Country Technical Notes on Indigenous Peoples’ Issues

REPUBLIC OF RWANDA

Submitted by:

IWGIA

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# ACRONYMS AND ABBREVIATIONS

<table>
<thead>
<tr>
<th>Acronym</th>
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<tbody>
<tr>
<td>ACHPR</td>
<td>African Commission on Human and Peoples’ Rights</td>
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<td>AU</td>
<td>African Union</td>
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<td>CBFP</td>
<td>Congo Basin Forest Partnership</td>
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<td>COPORWA</td>
<td>Communauté des Potiers du Rwanda (Rwanda’s Potter Community)</td>
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<td>COSOP</td>
<td>Country Strategic Opportunities Paper (IFAD)</td>
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<td>Country Partnership Strategy (World Bank)</td>
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<td>FAO</td>
<td>Food and Agricultural Organization</td>
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<td>FCPF</td>
<td>Forest Carbon Partnership Facility</td>
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<td>GDP</td>
<td>Gross Domestic Product</td>
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<td>Global Environmental Fund</td>
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<td>Gross National Income</td>
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<td>HDI</td>
<td>Human Development Index</td>
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<td>Human Rights Council</td>
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<td>International Criminal Tribunal for Rwanda</td>
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<td>International Fund for Agricultural Development</td>
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<td>International Finance Corporation</td>
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<td>IHDI</td>
<td>Inequality adjusted human development index</td>
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<td>ILO</td>
<td>International Labor Organization</td>
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<td>International Monetary Fund</td>
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<td>International NGO</td>
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<td>International Work Group for Indigenous Affairs</td>
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<td>NGO</td>
<td>Non-Governmental Organization</td>
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<td>ODA</td>
<td>Official Development Assistance</td>
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<td>Office of the High Commissioner for Human Rights</td>
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<td>OP</td>
<td>Operational Policy</td>
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<td>REDD</td>
<td>Reducing Emissions from Deforestation and Forest Degradation</td>
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<td>Rwanda Governance Board</td>
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<td>UNCT</td>
<td>United Nations Country Team</td>
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<td>UNDAP</td>
<td>UN Development Assistance Programme</td>
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<td>UNDRIP</td>
<td>UN Declaration on the Rights of Indigenous Peoples</td>
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<td>UNESCO</td>
<td>UN Educational, Scientific and Cultural organization</td>
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<td>UPR</td>
<td>Universal Periodic Review</td>
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Country Technical Note on Indigenous Peoples’ Issues in the Republic of Rwanda

Summary

The population of the Batwa in Rwanda is estimated at between 25,000 – 30,000, representing about 0.3 or 0.4% of the overall population of the country. The Batwa were traditionally forest dwellers and hunters-gatherers living in the western part of the country. Today they live dispersed all over the country, and often live in conditions of great hardship and poverty on the margins of mainstream society. This discrimination is largely the result of their land dispossession which started prior to colonization. Losing their forests to farmers, herders, and eventually nature conservation and cash crops, they also lost their livelihoods and culture, as well as their former status as people with specialized knowledge and skills. Today, only some of them have small land plots, seldom large enough to be cultivated; others live as squatters or tenants on other people’s land. Most Batwa live in poverty; many are unemployed or work as casual wage labor, make pottery, or depend on begging. When working they are often under paid and given the most strenuous tasks. Although their health and education situation has improved, the Batwa still lag far behind their compatriots. Batwa women are also the victims of many sexual abuses and violence committed by outsiders. Batwa children too are vulnerable and exposed to different forms of exploitation. The dispossession of the Batwa has also meant loss of their traditional forest-related culture.

The UN system has repeatedly expressed its concerns on the situation faced by the Batwa, the government of Rwanda, on the other hand, has repeatedly emphasized its efforts towards including the “historically marginalized peoples” in the national social protection programmes. However, the lack of disaggregated data makes it difficult to assess the effect of these efforts. Agencies and INGOs engaged in Rwanda should also keep in mind that the historical discrimination faced by the Batwa makes it difficult to access them or even identify them and get them involved in activities. Having this in mind, specific initiatives could include

- Supporting and facilitating the Batwa’s access to land and secure tenure rights so efforts to improve their livelihood are sustainable, support access and provide the Batwa with plots of land, so that they can engage in income-generating activities.
- Promote the inclusion of the Batwa in policy and program designs.
- Supporting the capacity building of Batwa organizations so they can monitor, assess and document the inclusion of the Batwa in social protection programmes.
- Supporting Batwa organizations in training their members so they know and understand their rights and regain enough self-esteem and confidence to claim and enjoy these rights.
- Supporting the establishment of constructive dialogues between Batwa and neighbor communities, using traditional conflict resolution mechanisms and psychosocial methods to eradicate or alleviate discrimination.
- Supporting initiatives to improve the situation of Batwa women and children
- Support the promotion of Batwa cultural traditions at national and international level
- Supporting Batwa communities’ participation in decision-making bodies at village level
1. **The indigenous peoples of Rwanda**

