

Rwanda

Country:

Rwanda

Year:

2016

Freedom Status:

Not Free

Political Rights:

6

Civil Liberties:

6

Aggregate Score:

24

Freedom Rating:

6.0

Overview:

In December 2015, a slate of constitutional amendments that, among other provisions, would allow current president Paul Kagame to run for three additional terms was approved in a constitutional referendum. Parliament had passed the amendments in the fall, citing overwhelming public support for the proposal and 3.7 million signatures calling for Kagame to stay in office, although reports circulated of citizens being pressured to sign the petition. The referendum was able to proceed after the Supreme Court dismissed a lawsuit brought by the opposition Democratic Green Party (DGPR) in October.

Beginning in spring 2015, Rwanda accepted more than 70,000 refugees fleeing an electoral crisis and subsequent unrest in Burundi. A December 2015 report by Refugees International cited evidence that Burundian refugees in Rwanda had been recruited by Burundian and Rwandan nationals to join nonstate armed groups operating in Burundi, and that the recruitment may have occurred with the knowledge or participation of Rwandan officials. The Rwandan government denied that recruitment was occurring in its refugee camps.

Trend Arrow:

↓

Political Rights and Civil Liberties:

Political Rights: 8 / 40 (-1) [Key]

A. Electoral Process: 2 / 12

Rwanda's 2003 constitution, which marked the end of a transition from the nation's postgenocide political period, grants broad powers to the president, who has the authority to appoint the prime minister and dissolve the bicameral Parliament. The amendments passed in 2015 retained two-term limits for the presidency and shortened terms from seven to five years. They also explicitly state, however, that the current president is eligible for a seven-year term following his current term, after which he may run for two five-year terms.

The 26-seat Senate, the upper house, consists of 12 members elected by regional councils, 8 appointed by the president, 4 chosen by a forum of political parties, and 2 elected representatives of universities, all serving eight-year terms. The 80-seat Chamber of Deputies, the lower house, includes 53 directly elected members, 24 women chosen by local councils, 2 members from the National Youth Council, and 1 member from the Federation of Associations of the Disabled, all serving five-year terms. Parliament generally lacks independence, merely endorsing presidential initiatives. The 2003 constitution requires women to occupy at least 30 percent of the seats in each chamber of Parliament.

The 2010 presidential election was regarded as administratively acceptable. With no serious challengers, Kagame won reelection with 93 percent of the vote. In parliamentary elections in 2013, the coalition led by the ruling Rwandan Patriotic Front (RPF) took more than 76 percent of the vote and 40 out of 53 elected seats in the lower house. Independent observers found the elections to be peaceful, free, and fair, though an African Union observer mission noted that the ballot-counting process was not fully transparent at some polling stations. East African Community observers noted an absence of opposition agents at most polling stations, increasing the election's susceptibility to manipulation, but did not observe any abnormalities.

According to Parliament, the petition initiating the 2015 constitutional changes was signed by more than 70 percent of the electoral rolls; legislators conducting a national consultation on the issue identified only "about ten" individuals opposed to the proposal. Rights groups and news organizations cited reports that some signatures on the petition were not given voluntarily. Following the Supreme Court's dismissal of the DGPR's challenge to the amendments, the referendum passed in December 2015, with 98 percent of voters endorsing the amendments, according to the National Electoral Commission. The government limited the political activities of groups opposed to the amendments and the referendum was not monitored by any independent international observer groups.

B. Political Pluralism and Participation: 1 / 16 (-1)

The constitution permits political parties to exist but under strict controls, and its emphasis on "national unity" effectively limits political pluralism. Parties closely identified with the 1994 genocide are banned, as are parties based on ethnicity or religion. Though the RPF is still dominated by Tutsis, these restrictions have been used to ban other political parties that might challenge the RPF.

