



Rwanda
Stakeholder Report for the United Nations Universal Periodic Review

Submitted by The Advocates for Human Rights,
a non-governmental organization in special consultative status

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Founded in 1983, **The Advocates for Human Rights** (“The Advocates”) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. A growing number of victims fleeing torture and reprisals on the basis of political opinion in Rwanda have requested legal assistance from The Advocates in applying for asylum in the United States. Their experiences corroborate the information in this report gleaned from secondary resources.

I. EXECUTIVE SUMMARY

1. In 2015, a referendum removed the presidential term limit established in Article 101 of Rwanda's Constitution. This referendum paved the way for President Paul Kagame to be re-elected to a third term in office in 2017. Rwanda's human rights practices have improved in numerous aspects the country's last Universal Periodic Review, but the Rwandan Government continues to engage in anti-democratic acts, leading to political violence, police brutality, and intimidation. As a result, numerous persons have sought asylum in other countries, including the United States.
2. The Advocates has served several Rwandan clients seeking asylum. Their experiences corroborate the information in this report from secondary resources. This stakeholder report addresses Rwanda's failure to comply with international human rights obligations and makes recommendations to address and improve the country's respect for its international human rights obligations.

II. BACKGROUND AND FRAMEWORK

A. 2015 Universal Periodic Review of Rwanda

1. *Prohibition Against Torture or cruel, inhuman, or degrading treatment*

Status of Implementation: Partially Accepted, Not Implemented

3. Rwanda received five recommendations related to torture but accepted only Czechia's recommendation to "[e]stablish swiftly a robust national preventive mechanism in accordance with the Optional Protocol to the Convention Against Torture."¹ It has not done so.

2. *Arbitrary Arrest and Enforced Disappearances*

Status of Implementation: Partially Accepted, Not Implemented

4. Rwanda accepted two recommendations regarding enforced disappearance and arbitrary arrest.² Rwanda received several other recommendations to ratify the Convention on the Protection of all Persons from Enforced Disappearance. It did not accept any of these recommendations but considers them in the process of implementation.³ Rwanda also did not accept one recommendation to investigate "allegations of arbitrary arrest, unlawful detention, and forced disappearance of opposition political figures."⁴ Finally, Rwanda noted two recommendations to investigate arbitrary arrest and enforced disappearances.⁵ Rwanda has not implemented any of these recommendations.

3. *Freedom of Association, Expression, and Political Opinion*

Status of Implementation: Partially Accepted, Not Implemented

5. Several countries made recommendations to Rwanda regarding freedom of expression and opinion.⁶ Rwanda accepted only one of these recommendations "to implement regulatory media policy."⁷ Rwanda also received several recommendations regarding freedom of association and freedom of political opinion, yet it did not accept any of them.⁸ Rwanda has not implemented any of these recommendations.

4. *Right to participate in public affairs & right to vote*

Status of Implementation: Not Accepted, Not Implemented

6. Rwanda noted Czechia’s recommendation to “[g]uarantee equal access of all political parties to all stages of the electoral process,”⁹ and Belgium’s recommendation to “[e]nsure freedoms of expression, association and peaceful demonstration . . . with a view to the electoral cycle.”¹⁰ Rwanda has not implemented these recommendations.

B. Domestic Legal Framework

7. Drafted in 2003, the Constitution of Rwanda establishes a basis for human and democratic rights. Chapter IV of the Constitution recognizes the following: right to vote and be elected (Art. 2), the prohibition against inhumane treatment (Art. 14), the right to freedom of thought, conscience, religion, worship and public manifestation thereof (Art. 37), the right of freedom of association (Art. 39), and the right to freedom of assembly (Art. 40). Legal provisions for humane treatment and justice are guaranteed for people who are accused or arrested (Art. 29). The Preamble guarantees the rights of women.

III. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Right or area 2.1. Acceptance of international norms

8. To date, Rwanda has neither ratified nor acceded to the Optional Protocol to the Convention on the Rights of the Child,¹¹ the Optional Protocol to the International Covenant on Civil and Political Rights,¹² the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights,¹³ the International Convention for the Protection of All Persons from Enforced Disappearance,¹⁴ or the Rome Statute of the International Criminal Court.¹⁵

Right or area 3.1. Cooperation with treaty bodies

9. In 2018, the United Nations Subcommittee on the Prevention of Torture (SPT) canceled its visit to Rwanda because the government was not cooperative.¹⁶ Rwanda responded by asserting that the allegations were incorrect and made in bad faith.¹⁷

Right or area 5.3. Political framework & good governance

10. Corruption is widespread and persistent among members of the ruling party. One client described a corrupt community investor in a political district.¹⁸ This corrupt official took money from people accused of being involved in genocides.¹⁹ The official also had control over the local authorities and courts.²⁰ According to the client’s family, the official was responsible for taking his parent’s land and the family did not receive compensation for that taking.²¹

Right or area 12.5. Prohibition of torture and cruel, inhuman or degrading treatment

11. The Rwandan government continues to commit acts of torture and other ill-treatment. Numerous clients of the Advocates have reported experiencing and witnessing torture, often due to actual or imputed political opinion.²²

12. Individuals experience torture and other ill-treatment while in detention. One client was imprisoned twice because of his support for an opposition candidate. He was electrocuted during the first imprisonment and beaten during the second.²³

Right or area 13.2. Enforced disappearances

13. Rwanda has not ratified the International Convention for the Protection of All Persons from Enforced Disappearance.
14. Enforced disappearances have continued and remain unresolved. For example, Karenzi Karake, a former intelligence chief, remains missing after his arrest on 25 July 2018 by state security agents.²⁴ Also, Eugene Ndereyimana and Boniface Twagirimana, members of the unregistered United Democratic Forces-Inkingi (FDU-Inkingi) opposition political party, remain missing.²⁵

Right or area 13.3. Arbitrary arrest and detention

15. Government officials have subjected supporters of the political opposition to arbitrary arrests and detentions. Multiple human rights NGOs report the unlawful detainment of individuals suspected of having ties to “the Democratic Forces for the Liberation of Rwanda, the Rwanda National Congress, or other insurgent groups.”²⁶ Few cases of unlawful detention were tried and there were no reports of early release or compensation.²⁷ More than one client of The Advocates has experienced arbitrary arrest.²⁸

Right or area 14.3. Freedom of opinion and expression

16. The Rwandan Media Commission has intervened to protect journalists’ rights on occasion, but it generally promotes the government’s views.²⁹
17. The government has taken measures to prevent the spread of information about the genocide of the late 1990s. According to one client, he was denied a loan application because he talked about being a genocide survivor.³⁰ According to the Office of Loan, he was “polluting the image of the country and . . . the country did not need people like him.”³¹
18. Individuals are not free to express their political opinions without the threat of harassment or arrest. Mere association with Diane Rwigara, a former opposition party presidential candidate, exposes individuals to potential arrest and harassment. According to one client, even after Rwigara’s unlawful arrest, her supporters have experienced harassment and disappearances.³²

Right or area 16. Right to an effective remedy, impunity

19. Despite multiple reports of unlawful detention, torture, intimidation, and harassment, no client has mentioned any investigations into these incidents or any remedy provided to them.³³

Right or area 18. Right to participate in public affairs & right to vote

20. President Kagame was re-elected in 2017 after reportedly earning 98.8% of the vote.³⁴
21. Rwanda’s ruling party has repeatedly engaged in intimidation and harassment against its political opponents.³⁵ The electoral board disqualified opposition presidential candidate Diane Rwigara and had her arrested for inciting insurrection and trouble among the population. She was able to gain substantial support for her legitimate campaign, and now

her supporters are subject to harassment and disappearances. For example, Rwigara was arrested and held in custody for over a year until a judicial panel ordered her release due to the “baseless” charges that she had used counterfeit documents to qualify to run in the 2017 presidential election.³⁶ Further, political opponents and human rights defenders cannot operate in Rwanda without fear of arbitrary detention or violence.³⁷

22. Individuals who do not agree with governmental actions have been subject to intimidation, threats, and harassment by the government.