1.1 The national context

The Republic of Rwanda is a landlocked country in the Great Lakes region of East Central Africa. Covering 26,338 sq. km, it borders with Uganda to the north, the Democratic Republic of Congo (DRC) to the west, Tanzania to the east and Burundi to the south. The westernmost fifth of the country lies within the Congo basin and includes the Kivu Lake (part of the border with DRC), the volcanic Virunga mountains, and extensive forests; the remainder is part of the Nile basin and consists of hills, plateaus and savanna. Thanks to its high altitude, Rwanda enjoys a tropical temperate climate with two rainy seasons (February to April, November to January).

The country’s estimated population is estimated at 12,952,218 people (2020),\(^1\) making it one of the most densely populated countries in Africa (525 per Km\(^2\)). Rwanda also has one of the youngest populations in the world, with the average age being 19 years. Kinyarwanda is the official, national language and is spoken by 100 percent of the population. It is one of the country's official languages alongside French, English, and Swahili. The two major ethnic groups are the Hutu (84 percent) and the Tutsi (15 percent). The Batwa, or Twa,\(^2\) indigenous community represents less than 1 percent, although post-genocide law prevents the collection and dissemination of data disaggregated by ethnicity, and so exact numbers of the Batwa cannot be calculated.

The country is governed as a unitary presidential system with a bicameral parliament, Rwanda is one of the few countries in the world with a female majority in the national parliament. The country is administratively divided into five provinces—Eastern, Northern, Western, Southern and Kigali (the capital)—and 30 districts.

The country is predominantly rural, with around 90 percent of the workforce working in agriculture—in which women represent a large proportion. Despite Rwanda’s fertile ecosystem, the scarcity of suitable land for agriculture and animal husbandry has for long been a major issue. Depending on rain fed agriculture to support rural livelihoods and exports, Rwanda is furthermore highly vulnerable to climate change. Natural resources include tin, Coltan, tungsten, gold, and hydropower. Tourism, minerals, coffee and tea are Rwanda’s main sources of foreign exchange.

Since its independence in 1962, Rwanda has experienced several decades of ethnic and conflicts, leading to the tragic genocide of 1994. Since then, national unity and the struggle against ‘sectarianism’ have been the grounding principles of the regime’s efforts to rebuild Rwanda after

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2 The term Batwa is used throughout this note except in citations where the Bantu prefixes indicating singular and plural forms (Twa, Mutwa and Batwa) may occur. Twa, or Batwa is a Bantu term used throughout sub-Saharan Africa for different groups of people of very low status, referring in almost every case to hunter-gatherers and former hunter-gatherers as, e.g., ‘Pygmy’ people, who are recognized as the prior inhabitants of the area.
the total devastation of the 1994 genocide, according to the National Unity and Reconciliation Commission.³

The 1994 genocide also decimated Rwanda's fragile economic base and severely impoverished the population, in particular women and children. However, Rwanda has since then made substantial progress in stabilizing and rehabilitating its economy. Since then the country has experienced robust economic and social performance, with growth averaged 7.2% over the decade to 2019, while per capita gross domestic product (GDP) grew at 5% annually. Rwanda is currently implementing its National Strategy for Transformation to support these developments. Before the COVID-19 pandemic, Rwanda enjoyed strong economic growth, averaging over seven percent GDP growth annually over the last two decades. Nonetheless, a significant proportion of the population still lives below the official poverty line. Rwanda ranks 160 (out of 189) on the 2020 HDI and 123 (out of 152) on the inequality-adjusted 2019 human development index (IHDI), and Rwanda’s Gini index was reported at 43.7 in 2016 (according to the World Bank collection of development indicators)

1.2 Terminology

As part of the post-genocide reconstruction, the Constitution affirms in its preamble that the government is determined to eradicate all ethnic division, and article 9 affirms that the government of Rwanda commits itself to the “eradication of ethnic, regional and other divisions and promotion of national unity.” Consequently, there is no official recognition of the Batwa as indigenous peoples - the Constitution, however, uses the term “historically marginalized populations” (art. 82.2) and the government “recognizes the particular situation of some vulnerable populations under the category of ‘historically marginalized populations’” - this term—in Kinyarwanda Abasigajwe inyuma n’amateka—has today become the official designation. Another term often used is “potters”, that refers to the fact that many Batwa make pottery. The issue of definition and terminology is complex and has drawn a lot of debates over the last decade, with many Batwa self-identifying as indigenous ⁴ and are considered as such by the African Commission on Human and Peoples’ Rights (ACHPR), as well as by mechanisms for the promotion and protection of human rights, on the basis that the Batwa meet four of the recommended principles to be taken into account in any possible definition of indigenous peoples.⁵

