

**NGO Joint Parallel Report on the Government of Rwanda's
Fifth Report on the Implementation of the
International Covenant on Civil and Political Rights**

*Submitted to the
UN Human Rights Committee
for consideration in the formulation of the
List of Issues during the 144th Pre-Sessional Working Group (23 June – 25 July 2025)*
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PURPOSE OF THIS PARALLEL REPORT

(1) The purpose of this parallel report is to assist the Human Rights Committee (“the Committee”) in the consideration of State Reports during the 144th Pre-Sessional Working Group (23 June – 25 July 2025), leading to the discussion of the Government of Rwanda’s Fifth Periodic Report on the implementation of the International Covenant on Civil and Political Rights (“ICCPR” or “Covenant”).

(2) This report focuses on the marginalization of LGBT+ rights through discrimination, arbitrary detention, degrading treatment, and the restriction of expression of opinion and participation of LGBT+ individuals in public affairs in Rwanda, which come under the purview of the Covenant (Articles 2, 7, 9, 10, 12, 14, 19, [21](#), 25, 26).¹ Rwanda ratified the Covenant on April 16, 1975.²

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¹ International Covenant on Civil and Political Rights (CCPR), adopted on 16 Dec 1966, entered into force on 23 Mar 1976, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> Arts. 2, 7, 9, 10, 12, 14, 21, 25, 26.

² International Covenant on Civil and Political Rights (CCPR), *Ratification Status for CCPR*, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CCPR&Lang=en [last accessed 7 Apr 2025].

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(4) The International Human Rights Center of Loyola Law School, Los Angeles is committed to achieving the full exercise of human rights by all persons and seeks to maximize the use of international and regional political, judicial, and quasi-judicial bodies through litigation, advocacy, and capacity-building. Loyola Law School, Los Angeles is the school of law of Loyola Marymount University, a Jesuit university.³

(5) Safe Friendly Society is a non-profit organization based in Kigali, Rwanda that is dedicated to advocating for the protection of LGBT+ rights and advancing the well-being of the LGBT+ community by fostering inclusive socio-cultural engagement, promoting economic empowerment, and driving impactful human rights initiatives.⁴

BACKGROUND

(6) In Rwanda, LGBT+ people endure significant discrimination, violence, and abuse on behalf of private and State actors.⁵ Even though Rwanda is one of the few countries in Eastern Africa that does not criminalize consensual same-sex conduct or non-normative gender expression, LGBT+ people are disproportionately subjected to arbitrary detention, as law enforcement exploits criminal and administrative laws targeting behavior against “public morality” to detain people based solely on the expression of their sexual orientation or gender identity.⁶

(7) For over a decade, LGBT+ individuals accused of exhibiting “deviant behaviors” have been unlawfully and arbitrarily detained in the Gikondo Center, in Kigali, Rwanda.⁷ Between 2017 and 2018, Rwanda enacted national legislation that codified the use and establishment of 28 “transit centers,” under the pretext of “eradicating delinquency,” allowing for the detention of individuals for up to 3 months without any form of judicial oversight or the right to legal counsel.⁸ A person accused of engaging in “bad behaviour such as prostitution, drug use, begging, vagrancy, informal street vending, or any other deviant behavior that is harmful to the public” can be detained in a transit center based solely on local authorities’ observations or a family member’s request, with their detention period determined by a screening committee without any

³ <https://www.lls.edu/academics/centers/internationalhumanrightscenter/>

⁴ <https://www.planetromeofoundation.org/safe-friendly-society/?form=MG0AV3&form=MG0AV3>

⁵ U.S. Dep’t of State, *Rwanda 2022 Human Rights Report*, Mar 2023, https://www.state.gov/wp-content/uploads/2023/03/415610_RWANDA-2022-HUMAN-RIGHTS-REPORT.pdf p. 35 [last accessed 7 Apr 2025].

⁶ Human Rights Watch, *World Report 2024: Rwanda*, <https://www.hrw.org/world-report/2024/country-chapters/rwanda> [last accessed 7 Apr 2025].

⁷ Human Rights Watch, “*As long as We Live on the Streets, They Will Beat Us*,” 27 Jan 2020, <https://www.hrw.org/report/2020/01/27/long-we-live-streets-they-will-beat-us/rwandas-abusive-detention-children> [last accessed 7 Apr 2025].

⁸ National Policy Against Delinquency, 2016; Law No. 17/2017 of 28/04/2017 (establishing NRS mandate)

https://nrs.gov.rw/fileadmin/user_upload/Official_Gazette_no_20_bis_of_15.05.2017_-_New_21.pdf?form=MG0AV3; Ministerial Order No. 001/07.01 of 19/04/2018 (establishing mission and functioning of 30 transit centers), https://www.nrs.gov.rw/fileadmin/Laws_and_Regulations/Laws/Ministerial%20Order%20determining%20mission%2C%20organization%20and%20functioning%20of%20transit%20centers.pdf.

formal proceedings.⁹ Along with the illegality of the detentions, the conditions of the transit centers have also been widely subject to criticism from various human rights groups. Reports in 2020 indicated that severe overcrowding, poor sanitation and hygiene, malnourishment, and the abuse of detainees were highly prevalent throughout the centers.¹⁰

(8) Similarly, Rwandan law enforcement arbitrarily arrests LGBT+ individuals under Article 143 of the criminal penal code, a provision that criminalizes “public indecency,” allowing authorities to unjustly imprison individuals for sentences of six months to two years.¹¹ On April 26, 2024, the Rwandan Supreme Court addressed a petition challenging the State’s public indecency laws, arguing the law’s vague language risks potential discriminatory enforcement in violation of human rights enshrined in Rwanda’s constitution.¹² The petition claimed violations of the rights to human dignity and equality before the law, but the Supreme Court dismissed it, asserting that the law upheld constitutional principles and was essential for maintaining public order and morality.¹³

(9) It must be acknowledged that Rwanda has made efforts to address violence and discrimination against LGBT+ people. Rwanda’s legal framework acknowledges certain rights and protections for LGBT+ individuals by extending constitutional protection against all forms of discrimination and notably not criminalizing homosexuality, which is a significant stance within the region.¹⁴ Rwanda has also demonstrated its commitment to promoting human rights for LGBT+ individuals by supporting the UN Report on Sexual Orientation and Gender Identity LGBT Populations and the 2011 UN Statement Condemning Violence Against LGBT People.¹⁵

(10) Yet, Rwanda can and should do more to protect LGBT+ individuals from discrimination and violence in its territory. Although the Constitution of Rwanda guarantees protection against discrimination for all citizens based on any form of difference, the penal code does not criminalize discrimination based on sexual

⁹ Ministerial Order No. 001/07.01 of 19/04/2018, *supra* note 8, Arts. 2, 5, 11, 15 (Articles 5 and 15 authorize a screening committee to determine, within 72 hours of a person’s admission, whether the individual requires rehabilitation for engaging in deviant behavior. The screening committee may detain an individual for up to two months and may extend the detention by one month if they determine the individual has not rehabilitated.); National Commission of Human Rights of Rwanda, *Annual Activity Report for the Year 2023-2024*, <https://www.cndp.org.rw/index.php?cID=dumpFile&t=f&f=118111&token=54037038f4141ec93ce58fbb21a76ed53b026af1> p. 51 [last accessed 7 Apr 2025].

