

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	160
Land:	Rwanda
Kilde:	Freedom House
Titel:	Freedom in the World 2017 - Rwanda
Udgivet:	12. juli 2017
Optaget på baggrundsmaterialet:	27. september 2017



Freedom in the World 2017 - Rwanda

Publisher [Freedom House](#)

Publication Date 12 July 2017

Cite as Freedom House, *Freedom in the World 2017 - Rwanda*, 12 July 2017, available at: <http://www.refworld.org/docid/59831e802c.html> [accessed 16 September 2017]

Disclaimer This is not a UNHCR publication. UNHCR is not responsible for, nor does it necessarily endorse, its content. Any views expressed are solely those of the author or publisher and do not necessarily reflect those of UNHCR, the United Nations or its Member States.

Freedom Status: Not Free

Aggregate Score: 24/100 (0 = Least Free, 100 = Most Free)

Freedom Rating: 6.0/7 (1 = Most Free, 7 = Least Free)

Political Rights: 6/7 (1 = Most Free, 7 = Least Free)

Civil Liberties: 6/7 (1 = Most Free, 7 = Least Free)

Quick Facts

Population: 11,900,000

Capital: Kigali

GDP/capita: \$697

Press Freedom Status: Not Free

Net Freedom Status: Not Free

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 peace and economic growth, it has also suppressed political dissent through pervasive surveillance, intimidation, and suspected assassinations. Recent constitutional changes could allow Kagame to serve another three terms as president.

Key Developments in 2016:

- Kagame confirmed in January that he would seek a new term in the presidential election scheduled for 2017.
- In February, the government withdrew the right of individuals and organizations to file appeals before the African Court on Human and People's Rights (ACHPR), cutting off access for those who are denied justice by domestic courts.
- Journalists and members of banned opposition groups reportedly faced arbitrary arrests, beatings, politicized prosecutions, and enforced disappearances during the year.

Executive Summary:

With the next presidential election approaching in 2017, President Kagame announced in January that he would run for another seven-year term. Under constitutional amendments adopted in 2015, he

would also be eligible for two five-year terms beginning in 2024. Although the ruling RPF and most other legal political parties supported Kagame, the small opposition Democratic Green Party of Rwanda (DGPR) – which has no parliamentary representation – nominated Frank Habineza as its candidate in December.

Kagame's would-be challenger in the 2010 election, Victoire Ingabire, remained behind bars on politically motivated charges in 2016, as did many other dissidents. In late February, shortly before the Tanzania-based ACHPR was to hear Ingabire's appeal of her 15-year prison sentence, the Rwandan government withdrew from a protocol allowing individuals and nongovernmental organizations (NGOs) to bring cases before the court. However, the ACHPR ruled in September that the withdrawal would not affect pending cases.

Rwandan authorities continued to suppress dissent through violence and intimidation. A number of journalists and opposition members, including individuals affiliated with Ingabire's banned United Democratic Forces-Inkingi (FDU-Inkingi) party, were allegedly subjected to enforced disappearance, trumped-up criminal charges, arbitrary arrests, and physical abuse in custody during the year.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights 8 / 40

A. Electoral Process 2 / 12

A1. Is the head of government or other chief national authority elected through free and fair elections?

A2. Are the national legislative representatives elected through free and fair elections?

A3. Are the electoral laws and framework fair?

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 announced in January 2016 that he would indeed seek reelection in 2017.

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 2003 constitution requires women to occupy at least 30 percent of the seats in each chamber of Parliament.

Kagame had no serious challengers in the 2010 presidential election, as key candidates and parties were arrested or denied registration. He won reelection with an official 93 percent of the vote. The RPF similarly dominated the most recent elections for the Chamber of Deputies in 2013, capturing 41 of the elected seats. Two allied parties, the Social Democratic Party and the Liberal Party, won 7 and 5 seats, respectively. The RPF faced only limited competition from other parties in local elections held in early 2016.

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, and 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

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 open to the rise and fall of these competing parties or groupings?

B2. Is there a significant opposition vote and a realistic opportunity for the opposition to increase its support or gain power through elections?

B3. Are the people's political choices free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies, or any other powerful group?

