



**REPORT ON THE STATUS OF INCLUSION AND INVOLVEMENT OF  
HISTORICALLY MARGINALIZED PEOPLE (HMP) IN VARIOUS SOCIO-  
ECONOMIC AND POLITICAL PROGRAMMES AND PROMOTION OF THEIR  
HUMAN RIGHTS IN RWANDA**

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**Acknowledgements/Disclaimer:**

This report was produced with the financial support of the European Union (EU). Its contents are the sole responsibility of Minority Rights Group International (MRG) together with African Initiative for Mankind Progress Organization (AIMPO) and Women's Organization for Promoting Unity (WOPU) and do not necessarily reflect the views of the EU.

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## **About Implementing Partners**

**Minority Rights Group International (MRG)** is the leading international organization working to secure rights for ethnic, religious and linguistic minorities and indigenous peoples around the world. Through training and education, legal cases, publications and the media, MRG supports minority and indigenous peoples as they strive to maintain their rights to the land they live on, the languages they speak, to equal opportunities in education and employment, and to full participation in public life. MRG's head office is in United Kingdom, and its Africa Regional Office is in Kampala, Uganda.

**African Initiative for Mankind Progress Organization (AIMPO)** is a local organization in Rwanda with head office in Kigali, Rwanda. It works on human rights, livelihood and socio-economic wellbeing for the Historically Marginalized People (Batwa) in Rwanda. In its operations, AIMPO covers the sectors of Musanze, Kinigi, Nyange and Shingiro in Musanze District; Bigogwe, Kabatwa, Mukamira, Muringa and Shyira in Nyabihu District; Manyagiro, Byumba and Miyove in Gicumbi District; and Kigali City.

**Women's Organization for Promoting Unity (WOPU)** is a local organization with office in Kigali, Rwanda. Since its inception in 2013, WOPU has been striving to eradicate extreme poverty and hunger among Historically Marginalized People, with emphasis on women, through advocacy on various programmes adopted in Rwanda. In its operations, WOPU mainly covers the sectors of Butaro, Kinyababa and Cyanika in Burera District in Northern Province; sectors of Gatunda, Tabagwe and Karangazi in Nyagatare District; Nyagihanga, Ngarama and Muhura in Gatsibo District; and Kigali City.

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## **ABBREVIATIONS**

<b>AIMPO</b>	: African Initiative for Mankind Progress Organization
<b>ECHR</b>	: European Convention on Human Rights
<b>EDPRS</b>	: Economic Development and Poverty Reduction Strategy
<b>EU</b>	: European Union
<b>HMP</b>	: Historically Marginalized People
<b>ICCPR</b>	: International Covenant on Civil and Political Rights
<b>ICESCR</b>	: International Covenant on Economic, Social and Cultural Rights
<b>ILO</b>	: International Labour Organization
<b>MINALOC</b>	: Ministry of Local Government
<b>MINECOFIN</b>	: Ministry of Finance and Economic Planning
<b>MRG</b>	: Minority Rights Group International
<b>NGO</b>	: Non-government organization
<b>NST</b>	: National Strategy for Transformation
<b>SACCO</b>	: Saving and Credit Cooperative
<b>UNDP</b>	: United Nations Development Programme
<b>UNESCO</b>	: United Nations Educational, Scientific and Cultural Organization
<b>VUP</b>	: Vision Umurenge Programme
<b>WOPU</b>	: Women's Organization for Promoting Unity

## EXECUTIVE SUMMARY

This is a report conducted by African Initiative for Mankind Progress Organization (AIMPO), Women's Organization for Promoting Unity (WOPU) and Minority Rights Group International (MRG) with financial support of the European Union (EU) as part of a project titled **Strengthening the Capacity of Civil Society Organizations (CSOs), Human Rights Defenders (HRDs) and Media Houses to Challenge Discrimination against Historically Marginalized People (HMP) and Promote their Human Rights in Rwanda**. The assessment was carried out on the status of the inclusion and involvement of HMP in various socio-economic and political programmes and the promotion of their human rights. AIMPO and WOPU identified the participants for the assessment and arranged access to them for the consultant. The assessment examines the existing socio-economic and political programmes, awareness levels of HMP on their rights and the legal redress when violated. The assessment seeks to determine the rights that HMP consider important and how they are involved in or benefit from the socio-political programmes. Finally, the study looks at the channels of redress followed by HMP when they face human rights violations.

The assessment was conducted in Kigali City and rural areas of Nyagatare, Gatsibo and Gicumbi districts in Eastern Province, and Burera, Musanze and Nyabihu districts in Northern Province where AIMPO and WOPU operate. A guiding questionnaire was administered to 235 HMP who participated in 12 focus group discussions. The focus group discussions were aimed at generating in-depth information on issues related to human rights and the involvement of HMP in socio-political programmes to complement the data gathered quantitatively. The discussions allowed for further deliberations in an interactive setting.

Some of the major findings of the study are:

- The majority of survey participants benefited from the development programmes.
- There is some understanding of the concepts of human rights among the assessment participants. However, this knowledge remains basic.
- These groups are still facing challenges related to poverty, lack of interest in schooling, limit access to socio-economic programmes, to mention a few. They are also landless.

- The majority of HMP fail to report cases of human rights violations because they do not believe that proper action will be taken.
- Women in this group face double marginalization and have little recourse to access education, economic opportunities or justice.
- There is low level of awareness of the channels of redress when individuals' rights are violated.

The assessment findings are analysed in Chapters III, including an assessment of to what degree HMP know about the human rights, and an analysis of their own experiences of involvement in socio-economic programmes.

The final recommendations addressing the findings are provided in Chapter IV of the assessment report. The recommendations include community legal education; training of local leaders; policy work; and access to justice.



## **CHAPTER I: INTRODUCTION AND BACKGROUND**

### **I.1 Introduction**

This report presents and discusses the findings of an assessment to measure the state of human rights for HMP, both negative and positive. The assessment is intended to inform strategies and programmes which focus on advocacy for increased promotion and protection of HMP's human rights. The report presents findings from each stage of the assessment, including a literature review, and qualitative and quantitative study from seven districts where AIMPO and WOPU operate. The districts include: Kigali City; areas of Nyagatare, Gatsibo and Gicumbi districts in Eastern Province; and Burera, Musanze and Nyabihu districts in Northern Province.

### **I.2 Objectives of the assessment**

The assessment was guided by specific objectives which were assessed along a thematic framework as follows:

- To assess the current political and policy framework under which HMP operate in districts under study;
- To review basic human rights, focusing on economic, social and cultural rights and civil and political rights as set out in the Rwandan Constitution and international and regional conventions, and how they apply to Rwandan context;
- To conduct a comprehensive analysis of all the policies, laws and practices affecting HMP vis-à-vis economic, social and cultural rights and civil and political rights in Rwanda;
- To assess the extent to which HMP are involved in decision making (differential involvement by men and women should be captured clearly) in socio-economic and political sphere in Rwanda;
- To provide recommendations on how each of the identified issues can best be addressed by partners and key stakeholders in this project.

In light of these objectives, this report is divided into four sections: the first is devoted to analysis of the research methodology used and gives an overview of the profile of the participants in the survey and focus group discussions. In the second section, the national and international legal framework is presented, providing as much as possible an exhaustive overview of the legal instruments at international and regional levels regulating human rights for HMP. It then goes into detail in regard to the Rwandan framework of laws that guarantee protection and promotion of human rights for the person of concern.

### **I.3 Methodology**

The assessment employed both quantitative and qualitative methods of data collection. Quantitative data was derived through the administration of a structured questionnaire to 235 respondents in the assessment areas.

The qualitative research took the form of desk review of secondary sources; ranging from treaties, laws, reports and policies to previous studies on human rights and the status of social-political-economic programmes. The consultant conducted also focus group discussions with the local authorities of districts under the study. The respondents were purposively sampled through their connection with WOPU and AIMPO, who assisted in their mobilization.

The respondents were further involved in focus group discussions for in-depth deliberation of the thematic issues within an interactive setting. Thus while the quantitative data measure the frequency of occurrences, involvement of HMP in development programmes and knowledge of human rights, the qualitative data go further in capturing the intricacies of their experiences to enrich the quantitatively derived information.

### **I.4 Research questions**

The approach employed by the consultant during the face-to-face interviews was to ask the interviewees about human rights in broad terms and their awareness about the concept itself, exploring their involvement in socio-economic programmes, and then breaking down the broad questions focusing on economic, social and cultural rights and civil and political rights, and the redress of their rights when they are violated.

