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The 2014 law relating to refugees in Rwanda: analyzing the gap between theory and reality

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ABSTRACT

By May 2024, Rwanda was a host country for more than 135,000 refugees, mainly from the Democratic Republic of the Congo (DRC) and Burundi. In May 2014, Rwanda passed the Law Relating to Refugees which substantially reflected her international and regional obligations under the relevant refugee and human rights instruments. In 2024, Rwanda repealed the 2014 law by passing the Law Governing Refugees and Applicants for Refugee Status in Rwanda. Although repealed, this article based on literature review analyzes Rwanda's implementation of the 2014 law in a period of ten years. It focuses on the literature published from 2015 to 2025. Sources were identified through literature searches of Scopus, Web of Science, IBSS, ProQuest, EBSCOhost, JSTOR, and Google Scholar, as well as Rwanda government's policy and legal documents, UN and UNHCR reports, International (human rights) NGOs reports, international media sources and peer reviewed scholarly literature. Studies were screened for thematic relevance and geographic focus, and a qualitative thematic synthesis was used to identify core patterns. The analysis shows that there is a discrepancy between the provisions of the law and reality. This article analyzes this discrepancy and the factors behind it by focusing on the specific provisions of the law. The gap between theory and reality is explained by the following factors: the authoritarian nature of the Rwandan state, its extraterritorial military operations, and poor bilateral relations. These factors play a crucial role in determining how refugees are treated and are (un) able to access their protection and rights.

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1. Introduction

Rwanda has served as a host of refugees for several decades. In 2014, the country enacted the Law Relating to Refugees (hereafter the 2014 law), which substantially reflects its internationally recognized protection obligations. In 2024, the Law Governing Refugees and Applicants for Refugee Status in Rwanda (hereafter the 2024 law) was passed repealing the 2014 law. Although repealed, this article analyzes the implementation of the 2014 law in a period of ten years (2014-2024). Despite reflecting legal protection obligations, this article argues that this has not been the case in practice. Drawing on the work of authors such as Reyntjens (2004, 2009, 2011, 2013, 2015, 2020, 2022, 2023), Straus and Waldorf (2011), Longman (2011), Thomson (2018), and others on the politics of post-genocide Rwanda as a point of departure, this article illustrates how the application of some provisions of the 2014 law has been influenced by the authoritarian nature of the Rwandan state, its extraterritorial military operations, poor bilateral relations with the Democratic Republic of the Congo (DRC) and Burundi, and ambiguous relations with Uganda (Reyntjens, 2023, 2022, 2020). In doing so, this article aims to contribute to the growing literature that highlights the politics of asylum in Africa. As Milner (2009) argues, it is important to understand the political context within which asylum policies are formulated and implemented in Africa. Rwanda's case offers lessons for understanding the practice of refugee (human rights)

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law in other similar post-conflict, authoritarian and militarized refugee hosting countries. Rwanda is an example of militarized, securitized, and autocratized practice of refugee law and protection in Africa. The ten years of the 2014 law offers some insights into Rwanda's refugee law in practice. The above factors may affect the implementation of the recently enacted 2024 law.

After a brief history of refugee law and reception in Rwanda, this article focuses on specific provisions of the 2014 Law, the application for asylum and refugee status, the civilian and humanitarian character of asylum (the prohibition of political and military activities in camps), refugee rights, and the principle of *non-refoulement*. Based on scholarly and grey literature on post-genocide Rwanda (Longman, 2011, 2024; Reyntjens, 2004, 2009, 2011, 2013, 2015, 2020, 2022, 2023, 2024; Simpson, 2024; Straus, 2023; Straus & Waldorf, 2011; Thomson, 2018), etcetera, this article illustrates the gaps in the implementation of the 2014 law. In particular, the article addresses the realities faced by refugees in Rwanda, such as the Refugee Status Determination Committee (RSDC), problems of application for asylum and refugee status, their recruitment and involvement in military activities, the violation of refugee rights, and the principle of *non-refoulement*. The article concludes with policy and methodological considerations.

2. Politics in post-genocide Rwanda: a brief overview

According to Reyntjens (2013, 2015), there are two opposing views of Rwanda. The first is held by Bono, Pastor Rick Warren, Bill Clinton, and Tony Blair, as well as by most aid agencies. This view examines technocratic/bureaucratic governance and applies to the country's achievements in economic growth, education, health, agriculture, women's empowerment, and market policies, among others (Reyntjens, 2004, 2013, 2015). This view flows from the genocide credit enjoyed by the regime and feelings of guilt for a lack of international action to stop the genocide in 1994 (ibid). The second view is held by most academic scholars (see Ainomugisha, 2025; Longman, 2024; Reyntjens, 2024; Simpson, 2024; Straus, 2023) and human rights organizations, such as Amnesty International and Human Rights Watch, to mention but a few critical of post-genocide political governance and point out dictatorship, violations of human rights, inequalities and poverty in rural areas, injustice, and the collective victimization of the majority Hutu population (Reyntjens, 2024; Williams & Jessee, 2024).

This article supports the second view and argues that political governance in post-genocide Rwanda is largely flawed. The flawed nature of Rwanda's politics affects both its nationals and foreigners (including refugees). This political analysis helps us to understand the gaps in the implementation of some aspects of the 2014 law, specifically refugee rights, the principle of *non-refoulement*, the civilian and humanitarian character of asylum and the application for refugee status. As Loescher (1993) argues, refugee movements, reception and protection are political in nature. It is important to interrogate the politics surrounding refugee reception and protection in post-genocide Rwanda. This does not mean that there are no positive socio-economic achievements (including for refugees) in Rwanda.

This article specifically focuses on the political as opposed to the socio-economic aspects of hosting refugees in Rwanda. The article briefly focuses on the authoritarian nature of the Rwandan state, its extraterritorial military operations, and its poor relations. The article later demonstrates how these have impacted refugee reception and protection in Rwanda. It begins by describing the authoritarian nature of Rwanda.

2.1. Rwanda as an authoritarian state

Although Rwanda has made significant achievements in bureaucratic/technocratic governance with obvious achievements in socio-economic indicators (health and education), there is scholarly consensus that political governance is deeply flawed (Ainomugisha, 2025; Longman, 2024; Reyntjens, 2024; Simpson, 2024; Straus, 2023; Thomson, 2018). Post-genocide Rwanda has transitioned from one type of authoritarian regime to another (Longman, 2011; Reyntjens, 2013; Thomson, 2018). Political opponents like Victoire Ingabire and others are constantly being repressed. Furthermore, the Rwandan Patriotic Front (RPF) regime has 'systematically intimidated, co-opted, and suppressed civil society, so that Rwanda today lacks independent social organizations capable of articulating most public interests' (Longman, 2011, 26-27). Civil society is controlled by the regime (Reyntjens, 2004). Thomson (2018) argues that civil society,

churches, mosques, human rights organizations, etc. are coerced. The RPF's view was that 'civil society was not a counterweight to the government nor would it influence policy outcomes. Rather, civil society was conceived to act as the development branch of the government' (Thomson, 2018, 134). The RPF does not envisage the critical and confrontational roles of civil society (ibid). There is a '24/20 rule' in Rwanda. 'You say something wrong and you get 24 hours to leave the country with 20 kilos worth of stuff' (ibid: 185). The hostile political environment seriously undermines the efforts of organizations and agencies working for refugees and asylum-seekers. Refugee advocacy organizations and legal aid providers face the risk of harassment, suspension, or expulsion if they criticize government policies concerning refugee rights (Easton-Calabria, 2022).

As a result, many organizations avoid criticism of government, forcing them to engage in self-censorship to avoid suspension and expulsion (Gready, 2010; Human Rights Watch, 2023). There are also reports of government's infiltration of local human (refugee) rights organizations, making it difficult for legal aid providers to represent clients on sensitive political cases (US Department of State, 2024; UNHCR, 2024b).

Rwanda violates rights at home and abroad (Human Rights Watch, 2023; Reyntjens, 2013). Journalists, bloggers, tubers, musicians, writers, and ordinary citizens critical of the government are attacked, detained, kidnapped, killed, tortured, or face forced disappearance. In fact, Thomson (2018) argues that criticizing the government is very risky in Rwanda. There are limitations on freedom of speech, expression, assembly, association, restrictions of civil society, and free media. In short, all rights are restricted and violated in Rwanda (US Department of State, 2023, 2022, 2021). Human rights violations also affect refugees and asylum-seekers.

There is consensus among scholars, civil society, government agencies and international organizations that Rwanda is an authoritarian state with a track record of repression and gross human rights violations (Amnesty International, 2024; Freedom House, 2024; Human Rights Watch, 2024; Longman, 2011; Reytnjens, 2004, 2013, 2015, 2022, 2023; Thomson, 2018; US Department of State, 2023; Waldorf, 2011). The trend of human rights violations in Rwanda has either remained the same with little improvement or gotten worse over the years according to the reports on human rights (Amnesty International, 2024; Freedom House, 2024; Human Rights Watch, 2024; US Department of State, 2023). For example, in the Freedom House index (2025), Rwanda scored 21/100, with a 'political rights' score of 7/40 and a 'civil liberties' score of 14/60 and it is ranked 'not free'.

2.2. Rwanda's extraterritorial military operations

After the genocide, Rwanda developed into a regional powerhouse by invading the DRC twice in the 1990s, it supported proxy rebel groups (Afriyie, 2025; *Democratic Republic of Congo v Republic of Rwanda* (Application No. 007/2023; Kibiswa, 2025) [2025]; Reyntjens, 2020, 2022; UN OHCHR (UN Office of the High Commissioner for Human Rights), 2010). Rwanda is a small and poor country but it has been able to control the DRC militarily, politically and economically (Reyntjens, 2013). Rwanda's intervention in the DRC has been driven by security concerns, economic interests, ethnic solidarity, and (selective) humanitarian concerns etcetera (Reyntjens, 2009). In the aftermath of the 1994 genocide that saw the former Rwandan Armed Forces (ex-FAR) and the Interahamwe flee to the DRC (export of Rwanda's civil war), Rwanda intervened several times. In 2000, the Forces démocratiques pour la libération du Rwanda (FDLR) Hutu rebel group was formed opposed to the Rwandan Tutsi dominated regime. Rwanda considers the FDLR a security threat and accuses it of targeting Congolese Tutsi (Kibasomba & Barega, 2011). Rwanda has always accused the DRC of supporting FDLR (Reyntjens, 2009).

