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## Responses to Information Requests

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18 October 2013

### **RWA104588.E**

Rwanda: Domestic violence, including legislation, state protection, services and legal recourse available to victims (2011-September 2013)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

#### **1. Overview**

Sources describe domestic violence in Rwanda as "widespread" (Freedom House 2013) and "common" (US 19 Apr. 2013, 36). The *2010 Rwanda Demographic and Health Survey (RDHS)*, which was implemented by the National Institute of Statistics of Rwanda in cooperation with the Ministry of Health, found that of 5,008 women surveyed between the ages of 15 and 49, 22 percent had experienced sexual violence and 41 percent had experienced physical violence at some point in their lives (Rwanda Feb. 2012, 241, 244). Out of the 3,042 survey participants who had ever had been married, 56 percent had been physically abused by their husband/partner or former husband/partner, while 18 percent had been sexually abused by their husband/partner or former husband/partner (*ibid.*, 246). Within the 12-month period preceding the 2010 survey, 33 percent had been "sometimes" or "often" physically abused and 13 percent had experienced sexual violence by a current or former husband/partner (*ibid.*).

Rwandan state authorities address domestic violence within the broader context of gender-based violence (Rwanda July 2011, 3; *ibid.* 2008, Art. 2). The 2008 *Law on Prevention and Punishment of Gender-Based Violence* defines gender-based violence as:

any act that results in a bodily, psychological, sexual and economic harm to somebody just because they are female or male. Such act results in the deprivation of freedom and negative consequences. This violence may be exercised within or outside households. (*ibid.*)

Police statistics, as reported by the regional newspaper *The Independent*, indicate that there were 3,427 cases of gender-based violence in 2010, 3,585 in 2011, and 3,444 in 2012 (20 Feb. 2013). In 2012, there were reportedly 94 murders resulting from gender-based violence, including 26 cases of wives killed by their husbands, and 11 cases of husbands killed by their wives (*The Independent* 20 Feb. 2013). In comparison, there were 103 murders resulting from gender-based violence in 2011 and 133 in 2010 (*ibid.*). In 2012, there were 480 cases of attempted murder, 255 cases of rape, and 1,654 cases of defilement (defined as forced sexual intercourse with someone under the age of 18) (*ibid.*).

Victims of domestic violence and rape may be subject to "stigma and discrimination" (UN Sept. 2012; Rwanda Apr. 2011, 8). The Ministry of Gender and Family Promotion indicates that spousal rape, physical abuse, denial of property rights, verbal abuse and psychological harassment are often seen as a "normal" part of family life (Rwanda July 2011, 8). In addition, the Ministry notes that the legacy of rape and other violence that was perpetrated against women during the 1994 genocide continues to impact Rwandan society (*ibid.* Apr. 2011, 7). According to the Gender Monitoring Office, the Rwandan government department tasked with

monitoring the delivery of services to victims of gender-based violence, factors contributing to gender-based violence include poverty, "illegal marriage, parental rejection of children, and lack of economic independence of women" (ibid. Nov. 2012, 15). *The Independent* notes that additional causes of gender-based violence relate to family conflicts over property, poverty, illiteracy, and drug abuse (*The Independent* 20 Feb. 2013).

The Ministry of Gender and Family Promotion indicates that gender-based violence is "vastly" under-reported (Rwanda July 2011, 13), while the US Department of State's *Country Reports on Human Rights Practices for 2012* notes that most instances of domestic violence were not reported or prosecuted (US 19 Apr. 2013, 36). According to the 2010 RDHS, of the 2,398 women who had experienced sexual or physical violence, 56 percent did not seek help from any source (Rwanda Feb. 2012, 251). Of the 1,016 women that did seek help, the majority sought help from friends, neighbours, family or in-laws, while only 7 percent sought help from the police (ibid., 252). The director of a district hospital that provides services to victims of gender-based violence explained that there is a "cultural mentality" that it is "shameful" to reveal domestic abuse (qtd. in *The Service Magazine* 18 Dec. 2012). Similarly, the Ministry of Gender and Family Promotion said that some victims do not come forward because of "embarrassment or a sense that it is a 'family matter'" and that some victims fear the economic or psychological impact of prosecuting the other parent of a child (Rwanda July 2011, 13). Both the Ministry of Gender and Family Promotion and the Gender Monitoring Office note that many victims of gender-based violence are not aware of their rights (ibid.; ibid. Nov. 2012, 15).

