



THE SITUATION OF HUMAN RIGHTS DEFENDERS

RWANDA

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In its last Universal Periodic Review in January 2011, Rwanda accepted all four recommendations specific to human rights defenders (HRDs), mainly calling for better protection against harassment and intimidation. It also accepted all recommendations concerning freedom of association and peaceful assembly, committing to the removal of restrictions to the registration and freedom of operation of NGOs and political parties, as well as those pertaining to freedom of opinion and expression. Rwanda thus explicitly undertook to amend the 2009 Media Law to comply with its international obligations, and to ensure that the Genocide Ideology Law is not misused to restrict rights. Since then an amendment to that law has been enacted, yet threats and limitations to human rights defence and freedom of expression endure.

RISKS FACING HUMAN RIGHTS DEFENDERS

- Rwanda, despite its remarkable economic growth and the efforts made in the protection of human rights, presents a very challenging environment for human rights defenders, who commonly face harassment, intimidation, arbitrary arrests and unfair trials.
- According to Front Line Defenders and local activists, the Rwandan government has used the alleged risks of ethnic divisionism and hatred to restrict the freedoms of expression and of peaceful assembly. Human rights defenders, journalists and critical voices are regularly condemned by the authorities, with the knock-on effect of an increase in self-censorship.¹
- Government NGO laws, and the abuse of them, are frequently used to interfere, undermine and freeze the activities of independent human rights organisations, forcing some members of NGOs – such as former chairman of the LIPRODHOR, Laurent Munyandilikirwa – to renounce their posts and even flee Rwanda.²
- Government intrusion is also reflected in the strict scrutiny of NGO registration and activities, and in State interference in their internal affairs.³

- Physical threats and attacks against journalists, human rights defenders and political opposition continue to hinder freedom of expression, as evidenced by cases such as the allegedly politically-charged murder of Patrick Karegeya, the co-founder of opposition group Rwanda National Congress in January 2014.⁴

OFFICIAL RESTRICTIONS ON THE SPACE FOR HUMAN RIGHTS DEFENDERS

- According to the UN Special Rapporteur on freedom of association and peaceful assembly, Organic Law 01/2012/OL (particularly articles 136, 451 and 463), as well as Law 84/2013 on the crime of genocide ideology and Law 47/2001 on the crime of discrimination and sectarianism - all of them contained in the Penal Code - are 'overly broad and open to abuse with a view to limiting any opposition, even moderate and peaceful, to the Government'.⁵
- For example, Article 451 of Organic Law 01/2012/OL criminalises with up to life imprisonment the action of spreading 'false information' with intent to create a hostile international opinion against Rwanda. Article 463, meanwhile, defines as inciting insurrection the actions of: spreading rumours, exciting the population against the established government, inciting or attempting to incite citizens against each other, or attempting to alarm the population with intention to cause trouble in the

country. Persons convicted of inciting insurrection are liable to a term of imprisonment of 10 to 15 years.⁶

- The UN Special Rapporteur on freedom of association and peaceful assembly has expressed concern at the challenges to the exercise of freedom of assembly. Article 36 of The Rwandan Constitution and Law 33/91 make excessive demands in terms of prior authorisation for demonstrations. Furthermore, appeals against the denial of permission must, according to the law, be lodged before an administrative authority, thus lacking the guarantee of independence. The disproportionate penalties imposed, and the liability of organisers for any unlawful behaviour of participants, have a chilling effect on those who want to hold peaceful demonstrations.⁷
- In 2012, new laws on NGOs were passed. According to the International Centre for Non-profit Law, NGOs suffer from excessive and onerous bureaucratic requirements and difficulties in obtaining legal personality. Applications require a 'collaboration letter' from authorities, whilst Rwanda Governance Board regulations severely limit the independence and effectiveness of NGOs. International NGOs have also had limitations imposed on the use of their budget and are prevented from obtaining the 5 years registration granted to national NGOs under the new law.⁸
- East and Horn of Africa Human Rights Defenders Project reports that the Rwandan League for the Promotion and Defence of Human Rights (LIPRODHOR), one of the few remaining independent and credible Rwandan human rights organisations, experienced the forced transferral of its leadership to an unlawfully elected new executive committee with the apparent interference of the government.⁹
- FIDH has reported that members of their organisation have suffered arbitrary detentions and judicial harassment. Daniel Uwimana, one of the staff arrested, was illegally detained for 28 days for denouncing governmental and judicial harassment and interference in LIPRODHOR's administration and work.¹⁰

INTIMIDATION AND REPRISALS AGAINST DEFENDERS ACCESSING INTERNATIONAL HUMAN RIGHTS MECHANISMS

- In his 2011 Annual Report, the UN Secretary General highlighted the case of Pascal Nyilibakwe, the Executive Secretary of the Rwandan section of the Human Rights League of the Great Lakes (LDGL), who was forced to flee Rwanda as a result of a campaign of threats and harassment related to its involvement in the preparation of the civil society report to be presented to the Universal Periodic Review process of Rwanda.¹¹

HUMAN RIGHTS DEFENDERS FACING PARTICULAR RISKS

- Business and environmental rights defenders from Rwanda are frequently accused of being anti-development and commonly face threats of violence, intimidation and the closure of their organisations.¹²

