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“As Long as We Live on the Streets, They Will Beat Us”

Rwanda’s Abusive Detention of Children



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Summary

At Gikondo they beat us with clubs on our heads and the backs of our feet.

They said that as long as we live on the streets, they will beat us.

– Former 15-year-old male Gikondo detainee, May 2019.

For over a decade, Gikondo Transit Center in Kigali, Rwanda’s capital city, has served as an unofficial detention facility where street children, street vendors, sex workers, homeless people, and beggars are arbitrarily locked away. Since 2017, the government has introduced a new legal framework and policies ostensibly designed to reintegrate people accused of exhibiting “deviant behaviors,” including children living on the streets, as part of its strategy to “eradicate delinquency.” But this legislation has only regulated and enshrined arbitrary detention at the Kigali Transit Center—the official name for the Gikondo Transit Center—as authorities turn a blind eye to the beatings and ill-treatment that take place there.

Gikondo and other transit centers in Rwanda are now governed by the 2017 law establishing the National Rehabilitation Service and several subsequent government orders. Under the new framework, anyone exhibiting “deviant behaviors,” defined as “actions or bad behavior such as prostitution, drug use, begging, vagrancy, informal street vending, or any other deviant behavior that is harmful to the public,” can be held in a transit center for up to two months, without any other further legal justification or oversight. According to the law, transit centers are “premises used for accommodating on a temporary basis” people who may then be transferred to a rehabilitation center. A rehabilitation center is defined as “premises used for the conduct of activities dedicated to reforming, educating and providing professional skills and reintegrate any person exhibiting deviant acts or behaviors.”

Under the new legislation, Gitagata Rehabilitation Center in Bugesera district, Eastern Province, is to provide vocational training and access to education and health care for children and women transferred by the district or the City of Kigali.

However, while the 2017 law and other steps taken by authorities have sought to legitimize and regulate transit centers, including Gikondo, in fact they have not served to remedy the

inherent illegalities of the detention practice. On the contrary, they provide legislative cover for abuses against detainees to continue.

In January 2020, the United Nations Committee on the Rights of the Child, a body of independent experts that monitors implementation of the Convention on the Rights of the Child (CRC), which Rwanda ratified in 1991, reviews Rwanda's compliance with the treaty. In its July 2018 report to the committee, the Rwandan government said, "Children in street situations are not treated as offenders as they are always placed in a transit centre where they are held for a short period before longer term remedial or corrective measures are taken."

Human Rights Watch's report, based on interviews conducted with 30 formerly detained children aged 11 to 17 between January and October 2019, documents human rights violations against children rounded up in the streets of Kigali and held at Gikondo Transit Center for periods ranging from several days to six months. This report finds that Gikondo Transit Center continues to operate as a de facto detention facility. In addition to their unjustified detention, children are underfed, regularly beaten, and held in overcrowded and unhygienic rooms, without judicial oversight or due process.

Human Rights Watch research suggests that hundreds of children are likely to have passed through Gikondo and been subjected to ill-treatment since the National Rehabilitation Service was established in 2017. This report follows up research carried out by Human Rights Watch on Gikondo Transit Center and published in 2006, 2015, and 2016.

In an assessment of the situation of street children in Rwanda published in May 2019, the National Commission for Children, a government body tied to the Ministry of Gender and Family Promotion mandated to promote children's rights, documented 2,882 children living on the streets across Rwanda. It found that almost half of this number had been placed at least once in a center for street children, and a third were found in the three districts of Kigali: Gasabo, Nyarugenge, and Kicukiro. It stated that 44 percent of boys and 36 percent of girls said that they experienced violence at the transit center where they were held.

Human Rights Watch found that abuses begin as soon as children are rounded up by police or members of the District Administration Security Support Organ (DASSO), a local

security force, in the streets of Kigali. In some cases, children reported being beaten during the arrest, particularly if they tried to escape.

Almost all children interviewed for this report said they were taken to local police stations or sector and cell (local government) offices across Kigali, where they were held for periods ranging from a few hours to one week, without charge and with no regard for due process. Some also reported that police officers beat them. Although some children received an official statement with the accusation levelled against them, many said they never received such a document, and none were given access to a lawyer, guardian, or family member.

Conditions in Gikondo Transit Center fall well below international standards, which are meant to set a minimum level, and are in violation of Rwandan law. At Gikondo, children are assigned to specific rooms. In 2019, Human Rights Watch spoke with 20 children who were held in a room with other children, 4 girls who were held in a room with adult women, and 6 boys called “delinquents” and who were held in a room with adult men accused of minor offenses.

Children estimated there were between 50 and 200 girls and boys detained together with them in the “children’s room,” in deplorable and degrading conditions. Children had to share mattresses and blankets, which were often infected with lice, sometimes with up to four other children. Many children interviewed presented scars and signs of possible skin infections and rashes. Conditions in the room for “delinquents” and for women were described as far worse. In those two rooms, some children were held together with adults in severely overcrowded conditions and many detainees were forced to sleep on the concrete floor.

Most former detainees said they were given food once or twice a day, in insufficient quantities and with poor nutritional value, although some younger children under 14 said they were given extra food.

Sanitation and hygiene conditions are very poor, and some children reported only being allowed to wash once or twice a week. Those detained in the room for children said they had access to drinking water and reported being allowed to go to the toilet during the day. However, detainees in the women’s and “delinquents” rooms had irregular access to

drinking water, sometimes only once a day. They were only allowed to use the toilet at set times and were beaten if they failed to adhere to a schedule. One former detainee said he was forced to defecate on himself several times when he was denied permission to go to the toilet, and then violently beaten for it.

Access to medical treatment at Gikondo is sporadic, and rehabilitation support, such as it is needed, is non-existent. Visits by medical professionals are irregular and the little medical care that is provided often fails to address detainees' needs. Eighteen children reported experiencing health issues, such as malaria, rashes, or diarrhea, during their time at Gikondo, although most saw health workers who gave them basic medicine, such as malaria tablets or treatment for diarrhea.

In 2015, Human Rights Watch documented how many women, especially street vendors, were arrested with their young children. Several children interviewed in 2019 confirmed that women were still detained with their infants in the women's room. In July 2019, the National Commission for Human Rights visited Gikondo and raised concerns about children whose parents are never informed of their arrest, children who should be at school, breastfeeding mothers separated from their babies, and drug-using detainees who should be transferred for medical care.

Ill-treatment and beatings of detainees by the police or by other detainees, acting on the orders or with the assent of the police, which should be absolutely banned and subject to criminal punishment, are nevertheless commonplace at Gikondo. Indeed, former detainees spoke of routine beatings for actions as trivial as talking too loudly or not standing in line to use the toilet. Twenty-eight of the thirty children interviewed for this report said they were beaten.

According to the new legal framework and statements by Rwandan authorities, the broader objective of Gikondo is to serve as a short-term screening center to allow authorities to process people accused of "deviant behaviours" for rehabilitation. Street children are meant to either be sent on to Gitagata Rehabilitation Center or reunited with their families. However, in practice, there is no judicial process to determine the legality of any of the detentions, the length of time individuals spend at the center, or how they are released or transferred.

Children's release from Gikondo is as arbitrary as their arrest and transfer. Twenty children interviewed for this report said they were released back on the streets from Gikondo, some having been collected from the transit center by local district or sector authorities. Most of them said they were threatened and told they would be rearrested if they returned to the streets but given no financial or logistical support to return to their families if they wanted to.

After its July 2019 visit, the National Commission for Human Rights recommended that Gikondo's authorities ensure that detainees are properly screened, and either transferred to rehabilitation centers, prosecuted, or released, without exceeding the timeframe required by Rwandan law.

Human Rights Watch interviewed eight children in 2019 who were later transferred to Gitagata Rehabilitation Center. Although they found conditions at Gitagata marginally better than Gikondo, children also described regular beatings and ill-treatment there, pushing them to escape from the center. Human Rights Watch did not obtain sufficient information to document and draw broader conclusions on the conditions at Gitagata; however, given that detainees are not allowed to leave the center voluntarily, it clearly constitutes a form of deprivation of liberty and detention.

There are several monitoring mechanisms in place with mandates to provide oversight of transit and rehabilitation centers in Rwanda. The National Rehabilitation Service is required to conduct monthly monitoring of transit centers to ensure their compliance with laws and human rights, but to the best of Human Rights Watch's knowledge, its reports have not been made public. Additional monitoring by the National Commission for Human Rights and the National Commission for Children has touched upon some of the issues raised in this report, including children being rounded up by police and lengthy detentions, but failed to represent the severity and scale of the abuse and ill-treatment at Gikondo or publicly call for an end to it.

Despite requests for information from Rwandan authorities, Human Rights Watch is not aware of any investigation, prosecution, or other actions by the Rwandan authorities in relation to abuses in transit centers.

The treatment of children in Gikondo violates the African Charter on the Rights and Welfare of the Child (African Charter) and the Convention on the Rights of the Child (CRC). Both the African Charter and the CRC require governments to protect children from all forms of physical or mental violence, neglect, and ill-treatment. Under international law, children should only be deprived of liberty as a measure of last resort, and for the shortest appropriate period. In the event a child commits a criminal offence, non-custodial educational or vocational programs, community services, and restorative justice are to be prioritized. The detention of children together with adults is prohibited by both treaties.

In 2013, the Committee on the Rights of the Child asked the government of Rwanda to permanently close Gikondo, stop the arbitrary detention of children in need of protection, and conduct thorough investigations into these abuses. Authorities have failed to implement these calls. Human Rights Watch calls on the Rwandan government to immediately close Gikondo Transit Center and release all detainees there. If any detainee is accused of committing a legitimate criminal offense, they should immediately be brought before a court, charged with the offence, and afforded all due process for a prompt and fair trial or released. Children who are to be charged should be afforded full due process in accordance with juvenile justice standards, including special treatment accorded to them as minors. They should be released pending trial, and if extraordinary circumstances are cited to justify their continued detention, they should be held in facilities designed for the detention of children and treated with full dignity and humanity.