Rwanda (partly out of ethnic solidarity) supports the Congolese Tutsi (the Banyamulenge) - Laurent Nkunda's Congrès national pour la défense du peuple (CNDP) and later the M23 (Reyntjens, 2009, 2020, 2023). M23 has destabilized the DRC, and in early 2025, the group took control of parts of North and South Kivu, including the provincial capitals of Goma and Bukavu. Rwanda denies supporting the M23, but reports by the UN Group of Experts on the DRC, intelligence, and former Rwandan Army officials have confirmed its involvement (United Nations & Security Council, 2022, 2023, 2024). The M23 fighting has led to a massive loss of lives and displaced hundreds of thousands of Congolese to Rwanda, Burundi, Uganda, and inside the DRC.

Also, Rwanda's extraterritorial military operations extend to Burundi. The two countries have supported each other's armed groups (Reyntjens, 2023). Burundi accuses Rwanda of supporting RED-Tabara rebels operating in the DRC (ibid). In 2015, Burundi accused Rwanda of supporting the (failed) 2015 coup and hosted the coup leaders (Kebede, 2021; Ndayisaba, 2020). Rwanda has always accused Burundi of supporting the FDLR and the DRC army; it considers her enemies (Reyntjens, 2009, 2020, 2023). Rwanda's military operations against the DRC and Burundi have operated under the logic that 'an enemy of my enemy is my friend', 'a friend of my enemy is my enemy', and 'an enemy of my friend is my enemy'.

2.3. Rwanda's poor bilateral relations

It has been argued that asylum policies – and their implementation – are greatly influenced by regional and bilateral diplomatic relations. In his analysis of politics of asylum in Africa, Milner (2009) argues a state may adopt either restrictive or open asylum approaches depending on a number of factors: domestic, historical, quantitative, burden sharing, security, international and regional factors. Diplomatic relations are crucial in his analysis to understand the attitudes of certain states towards specific groups of asylum seekers (Milner, 2009).

Loescher (1993) shows the relevance of diplomatic relations between countries of origin and asylum in determining how refugees are treated in host states. He observes that in some cases refugees are welcomed by asylum countries as a way of discrediting their rival countries of origin. Thus: 'Refugees are seen as symbols of foreign policy, to be exploited as part of a continuing propaganda campaign' (Loescher, 1993, 21). On one hand, 'governments are extremely reluctant to offer asylum to refugees from neighboring countries, for fear of endangering political relations' (Loescher, 1993, 8). 'Conversely –he writes– a decision (not) to accord refugee status to certain national groups often implies support (or not) for the sending government' (Loescher, 1993, 21). In other cases, the host state will (not) welcome refugees because of sympathy or hostility with the country of origin due to political, diplomatic and security calculations (Loescher, 1993). In line with the above arguments, this article shows that the diplomatic and security concerns of Rwanda and countries of origin (Burundi and DRC) play a crucial role in determining how refugees are treated on her soil.

Rwanda does not enjoy good relations with neighboring countries and beyond. Rwanda's relations with neighbors are either hostile or ambiguous, partly related to its violent history, destabilizing role, and regional powerhouse position (Reyntjens, 2009, 2013). The article will concentrate on the DRC and Burundi since Rwanda hosts tens of thousands of refugees from these countries. Relations with the DRC remain hostile because of its support for M23 (Reyntjens, 2020, 2022, 2023). By early 2025, with M23 renewed fighting and taking over of territory, the DRC severed diplomatic relations and closed Rwanda's embassy in Kinshasa (Aljazeera, 2025a; France 24, 2025). As stated above, the two countries accuse each other of engaging in hostile activities. While the DRC accuses Rwanda of supporting M23, Rwanda states that the DRC supports the FDLR. These suspicions, accusations, and hostile activities have greatly undermined bilateral relations between the two neighbors.

On the side of Burundi, Reyntjens (2020, 756) argues that, 'As relations between Rwanda and Burundi have never been cordial since independence, with Rwanda being dominated by Hutu élites and Burundi by Tutsi élites until the mid-1990s, these developments have been path-dependent. However, the situation has considerably deteriorated by inverse critical junctures that occurred at about the same time in both countries, when Rwanda became dominated by assertive Tutsi rulers and Burundi by Hutu rulers, thus injecting a great deal of uncertainty in relations'. This observation summarizes the historical context of relations between the two neighbors using the path dependence and critical juncture analytical frameworks.

Furthermore, Rwanda-Burundi relations have been frosty due to their differences in managing ethnicity (ibid: 756). It is further argued that 'In particular, Rwanda, which practices a de-ethnicization policy since the RPF came to power, – resents Burundi's choice of institutionalizing ethnicity, which it considers an 'anti-model'' (ibid: 756). On the other hand, the two countries have traded accusations of supporting hostile groups, with Rwanda suspecting Burundi to support the FDLR and the latter accusing the former of providing support to the RED-Tabara rebels (Reyntjens, 2023, 2020). As mentioned earlier, in 2015, the relations worsened when Burundi accused Rwanda of supporting the coup (Reyntjens, 2020). The coup

leaders settled in Rwanda, and this was viewed by Burundi as a hostile act of adding insult to injury (Kebede, 2021; Ndayisaba, 2020). Since then, Burundi has from time to time closed and later reopened the common border, a sign of fluctuating but largely frosty relations.

The ambiguous and frosty relations between Rwanda and her neighbors (DRC and Burundi) have had implications for refugees on its territory. Refugees have been caught in the midst of diplomatic tensions. Refugees and asylum-seekers have either been recruited into non-state armed groups as part of the military strategy, expelled due to suspicions of espionage, or threatened with forced return in Rwanda's diplomatic and political chessboard.

3. Brief history of refugees in Rwanda

Rwanda has served as a host of refugees for several decades. In the last five years, there has been an increase in the number of refugees and asylum seekers in Rwanda as follows: 2021 (127,112); 2022 (126,967); 2023 (135,000); 2024 (134,733); 2025 (137,565) and early 2026 (138,406) (Government of Rwanda & MINEMA & UNHCR, 2026). The refugees come mainly from her neighbors, the DRC and Burundi, which have been affected by conflicts since independence. The continuous instability in the Eastern DRC has displaced tens of thousands of refugees and asylum- seekers onto the Rwandan soil (Government of Rwanda & MINEMA & UNHCR, 2026). Burundi is an equal source of refugees hosted by Rwanda. In addition, Rwanda hosts evacuees from Libya under the Emergency Transit Mechanism (ETM) established in September 2019 by the UNHCR and the African Union (AU). Its aim is to temporarily host refugees and asylum-seekers who have undertaken voluntary evacuation from Libya, while solutions are found (UNHCR, 2025a). It has been reported that 'Over 1,700 people have been evacuated to the ETM and almost 1,200 of them subsequently resettled to third countries' (Government of Rwanda & MINEMA & UNHCR, 2026).

In 2022, Rwanda signed the Migration and Economic Development Partnership Agreement to receive, process, and host asylum-seekers and refugees from the United Kingdom (UK), hereafter the 'UK-Rwanda Migration deal'. However, the courts (Court of Appeal and Supreme Court) in the UK nullified this agreement. The Labor government, which won the elections in July 2024, canceled the agreement. Israel also sent refugees and asylum-seekers to Rwanda. Denmark had similar plans, but this never materialized. In addition, in August 2025, Rwanda signed a migration deal with the US to accept up to 250 deported migrants (Aljazeera, 2025b; BBC, 2025). Rwanda defends these agreements as a commitment to humanitarian responsibility and international cooperation. However, the reality is that Rwanda's extraterritorial asylum deals are less about refugee protection but largely a diplomatic tool to achieve political leverage, deflect attention on its authoritarianism, poor human rights record and aggression (Broulard, 2022; Sturridge et al., 2022). It also seeks to consolidate its image as a stable ally among Western countries (ibid). As shown later on, the UK Supreme Court and Court of Appeal nullified the UK-Rwanda migration deal citing gaps in Rwanda's implementation of refugee law.

Rwanda has also been a producer of refugees since its independence; however, the discussion of this issue is beyond the scope of this article. Refugee influx meant that Rwanda had to enact legislation to manage them.

4. Methodology

A qualitative approach was adopted for this study in both data collection and analysis. The study aimed to gain a qualitative in-depth understanding of Rwanda's 2014 law relating to refugees, both in theory and practice, using the different perspectives existing in the literature. This article is based on qualitative literature review (Alvesson & Skölberg, 2007; Hammersley & Atkinson, 2007). The article is based on desk research. According to Jackson (1994, 21), desk research is 'the process of accessing published secondary data'. It relies on 'published secondary data, which is widely available in sources such as books, journals, articles indexed in many databases, and business and research reports' (Jackson, 1994 cited by Chiweshe et al., 2026, 5).

The article reviewed literature (for example, United Nations, UNHCR, Human Rights Watch, Amnesty International, International Federation for Human Rights, Freedom House), local Rwandan government and NGO documentation, reputable media coverage (for example, BBC, Aljazeera, Reuters, Voice of

America and the East African) and academic publications. The literature on politics in post-genocide Rwanda specifically looked at the Rwandan authoritarian state, regional politics, Rwanda's role in Africa's Great Lakes region, Rwanda and its neighbors, and Rwanda's extraterritorial military operations.

The literature used in this study was generated following a detailed search using the search engines on the online libraries of Mbarara University of Science and Technology and the University of Antwerp, both institutions where the author works. Sources were identified through literature searches of Scopus, Web of Science, IBSS, ProQuest, EBSCOhost, JSTOR, and Google Scholar. This search generated published peer-reviewed articles and books from social science databases and journals to which the university has affiliations. As already mentioned, literature was also retrieved from the UN (Security Council) and UNHCR websites, which contain a variety of publications on the subject of peace and security, humanitarian affairs, refugees, refugee law, and rights. Also, the literature search included grey literature, including reports from organizations in the field of refugees, government legislation (for example the 2014 Law Relating to the Status of Refugees, Rwanda's 2015 Constitution, the 2016 Ministerial Instructions Determining the Management of Refugees and Refugee Camps etcetera), policies, reports, and documents, especially by the Rwandan government, and unpublished works.

This literature from a variety of sources helped to triangulate discussions on Rwanda's 2014 Law, both in theory and practice, and the themes analyzed in this article, including the politics in Rwanda and the Great Lakes region, and refugee protection and management. This range of literature also helps to problematize the research gap and Rwanda's 2014 law by analyzing the discrepancy between theory and reality, and the factors behind it.

