

A report on the Freedom of Association and Expression in Rwanda

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A REPORT ON CIVIL AND POLITICAL RIGHTS IN RWANDA

(Freedom of Expression and Association)

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Summary

The report aims to present the situation in light of the government's commitment to international, regional, and domestic human rights laws in respect to freedom of association and expression in Rwanda. The background, purpose, legal review, and findings of the study are divided into various sections.

The goal of this report is to highlight and evaluate a myriad of civil and political rights challenges that the Rwandan people are dealing with in the post-genocide era, particularly with regard to association and freedom of expression.

Despite the fact that the majority of this study is based on secondary sources, our primary goal was to conduct a questionnaire survey for relevance and appropriateness. We sent survey questions about the subject of our inquiry to eleven (11) organizations, including human rights organizations, educational institutions, opposition political parties, and the Rwandan government through its embassy in Sweden, but received no response after sending follow-up emails. (A link to the survey can be found on the appendix).

Conclusion

The right of citizens to freely express themselves, associate, and congregate is an essential component of democracy and sustainable peace. This is not evident based on our findings, as we can confidently infer that Rwandans are being restrained through the actions of authorities and government legislations to absolutely and freely exercise their civil and political rights, particularly freedom of expression and association despite the fact that these rights are guaranteed not only in international and regional instruments ratified by the country, but also in the Rwanda constitution and other national laws.

Key recommendations

We have made the following recommendations in order to help Rwanda achieve its goal of freedom of expression and association, as well as to create space for these rights to be exercised:

- a) Recognize that the rights to expression and peaceful association play a key role in the emergence and maintenance of effective democratic systems because they are a tool for dialogue, pluralism, tolerance, and understanding are respected, both in law and in practice;
- b) Ensure, protect, and promote a safe environment for anyone exercising or seeking to exercise their right to freedom of expression and association in accordance with international, regional and national laws;
- c) Ensure that no threats or use of violence, harassment, persecution, intimidation, or reprisals are made against journalists, members of opposition political parties, international NGOs or individuals who exercise their rights to freedom of expression and association. This should not only be guaranteed in the national laws but fully complied with in practice;
- d) Ensure that administrative and law enforcement officials are well-versed in international human rights norms and standards governing the freedoms of expression and association;
- e) Review Article 5 of the Public Demonstrations and Gatherings Law, which prohibits spontaneous protests and counter-demonstrations by requiring organizations or groups to notify authorities 30 days in advance and only proceeding with such demonstrations after receiving written approval.
- f) The Rwanda Governance Board (RGB), a government body, is responsible for registering non-governmental organizations (NGOs). The registration of NGOs and INGOs should be determined by a body independent of the government, such as the RGB, which is under the

government's control.

- g) Rwanda's National Commission for Human Rights (NCHR) which is expected to report human rights issues in Rwanda has been proven to be politically biased, which should not be the case. For effective monitoring and reporting of human rights issues, an unbiased institution free from government control should be instituted.

1. Methodology

Despite the fact that the majority of this study is based on secondary sources, our primary goal was to conduct a questionnaire survey for relevance and appropriateness. We sent survey questions about the subject of our inquiry to eleven (11) organizations, including human rights organizations, educational institutions, opposition political parties, and the Rwandan government through its embassy in Sweden, but received no response after sending follow-up emails. (A link to the survey can be found in the appendix).

Two potential responders, the Rwandan Embassy in Sweden and the Rwandan Green Party, had consented to take part in the survey but had not completed it at the time of sending this report.

When looking for suitable interview/survey participants in the diaspora for the report, it was discovered that many people are hesitant to participate in Rwanda-related interviews/surveys for fear of retaliation if they return to the country even when they were guaranteed anonymity. This concern was also proved by the number of cases observed in the course of our study.

We endeavored to address this limitation by reviewing secondary materials on the subject of our inquiry which included previously written human reports from Freedom House and Human Rights Watch, as well as other human rights reports specific to Rwanda written by the US and UK, national and international media, a review of international, regional, and national laws, and some court cases filed with the African Court on Human and People's Rights and national courts in Rwanda.

