UK (see section 8.1 of the MoU). A person will not be required to live in a refugee camp.

2.6.4 Over time, the Government of Rwanda seeks to replicate the integrated model village examples to ensure adequate housing and facilities, as well as connections to local services, infrastructure, and transport (see section Proposed alternative accommodation for relocated persons in the note on the asylum system).

Back to Contents

2.7 Access to education

2.7.1 There are not substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment that is likely to be contrary to Article 3 ECHR by virtue of a lack of access to education.

2.7.2 Asylum seekers and refugees have the right to access education and study the same curriculum alongside Rwandan nationals. Integration of refugee students into the national education system was one of the four commitments to refugees Rwanda made in 2016 and has been lauded by UNHCR for making progress on (see the sections Refugee rights and access to services: Education and Persons seeking refuge in Rwanda in the note on the asylum system).

2.7.3 Section 8.1 (and more broadly in sections 8–10) of the MoU, the Government of Rwanda has committed to ensuring 'support that is adequate to ensure the health, security and wellbeing of the Relocated Individual.' (see the MoU).

Back to Contents

2.8 Access to healthcare

2.8.1 There are not substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment that is likely to be contrary to Article 3 ECHR by virtue of a lack of access to healthcare or medical treatment.

2.8.2 Asylum seekers and refugees have the right to access medical treatment. Urban refugees can access Rwanda's healthcare insurance – the Community Based Health Insurance (CBHI) – scheme, which entitles them to the same level of access as Rwandan nationals. Providing urban refugees access to the national health insurance system was one of the four commitments to refugees Rwanda made in 2016 and has been lauded by UNHCR for making progress on (see sections Refugee rights and access to services: Health and Persons seeking refuge in Rwanda in the note on the asylum system).

2.8.3 Section 8.1 (and more broadly in sections 8–10) of the MoU, the Government of Rwanda has committed to ensuring 'support that is adequate to ensure the health, security and wellbeing of the Relocated Individual.' (see the MoU).

Back to Contents

2.9 Access to employment

2.9.1 There are not substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment that is likely to be contrary to Article 3 ECHR by virtue of their access to employment.

2.9.2 Asylum seekers do not have the right to work while their claim is pending. Once a person is recognised as a refugee, then the right to work exists. Some employers are unfamiliar with the refugee ID card and are not always aware of the legality of employing refugees, but the UNHCR and the Government of Rwanda is working to address these barriers and promote

self-reliance (see section Refugee rights and access to services: Right to work in the note on the asylum system).

2.9.3 Section 8.1 (and more broadly in sections 8–10) of the MoU, the Government of Rwanda has committed to ensuring 'support that is adequate to ensure the health, security and wellbeing of the Relocated Individual.' (see the MoU).

Back to Contents

2.10 Lack of financial support and risk of destitution

2.10.1 There are not substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment that is likely to be contrary to Article 3 ECHR by virtue of ending up destitute.

2.10.2 All basic needs (housing, food, water, healthcare, education) of camp-based asylum seekers and refugees are met are met and access is means tested. Provision of those services is facilitated by UNHCR. Urban refugees have to sustain themselves (see section Accommodation for asylum seekers and refugees: camp based refugees in the note on the asylum system).

2.10.3 However, as above, those relocated from the UK would be provided with these services in full by the Government of Rwanda under the terms of the agreement with the UK (see the MoU).

2.10.4 The right to work – including self-employment and/or setting up a business – is available should the person be recognised as a refugee (see section Refugee rights and access to services: Right to work in the note on the asylum system).

Back to Contents

2.11 Sexual orientation and gender identity or expression

2.11.1 Despite some evidence of discrimination and intolerance towards persons based on their sexual orientation and gender identity or expression, in general the treatment is not sufficiently serious by its nature and/or repetition, or by an accumulation of various measures, to establish a systemic risk or to amount to persecution or serious harm. As such, there are not substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment that is likely to be contrary to Article 3 ECHR by virtue of their sexual orientation or gender identity/expression. The situation may be different for trans persons.

2.11.2 No laws criminalise sexual orientation or consensual same-sex acts between adults and whilst there are no explicit constitutional protections on the basis of sexual orientation or gender identity, there are more general protective provisions that apply (see section Lesbian, gay, bisexual, trans, intersex and questioning (LGBTIQ+) persons: Legal rights in the note on human rights).

2.11.3 However, there are reports by NGOs and in the media of arbitrary arrest and detention being occasionally used for other offences (such as public nuisance and 'deviant behaviour') against some LGBTIQ+ persons. However, many of the specific examples cited in the material quoted draw particular attention to the situation for trans persons (see section Lesbian,

gay, bisexual, trans, intersex and questioning (LGBTIQ+) persons: Arrest, prosecution, and detention of LGBTI persons in the note on human rights).

