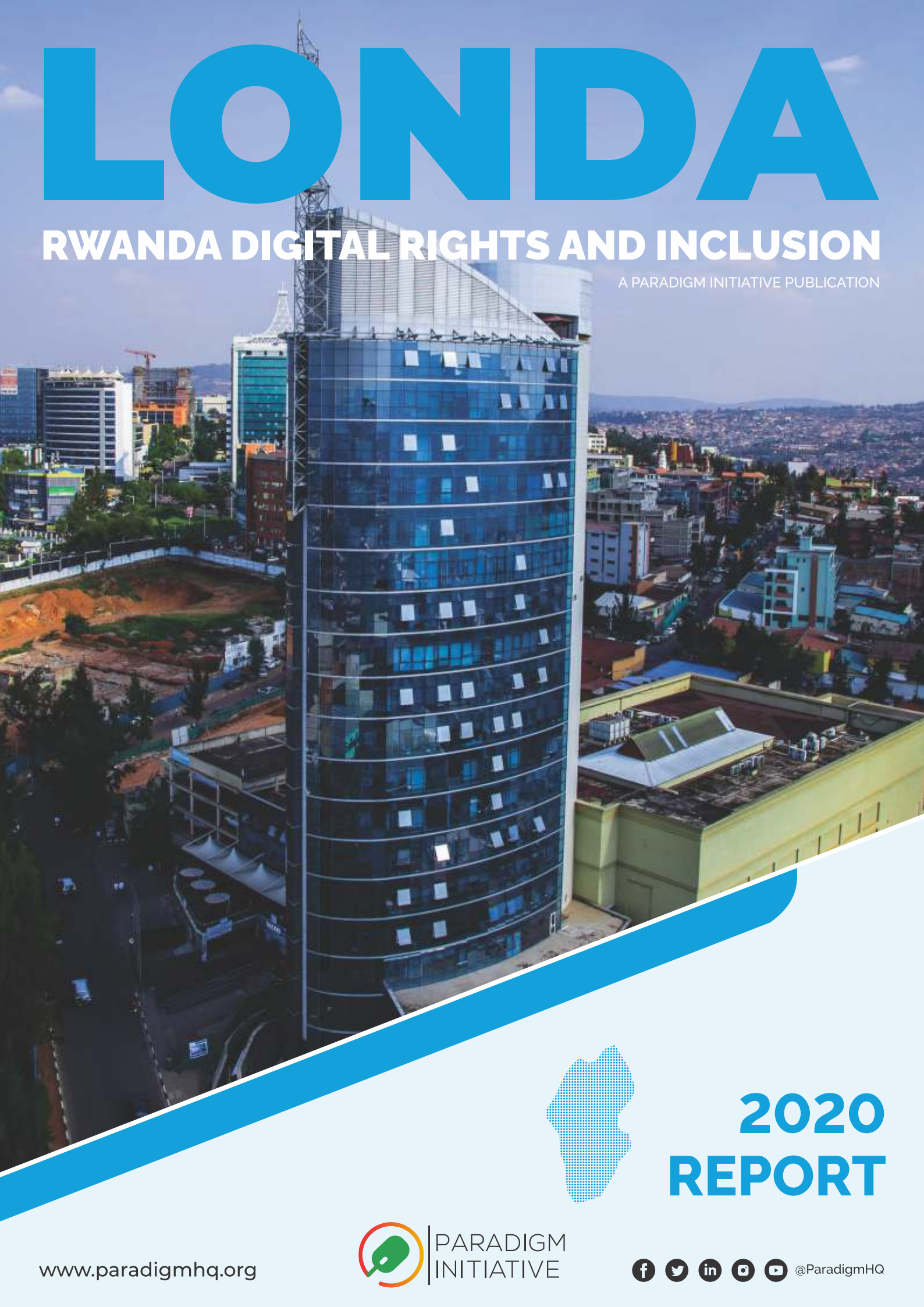


LONDA

RWANDA DIGITAL RIGHTS AND INCLUSION

A PARADIGM INITIATIVE PUBLICATION



2020 REPORT

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Civil society organizations continue to work to advance digital rights and inclusion in Africa, ensuring best practices are adopted into policy and legislation. This report analyses the state of digital rights and inclusion in Rwanda, examining violations and gaps, investigating the use and application of policy and legislation, highlighting milestones and proffering recommendations for the digital landscape in Rwanda. This edition captures among other issues, the digital divide worsened by the COVID-19 pandemic and unearths infractions on different thematic areas such as privacy, access to information, and freedom of expression with the legislative and policy background well enunciated.

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Rwanda is a small landlocked country in East Africa with a population of approximately 12.6 million people, according to the National Institute of Statistics of Rwanda.¹ The capital Kigali is ever growing with smart technology services and rising urbanization that have shaped the city over the past two decades.

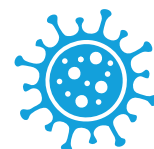
INTRODUCTION

DIGITAL RIGHTS AND INCLUSION IN RWANDA

The capital Kigali, plays both administrative and economic roles. This year the COVID-19 pandemic has hampered various areas of the country's life including digital rights, economy and public health as the government fought the deadly virus by introducing several measures to contain the outbreak.

The country is considered one of the most politically stable with a fast growing economy and social-economic transformation in Africa. The Rwandan government led by president Paul Kagame has received widespread global praise and financial support from donors and international financial institutions over the past two decades for its development model.² Since the 1994 genocide against Tutsis, in which about 800,000 people lost their lives according to the United Nations, the political landscape has been dominated by the ruling Rwandan Patriotic Front (RPF) with other small political parties allies in what is known as the National Consultative Forum of Political Organizations.³

