



Rwanda

	Name change	Not possible. ¹⁴⁷
	Gender marker change	Not possible. ¹⁴⁸
	Laws used against transgender and gender diverse people	
	<i>Legislation</i>	<i>Law determining offences and penalties in general.</i> ¹⁴⁹
	<i>Quote/details</i>	<p>Article 143, Public indecency.</p> <p>Any person who performs an indecent act in public, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than six (6) months and not more than two (2) years.</p> <p>Article 236, Insults or defamation against the President of the Republic.</p> <p>Any person who insults or defames the President of the Republic, commits an offence. Upon conviction, he/she is liable to a term imprisonment of not less than five (5) years and not more than seven (7) years and a fine of more than five million (FRW 5,000,000) Rwandan francs and not more than seven million (FRW 7,000,000) Rwandan francs.</p> <p>[DE FACTO CRIMINALISATION]</p>
	<i>Situation</i>	<p>There are no laws in Rwanda that <i>de jure</i> criminalise transgender and gender diverse people. However, in practice transgender and gender diverse people have been indirectly criminalised (<i>de facto</i> criminalisation).¹⁵⁰</p> <p>Under the 2012 Penal Code¹⁵¹ the criminalisation of sex work and vagrancy were used to subject transgender and gender diverse people to harassment, extortion, arbitrary search, arrest and detention¹⁵² by the police and <i>Inkeragutabara</i>.¹⁵³</p> <p>Under the new Law determining offences and penalties in general, the criminalisation of the possession of illegal substances, insulting and/or criticising the president,¹⁵⁴ and public order provisions have been indicated as contributing to the criminalisation of transgender and gender diverse people.¹⁵⁵ Transgender and gender diverse people have reported being harassed by police who accuse them of trying to recruit young people into illegal activities. Additionally, some transgender people are arbitrarily searched, arrested and detained without being given any reason.¹⁵⁶</p>
	<i>Examples</i>	Transgender, gender diverse people, and sex-workers who the police and <i>Inkeragutabara</i> decide are 'vagabonds' or 'prostitutes' reported being arbitrarily detained in centres, such as the Gikondo Transit Centre. ¹⁵⁷ Opened to decrease people wandering on the streets of Kigali, the

¹⁴⁷ Confirmed by Carter Honorée Wolf, trans activist, Rwanda.

¹⁴⁸ Ibid.

¹⁴⁹ <http://www.therwandan.com/wp-content/uploads/2018/10/The-New-Rwanda-Penal-Code.pdf>

¹⁵⁰ Police and *Inkeragutabara* practices in Rwanda sanction transgender and gender diverse people using legal provisions that are not on the face of them directly discriminatory towards transgender and gender diverse people.

¹⁵¹ https://www.unodc.org/res/cld/document/rwa/1999/penal-code-of-rwanda_html/Penal_Code_of_Rwanda.pdf

¹⁵² Irwin Iradukunda and Roselyn Odoyo, *Agaciro: A landscape analysis of the human rights of sex workers and LGBT communities in Rwanda*, 2016, <http://awdflibrary.org/handle/123456789/370>.

¹⁵³ The reserve force of the Rwanda Defence Forces.

¹⁵⁴ It was reported that the implication of this law has been to contribute criminalisation of activists who speak out against the president in relation to the human rights violations against transgender and gender non-conforming people in Rwanda.

¹⁵⁵ Rwanda Gender Pride, a human rights organisation in Rwanda working on the rights of transgender and gender non-conforming persons.

¹⁵⁶ Ibid.

¹⁵⁷ Ibid.