

## Introduction

1. Human rights online, especially the right to privacy and the right to freedom of opinion and expression, are important issues in Rwanda and must be reflected in the recommendations made during the third cycle of the UPR in January-February 2021.
2. In the second cycle of the UPR, Rwanda received 235 recommendations from 83 countries - 21 related to freedom of association, 14 on freedom of expression and 16 related to freedom of the press. Two of these recommendations explicitly referred to the protection of these rights in the online sphere. Rwanda supported three recommendations received related to freedom of opinion and expression and freedom of the press.
3. Internet penetration in Rwanda stands at 62.9 per 100 inhabitants (7.9 million subscriptions) as at March 2020.<sup>1</sup> With growing digitisation, it becomes even more important for UPR recommendations to explicitly reflect the need for fundamental freedoms to be protected online as well as offline, in line with Rwanda's obligations under Articles 17 and 19 of the International Covenant on Civil and Political Rights (ICCPR).

## Updates since the previous review

4. The Rwandan government has put ICT at the forefront of the country's social economic development. According to ITU data, in 2016, only 11 in every 100 inhabitants had a mobile broadband subscription<sup>2</sup>, but by 2018 (the most recent year ITU data is available for) the figure had reached 35 in every 100<sup>3</sup>. Data from the Rwanda Utilities Regulatory Authority (RURA) from March 2020 states that the mobile internet penetration rate increased from 49.5% in March 2019 to 62.8% in March 2020. Fixed line internet subscriptions attained a penetration rate of 0.1%.<sup>4</sup>
5. In October 2015, Rwanda launched its ICT Master Plan – Vision 2020<sup>5</sup>. Among the priority areas is improved ICT access especially via mobile. Meanwhile, Rwanda's Universal Service Fund, which is aimed at extending connectivity to rural and underserved communities, is

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<sup>1</sup> Rwanda Utilities Regulatory Authority (RURA) Quarter 4 2019 ICT Sector Report, [https://rura.rw/fileadmin/Documents/ICT/statistics/Report\\_for\\_Quarterly\\_Telecom\\_Statistics\\_as\\_of\\_March\\_of\\_the\\_year\\_2020.pdf](https://rura.rw/fileadmin/Documents/ICT/statistics/Report_for_Quarterly_Telecom_Statistics_as_of_March_of_the_year_2020.pdf)

<sup>2</sup> Knoema, 'Rwanda - Mobile broadband subscriptions per 100 inhabitants', <https://knoema.com/atlas/Rwanda/topics/Telecommunication/Telecomm-Services/Mobile-broadband-subscriptions-per-100-inhabitants>

<sup>3</sup> ITU, 'Measuring the Information Society Report 2018', <https://www.itu.int/en/ITU-D/Statistics/Documents/publications/misr2018/MISR-2018-Vol-2-E.pdf>

<sup>4</sup> Rwanda Utilities Regulatory Authority (RURA) Quarter 4 2019 ICT Sector Report, [https://rura.rw/fileadmin/Documents/ICT/statistics/Report\\_for\\_Quarterly\\_Telecom\\_Statistics\\_as\\_of\\_March\\_of\\_the\\_year\\_2020.pdf](https://rura.rw/fileadmin/Documents/ICT/statistics/Report_for_Quarterly_Telecom_Statistics_as_of_March_of_the_year_2020.pdf) p. 13

<sup>5</sup> Ministry of ICT (Rwanda), 'Smart Rwanda Master Plan', <https://minict.gov.rw/policies-publications/strategy/>

funded<sup>6</sup> by up to 2% levy of operator turnover.

6. In 2017, the government established the Rwanda Information Society Authority (RISA) with the mandate to champion Rwanda's digital transformation including innovation and e-government implementation.<sup>7</sup>
7. In April 2019, the Supreme Court of Rwanda decriminalised Penal Code provisions against defamation and humiliation of public figures which undermined freedom of expression.<sup>8</sup> The Supreme Court removed provisions in the penal code that criminalize drawing of 'humiliating and defamatory' cartoons against public servants and religious practices, but kept an exemption for the President.
8. During 2019, Rwanda featured in Citizen Lab<sup>9</sup> and Financial Times<sup>10</sup> reports of state sponsored surveillance schemes through spyware systems.