## 2. Legislation and Implementation

Rwanda's 2008 *Law on Prevention and Punishment of Gender-Based Violence* prescribes a punishment of 10 years to life imprisonment for rape, and 6 months to 2 years for spousal rape (Rwanda 2008, Arts. 16, 19). The penalty for harassing one's spouse is 6 months to 2 years imprisonment and for killing one's spouse is life imprisonment (ibid., Arts. 20, 25).

According to the US Department of State's *Country Reports on Human Rights Practices for 2012*, in the period from January to September 2012:

- prosecutors received 365 cases of spousal harassment, of which 163 were filed in court, 26 were dropped, 4 were reclassified, and 172 were pending investigation;
- the courts adjudicated 117 cases of spousal harassment, convicting 115 perpetrators and acquitting 4 defendants;
- for the crime of adult rape, prosecutors opened 351 cases of adult rape in 2012, of which 109 were filed in court, 143 were dropped and 99 were pending investigation; the courts tried 70 individuals, convicting 53 perpetrators and acquitting 17 defendants (US 19 Apr. 2013, 35-36).

## 3. State Protection

### 3.1 Government Efforts

Rwanda has several governmental departments that play a role in combating gender-based violence (Rwanda July 2011, 24-28; UN 2011, 9). Rwanda's Ministry of Gender and Family Promotion oversees, implements, monitors and evaluates the National Policy Against Gender-Based Violence (Rwanda July 2011, 24). This Ministry has a National Strategic Plan for fighting gender-based violence for the years 2011-2016, which includes objectives and cooperation among a variety of multisectoral stakeholders including governmental ministries such as the Ministry of Justice, Ministry of Education, Ministry of Health, and several others, as well as the Rwanda National Police, local governments, NGOs, the media, and the private sector (ibid., 24-28).

The Gender Monitoring Office (GMO) is responsible for gender monitoring on a national level, including the monitoring of gender-based violence (ibid., 26). The GMO monitors service providers such as the Rwanda National Police, One-Stop Centres and local NGOs (ibid. Nov. 2012, 15). According to the GMO Annual Report for 2011/12, which provides monitoring information on 10 districts, the GMO office received 135 cases of gender-based violence: 99 by women and 36 by men (ibid., 15-16). Without providing details, the GMO indicated that 101 of these cases were "submitted to districts for action" (ibid., 16). Between June 2011 and September 2012, they also received 20 gender-based violence cases at their office in Kigali: 18 from women and 2 from men (ibid.).

The National Women's Council is responsible for raising public awareness of gender-based violence (ibid. July 2011, 26).

Sources report on state involvement in public awareness campaigns against gender-based violence in 2011 (*The New Times* 11 Oct. 2011; ICAP 27 Nov. 2012). The government was also involved in such campaigns in 2012 (ibid.; *The New Times* 29 Nov. 2012; US 19 Apr. 2013, 36). For example, the Kigali-based newspaper *The New Times* reports that the police, in cooperation with the Ministry of Gender and Family Promotion and the GMO, ran a country-wide Anti-Gender-Based-Violence campaign between October 10 and

16, 2011 (*The New Times* 11 Oct. 2011). However, UN agencies in Rwanda note that government efforts to address gender-based violence face challenges due to a lack of financial resources and skilled professionals (UN May 2010).

### **3.2 Police**

Sources report that there are "Gender Desks" within the Rwanda National Police (Rwanda July 2011, 12; UN May 2010; US 19 Apr. 2013, 36; *The New Times* 19 Oct. 2012) and that there is a Gender Desk within the Rwanda Defence Force/Ministry of Defence (Rwanda July 2011, 12; Rwanda n.d.a; UN 13 Aug. 2008). According to *Country Reports 2012*, there is a Gender Desk at each of the 75 police stations nationwide (US 19 Apr. 2013, 36). The Ministry of Gender and Family Promotion notes that in many cases, the Gender Desks are the first point of contact at police stations, providing "rapid, victim-oriented and user-friendly services to respond to GBV [gender-based violence]," promoting understanding of the law, and maintaining statistics on reported cases (Rwanda July 2011, 12, 27). Sources indicate that officers at the Gender Desks have received special training on gender-based violence (*ibid.*, 12; *The Independent* 20 Feb. 2013; US 19 Apr. 2013, 36) and run public outreach programs (US 19 Apr. 2013, 36; *The Independent* 20 Feb. 2013).