The inclusion criteria focused on the publications and documents with substantial discussions on the subject under study (Opono & Ahimbisibwe, 2024). The article also considered the literature that was more focused on the issues of conflict and displacement in Africa's Great Lakes region, refugee legislation, reception, and protection in Rwanda. The search only considered English-language sources. The time frame for the literature search was 2015-2025. The ten year period enabled an analysis of Rwanda's implementation of its domestic refugee law since its enactment in 2014. The exclusion criteria focused on publications written in French. Rwanda has a francophone history. Its neighbors, DRC and Burundi are French speaking countries. The French-language sources were excluded. Furthermore, literature that only touched on the topic superficially or just mentioned it was removed from the analysis.

The saturation criteria involved a combination of methods that include: methodological rigor, thematic saturation and search completeness (Hennink & Kaiser, 2022). To ensure that the review is methodologically sound, the literature review process was structured into four stages: Planning, Data Collection, Analysis, and Synthesis (Martin et al., 2021). On theoretical saturation, data search continued until it yielded no new information and the same themes, concepts and ideas were being repeated (Hennink & Kaiser, 2022). Moreover, the literature review ensured search completeness and utilized various subject-specific and interdisciplinary data bases like Scopus, Web of Science, IBSS, ProQuest, EBSCOhost, JSTOR, and Google Scholar (Saunders et al., 2018). The search also included other grey literature sources like Rwanda government documents, UNHCR and International NGOs reports, online media sources and other academic literature.

This review has some limitations in the evidence and the review process. The majority of the studies included were qualitative with focus on post-genocide Rwanda, with limited transparency in methodology. It is possible some could be biased given the polarization of scholarly literature on Rwanda. In addition, the review excluded French language documents and leading to the omission of important francophone sources. The article relied on publicly accessible literature and this could have led to underrepresentation of internal and confidential information on refugees in Rwanda. More still, there is a possibility of selection bias of literature sources and hence limiting the reproducibility of the review process. Lastly, depending on secondary sources was a limitation itself. The article missed out on primary data that would have been collected from respondents through in-depth interviews, key informant interviews and focus group discussions. The respondents' views would have generated new insights and knowledge, clarified issues and perspectives that are missing in secondary sources. Besides, primary data is important for triangulation of data.

Figure 1 below shows the refugee camps in Rwanda. The main camps are Kigeme, Kiziba, Mugombwa, Nyabiheke, and Mahama located in border areas with DRC, Burundi and Tanzania. The location of

refugees in border areas acts as a significant factor in regional instability, directly impacting the security of both the asylum (host) and home countries (Loescher & Milner, 2005). When refugee camps are established close to national borders, they often lead to cross-border violence and militarization, undermining the civilian nature of asylum (Loescher & Milner, 2005). This has been the reality of refugee camps in the Great Lakes region of Africa (ibid). As shown later, there has been recruitment of refugees in Rwandan camps.

5. A truncated history of Refugee Legal Regime in Rwanda

At the end of May 2024, Rwanda hosted more than 135,000 refugees, asylum-seekers, and other displaced people. The population comprises of 83,952 (61.8%) refugees and asylum-seekers from the DRC, 51,033 (37.6%) from Burundi, 545 other nationalities, and 340 from Eritrea (UNHCR, 2024a). Out of the total population, 91% live in camp locations (Kigeme, Kiziba, Mugombwa, Nyabiheke, and Mahama), as well as the ETM Centre in Gashora sector, Bugesera district. In addition, while the refugee situation in Rwanda has largely been a protracted one, increasing instability in the Eastern DRC during the latter part of 2022, 2023, and beyond has forced people to flee across the border into Rwanda (ibid).

The development of refugee law in Rwanda reflects a complex history shaped by the country's unique experience as both a major refugee-generating and hosting country. Before the 1994 genocide, Rwanda's refugee law was mainly concerned with managing the return and reintegration of its own nationals who had fled the country. Initial decrees, such as the 1966 Presidential Decree on the Reintegration of Refugees, were put in place to manage the return of Rwandan ethnic Tutsi refugees who had fled violence in the late 1950s and early 1960s. This decree focused on issues like the reinstatement procedure, identity documents, role of government authorities, areas for settlement, land acquisition or reacquisition etcetera. This was followed by the 1984 Ministerial Decree No. 232/04 on Identity Papers for Refugees

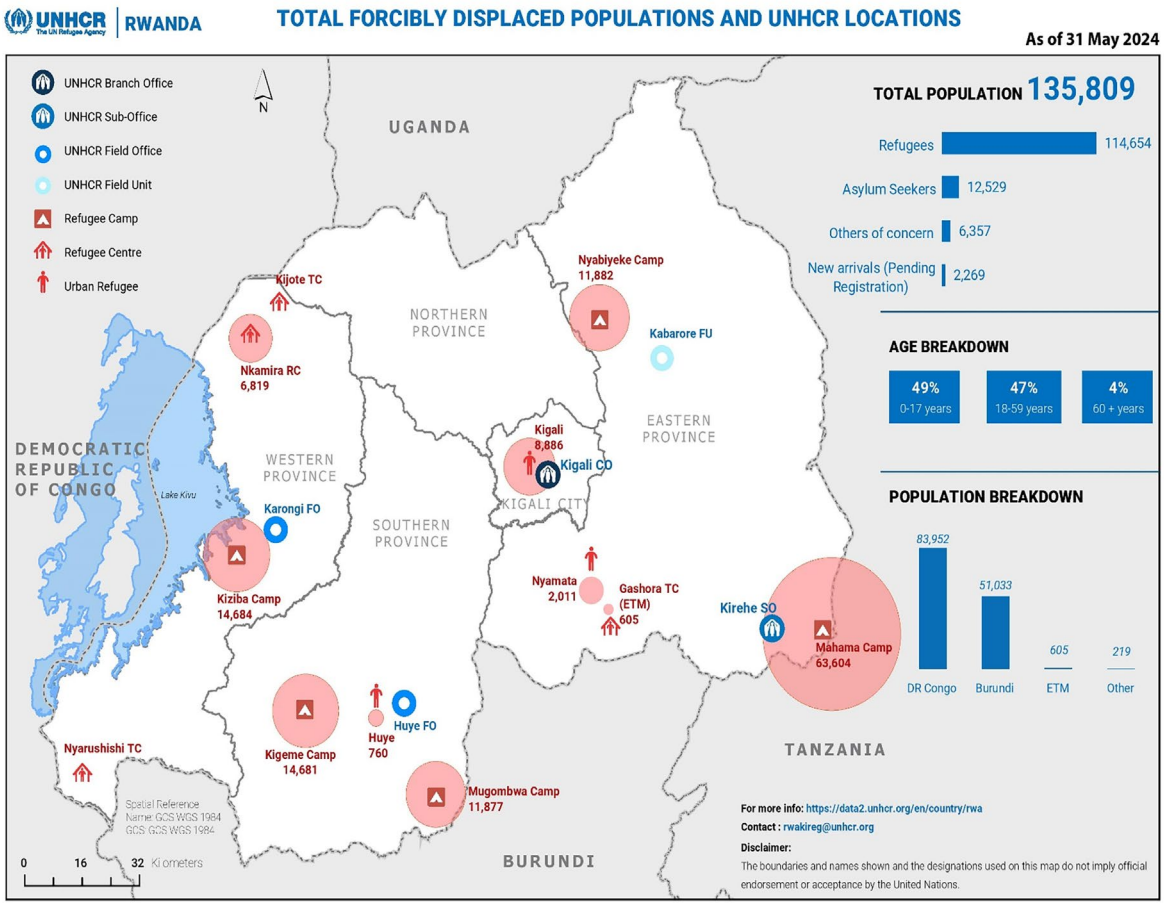


Figure 1. Main refugee camps in Rwanda.

meant to complement the 1966 Presidential decree specifically article 1 on the identity papers of the Rwandan returnees (Ahimbisibwe, 2024).

As stated above, Rwanda enacted the above decrees for the return and reintegration of its own nationals who were formerly refugees in neighboring countries. However, the decrees did not address refugees from other countries on Rwanda's soil. Rwanda began hosting its first significant waves of refugees in the early 1960s. These refugees were predominantly Hutus fleeing inter-ethnic violence and political instability in neighboring Burundi following its independence (Ahimbisibwe, 2024). While the 1960s marked the start of major international refugee hosting in Rwanda, the country later hosted large numbers of Congolese refugees starting in the 1990s due to conflicts in the Democratic Republic of Congo (DRC) (Ahimbisibwe, 2024).

Rwanda delayed to accede to the 1951 Convention because 'it considered that the definition of refugees in that instrument was incompatible with the realities of the present situation' (United Nations General Assembly, [UNGA]: 433-434). It awaited the results of Organization of African Unity's (OAU) consideration of the convention on refugees, which was adopted in 1969. Even after the adoption of the 1969 OAU Convention, it was not until 1982 that Rwanda acceded to the international instruments on refugees. For many years, these international treaties provided the primary legal framework for refugee management in Rwanda (UNHCR, 2020). The UNHCR played a role in Rwanda by collaborating with the government to enact, review, and implement rights-based refugee laws that align with international standards (Ahimbisibwe, 2024). UNHCR's roles included building legal capacity, supporting the Refugee Status Determination (RSD) process, integrating refugees into national systems, and advocating for laws that protect the rights of refugees and asylum seekers (UNHCR, 2020).

The 1994 genocide fundamentally altered Rwanda's refugee dynamics and had a profound impact on international law. First there was mass displacement. The genocide triggered a massive humanitarian crisis, with nearly 2 million ethnic Hutu fleeing to neighboring countries, especially Zaire (now Democratic Republic of Congo) and Tanzania (Adelman & Suhrke, 1999; Prunier, 1995). Secondly, there was instrumentalization of camps in the former Zaire. The refugee camps were quickly taken over by perpetrators of the genocide (known as *génocidaires*), who used them as bases for launching attacks back into Rwanda (Adelman & Suhrke, 1999; Prunier, 1995). This created severe security problems and posed a major dilemma for international protection agencies, particularly UNHCR (UNHCR, 2001; Loescher, 2001). Thirdly, the issue of Exclusion clause was important because the genocide highlighted the need for refugee law to address the complexity of refugee flows that included perpetrators of atrocities (Loescher, 2001; UNHCR, 2000). International and national legal frameworks were tested by the need to distinguish between genuine refugees and those involved in war crimes (UNHCR, 2000). In 1994, the RPF regime took over power in Rwanda and it was faced with the security threat of Interahamwe and ex-FAR in Eastern Zaire/DRC. This was the origin of RPF's extra military operations in the DRC to neutralise the threat (Reyntjens, 2013, 2020). Secondly, as shown above, the aftermath of the genocide has contributed to the poor relations between Rwanda and her neighbors (especially DRC and Burundi) with counter accusations of supporting each other's enemies and rebel groups (Reyntjens, 2013, 2020).