## Freedom of Expression and Opinion

9. Article 38 of the 2003 Constitution of Rwanda, amended in 2015, states: "Freedom of press, of expression and of access to information are recognized and guaranteed by the State. Freedom of expression and freedom of access to information shall not prejudice public order, good morals, the protection of the youth and children, the right of every citizen to honor and dignity and protection of personal and family privacy. Conditions for exercising and respect for these freedoms are determined by law."
10. The Constitution also explicitly protects journalists' rights stating: "Every journalist has the right to freedom of opinion and expression; this right includes the right to seek, receive, give and broadcast information and ideas through any media".<sup>11</sup>
11. In March 2018, a Rwandan court sentenced blogger Joseph Nkusi to ten years in prison for incitement to civil disobedience and the "spreading of rumors". In 2016 Nkusi, who had lived in Norway since 2009, was deported following the rejection of his asylum application. Upon his return to Rwanda, he was immediately arrested and questioned about his political

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<sup>6</sup> Rwanda Utilities Regulatory Authority (RURA), 'Presidential Order N° 05/01 of 15/03/2004 determining the functioning of the Universal Access Fund and public operator's contributions', <http://www.rura.rw/fileadmin/laws/pl05.pdf>

<sup>7</sup> Rwanda Information Society, 'Home', <https://www.risa.rw/home>

<sup>8</sup> The Independent, 25/04/2019, 'Rwanda's Supreme Court Decriminalises Cartooning, Except for the President', <https://www.independent.co.uk/rwandas-supreme-court-decriminalizes-cartooning-except-for-president/>

<sup>9</sup> Citizen Lab, 18/09/2018, 'Hide and Seek: Tracking Pegasus Group's Spyware to Operations in 45 Countries', <https://citizenlab.ca/2018/09/hide-and-peek-tracking-nso-groups-pegasus-spyware-to-operations-in-45-countries/>

<sup>10</sup> Financial Times, 29/10/2019, 'Inside the WhatsApp Hack: How an Israeli technology was used to spy', <https://www.ft.com/content/d9127eae-f99d-11e9-98fd-4d6c20050229>

<sup>11</sup> See article 8 of the media Law LAW N°02/2013 OF 08/02/2013 REGULATING MEDIA: [http://rgb.rw/fileadmin/Key\\_documents/Law-RGS-Gazette/LAW\\_REGULATING\\_MEDIA-08-02-2013.pdf](http://rgb.rw/fileadmin/Key_documents/Law-RGS-Gazette/LAW_REGULATING_MEDIA-08-02-2013.pdf)

activities and blog posts, which were known for their sharp criticism of the Rwandan government. Authorities alleged that Nkusi had reportedly founded a radical opposition group while living in exile in Norway, and made false claims about the 1994 genocide, which is illegal under Rwanda's law against "genocide ideology"<sup>12</sup>.

12. Nkusi's trial is one of many in which charges of genocide ideology and inciting insurrection have been used to prosecute government critics. Fair trial standards were flouted in many of these sensitive political cases, despite recent reforms to the Rwandan justice system.<sup>13</sup>
13. Earlier in May 2017, the National Electoral Commission issued a directive requiring that campaign posts by candidates, including text, photographs and videos must be sent to a team of analysts prior to publishing on Facebook, Twitter, YouTube, WhatsApp, Instagram or on candidates' websites. However, the Rwanda Utilities Regulatory Authority (RURA) dismissed the directive, clarifying in a statement that the elections body had no mandate to regulate social media use.<sup>14</sup>
14. In the aftermath of COVID-19 related restrictions, in place since March 2020, there have been reports of arrests of journalists and bloggers covering abuse by security forces.<sup>15</sup>
15. In an April 13 2020 statement regarding journalism during the COVID-19 pandemic, the Rwanda Media Commission (RMC), stated that individuals with YouTube channels were not allowed to conduct and broadcast interviews as they were not journalists.<sup>16</sup> RMC also reported that journalists were arrested for violating COVID-19 lockdown restrictions.<sup>17</sup>
16. Article 56 of Law N°22/2009 of 12/08/2009 on media<sup>18</sup> says: "Every person has the right to receive, disseminate or send information through the internet. He/she is entitled to the right of creating a website through which he/she disseminates the information to many people. Posting or sending information through the internet does not require the user to be a professional journalist".