Human Rights Watch calls on the Rwanda National Police and district officials to stop rounding up street children, many of whom end up in Gikondo. The police should investigate cases of arbitrary detention and ill-treatment, such as those described in this report, suspend those responsible for these violations from their positions, and ensure they are brought to justice. Rwanda should focus on exclusively non-custodial measures within the child justice system that have the aim of diverting children from conflict with the law.

Recommendations

To the Rwandan Government

- Immediately close Gikondo Transit Center.
- Release all child detainees at Gikondo.
- Release all adult detainees at Gikondo or immediately bring those against whom there is sufficient credible evidence to charge with a legitimate criminal offense before a judge to determine whether they should be held in pretrial detention.
- Except in prescribed, limited circumstances, eliminate detention of children in conflict with the law and develop and implement non-custodial solutions, including counseling, educational and vocational programs, non-custodial sentences, community services, and restorative justice (such as mediation).
- Detention of children should only be used as a last resort and in accordance with Rwandan law and international standards.
- Ensure that all child detainees facing criminal charges are tried by juvenile courts and transferred to official detention centers specifically for children where they can be held separately from adults. They should be deprived of liberty only in exceptional cases, and for the shortest appropriate period.
- Investigate cases of abuse and misconduct by the police, such as those described in this report, hold officials responsible for arbitrary detention to account, and prosecute those responsible for ill-treatment of detainees at Gikondo.
- End the practice of rounding up and detaining street children.
- Ensure that training programs for police officers incorporate obligations on respecting human rights of all citizens, including vulnerable groups, such as street children, who may come into regular contact with law enforcement officials.
- Ensure that rehabilitation of street children through social protection schemes, education, and vocational training does not include nor result in arbitrary detention.
- Ensure that all rehabilitation facilities are subjected to proper oversight and that independent bodies are able to access them for regular monitoring and public reporting on their conditions.

- Take measures to fight discrimination and stigma against street children and other disadvantaged people.

To the Rwanda National Police

- End arbitrary round-ups, arrests, detention, and beatings of street children and other disadvantaged people.
- Investigate allegations of arbitrary detention and ill-treatment, such as those described in this report.
- Suspend and take disciplinary action against police officers responsible for these abuses and ensure they are brought to justice.
- Immediately release anyone arbitrarily detained.

To the National Commission for Children and the National Commission for Human Rights

- Call for the immediate closure Gikondo Transit Center.
- Urge the Rwandan authorities to end arbitrary round-ups, arrests, detention, and beatings of street children.
- Conduct regular visits and publicly report on conditions at Gikondo and other transit centers in Rwanda.
- Request information from the Rwandan government on steps it has taken to guarantee that screening of children for rehabilitation does not result in arbitrary detention and to stop the arbitrary detention of children.
- Conduct thorough investigations of acts of arbitrary detention, ill-treatment, and other abuses occurring in the transit and rehabilitation centers.
- Urge the Rwandan authorities to bring to justice, in fair and credible trials, members of the Rwanda National Police and other individuals responsible for ill-treatment and other abuses against children in all unofficial and official places of detention.
- Encourage the government to take measures to fight discrimination and stigma against street children and support them through social protection schemes, psychosocial support, education, and reliable vocational training.

To the UN Committee on the Rights of the Child

- Call for the immediate closure of Gikondo Transit Center.
- Urge the Rwandan authorities to end arbitrary round-ups, arrests, detention, and beatings of street children and to conduct thorough investigations of acts of arbitrary detention, ill-treatment, and other abuses occurring in the transit and rehabilitation centers.
- Request information from the Rwandan government on steps it has taken to guarantee that screening of children for rehabilitation does not result in arbitrary detention and put an end to the arbitrary detention of children.
- Seek explanation from the Rwandan government on its determination that arrest and detention in transit centers constitutes a “measure of last resort” and how the maximum period of detention of two months can be considered the “shortest appropriate time,” in line with its obligations under the Convention on the Rights of the Child.
- Request information from the Rwandan government on steps it has taken to ensure that implementation of the law establishing the National Rehabilitation Service is in line with its international human rights obligations, including those relating to detention conditions for children.
- Urge the Rwandan authorities to bring to justice, in fair and credible trials, members of the Rwanda National Police and other individuals responsible for ill-treatment and other abuses against children in all unofficial and official places of detention.
- Encourage the government to take measures to fight discrimination and stigma against street children and support them through social protection schemes, psychosocial support, education, and reliable vocational training.

To the African Committee of Experts on the Rights and Welfare of the Child

- Urge the Rwandan authorities to close Gikondo Transit Center and follow up with them on progress made on the implementation of the Committee’s concluding recommendations on the state party’s last periodic report, including those urging the government to ensure that children are not detained with adults and encouraging compliance with the UN Rules for the Protection of Juveniles Deprived of their Liberty and the Guidelines on Children in the Justice System in Africa.

- Follow up with the Rwandan government on progress made on the implementation of the African Charter on the Rights and Welfare of the Child.
- Conduct an investigation mission with the objective of assessing detention conditions and the scope of neglect and abuse of children detained in transit centers, including the detention of children in the same facilities as adults, and issue concluding observations in line with the African Charter on the Rights and Welfare of the Child.

To Rwanda's International Partners

- Call for the immediate closure of Gikondo Transit Center.
- Urge Rwandan authorities to investigate police abuses against street children and vulnerable groups.
- Urge the Rwandan authorities to bring to justice, in fair and credible trials, members of the Rwanda National Police and other individuals responsible for ill-treatment and other abuses at Gikondo.
- Consider earmarking part of training assistance to the Rwanda National Police for the protection and promotion of the rights of street children and other vulnerable groups.

Methodology

This report is based on research carried out by Human Rights Watch between January and October 2019. It builds on Human Rights Watch's earlier research on Gikondo: in 2016, Human Rights Watch published a report on four transit centers in Rwanda, including Gikondo, where street children are held. In 2015 and 2006, Human Rights Watch published reports documenting the harsh conditions in which hundreds of street children and other detainees were arbitrarily held at Gikondo.

Human Rights Watch staff conducted phone interviews with 30 former detainees who had been held at Gikondo in 2018 and 2019: 10 girls and 20 boys. Twenty-four were aged between 14 and 17 at the time they were interviewed; the youngest was 11 years old. Names and other identifying information have been withheld from this report to protect privacy and security.

In December 2019, Human Rights Watch sent letters to the National Commission for Children, the National Commission for Human Rights, and the National Rehabilitation Service. A letter was also sent to the Ministry of Justice, with the Ministry of Gender and Family Promotion, the Ministry of Youth and ICT, the Ministry of Local Government, the mayor and the vice-mayor of Kigali, and the inspector general of the Rwanda National Police in copy. In the letters, we shared our research findings and requested information.

We reviewed public statements made by senior Rwandan government officials, as well as the available information produced by the National Commission for Children, the National Commission for Human Rights and the National Rehabilitation Service. We also reviewed official documents, publications in state media outlets, Twitter feeds of government officials, and other official sources to evaluate the Rwandan authorities' position and assessment of the use of transit centers in the process of rehabilitating children living on the streets.

Individual interviews with children were conducted in Kinyarwanda with the assistance of a translator and lasted between 30 and 60 minutes.

All interviewees were informed of the nature and purpose of our research, and their informed consent was sought before starting the interview. Interviewers explained to them that they were under no obligation to speak with us, that Human Rights Watch does not provide humanitarian services or legal assistance, and that they could stop speaking with us or decline to answer any question with no adverse consequences.

This report focuses specifically on Gikondo Transit Center. Eight children interviewed had also been detained at Gitagata Rehabilitation Center. This report gives an overview of the children's experience at Gitagata Rehabilitation Center, but we did not obtain sufficient information to document and draw conclusions on the conditions at the center for children.

Background

Since 2006, Human Rights Watch has been documenting the detention and ill-treatment of children at Gikondo Transit Center, where children living or working on the streets, street vendors, sex workers, homeless people, suspected petty criminals, suspected serious offenders, and others assumed to be from these groups have been detained.¹

Gikondo has been used as a detention center since at least 2005. Human Rights Watch's 2006 report documented the lack of adequate food, water, and medical care, and abuse of children by adult detainees at the center and called for its immediate closure.²

The Rwandan government rejected the report's findings. The then-minister of internal security, Sheikh Mussa Fazil Harerimana, was quoted in the media as saying, in 2006, "The facility was legally established by Kigali City Council through its Advisory Committee as a transit centre for the rehabilitation of homeless children and idlers before reuniting them with their families in the countryside."³

Gikondo was temporarily closed in 2006 but reopened a year later.⁴ Over the 13 years since then, thousands of people have been arbitrarily detained there and suffered humiliating abuses in a harsh environment.

In 2008, members of the Rwanda Senatorial Standing Committee on Social Welfare, Human Rights and Petitions requested the closure of the center based on the committee's report that stated children were abused at the center. Then-Prime Minister Bernard Makuza defended the center, maintaining it was established by law, and then-minister of gender and family promotion, Jeanne d'Arc Mujawamariya, was quoted in the media as telling the

¹ Human Rights Watch, *Swept Away: Street Children Illegally Detained in Kigali*, May 4, 2006, <http://www.hrw.org/legacy/background/africa/rwanda0506/rwanda0506.pdf>; and "Why Not Call This Place a Prison?": *Unlawful Detention and Ill-Treatment in Rwanda's Gikondo Transit Center*, September 24, 2015, <https://www.hrw.org/report/2015/09/24/why-not-call-place-prison/unlawful-detention-and-ill-treatment-rwandas-gikondo>.

² See Human Rights Watch, *Swept Away*.