IV. RECOMMENDATIONS

23. This stakeholder report suggests the following recommendations for the Government of Rwanda:

- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention on the Rights of the Child, the Optional Protocol to the International Covenant on Civil and Political Rights, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and the Rome Statute.
- Fully cooperate with the Subcommittee on the Prevention of Torture to facilitate a country visit as soon as practicable.
- Combat impunity by thoroughly and impartially investigating and prosecuting crimes committed by State actors, holding offenders accountable, and ensuring appropriate remedies for victims of such crimes.
- Establish independent mechanisms for reporting and investigation of allegations of unlawful detention, torture, and inhumane treatment at the hands of police and security forces.
- Ensure that prison personnel who engage in torture or cruel, inhuman, or degrading treatment or punishment are held accountable, including by barring them from physical contact with incarcerated persons.
- Protect, in law and in practice, the victims and witnesses of attacks and violations of human rights and freedoms by ensuring they do not face reprisals for reporting or testifying about such human rights violations.
- Guarantee the right to freedom of assembly, association, and expression in conformity with the International Covenant on Civil and Political Rights.
- Protect opposition party members and journalists from harassment and arbitrary arrest by adopting legislative measures that prevent the harassment of such persons while exercising their rights to expression and association.
- Commit to a free and open political environment so that all political parties can campaign and participate fully in elections.
- Thoroughly and impartially investigate and prosecute crimes committed against political opposition members and their supporters, publish the results of these investigations and prosecutions, and ensure that offenders accountable.

- Ensure freedom of association by eliminating threats and ending arbitrary arrests of individuals due to their association with or familial ties to political dissidents.

¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Rwanda*, (18 December 2015), U.N. Doc A/HRC/31/8. ¶133.6 Establish swiftly a robust national preventive mechanism in accordance with the Optional Protocol to the Convention against Torture(Czech Republic); ¶134.17 Implement the provisions of the Optional Protocol to the Convention against Torture(Georgia); ¶134.26 Establish a National Preventive Mechanism in line with the Optional Protocol to the Convention against Torture requirements (Denmark); ¶134.48 Investigate all allegations of torture and ill-treatment during interrogations in some detention facilities by the police and security forces (Italy); ¶135.43 Ensure that human rights violations by law enforcement personnel, notably in cases of non-respect of delays of detention in police custody, arbitrary arrests and detention, and forced disappearances and torture, are investigated and the perpetrators brought to justice (France);

² Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Rwanda*, (18 December 2015), U.N. Doc A/HRC/31/8, ¶133.17 Ensure due process and conduct effective and objective investigations regarding cases of alleged arbitrary arrest and detention, including those which may constitute enforced disappearance (Sweden); ¶133.18Take all appropriate measures to ensure that all reported cases of enforced disappearance are thoroughly investigated (Cyprus);

³ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Rwanda*, (18 December 2015), U.N. Doc A/HRC/31/8. ¶134.1 Ratification and implementation of international human rights treaties, in particular the International Convention for the Protection of All Persons from Enforced Disappearance (Netherlands); ¶134.2 Accelerate the process of accession to the International Convention for the Protection of All Persons from Enforced Disappearance (Togo); ¶134.3Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Italy); ¶134.4 Ratify early the International Convention for the Protection of All Persons from Enforced Disappearance (Japan); ¶134.5 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Madagascar); Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Mali); Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Montenegro); ¶134.6 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, as previously recommended (Panama); ¶134.7 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance(Sierra Leone);134.8Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, as recommended and accepted by the country in the first cycle (Argentina); ¶134.9 Accede, as accepted during the previous cycle, to the International Convention for the Protection of All Persons from Enforced Disappearance(France); ¶134.10 Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance(Cabo Verde); ¶134.11 Move towards ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (Chile); ¶134.12 Adopt a roadmap for the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance(Costa Rica); ¶134.13 Encourage the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance, as well as the ratification of Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Greece);

