



JUBILEE CAMPAIGN

ECOSOC Special Consultative Status (2003)

United Nations Human Rights Council

Universal Periodic Review – THIRD CYCLE

Submission to the 37th session of the Human Rights Council's Universal Periodic Review Working Group

March 2020, Geneva Switzerland

The Republic of Rwanda

Submission by
Jubilee Campaign USA, Inc.

A Vital Voice for Those Suffering in Silence

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**United Nations Human Rights Council
Universal Periodic Review of the Republic of Rwanda**

I. Background

1. Jubilee Campaign, in special consultative status with ECOSOC, submits this analysis of religious freedom and human rights in the Republic of Rwanda as a contribution to the Universal Periodic Review of the UNHRC member-state Rwanda.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies

2. Rwanda has ratified the Convention on Torture and Other Cruel Inhuman or Degrading Treatment or Punishment; the Optional Protocol of the Convention against Torture; the International Covenant on Civil and Political Rights; the Second Optional Protocol to the International Convention on Civil and Political Rights aiming to the abolition of the death penalty; the Convention on the Elimination of All Forms of Discrimination against Women; the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Convention on the Rights of the Child; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; the Optional Protocol to the Convention on the Rights of the child on the sale of children child prostitution and child pornography; and the Convention on the Rights of Persons with Disabilities.
3. Rwanda has not ratified the Convention for the Protection of All Persons from Enforced Disappearance.

Recommendation(s)

Jubilee Campaign urges the Republic of Rwanda to:

4. Ratify the Convention for the Protection of All Persons from Enforced Disappearance.

III. Implementation of international human rights obligations, considering applicable international humanitarian law

A. Freedom of thought, conscience, and religion

5. Article 4 of the Constitution of Rwanda clarifies that Rwanda is a secular state; the constitution also does not establish a state religion.
6. Article 37 of the Constitution of Rwanda states that “freedom of thought, conscience, religion, worship and public manifestation thereof is guaranteed by the State in accordance with the law.”
7. According to the Library of Congress, the English translation of the Penal Code of Rwanda of 1999 states that “[a]ny person who, by acts, speeches, gestures, writing or threats, publicly humiliates rites, symbols or objects of religion either in [a] place intended for or generally used for the practice of religion shall be liable to a term of imprisonment of at least fifteen (15) days but less than six (6) months and a fine of fifty thousand (50,000) to five hundred thousand (500,000) Rwandan francs [approximately US \$59 to \$594] or one of these penalties.”¹ The newly released Penal Code of Rwanda does not have this or any other similar Article.²
8. Rwanda recently implemented a new legislation that requires “faith-based organizations (FBOs)” to apply for legal status before engaging in any activities. Moreover, leaders of these organizations must have academic degrees. This presents an obstacle hindering religious groups and organizations from freely practicing.³
9. In August 2018, approximately 8,000 churches and religious organizations were shut down in response to this new law. The requirements of this law also include: “pastors must now have a degree in theological education from an accredited school. The law also prohibits church leaders from urging their followers to fast for lengthy periods” and all sources of donations and funding must be disclosed to the government.⁴
10. On February 17, 2020, famous Rwandan gospel singer Kizito Mihigo was found dead in his prison cell, where he had been for three days following his arrest and accusation of crossing the border to Burundi and supposedly fighting

¹ Library of Congress, *Blasphemy and Related Laws*, available at:

<https://www.loc.gov/law/help/blasphemy/index.php#Rwanda> [accessed 17 March 2020].

² https://www.unodc.org/res/cld/document/rwa/1999/penal-code-of-rwanda_html/Penal_Code_of_Rwanda.pdf ; <http://www.therwandan.com/wp-content/uploads/2018/10/The-New-Rwanda-Penal-Code.pdf>

³ United States Department of State, *Rwanda 2018 International Religious Freedom Report*, 2019, available at: <https://www.state.gov/wp-content/uploads/2019/05/RWANDA-2018-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf> [accessed 17 March 2020].

⁴ Ssuuna, Ignatius. “Rwanda Restricts Fasting as 8,000 Churches Closed. *Christianity Today*, 7 August 2018. Available from: <https://www.christianitytoday.com/news/2018/august/rwanda-churches-closed-fasting-restricted-rgb-religion-law.html> [accessed 17 March 2020].

in terrorist organizations.⁵ Mihigo, a Tutsi, was 12 when the Rwandan Genocide broke out in 1994. Since his survival, he has been renowned for singing songs about forgiveness and healing. In 2015, the government accused him of engaging in anti-government activity and supposedly planning to assassinate Rwandan president Paul Kagame.⁶ He was pardoned in 2018. His cause of death was reported to be suicide, although investigations continue.