Parliament authorized the Rwanda Governance Board to register political parties in 2013, while also banning foreign funding to political organizations. In advance of the 2013 parliamentary elections, 11 political parties were registered, five of which were part of the RPF's ruling coalition. In the run-up to the 2010 presidential poll, the government prevented new political parties from registering and arrested the leaders of several existing parties, effectively preventing them from fielding candidates. Victoire Ingabiré Umuhoya, the leader of the United Democratic Forces–Inkingi (FDU–Inkingi) and one of Kagame's strongest challengers, was arrested twice in 2010, including before the election, and convicted in 2012 of engaging in terrorist activities. She received an increased prison sentence from the Supreme Court in 2013 upon appeal, a move that critics have seen as politically motivated. In 2014, the African Union's African Court of People's and Human Rights agreed to hear Umuhoya's case on appeal of the increased sentence. Umuhoya is currently in prison.

In 2013, Frank Habineza, the founder and chairman of the DGPR, alleged that the government was plotting to replace him with someone more closely aligned with the RPF. A similar tactic against the opposition Social Party–Imberakuri was reported in 2010.

Opposition critics residing outside of Rwanda have also been increasingly threatened, attacked, forcibly disappeared, or killed. Former members of the Rwandan security forces living in exile have gone missing in previous years, while others have been targeted for assassination. In 2014, Patrick Karegeya, the former head of external intelligence services and a public figure known for criticism of Kagame's government, was found dead in South Africa. To date, no arrests have been made.

The passage of the 2015 constitutional changes was evidence of the RPF's complete domination of the political arena.

Although the constitution calls on the president to ensure "representation of historically marginalized communities" in the Senate through his appointees, claiming ethnic identity in politics is banned, so representation is undocumented.

C. Functioning of Government: 5 / 12

Government countermeasures have helped limit corruption, but graft remains a problem. Rwanda was ranked 44 out of 168 countries and territories surveyed in Transparency International's 2015 Corruption Perceptions Index, one of the best scores of any African country. However, few independent organizations and media outlets investigate or report on corruption issues out of fear of government reprisals. In 2013, Gustave Makonene, an anticorruption campaigner working for Transparency International Rwanda, was found murdered in northwestern Rwanda. In January 2015, two police corporals were convicted and sentenced to 20 years in jail for killing Makonene because he had information on their smuggling operation. Transparency International Rwanda decried the relatively short sentence, which the presiding judge said was justified because the men had confessed to the crime and cooperated with authorities.

A 2013 law provides comprehensive access to information, but implementation has been weak. In February 2015, Rwandan nongovernmental organizations (NGOs) working with the Office of the Ombudsman launched a web portal called Sobanukirwa to make the process of requesting access to government documents easier. The portal was used to make 75 requests in 2015, of which 10 were successful or partially successful, 3 were unsuccessful, and 62 remained unresolved at year's end.

Civil Liberties: 16 / 40

D. Freedom of Expression and Belief: 4 / 16

The government imposes legal restrictions and informal controls on freedoms of the press and expression. A 2013 media law, at first lauded for expanding the rights of journalists and recognizing freedom for online communications, threatened to limit press freedom, including through the creation of a government body with the power to set conditions for both local and foreign media outlets to operate. More often, journalists are tried on other charges. In February 2015, journalist Cassien Ntamuhanga, the director of a Christian radio station, was convicted on charges related to a conspiracy to overthrow the government alongside singer Kizito Mihigo. Ntamuhanga was sentenced to 25 years in prison and Mihigo to 10; a third codefendant received a 30-year sentence and a fourth was acquitted. The prosecution had reportedly introduced private electronic communications as evidence in the trial.

In May 2015, the regulatory authority made permanent a 2014 suspension of the BBC Kinyarwanda language service. The service had broadcast a television documentary about the 1994 genocide that argues that the number of Hutus killed was higher than the Rwandan government recognizes. After the original suspension, the Rwanda Media Commission, a self-regulatory body, declared the suspension illegal. This prompted a wave of intimidation attacks against the body and its president, who resigned and left Rwanda in May 2015. Rwanda's repressive media environment has led many journalists to work in exile.

The government has increasingly censored online content in recent years. In 2014 and 2015, a number of independent online news outlets and opposition blogs were intermittently inaccessible.

Religious freedom is generally respected. Relations between religious leaders and the government are sometimes tense, in part because of the involvement of clergy in the 1994 genocide.

Fear among teachers and students of being labeled "divisionist" restrains academic freedom. Numerous students and teachers were expelled or dismissed without due process following parliamentary commission reports on divisionism from 2004 and 2008.