¹⁰ Human Rights Watch, “*As long as We Live on the Streets, They Will Beat Us*,” *supra* note 7.

¹¹ Law No. 68/2018 of 30/08/2018, <https://www.refworld.org/legal/legislation/natlegbod/2018/en/123720> Art. 143; Human Rights Watch, *World Report 2025: Rwanda*, <https://www.hrw.org/world-report/2025/country-chapters/rwanda#:~:text=All%20parties%20to%20the%20conflict,or%20populated%20areas%20near%20Goma> [last accessed 7 Apr 2025].

¹² Constitution of the Republic of Rwanda (rev. 2015), https://adsdatabase.ohchr.org/IssueLibrary/RWANDA_Constitution.pdf Arts. 12, 26; All Africa, *Rwanda: Supreme Court Dismisses Petition Challenging Public Indecency Law*, 20 Apr 2024, <https://allafrica.com/stories/202404260414.html> [last accessed 7 Apr 2025].

¹³ All Africa, *Rwanda: Supreme Court Dismisses Petition Challenging Public Indecency Law*, *supra* note 12.

¹⁴ Constitution of the Republic of Rwanda (rev. 2015), *supra* note 12, Arts. 16, 24.

¹⁵ A/HRC/56/49, *Protection against violence and discrimination based on sexual orientation and gender identity in relation to the human rights to freedom of expression, peaceful assembly and association*, 18 Apr 2024, <https://docs.un.org/en/A/HRC/56/49>; 16th Session of the United Nations Human Rights Council, *Joint Statement on Ending acts of violence and related human rights violations based on sexual orientation and gender identity*, 22 Mar 2011, <http://arc-international.net/global-advocacy/human-rights-council/hrc16/joint-statement/> [last accessed 7 Apr 2025].

orientation, gender identity or expression, or sex characteristics.¹⁶ As a result, perpetrators of discrimination against LGBT+ individuals are not held accountable, leaving these vulnerable groups without legal recourse and protection.¹⁷ Furthermore, the widespread fear of retaliation by Rwandan law enforcement has resulted in violence and discrimination against LGBT+ individuals being vastly undercounted and underreported in Rwanda.¹⁸ To ensure the protection of human rights for LGBT+ individuals in Rwanda, this report contains several constructive suggestions that we hope the Committee will incorporate into the List of Issues.

(11) Before we turn to that, we would like to remind the Committee that, besides the Covenant on Civil and Political Rights, the African Charter on Human and Peoples' Rights (ACHPR) also legally binds Rwanda to recognize the right of LGBT+ individuals to be free from discrimination and protected from arbitrary detention.¹⁹ Moreover, in 2014, the African Commission on Human and Peoples' Rights adopted a resolution condemning violence and arbitrary detention of individuals based on sexual orientation and gender identity, urging States to enforce appropriate laws prohibiting all forms of violence and ensuring proper prosecution of perpetrators.²⁰

BY FAILING TO PREVENT DISCRIMINATION, ARBITRARY DETENTION, DEGRADING TREATMENT, AND THE RESTRICTION OF EXPRESSION AND PARTICIPATION OF LGBT+ INDIVIDUALS IN PUBLIC AFFAIRS, RWANDA FAILS TO FULFILL ITS INTERNATIONAL OBLIGATIONS.

(12) Rwanda fails to fulfill its international obligations concerning LGBT+ individuals' human rights in several ways. We would like to focus on a few of the most salient violations. Rwanda's domestic policies and practices by State actors that permit arbitrary detention, degrading treatment, and restrict expression and participation of LGBT+ individuals in public affairs violate its obligations under the ICCPR as well as various other international human rights treaties, including the Convention on the Rights of the Child (CRC), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and the Convention on the Rights of Persons with

¹⁶ Constitution of the Republic of Rwanda (rev. 2015), *supra* note 12, Arts. 15, 16, 24; Law No. 47/2001 of 2001 on Prevention, Suppression and Punishment of The Crime of Discrimination and Sectarianism, 18 Dec 2001, <https://www.refworld.org/legal/legislation/rwanda/2001/en/70058> Art. 1.

¹⁷ US Dep't of State, *Rwanda 2023 Human Rights Report*, Feb 2024, https://www.state.gov/wp-content/uploads/2024/02/528267_RWANDA-2023-HUMAN-RIGHTS-REPORT.pdf pp. 42-43 [last accessed 7 Apr 2025].

¹⁸ *Id.*

¹⁹ African Union, *African Charter on Human and Peoples' Rights*, adopted on 1 June 1981, entered into force on 21 Oct 1986, https://au.int/sites/default/files/treaties/36390-treaty-0011-african-charter-on-human-and-peoples-rights_e.pdf [last accessed 7 Apr 2025]; African Union, *List of Countries Which Have Signed, Ratified/ Acceded to the African Charter on Human and People's Rights*, https://au.int/sites/default/files/treaties/36390-sl-african-charter-on-human-and-peoples-rights_2.pdf [last accessed 7 Apr 2025].

²⁰ ACHPR/Res.275(LV)2014, *Resolution on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity*, 5 Nov 2022, <https://achpr.au.int/en/adopted-resolutions/275-resolution-protection-against-violence-and-other-human-rights-violations> [last accessed 7 Apr 2025].

Disabilities (CRPD).²¹ It should be noted that these actions also implicate violations of the State's obligations under its regional human rights treaty: the African Charter on Human and Peoples' Rights.²² The implicated violations under the ICCPR include the right to liberty and security of person (Art. 9), right to a fair trial (Art. 14), right to freedom of movement (Art. 12), rights of detainees (Art. 10), prohibition of torture and cruel, inhuman or degrading treatment or punishment (Art. 7), right to freedom of expression (Art. 21), and right to participate in public affairs (Art. 25).²³ Based on the State's failure to ensure the above rights without distinction on the grounds of sexual orientation or gender identity, the State also violates its general obligation to respect and ensure rights without discrimination under Article 2.²⁴ Similarly, the State's failure to ensure that State actors treat LGBT+ individuals equally violates the principle of non-discrimination under Article 26, as the State's actions reflect a systematic pattern of discrimination based on sexual orientation or gender identity.²⁵

1) Rwanda's failure to prevent the arbitrary detention of LGBT+ individuals violates Article 9, Article 12, and Article 14.

