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Freedom on the Net 2015 - Rwanda

Status:

Partly Free



Total Score:

50

(0 = Best, 100 = Worst)

Obstacles to Access:

11

(0 = Best, 25 = Worst)

Limits on Content:

20

(0 = Best, 35 = Worst)

Violations of User Rights:

19

(0 = Best, 40 = Worst)

Quick Facts

Population:	11.1 million
Internet Penetration:	11 percent
Social Media/ICT Apps Blocked:	No
Political/Social Content Blocked:	Yes
Bloggers/ICT Users Arrested:	No
Press Freedom Status:	Not Free
Key Developments:	

June 2014—May 2015

- As a result of the government's commitment to ICT development, the Alliance for Affordable Internet listed Rwanda as the top-ranked developing country in its 2014 Affordability Index (see **Availability and Ease of Access**).
- Three BBC websites were blocked in October 2014 in response to the BBC's broadcast of the controversial documentary, "Rwanda, The Untold Story" (see **Blocking and Filtering**).
- Popular singer Kizito Mihigo was sentenced to 10 years in prison in February 2015 after he was found guilty of conspiring to overthrow the government in a trial that used his private WhatsApp and Skype messages to alleged opposition critics in exile against him as evidence (see **Surveillance, Privacy, and Anonymity**).

Introduction:

In the past year, the government of Rwanda under President Paul Kagame intensified its ambitious economic development strategy that aims to create a vibrant industry for information and communication technologies (ICTs) and position Rwanda as a regional ICT hub. Although internet penetration remained low—hampered primarily by poverty and a lack of appropriate infrastructure, especially in rural areas—access continually expanded due to public and private investments in broadband technology across the country, while mobile internet access increased at an impressive rate.

Despite progress in ICT access, the country's tenuous political environment and sensitive ethnic relations since the 1994 genocide has led the government to exert some controls over online content and expression. Throughout 2014 and 2015, a number of independent online news outlets and critical blogs remained unavailable, joined by three BBC websites in October 2014 following the government's outcry against the television broadcast of the documentary, "Rwanda, The Untold Story." Though the documentary had not been aired in Rwanda, the government immediately suspended the BBC radio and web services, accusing the media outlet of "genocide denial," a crime under the country's harsh media laws.

Given the country's restrictive political environment, there is a strong sense that government surveillance over online communications has been increasing with little oversight. In April 2014, the government's abuse of its surveillance powers was revealed in the trial against popular singer Kizito Mihigo, who's private WhatsApp and Skype messages with alleged opposition critics in exile were used against him as evidence to convict him of conspiracy to overthrow the government. The incident led to revelations among ordinary Rwandans that their private communications are not safe. He was sentenced in February 2015 to 10 years in prison.

Obstacles to Access:

As a result of the government's commitment to ICT development, the Alliance for Affordable Internet listed Rwanda as the top-ranked developing country in its 2014 Affordability Index. The regulator's lack of independence was revealed in its decision to ban BBC broadcast radio and websites in October 2014.

Availability and Ease of Access

Although Rwanda has made major strides in expanding access to ICTs across the country, poverty continues to be the primary impediment to ICT uptake, especially the internet. Over 90 percent of the population lives in rural areas, with the majority practicing subsistence agriculture and approximately 45 percent still living below the poverty line.^[1] Consequently, internet penetration in Rwanda is still low at 11 percent in 2014, up from 9 percent in 2013, according to the International Telecommunication Union (ITU).^[2] By contrast, official government statistics cite an internet penetration rate of over 28 percent as of March 2015, which includes internet subscriptions on mobile devices.^[3] In fact, mobile internet comprises over 99 percent of all internet subscriptions, while fixed-line internet subscriptions make up less than 1 percent in Rwanda.

Mobile phone penetration is significantly higher than that for internet access at 64 percent in 2014, according to the ITU, while government figures noted a penetration rate of 71 percent as of March 2015.^[4] Rural populations have a relatively high mobile phone usage rate compared to rural internet access rates, as access has been made easier by a well-developed mobile phone network that covers nearly 100 percent of the population.^[5] Innovative initiatives targeting rural populations have encouraged increased mobile phone and internet usage, such as the e-Soko ("e-market") program created by the Rwanda Development Board, which provides farmers with real-time information about market prices for their agricultural produce on their mobile devices.^[6]

Internet access is still concentrated primarily in Kigali, the capital city, and remains beyond the economic reach of most citizens, particularly those in rural areas who are limited by low disposable incomes and do not have high levels of ICT awareness.^[7] In addition, only 11 percent of Rwandans are ICT literate,^[8] and over 70 percent of the population speaks only Kinyarwanda, making internet content in English inaccessible to the majority of Rwandans.^[9] Only 17 percent of Rwandan households have regular access to electricity.^[10]

