



# AGACIRO

A LANDSCAPE ANALYSIS OF THE HUMAN RIGHTS OF  
SEX WORKERS AND LGBT COMMUNITIES IN RWANDA



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## GLOSSARY OF TERMS AND ACRONYMS

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Abazerenzi	Idle people on the street
Abagabo	Men. In this context reference was made to 'wise men'.
Agaciro	Value as perceived by society
AHR	Amahoro Human Respect
AIMR	Association Ihorere Munyarwanda
ANSP+	<i>Association Nationale de Soutien aux PVVIH</i> (National Association for the Support of People Living with HIV/AIDS)
ARV	Antiretroviral
CNLS	<i>Commission Nationale de Lutte contre le SIDA</i> (National Council for the fight against AIDS)
HDI	Health Development Initiative - Rwanda
HOCA	Horizon Community Association
Inkeragutabara	The reserve force of the Rwanda Defence Forces
Indangamirwa	Literally meaning 'those to be seen', often used by Sex Workers in reference to themselves
JABFA	Joint Action for Bright Future Association
Kuba inzerenzi	Being idle on the street
PLHA	People Living with HIV/AIDS
RBC	Rwanda Biometric Center
RIFA	Rights for All
RMC	Rwanda Media Commission
RPF	Rwanda Patriotic Front
RRRA	Rwanda Rainbow Rights Association
RURA	Rwanda Utilities Regulatory Authority
SFS	Safe Friendly Society
Ubwoko	Clan and in this context connotes ethnic group.
Umuganda	Community work done at the last Saturday of every month

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## METHODOLOGY

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This report is based on qualitative and quantitative data collected through literature reviews including web based documents and verbally transmitted data. The study was conducted through face to face and web based interviews, email exchanges as well as formal and informal focus group discussions. The collection of information was based on collective conversations, previous research and official documents such as existing policies and legislation. For security reasons related to the identity of those interviewed, their names were either omitted all together or replaced with fictitious names followed by an asterisk (\*).

Although this research sought to investigate the lived realities of lesbians, gays, bisexual, transgender and intersex in Rwanda, it faced limitations in accessing intersex persons, communities or information relating to intersex in Rwanda. As such, this report speaks to the lived realities of LGBT Rwandans. Also, whereas this report seeks to document the lived realities of sex workers in Rwanda, a bulk of the interviews conducted were with female sex workers. Although there exists a male sex worker community, those identified in the course of this study noted that they identify primarily under the 'LGBT' banner as opposed to as part of the sex worker community.

This study recognises that Rwanda is a country with realities outside of its capital city Kigali. Therefore in as much as this study concentrated on Kigali, in so doing it does not purport to negate the lived realities of the LGBT and sex worker communities in other areas and recognises the limitations resulting from a purely urban based platform.

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## INTRODUCTION AND CONTEXT

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Rwanda, commonly known as the “Land of a Thousand Hills”, is a landlocked country with a high population density of 407 inhabitants per square kilometre.<sup>1</sup> It covers an area of 26,338 square kilometres and it is in the Great Lakes region. It shares borders with Uganda in the North, Tanzania in the East, Burundi to the South and the Democratic Republic of Congo in the West. Its capital Kigali is located in the centre of the country. Official languages are Kinyarwanda, French and English. With an estimated population of 11 million, more than half of the population is below 18 years of age<sup>2</sup>.

Culture, tradition and Christianity are deeply rooted in the collective consciousness in Rwanda.<sup>3</sup> Current Rwandan legislation was inspired by the divisive context founded on ethnicity “*ubwoko*”<sup>4</sup> dating from the colonial era that was materialised by post-colonial political regimes, reinforced by ethnicity and favouritism established by the colonial era. Rwanda does not criminalise homosexuality but criminalises sex work and sex workers.

Notwithstanding Rwanda’s seemingly progressive approach on non normative sexual orientations, and the existence of legal and human rights provisions that can be construed as protecting all citizenry including LGBT people and sex workers, discrimination and stigmatisation of both communities persist, as does a perceived taboo on sexuality particularly non normative sexuality.

Religions and rigid conceptualisation of culture influences public opinion and has consequently led to the perpetuation of human rights abuses against LGBT and sex worker Rwandans. The ultimate consequence is the increased and unaddressed vulnerability of LGBT and sex workers to various human rights violations, including verbal, physical and sexual abuse, arbitrary arrest and detention, denial of access to justice, family expulsion, denial of housing rights, denial of employment rights and discrimination. All this despite the existence of the Constitution that explicitly provides protection against the above mentioned violations, and that prohibits all forms of discrimination.

Considering existing movements in Eastern Africa’s countries such as Uganda and Kenya, the movement in Rwanda remains less visible despite the absence of anti-homosexuality laws in its Penal Code, which was reviewed in 2012.

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1 <http://www.rw.undp.org/content/rwanda/en/home/countryinfo/>

2 <http://www.unicef.org/rwanda/overview.html>

3 Christianisme et pouvoirs au Rwanda (1900-1990), Linden I., Linden J., 1999

4 The term “ethnic group,” having no similar word in the Rwandan language, the colonial administration used instead the term “*ubwoko*” which means “clan”. This manipulation resulted in the exiles and killings in 1959 and 1963. It was accentuated by totalitarian political regimes that followed until the 1994 genocide against Tutsis where nearly a million people died

Although neighbouring Uganda introduced an Anti-Homosexuality Bill that was subsequently overturned and made void<sup>5</sup> by the Ugandan Constitutional Court in 2014, Rwanda, a country marked by genocide<sup>6</sup> against the Tutsi and moderate Hutus in 1994, has never criminalised<sup>7</sup> same-sex relationships, even though a proposal to do so was tabled in 2009.

The aim in conducting this analysis is to allow LGBT and sex workers' organizations, activists and their allies and partners (including donors and groups in other movements) to:

- Map the development of LGBT and sex workers' movements in Rwanda;
- Document lived realities of LGBT people and sex workers in Rwanda;
- Assess improvement opportunities with respect to the differences between service delivery and needs of LGBT and sex workers' communities;
- To review challenges and strategies that have worked in advocacy work by LGBT and sex workers activists in Rwanda;
- Consider factors that contribute to hostility and strangulation of the environment in Rwanda.

Thus, this report covers five thematic areas:

- Legal and policy environment;
- Existing organising around the rights of LGBT people and sex workers;
- Health;
- Lived realities of LGBT people and sex workers, including health and HIV issues, and;
- Public discourse on LGBT and sex workers issues by media, and statements by opinion leaders, etc.

5 [http://www.lemonde.fr/afrique/article/2014/08/01/ouganda-la-cour-constitutionnelle-annule-la-loi-antihomosexualite-controversee\\_4465806\\_3212.html](http://www.lemonde.fr/afrique/article/2014/08/01/ouganda-la-cour-constitutionnelle-annule-la-loi-antihomosexualite-controversee_4465806_3212.html)

6 [https://fr.wikipedia.org/wiki/C%C3%A9nocide\\_des\\_Tutsis\\_au\\_Rwanda](https://fr.wikipedia.org/wiki/C%C3%A9nocide_des_Tutsis_au_Rwanda)

7 <http://yagg.com/2010/01/15/le-rwanda-refuse-finalement-de-criminaliser-lhomosexualite/>



LGBT

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## LEGAL AND POLICY ENVIRONMENT

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In 2009, following proposals criminalising same sex relationships that were introduced in the Ugandan Parliament<sup>8</sup>, Rwanda followed suit by proposing to amend the Penal Code to introduce penalties for people who “encourage or educate others on sexual relationships and practices between persons of the same-sex.” However, thanks to advocacy efforts by some Rwandan civil society organisations and international NGOs, this provision was omitted from the proposal to amend the Penal Code that was presented to the Rwandan Parliament in 2009. Rwanda’s recent history of genocide in 1994 also played a significant role in the prohibition of discrimination against minority groups.<sup>9</sup> This is exemplified Rwanda’s Constitution<sup>10</sup> whose preamble includes wording that expresses a national resolve to eradicate any forms of division as well as to be governed by the rule of law, which is based on respect for fundamental human rights and tolerance among other virtues.

In 2012, Rwanda was one of the 57 signatory states of the UN Declaration on Sexual Orientation and Gender Identity, and one of the six African countries to sign the UN Report on Sexual Orientation and Gender Identity.<sup>11</sup>

Despite Rwanda’s position in voting for the declaration in support of LGBT at the United Nations General Assembly human rights violations on the basis of sexual orientation and identity and gender expression persist. In particular, these include but are not limited to:

- Verbal, physical violence and extortion by *Inkeragutabara*;
- Arbitrary arrests by the Police; and
- Arbitrary detentions at Gikondo Centre.

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8 A People Condemned, *The Human Rights Status of LGBTI persons in East Africa (2009-2010)*, Un rapport par UHAI, 2010. pp26

9 <http://www.veritasinfo.fr/article-rwanda-declaration-portant-creation-du-congres-national-rwandaais-63264419.html>

10 Available at [www.minijust.gov.rw/fileadmin/Law\\_and\\_Regulations/CONSTITUTION.pdf](http://www.minijust.gov.rw/fileadmin/Law_and_Regulations/CONSTITUTION.pdf)

11 <http://fr.igihc.com/economie/au-rwanda-les-homosexuels-seraient-moins>

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## Verbal, physical violence and extortion by *Inkeragutabara*

*Inkeragutabara* have been largely cited in cases of physical violence, extortion and cruel and degrading treatment against LGBT people.

*Inkeragutabara* constitute the reserve force of the Rwanda Defence Forces. These are recruits from former members of the armed forces and the civilian population, organised in units across the four provinces of Rwanda and in Kigali town, working voluntarily and exercising usual civilian activities governed by existing laws.<sup>12</sup>

The *Inkeragutabara* work with the police and they patrol neighbourhoods and streets of Kigali at night armed with wooden clubs as part of 'support' to the security forces to safeguard peace and public order.

“One day, I was talking to a girl on the street, it was late at night. *Inkeragutabara* were carrying out their patrols when they approached us. They told the girl I was talking to, to leave and asked me to stay. When the girl left, they told me to sit down and they beat me saying ‘What were you doing at this late hour with a girl like you in a dark place?’. They told me to stand up and said, ‘Since you behave like a man like us, come and join us in the patrols.’ That night, I followed them in their patrols until morning when they released me. I felt lucky but never reported the case.”