In 2001, Rwanda enacted the Law Relating to Refugees (hereafter, the 2001 Law) in line with the Constitution of June 10th 1991, and the 1993 Arusha Peace Accord. This was the first law enacted by the RPF government to deal with refugees and asylum-seekers on its soil. As a result of the conflicts in the DRC and Burundi, the country received refugees on its soil. The RPF leadership, formerly refugees in Uganda and beyond saw a need to enact a domestic law to deal with refugees and asylum seekers (Ahimbisibwe, 2024; UNHCR, 2015). At the time, the government established the institutional and policy framework to manage a large number of Rwandans returning from exile in the DRC (former Zaire), Tanzania, Uganda, Burundi and beyond.

The 2001 law refers to the fact that Rwanda is a signatory to the 1951 Convention, its 1967 Protocol, and the 1969 OAU Convention. This law had some gaps that necessitated the enactment of the 2006 Law following the promulgation of the 2003 Constitution and the 2004 Law, which determined the organization, functioning, and jurisdiction of courts. Despite the enactment of the 2001 and 2006 laws that were generally progressive, they still had a number of gaps that required new legislation that was fully consistent with regional and international instruments to which Rwanda was a party. The law relating to refugees was adopted by parliament on 21st May 21, 2014, and published in Official Gazette number 26

of 30th June 30, 2014. In 2024, Rwanda repealed the 2014 law by passing the Law Governing Refugees and Applicants for Refugee Status. The analysis of the 2024 law is beyond the scope of this article.

It has been argued that the 2014 Law substantially reflects Rwanda's international and regional obligations under relevant refugee and human rights instruments (Ahimbisibwe, 2023, 2024; UNHCR, 2020). It provides national legislation for the management and protection of refugees in line with the 1951 Convention, 1967 Protocol, 1969 OAU Convention, and human rights laws (ibid). However, some gaps exist like the weak appeals mechanism and the unclear role of the department in charge of immigration and emigration in reviewing asylum applications (Ahimbisibwe, 2024; UNHCR, 2020).

The 2014 Law is organized into seven chapters, the first with general provisions, including the purpose of the law and definition of terms. Chapter II covers RSDC and its responsibilities. Chapter III deals with applications for asylum and refugee status, appeals, rejection, revocation, and cessation of refugee status. Chapter IV focuses on refugees' rights and obligations. Chapter V addresses refugee camps and their management. Chapter VI looks at durable solutions for refugees, and Part VII contains final provisions. The next section looks at four specific provisions of the law and demonstrates how they have not been adhered to in practice. The Article focuses on showing the gaps in the implementation of specific clauses of the 2014 law. For a detailed examination of the provisions of the statute, see Ahimbisibwe, 2024; UNHCR, 2020.

6. The gap between theory and reality

In analyzing the gap between the 2014 law and practice, the Rwandan government frames refugee policies through a security-first, sovereignty-focused lens, emphasizing national stability, the 'durable solution' of repatriation, and partnership in international relocation deals to bolster its global standing (Ahimbisibwe, 2025; Plänitz (2025). Policies are justified as essential for managing perceived threats and maintaining law and order, aligning with a 'safe and secure' national narrative (Ahimbisibwe, 2015; Amnesty International, 2004; Plänitz, 2025). Rwanda closely monitors its own nationals who are refugees in neighboring countries, often alleging they are involved with subversive groups or are perpetrators of the 1994 genocide, justifying surveillance as a necessary security measure against national security threats (Ahimbisibwe, 2015, 2021).

More still, Rwanda views refugees on its soil from a security lens. Given the linkage between refugees and conflicts in the Great Lakes region, Rwanda views refugees as a security threat and political liability (Ahimbisibwe & Belloni, 2020). For example (as later shown), in 2016, Rwanda threatened to reallocate Burundian refugees to third countries while the undocumented asylum seekers were expelled. Rwanda's Foreign Affairs Minister, Louise Mushikiwabo argued that the decision to relocate refugees was due to national security risks. Thus, 'the long-term presence of refugees so close to their country of origin carries considerable risks for all involved' (Aljazeera, 2016; BBC, 2016). She further argued that 'the growing risks to our national security from the Burundian impasse and misunderstandings in our foreign relations are unacceptable' (ibid). Rwanda accused the refugees of espionage at the time when its relations with Burundi were poor (Aljazeera, 2016). The Rwandan government saw the refugees both as a security threat and foreign policy burden. It justified its policies of forced return and relocation citing the security risks associated with hosting refugees.

These policies are aimed at reversing Rwanda's past reputation of instability, the 1994 genocide and being a source of refugees by asserting control over both its citizens and incoming asylum seekers, often linking the physical security of refugees directly to the political security of the Rwandan state (Ahimbisibwe, 2025). This is the context in which Rwanda hosts refugees. The article now looks at the implementation of the 2014 law in details.

6.1. Application for asylum and refugee status

Chapter III of the 2014 Law provides for the application for asylum and refugee status, specifically obtaining asylum[1], application for refugee status, appeal by a refugee status applicant, granting refugee status to refugees in mass influx situations, rejection of refugee status application, revocation, and cessation of refugee status. Although the 2014 law generally reflects regional and international legal instruments on

the above aspects of application for asylum and refugee status, there are gaps in the way some provisions are implemented on the ground. As will be explained later, these gaps are due to the authoritarian nature of the Rwandan state. Table 1 summarizes the procedure for the application and granting of refugee status by the Refugee Status Determination Committee (RSDC).

As shown in Table 1, articles 3, 4, and 5 establish the institutional architecture through which refugee status is determined in Rwanda. While the creation of the RSDC gives formal administrative structure to the asylum process, the composition and reporting lines of the Committee raise important questions about institutional independence, technical capacity, and the balance between refugee protection and national security. The inclusion of defence, internal security, and intelligence institutions is particularly significant in the context of Rwanda's history as both a refugee-producing and refugee-hosting state, and its security concerns in the Great Lakes region. For refugees and asylum-seekers, this means that access to protection is mediated through an institution that combines humanitarian, administrative, legal, diplomatic, and security functions. This institutional arrangement helps explain why the implementation of the 2014 law may diverge from its formal protection-oriented provisions.

Article 3 provides for the administrative structures for its implementation. It establishes the Refugee Status Determination Committee (RSDC). Article 4 provides for the RSDC's responsibilities: to consider and decide on asylum applications made by those applying for refugee status in Rwanda, to revoke refugee status in accordance with the provisions of the law and to submit to the Minister an activity program and report each year and whenever necessary. Article 5 provides for the composition of the Committee made up of members from different government ministries and entities as follows: Prime Minister's Office; Ministry in charge of refugees; Ministry of foreign affairs; Ministry in charge of local government; Ministry in charge of justice; Ministry in charge of defence; Ministry in charge of natural resources; Ministry in charge of internal security; Ministry in charge of health; National Intelligence and Security Service and National Human Rights Commission.

The inclusion of the ministries of defence, internal security and National Intelligence and Security Service among others on the Committee shows the extent to which Rwanda views refugees as a national security issue. This is rightly so given the fact that the Rwandan Patriotic Front/Army (RPF/A) was started

Table 1. Summary of articles 3, 4, and 5 of the 2014 law and implications for refugees.

Article	Main provision	Institutional meaning	Implications for refugees and asylum-seekers
Article 3	Establishes the Refugee Status Determination Committee (RSDC) as the administrative structure responsible for implementing aspects of the refugee status determination process.	The article creates a formal institutional body for handling refugee status matters under Rwanda's domestic refugee law. It indicates that refugee protection is not only a humanitarian matter but also an administrative and state-regulated process.	Refugees and asylum-seekers must pass through a state-controlled institutional mechanism before their legal status can be recognized. While this provides a formal procedure, it also places their protection claims within a bureaucratic structure that may be shaped by state priorities, including security and political considerations.
Article 4	Defines the responsibilities of the RSDC, including considering and deciding asylum applications, revoking refugee status where applicable, and submitting activity programmes and reports to the Minister.	The RSDC is given significant authority over the recognition, rejection, and revocation of refugee status. Its reporting relationship to the Minister also places the committee within the wider executive structure of government.	The refugee status determination process depends heavily on the capacity, independence, and fairness of the RSDC. If the committee lacks technical expertise, meets irregularly, or operates without sufficient transparency, asylum-seekers may face delays, inconsistent decisions, or limited procedural protection.
Article 5	Provides for the composition of the RSDC, including representatives from the Prime Minister's Office, ministry in charge of refugees, foreign affairs, local government, justice, defence, natural resources, internal security, health, the National Intelligence and Security Service, and the National Human Rights Commission.	The composition reflects a multi-sectoral approach to refugee governance. However, the inclusion of defence, internal security, and intelligence institutions shows that Rwanda's refugee status determination system is strongly connected to national security structures.	The presence of security and intelligence bodies may affect how asylum claims are assessed, especially for refugees from politically sensitive countries such as the DRC and Burundi. This may increase state monitoring of refugees and asylum-seekers and may contribute to a security-oriented rather than protection-centred approach to refugee law implementation.

in exile by the Tutsi refugees. Also, Rwanda understands very well the impact of refugees, asylum seekers and displaced persons on national and regional security in the volatile Great Lakes region of Africa and beyond.

Rwanda's law is similar to neighboring countries in the composition of RSDC and its roles. In Uganda, the 2006 Refugees Act provides for the Refugee Eligibility Committee (REC). In Tanzania, the 1998 Refugees Act establishes the National Eligibility Committee (NEC) with similar functions of handling refugee status determination. In Kenya, the 2021 Refugees Act provides for the Refugee Advisory Committee whose duties and composition are similar to neighboring countries mentioned above.

Furthermore, article 8 provides for the department in charge of immigration and emigration known as Directorate in charge of immigration and emigration (DGIE). It states that the DGIE shall 'review the case of the asylum seeker and grant to him/her a temporary residence permit valid for three (3) months'. Furthermore, the DGIE is required to submit the files of refugee status applicants to the RSDC in a period of fifteen (15) days.

