

ARTICLE19

RWANDA STAKE HOLDER COALITION

Universal Periodic Review

**DEFENDING FREEDOM
OF EXPRESSION AND INFORMATION**

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2010 - 2014 Report

As a response to some of these difficulties especially that of overcrowding and congestion, the government has started building new prisons.

Recommendations:

- Encourage the Rwanda government to adopt new measures to reduce overcrowding for example giving community service work to some of the convicts instead of sending them to prison;
- Reconsider the 30 days temporary detention of suspects. Although there have been Judicial reforms, independence of the Courts has been doubted especially by those in political opposition who claim some trials have been pursued for political reasons. In other instances, witnesses have not been adequately protected hence they have feared giving evidence e.g. in the trial of Dr Léon MUGESERA. However, it is notable that the Gacaca court system was wound up through Organic Law No 04/2012/OL of 15/06/2012. All files of the Gacaca cases are in the custody of the National Commission that Fight against the Genocide and are supposed to be available to anyone who need any information during the research.

Recommendations:

- Operationalise the witness protection law to ensure that witnesses are adequately protected.
- Invite the Special Rapporteur on the independence of judges and lawyers to visit Rwanda. The State has also strived to provide legal aid to vulnerable and poor people but not all the people know about this assistance. “Maisons d’Assistance Juridique” (MAJ) provides legal advices are operating in all districts. However, the cost of filing a case has been increased almost 12.5 times, and this risks locking out poor people from accessing justice.

Recommendations:

- There is need for public sensitization of the legal aid.
- MAJs need to be given financial and material means to reach a great number of people.

WOMEN AND CHILDREN’S RIGHTS

Rwanda has achieved a lot in gender equality’s promotion. The Constitution require at least 30percent of women representation in institutions and the country has enacted relevant legislation, policies and programmes to actualize this provision including the National Council for Women and Gender Monitoring. Victims of sexual violence are also freely admitted in health care institutions and get appropriate assistance. Organic Law No 01/2012/OL of 02/05/2012 instituting the Penal Code and Prime Minister’s Order No 001/03 Of 11/01/2013 were established to determine modalities in which Government Institutions prevent and respond to Gender-Based Violence; four One Stop Centers were also established for prevention, repression and assisting all who have all kinds of violence against women.

EXECUTIVE SUMMARY

This report covers the period 2010-2014, Rwanda having undergone the first cycle of UPR review in 2010. The report illustrates the development and assessment of the recommendations that the State accepted during the first review; it also assesses the progress made by the state in the protection, fulfilment and respect of human rights in Rwanda. Since the last review, Rwanda Stakeholders Coalition on the Universal Periodic review has been consistently monitoring the implementation of recommendations that the State accepted. As this report attests, it is apparent that the state has made some considerable progress in some areas whereas it has lagged behind in others.

Methodology

This report was prepared by National and grass root organisations working on the promotion and protection of human rights in Rwanda under the coordination of the Regional Human Rights League in the Great Lakes Region (Ligue des droits de la personne dans la région des Grands Lacs, LDGL). Other members of the coalition are..... As part of its data collection, the Coalition undertook a broad consultative process drawing from the periodic assessment reports including the state mid-term report to the Human Rights Council. The stakeholders were clustered into thematic clusters; Children Rights, women Rights, disability Right , youth, sexual Minorities, Civil, Political Rights and Gender Minorities based on each stakeholders area of interest. The information gathered by each cluster was collated and validated by the stakeholders.

CIVIL POLITICAL RIGHTS

a) Freedom of expression and of media

Rwanda has promulgated law No 02/2013 of 08/02/2013 regulating media, the Law No 03/2013 of 08/02/2013 determining the responsibilities, organization and functioning of the Media High Council, and the Law No 04/2013 of 08/02/2013 relating to access to information. These reforms have an impact on promotion and protection of press freedom in Rwanda. The Access to information law contains clear provisions for proactive disclosure and should be seen as a signal of the government’s intention to entrench transparency and enhance public participation in governance. Five private televisions have also being opened including Tv10, Lemigo TV, TV1, Yego TV, and Family TV. However, there have been cases where the Government has acted in a manner that has been seen as interfering with the work of the Self-Regulation body. This was mainly when BBC Kinyarwanda radio was suspended by stopped by Rwanda Utilities Regulatory Authority (RURA), without having consulted Rwanda Media High Council, the competent organ.

