

LONDA



2021



Ripoti ya Rwanda Haki za Dijitali na Ujumuishaji

LONDA

RIPOTI YA RWANDA HAKI ZA DIJITALI NA UJUMUISHAJI 2021

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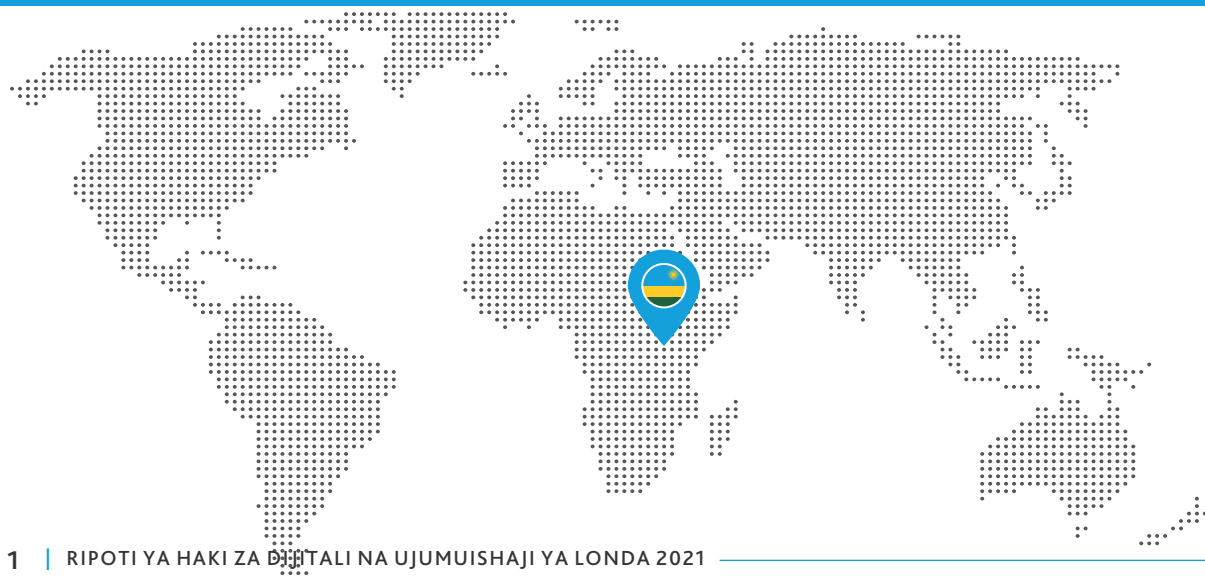
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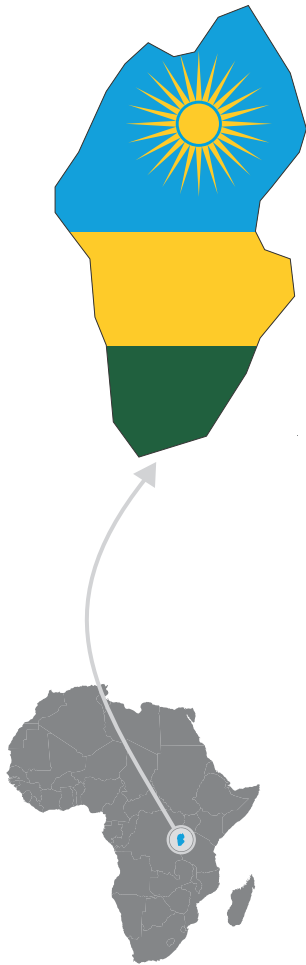
UFUPISHO

Ripoti hiyo inatathmini hali ya haki za kidijitali na kujumuishwa katika mwaka wa 2021 kupitia uchanganuzi wa data ya msingi na ya upili kuhusu Rwanda. Ripoti hiyo inachanganua utendaji wa nchi kuhusu mada mbalimbali kama vile uhuru wa kujieleza mtandaoni, ufuatiliaji, ushirikishwaji wa kidijitali, na kufuata mifumo ya kimataifa. Pia inaangazia mafanikio muhimu, changamoto na kutoa mapendekezo.

Kutungwa kwa sheria kuhusu ulinzi wa data na faragha kulikuwa maendeleo makubwa mwaka wa 2021. Mradi wa kuongeza kasi ya kidijitali unatarajiwa kukuza ushirikishwaji kwa kuwa utalenga wanawake zaidi na kuchangia katika maeneo mbalimbali kama vile ujuzi wa kidijitali na ujasiriamali. Wanafunzi walianza tena masomo yao baada ya serikali kupunguza vizuizi vya UVIKO-19. Hata hivyo, kujifunza kwa mbali kuliathiriwa na matatizo mbalimbali.

Licha ya maendeleo chanya, ripoti hiyo inabainisha mwelekeo unaotia wasiwasi juu ya uhuru wa kujieleza mtandaoni unaodhihirishwa katika mashtaka ya watayarishaji wa maudhui kadhaa ambao mashirika ya haki za binadamu na vyombo vya habari yamelaani. Ripoti hiyo inafichua kuwa baadhi ya vifungu vya sheria vinavyotumika kuwashtaki waundaji wa maudhui havikidhi viwango vya kimataifa vya haki za binadamu, kama mashirika mengi ya haki za binadamu yanavyohibitisha. Hatimaye, utafiti unapendekeza mapendekezo yakiwemo marekebisho ya kisheria; uwazi juu ya mazoea ya ufuatiliaji; na kuongeza kasi ya programu zilizopo ili kukabiliana na mapungufu ya kidijitali kama vile kutojua kusoma na kuandika kidijitali miongoni mwa mengine. Janga la UVIKO-19 limedhihirisha kuwa teknolojia za kidijitali zina jukumu muhimu na mamlaka zinapaswa kushughulikia ukiukaji na changamoto ili kuendeleza haki za kidijitali na ujumuishaji wa kidijitali.