– Rick\*, a transgender man in Kigali, Rwanda.

<sup>12</sup> [http://mod.gov.rw/fileadmin/user\\_upload/PDF\\_Documents/official\\_gazette\\_no\\_39\\_of\\_24.09.2012.pdf](http://mod.gov.rw/fileadmin/user_upload/PDF_Documents/official_gazette_no_39_of_24.09.2012.pdf)

### Arbitrary police arrests

Reported cases of arbitrary arrests of LGBT people by the police are done on the basis of other reasons such as disturbing public order, theft, possession of illegal substances (drugs), and idleness in the streets (“*kuba inzererezi*”). Most respondents interviewed said that these arrests are carried out without even checking people’s identification cards. In most cases individuals are forced to pay instant bribes to avoid being taken to police stations.

**“One of our transgender members was one day apprehended by the police in town because of her identity and gender expression. She was forced to put on a show by parading like a model in a bus station full of people for nearly two hours before being released.”**

– Nema\* transgender man, Kigali, Rwanda.

### Arbitrary detention at Gikondo centre

In Rwanda, around 2005, under the Kigali city initiative, following a by-law, a Gikondo Transit Centre commonly known as “*Kwa Kabuga*”, a suburb of Kigali, was opened ‘in order to reduce the number of people wandering in the streets of Kigali by involving them in a socio-professional training program before reintegrating them back into society’.<sup>13</sup>

According to a Human Rights Watch report<sup>14</sup>, “people who are detained at *Kwa Kabuga* are exposed to human rights violations, including inhuman and degrading treatment, before being released in the streets, often with an order to leave the capital city. There is no legal basis to deprive the majority of Gikondo prisoners of their freedom, nor any judicial process or control regulating their detention.” Kigali is responsible for the management of Gikondo, which according to the report is an unofficial detention centre.<sup>15</sup>

Among the *Kwa Kabuga* residents, victims of police and *Inkeragutabara*<sup>16</sup> raids include LGBT and sex workers who, at the time of raids, are identified as vagabonds (*abazererezi*) or as ‘prostitutes’ respectively.<sup>17</sup>

<sup>13</sup> [www.hrw.org/news/2015/09/24/rwanda-rounded-streets](http://www.hrw.org/news/2015/09/24/rwanda-rounded-streets)

<sup>14</sup> <https://www.hrw.org/fr/report/2015/09/23/pourquoi-ne-pas-appeler-cet-endroit-une-prison/detention-illegale-et-mauvais>

<sup>15</sup> <http://www.rfi.fr/afrique/20150925-rwanda-gikondo-est-pas-une-prison-selon-le-maire-kigali>

<sup>16</sup> *Inkeragutabara* are a reserve defence force, under the Rwanda Defence Force. *Inkeragutabara* assist the police in fighting night crime and are not armed. They exercise their profession as civilians even though their command is under the authority of the Army.

<sup>17</sup> <http://umuryango.rw/amakuru/Mu-Rwanda/Umutekano-23/Umutunganyi-ufungiyeye-kwa-Kabuga-yatumye-Ishyirahamwe-HOCA-rivuga-ko-ribangamiwe>

The Gikondo Transit Centre is not recognised by law per se, and as such, processes utilised within the transit center appear to exist in abstract without proper regulation and close monitoring of how this centre and others like it are run. The lack of any form of documented legal detention procedures and conditions makes *Kwa Kabuga* an arbitrary detention centre. Detention conditions for vulnerable groups such as LGBT people living with HIV/AIDS do not allow access to diets that complement the use of ARVs. Transgender people can be detained in an environment that is incompatible with their gender identity and expression.

Bobette's case is one example. Bobette is a transgender woman who was arrested by the police at the exit of a nightclub in Kigali and detained at Gikondo Transit Center for a week without being informed of the reasons for her arrest and detention and without any regulated admission procedure. She suffered violence from other inmates at Gikondo Center in 2014.<sup>18</sup> In her interview with France24 television channel, Bobette said that she had been publicly humiliated and her long hair was cut during her sad stay at *Kwa Kabuga*.

### **Justice and compensation for cases of violations perpetrated on the basis of sexual orientation and gender identity and expression.**

LGBT people also suffer public humiliation perpetrated by authorities at the level of *cellules* [administrative units]. There is an evident gap in access to justice owing to lack of adequate and accessible legal assistance in cases of human rights violations. The legal support that was reported to be available to LGBT people is offered by some mainstream organisations such as HDI, that offer health services to LGBT people. Even in this context, access to said services are limited to individuals who are existing members of known LGBT organisations. There is no law criminalising relations between two adults of the same sex and yet discrimination and human rights violations still occur and most LGBT Rwandans do not have recourse. The socio-economic situations within the LGBT community means that LGBT people whose rights are violated need legal assistance to make complaints and seek redress.

Another challenge is posed by the fact that several violations against LGBT persons in Rwanda remain undocumented. The majority of LGBT do not report cases of human rights violations for fear of further persecution and stigmatisation and because of a general ignorance about the breadth of their rights as citizens of Rwanda.

<sup>18</sup> <https://www.youtube.com/watch?v=0tn1iBTos4I>

## Progressive legislation

Legislation	Provisions	Impact on LGBT people
Constitution of Rwanda	<b>Art. 11</b> - All Rwandans are born and remain free and equal in rights and duties. Discrimination of whatever kind based on, inter alia, ethnic origin, tribe, clan, colour, sex, region, social origin, religion or faith, opinion, economic status, culture, language, social status, physical or mental disability or any other form of discrimination is prohibited and punishable by law.	All citizens which citizenry includes LGBT people are protected from discrimination for any reason.
	<b>Art. 15</b> - Every person has the right to physical and mental integrity. No person shall be subjected to torture, physical abuse or cruel, inhuman or degrading treatment.	This provision protects LGBT Rwandans from the violations that are typically meted out in the context of arbitrary arrests such as torture, abuse, or cruel, inhuman or degrading treatment.
	<b>Art. 16</b> - All human beings are equal before the law. They shall enjoy, without any discrimination, equal protection of the law.	LGBT have the right to equal protection by law in Rwanda.
	<b>Art. 18</b> - The person's liberty is guaranteed by the State. No one shall be subjected to prosecution, arrest, detention or punishment on account of any act or omission that did not constitute a crime under the law in force at the time it was committed. The right to be informed of the nature and cause of charges and the right to defence are absolute at all levels and degrees of proceedings before administrative, judicial and all other decision-making organs.	This provision grants LGBT people the right not to be arbitrarily detained and the right to due process.
	<b>Art. 22 (1)</b> - The private life, family, home or correspondence of a person shall not be subjected to arbitrary interference; his or her honour and good reputation shall be respected.	LGBT people have the right to privacy, and any arbitrary interference by anyone violates the Constitution.
	<b>Art. 41</b> - All citizens have the right and duties relating to health. The State has the duty of mobilising the population for activities aimed at promoting good health and to assist in the implementation of these activities.	LGBT people are guaranteed access to health services.
	<b>Art. 46</b> - Every citizen has the duty to relate to other persons without discrimination and to maintain relations conducive to safeguarding, promoting and reinforcing mutual respect, solidarity and tolerance.	This provision reinforces the non-discrimination against LGBT set out in Article 11 of the Constitution of the Republic of Rwanda. It calls for respect, solidarity and mutual tolerance.

Legislation	Provisions	Impact on LGBT people
Penal Code	<p><b>Art. 3</b> - No punishment without law. This law provides that a person shall not be punished on account of an act or omission that did not constitute an offence at the time of commission under national or international law.</p>	<p>This section protects LGBT identifying Rwandans from arbitrary arrest given that there are no laws that explicitly make same sex sexuality or non-normative gender identity and expression illegal.</p>
	<p><b>Art.148</b> - Provides that Any person who intentionally causes injuries to another, or beats or commits any serious acts of violence against another person shall be liable to a term of imprisonment of six (6) months to two (2) years (or 2- 3 years if premeditated) and a fine of one hundred thousand (100,000) to five hundred thousand Rwandan francs (500,000) or one of these penalties.</p> <p><b>Art. 149 and 150</b> provide penalties in the case that said assault results in incapacity.</p> <p><b>Art.151</b> - provides for penalties of up to 15 years in the case that it results in death.</p>	<p>This law protects non heteronormative identifying Rwandans from violence based on their real or imputed sexual orientation or gender identity.</p>
	<p><b>Art. 173 and 174</b> defines blackmail as the threat of reporting and attributing to someone facts that could damage their honour or reputation as a means to obtain from them signature, commitment, waiver of obligations, disclosure of secret, remittance of funds, securities or any property whatsoever. It is punishable by imprisonment of 6 to 12 months or a fine of between 100,000 and 300,000 Rwandan francs.</p>	<p>Given the stigmatisation and cultural conservatism and moralism applied in and by Rwandan society, this provision protects LGBT identifying Rwandans from blackmail and extortion.</p>

## Prohibitive legislation

Legislation	Provisions	Impact on LGBT people
<b>Penal Code</b>	<b>Art. 182</b> - defines 'indecent assault' as acts or behaviours contrary to the customs and morality which undermine the dignity and cultural identity of the human being .When read with Article 185 which makes 'public indecent assault' punishable by imprisonment of one (1) year to three (3) years and a fine of fifty thousand (50,000) to five hundred thousand (500,000) Rwandan francs.	The wording in this provision is vague and ambiguous thereby making it susceptible to abuse and manipulation particularly because 'customs' and 'morality' are not defined.
<b>Constitution</b>	<b>Art. 26</b> - Only civil monogamous marriage between a man and a woman is recognised. No person may be married without his or her free consent. Parties to a marriage have equal rights and duties upon and during the subsistence of a marriage and at the time of divorce. The law determines conditions, forms and effect of marriage.	This provision recognises heteronormative monogamous marriage. Marriage between two persons of the same sex is not recognised.
	<b>Art. 51</b> - The State has the duty to safeguard and to promote positive values based on cultural traditions and practices so long as they do not conflict with human rights, public order and good morals. The State equally has the duty to preserve the national cultural heritage as well as genocide memorials and sites.	This provision creates a platform through which LGBT organisations may be subject to restrictions within the framework of their activities on the basis of "preserving national values of civilisation and cultural traditions" should the State declare said activities or work to be immoral.
<b>Law N04/2012 Governing the organisation and the functioning of national non-governmental organisations.</b>	<b>Art. 18 as read with Art. 24</b> - Provides two grounds for refusal to grant temporary registration certificate and refusal of legal personality namely failure to fulfil the given requirements for registration and 'convincing evidence that the organisations applying for legal personality intends to jeopardize security, public order, health, morals or human rights'.	LGBT organisations may be denied temporary registration certificates or legal personality for non-compliance with registration requirements provided by law; on the grounds of existence of convincing evidence that the applicant organization aimed to compromise security, public order, health, morals or human rights.