Another difficulty the team encountered was reviewing the decisions of national court cases written in the local language (Kinyarwanda). However, we had to translate the contents of the documents from the local language to English to enhance our understanding.

It is worth mentioning that the scope of this research was limited to the media, political parties, and non-governmental organizations. This report excludes labor unions and other organizations that were not included in our study.

2. Legal framework

Rwanda is bound by the principles of a number of international and regional human rights instruments and optional protocols to which it has ratified or acceded. The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the African Charter, and its national laws are the most pertinent to the subject of this report.

International Obligations

The right to freely congregate and associate in a peaceful manner is explicitly stated in Article 20 (1) of the Universal Declaration of Human Rights (UDHR). This commitment was reaffirmed in Article 21, which said that everyone has the right to freely participate in the governance of their country, whether directly or through elected representatives. Furthermore, Article 19 of the UDHR guarantees all citizens of member states the right to freely hold and express their opinions, as well as the freedom to seek, receive, and transmit information and ideas without interference.¹

Rwanda's full and unconditional accession to the International Covenant on Civil and Political Rights (ICCPR) in March 1975 commits the country to securing and defending the civil and political rights of all Rwandans. Articles 21, 22 and 25 of the agreement are particularly relevant in the context of freedom of association, as they guarantee the enjoyment of such rights with others. The sub article addresses the exclusions that limit the reach of the aforementioned article, such as

the condition that denial be permitted by law and justified as required in a democratic society, as well as the necessity to defend security, morality, public health, and freedom of others.

Article 19 of the ICCPR outlines the right to freely express one's opinion, as well as the freedom to seek, receive, and transmit information. This right, however, is restricted under Article 20 if comments or opinions are used as a propaganda weapon to begin a war or as an advocacy for national, racial, or religious hatred, which constitutes incitement to discrimination, hostility, or violence.²

Rwanda is not however a signatory to the ICCPR's First Optional Protocol, which allows individuals to petition the Human Rights Committee if they believe their human rights have been violated by the state³.

Regional obligations

Within the African region, Rwanda is a state party to the 1981 Banjul charter on Human and People's Rights. Article 11 provides the right for citizens of member states to assemble freely with others as long as their individual actions do not jeopardize or threaten national security, the safety and health and freedom of others.

Articles 9 and 13 of the African Charter guarantee citizens of member states the right to express themselves. While the preceding paragraphs establish the foundation for which this right is guaranteed. Article 27 (2), for example, expresses caution, stressing that these rights must be "exercised with due consideration for the rights of others, collective security, morality, and the common good."⁴

It's worth noting that Rwanda has restricted the ability of individuals and non-governmental organizations to file complaints with the African Court in February 2016.⁵

National Obligations

The Constitution

The Rwandan constitution, which was revised in 2015, assures and recognizes the rights of all citizens to freely express themselves and have access to information in Articles 38 and 39. However, it appears that these rights have been hampered by vague limits such as "good morality," "protection of youth and children," "right of every citizen to respect and dignity," and "protection of personal and family life."⁶

Furthermore, these arbitrary limitations are in violation of international law and jeopardize the constitution's protection of press freedom. The Law on the Prevention of Cybercrime No 60/2018 OF 22/8/2018, which forbids the dissemination of "rumors," is one such law used to restrict the right to free speech. A five-year prison sentence and a fine of three million Rwandan Francs (US\$3,000) are possible penalties.⁷

The ICT law N°.60/2013, the Interception of Communications, the Criminal Procedure Code Law N° 30/2013 of 24/05/2013, and the SIM card registration regulation of 2013 all contain provisions that limit freedom of expression online and violate international standards and best practices on freedom of expression and access to information. These forms of restrictions and penalties make it difficult to guarantee media/press freedom in the country, as many journalists have fled the country for fear of government sanctions and attacks and are now working from abroad. The Kinyarwanda-language service of the British Broadcasting Corporation, for example, has been suspended in the country since 2014.

