

# LONDA



2021



**Rwanda Digital Rights and Inclusion Report**

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**RWANDA DIGITAL RIGHTS AND INCLUSION 2021 REPORT**

A PARADIGM INITIATIVE PUBLICATION

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# TABLE OF CONTENTS

**01**

EXECUTIVE SUMMARY

**02**

INTRODUCTION

**04**

COMPLIANCE WITH REGIONAL AND INTERNATIONAL FRAMEWORKS

**06**

IMPACT OF COVID-19 REGULATIONS ON DIGITAL RIGHTS AND INCLUSION

**07**

FREEDOM OF EXPRESSION ONLINE

**09**

ONLINE VIOLENCE AGAINST WOMEN

**10**

PRIVACY, DIGITAL IDS AND SURVEILLANCE

**10**

LEGALISING SURVEILLANCE

**11**

EFFORTS TO BOOST DIGITAL INFRASTRUCTURE, ACCESS, GENDER GAP AND CHALLENGES

**12**

ANALYSIS OF THE COUNTRY'S PERFORMANCE IN COMPARISON TO THE PREVIOUS YEAR

ARTIFICIAL INTELLIGENCE

**13**

CONCLUSION

**14**

RECOMMENDATIONS

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## EXECUTIVE SUMMARY

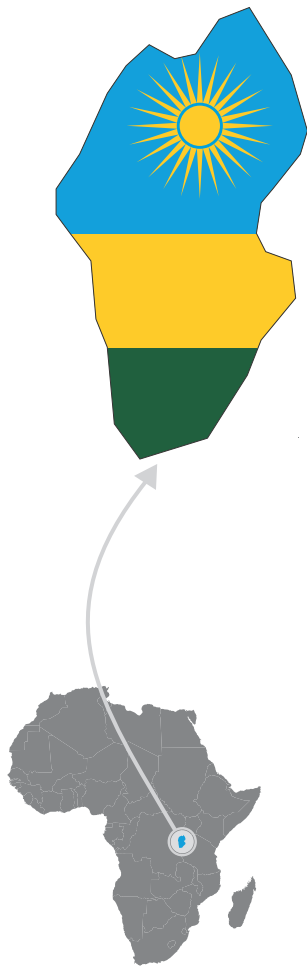
The report assesses the state of digital rights and inclusion in 2021 through an analysis of primary and secondary data on Rwanda. The report analyses the country's performance on various themes such as online freedom of expression, surveillance, digital inclusion, and compliance with international frameworks. It also highlights key achievements, challenges and provides recommendations.

The enactment of legislation on data protection and privacy was a major development in 2021. The digital acceleration project is expected to boost inclusion as it will target more women and contribute to various areas such as digital literacy and entrepreneurship. Students resumed their studies after the government eased the COVID-19 restrictions. However, remote learning was marred by various difficulties.

Despite positive developments, the report notes a worrying trend on online freedom of expression manifested in prosecutions of a number of content producers that human rights and media watch bodies have condemned. The report reveals that some provisions of the law that are used to prosecute content creators do not meet international human rights standards, as many human rights bodies affirm.

Lastly, the study proposes recommendations including legal reforms; transparency on surveillance practices; and acceleration of existing programmes to tackle digital gaps such as digital illiteracy among others. The COVID-19 pandemic has demonstrated that digital technologies play an important role and authorities should address violations and challenges to advance digital rights and digital inclusion.





## INTRODUCTION

# DIGITAL RIGHTS AND INCLUSION IN RWANDA

Rwanda is a landlocked country in East Africa with a population of approximately 12.6 million people.<sup>1</sup> The capital city, Kigali plays both administrative and economic roles, and is continuously growing with smart technology services such as cashless transportation and rapid urbanisation that have shaped the city over the past two decades.

In 2021 the East African country continued to fight the COVID-19 pandemic and its efforts were boosted by the vaccination uptake that is among the highest in Africa.<sup>2</sup> Rwanda is considered to be politically stable and is known for its gender inclusive policy in governance and fast-growing social-economic transformation in Africa.<sup>3</sup> The government led by President Paul Kagame has received global praise and financial support from donors and international financial institutions over the past two decades for its development model.<sup>4</sup> Since the 1994 genocide against Tutsis, the political landscape has been dominated by the ruling Rwanda Patriotic Front (RPF). There are other small political parties allies mainly in what is known as the National Consultative Forum of Political Organizations.<sup>5</sup>

1. The National Institute of Statistics 'Size of the resident population' (2021)

<https://www.statistics.gov.rw/publication/size-resident-population> (accessed on 14 January 2022).

2. World Health Organization 'Rwanda meets WHO year-end target with over 40 % COVID-19 vaccination coverage'

<https://www.afro.who.int/news/rwanda-meets-who-year-end-target-over-40-COVID-19-vaccination-coverage> (accessed on 14 January 2021). Over 40 % of the population had been vaccinated as of 24 December 2021

3. Article19 Eastern Africa 'Securing Digital Rights and Online Freedom of Expression in Eastern Africa' (2020)

<https://www.article19.org/regional-office/eastern-africa/>

4. BBC Africa 'The loyalty Oath of Keeping Rwandans Abroad in Check' <https://www.bbc.com/news/world-africa-54801979> (accessed on 14 January 2021).