11. In October 2019, US Reverend Gregg Schoof, who had been leading an evangelical church and Amazing Grace Christian Radio station in Rwanda, was arrested for his criticism of the government's actions of closing down churches, as well as allowing birth control and abortion, which he believes to be a rejection and violation of the Gospel.⁷ His arrest displays interference in his freedom of conscience and religion, as well as his freedom of expression.
12. Deo Nyirigira is a former Rwandan Christian pastor who was exiled. His daughter Jackie Umuzoha was arrested in late November 2019 on "suspicions of treason and espionage." She is still being unlawfully detained and has yet to be formally tried.⁸

Recommendation(s)

Jubilee Campaign urges the Republic of Rwanda to:

13. Eliminate all obstacles for faith-based organizations (FBO's) to register legally.
14. Cease shutting down churches and other religious organizations.
15. Stop arbitrarily arresting Christian leaders on suspicions of conspiracy.

B. Sexual Violence

16. According to the UN Global Database on Violence against Women, the percentage of Rwandan women who have experienced "lifetime physical and/or

⁵ "Rwanda: Shocking Death of Gospel Singer in Custody Must be Effectively Investigated." *Amnesty International*, 17 February 2020. Available from: <https://www.amnesty.org/en/latest/news/2020/02/rwanda-shocking-death-of-gospel-singer-in-custody-must-be-effectively-investigated/> [accessed 17 March 2020].

⁶ "Rwandan Gospel Singer and Critic of President Dies in Police Cell." *The Guardian*, 17 February 2020. Available from: <https://www.theguardian.com/world/2020/feb/17/rwandan-gospel-star-president-critic-kizito-mihigo-dies-police-cell> [accessed 17 March 2020].

⁷ Mureithi, Carlos. "U.S. Pastor Arrested in Rwanda has Criticized Government for 'Heathen Practices.'" *The New York Times*, 7 October 2019. Available from: <https://www.nytimes.com/2019/10/07/world/africa/rwanda-pastor-gregg-schoof-arrested.html> [accessed 17 March 2020].

⁸ "Rwanda: Pastor's Daughter Arbitrarily Detained: Jackie Umuzoha." *Amnesty International*, 20 December 2019. Available from: <https://www.amnesty.org/en/documents/afr47/1600/2019/en/> [accessed 17 March 2020].

sexual intimate partner violence” is 37.1%; the percentage that experienced “physical and/or sexual intimate partner violence in the last 12 months” is 20.7%; and the percentage of girls who were victims of forced child marriage is 6.8%.⁹

17. Although rates of sexual violence have drastically declined since the 1994 Rwandan Genocide tragedy, incidents continue to occur. The only difference is that no longer is rape and sexual violence used as a war tactic; rather, it has become a regular occurrence.¹⁰
18. According to Dr. Daniel Nyamwasa, a Kacyiru neighborhood police commander, “the [UN Population Fund (UNFPA)] centre in Kigali receives between 10 [and] 12 victims of violence a day. Of those, 28% are survivors of intimate partner violence and the rest have suffered sexual assault.”¹¹
19. According Rwanda gender violence expert Dr. Jenevieve Mannell, the Rwandan public attributes such violence to the empowerment of women, which causes their partners to drink and then commit acts of domestic violence.¹²

Recommendation(s)

Jubilee Campaign urges the Republic of Rwanda to:

20. Bring all perpetrators of rape and sexual violence- including those who were active during the 1994 Rwandan Genocide- to justice.
21. Condemn all practices of domestic and sexual violence.

C. Human Trafficking and Exploitation

22. According to the US State Department 2019 Trafficking in Persons Report, “the government did not convict any traffickers for internal trafficking crimes, despite the presence of sex trafficking and forced labor within the country. The government did not systematically or proactively identify victims or establish a formal mechanism to refer trafficking victims to care. The government identified fewer trafficking victims, did not identify victims of internal trafficking, and did not adequately screen individuals in government detention

⁹ UN Women Global Database on Violence against Women, *Rwanda*, available at: <https://evaw-global-database.unwomen.org/en/countries/africa/rwanda?> [accessed 17 March 2020].