1.3 Demography, location and livelihood

Traditionally forest-dwellers and living as hunters and gatherers in or near the forests in the western part of the country, they live today in small communities dispersed all over the country. There are no exact data regarding the Batwa population, but it is generally agreed that they number around

⁵ See, e.g., ACHPR, Report of the African Commission’s Working Group of Experts on Indigenous Populations/Communities (Banjul & Copenhagen: ACHPR & IWGIA, 2005), and concluding observations of the United Nations Human Rights Committee (HRC) which expressed its concerns “about the non-recognition of the existence of minorities and indigenous peoples in Rwanda, as well as reports that members of the Batwa community are victims of marginalization and discrimination.” Concluding observations of the Human Rights Committee: Rwanda, UN Doc. CCPR/C/RWA/CO/3 at 5, 22 (May 7, 2009).
30 to 35,000 people or less than 1 percent of the population. It is also estimated that up to 10,000 Batwa, or more than a third, died or were killed as a consequence of the genocide, and that a similar number fled out of the country.\(^6\)

2. Socio-economic profile

It is hard to get exact data and figures on the economic-situation faced by the Batwa due to the lack of disaggregate data in the country. However in 2019, a large-scale assessment was carried out by Batwa-supporting organizations African Initiative for Mankind Progress (AIMPO), Women’s Organization for Promoting Unity (WOPU), and Minority Rights Group International (MRG), with funding from the European Union, in order to understand the inclusion and involvement of Batwa in various socio-economic and political programs and to gauge their understanding of human rights.\(^7\) The remarkable socio-economic recovery Rwanda has experienced over the past decade has benefited the Rwandans in terms of reduced poverty, more equality and increased access to services. Although the government’s policies and programs for poverty reduction and social welfare in general have included vulnerable communities like the Twa as historically marginalized communities, they have often failed to effectively address their problems. Many Batwa currently live in conditions of great hardship and poverty on the margins of mainstream society and experience unequal treatment in all areas of economic, social and political life in the country.\(^8\)

2.1 Historical Discrimination & Marginalisation

The discrimination faced by the Batwa has historical roots, notably under the colonial racialization as ‘Pygmies’. These historical forms of discrimination still have impact on their situation today as they are still facing extreme discrimination.\(^9\) This discrimination is largely the result of their land dispossession. Losing their forest-based livelihood and culture also deprived them of their status as forest specialists, involved in reciprocal relationships with farmers, supplying them with useful forest products from an environment that farmers did not understand, or even feared.\(^10\) Impoverished and divested of everything, they have been stigmatized as ignorant and uncivilized and are still today exposed to all kinds of abuses and taboos against, for instance, eating with them, using the same utensils, and intermarrying. They also tend to live separate from others.\(^11\) Discrimination also makes it difficult for them to access the labor market, public services, etc.

2.2 Land dispossession and land security

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\(^9\) This discrimination has been denounced by various UN treaty bodies, such as CESCR, op. cit. (2013b) as well as by Special Rapporteurs (e.g., on Housing).


Scarcity of land is a general problem in Rwanda but compared with other Rwandese, the land situation of the Batwa is particularly precarious. The forest-based Batwa hunter-gatherers have suffered a gradual and prolonged dispossession process. Prior to and during colonization, the Batwa increasingly saw their forests being encroached on and cleared by farming, forcing them to abandon their traditional lifestyle and culture. Several protected areas and forests were later established and legislation to restrict access to areas of primary forest enacted. After independence, due to a rising number of people and cattle as well as the introduction of export crops, the pressure on forests increased further.\textsuperscript{12} By the 1980s, all remaining forest-based Batwa (or “Impunyu” as they call themselves) had been evicted from the Volcanoes and the Nyungwe National Parks.\textsuperscript{13} What is believed to have been the last Impunyu in Rwanda were expelled from the Gishwati Forest Reserve in the 1980s and 90s to make way for World Bank-financed forestry plantation and dairy projects.\textsuperscript{14} In general, the Batwa were not compensated, or did not receive any forms of reparations for these forced dispossession, leading them to become landless and live in poverty. This long process of historical land dispossession has a serious impact on the contemporary situation faced by the Batwa, who usually have very little rights to land, land tenure security and access to land to sustain their livelihood.