## **CHAPTER II: LEGAL POLICY FOR PROMOTING AND PROTECTING HISTORICALLY MARGINALIZED PEOPLE IN RWANDA**

Rwanda is a signatory to and has ratified most of the international and regional conventions relating to human rights. This section will review the legal instruments developed at international, regional and national levels in the framework of human rights for HMP. The aim is to provide an overview of what the international background is and what is in place in the Rwandan context in terms of protection and promotion of human rights for HMP.

### **II.1 International human rights framework**

#### **II.1.1 International Covenant on Economic, Social and Cultural Rights**

Rwanda is a state party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and it was ratified on 12 February 1975. Economic, social and cultural rights are the freedoms, privileges and entitlements that individuals and communities require to live a life of dignity. These human rights include the right to food, housing, health, education, cultural identity and more. In realizing these rights, states must initiate legislative measures to progressively realize the rights. Also judicial, administrative, financial, educational and social measures are part of the said measures.

It is worth noting that the policies and measures adopted by states are designed to respond to both the individual and collective nature of HMP's economic, social and cultural rights. Moreover, domestic laws that recognize only certain groups, thereby facilitating their enjoyment of certain rights, while excluding other groups, may well be discriminatory.

In 2014 the Ministry of Justice launched the National Human Rights Action Plan with the objective, among others, of identifying priority actions to fill existing gaps in government programmes and policies for the promotion and protection of human rights.<sup>1</sup> In this important document women, children and youth, persons with disabilities, refugees and asylum seekers and

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<sup>1</sup> National Human Rights Action Plan of Rwanda, Kigali, Ministry of Justice, 2017-2020, pp. 2–3.

historically marginalized persons are considered as a specific group to be protected. The government has made impressive progress with regard to the legal and institutional framework. However, while HMP are included among special interest groups in the Human Rights Action Plan, their rights were not described in the same way as for other groups.

### **II.1.2 International Covenant on Civil and Political Rights**

The International Covenant on Civil and Political Rights (ICCPR) is a key international human rights treaty providing a range of protections for civil and political rights. The ICCPR, together with the Universal Declaration of Human Rights and the ICESCR, are considered as the International Bill of Human Rights. The ICCPR obligates countries that have ratified the it to protect and preserve basic human rights, such as the right to life and human dignity; equality before the law; freedom of speech, assembly, and association; religious freedom and privacy; freedom from torture, ill-treatment, and arbitrary detention; gender equality; the right to a fair trial; right to family life and family unity; and minority rights. The ICCPR compels governments to take administrative, judicial and legislative measures in order to protect the rights enshrined in the treaty and to provide an effective remedy. It was adopted by the UN General Assembly in 1966 and came into force in 1976. As of December 2018, 172 countries have ratified it.<sup>2</sup>

Rwanda ratified the ICCPR on 12 February 1975. This ICCPR sets out fundamental human rights, freedoms and guarantees that states have an obligation to respect, fulfil and protect human rights under international law. Article 2(2) requires states to fill gaps in legislative and other measures in protecting rights by adopting required laws or other measures to give effect to the rights recognized in the covenant.<sup>3</sup> This builds the case for substantive legal or de jure justice that recognizes the principles of fairness, equity and non-discrimination.

Article 26 of the ICCPR provides that all persons are equal before the law and entitled to equal protection of the law without discrimination based on any characteristics laid out therein. These include race, colour, sex, language, religion, political or other opinion, national or social origin,

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<sup>2</sup> See the Status of ratification on <http://www.ohchr.org/> ( accessed on 14 May 2019).

<sup>3</sup> ICCPR, adopted 16 December 1966, Art. 3, GA Res. 2200A (XXI), UN GAOR, 21st Session, Supp. No. 16, UN Doc. A/6316 (1966), 999 UNTS 171 (entered into force 23 March 1976).

property, birth or other status.<sup>4</sup> ICCPR rights are fundamental to enabling people to enjoy a broad range of human rights, including those relating to:

- Freedom from torture and other cruel, inhuman or degrading treatment or punishment;
- Freedom from slavery and forced labour;
- Arrest, detention and imprisonment;
- Movement into, within and out of a state;
- Treatment by the judicial process;
- Privacy, home and family life
- Freedom of thought, religion and expression;
- Peaceful assembly;
- Freedom of association, including through trade unions;
- Marriage and the rights of children;
- Political participation; and
- Equality and non-discrimination.

This assessment focuses on political participation, equality and non-discrimination. The obligation to ensure rights to non-discrimination and substantive equality for all people inspires all international human rights. The ICCPR recognizes that equality is crucial to the enjoyment of these rights.

The right to political participation for HMP is protected by the Constitution particularly in Article 80 of the Constitution of the Republic of Rwanda of 2003, revised in 2015, that allows the representation of historically marginalized groups in the Senate. However when you check Article 75 of the Constitution, which highlights the composition of the Chamber of Deputies, only the representation of special groups such as women, youth, persons with disabilities are taken into consideration. The organic law governing elections may increase or decrease the number of deputies or the categories mentioned in Article 75.<sup>5</sup> There is strong evidence that as long as there is representation of any specific group in parliament, there is a corollary increase in policy making

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<sup>4</sup> Ibid., Art. 26.

<sup>5</sup> Constitution of the Republic of Rwanda of 2003, revised in 2015.

that emphasizes the quality of life and reflects the priorities of the group. Representation of HMP in chamber of deputies will probably impact on their lives and resolve their issues that they still face.

Rwanda has enacted a number of laws that protect all persons with regard to equality and non-discrimination. These laws include among others:

- The Constitution of the Republic of Rwanda of 2003, revised in 2015
- Law No. 68/2018 of 30 August 2018 determining offences and penalties in general
- Law No. 66/2018 of 30 August 2018 regulating labour in Rwanda

## **II.2 Regional human rights framework**

The Republic of Rwanda is a State Party to a number of regional human rights instruments, including the African Charter on Human and Peoples' Rights, the African Charter on the Rights and Welfare of the Child, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and the African Youth Charter.

### **II.2.1 The African Charter on Human and Peoples' Rights**

The African Charter on Human and Peoples' Rights (hereinafter, the African Charter) is the first regional convention on fundamental rights which recognizes rights for peoples as such. Frédéric Sudre explains that:

*The provisions of the Charter on the rights of peoples are the most complete expression of the trend of modernization of the collectivization of human rights. In this respect, the Charter presents the singularity to make seemingly antonymic concepts cohabit: individual and people, individual rights and collective rights.*<sup>6</sup>

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<sup>6</sup> Frédéric Sudre, *Droit européen et international des droits de l'homme*, 10th edn, Paris, PUF, 2011, p. 172.

With this innovative consecration, the African Charter is a particularly interesting text to compare with the European Convention on Human Rights (ECHR) concerning the protection of national minorities.

The African Charter, signed on 27 June 1981 in Nairobi<sup>7</sup> at the eighteenth Conference of the Organization of African Unity, is part of the universal movement of protection of human rights. Indeed, its authors ‘take due account’ of the charter of the United Nations and the Universal Declaration of Human Rights.<sup>8</sup> The African Charter intends to clearly show the specificities of the African continent: this is why the African Charter mentions taking into account the ‘values of African civilization that must inspire and characterize their reflections on the conception of human rights and Peoples’.<sup>9</sup>

The African Charter covers a wide range of rights that include both individual and collective rights. With regard to minority rights, the African Charter makes no reference to ‘minorities’ as such, although it does refer to the principle of non-discrimination. Article 14 is devoted to the prohibition of discrimination but does not define it. It also appears similar to Article 1(1) of Protocol No. 12<sup>10</sup> which provides for a general prohibition of discrimination. The Working Group on Indigenous Populations explains the concept of ethnic minorities and indigenous people.

If we turn to public international law to make up for this deficiency, we are forced to note that there is no fixed definition of the concept of minority.<sup>11</sup> In spite of the non-explicit use of the specific expression of ‘minorities’ and its definition, the African Charter and the Convention have put in place mechanisms that allow for their protection.

### **II.2.2 The African Charter on the Rights and Welfare of the Child**

This charter sets out by recognizing from the outset that the child ‘due to the needs of his physical and mental development requires particular care with regard to health, physical, mental, moral and

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<sup>7</sup> The African Charter entered into force on 21 October 1986 after having been ratified by 25 states.

<sup>8</sup> The African Charter, Preamble, paragraph 4.

<sup>9</sup> Ibid., paragraph 5.

<sup>10</sup> Protocol No. 12 of the ECHR of 4 November 2000.