³ Steven Baguma, "Rwanda: Gov't Rejects HRW Illegal Detention Claims," *The New Times*, May 17, 2006, <http://allafrica.com/stories/200605170282.html> (accessed December 10, 2019).

⁴ See US State Department, Bureau of Democracy, Human Rights, and Labor, "Country Report on Human Rights Practices, 2007: Rwanda," March 11, 2008, <http://www.state.gov/j/drl/rls/hrrpt/2007/100499.htm> (accessed December 10, 2019).

Senate, “Before, [in Gikondo] children used to be enclosed in a very dark hall which was a terrible condition but after we intervened, they now move and play freely in the compound.”⁵

In August 2014, the office of the Mayor of Kigali and the National Commission for Children announced in a meeting that children would not stay at Gikondo Transit Center and that if a child did arrive there, “the child must be immediately sent to another place that suits him.”⁶ This welcome decision was an admission that children should not be held in this facility. Human Rights Watch did not have any indication that children were detained at Gikondo during the second half of 2014. However, the detention of children at Gikondo has resumed since 2015 and has been documented by Human Rights Watch and the National Commission for Human Rights.⁷

For many years, transit centers in Rwanda operated outside of the law. In his letter to Human Rights Watch in November 2014, the minister of justice conceded that “unfortunately, because of the manner in which the center was established as an emergency and temporary rehabilitation center, there is currently no legal framework for its administration. This loophole has however been realized and a draft law and policy are in the final stages of development by the Ministry of Gender and Family Promotion.”⁸

In November 2015, Kigali City Council adopted a new directive on the Kigali Rehabilitation Transit Center—the official name of the Gikondo Transit Center at the time—laying out the center’s objectives and procedures.⁹ The directive lists the rights of those taken to the center, including the rights not to be subjected to corporal punishment, harassed, or

⁵ Edwin Musoni, “Rwanda: Senate Quizzes Premier Over Street Children,” *The New Times*, July 25, 2008, <http://www.newtimes.co.rw/section/article/2008-07-25/4636/> (accessed December 10, 2019).

⁶ “Minutes of the meeting of 18/08/2014 in Kigali on the problem of street children and the program to remove the Transit Center in Gikondo dated 20/08/2014,” document on file with Human Rights Watch.

⁷ See National Commission for Human Rights, “Annual report 2017-2018,” September 2018, http://www.cndp.org.rw/fileadmin/user_upload/Raporo_2017-2018.pdf and National Commission for Human Rights, “Ikigo Kinyurwamo by’Igihanga Gito (Transit Center) cy’Umujyi wa Kigali kirasaba kongererwa ubushobozi,” July 16, 2019, http://www.cndp.org.rw/index.php?id=187&L=1&tx_news_pi1%5Bnews%5D=105&tx_news_pi1%5Bday%5D=18&tx_news_pi1%5Bmonth%5D=7&tx_news_pi1%5Byear%5D=2019&cHash=39a874125317acd3ef7491e82e3af638 (accessed December 10, 2019).

⁸ Letter from minister of justice to Human Rights Watch, November 5, 2014.

⁹ Directive of Kigali City Council (N°001/2015) concerning the Kigali Rehabilitation Transit Center, in the Official Gazette 44 bis on November 2, 2015, p. 64, https://www.primature.gov.rw/fileadmin/user_upload/documents/Official%20Gazettes/2015%20Official%20Gazettes/Official_Gazette_no_44_bis_of_02.11.2015.pdf (accessed December 10, 2019).

discriminated against; the right to access to hygiene and health care; and the right to visits.

In 2015 and 2016, the National Commission for Human Rights and members of the Rwandan Parliament confirmed Human Rights Watch’s observation that all transit centers lacked a legal framework and endorsed a recommendation for an updated legal framework for all “transit centers.”¹⁰

New Legal Framework for Transit Centers and the National Rehabilitation Service

Since 2017, as part of a broader strategy to “eradicate delinquency” and address the problem of children living on the streets,¹¹ the Rwandan government established the National Rehabilitation Service and legislation governing transit centers.¹² The Rwandan government’s July 2018 report to the Committee on the Rights of the Child stated that “Gikondo is not a detention facility but rather a Transit Centre aimed at screening out children from the streets prior to sending them back home or to rehabilitation centres where they are re-educated from deviant behaviours by instilling positive behaviours, and provided with formal education and/or professional skills.”¹³

The director of the National Rehabilitation Service announced in a speech in June 2018 that “[i]n two years since today there will be no street children in Rwanda. We request

¹⁰ “Rwanda: Locking Up the Poor,” Human Rights Watch report, July 21, 2016, <https://www.hrw.org/news/2016/07/21/rwanda-locking-poor>.

¹¹ Ministry of Local Government, “National Policy Against Delinquency,” December 2016, nrs.gov.rw/fileadmin/Laws_and_Regulations/Policies/National%20Policy%20Against%20Delinquency%20%20Final%20Version%20of%207th%20December%202016.pdf (accessed December 10, 2019).

¹² Law no. 17/2017 of 28/04/2017 establishing the National Rehabilitation Service and Determining its Mission, Organisation and Functioning, Article 32, https://www.nrs.gov.rw/fileadmin/Laws_and_Regulations/Laws/Law%20establishing%20the%20National%20Rehabilitation%20Service%20and%20determining%20its%20mission%2C%20organisation.pdf (accessed December 10, 2019).

¹³ United Nations Committee on the Rights of the Child, “Combined fifth and sixth periodic reports submitted by Rwanda under article 44 of the Convention, due in 2018” (submitted July 10, 2018), CRC/C/RWA/5-6, March 2019, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CR%2FC%2FRWA%2F5-6&Lang=en (accessed December 10, 2019).

assistance from the Government and the police to take further steps for a special operation to eradicate this problem.”¹⁴

Many detainees in Gikondo Transit Center are called “vagrants,” “beggars,” or “delinquents,” even though vagrancy and begging were removed as criminal offences¹⁵ from the Penal Code in August 2018.¹⁶ A “delinquent” is someone accused of a misdemeanor, an offense punishable by imprisonment of six months to five years.¹⁷

While “vagrancy” and “begging” are no longer defined as criminal offences, an April 2018 ministerial order on the mission, organization, and functioning of transit centers reintroduced the terms when defining “deviant behaviors” as “actions or bad behavior such as prostitution, drug use, begging, vagrancy, informal street vending, or any other deviant behavior that is harmful to the public.”¹⁸ It states that a “competent person” can apprehend someone on this basis, that men, women, female and male children should all be placed in separate facilities, and that no one can be held in excess of two months in a transit center.¹⁹

The government claims that Gikondo Transit Center is not a detention facility. According to the 2017 law, a transit center is used to accommodate on a temporary basis people whose behaviors “may constitute a cause for placement in the rehabilitation center.”²⁰ A rehabilitation center is to be used to conduct “activities dedicated to reforming, educating

¹⁴ “Rwanda pledges to eradicate delinquency, demands security forces to intervene,” *Top Africa News*, June 7, 2018, <http://www.topafricanews.com/2018/06/07/rwanda-pledges-to-eradicate-all-forms-of-delinquency-demands-security-forces-to-intervene/> (accessed December 10, 2019).

¹⁵ Organic Law no. 01/2012/Ol of 02/05/2012 instituting the Penal Code, arts. 687-692.

¹⁶ Law no. 68/2018 of 30/08/2018 determining offences and penalties in general.

¹⁷ *Ibid.*, art. 18.

¹⁸ Ministerial Order no. 001/07.01 of 19/04/2018 determining Mission, Organization and Functioning of Transit Centers, art. 2.2, http://nrs.gov.rw/fileadmin/Laws_and_Regulations/Laws/Ministerial%20Order%20determining%20mission%20C%20organization%20and%20functioning%20of%20transit%20centers.pdf (accessed December 10, 2019). Vagrancy and begging were previously criminalized in Organic Law no. 01/2012/Ol of 02/05/2012 instituting the Penal Code, arts. 687-692. However, they were removed from Law no. 68/2018 of 30/08/2018 determining offences and penalties in general, which replaced the 2012 Penal Code in August 2018.

¹⁹ Ministerial Order no. 001/07.01 of 19/04/2018 determining Mission, Organization and Functioning of Transit Centers, arts. 8, 10, and 15.

²⁰ Law no. 17/2017 of 28/04/2017 establishing the National Rehabilitation Service and Determining its Mission, Organisation and Functioning, art. 3.3.

and providing professional skills and reintegrate” people accused of “deviant behaviours.”²¹

However, irrespective of the label Rwandan authorities give these centers, for the purpose of international human rights law and Rwanda’s obligations thereunder, both places are places of detention, where persons are deprived of their liberty and their ability to leave the facility is completely controlled by the authorities. An alternative to detention, referred to as “diversion” in juvenile justice, to which children may be subject without resorting to judicial proceedings, can be based only on consent. Such consent must be freely and voluntarily given in writing, based on adequate and specific information on the nature, content, and duration of the diversion and on the consequences of a failure to complete the diversion.

According to the April 2018 order, when police round up individuals accused of exhibiting “deviant behaviors,” they can hand them over to a transit center and record their identity and alleged behavior in a statement. A decision on whether they are to be admitted to a transit center should be reached within 72 hours, from the time they have been transferred to the center. The arrested individual has a right to include their observations in the statement.²² The order is silent on the due process rights an individual is entitled to during admission. In particular, there is no right to a lawyer.

In a 2019 report, the National Commission for Children presented its strategy to address the situation of children living on the streets. It stated that the police were responsible for removing children from the street and taking them to the district transit center, where they are to be held for no more than seven days, a significantly shorter time than the two months allowed by the ministerial order on transit centers. However, the detentions documented in this report often lasted several weeks or months. Detaining a child without charge and access to a guardian or a lawyer for days, weeks, or months at a time violates Rwanda’s obligation to ensure that children are detained as a measure of last resort and for the shortest appropriate time.

²¹ Ibid, art. 3.2.