President Kagame has won three elections in 2003, 2010 and 2017. Mr. Kagame is often praised for turning the east African country into a development model. However, his



COVID-19
affected digital rights, economy and public health

1. National Institute of Statistics of Rwanda: November 2020, <http://www.statistics.gov.rw/>

2. The Loyalty of Keeping Rwandans abroad in Check: BBC News Africa: 19 November 2020, <https://www.bbc.com/news/world-africa-54801979>

3. National Consultative Forum of Political Organization, <http://forumfp.org.rw/index.php?id=42>

leadership style is often criticized by human rights organizations and opposition over a poor human rights record, silencing critics, media and a weak civil society.⁴

ICT SECTOR AND POLICIES

Rwanda's Ministry of ICT and Innovation coordinates ICT related policies and programs followed by a regulatory authority, the Rwanda Utilities Regulatory Authority (RURA). RURA was created by the Law N° 39/2001 of 13th September 2001 with the mission to regulate certain public utilities including telecommunications networks and/or telecommunications services, among others. This law was further reviewed and replaced by Law N°. 09/2013 of 01/03/2013,⁵ giving RURA the mandate to regulate telecommunications, information technology, broadcasting and converging electronic technologies, including the internet and any other audio-visual information and communication technology. Additionally, Rwanda Information Society Authority, an agency affiliated to the Ministry of ICT helps the government in digitizing Rwanda.⁶

Rwanda's telecommunication market is composed of two mobile network operators, 24 Internet Service providers (ISPs), one 4G wholesaler and network provider, two network facility providers, and one capacity reseller as of September 2020. The major telecom operators are MTN-Rwanda and Airtel.⁷ Liquid Telecom, formerly Rwandatel,

provides ASP and other internet services such as household broadband. Internet penetration stands at 62,9 % as of March 2020, according to data from the telecom regulator.⁸ However, affordability of devices and low access to broadband widen the digital gap. Data shows 37 % of households don't own phones, while 74.3 % of mobile subscribers rely predominantly on 2G or slower 3G internet services.⁹

