

Submission by the United Nations High Commissioner for Refugees

For the Office of the High Commissioner for Human Rights' Compilation Report

Universal Periodic Review:

2nd Cycle, 23rd Session

THE REPUBLIC OF RWANDA

I. BACKGROUND INFORMATION

The Republic of Rwanda (“Rwanda”) is a party to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* (hereinafter jointly referred to as the *1951 Convention*). Rwanda is party to the *1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa* and ratified the *2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention)* in 2012. Rwanda is also party to the *1954 Convention relating to the Status of Stateless Persons (the 1954 Convention)* and to the *1961 Convention on the Reduction of Statelessness (the 1961 Convention)*.

The right to asylum is enshrined in the Rwandan *Constitution* in Article 25.¹ In June 2014, *Law No. 13ter/2014 of 21/05/2014 relating to Refugees*² was published and superseded earlier *Refugee Laws of 2001 and 2006*. Although the new *Law* brought positive institutional changes and improved adherence to international legal principles, it continues to display some challenges.

Despite its small geographical size and land scarcity, Rwanda has traditionally received refugees from neighboring countries such as the Democratic Republic of Congo (DRC). Large scale refugee influxes from Eastern DRC have been systematically recognized on a *prima facie* basis,³ whereas individual applications for asylum deposited in Kigali, including

¹ Rwandan *Constitution* of 4 June 2003, as amended on 2 December 2003, 8 December 2005, 13 August 2008 and on 17 June 2010, available at: http://www.parliament.gov.rw/fileadmin/Images2013/Rwandan_Constitution.pdf.

² *Law No. 13ter/2014 of 21/05/2014 Relating to Refugees*, available at: <http://www.refworld.org/docid/53fb08cd4.html>.

³ During mass movements of refugees (usually as a result of conflicts or generalized violence as opposed to individual persecution), there is not - and never will be - a capacity to conduct individual asylum interviews for everyone who has crossed the border. Nor is it usually necessary, since in such circumstances it is generally

asylum-seekers from DRC, are adjudicated on an individual basis. However, to date, no official declaration or policy document has been issued on *prima facie* recognition.

Rwanda also hosts refugees and asylum-seekers from, Afghanistan, Angola, Burundi, Central African Republic, Chad, Eritrea, Ethiopia, Kenya, Somalia, Sudan, South Sudan and Uganda.

UNHCR in Rwanda has two main beneficiary populations: 1) the refugee population located in five refugee camps and the urban refugees in Kigali; and 2) the Rwandan returnees coming back to Rwanda after years in exile.

i. Refugee Population in Rwanda

As of 1 December 2014, Rwanda hosted 73,702 refugees, principally from eastern DRC as well as approximately 225 asylum-seekers. The refugee population in Rwanda is predominantly Congolese (99 per cent) with 85 per cent of the Congolese originating from North Kivu and 10 per cent from South Kivu. The majority of the refugee population is made up of women and children. Most refugees are dependent on food assistance with limited opportunities for income generating activities.

Durable solutions and access to livelihoods

A brief survey conducted by UNHCR in March 2014 revealed that over 98 per cent of the adult refugees interviewed indicated unwillingness to return to DRC at the current time. They cited primarily concerns over insecurity and expressed fear of persecution based on their ethnicity – as the protracted refugee population is predominantly composed of Kinyarwanda speakers – as well as lack of guarantees that they would recover their land and other property. According to the abovementioned survey, Congolese refugees who have attempted to return to their homes have reportedly found their homes and land occupied by former militia members or families of different ethnic backgrounds.

Testimonies of Congolese refugees to the UNHCR referred to continued deterioration in personal security in and around the areas of origin with killings, sexual violence, grievous bodily harm, looting, the burning of properties and cattle plundering, as well as anticipation of renewed fighting.

Livelihoods opportunities and self-reliance continue to be a challenge. Rwanda is a developing nation and an agricultural society with limited land, which impedes agricultural activities for refugees. While a certain level of social integration is noticeable especially among a few urban refugees, refugees in general face difficulty in obtaining jobs. Discussions on the scope of livelihoods opportunities as well as discussions on the possibility of local integration for some of the refugee population were tabled with the Government in 2014 and will likely continue throughout 2015.