²² Ministerial Order no. 001/07.01 of 19/04/2018 determining Mission, Organization and Functioning of Transit Centers, art. 8.

After a visit to Gikondo in July 2019, the National Commission for Human Rights also raised concerns about the lengthy detentions of children, the failure of the center’s authorities to contact guardians or parents, and the lack of respect for due process.²³

A June 2018 presidential order established three rehabilitation centers, including one at Gitagata, where children and women can be transferred for counselling, medical care, and education after being processed by a transit center.²⁴ In its 2019 report, the National Commission for Children stated that children were to be transferred to rehabilitation centers to undergo a “physical and psychological” rehabilitation process, receive “civil and positive social and moral values education,” basic literacy and numeracy training, and to be prepared for family reunification.²⁵

²³ National Commission for Human Rights, “Ikigo Kinyurwamo by’Igihe Gito (Transit Center) cy’Umujyi wa Kigali kirasaba kongererwa ubushobozi,” July 16, 2019.

²⁴ Presidential Order no. 100/01 Of 02/06/2018 establishing Gitagata Rehabilitation Center, http://nrs.gov.rw/fileadmin/Laws_and_Regulations/Laws/Presidential%20Order%20establishing%20lwawa%2C%20Gitagata%20and%20Nyamagabe%20Rehabilitation%20Centers%20.pdf/ (accessed December 10, 2019).

²⁵ National Commission for Children, “A Comprehensive Assessment of The Street Children Phenomenon in Rwanda,” May 2019, https://ncc.gov.rw/fileadmin/templates/document/FINAL-Comprehensive_Assessment_-Street.pdf (accessed December 10, 2019).

Arrest and Transfer to Gikondo

In 2019, Human Rights Watch interviewed 28 children who reported being detained at Gikondo Transit Center for periods ranging from two weeks to six months. Two other children interviewed said they were detained at Gikondo for one week or less. Twenty of those interviewed were released back on the streets from Gikondo, eight were transferred to Gitagata Rehabilitation Center, and two children were collected by their parents or guardians.

Arrest

Both police and members of the District Administration Security Support Organ (DASSO) have the legal authority to detain children.²⁶ All the children interviewed by Human Rights Watch between January and October 2019 said they were rounded up by police or DASSO.

In some cases, children reported being beaten while they were being arrested, particularly if they tried to escape. A 15-year-old boy living on the streets in Nyagatare District, who was arrested one night in September 2018, said, “The police beat me up and tried to force me into the truck. I hurt my wrist, I had to wait three days before seeing a doctor.... They just bandaged my arm.”²⁷

When a 15-year-old girl was arrested in April 2019, she was taken to the Muhima police station. The police, according to her, refused to contact her mother and beat her: “The police captain with three stars on his uniform hit me at least 20 times with his police club. He said that as long as we’re in the streets, he’ll keep beating us.”²⁸

Almost all the children interviewed for this report said they were taken to local police stations or sector and cell offices across Kigali, the most common being police stations at Nyabugogo, Nyarugenge, Muhima, and Nyabirambo. They were held for periods ranging

²⁶ The DASSO was created in 2013 to support law enforcement and is mandated “to arrest any person caught red-handed in the act of disruption of public order and take him/her to the nearest police station.” See Law no. 26/2013 of 10/05/2013 establishing the District Administration Security Support Organ (DASSO) and determining its responsibilities, organization, and functioning.

²⁷ Human Rights Watch phone interview with former Gikondo detainee, February 2019.

²⁸ Human Rights Watch phone interview with former Gikondo detainee, October 2019.

from a few hours to one week, sometimes in crowded cells. Some also reported being beaten while in detention at a police station.

A 16-year-old boy who spent six months at Gikondo said he was arrested in March 2019 by DASSO officers:

The DASSO came to arrest 26 of us who were sleeping in the streets. They handcuffed us, and took us to their office in Nyabugogo, where we spent the night. When we asked to call our parents, they hit us.... They didn't let us see a lawyer, and instead gave me a statement where it said I was a thief. Then, we were all taken to Gikondo.²⁹

Some children interviewed said they were given an official statement at the police station with the accusation levelled against them, but most said DASSO or police officers never gave them such a document. A 12-year-old child who was detained at Gikondo for two weeks in 2019 told Human Rights Watch he was taken by DASSO officers to the local police station: "We weren't questioned, and we didn't see a judge. Police came in a pickup truck and took us to Gikondo. They said, 'The president doesn't want children in the streets of Kigali.'"³⁰

In some cases, children interviewed for this report said that the police offered to call their parents. A teenage girl told Human Rights Watch that she was beaten at the Nyarugenge police station. The police called her father, but he allegedly refused to collect her, saying she was "too difficult to educate." She was then transferred to Gikondo.

In the majority of cases, children said the police did not contact a family member. None of the children were given access to a lawyer, but were instead accused of theft, vagrancy, begging, prostitution, or delinquency, before being transferred to Gikondo.

²⁹ Human Rights Watch phone interview with former Gikondo detainee, September 2019.

³⁰ Human Rights Watch phone interview with former Gikondo detainee, April 2019.

Arrival at Gikondo

At Gikondo, many children said Rwanda Investigation Bureau (RIB) or police officers were in charge of registering them. The RIB was created in 2017 as an autonomous specialized body responsible for investigating, gathering evidence, and assisting local law enforcement agencies.³¹ According to the ministerial order on transit centers, the “Rwanda Investigation Bureau, the local authorities, the family of a person who has done acts or who exhibits deviants behavior or any interested person may request the Rwanda National Police that a person who has done acts or exhibits deviants behavior be placed in a transit center.”³²

According to Human Rights Watch’s interviews with the children arrested, the procedure for identification and registration of children varied. Thirteen children said RIB or police officers interviewed them upon arrival, but many were admitted without undergoing registration.

A 12-year-old boy interviewed by Human Rights Watch in April 2019 said:

Once at Gikondo, some children were registered by officials of the RIB. Some were immediately sent inside, while some of the others said where they lived, and the RIB tried to reach out to their village or sector chiefs to identify the families.³³

Many children said the police refused to contact their parents when they arrived at Gikondo. A 15-year-old boy who went on to spend two months in detention said, “When I arrived at Gikondo, I asked to call my parents and I was told to buy phone credit. The police officer beat me and kicked me in the ribs. It still hurts today.”³⁴ Some children did report that detainees could receive visitors later.

³¹ See Law no. 12/2017 of 07/04/2017 establishing the Rwanda Investigation Bureau and Determining its Mission, Powers, Organisation and Functioning.

³² Ministerial order no. 001/07.01 of 19/04/2018 determining mission, organization, and functioning of transit centers, art. 11.

³³ Human Rights Watch phone interview with former Gikondo detainee, April 2019.

³⁴ Human Rights Watch phone interview with former Gikondo detainee, September 2019.

Beatings upon arrival at Gikondo appear routine. A 14-year-old girl who spent two weeks at Gikondo in April 2019 said, “When we arrived at Gikondo, the police officers in uniform beat us with a whip. They accused me of being a whore.”³⁵

Girls often said they were accused of prostitution. A 16-year-old girl who said she had been detained at Gikondo five times described her latest month-long detention in early 2019:

When we arrived, RIB agents asked us why we are street children. If you’re a young girl, they call you a whore. They stick whatever label on you, don’t say anything about the law, and when they’re done calling you a prostitute, a thief, or a vagrant, they throw you in prison.³⁶

In some cases, the children did not have the contact details for their parents or guardians. One 15-year-old boy said that upon arrival he was taken to some RIB officers: “They accused me of being a delinquent. Since I didn’t have my parents’ phone number, they sent me to the delinquents’ cell. I stayed for four months, until August 2019.”³⁷

None of the interviewees reported being given access to a lawyer or a legal guardian during this process of registration, when accusations are levelled against them. A 17-year-old boy who was accused of delinquency said, “I didn’t see a lawyer, they said the police had filled out a statement, but I didn’t see it. The RIB confirmed I was accused of being a ‘delinquent’ and I was taken to the room for petty offenders. No one comes to defend you.”³⁸

³⁵ Human Rights Watch phone interview with former Gikondo detainee, May 2019.

³⁶ Human Rights Watch phone interview with former Gikondo detainee, April 2019.

³⁷ Human Rights Watch phone interview with former Gikondo detainee, August 2019.

³⁸ Human Rights Watch phone interview with former Gikondo detainee, April 2019.

Conditions at Gikondo

According to Rwandan law, a person admitted to a transit center is to be protected from mistreatment and has the right to bodily hygiene, clean clothing and bedding, to receive medical treatment,³⁹ to educational programs, and to trauma counselling.⁴⁰ However, in practice, conditions in Rwandan detention facilities and Gikondo Transit Center fall well below required standards, including the minimum set out in regional and international instruments.

Overcrowding

According to interviews conducted in 2019 and previous Human Rights Watch research on Gikondo, there are four main categories of rooms at Gikondo: rooms for children, women, men accused of minor offenses, and men accused of serious offences. Research indicates that conditions of detention vary according to the rooms. Human Rights Watch spoke with 20 children who were held in a room with other children, 4 girls who were held in a room with adult women, and 6 boys called “delinquents” and who were held in a room with adult men accused of minor offenses. rooms for children, women, men accused of minor offenses, and men accused of serious offences. Research indicates that conditions of detention vary according to the rooms.

Boys and girls were generally held together in the room for children, but some said girls were taken to the women’s quarters to sleep. Boys accused of minor offenses, such as “delinquency,” could be held with adult men in a severely overcrowded room.

In its 2017-2018 annual report, the National Commission for Human Rights found that Gikondo, where 99 boys and 2 girls were detained at the time of its visit, had enough bedding and the buildings were well lit and aired, but was quiet on many of the issues

³⁹ Ministerial Order no. 001/07.01 of 19/04/2018 determining mission, organization and functioning of transit centers, art. 19.