Over the last decades, Rwanda has undergone a land reform process with a main objective to abolish the customary law that governed most land in Rwanda and introduce tenure security and gender equality with respect to land ownership.\textsuperscript{15} Land registration has become compulsory and all rural land previously under customary tenure has been transferred to the written law system and registered during the Land Tenure Regularization Process (LTRP). Landholders have been granted certified emphyteutic lease contracts for periods of 3 to 99 years, and have to pay an annual land lease fee fixed by the district councils depending on the location, size and use of the land. The lack of disaggregated information makes it difficult to assess the impact of the land law on the situation of the Batwa. But in general, research shows that lack of land rights and security of land tenure is still one of the main issues faced by the Batwa.\textsuperscript{16} Land ownership has been identified as the most pressing issue facing the Batwa.\textsuperscript{17}

\textsuperscript{12} During the 20th century Rwanda’s forest area was reduced from 30\% of the land area to the present 7\%. Half the forests around the volcanoes in the north of Rwanda were cleared for pyrethrum plantations in the 1960s, and areas around Rwanda’s Nyungwe forest were cleared for tea estates. Large areas were later used to accommodate returning refugees. See Jackson, op. cit.

\textsuperscript{13} Rwanda has approximately 9\% of its land under protected areas, see UNEP-WCMC (2022). Protected Area Profile for Rwanda from the World Database of Protected Areas, February 2022. Available at: www.protectedplanet.net

\textsuperscript{14} These projects were intended to protect the natural forest, but had the opposite effect: by 1994 two-thirds of the original forest had been converted to pasture, almost all of which was allocated to friends and relations of the President. The World Bank itself concluded that the project had failed, and that the treatment of indigenous peoples had been ‘highly unsatisfactory’.

\textsuperscript{15} National Land Policy 2004, Paras. 4.1 (a) & 4.2 (01).

\textsuperscript{16} See 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 (IRDOP) and Tilburg University, October 2017

\textsuperscript{17} See, e.g., UPR, “Summary of Stakeholders’ Submissions”, op. cit., para. 37.
2.3 Economic poverty and social inequality

2.3.1 The employment situation
Although the share of national population living below the national poverty line has dropped, the Batwa often remain the poorest. They often face high rates of unemployment and rely on marginal subsistence strategies such as casual wage labor on other peoples’ farms, building roads, making pottery and other crafts, singing and dancing at festivities. When working, the Batwa are often under paid and given the most strenuous tasks. The situation of the Batwa living on the outskirts of the national parks is particularly difficult since they are no longer able to access forest resources (game, honey, wood, medicinal herbs, etc.)—a Presidential Decree from 1992 makes “clandestine” use of forest a criminal offence and all the parks apply strong anti-poaching policies. Despite their traditional knowledge of the forest environment, it is almost impossible for them to get jobs in the parks, for instance as rangers or tourist guides,18 and many families survive by begging. The Batwa’s overall desperate situation has been documented and reported by the National Commission on Human Rights and the Senate’s Commission on Social Affairs, but with limited impact.

2.3.2 Social protection programs
The National Social Protection Strategy (2005) includes a number of programs for Rwanda’s most vulnerable people, such as unconditional cash transfer and access to core essential services programs within the Vision 2020 Umurenge Programme (VUP)19 and the Genocide Survivors Support and Assistance Fund (FARG). The targeting of VUP beneficiaries is currently undertaken at the Village/umudugudu level, and it is the villagers who, based on the Ubudehe community targeting system, identify and place the poorest individuals in the community in one of six categories.20 However, recent research on the impact of these programs usually show that the Twa have not benefited from these programs.21 Likewise, animal husbandry programs like, for instance, the One Cow per Poor Family Program22 launched in 2006, have not benefitted many Twa households since most are only able to meet one out of four criteria for inclusion in the program, namely being poor, while few can fulfil the other three—having at least 0.75 ha of land, or a common area where a cow can be tended; having prepared or being ready to prepare at least 0.25 ha of pasture; and having a simple structure to house a cow and capacity to feed and water it.23 The UN Committee on alos noted the need to increase vocational training for the Batwa under the Hanga Umurimo project and

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19 Other VUP components include Public Works (create off-farm employment infrastructure, through paid activities) and Financial Services (foster entrepreneurship and off-farm employment opportunities, through credits). See Republic of Rwanda, National Social Protection Strategy (2011), p. 4.
20 Ubudehe is a classification of poverty based on participatory self-assessment at community level. There are six Ubudehe categories: extreme poor, very poor, poor, resourceful poor, food rich and money rich.
22 The idea behind the program was to give a poor family a cow free of charge on the condition that the cow’s first born female calf was passed on to a neighbour.
the Kuremera programme as they still discrimination in accessing the labour. In general, the Batwa faced challenges in accessing Government development and poverty reduction programmes.

