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2013 Scores

Status: Not Free
Freedom Rating: 6.0
Civil Liberties: 6
Political Rights: 6

Ratings Change

Rwanda's civil liberties rating declined from 5 to 6 due to numerous documented cases of unlawful detention, torture, and ill-treatment of civilians by military intelligence agents in secret locations.

Overview

The Rwandan Patriotic Front under President Paul Kagame continued to prosecute journalists and opposition politicians in 2012, with harsh sentences delivered in several cases. An October report by an international human rights group noted numerous instances of torture, ill-treatment, and enforced disappearances in secret detention centers at the hands of Rwanda's military intelligence between March 2010 and June 2012. Meanwhile, the community-based *gacaca* genocide courts officially completed their work in June.

Belgian colonial rule in Rwanda, which began after World War I, exacerbated tensions between the minority Tutsi ethnic group and the majority Hutu. A Hutu rebellion beginning in 1959 overthrew the Tutsi monarchy, and independence from Belgium followed in 1962. Hundreds of thousands of Tutsi were killed in recurring violence or fled the country over the subsequent decades. In 1990, the Tutsi-dominated Rwandan Patriotic Front (RPF) launched a guerrilla war from Uganda to force the Hutu regime, led by President Juvénal Habyarimana, to accept power sharing and the return of Tutsi refugees.

Habyarimana was killed when his plane was shot down near Kigali in April 1994. Hutu extremists immediately pursued the complete elimination of the Tutsi. During the genocide, which lasted approximately three and a half months, as many as one million Tutsi and moderate Hutu were killed. By July, however, the RPF had succeeded in taking control of Kigali and establishing an interim government of national unity.

The Hutu-dominated army and militia, along with as many as two million Hutu refugees, fled into neighboring countries, especially the Democratic Republic of Congo (DRC). These forces were able to retrain and rearm in the midst of international relief efforts to assist the refugees. The RPF responded by attacking refugee camps in the DRC in 1996. A 2010 UN report provided strong evidence of war crimes committed by RPF forces in incursions in the DRC from 1996 to 1997 and from 1998 to 2003, while a November 2012 UN report documented evidence of direct RPF support for the *Mouvement du 23 mars (M23)*, a new rebel group in the DRC seeking secession from Kinshasa.

Nearly three million refugees returned to Rwanda between 1996 and 1998 and were reintegrated into society. Security improved considerably after 1997, although isolated killings and disappearances continued. In 2000, President Pasteur Bizimungu, a moderate Hutu installed by the RPF, resigned and was replaced by Vice President Paul Kagame, a Tutsi.

Rwanda's extended postgenocide political transition officially ended in 2003 with a new constitution and national elections. The RPF's preeminent position – combined with a short campaign period, the RPF's ability to suppress opposition, and a pliant political culture traumatized by the effects of the genocide – ensured victory for Kagame in the presidential vote and for the RPF and its allies in subsequent parliamentary elections. The largest opposition party, the Hutu-based Democratic Republican Movement, was declared illegal before the elections for allegedly promoting ethnic hatred, as was a new party created by Bizimungu in 2001.

A series of four parliamentary commissions between 2003 and 2008 investigated allegations of "genocide ideology" and "divisionism" in domestic and international nongovernmental organizations (NGOs), opposition political parties, the media, and schools. These commissions equated criticism of the RPF-led government with denial of the genocide, and made accusations against numerous individuals and organizations without recourse to due process, driving a number of government critics into exile and pushing some NGOs and political parties to curtail their activities.

The RPF-led coalition handily won the 2008 parliamentary elections, taking 42 out of 53 elected seats in the lower house. Monitoring by a European Union observer team indicated that the actual RPF share of the vote was higher than reported, suggesting a manipulation of results to make the elections appear more democratic.

In advance of the August 2010 presidential poll, the government prevented new political parties from registering and arrested the leaders of several parties, effectively preventing them from fielding candidates. The most credible opposition candidate, Victoire Ingabire, the leader of the United Democratic Forces-Inkingi (FDU-Inkingi), was arrested and released in April on charges of denying the genocide and collaborating with a terrorist group. With no serious challengers on the ballot, Kagame won reelection with 93 percent of the vote.

Ingabire was arrested again in October 2010, accused of engaging in terrorist activities, while three members of FDU-Inkingi were given heavy fines in February 2011 for supporting "divisionism" by conspiring to participate in unauthorized demonstrations in June 2010. Also in February, Bernard Ntaganda of the Social Party-Imberakuri was sentenced to four years in prison for threatening state security and fomenting "divisionism" in his 2010 election campaign speeches, as well as for planning unauthorized demonstrations. The Supreme Court upheld these charges against Ntaganda in April 2012. Ingabire's trial, which began in September 2011, ended in October 2012 with an eight-year prison sentence for conspiring to harm the country through terrorist activities and minimizing the 1994 genocide.

The community-based *gacaca* courts officially completed their work in June 2012 after prosecuting hundreds of thousands of people accused of being involved in the genocide. Meanwhile, the national criminal court system continued to try special cases of those accused of

more serious crimes related to the genocide, including those transferred from the International Criminal Tribunal for Rwanda (ICTR). By the end of 2012, the ICTR had completed cases against 72 individuals, with 1 trial ongoing and 16 on appeal; it aims to complete its work by the end of 2014. In February 2012, an international crimes chamber was created within Rwanda's High Court to prosecute extradited suspects.

