

Immigration and Refugee Board of Canada

[Home](#)

> [Research Program](#)

> Responses to Information Requests

Responses to Information Requests

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9 September 2013

RWA104584.FE

Rwanda: Situation of sexual minorities and treatment of this group by society and the authorities; legislation, state protection and support services (2011-August 2013)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Overview

Homosexuality is not criminalized in Rwanda (ILGA May 2012, 11; US 19 Apr. 2013, 45; *The East African* 8 Aug. 2011). According to certain sources, in 2009, a project to reform the Criminal Code proposed penalizing homosexuality, but the government ultimately rejected the proposal in 2010 (Yagg 15 Jan. 2010; *The East African* 8 Aug. 2011). Rwanda is a signatory to the United Nations Declaration on Sexual Orientation and Gender Identity (ibid.; ILGA May 2012, 22). However, the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) reports that the age of consent for heterosexual acts differs from that for homosexual acts (ibid., 14). Additional or corroborating information on the age of consent could not be found among the sources consulted by the Research Directorate within the time constraints for this Response.

According to the director general of Health Development Initiative Rwanda, a Kigali-based healthcare NGO that coordinates over 40 groups advocating for sexual minorities, lesbian, gay, bisexual and transgendered (LGBT) individuals face "a great deal of disdain and intolerance" from society (*The East African* 8 Aug. 2011). Similarly, an article from the Rwandan daily *The New Times* states, according to a representative of the Rwanda NGO Forum on AIDS and Health Promotion (RNGOF), a network of AIDS organizations, that gay men do not dare publicly reveal their sexual orientation because of the stigma associated with homosexuality (7 June 2012).

In correspondence sent to the Research Directorate, a representative of Other Sheep Rwanda, a Rwandan NGO that is part of an international network of Christian groups from various cultures that advocate for full inclusion of LGBT individuals in their religious communities (Other Sheep 30 May 2013), explained that society's attitude toward LGBT individuals is negative because, in general, Rwandans consider homosexuality to be a practice that is un-African and un-Christian (Other Sheep Rwanda 7 Sept. 2013). The representative highlighted that the attitudes are particularly negative in rural areas and that it is very rare to encounter LGBT individuals there who are open about their sexual orientation (ibid.). However, according to the representative, some people are more open in the cities (ibid.).

2. Treatment of LGBT People

According to *Country Reports on Human Rights Practices for 2012* published by the United States Department of State, LGBT individuals stated that they were subjected to "discrimination and abuse" in Rwanda (19 Apr. 2013, 45). *Country Reports 2012* indicates that the LGBT Horizon Community Association (HOCA) opened an office in Kigali in April 2011, but it was evicted in August 2011 because of the "pressure

from neighbors" (US 19 Apr. 2013, 45). HOCA leaders reported receiving "threats" in 2011, and several apparently fled the country (ibid.). However, *Country Reports 2012* notes that in 2012, two other LGBT associations opened offices in Kigali and the Rubavu District "without incident" (ibid.). Information corroborating that found in *Country Reports 2012* could not be found among the sources consulted by the Research Directorate within the time constraints for this Response.

In an interview with GlobalGayz, a travel and culture website that describes the situation of sexual minorities throughout the world, a HOCA founder stated that LGBT individuals "live in legitimate fear of harassment and illegal rights violations by the police, government authorities and individuals in their communities" (15 Mar. 2011). HOCA's website reports that the Rwandan government "prefers to deny or ignore the existence of a gay and lesbian community" and that there are no social services for LGBT individuals (n.d.). Similarly, the director general of Health Development Initiative Rwanda stated that the government remains "passive" in regard to protecting the rights of sexual minorities (*The East African* 8 Aug. 2011). However, the director general reported that his association is running campaigns to provide legal aid services to sexual minorities and to raise awareness among healthcare professionals (ibid.). The Other Sheep Rwanda representative also reported that his organization does advocacy work with doctors and lawyers in order for them to better understand the problems of LGBT individuals (7 Sept. 2013). In addition, Other Sheep Rwanda and partner organizations provide counselling services to LGBT individuals (Other Sheep Rwanda 7 Sept. 2013).

Country Reports 2012 indicates that the Rwandan National Police investigated the alleged threats against militants and LGBT individuals, but that the investigation results were not made public (US 19 Apr. 2013, 45). The Other Sheep Rwanda representative also reported that LGBT individuals can request assistance from the authorities if they are subjected to threats or acts of violence, but that the services they receive will be of poor quality should they reveal their sexual orientation (7 Sept. 2013). No corroborating information could be found among the sources consulted by the Research Directorate within the time constraints for 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.

References

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Yagg. 15 January 2010. Audrey Banegas. "L'Intergroupe du Parlement européen sur les droits LGBT l'annonce officiellement aujourd'hui: il n'est plus question pour le Rwanda de pénaliser l'homosexualité." <<http://yagg.com/2010/01/15/le-rwanda-refuse-finalement-de-criminaliser-lhomosexualite/>> [Accessed 5 Sept. 2013]

Additional Sources Consulted

Oral sources: Attempts to contact the following associations were unsuccessful: Health Development Initiative Rwanda; Horizon Community Association of Rwanda; Ligue des droits de la personne dans la région des Grands Lacs.

Internet sites, including: Agence de presse africaine; AllAfrica; Amnesty International; ecoi.net; Human Rights Watch; International Gay and Lesbian Human Rights Commission; *Jeune Afrique*; News of Rwanda; Pambazuka News; *Pink News*; *Rwanda Focus*; Rwanda News Agency; Rwanda – Rwanda Broadcasting Agency, Rwandan National Police; Syfia Grands Lacs United Nations – Office of the High Commissioner for Human Rights.

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[Top of Page](#)

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