



**Submission by the United Nations High Commissioner for Refugees
for the Office of the High Commissioner for Human Rights' Compilation Report**

Universal Periodic Review

RWANDA

I. BACKGROUND AND CURRENT CONDITIONS

Rwanda is a party to the 1951 Convention relating to the Status of Refugees (“1951 Refugee Convention”) and its 1967 Protocol. The Government domesticated and enshrined the contents and principles of the aforementioned documents in the revised Rwandan National Refugee Law of 2001. In October 2009, Rwanda was also amongst the first countries to sign the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (“Kampala Convention”), but it has yet to ratify the same.

Rwanda is also a party to the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness.

Despite its small geographical size, minimal resources and history of conflicts, Rwanda has traditionally been a beckon to a number of refugees from neighbouring countries like the Democratic Republic of Congo (DRC), Uganda, Chad, Somalia, Sudan, Ethiopia and Eritrea. Rwanda currently hosts between 50,000 and 60,000 refugees. The Government also currently awards *prima facie* refugee status to person from the DRC. In the last two years, however, the Government began to scrutinize asylum claims more stringently and became reluctant with respect to recognizing and processing asylum-seekers from neighbouring countries that it considers are stable. This is particularly evident in the case of Burundian, Ugandan and Kenyan asylum-seekers and refugees.

The UNHCR Rwanda Operation oversees a refugee population of over 54,000 persons and 302 registered asylum-seekers. The country program is mainly confined to care and maintenance of refugees (principally from the DRC), in both urban and camp-based settings. UNHCR also helps

implement durable solutions; for example, UNHCR helps with the reception, transport and return package provision to Rwandan returnees, as well as occasional repatriation or resettlement submissions.

In 2005, UNHCR transferred the eligibility determination responsibility to the national body created for this purpose – the National Council of Refugees (CNR). Initially, this body was under the Ministry of Local Government (MINALOC), but as of May 2010, the body was absorbed by the newly created Ministry of Disaster Management and Refugee Affairs (MIDIMAR). There will be a few changes in key posts at the Ministerial level, but the rest of the CNR staff remain the same.

In 2009, the Government renewed its emphasis on the return of Rwandan asylum-seekers and refugees, making it the number one partnership priority with UNHCR. The Government justifies this selected priority based on the fact that the conditions which were the cause for the majority of the flights out of the country, no longer exist. The Government also insists that it is embarking on long term development plans and that the nation is rapidly rebuilding. In this context, the returned nationals may aid in this process and be counted in future development plans. Finally, it is evident that Rwanda is keen on brandishing her new image as a peaceful and stable nation.

Based on the above, in the course of 2009 there were a series of activities, meetings and agreements reached between the different stakeholders (Governments of asylum countries, UNHCR, partners, donors, etc) on the issue of the return and reintegration of Rwandan refugees. During the Executive Committee session in October 2009, it was agreed that all actors concerned (Government, Governments of asylum countries and UNHCR) would establish a road map of actions leading up to the consideration on the invocation of the cessation clauses for Rwandan refugees by December 2011.

In the course of 2010 and 2011, all return and reintegration related activities are being carried out, as planned. These include, *inter alia*: massive sensitization and heightened promotion/assistance on return (to Rwanda) for Rwandan refugees and asylum-seekers abroad; information collected on reintegration projects and the status on different current issues in Rwanda to be passed on to Rwandans abroad in order to assist them in making informed choices on return; status reevaluation and alternative durable solution pursuits for those Rwandans still claiming asylum and international protection; donor fund raising for assorted reintegration projects to assist returning Rwandans in Rwanda; sensitization for all stakeholders on issues related to the cessation clauses and their implications, conclusion of tripartite agreements; consultative meetings and discussions on Rwandan returns and reintegration; and harmonization of common statistics on Rwandan asylum-seekers, refugees and returns.

II. ACHIEVEMENTS

Issue 1: Rwanda's tradition of hospitality to asylum-seekers and refugees, especially those coming from the DRC, in line with its obligations under the 1951 Convention and 1967 its Protocol.

- Issue 2:** Rwanda's signature, on 27 October 2009, of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa ("Kampala Convention").
- Issue 3:** Rwanda's commitment to the pursuit of durable solutions for persons of concern to UNHCR in terms of: proactive steps taken to encourage returns of Rwandan asylum-seekers and refugees abroad; its role in creating a platform of engagement aimed at re-establishing good relations with its neighbour and principal refugee producing state in the Great Lakes, the DRC; and the notable improvements in facilitating the resettlement of deserving refugees from Rwanda to western countries, through the issuance of exit visas and enhancing related processes.
- Issue 4:** Rwanda's agreement and strides made in 2009/2010 towards the provision of identity documentation to refugees in Rwanda.
- Issue 5:** Rwanda acceded to the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness in 2006.

