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Country Report on Human Rights Practices 2017 - Rwanda

The constitution provides for freedom of expression, including for the press “in conditions prescribed by the law,” but the government severely restricted this right. Journalists reported government officials questioned, threatened, and at times arrested journalists who expressed views deemed critical of the government on sensitive topics.

The Rwanda Media Commission (RMC), a self-regulatory body, sometimes intervened on journalists’ behalf. Some journalists reported the RMC lost its independence following the 2015 ouster and subsequent exile of its elected chairperson Fred Muvunyi and stated the election of the RMC’s board in December 2016 violated the organization’s bylaws that require a majority of the organization’s members to be present for the election of leadership. Journalists reported all positions on the RMC board were filled in close consultation with the government.

Freedom of Expression: There were no official restrictions on individuals’ right to criticize the government publicly or privately on policy implementation and other issues, but broad interpretation of provisions in the penal code had a chilling effect on such criticism. The government generally did not tolerate criticism of the presidency and government policy on security, human rights, and other matters deemed sensitive. For example, in January independent journalist Robert Mugabe reported being summoned by police for questioning on a daily basis during the course of two weeks; he also tweeted that he was accused of committing treason and threatening state security in the wake of his critical coverage of the government’s annual National Dialogue in December 2016. Mugabe was not charged with a crime and was not formally detained.

Laws prohibiting divisionism, genocide ideology, and genocide denial discouraged citizens from expressing viewpoints some might construe as promoting societal divisions. The law prohibits the propagation of ideas based on “ethnic, regional, racial, religious, language, or other divisive characteristics.” Conviction of public incitement to “genocide ideology” or “divisionism,” including discrimination and sectarianism, is punishable by five to nine years’ imprisonment and fines of 100,000 to one million Rwandan francs (\$118 to \$1,183). Authorities applied the laws broadly, including to silence political dissent and to shut down investigative journalism. Authorities also broadly applied a provision in the penal code criminalizing “knowingly spreading rumors to excite the population against the established government,” for which conviction is punishable by 10 to 15 years’ imprisonment.

The 2012 penal code expanded former provisions that prohibited the display of contempt for the head of state or other high-level public officials to include administrative authorities or other public servants, with sentences for conviction of one to two years’ imprisonment and fines of 50,000 to 500,000 Rwandan francs (\$59 to \$592). The penal code also made penalties more severe, including life in prison for conviction of acts committed during wartime. Defamation of foreign and international officials and dignitaries is illegal, with sentences if convicted of one to three years’ imprisonment.

In 2013 a revised genocide ideology law was signed into law that introduced international definitions

for genocide and narrowed the scope of what constitutes “genocide ideology” and related offenses to a more specific range of actions and statements. Specifically, the law states that “genocidal ideology” must be clearly linked to specific acts or statements, rather than the broader “aggregate of thoughts” standard defined in the 2008 law. Nevertheless, authorities applied the statute broadly, and there were numerous reports of its use to silence persons critical of government policy.

The government investigated and prosecuted individuals accused of threatening or harming genocide survivors and witnesses or of espousing genocide ideology, defined by law as dehumanizing an individual or a group with the same characteristics by threatening, intimidating, defaming, inciting hatred, denying the genocide, taking revenge, altering testimony or evidence, killing, planning to kill, or attempting to kill someone.

In mid-April the RNP reported 24 arrests for spreading genocide ideology during the first two weeks of April.

Press and Media Freedom: Vendors sold both private and government-owned newspapers published in English, French, and Kinyarwanda. According to the Rwanda Governance Board (RGB), there were 40 newspapers, journals, and other publications registered with the government, although fewer than 10 published regularly. Sporadically published independent newspapers maintained positions in support of or critical of the government but a lack of advertisement revenue and funds remained serious challenges to continuing operations. There were 36 radio stations (six government-owned and 30 independent) and more than 16 television stations, according to the RGB. Independent media reported a difficult operating environment and highlighted the reluctance of the business community to advertise on radio stations that might be critical of the government, leading several media outlets to close during the year.

A set of five media laws passed in 2013 provide for greater press freedoms but had no discernable effect on those freedoms. Media professionals reported government officials sought to influence reporting and warned journalists against reporting information deemed sensitive or critical of the government. The RGB’s 2016 Media Barometer gave the government high marks for establishing a regulatory environment conducive to freedom of expression and democratic discourse. Civil society groups criticized RGB’s finding, noting that by the government’s own admission under the UN Human Rights Council-led *Universal Periodic Review*, certain provisions in the law undermine freedom of expression.

