



Summary Report on the State of Freedom of Expression Online in Rwanda

Submitted by: Collaboration on International ICT Policy for East and Southern Africa (CIPESA)

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The Collaboration on International ICT Policy for East and Southern Africa (CIPESA), a non-governmental entity based in Uganda, would like to express its gratitude to the government of Rwanda for its efforts to promote, defend and fulfill human rights through the rule of law, specifically through complying with article 9 of the African Charter on Human and Peoples' Rights which provides for the right to receive information, and to express and disseminate opinions within the law.

However, we, note that despite the strides made to guarantee freedom of expression and access to information both offline and online within its constitutional mandate, the exercise and enjoyment of these rights, especially online, has been hindered through a restrictive legal regime and unnecessary state interference, including blocking websites and online platforms like for the independent Umuvugizi newspaper in 2011, Ireme in 2015 and BBC in 2015 and 2016 for publishing 'controversial information.'

The ICT law N° 24/2016 of 18/06/2016, Law No.60/2013 regulating the Interception of Communications, Criminal Procedure Code Law N° 30/2013 of 24/05/2013, and the regulation of SIM card registration of 2013 collectively contain worrisome provisions that undermine freedom of expression online and privacy rights and contravene article 38 of Rwanda's Constitution, international standards and best practices on freedom of expression, access to information and privacy rights. In sum, the ICT law and Law No.60/2013 on Interception of Communications require all electronic communications network or service providers to guarantee and facilitate interception and monitoring and surveillance of electronic communications and empower the ICT minister to intercept communications on grounds of 'national sovereignty'. The Criminal Procedure Code authorises security organs to intercept online communication on grounds of 'national security,' without providing an interim court remedy to halt any such arbitrary surveillance, while the Sim Card Regulations grant the Rwanda Utilities Regulatory Agency (RURA) and other 'authorised' persons or entities unfettered access to the SIM card databases, in the absence of a data protection and privacy law.

In light of the above, CIPESA invites the government of Rwanda to:

- Comprehensively review all interception and privacy laws and policies to bring them into conformity with constitutional, international human rights standards and best practices on surveillance of communications by setting out clear legal parameters that ensure protection of freedom of expression and privacy rights.
- Adopt comprehensive but progressive legislation on data protection and on surveillance, repealing retrogressive as well as repetitive provisions in other laws. Specifically, provisions under ICT law N°24/2016 of 18/06/2016, Criminal Procedure Code, Law N° 30/2013 of 24/05/2013, and Law N°.60/2013 regulating the Interception of Communications, should be re-aligned.
- Establish an independent Data Protection Authority to ensure surveillance and collection of personal data are done in accordance with international human rights standards.
- Desist from arbitrary and excessive control of social media and online communication.
- Ensure independence of all media regulatory authorities which will help to prevent unnecessary state influence.

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