## *International Human rights law protocols and instruments ratified by Rwanda*

Instrument	Date of ratification
Protocol to the African Charter on Human and Peoples' Rights	Signed on November 11 <sup>th</sup> , 1981, ratified on July 15 <sup>th</sup> , 1983
Convention on the Elimination of All Forms of Discrimination against Women	Signed on May 1 <sup>st</sup> , 1980, ratified on March 2 <sup>nd</sup> , 1981
International Covenant on Economic, Social and Cultural Rights	April 16 <sup>th</sup> , 1975
International Covenant on Civil and Political Rights	April 16 <sup>th</sup> , 1975

## *General recommendations on legislation and policies*

**Education and awareness on the rights within the LGBT community:** LGBT people are victims of human rights violations, discrimination and stigma that they face on daily basis. The lack of knowledge on their rights presents an obstacle to the ability to recognise and to denounce human rights violations perpetrated on the basis of their sexual orientation, gender identity and expression. The historical context of the adoption of laws and the existence of provisions prohibiting any form of discrimination in Rwanda, especially for minority groups, the principle of dignity and worth of all Rwandan citizens "*agaciro*" are added values and principles that can be harnessed to address instances of discrimination, physical and verbal abuse and arbitrary arrest.

**Training and sensitisation of the police, local government, and public sector:** Notwithstanding the absence of legal recognition of LGBT organisations, frustrations related to discrimination and fear, which limit the level of involvement of other stakeholders such as the police. Organisations that work with LGBT individuals have the opportunity and capacity to build alliances that can train and raise awareness on legal provisions among the 'harder to reach' stakeholders. Based on the provisions enshrined in the Constitution, the government of Rwanda has an obligation to put in place supportive and protective policies, communicate said policies to all relevant stakeholders, and to enforce these policies on all levels as well as to monitor their application.

**Regulation of the management, procedures, and conditions of centres like the Gikondo centre:** Registered LGBT organisations as well as their mainstream allies should lobby the Government to regulate existing detention centres, document detention conditions, prohibit arbitrary arrest and detention and ensure that information is provided to all detained people about the reasons for their detention.

**Increased access to justice:** Access to justice is affected in several ways including in the contexts of affordability, actual access because of stigma and lack of an informed legal fraternity Rwanda's legal sector needs to be educated on the different issues that arise based on sexual orientation and gender identity in order to effectively assist LGBT people as well as to address existing prejudice within the sector that may emanate from ignorance. There is need to support training programs, to offer legal support services, and to create partnerships e.g. with the existing law society to this end.

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# MOVEMENT BUILDING AND ORGANISING ON LGBT RIGHTS

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## KEY FINDINGS:

- Between 2011 and 2014, many LGBT organisations were established in Kigali, in Rwanda;
  - LGBT organisations in Rwanda continue to grow in number following differences on issues and methodologies used to address existing problems, which then leads to fractioning and formation of other.
  - The need for reinforceable accountability structures within the movement. Instances of falsified or 'distorted' reporting of cases of violence by some activists and members of the community to inspire disbursement of funds which are thereafter misappropriated were cited as an occurrence by some respondents interviewed in the course of this study. This is further mitigated by the fact that existing and past SOGI based human rights violations are not documented;
  - Most existing organisations operate in Kigali city. Rural areas are not covered by existing interventions and programs except Gisenyi and Musanze;
  - Most LGBT organisations interacted with in the course of this study stated that they are currently not registered and therefore not legally recognised stated that they had not tried to register their organisations for fear of being rejected and prosecuted by the local administration;
  - Cooperation efforts from existing LGBT organisations were noted, particularly through the attempts to create coalitions although none of the coalitions created in the last two years is formal, recognised by law or fully functional;
  - Most of LGBT organisations interviewed work on sexual and reproductive health primarily on HIV/AIDS and socio-economic empowerment. Sexual and reproductive health and HIV/AIDS dominate existing programs, and these primarily targeting MSM and Gay, Bisexual and Transgender women, hinders the consideration and the visibility of lesbian, bisexual and transgender men in the movement.
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In 2004, Naomi Ruzindana, an LGBT activist returning from South Africa, in collaboration with some members of the LGBT community, set the base for LGBT organising in Rwanda. As a result, HOCA was established in Kigali. The years after saw the emergence of other organisations in Kigali including My Right Association and sub-groups such as LGBT ANSP+, ADA and Other Sheep of Rwanda (the first ever rural LGBT organisation based in Gisenyi, a small town sharing the border with Goma, Democratic Republic of Congo).

LGBT individuals interviewed in the context of this study cited the existence of a coalition of LGBT organisations named Isange. It was however mentioned that this coalition is not yet legally registered and does not currently have a functional structure.

There are no legal provisions restricting LGBT organisations from getting legal recognition as non-governmental organisations in Rwanda. However there appears to be a general fear that pursuing registration would result in a denial of legal recognition on the grounds such as 'gross indecency', 'promotion of homosexuality' or that the existence of said organisations are 'contrary to the Rwandan culture and values'. This fear is based on the existing process

of registration, which includes application to the local administration that so far is reported as applying double standards and a conservative approach particularly on matters relating to LGBT individuals.

The registration process for civil society organisations as national NGOs is currently long and tedious. Existing provisions grant legal recognition to associations at the local (district) level first, then there is need for applying to register as an organisation working at national level which consequently limit organisations in terms of coverage in the implementation of their activities.

The majority of LGBT organisations are based and operate in Kigali city, the capital of Rwanda. Hope and Care<sup>19</sup> has been in operation since 2012 as a partner to an international organisation "ASOLATE" in the Eastern Province, Burasirazuba, and carries out activities around youth empowerment. Other Sheep Rwanda is an organisation that operates in Gisenyi, Rubavu.

Pride Ark, Amahoro Human Respect, My Rights Association and Other Sheep Rwanda are the only LGBT organisations recognised as community-based organisations in their respective districts.

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<sup>19</sup> <http://asolate.org/partners.html>

## What are the issues that have been addressed by organisations in Rwanda?

**Sexual and reproductive health:** Most LGBT organisations in Rwanda work on sexual and reproductive health. LGBT organisations have so far been receiving training on the fight against HIV/AIDS. These are delivered through conducting peer education; raising awareness on existing services, on changing risky behaviours related to stigmatisation, on the lack of information, and on drug abuse. They also mobilise MSM and GBT in the fight against HIV/AIDS and refer them to facilities where they can access comprehensive medical services against HIV/AIDS and STI including preventive and curative treatments, voluntary testing and counselling, provision of health insurance, provision of antiretroviral drugs for members of the community living with HIV, and the distribution of condoms and lubricants. They do so in collaboration with civil society organisations including AIMR, HDI Rwanda, Project San Francisco and RBC.

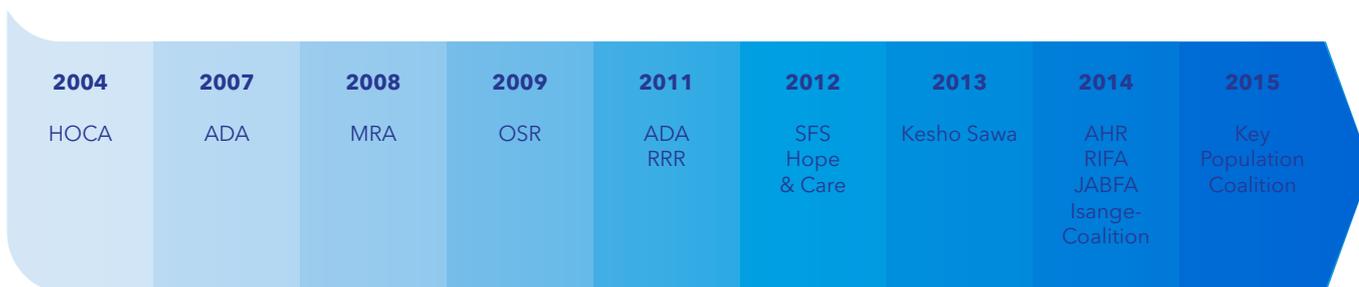
**Advocacy and rights:** Existing LGBT organisations carry out advocacy activities with local authorities with the support from partner organisations working with the groups most vulnerable to HIV/AIDS, with families of LGBT people and the society in general as regards cases of expulsions from one's family.

Internally, these organisations plan and hold educational and information sessions on sexual orientation, and gender identity and gender expression, in order to reduce the existing internalised homophobia within the LGBT community, and to educate and raise awareness of members on their rights. LGBT organisations also get support and assistance from HDI Rwanda in the registration processes of their organisations at district level in Kigali.

**Capacity building and empowerment:** Existing LGBT organisations promote professional training and creation of income generating activities. Some organisations such as AHR link their members to professional training opportunities as part of empowerment initiatives to reduce idleness and unemployment rates among their members. LGBT organisations also benefit from capacity building initiatives provided by other organisations/programs such as Ji-Sort! program by UHAI-EASHRI, PAFPGI project implemented by HDI Rwanda, FLAI project implemented by AMSHeR and Heartland Alliance's -Global Initiative for Human Rights in partnership with My Rights Association.