Another example is the stoppage of Good Morning Rwanda, a programme that was being broadcast on Flash Radio in Kinyarwanda. There have also been reported cases of intimidation and arbitrary arrest of journalists and accessing information from government is still a problem. The cost of TVs and setting up broadcasting facilities is still expensive hence hindering peoples' access to information. Access to information is not guaranteed since most government officials seek to hinder freely giving information. A revised version of the 2008 law on genocide ideology was promulgated in October 2013. It contains several improvements to the 2008 law, including a more precise definition of the offense and the requirement to demonstrate intent behind the crime, thereby reducing the scope for abusive prosecutions. The new law reduces the maximum prison sentence from 25 to 9 years. However, several articles retain language that could be used to criminalize free speech for example the term "divisionism" has not been defined and this can be used to prosecute journalists and opposition.

Recommendations:

The government should respect the media laws as enacted and arrest those who intimidate and harass journalists.

The government to make access to televisions easier by reducing the cost.

Government to eliminate all provisions that may hinder the freedom of expression including defamation laws and replace them with a civil provision.

Government to take proactive measures to enhance access of information by government officials and end the prevalent culture of secrecy.

The Judiciary should be urged to exercise restraint and not interpret the genocide laws in a manner that restricts Freedom of Expression or Association.

b) Freedom of Assembly and Association

In 2012, Rwanda enacted a new law governing International and National NGOs, Law No 05/2012 Of 17/02/2012, which states that INGOs have to be registered once in every five years and are to get a registration certificate in 30 days after application. However, this law is not being applied as stipulated with some INGOs saying they are being issued with annual certificates and some wait for months without receiving registration certificates. To be registered, they are also requested to show they have secured funds for activities spanning 5 years. It is quite difficult to have such amount of money on registration and this has become a barrier to registration of the INGOs. National NGOs are also asked to contribute funds annually to the Joint Action Forum at the District level. This is prohibitive to the organisations. The government has also been accused of interference with NGO activities. On 13 July 2013, three local human rights groups LIPRODHOR, ADR and MDD wrote to the umbrella of human rights organizations Collective of Leagues and Organizations for the Defense of Human Rights in Rwanda

Enact specific laws that protect human rights defenders from harassment and intimidation.

Investigate and hold responsible people found guilty of intimidating and harassing human rights defenders Rwanda has abolished solitary confinement of prisoners. Law No 32/2010 of 22/09/2010 provides specific modalities of enforcement and serving the sentence of life imprisonment with special provisions. Even though this law exists, the quality of life of those punished by life imprisonment doesn't meet the UN standards for many prisons are old, they have not enough space, and hygienic conditions are not the same in prisons. United Nations Standard Minimum Rules for the Treatment of Prisoners are not respected at satisfactory level for example prisoners eat once a day and the diet is insufficient both in quality and quantity. The National Policy has a unit to deal with such sexual and domestic violence and one of the lawyers at the MAJ (Maison d'Assistance à la Justice) is tasked with dealing with sexual and gender based violence. A national strategy to fight all forms of violence against women has been adopted and sensitization was made to tell women about their rights and what they can do in case of sexual and domestic violence. Women have a right to inheritance and they have 64 percent of representation in parliament. However, efforts are still needed to achieve the 30 percent representation at local level and in private sector. Maternal and child health is assured in Rwanda. All children are to be born in the hospital since women are required to go to the hospital for anti-natal and post-natal care. HIV/ Aids tests are mandatory for pregnant women to avoid mother-child transmission. The families are also given treated mosquito nets to protect them against malaria. However, most families, especially those who are large or poor are not able to pay the medical insurance for 3,000 Rwf per person hence many children do not have access to quality health care when ill. The Organic Law No 01/2012/OL of 02/05/2012 of 02/05/2012 instituting the Penal Code provides punishment to any person inflicting severe suffering on a child, harassing or imposing severe punishment on her/him. The Law No 54 related to the Rights and the Protection of the Child was adopted in 2011 and entered into force in 2012 prohibiting excessive and severe corporal punishment. The National Integrated Child Rights Policy adopted in 2011 states the corporal punishment is prohibited in all setting.