¹⁰ Cousins, Sophie. “‘I’m Here to Work, Not for Sex’: Battling Violence against Women in Rwanda.” *The Guardian*, 27 December 2018. Available at: <https://www.theguardian.com/global-development/2018/dec/27/battling-violence-against-women-rwanda> [accessed 17 March 2020].

¹¹ *ibid.*

¹² *ibid.*

facilities. The government did not cooperate with civil society to assist victims or operate sufficient long-term care facilities for all trafficking victims. The government did not adopt an updated National Anti-Trafficking Action Plan to coordinate national anti-trafficking.”¹³

23. The International Organization for Migration, along with Never Again Rwanda, revealed that 77.7% of human trafficking victims in Rwanda are female.¹⁴ Moreover, the two most prominent forms of trafficking in Rwanda are labor trafficking and sex trafficking.¹⁵
24. Transnational trafficking was combatted through police efforts, whereas trafficking within the nation was generally ignored.¹⁶

Recommendation(s)

Jubilee Campaign urges the Republic of Rwanda to:

25. Take action to combat internal trafficking in addition to transnational trafficking.
26. Adopt an updated National Anti-Trafficking in Persons Action Plan.
27. Actively prosecute and convict perpetrators of sexual violence and provide treatment and therapy to the victims.
28. Create a database of victims and perpetrators before the next reporting period.

D. Arbitrary Detention, Enforced Disappearance, Torture

29. In 2019, a member of a democratic political oppositional party [The United Democratic Forces of Rwanda/FDU-Inkingi], Eugene Ndereyimana, was abducted on his way to a party meeting in mid-July by unknown individuals. The leader of FDU-Inkingi, Victoire Ingabire, has stated that he was abducted by government officials. Ndereyimana had been arrested prior to this incident,

¹³ United States Department of State. *Trafficking in Persons Report*, June 2019, <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf> [accessed 17 March 2020].

¹⁴ “In Rwanda, Research on Understanding Human Trafficking Validated.” *International Organization for Migration*, 2 August 2019. Available from: <https://www.iom.int/news/rwanda-research-understanding-human-trafficking-validated> [accessed 17 March 2020].

¹⁵ *ibid.*

¹⁶ United States Department of State. *Trafficking in Persons Report*, June 2019, *supra note* 14.

in 2018. Ndereyimana is still missing, and his family has been unable to locate him.¹⁷

30. Similarly, FDU-Inkingi Vice President Boniface Twagirimana also went missing in 2018 after, according to police officials, he escaped prison. However, this claim of escape is questionable, as he was held at a maximum-security prison facility. Despite that he is missing, he recently was sentenced to 10 years in prison on charges of “threatening state security.”¹⁸
31. According to the US State Department, “Advocates asserted that military, police, and intelligence personnel employed torture and other cruel, inhuman, or degrading treatment or punishment to obtain information and elicit confessions before transferring the individuals to formal detention facilities.”¹⁹
32. Prison conditions are likened to torture: insufficient food and water supplies, lack of health care, overcrowding, and insanitation.²⁰
33. Despite that there are provisions requiring police officials to obtain arrest warrants and prohibiting them from holding arrested individuals for over 72 hours, police officers have ignored such restrictions.²¹

Recommendation(s)

Jubilee Campaign urges the Republic of Rwanda to:

34. Prosecute perpetrators of the enforced disappearances of political opponents.
35. Cease the arbitrary detention of political opponents and ensure the enjoyment of due process for all arrested individuals.
36. Report to the families, media, and public the whereabouts, health status, and legal status of detained and disappeared individuals.
37. Eliminate the practice of placing individuals under arrest without an official warrant and holding detainees for longer than 72 hours, per legal provisions.

¹⁷ United States Department of State, *Rwanda 2019 Human Rights Report*, available from: <https://www.state.gov/wp-content/uploads/2020/02/RWANDA-2019-HUMAN-RIGHTS-REPORT.pdf> [accessed 17 March 2020].

¹⁸ Ssuuna, Ignatius. “Missing Rwandan Opposition Politician Sentenced to 10 Years.” *The Seattle Times*, 24 January 2020. Available from <https://www.seattletimes.com/nation-world/nation/missing-rwandan-opposition-politician-sentenced-to-10-years/> [accessed 17 March 2020].

¹⁹ United States Department of State, *Rwanda 2019 Human Rights Report*, *supra* note 18.

²⁰ *ibid.*

²¹ *ibid.*

38. Provide sufficient food and water supplies, as well as improve sanitation and address overcrowding in detention facilities.