In the face of such challenges, the Rwandan government has made ICT development a high priority. Fixed-broadband internet services are expanding across the country, resulting in increasing speeds. According to May 2015 data, from Akamai's *State of the Internet* report, Rwanda's average internet connection speed was 5.8 Mbps (compared to a global average of 3.9 Mbps), up from 1.4 Mbps the previous year.^[11]

As a result of Rwanda's commitment to ICT development, the cost of access has continually decreased, leading the Alliance for Affordable Internet to list Rwanda as the top-ranked developing country in its 2014 Affordability Index.^[12] As of early 2015, a 128/64 Kbps package of wireless internet cost about RWF 64,900 (US\$95).^[13] While still prohibitively expensive for average citizens, the cost is a significant reduction from before the country's fiber-optic cable installation in 2011, when 1 megabyte of internet access reportedly cost US\$2,000.^[14] Meanwhile, the cost of using the internet in a cybercafe is approximately US\$0.14 (RWF 100) for 1 hour.^[15] The cost of internet access via mobile phones has also declined, helping fuel the exponential growth of mobile internet users. As of March 2015, mobile internet tariffs range from RWF 50 to 55 per Mb (US\$0.03 to \$0.08 per Mb).^[16]

Restrictions on Connectivity

There were no restrictions on connectivity reported in Rwanda during the coverage period, though Article 52 of the 2001 Law Governing Telecommunications gives the government sweeping powers over telecommunications networks in the name of preserving "national integrity." These powers include the ability to "suspend a telecommunications service for an indeterminate period, either generally or for certain communications."^[17] Furthermore, the government possesses some control over the country's internet infrastructure, which may provide the authorities with the ability to restrict access at will. According to the ITU, the level of competition for Rwanda's international gateway is characterized as "partial."^[18]

The local internet exchange point (IXP), the Rwanda Internet Exchange (RINEX),^[19] is managed by the Rwanda Information & Communications Technology Association, a non-profit comprised of ICT institutions and professionals.^[20] As of mid-2015, five of Rwanda's nine ISPs exchange internet traffic through RINEX, and ISPs can also opt to connect via RINEX to the international internet.^[21]

ICT Market

Rwanda's ICT market is vibrant and competitive, with no reported interference from the government. Following the country's market liberalization policies implemented in 2001,^[22] the number of companies providing telephone and internet services increased from one—the state-run Rwandatel^[23]—to nine ISPs and three mobile phone companies in 2015.^[24] all of which are privately owned. The three main mobile phone operators are MTN, TIGO, and Airtel, whose respective market shares are 49 percent, 35 percent, and 16 percent.^[25]

In December 2014, the government of Rwanda launched a partnership with the Korean Embassy to initiate a 4G LTE network, which is expected to offer the fastest wireless communication on high-speed data for mobile phones and internet-enabled devices.^[26]

Regulatory Bodies

The Rwanda Utilities Regulatory Agency (RURA) oversees the regulatory frameworks and implementation of the country's policies and strategies in the telecommunications sector.^[27] Officially, RURA is a national body with autonomy in its administrative and financial management. Nevertheless, the government audits RURA's budget while the president nominates its seven board members, supervisory board, and director general who all work under full control of the government.^[28]

In 2015, RURA demonstrated its allegiance to the government in its decision to indefinitely ban the British Broadcasting Corporation's (BBC) radio services and block BBC websites following the October 2014 broadcast of a controversial documentary titled, "Rwanda, The Untold Story" (see "Blocking and Filtering").^[29] The incident also saw RURA's silencing of the media self-regulatory body, the Rwanda Media Commission (RMC), which the government proposed to take over as a state-run entity after the then-RMC head, Fred Muvunyi, made vocal objections to the BBC ban. Muvunyi subsequently fled the country in May 2015 after months of threats and intimidation.^[30]

Limits on Content:

Three BBC websites joined the list of websites blocked in Rwanda, which includes numerous independent news outlets and opposition blogs that have been blocked for years.

Blocking and Filtering

While the Rwandan government has demonstrated a commitment to expanding access to ICTs across the country, it has also simultaneously endeavored to restrict the types of content that users can access, particularly content of oppositional nature. A study conducted in early 2015 found that the websites of numerous independent news outlets and opposition blogs that have been blocked for years—such as the websites of *Inyenyeri News*, *Veritas Info*, *The Rwandan*, and *Leprophete*—remained inaccessible in Rwanda,^[31] among others.^[32] There is no transparency behind the government's blocking decisions and no avenues for appeal.