The law provides journalists the freedom to investigate, express opinions, and “seek, receive, give, and broadcast information and ideas through any media.” The law explicitly prohibits censorship of information, but censorship occurred. The laws restrict these freedoms if journalists “jeopardize the general public order and good morals, an individual’s right to honor and reputation in the public eye and to the right to inviolability of a person’s private life and family.” By law authorities may seize journalists’ material and information if a “media offense” occurs but only under a court order. In practice journalists reported that authorities often seized journalists’ material and equipment without a court order. Courts may compel journalists to reveal confidential sources in the event of an investigation or criminal proceeding. Persons wanting to start a media outlet must apply with the “competent public organ.” All media rights and prohibitions apply to persons writing for websites.

Violence and Harassment: There were reports police and the SSF at times detained and harassed journalists. On September 1, several independent journalists reported harassment by police and the Republican Guard outside the Rwigara residence, an incident RNP spokesperson Theos Badege dismissed as “a case of mistaken identity and miscommunication.”

In January owner and editor of the newspaper *Rwanda Focus*, Shyaka Kanuma, published a social media post alleging that he was summoned for questioning by NISS. Within days Kanuma's social media accounts were suspended, and he was charged with fraud and tax evasion. In December, Kanuma was released after completing a one-year sentence.

Several journalists who fled in prior years remained outside the country, including former RMC chairman Fred Muvunyi, who went into self-exile in 2016 after arguing against the government's 2014 suspension of the BBC's Kinyarwanda service following the broadcast of a BBC documentary that was controversial in the country.

Censorship or Content Restrictions: The law allows the government to restrict access to some government documents and information, including information on individual privacy and information or statements deemed to constitute defamation. Journalists reported that editorial boards for major print and broadcast media companies censored information deemed critical of the RPF or government policies. During the presidential campaign, independent candidates reported that radio stations refused to accept their paid advertisements due to fear of retaliation by the government.

Radio stations broadcast some criticism of government policies, including on popular citizen call-in shows; however, criticism tended to focus on provincial leaders and local implementation of policies rather than on the president or ruling party leadership. Journalists reported self-censorship and were careful to distance themselves from opinions expressed by call-in guests that could be deemed controversial. Some radio stations, including Radio 1, Radio Isango Star, and Radio Salus, had regular call-in shows that featured discussion of government programs or policies. The Rwanda Broadcasting Agency organized the country's first-ever presidential debate, which was broadcast live on national radio and television. Only one candidate attended, however, while the others were instead represented by a member of their party.

Libel/Slander Laws: Conviction of defamation (libel and slander) is a criminal offense punishable by fines and imprisonment. There were no reports of slander and libel laws being used to suppress freedom of speech or the publication of material that criticized government policies or government officials.

National Security: Under the 2013 media laws, journalists must refrain from reporting items that violate “confidentiality in the national security and national integrity” and “confidentiality of judicial proceedings, parliamentary sessions, and cabinet deliberations in camera.” Authorities invoked these laws to arrest and intimidate journalists covering politically sensitive topics and matters under government investigation.

Internet Freedom

The media law includes the right of all citizens to “receive, disseminate, or send information through the internet,” including the right to start and maintain a website. All provisions of the media laws apply to web-based publications. Restrictions such as website blocking remained in place, however. There were numerous reports the government monitored email and internet chat rooms. Individuals and groups could engage in the peaceful expression of views online, including by email and social media, but were subject to monitoring. As in the previous year, there were no confirmed reports monitoring led to detention or interrogation of individuals by the SSF. According to the International Telecommunication Union, 22 percent of the population used the internet in 2016.

Government-run social media accounts were used to debate and at times intimidate individuals who

posted online comments considered critical of the government.

The government blocked access within the country to several websites critical of its policies. Such sites included websites of the Rwandan diaspora such as *Umuwugizi* and *Le Profete* and online newspapers such as *Ireme.com* as well as the news blogs of some independent journalists living in Rwanda.

Academic Freedom and Cultural Events

The government generally did not restrict academic freedom or cultural events, but because academic officials frequently suspended outspoken secondary and university students for divisionism or engaging in genocide ideology, students and professors practiced self-censorship. Local think tanks deferred to government officials in selecting subjects for research, and authorities often prevented the publication of studies that cast the government in a negative light. The government requires visiting academics to receive official permission to conduct research; academics reported occasional harassment and denial of permission to conduct research on political issues, child labor, refugees, human rights problems, or the genocide.

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