Recommendations:

Encourage the government to set up more One Stop Centre in the country as well as at health centers at sector level where victims can access them easily.

Amend the law for consistency so that the right to correction stated in Civil Code of 1988 is not used as an excuse to cause inflicting severe suffering, harassing, or imposing severe punishment.

Recommendations:

- Encourage the Rwanda government to develop a specific national strategy to promote the Batwa Community in all sectors of life including health, education, economy and ownership of land.
- Government should initiate a nationwide anti-discrimination campaign aimed at sensitizing citizens not to discriminate against the Batwa. INTERNATIONAL INSTRUMENTS. Since the last UPR, Rwanda has invited Special Rapporteurs on Minorities, adequate housing and on Peaceful Assembly and Association. While this is commendable, we urge the Government to implement recommendations that arise from the Special rapporteurs' reports since they help in providing ideas on how the human rights situation can be improved. Law No 17/2013 of 25/03/2013 authorized the ratification of the Optional Protocol to the Convention against Torture (OP-CAT). Law No 18/2013 of 25/03/2013 authorized the ratification of the Optional Protocol of ICESCR; the International Convention from Enforced Disappearances is not yet implemented.

Recommendations:

- Urge the Government to invite more Special rapporteurs.
- Adopt and implement recommendation from the Special Rapporteurs reports.
- Urge the government to ratify all the protocols and establish national mechanisms that will help to implement them.
- Update domestic legislation to be in line with the provisions of the international treaties Rwanda is party to.
- Empower the the Ministry of Justice treaty body and reporting department with enough personnel and resources to monitor the implementation of ratified human rights treaties, collaborate with specific National institutions, NGOs and CSOs, ensure there are no overdue reports and that recommendations provided by specific mechanisms are implemented.

JUSTICE

Rwandan Human rights activists are still intimidated and are not protected by a law which is line with UN declaration on human rights defenders. The country still does not have a National Human Rights policy to orient and frame the human rights activities in Rwanda. Nevertheless, the action of sending General Jean Bosco Ntaganda to the International Criminal Court to stand trial for Crimes against Humanity is a good step but more efforts are needed to hold many more people responsible for human rights atrocities in the Great Lakes Region.

Recommendations:

- ★ Enact a National Human Rights Policy and National Action Plan to be developed through a consultative process involving the civil society and public.

(CLADHO) quitting their membership and faulting the State through the Rwanda Governance Board of interfering with CLADHO's management. The three organizations also accused government for bringing in a new Board, which they said had been elected without following the due process. The political sphere in Rwanda does not guarantee pluralism for all political parties and is hard for opposition political parties to operate. There is no clear distinction between the Government and Rwanda Political Front activities with officials serving both roles. There is still no open space for critical political dialogue especially for those in the opposition for they fear arrest. This forced some parties like the Green Party choosing to operate through the National Consultative Forum of Political Organizations to avoid harassment and intimidation. In July 2013, Parliament passed amendments to the law governing political parties and politicians (Organic Law No 10/2013 OL of 11/07/2013) that further limited political pluralism by giving the Rwanda Governance Board the power to register political parties. It also banned foreign funding to political organizations. Nevertheless, Article 27 of the organic law governing political organizations and politicians, of 27 June 2003, stipulates that political organisations and independent candidates who have obtained at least 5 percent of the electoral votes are eligible for government funding for their campaigns. Registration of political parties is cumbersome and lengthy especially for the opposition. Eleven political parties were registered in advance of the September 2013 parliamentary elections. The opposition Democratic Green Party (DGP) registered for the first time in August 2013 after a four-year effort, though it opted out of the September polls due to the limited timeframe it had left to campaign. Five of the remaining 10 parties were part of the RPF's ruling coalition.

Recommendations:

Rwanda government to fully implement recommendations that were suggested by the Special Rapporteur on Freedom of Assembly and Association during his January 2014 visit.