5. National Consultative for Political Organizations, <https://forumfp.org.rw/index.php?id=2> (accessed on 14 January 2022)





# 8,552,221

## RWANDA INTERNET SUBSCRIPTION



# 85.16%

## MOBILE PENETRATION

Although President Kagame is often praised for turning Rwanda into a remarkable development model, his leadership style is often criticised by human rights organisations and the opposition for the poor human rights record, silencing of critics and the media, weakening the civil society, and the government's pervasive surveillance practices.<sup>6</sup>

The Ministry of ICT and Innovation coordinates ICT policies.<sup>7</sup> There is a regulatory authority, the Rwanda Utilities Regulatory Authority (RURA), which was created by Law n° 39/2001 of 13th September 2001.<sup>8</sup> The mandate of RURA is to regulate certain public utilities including telecommunications services. This law was reviewed and replaced by Law N. 09/2013 of 01/03/2013, 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.<sup>9</sup> Additionally, the Rwanda Information Society Authority, an agency affiliated to the Ministry of ICT helps the government in digitisation.<sup>10</sup>

Data from RURA shows that as of 30 September 2021, mobile subscriptions were at about 11,5 million, which is nearly the whole population, but some users own more than one mobile phone.<sup>11</sup> Fixed subscription was at 11,657.<sup>12</sup> Mobile penetration stood at 85,16% while fixed subscription was at 0,1%. Internet subscription was 8,552,221 which means that 66 out of 100 inhabitants subscribed to the Internet. However, data published in the Digital 2021 Rwanda report shows that as of January 2021 Internet penetration was at 31.4% lower than the government's agency penetration rate.<sup>13</sup>

As of September 2020, 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. The major telecom operators are MTN-Rwanda and Airtel.<sup>14</sup>

6. Freedom House 'Freedom on the net 2021' <https://freedomhouse.org/country/rwanda/freedom-net/2021> ( accessed on 14 January 2022).

7. MINICT, ' Ministry of Information Communication Technology and Information', <https://www.minict.gov.rw/about> ( Accessed on 31 March 2022)

8. RURA, ' Law establishing an agency for the regulation of certain utilities', <https://www.google.com/search?client=firefox-b-d&q=law+no+39%2F2001+of+13+September+2001+creating+RURA+> ( Accessed on 31 March 2022).

9. RURA, ' Law establishing RURA' <https://rura.rw/index.php?id=202> ( accessed on 14 January 2022).

10. Rwanda Information Society, <https://www.risa.rw/home/> ( accessed on 14 January 2021.)

11. RURA, ' Report for ICT Sector as of the Third quarter of the year 2021' <https://rura.rw/index.php?id=194> ( accessed on 14 January 2021 ).

12. RURA, ' Report for ICT Sector as of the Third quarter of the year 2021' <https://rura.rw/index.php?id=194> ( accessed on 14 January 2021 ).

## COMPLIANCE WITH REGIONAL AND INTERNATIONAL FRAMEWORKS

Rwanda ratified the African Union Convention on Cyber Security and Personal Data Protection (the AU Convention) in 2019. This is a major development that culminated in the enactment of a data protection and privacy legislation.<sup>15</sup> Article 8(1) of the AU Convention states that:



***Each State Party shall commit itself to establish a legal framework aimed at strengthening fundamental rights and public freedoms, particularly the protection of physical data, and punish any violation of privacy without prejudice to the free flow of personal data.***<sup>16</sup>

Law No. 058/2021 of 13 October 2021 Relating to the Protection of Personal Data and Privacy was published on 15 October 2021, in the Rwanda Official Gazette, a major development in 2021.<sup>17</sup> The law establishes among other obligations: maintaining records, personal data processed, the designation of Data Protection Officer, and

carrying out data protection impact assessment. It also provides a two-year grace period before implementation.

While the new legislation is a positive development, critics noted that it lacks safeguards for freedom of expression and information. According to Article 19 Eastern Africa, the draft bill would undermine traditional and digital media outlets who serve the public interests, because they would not be able to access certain information. The law does not give them a public interest exception, meaning the media would face criminal and civil sanctions for using some information. This is against article 17 and 19 of the International Covenant on Civil and Political Rights (ICCPR) that promote freedom of expression, rights to information and media freedom.<sup>18</sup> The lack of “independence” of the institution in charge of the law implementation is also another challenge.<sup>19</sup> The National Cybersecurity Authority, a public agency that coordinates cybersecurity functions will oversee the implementation of the law. However, the body lacks the appropriate mandate and powers to supervise the new law which can hinder its efforts to protect the rights to privacy.<sup>20</sup> Rwanda is one of few African jurisdictions that enacted the data protection legislation without creating a separate data protection authority.<sup>21</sup>

15. African Union ' African Union Convention on Cyber Security and Personal Data Protection' <https://au.int/en/treaties/african-union-convention-cyber-security-and-personal-data-protection> (Accessed on 14 January 2022).

16. African Union ' African Union Convention on Cybersecurity and Personal Data Protection', <https://au.int/en/treaties/african-union-convention-cyber-security-and-personal-data-protection> ( Accessed on 17 February 2022)

17. DataGuidance ' Rwanda : Data protection Law published in the Official gazette' <https://www.dataguidance.com/news/rwanda-data-protection-law-published-official-gazette> ( Accessed on 14 January 2022).

18. United Nations: International Covenants on Civil and Political Rights',(1976), <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>( Accessed on 23 February 2022).

19. Article 19 ' Rwanda: Draft Data Protection Bill must incorporate freedom of expression and information safeguards' <https://www.article19.org/resources/rwanda-data-protection-bill-must-incorporate-free-speech-safeguards/> ( Accessed on 14 January 2022).

20. Article 19 Eastern Africa, " Rwanda: Draft Data Protection Bill must incorporate freedom of expression and information safeguards' (2021), <https://www.article19.org/resources/rwanda-data-protection-bill-must-incorporate-free-speech-safeguards/> ( Accessed on 23 February 2022).

21. Lexology, ' Key features of the new Rwandan data protection law' (2021), <https://www.lexology.com/library/detail.aspx?g=35219233-31c8-43ed-9ca7-db759c412b13> ( Accessed on 23 February 2022).