2.4 Health, and education
Rwanda has made substantial progress towards the health and education SDGs. The situation among the Twas has also improved somewhat thanks to targeted public interventions. However, it remains on the whole critical.

2.4.1 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. However, as there are no official data regarding the health situation of the Batwa it is difficult to assess their situation. A 2004 survey showed that morbidity was high; that malaria was the main disease; that Batwa women received little pre-natal care; and that most children had full vaccination coverage. Regarding the food security situation, 60 percent of the Batwa had only one meal per day. This means that the rates for malnutrition and stunting must be high among the Batwa. The survey also noted that few people could afford going to a health centre and that only seven percent of the Batwa were members of a community based health insurance (Mutuelle de Santé). A more recent 2019 study also highlights that "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."

2.4.2 Education
Primary education is mandatory and free in state schools. Rwanda has gradually overcome barriers that usually prevent children from attending primary education by complete removal of any fees to attend school. On the whole, access to education has improved and Rwanda is expected to meet the SDGs regarding universal primary education. 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 level of education among the Batwa is much lower than for the Rwandese in general. In 2004, 77% of

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24 Committee on the Elimination of Racial Discrimination, UN Doc. CERD/C/RWA/CO/18-20 (2016)
26 The number of mutual health insurance schemes multiplied after 1996 when direct payment for health services was reintroduced. Membership is voluntary and payment of premiums is based on economic status. A small fee has to be paid on top when visiting health facilities. Today Mutuelles are found in all the provinces and cover 91 percent of the total population.
28 See Goodwin, M., Understanding Barriers to the Inclusion of the Batwa/Historically Marginalized Peoples (HMPs) in Development in Rwanda, Tilburg University, October 2017
the Batwa did not know how to read and write; many of them had not gone to school, and 48% had only attended primary school. Very few had a secondary education and fewer a university education. This situation has somewhat improved and in 2011, around 95% of Batwa children attended primary school. Almost 300 were in secondary and 45 studied at the university—in both cases thanks to government support. However, the rate of unemployment among young Batwa university graduates is high. A persistent problem is the drop-out rate of primary school children. A main cause is the marginalization they experience, another the out-of-pocket expenses involved. In 2011, a Senatorial ad hoc committee report emphasized this by calling upon the Ministry of Education 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 highlighted that ‘Over 90 per cent of historically marginalised adults never went to school and their children don’t go to school because of poverty and ignorance in their families.’

2.5 The situation of indigenous women
The government of Rwanda has made commendable efforts to promote gender equality. The 2003 Constitution states that women and men have equal rights and prohibits discrimination on the basis of sex; and subsequent legislation has confirmed women’s rights when it comes to inheritance and land ownership. However, only a small number of women have so far benefited from these efforts and women living in rural areas like the Batwa women are often not aware of their new rights. According to UNPO, sexual abuse against Batwa women has risen over the years. The causes for these forms of abuse and violence may vary but a majority of Batwa women felt that extreme poverty was the main factor for such abuse and violence. Many Batwa women also suffer from the consequences of the 1994 genocide. As many Banyarwanda genocide survivors, they too were raped, gave birth to children as the result of rape, were infected with HIV/AIDS and left as widows. They too face many challenges, including living with HIV/AIDS, as widows and sole providers, not to speak of harassment, violence, and trauma. It is difficult to say how the new laws regarding women’s right to have joint ownership and to inherit land will affect Batwa women as it depends on their marital status and matrimonial regime. As the Constitution recognizes only monogamous marriages between a man and woman and registered under civil law, this limits the rights of women who co-habit or live in polygamous relationship. Another constraint for asserting their inheritance rights is the general fee set for transfer of inherited property.

2.6. The situation of indigenous children
Indigenous children are another vulnerable group, with many Batwa children exposed to different forms of exploitation, such as domestic servitude, forced labor, prostitution and trafficking. The literacy rate for Batwa children remains very low in comparison with that of the rest of the

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32 In Rwanda, as a whole, between 250,000 and 500,000 women were raped and up to 20,000 children were born to women as a result of rape; more than 67 percent of women who were raped were infected with HIV/AIDS; and there are 10 times as many widows than widowers. See http://survivors-fund.org.uk/resources/rwandan-history/statistics/
33 Jackson, op. cit.
34 A husband and wife under community of property regime should register their land with both names on the title.
35 See CRC, Concluding Observations- Rwanda (UN Doc. CRC/C/RWA/CO/3-4, 2013).
population, and obstacles remain to the effective access of Batwa children to education. The UN Committee on the Rights of the Child has expressed concerned about the situation of Batwa children, inviting the government to (a) develop initiatives to reconnect Batwa children with their ancestral habitats and cultural practices; (b) combat all forms of discrimination faced by Batwa children (c) address child poverty, inadequate standard of living and vulnerability.