⁴⁰ Ibid, art. 17.

documented in this report.⁴¹ The Commission later reported that, when it visited the center in July 2019, it found children living in rooms with adults.⁴²

In addition, children interviewed by Human Rights Watch said they estimated that there were between 50 and 200 girls and boys detained together in the children's room when they were detained there in 2018 or 2019. All children detained in the children's room said they had to share mattresses and blankets, which were often infected with lice, sometimes with up to four other children. Many children interviewed presented scars from possible skin infections and rashes.⁴³

A 15-year-old boy who spent two months in the children's room at Gikondo in 2019 said, "We slept on very thin mattresses. It's as if they had cut them in half. Four of us had to share, so we had to sleep on our sides, and we shared one blanket.... I got a rash, but I couldn't see a doctor. My clothes were covered in lice."⁴⁴

Conditions in the room reserved for those accused of committing minor offenses, known as the "delinquents" room, were described as far worse. The room is severely overcrowded, and many detainees are forced to sleep on the concrete floor.⁴⁵ A 16-year-old who was accused of being a thief and detained at Gikondo from March to September 2019 told Human Rights Watch:

There were over 1,000 people in the room. We had to sleep on our sides, we couldn't turn around. The mattresses were very old and very thin. Some of us didn't have one and slept on the concrete floor. There were blankets covered in fleas and lice, so I preferred not to use them. It was too hot because there were so many people in the room.⁴⁶

⁴¹ National Commission for Human Rights, *Annual report 2017-2018*, September 2018.

⁴² National Commission for Human Rights, "Ikigo Kinyurwamo by'Igihe Gito (Transit Center) cy'Umujyi wa Kigali kirasaba kongererwa ubushobozi," July 16, 2019.

⁴³ Human Rights Watch phone interview with former Gikondo detainee, April 2019.

⁴⁴ Human Rights Watch phone interview with former Gikondo detainee, September 2019.

⁴⁵ Human Rights Watch phone interview with former Gikondo detainee, April 2019.

⁴⁶ Human Rights Watch phone interview with former Gikondo detainee, September 2019.

Food, Health, and Hygiene

Most of the former detainees interviewed for this report said they were given food once or twice a day, in insufficient quantities and with poor nutritional value, although some younger children under 14 said they were given extra food.

An 11-year-old boy told Human Rights Watch, “I got food at lunch time and in the evening, but it was just maize and often rotten with worms in it. I got diarrhea because of it.”⁴⁷ A 14-year-old boy said, “We ate only once a day, which is hard when you’re used to eating twice a day. It was maize and beans mixed with grit.”⁴⁸

The majority of former detainees who spoke to Human Rights Watch raised concerns about lack of hygiene. Those detained in the children’s room said they were able to wash once a day; however, those detained in the women’s room or the room for “delinquents” said they often washed only once or twice a week. Former detainees said men and women used the same showers and toilets, but at different times. Most described the toilets and showers as filthy, and some said they believed their health problems came from the use of unhygienic facilities.

Those detained in the room for children said they had access to drinking water in their room and reported being allowed to go to the toilet during the day. Those staying in the rooms for women or “delinquents” said they had irregular access to drinking water, sometimes only once a day. They described only being allowed to use the toilet at set times, and said they were beaten if they failed to adhere to a schedule. A 16-year-old boy detained in the room for “delinquents” told Human Rights Watch:

During the day, we had to stay inside the room sitting one behind the other so that we would all fit. I left the room once in the morning to eat maize and go to the toilet, and once in the evening to go to the toilet again. If we relieved ourselves outside of those set times, the guards beat and poured

⁴⁷ Human Rights Watch phone interview with former Gikondo detainee, May 2019.

⁴⁸ Human Rights Watch phone interview with former Gikondo detainee, April 2019.

water on us. We only got drinking water at 3 p.m., and we only showered on Fridays.⁴⁹

A 17-year-old boy who was taken to Gikondo in April 2019 after being caught without an ID card at a local movie theatre said he was forced to defecate on himself, when guards refused to let him go to the toilet, and then violently beaten for it.⁵⁰

Girls detained in the women's quarters also reported having access to drinking water restricted to certain hours. One 15-year-old girl, who was accused of a misdemeanor and detained in the women's room at Gikondo twice, in March and July 2019, told Human Rights Watch:

We ate maize once a day, in the morning. When we asked the guards for water, sometimes they gave it, sometimes they didn't. Once every three days or so, we could shower. We were only allowed to go to the toilet in the morning and the evening. The rest of the time, we had to use a jerrycan in our room, but if we used it, the guards hit us.⁵¹

Eighteen children reported experiencing health issues, such as malaria, rashes or diarrhea, during their time at Gikondo. Most interviewees said that health workers had given them basic medicine, such as malaria tablets or treatment for diarrhea, at the center. A 16-year-old girl told Human Rights Watch, "I had problems with my teeth. The doctors and nurses in the center give some treatment, but it often doesn't work. If they see you have a serious illness, they release you. And they don't give medicine for scabies."⁵²

Several children explained that those with more serious conditions said they were released and told to go to hospital. A 13-year-old female former detainee said she was released after one night at Gikondo, after telling the guards that she was HIV positive: "They told me to go the doctors or go take my medicine. They didn't take me, they just released me. I went to the health center in Muhima on my own, and then I went back to where I was living on the streets."⁵³

⁴⁹ Human Rights Watch phone interview with former Gikondo detainee, September 2019.

⁵⁰ Human Rights Watch phone interview with former Gikondo detainee, October 2019.

⁵¹ Human Rights Watch phone interview with former Gikondo detainee, September 2019.

⁵² Human Rights Watch phone interview with former Gikondo detainee, April 2019.

⁵³ Human Rights Watch phone interview with former Gikondo detainee, April 2019.

Young Children Detained with Mothers

After its July 2019 visit, the National Commission for Human Rights raised concerns regarding the detention of breastfeeding mothers who are separated from their babies, but Gikondo authorities told them they are released when they are informed of this issue during the screening process.⁵⁴ Several children Human Rights Watch interviewed in 2019 stated that they saw women detained with their infants at Gikondo.

Beatings

We were beaten with sticks by the “counsellors” whenever we spoke or bothered them. For serious misconduct, we were beaten 50 times.

—A 15-year-old female former detainee, April 2019.

Twenty-eight children told Human Rights Watch they were beaten in all the rooms described in this report. According to former detainees, the police are responsible for the overall management at Gikondo; however, inside the rooms, in practice, the detainees are often responsible for their own security and organization. Each room is managed by a “counselor,” a detainee chosen by the police.⁵⁵ The children interviewed by Human Rights Watch said that the majority of beatings were carried out by these other detainees.

Many children said they were beaten for talking too loudly or laughing with other children. A 15-year-old boy who spent over three months in the children’s room in 2019 said, “I can’t count how many times I was beaten. Even when I was sitting and chatting with friends, the ‘counsellors’ came to hit me. They never hit me less than five times.”⁵⁶

The beatings in the “delinquents” room appeared to be more frequent and severe. A 17-year-old boy, who was held in this room for several weeks, said:

⁵⁴ Ibid.

⁵⁵ See Human Rights Watch, *“Why Not Call This Place a Prison?”*.

⁵⁶ Human Rights Watch phone interview with former Gikondo detainee, April 2019.

To go eat you have to queue, and the “counselors” hit you so you will go fast. They are designated by the guards. It’s the same for the queue for the toilets. They hit you with sticks on your legs, your back, and even your head. I think in the three weeks I was at Gikondo, there were only three days when I was not beaten.⁵⁷

Another 17-year-old, who was arrested in April 2019 and spent six weeks at Gikondo, said:

I was taken to the “delinquents” room. The “counselors” immediately took the 8,000 Rwandan Francs (US\$8) I had with me, and then hit me with the stick part of a broomstick. They beat me on my back and my knees; it hurt so much I was limping for a week afterwards. My back still hurts today.⁵⁸

In some cases, children reported that police or DASSO officers beat them. A 15-year-old boy, who was held in the children’s room in 2019 for two months until his mother came to collect him, said:

The “counsellors” hit us when we made mistakes. The general, an official at the center, also came to hit children at times. He hit me with a big stick on my back and my buttocks when I arrived at the center. He asked for money, and I didn’t have any. He said, “You don’t bring anything even though you live here and benefit from this country!”⁵⁹

A 15-year-old boy, who said he was detained in the children’s room at Gikondo in May 2019, told Human Rights Watch, “At Gikondo we were beaten by the DASSO who guarded the center. They would beat us with their clubs everywhere, on our heads, our backs our feet. They would tell us, “As long as you live on the streets, we will keep beating you.”⁶⁰

⁵⁷ Human Rights Watch phone interview with former Gikondo detainee, April 2019.

⁵⁸ Human Rights Watch phone interview with former Gikondo detainee, October 2019.

⁵⁹ Human Rights Watch phone interview with former Gikondo detainee, August 2019.

⁶⁰ Human Rights Watch phone interview with former Gikondo detainee, May 2019.

Release or Transfer to Gitagata Rehabilitation Center

According to the new legal framework and statements by Rwandan authorities, the broader objective of Gikondo is to serve as a short-term screening center to allow authorities to either process street children to send on to rehabilitation centers, or reunite them with their families.⁶¹ However, in practice, there is no judicial process to determine the length of time individuals spend at the center or whether they are released or transferred.

In July 2019, the National Commission for Human Rights visited the center and raised questions regarding the repeated detentions of children living on the street. The director of Gikondo, Potien Sindayiheba Gakwaya, told the Commission that the underlying issue would not be solved by the transit centers. He said children were returned to the same problematic family situations that pushed them to live on streets, comparing it to “drawing water and putting it in a leaking basket.”⁶²

Release from Gikondo

They called me up because I had been at Gikondo for months and new people had arrived. They put us in a car, and everyone was dropped off where they had been arrested. That was the fifth time I was in Gikondo.

