

# **RWANDA 2020 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Rwanda is a constitutional republic dominated by a strong presidency. The ruling Rwandan Patriotic Front led a governing coalition that included four smaller parties. In 2017 voters elected President Paul Kagame to a third seven-year term with a reported 99 percent of the vote and a reported 98 percent turnout. One independent candidate and one candidate from an opposition political party participated in the presidential election, but authorities disqualified three other candidates. In the 2018 elections for parliament's lower house, the Chamber of Deputies, candidates from the Rwandan Patriotic Front coalition and two other parties supporting Rwandan Patriotic Front policies won all except four of the open seats. For the first time, independent parties won seats in the chamber, with the Democratic Green Party of Rwanda and the Social Party Imberakuri winning two seats each. In both the 2017 and 2018 elections, international monitors reported numerous flaws, including irregularities in the vote tabulation process. In September 2019, 12 new senators were elected to the 26-member Senate via indirect elections. Faculty at public and private universities elected two other senators. President Kagame appointed another four senators, and the National Consultative Forum for Political Organizations designated two, in accordance with the constitution. In September the National Consultative Forum for Political Organizations designated two new senators, including a member of the Democratic Green Party of Rwanda.

The Rwanda National Police, under the Ministry of Justice, is responsible for internal security. The Rwanda Defense Force, under the Ministry of Defense, is in charge of providing external security, although the Rwanda Defense Force also works on internal security and intelligence matters alongside the Rwandan National Police. In 2018 the Rwanda Investigation Bureau began carrying out many of the investigative functions formerly performed by the Rwandan National Police, including counterterrorism investigations, investigation of economic and financial crimes, and judicial police functions. Civilian authorities maintained















































## RWANDA

refugee status determinations in cases where claimants are not eligible for prima facie refugee status met infrequently.

**Freedom of Movement:** The law does not restrict freedom of movement of asylum seekers, but refugees continued to experience delays in the issuance of identity cards and convention travel documents. Authorities sometimes restricted access to the camps, in part due to COVID-19 prevention measures. As part of the joint verification exercise the government conducted with UNHCR, eligible refugees received identity cards allowing them to move around the country, open bank accounts, and enroll refugees in social service programs.

**Employment:** No laws restrict refugee employment, and in 2016 the Ministry of Disaster Management and Refugee Affairs launched a livelihoods strategy with UNHCR aimed at increasing the ability of refugees to work on the local economy. UNHCR saw some success in livelihood and financial inclusion projects in the agriculture sector, which benefited both refugees and their host communities. Many refugees, however, were unable to find local employment. A 2019 World Bank study found that local authorities and businesses often were unaware of refugees' rights with respect to employment.

**Durable Solutions:** The government assisted the safe, voluntary return of refugees to their countries of origin and sought to improve local integration of refugees in protracted stays by permitting them to accept local employment and move freely in the country and by establishing markets to facilitate trade between refugees and local citizens. In September 2019 the government, UNHCR, and the African Union signed a memorandum of understanding to set up a transit mechanism for evacuating refugees from Libya. The mechanism provided a framework for Rwanda to temporarily host these individuals, who would eventually be resettled in third countries, helped to return to countries where asylum had previously been granted, helped to return to their home countries, or granted permission to remain in Rwanda. More than 300 refugees arrived under the transit mechanism before COVID-19 restrictions brought arrivals to halt. As of September 27, 49 individuals brought to Rwanda via the transit mechanism had already been resettled in third countries. In cooperation with UNHCR and the

## RWANDA

government of Burundi, the government facilitated the voluntary repatriation of refugees to Burundi, reaching a total of approximately 1,500 persons by October 1.

**Temporary Protection:** The government provided temporary protection to individuals who may not qualify as refugees.

### **g. Stateless Persons**

UNHCR reported providing technical support to help the government conduct national assessments on statelessness and draft a multiyear action plan to this end.

## **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government through free and fair elections based on universal and equal suffrage, but government restrictions on the formation of opposition parties and harassment of critics and political dissidents limited that ability. The law provides for voting by secret ballot in presidential and parliamentary--but not local--elections. The Rwandan Patriotic Front (RPF) and allied parties controlled the government and legislature, and RPF candidates dominated elections at all levels.