2.7 Cultural Rights
The Batwa seem to have lost their language several generations ago and today they all speak Kinyarwanda. However, as long as they lived as hunters-gatherers, their culture remained intact, their material and spiritual life revolving entirely around the forest and its resources, and they were renowned for their forest-related knowledge and skills. While all this remains part of their identity, many contemporary Batwa have never lived as forest-based hunters-gatherers and have lost most of their ancestors’ knowledge, skills and cultural practices, including their religious beliefs since most of them consider themselves as Christians. This, in conjunction with the policy of cultural assimilation, is undermining the Batwa cultural identity to the extent that many young Batwa, in order to be accepted by other young Banyarwanda, often chose to hide their true identity. With the influx of plastic ware, the women’s traditional pottery is also at danger. However, they have maintained a very rich and distinctive cultural tradition, centered on songs, dances and music, and their polyphonic music and chorales have attained worldwide renown.

2.8 Access to justice
Discrimination often leads to human rights abuses—assault and battery, house destructions, arbitrary arrests, rape, and despoliation of lands. In 2018, four UN Special Rapporteurs expressed concern about what appeared to be a recurring pattern of attacks against Batwa by non-Batwa. These abuses often remain in impunity. When dealing with justice: they are considered to be voiceless; they are unable to pay defense lawyers; they do not know how to defend themselves, they are not aware of the availability of legal aid services and there is a deliberate refusal to take their grievances into consideration. It has also been pointed out that the Government’s policy of non-recognition of ethnic groups also restricts opportunities for individuals and communities to formally lodge complaints regarding discrimination and to pursue such complaints.

36 Committee on the Elimination of Racial Discrimination, UN Doc. CERD/C/RWA/CO/18-20 (2016)
37 Committee on the Rights of the Child, Concluding observations, UN Doc. CRC/C/RWA/CO/5-6 (February 2020)
39 Letter dated 14 December 2018 from the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights of indigenous peoples and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance addressed to the Permanent Representative of Rwanda to the United Nations Office and other international organizations in Geneva. Available at https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24206
41 See UN HRC, op. cit. (2011), p. 12. CERD, in its Concluding Observations (2011) expresses its concern at the lack of information on complaints, prosecutions, sanctions and reparations relating to instances of racial discrimination apart from those linked to the 1994 genocide. It is likewise concerned at reports that the Batwa do not receive equal treatment in the courts and that they have difficulty obtaining access to justice in order to defend their rights”. (UN Doc. CERD/C/RWA/CO/13-17, 2011 ) para. 19
2.9 Public participation
The Constitution’s article 82.2 ensures that their interests as historically marginalized populations are represented by a Senator specifically appointed by the President. But despite such constitutional provision, few Batwa participate in public life, they have no reserved seats in the House of Deputies as is the case for youth and persons with disability. In general, very few Batwa are found within public administration at the local level, and they are not represented within state institutions supposed to deal with vulnerable sectors of society, combat discrimination or promote women’s rights. Being numerically small and poorly integrated in the society that considers them to be second rate citizens, the Batwa are prevented from actively engaging in political activities at the national level.

3. Constitution, National Laws and indigenous peoples
The current Constitution was approved by popular referendum in 2003 and has been amended several times—in December 2003, 2005, 2008, 2010 and 2015. It is based upon the desire to heal the country from its history of racial discrimination and promote national unity (Art. 9.2). The Constitution does not recognize the economic, social and cultural rights of the Batwa and it only refers indirectly to them under the term “historically marginalized communities”, a term that during the constitution-making process was generally understood to refer to the Batwa. Of specific interest for the Batwa are art. 11—“Any form of discrimination is prohibited”—and art. 82.2—“Eight (8) Senators shall be appointed by the President of the Republic, and shall particularly consider the principle of national unity among Rwandans, the representation of historically marginalized communities and other national public interests”.

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.

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.

The Commission Nationale des Droits de la Personne was created in 2003 as an independent state institution. Its main objectives are to contribute to the promotion and consolidation of human rights. There have been concerns about its independence, and in 2013, Law No. 19/2013 amended the legislation in order to ensure its independence in practice.

4. Climate change policies and laws
In 2011, Rwanda adopted a Green Growth and Climate Resilience Strategy, establishing in 2013 a National Climate and Environment Fund (FONERWA). The Ministry of Environment (MoE) is the key institution in charge of making policies, strategies, and programmes related to the environment.