—Former 16-year-old female detainee at Gikondo, April 2019.

At Gikondo, they told me to never go back to the streets, they said they would arrest me again if they saw me in the streets.

—Former 11-year-old male detainee at Gikondo, May 2019.

Children’s release from Gikondo is as arbitrary as their arrest and transfer. Twenty children interviewed for this report said they were released back on the streets from Gikondo, some having been collected from the transit center by local district or sector authorities. Most of

⁶¹ United Nations Committee on the Rights of the Child, “Combined fifth and sixth periodic reports submitted by Rwanda under article 44 of the Convention, due in 2018”, July 10, 2018.

⁶² National Commission for Human Rights, “Ikigo Kinyurwamo by’Igihye Gito (Transit Center) cy’Umujyi wa Kigali kirasaba kongererwa ubushobozi”, July 16, 2019.

them said they were threatened and told they would be rearrested if they returned to the streets but given no financial or logistical support to return to their families.

For example, one former detainee who was held at Gikondo in 2019 after being accused of drug consumption said, “After two weeks, I was freed. They told us not to commit the same offenses, and that if they catch us again, they will take us to Nyungwe forest and jail us there. They just opened the door and we left.”⁶³

A 16-year-old girl who spent a month at Gikondo said a DASSO sector chief released her in Kigali, and told her to find her own way back to her mother’s house in Muhanga District, Southern Province.⁶⁴ Another former detainee was threatened and told he would be jailed for life if he was caught again, and then released.⁶⁵

Gitagata Rehabilitation Center

I escaped from Gitagata; I didn’t like it there. A guard used to hit me with a stick on the head.... At Gitagata, they hit us as if we’re family. At Gikondo, they hit us as if we’re prisoners.

–Former 15-year-old male detainee at Gikondo and Gitagata, August 13, 2019.

Gitagata Rehabilitation Center, formerly known as Gitagata Reeducation Center for Children, is in Bugesera district.⁶⁶ Children are deprived of their liberty in Gitagata on a non-voluntary basis and are not free to leave when they want. As such, Gitagata Rehabilitation Center is a place of detention for the purposes of international law and Rwanda’s human rights obligations, irrespective of whichever label Rwandan authorities choose to use.

⁶³ Human Rights Watch phone interview with former Gikondo detainee, May 2019.

⁶⁴ Human Rights Watch phone interview with former Gikondo detainee, October 2019.

⁶⁵ Human Rights Watch phone interview with former Gikondo detainee, May 2019.

⁶⁶ Human Rights Watch, *Lasting Wounds: Consequences of Genocide and War for Rwanda’s Children*, March 2003, <https://www.hrw.org/sites/default/files/reports/rwanda0403.pdf>.

Background on Gitagata Rehabilitation Center

In June 1995, the Ministry of Justice reopened the Gitagata Reeducation Center for Children to house some of the detained children who were below the age of responsibility during the 1994 genocide.⁶⁷

By mid-1998, though, conditions at Gitagata had grown progressively worse. Children started to complain about chronic food shortages, lack of activities and programming, and epidemics of malaria and other diseases.⁶⁸ In 2000, staff of the United Nations Children's Fund (UNICEF) and other international agencies dealing with children in detention described conditions in Gitagata as abominable.⁶⁹

After being closed for a short time, the Ministry of Local Government reopened Gitagata in August 2001 to house child soldiers formerly with Hutu rebels⁷⁰ who had recently been captured or surrendered,⁷¹ where they were to be “re-educated” and attend school or learn a trade. The government announced on August 13, 2001, that the center was to also provide services to hundreds of street children rounded up in the capital and other towns as well as to children younger than 14 years old who had been convicted of crimes.⁷²

In June 2002, members of the Local Defense Force, on the order of the Ministry of Local Government, began forcibly and violently rounding up children. Most of the children were brought to Gitagata, where aid workers expressed alarm over their conditions. In August 2002, Gitagata was housing twice its capacity of 500 children. Urgent protection needs at Gitagata included an acute shortage of clean water, failure

⁶⁷ Then Ministry of Gender, Family and Social Affairs, the division of social affairs of which is now incorporated in the Ministry of Local Government, took over its administration. A local nongovernmental organization, ASOFERWA, was responsible for administration and programming at Gitagata.

⁶⁸ Human Rights Watch, *Lasting Wounds*, p.20.

⁶⁹ Ibid.

⁷⁰ Former child soldiers with the rebel Army for the Liberation of Rwanda (*Armée pour la libération du Rwanda*, ALIR), the armed wing of the previously clandestine organization, People in Arms to Liberate Rwanda (*Peuple en armes pour libérer le Rwanda*, PALIR), based across the border in eastern Democratic Republic of Congo after the 1994 genocide.

⁷¹ Human Rights Watch, *Rwanda: Observing the Rules of War?*, December 2001, <https://www.hrw.org/reports/2001/rwandaz/Rwanda1201.pdf>.

⁷² Morning News, Radio Rwanda, August 13, 2001.

to register or document the children, prevalence of physical and sexual violence, presence of security forces in the camp, and lack of structured programming for the children.⁷³

Three June 2018 presidential orders established three rehabilitation centers under the National Rehabilitation Service, including the Gitagata Rehabilitation Center, where children and women can be transferred for counselling, medical care, and education.⁷⁴ The government announced in June 2018 that it was setting aside a budget of 3 million Rwandan Francs (\$3,300) toward its strategy to “eradicate delinquency,”⁷⁵ including by funding the expansion of Gitagata.⁷⁶

Eight of the children Human Rights Watch interviewed between January and October 2019 said they were transferred from Gikondo to Gitagata Rehabilitation Center. Overall, the children thought sleeping and hygiene conditions at Gitagata were better than at Gikondo. They described sleeping in rooms with bunk beds and bedding and being fed twice to three times a day with beans, rice, and maize. Some children who were transferred in 2019 said they received some vocational training; however, many also described beatings by the center’s supervisors and guards.

A 17-year-old boy who spent two weeks at Gitagata in 2019 said:

At Gitagata, we shared a bed between two of us, with blankets and sheets. We ate twice, sometimes three times a day, and it was better than at Gikondo. We also showered every day and took classes to learn new skills like carpentry or hairdressing. But I escaped after two weeks with a group of other children, because they were hitting us a lot. The supervisors would hit us with electric cables. It wasn’t every day, mostly when we got into fights with friends or when we tried to escape.⁷⁷

⁷³ Human Rights Watch, *Lasting Wounds*.

⁷⁴ Presidential Order no. 100/01 Of 02/06/2018 establishing Gitagata Rehabilitation Center.

⁷⁵ Ministry of Local Government, “National Policy Against Delinquency,” December 2016.

⁷⁶ Williams Buningwire, “Rwanda Begins Construction of Rwf2.9Bn Rehabilitation Centre,” June 7, 2018, <https://ktpress.rw/2018/06/rwanda-begins-construction-of-rwf2-9bn-rehabilitation-centre/> (accessed December 10, 2019).

⁷⁷ Human Rights Watch phone interview with former Gikondo detainee, September 2019.

Most children interviewed said they escaped from the center. A 15-year-old boy who was transferred to Gitagata twice in 2018 said, “I escaped both times. I don’t like the center. We were beaten by the guards with wooden sticks. As soon as we did something wrong, we would be beaten.”⁷⁸

In 2019, the center began hosting girls.⁷⁹ A 15-year-old girl who spent one week at Gikondo in July 2019 before being transferred to Gitagata told Human Rights Watch:

Gitagata is better than Gikondo. We each had our own mattress and bed. We ate twice a day. The police guarded the center and would pour cold water on us to wake us and beat us with sticks. If we made noise, they hit us. I spent two months there, but I don’t want to go back.⁸⁰

The National Commission for Human Rights held a meeting with the National Rehabilitation Service in August 2018 to share findings of its visit to 27 transit centers and Gitagata Rehabilitation Center. The Commission raised issues regarding “overpopulation in the centers, especially in the Kigali Transit Center, old buildings and infrastructure, insufficient staff, lack of adequate equipment and the issue of hygiene, and inadequate policy determining the duration of stay in the centers.”⁸¹

The National Rehabilitation Service said measures were being taken to address these problems, including infrastructure investment at Gitagata and staff restructuring, and that the National Rehabilitation Service was going to request management of all transit centers.⁸²

⁷⁸ Human Rights Watch phone interview with former Gikondo detainee, May 2019.

⁷⁹ Emmanuel Ntirenganya, “First rehabilitation centre for women delinquents to be open by December,” *The New Times*, June 21, 2019, <https://www.newtimes.co.rw/news/first-rehabilitation-centre-women-delinquents-be-open-december> (accessed December 10, 2019).

⁸⁰ Human Rights Watch phone interview with former Gikondo detainee, September 2019.

⁸¹ National Commission for Human Rights, “Visit of the National Commission for Human Rights to the National Rehabilitation Service,” August 8, 2018, http://cndp.org.rw/index.php?id=187&tx_news_pi1%5Bnews%5D=33&tx_news_pi1%5Bcontroller%5D=News&tx_news_pi1%5Baction%5D=detail&cHash=1061c58afa8a2633798bcb88ff407d20 (accessed December 10, 2019).

⁸² *Ibid.* On the issue of prolonged detention, the Executive Secretary of the National Rehabilitation Service also said that an ad hoc district Committee in each district was tasked with the triage and determination of the duration of the stay in those centers and that the length of stay depended much on the cause of placement in the center and such decision is taken within

Monitoring, Oversight, and Accountability

There are several monitoring mechanisms in place with mandates to provide oversight of transit and rehabilitation centers in Rwanda. The National Rehabilitation Service is required to conduct monthly monitoring of transit centers to ensure their compliance with laws and human rights,⁸³ but these reports have not been made public. Additional monitoring by the National Commission for Human Rights and the National Commission for Children has touched upon some of the issues raised in this report but neither Commission has publicly reported on the severity and extent of the abuse and ill-treatment at Gikondo.