It should be noted that during a Ministerial Event on Refugees and Stateless Persons in December 2011, the Government of Rwanda pledged to “Take necessary measures at all levels to enable asylum-seekers/refugees to access basic services and enjoy their economic, social and cultural rights, including fair access to the national labour market, the recognition

evident why they have fled. As a result, such groups are often declared "prima facie" refugees. <http://www.unhcr.org/pages/49c3646c137.html>.

of refugees' school and vocational diplomas, access to durable residence status, and the development of literacy programmes and adult education opportunities.”⁴

With limited scope for local integration or voluntary repatriation in the foreseeable future, resettlement to a third country is used by UNHCR in a strategic manner and as a protection and durable solutions tool. Additionally, resettlement helps to enhance the physical and protection space in the camps, where services are already stretched to the limits. Around 5,000 refugees were submitted for resettlement in 2012/2013. Under the *Regional Multi-Year Resettlement Strategy* with the United States, the target is to resettle 10,000 Congolese refugees from Rwanda by 2016, and to define new parameters later; to allow for continuation in 2017 and beyond.

ii. Rwandan Returnees

UNHCR has developed a *Comprehensive Solutions Strategy for Rwandan Refugees*. During the Ministerial Conference held from 16 to 17 April 2013 in Pretoria, South Africa, a differentiated approach was adopted for the date of invocation of the cessation clause for Rwandan refugees.⁵ It was accepted that the actual date of invocation of cessation would vary from country to country. So far seven countries have invoked the cessation clause.⁶ During the Ministerial Conference, all countries of asylum and Rwanda agreed to move forward with the implementation of durable solutions (voluntary repatriation and local integration), as well as exemption for particular cases. While the process for receiving Rwandans repatriated onto the territory is ongoing and a procedure for the issuance of Rwandan passports for those who have opted for local integration in countries of previous asylum has been devised by the Government of Rwanda, there are challenges related to timely progress. As of September 2014, only 17 per cent of all Rwandan refugees in 28 African countries have been verified; verification is critical to assess who falls within the ambit of cessation. While voluntary repatriation is ongoing, there is a need for an improved communication strategy to inform refugees about the conditions of return.

The UNHCR Office in Rwanda is therefore responsible for both discussing the key messages of reintegration with the Government of Rwanda but also for working closely on reviewing the monitoring of the reintegration strategy for the returnees once back in Rwanda. In 2013, 7,305 Rwandan refugees returned to Rwanda, while in 2014, 5,686 Rwandan refugees returned. Another 10,000 refugees are expected to return to Rwanda in 2015.⁷ The vast majority of Rwandan Returnees come from the DRC (88 per cent) and Uganda (11 per cent) with only 1 per cent from other countries. This situation remains unchanged since the invocation of the cessation clause by the seven countries.

⁴ Pledges 2011 - Ministerial Intergovernmental Event on Refugees and Stateless Persons, p.110 par.7, available at: www.refworld.org/docid/50aca6112.html.

⁵ The *1951 Convention relating to the Status of Refugees* recognises that refugee status ends under certain clearly defined conditions. This means that once an individual is determined to be a refugee, their status is maintained unless they fall within the terms of the cessation clauses or their status is cancelled or revoked. Under Article 1C of the *1951 Convention*, refugee status may cease either through the actions of the refugee (contained in sub-paragraphs 1 to 4, such as by re-establishment in his or her country of origin), or through fundamental changes in the objective circumstances in the country of origin upon which refugee status was based (sub-paragraphs 5 and 6). The latter are commonly referred to as the “ceased circumstances” or “general cessation” clauses. *UNHCR Guidelines on International Protection No. 3: Cessation of Refugee Status under Article 1C (5) and (6) of the 1951 Convention relating to the Status of Refugees*, 10 February 2003, accessible at: <http://www.refworld.org/docid/3e50de6b4.html>.