UTANGULIZI

HAKI ZA DIJITALI NA UJUMUISHAJI YA NCHI YA RWANDA

Rwanda ni nchi isiyo na bandari katika Afrika Mashariki yenye wakazi takriban milioni 12.6.¹ Mji mkuu, Kigali una jukumu la kiutawala na kiuchumi, na unaendelea kukua na huduma za teknolojia mahiri kama vile usafiri wa malipo ya kielektroniki na ukuaji wa haraka wa miji ambao umeunda jiji katika miongo miwili iliyopita.

Mnamo mwaka wa 2021 nchi hiyo ya Afrika Mashariki iliendelea kupambana na janga la UVIKO-19 na juhudi zake zilichochea na uchukuaji wa chanjo ambayo ni kati ya juu zaidi barani Afrika.² Rwanda inachukuliwa kuwa tulivu kisiasa na inajulikana kwa sera yake inayojumuisha jinsia katika utawala na mabadiliko ya kijamii na kiuchumi yanayokuwa kwa kasi barani Afrika.³ Serikali inayoongozwa na Rais Paul Kagame imepokea sifa na usaidizi wa kifedha duniani kutoka kwa wafadhili na taasisi za fedha za kimataifa katika miongo miwili iliyopita kwa mtindo wake wa maendeleo.⁴ Tangu mauaji ya kimbari dhidi ya Watutsi mwaka 1994, hali ya kisiasa imekuwa ikitawaliwa na chama tawala cha Rwanda Patriotic Front (RPF). Kuna washirika wengine wa vyama vidogo vya siasa hasa katika kile kinachojulikana kama Jukwaa la Taifa la Ushauri la Mashirika ya Kisiasa.⁵

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'

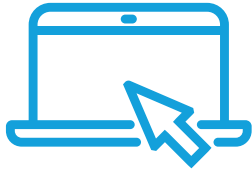
<https://www.afro.who.int/news/rwanda-meets-who-year-end-target-over-40-COVID-19-vaccination-coverage> (accessed on 14 January 2021). Over 40 % of the population had been vaccinated as of 24 December 2021

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

USAJILI WA INTANETI



85.16%

KUPENYA KWA SIMU

Ingawa Rais Kagame mara nyingi anasifiwa kwa kuigeuza Rwanda kuwa kielelezo cha chachu ya maendeleo, mtindo wake wa uongozi mara nyingi unashutumiwa na mashirika ya haki za binadamu na upinzani kwa rekodi mbaya ya haki za binadamu, kunyamazisha wakosoaji na vyombo vya habari, kudhoofisha jumuiya ya kiraia, na Serikali kuwa na mazoea ya ufuatiliaji unaoenea.⁶

Wizara ya TEHAMA na Ubunifu inaratibu sera za TEHAMA.⁷ Kuna mamlaka ya udhibiti, Mamlaka ya Udhibiti wa Huduma za Rwanda (RURA), ambayo iliundwa kwa Sheria n° 39/2001 ya tarehe 13 Septemba 2001.⁸ Jukumu la RURA ni kudhibiti baadhi ya huduma za umma zikiwemo huduma za mawasiliano. Sheria hii ilifanyiwa mapitio na nafasi yake kuchukuliwa na Sheria N. 09/2013 ya tarehe 01/03/2013, na kuipa RURA mamlaka ya kudhibiti mawasiliano, teknolojia ya habari, utangazaji na mawasiliano ya teknolojia ya kielektroniki, ikiwa ni pamoja na mtandao na teknolojia nyingine yoyote ya habari kwa sauti na kuona na mawasiliano.⁹ Zaidi ya hayo, Mamlaka ya Jumuiya ya Habari ya Rwanda, wakala unaohusishwa na Wizara ya TEHAMA husaidia serikali katika kuweka digitali.¹⁰

Takwimu kutoka RURA zinaonyesha kuwa kufikia tarehe 30 Septemba 2021, usajili wa simu za mkononi ulikuwa takriban milioni 11,5, ambao ni takriban watu wote, lakini baadhi ya watumiaji wanamiliki zaidi ya simu moja.¹¹ Usajili usiobadilika ulikuwa 11,657.¹² Uingizaji wa rununu ulisimama kwa 85,16% wakati usajili usiobadilika ulikuwa 0,1%. Usajili wa Intaneti ulikuwa 8,552,221 ambayo ina maana kwamba wakazi 66 kati ya 100 walijiandikisha kwenye Mtandao. Hata hivyo, data iliyochapishwa katika ripoti ya Digital 2021 Rwanda inaonyesha kuwa kufikia Januari 2021 upenyezaji wa mtandao ulikuwa kwa 31.4% chini ya kiwango cha kupenya cha wakala wa serikali.¹³

Kufikia Septemba 2020, soko la mawasiliano la Rwanda linajumuisha waendeshaji wawili wa mtandao wa simu, watoa huduma 24 wa Mtandao (ISPs), muuzaji wa jumla wa 4G na mtoaji wa mtandao, watoa huduma wawili wa mtandao, na muuzaji mmoja wa uwezo. Waendeshaji wakuu wa mawasiliano ya simu ni MTN-Rwanda na Airtel.¹⁴

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).
 13. Datareportal ' Digital 2021 Rwanda' <https://datareportal.com/reports/digital-2021-rwanda> (accessed on 14 January 2022)
 14. RURA ' Report for licensed ICT operators 2020 ' https://rura.rw/fileadmin/Documents/ICT/statistics/Report_for__Licensed_ICT_Operators_as_of_Septemembr_2020.pdf (Accessed on 14 January 2022).

