Immigration and Refugee Board of Canada

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12 April 2013

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Rwanda: Treatment by authorities of people of mixed nationalities, particularly if the father is Congolese and the mother is Rwandan; society's attitude towards people of mixed origins (2012-March 2013)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Treatment of People of Mixed Nationalities

In correspondence sent to the Research Directorate, an assistant professor of political science at the University of South Carolina, who writes about the countries in the Great Lakes region of Africa, namely Rwanda, and who wrote about mixed ethnic marriages in that country, stated that in Rwanda, "there is a tradition of mixed marriages, crossing ethnic boundaries, or even national boundaries" (Assistant Professor, University of Louisville 5 Apr. 2013). However, the Assistant Professor is also of the opinion "that because of the long running tensions between Rwanda and the [Democratic Republic of the Congo] (DRC), being Congolese (or even Burundian) married to a Rwandan woman is likely to be a more sensitive matter than being a Ugandan or Tanzanian male" (ibid.).

Sources report that the Rwandan authorities pursued the members of the Democratic Forces for the Liberation of Rwanda (Forces démocratiques de libération du Rwanda, FDLR) in the DRC (ibid.; Jambonews 8 Dec. 2012). According to some sources, the members of the FDLR are Hutu rebels (Assistant Professor, University of South Carolina 5 Apr. 2013; The Jamestown Foundation 30 Nov. 2012). The government of Rwanda also sponsored proxy rebel forces in the DRC (Assistant Professor 5 Apr. 2013; BBC 29 Nov. 2012) during the last two decades (Reuters 17 Oct. 2012).

For these reasons, according to the Assistant Professor at the University of South Carolina, the Rwandan authorities are likely to regard people from the DRC with suspicion, "particularly if this individual is male and Hutu, or belongs to a Congolese ethnic group [...] [that has] aligned with the FDLR, or aligned against the [...] forces sponsored by the Rwandan government" (5 Apr. 2013).

Along those same lines, an anthropology researcher affiliated with the University of Sussex, who did field research in the border region of Rwanda and of the DRC, stated in correspondence sent to the Research Directorate that the government of Rwanda is known to favour the Tutsi, at the expense of the Hutu, regardless of their nationality (Anthropology researcher 9 Apr. 2013). During a telephone interview with the Research Directorate, an assistant professor in anthropology at the University of Louisville, who studies conflict and reconciliation issues in the Great Lakes region of Africa, and particularly in Rwanda, also stated that the Congolese Tutsi are generally favoured by the government in place (Assistant Professor, University of Louisville 11 Apr. 2013).

However, according to the Organic Statute No. 30/2008 of 25/07/2008 Relating to the Rwandan Nationality Code [Loi organique n° 30/2008 du 25/07/2008 portant Code de la nationalité rwandaise], [translation] "any individual is Rwandan who has one Rwandan parent" (Rwanda 2008, art. 6). Under
Presidential Decree No. 21/01 of 27/05/2009 Relating to the Procedure for Applying for and Acquiring Rwandan Nationality [Arrêté présidentiel n° 21/01 du 27/05 2009 fixant la procédure de demande et d’acquisition de la nationalité rwandaise], [translation] "an individual is Rwandan by derivation if, at birth, at least one of their parents is Rwandan. The individual is exempt from applying for nationality" (ibid. 2009, art. 3). The decree also states that [translation] "double nationality is permitted" (ibid. 2008, art. 3). The Assistant Professor at the University of Louisville stated that Law No. 27/2001 Relating to Rights and Protection of the Child Against Violence [Loi n° 27/2001 relative aux droits et à la protection de l’enfant contre les violences] grants nationality to a child whose mother is Rwandan and whose father is a foreigner (Assistant Professor, University of Louisville 11 Apr. 2013). Article 6 of this law states that "[a] child born of a Rwandan mother [and] a father who is a foreigner is automatically a Rwandan citizen" (Rwanda 2001). According to the Assistant Professor, the authorities would have granted Rwandan citizenship to children whose mother was Rwandan before this law even came into effect (Assistant Professor, University of Louisville 11 Apr. 2013).

According to the Assistant Professor at the University of Louisville, children of mixed nationalities are generally "welcomed" as Rwandans (ibid.). She added, however, that since Rwanda is a traditionally patrilineal society, some Rwandans could think that if the father is Congolese, the child would also be Congolese; however, according to her, this attitude cannot be extended to the entire society (ibid.).