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44 See CESCR, Concluding observations (2013b), para.7.
and climate change. REMA has the legal mandate for national environmental protection, conservation, promotion, and overall management, including advisory to the government on all matters of the environment and climate change.46 As part of the effort to address climate change, some projects are starting to emerge to stimulate local and indigenous communities’ involvement in the sustainable management of protected areas and parks, government and stakeholders in conservation instituted various schemes to support their developmental projects.

5. International and regional human rights treaties and instruments
The Republic of Rwanda has signed and ratified a wide range of international and regional human rights instruments including a number of international environmental conventions. According to art. 190 of the Constitution, international treaties and agreements have precedence over ordinary and organic laws and can be applied directly in the domestic legal order.

Rwanda was absent from the UN General Assembly when the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted and signed. Rwanda has not ratified ILO Convention No.169 on Indigenous and Tribal Peoples in Independent Countries.

4.1 International human rights treaties
Rwanda is party to several key human rights treaties, including:

- The Convention on the Elimination of All Forms of Racial Discrimination (CERD).
- The International Covenant on Civil and Political Rights (CCPR)
- The International Covenant on Economic, Social and Cultural Rights (CESCR).
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- The Convention on the Rights of the Child (CRC)
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).
- The Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CRMW).

Rwanda has ratified several universal human rights instruments related to armed conflicts, a number of UN conventions and several UNESCO conventions of importance to indigenous peoples. Rwanda is not a UN-REDD partner country.

Rwanda is a member of the International Labor Organization (ILO) and has ratified 28 of its conventions, including C29 and C105 (on forced labor), C100 and C111 (on discrimination within employment and occupation), and C138 and C182 (on child labor).

4.2 Regional human rights instruments
Rwanda is member of the African Union and has ratified the following regional human rights instruments:

- The Constitutive Act of the African Union
- The African Charter on Human and Peoples’ Rights (ACHPR)
- The African Charter on Rights and Welfare of the Child

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• The Protocol to the ACHPR on the Rights of Women in Africa
• The Protocol to the ACHPR on the Establishment of an African Court on Human and Peoples’ Rights
• The African Youth Charter.

4.3 Other relevant regional instruments
Rwanda has ratified several African conventions and is member of several regional institutions, including the East African Legislative Assembly (EALA); the East African Community (EAC); the Common Market for East and Southern Africa (COMESA); the Economic Community of Central African States (ECCAS), and is co-owner of the East African Development Bank (EADB).

Rwanda is member of the Central African Forest Commission (COMIFAC) and a signatory of the Convergence Plan for improved management and conservation of forests in Central Africa (February 2006), as well as to a number of forest-related regional organizations.

5. National and local non-governmental organizations
Rwanda has a large number of NGOs and CBOs. Some of the main NGOs are:

- **Community of Rwandese Potters/Communauté des Potiers Rwandais (COPORWA).** Founded in 1995 under the name Caurwa (Communauté des Autochtones Rwandais) to represent the Twa community in Rwanda, it was obligated to change its name to COPORWA in 2007. The organization is active within a number of areas and with the support of other local and international NGOs it has been able to create 50 small cooperatives, organize training and literacy courses, construct houses and provide support to income generating activities within pottery. In 2012, COPORWA was awarded an official prize as Best Performance in Good Governance and Community Based Advocacy by the Rwanda Governance Board. [http://www.coporwa.com](http://www.coporwa.com)

- **The African Initiative for Mankind Progress (AIMPO)** was founded in 2001 and its objective is to increase social and economic integration of Twa/indigenous currently designated Historically Marginalized Population (HMP) through training and education.

- **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.

- **Pro-Femmes Twese Hamwe** is with its 59 members the largest umbrella organization promoting women’s and gender based development in Rwanda. Pro-Femme has a country-wide structure, with a national and provincial level coordination offices and focal points throughout the country. [http://www.profemmes-twesehamwe.org/](http://www.profemmes-twesehamwe.org/)

- **Rwanda Civil Society Platform (RCSP)** was created in 2004 as an umbrella organization to provide a platform for information sharing and consultation between CSOs and their partners. Representing 14 national umbrella with more than 800 member organizations, and one individual NGO, it plays a key role in coordinating the monitoring of government policies
and programs and in providing feedback to improve policy formulation and implementation.

- **Rwanda Initiative for Sustainable Development (RISD)** does policy research, networking and advocacy and its mission is to promote, advocate and foster social and economic transformation by Rwandans themselves through sustainable use and protection of natural resources towards poverty reduction in an equitable and participatory manner. [http://www.risdrwanda.org/](http://www.risdrwanda.org/)

- **The Federation of Leagues and Associations for the defense of Human Rights in Rwanda (CLADHO)** is an umbrella organization for five organizations, focusing on protecting and defending general human rights as well as debating socio-economic problems and alternative political solutions.