UZINGATIAJI MIFUMO YA KIKANDA NA KIMATAIFA

Rwanda iliidhinisha Mkataba wa Umoja wa Afrika wa Usalama wa Mtandao na Ulinzi wa Data ya Kibinafsi (Mkataba wa AU) mwaka wa 2019. Hili ni tukio kubwa ambalo lilifikia kilele chake kwa kupitishwa kwa sheria ya ulinzi wa data na faragha.¹⁵ Ibara ya 8(1) ya Mkataba wa AU inasema:



Kila nchi mwanachama itajitolea kuanzisha mfumo wa kisheria unaolenga kuimarisha haki za kimsingi na uhuru wa umma, hasa ulinzi wa data halisi, na kuadhibu ukiukaji wowote wa faragha bila kuathiri mtiririko huru wa data ya kibinafsi.¹⁶

Sheria Na. 058/2021 ya tarehe 13 Oktoba 2021 Kuhusiana na Ulinzi wa Data ya Kibinafsi na Faragha ilichapishwa tarehe 15 Oktoba 2021, katika Gazeti Rasmi la Rwanda, maendeleo makubwa katika 2021.¹⁷ Sheria huweka miongoni mwa majukumu mengine: kutunza rekodi, data ya kibinafsi iliyochakatwa, uteuzi wa Afisa wa Ulinzi wa Data, na

kufanya tathmini ya athari ya ulinzi wa data. Pia hutoa muda wa neema wa miaka miwili kabla ya utekelezaji.

Ingawa sheria mpya ni maendeleo chanya, wakosoaji walibainisha kuwa haina ulinzi wa uhuru wa kujieleza na habari. Kulingana na Kifungu cha 19 cha Afrika Mashariki, rasimu ya mswada huo ingedhoofisha vyombo vya habari vya jadi na vya dijitali vinavyotumikia maslahi ya umma, kwa sababu havingeweza kupata habari fulani. Sheria haiwapi ubaguzi wa maslahi ya umma, ikimaanisha kuwa vyombo vya habari vitakabiliwa na vikwazo vya uhalifu na kiraia kwa kutumia baadhi ya habari. Hii ni kinyume na kifungu cha 17 na 19 cha Mkataba wa Kimataifa wa Haki za Kiraia na Kisiasa (ICCPR) ambayo inakuza uhuru wa kujieleza, haki za habari na uhuru wa vyombo vya habari.¹⁸ Kukosekana kwa "uhuru" wa taasisi inayosimamia utekelezaji wa sheria pia ni changamoto nyingine.¹⁹ Mamlaka ya Kitaifa ya Usalama wa Mtandao, wakala wa umma unaoratibu kazi za usalama wa mtandao utasimamia utekelezaji wa sheria. Hata hivyo, chombo hicho hakina mamlaka na mamlaka yanayofaa ya kusimamia sheria mpya ambayo inaweza kuzuia juhudi zake za kulinda haki za faragha.²⁰ Rwanda ni mojawapo ya mamlaka chache za Kiafrika ambazo zilitunga sheria ya ulinzi wa data bila kuunda mamlaka tofauti ya ulinzi wa data.²¹

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 iliridhia Mkataba wa Kimataifa wa Haki za Kiraia na Kisiasa (ICCPR) mwaka 1975 na Itifaki ya Pili ya Hiari kwa Mikataba ya Kimataifa ya Haki za Kiraia na Kisiasa inayolenga kukomesha hukumu ya kifo.²² ICCPR inakuza haki mbalimbali za binadamu na mataifa yaliyotia saina yalikubali kuheshimu vifungu 53 vya mkataba huo.²³ Mnamo Oktoba 2021, shirika la Haki za Binadamu liliandika juu ya kuongezeka kwa ukandamizaji dhidi ya upinzani na vyombo vya habari. Hili lilidhihirika katika kukamatwa kwa watu tisa wanaohusishwa na chama cha upinzani ambacho hakijasajiliwa akiwemo mwandishi wa habari mwezi Oktoba na kufunguliwa mashtaka kwa wachambuzi wa mtandao wanaotumia chaneli za youtube.²⁴

Tamko la 2019 la Kanuni za Uhuru wa Kujieleza na Kupata Habari Barani Afrika (Tamko la ACHPR 2019) linaweka kanuni zinazokuza uhuru wa kujieleza na Kupata Habari.²⁵ Kanuni ya 16(1) kuhusu udhibiti wa vyombo vya habari inasema kuwa “*Nchi zitahimiza udhibiti wa vyombo vya habari ambao hautakuwa wa upendeleo, wa haraka, wa gharama nafuu na kukuza viwango vya juu katika vyombo vya habari*”. Hapo awali mashirika ya kuangalia vyombo vya habari yamekosoa mamlaka kwa kudhoofisha chombo cha udhibiti wa vyombo vya habari vya

Rwanda na kuzuia kazi yake. Hii ilizuia uhuru wa vyombo vya habari nchini.²⁶

Kanuni ya 26 ya Azimio inasema haki ya kupata habari itahakikishwa na sheria. Rwanda ilipitisha sheria inayohusiana na upatikanaji wa habari mwaka 2013.²⁷ Ripoti ya maendeleo ya vyombo vya habari iliyotolewa na Bodi ya Utawala ya Rwanda, taasisi inayoshirikishwa na serikali, mwaka 2021 iliorodhesha utendaji wa sekta ya habari nchini kwa asilimia 80.6 ikisema kuwa vyombo vya habari vinafanya vizuri.²⁸ Utafiti huo unasema kuwa vyombo vya habari vilipata 77.8% katika upatikanaji wa habari.²⁹ Alama ya juu inamaanisha kuwa haki ya kupata habari imejikita nchini. Walakini, ripoti nyingine iliyotolewa mwishoni mwa 2020 ambayo iliandika hali ya upatikanaji wa habari nchini Rwanda ilifichua utamaduni wa usiri, na kuongezeka kwa kunyimwa habari.³⁰



**Kukosekana kwa “uhuru” wa taasisi
inayosimamia utekelezaji wa sheria
pia ni changamoto nyingine.**

22. UN Treaty Body database, 'Ratification Status for Rwanda', 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_o3xHaCCyqGCOT8CgHpJ00g: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 (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 (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).