### **Elections and Political Participation**

**Recent Elections:** In 2018 the government held parliamentary elections for all 80 seats in the Chamber of Deputies, the lower house of parliament. Of those, 53 seats were filled through general voting; the remaining 27 seats were reserved for women, youth, and persons with disabilities and were allocated by special electoral colleges. The National Electoral Commission (NEC) claimed that 6.6 million voters participated in the general voting, which equated to a 93 percent turnout. According to the NEC, the RPF coalition won 74 percent of the vote and was awarded 40 of the 53 contested seats. The RPF-allied Social Democratic Party and Liberal Party claimed five and four seats, respectively. The Democratic Green Party of Rwanda (DGPR) and the Social Party Imberakuri (PS-Imberakuri) were awarded two seats each. Neither the DGPR nor PS-Imberakuri was represented in the previous parliament.



## RWANDA

As had been the case in 2017 when the NEC announced that voters had re-elected President Kagame to a third seven-year term with a reported 99 percent of the vote, irregularities and instances of ballot stuffing undermined confidence in the integrity of the results. Observers were unable to effectively monitor the process of vote tabulation at polling stations and vote consolidation at the sector, district, and national levels due to inconsistent levels of access and transparency. Ballots were not numbered or adequately controlled and accounted for, either at the individual polling station or at the sector, district, or national level. Observers noted that reported results in some polling rooms exceeded the number of voters observed throughout the day. Some independent aspirants experienced politically motivated difficulties in obtaining the number of signatures required to register their candidacies ahead of the elections. For example, some independent candidates reported residents and local authorities attempted to prevent them from gathering signatures in certain areas. Four independent candidates managed to qualify for the ballot, but the compressed three-week campaign timeline and the prohibition on fundraising prior to the NEC's certification of candidacies severely hampered their ability to compete against registered parties. Of the four independent candidates, none received enough votes to obtain a seat in the chamber.

In September 2019, 12 new senators were elected to the 26-member Senate via indirect elections. Members of district councils and sector councils elected the 12 via secret ballot. Faculty at public and private universities elected an additional two senators. President Kagame appointed another four senators, and the National Consultative Forum for Political Organizations designated two, in accordance with the constitution. In September the National Consultative Forum designated two new senators, including a DGPR member.

In 2015 the government held a referendum on a set of constitutional amendments that would allow the president to run for up to three additional terms in office. The NEC reported 98 percent of registered voters participated, and 98 percent endorsed the amendments. The text of the amendments was not generally available to voters for review prior to the referendum, and political parties opposed to the amendments were not permitted to hold rallies or public meetings to express their opposition to the amendments.

## RWANDA

**Political Parties and Political Participation:** The constitution outlines a multiparty system but provides few rights for parties and their candidates. It was common for RPF principles and values to receive prominent attention during civic activities and for government officials in private to encourage citizens to join the RPF. Political parties allied to the RPF were largely able to operate freely, but members faced legal sanctions if found guilty of engaging in divisive acts, destabilizing national unity, threatening territorial integrity, or undermining national security. DALFA Umurinzi, an opposition political party that spun off from the FDU-Inkingi, remained unregistered. There were reports the government harassed or otherwise targeted DALFA Umurinzi and FDU-Inkingi members. For example, in May DALFA Umurinzi member Theophile Ntirutwa was arrested in connection with the killing of a pastor named Theoneste Bapfakurera. DALFA Umurinzi members told journalists that Ntirutwa was the target of a botched operation where the assailants killed Bapfakurera in a case of mistaken identity. His case was pending as of October, and Ntirutwa remained in prison, having been denied bail.

The government no longer required, but strongly encouraged, all registered political parties to join the National Consultative Forum for Political Organizations. The forum sought to promote consensus among political parties and required member parties to support publicly policy positions developed through dialogue. At year's end all 11 registered parties were members of the organization. Government officials praised it for promoting political unity, while critics argued it stifled political competition and public debate.

In accordance with the constitution, which states a majority party in the Chamber of Deputies may not fill more than 50 percent of cabinet positions, independents and members of other political parties allied with the RPF held key positions in government, including that of prime minister. As of October 1, the PS-Imberakuri and the DGPR were not represented in the cabinet.

**Participation of Women and Members of Minority Groups:** No laws limit participation of women or members of minority groups in the political process, and they did participate. The constitution calls for women to occupy at least 30 percent

## RWANDA

of positions in decision-making organs, including the Chamber of Deputies and the Senate. The government consistently implemented this requirement.

### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for conviction of corruption by officials and private persons transacting business with the government that include imprisonment and fines, and the government generally implemented the law effectively. There were isolated reports of government corruption during the year. The Office of the Auditor General submitted a report to Parliament in May covering the office's anticorruption efforts. The report identified multiple instances of irregular expenditures and diversion of funds in government spending. The law also provides for citizens who report requests for bribes by government officials to receive financial rewards when officials are prosecuted and convicted.

**Corruption:** The government investigated and prosecuted reports of corruption among police and government officials. Police frequently conducted internal investigations of police corruption, including sting operations, and authorities punished offenders. For example, in July the RNP dismissed 56 police officers for corruption-related offenses. This included several relatively senior officials, such as an assistant commissioner and a senior superintendent of the RNP.

The NPPA prosecuted civil servants, police, and other officials for fraud, petty corruption, awarding of public tenders illegally, and mismanagement of public assets. A 2018 law states corruption offenses are not subject to any statute of limitations. Specialized chambers at the intermediate court level handled corruption cases.

On April 5, the government arrested several senior government officials, including a permanent secretary of the Ministry of Finance, a former permanent secretary of the Ministry of Infrastructure, a director general of the Rwanda Housing Authority, and two directors general in the Ministry of Infrastructure, for misconduct in procuring a government building. The previous owners of the building were also arrested. The minister of infrastructure had not been arrested as of September but

## RWANDA

was the subject of an investigation. In May President Kagame denounced the “corrupt behavior” of such officials during a meeting of the RPF. Separately, four prominent businesspersons and financiers of the RPF who had received government procurement contracts for providing fertilizer to farmers were also arrested for mismanagement of funds.

The government utilized a “bagging and tagging” system to aid companies with regional and international due diligence requirements related to conflict minerals. The law prohibits the purchase or sale of undocumented minerals from neighboring countries. A 2019 UN report found irregularities in official statistics on exports of gold from Rwanda to the United Arab Emirates. Observers and government officials reported smugglers trafficked an unknown amount of undocumented minerals through the country.

**Financial Disclosure:** The constitution and law require public officials to report income and assets annually as well as to report them upon entering and leaving office. There is no requirement for public disclosure of those assets, except in cases where irregularities are discovered. The Office of the Ombudsman, which monitors and verifies disclosures, reported 99 percent of officials complied with the requirement. In cases of noncompliance, the Office of the Ombudsman has the power to garnish wages and impose administrative sanctions that often involved loss of position or prosecution. State-owned enterprises did not fully and transparently disclose their investments and investors.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

Several domestic human rights groups operated in the country, investigating and publishing their findings on human rights cases, and international groups also published reports on human rights abuses. The government was often intolerant of public reports of human rights abuses and suspicious of local and international human rights observers, and it often impeded independent investigations and rejected criticism as biased and uninformed. Human rights NGOs expressed fear of the government, reported state security forces monitored their activities, and

## RWANDA

self-censored their comments. NGOs such as HRW working on human rights and deemed to be critical of the government experienced difficulties securing or renewing required legal registration. For example, HRW had no representatives operating in the country since the government refused to renew its previously lapsed memorandum of understanding with HRW.

The government conducted surveillance on some international and domestic NGOs. Some NGOs expressed concern that intelligence agents infiltrated their organizations to gather information, influence leadership decisions, or create internal problems.

Individuals who contributed to international reports on human rights reported living under constant fear that the government could arrest and prosecute them for the contents of their work.

Some domestic NGOs nominally focused on human rights abuses, but self-censorship limited their effectiveness. Most NGOs that focused on human rights, access to justice, and governance matters vetted their research and reports with the government and refrained from publishing their findings without government approval. Those NGOs that refused to coordinate their activities with progovernment organizations and vet their research with the government reported they were excluded from government-led initiatives to engage civil society.

A progovernment NGO, the Rwanda Civil Society Platform, managed and directed some NGOs through umbrella groups that theoretically aggregated NGOs working in particular thematic sectors. Many observers believed the government controlled some of the umbrella groups. Regulations require NGOs to participate in joint action and development forums at the district and sector levels, and local governments had broad powers to regulate activities and bar organizations that did not comply.

The NGO registration process remained difficult, in part because it required submission of a statement of objectives, plan of action, and detailed financial information for each district in which an NGO wished to operate.

## RWANDA

The government sometimes used the registration process to delay programming and pressure organizations to support government programs and policies (see also section 2.b., Freedom of Association).