⁶ To date the seven countries that have invoked the cessation clause are: Burundi, Republic of Congo, Zambia, Burkina Faso, Niger, Senegal and Togo.

⁷ See: <http://www.unhcr.org/pages/49e45c576.html>.

In order to implement the *Comprehensive Solutions Strategy for Rwandan Refugees* and in an effort to ensure sustained reintegration opportunities for Rwandan returnees, the One UN in Rwanda and the Government of Rwanda (GoR), under the overall coordination of the Ministry of Disaster Management and Refugee Affairs (MIDIMAR), have developed a Joint Programme entitled *Sustainable Return and Reintegration of Rwandan Returnees* to address some key challenges faced by Rwandan returnees.

The One UN – Government of Rwanda Programme aims to be inclusive in its approach by supporting returnees in all relevant aspects of their lives, including access to land, justice, health services, education and appropriate housing facilities, agricultural and livelihood support and vocational training, where appropriate. In addition, special focus will be given to issues related to peace-building, advocacy for reproductive health, HIV and AIDS treatment, gender equality, and women’s and children’s rights.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

Asylum Law

UNHCR welcomes the fact that in the new *Refugee Law of 2014*, critical provisions of international refugee law that were previously absent have now been included, namely: *non-refoulement*, cessation, exclusion, revocation, naturalization, family unity, and references to socio-economic rights as per the *1951 Convention*. The new *Law* also clarifies the role of the Government with regards to influx of combatants and provides clear timelines in regards to the application process.

Asylum Policy

In 2013, communication between the MIDIMAR, the National Refugee Council (NRC) and UNHCR saw improvement from previous years where there was no information on adjudication sessions, asylum cases and methodology adopted. By contrast, in 2013 UNHCR was invited to three out of four NRC adjudication sessions and provided input on all cases adjudicated, with a recognition rate of 95 per cent for cases where UNHCR provided input.

From June to December 2014, the Government implemented a new special continuous registration exercise that allowed for recognition of unregistered spouses, parents and children under derivative status. As a result, 406 individuals were recognized as refugees across all protracted camps and now also benefit from international protection.

Child Protection and Sexual and Gender-Based Violence (SGBV)

UNHCR also applauds the initiative taken by the Government of Rwanda since 2013 to begin a de-institutionalization process by reforming the existing child care system and developing more appropriate alternative care arrangements for children separated from their family, including refugee children and other children of concern to UNHCR.

Moreover UNHCR applauds the initiative of the Government of Rwanda, since 2009, to develop One Stop Centres in all districts of the country to prevent and respond to SGBV through a multidisciplinary approach, including refugees and other persons of concern to

UNHCR. UNHCR encourages the Government of Rwanda to continue and strengthen such efforts to prevent and respond to SGBV as well as child abuse.⁸

Registration, refugee status determination (RSD) and issuance of documentation

UNHCR is developing a strategy for transfer of registration responsibility to the Government by 2017 and is working towards systematically sharing registration data with the Government. The Government is also working on a strategy to reduce identity fraud among refugees who wrongfully obtain Rwandan ID documents.

In parallel, biometric registration of all new Rwandan returnees at the Transit Centres of Nkamira and Nyagatare was initiated in October 2014 by UNHCR. The Government of Rwanda, supported through the One UN Joint Programme, is providing national IDs to Rwandan returnees with a coverage rate that approaches 98 per cent.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Issue 1: Civilian and Humanitarian Character of Asylum⁹

The Great Lakes Region is a highly volatile region, where numerous armed groups are active. In 2014 a profiling exercise took place in all refugee camps in Rwanda aiming to profile unregistered asylum-seekers. This led to the profiling of 9,027 unregistered asylum seekers in all five camps.

Recommendations:

UNHCR recommends that the Government of Rwanda:

- Perform a screening on the MIDIMAR lists and pictures of interned ex-combatants and on data obtained during the 2014 registration exercise of 9,027 unregistered asylum-seekers, in order to safe-guard the civilian, humanitarian and non-political character of asylum.