ATHARI ZA KANUNI ZA UVIKO-19 KWENYE HAKI ZA DIJITALI NA USHIRIKISHWAJI

Janga la Kimataifa na kanuni husika ziliathiri maisha ya jumla nchini. Hii ilisababisha kizuizi cha haki za kidijitali na ushirikishwaji. Elimu ilikuwa sekta kuu iliyoathiriwa vibaya kwani shule zilifungwa na kuamriwa kufuata masomo ya mbali ambayo yalikuwa magumu kwa wengi. Uhuru wa kujieleza mtandaoni ulibainishwa na kukamatwa na kufunguliwa mashtaka kwa watoa maoni.

Elimu ni mojawapo ya sekta ambazo zimeathiriwa pakubwa na kanuni za UVIKO-19. Baada ya kusitishwa katikhuli za kawaida, shule zilifungwa na kufunguliwa tena mara kadhaa ili kuzuia kuenea kwa virusi. Mamlaka ya elimu ilihimiza shule kukimbilia kujifunza kwa mbali kwa kutumia mtandao, redio na TV.³¹ Huku kukiwa na kizuizi wizara ya elimu ilitangaza programu ambazo zingeruhusu wanafunzi kuendelea na masomo yao kwa mbali.³² Upatikanaji wa vifaa vya kidijitali kama vile kompyuta za mkononi na simu mahiri na gharama ya juu ya mtandao ilikuwa changamoto kuu. Mkuu mmoja wa chuo alieleza kuwa *“idadi kubwa ya wanafunzi au wazazi hawana kompyuta mpakato au simu mahiri, na wengi wao hawawezi kupata kazi ambazo walimu wamekuwa wakituma kupitia vikundi vya WhatsApp tangu kufungwa kwa UVIKO-19.”*³³

Mnamo Agosti 2021, Wizara ya Elimu iliamuru taasisi zote za masomo kurudia kozi zote ambazo zilifundishwa kwa mbali wakati wa kusitishwa katikhuli za kawaida. Baadhi ya wataalamu wa elimu waliunga mkono agizo hilo na kusema linaweza kusaidia kudhibiti ongezeko la ukosefu wa usawa katika elimu.³⁴



31. Xinhua net, 'Rwanda closes schools in capital to curb COVID-19 spread', 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)

Taasisi zote za masomo zilifunguliwa tena tarehe 2 Agosti 2021 kwa muhula wa tatu baada ya serikali kuondoa kizuizi cha siku 15 huko Kigali na wilaya zingine nane.³⁵ Kurudiwa kwa masomo yanayofundishwa kwa mbali kunaangazia mapengo ya TEHAMA katika taasisi za kujifunzia licha ya juhudi za kukuza ujifunzaji mahiri. Ukaguzi wa Baraza la Elimu ya Juu ulifichua ukosefu wa zana za TEHAMA, changamoto za muunganisho wa Mtandao na pengo la ujuzi wa kidijitali miongoni mwa wahadhiri na wanafunzi.³⁶

Kulingana na ripoti iliyotolewa na UNESCO, athari za janga la UVIKO-19 kwenye mifumo ya elimu imefanya iwe changamoto kwa walimu wa elimu maalum kuhakikisha ujifunzaji sawa kwa wanafunzi wenye ulemavu.³⁷ Kufikia 2019 takriban 1% (17,193) ya watoto walioandikishwa katika shule za msingi walikuwa na ulemavu. Kama jibu la athari za UVIKO-19 kwa elimu ya watu wenye ulemavu, msaada mwingi ulitolewa kwa walimu na wanafunzi katika shule maalum na vituo vya rasilimali kwa watu wenye ulemavu wa akili kwa masomo ya mbali, hata hivyo, shule-jumuishi zilipokea uangalifu na usaidizi mdogo.³⁸ Kulingana na utafiti wa UNESCO, shule zilizojumuishwa ziliendelea kutumia nyenzo walizokuwa nazo kabla ya janga hili.³⁹ Rwanda iliridhia Mkataba wa Haki za Watu wenye Ulemavu na Itifaki yake ya mwaka 2008.⁴⁰

UHURU WA KUJIELEZA MTANDAONI

Mazungumzo ya mtandaoni hutawaliwa na maoni yanayoiunga mkono serikali na ukosoaji wowote unakabiliwa na kukandamizwa na wafuasi wa serikali, huku watumiaji wengine wakijidhibiti ili kuepuka matatizo au kupachikwa jina la “*maadui wa nchi*”. Kulingana na Freedom House, mnamo 2021, Rwanda iliorodheshwa kama sio huru. “*Akaunti za serikali pia hujipanga kutuma tena na kutuma maoni chanya kujibu tweets za Rais Kagame, ili kutoa taswira ya uungwaji mkono ulioenea*”.⁴¹ Kinachojulikana kama “*Jeshi la Twitter*” mara kwa mara huwashambulia na kuwadhoofisha watu binafsi na vyombo vya habari ambavyo vinaikosa serikali.⁴²

Kutovumilia kwa mitazamo tofauti ya mtandaoni na aina nyinginezo za kunyamazisha wakosoaji kwenye majukwaa ya mitandao ya kijamii ni kinyume na kanuni ya 5 ya Azimio la ACHPR la 2019 linalosema:

Utekelezaji wa haki za uhuru wa kujieleza na kupata habari utalindwa dhidi ya kuingiliwa mtandaoni na nje ya mtandao, na Nchi zitatafsiri na kutekeleza ulinzi wahaki hizi katika Azimio hili na viwango vingine vya kimataifa vinavyohusika ipasavyo.⁴³

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 (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 (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).