B4. Do cultural, ethnic, religious, or other minority groups have full political rights and electoral opportunities?

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. Although the RPF is still dominated by Tutsis, these restrictions have been used to ban other political parties that might challenge the RPF, regardless of ethnicity. Most recognized opposition parties are tied to the RPF in practice. The DGPR is perhaps the only legal party that offers genuine opposition, though it has no seats in Parliament. It filed unsuccessful legal appeals against the 2015 referendum process, and as of December 2016 it was the only party to have nominated a candidate to challenge Kagame for the presidency in 2017, naming Frank Habineza as its standard-bearer that month.

In the run-up to the 2010 presidential poll, the government had prevented new political parties from registering and arrested the leaders of several existing parties, effectively preventing them from fielding candidates. Victoire Ingabire, the leader of FDU-Inkingi and one of Kagame's strongest opponents, was arrested twice in 2010, including before the election, and convicted in 2012 of engaging in terrorist activities. The case was widely seen as politically motivated. After an appeal of her initial eight-year prison sentence, the Supreme Court increased the prison term to 15 years in 2013. In 2014, the ACHPR agreed to hear Ingabire's case, and she remained in prison during 2016 – with inconsistent access to her lawyer and other visitors – as that process moved forward.

A number of people connected to Ingabire or the FDU-Inkingi were allegedly subject to arbitrary arrest, forced disappearance, and physical abuse in 2016. They included activist Illuminée Iragena, who went missing in March and was thought to have died in prison as a result of torture. Separately, after visiting Ingabire in prison in March, FDU-Inkingi member Léonille Gasengayire was arrested and detained for three days, during which she was beaten. She was released without charges but then arrested again in August and charged with inciting insurrection. Another FDU-Inkingi member, Théophile Ntirutwa, was arrested in September, beaten, and questioned about his party membership before being released after two days.

Opposition figures residing outside of Rwanda have also been threatened, attacked, forcibly disappeared, or killed. Former members of the Rwandan security forces living in exile have gone missing, while others have been targeted for assassination.

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.

C. Functioning of Government 5 / 12

C1. Do the freely elected head of government and national legislative representatives determine the

policies of the government?

C2. Is the government free from pervasive corruption?

C3. Is the government accountable to the electorate between elections, and does it operate with openness and transparency?

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.

Government countermeasures, including regular prosecutions of low-level officials, have helped limit corruption, but graft remains a problem. Few independent organizations and media outlets are able to investigate or report on corruption issues due to fear of government reprisals. In 2013, Gustave Makonene, an anticorruption campaigner working for Transparency International Rwanda, was found murdered in northwestern Rwanda. Two police corporals were convicted in 2015 and sentenced to 20 years in prison for killing Makonene because he had information on their smuggling operation.

A 2013 law provides comprehensive access to information, but implementation has been weak. In 2015, Rwandan 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. Data for 2016 suggested that only a small fraction of requests result in positive and timely responses.

Civil Liberties 16 / 40

D. Freedom of Expression and Belief 4 / 16

D1. Are there free and independent media and other forms of cultural expression?

D2. Are religious institutions and communities free to practice their faith and express themselves in public and private?

D3. Is there academic freedom, and is the educational system free of extensive political indoctrination?

D4. Is there open and free private discussion?

The government imposes legal restrictions and informal controls on freedoms of the press and expression. A 2013 media law, initially 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, restrictions on journalists take the form of criminal charges and intimidation. In January 2016, writer and editor John Williams Ntwali, whose reporting had been critical of the government, was arrested, accused of rape (later reduced to indecent exposure), and illegally detained for 13 days. In February, the offices of the *East African* newspaper were raided by police, who seized materials and arrested a journalist, Yvan Mushiga. In August, radio journalist John Ndabarasa – a relative of a former bodyguard of President Kagame who had been sentenced to life imprisonment for treason in 2014 – went missing.

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 websites based abroad. The British Broadcasting Corporation's Kinyarwanda-language service has been suspended in the country since 2014.

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" constrains academic freedom at all levels of education.

The space for free private discussion remained limited in 2016 amid indications that the government

monitors e-mail and other personal 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 public security. Social media are widely believed to be monitored, and the law allows for government hacking of telecommunications networks.