Political Rights and Civil Liberties

Rwanda is not an electoral democracy. International observers noted that the 2010 presidential and 2008 parliamentary elections, while administratively acceptable, presented Rwandans with only a limited degree of political choice. The 2003 constitution grants broad powers to the president, who can serve up to two seven-year terms and has the authority to appoint the prime minister and dissolve the bicameral Parliament. The 26-seat upper house, the Senate, consists of 12 members elected by regional councils, 8 appointed by the president, 4 chosen by a forum of political parties, and 2 representatives of universities, all serving eight-year terms. The Chamber of Deputies, or lower house, includes 53 directly elected members, 24 women chosen by local councils, 2 from the National Youth Council, and 1 from the Federation of Associations of the Disabled; all serve five-year terms. Parliament generally lacks independence, merely endorsing government initiatives. However, parliamentary committees have begun to question ministers and other executive branch officers more energetically, and some of these deliberations are reported in the local press.

The constitution officially permits political parties to exist, but only under strict controls. The charter's emphasis on "national unity" effectively limits political pluralism. The RPF dominates the political arena, and parties closely identified with the 1994 genocide are banned, as are parties based on ethnicity or religion. These restrictions have been used to ban other political parties that might pose a challenge to RPF rule. The constitutionally mandated Political Party Forum vets proposed policies and draft legislation before they are introduced in Parliament. All parties must belong to the forum, which operates on the principle of consensus, though in practice the RPF guides its deliberations.

Government countermeasures have helped limit corruption, though graft remains a problem. In recent years, a number of senior government officials have been fired and faced prosecution for alleged corruption, embezzlement, and abuse of power. Government institutions focused on combating corruption include the Office of the Ombudsman, the auditor general, and the National Tender Board. Rwanda was ranked 50 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index.

The RPF has imposed various legal restrictions and informal controls on the media, and press freedom groups have accused the government of intimidating independent journalists. In February 2011, *Umurabyo* newspaper journalists Agnès Uwimana Nkusi and Saïdati Mukakibibi were sentenced to 17 and 7 years, respectively, for denying the genocide, inciting civil disobedience, and defaming public officials based on a 2009 article criticizing President Paul Kagame. Nkusi and Mukakibibi appealed their case in January 2012, and in April, the Supreme Court reduced their sentences to four and three years, respectively. In July, Idriss Gasana Byiringiro, a reporter for the private weekly *Chronicles*, was detained for 30 days shortly after he submitted a police request to investigate an incident of state security agents interrogating him about his reporting and confiscating his telephone and laptop. In November, the editor of the Kinyarwanda-language paper *Umusingi*, Stanley Gatera, was fined and sentenced to one year in prison for gender discrimination and inciting "divisionism" in a June opinion piece.

Rwanda's repressive media environment has led many journalists to flee the country and work in exile. In November 2011, Charles Ingabire, editor of the Uganda-based online publication *Inyenyeri News* and an outspoken critic of the Kagame regime who had fled Rwanda in 2007 due to threats, was shot dead in Uganda. His murder remained unsolved at the end of 2012. There are

increasing indications that e-mail and other private communications are being monitored. In August 2012, the lower house adopted a constitutional amendment expanding the surveillance and interception capabilities of security authorities.

Religious freedom is generally respected, though 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. Following the 2004 and 2008 parliamentary commission reports on "divisionism," numerous students and teachers were expelled or dismissed without due process. The crackdown ahead of the 2010 presidential election that severely stifled general free discussion – with the Department of Military Intelligence closely monitoring the population – did not ease in 2012.

Although the constitution codifies freedoms of assembly and association, these rights are limited in practice. Some NGOs cite registration and reporting procedures as excessively onerous, and activities that the government defines as "divisive" are prohibited. Several organizations have been banned in recent years, leading others to refrain from criticizing the RPF. In August 2011, leaders of the League for Human Rights in the Great Lakes Region, one of the remaining independent human rights groups in Rwanda, were detained and prevented from traveling. However, most civil society organizations that are not focused on sensitive subjects, such as democracy and human rights, function without direct government interference.

The constitution provides for the rights to form trade unions, engage in collective bargaining, and strike. However, public workers are not allowed to unionize, and employees of the many "essential services" are not allowed to strike. The International Trade Union Confederation reported that although a 2009 labor code improved workers' rights, the government continues to pressure unions in indirect ways.

Recent improvements in the judicial system include an increased presence of defense lawyers at trials, improved training for court staff, and revisions to the legal code, but the judiciary has yet to secure full independence from the executive. The gacaca courts faced criticism from legal experts over their failure to address genocide-era crimes allegedly committed by the RPF, and because they routinely tried politically motivated cases. Individual police officers sometimes use excessive force, and local officials periodically ignore due process protections. The construction of new prisons during the past decade has improved prison conditions, even as the gacaca trials increased the prison population. Nevertheless, an October 2012 report by Amnesty International documented 45 cases of unlawful imprisonment and 18 cases of torture and ill-treatment in secret military detention centers between March 2010 and June 2012.

Equal treatment for all citizens under the law is guaranteed, and legal protections against discrimination have increased in recent years. A national identity card is required when Rwandans wish to move within the country, but these are issued regularly and no longer indicate ethnicity.

The 2003 constitution requires women to occupy at least 30 percent of the seats in each chamber of Parliament; women currently fill 10 of the 26 Senate seats. Legislation has strengthened women's rights to inherit land. However, de facto discrimination against women continues. Domestic violence is illegal, but remains widespread.

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