Articles 39 and 40 of the Rwandan constitution mention the right to freely associate and assemble without authorization, but this contradicts article 17 of the organic Law 16/2003, which requires political parties/organizations to seek written authorization from the authorities before engaging in any form of demonstration or rally.⁸

Law 16/2003 of 27/06/2003 (Political organizations and Politicians)

The law on political organizations and politicians establishes the rules governing political organizations, granting them the freedom to operate in compliance with the constitution and related laws.⁹ Citizens aged 18 and above have the right to freely join and participate in any political organization of their choice, although they are not allowed to join more than one at the same time, according to Article 4 of the law. This article also protects Rwandans from any type of discrimination when it comes to choosing a political party.¹⁰

Article 17 states that before public rallies and demonstrations can take place, political organizations must notify administrative authorities in writing via regular mail. These written notifications, according to this article, must be acknowledged before such rallies can begin. A violation of this provision can be punished by a prison sentence of eight days to six months or a substantial monetary fine. The sanctions are increased for illegal demonstrations seen as a threat to security, public order, or health.¹¹

Articles 22 and 23 of the law also make it illegal for political organizations to accept funds from foreigners. This means that political organizations' funding options are limited. This legal structure does not allow for the free and unrestricted exercise of the right to peaceful assembly.¹²

Although the constitution and law provide citizens the right to freely choose their government, government limitations on the formation of opposition parties and intimidation of critics and political protesters restrict that ability.¹³ Political parties that are united with the RPF are largely able to exercise these rights freely but with a caution not to engage in “divisive acts” that would destabilize national unity, threaten the territorial integrity, or undermine national security”. Members of DALFA Umurinzi, an opposition political party, remained unregistered, and were harassed by the government according to reports. In May 2020, for instance, DALFA Umurinzi member Theophile Ntirutwa was detained in connection with the killing of a pastor named Theoneste Bapfakurera. Members told journalists that Ntirutwa was the target of a mismanaged

operation where Bapfakurera was killed due to mistaken identity. It is unclear if he was released since the case was still pending in October 2020.¹⁴

Law N°02/2013 (Media)

The Rwandan media law regulates and protects press freedom, but it has been criticized for containing far too many conditions that limit the independence of journalists and the media, particularly internet media, resulting to journalists being imprisoned for libel, "genocide ideology," undermining state security, or giving false testimony. The law gives too much powers to the state, specifically granting authorization to launch new media outlets, the need for journalists to obtain accreditation in order to practice work from state authorities instead of the media Self-Regulatory Body and organ set up by journalists themselves¹⁵

Law N°05/2012 of 17/02/2012 (International Non-Government Organization)

The law gives regulators too many powers. NGOs face an onerous registration process. The Rwanda Governance Board (RGB), a government agency has complete discretion over whether or not an organization (INGOs, NGO, Political organizations) can be registered. According to a Freedom House report, there are 'excessive documentation requirements' including 'authenticated statutes, an action plan with a budget, specific financial information for each district in which an NGO wishes to operate and the names and curricula vitae of the organization's legal representative and his or her deputy' International non-governmental organizations (INGOs) are all required to be registered by the Directorate General of Immigration and Emigration which is responsible for monitoring the work of INGOs. The registration of private organizations is required by law. The government obstructs and delays or denies registration to local and international NGOs working on human rights, media freedom, or political advocacy. Furthermore, the government enforces NGO registration renewal requirements, as well as time-consuming annual financial and activity reporting requirements particularly for international NGOs.¹⁶

The government has been known to utilize the registration procedure to impede programming and sway organizations to support government policies and projects. The government occasionally

collaborates with international groups, but it dismisses negative reports as inaccurate and biased.¹⁷

3. Review of court cases regarding freedom of expression and association

In the case of *Victoire v. Republic of Rwanda* 003/2014, the African Court on Human and Peoples' Rights (AfCHPR) found that the Republic of Rwanda had violated Article 9(2) of the African Charter on Human and Peoples' Rights, which states that "every individual shall have the right to express and disseminate his opinions within the law."

