

## ADVANCE QUESTIONS TO RWANDA

### CANADA

- Le Rwanda a-t-il l'intention de réviser la Loi portant sur la répression du crime d'idéologie du génocide? Le Rwanda pourrait-il préciser la portée juridique du terme « divisionnisme », tel que mentionné dans le Rapport national et souvent entendu dans le discours politique rwandais comme associé à un crime, considérant que ce terme n'est pas défini comme tel dans la loi rwandaise?
- Le Rwanda a-t-il l'intention de réviser son code pénal ainsi que sa loi portant sur les médias et celle régissant le Haut Conseil des Médias?
- Absent du Rapport national, le Canada saurait gré au Rwanda de préciser les conditions d'enregistrement de nouveaux partis politiques. Des enquêtes ont-elles été engagées suite aux allégations d'obstruction et d'abus dans l'enregistrement de nouveaux partis politiques avant les élections présidentielles de 2010?
- Quelles mesures le Gouvernement du Rwanda a-t-il mises en place ou prévoit-il mettre en place afin de protéger et de préserver l'indépendance des défenseurs des droits de la personne et des journalistes?

### CZECH REPUBLIC

- While we welcome the abolition of the death penalty, we note with concern that the death penalty has been replaced by life imprisonment in solitary confinement, treatment which is contrary to the ICCPR. How does the Government of Rwanda comply with its international obligations arising from the ICCPR?
- What steps has the Government of Rwanda taken to ensure a more inclusive political process?
- Does the Government of Rwanda intend to review the 2008 Law on Genocide Ideology to ensure a more precise and narrow definition of the crimes; and also repealing criminal defamation provisions and replacing them with appropriate provisions in the civil law?
- The Committee on the Elimination of Discrimination against Women (CEDAW) was concerned that there was no explicit prohibition of discrimination against women, in line with the Convention, which addresses direct and indirect discrimination. In 2010, HR Committee noted with concern that discrimination against women existed in several fields, particularly under the Civil Code and the Family Code, which recognized the husband to be the head of the conjugal union. In 2010, the ILO Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) reiterated its previous comments that legislation, which provided that “the husband is the head of the household”, had a negative impact on equality

between men and women in employment. What steps has the Government of Rwanda taken/is going to take in order to implement those recommendations?

- It was reported that not all former child soldiers, notably girls, were provided with the means of psychological recovery and social rehabilitation. What measures has the Government of Rwanda taken in that respect?

## **IRELAND**

Ireland would like to congratulate Rwanda on the progress made in securing the social and economic rights of the population, and welcomes the Government's stated commitment to the promotion and the protection of human rights in their submission paper to this assembly. We welcome the ratification by Rwanda of several international treaties, and note that according to the Rwandan Constitution ratified international treaties have precedence over domestic laws.

Notwithstanding this progress, there remain some areas of concern:

### **1. Genocide ideology laws**

Whilst acknowledging the legitimate rationale underlying the 2003 Law on Genocide and the 2008 Law on Genocide Ideology, Ireland is concerned about the lack of clarity in the wording and application of the legislation. We understand that the Rwandan government has been conducting a review of this legislation and are interested to know the timeframe of this review? Will there be wider consultation, for example with civil society, during this process? Is one of the aims of this review to ensure that the terminology in the Laws is very clear, and that it enables Rwanda to meet its international human rights obligations, whilst continuing to protect its population?

### **2. Freedom of the Media**

Given the role of the media in the 1994 genocide, it is very understandable for Rwanda to take action so as to ensure that history does not repeat itself. However, Ireland is concerned that the situation in Rwanda in relation to the media means that legitimate independent public criticism, whether direct or indirect criticism of government, or other aspects of the country, is limited. Sometimes this appears to be self-censorship caused by fear of negative reaction from the authorities. Freedom of speech is a fundamental right in a democracy, and we believe that an independent, free and active media is a vital component in enabling a country and society to ask questions, to understand itself and to develop. We would therefore like to ask how the Government intends to promote space for a free and open media to operate in Rwanda?

## **LATVIA**

- According to the information by the Office of the UN High Commissioner for Human Rights, 73 countries from different regions of the world have issued standing invitations to all special procedures of the Human Rights Council.

Considering previous cooperation of Rwanda with special procedures mandate holders - would your country consider extending a standing invitation to all special procedures of the Human Rights Council in the future?

