



YPDO

The Youth Potters Development Organization

**ALTERNATIVE REPORT ON SECOND CYCLE OF THE
2011 UPR RECOMMENDATIONS TO RWANDA**

**Submitted by the Youth Potters Development Organization (YPDO) to the UN
Office of the High Commissioner for Human Rights Universal Periodic Review:
23rd Session of the UPR Working Group, 2015**

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1. Brief description of YPDO

The Youth Potters Development Organization (YPDO) is non-governmental organization, established in December, 2013 by youth leaders of Indigenous People Batwa of Rwanda. The YPDO aims to promote the respect of human rights and sustainable socio-economic development of youth and women potters of Rwanda through their capacity building, supporting their income generating initiatives, promoting the citizen participation and advocating the problems affecting the youth and women of indigenous people Batwa of Rwanda.

2. Introduction

According to the census (EICV3)¹ of 2012, the population of Rwanda stands at 10,800,000. The research done by IPAR 2012 showed that the Batwa of Rwanda are estimated only around 35,779 peoples and representing 0,3% of Rwanda's total population. The Batwa are still in extreme poverty characterized by food insecurity, no access to health care services, landless, lack of income generating activities, unemployment, low level of education, lack of representative in decision making, and high rate of infant mortality. Those problems constitute the consequences of dispossession of their mother land (Forest) in 1970, 1980, 1990, and 1994 and up to now there is no legal and political mechanism or programs/action established by the Government of Rwanda relating compensation or restitution of their traditional land.

In 2011, the Rwanda has been reviewed by 10th UPR session, where there is recommendation N°79.20 asking the Government of Rwanda to adopt measures for reducing poverty in the Batwa community, and its full integration in society. Then, this year 2015, Rwanda will be reviewed in the second cycle of UPR Recommendations where the Rwanda has to show the status of implementation of the 2011 UPR Recommendations.

The YPDO has prepared this report for highlighting the progress and remaining challenges in the implementation of the 2011UPR recommendations, in particularly recommendation n° **79.20** given by **Chile** which related to “adopt measures for reducing poverty in the Batwa community, and its full integration in society”. This Report shows and gives the information of human rights situation of Batwa in the timeline of 2011 to 2014 considering implementation of the recommendation n° **79.20** accepted by Government of Rwanda. This report focuses to the type of measures adopted by Government of Rwanda on political, legal, program/action plan and budget planed for reducing poverty among the Batwa community, and its full integration in society for allowing them to have access to health, education, land, housing, employment, financial services, access to justice and participating in civil, cultural, political and economic life.

¹ EICV= Enquête Intégrale sur les Conditions de Vie des Ménages

This report identified the problems of Batwa for which the Government has to make attention for full enjoying their rights but also as indicated in the 2011 CERD Concluding Observations², in the Report of the Independent Expert on Minority issues on her mission to Rwanda³ and the Report of the Special Rapporteur on adequate housing, mission to Rwanda⁴. This Information allows for establishing the recommendations addressed to the Government of Rwanda for taking appropriate measures and continuous the effort for improving socio-economic living conditions of Batwa community.

3. Methodology

The information contained in this report has been gathered by consultation; interviews and observations of families' Batwa community; analyze and review the official publication reports from Government, national and international NGOs and UN Agencies on the disadvantages community.

4. Information gathered by field Visit, consultation, interviews and observations

Therefore by consultation, interviews and observations of families of Batwa, YPDO has chosen two groups discussion one from Rusheshe Village in Kicukiro District, composed by 15 families and another group from Terimbere village in Rutsiro District, Composed by 25 youth. Those groups discussion aimed to gather the information relating to the Government programs/actions have been done for reducing the extreme poverty of Batwa community where the extreme poverty constitute the barriers of their full integration in Rwandese society. As a result of these group discussion, first of all interviewers thankful the efforts made by the Government of Rwanda to assist all "historically marginalized" groups in areas of education, health(mutuelle de santé), shelter, public works but in the Batwa community the interventions are still a drop in ocean because most of Batwa families are still living in extreme poverty, by the thing which makes most of their human rights remain unfulfilled and their situation remains precarious where there is a lack of land, a lack of employment and income opportunities, a lack of food, extremely poor housing and sanitation conditions, poor health, a lack of education, a lack of attention from local authorities, a lack of access to justice and a lack of influence over the decision-making processes that affect their daily life, that is the reason why they have told us that the Government should clarify the intervention has done relating to socio-economic living conditions of Batwa community.

The YPDO thanks the effort of Government has done for improving socio-economic living conditions of historically marginalized groups such as older people, genocide survivors, people with disabilities, single parents, the women, the youth, the historically marginalized and the most vulnerable children but also the Government not yet establishing the legal policy/strategy for

² CERD/C/RWA/CO/13-17, CERD Concluding Observations of thirteen to seventeen periodic report of Rwanda, 11 March 2011, p. 9, 11, 12, 16, 17, 18 and 19

³A/HRC/19/56/Add.1, Report of the independent expert on minority issues, mission to Rwanda 31 January–7 February 2011, p.49,50,51,52,53,54,55,56,57,58,59,60,61,62,63,65,66,68,69,70,75,93,94,95,97,98,99,101,102 and 103.

⁴ Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Mission to Rwanda 5 to 13 July 2012, p.45, 46,47,48,49 and 55.

tackling the special status and needs of the Batwa community in area of economic, social, cultural and political life in the country. However the Batwa community is still living in extreme poverty and unequal treatment. For example in Rusheshe village, 2 families composed an average of fourteen members are living in the house of 3 rooms and 34 people among Batwa community have graduated from university by support of MINALOC⁵ where in 2011 supported 11 students, in 2012 supported 18 students so the number begun to decrease from 2013 where the support was decentralized to the District level because only 8 students received support in 2013 and only *one* student in 2014. Those graduates are unemployed.