<sup>11</sup> A. Fenet, G. Koubi and I. Schulte-Tenckhoff, *Le droit et les minorités*, 2000, pp. 20ff.

social development and requires legal protection in conditions of freedom, dignity and security'. Within that framework, it recognizes the rights of children in the area of civil, political, economic and social cultural rights. Article 4 addresses the legal status of the child in judicial proceedings within the principle of the best interests of the child. It notes that children's views must be respected in all judicial or administrative proceedings affecting a child who is capable of communicating his/her own views. Such positive provision entails an understanding that children must be protected and enjoy their rights in meaningful manner.

### **II.2.3 The Protocol on the Rights of Women in Africa (Maputo Protocol)**

The Maputo Protocol is ground-breaking in terms of standard-setting for the protection of women's rights, and is reflective of several concerns that African women face. The protocol recognizes the rights of women and their freedom from all forms of discrimination.

The Maputo Protocol also provides for (a) effective access by women to judicial and legal services, including legal aid; (b) support to local, national, regional and continental initiatives directed at providing women with access to legal services, including legal aid; (c) the establishment of adequate educational and other appropriate structures with particular attention to women and to sensitize everyone to the rights of women; (d) that law enforcement organs at all levels are equipped to effectively interpret and enforce gender equality rights; (e) that women are represented equally in the judiciary and law enforcement organs; (f) reform of existing discriminatory laws and practices in order to promote and protect the rights of women.

### **II.2.4 African Youth Charter**

The African Youth Charter is an instrument of the African Union. The charter from the outset notes with concern the marginalization of youth from mainstream society through inequalities in income, wealth and power, among other things. It also notes their plight of unemployment and underemployment, poverty and hunger, illiteracy and poor-quality educational systems, restricted access to health services and to information, exposure to violence including gender violence, engagement in armed conflicts and experiencing of various forms of discrimination.



The charter recognizes the socio-economic and civil and political rights of youth in Africa, although it does not provide for a right to effective remedies for breaches of these rights, nor equal protection of the law.

## **II.3 National legal and policy framework**

### **II.3.1 Legal framework**

#### **II.3.1.1 The Constitution of the Republic of Rwanda of 2003, revised in 2015**

The Constitution of the Republic of Rwanda of 2003, revised in 2015, recognizes human rights as a basic principle. Human rights are universal legal guarantees protecting individuals and groups against actions by governments and other third parties which interfere with fundamental freedoms and human dignity.

#### **Non-discrimination**

Any discrimination on grounds of, inter alia, ethnic origin, family or ancestry, clan, skin colour or race, sex, region, economic categories, religion or faith, opinion, fortune, cultural differences, language, economic status, physical or mental disability or any other form of discrimination with the purpose or effect of nullifying or impairing the equal enjoyment or exercise of any human rights constitutes a violation of human rights and is punished by law (Article 16 of the Constitution of Rwanda revised in 2015).

The new law governing land in Rwanda prohibits all forms of discrimination with regard to access to land, land management and modalities of land rights transfer.<sup>12</sup> These rights are protected in the Constitution of the Republic of Rwanda of 2003, revised in 2015, especially in Articles 10, 15 and 16. Also, Rwanda has enacted laws on the elimination of all forms of discrimination, including the law on Punishing the Crime of Genocide Ideology and Related Crimes, Law No. 68/2010 of 30 August 2018 determining offences and penalties in general. Rwanda ratified the International Convention on the Elimination of All Forms of Racial Discrimination, the International Labour

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<sup>12</sup> Article 4 of Law No. 43/2013 of 16 June 2013 governing land.

Organization (ILO) Convention on Discrimination in the Employment Profession and the UNESCO Convention on the Fight against Discrimination in Education Sector.

### **The right to health**

Article 21 of the Constitution provides for access to good health. For HMP, the highest attainable standard of health can generally be achieved through medical insurance as well as the fulfilment of all of the other socio-economic rights which form the underlying determinants of health.

The government has made maternal and child health a priority in all development programmes in line with the Sustainable Development Goals. As a result, Rwanda has made considerable advances in guaranteeing maternal and child health. For example, there are 368 Health Posts countrywide and a plan exists to increase the number every year. Additionally, each village has elected three community health workers. They are an important component of Rwanda's health system as they allow the community to participate in the management of their own health. One female community health worker is responsible for maternal and child health, and another woman and a man for other care. Despite the fact that government has made efforts to insure needy people, HMP communities still face barriers in accessing health care. Although some have free health insurance, there is little knowledge among the HMP communities about going to the hospital for treatment.

*We have health insurance but that is not issue, HMP do not go to health care because of lack of premium. (D, Musanze District)*

*We just use herbal medicine that is all; those medicines are very strong you cannot take them without eating; I cannot take tablets never. (R, Musanze District)*

Under the community-based health insurance system, the government assists vulnerable people who are not able to pay for themselves by paying their premiums and co-payment for them at points of care. However, due to their poverty, HMP who have the health insurance face another challenge in affording related care charges.

## The right to education

Article 20 of the Constitution guarantees the right to education. It is in line with this that a strategic plan for education has been designed to guide the development of education in Rwanda. Furthermore, to support basic education, the government has decided to fund school construction, providing financial support to all districts, and girls' education.

Rwanda has gradually overcome barriers that usually prevent children from attending primary education by complete removal of any fees to attend school. In that regard, the government identifies families and households that cannot afford the other costs of education, such as uniforms and learning materials, and provides for them. Various options for social protection, such as school stipends, school feeding in partnership with parents, and cash transfer schemes are provided for those children who, for economic, social or cultural reasons, tend to stay out of school (including but not limited to girl children, children from HMP communities). Construction of more classrooms at the Administrative Sector level has also been carried out so that children can easily walk to school and transport costs, which can be a deterrent, are therefore eliminated.

However, despite the Government of Rwanda's sustained efforts to advance the education through compulsory 12-year basic education, the number of HMP children attending schools is still small compared to other communities. The respondents have raised the issue of hunger and poverty as the main cause of dropout for HMP children. Another reason is that HMP children spend all day searching for foodstuffs in neighbours' fields, as stated by Musanze and Nyabihu respondents. These findings are in line with other research, which showed that HMP's *'children regularly missed school or even dropped out of school because of hunger or were unable to concentrate when they attended because of empty stomachs'*.<sup>13</sup>

The Senatorial ad hoc committee report at the end of 2018 emphasized this by calling upon the Ministry of Education and its partners to pay extra attention to the issue of children from the historically marginalized families, who, according to the study, have continued to lag behind others in education. Their report has shown that *'Over 90 per cent of historically marginalised adults*

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<sup>13</sup> Goodwin, M., *Understanding Barriers to the Inclusion of the Batwa/Historically Marginalized Peoples (HMPS) in Development in Rwanda*, Tilburg University, October 2017, p. 14.

*never went to school and their children don't go to school because of poverty and ignorance in their families.'*<sup>14</sup>

### **Incorporation of international laws**

Rwanda has ratified a number of international treaties and conventions, and further to Article 95 of the Constitution of Rwanda these occupy the third place in the hierarchy of laws. In Rwanda, the Constitution has legal supremacy: if a government passed a law that violated the Constitution or was not in accordance with or conflicted with a constitutional provision, such a law could be challenged in a court of law and could be overturned on the ground that it is 'unconstitutional'. The Constitution of Rwanda makes provision for constitutional supremacy. Article 3 specifically states that: 'The Constitution is the supreme law of the country. Any law, decision or act contrary to this Constitution is without effect.' Article 95 gives the hierarchy of laws as follows:

- the Constitution
- organic law – these are laws designated as such and empowered by the Constitution to regulate other key matters in the place of the Constitution
- international treaties and agreements ratified by Rwanda
- ordinary law – statutes passed by Parliament
- orders

### **Right to property**

Article 34 of the Constitution of the Republic of Rwanda of 2003, revised in 2015, guarantees every person's right to property. This right may be interfered with in the public interest. However the taking away of private property is permitted only as per procedures determined by law. The owner is required to be given fair compensation prior to acquiring the property. The owner, therefore, has the right to know why his or her property is being taken away, what compensation has been determined and according to what criteria and rates. Contrary to Article 34, the responses from the community that has been evicted from the Volcano National Park in Musanze District have shown great concern over not owning their traditional land and yet did not receive

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<sup>14</sup> Kell Rwamapera, The New Times, Rwanda, published October 10, 2018.

compensation for being evicted from their customary land near the volcano. The following statements are from HMP of Musanze:

- *We had forest and used to collect honey and meat in the past, as the forest was our home. We had never faced nutrition problems to our children as it is now.*
- *Before we did not have house. Now we thank the president Kagame who gave us houses. Now I sleep in a good house without fearing anything from the jungle.*
- *We now have house but we are not sure if they belong to us because we do not have land title as the neighbouring communities.*
- *The houses we got from the government have created conflicts between us and our neighbours because they are built in the land that is still belonging to the neighbours. All we have is just a house; not any small space outside the house to even make the kitchen garden. We face a consistent conflict with those neighbours who cultivate just around our homes. As we do not have land, our children go in those neighbours' fields surrounding us and end up being harassed or beaten. We request President Kagame to give us land as he gave us houses.*

## **II.3.2 National policy frameworks**

### **II.3.2.1 National Strategy for Transformation**

Rwanda is currently implementing its National Strategy for Transformation.<sup>15</sup> The NST1 picks up from where the Economic Development and Poverty Reduction Strategy (EDPRS) left off. One of the pillars of NST1 is Social Transformation, which is one of the key interventions of enhancing programmes designed to support vulnerable groups to eradicate extreme poverty. Although this commitment was made, no special attention was paid to the challenge of HMP, as women and youth will be supported and empowered to create businesses through entrepreneurship and access to finance (Economic Transformation Pillar).