**The United Nations or Other International Bodies:** The government sometimes cooperated with international organizations, but it criticized reports that portrayed it negatively as inaccurate and biased.

In 2012 the International Criminal Tribunal for Rwanda, based in Tanzania, transferred its remaining genocide cases to the IRMCT, which maintained an office in Tanzania and continued to pursue genocide suspects. From 1994 through July 2019, the tribunal completed proceedings against 80 individuals; of these, 61 were convicted, and 14 were acquitted. Two cases were dropped, and in the remaining three cases, the accused died before the tribunal rendered judgment. As of October 1, six suspects remained fugitives. The government cooperated with the IRMCT, but it remained concerned by the IRMCT's past practice of granting early release to convicts, especially when those released had not professed remorse for their actions.

**Government Human Rights Bodies:** The adequately funded Office of the Ombudsman operated with the cooperation of executive agencies and took action on cases of corruption and other abuses, including human rights cases (see section 4).

The government funded and cooperated with the NCHR. According to many observers, the NCHR did not have adequate resources to investigate all reported abuses and remained biased in favor of the government. Some victims of human rights abuses did not report them to the NCHR because they perceived it as biased and feared retribution by state security forces.

## Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

### Women

## RWANDA

**Rape and Domestic Violence:** The law criminalizes rape of men and women and spousal rape, and the government handled rape cases as a judicial priority. Penalties for conviction of rape range from 10 years' to life imprisonment with substantial monetary fines. Penalties for conviction of committing physical and sexual violence against one's spouse range from three to five years' imprisonment. In March and April, several RDF soldiers allegedly committed rape while enforcing COVID-19 lockdown measures, media reported. The RDF issued a press release on April 4 stating it had arrested five suspects and was investigating the cases.

Domestic violence against women and children remained common. CSOs and NGOs reported this trend appeared to increase during COVID-19, although precise data was unavailable. Authorities encouraged reporting of domestic violence cases, although most incidents remained within the extended family and were not reported or prosecuted.

Police headquarters in Kigali had a hotline for domestic violence. Several other ministries also had free gender-based violence hotlines. Each of the 78 police stations nationwide had its own gender desk, an average of three officers trained in handling domestic violence and gender-based violence cases, and a public outreach program. The government operated 44 one-stop centers throughout the country, providing free medical, psychological, legal, and police assistance to victims of domestic violence.

The government continued its whole-of-government, multistakeholder campaign against gender-based violence, child abuse, and other types of domestic violence. Gender-based violence was a required training module for police and military at all levels and was included for all troops and police preparing for deployment to peacekeeping missions abroad.

**Sexual Harassment:** The law prohibits sexual harassment and provides for penalties for conviction of six months' to one year's imprisonment and monetary fines. The penalties are increased when the offender is an employer or other person of authority and the victim is a subordinate. Nevertheless, advocacy organizations reported sexual harassment remained common.

## RWANDA

**Reproductive Rights:** The government encouraged couples to have no more children than they could afford but also respected the right of couples and individuals to decide the number, spacing, and timing of children and to have the information and means to do so, free from discrimination and violence.

The UN Population Fund estimated that 70 percent of girls and women between the ages of 15 and 49 made their own decisions about health care, the use of contraception, and whether to engage in sexual activity. The World Health Organization reported that 63 percent of women had access to modern family planning methods. Although there was still some unmet demand for modern family planning services, access has increased substantially over the past 20 years. Parental consent was required for minors to access family planning services, which contributed to the country's adolescent birth rate of 41 births per 1,000 women between the ages of 15 and 19, according to UN sustainable development goal datasets. In some households, there were cultural barriers to conversations about adolescents seeking these services. While there is no policy restricting reproductive health service access for LGBTI persons, there are no protections either, and LGBTI persons and organizations reported societal discrimination as a barrier when seeking services.

The government provides sexual and reproductive health services for victims of sexual or gender-based violence via the country's network of Isange One Stop Centers.

According to the United Nations, the estimated maternal mortality ratio decreased from 373 deaths per 100,000 live births in 2010 to 248 deaths in 2017, with a lifetime risk of maternal death of one in 94. Major factors influencing maternal mortality included low clinical capacity of health providers, absence of equipment and commodities, and patients delaying timely care. UN reporting indicated that 91 percent of births were attended by skilled health personnel.