<sup>12</sup> Human Rights Watch, 08/03/2017, 'Rwandan Blogger to Stand Trial for Genocide Ideology', <https://www.hrw.org/news/2017/03/08/rwandan-blogger-stand-trial-genocide-ideology>

<sup>13</sup> Human Rights Watch, 30/10/2012, 'Rwanda: Eight-Year Sentence for Opposition Leader', <https://www.hrw.org/news/2012/10/30/rwanda-eight-year-sentence-opposition-leader>

<sup>14</sup> Ashnah Kalemera, CIPESA, 07/06/2017, 'Rwanda's Communications Regulator Dismisses Electoral Commission's Directives on Suppressing Free Speech Online', <https://cipesa.org/2017/06/rwandas-communications-regulator-dismisses-electoral-commissions-directives-on-suppressing-free-speech-online/>

<sup>15</sup> Human Rights Watch, 24/04/2020, 'Rwanda: Lockdown Arrests, Abuses Surge', <https://www.hrw.org/news/2020/04/24/rwanda-lockdown-arrests-abuses-surge>

<sup>16</sup> @RMCRwanda, Twitter, 13/04/2020, [https://twitter.com/RMC\\_Rwanda/status/1249730987703009280](https://twitter.com/RMC_Rwanda/status/1249730987703009280)

<sup>17</sup> Rwanda Today, 16/05/2020, 'Rwandan YouTuber detained over fraud, impersonation', <http://rwandatoday.africa/news/Rwandan-YouTuber-detained-over-fraud--impersonation/4383214-5554340-120o6do/index.html>

<sup>18</sup> Law N°22/2009 of 12/08/2009, <http://aceproject.org/ero-en/regions/africa/RW/rwanda-law-nb022-2009-of-12-08-2009-regulating-the>

## Freedom of information and censorship of content

17. Article 38 of the Rwandan Constitution provides for the freedom of the press, of expression and of access to information, and establishes that all of these rights are recognized and guaranteed by the State.<sup>19</sup>
18. The 2013 law relating to access to information guarantees citizens the right to access information held by the government and private companies.<sup>20</sup> Information can be requested verbally, in writing, by telephone, internet, or any other means.<sup>21</sup> The person applying for information shall determine the means in which he/she wants to obtain information. However, if the means chosen for obtaining the information requested exceeds the capacity of the requested organ, the applicant shall bear the cost.<sup>22</sup>
19. Ministerial order N° 007/07.01/13 of 27/12/2013 provides for response time of a maximum period of three days from the date of receipt of an application for access to information. Where the request for information concerns the life or liberty of a person or for journalistic purposes, information shall be provided within 24 hours or two days, respectively.<sup>23</sup>
20. Exceptions to citizens' right of access to information apply to information that may destabilise national security.<sup>24</sup>
21. The Sobanukirwa initiative, which was established in 2015 to facilitate online information requests and government disclosure has to date received 337 requests, of which only 36 have been successful.<sup>25</sup>
22. As of mid-2018, the previously blocked news website *Ireme News* was accessible, but visiting the site yielded a generic page from its web host, justhost.com.<sup>26</sup> According to local sources, the outlet's owner, William Ntwali, had negotiated with the government to unblock the site, but refused to pay the web hosting fees until the government granted him the right to

<sup>19</sup> Article 38 of the Constitution of Rwanda. see

[https://www.constituteproject.org/constitution/Rwanda\\_2015.pdf?lang=en](https://www.constituteproject.org/constitution/Rwanda_2015.pdf?lang=en)

<sup>20</sup> Articles 1 and 3 of the LAW N° 04/2013 OF 08/02/2013 RELATING TO ACCESS TO INFORMATION, available at:

[https://ombudsman.gov.rw/en/IMG/pdf/acces\\_to\\_information\\_law.pdf](https://ombudsman.gov.rw/en/IMG/pdf/acces_to_information_law.pdf)

<sup>21</sup> *Ibid* Article 9

<sup>22</sup> *Ibid*

<sup>23</sup> Article 2 of the ministerial N° 007/07.01/13 of 27/12/2013, available at:

