



MAPPING REPORT

Conception and Realities of GBTI Community in Rwanda

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TABLE OF CONTENTS

1. Background and Context	2
2. Objectives	3
3. Methodology	3
4. Summary of key Findings	4
4.1. Stigma and discrimination affecting LGBTI	4
4.2. Unregistered LGBTI led organizations.....	5
5. Consequences of non-registered organizations	5
5.1. Limited donor funding.....	5
5.2. Limited synergies of collaboration with CSOs and other stakeholders	6
5.3. Homophobia.....	6
6. Follow-up actions.....	6
ANNEX: LIST OF UNREGISTERED LGBTI ORGANISATIONS	8

1. Background and Context

The steps taken by the government of Rwanda in its efforts to protect and ensure the enjoyment of human rights of members of the LGBTI Community is one that is worth commending in comparison with its other East African counterparts that still have criminal legal frameworks. All Rwandans are legally protected and should enjoy their rights regardless of sexual orientation or gender identity.¹

The government has decriminalized homosexuality and Rwanda is a signatory of the United Nations Joint statement condemning violence against LGBTI people, being one of the only few African countries not forgetting its very progressive constitution of 2003 as amended in 2015. Due to the decriminalization, some LGBTI members from neighboring countries have also sought refuge in Rwanda. The constitution of Rwanda provides and protects rights to privacy, freedom of thought, opinion, conscience etc.; it has a non-discrimination clause amongst others in addition to other Regional & international human rights instruments which ordinarily should be a minimum to protect key populations (specifically LGBTI members and their organizations).

Despite the above mentioned strides like decriminalization, legalization has not yet be reached. This “grey” legal framework partly explains why LGBTI persons have continued to face discrimination, arbitrary detention and abuse, incidences of incited violence, institutionalized discrimination against individuals on the basis of sexual orientation and LGBTI groups have often alleged and reported occasional harassment by neighbors, communities and police.

Some legal provisions like **the limitation clause** in the constitution have been misused by some institutions and law enforcement authorities, law makers to perpetrate violations disguised as legal “**restrictions**” on human rights to uphold “**good morals**”. Heterosexual civil union is the only recognized legal marital union in Rwanda currently. Open discourse on homosexuality or LGBTI in general has not been adequately done and the members of the LGBTI have been labeled as “misfits”, condemned by the predominantly religious Rwandan society that is still homophobic leading to exclusion of the LGBTI members as a result of the hostile society. The homophobia and discrimination has led to homelessness, unemployment and institutionalized discrimination among other vices committed against LGBTI.

Organizations seeking to legally register with the government in the recent past years often would not highlight their work with the LGBTI community for fear of having their application rejected .This meant an applicant NGO seeking legal personality had to identify as a human rights organization serving LGBTI community ,instead of principally LGBTI organization and the seemingly nominal difference was either a determinant whether an NGO got legal recognition/personality or not although the law did not explicitly state so.

¹ The constitution of Rwanda of 2003 and amended in 2015 recognizes in its article 16 that all Rwandans are born and remain equal in rights and freedoms.

Due to the negative connotations, discrimination premised on religion and cultural norms, have made the Rwandan society hostile to person of the LGBTI community, few Rwandan CSOs are working with LGBTI communities or advocating for their rights or even accepting to collaborate with CSOs working around or with LGBTI groups and organizations for fear of being discriminated against also for being associated with LGBTI. There have also been incidences where the LGBTI members have complained against denial of services by health care service providers and some law enforcement officers have been motivated by their homophobic tendencies to arbitrarily arrest and detain members of LBGBTI community members.

This is why GLIHD carried out a fact finding study to map out the locations of leaders of LGBTI groups, and later on in the next activity will develop their capacity so that they can register their organizations and also coordinate themselves to efficiently advocate for their own rights since they best understand the issues affecting them and would be best placed to eloquently articulate them to the duty bearers.

2. Objectives

This mapping study intended to achieve the following objectives:

- To identify the locations of LGBTI leaders and their organizations;
- To know the legal status of LGBTI organizations in terms of registration;
- To identify issues affecting members of the LGBTI community and possible gaps in their capacities to advocate for legal protection and enjoyment of their rights in Rwanda.

3. Methodology

The study is based on two main research methods. Documentary research led us back to a review of different projects' documents and reports including the report of the legal aid outreach campaign conducted by GLIHD, in order to assess the conception of LGBTI in the Rwandan context. For the more recent period, direct reference could be made to official documents, such as the 2003 Constitution as amended in 2015, laws and policy documents available in Rwanda. However, this documentary research method has its limitations: what is written down on paper may be informative but may also be incomplete.