**Coercion in Population Control:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

**Discrimination:** Women have the same legal status and are entitled to the same rights as men, including under family, labor, nationality, and inheritance laws. The



## RWANDA

law allows women to inherit property from their fathers and husbands, and couples may make their own legal property arrangements. Women experienced some difficulties pursuing property claims due to lack of knowledge, procedural bias against women in inheritance matters, multiple spousal claims due to polygyny, and the threat of gender-based violence. The law requires equal pay for equal work and prohibits discrimination in hiring decisions. There are no known legal restrictions on women's working hours or employment in the same occupations, tasks, and industries as men. Studies in previous years indicated few persons reported gender-based discrimination in workplaces, and most people were either unaware of it or unwilling to discuss it. Experts concluded gender-based discrimination remained underreported, in part because victims of discrimination feared losing their employment.

After the 1994 genocide that left many women as heads of households, women assumed a larger role in the formal sector, and many operated their own businesses. A 2016 law governing matrimonial regimes stipulates joint land title ownership for a husband and wife who are legally married. Nevertheless, men owned the major assets of most households, particularly those at the lower end of the economic spectrum, making bank credit inaccessible to many women and rendering it difficult to start or expand a business.

### Children

**Birth Registration:** Children derive citizenship from their parents. Children born to at least one Rwandan parent automatically receive citizenship. Children born in the country to unknown or stateless parents automatically receive citizenship. Minor children adopted by Rwandans, irrespective of nationality or statelessness, automatically receive citizenship. Children retain their citizenship in the event of dissolution of the parents' marriage. Birth registrations were performed immediately at hospitals and birth centers for the most part. If a birth occurred elsewhere, the birth could be registered upon the presentation of a medical birth certificate at the sector level. There were no reports of unregistered births leading to denial of public services.

**Education:** The government's 12-year basic education program includes tuition-free universal public education for six years of primary and six years of secondary

## RWANDA

education. Education through grade nine is compulsory. Parents were not required to pay tuition fees, but they often had to pay high fees for teachers' incentives and meal expenses, according to domestic observers.

**Child Abuse:** While statistics on child abuse were unreliable, such abuse was common within the family, in the village, and at school. As in previous years, the government conducted a high-profile public awareness campaign against gender-based violence and child abuse. The government supported a network of one-stop centers and hospital facilities that offered integrated police, legal, medical, and counseling services to victims of gender-based violence and child abuse. In partnership with UNICEF, the National Commission for Children (NCC) maintained a corps of 29,674 community-based "Friends of the Family" volunteers (two for each of the country's 14,837 villages) to help address gender-based violence and child protection concerns at the village level.

**Child, Early, and Forced Marriage:** The minimum age for marriage is 21; the government strictly enforced this requirement. Anecdotal evidence suggested child marriage sometimes occurred in line with traditional norms in rural areas and refugee camps but rarely in urban areas, and not with government recognition.

**Sexual Exploitation of Children:** By law, sexual relations with a child younger than 18 constitutes child defilement for which conviction is punishable by 20 years to life in prison, depending on the age of the victim.

The law prohibits sexual exploitation of children and child pornography, for which conviction is punishable by life imprisonment and a substantial monetary fine. Conviction statistics were not available. The 2018 antitrafficking law prohibits the commercial sexual exploitation of children, conviction of which is punishable by life imprisonment and a substantial monetary fine.

**Child Soldiers:** The government supported the Musanze Child Rehabilitation Center in Northern Province that provided care and social reintegration preparation for children who previously served in armed groups in the DRC (see section 2.d., Freedom of Movement).

## RWANDA

**Displaced Children:** There were numerous street children throughout the country. Authorities gathered street children in district transit centers and placed them in rehabilitation centers. In January HRW reported authorities abused street children in the transit centers and held them under harsh conditions (see section 1.c., Prison and Detention Center conditions). Conditions and practices varied at 29 privately run rehabilitation centers for street children.

UNHCR continued to accommodate in the Mahama refugee camp unaccompanied and separated minors who entered the country as part of an influx of refugees from Burundi since 2015. Camp staff provided additional protection measures for these minors.

**International Child Abductions:** The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases>.

### **Anti-Semitism**

There was a very small Jewish population, consisting entirely of foreigners; there were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, and the government generally enforced these provisions. The law mandates access to public facilities, accommodations for taking national examinations, provision of medical care by the government, and monitoring of implementation by the NCHR. Despite a continuing campaign to create a barrier-free environment for persons with disabilities, accessibility remained a problem throughout the country, including in public buildings and

## **RWANDA**

public transport, although a limited number of public buses could accommodate persons with disabilities. There were generally limited resources in terms of accessibility at police stations and detention centers for persons with disabilities, including a lack of sign language interpreters. The National Council on Persons with Disabilities and the National Union of the Deaf reported working to compile a sign language dictionary.