National Commission for Human Rights

The National Commission for Human Rights' mandate includes monitoring respect for the rights of the child; however, its reports on Gikondo and other transit centers have not been consistent.⁸⁴ Human Rights Watch is also concerned that in the past, the Commission has been party to cover up of serious human rights violations, including killings.⁸⁵

After a July 2019 visit to Gikondo, the Commission raised concerns about children whose parents were never informed of their detention, children who should be at school, breastfeeding mothers separated from their babies, and drug-using detainees who should be transferred for medical care. In addition, it stated that it recommended that Gikondo's authorities ensure that detainees are properly screened and either transferred to rehabilitation centers, prosecuted or released without exceeding the timeframe required by Rwandan law.⁸⁶

14 days from the date the individual entered the center. He also said that cases that warranted criminal prosecution are usually referred to Prosecution without delay.

⁸³ Ministerial Order no. 001/07.01 of 19/04/2018 determining Mission, Organization and Functioning of Transit Centers, art. 22.

⁸⁴ See art. 6 (4) of Law no. 19/2013 of 25/03/2013 Determining the Mission, Organisation and Functioning of the National Commission for Human Rights.

⁸⁵ "Rwanda: Cover-Up Negates Killings," Human Rights Watch news release, November 1, 2017, <https://www.hrw.org/news/2017/11/01/rwanda-cover-negates-killings>.

⁸⁶ National Commission for Human Rights, "Ikigo Kinyurwamo by'Igihe Gito (Transit Center) cy'Umujyi wa Kigali kirasaba kongererwa ubushobozi," July 16, 2019.

In its 2017-2018 annual report, the Commission made public its conclusions after visiting 27 transit centers, including Gikondo.⁸⁷ It found that, overall, those detained in transit centers were people who exhibited “deviant behaviour such as prostitution, drug abuse, begging, vagrancy, [and] informal street vending.” The Commission did not specify what evidence was available to support the accusations against those detained nor what judicial process was undertaken to determine their responsibility and justify their detention. It stated that those arrested were informed of charges against them, and that the law was respected generally during this process but offered no other specifics on any due process rights afforded those detained. It did raise concerns over the lengthy detentions going beyond two months in some transit centers, including Gikondo, but concluded that, overall, detainees were given access to health care, and that hygiene and sleeping conditions at the center were generally good.

After a meeting with the National Rehabilitation Service in August 2018, the Commission also raised concerns about the high number of children present in the overpopulated transit centers and the delays in screening new detainees. Additionally, the Commission expressed concerns that detainees who had committed offenses are held at Gikondo. The Executive Secretary of the National Rehabilitation Service said that a decision on placement in centers is taken within 14 days and that cases warranting criminal prosecution are “usually referred to the Prosecution without delay.”⁸⁸

There are concerns about the veracity of the Commission’s reports on transit centers, not only due to its lack of independence. In previous Human Rights Watch research, former Gikondo detainees said the police tightly controlled visits by outsiders and prepared them in advance to present an artificially positive image of the center.⁸⁹

According to the Rwandan government’s 2018 report to the Committee on the Rights of the Child, the Child Rights Observatory overseen by the Commission submits monthly reports about violations of children’s rights. To the best of Human Rights Watch’s knowledge, these reports have not been made public.

⁸⁷ National Commission for Human Rights, *Annual Activity Report for 2017-2018*, September 2018, pp. 61-65, http://www.cndp.org.rw/fileadmin/user_upload/Annual_Report_2017_2018.pdf, (accessed December 10, 2019).

⁸⁸ National Commission for Human Rights, “Visit of the National Commission for Human Rights to the National Rehabilitation Service,” August 8, 2019.

⁸⁹ Human Rights Watch, “*Why Not Call This Place a Prison?*”.

National Commission for Children

The law establishing the National Commission for Children gives the body the mandate to monitor and evaluate the implementation of all activities related to the fulfilment of children’s rights under the Convention on the Rights of the Child.⁹⁰

In its 2018 report to the Committee on the Rights of the Child, Rwandan authorities stated that the Commission was “resourced with technical professionals and/or focal points to coordinate and monitor the implementation of specific rights of the child such as education, protection, health and nutrition, children in emergencies, children with disability and child participation.”⁹¹

In May 2019, the National Commission for Children published a comprehensive study of the situation of children living in the streets in Rwanda. The Commission visited eight transit centers across Rwanda for the purpose of this study, which did not include Gikondo. The study stated that almost half of the children living on streets indicated they were forced to go to transit centers or live on the street.⁹² In addition, 44 percent of boys and 36 percent of girls considered being taken to transit centers by security and local authorities as violence.⁹³ The report found that Gitagata was the only center resourced for reeducation of children formerly living on the streets, including through provision of basic needs, psychological counseling, family reintegration services, and vocational training.⁹⁴

The report outlines a “Street children reintegration and prevention strategy” and concludes that “district-run transit centers will play an important role in the rehabilitation process of children.”⁹⁵

⁹⁰ Law No. 22/2011 of 28/06/2011 establishing the National Commission for Children (NCC) and determining its mission, organisation and functioning, art. 7.

⁹¹ United Nations Committee on the Rights of the Child, “Combined fifth and sixth periodic reports submitted by Rwanda under article 44 of the Convention, due in 2018,” para. 35.

⁹² National Commission for Children, “A Comprehensive Assessment of The Street Children Phenomenon in Rwanda,” May 2019, p. 65.

⁹³ *Ibid.*, p. 66.

⁹⁴ *Ibid.*, p. 95.

⁹⁵ *Ibid.*, pp. 102-105.

Accountability

Human Rights Watch requested information about any investigation, prosecution, or other actions by the Rwandan authorities in relation to abuses in transit centers, but neither received any nor was able to identify any such information from open sources.

In its 2013 concluding observations on the third and fourth periodic reports of Rwanda, the Committee on the Rights of the Child noted, “Children in vulnerable situations, such as children living in street situations and victims of child prostitution continue to be perceived as offenders and detained in an unofficial detention center in Gikondo under poor living conditions and without any charges.”⁹⁶ The Committee asked the government of Rwanda to permanently close Gikondo, stop the arbitrary detention of children in need of protection, and conduct thorough investigations of abuses at the center.⁹⁷

In response, the Rwandan government stated, “Gikondo is a transit center [to] help police to deal with children in/on [the] street[s] waiting for their parents [to] come eventually recover them before direct[ing] them to reintegration centers for their education.”⁹⁸ Despite their unfounded denials that Gikondo operates as a detention facility, Rwandan authorities are perpetuating a system of de facto detention without legal grounds for detention, judicial process, or alternate oversight system in violation of national and international laws.

⁹⁶ Committee on the Rights of the Child, “Concluding observations on the third and fourth periodic reports of Rwanda, adopted by the Committee at its sixty-third session (27 May-14 June 2013),” CRC/C/RWA/CO/3-4, June 14, 2013, para. 62(a), http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/RWA/INT_CRC_COC_RWA_13833_E.pdf.

⁹⁷ Ibid, para. 63(c).

⁹⁸ Written and Additional Updated Information in Response to the List of Issues Related to the Consideration of the Third and Fourth Periodic Report (CRC/C/RWA/3-4) Submitted by the Government of Rwanda to the Committee on the Rights of [the] Child, April 2013, para. 77.

Domestic and International Standards

Rwandan Law

Many detainees in Gikondo are classified as “vagrants,” “beggars,” or “prostitutes.” These were previously offenses under the 2012 Penal Code.⁹⁹ However, the amended 2018 Penal Code removed these offenses.¹⁰⁰ A “delinquent” is someone accused of a misdemeanor, an offense punishable by imprisonment of six months to five years.¹⁰¹

The Rwandan Constitution provides that all Rwandans are entitled to equal protection before the law. Article 14 states that “every person has the right to physical and mental integrity [and] no one shall be subjected to torture, physical abuse or cruel, inhuman or degrading treatment.” Article 24 states that liberty is guaranteed by the state and that “no one shall be subjected ... to detention or punishment unless provided for by laws in force at the time the offence was committed.”¹⁰²

Rwandan law prohibits “detaining a person in an irrelevant facility” and “detaining a person for a period longer than the period specified in the arrest statement and in the provisional detention warrants.”¹⁰³ This offense, is punishable with imprisonment of five to seven years.¹⁰⁴ State agents found guilty of keeping a person in detention unlawfully are liable to imprisonment equivalent to the term incurred by the unlawfully detained person and a fine.¹⁰⁵ Persons convicted of unlawfully detaining a child can receive a prison sentence of up to ten years.¹⁰⁶

The Rwandan Penal Code explicitly prohibits imposing severe suffering or severe or degrading punishments, which, when the offenses are committed against children, is

⁹⁹ Organic Law no. 01/2012/OI of 02/05/2012 instituting the Penal Code, arts. 204-213 and 687-692.

¹⁰⁰ Law no. 68/2018 of 30/08/2018 determining offences and penalties in general.

¹⁰¹ *Ibid*, art. 18.

¹⁰² Rwandan Constitution adopted in 2003, revised in 2005, 2008, 2010, and 2015, arts. 14 and 24.

¹⁰³ Law no. 027/2019 of 19/09/2019 relating to the criminal procedure, art. 143.

¹⁰⁴ Law no. 68/2018 of 30/08/2018 determining offences and penalties in general, art. 151.

¹⁰⁵ *Ibid*, art. 285.

