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Freedom House

Freedom in the World 2019 - Rwanda

Not Free

23 /100

Overview:

The Rwandan Patriotic Front (RPF), led by President Paul Kagame, has ruled the country since 1994, when it ousted forces responsible for that year's genocide and ended a civil war. While the regime has maintained stability and economic growth, it has also suppressed political dissent through pervasive surveillance, intimidation, and suspected assassinations.

Key Developments:

Key Developments in 2018:

- In September, two opposition candidates from the Democratic Green Party of Rwanda (DGPR) won seats in Rwanda's parliamentary elections for the first time, though President Kagame and the RPF maintained firm control of Parliament in an electoral process that did not adhere to democratic standards.
- Beginning in February, the government closed thousands of mostly Pentecostal churches and dozens of mosques as it strengthened its control over religious organizations.
- Pressure on opposition leaders eased slightly in 2018, as President Kagame ordered the release of 2010 presidential candidate Victoire Ingabire in September, along with over 2,000 other prisoners. In December, the high court acquitted 2017 opposition presidential candidate Diane Rwigara and her mother on charges that included forgery and inciting insurrection.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 9 / 40 (+1)

A. ELECTORAL PROCESS: 2 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

Rwanda's 2003 constitution grants broad powers to the president, who has the authority to appoint the prime minister and dissolve the bicameral Parliament. Amendments passed in 2015 retained a two-term limit for the presidency and shortened the terms from seven to five years. The changes also explicitly stated, however, that the current president—Paul Kagame—was eligible for one additional seven-year term, after which he may run for two of the new five-year terms, which would extend Kagame's rule until 2034.

Kagame easily won the 2017 presidential election, taking 98.8 percent of the vote, according to official results. Frank Habineza of the DGPR and the independent Philippe Mpayimana split the remainder. The electoral process was marred by numerous irregularities, including political intimidation, unfair registration practices, and alleged fraud during the balloting itself.

The National Electoral Commission (NEC) blocked the candidacies of other would-be challengers, including independent and Kagame critic Diane Rwigara, who was barred from running on the grounds that some of the required signatures she had collected were invalid. She claimed that her followers were harassed and jailed as they attempted to gather signatures. The government also orchestrated a campaign of media smears and intimidation against Rwigara, and she was subsequently arrested along with her mother and sister.

Local authorities impeded the electoral campaigns of opposition presidential candidates, and some citizens were coerced into attending RPF rallies and voting for Kagame. Rwandans were also made to attend "solidarity" camps and listen to RPF propaganda, while local authorities tasked traditional leaders with persuading their communities to vote for Kagame. Access to the media and the content of electoral coverage were both skewed in favor of the RPF.

On election day, observers reported ballot stuffing, poll workers showing favoritism toward the ruling party, and denial of access to the vote-counting process, among other violations. Ballot secrecy was not always respected.

A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4

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.

The RPF dominated the Chamber of Deputies elections held in September 2018, capturing 40 of the 53 elected seats. The DGPR gained two seats, marking the first time a genuine opposition party has won representation in Parliament. Three other parties allied with the RPF—the Social Democratic Party, the Liberal Party, and the Social

Party—won five, four, and two seats respectively. As with other elections in recent years, the government's repression of legitimate opposition parties and strict control of the media helped to ensure an overwhelming victory for the RPF.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

The electoral laws are not impartially implemented by the NEC, whose members are proposed by the government and appointed by the RFP-dominated Senate. Elections in Rwanda routinely feature unfair barriers to registration, campaigning, poll monitoring, and media access for opposition parties and candidates, among other problems.

The 2015 constitutional amendments were adopted through a flawed petition and referendum process. Rights groups and news organizations cited reports that some signatures on the petition were not given voluntarily. The details of the amendments were not widely distributed or discussed ahead of the December 2015 referendum, in which 98 percent of voters signaled their approval, according to the NEC. 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: 2 / 16 (+1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4 (+1)

The government-controlled Rwanda Governance Board (RGB) is responsible for registering political parties. In practice it can deny registration at its discretion without proper justification. The government has a long history of repressing its political opponents. For example, Diane Rwigara was arrested and imprisoned in 2017, along with her mother and sister, on charges that included forgery of signatures to support her candidacy, tax evasion, and inciting insurrection.

In 2018, however, repression of opposition figures eased slightly. In September, President Kagame ordered the release of 2,140 prisoners, including Victoire Ingabire, 2010 presidential candidate for the unregistered United Democratic Forces-Inkingi (FDU-Inkingi), who had been serving a 15-year prison sentence for engaging in terrorist activities. In October, a high court judge released Rwigara and her mother on bail, and they were subsequently acquitted in December. Some observers claimed that the moves signaled a potential democratic opening, although many analysts believe the prisoner releases were a strategic concession to ensure the appointment of Rwanda's foreign minister, Louise Mushikiwabo, as secretary-general of the International Organization of the Francophonie (OIF). Mushikiwabo's nomination had received pushback due to Rwanda's poor human rights record, but she was confirmed as head of the OIF in October. After Ingabire gave an interview in which she claimed not to have sought clemency while imprisoned, Kagame threatened to reimprison her and other recently released dissidents on the floor of Parliament in September.