There were no legal restrictions or extra registration steps for citizens with disabilities to vote, and registration could be completed online. Braille ballots were available for the 2018 parliamentary elections. Observers noted some polling stations were inaccessible to persons with disabilities and that some election volunteers appeared untrained on how to assist voters with disabilities.

Many children with disabilities did not attend primary or secondary school. Those who attended generally did so with peers without disabilities. Few students with disabilities reached the university level because many primary and secondary schools were unable to accommodate their disabilities.

Some citizens viewed disability as a curse or punishment that could result in social exclusion and sometimes abandoned or hid children with disabilities from the community.

### **Members of National/Racial/Ethnic Minority Groups**

The constitution provides for the eradication of ethnic, regional, and other divisions in society and the promotion of national unity. Long-standing tensions in the country culminated in the 1994 state-orchestrated genocide that killed between 750,000 and one million citizens, including approximately three-quarters of the Tutsi population. Following the killing of the president in 1994, an extremist interim government directed the Hutu-dominated national army, militia groups, and ordinary citizens to kill resident Tutsis and moderate Hutus. The genocide ended later in 1994 when the predominantly Tutsi RPF, operating from Uganda and northern Rwanda, defeated the national army and Hutu militias and established an RPF-led government of national unity that included members of eight political parties.

## **RWANDA**

Since 1994 the government has called for national reconciliation and abolished the policies of the former government that created and deepened ethnic cleavages. The government removed all references to ethnicity in official discourse--with the exception of references to the genocide, which is officially termed “the genocide against the Tutsi”--and eliminated ethnic quotas for education, training, and government employment.

Some individuals said the government’s reconciliation policies and programs failed to recognize Hutu victims of the genocide or crimes committed by the RPF after the end of the genocide, whereas others noted the government focused positive attention on Hutus who risked their lives to save Tutsis or members of mixed families during the genocide.

### **Indigenous People**

After the genocide the government banned identity card references to Hutu, Tutsi, or Twa ethnicity and prohibited social or political organizations based on ethnic affiliation. As a result the Twa, who numbered approximately 34,000, lost their official designation as an ethnic group. The government no longer recognizes groups advocating specifically for Twa needs, and some Twa believed this government policy denied them their rights as an indigenous ethnic group.

### **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

No laws criminalize sexual orientation or consensual same-sex sexual conduct between adults. The law does not explicitly prohibit discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons in housing, employment, nationality laws, or access to government services such as health care. Cabinet-level government officials expressed support for the human rights of all persons regardless of sexual orientation, but LGBTI persons reported societal discrimination and abuse, including challenges to officially registering NGOs.

### **HIV and AIDS Social Stigma**

## **RWANDA**

The law provides for imprisonment of up to six months or a monetary fine or both for persons convicted of stigmatizing a sick person without the intention to protect the sick person or others. There were no reports of prosecutions under this statute. Discrimination against persons with HIV or AIDS occurred, although such incidents remained rare. The government actively supported relevant public education campaigns, including establishing HIV/AIDS awareness clubs in secondary schools and making public pronouncements against stigmatization of those with the disease.

The law also provides stiffer penalties for conviction of rape and defilement in cases of transmission of an incurable illness. In most cases of sexual violence, the victim and alleged perpetrator both undergo HIV testing.

According to RDF policy and in keeping with UN guidelines, the military did not permit its members with HIV or AIDS to participate in peacekeeping missions abroad but allowed them to remain in the RDF.

### **Section 7. Worker Rights**

#### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right to form and join unions and employer associations, bargain collectively, and strike, but it places restrictions on these rights. An employer may refuse a recognized union access to the workplace, and the union must appeal this to the labor inspector. A union must include a majority of workers in the enterprise. The law prohibits antiunion discrimination but does not automatically provide for reinstatement of workers fired for union activity. Labor disputes are mediated by local and national labor inspectors before they may be referred to a court, which may refuse to hear the case. The law applies to all employees with contracts. The law applies to informal-sector employees with regard to occupational health and safety (OSH) and the right to form trade unions and employers' associations, but it does not address strikes in the informal sector.