According to *Country Reports 2012*, training in gender-based violence is required for all levels of the police and military (US 19 Apr. 2013, 36). The director of gender and child protection at the Rwanda National Police noted that there are officers trained in gender-based violence at each of the police stations nationwide (*The Independent* 20 Feb. 2013). According to *News of Rwanda*, training in domestic violence prevention is one of the topics included in a five-day training course in community policing, which is expected to be administered to all police officers in the country (28 Mar. 2013).

Each district reportedly has an Access to Justice Office (AJO) with three staff members (Rwanda July 2011, 12; Rwanda 23 Sept. 2013), one of whom is responsible for the "fight against gender-based violence" (Rwanda July 2011, 12). The AJO offices provide free legal services (Rwanda 23 Sept. 2013).

## **4. Services**

### **4.1 Hotlines**

*Country Reports 2012* indicates that the central police headquarters in Kigali and several government ministries run hotlines for victims of gender-based violence (US 19 Apr. 2013, 36; Rwanda July 2011, 12). The director of gender and child protection at the Rwanda National Police noted that there is a toll-free line "3512" to report cases of gender-based violence (*The Independent* 20 Feb. 2013). This number is also listed on the police homepage (Rwanda n.d.b).

### **4.2 One-Stop Centres**

#### **4.2.1 Services**

Rwandan authorities have reportedly established "One-Stop Centres" that provide integrated services to victims of gender-based violence, including medical care, psycho-social support, legal support (UN n.d.; UN 2011, 11; *The Service Magazine* 18 Dec. 2012; Rwanda July 2011, 12), access to legal aid, and emergency accommodation (*ibid.*). The International Center for AIDS Care and Treatment Program (ICAP), which partners with the Government of Rwanda to provide HIV/AIDS services (ICAP n.d.), notes that One-Stop Centres services also include HIV testing, prophylaxis for HIV and STIs, emergency contraception (ICAP 27 Nov. 2012; Rwanda Nov. 2012, 17; *ibid.* July 2011, 12) and support for reporting incidents to the police (ICAP 27 Nov. 2012). Sources also indicate that some One-Stop Centres provide psychosocial and reintegration support to victims when they return to their communities (Rwanda July 2011, 12; UN Sept. 2012).

The Isange One-Stop Centre was established in 2009 (UN n.d.; *Rwanda Express* 29 June 2012) as the first One-Stop Centre created by the government of Rwanda in partnership with UN agencies (UN n.d.). It is operated by the Rwanda National Police (*Rwanda Express* 29 June 2012; UN 2012, 16). It is based in the Kacyiru Police Hospital, a public hospital in Kigali (UN n.d.; *Rwanda Express* 29 June 2012). At the Isange Centre, which provides 24-hour service, seven days per week, staff available include "one coordinator, nine psychologists, one gynaecologist, six social workers, three medical doctors with medical forensic expertise, four general practitioners, one psychiatric nurse, and one police officer" (UN Jan. 2013, 6).

Police services are integrated as part of the services available at the Isange One-Stop Centre (UN n.d.; US 19 Apr. 2013, 36; *The Service Magazine* 18 Dec. 2012). The director of gender and child protection for the Rwanda National Police explained that this facilitates the collection of evidence against perpetrators (*The Independent* 20 February 2013). The GMO similarly notes that the Isange Centre "assists in the preservation of evidence" (Rwanda Nov. 2012, 17).

More than 5,000 cases of gender-based violence were reportedly received at the the Isange One-Stop Centre between July 2009 and May 2013 (*The New Times* 23 May 2013; UN n.d.). According to the UN, the Isange One-Stop Centre receives up to 10 cases a day, and their demand has increased with time as their services became better known to the public (UN Sept. 2012).