Wakati huo huo, watayarishaji wa maudhui mtandaoni wanaochapisha maudhui kwenye Youtube wanakamatwa au kufanyiwa vitendo vingine vinavyoonekana kuwanyamazisha. Serikali huwa inawashutumu kwa kukanusha mauaji ya halaiki, itikadi za mauaji ya halaiki na uvumi. Mnamo 2020, matukio mengi ya kukamatwa kwa WanaoYouTube yalikusishwa na ukiukaji wa kanuni za UVIKO-19, wakati mnamo 2021 kukamatwa na maonyo yalikusishwa na maudhui wanayotoa. Mnamo Juni 2021 Aimable Karasira, MwanaoYouTube maarufu aliye na watumiaji zaidi ya 62,000 alikamatwa kwa madai ya kukana mauaji ya halaiki.⁴⁴ Mamlaka ilisema kuwa imemkamata Youtuber kwa madai ya kukana Mauaji ya Kimbari ya 1994 na ikiwa atapatikana na hatia, anaweza kufungwa jela kwa zaidi ya miaka 10.⁴⁵

Mnamo Machi 2021 polisi walimkamata Yvonne Idamange kwa kuitisha maandamano dhidi ya *"utawala wa kidikteta wa Rais Kagame"*.⁴⁶ Anakabiliwa na mashtaka mengine yanayohusiana na mauaji ya halaiki.⁴⁷ Mshairi maarufu, Innocent Bahati, ambaye alichapisha mashairi muhimu kuhusu masuala ya kijamii alitoweka.⁴⁸ Wakati wa

kuchapishwa kwa ripoti hii Bwana Bahati alikuwa hajapatikana. Hivi majuzi, zaidi ya waandishi 100 wanaojulikana walitia saina barua ya wazi wakimtaka Rais Kagame kuingilia kati kesi hiyo.⁴⁹ Mnamo Oktoba 2021, Ofisi ya Upelelezi ya Rwanda (RIB) ilimkamata Rashid Abdou Hakuzimana, mtayarishaji wa maudhui kwenye YouTube aliyeanzisha Rashid TV. Bw.Hakuzimana alikuwa anachunguzwa kwa madai ya kukanusha na kupuuza mauaji ya halaiki.⁵⁰

Msemaji wa RIB, Thierry B Murangira aliwaonya watumiaji wa mitandao ya kijamii dhidi ya kutumia majukwaa ya mtandaoni kueneza *"mazungumzo ya chuki, uvumi au maneno yanayoweza kuchochea migawanyiko, kusababisha vitisho na fujo kwa umma"*.⁵¹ Theoneste Nsengimana, mwandishi wa habari mtandaoni, alikamatwa Oktoba 13.⁵² Mwanahabari huyo alikuwa amepeperusha kipande cha video akitangaza tukio la upinzani kwenye chaneli yake. Promosheni hiyo iliwataja watu mbalimbali wanaodaiwa kuwa ni wafungwa wa kisiasa na wengine ambao kutoweka kwao kunadaiwa kuhusishwa na serikali.⁵³ Chaneli ya Youtube ya mwandishi huyo, *'Umubavu TV'* ilikuwa

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).

imepanga kuandaa mjadala.⁵⁴ Kulingana na Ofisi ya Upelelezi ya Rwanda (RIB), mwanahabari Nsengimana na watu wengine walikamatwa kwa *"kuchapisha uvumi unaolenga kusababisha ghasia au machafuko katiya watu."*⁵⁵

Ingawa mamlaka inahalalisha kufunguliwa mashtaka kwa wachambuzi kadhaa wa mtandaoni kama vita dhidi ya mgawanyiko, matamshi ya chuki, itikadi ya mauaji ya halaiki ili kuzuia vitendo vilivyosababisha mauaji ya kimbari ya 1994, mashirika ya haki za binadamu yanadai kuwa *"sheria na desturi za sasa zinavuka lengo hili"*, wakosoaji wananyamazisha, mjadala na maoni tofauti kuhusu utawala na historia ya nchi.⁵⁶ Sheria inayotumika sana kuwashtaki watayarishaji wa maudhui mtandaoni wanaojadili masuala ya umma na masuala ya mauaji ya halaiki ni Sheria Na 59/2028 ya tarehe 22/8/2010 kuhusu uhalifu wa Itikadi ya Mauaji ya Kimbari na uhalifu unaohusiana nayo.⁵⁷ Sheria ya kuzuia uhalifu wa mtandaoni pia inatumika kuwashtaki watayarishaji wa maudhui mtandaoni kwani inakataza uchapishaji wa *"uvumi"*.⁵⁸ Madhumuni ya sheria ni kuzuia na kuadhibu uhalifu wa mtandao. Walakini, nakala zingine hazieleweki na zinaweza kufasiriwa vibaya. Kifungu cha 39 kuhusu uchapishaji wa uvumi kinasema kwamba *"Mtu yeyote ambaye, kwa kujua na kupitia kompyuta au mfumo wa kompyuta, anachapisha uvumi unaoweza kuchochea hofu, maasi au vurugu miongoni mwa watu au zinazoweza kumfanya mtu kupoteza sifa yake, anatenda kosa."* Pia kifungu cha 38 cha kuchapisha habari zisizofaa kwa njia ya kielektroniki kinatoa kwamba *"Mtu yeyote anayechapisha, kusambaza au kusababisha*

kuchapishwa kwa ujumbe wowote usio na heshima kwa kutumia kompyuta au mfumo wa kompyuta, anatenda kosa." Haijulikani ni nini *"kichafu"* kwani inaweza kuwa mada ya kufasiriwa na kusababisha matumizi mabaya ya kifungu hiki.