- **The Institute of Research and Dialogue for Peace (IRDP)**, is a research-debate institution focused on the major challenges facing sustainable peace in post-genocide Rwanda. One of its aims is to identify aspects which can contribute to peaceful co-existence and to overcome the negative impact of ethnic division. [http://www.iirdp.rw/](http://www.iirdp.rw/)

6. International organizations

Rwanda continues to receive substantial ODA although it experienced a sudden and sharp decline in aid starting in mid-2012.

6.1 UN Agencies

In 2018, the United Nations Development Assistance Plan for Rwanda (UNDAP II) was adopted to outline how the UN will support the national development agenda 2018-2023. This five-year plan will be delivered by the United Nations system, with all agencies working together under the umbrella of ‘One UN’. The UNDAP II is mapped on to the same three Strategic Priority Areas that constitute the Government’s National Strategy for Transformation. It incorporates the 2030 Agenda for Sustainable Development and the Sustainable Development Goals, the African Union Agenda 2063, and the East African Community Vision 2050. It is also guided by thematic conventions and mandates of specific UN agencies.

The following UN agencies are signatories of UNDAP: UNDP (UN Development Programme), UNICEF (UN Children’s Fund), UNHCR (UN High Commissioner for Refugees), UNFPA (UN Population Fund), FAO (UN Food and Agriculture Organization), UNECA (UN Economic Commission for Africa), WHO (World Health Organization), UNAIDS (Joint United Nations Programme on HIV/AIDS), IOM (International Organization for Migration), WFP (World Food Programme), UNWOMEN, IFAD (International Fund for Agricultural Development), ILO (International Labor Organization), UNEP (UN Environmental Program), UNESCO, UNHABITAT, UNIDO (UN Industrial Development Organization), UNV (UN Volunteers), OHCHR (Office of the High Commission for Human Rights); and UNCDF (UN Capital Development Fund)

The Human Rights Adviser’s Office was established in 2008 within the UN Country Team in Rwanda. The Senior Human Rights Adviser works with the UN Country Team (UNCT) to integrate human rights into their programmes and activities; provides technical advice to national institutions; supports the
UNCT and national partners in their engagement with regional and international human rights mechanisms, and conducts human rights capacity-building for a range of governmental and non-governmental actors.

7.2 Bilateral international and regional development agencies
Rwanda’s main bilateral partners include Belgium, China, the European Commission, France, Germany, India, Japan; Korea, Luxembourg, Netherlands, Sweden, Switzerland, UK, and the USA.

7.3 International financial institutions

7.3.1 The World Bank
The World Bank Group’s (WBG) Country Partnership Framework is built on the government’s National Strategy for Transformation (NST 1). It is framed around five thematic areas:

- Improved Human Capital
- Improved Conditions for Private Sector Development
- Expanded Access to Infrastructure and the Digital Economy
- Increased Agricultural Productivity and Commercialization, and
- Intensified Urban Agglomeration.

The Bank Group's portfolio in Rwanda currently includes 20 national projects with a net commitment of $2,014 million. Rwanda also participates in four regional projects worth a national commitment of $240.30 million. Project objectives have ranged from providing access to basic infrastructure and enhancing urban management in selected urban centers, to supporting the strengthening of the social protection system, reducing stunting and providing electricity to rural households.

7.3.2 Other international and regional development banks and funds
These include the African Development Bank (AfDB), IMF, MiGA (Multilateral Investment Guarantee Agency), the European Investment Bank; the Global Fund to fight AIDS, Tuberculosis and Malaria; the Arab Bank for Economic Development in Africa (BADEA); Kuwait Fund for Arabic Development; Saudi Fund for Development; OPEC fund; and Abu Dhabi fund

7.4 International NGOs
INGOs working in Rwanda include: Action Aid, Care International, Communal Development Fund (CDF), Catholic Services (CRS); International Rescue Committee (IRC), Interpeace, Lutheran World Federation (LWF), Norwegian People’s Aid, Oxfam, PACT, Save the Children, SNV, Trocaire, Women in Transition (WIT) and World Vision.

Environmental organizations include IUCN (The World Conservation Union), US AID/CARPE (The Central Africa Regional Program for the Environment), WWF (World Wildlife Fund), WRI (World Resource Institute) and WCS (Wildlife Conservation Society).
8. IFAD projects and operations in the Republic of Rwanda

IFAD projects:
https://www.ifad.org/en/web/operations/w/country/rwanda#anchor-projects_and_programmes

IPAF projects:
https://www.ifad.org/documents/38711624/41839851/ipaf_africa_e.pdf/73fe84da-7916-b06b-6f38-01484a056426