¹⁰⁶ *Ibid*, art. 151.

punishable by a prison term of five to eight years and a fine.¹⁰⁷ Neglecting a child entrusted into one's care is punishable by ten to fifteen years in prison.¹⁰⁸

The Rwandan Code of Criminal Procedure states that minors aged below 14 years cannot be subject to prosecution and that juvenile offenders cannot be detained in the same facilities as adults.¹⁰⁹ In relation to the "rehabilitation of a juvenile offender," the Code of Criminal Procedure states that an investigator or a prosecutor is responsible for identifying the "appropriate means for his or her rehabilitation," and the prosecutor can issue all necessary warrants or order judicial supervision in compliance with rules of general law.¹¹⁰

The rights of children in Rwanda are guaranteed in the Constitution and a law relating to the protection of the child.¹¹¹ This law prevents all forms of violence against children, including corporal punishment as a form of violence. It provides for the placement of a child in a social welfare institution if "he/she is a vagrant or beggar while procedures to identify his/her parents are still in process."¹¹² The law also states that a child can be on remand only when charges against him or her are punishable by prison terms exceeding five years.¹¹³

However, those detained at Gikondo do not appear to benefit from even these due process guarantees, as Rwandan authorities refuse to acknowledge that people deprived of liberty in Gikondo are in detention. Therefore, there currently appears to be no judicial oversight of the detention of persons in Gikondo at all.

The Code of Criminal Procedure also states that anyone held in custody must be notified of the charges against them and has a right to legal counsel.¹¹⁴

¹⁰⁷ Ibid, art. 121.

¹⁰⁸ Ibid, art. 122.

¹⁰⁹ Law no. 027/2019 of 19/09/2019 relating to the criminal procedure, art. 149.

¹¹⁰ Ibid, art. 147.

¹¹¹ The Constitution of the Republic of Rwanda of 2003 as revised in 2015, article 19; Law no. 71/2018 of 31/08/2018 relating to the protection of the child; Law no. 22/2011 of 28/06/2011 establishing the National Commission for Children and determining its mission, organization and functioning.

¹¹² Law no. 71/2018 of 31/08/2018 relating to the protection of the child, art. 17.

¹¹³ Ibid, art. 24.

¹¹⁴ Law no. 027/2019 of 19/09/2019 relating to the criminal procedure, art. 68.

International and Regional Standards

Practices at Gikondo violate several international and regional conventions which Rwanda has ratified, and which prohibit arbitrary arrest and detention as well as cruel, inhuman or degrading treatment of children.

These include the International Covenant on Civil and Political Rights (ICCPR),¹¹⁵ the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT),¹¹⁶ the UN Convention on the Rights of the Child (CRC),¹¹⁷ the African Charter on Human and Peoples' Rights (Banjul Charter),¹¹⁸ and the African Charter on the Rights and Welfare of the Child (African Charter).¹¹⁹

Arbitrary Detention

Human Rights Watch found that Rwanda's transit centers, and in particular Gikondo, routinely hold people in violation of international and Rwandan law. Both the ICCPR and the Banjul Charter prohibit arbitrary arrest or detention and require that all deprivations of liberty have a clear basis in law and that all those detained are accorded full due process rights, including access to a lawyer and being brought before a judicial authority.

According to the UN Human Rights Committee, the body of independent experts that monitors implementation of the International Covenant on Civil and Political Rights, detention is considered arbitrary if it is not in accordance with the law or if it presents "elements of inappropriateness, injustice, lack of predictability and due process of law."¹²⁰ International law grants a detainee the right to challenge the lawfulness of his or

¹¹⁵ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, arts. 7 and 9, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, ratified by Rwanda on April 16, 1975.

¹¹⁶ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (no. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987, ratified by Rwanda on December 15, 2008. On June 30, 2015, Rwanda acceded to the Optional Protocol of the Convention Against Torture.

¹¹⁷ Convention on the Rights of the Child, arts. 37(a)-(b).

¹¹⁸ African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), arts. 5-6, entered into force October 21, 1986, ratified by Rwanda on July 15, 1983.

¹¹⁹ African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49 (1990), arts. 16-17, entered into force November 29, 1999, ratified by Rwanda on May 11, 2001.

¹²⁰ UN Human Rights Committee, General Comment No. 35 on Article 9: Liberty and security of person, U.N. Doc. CCPR/C/107/R.3, (2014), para. 12.

her detention by petitioning an appropriate judicial authority to review whether the grounds for detention are lawful, reasonable, and necessary.

The UN Human Rights Committee has confirmed that Article 9(1) “is applicable to all deprivations of liberty, whether in criminal cases or in other cases such as, for example, mental illness, vagrancy, drug addiction, educational purposes, immigration control, etc.”¹²¹

The UN Working Group on Arbitrary Detention has also addressed governments on policies and practices that permit the detention of vulnerable groups, such as drug users and people suffering from AIDS. The Group expressed its concern in relation to such practices because “it is vulnerable persons that are involved, people who are often stigmatized by social stereotypes; but it is concerned above all because often such administrative detention is not subject to judicial supervision.... With regard to persons deprived of their liberty on health grounds, the Working Group considers that in any event all persons affected by such measures must have judicial means of challenging their detention.”¹²²

The procedures and practices for detention of persons at Gikondo do not meet any of the necessary safeguards required under international law to render a detention lawful, and the absence of proper grounds provided by law and due process rights for detainees renders detentions in Gikondo arbitrary.

Ill-Treatment and Inhuman Conditions in Custody

Treatment of detainees at Gikondo also violates international legal standards on the treatment of detainees, in particular the requirements that detainees be treated with humanity and the prohibition on all forms of ill-treatment. Officials in Gikondo inflict serious abuse, or allow serious abuse to be inflicted, on detainees, rising to at least the level of cruel, inhuman, or degrading treatment or punishment. All ill-treatment of detainees violates Rwanda’s obligations under the ICCPR and the Convention against Torture and Other Cruel and Inhuman or Degrading Treatment or Punishment, which set out

¹²¹ UN Human Rights Committee, General Comment No. 8 on Article 9: Right to liberty and security of persons, (Sixteenth session, 1982), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 8 (1994), para. 1.

¹²² UN Working Group on Arbitrary Detention, “Report of the Working Group on Arbitrary Detention,” December 15, 2003, UN Doc. E/CN.4/2004/3, paras. 74 and 87.

the absolute prohibition on ill-treatment. Rwanda has a legal obligation to investigate credible allegations of cruel and inhuman treatment or punishment, and to hold those responsible to account.

According to the ICCPR, “[a]ll persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person” and “[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”¹²³ The UN Standard Minimum Rules for the Treatment of Prisoners, the authoritative guidelines on treatment of prisoners in accordance with international standards, states that “[c]orporal punishment ... and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.” They also set out detainees’ basic rights in terms of accommodation, hygiene, bedding, food, medical services, and contact with the outside world.¹²⁴ Conditions and treatment in Gikondo fail to meet these minimum standards.

Detention of Children

The treatment of infants in Gikondo violates the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (African Charter). The CRC places an obligation on governments to protect children from “all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”¹²⁵ It also states that any arrest, detention, or imprisonment of a child must conform with the law and shall only be used as a “measure of last resort” and for the shortest appropriate period of time.

States are required to develop non-custodial solutions for children who are accused of committing crimes. According to the Convention on the Rights of the Child, such non-custodial solutions can include “a variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that

¹²³ International Covenant on Civil and Political Rights, arts. 10 and 7.

¹²⁴ United Nations Standard Minimum Rules for the Treatment of Prisoners (Standard Minimum Rules), adopted by the first United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July, 1957, and 2076 (LXII) of 13 May, 1977.

¹²⁵ Convention on the Rights of the Child, art. 19.

children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.”¹²⁶ The 2019 UN Global Study on Children Deprived of Liberty emphasizes the need for non-custodial solutions and provides guidance and case studies, for example on restorative justice.¹²⁷

The detention of children in the same facilities as adults is prohibited by both treaties.¹²⁸ Article 30 of the African Charter also requires state parties to provide special treatment to mothers of infants and young children, to establish special alternative institutions for holding such mothers, and to ensure that a mother shall not be imprisoned with her child.

¹²⁶ CRC, art.40 (4).

¹²⁷ Independent Expert Global study on children deprived of liberty, July 11, 2019, UN A/74/136. https://reliefweb.int/sites/reliefweb.int/files/resources/A_74_136_E.pdf.

¹²⁸ Convention on the Rights of the Child, arts.19 and 37; African Charter on the Rights and Welfare of the Child, art. 17.

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“As Long as We Live on the Streets, They Will Beat Us”

Rwanda’s Abusive Detention of Children

For over a decade, Gikondo Transit Center in Kigali, Rwanda’s capital city, has served as an unofficial detention facility where street children, street vendors, sex workers, homeless people, and beggars are arbitrarily detained.

New legislation and policies ostensibly designed to reintegrate the kinds of people being detained in Gikondo, as part of the Rwandan government’s strategy to “eradicate delinquency,” have sought to legitimize and regulate transit centers. In fact, such legislation provides legal cover for the arbitrary detention in centers and the abuses of detainees, including children, to continue. Under this new legal framework introduced since 2017, those exhibiting “deviant behaviors ... such as prostitution, drug use, begging, vagrancy, informal street vending” can be held in transit centers for up to two months, until they are transferred to a rehabilitation center or reunited with their families.

Based on interviews conducted with 30 formerly detained children between January and October 2019, *“As Long as We Live on the Streets, They Will Beat Us”* documents human rights violations against children rounded up in the streets of Kigali and arbitrarily held for up to six months.

In addition to their arbitrary detention without judicial oversight or due process, children at Gikondo Transit Center are underfed, regularly beaten, and detained in overcrowded and unhygienic rooms. This report follows up three earlier Human Rights Watch reports on transit centers, including Gikondo, between 2006 and 2016.

Human Rights Watch calls on the Rwandan government to immediately close Gikondo Transit Center and release all detainees and on the Rwanda National Police and district officials to stop rounding up street children. The police should investigate cases of arbitrary detention and ill-treatment, suspend those responsible for these abuses from their positions, and ensure they are brought to justice.



Satellite image showing the location of Gikondo Transit Center, Kigali, Rwanda.

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Source: GoogleEarth