[https://ombudsman.gov.rw/IMG/pdf/7.d.-iteka\\_rya\\_minisitiri\\_rigena\\_amakuru\\_ashobora\\_guhungabanya\\_umutekano\\_w\\_igihugu.pdf](https://ombudsman.gov.rw/IMG/pdf/7.d.-iteka_rya_minisitiri_rigena_amakuru_ashobora_guhungabanya_umutekano_w_igihugu.pdf)

<sup>24</sup> Article 5 of the LAW N° 04/2013 OF 08/02/2013 RELATING TO ACCESS TO INFORMATION, available at:

[https://ombudsman.gov.rw/en/IMG/pdf/acces\\_to\\_information\\_law.pdf](https://ombudsman.gov.rw/en/IMG/pdf/acces_to_information_law.pdf)

<sup>25</sup> <https://sobanukirwa.rw>

<sup>26</sup> The site was added to the block list in December 2015, likely for its critical reporting on the referendum on presidential term limits at the time. See: "Rwanda news website Ireme latest to be blocked," Great Lakes Voice, December 1, 2015, <http://greatlakesvoice.com/rwanda-news-website-ireme-latest-to-be-blocked/>

resume operations in the country.<sup>27</sup> The BBC Kinyarwanda/Kirundi website remained inaccessible despite a government announcement in May 2015 that only the BBC's Kinyarwanda radio service was suspended.

23. In 2016 and 2017, numerous independent news outlets and opposition blogs that have been blocked for years remained inaccessible, including the websites of *Inyenyeri News*, *The Rwandan*, and *Le Prophete*.<sup>28</sup> Independent regional news outlets such as *Great Lakes Voice* and websites of the Rwandan diaspora such as *Rugali* were also blocked and only accessible via web proxy. There is no transparency behind the government's blocking decisions and no avenue for appeal.

## Right to Equal Access and Opportunity

24. Access to ICTs in Rwanda have improved notably in recent years. The Rwandan government has put ICT at the forefront of the country's social economic development. As of March 2020, Rwanda had a mobile penetration rate of 77.98% while internet penetration stood at 62.90% according to the industry regulator - Rwanda Utilities Regulatory Authority (RURA).<sup>29</sup> In October 2015, Rwanda launched its ICT Master Plan – Vision 2020. Among the priority areas is improved ICT access especially via mobile. Meanwhile, Rwanda's Universal Service Fund, which is aimed at extending connectivity to rural and underserved communities, is funded by up to 2% levy of operator turnover.
25. Rwanda's ICT Sector Strategic Plan 2018-2024 set a target of "broadband as a utility" for all Rwandans by 2024.<sup>30</sup> In 2014, the government of Rwanda in partnership with Korea Telecom rolled out a 4G broadband network to build over 3,000km of fibre optic cable across the country.<sup>31</sup> Access has also become more affordable. Rwanda is ranked 31 out of 61 countries in internet affordability.<sup>32</sup> The Smart Kigali initiative, launched in 2015, provides free wireless internet on public transport.<sup>33</sup>

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<sup>27</sup> Author interview, June 2017. See also: Arthur Gagwa, "A study of Internet-based information controls in Rwanda," Centre for Intellectual Property and Information Technology Law, Strathmore Law School, Kenya, October 2017.

<sup>28</sup> Arthur Gagwa, "A study of Internet-based information controls in Rwanda," Centre for Intellectual Property and Information Technology Law, Strathmore Law School, Kenya, October 2017, <https://www.opentech.fund/article/new-report-investigates-internet-censorship-during-rwandas-2017-presidential-election>

<sup>29</sup> *Ibid*

<sup>30</sup> Ministry of ICT (Rwanda), 'ICT Sector Strategic Plan 2018-2024', [https://minict.gov.rw/fileadmin/Documents/Mitec2018/Policies\\_Publication/Strategy/ICT\\_SECTOR\\_STRATEGIC\\_PLAN\\_2018-2024.pdf](https://minict.gov.rw/fileadmin/Documents/Mitec2018/Policies_Publication/Strategy/ICT_SECTOR_STRATEGIC_PLAN_2018-2024.pdf)