The Batwa community of Rwanda has limited access to justice and violations against their rights are often committed with impunity. Almost the Cases of violations of Batwa community are rarely investigated by the police, perpetrators are often not brought to justice, for example in July 2013 Batwa community of Kimina Village in Kitabi Sector, Nyamagabe District are knocked and injured, windows and doors of their houses destroyed by the neighbor group, the perpetrators are now impunity and Umurisa Germaine member of Batwa of Busasamana Sector and Kubwimana of Mukingo Sector, Nyanza District are killed in July 2014 by knocking and injuring but the perpetrators are now impunity. The Batwa community suffers from human rights violations, and assimilation process into dominant cultures and livelihoods. This is testimony of Batwa visited of Kimina and Mukingo.

5. Result of analysis of different documents

The information gathered through the analysis and reviewing documents published shows the situation of living conditions of Batwa community in areas of health, education, housing, land, employment, access to justice and political participation. Despite the effort Government has been done for improving socio-economic living conditions of historically marginalized group, the information provided by certain documents showing the remaining challenges for improving living conditions of Batwa community where 87% still being extremely poor⁶, 47,4% they do not own land and 35,7% have only 0,2hectares of land⁷, , 60% have no shelter, 89% do not have livestock, 98% have not yet benefited from one cow per poor program, 97% did not benefit credit and financial direct support, 82% did not benefit public works, 94% households do not have access to clean water, 91% households do not have access to electricity⁸ and 99% do not have business, 65.8% households eat one meal a day, 97% do not have monthly pay employment, 99% do not participate in decision making⁹ and their educational level remains very low where 79.1% are still illiteracy¹⁰

Considering different documents analyzed such as National social protection policy in Rwanda, EDPRS I and EDPRS II, National social protection strategy, National Human Settlement Policy

⁵ MINALOC= Ministry of Local Government

⁶ IPAR 2012

⁷ IPAR 2012

⁸ CARE/European Union/COPORWA-POLICY BRIEF n° 1, Improving Service Delivery for Historically Marginalized PEOPLE IN Rwanda 2014

⁹ The socio-Economic Situation of Historically Marginalized People in Rwanda, COPORWA 2014

¹⁰ Public Service Delivery and the Living Conditions of the Historically Marginalized People in Nyaruguru District, Rwanda, Kigali, March 2014

in Rwanda, National Constitution of Rwanda of 2003 reviewing up to date, POLICY BRIEF n° 1 provided by CARE/European Union/COPORWA, The Socio-Economic Situation of Historically Marginalized People in Rwanda, Public Service Delivery and the Living Conditions of the Historically Marginalized People in Nyaruguru District, Rwanda, National for Community Development and Local Economic Development, Community Development policy and EICV3, all these documents make reference to the name of “historically marginalized people, historically marginalized group, historically marginalized community, historically marginalized population and historically marginalized” there is none make reference to the name of Batwa reason why it is not easy to set up and quantify the actions has been done for answering the 2011 UPR recommendation n° 79.20

The Analyzed documents make reference to the name of Batwa are “Report of the Special Rapporteur on adequate housing, Mission to Rwanda, Report of the Independent Expert on Minority issues, mission to Rwanda and CERD/C/RWA/CO/13-17.

6. Conclusion

For using the terminologies of “historically marginalized people, group, community, population and historically marginalized” confuse someone who want to know the implementation process or status of the 2011 UPR recommendation n° 79.20 accepted by Government of Rwanda because this terminologies are still never legally, officially defined and no clarify who is historically marginalized people but also for claiming of Rights of Batwa are still problems because there is no legal framework and programs designed by focusing of social-economic and political integration needs of Batwa while other historically marginalized such as older people, genocide survivors, people with disabilities, single parents, youth, women and so on have legal framework and programs designed which are focusing their rights. For not confused Batwa with other historically marginalized, the Government of Rwanda has to review its position on the Batwa community and contemplates recognizing the Batwa as an indigenous people and it is the time for asking the Government of Rwanda to define legally and published officially if the historically marginalized people are the Batwa community or not. If not the Batwa continue to be assimilated in the other historically marginalized groups where there is no legal mechanism and measures would taken and adopted for reducing poverty in the Batwa community, and its full integration in Rwandese society.

Recommendations

We recommend the Government of Rwanda to:

- Recognize legally Batwa in their identity of Indigenous People for avoiding their assimilation in Rwandese society;
- Take steps to ratify ILO convention n°169 and implement the UN Declaration on Rights of Indigenous Peoples and implement in its legislation, policies and development programmes as voted in favor of Indigenous Peoples;
- Adopt a legal policy/Strategy and legislative framework of disaggregated data on the Batwa population in Rwanda, for improving their socioeconomic development in a participatory and progressive manner.
- Adopt concrete measures aimed at reducing poverty in the Batwa community, and its full integration in society;

- Put in place the funds for aiming access to education at all level, to health and other social services to Batwa community.
- Adopt affirmative action to Batwa Community to enable them enjoy full rights of social-economic, cultural and political integration (to guarantee the representation of Batwa at all level of decision making);
- Guarantee the Batwa,s rights to land and natural resources, including adequate compensation in case of dispossession;
- Adopt measures that promote and protect the traditional and indigenous knowledge of the Batwa;
- Consult the Batwa before taking any measures that may affect their lives, including measures to improve their living conditions, access to accommodation, water and other basic services such as health and education;