Rwanda ratified the International Covenant on Civil and Political Rights (ICCPR) in 1975 and Second Optional Protocol to the International Covenants on Civil and Political Rights aiming to the abolition of death penalty.<sup>22</sup> ICCPR promotes various human rights and signatories states agreed to respect 53 articles in the covenant.<sup>23</sup> In October 2021 Human Rights watch documented intensification of crackdown on opposition and media. This was manifested in the arrest of nine people linked to an unregistered opposition party including a journalist in October and the prosecution of online commentators that use youtube channels.<sup>24</sup>

The 2019 Declaration of Principles on Freedom of Expression and Access to Information in Africa (the ACHPR 2019 Declaration) establishes principles that promote freedom of expression and Access to Information:<sup>25</sup> Principle 16(1) on media self-regulation states that *“States shall encourage media self-regulation which shall be impartial, expeditious, cost-effective, and promote high standards in the media”*. In the past media watch bodies have criticised authorities for weakening Rwanda's media-self regulation body and hindering its work. This hindered media freedom in the country.<sup>26</sup>

The Declaration's principle 26 says the right to access to information shall be guaranteed by law. Rwanda enacted the law relating to access to information in 2013.<sup>27</sup> A media development report released by Rwanda Governance Board, a government affiliated institution, in 2021 ranked the country's media sector performance at 80.6% saying the media was doing well.<sup>28</sup> The same study states that the media scored 77.8% on access to information.<sup>29</sup> The high score means that the right to information is entrenched in the country. However, another report released in late 2020 that documented the state of access to information in Rwanda revealed a culture of secrecy, increasing denial of information.<sup>30</sup>



***The lack of “independence”  
of the institution in charge of the  
law implementation is also  
another challenge.***

22. UN Treaty Body database, ' Ratification Status for Rwanda', [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=145&Lang=en](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=145&Lang=en) (accessed on 17 February 2022)

23. United Nations Human Rights Office of the High Commissioner, 'International Covenant on Civil and Political Rights', <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> ( Accessed on 17 February 2022).

24. Human Rights Watch, ' Rwanda: Crackdown on Opposition, Media intensify', <https://www.hrw.org/news/2021/10/19/rwanda-crackdown-opposition-media-intensifies> ( accessed on 17 February 2022).

25. African Commission on Human and Peoples' rights, ' Declaration of Principles on Freedom of Expression and Access to Information', <https://www.achpr.org/legalinstruments/detail?id=69> ( access on 16 February 2022). The 2019 Declaration of Principles on Freedom of Expression and Access to Information in Africa was adopted by the African Commission on Human and Peoples' Rights (the African Commission) at its 65th Ordinary Session.

26. Reporters Without Borders' Rwanda's Media Self-regulatory body subjected to intimidation campaign', <https://rsf.org/en/news/rwandas-media-self-regulator-subjected-intimidation-campaign> ( accessed 16 February 2022).

27. Rwanda Governance Board ' Law No 04/2013 of 08/02/2013 relating to access to information', [https://www.google.com/search?q=law+relating+to+access+to+information+rwanda&client=firefox-b-d&sxsrf=APq-WBs\\_JT1\\_o3xHaCCyqGC0t8CgHpJ00g:1645020251993&ei=WwQNYruHPle6sAfKkJD4Ag&start=10&sa=N&ved=2ahUKEwj7oJL-sYT2AhUHewKHUoIBc8Q8tMDegQIARA2&biw=1366&bih=643&dpr=1](https://www.google.com/search?q=law+relating+to+access+to+information+rwanda&client=firefox-b-d&sxsrf=APq-WBs_JT1_o3xHaCCyqGC0t8CgHpJ00g:1645020251993&ei=WwQNYruHPle6sAfKkJD4Ag&start=10&sa=N&ved=2ahUKEwj7oJL-sYT2AhUHewKHUoIBc8Q8tMDegQIARA2&biw=1366&bih=643&dpr=1)

28. Rwanda Governance Board 'Rwanda Media Barometer 2021' (2021) [https://www.rgb.rw/publications?tx\\_filelist\\_filelist%5Baction%5D=list&tx\\_filelist\\_filelist%5Bcontroller%5D=File&tx\\_filelist\\_filelist%5Bpath%5D=%2Fuser\\_upload%2FRGB%2FPublications%2FRWANDA\\_MEDIA\\_BAROMETER-RMB%2F&cHash=18adf18f968c1d51377ae9d2fb1422ca](https://www.rgb.rw/publications?tx_filelist_filelist%5Baction%5D=list&tx_filelist_filelist%5Bcontroller%5D=File&tx_filelist_filelist%5Bpath%5D=%2Fuser_upload%2FRGB%2FPublications%2FRWANDA_MEDIA_BAROMETER-RMB%2F&cHash=18adf18f968c1d51377ae9d2fb1422ca) (Accessed on 15 January 2022).

29. Rwanda Governance Board 'Rwanda Media Barometer 2021' (2021) [https://www.rgb.rw/publications?tx\\_filelist\\_filelist%5Baction%5D=list&tx\\_filelist\\_filelist%5Bcontroller%5D=File&tx\\_filelist\\_filelist%5Bpath%5D=%2Fuser\\_upload%2FRGB%2FPublications%2FRWANDA\\_MEDIA\\_BAROMETER-RMB%2F&cHash=18adf18f968c1d51377ae9d2fb1422ca](https://www.rgb.rw/publications?tx_filelist_filelist%5Baction%5D=list&tx_filelist_filelist%5Bcontroller%5D=File&tx_filelist_filelist%5Bpath%5D=%2Fuser_upload%2FRGB%2FPublications%2FRWANDA_MEDIA_BAROMETER-RMB%2F&cHash=18adf18f968c1d51377ae9d2fb1422ca) ( Accessed on 15 January 2022).

30. PanafrikanVisions ' Despite a progressive law, access to information remains a challenge) <https://panafrikanvisions.com/2020/11/despite-a-progressive-law-access-to-information-remains-a-challenge-in-rwanda-report/> ( Accessed on 15 January 2022).



## IMPACT OF COVID-19 REGULATIONS ON DIGITAL RIGHTS AND INCLUSION

The Global pandemic and relevant regulations affected the general life in the country. This led to the hindrance of digital rights and inclusion.

Education was a main sector badly affected as schools were closed and ordered to adopt remote learning that was difficult for many. Online Freedom of expression was marked by the arrests and prosecutions of commentators.