⁴ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Rwanda*, (18 December 2015), U.N. Doc A/HRC/31/8, ¶134.36 Investigate reports and allegations of arbitrary arrest, unlawful detention and forced disappearance of opposition political figures and members of civil society, and prosecute perpetrators (Canada);

⁵ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Rwanda*, (18 December 2015), U.N. Doc A/HRC/31/8. ¶135.33 Investigate allegations of arbitrary arrests and maltreatment of detained persons at the Gikondo Transit Centre, and bring the perpetrators to justice (Ghana); ¶135.36 Ensure that no person is detained in unofficial facilities and investigate and prosecute all cases of enforced disappearance (Slovenia);

⁶ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Rwanda*, (18 December 2015), U.N. Doc A/HRC/31/8. ¶134.55 Step up efforts towards ensuring freedom of expression and the protection of journalists, and seek the assistance, as required, of special procedures, OHCHR and the United Nations Educational, Scientific and Cultural Organization, in order to achieve that end (Brazil); ¶135.17 Reform the penal code in line with international standards for freedom of expression, including by revising national security provisions (Austria); ¶135.53

Fully guarantee freedom of expression, particularly by ensuring that journalists can carry out their activities unhindered (France);

⁷ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Rwanda*, (18 December 2015), U.N. Doc A/HRC/31/8. ¶133.30 Strengthen efforts in implementing the regulatory media policy to ensure access to information and freedom of opinion and expression, including through capacity-building of relevant parties (Indonesia);

⁸ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Rwanda*, (18 December 2015), U.N. Doc A/HRC/31/8. ¶134.64 Continue advancing measures to ensure the right to freedom of association and expression for all Rwandans, guaranteeing an adequate environment for the activities of opposition sectors or parties (Colombia); ¶135.46 Take steps to ensure that all individuals can fully exercise their rights to peaceful assembly, association and freedom of expression, without intimidation or harassment. This includes revising laws to facilitate NGO registration and operations, sanctioning excessive interference by State officials, and reforming the Penal Code and national security laws to ensure that provisions related to criminal defamation, libel and insult are consistent with international human rights obligations (Canada); ¶135.55 Adopt appropriate measures to ensure the protection of human rights defenders, journalists and political opponents against acts of aggression and intimidation (Luxembourg); ¶135.58 Create an environment conducive to the unhindered work of all political parties, free from intimidation and harassment of those critical of the government, release all those imprisoned for their political views and foster a culture of political dialogue and political pluralism (Czech Republic); ¶135.61 Allow opposition parties to carry out their activities without intimidation or hindrance, and release individuals prosecuted solely for the peaceful and legitimate expression of their views (Australia); ¶135.62 Do not to use the genocide ideology law to impede the activities of opposition parties, opposition and civil society (Norway); ¶134.66 Implement the June 2014 recommendations of the Special Rapporteur on the rights to freedom of peaceful assembly and of association to allow for peaceful political opposition, and for civil society and journalists to register and participate in civic life freely (United States of America); ¶134.67 Ensure no one is subject to criminal processes for exercising rights to peaceful assembly and of association, nor subject to violence, harassment, persecution, intimidation or reprisals (Australia); ¶134.63 Take measures to increase space for peaceful dissent, discussion and dialogue and ensure a conducive and safe environment for everyone exercising or seeking to exercise his or her rights to freedom of association including ensuring that civil society organizations and political parties can carry out their activities without hindrances and a less cumbersome registration process (Sweden);

⁹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Rwanda*, (18 December 2015), U.N. Doc A/HRC/31/8. ¶134.65 Guarantee equal access of all political parties to all stages of the electoral process, from registration to election campaigning (Czech Republic);

¹⁰ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Rwanda*, (18 December 2015), U.N. Doc A/HRC/31/8. ¶135.45 Ensure freedom of expression, association and peaceful demonstration, in accordance with the Rwandan Constitution and international law with a view to the electoral cycle (Belgium);

¹¹ United Nations Treaty Collection, “Optional Protocol to the Convention on the Rights of the Child,” accessed March 2, 2020, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-b&chapter=4&clang=_en.