## Evolution table for LGBT organisations in Rwanda



Organisation	Headquarters and base	Date of creation	Registration	Target groups
Amahoro Human Respect	Kigali	2014	Recognized at the district level	MSM/ LGBT/ SW
Safe Friendly Society	Kigali	2011	Not yet	MSM/ LGBT
My Rights Association	Kigali	2010	Recognized at the district level	LGBT/ SW
Pride Ark	Kigali	2012	Recognised by the district in 2012	MSM/ Transgender women/ SW
HOCA	Kigali	2003	On going	MSM/ LGBT/ SW
Hope and Care	East Province	2012	Not yet	LGBT/ Youth
JABFA	Kigali	2014	On going	MSM/ LGBT
Rainbow Rights Rwanda	Kigali	2011	On going	LGBT/ SW
RIFA	Kigali	2014	On going	LBT/ SW
Other Sheep Rwanda	Gisenyi	2009	Registered by the district since 2009	LGBT/Religious organisations
Isange Coalition	Kigali	2014	Not yet	Coalition of LGBT organisations
Key Populations Coalition	Kigali	2015	Not yet	Coalition of LGBT organisations/ SW
Against Drugs Abuse (ADA)	Kigali	2007	Not yet	LGBT/ SW/ IDUs
Kesho Sawa	Musanze	2013	Not yet	LGBT/ SW

## Challenges faced by LGBT organisations in Rwanda

- The registration process<sup>20</sup> for NGO's in Rwanda is complicated and difficult with a long list of requirements, which makes it difficult for most LGBT organisations to attain legal personalities due to non-compliance. This affects their ability to execute their programmes and to do their work.;
- LGBT organisations that are legally recognised have had to exclude any mention of "LGBT" or "homosexuals" as target constituencies in their Constitutions and other registration documents required for approval by the local administration at district level. Currently, none of the existing LGBT organisations is recognised as a national NGO;
- LGBT organisations efforts and existing programs are concentrated in Kigali city;
- Lack of individual, collective and organisational capacity to mobilise resources in a competitive manner on equal footing with other local more mainstream NGOs. This is linked to the registration status of most of the organisations in the movement as well as other factors such as organisational structures that do not facilitate adequate accounting for funds disbursed which is compounded by the size of available grants and current funding trends with funding that may be beyond the capacity of most grassroots organisations to absorb and therefore tend to be allocated to bigger and more mainstream organisations that may be affiliated with said LGBT organisations;
- LGBT organisations are mostly beneficiary groups and are poorly included in the implementation of existing programs in Rwanda. Most of the cited mainstream organisations were mentioned as limiting participation of LGBT organisations to the initial fund raising processes therefore rendering a kind of invisibility to LGBT organisations in Rwanda; and
- LGBT organisations depend on organisations they work with as beneficiaries and have limited financial resources without any guaranteed sustainable support.

Due to above-mentioned limitations faced by LGBT organisations and non-progressive attitudes in rural areas, LGBT groups and national NGOs are struggling to cover rural areas.

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<sup>20</sup> Details on the process are available at <http://www.rgb.rw/services/ngo-registration-rbo-online/>

## Recommendations

**Registration of more LGBT organisations in order to attain legal status and recognition.** This could be achieved through assistance from mainstream allied organisations as well as the LGBT organisations that are registered to support the efforts to and assist in the legal registration of LGBT organisations in Rwanda at their respective districts and national levels;

**Widening the advocacy platforms.** Just as sexual and reproductive health on issues related to HIV/AIDS and STIs was a strategic entry point, there is a need to support the LGBT movement building by increased focus on other advocacy platforms such as strategic litigation on non discrimination and equality by paying attention to accountability for the coordination and sustainable collaboration of LGBT organisations, supporting coalitions addressing LGBT issues in Rwanda, building on intersectionality with other movements that have a prominent place working on social justice in Rwanda such as youth and women;

**Capacity Building.** There is a need to support capacity building initiatives that address groups' needs that contribute to the development and growth of existing LGBT organizations.

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## LIVED REALITIES OF LGBT PEOPLE

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### Coming out

Most members of Rwanda's LGBT community interviewed said that coming out was very difficult because most of them still lived with their families, depend on their families and did not live their sexuality as freely as those who live outside their family homes. Moreover, the taboo around the issue of sexual diversity has an impact on the perception of LGBT people. It was reported that generally LGBT individuals are perceived to be idle and of little value to the community and 'westernised'.

*“You are worth nothing” my parents told me when they found out that I was gay, in front of my younger brothers and sisters. So I decided to leave my family home and went away to live elsewhere in order to have inner peace and live my sexuality.”*

– Cyril\*, gay man, Nyamirambo, Kigali

### Family, friends and neighbours

Most respondents were said to have either been themselves victims of family exclusion, or knew other people whose sexual orientation was revealed in the family circle and led to family exclusion because the Rwandan population, mostly in rural areas, does not accept or tolerate<sup>21</sup> homosexuality.

LGBT 'Rwandans interviewed said that they have been discriminated against and persecuted by family, friends and neighbours on the basis of culture that makes their "agaciro", i.e. their value and human dignity not to be granted within the family circle.

*“One of my friends was thrown out by his family because he was seen in the street having a discussion with a well-known gay person in Nyamirambo<sup>22</sup>. After a long session of questions, the family council met and he was thrown out. Today, we contribute to the costs of his rent and food.”*

– Tatian\* LGBT Activist Pride Ark

Transgender and gender non-conforming individuals are victims of rejection and family denial and expulsion from family homes because of their gender identity and expression. This kind of situation affects their self-esteem and has a negative impact on their mental and psychological health because most trans identifying individuals were reported as falling into drug abuse, alcoholism and unsafe sexual practices, making them vulnerable to sexual violence, and unable to complain or seek any medical assistance.

<sup>21</sup> <http://www.rfi.fr/emission/20150112-rwanda-homosexualite-pas-penalisee-paradis-homosexuels>

<sup>22</sup> Nyamirambo is a popular neighbourhood in Kigali

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*“When you are a transgender man, they [other men] think that you are a good sexual target because they think that you’ve never had sex with men, and the fact that they see you wearing masculine clothes and your masculine facial expressions make them think that having sex with you is an unprecedented experience. That’s how you become a potential target [...] they try to give you drugs in order to rape you.”*

– Max\*, a transgender man interviewed in Kigali

The outcome is almost always the same i.e. individuals are thrown out of their family homes due to actual or perceived sexual orientation and gender identity and gender expression. In such situations, LGBT youth are forced to drop out of school due to financial and survival needs.

*“I do not have good relationships with my family. This is because they have on more than one occasion uttered degrading remarks to me regarding my identity and sexual expression, which makes me sad when I think about it. I wish I were different from who I am.”*

– Bette\*, transgender woman

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*I am the eldest in my family. I lived in my parents’ house until when I got a business to do. When I started, I made money that allowed me to move into a house that I was renting. I was happy about it because my gender expression and gender identity had always been a subject of mockery, nasty words and insults from my family. With the extra earnings, I helped to renovate the family house where I lived with my brothers and sisters; and they were happy with the changes to the house. My business failed and I had to go back to the family home. When I told my mother that I wanted to go home because of my financial situation, she told me that all rooms were occupied by my brothers and sisters, and that if I wanted to come back, I should wait until one of them moves out or that I had to sleep in the sitting room. It hurt a lot, because I took care of that house.”*

– Shyaka\*, a transgender woman

## Housing

*“Sometimes landlords are not willing to let you rent their house, even if you have money to pay. This is because of the physical appearance and gender identity they perceive. It is difficult to find a house in this case.”*

– Shyaka\*, a transgender woman

LGBT people also reported that cases of eviction by landlords and local administrative authorities in their neighbourhoods were a reality because of their sexual orientation and gender identity and expression. Some LGBT people interviewed for the purposes of this study said that they had received eviction notices which are notes or letters from their landlords either out of their free will or due to pressure from neighbourhood representatives in which LGBT people live.

*“In May 2015, the leader of the cellule in an area where our organisation’s office is located came to us and threatened to close our office. He then told us: ‘Do not use these premise.’ We spent three months without any workplace.”*

– Eric\*, LGBT activist, Kigali, Rwanda.

## Education

*“They can expel you out of the school without disclosing that you are expelled because of your sexual orientation. In such cases, they never lack reasons. They either say that you are ‘undisciplined’ or that your grades are not enough to keep you in the school. That is how many of us do not continue with our studies.”*

– Carla\* LGBT activist, HOCA, Rwanda.

Most LGBT people indicated that they were victims of discrimination and harassment in their schools and universities<sup>23</sup> due to their sexual orientation and gender expression and identity as perceived by their peers and teachers.

<sup>23</sup> <http://photos.state.gov/libraries/rwanda/177367/PDF/236606.pdf> pp 42.

*“As a transgender person, it is difficult to bare the harassment and humiliation from classmates and teachers. I was happy to finish high school because I thought it was the end of harassment suffered at school. Since then, I have never again wanted to return to the school, because what I have experienced is just enough for Me.”*

– Aline\*, a transgender girl, Kigali.

*“Being a transgender man makes it very difficult to get a job here in Kigali. A potential employer can ask you multiple questions to only tell you afterwards that you are not hired for different reasons.”*

– Alex, a transgender man in Kicukiro

LGBT people with job opportunities and a stable job were reported as having some considerable “agaciro” in the Rwandan society.

## Work

*“Many of us do not have any jobs because of our identities as LGBT is a burden that you carry in the society. With unemployment prevailing, and everything else, sex work becomes the most likely way to survive.”*

– Mira\*, a transgender sex worker

Most LGBT people are victims of discrimination in their workplace<sup>24</sup> particularly those whose gender identity and/or gender expression is contrary to their biological sex at birth; transgender and gender non-conforming people.

<sup>24</sup> <https://www.youtube.com/watch?v=0tn1iBTos4I>

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## PUBLIC DISCOURSE

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In Rwanda, the media play an extensive role in shaping and affecting public opinion on social issues. The media industry in Rwanda is a field with tough competition between media houses with a rise in utility of information emanating from the general population.

The media use the term “*abatinganyi*” to refer to LGBT persons irrespective of sexual orientation, gender identity and expression, which connotes gay, lesbian, bisexual, transgender and gender non-conforming people in Rwanda. The term is used in reference to the LGBT community to describe sexual practices perceived to be non-heteronormative such as anal penetration.

Most LGBT individuals interviewed reported that Rwandan media is fond of anything that is sensational in a bid to win viewership and visibility.