The court also determined that the Republic of Rwanda had violated Ingabire Victoire Umuhoza's right to freedom of expression under Article 19 of the International Covenant on Civil and Political Rights (ICCPR), which guarantees everyone the right to freely express themselves, including "freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice"

The Court concluded that any arbitrary or unjustified restriction of the right to freedom of expression in a democratic society should be sanctioned in accordance with international norms. As a result, the African Court found that incarcerating the Petitioner for her opinions and statements violated her right to freedom of expression.¹⁸

Background

The case at the African court on Human and People's rights (AfCHPR) stems from a High Court of Kigali's decision in Criminal Case No. RP 0081-0110/10/HC/KIG, which was conveyed on October 30, 2012, and the Supreme Court of Rwanda's decision in Criminal Appeal No. RPA 0255/12, which was given on December 13, 2013 concerning Victoire's arrest, custody, and prosecution, in which she alleges violations of her human rights and basic freedoms.¹⁹

The Rwandan government filed a criminal case against Ingabire Victoire Umuhoza, the president of the United Democratic Forces (FDU-Inkingi), in response to comments made by the former on the Kigali Genocide Memorial on January 16, 2010 after her return to the country to race for president, and gave a speech criticizing both the Rwandan government and other public officials. Amnesty International described her speech, as "rarely addressed in public in Rwanda"²⁰

This action resulted in her arrest and initial trial at the Gasabo High Court for crimes relating to “propagation of genocide ideology, terrorism, Sectarianism and divisionism; hindering national security, organizing an armed movement and attempting to destabilize national authority among others” Victoire was sentenced to eight years in jail, but the Rwandan Supreme Court eventually increased her sentence to 15 years instead of 27 years, citing "leniency" for family circumstances and the fact that the crime against her in the country was her first conviction.²¹

The African Court on Human and Peoples' Rights (AFCHPR) noted in a ruling on November 24, 2017 that Rwanda had violated Victoire's right to freedom of expression as guaranteed by the African Charter on Human and Peoples' Rights (African Charter) and the International Covenant on Civil and Political Rights (ICCPR). According to the African Court, Ingabire's criminal conviction and penalty for a remark that did not minimize the genocide was an unjustified and disproportional restriction on her freedom of speech. However, the court stressed that the Rwandan law prohibiting the minimization of genocide may impose a permissible constraint on the right to freedom of expression if it serves a legitimate purpose in a democratic society. The court stated that while some of Victoire's remarks may be offensive and have the potential to harm public officials' and state institutions' legitimacy in the eyes of citizens, such statements are expected in a democratic society and should be permitted for the purpose of criticism.²²

Following the court's decision, Rwanda's government withdrew from the African Court on Human and People's Rights (ACHPR), claiming that the country already had competent courts to prosecute cases of human rights violations and declaring that individuals and non-governmental organizations

will no longer be able to file complaints against it directly with the ACHPR.²³

The case between Laurent Munyandikirwa v. the republic and Rwanda of 023/2015 where the applicant, Mr Munyandikirwa, filed a complaint before the African Court on Human and Peoples' Rights on September 23, 2015, with the support of FIDH and RFK Human Rights, holding Rwanda accountable for illegal interference and takeover of the Leagues and Organizations for the Defense of Human Rights in Rwanda (LIPRODHOR) in violation of the African Charter on Human and Peoples' Rights. The Applicant claimed in his complaint that the Republic of Rwanda had violated his rights to freedom of association and assembly, as well as his right to obtain information and freedom to express his opinion.²⁴

The African Court did not make a decision on the case, instead, the court ruled that the facts were inadmissible due to a lack of exhaustion of domestic remedies, citing Article 27 of Rwandan Law 04/2012, which states that "any conflict that arises in a national nongovernmental organization shall be resolved first by the organ charged with conflict resolution," and that failing to follow the prescribed law directly contravenes the law.²⁵

Background

Laurent Munyandikirwa and the Rwandan League for the Promotion and Defense of Human Rights' board members were removed from office in an unscheduled meeting organized by a few members of the group without prior written notification to the president, vice president, or other staff members for their independent stance in reporting human rights violations in Rwanda. The Rwandan government was alleged to have initiated this move in order to silence human rights activists and their activities in the country. This move was against the organization's rules as well as the country's nongovernmental organization law.²⁶

Concerns about the change in leadership were raised by the prior board, which promptly began attempts to resolve the matter through LIPRODHOR's internal dispute resolution process, as

required by its bylaws. Despite the fact that the organ's resolution was in support of the former board, the Rwanda Governance Board did not acknowledge them, instead writing a letter to the new LIPRODHOR board.