Education is one of sectors that have been severely impacted by the COVID-19 regulations. After lockdowns, schools were closed and re-opened several times to prevent the spread of the virus. Education authorities encouraged schools to resort to remote learning using the Internet, radio and TV.<sup>31</sup> Amidst lockdown the ministry of education announced programs that would allow students to pursue their studies remotely.<sup>32</sup> Affordability of digital devices such as laptops and smartphones and high Internet cost was the main challenge. One college principal elaborated that *“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.”*<sup>33</sup>

In August 2021, the Ministry of Education ordered all learning institutions to repeat all courses that were taught remotely during the lockdown. Some educationists supported the directive and said it could help to contain rising inequalities in education.<sup>34</sup>



31. Xinhua net, 'Rwanda closes schools in capital to curb COVID-19 spread', [http://www.xinhuanet.com/english/2021-01/18/c\\_139676237.htm](http://www.xinhuanet.com/english/2021-01/18/c_139676237.htm) ( Accessed on 18 February 2022).

32. Ministry of education, ' Students should embrace e-learning amidst schools' closure due to Covid-19', <https://www.mineduc.gov.rw/news-detail/students-should-embrace-elearning-amidst-schools-closure-due-to-covid-19> ( accessed on 31 March 2022).

33. VVOB Rwanda ' Online and Distance Learning: Educational response to the COVID-19 crisis' <https://rwanda.vvob.org/news/online-and-distance-learning-educational-response-COVID-19-crisis> page 12 ( 2020) ( Accessed on 14 January 2022).

34. The East African, ' For Rwanda, all e-learning lessons to be retaken in in-person classes', <https://www.theeastafrican.co.ke/tea/news/east-africa/e-learning-lessons-to-be-retaken-in-in-person-classes-3529904> ( Accessed on 18 February 2022)

All learning institutions re-opened on 2 August 2021 for the third term after the government lifted the 15-day lockdown in Kigali and other eight districts.<sup>35</sup> The repeat of lessons taught remotely highlights ICT gaps in learning institutions despite efforts to promote smart learning. The Higher Education Council audits exposed a lack of ICTs tools, Internet connectivity challenges and digital skills gap among lecturers and learners.<sup>36</sup>

According to a report released by UNESCO, the impact of the COVID-19 pandemic on education systems has made it challenging for special education teachers to ensure equal learning for students with disabilities. As of 2019 about 1% (17,193) of children enrolled in primary schools had a disability.<sup>37</sup> As a response to COVID-19 impact on education of people with disability, most of the support was given to teachers and students at special schools and resources centres for people with intellectual disability for remote learning, however, inclusive schools received relatively little attention and assistance.<sup>38</sup> According to a UNESCO study, inclusive schools continued to use materials they had before the pandemic.<sup>39</sup> Rwanda ratified the Convention on the Rights of People with Disability and its Optional Protocol in 2008.<sup>40</sup>

## FREEDOM OF EXPRESSION ONLINE

Online conversation is dominated by pro-government views and any criticism is met with trolling by government supporters, while other

users exercise self-censorship to avoid trouble or being labelled “*enemies of the country*”. According to Freedom House, in 2021, Rwanda ranked as not free. “*Pro government accounts also mobilise to retweets and post positive comments in response to President Kagame’s tweets, to project an image of widespread support*”.<sup>41</sup> The so-called “*Twitter Army*” consistently attacks and discredits individuals and media houses that criticise the government.<sup>42</sup>

The intolerance of online divergent views and other forms of silencing critics on social media platforms are against principle 5 of the 2019 ACHPR Declaration which says:

*The exercise of the rights to freedom of expression and access to information shall be protected from interference both online and offline, and States shall interpret and implement the protection of these rights in this Declaration and other relevant international standards accordingly.*<sup>43</sup>

Meanwhile, online content producers who post content on Youtube are arrested or subjected to other actions that appear to silence them. The government often accuses them of genocide denial, genocide ideology and rumours. In 2020 most of the arrests of YouTubers were linked to violations of COVID-19 regulations, while in 2021 the arrests and warnings were linked to the content they produce.

35. The East African ' For Rwanda, all e-learning lessons to be taken in-person classes' (2021) <https://www.theeastafrican.co.ke/tea/news/east-africa/e-learning-lessons-to-be-retaken-in-in-person-classes-3529904> ( Accessed on 14 January 2022).

36. The East African ' For Rwanda, all e-learning lessons to be taken in-person classes' (2021) <https://www.theeastafrican.co.ke/tea/news/east-africa/e-learning-lessons-to-be-retaken-in-in-person-classes-3529904> ( Accessed on 14 January 2022).

37. Unesco, 'COVID-19 and inclusive and inclusive open and distance learning solutions', <https://unesdoc.unesco.org/ark:/48223/pf0000377831> ( accessed on 19 February 2022).

38. Unesco, 'COVID-19 and Inclusive open and distance learning solutions', <https://unesdoc.unesco.org/ark:/48223/pf0000377831> ( accessed on 19 February 2022).

39.

40. United Nations, ' Conventions on the Rights of Persons with Disability', <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html> ( Accessed on 18 February 2022)

41. Freedom House ' Rwanda Freedom on the net 2021'( 2021) [https://freedomhouse.org/country/rwanda/freedom-net/2021#footnote3\\_urb5moo](https://freedomhouse.org/country/rwanda/freedom-net/2021#footnote3_urb5moo) ( Accessed on 14 January 2022).

42. Freedom House ' Rwanda Freedom on the net 2021' (2021) [https://freedomhouse.org/country/rwanda/freedom-net/2021#footnote3\\_urb5moo](https://freedomhouse.org/country/rwanda/freedom-net/2021#footnote3_urb5moo) ( Accessed on 14 January 2022).

43. African Union, ' Declaration of Principles on Freedom of Expression and Access to Information in Africa 2019', <https://www.achpr.org/legalinstruments/detail?id=69> ( Accessed on 19 February 2022).