In late 2014, the BBC was added to the list of websites blocked in Rwanda following the government's outcry against the television broadcast of the documentary, "Rwanda, The Untold Story," in October 2014, which argued that the number of Hutus who died during the genocide was much higher than officially recognized. Though the documentary had not been aired in Rwanda, the government immediately suspended the BBC's popular radio services, accusing the media outlet of "genocide denial," a crime under the country's harsh media laws.^[33] The regulator RURA indefinitely banned BBC broadcasts in May 2015.^[34] BBC websites, including BBC Swahili, BBC Africa, and BBC Afrique were also blocked as part of the government's crackdown on the BBC.^[35]

Despite the increasing blocks on certain websites, social-networking sites such as YouTube, Facebook, Twitter, and international blog-hosting services are freely available. Given the more restricted space for press freedom in the traditional media sphere, Rwandan media outlets are increasingly going online to bypass government control or suspension as well as heavy production costs.^[36]

Content Removal

The extent to which the government forces websites to delete certain content is unknown, though anecdotal incidents over the past few years suggest that some degree of forced content removal by the state exists, and that such ad hoc requirements lack transparency.^[37]

According to a 2010 law relating to electronic messages, signatures, and transactions, intermediaries and service providers are not held liable for the content transmitted through their networks.^[38] Nonetheless, service providers are required to take down content when handed a takedown notice, and there are no avenues for appeal.

Media, Diversity, and Content Manipulation

The Rwandan government's heavy-handed repression of the media has severely limited the diversity of the information landscape in the country, both online and offline. Critical and independent online news generally stem from opposition supporters living outside Rwanda—mainly in Europe, the United States, and South Africa—and are blocked in Rwanda. Few Rwandans in the country are aware of the critical content that is unavailable to them.

Online news outlets based in the country frequently contend with editorial interference by security officials and other government authorities who impose "red lines" on what can and cannot be published.^[39] The recent spate of extrajudicial killings across the country was one of the main "red lines" drawn in the past year. Independent outlets also face economic challenges in comparison to their state-run counterparts that receive income from government advertisements and direct subsidies.

As a result of the high degree of repression, online journalists based in the country are increasingly joining their print and broadcast colleagues in exercising self-censorship, particularly on topics that can be construed as disruptive to national unity and reconciliation.^[40] In addition, issues related to the military and national security are highly sensitive and subject to restrictions regarding the right to access information.^[41] According to some journalists, self-censorship is viewed as a legitimate practice given the country's sensitive social and political environment, though others believe that the ruling Rwandan Patriotic Front (RPF) uses "repression, social pressure, and self-censorship" to determine what is politically correct and to shape public opinion.^[42]

Despite the lack of diversity in online content, Rwandans are active on Facebook and Twitter, which have become popular platforms for online interaction as a result of the increasing use of internet-enabled phones.^[43] President Kagame is an active supporter of social networking websites, occasionally using the platforms to engage in discussions with users and openly respond to issues concerning the current state of governance in the country. Various government officials are also very active in social media, especially on Twitter.

The popularity of social media platforms has grown in tandem with the activity of progovernment trolls that work to harass independent journalists and manipulate online content. In 2014, revelations of such surfaced when an international journalist for *Radio France Internationale*, Sonia Rolley, was repeatedly harassed on Twitter by a user known as @RichardGoldston.^[44] Rolley had been reporting on the mysterious January 1, 2014 assassination of Patrick Karegeya, a former top intelligence official in Kagame's inner circle who had been living in exile in Johannesburg. It was later revealed on the official Twitter account of Paul Kagame's office

(@UrugwiroVillage) that “@RichardGoldson was an unauthorized account run by an employee in the Presidency.”^[45] Another foreign correspondent, Steve Terrill, who used Twitter to publicly call on @RichardGoldson to end the harassment, was subsequently barred from entering Kigali in March 2014 to cover the 20th anniversary of the Rwandan genocide.^[46]

Digital Activism

Digital activism over political and social issues is not common in Rwanda. Nevertheless, the use of mobile phones to engage with popular radio programs has become an important medium for citizens to anonymously voice discontent with the authorities and expose abuses of power. For example, the live-radio programs, “Good Morning Rwanda” and “Good Evening Rwanda,” are significant venues for citizens to criticize government malpractices via SMS messages and voice calls, which are broadcast on the radio. However, given SIM card registration requirements, users have become less intent on engaging in very critical or sensitive discussions out of fear of being identified.