On the contrary, the DGIE (a sub-division of National Intelligence and Security Service-NISS) summarily rejects asylum claims, including at Rwanda's borders (Asylos, 2022; UNHCR, 2024b, 14). The UNHCR attests to the expulsion of asylum-seekers at Kigali airport, and it is very possible that there are similar incidents elsewhere that the UNHCR was not aware of (UNHCR, 2024b, 14). It is reported that 'in the period from 2020 to 2022, UNHCR has identified a range of instances of "summary rejections" by the DGIE' (UNHCR, 2024b, 15). In addition, 'where the summarily rejected asylum seeker lacks any permission to remain, the DGIE has also declined to issue a temporary residence permit, rendering these individuals liable for detention and expulsion. In practice, there is no recourse from DGIE rejection' (ibid).

In addition, placing the DGIE, an agency under the NISS, as a gatekeeper to Rwanda's asylum system creates risks for asylum-seekers. Rwanda's involvement in extraterritorial military operations (e.g., supporting armed groups like M23) creates risks for asylum-seekers in regions with deep ethnic conflicts and alliances within and across borders. There is also a risk of DGIE prioritizing Rwanda's national interests, such as security and foreign policy, at the expense of refugee protection. Placing the DGIE in charge of asylum claims shows the extent to which Rwanda views refugees and asylum seekers from a security lense. The RPF, formed by exiles in Uganda, fought and captured power in Kigali, knows the political and security risks associated with refugees in a turbulent Great Lakes region. Rwanda sees the need to closely monitor refugees as a way of neutralizing the risks.

Furthermore, gaps exist in the way RDSC handles asylum cases. There were reports of RDSC's irregular meetings, limited capacity and knowledge of refugee law, inexperience of members, limited manpower, high turnover of members, and limited access to lawyers and interpreters for asylum-seekers to mention, but a few (UNHCR, 2020, 2024b).

In addition, the RSDC still has several operational gaps. One of the gaps is the lack of a close relationship with the UNHCR. It has been reported that the 'UNHCR does not have a presence at Kigali airport or Rwanda's official borders' (UNHCR, 2024b, 25). Asylum-seekers are also not informed of their right to access the UNHCR or of how to do so (ibid). The Government of Rwanda (GoR) does not systematically inform the UNHCR of persons seeking asylum (Asylos, 2022; UNHCR, 2024b). Despite requests to attend RSDC meetings as observers since 2019, they were invited only once to attend RSDC meetings (ibid). As noted above, the GoR does not want to consider the supervisory role of the UNHCR (ibid). This is in line with Easton-Calabria (2022) observation that 'Rwanda is a very politically restricted country. Constraints on political advocacy and freedom of speech affect citizens, refugees, and assistance agencies including the UNHCR. They risk curtailing their activities if they denounce the treatment of refugees'.

As a UN refugee agency, the UNHCR is highly experienced with technical expertise in refugee protection and rights around the world. The RSDC's reluctance to engage the UNHCR in refugee status determination procedures and processes is questionable. This raises questions on Rwanda's commitment to the implementation of refugee protection and rights. It has also been observed that the basis of RSDC decisions (and also DGIE) (particularly rejection) is not clearly explained to asylum-seekers (Asylos, 2022; UNHCR, 2020, 2024b).

Moreover, Rwanda's rejection of asylum claims is also a concern (Asylos, 2022; UNHCR, 2024b; Walsh, 2024). However, it is unclear why this rejection occurred. However, Rwanda may not have considered genuine asylum-seekers. In other cases, Rwanda prioritized friendly relations (with countries of origin) at

the expense of asylum-seekers' rights (UNHCR, 2024b). UNHCR argues that some asylum-seekers have been rejected at Kigali airport because GoR considered them 'deceitful travelers' and was 'taking appropriate measures against them' (Asylos, 2022; UNHCR, 2024b, 26).

Relatedly, deported asylum-seekers (under a secretive deal between Israel, Rwanda, and Uganda to receive African asylum-seekers mostly from Sudan and Eritrea between 2014 and 2017) faced challenges in asylum applications in Rwanda. According to reports, although Israel promised them assistance to apply for asylum, remain, and work in Rwanda, the reality on the ground was different (International Refugee Rights Initiative (International Refugee Rights Initiative (IRRI), 2015; UNHCR, 2024b). The Rwandan authorities clandestinely took them across the border into Uganda; they were not allowed to make asylum claims, threatened with deportation by unknown agents, and scary overnight visits from unknown agents at their accommodation, making them afraid to move around and as a result some disappeared (International Refugee Rights Initiative (IRRI), 2015; UNHCR, 2024b). Many opted to return to Europe by using dangerous channels (Reyntjens, 2022; Shoham et al., 2018; The Guardian, 2022, BBC World Service, 2022).

Another gap in Rwanda's asylum system is in the appeal process. According to Article 11, there is a provision for an appeal by a refugee status applicant. It states that 'a person not satisfied with the decision of the RSDC may appeal to the Minister (Ministry in charge of Emergency Management (MINEMA) within a period of thirty (30) days from the date he/she was notified of the decision'. The Minister has a period of one (1) month to decide on an appeal.

However, the provision that appeals should be made to the minister in charge of refugees raises questions about the independence of the appeal process. Appealing to the Minister, who is part of the RSDC that rejected one's application in the first attempt, does not guarantee a fair and independent process (Ahimbisibwe, 2024; UNHCR, 2015). It is possible that the minister will come to the same decision as the RSDC, rejecting the appeal. The UNHCR report raised this challenge. Thus, 'the practice of appeal decisions being taken by the Minister of Ministry in charge of Emergency Management (MINEMA) poses questions regarding the independence of the appeal process and could further result in bottlenecks once a larger number of applications needs to be processed (UNHCR, 2020, 4-5). In fact, looking at the statistics of the appeals at MINEMA, it is clear that there are a high number of rejections by the Minister. Thus, from 2022 to November 2023, 125 appeals were made to the minister. Of these, 104 were rejected and 21 accepted' (UK Home Office, 2023, 21).

Although in 2018, GoR enacted the Law Determining the Jurisdiction of Courts (hereafter the 2018 law), which sets out the right of appeal to the High Court.[2] As stated above, the 2014 law only provided for appeal up to the Minister level. It lacked an appeal procedure beyond the Minister in charge of refugees. Therefore, the 2018 law introduced an appeal at the level of the high court for refugees. This was meant to align Rwanda's national laws to be consistent with the 2015 Constitution. However, the appeal process (at the level of the High Court) is unclear and unknown to asylum-seekers (Ahimbisibwe, 2024; Asylos, 2022; UNHCR, 2024b). Rwanda's asylum procedure does not permit lawyers to be present at the DGIE and RSDC interviews or at appeal to the Minister. Lawyers do not make oral submissions at the DGIE, RSDC, or MINEMA stages, indicating that there is no hearing (Asylos, 2022; UNHCR, 2024b). The GoR appears to agree that lawyers are not allowed at the above-named levels (UK Home Office, 2022, 2024).

Although GoR later contradicted itself that lawyers attend the DGIE, RSDC, and MINEMA interviews, 'the inconsistency appears only to be explicable on the basis that the GoR communication is aspirational while the GoR's earlier statements describe the situation as it presently exists'. (UNHCR, 2024b, 17). It has been reported that 'there is already an acute shortfall of lawyers who provide assistance on the Rwandan RSD process (with only one legal officer and one lawyer properly trained and currently available to work on the Rwandan RSD process' (ibid). The GoR also noted that there were arrangements for advocates and legal officers to represent asylum-seekers, but this was in the context of the appeals at the High Court, which the UNHCR was unaware of (ibid). Moreover, it was not clear whether such services were free or at asylum-seekers' costs. In any case, a few would manage the costs. Even for organizations that would offer pro bono services, there was concern that they lacked sufficient capacity and expertise (ibid). NGOs, civil society, and organizations face restrictions, and their operations are highly controlled by the regime (Longman, 2011; Reyntjens, 2023; Thomson, 2018). This reflects both insufficient funding for legal aid, active government restriction and little interest in legal assistance.

Despite refugees' right to appeal in the High Court, there is concern that courts are not independent in Rwanda. The Freedom House report points out this reality: 'Despite constitutional provisions that declare independence, the Rwandan judiciary lacks autonomy from the executive in practice. Top judicial officials are appointed by the President and confirmed by the RPF-dominated Senate. In politically sensitive cases, judges rarely rule against the government. Judges who have asserted their independence in sensitive cases have seen their careers end suddenly with no prospect of being considered for employment, prompting others to toe the government line' (Freedom House, 2025). This assessment has been consistent in Freedom House reports for 2024, 2023, 2022, 2021, 2020, 2019, 2018, and the previous years. Similar observations have been made by scholars, civil society, and (inter) national agencies (Amnesty International, 2024, 2023; Human Rights Watch, 2025, 2024; International Federation for Human Rights, 2024, 2023; Reyntjens, 2013; Thomson, 2018; US Department of State, 2023, 2022) among others. There is a risk that refugees' right to appeal in the High Court may be compromised due to state interference.

UK Courts have pointed out gaps in Rwanda's asylum system. The Court of Appeals in the *R (AAA) and others v The Secretary of State for the Home Department* [2023] EWCA Civ 745 ruled that Rwanda's refugee determination system was not sufficiently safe for asylum-seekers to be deported there. By a majority, the Court noted that there is a 'substantial ground for believing that there is a real risk that persons sent to Rwanda will be returned to their home countries where they faced persecution or other inhumane treatment, when, in fact, they have a good claim for asylum'. It also found that Rwanda was not a 'safe third country'.

In the *R (on the application of AAA (Syria) and others) v SSHD* [2023] UKSC 42 case, the Supreme Court agreed with the Court of Appeals. The court found that Rwanda does not have the practical ability to properly determine asylum claims and protect people from refoulement (Human Rights Watch, 2024). The Supreme Court was guided by the UNHCR evidence that pointed out gaps in Rwanda's asylum system, the potential lack of independence of the judiciary and lawyers, and a high rejection rate for asylum-seekers from conflict-affected countries, Afghanistan, Syria, and Yemen[3] (UNHCR, 2024b).