<sup>31</sup> KT Rwanda Networks, <https://www.ktrn.rw/>

<sup>32</sup> Alliance for Affordable Internet, '2019 Affordability Report: Rwanda', [https://a4ai.org/affordability-report/data/?\\_year=2019&indicator=INDEX&country=RWA](https://a4ai.org/affordability-report/data/?_year=2019&indicator=INDEX&country=RWA)

<sup>33</sup> Julius Bizimungu, The New Times, 20/02/2016, "Smart Kigali: 400 buses connected to 4G internet," <http://www.newtimes.co.rw/section/article/2016-02-20/197264/>

26. Nonetheless, Internet access remains beyond the reach of many citizens, particularly those in rural areas who struggle to access digital technologies as a result of low incomes, and low levels of ICT literacy.<sup>34</sup> The Inclusive Internet Index 2020 which assesses internet availability, affordability, relevance of content and readiness ranks Rwanda 89<sup>th</sup> out of 100 countries.<sup>35</sup> Rwanda is currently ranked 31 out of 61 countries in internet affordability.<sup>36</sup>

## Right to data protection and privacy on the internet

27. The Constitution of Rwanda provides under Article 23 that the privacy of a person, his or her family, home or correspondence shall not be subjected to interference in a manner inconsistent with the law.<sup>37</sup> It further states that the confidentiality of correspondence and communication shall not be waived except in circumstances and in accordance with procedures determined by the law.
28. Rwanda has no law in place on data protection and privacy. In early 2020, a draft data protection bill was published<sup>38</sup>, and authorities indicated that the bill would be submitted to Parliament for approval in March 2020.<sup>39</sup> Progress on the bill to date remains unclear. However, Article 124 of the law Governing Information and Telecommunications provides for privacy and data protection. It states: “Notwithstanding other provisions of this Law, every subscriber or user’s voice or data communications carried by means of an electronic communications network or services, must remain confidential to that subscriber and or user for whom the voice or data is intended.”<sup>40</sup>
29. Law n°60/2013 of 22/08/2013 regulating the interception of communications provides that “Interception of communications shall be considered lawful where it is done in the interest of national security and in accordance with this Law.” Similarly, Article 123 of the Law No. 24 of 2016 governing ICT requires that service providers must equip the electronic communications network and service with technical instruments and features that allow and facilitate the lawful interception of electronic communications and monitoring.

<sup>34</sup> Ministry of Youth and ICT, “Measuring ICT sector performance and Tracking ICT for Development (ICT4D),” 2014, <http://bit.ly/1NfV6Hb>.

<sup>35</sup> The Economist, ‘Inclusive Internet Index 2020’, <https://theinclusiveinternet.eiu.com/>

<sup>36</sup> Alliance for Affordable Internet, ‘2019 Affordability Report: Rwanda’, [https://a4ai.org/affordability-report/data/?\\_year=2019&indicator=INDEX&country=RWA](https://a4ai.org/affordability-report/data/?_year=2019&indicator=INDEX&country=RWA)

<sup>37</sup> *Ibid*, Article 23.

<sup>38</sup> Ministry of ICT (Rwanda), ‘Data Protection and Privacy Law’, [https://minict.gov.rw/fileadmin/user\\_upload/Data\\_Protection\\_and\\_Privacy\\_Law\\_30-JAN-2020\\_Thursday\\_Final\\_Draft.pdf](https://minict.gov.rw/fileadmin/user_upload/Data_Protection_and_Privacy_Law_30-JAN-2020_Thursday_Final_Draft.pdf)

<sup>39</sup> Daniel Sabiiti, KTPress, 13/02/2020, ‘Rwanda’s Personal Data Protection Bill Due March’, <https://www.ktpress.rw/2020/02/rwandas-personal-data-protection-bill-due-march/>

<sup>40</sup> Rwanda Utilities Regulatory Authority (RURA), N°24/2016 of 18/06/2016 Law Governing Information and Communication Technologies’, [http://www.rura.rw/uploads/media/Law\\_governing\\_Information\\_and\\_Communication\\_Technologies\\_Levy\\_on\\_petron\\_27\\_06\\_2016.pdf](http://www.rura.rw/uploads/media/Law_governing_Information_and_Communication_Technologies_Levy_on_petron_27_06_2016.pdf)