Violations of User Rights:

Popular singer Kizito Mihigo was sentenced to 10 years in prison in February 2015 after he was found guilty of conspiring to overthrow the government in a trial that used his private WhatsApp and Skype messages to alleged opposition critics in exile against him as evidence.

Legal environment

The Rwandan constitution, adopted in May 2003, provides for freedom of the press and freedom of information, but in practice, the government maintains tight control over the media. The Rwandan judiciary is not fully independent, and many journalists view the threat of imprisonment as a key constraint on their work.

In a positive step, the state adopted progressive amendments to the 2009 Media Law in March 2013, granting journalists the “right to seek, receive, give and broadcast information and ideas through media,” and explicitly provided for freedom of online communications in Section 3, Article 19.^[47] The new law was also commended for providing for media self-regulation under the new Rwanda Media Commission and was viewed favorably by local journalists, who hoped that its passage would spell the end of government interference in the work of journalists and boost media freedom in Rwanda.^[48] However, the new law also increased the government ability to control the internet^[49] by giving the minister of ICTs unlimited powers to establish the conditions for both local and foreign media companies to operate in Rwanda.^[50]

While there are no laws that specifically restrict internet content or criminalize online expression, Rwanda’s generally restrictive legal provisions governing the traditional media can be applied to the internet. Penalties for criminal defamation may also be applicable to the internet, with defamation of the president or other public officials carrying a penalty of up to five years in prison.^[51] October 2013 amendments to the law against “genocide ideology” similarly threatens freedom of expression both online and off, prescribing heavy prison sentences of up to 9 years and fines for any offender “...who disseminates genocide ideology in public through documents, speeches, pictures, media or any other means.”^[52] The law also excludes a clear distinction between a private conversation and public speech.^[53]

Prosecutions and Detentions for Online Activities

Arrests and prosecutions for online activities are not common in Rwanda, in large part due to the lack of critical commentary originating in the country and the high degree of self-censorship practiced by online journalists and ordinary users alike. The last arrest occurred in April 2014, when the editor of the independent news website *Umusingi*, Stanley Gatera, was arrested on trumped-up charges of attempted extortion. He was previously convicted and sentenced to one year in prison in November 2012 on charges of divisionism and sectarianism for an article he published in *Umusingi*.^[54] He was released in July 2013 only to be targeted again for arrest less than a year later,^[55] which the journalist believed was linked to an interview he conducted on Al Jazeera’s *People and Power* program—posted online and broadcast on television—in March 2014 in which he spoke about the difficulties journalists face while working in Rwanda.^[56] Gatera was held for six hours in April and received death threats after his release.^[57]

Surveillance, Privacy, and Anonymity

The sophistication of the Rwandan authorities’ surveillance capabilities is unknown, but there is growing suspicion that surveillance is pervasive, particularly after increasing revelations of attacks and assassinations of exiled Rwandan dissidents by the Kagame regime, despite their efforts to protect their identities, over the past couple of years.^[58] In July 2015, email leaks from the Italian surveillance firm Hacking Team revealed that the Rwandan government attempted to purchase the company’s sophisticated spyware known as Remote Control

System (RCS) in 2012.^[59] While the leaked emails did not confirm the sale, they point to the government's intent to acquire such technologies that can monitor and intercept user communications.

The government's surveillance powers were expanded in October 2013 under amendments to the 2008 Law Relating to the Interception of Communications, which authorizes high-ranking security officials to tap into the communications, both online and offline, of individuals considered potential threats to "public security."^[60] Under the amendments, communications service providers are required to ensure that their systems have the technical capability to intercept communications upon demand, though security officials also have the power to "intercept communications using equipment that is not facilitated by communication service providers," which de facto allows the authorities to hack into a telecommunications network without a provider's knowledge or assistance.^[61] While the law requires government officials to apply for an interception warrant, warrants are issued by the national prosecutor, who is appointed by the justice minister. The national prosecutor can also issue warrants verbally in urgent security matters, to be followed by a written warrant within 24 hours.^[62]

In April 2014, a glimpse into the government's abuse of its surveillance powers was revealed in the trial against popular singer Kizito Mihigo, who's private WhatsApp and Skype messages with alleged opposition critics in exile were used against him as evidence to convict him of conspiracy to overthrow the government.^[63] The incident led to revelations among ordinary Rwandans that their private communications are not safe. Mihigo was sentenced in February 2015 to 10 years in prison.^[64]

The ability to communicate anonymously is compromised by mandatory SIM card registration requirements initiated in early 2013.^[65] Under the regulation establishing SIM card registration, the ICT regulator RURA is given unfettered access to SIM card databases managed by operators, while other "authorized" individuals or institutions may also be granted access.^[66]

The various legal provisions that enable surveillance and limit anonymity are particularly troubling in the absence of a comprehensive data protection law that can safeguard citizens' private data. A data protection law was drafted in July 2013, though the draft law provides exceptions to user data protections in the vaguely defined interest of national sovereignty, national security, and public policy, which may pose a threat to individuals critical of the regime.^[67] There has been no movement on the passage of the draft law as of mid-2015.