*“For security reasons, we decided to lay low and be vigilant because, although the law does not criminalise us, the society is not as quiet as it was especially since the Uganda drama. Homosexuality became a topic of growing popularity in media.”*

– Jean\*, A LGBT activist, after being exposed by a local private TV channel

*“The media in Rwanda is unscrupulous. When it comes across sensitive information about us [LGBT people] or our organisations, the next day, we find ourselves on the front page or news broadcast with all our history and photos clearly showing our faces.”*

– Aristide\*, LGBT activist, HOCA Rwanda

Most LGBT people stated that media publications violate their privacy, and that most of these publications are made accessible to the public without prior consent from the exposed people.

*“In 2009, when we were lobbying against the adoption of Articles 191 and 217 in the Penal Code, one of the most viewed media houses took our photos. This is how my picture was published. I spent a week indoors because I was afraid of reactions of those who might have recognised Me.”*

– Egide\*, an LGBT activist.

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Most political leaders hardly express any public opinions on sexual orientation and gender identity and gender expression. Generally it is perceived that issues that are not of any benefit to the development of the country, are not publicly discussed or addressed and are constraints to the law of silence. That said, there are the occasional exceptions such as Francis Kaboneka<sup>25</sup>, a dignitary who, in April 2014, in his opening remarks at a workshop on crime prevention that brought together over 300 young volunteers in the district of Musanze, uttered words calling to ‘fight against homosexuality and prostitution to the same degree as abuses and violations against children, and substance and drugs abuse,

*“If the religious books were written by people, why do they [religious people] say that God calls us to outlaw gays?”*

– Adelin\*, a gay man

Religious leaders are particularly critical in their speeches and positions on sexual orientation, gender identity and gender expression in Rwanda. One of the local religious leaders, Paul Gitwaza is reported to have repeatedly uttered discriminatory statements against LGBT in his sermons during church services and on local radio stations<sup>26</sup>. An LGBT activist reported that homophobic pastors and priests encourage intolerance and discrimination of LGBT people among Christians by saying things like, “...be careful and protect your children from gays and lesbians (*‘abatinganyi’*) because they are teaching homosexuality [...]. Remember Sodom and Gomorrah.”<sup>27</sup>

Islam has also been reported as contributing to the persecution of LGBT persons and believers.

*“Islam is harsh on homosexuality.” Ali\*, a transgender man, was beaten for entering a men’s compartment of a mosque located in Kimihurura.”*

– Odin\*, interviewed transgender man.

<sup>25</sup> <http://www.newtimes.co.rw/section/article/2014-08-27/234/>

<sup>26</sup> <http://www.politicalresearch.org/tag/paul-gitwaza/#sthash.jeWRaeVJ.dpbs>

<sup>27</sup> Interview with G.N., an LGBT activist and member of MRA, December 15, Kigali, Rwanda

## Recommendations

**Training and awareness raising of the media.** This could be done targeting media professionals on different levels such as the journalists themselves but also their editors or decision makers through seminars to facilitate responsible communication.

**Anchoring advocacy and lobbying efforts of media houses, politicians and religious leaders on Rwanda's recent history to** the role of media in inciting hatred against minority groups. The Rwandan Media Commission (RMC) and the government body regulating the media should also be lobbied to combine media outreach efforts and ban degrading and inhuman statements calling for hatred against LGBT people in Rwanda.

**Develop relationships and partnerships for the creation of a network of allies in the media:** There is a need to create multilateral relationships. LGBT organisations could use the gains made in the field of HIV/AIDS to collaborate with other civil society organisations to raise awareness and educate people on HIV/AIDS prevention through existing programs.

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## GENERAL RECOMMENDATIONS

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**Use of existing legal provisions:** Legal provisions around the prohibition of discrimination, violation of a human person's integrity and dignity, the right to due process prohibiting arbitrary arrest and detention, may be used to address some of the existing human rights violations. This can be done by taking legal steps such as strategic litigation with an incremental approach; by initiating dialogue spaces that include awareness raising and sensitisation among law enforcers; establishing relationships with individuals, organisations and companies in the legal sector with the objective of educating and informing them in order to effectively address the judicial issues of human rights violations;

**Facilitating the growth and collaboration of LGBT organisations.** LGBT organisations need to unite and work together to form collective actions in order to establish a visible presence within general society in Rwanda. Enabling and supporting the emergence of issues related to the health of transgender people. In particular, organisations can contribute to and participate in the National Technical Group against HIV/AIDS LBT organisations can contribute to the mainstreaming of LGBT issues in Rwanda through collaborative relationships within the women's rights movement; and

**Capacity building of existing LGBTI organisations** in order to facilitate informed understanding and work with other movements, to document the various human rights violations on the basis of sexual orientation, gender identity and gender expression which will ultimately enhance advocacy efforts at a national level;

**Interactions with government institutions** such as CNLS, the Rwandan National Commission of Human Rights using the justification of existing laws, policies and provisions to extend the scope of work and to counter the internal limitations in order to strengthen advocacy efforts and initiate change in attitudes in Rwanda;

**Sensitisation and mobilisation** around problems faced by the LGBT community as part of the Rwandan population. Approaches could include: dialogue with the government regarding its commitment towards the protection of minorities and equality before the law, engaging religious leaders to facilitate tolerance of sexual diversity by using gains made regarding HIV/AIDS in partnership with large civil society organisations, leadership development within the LGBT movement, and mobilisation of local administration at community level.



HEALTH

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## HEALTH

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**“Life is expensive in Kigali when you are sex worker. Sometimes you’re not able to negotiate the use of condom because you need the money, and you have unprotected sex.”**

– Triza\*, Female sex worker, Kigali

In Rwanda, MSM are supported by the same programs that target sex workers as part of ‘key populations.’ In considering the aspect of health, this study sought to research sexual reproductive health as well as the psychosocial contexts of health. That said, most of the data found had a sexual health focus as such the term ‘health’ as used in this chapter connotes mostly sexual health and in particular as regards access to testing, counselling and treatment of HIV/AIDS and other sexually transmitted infections (STIs). Despite the recognition of sexual and reproductive health of key populations including men that have sex with men (MSM) and sex workers in most national programs such as the National HIV and AIDS strategic plan<sup>28</sup> and guidelines the provision of comprehensive psychosocial support services is also not included in the package of services offered by state run health institutions in Rwanda. Moreover, transgender respondents interviewed in the course of this study reported an evident

lack of access to hormones or hormonal treatment. Gender-based violence cases including rape were also reported by respondents from both movements (LGBT and SW) as not existing within accessible user-friendly owing to the stigma, which consequently comes, paired with discrimination and ‘outing’ at the same institutions said incidences are reported.

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<sup>28</sup> available at [www.rbc.gov.rw](http://www.rbc.gov.rw)

### Key observations on challenges in accessing health care services

- Lack of education and information dissemination tools on the health of LGBT people and sex workers;
- Discrimination and stigma by health service providers;
- Health service providers in public health institutions that are not accessible to LGBT and sex worker Rwandans breach the privacy of their LGBT and sex worker patients on the basis on their sexual orientation and gender identity and expression, and/or choice of work, expose them to public humiliation and stigmatisation in health care environments;
- Poor access to lubricant gels that exist in small quantities and are not systematically distributed and disseminated with the same consistency as male condoms. Existing guidelines on the prevention of HIV/AIDS explicitly mentions facilitation of access to lubricants for female sex workers but excludes male<sup>29</sup> sex workers;
- Male condoms are free in health centres, but are sold by distributors located in social venues e.g. bars and nightclubs;
- There is a widespread ignorance regarding the existence and utility of Female condoms and in the rare instances when this may not be the case, said female condoms are scarce and hardly accessible;
- Access to ARVs is a challenge because most of the institutions that are accessible and convenient for most LGBT and sex worker respondents do not typically have the ARVs thereby forcing LGBT and sex workers living with HIV to travel distances that are inconvenient and a costly affair that most can seldom sustainably afford;
- Lack of information on PrEP (pre-exposure prophylaxis) and PEP (post-exposure prophylaxis that is reported only to be available in one centre located in Kigali; and
- Transgender and intersex persons are not specifically taken into consideration in existing health programs.

<sup>29</sup> National Guidelines for HIV prevention intervention among sex workers. 2011, RBC pp21

In Rwanda, although there are no barriers in terms of legislation in the provision of health services to people engaging in same-sex relationships, and that discrimination is legally prohibited, MSM who are sex workers, truck drivers, refugees, migrant workers, bartenders, tea and coffee plantation workers, soldiers, students and single women are not mentioned in the National Policy on the Fight against AIDS among groups at risk.<sup>30</sup> In its rationale the policy it self notes that, this is “an essential tool in providing Government’s guidelines for the fight against the spread of HIV/AIDS, in reducing its impact on the Rwandan community, and in establishing appropriate coordination mechanisms.”

From 2005 to 2010, Rwanda had a stable HIV prevalence rate of 3% in the general population. In 2009, the first ever study on HIV risks that MSM faced showed that there was lack of data on HIV prevalence among MSM<sup>31</sup>. However, this study provided data<sup>32</sup> on the use of condoms, HIV testing among MSM in Kigali. It was not until March 2014 that the Rwanda Biomedical Centre produced a report on the progress in fighting against HIV/AIDS that shows that HIV prevalence among MSM as well as data on MSM who benefited from HIV/AIDS prevention programs is “unknown”<sup>33</sup>

According to a 2010 study, HIV prevalence rate among sex workers is 50.8%<sup>34</sup>, making it the highest rate among the general population and the most HIV affected category in Rwanda. The HIV prevalence rate is particularly high in among sex workers Kigali where it stands at 57%.

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30 Politique nationale de lutte contre le SIDA, CNLS pp 13.