(13) In Rwanda, the LGBT+ community and unhoused population are disproportionately targeted and detained in transit centers under citations of “deviant behavior.”²⁶ As Ministerial Order No. 001/07.01 allows for the detention of individuals for up to three months without judicial oversight or the right to an attorney, we believe Rwanda violates Articles 9, 12, and 14 of the ICCPR by failing to protect LGBT+ individuals from arbitrary detention based on their sexual orientation and gender identity, and by failing to provide procedural safeguards upon detention.

(14) Article 9 obliges States to provide protection against arbitrary detention and arrests, which at the bare minimum requires States to ensure that the deprivation of liberty is not manifestly disproportionate, unjust, unpredictable, or discriminatory.²⁷ This Committee's General Comment No. 35 acknowledged that the rights enshrined in Article 12 and Article 9 complement each other, as detention is a particularly severe form of restriction of liberty of movement.²⁸ A State that fails to protect the right to be free from arbitrary detention inherently violates individuals' right to freedom of movement.²⁹ Moreover, this Committee recognized that when a person is detained, the procedural safeguards “of Article 9 apply in connection with proceedings

²¹ CRC, Arts. 19, 20, 37; CEDAW, Arts. 6, 7, 15; ICERD, Art. 5; CRPD, Arts. 14, 15, 29.

²² African Union, *African Charter on Human and Peoples' Rights*, *supra* note 19, Arts. 4, 5, 6, 7, 9.

²³ International Covenant on Civil and Political Rights (CCPR), *supra* note 1, Arts. 7, 9, 10, 12, 14, 21, 25.

²⁴ *Id.* at Art. 2(1).

²⁵ *Id.* at Art. 26.

²⁶ Vice, *Rwanda's Transgender Community Face Violent Detentions For Being Trans*, 20 Nov 2020, <https://www.vice.com/en/article/rwandas-transgender-community-face-violent-detentions-for-being-trans/> [last accessed 7 Apr 2025]; Human Rights Watch, *World Report 2024: Rwanda*, *supra* note 6.

²⁷ CCPR/C/GC/35, HRC General Comment No. 35, *Article 9: Right to liberty and security of person*, 16 Dec 2000, paras. 15, 17, 20; E/CN.4/2005/6, *Report of the Working Group on Arbitrary Detention*, 1 Dec 2004, <https://docs.un.org/en/E/CN.4/2005/6> para. 54.

²⁸ CCPR/C/GC/35, HRC General Comment No. 35, *Article 9: Right to liberty and security of person*, *supra* note 27, para. 60.

²⁹ *Id.*

falling within the scope of [A]rticle 14.”³⁰ Thus, a State violates Article 14 when it fails to protect the procedural safeguards secured in Article 9, as these safeguards are essential for ensuring the right to a fair trial.³¹

(15) Prior to the enactment of legislation permitting the detention of individuals in transit centers on alleged “deviant behavior,” this Committee expressed concern of reports that individuals had been unlawfully held in unofficial detention centers.³² In its concluding observations on Rwanda’s 2018 report, this Committee recommended the State “ensure that all persons deprived of their liberty are only detained in official places of detention and are provided in practice with all legal safeguards.”³³ Rwanda’s “deviant behavior” legislation is in violation of its legal obligations under the Covenant, as “administrative detention not in contemplation of prosecution on a criminal charge” is regularly regarded as arbitrary.³⁴ The legislation is penal in nature due to its purpose, character, and severity, thereby falling under the purview of Article 14.³⁵ When procedural safeguards are omitted, protection against further human rights abuses cannot be implemented effectively.

(16) In Rwanda, the National Commission on Human Rights (“NCHR”), the government-funded body mandated to investigate and prevent human rights abuses, precludes documenting statistics on violations against the LGBT+ community.³⁶ Instead, it reports statistics solely on the basis of the two sexes, completely neglecting any information on human rights abuses on the basis of sexual orientation and gender identity.³⁷ Based on the NHRC’s reports, between July 2021 and June 2022, 6,348 people were detained in transit centers for exhibiting “deviant behaviors.”³⁸ As of March 2024, the number of people detained based on alleged “deviant behavior” increased by 31% as approximately 8,373 individuals were detained in transit centers.³⁹ From 2023 to 2024, the NHRC investigated 773 reported human rights complaints, with 164 of the reported cases (28.6%) consisting of alleged violations of the right to justice.⁴⁰ Meanwhile, the NHRC documented 278 cases within the year where individuals were detained beyond the permitted two-month period without official extensions.⁴¹ The Bugesera District centers recorded 116 cases, while the Rubavu and

³⁰ *Id.* at para. 61.

³¹ *Id.*

³² CCPR/C/RWA/CO/4, Human Rights Committee: *Concluding observations on the fourth periodic report of Rwanda*, <https://docs.un.org/en/CCPR/C/RWA/CO/4> paras. 19, 20.

³³ *Id.*

³⁴ CCPR/C/GC/35, HRC General Comment No. 35, *Article 9: Right to liberty and security of person*, *supra* note 27, para. 15.

³⁵ CCPR/C/GC/32, HRC General Comment No. 32: *Article 14: Right to a fair trial*, 23 Aug 2007, para. 15 (“The right to a fair and public hearing by a competent, independent and impartial tribunal established by law is guaranteed... in cases regarding the determination of criminal charges against individuals... [and] may also extend to acts that are criminal in nature with sanctions that, regardless of their qualification in domestic law, must be regarded as penal because of their purpose, character or severity.”)

³⁶ Law No. 32/2016 of 28/08/2016 Governing Persons and Family, <https://www.refworld.org/legal/legislation/natlegbod/2016/en/123716> Art. 44; National Commission of Human Rights of Rwanda, *Annual Activity Report for the Year 2023-2024*, *supra* note 9.

³⁷ *Id.*

³⁸ National Commission of Human Rights of Rwanda, *Annual Activity Report for the Year 2021-2022*, <https://www.cndp.org.rw/index.php?eID=dumpFile&t=f&f=63425&token=0a62516f1bc436e0454359d1aefbf76b44061d85> p. 78 [last accessed 7 Apr 2025].

³⁹ National Commission of Human Rights of Rwanda, *Annual Activity Report for the Year 2023-2024*, *supra* note 9, p. 11.

⁴⁰ *Id.*

⁴¹ *Id.* at p. 52.