IV. Restriction of Political Freedoms

39. Articles 34 through 36 of the Constitution of Rwanda grant Rwandan citizens- notably the press- freedom of expression, speech, information, association, and peaceful assembly.

40. However, Freedom House grades Rwanda a 23 out of 100 with regards to political freedom.

A. Freedom of Expression/Freedom of Speech

41. There are biased laws in Rwanda that prohibit disseminating “false information or harmful propaganda with intent to cause public disaffection against the government.”²²

42. Moreover, according to the US State Department, “laws prohibiting divisionism, genocide ideology, and genocide denial were broadly applied and discouraged citizens, residents, and visitors to the country from expressing viewpoints that could be construed as promoting societal divisions.”²³

43. In a report released in 2019, the United States Commission on International Religious Freedom highlighted Rwanda as an example of one of the few countries that “go beyond prohibiting incitement to genocide to also limit discourse about genocide and discussion of past atrocities. These laws discourage open dialogue that can contribute to a society coming to terms with the legacy of the past and also suppresses freedom of expression and political dissent.”

44. According to Freedom House, because journalists and media reporters face intimidation and threats of arrest from government authorities, self-censorship is often practiced by reporters.²⁴

45. In order to escape the heavy-handed censorship and threats of arrest for criticism of the government, many Rwandan reporters have escaped and operated remotely. The Rwandan government, aware of this, has shut down

²² *ibid.*

²³ *ibid.*

²⁴ *ibid.*

BBC Kinyarwanda, which was the primary BBC network focusing specifically on Rwanda issues.²⁵

Recommendation(s)

Jubilee Campaign urges the Republic of Rwanda to:

46. Stop utilizing laws prohibiting dissemination of false information as a means to arrest individuals with dissenting opinions.
47. Cease all practices which discourage political dialogue and discussion.

B. Freedom of Assembly

48. Any organizations or individuals who wish to hold or participate in assemblies are required to obtain permission, and even then, they are subject to arrest.²⁶
49. “In February 2018, police fired live ammunition into two crowds of Congolese refugees in Karongi town and Kiziba refugee camp protesting cuts in assistance, killing at least 11 and injuring at least 20. At the end of the year, there had not yet been an investigation into the police’s use of force during the ²⁷ demonstrations, but 65 protesters were arrested and charged with holding an illegal demonstration and violence against the police, among other allegations.”²⁸

Recommendation(s)

Jubilee Campaign urges the Republic of Rwanda to:

50. Stop interfering with peaceful assemblies, protests, and demonstrations.

V. Rights of Children

A. Child Labor

51. According to the US Department of Labor, 5.4% (156,522) of Rwandan children ages 6 to 14 years are engaged in some form of formal or informal

²⁵ *ibid.*; Human Rights Watch, *World Report 2019 – Rwanda*, <https://www.hrw.org/world-report/2019/country-chapters/rwanda> [accessed 17 March 2020].

²⁶ Freedom House. *Freedom in the World 2019*, *supra note 29*.

²⁷ United States Department of Labor, *2018 Findings on the Worst Forms of Child Labor – Rwanda*, https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2018/Rwanda.pdf [accessed 17 March 2020]

²⁸ Freedom House. *Freedom in the World 2019*, *supra note 29*.

work, and around 5% of children ages 7 to 14 years are working and attending school simultaneously.²⁹

52. Children engage in both regular labor and coerced labor, most commonly in the agricultural and domestic sectors.³⁰

53. “Human resource allocation” presents obstacles to the Ministry of Public Service and Labor in terms of fully enforcing child labor laws.³¹

Recommendation(s)

Jubilee Campaign urges the Republic of Rwanda to:

54. Provide extra funding and improve “human resource allocation” to the Ministry of Public Service and Labor.

B. Sexual Exploitation

55. According to the most recent Violence Against Children and Youth Survey in Rwanda which was conducted in 2016, 12% of female respondents and 5% of male respondents between the ages of 13 and 17 had reported being victims of sexual violence at least a year prior to the survey.³²

56. “Among those who reported sexual violence, 34% of both females and males aged 13-17 had first experienced sexual violence at the age of 13 or earlier. Of females aged 13-17 who ever had sexual intercourse, 46% indicated that their first incident of sexual intercourse was unwanted.”³³

Recommendation(s)

Jubilee Campaign urges the Republic of Rwanda to:

57. Take actions to eliminate sexual exploitation of children.

C. Health and Disease

58. Rwanda’s under-five mortality rate is 35.3 per every 1,000 live births.³⁴

²⁹ United States Department of Labor, *2018 Findings on the Worst Forms of Child Labor – Rwanda*, *supra* note 32.