The two seats won by the DGPR in the September parliamentary elections marked the first time a legitimate opposition party would be represented in Parliament, and therefore reflected a small yet consequential improvement in the ability of opposition parties to function effectively.

Score Change: The score improved from 0 to 1 because restrictions on opposition parties eased enough to enable the Democratic Green Party of Rwanda to win two seats in Parliament, the first time a genuine opposition party has won representation; also, repression of opposition leaders reduced slightly with the release of former presidential candidates Victoire Ingabire and Diane Rwigara from prison.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

The RPF has ruled Rwanda without interruption since 1994, banning and repressing any opposition group that could mount a serious challenge to its leadership. All registered parties currently belong to the National Consultative Forum for Political Organizations, which is meant to promote political consensus. Despite the two seats in Parliament won by the DGPR in 2018, the RPF maintains a firm hold on power. The DGPR remains vastly outnumbered, holds no other positions of authority, and is unlikely to increase its support to the point where it can seriously challenge the RPF in the near future.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 0 / 4

Both voters and candidates face significant intimidation aimed at controlling their political choices. Even Rwandans living outside the country have been threatened, attacked, forcibly disappeared, or killed, apparently in response to their public or suspected opposition to the regime.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Although the constitution calls on the president to ensure "representation of historically marginalized communities" in the Senate through his appointees, asserting one's ethnic identity in politics is banned, meaning the level of representation is unclear. The prohibition on discussion of ethnicity makes it nearly impossible for disadvantaged groups, including the indigenous Twa, to organize independently and advocate for their interests.

The 2003 constitution requires women to occupy at least 30 percent of the seats in each chamber of Parliament. They currently hold 10 of the 26 Senate seats and 49 of the 80 seats in the Chamber of Deputies, but women have little practical ability to engage in politics outside the RPF structure.

C. FUNCTIONING OF GOVERNMENT: 5 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4

Government policy is largely set and implemented by the executive, with the security and intelligence services playing a powerful role. Parliament generally lacks independence, merely endorsing presidential initiatives.

C2. Are safeguards against official corruption strong and effective? 2 / 4

The government takes some measures to limit corruption, including regular firings and prosecutions of low-level officials suspected of malfeasance. In August 2018, for example, President Kagame sacked at least two dozen civil servants in the Ministry of Health for fraud and mismanagement. According to the *EastAfrican*, there were 289 corruption convictions between June 2017 and June 2018, a significant increase from 121 convictions in 2016.

In June, Parliament passed revisions to the penal code which expanded the list of crimes considered corruption and increased penalties for those convicted. However, graft remains a problem, and few independent organizations or media outlets are able to investigate or report on corruption issues due to fear of government reprisals.

C3. Does the government operate with openness and transparency? 2 / 4

While a 2013 law provides for public access to government information, implementation has been weak. Data published on Sobanukirwa, a website created by the government to ease the process of requesting access to documents, suggest that only a small fraction of requests result in positive and timely responses.

CIVIL LIBERTIES: 14 / 60 (-1)

D. FREEDOM OF EXPRESSION AND BELIEF: 3 / 16 (-1)

D1. Are there free and independent media? 0 / 4

The government imposes legal restrictions and informal controls on freedom of the press, and most media outlets practice self-censorship. The few journalists in the country who engage in independent reporting are subject to criminal charges and intimidation. The penal code revisions passed in 2018 criminalized cartoons or writing that "humiliate" Rwandan leaders, but also decriminalized defamation, which the Rwanda Journalists Association (ARJ) considered an improvement to the highly restrictive legal framework.

Many Rwandan journalists have fled the country and work in exile. Due in part to this phenomenon, the government has increasingly blocked access to news services and websites based abroad. The BBC's Kinyarwanda-language service has been suspended in the country since 2014.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4 (-1)

Religious freedom has historically been respected, but the government took steps to assert greater control over religious institutions in 2018. Beginning in February, authorities shut down more than 8,000 mostly Pentecostal churches and dozens of mosques for allegedly failing to adhere to building safety standards. President Kagame complained publicly in March that Rwanda has too many churches, while in the same month, six Pentecostal pastors who had criticized the closures were arrested for holding "illegal meetings with bad intentions" and detained briefly. Also in March, the government banned mosques in Kigali from broadcasting the call to prayer over loudspeakers.

In July, Parliament passed a new law that further regulates religious organizations. The law requires religious leaders to have a theology degree before establishing churches, mandates that religious organizations report grants to the Rwanda Governance Board, and only allows donations to faith-based groups to be deposited in Rwandan banks.

Jehovah's Witnesses face arrest for refusing to participate in security duties or oath-taking involving the national flag.