- 30.** Article 9 of Rwanda’s 2013 law regulating the interception of communications provides that “an interception warrant shall be issued by a National Prosecutor designated by the Minister in charge of Justice”, who is a member of the Executive to whom National Prosecutors report to. Further, that in urgent public security interests, the National Prosecutor may, upon the request of the minister, issue a verbal interception warrant to be completed within 24 hours. If the period expires without a written warrant, the interception is presumed to be illegal.
- 31.** Furthermore, the interception law authorises relevant security organs to apply for an interception warrants, while under Article 126 of the law governing ICT, the minister is empowered to interrupt or cause to be interrupted, any private communication that appears detrimental to the national sovereignty, contrary to any existing law, public order or good morals; or suspend wholly or in part any electronic communications service or network operations for a specified or undetermined period. Further, under Article 127 of the ICT law, electronic communication service providers are under an obligation to provide to the Minister and the Regulatory Authority any information sought for the guidance and supervision of activity relating to ICT.
- 32.** Meanwhile, the Code of Criminal Procedure, under Articles 72 and 73, empowers security organs to seek written authority from any prosecutor appointed by the Justice Minister during investigations to intercept private audio and video recordings, email or online communications on the grounds of national security. ‘National security’ is itself vaguely defined as ‘measures taken by the country to ensure its security.’<sup>41</sup> The requirement for written permission may, however, be waived on grounds of urgency for ‘national security purposes’. In such circumstances, the law requires a written order within 24 hours, the absence of which invalidates the order. This provision also states that interception orders are valid for three months, and are renewable once.
- 33.** The President, whose communications are exempt from interception, is charged with appointing interception inspectors for purposes of monitoring surveillance under Article 12, raising questions around the impartiality and independence of the inspectors.
- 34.** The Rwanda Utilities Regulatory Agency (RURA) has required all SIM cards to be registered since 2013, under Regulation 001/ICT/RURA/2013. RURA retains unrestricted access to Rwanda’s national SIM card databases under Article 13. Authorized persons and institutions may also be granted access to the databases under Article 15.<sup>42</sup> These unchecked powers may lead to abuse of process, especially in the absence of any law relating to data protection and privacy.
- 35.** In March 2016, the UN’s Human Rights Committee urged Rwanda to ensure that interception of communications and use of data takes place on the basis of specific and legitimate

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<sup>41</sup> Law N° 30/2013 of 24/05/2013, Criminal Procedure Code, <http://itegeko.com/en/codes-lois/code-of-criminalprocedure-2/>

<sup>42</sup> 001/ICT/RURA /2013, 16th January 2013, [http://www.rura.rw/uploads/media/FINAL\\_SIM\\_CARD\\_REGISTRATION\\_REGULATIONS\\_03.pdf](http://www.rura.rw/uploads/media/FINAL_SIM_CARD_REGISTRATION_REGULATIONS_03.pdf)

objectives. It also requested that the government sets out in detail the circumstances where such interference may be authorized, and the categories of persons whose communications or data are likely to be intercepted<sup>43</sup>

- 36.** The country's interception laws have caused a chilling effect on exchange of information due to fear of persecution. They have also caused widespread self-censorship among journalists and social media users, undermining the internet's potential to advance free expression and the free flow of information. On March 31, 2016, the Military High Court sentenced Col Tom Byabagamba to 21 years in jail, while retired Brigadier General Frank Rusagara was handed a 20-year jail sentence, after they were both found guilty of various charges relating to "tarnishing the image of the country". Among the evidence prosecutors presented were the defendants' email records.<sup>44</sup>
- 37.** In 2016, the Citizen Lab, an interdisciplinary lab working at the intersection of global affairs and technology at the University of Toronto, uncovered Pegasus – a sophisticated malware developed by the NSO Group that is injected into a target's phone via text or WhatsApp, a popular messaging tool in Africa.<sup>45</sup> Rwanda was among the 45 countries identified by Citizen Lab to have Pegasus operations.<sup>46</sup>
- 38.** More recently, the Financial Times reported that Rwanda paid up to USD 10 million to the NSO Group to spy on government critics and dissidents through WhatsApp<sup>47</sup> – an allegation Rwanda president Paul Kagame denied in a presidential press briefing held on November 8, 2019, only acknowledging that they spy on "our enemies" using "human intelligence". He added, "I wouldn't spend my money over a nobody [Rwandan exiles] yet we have sectors like education to spend such money".<sup>48</sup>
- 39.** According to the Financial Times, those targeted in Rwanda, six of whom it interviewed and they confirmed being alerted by WhatsApp about the possible NSO-enabled surveillance of their communications included a journalist living in exile in Uganda, who had petitioned the Uganda government "to help protect Rwandans in the country from assassination"; South Africa and UK-based senior members of the Rwanda National Congress (RNC), an opposition group in exile; an army officer who fled Rwanda in 2008 and testified against members of