³⁰ *ibid.*

³¹ *ibid.*

³² Republic of Rwanda Ministry of Health, *Violence against Children and Youth Survey: Findings from a National Survey, 2015-2016*, <https://reliefweb.int/report/rwanda/violence-against-children-and-youth-survey-rwanda-findings-national-survey-2015-2016> [accessed 17 March 2020].

³³ *ibid.*

³⁴ UNICEF Data, *Rwanda Country Profile*, <https://data.unicef.org/country/rwa/> [accessed 17 March 2020].

59. Only 56% of births in Rwanda are registered.³⁵

60. In 2018, there were 810 cases of HIV cases among children aged 0 to 19 years.³⁶

61. 37% of Rwandan children experience stunted growth.³⁷

Recommendation(s)

Jubilee Campaign urges the Republic of Rwanda to:

62. Take actions to combat under-five mortality, HIV, stunted growth, and malnutrition in all children.

D. Street Children

63. Street children- or vagrant children- who live and perform informal work on the streets, are viewed by the Rwandan government as showing “deviant behaviors,” and are often rounded up and kept at Gikondo Transit Center in the capital city Kigali, Rwanda in an attempt to “eradicate delinquency.”³⁸

64. Although this detention center is legislated to provide vocational education and rehabilitation services, reports reveal that physical abuse, starvation, unsanitary conditions are a reality in this detention center, where these children are held without any formal charges. In some cases, children were forced to share bedding, which had led to widespread infections and lice. Some children report that they were restricted from showering more than once a week, and many had had to urinate or defecate themselves when they are denied from accessing the bathrooms at night.³⁹

65. According to the National Commission for Children, “44 percent of boys and 36 percent of girls said that they experienced violence at the transit center where they were held.”⁴⁰

66. Rates of malaria, rashes, and diarrhea are high at Gikondo.⁴¹

³⁵ *ibid.*

³⁶ *ibid.*

³⁷ *ibid.*

³⁸ “‘As Long as We Live on the Streets, They Will Beat Us’: Rwanda’s Abusive Detention of Children,” *Human Rights Watch*, available from: <https://www.hrw.org/report/2020/01/27/long-we-live-streets-they-will-beat-us/rwandas-abusive-detention-children> [accessed 17 March 2020].

³⁹ *ibid.*

⁴⁰ *ibid.*

⁴¹ *ibid.*

67. The situation in Gitagata Rehabilitation Center is similarly abhorrent.

Recommendation(s)

Jubilee Campaign urges the Republic of Rwanda to:

68. Stop detaining street children without cause.

69. In the case that street children are arrested, improve the conditions at Gikondo Transit Center and Gitagata Rehabilitation Center by providing sufficient food, water supplies, and bedding, as well as eliminating physical abuse.

VI. Summary of Recommendations

Jubilee Campaign urges the Republic of Rwanda to:

70. Cease shutting down churches and other religious organizations.

71. Stop arbitrarily arresting Christian leaders on suspicions of conspiracy.

72. Bring all perpetrators of rape and sexual violence- including those who were active during the 1994 Rwandan Genocide- to justice.

73. Adopt an updated National Anti-Trafficking in Persons Action Plan.

74. Actively prosecute and convict perpetrators of sexual violence and provide treatment and therapy to the victims.

75. Report to the families, media and public the whereabouts, health status, and legal status of detained and disappeared individuals.

76. Eliminate the practice of arresting without an official warrant and holding individuals for longer than 72 hours, per legal provisions.

77. Cease the practice of utilizing laws prohibiting dissemination of false information as a means to arrest individuals with dissenting opinions and thus infringing upon freedom of expression.

78. Stop interfering with peaceful assemblies, protests, and demonstrations.

79. Provide extra funding and improve “human resource allocation” to the Ministry of Public Service and Labor.

80. Take actions to eliminate sexual exploitation of children.

81. Take actions to combat under-five mortality, HIV, stunted growth, and malnutrition in all children.
82. In the case that street children are arrested, improve the conditions at Gikondo Transit Center and Gitagata Rehabilitation Center by providing sufficient food, water supplies, and bedding, as well as stopping the practice of physical abuse.