Information about the number and locations of One-Stop Centres in Rwanda varies among sources. According to *Country Reports 2012*, as of December 2012, in addition to the Isange One-Stop Centre, there were five small One-Stop Centres operating in district hospitals (US 19 Apr. 2013, 36). The same source notes that of these five, four opened in 2012 (*ibid.*). In 2 October 2013 correspondence with the Research Directorate, the Senior Human Rights Advisor at the UN office in Rwanda said that there were a total of 8 One-Stop Centres. ICAP reported in November 2012 that their organization was involved in the development of services for victims of sexual and gender-based violence at One-Stop Centres in 9 district hospitals in Rwanda (ICAP 27 Nov. 2012).

In addition to the Isange Centre in Kacyiru, Kigali, sources mention the existence of One-Stop Centres in:

- Gihembe refugee camp (Gicumbi District) (*Rwanda Express* 18 Sept. 2013);
- Rusizi (Rwanda Nov. 2012, 15; UN 2011, xii; *The Service Magazine* 18 Dec. 2012);
- Rubavu (Rwanda Nov. 2012, 15);
- Nyagatare (*ibid.*; UN 2 Oct. 2013);
- Gisenyi district hospital (ICAP 27 Nov. 2012; UN n.d.);
- Muhima district hospital (ICAP 27 Nov. 2012);
- Kibungo (UN 2 Oct. 2013);
- Byumba (*ibid.*);
- Nyamata (*ibid.*);
- Nemba (*ibid.*);
- Kicukiro district of Kigali reportedly began construction of a One-Stop Centre in 2012 (*News of Rwanda* 15 June 2012).

The One-Stop Centre in Rusizi reportedly opened in 2010 (UN n.d.; UN 2011, xii; *The Service Magazine* 18 Dec. 2012) and is located in Gihundwe Hospital (*ibid.*; UN 2011, xii). According to *The Service Magazine*, a Rwandan-based quarterly publication focused on the public and private service industry (*The Service Magazine* n.d.), this centre receives 15-49 cases of gender-based violence monthly, the most common cases being domestic violence perpetrated by husbands against their wives (*ibid.* 18 Dec. 2012). It has a Gender Desk, which is responsible for investigating and prosecuting gender-based violence (*ibid.*). There are also social workers trained in gender-based violence who may refer patients to psychological or legal support services (*ibid.*).

The government of Rwanda reportedly plans to open One-Stop Centres throughout Rwanda (UN n.d.; *The New Times* 23 May 2013), in all 30 districts of the country (UN n.d.; *ibid.* 2 Oct. 2013).

#### 4.2.2 Effectiveness

In 2012, the Rwanda National Police received a UN Public Service Award (UNPSA), placing second in the category "Promoting Gender Responsive Delivery of Public Services" for the development of the Isange One Stop Centre (*Rwanda Express* 29 June 2012; UN 2012, 15-16). The UN noted that the Isange Centre is being used as a model to replicate in other parts of Rwanda and in other countries (*ibid.*).

In their monitoring of One-Stop Centres, the GMO found that the Isange One-Stop Centre located in Kacyiru Police Hospital in Kigali "provides timely and affordable quality comprehensive services" (Rwanda Nov. 2012, 17). In visiting the One-Stop Centres in Nyagatare, Rbavu and Rusizi, the GMO found that some of the centres were under-staffed and/or did not have needed equipment or testing services, further noting that "beyond the Isange Centre, other One-Stop Centres have no police officers" (*ibid.*). In addition, the GMO found that some staff at these One-Stop Centres were not sufficiently knowledgeable or skilled in addressing gender-based violence issues (*ibid.*). A 2012 UN evaluation of the Isange Centre notes that although legal aid was budgeted as part of the program, it was not available to victims "on a consistent basis" (UN Jan. 2013, 8).

According to the UN, as of September 2012, there was a team of 12 staff at the Isange One-Stop Centre who made home visits to follow up on victims who reintegrated to their communities (UN Sept. 2012). However, an Isange staff member interviewed by the UN noted that the Centre was limited in their capacity to follow up with survivors due to understaffing (*ibid.*). The 2012 UN evaluation of the Isange One-Stop Centre similarly indicates that "staff are unable to follow up on a consistent basis" with clients of the centre (UN Jan. 2013, 8).