A March ministerial order defines the implementation of the 2018 labor law and specifies guidelines for labor inspections, provides the modalities of electing employee representatives, lists acts considered gross misconduct, determines the

## RWANDA

core elements of a written employment contract, and defines essential services that may not be interrupted by a strike or lockout.

The law and ministerial orders provide some workers the right to conduct strikes, subject to numerous restrictions. The law states that employees have the right to strike when the arbitration committee has allowed more than 15 working days to pass without issuing a decision, the conciliation resolution on collective dispute had not been implemented, or the court award was not enforced. The law further states all strikes must be preceded by a notice of four working days. The law states that a strike or lockout must not interrupt the continuity of “essential services” as defined by the Ministry of Public Service and Labor. The ministry broadly defined essential services to include all modes of transportation and fuel sales, security, health, education, water and sanitation, and all forms of telecommunications, which severely restricted the right to strike in these fields. Employees and employers are prohibited from exercising a strike or lock-out within 10 days preceding or following elections in the country or during a state of national emergency. There were 35 labor unions organized into three confederations: 16 trade unions represented by the Rwanda Confederation of Trade Unions (CESTRAR), 12 by the Labor and Worker’s Brotherhood Congress (COTRAF), and seven by the National Council of Free Trade Union Organizations in Rwanda. All three federations were officially independent of the government, but some maintained close links with the government.

Freedom of association and the right to collective bargaining generally were not respected. The government did not enforce applicable laws effectively and restricted these rights.

The government severely limited the right to collective bargaining, and legal mechanisms were inadequate to protect this right. Labor union officials commented that many private-sector businesses did not allow collective bargaining negotiations. The government also controlled collective bargaining with cooperatives and mandatory arbitration. No labor union had an established collective bargaining agreement with the government.

Collective bargaining occasionally was practiced in the private sector, although there were few recent examples. In 2015 an international tea exporter renewed its

## RWANDA

2012 collective bargaining agreement with its employees. CESTRAR, COTRAF, and the Ministry of Labor participated in the negotiations.

There were neither registered strikes nor anecdotal reports of unlawful strikes during the year; the most recent recorded strike was by textile workers in 2013. CESTRAR noted that in several cases, the government acted to resolve labor disputes in workers' favor to avert the threat of a strike. National elections for trade union representatives occurred on regular cycles depending on the trade union. Trade union leaders stated the government interfered in the elections and pressured some candidates not to run.

There were no functioning labor courts or other formal mechanisms to resolve antiunion discrimination complaints, and COTRAF reported it could take four to five years for labor disputes to be resolved through the civil courts. According to one trade union, employers in small companies frequently used transfers, demotions, and dismissals to intimidate union members.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits forced labor and states it is unlawful to permit the imposition of forced labor. In 2014 the government issued a national trafficking in persons action plan that included programs to address forced labor; the government continued to update the plan during the year. In 2018 the government enacted an updated law to prevent, suppress, and punish trafficking in persons. The 2018 antitrafficking law prescribes penalties for conviction of imprisonment or fines. Penalties were commensurate with those prescribed for other serious crimes, such as rape, with the penalties being higher if the victim is a child or a vulnerable person. Statistics on the number of victims identified in forced labor were not available. Suspected victims were sometimes detained in transit centers without proper screening or referral to care and assistance.

Government enforcement to prevent forced labor was inconsistent, particularly in cases involving domestic workers. Although not widespread, forced labor reportedly occurred in bars, restaurants, and mines.



## RWANDA

Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/trafficking-in-persons-report/](http://www.state.gov/trafficking-in-persons-report/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits all of the worst forms of child labor. The minimum age for full-time employment is 16, but children ages 13 to 15 are allowed to perform light work in the context of an apprenticeship. The law prohibits children younger than age 18 from participating in physically harmful work, including work underground, under water, at dangerous heights, or in confined spaces; work with dangerous machinery, equipment, and tools, or which involves the manual handling or transport of heavy loads; work that exposes the child to unsafe temperatures or noise levels; and work for long hours or during the night. The 2018 labor law determines the nature of other prohibited forms of work for a child.

In addition to national law, some districts enforced local regulations against hazardous child labor and sanctioned employers and parents for violations. Police, immigration officials, local government officials, and labor inspectors received training on identifying victims of trafficking.