Issue 2: National legislation on refugees and asylum-seekers

In the new *2014 Refugee Law*, key provisions such as non-penalization upon entry and UNHCR's supervisory responsibility and observer status in the new National Refugee Status Determination Committee (NRSDC) remain absent, despite being suggested in the earlier draft submitted to the Senate. However, the abovementioned provisions do not cover all aspects of the principle of non-penalization, since the provisions provide minimal flexibility and protection for asylum-seekers who do not seek asylum immediately upon entry, including refugees *sur place*.

⁸ Recommendations to set up mechanisms to help victims of sexual and domestic violence were made during the 1st cycle UPR examination of Rwanda, which Rwanda supported and considered implemented. See: Report of the Working Group of the Universal Periodic Review: Rwanda, A/HRC/17/4, 14 March 2011, paras 78.8 (recommended by France, Brazil and Moldova), available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/117/93/PDF/G1111793.pdf>.

⁹ For more information, see UNHCR Executive Committee, *Conclusion on the civilian and humanitarian character of asylum*, 8 October 2002, No. 94 (LIII) - 2002, available at: <http://www.refworld.org/docid/3dafdd7c4.html>.

According to the *2014 Refugee Law*, a *Prime Minister's Order* will elaborate the organization and functioning of the National RSD Committee. Unfortunately, UNHCR has not been privy to any discussions on the *Prime Minister's Order*. The *Draft Order* was shared by the Prime Minister's Office with MIDIMAR in mid-November 2014 but has yet to be adopted. MIDIMAR requested the following two additional provisions: a) that all asylum applications pending with Immigration beyond 15 days be automatically submitted to the secretariat of the National RSD Committee; and b) that UNHCR be granted observer status in National RSD Committee sessions.

As per the *2014 Refugee Law*, the role of the Directorate General of Immigration and Emigration to “review” the asylum applications needs further clarification. The role in the previous laws was to “notify” the National Refugee Status Determination Committee of all applications. The change from the term “notify” to “review” should be clarified. Also noteworthy is that, in the law, it is clearly stipulated that Immigration “shall” submit the application to the NRSDC within 15 days, which underscores an obligation to transfer all applications.

The *2014 Refugee Law* posits the responsibility for appeal with the Minister of MIDIMAR rather than the High Court. Considering that the Secretariat of the first instance is MIDIMAR, the role of the same Minister on appeal questions may compromise the independence of the appeal.

Under the current legal framework, there is no provision regarding free legal aid for asylum-seekers at different stages of the process over and above the services available to all vulnerable individuals accessing the judicial procedure. The ‘Maison d'accès à la justice’ provides a programme to assist a certain number of vulnerable individuals. However challenges remain in regards to its capacity to take on cases (limited staffing) and its knowledge of international refugee law.

Recommendations:

UNHCR recommends that the Government of Rwanda:

- Amend the new *2014 Refugee Law* to include the principle of non-penalization of illegal entry, as stipulated in the *1951 Convention* and UNHCR's supervisory responsibility and observer status in the National Refugee Status Determination Committee (NRSDC) sessions; or alternatively, to include the relevant provisions in the *Prime Minister's Order* on the above-mentioned topics;
- Amend the *2014 Refugee Law* to posit the responsibility of appeal to an independent organ or to put in place sufficient safeguards to ensure independence;
- Ensure that the envisaged National Refugee Status Determination Committee (NRSDC) becomes fully functional as soon as possible;
- Provide free legal aid to asylum-seekers at different stages of the process, as well as capacity building for the institutions providing such legal aid;¹⁰ and
- Coordinate with UNHCR to ensure capacity building for the members of the newly established NRSDC and all implicated authorities.

¹⁰ A commitment to provide legal aid to all vulnerable and poor people was made during the 1st cycle UPR examination of Rwanda. See: Report of the Working Group of the Universal Periodic Review: Rwanda, A/HRC/17/4, 14 March 2011, para. 79.9 and para. 84 (recommended by Cambodia and Slovakia), available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/117/93/PDF/G1111793.pdf>.