THE RESPONSE OF THE STATE REGARDING THE PROTECTION OF HUMAN RIGHTS DEFENDERS

- While the Government of Rwanda has revised its genocide ideology law as requested at the last UPR, practice shows that human rights organisations cannot carry out their work independently, safely and in accordance with the law. Since its last review, Rwanda has not passed or implemented any policies or laws for the protection of HRDs from intimidation and harassment.
- [Law 84/2013](#), which entered into force in October 2013, contains amendments to the 2008 Law on the crime of genocide ideology. It is a positive step in that it brings more clarity and manages to differentiate between genocide ideology and the other related offences, such as minimising, negating, and justifying the genocide. The Law now only penalises intentional and public acts of communicating genocide ideology, and the maximum penalties have been reduced to 9 years. However, the law fails to define what is meant by 'public', as well as failing to recognise that both Tutsis and Hutus were victims of genocide violence.
- February 2013 saw the enactment of [Law N°02/2013](#) (Media Law). According to the NGO Article 19, this new law 'provides some safeguards for freedom of the press but contains too many provisions which pose a threat to journalists and the independence of the media'. The State retains control of the internet and the media, as journalists must obtain accreditation from a State body and their reporting can be restricted for opaque reasons.¹³ The establishment of the Rwanda Media Commission as a self-regulation organ can also be noted as a positive initiative in strengthening the independence and monitoring of media practitioners.

RECOMMENDATIONS TO THE GOVERNMENT OF RWANDA

- Develop and enact specific laws and policies to recognise and protect the work of human rights defenders and which give full force and effect to the Declaration on Human Rights Defenders at the national level.
- Combat impunity by ensuring the prompt, thorough and impartial investigation of all violations against HRDs, the prosecution of perpetrators, and access to effective remedies for victims.
- Demonstrate strong, high-level political support for HRDs through public statements by State officials which recognise their important and legitimate work. Ensure specific actions to legitimise the work of those HRDs working on business and human rights.
- Enact specific laws and policies which give effect to the right of safe and unhindered access to international human rights mechanisms and condemn and punish acts of intimidation and reprisals against HRDs who engage with the UN and regional human rights systems.
- Reform those articles of the Organic Law 01/2012/OL, signposted in this paper, which can be arbitrarily used to restrict freedom of expression and punish human rights defence.
- Sanction any authority found to be abusing laws on genocide ideology, sectarianism or inciting insurrection to harass, restrict or punish the activities of human rights defenders.
- Reform Article 36 of The Rwandan Constitution and Law 33/91 in order to reduce administrative demands and sanctions on public demonstrations and guarantee the right to freedom of assembly.
- Guarantee a vibrant civil society and the independence of NGOs by revising and modifying – together with civil society – laws affecting NGO registration and operations, and by sanctioning excessive interference by State officials. In particular the requirement of a collaboration letter from the authorities should be repealed.
- Revise and reform Law N°02/2013 (Media Law), with the advise of international and local experts on freedom of expression, in order to safeguard the freedom of the press.

Rwanda has responded favourably to some of the recommendations made in 2011 related to human rights defenders, freedom of expression and freedom of association. Nonetheless, many of these initiatives contain caveats that restrict the rights of activists and journalists, whilst there remain numerous ongoing legal and practical obstacles to human rights defence. A free and vibrant civil society with strong and critical human rights defenders is crucial in guaranteeing peace, development and security in Rwanda and in the region. The Government must therefore move now to build them a safe and enabling environment.

1. <http://www.frontlinedefenders.org/rwanda>
2. <http://www.civicus.org/index.php/en/link-to-related-news-sources2/2079-an-interview-with-laurent-munyandilikirwa-on-the-state-of-civil-society-in-rwanda>
3. <http://www.omct.org/human-rights-defenders/statements/2014/05/d22679/>
4. See, for example, <https://cjfe.org/resources/features/whither-free-expression-post-genocide-rwanda>
5. http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A-HRC-26-29-Add2_en.doc, particularly pp. 5-6. For evidence of the implementation of these laws to stifle political opposition, see the case of Victoire Ingabire: <http://www.hrw.org/news/2012/10/30/rwanda-eight-year-sentence-opposition-leader>
6. http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A-HRC-26-29-Add2_en.doc
7. http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A-HRC-26-29-Add2_en.doc For evidence of the implementation of these laws to stifle political opposition, see the case of Bernard Ntaganda, <http://www.hrw.org/news/2012/04/27/rwanda-opposition-leader-s-sentence-upheld>
8. <http://www.icnl.org/research/monitor/rwanda.html>
9. <http://www.defenddefenders.org/2013/08/rwanda-independence-of-civil-society-undermined/>
10. <http://goo.gl/R4Rrm4>
11. http://www2.ohchr.org/english/bodies/hrcouncil/docs/18session/A-HRC-18-19_en.pdf
12. http://www.synchronicityearth.org/assets/uploads/Statement_re_threats_to_EHRDs_Great_Lakes.pdf
13. <http://www.article19.org/resources.php/resource/3665/en/rwanda:-media-law-does-not-go-far-enough>

ABOUT THIS BRIEFING PAPER

ISHR encourages States to consult UPR submissions by local activists and to make recommendations to Rwanda regarding the protection of human rights defenders. An excellent local source of information on HRD security is the Ligue des Droits de la personne de la région des Grands Lacs (<http://www.ldgl.org/contacts-cles-ldgl/>). For further information on Rwanda's UPR, contact Clement Voule (c.voule@ishr.ch).

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