6.2. Civilian and humanitarian character of asylum

Article 13 of the 2014 law provides for the civilian and humanitarian character of the asylum. Article 2 of the 2016 Ministerial Instructions determining the management of refugees and refugee camps prohibits refugees from engaging in military training or other military-related activities. These provisions are in line with Article II(2) of the OAU Convention which states that the granting of asylum to refugees is a peaceful and humanitarian act and shall not be regarded as an unfriendly act by any member state. In the same vein, Article III of the OAU Convention prohibits refugees from engaging in subversive activities. Relatedly, Article 2 of the 1951 Convention obliges refugees to respect the laws as well as peace, security and public order in the host country.

These clauses are aimed at safeguarding refugees from military activities and not jeopardizing their security in the volatile Great Lakes region of Africa. Despite the provisions of the civilian and humanitarian character of the asylum, Rwanda has armed refugees in its military operations with neighboring countries. For example, there are reports on the recruitment, training, and arming of Burundian refugees by the Rwandan army (BBC, 2016; Kitenge, 2016; Refugees International, 2015; Reyntjens, 2022; UNHCR, 2016a; United Nations & Security Council, 2024; Voice of America, 2015).

According to Refugees International (2015), Burundian refugees were recruited from the Mahama camp in Rwanda with the intention of destabilizing Burundi. Some humanitarian officials talked about training inside the Nyungwe Forest National Park in Southwest Rwanda (ibid). The report further notes that 'Between May 2015 and early December 2015, at least 14 groups of refugees residing in Mahama, comprising at least 50 individuals, separately and independently raised concerns about recruitment to international and Rwandan officials' (ibid: 3). In addition, 'at least 30 additional Burundians who had been refugees in Mahama were also apprehended in the DRC and provided information about recruitment to international officials' (ibid). Some refugees talked about using the registration cards of their colleagues who had gone for military training (ibid).

In addition, the UN Group of Experts noted that M23 recruited Congolese refugees, including children in refugee camps in Rwanda and Uganda (United Nations & Security Council, 2023, paras. 146–149; 2024). According to 'intelligence sources, ex-RDF members and five children recruited from refugee camps confirmed that recruitment activities were going on in nearly all refugee camps in Rwanda, notably in Mahama, Gisagara, Kizimba, and Gihembe' (United Nations & Security Council, 2024). It was further reported that the Rwandan army is directly involved in recruiting M23 rebels. Thus, recruitment was conducted predominantly through false promises of remuneration or employment by Rwanda Defence Force (RDF) officers (United Nations & Security Council, 2024, para.104). In addition, young children aged 12 years were recruited from schools in refugee camps and taken to Musanze (formerly Ruhengeri) in Rwanda. From there, soldiers led them on foot across the border into Tchanzu in the DRC for military training (ibid).

As stated above, the recruitment of Burundian and Congolese refugees into non-state armed groups occurred in the context of the poor relations between Rwanda and her two neighbors, Burundi and the DRC (Ndikumagenge, 2024; Reyntjens, 2020, 2022). Burundi and Rwanda accuse each other of supporting hostile groups. Rwanda has long suspected that Burundi would support FDLR rebels on ethnic grounds. The FDLR was linked to the 1994 genocide in Rwanda. On the other hand, the Burundian government accused Rwanda of supporting rebels to overthrow the Bujumbura regime (Reyntjens, 2020; United Nations & Security Council, 2024). In fact, Burundi openly accused Rwanda of planning and supervising the 13th May 13, 2015, *coup d' état* (Muhame, 2018; The Citizen, 2018). Matters worsened when Rwanda hosted coup leaders who had fled Burundi (BBC, 2015). Burundi's president, Nkurunzinza, wrote to Uganda's President Museveni as chair of the East African Community (EAC) at the time, accusing Rwanda of aggression and supporting the (failed) coup d'état (Muhame, 2018; The Citizen, 2018).

Furthermore, we earlier stated that Rwanda's recruitment of Burundian and Congolese refugees into rebel activities is part of its extraterritorial military operations. As a regional powerhouse, Rwanda supports armed groups against her neighbors under the logic of 'an enemy of my enemy is my friend' (Reyntjens, 2009). Rwanda has been accused of supporting Burundi's RED-Tabara rebels[4] operating in the Eastern DRC (Hajayandi, 2024; Musambi, 2024; Ndikumagenge, 2024; United Nations & Security Council, 2024; Voice of America, 2024). Burundi closed its border with Rwanda in 2015, reopened it in 2022, and closed it again in January 2024. In addition, Burundi deployed its army on the side of the DRC and warned Rwanda not to destabilize the region.

On the other hand, Rwanda has destabilized the DRC by supporting the M23 rebels that took over Goma in 2012 and 2025, Bukavu, and other areas in early 2025. Rwanda accuses the DRC of supporting FDLR rebels and other armed groups. The Congolese accusations against Rwanda have been confirmed by the UN Group of Experts on the DRC in public reports published on June 14, 2022, and June 4, 2024, and found that Rwanda and Uganda had provided rear bases and other support to the M23 (United Nations & Security Council, 2022, 2024).

6.3. Refugee rights

Article 18 of the 2014 law provides for the rights of refugees as provided by international instruments. Rwanda ratified the 1951 Convention and its 1967 Protocol, the 1969 OAU Convention on Refugees and other international human rights instruments. However, Rwanda entered some reservation on the 1951 Convention. For reasons of public policy, the Rwandan Republic reserves the right to determine the place of residence of refugees and to establish limits to their freedom of movement (Ahimbisibwe, 2024). With this reservation, the right of refugees to choose their place of residence & move freely within Rwanda's territory is subjected to the state's limitations and control (Ahimbisibwe, 2024). For example, the government has designated camps where refugees can stay. Also, refugee movements can only take place after authorization by the government authorities (UNHCR, 2020). Apart from the above reservation, it appears that refugees enjoy most of the rights as enshrined in the 1951 Convention, its 1967 Protocol and the 1969 OAU Convention. In fact, the Ministerial Instructions of 2016 determining the management of refugees and refugee camps mention some refugee rights and freedoms. Article 12 states some rights such as: (a) Right to non-discrimination; (b) Freedom to religion and belief; (c) Right to immovable and movable properties; (d) Right to intellectual property; (e) Membership to association of forums with

non-political orientation; (f) Access to justice and legal representation; (g) Right of residence and (i) To be protected and assisted by the government.

On one hand, Rwanda has relatively protected socio-economic (refugee) rights despite some challenges. For example, in theory, refugees have a right to employment, start a business etcetera. In 2018, Rwanda committed to implementing the Comprehensive Refugee Response Framework (CRRF) to encourage self-reliance, promote integration and economic inclusion (Abebe, 2021; Easton-Calabria, 2022). The government has put in place various policies to 'include refugees in the national health, water, education and child protection sectors to ensure more cost-effective investments in national systems that will also benefit host communities through expanded quality services' (Abebe, 2021, 11). Refugees are able to access banking services and are issued with national identity cards (Easton-Calabria, 2022). There are business registrations for refugee entrepreneurs (Leghtas & Kitenge, 2023).

Despite this progress, refugees lack social, business networks or other resources to access or create employment. While refugees have the right to freedom of movement and work, in reality it is hard for them to move around because of the bureaucratic requirements that require them to get permission from the camp authorities. In reality, it can take up to a month to get permission (Easton-Calabria, 2022). Besides, they have to return to camps regularly to renew their permits. Also, the job opportunities for refugees are limited making it hard to access employment (Leghtas & Kitenge, 2023. These encumbrances make it hard for refugees to practically enjoy employment rights.

This is in line with above view that Rwanda has made significant achievements in bureaucratic/technocratic governance with achievements in socio-economic indicators in health, education and other social services (Reyntjens, 2004, 2024; Longman, 2024; Straus, 2023; Thomson, 2018). To some extent refugees are able to access these services despite some challenges (Abebe, 2021). However, political governance is deeply flawed and by implication civil and political rights are violated (Longman, 2024; Reyntjens, 2004, 2024; Straus, 2023; Thomson, 2018). As shown below, violations of rights affects refugees as well.

On the other hand, close scrutiny of Rwanda's practice reveals cases of violations of rights, most especially the civil and political rights. For example, in 2018, approximately 700 Congolese refugees residing in the Kiziba camp in Rwanda organized a march to Karongi UNHCR field offices (UNHCR, 2020). The refugees protested against a 25 percent reduction in food ration. After two days, the Rwandan police fired live ammunition on refugees and killed 12 in the Karongi and Kiziba refugee camps (ibid). Others were arrested, detained, or tried.

According to the UNHCR (2020, 3-4),

> Between February and May 2018, 77 refugees, including three minors and three females, were arrested following this incident. They were charged with participating in illegal demonstrations (Art. 685 Penal Code), violence against public authorities (Art. 540 Penal Code), rebellion (Art. 530 Penal Code), and disobeying the enforcement of law (Art. 464 Penal Code). In total, 29 refugees were released: two of them after having already served their sentence of one year and six months, seven (including three minors) after the court suspended their penalty of two years and six months, one proven not guilty, and 18 released with no charges.
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> 'Five refugees, including four identified as leaders of the refugee camp's Executive Committee were charged with spreading false information with intent to create a hostile international opinion against the Rwandan state' (Art. 451 Penal Code), 'inciting insurrection or trouble amongst the population (Art. 463 Penal Code). One refugee was sentenced to 15 years on October 21, 2018, to spread false information with the intent of creating a hostile international opinion against Rwandan State (Art. 451 Penal Code), illegal demonstration or public gathering (Art. 685 Penal Code), and inciting insurrection or trouble amongst the population (Art. 463 Penal Code). He is serving his sentence at Muhanga prison and has appealed; his date of hearing has not been fixed yet (more than a year and a half later). The four refugees identified as leaders of the protests were charged with the same counts'.

In 2018, a report by the Rwandan National Commission for Human Rights (NCHR) exonerated the police. It stated that 'police responded to a "violent and organized attack" and used force as a last resort' (UNHCR, 2020, 4). However, Human Rights Watch's investigation revealed that refugees were unarmed, and the police used excessive force (Human Rights Watch, 2019). The Commission's report was not surprising given its close links to the government, which has covered government violations in the past (Action on Armed Violence (AOAV], 2023; Amnesty International, 2019; Human Rights Watch, 2019). This reveals the NCHR's lack of independence to hold the government accountable on human rights

violations. In short, the government has not prosecuted the police personnel responsible for the killings, and the refugees have been denied justice (ibid).