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<sup>15</sup> National Strategy for Transformation (NST1):  
[http://www.minecofin.gov.rw/fileadmin/user\\_upload/NST1\\_7YGP\\_Final.pdf](http://www.minecofin.gov.rw/fileadmin/user_upload/NST1_7YGP_Final.pdf) (accessed 30 April 2019).

Furthermore, NST1 gives special treatment to persons with disabilities; one of the specific interventions for this group being continuing to support and engage them to participate in all decision-making processes.<sup>16</sup>

### **II.3.2.2 National Social Protection Strategy**

The focus of this strategy is to build a social protection system that tackles poverty and inequality, enables poor people to move out of poverty, helps reduce vulnerability and protect people from shocks, helps improve health and education among all Rwandans, and contributes to economic growth.<sup>17</sup> The government has invested in socio-economic programming targeting the poorest to deliver social services and assistance and it has impacted on the reduction of poverty in Rwanda. Nonetheless, HMP, who number around 25,000–30,000 in total, are believed to experience higher levels of poverty and worse social indicators than the general population, although little data is available.<sup>18</sup>

### **II.3.2.3 National Human Rights Action Plan of Rwanda, 2017–2020**

Rwanda has committed to the protection and promotion of human rights and is implementing its first action plan. This action plan demonstrates Rwanda's ongoing commitment to its international human rights obligations, and the government's desire to improve both the promotion and protection of human rights.<sup>19</sup>

The document was inspired by the key human rights issues and gives attention to the protection of specific groups, including women, children and youth, persons with disabilities, refugees and asylum seekers, and HMP. However, HMP's rights were not described as for other special interest groups. In particular, the poor and vulnerable are often the most challenged in their knowledge of laws, procedures and mechanisms of access.

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<sup>16</sup> Nasra Bishumba, The New Times, published in November, 20, 2018

<sup>17</sup> National Social Protection Strategy, Rwanda, 2011.

<sup>18</sup> Ibid.

<sup>19</sup> National Human Rights Action Plan of Rwanda, Kigali, Ministry of Justice, 2017-2020.

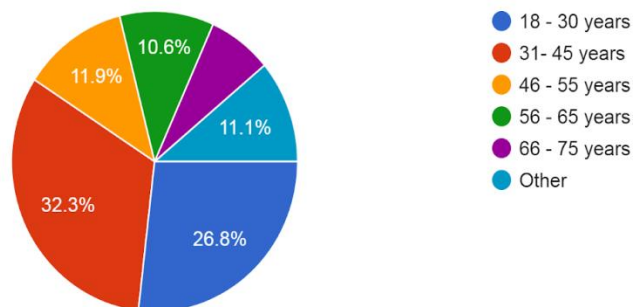
## CHAPTER III: DATA PRESENTATION AND DISCUSSION

### III.1 Profile of the respondents

#### III.1.1 Age of respondents

Age of respondents

235 responses

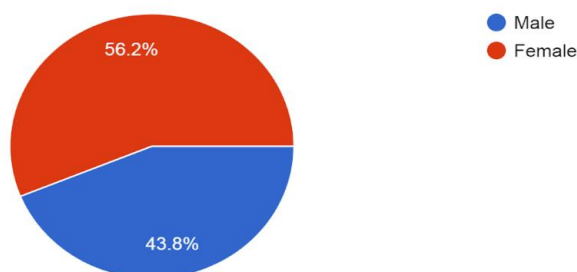


A total of 235 people took part in the study. The majority of the respondents who participated in this study were aged between 31 and 45 years (32.3 per cent), followed by those aged between 18 and 30 years (26.8 per cent). Older people aged between 66 and 75 made up 7.2 per cent of the sample. The entire age distribution is presented in the figure above.

#### III.1.2 Male–female ratio

Male-female ratio

235 responses

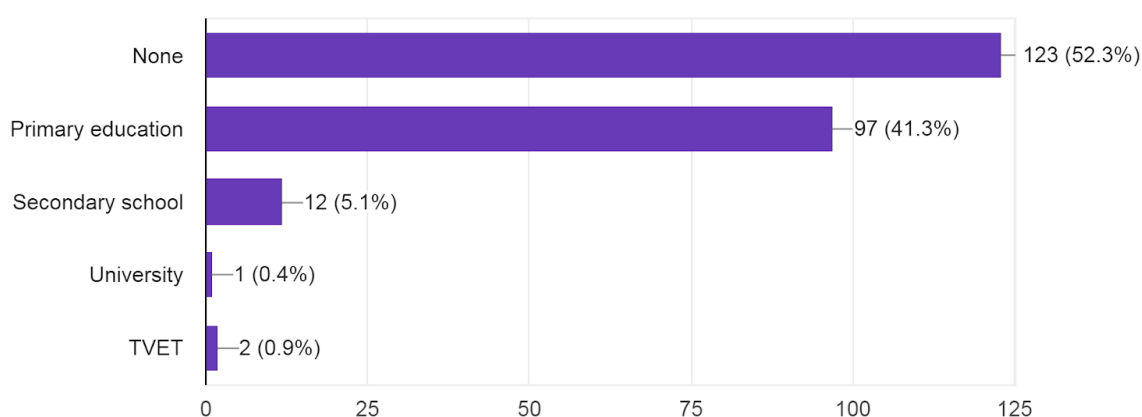


A higher percentage of females (52.2 per cent) were interviewed in the study compared to men (43.8 per cent). The skewed gender representation in favour of women does not necessarily reflect that there is a higher representation of women affected by the violation of their rights than men or that the study was biased towards selecting females. It is likely that it indicates that women may be more concerned about the family life.

### III.1.3 Level of education

#### Level of education

235 responses



The majority of the respondents (52.3 per cent) did not go to school as shown in the figure above

Another 41.3 per cent had completed their primary education, and only 5.1 per cent had completed secondary school, with 0.4 per cent being university graduates. This confirms what was said by the Senate about the issue of school dropout of children in this community. The assessment observed substantial differences in access to education by the marginalized communities compared to national rural status.

The vast majority of Rwandans have attended school; many have attended primary school. Overall 10 per cent of males age 10 and above have never been to school, 69 per cent attended primary



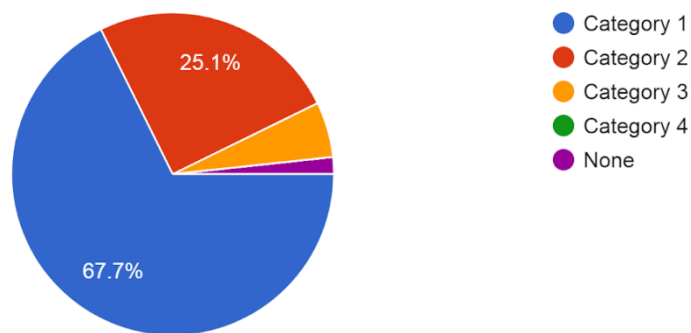
school, 14 per cent attended secondary school and 3.7 per cent attended university.<sup>20</sup> Also, Rwanda is reported to be ‘on track to realize universal basic education with a net primary school enrolment of 97% and completion rate of 69% in 2013.’<sup>21</sup>

During the focus group discussion, the participants recognized the importance of education that they consider as a path to the development; but they reported that their children missed or dropped out of school because of hunger. Means to buy books or uniforms were also highlighted as a challenge to accessing education.