The NCC took the lead role in designating responsible agencies and establishing actions to be taken, timelines, and other concrete measures in relation to the integrated child rights policy and various national commissions, plans, and policies related to child protection subsumed therein. At the local level, 149 child labor committees monitored incidents of child labor, and each district was required to establish a steering committee to combat child labor. At the village level, 320 child labor focal point volunteers were supported by 10 national protection officers appointed by the NCC and 48 social workers.

The Ministry of Public Service and Labor conducted labor inspections of sectors of the economy known to employ children, focusing on domestic work and the agriculture sector. The government removed 316 children from hazardous work situations and fined employers approximately \$3,000. The RNP operated a child protection unit. District government officials, as part of their performance contracts, enforced child labor reduction and school attendance benchmarks. Observers noted considerable political will to address child labor within the

## RWANDA

Ministry of Education, Ministry of Gender and Family Promotion, and the RNP, but the labor inspectorate remained underfunded and understaffed.

The government worked with NGOs to raise awareness of the problem and to identify and send to school or vocational training children involved in child labor. The government's 12-year basic education program aided in reducing the incidence of child labor, although some children who worked also attended school because classes were held in alternating morning or afternoon shifts at some grade levels. The government fined those who illegally employed children or parents who sent their children to work instead of school.

The government enforced the law inconsistently. The number of inspectors was inadequate, but criminal penalties were commensurate with those for other serious crimes, such as kidnapping. The majority of child laborers worked in the agricultural sector and as household domestics. Child labor also existed in isolated instances in cross-border transportation and in the mining industry. Children received low wages, and abuse was common.

Also, see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/agencies/ilab/resources/reports/child-labor/findings](http://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings) and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at [www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods](http://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods).

### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination based on ethnic origin, family or ancestry, clan, race, sex, region, religion, culture, language, and physical or mental disability, as well as any other form of discrimination. The constitution requires equal pay for equal work.

There were no known legal restrictions to women's employment in the same occupations, tasks, and working hours as men. The government did not consistently enforce antidiscrimination laws, and there were numerous reports of discrimination based on gender and disability. Women generally enjoyed equal pay for the same work as men, although pay varied across occupations. Persons with disabilities are officially protected from employment discrimination but often

## RWANDA

faced discrimination in hiring. Migrant workers enjoyed the same legal protections, wages, and working conditions as citizens but sometimes faced discrimination due to societal bias and informal hiring quotas tied to citizenship status.

### **e. Acceptable Conditions of Work**

There is no official minimum wage. The law states the Ministry of Labor may establish a minimum wage by ministerial order, but as of October 1, such an order had not been issued. Laws on working conditions applied to all workers but were seldom enforced in the informal sector.

The law provides a standard workweek of 45 hours and 18 to 21 days paid annual leave, in addition to official holidays. The law provides employers with the right to determine daily rest periods. Most employees received a one-hour lunch break. The law states female employees who have given birth are entitled to a maternity leave of at least 12 consecutive weeks. A ministerial order issued during the year states overtime is accrued after 45 hours worked per week and is compensated by a “rest period equal to the extra hours performed” within the following 30 days. If employees are not provided the rest period within 30 days, they are to be paid for hours worked. The rate for overtime work is the worker’s regular salary.

The law states employers must provide for the health, safety, and welfare of employees and visitors and that enterprises are to establish occupational safety and health committees. Authorities conducted public awareness campaigns to inform workers of their rights and highlight employers’ obligation to register employees for social security and occupational health insurance and pay into those benefit systems. Orders from the Ministry of Labor determined appropriate OSH conditions and the establishment and functioning of OSH committees.

The government did not effectively enforce the law. The number of inspectors was not sufficient to enforce labor standards effectively. The many violations reported to labor unions compared to the few actions taken by the government and employers to remedy substandard working conditions suggested penalties and enforcement were insufficient. The law was seldom applied in the informal sector.

## **RWANDA**

Families regularly supplemented their incomes by working in small businesses or subsistence agriculture in the informal sector, which included more than 75 percent of all workers. Most workers in the formal sector worked six days per week. Violations of wage, overtime, and OSH standards were common in both the formal and informal sectors. Employers frequently failed to register employees for social security or occupational health insurance and pay into those benefit systems.

Workers in the subcontractor and business process outsourcing sectors were especially vulnerable to hazardous or exploitative working conditions. Statistics on workplace fatalities and accidents were not available, but ministry officials singled out mining as a sector with significant problems in implementing occupational safety and health standards. The Ministry of Labor maintained a list of dangerous professions subject to heightened safety scrutiny.