Laurent Munyandilikirwa, the evicted LIPRODHOR president, petitioned the Rwanda Governance Board in Rwandan courts, but the complaint was dismissed by the High Court in Kigali on the grounds that the applicant had not attempted to address the problem through LIPRODHOR's internal dispute organ even though the requested action had been concluded.

As a result, Laurent Munyandilikirwa and his team were barred from holding meetings, received death threats, and were arrested by security agents. Other civil society organizations, such as the Civil Society Platform, have reportedly been co-opted and forced into government-controlled

4. Review of Rwanda's periodic reports on freedom of association and expression

Rwanda's government claimed in its 11th, 12th, and 13th Periodic Reports, 2009-2016, submitted to the African Commission on Human and Peoples' Rights (ACHPR) on May 22, 2017, that a lot of reforms and transformations had occurred in the legal and policy framework to promote and protect human rights in general in the last six years. The government, on the other hand, realizes that there is always space for improvement. According to the government report, changes in the law and practice concerning "access to justice; freedom of expression and association; progress in the implementation of Vision 2020 (...), among other things," have resulted in a "significant change" in the country's human rights situation "over the last six years".²⁷

According to the periodic reports, The NCHR is independent and autonomous in its duties of educating and raising public awareness about human rights issues, organizing human rights education programs, and collaborating with other organs in developing strategies to prevent human

rights violations. However, reports from other international human rights organizations have disputed this position, suggesting that the NCHR is biased. Many observers also believe that the NCHR lacked sufficient resources to investigate all reported violations and remained biased in favor of the government. As a result, victims of human rights violations have been hesitant to disclose abuses to the NCHR, believing it to be biased and fearful of retaliation by state security forces.²⁸

The periodic reports also state that journalists have the right to freedom of thought and expression, which includes "the right to seek, receive, give, disseminate information and ideas through any means," Regrettably, the truth is rather different. Authorities are harassing journalists and citizens who criticize the administration (see section 3). According to reports from international human rights organizations, being a member of an opposition party or criticizing the administration can lead to a variety of accusations from the authorities (see section 5).²⁹

The report also states that political organizations that have been formally recognized are free to organize themselves. Unfortunately, this is not the case in reality, as opposition groups do not have the same freedom of association as mainstream parties.

According to the report, the expansion in media outlets in the country demonstrates freedom of expression. Citizens are able to participate in radio and television debates, allowing for criticism of government policy. However the report from the UN Special Rapporteur states otherwise, criticizing how the government goes about freedom of expression and the registrations process of political organizations and NGOs which takes long, arbitrary and laborious.³⁰

He also considered the requirements for registration of state NGOs to be overly bureaucratic.³¹ For example, it took the RGB nearly four years to register the Democratic Green Party of Rwanda (Green Party). The delay in registration was attributed to the organization's technical difficulties in completing the registration process, which the Green Party disputed.

5. Human Rights Summary Reports

States Reports

US Department of State

According to a report by the US Department of State, while the constitution guarantees freedom of expression, including for the press within the scope of the law, the government has severely restricted this right. Journalists who voice critical views of the government on sensitive issues are frequently interrogated, threatened, and arrested by government personnel. Attacks against human rights defenders and journalists were not investigated or prosecuted by the government, resulting in actual restrictions on freedom of assembly and association. The report from the US Department of State and other organizations demonstrates that the government does not welcome non-governmental organizations. The government frequently refused to accept public reports of human rights violations and viewed local and international human rights observers with suspicion, interfering with investigations and dismissing any criticism as prejudiced and uninformed. State security forces monitor NGO activities which leads to self-censoring of their statements. NGOs that are critical of the government, such as Human Rights Watch (HRW), have had difficulty renewing their legal registration. Because the government has refused to extend its previous arrangement, therefore HRW no longer has representatives in the country.³⁴

Universal Period Review (UPR)