In 2000 Rwanda established 'Vision 2020', the country's transformation blueprint to achieve a knowledge based economy status and middle income by 2020. The National Information and Communication Infrastructure (NICI) plans (2000 – 2015) were adopted to guide ICT programs linked to Vision 2020. The country's network coverage is high at 93.5 % for 3G while 4G coverage stands at 96.6 % as of January 2020.¹⁰ Fiber optic is estimated to cover over 3,300 km according to Korea Telecom Rwanda network.¹¹ However, the actual use of broadband is still lower based on the number of active subscribers reported by mobile network operators.¹² While Internet penetration is increasing at 62,3 % as of June 2020, 4G penetration is still low at 5.1% according to data from the regulator.¹³ 74% currently rely on 2G with limited services, namely sms and voice, according to the World Bank.¹⁴ As of September 2020, the cumulative rate of electrification that enables connection and access was 56.7 % of households. The country hopes to connect 100 % of households by 2024 while the

4. Rwanda Country Profile, BBC News: 17 September 2018, <https://www.bbc.com/news/world-africa-14093238>

5. Rwanda's official Gazette, 2013, https://rura.rw/fileadmin/docs/report/Official_Gazette_no_14_bis_of_08_04_2013.pdf

6. Rwanda Information Society Authority, 2017, <https://www.risa.rw/home/>

7. Report for Licensed ICT operators, 2020,

https://rura.rw/fileadmin/Documents/ICT/statistics/Report_for_Licensed_ICT_Operators_as_of_Septemembr_2020.pdf

8. Report of Internet subscriptions per category, 2020, <https://rura.rw/index.php?id=164>

9. Accelerating Digital Transformation in Rwanda, 2020, <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/912581580156139783/rwanda-economic-update-accelerating-digital-transformation-in-rwanda>

10. Accelerating Digital Transformation in Rwanda, 2020, <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/912581580156139783/rwanda-economic-update-accelerating-digital-transformation-in-rwanda>

11. Korea Telecom Rwanda, 2020, <https://www.ktrn.rw/about>

12. Accelerating Digital Transformation in Rwanda, World Bank, 2020, <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/912581580156139783/rwanda-economic-update-accelerating-digital-transformation-in-rwanda>

13. ICT and Telecom statistics, 2020, https://www.rura.rw/fileadmin/Documents/ICT/statistics/ICT_and_Telecom_Statistics_report_as_of_June_2020.pdf

14. Accelerating Digital Transformation in Rwanda, 2020, <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/912581580156139783/rwanda-economic-update-accelerating-digital-transformation-in-rwanda>

productive users will all be connected by 2022, according to the public energy agency.¹⁵ Telecentres have also helped citizens access digital services especially in rural areas.¹⁶ At the end of the third NICI plans in 2015, the country adopted the Smart Rwanda 2020 Master Plan to advance the country's digital transformation agenda till 2020 and beyond.¹⁷ Despite infrastructure achievements, digital rights and inclusion are still a dream for many amid widening gender and other digital gaps. In 2020, COVID-19 worsened the situation on various fronts including privacy, online freedom of expression, surveillance, digital identity, access.¹⁸

VIOLATIONS OF ONLINE FREEDOM OF EXPRESSION AND COVID-19

Several measures hindered online freedom of expression as a number of bloggers, online content producers sharing content on YouTube, and a photographer were arrested for allegedly flouting COVID-19 rules. In 2018, the country enacted Law N° 60/2018 of 22/8/2018 on prevention and punishment of cybercrimes. The law is criticized for using terrorism and national security as a justification for some of its repressive provisions.¹⁹ On 13th July 2020, photographer Reuben Hamuli was arrested for “publishing and spreading rumors online”.²⁰ According to the police, the man used his Twitter page to make “false” claims that he was wrongfully arrested. Article 39 was cited in this

case.²¹ The law could be abused to restrict free speech especially the article on publishing rumors.