### III.1.4 Ubudehe category

#### UBUDEHE Category

235 responses



*Ubudehe* categorization is an approach used in Rwanda as a tool to fight poverty. It is also used in some social protection interventions to identify beneficiaries of social protection programmes. For example, public works, direct support and microcredit components of the Vison Umurenge Programme (VUP), community-based health insurance and so on. This exercise has been carried

<sup>20</sup> Education thematic report, 2016/17, National Institute of Statistics of Rwanda.

<sup>21</sup> *Understanding Barriers to the Inclusion the Batwa/Historically Marginalized Peoples (HMPs) in Development in Rwanda*, The Netherlands, Rwandese Community of Potters (COPORWA), Institute of Research and Dialogue for Peace (IRDP) and Tilburg University, October 2017, p. 4.

out to respond to the current social context of community members and the increasing number of stakeholders.<sup>22</sup>

The majority of the respondents (67.7 per cent) are in category 1, followed by the respondents in category 2 (25.1 per cent); 5.5 per cent are in category 3 and 1.7 per cent reported that they do not know their category of *Ubudehe* because they have not enough information about the *Ubudehe* and they are likely to be among those who did not benefit from socio-economic programmes.

Currently, there are four *Ubudehe* categories with the first category designated for the poorest people in society, the second category includes those who have their own house or can afford to rent a house, the third category includes those who have at least one person in the family working while the fourth category includes people who earn high incomes; people who own houses; people who can afford a luxurious lifestyle

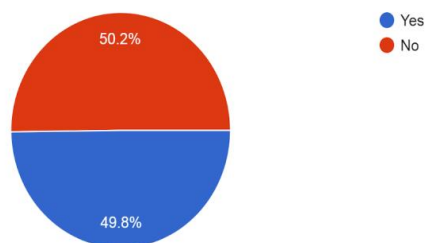
## III.2 Findings and discussions

Through the direct observation of the consultant and the face-to-face interviews, major information was collected on human rights conditions in the target districts, through an in-depth analysis of the magnitude of various forms of human rights protection, including the level of understanding of human rights by HMP and reporting structures for violation of human rights.

### III.2.1 Level of understanding of the concept of human rights

Have you heard about the human rights?

235 responses



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<sup>22</sup> See: <http://www.minaloc.gov.rw/index.php?id> (accessed 12 April 2019).

The assessment participants were asked what human rights are; as shown in the figure above, half of the respondents (50.2 per cent) did not have any understanding of the concept while 49.8 per cent have a very general understanding of the concept of human rights.

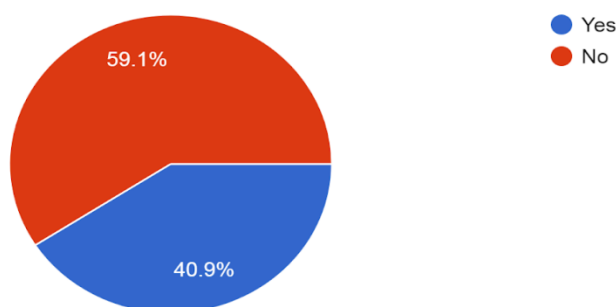
*‘When you live in total poverty you have no idea of what is happening in the world’*, said one assessment participant in Burera District.

Human rights education constitutes an essential part of engagement of states that signed the convention on the human rights. In order to live a life in security and dignity, people must be aware of their fundamental rights and freedoms and they must be confident that their governments acknowledge and ensure these rights.

### III.2.2 Experience with the human rights violations

Have you ever experienced the violation of your rights?

235 responses



Respondents were further asked to identify rights that are often violated at the two different levels, which are family and community levels: 40.9 per cent had experienced the violation of their rights while 59.1 per cent reported not being subject to any violations. During the discussion we had with the respondents, we found that there was a fairly low understanding of the meaning of human rights violations among HMP.

Among the focus group participants, with regard to the types of violations that happen at community level, their responses are below:

- *We have issues of accessing health care.*
- *We are landless, which is why we go to collect what to eat in the neighbours' field, and when they find us, we are beaten.*
- *We are mistreated and beaten and when we try to talk about it, it doesn't result in anything.*
- *When we raise our concern in local meetings, our issues are not regarded as substantial as other people's.*
- *We have problems in accessing justice when our rights are violated.*

A further issue that came out strongly in nearly all the districts covered by the study during the focus group discussions was that there were grave infringements of women's rights to property and health care. Others reported being denied the right to property through land grabbing by their neighbours.

### **III.2.3 Access to justice for HMP**

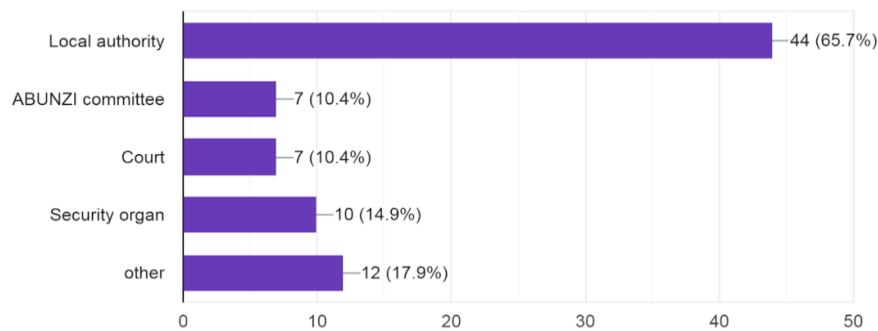
Poverty has the risk of stirring up conflict, crime and exploitation of weaker groups in a bid for survival. Having remedial measures from a policy and programmatic perspective, including provision of justice and law and order interventions can best mitigate all these risks.

It is clear that access to justice is a critical human right and process in ensuring that those locked in chronic poverty have the means to assert their rights and change their status quo through just, fair and equitable laws and from justice delivery institutions. Accessing justice can be the best solution for HMP groups to avoid the violation of their rights.

### III.2.4 Reporting channels for cases of rights violations

#### To whom did you report?

67 responses

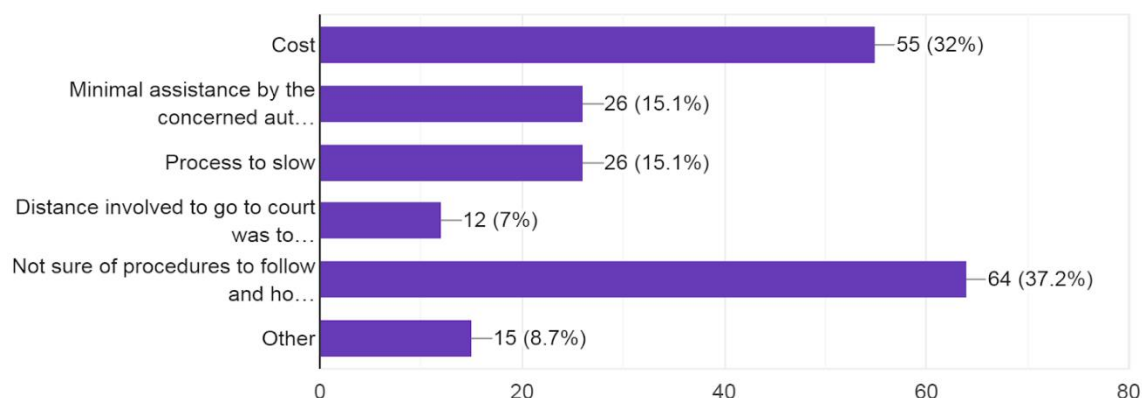


The respondents were asked to show the persons to whom the report is made when their rights are violated: 65.7 per cent report their rights violation to local authorities at *Umudugudu* level; 17.9 per cent did not specify to whom they reported; 14.9 per cent report to security bodies. Local mediation committees and the courts are on same level with (10.4 per cent).