¹² United Nations Treaty Collection, “Optional Protocol to the International Covenant on Civil and Political Rights,” accessed March 2, 2020,

https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-5&chapter=4&clang=_en.

¹³ United Nations Treaty Collection, “Optional Protocol to the International Covenant on Economic, Social and Cultural Rights,” accessed March 2, 2020,

https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3-a&chapter=4.

¹⁴ United Nations Treaty Collection, “International Convention for the Protection of All Persons from Enforced Disappearance,” accessed March 2, 2020,

https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-16&chapter=4&clang=_en.

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- ¹⁵ United Nations Treaty Collection, “Rome Statute of the International Criminal Court,” accessed March 2, 2020, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-10&chapter=18&clang=_en.
- ¹⁶ Human Rights Watch, “Rwanda Events of 2018,” accessed March 12, 2020, <https://www.hrw.org/world-report/2019/country-chapters/rwanda>
- ¹⁷ Human Rights Watch, “Rwanda Events of 2018,” accessed March 12, 2020, <https://www.hrw.org/world-report/2019/country-chapters/rwanda>
- ¹⁸ Interviews conducted by The Advocates (2015-2019).
- ¹⁹ Interviews conducted by The Advocates (2015-2019).
- ²⁰ Interviews conducted by The Advocates (2015-2019).
- ²¹ Interviews conducted by The Advocates (2015-2019).
- ²² Interviews conducted by The Advocates (2015-2019).
- ²³ Interviews conducted by The Advocates (2015-2019).
- ²⁴ Human Rights Watch, “Rwanda Events of 2018,” accessed March 12, 2020, <https://www.hrw.org/world-report/2019/country-chapters/rwanda>
- ²⁵ Amnesty International, “Rwanda 2019,” accessed July 7, 2020, <https://www.amnesty.org/en/countries/africa/rwanda/report-rwanda/>.
- ²⁶ United States Department of State, *2019 Country Reports on Human Rights Practices: Rwanda*, accessed March 9, 2020, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/rwanda/>.
- ²⁷ United States Department of State, *2019 Country Reports on Human Rights Practices: Rwanda*, accessed March 9, 2020, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/rwanda/>.
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- ²⁹ United States Department of State, *2019 Country Reports on Human Rights Practices: Rwanda*, accessed March 9, 2020, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/rwanda/>.
- ³⁰ Interviews conducted by The Advocates (2015-2019).
- ³¹ Interviews conducted by The Advocates (2015-2019).
- ³² Interviews conducted by The Advocates (2015-2019).
- ³³ Interviews conducted by The Advocates (2015-2019).
- ³⁴ Human Rights Watch, “Rwanda Events of 2018,” accessed March 12, 2020, <https://www.hrw.org/world-report/2019/country-chapters/rwanda>
- ³⁵ Human Rights Watch, “Rwanda Events of 2018,” accessed March 12, 2020, <https://www.hrw.org/world-report/2019/country-chapters/rwanda>; Interviews conducted by The Advocates (2014-2018).
- ³⁶ BBC News, “Diane Rwigara: Rwanda government critic acquitted,” accessed March 11, 2020, <https://www.bbc.com/news/world-africa-46471808>
- ³⁷ Human Rights Watch, “Rwanda Events of 2018,” accessed March 12, 2020, <https://www.hrw.org/world-report/2019/country-chapters/rwanda>; Interviews conducted by The Advocates (2014-2018).