- Registration of INGOs to be made easier by removing condition of presenting evidence of funds to be used for five years.
- NGO law to be changed to remove mandatory contribution by NGOs to Joint Action Forum since the activities they carry out are for general good of areas of operation.
- Urge government to let the CSO platform to operate independently without its interference especially in the election of its leadership.
- Consider all political parties equal in obtaining funds from the Government whether they are in the Forum of Political Parties or not.
- Make the registration process of political parties to be easier.

Organic Law No 10/2013 OL of 11/07/2013 be revised so that any political organization or independent candidate taking part in the election receives funding in order to empower the small parties without resources.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

a) Food security, poverty and health Food security is not guaranteed with the Ministry of agriculture noting that 47 percent of Rwandans are still undernourished. However, the government has started various programmes to eradicate extreme poverty. This include one cow per family, land consolidation and green revolution policies, strengthening working in cooperatives, Ubudehe, access to financial credit, vision 2020 Umurenge among others. Houses are being constructed for vulnerable and marginalize people and an indicator is the building of new houses to replace the one that were thatched with grass

All Rwandans are supposed to have medical insurance but there is good number of people who do not have it since it is expensive. All Rwandans are encouraged to go for HIV/AIDS test so that if they are infected, they can access to ARV treatment on time. Pregnant women are given drugs to help them give birth to a child who is not infected. The Rwanda government has inaugurated the Malaria Strategic Plan, a public health campaign to be coordinated by the Rwanda Biomedical Centre geared at eradicating the disease and stopping malaria deaths in the country by 2018. Mosquito nets are distributed to all Rwandans to prevent malaria and well trained community Health workers across the country are equipped with test-kits they use daily to detect malaria in the community.

They also register people to receive free treated mosquito-nets with the Government saying 83percent of households own at least one long lasting net. However, there has been reported reduction of funds Channeled to the Country from stakeholders such as Global Fund for example, and this has had many consequences in health sector like the lack of drugs, reduction of personnel in health centers.

Recommendations:

- Encourage Rwandan government to take further efforts to ensure food security in the country since majority of its people are working in agricultural sector.
- Urge Rwanda government to establish an elaborate monitoring and evaluation system so that it can ensure poor families are the only ones that benefit from government's policies oriented to alleviate their living conditions.
- Donors to continue supporting Rwanda Government in its efforts to fight Malaria
- Government to continue distributing mosquitoes net that are treated with insecticide.
- Urge Government to reduce the cost of medical insurance per person so that health care is universal and poor people can afford treatment.

Urge Rwanda Government to ensure that money allocated to medical insurance of poor people is used for that purpose only and any cases of corruption are dealt with according to the law.

b) Education

The policy of education for all is implemented in Rwanda through the "Twelve Year Basic Education" system where even children from most vulnerable social groups are encouraged to go to school. Local leaders help in enforcing this policy. However, there are other charges that schools levy, making access to education to be expensive instead of being free. For example, a child who studies in primary at Kagugu School in Gasabo District has to pay 10,000 Rwf. No one is denied to study for not having paid that amount but they cannot know the exams' results unless they have paid the money. In nine and twelve years basic education, the children have to pay the special fee that is beyond 50,000 rwf but they are still required to bring other materials e.g. papers, scraper etc to school. The One Lap Top per Child programme is ongoing in public schools and private ones that have integrated this programme with the parents' contributions. The role played by international community especially donors is crucial for they finance various national programmes especially those in line with the Millennium Development Goals.

Recommendations:

- The Government has to ensure that the policy of universal education go in hand with the promotion of quality of education by for example reducing the number of pupils per room.
- Urge the Rwanda Government to invest more in education by increasing the salary of teachers so that the special fee paid by parents should be reduced. It should be better that special fee is scrapped so that primary education is really be free.

c) Minorities

The Government has established a policy for the integration of the historically marginalized and vulnerable people especially the Batwa who are also represented in parliament. The government has also started programmes aimed at economically empowering the Batwa for example the one cow per family, construction of shelters to vulnerable people, Umurenge among others. Despite this, it is not clear the benefit the Batwa get from direct representation in Parliament. The community still needs special care for they are in extreme poverty, do not own land and their education levels are very low.