Rwanda targets nationals who are refugees abroad. Human Rights Watch (2023, 61) 'documented cases of kidnappings, attempted kidnappings, physical assaults, and beatings of Rwandan refugees and asylum-seekers in Kenya, Mozambique, South Africa, Tanzania, and Uganda, by Kinyarwanda speakers or people suspected of working for the Rwandan government'. Moreover, 'the Rwandan government sought to use global police cooperation, including Interpol Red Notices, judicial mechanisms, and extradition requests to seek deportations of critics or dissidents back to Rwanda' (ibid: 73). In addition, even their relatives in Rwanda had been 'targets of arbitrary detention, torture, harassment, and restrictions on movements to pressure, punish, or silence their family members living abroad' (ibid: 92).

These cases illustrate the authoritarian nature of the Rwandan state. Refugees (both at home and abroad) were victims of state repression. They are not free to express their dissatisfaction through peaceful protests, activism, or freedom of speech. (Amnesty International, 2019; Human Rights Watch, 2019; UNHCR, 2024b). Rwandans are not free to express themselves through demonstrations (Amnesty International, 2023, 2024; Human Rights Watch, 2023, 2024; Reyntjens, 2013; Thomson, 2018).

Rwanda's poor record of refugee rights has been highlighted by UK courts. In the *R (on the application of AAA (Syria) and others) v SSHD* [2023] UKSC 42 case, the Supreme Court pointed out evidence of human rights violations (in Rwanda), including extrajudicial killings, extraterritorial rights violations including threats to Rwandans living in the UK, death in custody, enforced disappearances, torture, refoulement, restrictions on freedom of the media, and civil and political rights. According to the Court, 'there remain profound human rights concerns' (ibid, para.76).

As shown above, the right to asylum is at stake because of flaws in Rwanda's asylum system. There were gaps in the handling of asylum claims by its agencies, namely, the DGIE, RSDC, MINEMA, and the High Court. A number of asylum-seekers have been summarily rejected at the Kigali airport or border points by the DGIE. In other cases, DGIE, RSDC, or MINEMA rejected asylum claims or appeals without fair hearing or representation by lawyers. The appeal procedure at the High Court is not well known, not easily accessed, and courts lack independence [UNHCR, 2024b; UNHCR, 2020; Human Rights Watch, 2024; Amnesty International, 2024). The above discussion illustrates the dilemma faced by refugees in countries of asylum. It shows how refugees continue to face persecution and human rights violations in host countries. While one does not expect Rwanda to respect the rights of refugees, when its own nationals don't enjoy these rights, this discussion illustrates the dilemma faced by refugees in countries of asylum. It shows how refugees continue to face persecution and human rights violations in host countries. As Verdirame and Harrell-Bond (2005) put it, refugees continue to face rights violations even after crossing an international border. They document the rights violations faced by refugees in Kenya, Uganda and beyond. Milner (2009) reminds us that it is important to engage (host) states to guarantee the protection of refugees. He argues that you ignore the state and political context hosting refugees at your own peril (ibid).

More still, Rwanda's military operations have violated refugee rights outside it territory especially in the DRC. According to the UN, 2010 'Mapping report', Rwanda violated the rights of (Rwandan Hutu) refugees in the DRC (between 1993 and 2003) and concluded it is possible the crime of genocide was committed but requested that there was need for a more detailed investigation to be carried out. Umutesi (2004) documents the systematic war crimes and human rights violations committed by the Rwandan RPF soldiers (and *Alliance des forces démocratiques pour la libération du Congo-Zaire*- AFDL rebels) against (Rwandan) Hutu refugees on the DRC's soil. From her own account as a survivor of the ordeal, hundreds of thousands of refugees were killed. This shows that Rwanda's pattern of rights violations extends beyond its borders and predates the 2014 law. It also suggests the systemic rather than incidental nature of Rwanda's violation of human rights.

Lastly, another implication of Rwanda's military operations has been the continuous displacement of refugees and asylum seekers in the DRC. According to UNHCR (2025b), the M23 conflict has forced more than 120,000 people to flee Eastern DRC into neighbouring countries (mainly to Uganda and Burundi) since the start of 2025. Around 4 million people were Internally Displaced Persons (IDPs) in North and South Kivu alone (UNHCR, 2025b). The majority remain trapped in protracted displacement without any foreseeable end to their predicament. In general, durable solutions have remained elusive in the

contemporary world. Voluntary repatriation can only take place when peace has returned to home countries. Local integration is not a favoured solution by host countries (Ahimbisibwe et al., 2019). Resettlement is only available for 1% of the world's refugees (Opono & Ahimbisibwe, 2023). This is the same reality faced by refugees in Rwanda.

Therefore, failure to find durable solutions (for refugees in Rwanda) is a gap in the implementation of the 2014 law. This is because although the law provides for durable solutions like naturalisation, voluntary repatriation, relocation to a third country and resettlement, in reality these durable solutions are not available to the refugees. Rwanda's military operations in Eastern DRC have denied the Congolese refugees on its soil an opportunity to voluntarily return to their home country.

6.4. The principle of non-refoulement

Article 21 of the 2014 law provides for the principle of *non-refoulement*. This principle notes that a refugee should not be sent to a country where his/her life is in danger, or he/she has a well-founded fear of persecution. It has been argued that the principle of non-refoulement is now part of international customary law and it applies to all states regardless whether or not they have ratified international instruments (Goodwin-Gill & McAdam, 2007). In fact, the principle of non-refoulement is the cornerstone of refugee protection (Crisp & Long, 2016). This principle is reflected in the 1951 Convention[5] and the 1969 OAU Convention[6] and human rights instruments like the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)[7] and the African Charter on Human and Peoples' Rights.[8]

Domestic and regional courts have ruled on the principle of non-refoulement. They argue that refoulement of refugees is a violation of fundamental human rights. In the Organisation mondiale contre la torture, Association Internationale des juristes démocrates, Commission Internationale des juristes, Union interafricaine des droits de l'Homme v. Rwanda case, the African Commission on Human and Peoples' Rights in paragraph 33 stated that 'There is ample evidence in this communication that groups of Burundian refugees have been expelled on the basis of their nationality' (*Organisation mondiale contre la torture, Association Internationale des juristes démocrates, Commission Internationale des juristes, Union interafricaine des droits de l'Homme v. Rwanda*, 27/89-46/90-49/91-99/93, African Commission on Human and Peoples' Rights, 1996). This constitutes a clear violation of Article 12(5) of the African Charter'.[9] Also, the African Commission on Human and Peoples' Rights found that Guinea violated Article 12(5) that prohibits mass expulsion of non-nationals and right of non-refoulement in the *Institute for Human Rights and Development in Africa (on behalf Sierra Leonean refugees in Guinea) v. Guinea*, 2004 case.

Despite the provision for this principle and its emphasis on voluntary repatriation, some cases show that Rwanda has undermined it in practice. According to reports, around May and June 2016, Rwanda expelled around 1700 Burundian refugees and asylum-seekers accusing some of them of espionage (Africa News, 2016; Reuters, 2016). A local government official from the Bugabira district near the border with Burundi, where the incident occurred, confirmed the evictions (Africa News, 2016; Reuters, 2016). The majority of those sent back to Burundi were living in Southern Province, which shares a border with the northern part of Burundi (Relief web, 2016).

Rwanda accused Burundians of staying illegally in the country (Relief web, 2016). A government spokesperson argued that 'We have not expelled any refugees. The said people who were sent back to Burundi were not refugees but those who were illegally entering or living in Rwanda without proper documents'[10] (Relief web, 2016; The Citizen, 2016). He added that 'This exercise was conducted by local governmental authorities. None of the people who were asked to go back and attain proper documentation declared themselves as refugees' (Reuters, 2016; The Citizen, 2016). On the side of Burundi, a government official argued that refugees were given two options: going to refugee camps and returning to Burundi. Those who refused to go to refugee camps were expelled and stripped of their property (Aljazeera, 2016). According to UNHCR (2016b), some of the Burundian asylum seekers did not have proper documentation where as others had. UNHCR acknowledged that it was approached by Burundians who had stayed in Rwanda for several years to be registered as refugees (UNHCR, 2016b). The decision to register with UNHCR shows that these were asylum seekers. Also, while it is understandable that Burundians had to register and relocate to camps, the decision to expel them was risky at a time when their country was in political turmoil.

Amidst these expulsions, Rwanda threatened to relocate around 70,000 Burundian refugees to other countries (Aljazeera, 2016; BBC, 2016). Rwanda's announcement came days after it was accused of destabilizing Burundi by arming its refugees in the Mahama camp (Aljazeera, 2016; BBC, 2016; Reuters, 2016). Rwanda argued that Burundian refugees had become a national security and a burden in its foreign relations (Aljazeera, 2016; BBC, 2016). Rwanda later dropped the idea and assured the UNHCR that it would not 'forcibly expel Burundian refugees' (UNHCR, 2016a). The UNHCR asked the government to publicly state that it would not expel Burundian refugees to avoid panic among refugees in Rwanda (ibid).

On the other hand, Rwanda's crackdown on Burundians occurred in response to the expulsion of thousands of Rwandans by Burundi in April 2015. In fact, Rwandans in Burundi complained of harassment by security operatives that forced hundreds, mainly business people, to return to Rwanda (BBC, 2016; Iwacu English News, 2016).

The tit for the tat harassment of each other's nationals was a sign of sour relations between the two countries. Burundi accused Rwanda of fueling the political crisis caused by Nkurunzinza's decision to stand for a third term, contrary to Burundi's constitution (Kebede (2021; Ndayisaba, 2020). This was opposed by Burundians, who staged protests. Burundi also accused Rwanda of supporting the coup attempt in 2015 (Aljazeera, 2016; BBC, 2016; Muhame, 2018). Although Rwanda denied Burundi's accusation, the decision to settle the coup leader Godefroid Niyombare, along with many opposition leaders, worsened the already frosty relations (Kebede, 2021; Ndayisaba, 2020).

It is possible that Rwanda's threat to expel Burundian refugees was a deflection of criticism of its hostile stance towards Burundi. In addition, Rwanda's actions were perhaps a reaction to alleged Burundi's support for the FDLR rebels. As a result, Burundian refugees (and Rwandan nationals in Burundi) were caught in the midst of rivalries and conflicts between the two countries. As the saying goes, 'when two elephants fight, the grass suffers'.

