



**EATHAN**  
East Africa Trans Health & Advocacy Network

Eliminating Transphobia In East Africa Through Advocacy & Awareness Raising

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**REPORT ON THE CURRENT SITUATION OF ITGNC PEOPLE IN RWANDA ON THE VIOLATION AND DISCRIMINATION OF THEIR HUMANRIGHTS 2018-2019.**

**Background History;**

Same sex act is criminalized in Rwanda according to the criminal ACT law in Rwanda. In 2009 a project to reform the criminal code proposed penalizing homosexuality, but the government ultimate rejected the proposal in 2010.

Rwanda is a signatory to United Nations declaration on sexual orientation and gender identity, Rwanda law is currently silent on the issue of homosexuality. Neither the 2003 constitution nor the 1977 penal code make mention of any crime related to homosexuality.

Sexual offenses outlined in the 1977 penal code include rape, rape of children, sexual torture, adultery, prostitution and exhibitionism. While homosexual Act involving either sex are punishable if one participant is under the age of 18 and the other is older as provided in section 362 of the penal code, no provision exist for the criminalization of sexual Act between consenting adults.

**Article 26 of the constitution** of Rwanda does limit the rights to marriage to heterosexual couples, stating that only civil monogamous marriage between a man and women is recognized. Yet this restriction on marriage in no way implies a limitation on sexual behaviour between consenting same sex partners. Not only does law fail to prohibit homosexual acts, but the constitution also contains a number of articles that guarantee the rights to privacy, opinion and belief, which supports the rights to freedom and privacy concerning an individual’s personal life and sexual practices.

**Article 22-of the 2013 constitution** states that, the private life, family, home or correspondence of a person shall not be subjected to arbitrary interference, his or her honour and good reputations shall be respected. Moreover, **article 33** guarantee that freedom of thoughts opinion, conscience, regions, worship and the public manifestation thereof is guaranteed by the state in accordance with conditions determined by law.

**Article 43 penal code** state that in the excise of rights and enjoyments of freedoms, every person shall only be subjected to the limitation set by the law in order to ensure the recognitions and respect of the others, rights and freedoms, good morals, public order and social welfare which characterize a democratic society.

Some lawmakers in Rwanda have interpreted **constitution article 43** to suggest that it is within their power to restrict or criminalize homosexuality under their constitutional power to uphold the good morals of society. Also, **article 11 of the constitution** states that all Rwandese are born and remain free and equal in rights and duties.



## **Over view of the current situation in Rwanda on ITGNC people**

Keeping in mind the above discussion of the fundamental rights and freedoms guaranteed to individuals. The increasing level of harassment and intimidation in the country around the issue of homosexuality, and recent incidents in which the rights of individuals are violated because of their sexual orientation, are clearly in violation of the rights and freedoms guaranteed to individuals by the constitution.

I want to remind you that, in the constitution of Rwanda there is no article that protects or prohibits directly homosexuality or punish the LGBTIQ community. So, this at times can be very hard and challenging to the ITGNC people because if there is any violation committed unto them, they cannot defend themselves and there is no any law criminalize or protect LGBTI people in Rwanda.

## **Threats of legal changes in Rwanda about ITGNC people**

In 2018, there had been an increase in rhetoric within the press on the subjects of criminalizing homosexuality in the country. Rwanda's governments was in the process of revising the penal code, which dated from 1977, for the primary purpose of abolishing the death penalty. In the process, it was planned to revise many other outdated provisions of the penal code. Several members of parliament and other individuals expressed the intention to introduce a law to criminalize homosexuality, though it was unclear whether such reforms had a high level of support from other lawmakers or from the public.

For example, Deputy Francis Kaboneka was quoted saying, "We don't have a specific law on LGBTI, but we have the family law" he thought that there were not yet there are many cases of homosexuality in the country, he added "We need to have a law against this vice".

Similarly, according to the new times newspaper Deputes Henriette Sebera argued that MPs should table a motion on it and come up with the law against the practice of homosexuality in Rwanda. She said Homosexuality is automatically illegal in their country and that their culture only allows a man to have a relationship with a woman and that is why anybody caught in that act should be punished.

As the issues of homosexuality and LGBTIQ rights gain prominence within the media, there is legitimate concern that calls to criminalize homosexuality will gain momentum and support. That is crucial time for the targeted advocacy with the lawmakers who support upholding the rights to sexual privacy and freedom in order to prevent discriminatory or regressive laws from being passed.