Muhanga Districts each reported 32 cases, and the Rulindo District recorded 28 cases.⁴²

(17) Although official statistics are unavailable on the number of LGBT+ individuals arbitrarily detained in transit centers, various reports from 2020 to 2024 consistently acknowledge that State actors' enforcement of Ministerial Order No. 001/07.01 disproportionately impacts LGBT+ individuals.⁴³ Between December 2020 and April 2021, Rwandan law enforcement targeted, harassed, and detained at least 9 LGBT+ people on account of their sexual orientation or gender identity in the Gikonda Center.⁴⁴ Throughout interviews Human Rights Watch conducted with the 9 LGBT+ individuals, several said law enforcement officers detained them after perceiving them as members of the LGBT+ community based on their clothing, gender expression, and sexual expression.⁴⁵ Safe Friendly Society, a local non-profit organization supporting the LGBT+ community in Kigali, Rwanda, documented and assisted 5 transgender women between 2020 and 2024, following incidents where Rwandan law enforcement officers targeted them, questioned their gender identities, and detained them upon their responses.⁴⁶

(18) By failing to enact procedural safeguards and granting State actors wide discretion in administering detentions for alleged “deviant behavior,” Rwanda fails to protect the LGBT+ community from arbitrary deprivation of liberty, freedom of movement, and denial of a fair trial based on discriminatory grounds. Since Rwanda’s legislation explicitly contradicts with provisions of the Covenant, the State must repeal Ministerial Order No. 001/07.01 and revise its domestic laws to prevent the arbitrary detention of vulnerable groups in need of protection. To ensure protection against arbitrary detention, Rwanda must implement safeguards such as maintaining a record of detentions and permitting access to counsel, avoiding overly broad laws, protecting individuals from punishment based on the expression of rights within the Covenant or on discriminatory grounds, and ensuring that the treatment of detainees is appropriate to the purpose of their detention.⁴⁷

(19) In its concluding observations on the combined fifth and sixth periodic report of Rwanda, the Committee on the Rights of the Child (CRC) expressed concern about the deprivation of liberty of children and recommended the State halt the arbitrary detention of children in street situations for “deviant behaviors” by amending Ministerial Order No. 001/07/01.⁴⁸

⁴² *Id.*

⁴³ Human Rights Watch, *World Report 2024: Rwanda*, *supra* note 6; US Dep’t of State, *Rwanda 2023 Human Rights Report*, *supra* note 17, p. 42; PinkNews, *LGBT+ Rwandans face bogus arrests, violent abuse and rape in terrifying detention center*, 15 Apr 2022, <https://www.thepinknews.com/2022/04/15/rwanda-lgbt-rights-tom-purslove/> [last accessed 7 Apr 2025]; Human Rights Watch, *Rwanda: Round Ups-Linked to Commonwealth Meeting*, 27 Sep 2021, <https://www.hrw.org/news/2021/09/27/rwanda-round-ups-linked-commonwealth-meeting> [last accessed 7 Apr 2025]; Human Rights Watch, “*As long as We Live on the Streets, They Will Beat Us*,” *supra* note 7.

⁴⁴ Human Rights Watch, *Rwanda: Round Ups-Linked to Commonwealth Meeting*, *supra* note 43.

⁴⁵ *Id.* (“[A] former detainee was arrested by local security officials in February 2021 after kissing his same-sex partner in a bar. He said customers from the bar insulted them and called the security patrol, who took them straight to Gikondo transit center.”)

⁴⁶ Safe Friendly Society, 2020-2024 Client Statistics.

⁴⁷ CCPR/C/GC/35, HRC General Comment No. 35, *Article 9: Right to liberty and security of person*, *supra* note 27, paras. 10, 11, 14.

⁴⁸ CRC/C/RWA/CO/5-6, Committee on the Rights of the Child: *Concluding observations on the combined fifth and sixth periodic reports of Rwanda*, 28 Feb 2020, <https://docs.un.org/en/CRC/C/RWA/CO/5-6> paras. 47, 48.

II) Rwanda's failure to protect detained LGBT+ individuals from degrading treatment violates Article 10 and Article 7.

(20) There is a direct link between insufficient detention standards, legal protections, and the State's inability to ensure humane treatment of LGBT+ detainees. The absence of judicial oversight enables law enforcement officers to target vulnerable populations on discriminatory grounds, resulting in their placement in detention centers with inadequate conditions, where they face targeted discrimination and hostility from both fellow detainees and guards. We believe Rwanda violates Article 10 and Article 7 when it fails to protect LGBT+ individuals from subpar conditions in detention centers that lead to inhumane treatment by other detainees as well as law enforcement officers.

(21) To ensure all persons deprived of liberty are treated with humanity and respect for the inherent dignity of the human person, accused juveniles must be segregated from adults.⁴⁹ In General Comment 21, this Committee recognized that all persons deprived of their liberty must not be subjected to treatment that violates Article 7, and they should not be subjected to any hardship beyond what is inherent in the deprivation of liberty itself.⁵⁰

(22) Unfortunately, overcrowding is prevalent throughout the transit centers.⁵¹ Based on 2024 reports, the transit center in the City of Kigali is 215% overpopulated, while those within the Districts of Gakenke, Huye, Rulindo, and Muhanga are roughly 150-160% overpopulated.⁵² The centers' total occupancy capacity is 7,464, and they accommodate 8,373 individuals, "which means that they are occupied at 112%."⁵³

(23) Rwanda fails to uphold its obligations under Article 10 by failing to separate minors from adults within the transit centers. Although Rwanda's legislation governing the transit centers mandates that men, women, and children be placed in separate facilities, the government has persistently failed to ensure these policies are maintained.⁵⁴ In 2020, it was documented that children at the Gikonda Center were detained in overcrowded rooms with adults.⁵⁵ Throughout the 2023-2024 monitoring period, the NCHR documented that all 28 transit centers have separate rooms for men and women, while only 3 transit centers separate young girls from adult women and 4 transit centers separate young boys from adult men.⁵⁶ An individual detained for vagrancy as a street child nearly two dozen times recounted how authorities treated adolescents perceived as LGBT+ significantly worse than other street children.⁵⁷ By failing to separate LGBT+ youth detainees from adults,

⁴⁹ International Covenant on Civil and Political Rights (CCPR), *supra* note 1, Art. 10.2, 10.3; *see also* CCPR/C/21/Rev.1/Add.9, HRC General Comment No. 21, *Article 10: Humane treatment of persons deprived of liberty*, 10 Apr 1992, para. 13 (recognizing States' failure to acknowledge that Article 10.2(b) is a mandatory provision of the Covenant).

⁵⁰ *Id.* at para. 4.