### III.2.5 Challenges Experienced by HMP in Seeking Redress

#### Challenge experienced in seeking redress

172 responses

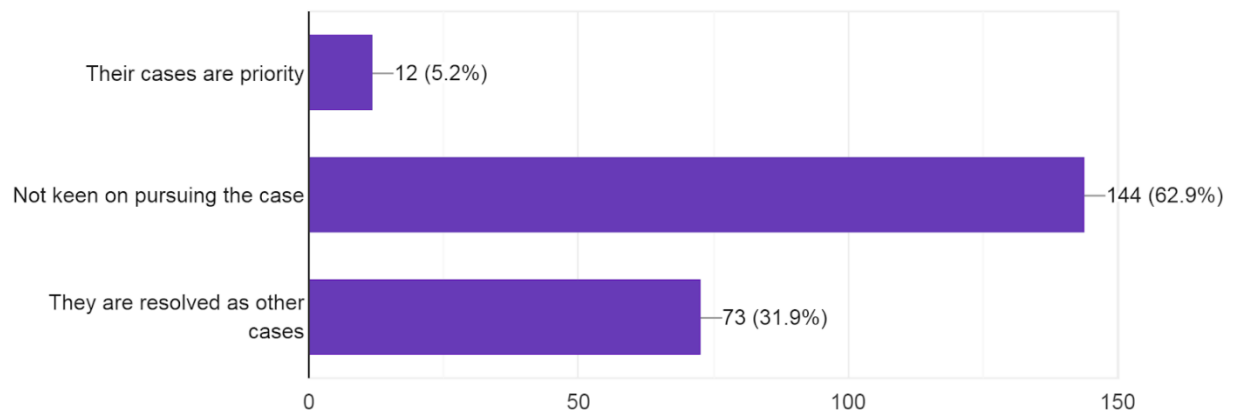


Respondents also cited the challenges they experienced when seeking redress as shown in the figure above. The main challenge for most HMP is lack of financial resources to effectively pursue their grievances (32 per cent). Another 37.2 per cent said that they drop out of the procedures to look for legal redress because of lack of knowledge of where to report and the process to be followed. Another challenge cited by individual respondents was the minimal assistance given by local authorities when their rights are violated.

### III.2.6 Level of satisfaction on how cases are addressed

#### The level of satisfaction on how your cases are addressed

229 responses



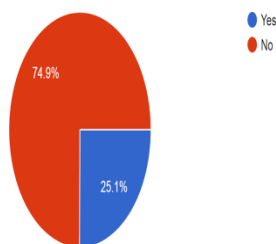
Out of the respondents who said they had reported a violation, 62.9 per cent reported that they were not keen to pursue the case because they were marginalized; 31.9 per cent said that their cases are resolved in the same way as other cases; another 5.2 per cent also said their cases are priority.

### III.2.7 Integration in socio-economic programmes

#### III.2.7. 1 Girinka

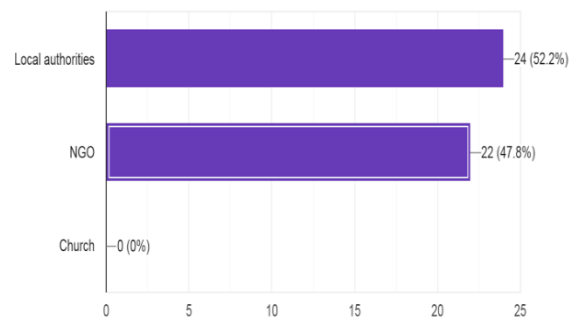
Have you benefited from GIRINKA programme?

235 responses



How have you been selected

46 responses



The word *Girinka* in Rwanda, roughly translated as ‘May you have cows’, is a greeting model which is more like a blessing upon those one meets. In Rwanda, cows have not only been symbols of wealth and social status, but also the best gift one can give.

The *Girinka* programme is a home-grown solution that emerged from the 2006 National *Umushyikirano* Council, as a pro-poor programme to help poor families improve their welfare. The programme was inspired by Rwandan culture. *Girinka* goes way back in the annals of Rwandan history, to the seventeenth century, as a social protection measure that especially favours children.<sup>23</sup>

The *Girinka* programme was set up with the central aim of reducing child malnutrition rates and increasing household incomes of poor farmers. These goals are directly achieved through increased access to, and consumption of milk, by providing poor households with a heifer. The programme

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<sup>23</sup> Rwanda Governance Board, ‘Assessing Girinka Programme (2006–2016): Citizen Perspectives’, 2018, p. 2.

is crucial in addressing the fundamental needs of those parts of the country that are critically food insecure. Thus, the programme reduces poverty through dairy cattle farming and improving livelihoods through increased milk consumption and income generation.<sup>24</sup>

Without overlooking the achievement made by the *Girinka* programme, special attention was not paid to the capacity of HMP, who obviously needed cows but were and still are landless.

The assessment reveals that currently some HMP benefited from *Girinka* programme, as shown by the figure. Only 25.1 per cent of the participants in the study benefited from the programme; 52.2 per cent of them said that they were selected by the local authorities. The findings indicate that a very low percentage of assessment participants had chance to be part of this programme.

The reasons raised by the assessment respondents are as follows:

- *Every morning, I wake up and go to earn a living by cultivating for others and come back in evening. How can the cow survive if I was given one? (Respondent from Musanze District)*
- *I cannot accept a cow as I do not have land to grow grass to graze cattle. The cow would die. (Respondent from Musanze District)*
- *Caring for cattle is as difficult as bringing up a child, I hardly get food for my children, and it would be much so if I had a cow. (Respondent from Nyabihu District)*
- *My space is so small. If I was given a cow, they would steal it; I do not want to have problems with authorities that the cow was stolen. (Respondent from Nyabihu)*
- *Those cows the government gives us are very fragile and die often. It is beyond my capacity to care for them.*
- *‘Nta w’iwacu woroye inka!; [she exclaims]; meaning: No one in my family has ever owned a cow! [I do not need any] (Respondent from Musanze)*

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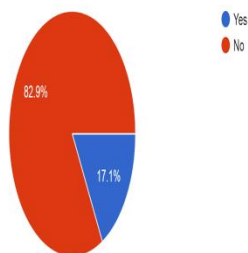
<sup>24</sup> Rwanda Governance Board, *the GIRINKA in Traditional Rwanda*.



### III.2.7. 2 Ubudehe

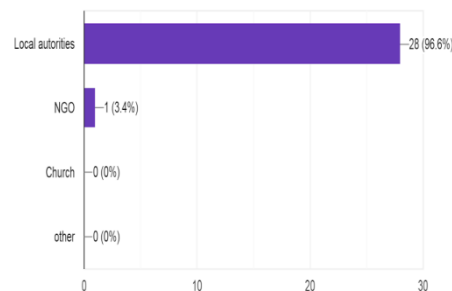
Have you benefited from UBUDEHE programme?

234 responses



How have you been selected

29 responses



Traditionally, the word *Ubudehe* refers to the practice of digging fields before the rains come and the planting season arrives. A group of neighbours come together to dig their fields; acting collectively to ease each other's work and make sure that everyone is ready in time for the planting season.<sup>25</sup>

It is a mechanism through which the Government of Rwanda aims at helping local people create social capital, nurture citizenship and build a strong civil society. This process of working together to solve problems helps citizens to engage in local problem-solving using their own locally designed institutions, in voluntary association.

*Ubudehe* is a method of addressing rural poverty through community collective action creating empowerment in fighting poverty at the community level. Under the *Ubudehe* programme, the communities are in charge of choosing a priority community project among five competing projects. Local community members themselves identify development issues and decide on priority actions to fight poverty in their neighbourhoods. A team of national master trainers develops district trainers who then train two people selected by the community of each cell/village.

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<sup>25</sup> Mupenzi, A., *Interventions Against Poverty in Rwanda: A Case Study of Ubudehe in Gatsibo District, Eastern Province, Rwanda*, 2010, p. 26.

These two people selected by the community function as facilitators of the collective action process that moves from generating information in a visual/public process to creating an adaptive system. Cell residents are helped to take action on a problem of their choosing through institutions of their own design. The final priority selected is not always the first ranking one, as the authorities of the sector or district can consider this project as either already integrated into their own development plan (the construction of classrooms, for example) or not realistic in terms of the funds at the disposal of *Ubudehe*. After this process, funds are made available to support the identified *Ubudehe* collective action community project.

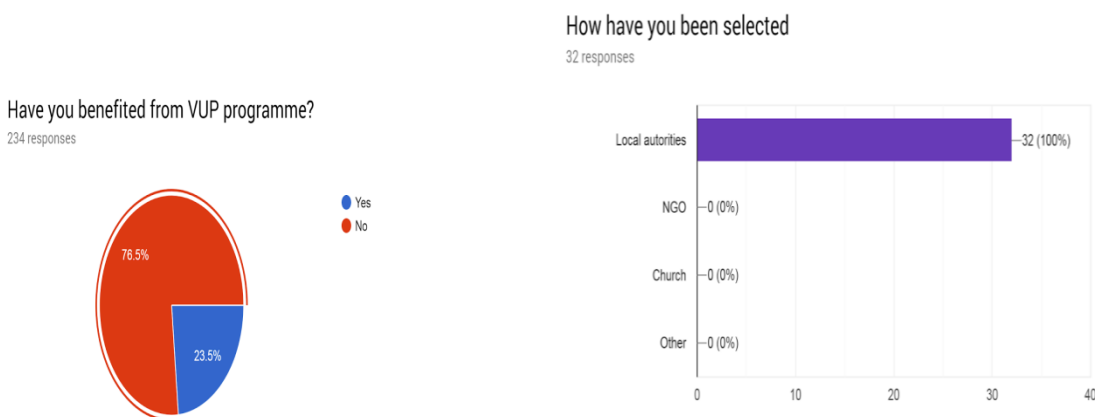
Moreover, the community also assesses the financial situations of citizens living in villages throughout Rwanda. The community evaluates each household's or citizen's financial/asset situation and places it in one of four categories (initially six categories till 2016), defined by a set of criteria, from the poorest category (without land, facing difficulties with having food) to the richer people. Those categories are similar for all villages to ensure certain coherence among the territory. The *Ubudehe* programme appears to be largely relevant and consistent with the policies of the Rwandan government for fighting poverty and developing the country's economy.<sup>26</sup>

This report shows that majority of HMP are in the category of the poorest people. Only 17.1 per cent benefited from this programme while 82.9 per cent were not selected to benefit from the programme.