## **One of the stories and news from VOA media on ITGNC in Rwanda**

The Rwanda government recognizes the LGBTI community rights to live openly and safely, but it does not allow for homosexual marriage. However, activists say that the majorities of Rwandans still lack education regarding the group in Kigali, Rwanda.

1. CT a transgender man is a program officer at Rights for all, an association that advocates for the LGBT community. He said there was a couple of a transman and a cis female that came out as a couple. People in the community did not understand.



They wonder who they are. Who is who in the relationship? We started to get harassed again, so we stopped going out in the streets of Kigali, we were scared. The media never made it easy but the outcome was amazing, the society that did not understand who transgender were got to actually know we exist.

2. DV, Rwandese and is among ITGNC people in Kigali says there was that debate in the media about the rights of LGBTI people to exist in Rwanda and I was attacked the because of my gender identity, it was about stealing my money, but I left for Uganda immediately.
3. We were partially recognized by the government of Rwanda, which made me and my community feel safer, said MX a Rwandese LGBT activist and a transgender man. What is more painful is the social rejection and we still do not have enough unity even within the LGBT community here. We had enough ethnic division here and any divisions based on sexual orientation or gender expression makes life harder.

This is the information, which the ITGNC individuals of Rwanda say about the current situation and what they enjoy from being LGBT in Rwanda. We see that it is not a worse situation in Rwanda as we see it in other countries in East Africa like Uganda and Tanzania and probably there is no any law, which specifically criminalize or protect the LGBT rights in Rwanda.

### **Challenges of health care services in Rwanda by ITGNC people**

All people who need medical care should be able to see their doctor without worrying about being mistreated, harassed or denied service outright. The affordable care act in Rwanda helped addressed these issues by prohibiting health care providers and insurance companies from engaging in discrimination.

Despite existing protection, ITGNC people face disturbing rates of care discrimination from harassment and humiliation by provider to being turned away by hospitals, pharmacists, and doctors. The opinion show the types of discrimination that many ITGNC individuals face when seeking health care.

### **Opinion from ITGNC people from Rwanda about health providers**

- Some ITGNC people said that a doctor or other health care provide refused to see them because of their actual or perceived gender identity.
- Some ITGNC people said that a doctor or other health care provider refused to give them health care related to their actual or perceived gender identity.



- Some ITGNC people said that a doctors or other health care provider used harsh or abusive language when treating them.
- Others said that they experienced unwanted physical contact from a doctor or other health care provider such as fondling, sexual assaults, or rape.

**Some barriers (reasons) to getting the routine health care by ITGNC people in Rwanda**

- Lack of health insurance - This is challenging to ITGNC people in Rwanda and around Africa. Some said they could not afford insurance while others do not see the need of having insurance that does not cover their health needs.
- Fear of discrimination faced in health facilities - Many LGBT people in Rwanda do not have friendly doctors to tell about their gender identity, because they don't want to miss the quality of health care they receive. This can make it harder to have a comfortable relationship with the provider.
- Negative experiences with health care providers - Fear of having a negative experiencing with a health care provider can lead some people to delay or avoid medical care, especially routine care such as early detection test. Today there are many ITGNC individuals who experience violence and bullying when they go to access health care, so they refuse to go back when they need health checkup or health treatments if are needed at that time.

**Rwandese ITGNC social context;**

According to sources, LGBT persons in Rwanda face societal discrimination, human rights first 12 September 2016 reported societal discrimination and abuse in Rwanda. The source indicate that there is stigma against gender minorities in Rwanda. Human rights first a nonpartisan human rights organization state that Rwanda's social environment is rife with transphobia and homophobia.

The LGBTI community in Rwanda is perceived as something like abnormal much like a mental illness. No one in the family wants to have such relatives; no person wants to have a neighbor who is seen as an LGBTI person. No one wants to have any contacts or any sort of relationship either professional, friendship, whatever they do not speak about LGBTI.

Without providing further details, the same source states that according to LGBTI advocates in Rwanda while all LGBT individual suffer discrimination. Transgender people struggle disproportionately and activist have reported increasing acts of violation against ITGNC in Rwanda and calls to incite such violence, in Rwanda queer people are violently attacked without a clear path to seek justice via explicitly laid out legal protections.