During the Human Rights universal periodic review (UPR) which occurs every five (5) years at the UN human rights council, several states acknowledged the government's attempts to strengthen civil and political rights in the January 2021 review. However, ongoing human rights violations in the country were still noted³⁵. "During the review, countries from all regions urged on Rwanda to stop torturing and ill-treating its citizens, as well as examine cases of extrajudicial executions, enforced

disappearances, arbitrary detention, and deaths in custody." Many countries urged Rwanda should allow independent journalists and activists to work and non-governmental organizations to register, as well as guarantee freedom of expression by amending its media law and penal code."³⁶

NGO Reports

Human Rights Watch

According to the Human Rights Watch report of 2021, Rwanda's political space and freedom of expression are still under attack. One of the major issues is that the ruling Rwanda Patriotic Front (RPF) continues to target persons who are regarded as a danger to the government. As a result, "many high-profile government critics" have been arrested and threatened, and activists have died mysteriously. The HRW in a 2021 report highlights that many civil society and human rights advocates, as well as journalists, have been intimidated by the government's alleged coercive actions, causing them to remove themselves from critical political and human rights problems. The majority of the written and broadcast media were filled with pro-government propaganda. Independent civil society organizations rarely expose or even document state-sanctioned human rights crimes.³²

Amnesty International

Amnesty International echoed this worry in their 2020 report, adding that independent civil society and political opposition organizations continue to confront barriers to accessing political space. Rwandans who fight for human rights by engaging in activities such as activism or reporting on the government's policies and practices are mistreated. Many people have been threatened with death, prompting many of them to abandon the nation. The ruling dictatorship continues to prosecute political opponents, harass them, and engage in a smear campaign in the press and media, according to Amnesty International.³³

Freedom house

Rwanda had a score of 21/100 for political and civil rights in the 2021 country report, indicating that the country is still "Not Free," with an 8 for political rights and a 13 for civil liberties. The ratings differ slightly from prior years; for 2020, the score was 22/100, with 14 for civil freedoms. Rwanda received the same score of 23/100 in both 2019 and 2018, with the exception that it received 9 points for political rights in 2019 and 16 points for civil liberties in 2018. Rwanda is not deemed free in those areas of rights, according to country reports for different years.³⁷

The report highlighted that the Rwanda Governance Board (RGB), which is responsible for registering political parties, is controlled by the government and has the authority to refuse registration at its discretion without providing adequate justification. The government also has a history of persecuting political opponents. Diane Rwigara, who wanted to run for president, was arrested and imprisoned in 2017, along with her mother and sister, on unfounded accusations. The allegations against her sister were thereafter withdrawn, and Rwigara and her mother were released on bond in 2018 before being acquitted later that year.³⁸

6. Analysis of findings

Challenges to the exercise of the right to freedom of expression and association

1. Government actions are limited when it comes to incorporating the recommendations from the UPR reviews even when these recommendations are accepted.
2. Undoubtedly, there may be limitations on freedom of expression when one's viewpoint is discriminatory toward a certain group of people or poses a threat to national security. However, the examples shown in this work show that cases where this right is violated are supposed to be allowed in order to strengthen democracy and allow for constitutionally legitimate criticism. According to the information we gathered, Rwandans only have legal freedom of expression and association on paper, but what use is having something written down if you can't put it into practice?

3. Despite the fact that the national NGO is legally recognized as a legal entity. This does not guarantee that the right will be upheld in practice. The registration procedure is arbitrary, cumbersome, and irrational. For example, if a national NGO wants to apply for temporary certificates, they must provide a large number of unnecessary paperwork. After receiving the temporary certificate, the NGO must wait nine months before submitting an application for legal personality.
4. The registration process for international non-governmental organizations is lengthy. When an international NGO files for a registration certificate, the certificate can be issued for up to five years in theory. According to several accounts in this study, this never happens in practice because international NGOs are needed to be able to manage proof that they have secured funding for the entire time they are requesting for. As a result, if they are unable to do so, they will be deregistered. This particular demand is the primary reason why so many people need to go through the re-registration procedure. This is a classic example of the government attempting to restrict NGO operations by imposing "onerous reporting requirements."
5. Similar to the registration of NGOs, political party registration takes too long, especially when it is an opposition party, and they are also de-registered for nebulous reasons. This prevents opposition politics, which is an important component for democracy.
6. The government interferes in the affairs of opposing political parties and similar organizations through "controlled institutions" such as the RGB; a clear example is Laurent, the ousted president of the LIPRODHOR, where the government usurped the board and its leadership by planting a new board they could control. This conduct obstructs the reporting and monitoring of human rights violations, particularly when human rights bodies are not sufficiently autonomous to function effectively.
7. It is also observed that some provisions in other national laws contradict similar provisions