2.11.4 Lack of reporting of crimes against LGBTIQ+ persons, due to stigma and fear of harassment, results in limited information on how police respond to, and protect, such persons (see section Lesbian, gay, bisexual, trans, intersex and questioning (LGBTIQ+) persons: Protection in the note on human rights).

2.11.5 Societal treatment can be mixed. LGBTIQ+ persons have also reported some societal discrimination and abuse, including discrimination in employment, eviction, ostracism from family and threats of violence (see sections Lesbian, gay, bisexual, trans, intersex and questioning (LGBTIQ+) persons: societal norms and societal treatment note on human rights).

2.11.6 Rwanda is a largely Christian conservative society and the topic of same-sex sexual relationships is considered taboo, reflected by the government tending to take a neutral stance in their discussion of sexual minorities (see sections Lesbian, gay, bisexual, trans, intersex and questioning (LGBTIQ+) persons: societal norms and Government attitudes, policies and strategies note on human rights).

Back to Contents

2.12 Sexual and/or gender-based violence (SGBV)

2.12.1 There are not substantial grounds for believing that a women or girl, if relocated, would face treatment which is sufficiently serious by its nature and/or repetition, or by an accumulation of various measures, to establish a real risk of being subjected to treatment that is likely to be contrary to Article 3 ECHR by virtue of being a woman in Rwanda.

2.12.2 In general, the position of women in Rwandan society is strong. There are constitutional protections that provide rights for women and the Government of Rwanda has in place policies and programs to implement and protect those rights (see sections Women: Constitution and Women: Equality and women's rights in the note on human rights).

2.12.3 Despite this, domestic abuse against women and children is described by the US State Department as 'common' and a phenomenon which sources suggest continues to be culturally accepted. However, the government has encouraged victims to report violence and increasing numbers are doing so, although under-reporting remains likely (see section Sexual and gender-based violence (SGBV) in the note on human rights). That there is some risk of domestic abuse, does not mean that it is systematic such that women in general are at **real** risk of it.

2.12.4 Similarly, there is no evidence of significant levels of SGBV reported outside of a domestic setting (see section Sexual and gender-based violence (SGBV) in the note on human rights). Persons relocated from the UK would not be placed in that (domestic Rwandan familial) setting.

2.12.5 The government have demonstrated a strong commitment to tackling the problem of gender-based violence through what the US State Department report described as a 'whole-of-government, multistakeholder' approach.

This draws on different means, including educational, protective and support measures. It also includes the network of Isange One Stop Centres, which provide 24/7, free support to victims and cover a range of needs, including medical, psychological, legal, investigation, and accommodation support. NGOs also offer support. Support from both the government and NGOs is equally available and accessible to asylum seekers and refugees as they are to Rwandan nationals (see sections Sexual and gender-based violence (SGBV); Government policies and programmes and SGBV: Protection and support in the note on human rights).

2.12.6 Trafficking of persons for both labour and sex is also an issue, with young women and girls and persons living in refugee camps among those identified as vulnerable groups, and traffickers reportedly targeting those who are vulnerable. The US State Department's 2021 "Trafficking in Persons" Report placed Rwanda in Tier 2, meaning 'The Government of Rwanda does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so.' (see section Sexual and gender-based violence (SGBV): modern slavery/trafficking in the note on human rights).

2.12.7 Whilst there are certain factors which may give rise to a risk of trafficking, any risk is lower for urban refugees. That there is some risk of trafficking abuse, does not mean that it is systematic such that women in general are at **real** risk of it. Any person relocated from the UK would be provided adequate accommodation and ongoing support by the Government of Rwanda under the terms of the agreement with the UK. They will not be required to be required to live in a refugee camp (see the MoU).

2.12.8 Therefore, it is unlikely that there is, in general, a real risk of this materialising. As such, it is unlikely that there are substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment contrary to Article 3 ECHR simply by virtue of being a woman or girl in Rwanda.

Back to Contents

2.13 Refoulement

2.13.1 'The principle of non-refoulement' (in line with paragraph 345B(ii) of the immigration rules) and 'the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law' (in line with paragraph 345B(iii) of the immigration rules) are both respected.

2.13.2 There are not substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment that is likely to be contrary to Article 3 ECHR by virtue of being refouled or returned to a place where they have a well-founded fear of persecution.

2.13.3 There is no credible evidence to suggest that asylum seekers have been returned (or refouled) to the countries where they had a well-founded fear of persecution. One possible exception was provided by the UNHCR of 2 Libyans not being able to make an asylum claim while at the airport in Kigali. However, it is not clear that the individuals sought to claim asylum in

Rwanda but instead sought to enter on other grounds (see section Refoulement in the note on the asylum system).