**“Publicly harassed in Rwanda” some ITGNC people in Rwanda on public harassment.**

- N a transgender man said discrimination and harassments are the most common issues they face almost on a day-to-day basis. Everyone has experienced discrimination and harassments; am having difficulties with the local authorities because I live with my partner, people have reported us to the local authorities.
- BR a transman said we have been publicly harassed at nightclub and bars, and many men approach us and asked us how we have sex and how we can satisfy our partners, we are called cruel words and beaten in the clubs.
- Many individuals finds themselves harassed, threatened in prison or abused because of their gender identity. Discrimination and even physical violence is a daily reality for those who express themselves freely in their gender identity and as results many ITGNC people live in secretive way and unable to tell their families or friends about their true self. It is very difficult because sometimes we need somebody who is willing to hear and support us but we can't be comfortable because people are not willing to accept us.
- One ITGNC person in Rwanda expressed her worry about the pending penal code saying we need some lobbying and advocacy to stop the acceptance of this. We are traumatized because we do not know where and how to exercise our rights there are things that we are afraid to do because of the pending law. There is a need for more sensitization, lobbying and advocacy to be better the livelihood and wellbeing of the ITGNC community she said.
- Another ITGNC person said in Rwanda the process should start with us, we must be out united and visible as other movement before we can advocate to others we need to learn from the successful stories of our fellow country who are winning to convince and advice the government to recognize the LGBTI in their country.

**HIV treatments is a challenge to ITGNC people in Rwanda.**

In health-sectors, that are dealing with the KVPS HIV tests in Rwanda are explained this is continued to be worse in Rwanda. Transphobia continues to be a major barrier ending the global AIDS the community has always been closely linked with negative attitudes towards the LGBT people in Rwanda, LGBT people in Rwanda face specific challenges and barriers including violence, human right violations, stigma and discrimination in reaching health services in Rwanda.

The criminalization of LGBTI relationships and gender impersonation feeds into social transphobia and homophobia everyday instances of discrimination and both factors leads LGBT people from accessing vital HIV prevention, testing and treatments and care



services. As results, some of people are unknowingly living with HIV or being diagnosed late when HIV is harder to treat because of fearless of going to hospital, which is not friendly with the LGBTI community so they hide to go and testing HIV.

### **Advice to ITGNC people in Rwanda on emotional challenges.**

Learning to be yourself and dealing with other people's perceptions of you can be hard for anyone. This process can be especially stressful or tough for ITGNC persons. In fact they can face unique issues when it comes to mental health.

The discrimination of ITGNC people may face or the pressure they feel from their family or community can put them at greater risk for emotional health struggles like depression, anxiety, substances abuse and even suicide.

- **Overcoming stigma in the community.**

The ITGNC individual who are dealing with mental health conditions like depression may have to contend with even more stigma because of discrimination or misunderstandings related to their gender identity. Having to deal with the additional stigma can worsen mental health conditions.

### **The following are some tips to overcoming stigma I can advice the ITGNC in Rwanda**

- **Surround yourself with supportive people** - Check, to see if your community has groups of LGBTI people, it's a great way to find people who can relate to what you're going through.
- **Seek help** - If you are experiencing sadness, anxiety or stress that is interfering with you ability to get things done and live a fulfilling life, make an appointments with a mental health counselor. It is the first step towards feelings better.
- **Remember it has nothing to do with you** - Society creates and perpetuate stigma about many groups. Remember that others reactions to your gender identity is not your fault, and says nothing about the person you are
- **Join an advocacy group** - To further fight stigma, it may help you to participate in mental health or ITGNC advocacy group in your country.
- **Helping your friend** - If you have a friend who's told you about their gender identity or mental health struggles there are various ways you can support them, by educating and giving them the education which help to capacitate them in many issues.



## Conclusion

I conclude that Rwanda is a bit safer for ITGNC people compared to other East African countries like Uganda and Tanzania. With the laws not protecting or discriminating the LGBT people specifically this is a good thing but also bad as law enforcers take this as a platform for abuse and discrimination against ITGNC people by false accusing them, then asking for bribery. The Rwandan government should adopted comprehensive anti-discrimination laws that explicitly protect people of all sexual orientations and gender identity. It is a Rwandan government's responsibility to ensure the safety of all citizens, including by more effectively addressing the violence and insecurity that ITGNC people face in Rwanda.

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