⁵¹ National Commission of Human Rights of Rwanda, *Annual Activity Report for the Year 2023-2024*, *supra* note 9, p. 49.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ Ministerial Order No. 001/07.01 of 19/04/2018, *supra* note 8, Art. 10.

⁵⁵ Human Rights Watch, *Rwanda: Abusive Detention of Street Children*, 27 Jan 2020, <https://www.hrw.org/news/2020/01/27/rwanda-abusive-detention-street-children> [last accessed 7 Apr 2025].

⁵⁶ National Commission of Human Rights of Rwanda, *Annual Activity Report for the Year 2023-2024*, *supra* note 9, pp. 50-52.

⁵⁷ Vice, *Rwanda's Transgender Community Face Violent Detentions For Being Trans*, *supra* note 26.

Rwandan authorities expose a vulnerable group to an alarmingly higher risk of torture or degrading treatment, as LGBT+ detainees already experience higher rates of sexual, physical, and psychological violence in detention compared to the general detained population.⁵⁸

(24) This Committee has urged States to take measures to ensure detainees' names, places of detention, and reasons for their detention are kept in registers readily available for relatives and friends in order to guarantee the protection of detained persons.⁵⁹ During NCHR's 2023-2024 monitoring period, it was reported that 11 of the 28 transit centers inconsistently documented the alleged behavior justifying detention, while 9 centers completely failed to document the reasons for detention.⁶⁰ The 9 centers justify their failure to document based on officers arresting individuals during security operations, "making it difficult to write reports on them as their behaviours are not known."⁶¹ Without proper documentation of individuals' detention, LGBT+ individuals are at an increased risk of experiencing degrading treatment, given officers' wide discretion over the condition of their detention.

(25) In General Comment No. 20, this Committee recognized that the prohibition of degrading treatment includes acts that cause physical pain as well as acts that cause mental suffering to the victim.⁶² States are also obligated to "respond appropriately to patterns of . . . violence against persons on the basis of their sexual orientation or gender identity" to protect the right to security of a person.⁶³ As this Committee expressed guidance on States' legal obligations of implementation, States' failure to "investigate allegations of violations could in and of itself give rise to a separate breach of the Covenant."⁶⁴

(26) The conditions within the transit centers coupled with the lack of oversight significantly heighten the risks LGBT+ detainees face. As Rwanda lacks legal recognition of non-conforming gender identities, including transgender, non-binary, and inter-sex gender identities,⁶⁵ LGBT+ individuals whose gender identity does not align with their sex assigned at birth are detained with other individuals of that sex, significantly increasing their risk of torture and degrading treatment.⁶⁶ In 2018, authorities instantly cut a transgender woman's hair, placed her in front of 400 people while removing her clothes, and announced to the other detainees that she had male genitalia upon her arrival to the Gikonda Center.⁶⁷ As transgender Rwandans face the highest stigma, authorities purportedly physically abused transgender women in male cells, confined them to small spaces without sanitation resources as punishment, and held them for months beyond

⁵⁸ A/HRC/31/57, *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, 5 Jan 2016, <https://documents.un.org/doc/undoc/gen/g16/000/97/pdf/g1600097.pdf> para. 34.

⁵⁹ CCPR/C/GC/20, HRC General Comment No. 20, *Article 7: Prohibition of torture, and cruel and degrading treatment*, 10 Mar 1992, para. 11.

⁶⁰ National Commission of Human Rights of Rwanda, *Annual Activity Report for the Year 2023-2024*, *supra* note 9, p. 52.

⁶¹ *Id.*

⁶² CCPR/C/GC/20, HRC General Comment No. 20, *Article 7: Prohibition of torture, and cruel and degrading treatment*, *supra* note 59, para. 5.

⁶³ CCPR/C/GC/35, HRC General Comment No. 35: *Article 9: Right to liberty and security of person*, *supra* note 27, para. 9.

⁶⁴ CCPR/C/21/Rev.1/Add.13, HRC General Comment No. 31, *Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, 26 May 2004, para. 15.

⁶⁵ Law No. 32/2016 of 28/08/2016 Governing Persons and Family, *supra* note 36, Art. 44.

⁶⁶ A/HRC/31/57, *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, *supra* note 58, paras. 13, 34; Human Rights Watch, *Rwanda: Rounds Ups-Linked to Commonwealth Meeting*, *supra* note 43.

⁶⁷ Vice, *Rwanda's Transgender Community Face Violent Detentions For Being Trans*, *supra* note 26.

the permitted period, while other detainees repeatedly sexually assaulted them.⁶⁸ In 2020, previously detained LGBT+ individuals attributed experiencing physical abuse on behalf of law enforcement officers.⁶⁹ Between 2020 and 2024, Safe Friendly Society documented that all 5 transgender women who were arbitrarily detained in the Gikonda Center on citations of “deviant behavior,” were subjected to humiliation and physical abuse.⁷⁰ Reports establish that local authorities frequently harass, insult and beat LGBT+ detainees, and they beat transgender detainees more often than others, indicating arbitrary detention and degrading treatment based on sexual orientation or gender identity are prevalent in Rwanda.⁷¹

(27) Unfortunately, violence and physical abuse of LGBT+ detainees frequently remain unaccounted for due to a lack of investigation and proper redress. Admittedly, this is largely because many in the LGBT+ community fear reporting the harm they endured from law enforcement officers, based on previous negative experiences with law enforcement, leading to the belief that they may face future harm if they do report.⁷² Thus, the violent environment, coupled with the psychological trauma of being detained, increases LGBT+ individuals’ fear of law enforcement officials, further perpetuating a cycle of abuse and neglect.

(28) By failing to respond appropriately to allegations of law enforcement physically abusing individuals on the basis of their sexual orientation or gender identity in detention centers, Rwanda violates its obligations arising from Article 7, the prohibition of torture and cruel and inhumane treatment. Rwanda must “take reasonable measures to prevent and combat violence against lesbian, gay, bisexual and transgender detainees by other detainees.”⁷³ To develop effective prevention strategies for State actors to refrain from subjecting LGBT+ individuals to degrading treatment, Rwanda should develop, facilitate, and implement specialized training programs for law enforcement on how to engage with LGBT+ individuals respectfully and non-discriminatorily. Rwanda must establish clear policies and protocols and implement systems to collect and report data to eradicate all forms of violence and discrimination against LGBT+ detainees.

III) Rwanda’s failure to protect LGBT+ peoples’ right to express themselves and to participate in public affairs violates Article 19.

(29) “Freedom of opinion and freedom of expression are indispensable conditions for the full development of the person. They are essential for any society.”⁷⁴ Rwanda’s legislation that allows the arbitrary detention of

⁶⁸ *Id.* (A transgender woman detained at the Gikonda Center for 6 weeks recalled being held in a tiny room referred to as “the cat box,” where she was forced to stay in a dark, dirty chamber and to urinate and defecate on herself.); Human Rights Watch, *Rwanda: Round Ups-Linked to Commonwealth Meeting Detention, Ill-Treatment of Poor, Gay, and Transgender People*, *supra* note 43.