Issue 3: Access to asylum procedures and protection from *refoulement*

During the last few years, the situation regarding access to asylum procedures has become increasingly problematic for individual asylum-seekers in terms of access to asylum, length of the procedure and the quality of decision-making. Lack of clarity regarding the role of the Directorate General of Immigration and Emigration to “review” asylum claims, increases such concerns.

In its Pledges during the Ministerial Event of December 2011, Rwanda pledged to:

- “1. Improve the entry systems to allow refugees, asylum-seekers and other groups with specific needs to be identified and granted access to the national territory [...];
2. Improve the implementation of its refugee status determination procedures and ensure efficiency and consistency with high standards.”¹¹

A pressing concern remains the status of the remaining five Eritreans, one Sudanese and two South Sudanese (out of an initial total of 25 individuals), who have approached UNHCR since March 2014 for assistance and guidance on access to asylum in Rwanda. This group claims “to have been relocated” from Israel to Rwanda. UNHCR Rwanda has been advocating for their access to asylum in Rwanda and due process since March 2014.

In addition, a number of asylum-seekers of various nationalities (Afghan, Burundian, Congolese, Kenyan and Ugandan) have not been granted access to asylum. The reasoning of the authorities for the impediments varied.

It is noteworthy that such denials took place, despite Rwanda’s pledge during the Ministerial Event to “Improve the extent to which asylum-seekers, refugees and stateless people, especially women and girls, have access to their rights and enjoy protection and assistance by: a) clarifying for asylum adjudicators that gender-related forms of persecution are recognized grounds for refugee status.”¹² The *Prime Minister’s Order* should include an obligation for the Immigration Directorate to submit asylum application cases to NRSDC within 15 days, without discrimination based on race, religion or gender.

Recommendations:

UNHCR recommends that the Government of Rwanda:

- Ensure immediate functioning of the National Refugee Status Determination Committee and allow access to asylum procedures for all asylum-seekers, without discrimination based on race, nationality, religion, sexual orientation and/or gender identity;
- Amend the *2014 Refugee Law* or include relevant provisions in the forthcoming *Prime Minister’s Order* to clarify that the Directorate General of Immigration and Emigration will have an obligation to submit all asylum claims to the NRSDC within 15 days; and
- Consult with UNHCR on the content of the *Prime Minister’s Order* that will implement the *2014 Refugee Law*.

¹¹Ministerial event to commemorate the 60th and 50th anniversaries of the *1951 Convention* and the *1961 Convention on the Reduction of Statelessness*, respectively. See: Ministerial Intergovernmental Event on Refugees and Stateless Persons - Pledges 2011, 7-8 December 2011, available at: www.refworld.org/docid/50aca6112.html.

¹² Ministerial Intergovernmental Event on Refugees and Stateless Persons - Pledges 2011, p.110 para.4 (a), 7-8 December 2011, available at: www.refworld.org/docid/50aca6112.html.

Issue 4: Policy coordination

There are notable differences in asylum procedures, policy and strategies within the East African Community (EAC). In March 2010, the Representative of UNHCR to Tanzania, Mr. Oluseyi Bajulaiye, and the Secretary-General of the EAC, Ambassador Juma Volter Mwapachu, signed a *Memorandum of Understanding* in Dar es Salaam. This agreement aimed to establish a framework for cooperation between the EAC and UNHCR in areas of common concern including the protection of forcibly displaced people, regulatory regimes affecting the movement of persons, immigration and refugee management.

It was declared that central to the partnership would be the promotion of the rights of refugees and internally displaced people, including strengthening of national legislation. The two organizations would also join efforts to enhance their response to the increasingly complex migratory movements of people within and through the sub-region, which include people fleeing conflict. Promotion of human rights, peace building and developing early-warning systems would also feature prominently among the joint activities.