In April 2020, several media practitioners were arrested for allegedly violating COVID-19 guidelines.²² They include Théoneste Nsengimana, a director of Umubavu TV, an online TV channel. Additionally, Dieudonné who runs Ishema TV, a YouTube channel, was arrested a few days after running a report on alleged rights abuses blamed on the army in a Kigali neighborhood. The Committee to Protect Journalists called on Rwandan authorities to facilitate journalists and media workers to do their work without “interference”.²³

Furthermore, criminal defamation provisions in the Penal code of Rwanda have been used to charge media professionals and critics.²⁴ However, in 2018 and 2019 those provisions have been repealed from the penal code.²⁵

In 2020, COVID-19 worsened situations on various fronts including privacy, online freedom of expression, surveillance, digital identity, access.



15. Electricity access, Rwanda Energy Group, <https://www.reg.rw/what-we-do/access/>

16. Rwanda Telecentre Network, 2020, <https://rtn.rw/about/>

17. Smart Rwanda Master Plan, 2015,

https://www.minict.gov.rw/policies?tx_filelist_filelist%5B%40widget_0%5D%5BcurrentPage%5D=2&cHash=16083ab4b0499921686749e2c5213490

18. “Rwanda: Lockdown Arrests, Abuses Surge”, “End media Crackdown, Mass Arbitrary Arrest”, Human Rights Watch, 24 April 2020,

<https://www.hrw.org/news/2020/04/24/rwanda-lockdown-arrests-abuses-surge>

19. State of Internet Freedom in Rwanda, 2019,

20. “Man arrested for publishing rumours”, The New Times, July 13, 2020, <https://www.newtimes.co.rw/news/covid-19-man-arrested-publishing-rumours>

21. Law on prevention and punishment of cybercrimes, 2018,

https://rura.rw/index.php?id=104&tx_news_pi1%5Bnews%5D=603&tx_news_pi1%5Bday%5D=27&tx_news_pi1%5Bmonth%5D=9&tx_news_pi1%5Byear%5D=2018&cHash=cf6a0de5282574dd3c3a8081a6348b83

22. Cabinet Communique, 2020,

23. “Multiple Journalists arrested throughout covid-19 lockdown period”, 9 September 2020,

24. CIPESA, State of Internet Freedom in Rwanda, 2019, https://www.opennetafrika.org/?wpfb_dl=103

25. “Rwanda court repeals law that bans satirical cartoons”, Reuters, 24 April 2019, <https://www.reuters.com/article/us-rwanda-politics-cartoons-idUSKCNIS02B0>

Despite the repeal of provisions that can be used to hinder freedom of expression online and offline, some are still skeptical and believe there are other means to silence critics. “When it comes to political space and press freedom in Rwanda, Kagame’s regime seems allergic to real progress. His statement on defamation may lead to the scrapping of the law, but that doesn’t make him a visionary who should be embraced just yet”, wrote Fred Muvunyi, a Rwandan journalist, former chairman of Rwanda’s media self-regulation body.²⁶ “Other means exist to persecute critics or clamp down on the opposition”, he added.

PRIVACY AND SURVEILLANCE

In 2019, Rwanda ratified “The African Convention of Cybersecurity and Personal Data Protection”.²⁷ Rwanda’s cabinet approved the country’s draft data protection and privacy law in October. The purpose of the draft law is to provide a mechanism through which the protection and privacy of personal data will be “ensured”. In an editorial titled, “Data protection long overdue, fast-track it” Rwanda Today newspaper said the bill was overdue: “Given the increasing number of Rwandans who have access to digital services, the enactment of this law is long overdue.

Millions of Rwandans are already accessing digital platforms for social networks, studying and work.²⁸ However, the draft law is silent on critical privacy issues raised about personal data such as digital identity and others.