The Assistant Professor also stated that in the rural regions, the Congolese cannot have access to a piece of land to cultivate it (ibid.). She explained that, since 1999, Rwandan women are entitled, under the law, to inherit land, but that in practice this is slow to be achieved; she stated that children of a Rwandan mother and a Congolese father might not have access to land to cultivate and, consequently, might have difficulty meeting their needs (ibid.). She added that there are very few jobs available in the rural regions and that access to land is generally vital to livelihoods (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate.

According to an Amnesty International (AI) investigation, there are secret detention centres in Kigali that serve to [AI English version] "detain and interrogate higher profile personalities, including Rwandans with links to the DRC or dual Rwandan-Congolese nationals" (AI Oct. 2012, 17). According to AI, these detention centres are part of a "parallel system of arrest and detention" managed by J2, the Department of Military Intelligence [Service de renseignement militaire] (ibid., 19). According to AI, this system is "largely reserved for individuals suspected of threatening national security" (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate. Further information on the treatment by authorities of people of mixed nationalities could not be found among the sources consulted by the Research Directorate.

2. Society's Attitudes

According to the Assistant Professor at the University of Louisville, Congolese belonging to the Banyamulenge and Banyarwanda ethnic groups are treated as "Rwandans" in Rwanda (11 Apr. 2013).


However, according to the Assistant Professor at the University of Louisville, the treatment of Congolese belonging to ethnic groups other than the Banyamulenge and the Banyarwanda could be different (Assistant Professor, University of Louisville 11 Apr. 2013). She noted, for example, that it is difficult for them to obtain jobs in the government (ibid.). However, she added that, in general, in the urban private sector, the Congolese, particularly those who have their own businesses, are treated the same as Rwandans (ibid.). She added that, in the rural regions, especially near Congolese refugee camps, the Congolese can be [translation] "poorly viewed," because they can be suspected of having escaped the camps even though they are prohibited from doing so (ibid.). She also stated that she was unaware of cases of physical violence, but she did know of [translation] "situations of isolation" (ibid.).

The Assistant Professor at the University of South Carolina stated that a person who is Congolese and Hutu would likely be treated with apprehension by the local community because of uncertainty regarding their intentions or because their presence could attract the attention of or reprim from the authorities (5 Apr. 2013). The Assistant Professor at the University of Louisville also stated that some Congolese Hutu could [translation] "have problems" if they are considered to be [translation] "perpetrators of genocide" who had sought refuge in the DRC (11 Apr. 2013).
The Assistant Professor at the University of South Carolina also stated that a member of the Congolese Tutsi group, on whose behalf the Rwandan government has intervened militarily in the DRC, may also be treated with suspicion within the local community because it is not sure what the person's agenda is, for instance, if they are spying on behalf of the Rwandan government (5 Apr. 2013). Similarly, the researcher affiliated with the University of Sussex stated that Rwandan Hutu feel resentment towards the Congolese Tutsi because they are considered to be favoured by the government of Rwanda, even more so than the Rwandan Hutu (9 Apr. 2013).

According to the Assistant Professor at the University of South Carolina, the treatment of a Congolese man could therefore depend on whether he is Hutu or Tutsi and whether his Rwandan wife is Hutu or Tutsi (5 Apr. 2013). The Professor added that it is also possible that Tutsis are not all treated the same way, depending on whether they are genocide survivors or post-genocide returnees (ibid.). However, the Professor was unable to provide further details about this or about society's attitude towards children of mixed nationalities.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References


Anthropology researcher, University of Sussex. 9 April 2013. Correspondence sent to the Research Directorate.

Assistant Professor, University of Louisville. 11 April 2013. Correspondence sent to the Research Directorate.

Assistant Professor, University of South Carolina. 5 April 2013. Correspondence sent to the Research Directorate.


Rwanda. 2009. Arrêté présidentiel n° 21/01 du 27/05 2009 fixant la procédure de demande et d'acquisition de la nationalité rwandaise. 


<http://www.unhcr.org/refworld/type,LEGISLATION,,RWA,46c42a572,0.html> [Accessed 12 Apr. 2013]

Additional Sources Consulted

**Oral sources:** A senior researcher at New York University was unable to provide information within the time constraints. A research associate at the University of Oxford was unable to provide information for this Response. Attempts to contact the following people and organizations were unsuccessful: anthropology teachers, University of Sussex; lecturer, East London University; Ligue des droits de la personne dans la région des Grands Lacs.

**Internet sites, including:** AllAfrica.com; ecoli.net; Factiva; Fédération internationale des ligues des droits de l'homme; Human Security Gateway; Jeune Afrique; Minorities at Risk; The New Times; The Rwanda Focus; Rwanda News Agency; Syfia Grands Lacs; United Nations – Refworld, Integrated Regional Information Networks.