In June 2021 Aimable Karasira, a popular YouTuber with over 62,000 subscribers was arrested for alleged genocide denial.<sup>44</sup> Authorities said that they had arrested the Youtuber on charges of denying the 1994 Genocide and if found guilty, he could be jailed for more than 10 years.<sup>45</sup>

In March 2021 police arrested Yvonne Idamange for calling for protests against President Kagame's "dictatorial rule".<sup>46</sup> She faces other charges related to the genocide.<sup>47</sup> A popular poet, Innocent Bahati, who posted critical poems on social issues disappeared.<sup>48</sup> At the time of publication of this report Mr. Bahati had not been found. Recently, over 100 acclaimed writers signed an open letter urging President Kagame to intervene in the case.<sup>49</sup>

In October 2021, the Rwanda Investigative Bureau (RIB) arrested Rashid Abdou Hakuzimana, a Youtube content creator who founded Rashid TV. Mr. Hakuzimana was being investigated for allegedly denying and trivializing the genocide.<sup>50</sup>

RIB spokesperson, Thierry B Murangira warned social media users against using online platforms to

spread "hate speech, rumours, or words that can provoke divisionism, cause intimidation and chaos in the public".<sup>51</sup> Theoneste Nsengimana, an online journalist, was arrested on October 13.<sup>52</sup> The reporter had aired a video clip announcing an opposition event on his channel. The promo cited various people that were alleged political prisoners and others whose disappearance were allegedly linked to the government.<sup>53</sup> The reporter's Youtube channel, the 'Umubavu TV' had planned to host a discussion.<sup>54</sup> According to the Rwanda Investigation Bureau (RIB), journalist Nsengimana and other people were arrested for "publication of rumours intended to cause uprising or unrest among the population."<sup>55</sup>

While authorities justify the prosecution of several online commentators as a fight against divisionism, hate speech, genocide ideology in order to prevent acts that led to the 1994 genocide, human rights organisations assert that "current laws and practices go beyond this purpose", silence critics, debate and divergent opinions on the country's governance and history.<sup>56</sup>

44. News 24 'Rwandan Police arrest a youtuber for alleged Genocide denial' (2021) <https://www.news24.com/news24/africa/news/rwanda-police-arrest-youtuber-for-alleged-genocide-denial-20210601> (Accessed on 14 January 2022).

45. Eye Witness News, 'Rwandan Police arrest youtuber for alleged Genocide denial', <https://ewn.co.za/2021/06/01/rwanda-police-arrest-youtuber-for-alleged-genocide-denial> (Accessed on 21 February 2022).

46. The New Times, 'Yvonne Idamange arrested, charged with inciting public disorder, assault', <https://www.newtimes.co.rw/news/yvonne-idamange-arrested-charged-inciting-public-disorder-assault> (Accessed on 31 March 2022).

47. The New Times, 'Yvonne Idamange's case file sent to the prosecution', <https://www.newtimes.co.rw/news/yvonne-idamanges-case-file-sent-prosecution> (accessed on 31 March 2022).

48. News 24 'Rwandan Police arrest a youtuber for alleged Genocide denial' (2021) <https://www.news24.com/news24/africa/news/rwanda-police-arrest-youtuber-for-alleged-genocide-denial-20210601> (Accessed on 14 January 2022).

49. Open country, 'Over 100 writers sign open letter on missing Rwandan poet' (2022), <https://opencountrymag.com/over-100-writers-sign-open-letter-on-missing-rwandan-poet-innocent-bahati/> (Accessed on 24 February 2022).

50. The New Times 'Man arrested for allegedly denying and minimizing Genocide' (2021) <https://www.newtimes.co.rw/news/man-arrested-allegedly-denying-minimising-genocide> (Accessed on 14 January 2022).

51. The New Times, 'Man arrested for allegedly denying and minimizing Genocide', (2021), <https://www.newtimes.co.rw/news/man-arrested-allegedly-denying-minimising-genocide> (Accessed on 21 February 2022).

52. The Committee to Protect Journalists, 'Rwandan journalist Theoneste Nsengimana detained since October 13', <https://cpj.org/2021/11/rwandan-journalist-theoneste-nsengimana-detained-since-october-13/> (Accessed on 31 March 2022).

53. The Committee to Protect Journalists, 'Rwandan journalist Theoneste Nsengimana detained since October 13', <https://cpj.org/2021/11/rwandan-journalist-theoneste-nsengimana-detained-since-october-13/> (Accessed on 31 March 2022).

54. Human Rights Watch 'Rwanda: Crackdown on Opposition, Media Intensify' (2021) <https://www.hrw.org/news/2021/10/19/rwanda-crackdown-opposition-media-intensifies> (Accessed on 14 January 2022).

55. Human Rights Watch, 'Rwanda: Crackdown on Opposition, Media intensify' (2021), <https://www.hrw.org/news/2021/10/19/rwanda-crackdown-opposition-media-intensifies> (Accessed on 21 February 2022).

56. Human Rights Watch 'Rwanda: Arrests, Prosecutions over Youtube posts' (2021) <https://www.hrw.org/news/2021/03/30/rwanda-arrests-prosecutions-over-youtube-posts> (Accessed on 15 January 2022).



The commonly used law to prosecute online content producers who discuss public affairs and genocide issues is Law No 59/2018 of 22/8/2010 on the crime of Genocide Ideology and related crimes.<sup>57</sup> The law on prevention of cybercrimes is also applied to prosecute online content producers as it prohibits publication of “rumours”.<sup>58</sup> The law's purpose is to prevent and punish cybercrimes. However, some articles are vague and can be misinterpreted. Article 39 on publishing rumours says that “Any person who, knowingly and through a computer or a computer system, publishes rumours that may incite fear, insurrection or violence amongst the population or that may make a person lose their credibility, commits an offence.” Also article 38 on publishing indecent information in electronic form provides that “Any person who publishes, transmits or causes to be published any indecent message using a computer or a computer system, commits an offence.” It is not clear what is “indecent” as it can be a subject of interpretation leading to the misuse of this provision.