Sources report that many survivors of gender-based violence are not fully aware of the services at One-Stop Centres (Rwanda Nov. 2012, 17; *The Service Magazine* 18 Dec. 2012). The UN evaluation of the Isange One-Stop Centre notes that "while services to prevent and respond to gender based violence and child abuse increasingly are becoming available throughout the country they are not well coordinated and rarely provide comprehensive high quality services" (UN Jan. 2013, 7). According to a representative of UN Women in Rwanda, as reported by the *New Times*, victims of gender-based violence in rural areas cannot report their cases "due to a lack of facilities" (qtd. in *The New Times* 19 Oct. 2012).

The UN evaluation notes that at the Isange One-Stop Centre, the unavailability of "victim's choice" Centre was a "weakness" of the program (Jan. 2013, 8). The evaluation further states that

[t]he fact that services are being provided at a police station might have deterred some victims from seeking out services, out of fear that they would be forced to report their case to police. Under Rwandan law both adult and child victims are compelled to report cases of violence to police in order to gain access to services. Additionally the RNP is compelled to investigate all forms of violence and abuse, which essentially gives the victim no choice but to report their case to police if they desire services at the IOSC. (Jan. 2013, 8)

In a 2012 survey of seven health providers for gender-based violence, including Kacyiru police hospital, three hospitals, three health centres, a gender desk and police and judiciary service providers, the results indicate that

the medical care and medico-legal support to GBV victims is not given free of charge by all healthcare providers. If, for example, the victim goes to whichever nearest medical practitioner, care will be given, but the patient will have to pay. For the victim to get proper care free of charge he/she has to go to healthcare units that are recognized by the law to provide such service. (Gahongayire 2012, 422)

*The Service Magazine* reports that Gihundwe One-Stop Centre adheres to survivor consent/choice and confidentiality for persons over age 18, and that reporting GBV violence cases to police is mandatory for survivors under the age of 18 (18 Dec. 2012). Further information about mandatory reporting to police at One-Stop Centres could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

#### 4.3 Shelter Services

Information about shelters in Rwanda was scarce among the sources consulted by the Research Directorate. According to the the Ministry of Gender and Family Promotion, the One-Stop Centres "provide short-term emergency accommodation to victims who fear to return home or who need intensive support and time to come to terms with what has happened to them" (Rwanda July 2011, 12). ICAP similarly reports that the One-Stop Centres provide "a safe place to stay" when needed (ICAP 27 Nov. 2012). The UN evaluation of the Isange One Stop Centre reports that Isange has three beds and basic provisions and that the average stay is estimated to 3-5 days, though comprehensive data has not been recorded (UN Jan. 2013, 6, 31). The majority of Isange Centre staff members interviewed during the evaluation reportedly expressed a need for a "safe house" with more space, as well as two safe rooms in the Isange Centre for both male and female victims (ibid., 31). Further details, such as the number of spaces available, or the amount of time victims are allowed to reside at other One-Stop Centres could not be found among the sources consulted by the Research Directorate. Information about NGO-operated shelters in Rwanda could not be found among the sources consulted by the Research Directorate.

#### 4.4 Other Services

Sources indicate that Rwanda has anti-gender-based violence clubs in schools to help educate students of their rights (*The New Times* 11 Oct. 2011; Rwanda July 2011, 12; *The Service Magazine* 18 Dec. 2012). There are also gender-based violence committees at the village or community level (ibid.; Rwanda July 2011, 12), which "provide an opportunity to gather information and coordinate services" (ibid.).

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.

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## Additional Sources Consulted

**Oral sources:** Attempts to contact representatives of the following organizations were unsuccessful: Rwanda – Ministry of Gender and Family Promotion, Rwanda National Police.

**Internet sites, including:** Agency for Co-operation and Research in Development (ACORD); Amnesty International; ARAMA Rwanda; Association for Development and Social Transformation; ecoi.net; Factiva; GBV Prevention Network; Hot Peaches Pages – International Directory of Domestic Violence Agencies; Human Rights Watch; Minority Rights Group International; Norwegian People's Aid; Rwanda – National Women's Council, Rwanda National Police; Rwanda Women's Network; United Nations – Human Rights Council, Integrated Regional Information Networks, Refworld, UN Rwanda, UN Secretary-General Database on Violence Against Women, Womenwatch.

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