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<sup>43</sup> Shadow Report on the State of Freedom of Expression Online in Rwanda, 2017, [https://cipesa.org/?wpfb\\_dl=257](https://cipesa.org/?wpfb_dl=257)

<sup>44</sup> Rodrigue Rwirahira, The New Times, 01/04/2016, 'Byabagamba, Rusagara get lengthy jail terms', <http://www.newtimes.co.rw/section/article/2016-04-01/198556/>

<sup>45</sup> DJ Pangburn, Fast Company, 30/11/2017, 'The Secretive Billion-Dollar Company Helping Governments Hack Our Phones', <https://www.fastcompany.com/40469864/the-billion-dollar-company-helping-governments-hack-our-phones>

<sup>46</sup> Daniel Mwesigwa, CIPESA, 'Africa in the Crosshairs of New Disinformation and Surveillance Schemes That Undermine Democracy', <https://cipesa.org/2019/12/africa-in-the-crosshairs-of-new-disinformation-and-surveillance-schemes-that-undermine-democracy/>

<sup>47</sup> Financial Times, 29/10/2019, 'Inside the WhatsApp Hack: How an Israeli technology was used to spy', <https://www.ft.com/content/d9127eae-f99d-11e9-98fd-4d6c20050229>

<sup>48</sup> Paul Kagame, 08/11/2019, 'President Kagame holds Press Conference | Kigali, 8 November 2019', <http://paulkagame.com/?p=14962>

the Rwandan government in a French court in 2017; and a Belgium-based member of the FDU-Inkingi opposition party.<sup>49</sup>

40. Among the measures instituted by the government of Rwanda to curb the spread of COVID-19 was mobile phone enabled contact tracing.<sup>50</sup> Another COVID-19 disease surveillance measure with implications on privacy and data protection is a registration<sup>51</sup> requirement at restaurants and hotels. It is important that rigorous data protection and privacy safeguards are implemented in order to prevent the misuse of this data by state authorities.

## Proposed Recommendations

41. In light of The Rwanda's existing record on freedom of opinion and expression, freedom of the press, and the right to privacy online, the submitting organisations call on states to offer the following recommendations to Rwanda:
  - a. Ensure that security forces cease and desist from the harassment and arrest of journalists, and guarantee the rights of the press to continue working freely, including through the duration of the COVID-19 pandemic and afterwards.
  - b. Ensure access to information and diversity in content by refraining from arbitrary censorship and website blockage of independent media and international news websites.
  - c. Comprehensively review all interception laws and policies, including the ICT Law, the Law Governing Interception of Communications and the Code of Criminal Procedure, and amend them to bring it into conformity with constitutional guarantees, and international human rights standards. Such standards must include clear legal parameters that ensure protection of the rights to freedom of expression and privacy, independent oversight and redress mechanisms.
  - d. Pass and implement data protection legislation, which can uphold citizens' right to privacy, in line with Article 23 of the Constitution of Rwanda

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<sup>49</sup> Financial Times, 29/10/2019, 'Inside the WhatsApp Hack: How an Israeli technology was used to spy', <https://www.ft.com/content/d9127eae-f99d-11e9-98fd-4d6c20050229>

<sup>50</sup> Moses K. Gahigi, Rwanda Today, 02/05/2020, <https://rwandatoday.africa/news/Rwanda-opts-for-digital-tools-in-Covid-19-contact-tracing/4383214-5540306-nyjej8z/index.html>

<sup>51</sup> CNBC Africa, 12/05/2020, 'COVID-19: Rwanda issues directive for restaurants to register customers for service', <https://www.cnbc africa.com/videos/2020/05/12/COVID-19-rwanda-issues-directive-for-restaurants-to-register-customers-for-service/>