⁶⁹ *Id.*

⁷⁰ Safe Friendly Society, 2020-2024 Client Statistics.

⁷¹ Human Rights Watch, *Rwanda: Round Ups-Linked to Commonwealth Meeting*, *supra* note 43; Safe Friendly Society, 2020-2024 Client Statistics.

⁷² US Dep’t of State, *Rwanda 2023 Human Rights Report*, *supra* note 17, pp. 41-42; A/HRC/31/57, *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, *supra* note 58, para. 35 (“Fear of reprisals and a lack of trust in the complaints mechanisms frequently prevent lesbian, gay, bisexual, and transgender persons in custody from reporting abuses.”)

⁷³ *Id.* at para. 35.

⁷⁴ CCPR/C/GC/34, HRC General comment No. 34, *Article 19: Freedoms of opinion and expression*, 29 July 2011, para. 2.

LGBT+ individuals is also a violation of Article 19, freedom of expression.⁷⁵ This human right protects against attacks on means of self-expression, which includes the way one dresses.⁷⁶ Such attacks on expression, “including such forms of attack as arbitrary arrest,” are never “compatible with [A]rticle 19.”⁷⁷ Accordingly, State parties bear the burden of demonstrating that any restrictions on the right to expression are legitimate in that the restrictions are both necessary and proportionate “by establishing a direct and immediate connection between the expression and the threat.”⁷⁸ Thus, those restrictions must “aim to achieve a specific objective . . . and must be the least intrusive means to a legitimate end.”⁷⁹ Most importantly, moral disapproval of LGBT+ conduct “is not a legitimate ground to restrict fundamental human rights.”⁸⁰ Further, restrictions must be in line with “the principle of non-discrimination,⁸¹ meaning, they must not discriminate “on the basis of sexual orientation and gender identity.”⁸² As such, protecting “public morals” can never be used as “a mask for prejudice or a tool for discrimination.”⁸³ When morality is deployed to restrict LGBT+ rights, it “almost invariably represents a misuse of the concept of protecting ‘public morals.’”⁸⁴

(30) Rwanda has hidden behind the vague pretext of “eradicating delinquency,”⁸⁵ to discriminate against LGBT+ populations and restrict their freedom of expression. Without adequate legal process, those accused of “bad behavior” may be arbitrarily detained.⁸⁶ This law, applied discriminatorily, is an alternative to laws prohibiting same-sex conduct, with the same outcome “to clamp down on the public expression of sexual and gender identities . . . hence implying an intrinsic immorality associated with consensual same-sex conduct or diverse gender expression,”⁸⁷ in violation of LGBT+ people's rights to freedom of expression,⁸⁸ and the principle of non-discrimination.⁸⁹

(31) Accordingly, LGBT+ detainees interviewed by Human Rights Watch report being beaten “because of their clothes and identity,” and accused by guards “of ‘not representing Rwandan values.’”⁹⁰ Numerous individuals who were previously detained at the Gikonda Center indicated that authorities systematically targeted and abducted LGBT+ adolescents based on their perceived sexual orientation or gender identity.⁹¹

⁷⁵ International Covenant on Civil and Political Rights (CCPR), *supra* note 1, Art. 19(2).

⁷⁶ CCPR/C/GC/34, HRC General comment No. 34, *Article 19: Freedoms of opinion and expression*, *supra* note 74, para. 12.

⁷⁷ *Id.* at para. 23, Fn. 45.

⁷⁸ *Id.* at paras. 33-35, Fn. 74.

⁷⁹ A/HRC/56/49, *Protection against violence and discrimination based on sexual orientation and gender identity in relation to the human rights to freedom of expression, peaceful assembly and association*, *supra* note 15, para. 15.

⁸⁰ *Id.*

⁸¹ CCPR/C/GC/34, HRC General comment No. 34, *Article 19: Freedoms of opinion and expression*, *supra* note 74, para. 32.

⁸² A/HRC/56/49, *Protection against violence and discrimination based on sexual orientation and gender identity in relation to the human rights to freedom of expression, peaceful assembly and association*, *supra* note 15, para. 13.

⁸³ *Id.* at para. 14.

⁸⁴ *Id.*

⁸⁵ National Policy Against Delinquency, 2016; Law No. 17/2017 of 28/04/2017 (establishing NRS mandate), *supra* note 8; Ministerial Order No. 001/07.01 of 19/04/2018 (establishing mission and functioning of 30 transit centers), *supra* note 8.

⁸⁶ *Id.* at Arts. 2, 11, 15.

⁸⁷ A/HRC/56/49, *Protection against violence and discrimination based on sexual orientation and gender identity in relation to the human rights to freedom of expression, peaceful assembly and association*, *supra* note 15, para. 25.

⁸⁸ International Covenant on Civil and Political Rights (CCPR), *supra* note 1, Art. 19(2).

⁸⁹ *Id.* at Art. 26.

⁹⁰ Human Rights Watch, *Rwanda: Round Ups-Linked to Commonwealth Meeting Detention, Ill-Treatment of Poor, Gay, and Transgender People*, *supra* note 43.

⁹¹ Vice, *Rwanda's Transgender Community Face Violent Detentions For Being Trans*, *supra* note 26.

Many of these LGBT+ detainees were targeted and arrested after being seen in public with other LGBT+ people or because they were “wearing women’s clothing if they were perceived not to be female.”⁹² In 2018, authorities purportedly held a transgender woman for 6 months at the Gikondo Center, while telling her, “we are going to keep you here until you change; you will remain here until we see that you are no longer a girl as you are saying.”⁹³ In Gikondo, police officers stopped a transgender woman because of her appearance, interrogated her as to why she “look[ed] like a girl,” and vaguely accused her of “causing problems in Rwanda” rather than any legitimate accusation of a crime before she was jailed with accused thieves.⁹⁴ Authorities arbitrarily arrested another transgender woman in late 2020, after telling her she doesn’t “represent Rwandan customs.”⁹⁵ These arbitrary arrests for expressing identity have not been limited to transgender people alone but to anyone expressing their LGBT+ identity. For instance, one victim was arrested after a bar patron called the police on him “after kissing his same-sex partner in a bar.”⁹⁶ As such, Rwandan authorities use laws purportedly protecting “public morality,” or eradicating “delinquency” to discriminate against LGBT+ groups, directly restricting their freedom to express their sexual and gender identity, in violation of international law.