## ONLINE VIOLENCE AGAINST WOMEN

Since COVID-19 broke out many people shifted their work online and others spent more time on social media than before. This has to an extent increased online violence against women especially targeting those who are more active in the digital space.<sup>59</sup> A detailed online report documented rising cases of bullying and online harassment against women, noting “they have gone out of hand on many occasions”.<sup>60</sup>

The director of Women at Web Rwanda, an organisation that promotes online participation of women in Rwanda, highlighted that, “with many people joining online spaces and having more time to kill on social networks, online harassment and bullying peaked and on many occasions has gotten out of hand.”<sup>61</sup> A local journalist who experienced cyberbullying as a response to her articles said: “I get harassed and bullied online from the articles I share online. It is very common to be attacked on the way I look instead of people focusing on my work. Sometimes people ask for a picture of the writer and share insulting remarks.”<sup>62</sup>

57. Rwanda Law Reform Commission 'Genocide Ideology Law No 59 of 2018' (2018) Accessed on 15 January 2022).

58. Rwanda Law Reform Commission 'Law No 60/2018 of 22/8/2018 on Prevention and Punishment of Cybercrimes' (2018)

[https://www.rlrc.gov.rw/index.php?id=233&L=0%27&tx\\_filelist\\_filelist%5Bpath%5D=%2Fuser\\_upload%2FLaws3%2F4.\\_Criminal%2F4.5.\\_Cyber\\_crimes%2F&tx\\_filelist\\_filelist%5Baction%5D=list&tx\\_filelist\\_filelist%5Bcontroller%5D=File&cHash=f035dd39ed8ccea73f92fde56a49a78b](https://www.rlrc.gov.rw/index.php?id=233&L=0%27&tx_filelist_filelist%5Bpath%5D=%2Fuser_upload%2FLaws3%2F4._Criminal%2F4.5._Cyber_crimes%2F&tx_filelist_filelist%5Baction%5D=list&tx_filelist_filelist%5Bcontroller%5D=File&cHash=f035dd39ed8ccea73f92fde56a49a78b) (Accessed on 15/1/2022).

59. Andariya, 'Gender-based violence online: Has Women's participation decreased in Rwanda?', (2021), <https://www.andariya.com/post/gender-based-violence-online-has-women-s-online-participation-decreased-in-rwanda> (Accessed on February 21, 2022)

60. Andariya, 'Gender-based violence online: Has Women's participation decreased in Rwanda?', (2021), <https://www.andariya.com/post/gender-based-violence-online-has-women-s-online-participation-decreased-in-rwanda> (Accessed on February 21, 2022)

61. Andariya, 'Gender-based violence online: Has women's participation decreased in Rwanda?', <https://www.andariya.com/post/gender-based-violence-online-has-women-s-online-participation-decreased-in-rwanda> (Accessed on 31 March 2022)

62. Andariya, 'Gender-based violence online: has Women's online participation decreased in Rwanda?', (2021), <https://www.andariya.com/post/gender-based-violence-online-has-women-s-online-participation-decreased-in-rwanda> (Accessed on 21 February 2022).



## PRIVACY, DIGITAL IDS AND SURVEILLANCE

Rwanda's digital ID is increasingly being used to access several public services through Irengo, a government e-portal that is used to request various documents and services.<sup>63</sup> The ID is also used for other private sector's services such as banking, education and access to some institutions' premises. A recent study on digital IDs in Africa noted that despite the tremendous functional development of Rwanda's ID system, the institutional and legal framework in its support seems to be weak.<sup>64</sup>

The digital ID is supported by Law No.14/2008 of 04/6/2008, which governs the registration of the population and issuance of the national identity card, and was amended in 2018.<sup>65</sup> Despite the supporting legislation and a relevant ministerial order, the application of the digital Identity goes beyond these legislative instruments.<sup>66</sup> The adoption of legislation on the use of digital ID in addition to the recent promulgation of data protection and privacy law could strengthen the existing framework.<sup>67</sup>

## LEGALISING SURVEILLANCE

In the past Rwanda has enacted laws that facilitate surveillance and communications interception using security as a justification. Similarly, the country was reported to use highly efficient software in surveillance against critics. Evidence gathered via communication interception are often used in court cases against opposition politicians and activists.<sup>68</sup> In 2008 Rwanda enacted the Interception of Communication law (amended in 2013) that allows national security services to apply for issuance of interception warrants to monitor citizens voices and data communication using national security as a justification.<sup>69</sup> Warrants are issued by the national prosecutor who is appointed by the justice minister. In urgent security matters, a warrant may be issued verbally, *"but the written request shall be completed in a period not exceeding twenty-four hours."* A warrant is valid for three months. Also, article 7 of the interception of communications law as amended in 2013 requires service providers to ensure that their systems *"are technically capable of supporting interceptions at all times"*.<sup>70</sup> The law on communication interception can be abused to violate rights to privacy and target critics as it does not guarantee the independence of the oversight mechanism.

63. IrengoGov 'Irengo' (2022) [https://irengo.gov.rw/home/citizen/all\\_services](https://irengo.gov.rw/home/citizen/all_services) (Accessed on 15 January 2022).

64. Research ICT Africa, 'Digital Identity Rwanda: Case study conducted as part of ten-country exploration of socio-Digital ID systems in parts of Africa', <https://researchictafrica.net/publication/digital-identity-in-rwanda-case-study-conducted-as-part-of-a-ten-country-exploration-of-socio-digital-id-systems-in-parts-of-africa/> (Accessed on 2 April 2022)

65. Official Gazette of the Republic of Rwanda, 'Law no44/2018 of13/08/2018 amending law n°14/2008 of 04/6/2008 governing registration of the population and issuance of the national identity card' (2018), <https://www.ecoi.net/en/countries/rwanda/national-laws/> (Accessed on 21/2/2022).

66. Digital Identity in Rwanda: Binda, E.M. 'Digital Identity in Rwanda: Case study conducted as part of a ten-country exploration of socio-digital ID systems in parts of Africa' (2021) <https://researchictafrica.net/publication/digital-identity-in-rwanda-case-study-conducted-as-part-of-a-ten-country-exploration-of-socio-digital-id-systems-in-parts-of-africa/> (Accessed on 21 February 2022).

67. Digital Identity in Rwanda: Binda, E.M. 'Digital Identity in Rwanda: Case study conducted as part of a ten-country exploration of socio-digital ID systems in parts of Africa' (2021) <https://researchictafrica.net/publication/digital-identity-in-rwanda-case-study-conducted-as-part-of-a-ten-country-exploration-of-socio-digital-id-systems-in-parts-of-africa/> (Accessed on 15/1/2022).