31 Exploring HIV Risk among MSM in Kigali, Rwanda, Mars 2009, Binagwaho, Dr. Agnes; Chapman, Jenifer; Koleros, Andrew; Utazirubanda; Yves; Pegurri, Elisabetta [http://www.cpc.unc.edu/measurement/publications/tr-09-72/at\\_download/document](http://www.cpc.unc.edu/measurement/publications/tr-09-72/at_download/document)

32 Exploring HIV Risk among MSM in Kigali, Rwanda, Mars 2009, Binagwaho, Dr. Agnes; Chapman, Jenifer; Koleros, Andrew; Utazirubanda; Yves; Pegurri, Elisabetta [http://www.cpc.unc.edu/measurement/publications/tr-09-72/at\\_download/document](http://www.cpc.unc.edu/measurement/publications/tr-09-72/at_download/document)

33 Rwanda Global AIDS Response Progress Report (GARPR) 2014.

34 Behavioural and Biological Surveillance Survey Among Female Sex Workers, Rwanda, 2010 (Table 12, pp31)

## Organisations and facilities frequently visited by LGBT people and sex workers

LGBT Rwandans and sex workers interviewed in the course of this study indicated that organisations and support structures that they frequently visited were those that had specific support programs for “sexual minorities” and that they would rather not frequent health care centres open to the public and the general population. Named institutions primarily include:

- HDI Rwanda through its support centre was designated as a friendly support centre for LGBT and sex workers;
- AIMR offers training to GBT, MSM and sex workers peer educators. It provides condoms and lubricants to beneficiaries via district pharmacies, LGBT organisations, sex worker groups and GBT, MSM and sex worker peer educators, community health services. It also offers free sanitation services including construction of latrines. It provides basic health insurance for LGBT people and sex workers, STI screening and treatment services, awareness for voluntary HIV testing and counselling in partnership with nine support centres scattered in Kigali and Rubavu District to ensure the accessibility of these services.
- Kigali San Francisco Project carries out research on

sexual and reproductive health of MSM and sex workers. The project also provides HIV and STI screening, STI prevention tools, outreach and on-site services for MSM and sex workers.

- ANSP + offers training for raising awareness among MSM on the fight against HIV.

Despite the existence of these services, LGBT and sex worker groups pointed out the issue of lack of their involvement with regards to the provision of these services and decision-making initiatives aimed at improving these services.



### **Lack of education and information dissemination tools**

Most LGBT and sex workers interviewed said that existing information and educational brochures on sexual and reproductive health had a generalist approach that does not address the particulars of the sexual health risks LGBT people and sex workers are vulnerable to. LGBT and sex workers who are not affiliated to beneficiary groups, or are not reached out to by peer educators in existing programs. They therefore struggle to gain access to relevant information on HIV/AIDS and the availability of existing services. Furthermore, majority of the brochures that are distributed and made available in health centres are not specific to MSM and sex workers.

Moreover, there is a general lack of information on PrEP (pre-exposure prophylaxis) and PEP (post-exposure prophylaxis). Furthermore, they are 'available' in small quantities<sup>35</sup> and reportedly only available in one centre located in Kigali: San Francisco Project; this is due to the high cost of treatment compared to the economic means of the Rwandan population.

### **Discrimination and stigmatisation by health service providers**

Most LGBT and sex workers reported that discrimination and stigmatisation are a reality when attempting to access healthcare services. In some healthcare centres that are flagged as 'unfriendly' LGBT and sex workers are not properly served by service providers who focus their interventions on patients' behavioural aspect and purport instead to provide lessons in morality.

Healthcare service providers in public healthcare centres who have no partnerships with LGBT groups and sex workers do not respect the privacy of their LGBT/sex worker patients on the basis of their sexual orientation and gender identity and expression, and sex work, exposing them to public humiliation in health care environments.

<sup>35</sup> <http://www.kigalitoday.com/spip.php?article12535>

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**“I went for treatment of an infection at a local health centre. I had been suffering for a week. The doctor and nurses who were on duty asked me lots of questions before prescribing treatment to me. One of them went out for a while, when he came back, 5 or 6 people entered and whispered, giving me a disdainful look. I do no longer want to return there.”**

– Martel\*, gay identifying man

### **Poor access to lubricating gels that exist in small quantities and are not systematically distributed and disseminated as much as male condoms;**

Male condoms are free in health centres, but are sold at distributors located in meeting places (bars and nightclubs) for gay men and points of contact with customers for sex workers.

Condoms are available in care centres during opening hours, but they are sold in places where sex workers meet and negotiate with their potential clients. Most respondents reported that given the high poverty levels in Rwanda as well as the cultural conservatism around sexuality, most transactions by sex workers particularly male sex workers, tend to be opportunistic in nature. As such, this facilitates risky sexual behaviour.

**“It is not easy to get lubricating gels. Many of us prefer not to get them from other health centres that do not welcome the LGBT community for fear of being discovered and revealed as a ‘homo.’ So if you don’t have any lubricating gel, you use saliva or other similar means.”**

– Thierry\*, a gay man

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### **Female condoms are neither known nor available;**

Most transgender sex workers and sex workers interviewed in the course of this study stated that they heard of female condoms but did not know what they look like. This could be indicative that female condoms are not readily available or widely disseminated, and that there is not much information on them and their use in IEC materials on health that are distributed in Rwanda.

### **Lack of access to ARVs due to geographical locations that are difficult to reach for LGBT and sex workers;**

Most respondents in this study reported that most institutions in which ARVs may be gotten tend to be out of reach and expensive to get to. Consequently the tedious process of accessing said ARVs discourages any efforts especially when weighed against other seemingly more pressing priorities such as purchasing food.

Transgender and intersex persons are not specifically taken into consideration in existing healthcare programs.

There is no formal recognition of the existence of transgender and intersex people in national policies and programs. Other forms of access to health services such as hormonal therapy and psychosocial support are not available for transgender and intersex people in Rwanda.

#### **Policies, guidelines and reports**

National Guidelines for HIV Prevention Intervention among Sex Workers. 2011, RBC

Consolidated guidelines on HIV prevention diagnosis, treatment and care for KP. July 2014, World Health Organisation

National Guidelines for Prevention and Management of HIV, STIs and other Blood- Borne Infections. 2013, RBC

National Gender Policy. July 2010, Ministry of Gender and Family Promotion

Adolescent Sexual Reproductive Health and Rights Policy (2011-2015). August 2011, Ministry of Health, MCT Unit.

National HIV and AIDS strategic plan 2013 - 2018

## Recommendations:

**Education and awareness:** The nursing staff in health care and treatment centres should continue to be educated on the needs of sexual minorities to provide user-friendly services in compliance with the right to health, support education and awareness initiatives;

**Implementation of the National HIV and AIDS strategic plan :** Whereas inclusion of sex workers and MSM exists in theory, in practice there are many challenges faced particularly in terms of access. Organisations could lobby the government of Rwanda through the Ministry of Health to take a proactive role in ensuring the implementation of its policies on the ground;

**Information for LGBT and sex workers:** Existing brochures and flyers should be adapted to relevant information about high-risk behaviours associated with sexual practices of sexual minorities taking into consideration gender and sexuality aspects, and the dissemination of information on existing services;

**Health services taking into account transgender and intersex people:** Transgender and intersex people must be taken into account in the formulation of “packages” offered to sexual and gender minorities in the context of sexual and reproductive health. This could be achieved through campaigns that demystify hormonal therapy as well as promote psychosocial support;

**Free and easy access to condoms and lubricating gels:** There is a need to set up a distribution system and a systematic and regular dissemination of condoms, lubricant gels to ensure availability and accessibility to sexual minorities;

**Documentation of data on GBT people:** There is a need to advocate for research on the existence of data on access to health services for male sex workers and transgender sex workers and MSM;

**Mental and psychological health:** sexual minorities need psychological support services in addition to available counselling services offered as part of voluntary testing, in order to contribute to the welfare and improvement of psychosocial aspect of sexual minorities to reduce high-risk behaviours faced by sexual minorities.



# SEX WORKERS

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## LEGAL AND POLICY FRAMEWORK

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**“When people know their rights, they are able to denounce injustice and violations which they face.”**

– Gavin\*, male sex worker

The Penal code<sup>36</sup> is a confounding piece of legislation because on one part it contains progressive provisions such as non gender specific definitions of rape as well as protective provisions against marital rape, stigmatisation of people with ‘incurable diseases’ as well as protection against gender based violence. However, the same legislation contains what can only be defined as archaic provisions. Aside from criminalising sex work as well as their clients and places of work, the penal code criminalises ‘adultery and cohabitation.

Sex work and other elements associated to sex work such as solicitation and places of business are criminalised by Rwandan law. Specifically, their criminalisation is made punishable by the Rwandan Penal Code. However, most sex workers interviewed in the course of this study did not appear informed of the existence of the criminalising legal provisions.

As a result, most violations particularly those emanating from law enforcement agents typically go unreported and thus, unaddressed.

**“I know that there is no law criminalising sex work because, when they get hold of you, they release you after one or two weeks of detention. If there was any law criminalising sex work, they would detain us in a well-known and official place, because Kwa Kabuga is not like that.”**

– Josée, a female sex worker

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<sup>36</sup> available at [http://www.police.gov.rw/uploads/tx\\_download/Official\\_Gazette\\_no\\_Special\\_of\\_14.06.2012-4.pdf](http://www.police.gov.rw/uploads/tx_download/Official_Gazette_no_Special_of_14.06.2012-4.pdf)

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## The *Inkeragutabara* and the Police

**“Inkeragutabara go to the lodges to wait for you as you come out after receiving a client. They ask you to share your transaction money with them. If you do not have money or refuse to give it to them, they beat you and make you sit in the cold the whole night.”**

– Marie, a sex worker

Sex workers are often victims of assault by *Inkeragutabara* (the reserve force of the Rwanda Defence Forces), of arbitrary arrests by the police, taken to police stations and thereafter transferred to Gikondo Transit Centre for detention. Local authorities justify the arbitrary and unregulated detention at Gikondo Centre as a measure to reduce the number of ‘idle people’ wandering in the street. This measure is allegedly purposed to be a transit centre for vocational training and reintegration into the Rwandan society<sup>37</sup>. These cases are also typically accompanied by extortion through the solicitation of bribes in order for the sex workers to secure their release.