UNYANYASAJI WA MTANDAONI DHIDI YA WANAWAKE

Tangu UVIKO-19 ilipozuka watu wengi walihamisha kazi zao mtandaoni na wengine walitumia muda mwingi kwenye mitandao ya kijamii kuliko hapo awali. Unyanyasaji kwa kiasi umeongezeka mtandaoni dhidi ya wanawake hasa ikilenga wale ambao wanashiriki zaidi katika anga ya kidijitali.⁵⁹ Ripoti ya kina mtandaoni ilinakili kuongezeka kwa visa vya unyanyasaji mtandaoni dhidi ya wanawake, ikibainisha kuwa *"zimetoka nje mara nyingi"*.⁶⁰

Mkurugenzi wa Women at Web Rwanda, shirika linalokuza ushiriki wa wanawake mtandaoni nchini Rwanda, alisisitiza kwamba, *"pamoja na watu wengi kujiunga na nafasi za mtandaoni na kuwa na muda zaidi wa kuua kwenye mitandao ya kijamii, unyanyasaji wa mtandaoni na uonevu umekithiri na mara nyingi kumetokea. nje ya mkono."*⁶¹ Mwandishi wa habari wa eneo hilo ambaye alidhulumwa mtandaoni kama jibu kwa makala zake alisema: *"Mimi hunyanyaswa na kuonewa mtandaoni kutokana na makala ninazoshiriki mtandaoni. Ni kawaida sana kushambuliwa kwa jinsi ninavyoonekana badala ya watu kuzingatia kazi yangu. Wakati mwingine watu huomba picha ya mwandishi na kushiriki matamshi machafu."*⁶²

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%2F4.5_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).

FARAGHA, VITAMBULISHO VYA DIJITALI NA UFUATILIAJI

Kitambulisho cha kidijitali cha Rwanda kinazidi kutumika kupata huduma kadhaa za umma kupitia Irembo, tovuti ya serikali ya kielektroniki inayotumika kuomba hati na huduma mbalimbali.⁶³ Kitambulisho hiki pia hutumika kwa huduma zingine za sekta binafsi kama vile benki, elimu na upatikanaji wa baadhi ya majengo ya taasisi. Utafiti wa hivi karibuni kuhusu vitambulisho vya kidijitali barani Afrika ulibainisha kuwa licha ya maendeleo makubwa ya utendaji wa mfumo wa vitambulisho vya Rwanda, mfumo wa kitaasisi na kisheria katika usaidizi wake unaonekana kuwa dhaifu.⁶⁴ Kitambulisho cha kidijitali kinaungwa mkono na Sheria Na.14/2008 ya 04/6/2008, ambayo inasimamia usajili wa idadi ya watu na utoaji wa kitambulisho cha taifa, na ilirekebishwa mwaka wa 2018.⁶⁵

Licha ya sheria inayounga mkono na agizo linalofaa la mawaziri, utumiaji wa Utambulisho wa kidijitali unapita zaidi ya vyombo hivi vya kutunga sheria.⁶⁶ Kupitishwa kwa sheria ya matumizi ya kitambulisho cha kidijitali pamoja na utangazaji wa hivi majuzi wa ulinzi wa data na sheria ya faragha kunaweza kuimarisha mfumo uliopo.⁶⁷

KUHALALISHA UFUATILIAJI

Huko nyuma Rwanda ilipitisha sheria zinazoweza ufuatiliaji na udakuzi wa mawasiliano kwa kutumia usalama kama uhalali. Vile vile, nchi iliripotiwa kutumia programu bora zaidi katika uchunguzi dhidi ya wakosoaji. Ushahidi unaokusanywa kupitia uingiliaji wa mawasiliano mara nyingi hutumika katika kesi mahakamani dhidi ya wanasiasa wa upinzani na wanaharakati.⁶⁸ Mwaka 2008 Rwanda ilipitisha sheria ya Kuzuia Mawasiliano (iliyorekebishwa mwaka 2013) ambayo inaruhusu huduma za usalama wa taifa kuomba utoaji wa vibali vya udakuzi ili kufuatilia sauti za raia na mawasiliano ya data kwa kutumia usalama wa taifa kama uhalali.⁶⁹ Hati hutolewa na mwendesha mashtaka wa kitaifa ambaye anateuliwa na waziri wa sheria. Katika masuala ya dharura ya usalama, hati inaweza kutolewa kwa maneno, *“lakini ombi lililoandikwa litakamilika kwa muda usiozidi saa ishirini na nne.”* Hati ni halali kwa miezi mitatu. Pia, ibara ya 7 ya sheria ya udakuzi wa mawasiliano iliyofanyiwa marekebisho mwaka 2013 inawataka watoa huduma kuhakikisha kuwa mifumo yao ina uwezo wa kitaalam kusaidia udakuzi wakati wote.⁷⁰ Sheria ya kuingilia mawasiliano inaweza kutumika vibaya ili kukiuka haki za faragha na walengwa wakosoaji kwani haitoi hakikisho la uhuru wa utaratibu wa uangalizi.

63. IremboGov 'Irembo' (2022) https://irembo.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 of 13/08/2018 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&ixs1=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).

Kanuni ya 41(3) ya Azimio la ACHPR la 2019 inaeleza kwamba mataifa yatahakikisha sheria yoyote inayoidhinisha mawasiliano yanayolengwa inatoa ulinzi wa kutosha kwa haki ya faragha.⁷¹ Ulinzi ni pamoja na:

- idhini ya awali ya mamlaka ya mahakama huru na isiyo na upendeleo;
- ulinzi wa taratibu zinazofaa;
- kizuizi maalum cha muda, njia, mahali na upeo wa ufuatiliaji;
- taarifa ya uamuzi unaoidhinisha ufuatiliaji ndani ya muda mwafaka wa kuhitimisha ufuatiliaji huo;
- uwazi makini juu ya asili na upeo wa matumizi yake; na
- ufuatiliaji wa ufanisi na mapitio ya mara kwa mara na utaratibu huru wa uangalizi.