68. Centre for International ICT policy and Eastern and Southern Africa, 'State of Internet Freedom in Rwanda 2019' (2020), [https://cipesa.org/resources/?wpfb\\_s=state+of+internet+freedom+in+Rwanda+2019&ixsl=1](https://cipesa.org/resources/?wpfb_s=state+of+internet+freedom+in+Rwanda+2019&ixsl=1) (Accessed on 22 February 2022).

69. Rwanda Law Reform Commission, 'Law No 60/2013 of 22/08/2013 regulating the interception of communications,' (2013), <https://www.google.com/search?client=firefox-b-d&q=communication+interception+law+Rwanda> (Accessed on 22 February 2022).

70. Rwanda Law Reform Commission, 'Law No 60/2013 of 22/08/2013 regulating the interception of communications,' (2013), <https://www.google.com/search?client=firefox-b-d&q=communication+interception+law+Rwanda> (Accessed on 22 February 2022).



Principle 41(3) of the 2019 ACHPR Declaration provides that states shall ensure any law that authorises targeted communication provides adequate safeguards for the right to privacy.<sup>71</sup>

Safeguards include:

- the prior authorisation of an independent and impartial judicial authority;
- due process safeguards;
- specific limitation on the time, manner, place and scope of the surveillance;
- notification of the decision authorising surveillance within a reasonable time of the conclusion of such surveillance;
- proactive transparency on the nature and scope of its use; and
- effective monitoring and regular review by an independent oversight mechanism

The law on communication interception does not limit authorities' capacity to intercept communications. The legislation does not require them to justify the reason for interference with people's privacy and also the interception is not proportionate to legitimate aim.<sup>72</sup>

Amnesty International and other International Media outlets revealed the alleged use of Israel's NSO Group Technologies surveillance software by the Rwandan government to target activists, journalists and the opposition. According to

Amnesty International, Rwandan authorities used the famous spyware to potentially target more than 3,500 activists, journalists and politicians.<sup>73</sup>

Amnesty International noted that evidence uncovered in collaboration with a non-profit media organisation called '*Forbidden Story*' shows that the spyware was used in the phone of Carine Kanimba, Paul Rusesabagina's daughter.<sup>74</sup> Mr. Rusesabagina is a hero in '*Hotel Rwanda*' famous movie on Genocide.<sup>75</sup> However, the Rwandan government denied the use of the surveillance software saying surveillance reports were false accusations that "*are part of an ongoing smear campaign*".<sup>76</sup>

While authorities have denied using spyware to target critics, mass surveillance has been reported before. According to media reports published in 2018, Kigali used Israeli spyware to target dissidents living abroad. This was allegedly done by using a software developed in Israel to hack dissident's WhatsApp communications.<sup>77</sup>

## EFFORTS TO BOOST DIGITAL INFRASTRUCTURE, ACCESS, GENDER GAP AND CHALLENGES

In December 2021, the World Bank provided US\$100 million to accelerate the country's digital transformation.<sup>78</sup> The '*Digital Acceleration Project*'

71. African Commission on Human and Peoples' rights, 'Declaration of Principles on Freedom of Expression and Access to Information' (2019), <https://www.google.com/search?client=firefox-b-d&q=the+Declaration+of+Principles+On+Freedom+Of+Expression+And+Access+To+Information+In+Africa> (Accessed on 22 February 2022)

72. Centre for International ICT policy and Eastern and Southern Africa, 'State of Internet Freedom in Rwanda', (2019) [https://cipesa.org/resources/?wpfb\\_s=state+of+internet+freedom+in+Rwanda+2019&ixsl=1&wpfb\\_file\\_sort=%3Cfile\\_name](https://cipesa.org/resources/?wpfb_s=state+of+internet+freedom+in+Rwanda+2019&ixsl=1&wpfb_file_sort=%3Cfile_name) (Accessed on 22 February 2022)

73. Amnesty International, 'Pegasus Project: Rwandan authorities chose thousands of activists, journalists and politicians to target with NSO spyware' (2021), <https://www.amnesty.org/en/latest/news/2021/07/rwandan-authorities-chose-thousands-of-activists-journalists-and-politicians-to-target-with-nso-spyware/> (Accessed on 22 February 2022)

74. Amnesty International, 'Pegasus Project: Rwandan authorities chose thousands of activists, journalists and politicians to target with NSO spyware' (2021), <https://www.amnesty.org/en/latest/news/2021/07/rwandan-authorities-chose-thousands-of-activists-journalists-and-politicians-to-target-with-nso-spyware/> (Accessed on 22 February 22, 2022).

75. Amnesty International 'Pegasus Project: Rwandan authorities chose thousands activists, journalists, and politicians to target with NSO spyware' (2021) <https://www.amnesty.org/en/latest/news/2021/07/rwandan-authorities-chose-thousands-of-activists-journalists-and-politicians-to-target-with-nso-spyware/> (Accessed on 15 January 2021)

76. Anadolu Agency 'Rwanda denies use of Pegasus spyware' (2021) <https://www.aa.com.tr/en/africa/rwanda-denies-using-pegasus-spyware/2318398> (Accessed on 15/1/2022).

77. Financial Times, 'Inside the WhatsApp Hack: how an Israeli Technology was used' (2018), <https://www.ft.com/content/d9127eae-f99d-11e9-98fd-4d6c20050229> (Accessed on 22 February 2022)

78. World Bank 'World Bank provides \$ 100 million to accelerate Rwanda's digital transformation' (2021) <https://www.worldbank.org/en/news/press-release/2021/12/01/world-bank-provides-100-million-to-accelerate-rwanda-s-digital-transformation> (Accessed on 15 January 2022).

supported by the World Bank is expected to address some challenges Rwanda faces to bridge the digital gap. The project seeks to support the government to expand digital access and adoption of new digital technologies. This will include supporting 250,000 households with finance to help acquire smart devices, training 3 million people with basic digital literacy with targets for girls and women. Data from the World Bank released in 2020 shows that 37% of the population don't own phones, while the majority relies on 2G services with limited features.<sup>79</sup> The 2019 Gender statistics report shows that computer literacy is still low, but much lower among females than males aged 15-30 years (10.7% compared to 13.8%). According to the same report, digital literacy among women from 2014 to 2018 increased but remained very low.<sup>80</sup>

## ANALYSIS OF THE COUNTRY'S PERFORMANCE IN COMPARISON TO THE PREVIOUS YEAR

The country has made remarkable progress on compliance with regional frameworks and instruments. In 2021 the country enacted the data protection and privacy law, which is one of the recommendations under the African Union Convention on Cybersecurity and Personal Data Protection. The World Bank financial support is expected to increase access to digital services and skills and contribute to inclusion in the digital economy. The easing of the COVID-19 restrictions including the reopening of schools allowed

students to pursue their studies after facing challenges with the remote learning programmes.