However, the member States have not been convening and have not demonstrated tangible efforts to harmonize their asylum policies with a view to protecting the rights of persons of concern. Among other serious incidents, where the respect of due process was problematic and that took place in EAC countries, in 2013 Tanzania expelled over 14,000 Rwandan as well as 15,000 Burundian nationals.

Furthermore, up till now, the right of free movement between the countries members to the EAC is not recognized for refugees residing in the member states. This right would create valuable livelihood opportunities for protracted refugees.

Recommendations:

UNHCR recommends that the Government of Rwanda:

- Promote, in liaison with other EAC States, the harmonization of asylum law and application procedures, in a manner that will enhance international protection;
- Clearly distinguish between issues of migration and asylum and ensure the necessary safeguards for persons in need of international protection, irrespective of their migratory status; and
- Closely study and document linkages and trends of the asylum - migration nexus within the EAC in an effort to develop a comprehensive strategy and approach.

Issue 5: Economic, social and cultural rights, including access to an adequate standard of living, education and health care

Additional living spaces for camp-based refugees as well as for transit centers that provide services to Rwandan returnees are urgently needed. Currently the camps are overcrowded and a number of social problems have arisen as a result. Refugees in camps enjoy 16 square meters of space, as opposed to the recommended minimum standard of 45 square meters. Such shortages of space, a systemic problem in refugee camps in Rwanda, are causally related to incidents of sexual and gender-based violence (SGBV), as well as child abuse.

Throughout 2013, the Government policy on twelve years of free basic education has been applied.

Refugee children currently face practical impediments in accessing upper secondary education. Despite the Government policy, most refugee children were not able to have access to the last three years of education, due to financial and space constraints. While the Government has shown willingness to allow such access, this has not concretely taken place yet, because of funding shortage. This can have adverse effects in the integration of refugee children in the future or it can lead to delinquency and other social ills.

Refugees are also currently not included in Rwanda's Health Insurance Scheme and the national social protection system.

Recommendations:

UNHCR recommends that the Government of Rwanda:

- Explore the possibility of increasing the refugee habitation area by providing additional land next to the existing camps or at different suitable locations within the country;
- Ensure that all land provided for refugee settlements, as well as for transit centres, is at least 50 kilometers from the border, to ensure the physical safety of the persons of concern to UNHCR;
- Make all possible efforts to include refugee children in the national education planning process in order to expand upper secondary education to refugee children on an equal basis with other children in Rwanda;¹³ and
- Makes all possible efforts to allow refugees access to the *ubudehe*¹⁴ social stratification scheme, which would enable them to get equitable access to Government services according to their socio-economic status.

Issue 6: Local integration

The *2008 Rwandan Nationality Law*¹⁵ allows for the naturalization of refugees and asylum-seekers married to Rwandan nationals¹⁶ (3 years from the date of the marriage) and for all children born in Rwanda to refugees and asylum-seekers after they reach adulthood.¹⁷ However, in practice, the occurrence of naturalization is very rare. Lack of information and sensitization regarding the existence of this provision seems to be one of the main reasons for its infrequent use.

Recommendations:

UNHCR recommends that the Government of Rwanda:

- Facilitate and promote the naturalization of refugees married to Rwandan nationals in accordance with the *2008 Rwandan Nationality Law*, if married to a Rwandan national and otherwise fulfilling the criteria set out in the relevant provisions; and

¹³ A recommendation to ensure free access to secondary education to all young persons was made during the 1st cycle UPR examination of Rwanda, and is in the process of being implemented. See: Report of the Working Group of the Universal Periodic Review: Rwanda, A/HRC/17/4, 14 March 2011, paras 79.19 (recommended by Burundi), available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/117/93/PDF/G1111793.pdf>.

¹⁴ The Ubudehe categorisation aims to uplift poor families' living standards and improve social welfare. Under the programme, households are put in categories based on their social-economic status, and their property – in terms of land and other belongings – and what the families' breadwinners do to earn a living.

¹⁵ *Organic Law N° 30/2008 of 25/07/2008* relating to Rwandan Nationality, available at: <http://www.refworld.org/docid/4c569f4dc.html>.