(32) This Committee recognized that freedom of expression includes “political discourse, commentary on one’s own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse,” as well as non-verbal forms of verbal expression such as “books, newspapers, pamphlets, posters, banners, dress, and legal submissions.”⁹⁷

(33) Self-expression through how one dresses and consequently how feminine or masculine one is perceived falls under cultural and artistic expression, as it allows individuals to make a statement about their identity and/or their beliefs as well as simple creative expression. General Comment 34 acknowledged that “[n]o person may be subject to the impairment of any rights under the Covenant on the basis of his or her actual, perceived or supposed opinions.”⁹⁸ Law enforcement officers’ perception is equally important in this case, as their actions occur in response to their perception of what the individual is expressing, such as the expression of their LGBT+ identity. Based on how individuals dress, speak, and behave, law enforcement officers impute an LGBT+ identity onto them on account of how the officers perceive the person’s expression of their identity and opinion. The person’s gender or sexual identity is immaterial in regard to freedom of expression because the focus of the inquiry is based on how law enforcement officers act on the pure assumption of the person’s opinions, not whether they actually express that identity. Since the authorities assume the identity and opinions of individuals based on how the individual dresses or behaves, the officers’ actions are contrary to the State’s obligations arising from Article 19. As such, transit detainments based on

⁹² Human Rights Watch, *Rwanda: Round Ups-Linked to Commonwealth Meeting Detention, Ill-Treatment of Poor, Gay, and Transgender People*, *supra* note 43.

⁹³ Vice, *Rwanda’s Transgender Community Face Violent Detentions For Being Trans*, *supra* note 26.

⁹⁴ Human Rights Watch, *Rwanda: Round Ups-Linked to Commonwealth Meeting Detention, Ill-Treatment of Poor, Gay, and Transgender People*, *supra* note 43.

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ CCPR/C/GC/34, HRC General comment No. 34, *Article 19: Freedoms of opinion and expression*, *supra* note 74, para. 11.

⁹⁸ *Id.* at para. 9.

State authorities' perceptions of individuals' gender and sexual expression are a violation of the right to freedom of expression, regardless of whether detainees identify as LGBT+. Rwanda must take measures to eliminate and prevent State actors from detaining people for their expression of opinions. In general, the charges of "public morals" and "delinquency" are vague and they are being used to curtail people's right to freely express themselves based on their form of self-expression. Regardless of whether an individual's self-expression does not conform to stereotypical gender roles, the State must protect LGBT+ individuals' right to freedom of expression.

(34) In the General Comment No. 34, the Committee clarified that "[a]ll branches of the State (executive, legislative and judicial) and other public or governmental authorities, at whatever level – national, regional or local – are in a position to engage the responsibility of the State party."⁹⁹ The State's lack of action to rein in its local authorities who manage the transit centers is a violation of Article 19. Paragraph 3 of Article 19 clearly delineates the restrictions that are permitted on the freedom of expression. Rwanda must take measures to regulate the behavior of the agents of their transit centers, as their actions are the responsibility of the State to fulfill its obligations under Article 19. In 2020, a study conducted by the Amahoro Health Respect on LGBT+ individuals during the COVID-19 pandemic found that 31.6% of LGBT+ Rwandans faced homophobia "always" and 36.5% "most of the time"; 438 respondents also reported facing homophobia from law enforcement service settings and health facilities.¹⁰⁰ The widespread homophobia in the community means that the State must maintain a higher state of vigilance towards its agents who work in the transit centers and should take measures to train its agents on bias.

(35) Although there are exceptions permitting the restriction of this right for the benefit of public order or morals, States cannot justify arbitrarily detaining or torturing individuals based on the exercise of their right to freedom of expression, as such actions are fundamentally incompatible with the principles of Article 19.¹⁰¹

(36) Even though the government claims that detention centers are used for "rehabilitative purposes," the conditions within these centers completely contradict this contention, as authorities systematically target and physically abuse LGBT+ detainees. As such, Rwanda's utilization of detention centers to "eradicate delinquency" under the guise of protecting public morals exceeds what is necessary and proportionate. By justifying the use of transit centers to protect public morals, Rwanda violates its international obligations to safeguard individuals' right to freedom of expression, as its laws and actions by State actors amount to arbitrary detention based on LGBT+ individuals' gender or sexual expression.

⁹⁹ *Id.* at para. 7.

¹⁰⁰ Amahoro Human Rights Organization (AHR), *Assessment on the Impact of COVID-19 on Rwandan LGBT Community*, Nov 2020, https://assets.publishing.service.gov.uk/media/664387d7ac748c43d3793b11/CIN_RWA_Human_Rights.pdf pp. 75-76 [last accessed 7 Apr 2025].

¹⁰¹ CCPR/C/GC/34, HRC General comment No. 34, *Article 19: Freedoms of opinion and expression*, *supra* note 74, para. 32.

IV) Rwanda's failure to instill legal protections for LGBT+ peoples violates Article 25.

(37) Rwanda is in violation of its legal obligations arising from the Covenant, for its lack of legal protections for LGBT+ individuals' freedom of expression, which in part hinders their ability to "take part in the conduct of public affairs."¹⁰² "Conduct of public affairs" is a broad concept that includes "the formulation and implementation of policy."¹⁰³ Another way citizens participate "in the conduct of public affairs [is] by exerting influence through public debate and dialogue with their representatives or through their capacity to organize themselves."¹⁰⁴ To support participation through public dialogue, it is essential for a State to ensure freedom of expression.¹⁰⁵ Thus, the lack of protections for LGBT+ persons' freedom of expression in Rwanda has also manifested as a violation of their right to participate in public affairs.

(38) Rwanda's response to violations of freedom of expression has not only been inadequate but almost non-existent. Rwanda has deliberately failed to repeal the reference to "deviant behaviors" in its legislation as requested by the UN Committee on the Rights of the Child in 2020, nor has the Justice Minister responded to at least three requests that asked, "about steps taken by the Rwanda authorities to remedy the abusive legal framework."¹⁰⁶ Members of society significantly discriminate against LGBT+ individuals, as instances of harassment, intimidation, or exclusion from social services, employment, health care, and education are prevalent.¹⁰⁷ It is common for LGBT+ individuals to hide their sexual orientation or gender identity out of fear of repercussions stemming from both societal stigma and the lack of legal protections for LGBT+ individuals, as the legal basis used by authorities in some of these cases often revolves around societal norms and interpretations of the law that lack clear protections against discrimination based on sexual orientation or gender identity.