In 2020, surveillance and tracking tools were used to curb the spread of COVID-19, but the lack of transparency could affect people’s rights to privacy. In July, police revealed that the identities of COVID-19 rules’ violators would be digitally recorded to inform “serious actions” in case of recidivism.²⁹ In May, the Rwandan government deployed digital tools to monitor positive cases and to track infections. The applications used phone data profiles to trace people who had been in contact with COVID-19 patients. The system could monitor and geo-fence the people in localized isolation centres to ensure they did not leave their areas of confinement.³⁰ Private WhatsApp, Skype messages and emails have been used as evidence in court cases raising concerns over privacy violation and surveillance.³¹ Communication interception was used to gather evidence in a case of Diane Rwigara, a government critic, but the prosecution lost the case in 2018 for insufficient evidence.³²

In 2020, surveillance and tracking tools were used to curb the spread of COVID-19, but the lack of transparency could affect people’s rights to privacy.

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26. “Opinion: Rwanda’s Paul Kagame- an enemy of the media parading as a statesman”, DW, 2 May 2019, <https://www.dw.com/en/opinion-rwandas-paul-kagame-an-enemy-of-the-media-parading-as-a-statesman/a-48562042>

27. “AU Convention is finally part of Rwandan Law”, 2019, <https://www.newtimes.co.rw/opinions/au-convention-finally-part-rwandan-law>

28. “Editorial: Data Protection Law Long overdue, fast-track it”, 11 November 2020, <https://rwandatoday.africa/rwanda/opinion/editorial-data-protection-law-long-overdue-fast-track-it-3018844>

29. “Covid19:Police Outlines tough measures against errant violators”, 24 July 2020, <https://www.ktpress.rw/2020/07/covid-19-police-outlines-tough-measures-against-errant-violators/>

30. “Rwanda opts for digital tools in COVID-19 contact tracing”, 2 May 2020, <https://allafrica.com/stories/202005040293.html>

31. State of Internet Freedom in Rwanda, 2019,

32. “Rwandan court acquits the Rwigaras”, 2018, <https://www.theeastafrican.co.ke/news/ea/Rwandan-court-acquits-the-Rwigaras/4552908-4884232-yxfb4s/index.html>



Private WhatsApp, Skype messages and emails have been used as evidence in court cases raising concerns over privacy violation and surveillance.

ACCESS AND COST TO THE INTERNET AND TECHNOLOGIES

Despite growing internet penetration, many remain excluded due to mainly poverty as a result many cannot access digital devices, lack internet connection, while others lack digital literacy skills. The average monthly price of 1GB monthly was US\$0.56 in 2018, equivalent to 5.1 percent of the median monthly income. This is more than double the Alliance for Affordable Internet's target of 2% making the cost unaffordable to most citizens.³³ Currently 1,5 GB of 3G costs on average 2 USD which is still unaffordable for many.³⁴In spite of this, the cost of internet in Rwanda is said to be one of the most affordable in Africa.³⁵

During the COVID-19 lockdowns, education was one of the areas affected by digital exclusion mainly due to the lack of affordability. "A big number of students or parents do not have laptops or smartphones, and most of them cannot access assignments that teachers have been sending through WhatsApp groups since the COVID-19 closure," said a college principal.³⁶ Data from the World Bank shows 37% don't own phones while the majority relies on 2G services with limited features.³⁷

33. Accelerating Digital Transformation in Rwanda, 2020, <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/912581580156139783/rwanda-economic-update-accelerating-digital-transformation-in-rwanda>

34. Airtel, Internet services bundles, <https://airtel.co.rw/internetservice/databundle>

35. "Rwandans spend 7% of their income on Internet", 2020, <https://www.newtimes.co.rw/news/report-rwandans-spend-7-their-income-internet>

36. "Leading a school during covid-19 crisis: an interview with a school leader", page 12, 21 September 2020, <https://rwanda.vvob.org/news/online-and-distance-learning-educational-response-covid-19-crisis>

37. Accelerating Digital Transformation in Rwanda, 2020, <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/912581580156139783/rwanda-economic-update-accelerating-digital-transformation-in-rwanda>