in the constitution, Article 17 of the law on political organizations and politicians, “states that before public rallies and demonstrations can take place, political organizations must notify administrative authorities in writing via regular mail, a clear contradiction to Articles 39 and 40 of the Rwandan constitution which provides the right to freely associate and assemble without prior authorization.

8. In the current UPR review, the Rwandan government reconciled the attacks on human rights defenders and activists. However, despite the government's acknowledgement of its own actions in the UPR, it has not responded to any of the attacks. People who speak out against the government are still "mysteriously" disappearing nowadays. According to the most recent UPR evaluation, the government has made some positive changes, such as reducing the registration time from 6 to 2 months. This hasn't happened or been documented in the printed report.
9. Rwandans are not free to practice their freedom of expression and opinion. It is deemed a violation of the law when a member of the opposition or a leader of a political party offers an opinion, whether critical or not, that differs from the narrative of authorities. As in the instance of Victoire Ingabire, this can lead to harassment, accusation, and prosecution of various offenses on the grounds that the accused is interfering with national security and spreading division as a result of the genocide.
10. In line with the legal framework, Rwanda has incorporated international laws into its constitution and laws to some extent, as all of the reports studied attest. Although there are various limits and situations that hinder all individuals from fully enjoying this right, Articles 38 and 39 of the 2015 Rwanda constitution provide for and protect all citizens' rights to freely express themselves and have access to information. Arbitrary restrictions on free speech impair the constitution's provision for press freedom by violating international law's protections for the right to free expression and media freedom.

11. According to the periodic report from Rwanda, freedom of expression is evident in the increase of media outlets in the country. Other reports reveal that this may not be the case, the report from the country claims that residents are free to debate live on radio and television, expressing their thoughts and opinions and criticizing government policies insofar as these views do not propagate prejudice in any way. However, when it comes to journalists and civilians criticizing the government without being harassed or prosecuted by the authorities, the reality is quite different. As indicated in the report section, criticism of the government by citizens and opposition political figures can result in prison sentences or unlawful disappearances, both of which are illegal under international law while practicing freedom of expression.

7. Conclusion and recommendations

The right of citizens to freely express themselves, associate, and congregate is an essential component of democracy and sustainable peace. This is not evident based on our findings, as we can confidently infer that Rwandans are being restrained through the actions of authorities and government legislations to absolutely and freely exercise their civil and political rights, particularly freedom of expression and association despite the fact that these rights are guaranteed not only in international and regional instruments ratified by the country, but also in the Rwanda constitution and other national laws.

General recommendations for civil and political rights

We call upon the relevant authorities to:

1. Recognize that the rights to freedom of peaceful expression and association play a critical role in the emergence and maintenance of effective democratic systems because they are an instrument for dialogue, pluralism, tolerance, and understanding which allows for different views or beliefs to be respected, both in law and in practice.
2. Ensure, protect, and promote a safe place for anybody exercising or seeking to exercise their

right to freedom of expression and association.

3. Ensure that neither journalists nor citizens are subjected to threats or use of violence, harassment, persecution, intimidation, or reprisals for exercising their rights to freedom of expression and association;
4. Ensure that administrative and law enforcement officers are well-versed in international human rights norms and standards governing the freedoms of expression and association;
5. Protect and uphold the freedom of expression and association, including by respecting and supporting free and independent media, in line with international human rights standards.

Specific recommendations for the right to freedom of expression

We call on the relevant authorities to:

1. Provide all citizens the right and opportunity without any distinctions and without troublesome restrictions to freely exercise their freedom of expression;
2. Ensure, protect and promote a safe environment for everyone exercising or seeking to exercise his or her rights to freedom of expression;
3. Ensure that journalists nor citizens are not criminalized for exercising the rights to freedom of expression and of association, nor subjected to threats or use of violence, harassment, persecution, intimidation or reprisals;
4. Protect and promote the freedom of expression, including by respecting and supporting free and independent media, in line with international human rights standards.