**“Even when one of your friends is arrested and you go to visit her the next day with something to eat, they put you in jail as well.”**

– Amelie\*, a female sex worker

<sup>37</sup> <http://www.rfi.fr/afrique/20150925-rwanda-gikondo-est-pas-une-prison-selon-le-maire-kigali>

## Supportive legislation

Legislation	Provisions	Impact on sex workers
Constitution of Rwanda	<b>Art. 11</b> - All Rwandans are born and remain free and equal in rights and duties. Discrimination of whatever kind based on, inter alia, ethnic origin, tribe, clan, colour, sex, region, social origin, religion or faith, opinion, economic status, culture, language, social status, physical or mental disability or any other form of discrimination is prohibited and punishable by law.	All citizenry inclusive of sex workers have the right to non-discrimination enshrined in the Constitution.
	<b>Art. 12</b> - Every person has the right to life. No person shall be arbitrarily deprived of life.	Entitles sex workers the right to life, which protects against arbitrary killing by law enforcement officers or members of the general society.
	<b>Art. 15</b> - Every person has the right to physical and mental integrity. No person shall be subjected to torture, physical abuse or cruel, inhuman or degrading treatment.	Grants sex workers the right not to be subjected to acts of torture, inhuman and degrading treatment by law enforcement officers or members of the general society.
	<b>Art. 16</b> - All human beings are equal before the law. They shall enjoy, without any discrimination, equal protection of the law.	Grants sex workers the right to equality before the law and protection by the law. This means that existing legal systems and law enforcement are required to treat sex workers with fair and equal treatment afforded to any other citizen.
Rwanda Penal Code	<b>Art. 173 and 174</b> defines blackmail as the threat of reporting and attributing to someone facts that could damage their honour or reputation as a means to obtain from them signature, commitment, waiver of obligations, disclosure of secret, remittance of funds, securities or any property whatsoever. It is punishable by imprisonment of 6 to 12 months or a fine of between 100,000 and 300,000 Rwandan francs.	Given the stigmatisation and criminalisation of sex work, this provision protects sex workers from blackmail and extortion.
	<b>Art. 196 and 197</b> defines rape as causing another person to engage in a non-consensual sexual intercourse by using force, threat or trickery.	This provision does not create a distinction based on sex or gender and therefore makes rape punishable by imprisonment of between 5 to 15 years (if an 'incurable disease is transmitted) imprisonment.

Legal text	Provisions	Impact on sex workers
	<p><b>Art. 250 to 257</b> provide for Human Trafficking. Art. 250 defines trafficking as 'acts by which the individual becomes a commodity consisting in recruitment, transfer of a person to another part of the country or to another country by use of deception, threat, force or coercion, position of authority over the person, in most cases for the purpose of harming his/her life or unlawfully exploiting by indecent assault, prostitution, unlawful practices, practices similar to slavery by torturing and subjecting to cruel treatment or domestic servitude because he/she is vulnerable due to troubles with the authorities, being a single pregnant woman, ill, disabled or due to other situation which impairs a normal person to act.</p>	<p>This article protects sex workers from being trafficked.</p>
	<p><b>Art. 280</b> - provides that any person who breaks into a household, a house, a room or an accommodation without lawful authority shall be liable to a term of imprisonment of at least two (2) months but less than six (6) months and a fine of one hundred thousand (100,000) to one million (1,000,000) Rwandan francs or one of these penalties.</p>	<p>This provision protects sex workers from arbitrary search and seizures.</p>
	<p><b>Art. 299</b> as read with <b>Art. 317</b> provides that any person who uses verbal or written threats, disclosure of secret or defamation with respect to another in order to obtain money or cash value effects, a signature or handover of any document in connection with or containing a debt, transfer or discharge, shall be liable to a term of imprisonment of two (2) years to five (5) years and a fine of five hundred thousand (500,000) to five million (5,000,000) Rwandan francs.</p>	<p>This provision protects sex workers from blackmail and extortion.</p>

## Restrictive legislation

Legal text/ constitution	Provisions	Impact on sex workers
Penal Code	<p><b>Art. 188</b> - provides that any person, who exhibits, sells or distributes songs, or any other writing, symbols, images, emblems or any other objects of sexual nature shall be liable to a term of imprisonment of one (1) month but less than six (6) months and a fine of a hundred thousand (100,000) to two million (2,000,000) Rwandan francs or one of these penalties.</p> <p>As read with <b>Art. 208</b> which provides that any person who, by whatever means, announces that he/she facilitates prostitution shall be liable to a term of imprisonment of one (1) year to three (3) years or a fine of two hundred thousand (200,000) to three million (3,000,000) Rwandan francs.</p>	This provision criminalises the use of social media or any other platforms that could be used for advertising sex work.
	<p><b>Art. 204</b> - defines prostitution as 'involvement by either a man or a woman in sex work as an occupation in exchange for consideration.</p> <p><b>Art. 205</b> - provides that: Any person who engages in prostitution shall fulfill, for a period not exceeding one year, one or more of the following obligations:</p> <p>1° not to leave territorial limits determined by the Court;</p> <p>2° not to go to certain places determined by the court;</p> <p>3° to be subjected to surveillance measures;</p> <p>4° to seek medical treatment;</p> <p>5° to periodically report to administrative services or authorities determined by the court.</p> <p>A person who violates any of the obligations under items 1° to 5° of this Article, shall be liable to a term of imprisonment of at least three (3) months but less than six (6) months</p> <p>If a person subsequently commits prostitution as provided under Paragraph 2 of this Article shall be liable to a term of imprisonment of six (6) months to two (2) years and a fine of fifty thousand (50,000) to five hundred thousand (500,000) Rwandan francs or one of these penalties.</p> <p>The penalties under paragraph 2 of this Article shall also apply to any person caught having sexual intercourse with a prostitute.</p>	

Legal text/ constitution	Provisions	Impact on sex workers
	<p><b>Art. 206</b> as read with <b>Art. 210 and 212</b>. These provisions criminalise ‘encouraging’, ‘inciting’, ‘sharing proceeds’, ‘aiding’, ‘abetting’, ‘soiciting’ and ‘protecting’ of sex workers with a maximum penalty of two years.</p>	<p>These provisions subsequently criminalise pimping, mistresses, clients and any form of organised sex work.</p>
	<p><b>Art. 207</b> – gives provision on ‘discouraging efforts to rehabilitate prostitutes.’</p> <p>Any person who, by threats, pressure, trickery or any other means, discourages efforts to rehabilitate persons engaged in prostitution or in danger of becoming prostitutes shall be liable to a term of imprisonment of six (6) months to two (2) years and a fine of five hundred thousand (500,000) to one million (1,000,000) Rwandan francs or one of these penalties</p>	<p>This provision criminalises any kind of advocacy that recognises sex work as work and lobbying or it’s legitimacy.</p>
	<p><b>Art. 209</b> – penalises ‘direct or intermediary running, managing or investing in a brothel’ with up to two years imprisonment as well as a maximum fine of 3 million francs.</p> <p>As read with <b>Art. 213</b> which extends the criminalization to any other places knowingly rented out for sex work and provides a maximum penalty of up to 3 years imprisonment and 3 million Rwandan francs in fines.</p>	<p>Expressly criminalises brothels or the renting of places of work for and to sex workers.</p>

## Recommendations:

**Decriminalisation of sex work:** The fact that sex workers are recognised as a vulnerable high-risk group in existing HIV/AIDS policies is an entry point to lobby for change in laws that criminalise sex work as well as the engagement other potential allied movements such as the women's' rights movement in advocating for the decriminalisation of sex work;

**Awareness raising and sensitisation:** Particularly of law enforcement officers, legislators and administrative authorities on the ground through facilitated dialogue on the various human rights violations to which sex workers are subjected;

**Access to justice:** Several of the human rights violation as well as criminal cases in which sex workers are the victims go unaddressed contrary to the Constitutionally provided right to equality before the law. The community documenting and reporting cases of human rights violations and cases of gender-based violence, as well as building a network of responsive, knowledgeable and allied lawyers for redress could facilitate addressing this.

Despite the criminalising legislation, the sex work community in Rwanda appears to be large with most sex workers working in Kigali, Rwanda's capital. This study found that a majority of the visible sex workers tend to be female sex workers. Male sex workers were reported to identify largely as part of the LGBT community or neither sex worker nor LGBT particularly in the context of the MSW whose choice of clientele is flexible i.e. inclusive of women. As such the visibility of male sex workers is not as prominent as that of female sex workers and the visibility of trans sex workers even less so.

In Kigali, the locations of work, nature of the transactions and methods of work, are reportedly varied. An example being that in the context of sex workers, there exist hotspots and turfs centralised around particular neighbourhoods. Most of the male and trans sex workers interviewed reported that there are no specific 'turfs' in which they work per se because their context of their work is opportunistic and therefore the 'hotspot' applies mostly to female sex workers.

The different spaces in which sex workers engage were broadly categorised as follows:

- **Street based.** This includes local market places, bars and nightclubs, and sidewalks along the bars and nightclubs, accommodation areas and bars along the roads that serve truck drivers. Contrary to Rwanda's neighbours such as Kenya<sup>38</sup> and Uganda, there are no specific locations known to be the 'red light districts. These were reported to be the typical sources of income for most of the female sex workers interviewed particularly given the socio economic status of most female sex workers and the vast hilly geographical landscape. As such, it was reported that most street based sex workers live in communal houses and brothels.
- **Location based:** People doing sex work from lodges and their homes, live "normally" because they are neither seen nor known in their social circles as sex workers. They do not solicit clients and reportedly typically work in partnership with owners of small hotels, taxi drivers, bartenders; they are contacted by telephone and transactions are subject to a commission given to owners of small hotels, taxi drivers, and bartenders. This was reported as the typical means of transacting or male sex workers given the conservative culture that consequently means that most would be clients do not desire visibility.
- **Appointment based sex/arranged work:** This type of sex work is done by phone, and is the most discreet form of sex work that exists in Rwanda. Sex workers are contacted by their clients who go through identified hotel staff members based on a pre-established monetary relationship. Transactions are also subject to a 'commission' received by said hotel staff, and the service is either in a hotel room or in the client's home.

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<sup>38</sup> In Nairobi, Kenya's capital one of the prominent locations for street based sex workers or 'red light district' is known to be Koinange street whereas in Kampala Uganda, Kabalagala is the known red light neighborhood

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## SEX WORK ORGANIZING IN RWANDA

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In comparison to its neighbours, sex work organising in Rwanda is considerably still in its early stages. Currently, most identified sex workers operate individually or in small neighbourhood based groups of between two to ten sex workers, which primarily constitute female sex workers.