The second research methodology places greater emphasis on LGBTI organizations operating informally in Rwanda where focus group discussions (FGDs) and interviews were conducted to gather information from leaders of those organizations in regards to their organizations registration, human rights violation and other issues relating to stigma and discrimination.

The third research methodology used was questionnaire (a developed information documentation form) launched to respondents of the key population specifically members of LGBTI organizations to identify issues affecting them and their so-called legal protection.

A combined qualitative and quantitative research was used to uncover trends in thought and opinions, and dive deeper into the problem of LGBTI in Rwanda and to generate numerical data and statistics on identified issues and violation cases.

The sampling of Kigali city and Rubavu District selection was based on the fact that the project that GLIHD is implementing has coverage of Kigali city and Rubavu hence, the restriction of the mapping to only Kigali and Rubavu.

4. Summary of key Findings

4.1. Stigma and discrimination affecting LGBTI

Largely due to religion, cultural customs is the biggest issue faced by the members of the LGBTI. As highlighted above, The Rwandan society is still predominantly religious and culturally restrictive hence the homophobic tendencies against LGBTI communities and their members. This also explains the negative and unbalanced narrative against persons of the LGBTI. Many Rwandans believe that homosexuality should remain illegal, that it is a **disease & deviation from “morally acceptable behavior”**, insist that its against the Rwandan culture, unhealthy behavior, repugnant, satanic or an **“imported habit from Europe”** and generally discourse around homosexuality remains a taboo. This is why it is difficult or impossible for someone to even tell their family or friends that they are gay, lesbian or transgender.

Other incidental issues faced by members of the LGBTI persons due to stigma and discrimination include; harassment and exclusion from communities, families and places of worship, discrimination and exclusion in the employment sector (unemployment), stigma and discrimination faced has pushed many to drug and alcohol abuse, low self-esteem, lack of legal advice and legal support when they are faced with legal issues, limited knowledge on LGBTI rights and human rights in general amongst the members, limited if any support from Government, fear to operate and live freely like any other Rwandan due to hostility from a homophobic society, illiteracy amongst members and exclusion, discrimination from service providers, arbitrary arrests and harassment, unbalanced and biased/negative media reporting on the LGBTI and issues affecting them

4.2. Unregistered LGBTI led organizations.

In Rwanda, many LGBTI organizations that defend human rights of sexual minorities and vulnerable people exist. There are some organizations that were created long time ago while others are still new but none of them is legally registered. The impact of these organizations is one worth underscoring although the level of activism is still far from is envisaged due to the different problems enumerated below.

Community based organizations have a big problem with securing registration. Most of them are operating as loose coalitions or institutions. Generally, the law on the organization and functioning of national non-governmental organizations does not allow for establishment of associations based on reasons of separation from society in general. This means you cannot seek registration solely to serve only LGBTI organizations as an LGBTI organization. This position of the law seems to conflict with the how the members of the LGBTI organizations want these organizations registered namely as LGBTI organizations. This is mainly due to the fact that most factual donors often ask organizations to seek such registration so that they are sure that the organization is an LGBTI organization.

It is not easy for a state notary to agree to notify a status of the LGBTI organization, because they know all LGBTI organizations and meet them quit often but won't register them as such. Similarly, for letters of correspondence with the districts, challenges have also been raised in regards to securing them. There is no good working relationship between the organizations and state institutions coupled with some capacity gaps on the part of the LGBTI institutions. Some leaders stated that Beautiful offices and office facilities play an important role, as the authorities visit the premises and officiate before giving the legal documents during the registration process. It came out that one issue is that community organizations that do not have their own offices, or have bad offices.

5. Consequences of non-registered organizations

5.1. Limited donor funding

Funders that offer financial means to non-governmental do not give funds to organizations without documents proving legal personality and existence because the assumption is that those without proof of legal personality that do not actually exist or that they do not have a good working relationship with the government. Registration makes an organization eligible approach and joins the NGO forum in Rwanda. The lack of funding has forced some members to leave the organizations because they don't see their strength, passion and time devoted to LGBTI movements and work not yielding anything since there is no funding coming in. Rwanda has no law criminalizing homosexuality. However, the Rwandan customs and predominantly religious people living in it still make it a challenging community for persons of LGBTI. The absence of the law against homosexuality has created an assumption to the outside world that LGBTI in Rwanda don't face any challenges

whatsoever. This misconception and non-registration has isolated Rwanda LGBTI from the rest of the world and donors due to the assumption that all is “well”. Therefore, activism and advocacy of LGBTI in Rwanda, remains weak and unknown in the region and in the world and also due to no registration, most of the organizations are unable to apply for funding.