## ARTIFICIAL INTELLIGENCE

Artificial Intelligence's application in various areas is growing in the country. AI has played a big role in the health sector. Unmanned aerial vehicles popularly known as drones are being used for blood delivery to rural hospitals and healthcare. Rwanda also hosts the Centre for Fourth Industrial Revolution that promotes artificial intelligence among other new technologies.<sup>81</sup> In July 2021 the country launched a chatbot that provides all relevant information about COVID-19.<sup>82</sup> Amid growing use of AI technologies there is a need to mitigate risks and ethical concerns the technology brings. The Ministry of ICT is developing an AI policy that will create a road map with objectives that will help the country to reap from the use of AI.<sup>83</sup> The Ministry of ICT and stakeholders in the AI ecosystem have developed a priority area of "effective" AI policy in Rwanda.<sup>84</sup> Priority areas are; the 21st Century skills and High AI literacy, Reliable infrastructure and Computer capacity, robust data strategy, trustworthy AI adoption in the public sector, widely beneficial AI adoption in the private sector, and practical ethical guidelines.<sup>85</sup> According to the Digital Transformation Centre, a local organisation that promotes collaboration between public sector, private sector, academia and civil society, the National AI policy is being developed by the government.

79. World Bank 'Rwanda Economic Update: Accelerating Digital Transformation in Rwanda' (2020). <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/912581580156139783/rwanda-economic-update-accelerating-digital-transformation-in-rwanda> ( Accessed on 15 January 2022).

80. National Institute of Statistics Report ( 2019) <https://www.statistics.gov.rw/publication/national-gender-statistics-report-2019> ( accessed on 15 January 2022).

81. Ministry of ICT and Innovation, ' Inside Rwanda's Fourth Industrial Revolution', (2020) <https://www.newtimes.co.rw/news/inside-rwandas-centre-fourth-industrial-revolution> ( accessed on 23 February 2022).

82. wanda Biomedical Centre, ' Rwanda Biomedical Centre launches RBC Mbaza', (2021), [https://rbc.gov.rw/index.php?id=100&tx\\_news\\_pi1%5Bnews%5D=615&tx\\_news\\_pi1%5Bday%5D=23&tx\\_news\\_pi1%5Bmonth%5D=7&tx\\_news\\_pi1%5Byear%5D=2021&cHash=8a8c2ed1b2760f2b1c4919614bee0601](https://rbc.gov.rw/index.php?id=100&tx_news_pi1%5Bnews%5D=615&tx_news_pi1%5Bday%5D=23&tx_news_pi1%5Bmonth%5D=7&tx_news_pi1%5Byear%5D=2021&cHash=8a8c2ed1b2760f2b1c4919614bee0601) ( accessed on 23 February 2022).

83. Digital Transformation Centre, ' How Rwanda AI policy helps to shape the evolving AI ecosystem' (2021), <https://digicenter.rw/how-rwandas-ai-policy-helps-to-shape-the-evolving-ai-ecosystem/> ( Accessed on 23 February 2022).

84. The Future Society, 'The Development of Rwanda's National Artificial Intelligence policy', <https://thefuturesociety.org/2020/08/31/development-of-rwandas-national-artificial-intelligence-policy/> ( Accessed on 30 March 2022).

85. Digital Transformation Centre, ' How Rwanda AI policy helps to shape the evolving AI ecosystem', ( 2021), <https://digicenter.rw/how-rwandas-ai-policy-helps-to-shape-the-evolving-ai-ecosystem/> ( Accessed on 23 February 2022)



## CONCLUSION

The state of digital rights and inclusion in 2021 was exacerbated by COVID-19 pandemic. The legislation on data protection and privacy is a positive development. However, online freedom of expression remains a challenge as documented arrests of online content producers show. This has raised concerns that the country's laws could be abused to prosecute suspects who are often government critics and online commentators. The report also highlighted the low access to internet, digital services in the education sector that led to inequalities, plus low smartphone ownership. It is anticipated that the adopted digital acceleration programme will address some of the digital gaps. The mass surveillance trend is worrisome and infringes on the right to privacy.



***The state of digital rights  
and inclusion in 2021 was  
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## RECOMMENDATIONS

In view of the status of digital rights in Rwanda, the following recommendations are proposed.

### The government should:

- Amend laws on genocide ideology and cybercrimes that appear to criminalize free speech, in compliance with international human standards.
- Allow online content producers to produce their content without any interference and any prosecution should be fair and transparent in accordance with international human rights standards.
- Accelerate efforts to address digital skills gap and prioritise programmes such as digital ambassadors to reduce the digital gender gap.
- Be transparent to ensure that rights to privacy of citizens are not violated in any surveillance practice.
- Ensure proper law, procedures and human rights are respected in case of surveillance.
- Ensure legislative protection where there is the increased use of digital IDs to avoid any data privacy violation.
- Support persons with disabilities inclusion in education by increasing interventions in inclusive schools and rehabilitation centres.
- Address ICT use in education challenges by facilitating access to digital devices, affordable internet and increasing digital literacy programmes.

### Civil Society organisations and the media should:

- Educate social media users to tolerate divergent opinions.
- Educate the public about Internet freedom, online freedom of expression, respecting other users and refraining from any form of abuse online.

**Londa 2021 expands on last year's report with findings from 22 countries, examining themes of privacy, freedom of expression, access to information, segmentation and exclusion, digital transformation, affordability, gender and others within existing legislative frameworks, and against the backdrop of a widening digital divide. This edition captures the gaps and proffers recommendations to achieve a digitally inclusive and rights - respecting Africa.**



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