Score Change: The score declined from 3 to 2 due to the government's efforts to assert control over religious institutions, including the closure of thousands of churches and dozens of mosques, and a new law passed by Parliament requiring religious leaders to have a theology degree before establishing churches, among other provisions.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

The government restricts academic freedom by enforcing official views on the genocide and other sensitive topics. Scholars and students are subject to suspension for "divisionism" and engage in self-censorship to avoid such penalties.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 0 / 4

The space for free private discussion is limited in part by indications that the government monitors personal communications. Social media are widely believed to be monitored, and the law allows for government hacking of telecommunications networks. The authorities reportedly use informants to infiltrate civil society, further discouraging citizens from expressing dissent.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 2 / 12

E1. Is there freedom of assembly? 0 / 4

Although the constitution guarantees freedom of assembly, this right is limited in practice. Fear of arrest serves as a deterrent to protests, and gatherings are sometimes disrupted even when organizers obtain official authorization. In February 2018, police fired live ammunition into two crowds of Congolese refugees in Karongi town and Kiziba refugee camp protesting cuts in assistance, killing at least 11 and injuring at least 20. At the end of the year, there had not yet been an investigation into the police's use of force during the demonstrations, but 65 protesters were arrested and charged with holding an illegal demonstration and violence against the police, among other allegations. Most of the protesters awaited trial at year's end.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

Registration and reporting requirements for both domestic and foreign nongovernmental organizations (NGOs) are onerous, and activities that the government defines as divisive are prohibited. Many organizations receive funds from the RGB, which challenges their independence. Several organizations have been banned in recent years, leading others to self-censor. The government has been accused of employing infiltration tactics against human rights organizations.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

The constitution provides for the rights to form trade unions, engage in collective bargaining, and strike, but free collective bargaining and strikes are limited by binding arbitration rules and rare in practice. Public workers and employees in broadly defined "essential services" are generally not allowed to strike. Enforcement of rules against antiunion discrimination is weak. The country's largest union confederation has close ties to the RPF, and the government allegedly interferes in union elections.

F. RULE OF LAW: 2 / 16

F1. Is there an independent judiciary? 0 / 4

The Rwandan judiciary lacks independence from the executive. Top judicial officials are appointed by the president and confirmed by the RPF-dominated Senate. Judges rarely rule against the government in politically sensitive cases.

F2. Does due process prevail in civil and criminal matters? 1 / 4

The police and military regularly engage in arbitrary arrests and detentions, targeting opposition figures and dissidents as well as homeless people, street vendors, and suspected petty criminals.

In 2017, Human Rights Watch (HRW) released a report detailing a system of secret unlawful detention at military facilities for suspected members of armed rebel groups or exiled opposition factions. Such detainees are allegedly denied basic due process rights, and many who are later brought to trial are convicted based on coerced confessions.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Both ordinary criminal suspects and political detainees are routinely subjected to torture and other ill-treatment in custody. Extrajudicial executions of suspected criminals by security personnel still occur with some frequency. In July 2018, the UN Subcommittee on Prevention of Torture cancelled its planned visit to Rwanda, citing lack of government cooperation.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Equal treatment for all citizens under the law is guaranteed, and there are legal protections 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." Members of the Hutu majority often face unofficial discrimination when seeking public employment or scholarships. The indigenous Twa minority continues to suffer from de facto disadvantages in education, employment, and health care.

While women enjoy broad legal equality and have a significant presence in the economy as workers and business owners, gender-based discrimination persists in practice. Same-sex sexual activity is not criminalized in Rwanda, though social stigma still exists for LGBT (lesbian, gay, bisexual, and transgender) people. No laws specifically provide protection against discrimination based on sexual orientation or gender identity.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 7 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

An easily attainable national identity card is required to move within the country. However, all government officials must receive approval from the president or prime minister's office before traveling for personal or professional reasons; some current and former security officials have been arrested for unauthorized travel. Members of opposition groups have also reported restrictions on foreign travel or reentry to Rwanda.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

While the government is generally supportive of economic growth through private business activity, it has been criticized for seizing land for infrastructure and development projects without proper compensation, and for imposing agricultural and land-consolidation policies without adequate input from farmers.

The law grants the same property and inheritance rights to men and women, though women are not always able to assert their rights in practice.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

The law generally grants equal rights to men and women regarding marriage and divorce, but informal marriages under customary law, including polygamous unions, lack such protections. The penalties for spousal rape are much lighter than for other forms of rape. Domestic violence remains widespread and seldom reported despite government programs to combat it.

Abortion is a criminal offense unless it is the result of rape, incest, or forced marriage, or the mother or child's life is endangered. Abortion convictions can lead to significant prison terms. The 2018 penal code revisions removed a requirement that a judge must approve all abortions, leaving the final decision in the hands of the patient and her doctor.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Regulations governing wage levels and conditions of work in the formal sector are poorly enforced. While Rwanda increased prosecutions for transnational trafficking in recent years, Rwandan children are trafficked internally for domestic service under abusive conditions, or for commercial sex work, and little effort is made to hold internal traffickers to account. Many children work informally in the agricultural sector. Young Congolese and Burundian refugees are vulnerable to sexual exploitation and coerced recruitment into armed groups linked to Rwandan security forces.

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