5.2. Limited synergies of collaboration with CSOs and other stakeholders

It was also highlighted that LGBTI Organizations are not accorded respect by most civil society organizations and they are treated as if they do not exist. This is because an organization must be legally recognized to be able to collaborate, be respected and be received in the organizations’ forum. This also prevents cooperation with key stakeholders and policy influencers and other institutions that can influence the change of the LGBTI movement in Rwanda.

5.3. Homophobia

Organizations and members are still victims of family and general moral harassment. The organizational offices are still viewed in a negative way as facilities hosting and working for “repugnant persons” and as a result, some members of the organizations and workers are afraid to come to offices, crippling or making it difficult for the organizations to smoothly operate. Homophobia faced has also led some organizations to still operate underground and as such unable to freely advocate and lobby for their legal protection and enjoyment of their rights.

6. Follow-up actions

- The situation of non-registration complicated by the desire to create an LGBTI organization solely should be weighed against the disadvantage of denial of registration and considered because the negative connotations of the refusal of registration simply because the organization wants to be registered as an LGBTI organization are way more because most funders need that as part of proof for funding and this fact has made the Rwandan LGBTI illegible for funding to do advocacy ,create awareness and serve their communities.
- LGBTI organizations also need assistance from lawyers to help the organizations in the process of registration in terms of drafting of legally acceptable statutes, compliance with time lines, stages to be adhered to and lastly how to initiate and conduct the discussions with the authorities etc.
- Building of the capacity of the media champions to not only report on LGBTI issues but also give balanced and corrective narratives in a bid to change attitudes and perceptions of employers, and other service providers.

- Training of the police and other law enforcement authorities to address harassment and illegal detentions just because of homophobic biases.
- LGBTI Communities strengthening through human rights/LGBTI human rights awareness and peer support. This can also be in terms of empowerment of the LGBTI communities against self-discrimination.
- National campaign to train health care providers on LGBTI needs and their role on reducing stigma against LGBTI person's .In addition to training LGBTI friendly health professionals, there is also need to have LGBTI adopted health services tailored for their needs.
- Use of media to open dialogue and to affirm the fact the members of the LGBTI are diligent and hardworking people who ought to be given an opportunity just like all other Rwandans to contribute to the national development and growth of the country.
- CSOs like GLIHD and others like HDI working with key populations like members of the LGBTI should encourage other Human rights organizations to work and collaborate with LGBTI organizations. This is because their needs are diverse but those that other CSOs in Rwanda can help them with largely fall into 3 categorization namely health , legal and organizational.
- Lobby and advocacy meeting with with the Rwandan officials (from RGB, and those from district) on the requirements for registration for speedy registration processes because currently majority if all have not fully registered.

ANNEX: LIST OF UNREGISTERED LGBTI ORGANISATIONS

N	NAME OF THE ORGANISATION	LOCATION/ DOMICILE	LEGAL STATUS	NAME OF THE LEADER	TITLE/POSITION OF THE LEADER
1.	Rights For All (RIFA)	-Kigali - Rubavu	Pending	Mukandayisenga Madine	Executive Director
2.	Horizon Community Association (HOCA)	Kigali	Not registered.	SHEMA DJAMALI	Executive Director
3.	Amahoro Human Respect (AHR)	Kigali	Registered	Jean de Dieu Uwiragiye	Executive Director.
4.	Rwanda Rainbow Rights (RRR)	Kigali	Pending	Mbuguje Enock Ndahinyuka	Executive Director.
5.	Health and Rights Initiative (HRI)	Kigali	Not registered.	Manyembwa Bonheur	Executive Director
7.	Build for Hope Future (BHF)	Kigali	Not registered.	Khatibu Hakizimana	Executive Director
8.	Safe Friendly Society (SFS)	Kigali	Not registered	Muhire Germain	Executive Director
9.	Pride Arc Organization (POA)	Kigali	Not registered.	Misango Constantine	Executive Director.
10.	Joint Action Bright Future Alliance (JABFA)	Kigali	Not registered	Kwitonda Benjamin	Executive Director
11.	ISANGE	Kigali	-	Uwamwezi Pauline	Researcher
12.	Rwanda Gender Pride	Kigali	Not registered	Honoree Carter	Executive Director
12.	Proud Association	Kigali	Not registered	Ndikumana Cedy Pierre	President

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Registration: N° 080/2014

13.	My Rights Association (MRA)	Kigali	Not registered	Jean Claude Uwihoreye	Executive Director.
14.	Hope and care (HAC)	Kigali	Not registered	Seleman Nizeyimana	Executive Director
15.	Other Sheep Rwanda/DRC (OSER)	Rubavu	Pending	Gasana Jean Elie	Executive director.

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