There are various factors that were identified as contributing to the current state of organising particularly the legal context which criminalises sex work and is typically subject to strict enforcement or in the context and as such creating a platform for risky sexual behaviour and various human rights violations leaving little recourse in the form of bribes or no recourse at all in the extreme.

Existing interventions targeting sex workers, appear to have a sexual reproductive health focus emanate from bigger mainstream organisations and government agencies under the banner of 'key populations. With the exception of some ally organisations, most of these interventions are reported to be framed as rehabilitative as opposed to facilitative.

LGBT identities appeared to be intrinsically linked to sex work. Given that most of the individuals interviewed in the course of this study identified as either lesbian, gay or transgender also sex work (which should not be construed to mean that they identify as sex workers per se), some LGBT organisations such as HOCA, Pride Ark, Amahoro Human

Respect, Rainbow Rights Rwanda, RIFA double up as sex worker organisation. However, even in this instance the interventions and priorities of these organisations appeared to largely be centred on their LGBT membership and not the sex worker community at large.

The only identified organisations that is led by and composed of female sex workers in Kigali is Women without Limits. It was reported as being formed in 2009 and their registration status still remains unclear as efforts to interview any staff or members for the purpose of this study, did not bear fruit therefore restricting the amount of information on the organisation to the occasional mention by a few respondents. Other groups are peer educators' groups, beneficiary groups that are dependent on existing programs. There are remarkable issues around lack of organisational capacity, individual capacity, financial resources, opportunities and leadership.

**“We do not have any advocacy channels. I do not belong to any association.”**

– Rose\*, female sex worker

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## Challenges faced in organising

### **Gate keeping**

Currently there exists just one sex worker led and run organisation and it was reported as not entirely visible to the rest of the community. It was reported that the danger of having just one visible organisation and given the current ignorance in the broader sex worker community around issue of organising, advocacy and engagement is done by a select few who are also typically the ones that take advantage of the various capacity building opportunities offered.

### **Low capacities**

Majority of sex workers in Rwanda are currently not organised. The few that are members of organisations currently face the challenge of a lack of capacity to articulate the issues and violations faced by the sex worker community, substantially contribute to dialogue on various issues such as to conversations on the implementation of Rwanda's HIV/AIDS policy, or to be part of the organisational structures in the movement.

### **Whorephobia**

From the responses given by most respondents in the course of this study, there appeared to be a lot of internalised whorephobia. This is possible owing to the conservative culture that most Rwandans including sex workers are socialised into accepting as well as the string of violations and abuse that are likely to be attached to any form of visibility.

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## Recommendations:

**Increased collaboration with LGBT organisations.** LGBT organising has been in existence a lot longer than sex worker organising. As such, the sex worker community could benefit from lessons learned, fund raising and effective advocacy. Collaboration would also be useful to bolster the organisations efforts to gain legal recognition and capacity-building opportunities;

**Provide interaction and exchange opportunities** with other existing movements in Rwanda, sex workers movements at sub-regional, continental and international levels such as ASWA. This will lead to a building of the capacities and human resource within the movement;

**Visibility:** participation in decision-making bodies on policies, guidelines, discussions and dialogues affecting lives of sex workers and sex work in Rwanda. Health could be a viable entry point given that sex workers are included as part of the key populations targeted in the country's HIV and AIDS strategy;

**Actively work and collaborate with leading organisations** in the field of health and human rights in Rwanda. Collaboration with mainstream civil society actors is crucial because said actors can engage in spaces that organisations in the movement may not have easy access to;

**Capacity building:** sex workers could benefit from the knowledge on organisational structure, organisational development, advocacy, resource mobilisation and leadership development.

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## LIVED REALITIES

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This study discovered that possibly owing to the shared stigmatisation as well as the intersections that form part of some of the sex worker's identities i.e. as both LGBT and sex worker, the lived realities of many of the sex workers bear close similarities to those of LGBT identifying Rwandans. This is particularly so with regards to reported ostracizing by family, systemic discrimination and persistent stigma, coupled with existing taboos around sexuality reinforced by the conservatism that punctuates Rwandan culture. Sex work does not receive a lot of empathy nor considered work by the general society. A lot of the times the stigma faced by the sex workers is couched as unrespectable and degrading to Rwandan culture as well as deeply sinful and 'haram' by both the Christian and Muslim fraternities which although Rwanda is a secular state, still bears considerable influence including in governance. The stigma and criminalisation are closely linked to arbitrary raids; detentions at Gikondo Transit Center contribute to the victimisation of sex workers, subjecting them to verbal and physical abuse, and beatings by *Inkeragutabara*.

### Family and friends

Rwandan society generally has a negative attitude towards sex workers because they are considered a disgrace. Consequently society and their families do not accord them their deserved value "agaciro" and respect their merit as human beings. Most sex workers do not have a good relationship with their relatives. Stigma and public humiliation are also typically perpetrated against relatives of known sex workers in Rwanda.

*"A friend of mine who is also a sex worker, has a child who has successfully completed primary school education. But the child could not continue with his education and he spends his day at home even if he is intelligent. All this is because of the discrimination that he faced in school; he does not want to return. If we had an advocacy channel, he could continue his studies and would be far ahead today."*

– Rose\*, female sex worker

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## Culture

*“Rwandan culture sees us as deviants and an evil within the society that must be eradicated.”*

– Paul\*, male sex worker

The Rwandan culture is based on belief in taboos around sexuality. As such, many sex workers are perceived by society to be insignificant and not of value to the society. Male sex workers reported that they are largely perceived to be homosexuals or in the case that a male sex worker has sex with women either exclusively or in addition to having male clients they are perceived to be, “sugar mummy hunters”, sex workers or the nobodies in the society.

*“Regardless of what you do, when your neighbours see you spending days at home and leaving at night, they immediately suppose that you sell your body.”*

– Lila\*, female sex worker

## Forced eviction

The majority of sex workers said that they had issues finding a place to rent or that they lived in awkward situations after being forcefully evicted by their landlords once their professions became known.

*“When I moved into the house where I live, I had water and electricity ...since my neighbourhood told the landlord that I was ‘indangamirwa’, he cuts the electricity supply. I now live in a house without electricity, I light candles every night, it is expensive and it’s dangerous for me and my clients.”*

– Husna\*, female sex worker



## Security

The most prominent security issue was reported to be that of rape and it was reported to affect mostly female sex workers. As in most African societies, rape and sexual violence against women emanate from entrenched patriarchal norms and sexism that manifest through cowardly acts of sexual violence. According to Rwandan tradition, rape cases are resolved peacefully through “*abagabo*” (wise men). Traditionally, the sentence imposed on a perpetrator of such an offense often consists of a compensation payment as part incentive for the suspension of the right of the victim’s family to private retaliation. For example, a culprit offers beer or money to the victim and her family and the situation is settled when she accepts the present. This tendency to monetarily compensate the victim is always present because rape is seen in Rwanda as an infringement on the victim’s integrity and decency, rather than breaking of a law, thus the perception that the restitution of their honour is required<sup>39</sup> and can be achieved through compensation.

*“When they rape you, where do you go to complain? So that they say ‘look at this prostitute who is saying that she was raped’? And everybody comes running to laugh at you and then go about their everyday activities?”*

– Rose\*, a female sex worker

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<sup>39</sup> La Protection Accordée Aux Femmes Par Le Rwanda En Temps De Paix et De Guerre, K. Joseph, 2001, pp 56.

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## PUBLIC DISCOURSE

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*“I was once doing community work “umuganda” in a cell where my home is. The cell leader publicly said to me:” Look at this prostitute, she does not work like others while she is the one who walks and trots on this street every night.”*

– Marie\*, female sex worker

Public statements on sex workers are often made with the objective of public humiliation and discriminatory remarks to point fingers at sex workers, expose them publicly, put them on the spot, embarrass them in the society and humiliate them. Religion plays an important role in the degradation of sex workers particularly during the delivery of sermons. Most sex workers reported being witnesses and/or victims of sermons during which religious leaders publicly point fingers at them to make a point about morality.

*“Recently, Edouard Bamporiki, a Member of Parliament in Nyabisindu, in the Southern Province, during a meeting after community service, said to a group of people: ‘Who would help me to ensure that these prostitutes no longer have clients?’ This happened after people introduced themselves to one another. When it was our turn came to introduce ourselves he said, ‘...and those who sell their bodies, let them say who they are...’”*

– Lucy\* Female sex worker, Kigali

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## GENERAL RECOMMENDATIONS

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**Advocate for access to quality health services:** advocacy initiatives promoting active participation for quality services in the field of health and leadership of sex workers need to be supported;

**Education and awareness:** for sex workers on existing policies and laws, human rights, rights conferred by the Constitution of Rwanda, under the Penal Code, the legal proceedings in order to allow sex workers to recognize human rights violations against them;

**Develop relationships and partnerships for the creation of a circle of allies in civil society:** sex workers could use gains made in the field of HIV/AIDS in collaboration with other civil society organizations to raise awareness and educate people on violence against sex workers in Rwanda.

**Document:** violations of human rights, all speeches and public statements made in order to discriminate, stigmatise sex workers;

**Train, raise awareness, dialogue:** with local administrative authorities, politicians, law enforcers on violence against sex workers to respect for the rights and human dignity of sex workers and the right to housing;

**Recall and use the Rwandan context:** in the role of opinion leaders in inciting hatred during the genocide against Tutsi against people referring to prostitution<sup>40</sup> to proscribe about derogatory and public humiliations professionals sex face in Rwanda;

**Capacity building and movement building:** for the development of sex worker organising, encourage and strengthen accountability, support collaboration and coordination of sex workers in Rwanda.

<sup>40</sup> [http://researchspace.ukzn.ac.za/xmlui/bitstream/handle/10413/796/Isike\\_CA\\_2009.pdf.txt;jsessionid=22CD27E15E12ED8562DED8D02D68C280?sequence=3](http://researchspace.ukzn.ac.za/xmlui/bitstream/handle/10413/796/Isike_CA_2009.pdf.txt;jsessionid=22CD27E15E12ED8562DED8D02D68C280?sequence=3)





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