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<sup>26</sup> Niringiye, A. and Ayebe, C., 'Impact Evaluation of the Ubudehe Programme in Rwanda: An Examination of the Sustainability of the Ubudehe Programme', *Journal of Sustainable Development in Africa* 14(3), 2012, p. 141.

### III.2.7. 3 Vision Umurenge programme



Vision 2020 Umurenge Programme (VUP) is an integrated local development programme to accelerate poverty eradication, rural growth and social protection. This is an initiative by the Government of Rwanda in collaboration with development partners and NGOs. It is led by the Ministry of Local Government, Good Governance, Community Development and Social Affairs (MINALOC) and supported by the Ministry of Finance and Economic Planning (MINECOFIN).<sup>27</sup>

The VUP is organized around three components. The first component revives public works but plans using community-based participatory approaches (e.g. *Ubudehe*) to build community assets and create off-farm employment infrastructure. Examples include projects like watershed management, terracing, water harvesting, irrigation, feeder/access roads construction, building of classrooms, health facilities, training centres, business workshops, village settlements and so on. The second component innovates with credit packages to tackle extreme poverty as well as to foster entrepreneurship and off-farm employment opportunities; these packages are designed to make the best possible use of scarce public resources, involve the private financial sector, and provide people with incentives to improve their own productive capacities. Examples include

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<sup>27</sup> See: <http://www.statistics.gov.rw/survey/vision-2020-umurenge-program-vup-baseline-survey>

credits to diversify/specialize farming/livestock activities, develop off-farm skills, and purchase/build household/business assets and so on. The third component includes direct supports to improve access to social services or to provide for landless households with no members qualifying for public works or credit packages; such unconditional supports seek to expand health and education coverage as well as to encourage the development of ‘appropriate’ skills, handicraft, or social service activities.<sup>28</sup>

It is indisputable that this programme is a good mechanism to fight poverty. Of assessment participants in this study, 67.7 per cent are in category 1, which means they can be eligible to benefit from this programme. However only 23.5 per cent were selected by authorities to be part of this programme.

In focus group discussions with the local authorities in Gatsibo District, it was noted that some of this group members do not respond to the invitation when there is a meeting to discuss the social protection programme. It is worth indicating that the population plays a key role in identification of beneficiaries in most of these development programmes.

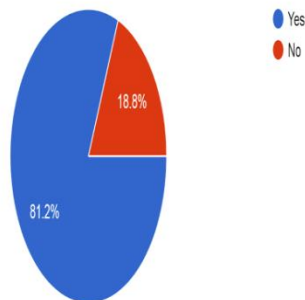
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<sup>28</sup> Government of Rwanda, Rwanda EDPRS Flagship Programme Document, August 2007.

### III.2.7. 4 Community-based health insurance scheme

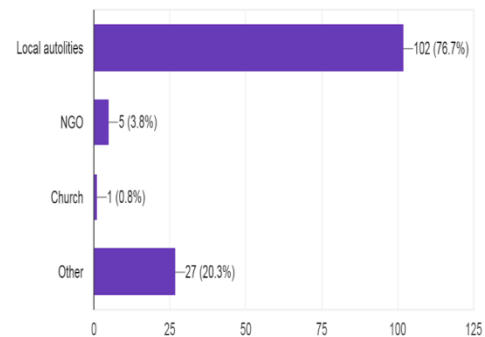
Access to mutual health insurance

234 responses



How have you been selected

133 responses



Health and poverty are very closely related as falling ill is one of the biggest risk factors leading to poverty, and, conversely, poverty can be the root of many health problems. Thus, ensuring an adequate standard of health care by setting up a health insurance system which offers coverage against financial, social and health risks connected to diseases constitutes a very important element in the fight against poverty and provides all Rwandans with equitable access to quality health services.

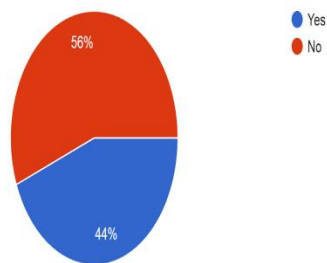
Of the participants in this study, 81.1 per cent have health insurance while 18.8 per cent do not. Of those with health insurance, 76.7 per cent were selected and provided for by the government, 20.3 per cent by other actors, 3.8 per cent by NGOs and 0.8 per cent by the church.

Despite the enrolment of HMP in this scheme, the payment of premiums is not easy for them and during focus group discussions some of the assessment participants said that they would not re-enrol the following year, mostly because they could not afford the premiums and/or co-payments.

### III.2.7. 5 Education for all

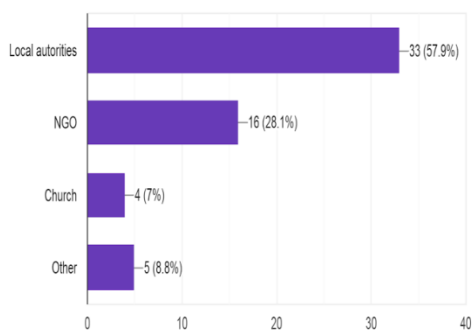
#### Education for all

234 responses



#### How have you been selected

57 responses



Education for all is a major objective of the Government of Rwanda. The Minister of State for Social Affairs, while visiting HMP in Musanze District in 2016, said that *‘despite government’s efforts to promote free primary and secondary education, children from historically marginalised families were not equally benefiting from the programme’*.<sup>29</sup> This statement was confirmed by the

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<sup>29</sup> The New Times ‘Senate to summon premier over living conditions for the historically marginalised’ 20 November 2018 <https://www.newtimes.co.rw/news/senate-summon-premier-over-living-conditions-historically-marginalised> (accessed 2 May 2019).

findings of this assessment whereby 56 per cent of the study participants were not benefiting from this programme. Also 52.3 per cent of the respondents did not go to school.

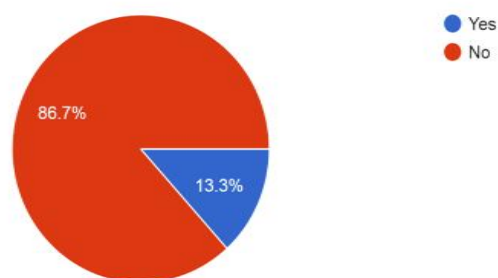
Also, the report of Senatorial ad hoc committee<sup>30</sup> highlighted low access to education for children from HMP due to the following causes:

- Hunger in the families. Children cannot go to school when they are hungry.
- Poverty: parents cannot buy school uniforms, notebooks, and pens.
- Illiteracy of the parents who don't encourage their children to go to school.
- Lack of motivation for HMP children to attend schools due to the fact that even those who have completed education are jobless and face difficulties accessing jobs due to limited networking.

### III.2.7. 6 Access to finance

#### Access to finance

233 responses



In Rwanda, only around 42 per cent of adults have access to formal financial institutions. Poor people's lack of collateral and lack of awareness or understanding of how financial products can

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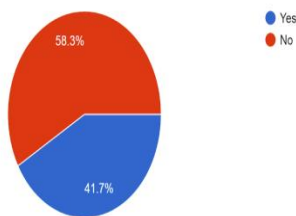
<sup>30</sup> Senatorial ad hoc committee report, Rwanda, October 2018.

improve their lives pose major challenges.<sup>31</sup> Only 13.3 per cent accessed bank credit while 86.7 per cent had no knowledge on how it works.