## NETHERLANDS

- **Freedom of expression, association and peaceful assembly**

In light of remarks made in paragraphs 51 and 52 of the OHCHR compilation about the difficult position of opposition political parties and incidents in the run-up to the July 2010 elections, and with reference to paragraphs 11, 21, 25 and 26 of the stakeholder report which allege that political opposition is being hampered by intimidation of members of the opposition, denunciation of politicians under the Genocide Ideology law, and judicial proceedings, can the Government elaborate the legal procedures that will be followed in cases against members of the opposition, such as Mr. Ntaganda, Mr. Mushayidi and Mme. Victoire Ingabire?

- **Genocide-ideology law**

With reference to the criticism in paragraph 50 of the OHCHR compilation and paragraphs 17 and 22 of the stakeholder compilation about the broad interpretation of the crime of 'divisionism' and crimes under the Genocide Ideology law, which allegedly have a negative effect on the freedom of expression, association and peaceful assembly, as well as on the process of justice and reconciliation due to witnesses being afraid to testify out of fear for being charged with such crimes themselves, as is remarked in paragraph 12 of the stakeholder report, how does the Government intend to amend these laws?

- **Media freedom**

Paragraph 24 of the national report mentions the suspension by the Media High Council of two newspapers, Umuseso and Umuvugizi. Considering the criticism in paragraphs 18, 21 and 24 of the stakeholder report which state that in the run-up to the July 2010 elections there was a crackdown on independent voices, and that the 2009 Media Law has been used against the media, how does the Government guarantee the independence of the Media High Council so as to protect it from allegations of political interference?

- **HR Commission**

With regard to the National Commission for Human Rights, which is elaborated on in paragraph 7 of the national report, and concerns voiced by the CRC about the financial and human resources of the Commission as stated in paragraph 6 of the OHCHR report, what measures does the Government take to ensure the independence of this body and the quality of its work?

## SWEDEN

- Sweden would be grateful if the Government of Rwanda could elaborate on the state of affairs concerning the civil and political rights of the Rwandan population?

- What actions are taken to promote and protect individuals' right to freedom of expression, press and association?
- What actions are taken to adequately address reports of attacks, intimidation and harassment of persons who are peacefully expressing their views?
- Sweden would like to ask the Government of Rwanda to elaborate on what measures it is undertaking to ensure that no person is arrested for peacefully exercising their right to freedom of expression, association and peaceful assembly, and that all arrests are carried out in accordance with the law and in line with human rights standards?
- Sweden would like to ask the Government of Rwanda to elaborate on its commitment to promote human rights, including with regard to signing, ratifying and implementing core international human rights treaties?

## **SWITZERLAND**

- Will the government of Rwanda be ready to revise the law on “genocide ideology”, in order to allow the government to deter hate speech where needed, but also protect the right of freedom of expression enshrined in international conventions? What would be the next steps in this regard?
- What measures are planned by the Rwandese government to ensure that the freedom of expression and the freedom of association are effectively respected, especially with regard to the 2008 NGO law as well as the 2009 media law?
- Does the government of Rwanda consider issuing a standing invitation to the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and to the Special Rapporteur on Freedom of Expression and Access to Information of the African Commission on Human and Peoples' Rights?

## **UNITED KINGDOM**

- We should be grateful if you would provide information on the extent to which civil society, including the National Commission for Human Rights in Rwanda, was consulted in the preparation of your national report.
- How is the Government seeking to support the formation of independent political opposition parties and increase transparency in the political party registration process, particularly ahead of the Parliamentary elections in 2013? Are there also plans to improve the transparency of the district-level consolidation of national election results?
- Could the Government update us on progress in reforming the judiciary and prison sector given concerns expressed by the Human Rights Committee and

the Committee for the Elimination for all Forms of Racial Discrimination? In particular, how plans progressing to bring an end to *gacaca* courts?

- Could the Government update us on the status of the independent newspapers “Umuvigizi” and “Umuseso”, which were suspended in April 2010? Also, how do you plan to build on the recent national media dialogue in order to strengthen media freedom in Rwanda? How do you intend to implement the Human Rights Committee’s recommendations that Rwanda should conduct investigations into acts of intimidation against journalists, and punish the perpetrators?
- What is the Government doing to address cases of alleged enforced disappearances, summary or arbitrary executions, and apparent impunity by the police forces responsible for such violations, as raised by the Human Rights Committee?
- What is the Government doing to address Human Rights Committee concerns about obstacles to registration and freedom of action of human rights NGOs? How is the Government taking forward the Committee’s recommendation that Rwanda should enable NGOs to operate without hindrance?
- How will the Government oversee the follow-up to the Universal Periodic Review, and who be responsible for the direction of implementation, monitoring, review and reporting? How will civil society be involved in the follow-up to the Review?