Sheria ya kuingilia mawasiliano haizui uwezo wa mamlaka wa kuingilia mawasiliano. Sheria haiwahitaji kuhalalisha sababu ya kuingilia faragha ya watu na pia unyanyasaji huo haulingani na lengo halali.⁷²

Amnesty International na vyombo vingine vya Habari vya Kimataifa vilifichua madai ya matumizi ya programu ya udakuzi ya NSO Group Technologies ya Israel na serikali ya Rwanda kuwalenga wanaharakati, waandishi wa habari na upinzani. Kulingana na Amnesty International,

mamlaka ya Rwanda ilitumia programu ya Udakuzi kuwalenga zaidi ya wanaharakati 3,500, wanahabari na wanasiasa.⁷³ Amnesty International ilibainisha kuwa ushahidi uliopatikana kwa ushirikiano na shirika lisilo la faida la vyombo vya habari liitwalo '*Hadithi Iliyopigwa marufuku*' unaonyesha kuwa kijasusi hicho kilitumiwa kwenye simu ya Carine Kanimba, bintiye Paul Rusesabagina.⁷⁴ Bw. Rusesabagina ni shujaa katika sinema maarufu ya '*Hotel Rwanda*' kuhusu Mauaji ya Kimbari.⁷⁵ Hata hivyo, serikali ya Rwanda ilikanusha matumizi ya programu ya ufuatiliaji ikisema ripoti za uchunguzi ni tuhuma za uongo kwamba "*ni sehemu ya kampeni inayoendelea ya kuchafua*".⁷⁶

Ingawa mamlaka imekanusha kutumia udakuzi kuwalenga wakosoaji, uchunguzi wa watu wengi umeripotiwa hapo awali. Kulingana na ripoti za vyombo vya habari zilizochapishwa mnamo 2018, Kigali ilitumia kifaa cha udakuzi cha Israeli kuwalenga wapinzani wanaoishi nje ya nchi. Hili linadaiwa kufanywa kwa kutumia programu iliyotengenezwa nchini Israel ili kudakua mawasiliano ya Whatsapp ya wapinzani.⁷⁷

JUHUDI ZA KUIMARISHA MIUNDOBINU YA KIDIJITALI, UFIKIAJI, PENGO LA KIJINSIA NA CHANGAMOTO

Mnamo Desemba 2021, Benki ya Dunia ilitoa dola za Marekani milioni 100 ili kuharakisha mageuzi ya⁷⁸

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 (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).

kidijitali nchini. Mradi wa *'Digital Acceleration Project'* unaongwa mkono na Benki ya Dunia unatarajiwa kushughulikia baadhi ya changamoto zinazokabili Rwanda ili kuziba pengo la kidijitali. Mradi huo unalenga kuunga mkono serikali kupanua ufikiaji wa kidijitali na kupitishwa kwa teknolojia mpya za kidijitali. Hii itajumuisha kusaidia kaya 250,000 kwa fedha ili kusaidia kupata vifaa mahiri, kutoa mafunzo kwa watu milioni 3 wenye ujuzi wa kimsingi wa kidijitali wenye malengo ya wasichana na wanawake. Takwimu kutoka Benki ya Dunia iliyotolewa mwaka wa 2020 zinaonyesha kuwa 37% ya watu hawamiliki simu, huku wengi wao wanategemea huduma za 2G zenye vipengele vichache.⁷⁹ Ripoti ya takwimu za Jinsia ya 2019 inaonyesha kwamba ujuzi wa kompyuta bado uko chini, lakini chini sana kati ya wanawake kuliko wanaume wenye umri wa miaka 15-30 (10.7% ikilinganishwa na 13.8%). Kulingana na ripoti hiyo hiyo, elimu ya kidijitali miongoni mwa wanawake kutoka 2014 hadi 2018 iliongezeka lakini ilisalia chini sana.⁸⁰

UCHAMBUZI WA UTENDAJI WA NCHI KWA KULINGANISHA NA MWAKA ULIOPIKA

Nchi imepata maendeleo ya makubwa katika kufuata mifumo na sheria za kikanda. Mnamo 2021 nchi ilitunga sheria ya ulinzi wa data na faragha, ambayo ni mojawapo ya mapendekezo chini ya Mkataba wa Umoja wa Afrika wa Usalama wa Mtandao na Ulinzi wa Data ya Kibinafsi. Usaidizi wa

kifedha wa Benki ya Dunia unatarajiwa kuongeza ufikiaji wa huduma na ujuzi wa kidijitali na kuchangia kujumuishwa katika uchumi wa kidijitali. Kuondolewa kwa vizuizi vya UVIKO-19 ikiwa ni pamoja na kufunguliwa kwa shule kuliruhusu wanafunzi kuendelea na masomo yao baada ya kukabiliwa na changamoto na programu za masomo ya mbali.