Congolese refugees are another example of such an expulsion threat. In January 2023, Rwanda threatened to expel Congolese refugees after it was accused of supporting M23 rebels in the DRC. Rwanda's president, Kagame warned that 'he would not let Rwanda be a "dumping ground" for refugees when the international community continues to blame him for the violence in eastern DR Congo' (Aljazeera, 2023; Mutagoma & Bagiruwubusa, 2023; The East African, 2023; The Standard, 2023). He further argued that 'We cannot keep being host to refugees, for which we are later on held accountable in some way' (Aljazeera, 2023; Amnesty International, 2023; The East African, 2023). Kagame added that, 'since the international community appears to have failed to hold the DR Congo government to account, his country should not continue to carry the burden and be insulted and abused every day about it' (Aljazeera, 2023; The East African, 2023). He further argued that 'So, either you carry the refugees from here and take them wherever you want, or they go back to Congo or protect them there. I have heard you will protect them against their own government and from the mercenaries' (The East African, 2023).

However, the Rwandan government did not expel refugees. According to its spokesperson, Yolande Makolo, 'Rwanda has no intention to expel or ban refugees' (Aljazeera, 2023; Isilow & Tasamba, 2023; Oluka, 2023; The East African, 2023). She instead blamed the media for 'misrepresenting' Kagame's remarks. She noted that: 'We always welcome people fleeing insecurity, persecution, and violence. We are asking for the international community to take responsibility for finding a lasting solution for this forgotten group of refugees from the DRC…' (Aljazeera, 2023; The East African, 2023).

Rwanda's threat to expelling Congolese refugees is another example of its attempt to deflect attention on its military support to the M23 and the destabilization of the DRC (Africa News, 2023; Mudge, 2023). The UN Group of Experts highlighted Rwanda's support for M23, which was responsible for insecurity in the DRC (United Nations & Security Council, 2024, United Nations & Security Council, 2023, United Nations & Security Council, 2022). In addition, the threat shows the extent to which Rwanda can play the refugee card to deflect criticism of its hostile activities in the DRC. In other words, the threat demonstrates Rwanda's politicization of refugee rights and protection to achieve political objectives (Africa News, 2023; Human Rights Watch, 2024; Mudge, 2023). Human Rights Watch (2023) observes that as part of its playbook, the Rwandan government has instrumentally used threats and intimidation to silence critics, deflect international scrutiny, and maintain a narrative of national security while often operating with plausible deniability. It has also exploited the 'genocide credit' to avoid criticism by the international community (Reyntjens, 2004, 2015).

Courts have ruled that Rwanda undermines the principle of *non-refoulement*. The UK's Court of Appeal in the *R (AAA) and others v The Secretary of State for the Home Department* [2023] EWCA Civ 745 found that there is a 'substantial ground for believing that there is a real risk that persons sent to Rwanda will be returned to their home countries where they faced persecution or other inhumane treatment, when, in fact, they have a good claim for asylum'. The Court argued that sending anyone to Rwanda would constitute a breach of Article 3 of the European Convention on Human Rights (EHCR)[11]. It also argued that Rwanda was not a 'safe third country'.

In the *R (on the application of AAA (Syria) and others) v SSHD* [2023] UKSC 42, the Supreme Court concurred with the Court of Appeal that Rwanda was not a safe third country for the UK government to send asylum-seekers. In a unanimous judgment, 'the Supreme Court ruled that 'there were substantial grounds for believing that asylum-seekers would face a real risk of ill-treatment by reason of *refoulement* in the event that they were removed to Rwanda' (para. 73). In other words, the Supreme Court noted that there is a risk of forced return of asylum-seekers in Rwanda, contrary to its international obligations under refugee and human rights laws (Easton-Calabria, 2023).

In its evidence to the Court, the UNHCR (intervener in the case) presented cases of refoulement of asylum-seekers in Rwanda (UNHCR, 2024b). As noted earlier, between February 2021 and June 2022, six individuals sought asylum at Kigali airport but were summarily expelled (UNHCR, 2024b, 26). In other cases, 'asylum-seekers were told to leave Rwanda within 12 hours and threatened with imminent refoulement to their state of origin if they failed to comply, and told that this was happening at the request of their country of origin. Others feel compelled to leave Rwanda and seek asylum elsewhere. In three more recent cases, individuals who were nationals of the same state were also required to leave Rwanda to claim asylum. Those individuals were required by the DGIE to leave Rwanda within periods of a few days or taken to the border with Tanzania and required to depart' (UNHCR, 2024b, 26).

Overall, a temporal analysis of refugee rights in Rwanda (post the enactment of the 2014 law), from 2015 to 2025 reveals a complex, dual-track landscape: while the government has been praised for hosting large populations and partnering on innovative extraterritorial resettlement schemes, significant violations of rights—including (threats of) refoulement, violence against protesters, and recruitment into armed groups—have been documented periodically, often linked to regional tensions with the Democratic Republic of Congo (DRC) and Burundi. While it is hard to tell whether violations of refugee rights have increased or reduced, these cases have been consistent in Rwanda's body politic.

In summary, in the period of 2015 to 2017, there were reports of recruitment of refugees in camps, and the detention of asylum seekers in prison facilities (United Nations Human Rights Committee [UNHRC], 2016). In 2018 to 2021 there was crackdown on refugee protests and re-refoulement. In 2019-2021, there was unlawful detention of Rwandan returnees and asylum seekers, with limited legal recourse for victims (Amnesty International, 2021; Human Rights Watch, 2021).

The 2022–2024 is a period of the UK-Rwanda deal and the Emergency Transit Mechanism (ETM) for refugees from Libya. However, Rwanda continued to be criticized for violations and abuses of evacuees from Libya (Asylos, 2022) and other gaps in its asylum practice (ibid). Lastly, the 2025–2026 is a period of regional conflict linkages. The M23 armed group, supported by the Rwandan army, carried out abuses in Eastern DRC, raising concerns about Rwanda's role in regional displacement (Human Rights Watch, 2026). Overall, Rwanda's violations of (refugee) rights have been common in the last decade.

7. Conclusion

This article has argued that as much as Rwanda's 2014 Law Relating to Refugees is generally progressive and meets international protection standards, there is a gap between theory and practice. This study has analyzed this discrepancy by focusing on the specific provisions of the law: the application for asylum and refugee status, the civilian and humanitarian character of asylum, refugee rights, and the principle of *non-refoulement*. It found that the implementation of the 2014 Law is affected by three interrelated factors: the authoritarian nature of the Rwandan state, its extraterritorial military operations, and its poor bilateral relations. Although the 2014 law has been repealed, the ten years of its implementation offer some insights about Rwanda's practice. The above factors may affect the 2024 law's implementation.

The insights gained from this study have policy and methodological implications. From a policy perspective, this study has shown that the politics of the country of asylum impacts refugee protection and rights. In the case of Rwanda, the authoritarian nature of the state led to the violation of refugee rights (right to life, freedom of expression and opinion, right to peaceful assembly, right to a fair trial, right to asylum, right of appeal, freedom from expulsion, and the principle of *non-refoulement*). Asylum-seekers and refugees come into a political context that has implications for their protection and rights.

In addition, refugees have become entangled in Rwanda's poor relations and extraterritorial military operations. There is a need to understand these political, diplomatic, and military dynamics in asylum countries and their overall impact on refugee protection. This can be used as a basis for developing (or strengthening existing) policies, frameworks, and plans for refugee protection in asylum countries and regions. This will go a long way to ensuring peaceful, secure, non-military, humanitarian, compassionate, and human rights sensitive asylum systems.

From a methodological perspective, there is a need for future research on other African countries refugee hosting countries taking into consideration the political, diplomatic, security and military dynamics. This is especially important in the volatile regions of the Great Lakes and Horn of Africa, where armed conflicts and wars continue to generate asylum-seekers and refugees. Neighboring countries (Uganda, Kenya and Tanzania etcetera) show similar patterns of implementation gaps (Ahimbisibwe & Belloni, 2020; Freudenthaler, 2012; Kamanga, 2005; Mogire, 2009). This suggests a regional pattern of gaps in the implementation of refugee law.

This research has practical implications for international actors like United Nations, UNHCR, donor governments and human rights organizations. As Milner (2009), there is need to engage states hosting refugees. One way is to increase monitoring of refugee conditions in authoritarian host countries. It is important to engage with these countries in the protection of refugee rights both in theory and practice. Diplomatic pressure should also be applied to these countries to improve on the quantity and quality of asylum. Those putting pressure (especially donor countries) need to demonstrate practically that they too are committed to protecting the rights of refugees and asylum seekers. Donor pressure should go hand in hand with real actions and being exemplary.

Notes

1. Article 28 of the 2003 Rwandan Constitution (as amended in 2015) recognizes the right to seek asylum.
2. Article 47 states that 'The High Court also adjudicates cases relating to the applications for asylum'.
3. Rwanda's view is that these asylum-seekers ought to have applied for asylum in the neighboring countries (UNHCR, 2024b).
4. RED-Tabara first appeared in 2011 and became active in 2015 in the aftermath of a political crisis and failed coup by some military officers against Burundi's then president, Pierre Nkurunziza, who died in 2020. The Burundian government considers the group of being a terrorist movement and its members of being part of a failed coup attempt in 2015. The group claims to fight for a return to the rule of law, which it claims the current government has abandoned. However, its indiscriminate attacks against civilian populations are increasingly falling into the pattern of terror acts (Hajayandi, 2024).
5. Article 33(1) states that 'No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion'.
6. Article V (1) states that 'The essentially voluntary character of repatriation shall be respected in all cases and no refugee shall be repatriated against his will'. By putting the emphasis on voluntary repatriation, the 1969 OAU Convention outlaws the forced repatriation of refugees. Voluntary repatriation essentially emphasizes the principle of non-refoulement.
7. Article 3(1) states 'No state shall expel, return ("refouler") or extradite a person to another state where there are substantial grounds for believing that he or she would be in danger of being subjected to torture'.
8. Article 12(5) provides that 'The mass expulsion of non-nationals shall be prohibited. Mass expulsion shall be that which is aimed at national, racial, ethnic or religious groups'.
9. Article 12(5) of the African Charter states that 'The mass expulsion of non-nationals shall be prohibited. Mass expulsion shall be that which is aimed at national, racial, ethnic or religious groups'.
10. According to Article 31 of the UN 1951 Convention, states shall not penalize refugees on count of their illegal entry or presence on account of escaping persecution provided they present themselves without delay to the authorities of the host country.
11. Article 3 states that: 'No one shall be subjected to torture or to inhuman or degrading treatment or punishment'.

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Author contributions

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The author reports there are no competing interests to declare.

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Data availability statement

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