Back to Contents

2.14 Risk of detention

2.14.1 There is no evidence of detention being used in the asylum process, even for individuals whose claims are refused, and therefore there are not substantial grounds for believing that a person, if relocated, would face a real risk of being detained and subjected to treatment that is likely to be contrary to Article 3 ECHR.

2.14.2 A person may be detained in accordance with the law. However, there is no evidence that asylum seekers whose claims are refused are routinely or exceptionally detained. There were no examples in the sources consulted or open-source material reviewed of asylum seekers or refugees being specifically targeted and detained because of their immigration status (see Bibliography). Instead, they are provided with the opportunity to apply for an alternative immigration status to allow them to remain in Rwanda (see Failed asylum seekers and Immigration detention, deportation, and voluntary returns in the note on the asylum system).

2.14.3 In section 8.2 of the MoU, the government of Rwanda has committed to ensuring that 'A Relocated Individual will be free to come and go, to and from accommodation that has been provided, at all times, in accordance with Rwandan laws and regulations as applicable to all residing in Rwanda.' (see the MoU).

2.14.4 There are some reports of arbitrary detention of persons described as 'delinquents'. However, many of the reports trace back to a January 2020 Human Rights Watch (HRW) report which claimed that, based on interviews via telephone with 17 former detainees, the conditions were extremely poor, physical abuse common, and people denied due process. Other sources have reported on the use of the Gikondo Transit Center in Kigali being used to process people picked up for being street children, street vendors, suspected drug abusers, persons engaged in prostitution, homeless persons, and suspected petty criminals. The UN Committee against Torture were refused access to detention facilities in 2017 (see sections Law and order: Treatment and Law and order: conditions in detention and State response(s) regarding excessive use of force in the note on human rights).

2.14.5 Some people have also reportedly been detained for periods in the Gikondo Transit Center on the basis of their sexual orientation and gender identity or expression, particularly trans persons (see section Sexual orientation and gender identity or expression in the note on human rights). However, this does not appear to be systemic or a systematic policy.

Back to Contents

2.15 Freedom of speech and/or (political) association

2.15.1 In general, notwithstanding some restrictions on freedom of speech and/or freedom of association, it is unlikely that a person being relocated from the UK to Rwanda would face a real risk of treatment which is sufficiently serious

by its nature and/or repetition, or by an accumulation of various measures, such that there are substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment contrary to Article 3 ECHR. The onus is on the person to demonstrate how and why they would likely attract the negative attention of the Rwandan authorities based on their 'political' associations or views.

2.15.2 Some NGOs have suggested that the government is intolerant of dissent and reportedly uses a range of measures to stifle opposition to, or criticism of, it – particularly on sensitive topics. These measures reportedly include: intimidation and surveillance, arbitrary arrest and detention, fabricated charges, enforced disappearance and assassinations. Those targeted include politicians, opposition political party officials and supporters, human rights activists, and journalists. There are also reports of abuses in detention, for example, to gain false confessions (see Political opposition in the note on human rights).

2.15.3 Most reports of violations are against Rwandan nationals who are critics of the government. There were no examples in the sources consulted or open-source material reviewed of asylum seekers or refugees being specifically targeted. Similarly, there is no evidence that asylum seekers or refugees are considered by the government to be of interest on grounds of their political opinion based on the countries they are from (see Bibliography and section Political opposition: reported treatment of opponents in the note on human rights).

2.15.4 Rules regulating refugees and refugee camps prohibit refugees from participating in 'political activities', 'gatherings based on ethnicity, nationality, or any other sectarian ground' and participating in, or inciting others into unlawful riots. They have the right to 'Membership to association of forums with non-political orientation'. However, in sources consulted there is little information on how the law prohibiting political participation is applied in practice, or the type of activities refugees are allowed to engage in under their right to 'membership to association of forums with non-political orientation' (see section Political opposition: political participation of marginalised communities in the note on human rights).

2.15.5 Sources report that refugees have sometimes protested at conditions in the camps. The Rwandan government has taken steps to contain the demonstrations and prevent disruption and violence, but reportedly using excessive force in some instances. The last protest at which they allegedly did so took place in February 2018, when a number of refugees were arrested and killed. The exact circumstances of that incident are unclear, with sources also referring to rioting and the arrest and prosecution of refugees, however sources also note that no further similar incidents have occurred since (see the section Law and order: Other misconduct by authorities in the note on human rights).

2.15.6 This does not appear to be a common or regularly repeated situation. As such, there is unlikely to be a real risk of it materialising either by its nature and/or repetition, or by an accumulation of various measures, such that there

are substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment contrary to Article 3 ECHR.

Back to Contents