¹⁶ *Ibid*, art.11.

¹⁷ *Ibid*, art. 8.

- Take concrete steps to facilitate local integration of refugees, particularly in protracted situations, in collaboration with UNHCR and the international community.

Issue 7: Access to birth registration and issuance of birth certificates

Large backlogs in birth registration continue, particularly in refugee camp locations. In Gihembe, Nyabiheke and Kiziba camps, there is a backlog of 18,000 birth certificates that need to be issued to refugee children born in Rwanda since 1996. There is also a need for systematic birth registration in all camps within the 30 days after birth as per the time limit set by national law. Operational modalities and budget requirements have been agreed with the Government and are at various levels of implementation at field level. However, court fees related to late birth registration (after 30 days after birth) represent an impediment to birth registration.

At the Ministerial Intergovernmental Event on Refugees and Stateless Persons, held in Geneva in December 2011, the Government of Rwanda pledged to “take all measures to ensure a lawful birth registration for all children of refugees, asylum-seekers and stateless persons.”¹⁸

Recommendations:

UNHCR recommends that the Government of Rwanda:

- Waive the court fees related to late birth registration or alternatively, include refugees within the *ubudehe* social stratification scheme. This would allow most refugees to qualify to have their fees to be waived, which would significantly increase the rate of birth registration and would help to prevent statelessness; and
- Take action to reduce the backlog of 18,000 birth certificates that need to be issued to refugee children born in Rwanda since 1996.

Issue 8: Rwandan returnees

According to the findings of the 2014 annual returnee monitoring conducted by UNHCR,¹⁹ most returnees are in vulnerable conditions with limited skills and resources. Creating social and economic development opportunities for returnees is therefore a priority for the Rwandan Government. UNHCR in collaboration with MIDIMAR, and within the framework of the One UN Sustainable Return and Reintegration Project, has provided direct assistance to beneficiaries. Assistance has been given in the form of vocational skills training, small business startup kits, livestock, and shelter materials.

Despite the continued progress and achievements over the last few years, the Government of Rwanda is facing socio-economic challenges that affect the capacity for reintegration of returnees. Returnees are in need of income-generating activities. Many of them are interested in obtaining livestock and agriculture fertilizers or engaging in a vocational training. Returnees also highlighted the negative impact on their livelihoods due to lack of land.

¹⁸ Pledges 2011 - Ministerial Intergovernmental Event on Refugees and Stateless Persons, available at: www.refworld.org/docid/50aca612.html, p.110 par.9.

¹⁹ In 2014, UNHCR field offices in Gisenyi and Cyangugu interviewed 1,948 heads of returnee households in 49 missions (from January to November 2014). Furthermore, in the framework of the Sustainable Return and Reintegration Joint Program, UNHCR is providing financial support to MIDIMAR Reintegration Unit for the identification of returnees and their integration into existing social protection programs. The Reintegration Unit also performs monitoring activities.

Returnees also indicated difficulties in paying for health insurance after the first year of free coverage. Access to education in Rwandan public schools is also a challenge for returnees who cannot afford to pay for scholastic materials and school uniforms. Moreover, those who completed the 12 years of free education need support to be able to access tertiary education.

Access to land is one of the most worrying questions in societies where the majority of the population is farmers and is experiencing land scarcity. For Rwandan returnees, access to justice and to adequate and expedited protection of their land and housing rights is of utmost importance for their ability to integrate and live with dignity. In a country that is predominantly agricultural, there is also a need to provide sustainable solutions for people who did not have land previous to their flight.

Recommendations:

UNHCR recommends that the Government of Rwanda:

- Continue efforts towards reintegration and assistance for returnees, in particular in regards to access to education and health care;
- Conduct sensitization and training, in a gender-sensitive manner, on land, property and inheritance rights, as well as on the administrative and judicial mechanisms available to defend one's rights;
- Ensure that administrative procedures for repossessing land property rights is enhanced and accelerated; and
- Support the 'Maison d'accès à la justice' in prioritizing all cases of returnees who have land and property issues.

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March 2015