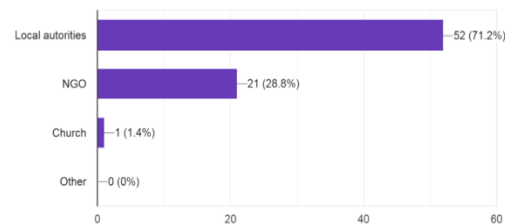
- *I don't have bank account because I am poor. (I, Burera District)*
- *The bank account is for the richest people. (F, Gatsibo).*

### III.2.7. 7 Adequate housing

Access to adequate housing  
235 responses



How have you been selected  
73 responses



The right to adequate housing is a fundamental right and demanding the right to adequate housing implies fighting for the inclusion of the most vulnerable people in society and forcing governments to respect their legal obligation to guarantee a life of dignity. This implies also fighting forced evictions using international law, yet hundreds of thousands of people are forcibly evicted every year.<sup>32</sup>

Most assessment respondents do not have adequate housing (58.3 per cent). Only 41.7 per cent have a house, but during focus group discussions they said that the house provided was small in relation to the number of their family members living in the same house, because if a family member has not benefited from housing assistance he or she lives with those who have a house.

<sup>31</sup> See <https://www.undp.org/content/undp/en/home/ourwork/ourstories/community-based-saving-groups-drive-vulnerable-rwandan-household.html>

<sup>32</sup> Golay, C. and Özden, M., *The Right to Housing*, Europe–Third World Centre (CETIM), Human Rights Programme, p. 3.



### **III.2.8 PERCEPTIONS OF LOCAL AUTHORITIES**

In this assessment, researchers strove to interview district officers in charge of good governance, social affairs – executive secretaries and other local authorities who deal with day-to-day social protection. The following are points expressed by these authorities with regard to the issues surrounding HMP.

#### **1. The budget allocation in social protection**

The Social Protection Sector Strategy comprises a system of regular and predictable cash transfers that provide income support to those living in poverty, as well as to those who are vulnerable, in order to prevent them from falling into poverty, by enabling poor households to overcome the financial barriers they may face. Like the social protection systems of other countries, the Rwandan system is mainly characterized by contributory and non-contributory schemes. The budget brief focuses mainly on the government budget allocated principally for the non-contributory scheme. It comprises two major categories: the first constitutes the core programmes, which include the Vision 2020 Umurenge Programme (VUP), the direct support programme and the public works programme. The second category constitutes complementary social protection programmes or cash-plus initiatives, including: VUP financial services; the *Ubudehe* programme; income generation and other activities; old age, disability and survivors' pensions; Mutuelle de Santé; free basic education; support to orphans and other vulnerable children; Girinka, (the One Cow Per Poor Family Scheme); fertilizer subsidies and seeds; districts preparedness for social protection intervention; support to people with disabilities; and the Saving and Credit Cooperatives (SACCOs).

The Government of Rwanda's commitment to strengthen social sectors is increasing as the budget allocated to social sectors has substantially increased: spending under the social protection sector has realized a nominal increase, from RWF 71.1 billion in 2013/14 to RWF 94.3 billion in 2017/18 – an increase of 32.6 per cent. However, this study shows that HMP receive limit assistance, as shown by the statistics. During focus group discussions in Gatsibo District, officials said that it receives only RWF 600,000 per budget year to assist all vulnerable people that need this support and it cannot resolve all issues related to social protection. For example, in the district of Gasabo,

which is part of Kigali City, social protection budget is 5.7 per cent of the total budget.<sup>33</sup> There is a need to advocate for an increased budget allocated to HMP-focused interventions, particularly with a focus on education and development programmes.

## **2. Need for awareness and advocacy campaign**

Local authorities said that for better social protection of HMP we need to design and carry out public communication campaigns and strong advocacy, which will help HMP to reduce their poverty. Local authorities should approach and help them to participate actively in government programmes like other citizens. In Gatsibo District, Ngarama sector and in Gasange some HMP families have changed their mind-set and are members of their Village Committee.

The local authorities also recommend that CSOs working with HMP in Rwanda should organize advocacy campaigns requesting the government to intensify social protection actions for HMP and ensure that they have the capacity to participate in socio-economic and political life. This advocacy campaign should be extended to media houses.

Responding to this call, the assessment agreed that HMP needed special attention and affirmative measures from the state, particularly in the fields of housing, education and employment. The government should put in place mechanisms to collect anonymous data to better understand the problems faced by HMP in the community. To address their concerns it will be necessary to set up a specific programme which can at least have a family in each community and organize a follow-up which can take two to three years, for example.

Regarding the issue of discrimination raised by HMP, Nyabihu District asserts that there is no discrimination and that maybe the local authorities need more awareness to have a good understanding of the rights of HMP.

## **3. Need for partnership between government, CSOs and religious-based organizations**

Local authorities appreciated the role played by CSOs and religious organizations in the implementation of government policies in different domains, especially in social protection of

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<sup>33</sup> Gasabo budget, 2018/2019.

HMP. They confirmed that CSOs strive to encourage HMP to become more engaged with local programme.

During this assessment, the district authority suggested that CSOs should keep up their partnership with local authorities in sensitizing HMP to stick to government policies.

## **CHAPTER IV: CONCLUSIONS AND RECOMMENDATIONS**

### **IV.1 Conclusions**

The assessment found there to be a very general, but basic, understanding of the concept of human rights violations in the context of HMP among participants in the study. There was also a fair level of awareness of the existence of institutions and laws that address violations in the context of human rights, but there was little understanding of how to access these rights. Human rights violations against HMP were reported on a wide scale, particularly in the community, and when seeking legal redress.

However, the majority of participants failed to report cases of human rights violations for a number of reasons, including lack of financial resources and lack of knowledge of the procedures to follow. Many of the participants who did seek redress were not keen to pursue their case because of poverty.

Also the government has put in place several development programmes, and some HMP benefited from them, but the assessment shows they are still living in extreme poverty.

## **IV.2 Recommendations**

### **To the government**

- The Government of Rwanda should increase funding for social assistance to HMP, specifically aimed at targeting marginalized and vulnerable groups in these communities.
- Relevant policy such as the Rwanda National Human Rights Action Plan should consider HMP as a specific group in need of protection.
- The government should raise awareness of HMP. Given the lack of detailed understanding among the assessment respondents regarding human rights legislation, there is a need to engage with communities to provide information and promote discussions around the meaning of respect for HMP's human rights, the content of the Constitution of Rwanda and the remedies available to address human rights violations.
- The government should put more effort into a special social protection programme for HMP and positive discrimination measures should be taken, particularly in the fields of housing, education and employment, with focus on women and other vulnerable groups belonging to HMP communities.
- For better social protection of HMP, the government should organize communication campaigns and strong advocacy which will help HMP to reduce their poverty and enhance their mind-set.
- The government should take educational measures aimed at a greater integration of HMP in schooling.
- Teachers should be sensitized so that they are equipped to deal with children in HMP communities in a way that is non-exclusive and ensures that they are able to participate fully in their schooling.
- Printed educational materials on human rights should be produced in a simple format and language with possible translation into local languages for the general population and HMP.
- Given the challenges reported by the assessment participants at the hands of service providers and public officials, there is a need to engage with service providers to equip

them with the knowledge to identify and address human rights violations and in order to prevent exclusion in the community.

- The government should organize radio talk shows on the rights of HMP. The radio is an effective medium for disseminating information to community groups, particularly in rural areas. Radio debates and talk shows on issues related to the rights of HMP should be broadcast on a regular basis.
- The government should improve right to participation of HMP and take measures to ensure appropriate representation of HMP in decision-making bodies at central and local government levels.
- The government should take measures to empower women and other marginalized groups such as people with disabilities and elderly persons belonging to HMP communities.
- The government should provide land to HMP to enable them to benefit from Girinka programme.

#### **To civil society organizations**

CSOs, religious-based organizations and especially HMP's organizations should:

- Organize community training initiatives related to the meaning of HMP's rights, which should also address issues related to their property;
- Develop projects that respond directly to the social protection of HMP;
- Organize awareness campaigns regarding the legal framework related to the rights of HMP, with particular focus on issues related to marginalization of HMP and ensure that HMP have better access to justice in both law and practice;
- Organize systematic monitoring and documentation of violations of HMP's rights and the implementation of laws aimed at protecting the rights of HMP;
- Include in their activities the component of access to justice and ensure that cases of HMP rights violations receive appropriate legal assistance;
- Empower women and other marginalized groups belonging to HMP communities for meaningful involvement in socio-economic and political programmes.

**To donors:**

They should:

- Provide financial support to organizations working on the social protection of HMP;
- Give support to the government to increase the budget allocated to the social protection of HMP;
- Provide direct support to HMP communities to reduce their poverty and improve their living conditions in relation to the rights to decent housing, education and employment.

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