Specific recommendations for the right to freedom of association

Concerning political parties, we call on the relevant authorities to:

1. Provide all citizens with the right and opportunity to form and register political parties and function in a pluralistic political environment without any discrimination or restrictive limitations;
2. Ensure that all political opponents are free to participate in the political process, and are not labeled as enemies of the State;

3. Ensure a speedy registration process for organizations both in law and practice
4. Provide all political parties equal opportunities to pursue their legitimate activities
5. Abstain from interfering with the internal functioning of political parties.
6. Review article 17 of the law on the political organization to align with articles 39 and 40 of the Rwandan constitution which provides the right to freely associate and assemble without prior authorization.

Concerning NGOs, we call on the relevant authorities to:

1. Ratify a system of notification whereby an organization is considered a legal entity as soon as it has notified its existence to the relevant authorities;
2. Ensure that the registration procedure for national and international NGOs is much simpler and faster, as for private organization;
3. Authorize unregistered organizations to operate;
4. Not interfere with the functioning of NGOs, particularly in relation to the appointment of the leadership of NGOs through the Rwandan Governance Board, whose role should be purely regulatory.

Recommendations to the Rwanda National Human Rights Commission

We call upon the National Human Rights Commission of Rwanda to:

1. Ensure its independence and autonomy in performing its functions to promote and uphold its work for human rights.
2. Enquire proactively, and take public critical stands, on violations of the rights to freedom of expression and of association;
3. Clearly and publicly articulate and spread international human rights norms and standards governing the rights to freedom of expression and of association;
4. Engage further with civil society with a view to address their concerns in relation to the exercise of the rights to freedom of expression and of association; and

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5. Provide training activities to government officials and members of civil society on international human rights norms and standards, including those governing the rights to freedom of expression and of association.

Recommendations to the International community

We call upon the United Nations, international organizations, donors and other stakeholders to:

1. Undertake or continue to undertake advocacy work with relevant authorities concerning respect of the rights to freedom of expression and of association;
2. Further reinforce their works with the relevant authorities, the National Human Rights Commission and civil society organizations.

Appendix

The request for survey was sent to the following organizations, institutions or persons:

- I. Utrikesdepartementet (Swedish Foreign ministry): utrikesdepartementet.registrator@regeringskansliet.se,
- II. University of Rwanda: Communications@ur.ac.rw
- III. Amnesty International Middle East Africa: middleeast@amnesty.org
- IV. Nordic Africa Institute: nai@nai.uu.se , library@nai.uu.se
- V. Sida: sida@sida.se
- VI. International Center for Not-for-profit Law (ICNL): info@icnl.org
- VII. Human Rights Watch Office: swedenoutreach@hrw.org (Sweden), schwarb@hrw.org (Johannesburg), kooyj@hrw.org (Brussels/Amsterdam), wabwira@hrw.org (Nairobi)
- VIII. The Embassy of Rwanda in Sweden: mnsengiyumva@embassy.gov.rw, ambastockholm@minaffet.gov.rw
- IX. Rwanda's Media High Council: info@rmc.org.rw
- X. Rwanda Civil Society Platform: a.kabeza@rcsprwanda.org
- XI. Green Party of Rwanda: Mr Frank Habineza: africangreenboy@gmail.com

Survey Questionnaire

Please refer to below link to have access to the survey questions.

[Survey Questions](#)

Abbreviation list

ACHPR: African Commission on Human and Peoples' Rights

ACHPR: African Charter on Human and People's Rights

AU: African Union

AfCHPR: African Court on Human and Peoples' Rights

FDU-Inkingi: United Democratic Forces

ICCPR: International Covenant on Civil and Political Rights

ICESCR: International Covenant on Economic, Social and Cultural Rights

HRW: Human Rights Watch and

NGOs: Non-governmental organizations

NCHR: National Commission for Human Rights

RPF - Rwandan Patriotic Front

RGB: Rwanda Governance Board

UDHR: Universal Declaration of Human Rights

UN: United Nations

UPR: Universal Periodic Review

Endnotes

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