Intimidation and Violence

Critical journalists within the country frequently face violence and harassment when attempting to cover news stories, leading many to flee the country and report in exile.^[68] According to the Committee to Protect Journalists, Rwanda ranks among the top 10 countries from which journalists seek exile.^[69] Online journalists and ordinary users, however, have not yet experienced the same level of intimidation as traditional media journalists to date, likely as a result of high levels of self-censorship.

No Rwandan journalists have been killed since 2011, when the editor of the independent news website *Inyenyeri News*, Charles Ingabire, was gunned down in Kampala.^[70] Worryingly, the brother of Umuvugizi news website editor John Bosco Gasasira (in exile in Sweden), Andrew Muhanguzi was reported missing in February 2014. His family claims that Muhanguzi was kidnapped by men in Ugandan police uniforms outside their home on February 16,^[71] but the Ugandan police stated they have no record of his arrest.^[72] Muhanguzi and his family had left Rwanda in 2012 to escape alleged harassment by the Rwandan authorities for their relationship to John Bosco Gasasira and the critical *Umuvugizi* online newspaper.^[73]

Technical Attacks

Technical attacks against online news outlets and websites of human rights organizations are not common but arise occasionally. The last reported attack occurred in April 2014, when the investigative news website, *Ireme*, experienced a seemingly targeted cyberattack, though the source of the attack was unknown.^[74]

Notes:

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[14] Frank Kanyesigye, "RURA, service providers to streamline Internet access," *The New Times*, October 14, 2013, <http://bit.ly/1VW5qpP>.

[15] Frank Kanyesigye, "Growth of mobile internet spells doom for cyber cafes," *The New Times*, October 10, 2013, <http://bit.ly/1OyCGof>.

[16] RURA, "Statistics and Tariff Information in Telecom Sector as of March 2015."

[17] Law No. 44/2001 of 30/11/2001 Governing Telecommunications, <http://bit.ly/1G9mOG3>.

[18] International Telecommunication Union, "Rwanda Profile (Latest data available: 2013)," *ICT-Eye*, accessed January 3, 2015, <http://bit.ly/1LS1oJs>.

[19] RINEX, accessed December 13, 2014, <http://www.rinex.org.rw/about.html>.

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[21] Rwanda Internet Exchange (RINEX), "About Us," <http://www.rinex.org.rw/about.html>.

[22] Albert Nsengyumva and Emmanuel Habumuremyi, *A review of telecommunications policy development and challenges in Rwanda*, Association for Progressive Communications (APC), September 2009, <http://bit.ly/1MtFpZY>.

[23] In 2012, Rwandatel was liquidated; its assets were purchased by Tigo and Airtel, and the company was taken over by the Government of Rwanda. See, Shyaka Kanuma, "Bye Bye Rwandatel," *Rwanda Focus*, February 20, 2012, <http://bit.ly/1OyDaKR>.

[24] These include fixed-line providers (Liquid Telecom and MTN Rwanda), mobile phone providers (MTN Rwandacell, TIGO and AIRTEL), and internet service providers (MTN Rwanda, Liquid Telecom, TIGO Rwanda, New Artel, ISPA, 4G Networks, BSC, Airtel Rwanda, and AXOIM). See: RURA, "Statistics and Tariff Information in Telecom Sector as of March 2014."

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[31] Study conducted by Freedom House consultant, March 2015.

[32] Other opposition blog websites that were unavailable as of May 2015 were: <http://www.iwacu1.com>; <http://www.musabyimana.be>; <http://rwandarwabanyarwanda.over-blog.com>, <http://www.banyarwandapoliticalparty.org>.

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[38] "Law No. 18/2010 of 12/05/2010, Relating to Electronic Messages, Electronic Signatures and Electronic Transactions, accessed October 24, 2014, http://www.wipo.int/wipolex/en/text.jsp?file_id=243157.

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[43] SocialBakers, "Rwanda Facebook page statistics," accessed December 24, 2014, <http://bit.ly/1NM1Hw9>.

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[45] Presidency | Rwanda, Twitter Post, March 8, 2013, 2:26 AM, <https://twitter.com/UrugwiroVillage/statuses/442184647863443456>.

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