MATUMIZI YA AKILI BANDIA NA SERA YAKE

Utumizi wa Akili Bandia katika maeneo mbalimbali unakua nchini. Akili Bandia imekuwa na jukumu kubwa katika sekta ya afya. Ndege zisizo na rubani zinazojulikana kama drones zinatumiwa kupeleka damu katika hospitali za vijijini na huduma za afya. Rwanda pia ni mwenyeji wa Kituo cha Mapinduzi ya Nne ya Viwanda ambayo inakuza Akili wa bandia kati ya teknolojia zingine mpya.⁸¹ Mnamo Julai 2021, nchi ilizindua chatboti ambayo hutoa habari zote muhimu kuhusu UVIKO-19.⁸² Huku kukiwa na kuongezeka kwa matumizi ya teknolojia ya Akili Bandia (AI) kuna haja ya kupunguza hatari na wasiwasi wa kimaadili ambao teknolojia huleta. Wizara ya TEHAMA inaandaa sera ya Akili Bandia ambayo itaunda dira yenye malengo yatakayosaidia nchi kupata kuvuna kutokana na matumizi ya Akili Bandia(AI).⁸³ Wizara ya TEHAMA na washikadau katika mfumo wa ikolojia wa Akili Bandia (AI) wameunda eneo la kipaumbele la sera *"madhubuti"* ya Akili Bandia (AI) nchini Rwanda.⁸⁴ Maeneo ya kipaumbele ni; ujuzi wa Karne ya 21 na

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 (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)

ujuzi wa Juu wa kusoma na kuandika wa Akili Bandia (AI), miundombinu ya Kutegemewa na uwezo wa Kompyuta, mkakati thabiti wa data, kupitishwa kwa Akili Bandia (AI) kwa uaminifu katika sekta ya umma, kupitishwa kwa Akili Bandia (AI) kwa manufaa zaidi katika sekta binafsi, na miongozo ya kimaadili ya vitendo.⁸⁵ Kulingana na Kituo cha Mabadiliko ya Kidijitali, shirika la ndani ambalo linakuza ushirikiano kati ya sekta ya umma, sekta ya kibinafsi, wasomi na mashirika ya kiraia, sera ya Kitaifa ya Akili Bandia (AI) inaandaliwa na serikali.



HITIMISHO

Hali ya haki za kidijitali na kujumuishwa katika mwaka wa 2021 ilizidishwa na janga la UVIKO-19. Sheria ya ulinzi wa data na faragha ni maendeleo chanya. Hata hivyo, uhuru wa kujieleza mtandaoni unasalia kuwa changamoto kama kukamatwa kwa watayarishaji wa maudhui mtandaoni kunavyoonyesha. Hii imezua wasiwasi kwamba sheria za nchi zinaweza kutumiwa vibaya kuwashtaki washukiwa ambao mara nyingi ni wakosoaji wa serikali na wachambuzi wa mtandaoni. Ripoti hiyo pia ilianguzia upatikanaji mdogo wa intaneti, huduma za kidijitali katika sekta ya elimu ambayo ilisababisha ukosefu wa usawa, pamoja na umiliki mdogo wa simu janja. Inatarajiwa kuwa programu iliyopitishwa ya kuongeza kasi ya kidijitali itashughulikia baadhi ya mapungufu ya kidijitali. Mwenendo wa ufuatiliaji wa watu wengi unatia wasiwasi na unakiuka haki ya faragha.



Hali ya haki za kidijitali na kujumuishwa katika mwaka wa 2021 ilizidishwa na janga la UVIKO-19.

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)

MAPENDEKEZO

Kwa kuzingatia hali ya haki za kidijitali nchini Rwanda, mapendekezo yafuatayo yanapendekezwa.

Serikali inapaswa:

- Kurekebisha sheria kuhusu itikadi ya mauaji ya kimbari na uhalifu wa mtandaoni unaoonekana kuharamisha uhuru wa kujieleza, kwa kuzingatia viwango vya kimataifa vya binadamu.
- Kuruhusu watayarishaji wa maudhui mtandaoni watoe maudhui yao bila kuingiliwa na mtu yeyote na mashtaka yoyote yanapaswa kuwa ya haki na uwazi kwa mujibu wa viwango vya kimataifa vya haki za binadamu.
- Kuharakisha juhudi za kushughulikia pengo la ujuzi wa kidijitali na kuweka kipaumbele kwa programu kama vile mabalozi wa kidijitali ili kupunguza pengo la jinsia ya kidijitali.
- Kuwa wazi ili kuhakikisha kuwa haki za faragha za raia hazikiukwi katika utaratibu wowote wa ufuatiliaji.
- Kuhakikisha sheria, taratibu na haki za binadamu zinaheshimiwa iwapo kuna ufuatiliaji.
- Kuhakikisha ulinzi wa kisheria pale ambapo kuna ongezeko la matumizi ya Vitambulisho vya kidijitali ili kuepuka ukiukaji wowote wa faragha wa data.
- Kusaidia watu wenye ulemavu kujumuishwa katika elimu kwa kuongeza afua katika shule-jumuishi na vituo vya ukarabati.
- Kushughulikia matumizi ya TEHAMA katika changamoto za elimu kwa kuwezesha upatikanaji wa vifaa vya kidijitali, intaneti ya bei nafuu na kuongeza programu za kusoma na kuandika dijitali.

Mashirika ya kiraia na vyombo vya habari lazima:

- Kuelimisha watumiaji wa mitandao ya kijamii kuvumilia maoni tofauti.
- Kuelimisha umma kuhusu uhuru wa Mtandao, uhuru wa kujieleza mtandaoni, kuheshimu watumiaji wengine na kujiepusha na aina yoyote ya unyanyasaji mtandaoni.

Londa 2021 inapanua ripoti ya mwaka jana na matokeo kutoka kwa nchi 22 zinazochunguza mada za faragha, uhuru wa kujieleza, ufikiaji wa habari, mgawanyiko na kutengwa, mabadiliko ya kidijitali, uwezo wa kumudu bei, jinsia na mengine ndani ya mifumo iliyopo ya sheria na dhidi ya msingi wa mgawanyiko wa dijitali unaoongezeka. Toleo hili linanasa mapengo na kutoa mapendekezo ili kufikia Afrika iliyojumuishwa kidijitali na inayoheshimu haki.




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