E. Associational and Organizational Rights 2 / 12

E1. Is there freedom of assembly, demonstration, and open public discussion?

E2. Is there freedom for nongovernmental organizations?

E3. Are there free trade unions and peasant organizations or equivalents, and is there effective collective bargaining? Are there free professional and other private organizations?

Although the constitution guarantees 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 onerous, and activities that the government defines as divisive are prohibited. Delays in the registration renewal of the Human Rights League in the Great Lakes Region (LDGL) left it unable to operate between February and November 2016, and LDGL official Epimack Kwokwo, a Congolese national, was ordered to leave the country in May. 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, 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.

F. Rule of Law 3 / 16

F1. Is there an independent judiciary?

F2. Does the rule of law prevail in civil and criminal matters? Are police under direct civilian control?

F3. Is there protection from political terror, unjustified imprisonment, exile, or torture, whether by groups that support or oppose the system? Is there freedom from war and insurgencies?

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

The Rwandan judiciary lacks independence from the executive. The DGPR alleged that government pressure led several lawyers to withdraw from representing it in the party's legal challenge to the 2015 constitutional amendments. In February 2016, the government withdrew the right of individuals and NGOs to bring cases before the ACHPR, which they had been permitted to do since 2013. The court ruled in September that the change would not affect cases that were already pending and would not take effect for one year. In October, the cabinet passed a resolution for consideration by Parliament that called for the creation of a Court of Appeals, to serve as an additional judicial tier beneath the Supreme Court and help address a backlog of cases under review.

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, and the inmate population has declined somewhat in recent years, but conditions remain poor in some facilities. Alleged dissidents have increasingly been subject to unlawful imprisonment, torture, and ill-treatment in custody. While political disappearances were apparently less common in 2016 than in some previous years, several people held by the authorities were either out of contact for lengthy periods of

time or otherwise unaccounted for. A 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. HRW reported in July 2016 that conditions remained poor at the Gikondo center, which held hundreds of people at any one time, and noted similar abuses at other transit centers.

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." Additional preferences are afforded to those who returned from exile communities after 1994, particularly in Uganda. The indigenous Twa minority continues to suffer from de facto disadvantages in education, employment, and health care.

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 travel or choice of residence, employment, or institution of higher education?

G2. Do individuals have the right to own property and establish private businesses? Is private business activity unduly influenced by government officials, the security forces, political parties/organizations, or organized crime?

G3. Are there personal social freedoms, including gender equality, choice of marriage partners, and size of family?

G4. Is there equality of opportunity and the absence of economic exploitation?

An easily attainable national identity card is required to move within the country. All government officials must receive approval from the president or prime minister's office before traveling for personal or professional reasons. For most citizens there are no formal 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 56 out of 190 countries in the World Bank's 2017 *Doing Business* report, which was released in October 2016, placing second in sub-Saharan Africa. The country ranked third in sub-Saharan Africa, and 52 out of 138 economies, in the World Economic Forum's *Global Competitiveness Report 2016-2017*, indicating relatively well-functioning institutions and a low level of direct government control over the economy.

Women currently hold 10 of the 26 Senate seats and 49 of the 80 seats in the Chamber of Deputies. De facto discrimination against women persists. Domestic violence is illegal but remains widespread.

Human trafficking within Rwanda is limited in scale, and mostly consists of children forced into domestic service. Burundian refugees are also vulnerable to exploitation, however, including coercive recruitment into armed groups. Government officials have sometimes been complicit in trafficking crimes.

Copyright notice: © Freedom House, Inc. · All Rights Reserved

Search Refworld

by keyword	Enter a word or phrase
and / or country	All countries
Clear	Search

[Advanced Search](#) | [Search Tips](#)

Countries

- [Rwanda](#)

Topics

- [Appeal / Right to appeal](#)
- [Corruption](#)
- [Elections](#)
- [Freedom of assembly and association](#)
- [Freedom of expression](#)
- [Freedom of movement](#)
- [Freedom of religion](#)
- [Independence of judiciary](#)
- [International courts and tribunals](#)
- [Political parties](#)
- [Rule of law / Due process / Procedural fairness](#)