III. GOOD PRACTISES

We wish to note that Rwanda has adopted the following good practises:

- Issue 5:** The abolition of the death penalty, as well as the punishment of solitary confinement. This development facilitates UNHCR's work with respect to Rwandans abroad who claim a fear return on the grounds that they will be falsely implicated with genocide accusations by ill-wishers, which could result in their death.
- Issue 6:** The commitment to abide by the Universal Periodic Review (UPR) process on the international, as well as regional scene – with special reference to the steps taken towards drafting the National Report and the country's presentation and defense of its human rights record at the African Union hearing in Zambia in May 2010. This practice also helps in UNHCR's mass campaigns and promotion of returns to Rwanda, when it is clearly shown that their national country is transparent to human rights related issues at the national, regional and international level.
- Issue 7:** Rwanda's resurgence on treaty reporting in 2009 (N.B. Rwanda failed to submit reports between 1994 and 2008), with the forming of a national Government Treaty Body Task force, chaired by the Ministry of Foreign Affairs, and supported by the One UN Program, to monitor and report on international treaties in a timely manner. This practice helps keep the country in line with its obligations and as a result, persons of concern benefit from relevant rights that the state has obligated itself to.

IV. CHALLENGES AND RECOMMENDATIONS

In view of the above, we would like to suggest to the Office of the High Commissioner for Human Rights to consider including in its compilation report the following issues and recommendations aimed at enhancing the protection of persons of concern to UNHCR in Rwanda:

Issue 1: Enhance its asylum reception, documentation and refugee status determination procedures.

Recommendations:

- a) The State should ensure that asylum procedures are well disseminated amongst concerned Government officials as well as to the civil society through sensitization drives.
- b) Immigration accounts for all the new asylum-seeker registrations and transfer of asylum claims to CNR on a monthly/periodic basis.
- c) The new Ministry in charge of refugee affairs institutes a new eligibility determination board and ensures regular sitting to determine all pending and new asylum claims, with UNHCR being invited as an observer body to all sittings.
- d) The provision of free legal aid to asylum-seekers at different stages of the process.
- e) A periodic communication with UNHCR on cases received and processed by both Immigration and CNR. To enable assistance related interventions on its part.
- f) Reevaluate the Government position with respect to Burundian nationals who have sought asylum in Rwanda – especially those who already been recognized as refugees prior to 2009.

Issue 2: Explore the possibility of adding additional living space for camp-based refugees. Currently, the camps are overcrowded and as a result, there is a number of social ills. Refugees enjoy 16sq feet of space as opposed to the recommended standard of 45sq feet.

Recommendation:

The Government should explore the possibility of increasing the refugee habitation area by providing some additional land next to the existing camps or at a different suitable location within the country.

Issue 3: Encourage Local Integration as a durable solution where feasible.

Recommendation:

Together with UNHCR, identify refugees with strong established family and economic links to Rwanda and facilitate the process of local integration, in consultation with the refugees concerned. This is especially pertinent for refugees married to Rwandans or who have independently been living in the country for a long time and sustaining themselves satisfactorily.

Issue 4: Facilitate access to essential documentation (e.g. registration, birth, death, education, identity cards and marriage certificates) for refugees and asylum-seekers.

Recommendation:

Establish structures to facilitate access for refugees and waive or reduce Government standard fees for persons of concern – similar to what is done for vulnerable Rwandan nationals.

Issue 5: Differences in asylum procedures, policy and strategies within the East African Community (EAC).

Recommendation:

In liaison with other EAC States, promote the harmonization of asylum law and application, in a manner that will enhance international protection. Issues of migration and asylum should also clearly be separated and the necessary safeguards for persons in need of international protection, irrespective of their migratory status be ensured. It would be beneficial to closely study and document linkages and trends of the asylum-migration nexus within the EAC in an effort to develop a comprehensive strategy and approach.

Issue 6: Lastly, to adopt additional measures to enforce the recently signed African Union Kampala Convention on the Protection and Assistance of Internally Displaced Persons in Africa.

Recommendation:

The Government of Rwanda should consider ratification of the Convention on the Protection and Assistance of Internally Displaced Persons in Africa, followed by the adoption of corresponding implementing legislation.

**Human Rights Liaison Unit
Division of International Protection
UNHCR
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