The space for free and private discussion remained constrained in 2015 amid indications that the government monitors e-mail and other private communications. The Law Relating to the Interception of Communications, enacted in 2013, authorizes high-ranking security officials to monitor e-mail and telephone conversations of individuals considered potential threats to what the government considers public security. Social media is thought to be monitored, and the law allows for government hacking of telecommunications networks.

E. Associational and Organizational Rights: 2 / 12

Although the constitution codifies freedoms of assembly and association, these rights are limited in practice. Fear of arrest often leads individuals and organizations to refrain from exercising their right to peaceful assembly. Registration and reporting requirements for both domestic and foreign NGOs are lengthy and onerous, and activities that the government defines as divisive are prohibited. Several organizations have been banned in recent years, leading others to self-censor, though civil society organizations that do not focus on democracy or human rights are able to function without direct government interference. The government has been accused of employing infiltration tactics against human rights organizations similar to those used against opposition political parties.

The constitution provides for the rights to form trade unions, engage in collective bargaining, and strike. Public workers are not allowed to unionize, and employees of the many "essential services" are not allowed to strike.

F. Rule of Law: 3 / 16

Recent improvements in the judicial system include an increased presence of defense lawyers at trials, better training for court staff, and revisions to the legal code. However, the judiciary has yet to secure full independence from the executive. The DGPR alleged that government pressure led several lawyers to withdraw from representing it in the party's challenge to the 2015 constitutional amendments. Individuals and NGOs have been allowed to take cases before the African Court on Human and People's Rights since 2013.

Community-based *gacaca* courts completed their prosecution in 2012 of people involved in the genocide. The International Criminal Tribunal for Rwanda (ICTR) formally ended its operations in

December 2015, after indicting 93 individuals, of whom it sentenced 61 and acquitted 14.

Police officers sometimes use excessive force, and local officials periodically ignore due process. The construction of new prisons during the past decade has improved prison conditions, even as the gacaca trials increased the inmate population. Alleged dissidents have been increasingly subject to unlawful imprisonment, torture, and ill-treatment in secret military detention centers. A September 2015 Human Rights Watch (HRW) report accused the Rwandan government of illegally detaining people from the streets of Kigali—including sex workers, street children, homeless people, and suspected petty criminals—at the Gikondo Transit Center in the Kigali suburbs, where the report said numerous human rights abuses occurred.

In 2014, more than a dozen Rwandans had reportedly gone missing or were forcibly disappeared, with many indications of involvement by state agents, according to HRW. In 2015, the U.S. State Department reported no instances of political disappearances.

Equal treatment for all citizens under the law is guaranteed, and legal protections are in place against discrimination. However, the Tutsi minority group is often accused of receiving preferential treatment for high-ranking jobs and university scholarships under the pretext of an affirmative action program for “genocide survivors.” Additional preferences are afforded to those who returned from exile communities, particularly in Uganda.

Same-sex sexual activity is not criminalized in Rwanda, though social stigma still exists for sexual minorities. No laws specifically provide protection against discrimination based on sexual orientation.

G. Personal Autonomy and Individual Rights: 7 / 16

A national identity card, which is easily attainable, is required to move within the country. All government officials must be approved by the president or prime minister’s office before traveling for personal or professional reasons. There are no restrictions on property rights, freedom of travel, or choice of employment, residence, or institution of higher education, although Hutus often face unofficial discrimination when seeking public employment or government scholarships.

Rwanda was ranked 62 out of 189 countries in the World Bank’s 2016 *Doing Business* report, placing second in sub-Saharan Africa. The country ranked third in sub-Saharan Africa, and 58 out of 140 economies, in the World Economic Forum’s Global Competitiveness Report 2015–2016, indicating relatively well-functioning institutions and a low level of direct government control over the economy.

Women currently fill 10 of the 26 Senate seats and 51 of the 80 seats in the Chamber of Deputies. De facto discrimination against women continues. Domestic violence is illegal but remains widespread.

Most human trafficking in Rwanda is of children forced into domestic service. The government makes some efforts to combat it, but officials have also been complicit in trafficking crimes.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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