(39) Unfortunately, LGBT+ individuals are not considered in the formulation and implementation of State policies. Rwanda's national census, referred to as the Rwanda Population and Housing Census (RPHC), gathers demographic, social, and economic data that informs governmental policy decisions.¹⁰⁸ However, during the last periodic national census in 2022, the government omitted questions regarding sexual and gender minorities, leaving the Rwandan government without accurate data on the LGBT+ population within the State.¹⁰⁹ Without accurate data on the LGBT+ population, the State is unable to properly plan for the

¹⁰² International Covenant on Civil and Political Rights (CCPR), *supra* note 1, Art. 25(a).

¹⁰³ CCPR/C/21/Rev.1/Add.7, HRC General Comment No. 25, *Article 25: Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service*, 12 July 1996, para. 5.

¹⁰⁴ *Id.* at para. 8.

¹⁰⁵ *Id.*

¹⁰⁶ Human Rights Watch, *Rwanda: Round Ups-Linked to Commonwealth Meeting Detention, Ill-Treatment of Poor, Gay, and Transgender People*, *supra* note 43.

¹⁰⁷ US Dep't of State, *Rwanda 2023 Human Rights Report*, *supra* note 17, p. 42.

¹⁰⁸ Washington Blade, *Rwanda criticized over exclusion of LGBTQ, intersex people from Census*, 29 Aug 2022, <https://www.washingtonblade.com/2022/08/29/rwanda-criticized-over-exclusion-of-lgbtq-intersex-people-from-census/> [last accessed 7 Apr 2025]; National Institute of Statistics of Rwanda, *RPHC5 Thematic Report: Data*, 1 Aug 2023, <https://statistics.gov.rw/publication/1992> [last accessed 7 Apr 2025].

¹⁰⁹ Washington Blade, *Rwanda criticized over exclusion of LGBTQ, intersex people from Census*, *supra* note 108.

needs of the community, as well as protect them from discrimination. By excluding LGBT+ individuals from the State's national census, Rwanda fails to account for the disparities its LGBT+ population faces, thereby hindering LGBT+ individuals' ability to participate in and influence the conduct of public policies and affairs.

(40) In the context of Article 25, it is essential that States take special care to ensure the rights of certain groups are protected, including “the participation of the LGBTI groups in decision-making processes that affect them.”¹¹⁰ In General Comment 25, this Committee emphasized that individuals must not be restricted access to public affairs on discriminatory grounds, including sexual orientation or gender identity.¹¹¹ Therefore, the exclusion of LGBT+ concerns from the political process by government officials violates the principles of non-discrimination in public affairs as outlined in Article 25.

(41) The State's unwillingness to consider its LGBT+ population in the facilitation of public policies is further evidenced by political candidates' and government officials' refusal to engage openly on LGBT+ concerns throughout the political process.¹¹² From 2021-2023, advocates reported experiencing barriers in participating in public affairs, as government officials consistently demonstrated reluctance to “openly cooperat[e] with LGBTQI+ organizations due to prevailing social stigma against LGBTQI+ persons.”¹¹³ Moreover, LGBT+ organizations recurrently face barriers in receiving legal recognition.¹¹⁴ Recognition as independent legal entities is essential for organizations to perform necessary functions, access advocacy platforms, and foster expansion for national movements.¹¹⁵

(42) Rwanda should take measures to ensure an equitable representation of LGBT+ persons “in public and political life, particularly in decision-making positions, including in legislative and executive bodies and the judiciary at all levels, if necessary through appropriate temporary special measures, in order to give effect to the provisions of the Covenant.”¹¹⁶ While Rwandan legislation includes basic protections for all Rwandan citizens, it lacks any “specific laws affirming LGBT rights.”¹¹⁷ This silence further exacerbates “the social exclusion of LGBT people in Rwanda.”¹¹⁸ Thus, Rwanda is in dire need of “comprehensive anti-discrimination legislation and policies that address all forms of direct and indirect discrimination including sexual orientation and gender identity.”¹¹⁹

¹¹⁰ Mård S./and others, *The Right to Participate in Public Affairs ICCPR Art. 25: A Practical Guide for Civil Society Organizations*, 2021, [http://ccprcentre.org/files/media/WEB_Guidelines_Art25_\(ENG-2021\).pdf](http://ccprcentre.org/files/media/WEB_Guidelines_Art25_(ENG-2021).pdf) p. 31 [last accessed 7 Apr 2025].

¹¹¹ CCPR/C/21/Rev.1/Add.7, HRC General Comment No. 25, *Article 25: Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service*, *supra* note 103, para. 3.

¹¹² US Dep't of State, *Rwanda 2023 Human Rights Report*, *supra* note 17, pp. 29, 43.

¹¹³ *Id.*; see also US Dep't of State, *Rwanda 2022 Human Rights Report*, *supra* note 5; US Dep't of State, *Rwanda 2021 Human Rights Report*, <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/rwanda/> [last accessed 7 Apr 2025].

¹¹⁴ US Dep't of State, *Rwanda 2023 Human Rights Report*, *supra* note 17, p. 43.

¹¹⁵ A/HRC/56/49, *Protection against violence and discrimination based on sexual orientation and gender identity in relation to the human rights to freedom of expression, peaceful assembly and association*, *supra* note 15, para. 44.

¹¹⁶ See Mård S./and others, *The Right to Participate in Public Affairs ICCPR Art. 25: A Practical Guide for Civil Society Organizations*, *supra* note 110, p. 32.

¹¹⁷ APHRC/HDI, *Examination of LGBT people's lived experiences and public perceptions of sexual and gender minorities in Rwanda*, <https://hdirwanda.org/wp-content/uploads/2021/04/Rwanda-SGM-Report-new-2.pdf> p. 26. [last accessed 7 Apr 2025].

¹¹⁸ *Id.* at p. 38.

¹¹⁹ *Id.* at p. 39.

RECOMMENDATIONS

(43) We respectfully recommend this Honorable Committee include at least one of the following questions in the List of Issues it will prepare for Rwanda.

- 1. Please explain what measures Rwanda will implement to improve the treatment of LGBT+ individuals by State and private actors and to reduce stigma.*
- 2. Please explain what steps Rwanda intends to take to address the vulnerability of LGBT+ people and the challenges they face to reduce their risk of being subjected to discrimination and violence.*
- 3. Please provide the specific measures and initiatives Rwanda plans to implement to improve the conditions of detention centers, particularly focusing on the protection of vulnerable LGBT+ populations, given reports of treatment that contradicts the centers' rehabilitative purpose.*
- 4. Please explain how the State will execute adequate training measures for law enforcement officials to avoid discriminatory treatment and arbitrary arrest of the LGBT+ community.*
- 5. Please explain what protections, if any, the State will implement into its domestic legislative framework for LGBT+ populations.*
- 6. Please explain how the State will establish adequate representation of LGBT+ people and solidify their opportunity to be heard in government and public affairs.*