GENDER AND ACCESS

Gender equality has been at the center of Rwanda’s policies to bridge the digital divide. Programmes such as “Girls in ICT mentorship and networking”, “Digital Ambassador”, “Women in TECH” play a key role. However, women still lag behind in ICT. Figures show that computer literacy is still low but much lower among females than males aged 15-30 years (10.7% compared to 13.8%). The increase since 2014 to 2018 has been very low. The same trend has been observed for the females and males aged 15-24 and in the population aged 15 and above.³⁸ Data from RURA shows that as of June 2020, 26% of telecom staff, that employs 1,127 people, are female while 74% are men.³⁹

Expanding access to digital devices at all households and schools; increasing connectivity and improving access to digital content are some of the solutions to the digital divide.⁴⁰ When measured against the Declaration on the Principles of Freedom of Expression and Access to Information in Africa, concerns rise. Especially in respect to freedom of expression. This is evidenced mainly by strict media regulation such as the process for authorization to set up media organizations and accreditation.⁴¹ In respect of the right to information, Rwanda enacted law N° 04/2013 of 08/02/2013 relating to access to information,⁴² which despite being a progressive law, access to information remains a challenge.⁴³

Despite growing internet penetration, many remain excluded due to mainly poverty as a result many cannot access digital devices, lack internet connection, while others lack digital literacy skills.



38. National Gender Statistics Report, 2019, <https://www.statistics.gov.rw/publication/national-gender-statistics-report-2019>

39. Quarterly ICT statistics report, June 2020, https://rura.rw/fileadmin/Documents/ICT/statistics/Quarterly_ICT_Statistics_report_as_of_June_2020_.pdf

40. Online and distance learning: Education response to the COVID-19 crisis, 21 September 2020, <https://rwanda.vvob.org/news/online-and-distance-learning-educational-response-covid-19-crisis>

41. Safeguarding Civil Society in East Africa, 2017, <https://smallmedia.org.uk/work/safeguarding-civil-society-east-africa>

42. Law relating to access to Information, 2013,

43. “Despite a Progressive law, Access to Information”, 2020, <https://panafricanvisions.com/2020/11/despite-a-progressive-law-access-to-information-remains-a-challenge-in-rwanda-report/>

CONCLUSION AND RECOMMENDATIONS



The state of digital rights and inclusion in Rwanda in 2020 has been largely impacted by the COVID-19 pandemic during lockdown and other restrictions that followed. This has been manifested in justified surveillance practices that lacked transparency and raised concerns over privacy and digital rights violation as highlighted in multiple reports cited. Old practices that result in the country's legislations with provisions that can hinder freedom of expression online and offline continued in 2020. Despite the increasing internet penetration, the digital divide is widening as many cannot access and use internet broadband due to high costs of internet services and digital devices, mainly mobile phones. Data shows the digital gender gap remains a key challenge despite the country initiating some impressive programmes to include women in the ICT sector and empowering them to participate in wider digital transformation.

By expanding access to digital devices and internet services to households, this could help decrease the digital divide, especially if done in partnership with telecom firms, digital services providers, telecentres and other ICT stakeholders.

Government should also invest more in digital infrastructures to boost the enabling environment by incentivizing telecom operators and other ICT investors to connect the rural population. The high network coverage without active use does not work to close the digital divide.

Despite the removal of criminal defamation provisions in the country's revised penal code; the article on publishing rumors that is in the cybersecurity law is vague and should be either revised or repealed because it could hinder freedom of expression online.

The gender digital divide hinders the country's progressive gender equality achievements, that aim to boost digital skills among women. These should be further strengthened for better results and authorities should encourage more women to join the ICT sector by sensitizing telecom companies to hire more women and include gender promotion in the employment policy.

The recently approved data protection draft law should be fast-tracked but revised to include other data protection provisions that touch on digital identity and the transparent use of personal data by private and public companies.

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