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**STATUS OF HUMAN RIGHTS IN RWANDA
FOR THE 2020 UNIVERSAL PERIODIC REVIEW**

www.ECLJ.org
4, quai Koch
67000 Strasbourg, France
Phone: +33 (0)3.88.24.94.40

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Introduction

1. The European Center for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting and protecting human rights around the world. The ECLJ holds Special Consultative Status before the United Nations Economic and Social Council. The purpose of this report is to raise concerns regarding human rights violations in the Republic of Rwanda for the 2020 Universal Periodic Review (UPR).

Background

2. Rwanda is home to nearly 13 million people, and is a majority Christian nation with over 90% of the population practicing some form of Christianity. Muslims are a minority in Rwanda, with roughly 2% of the population practicing some form of Islam. Generally, in the past, Rwanda has respected religious freedom and its expression.

3. Rwanda's previous review occurred on 5 November 2015. Several countries recommended that Rwanda address the issue of human trafficking within its borders. Notably, one recommendation was that Rwanda "[a]dopt a comprehensive policy to avert the trafficking of children, in particular the disappearance of adolescent girls from refugee camps, and to protect them against exploitation, and especially child labour"¹. This recommendation was noted, but Rwanda accepted a similar recommendation that it "[a]dopt a comprehensive policy to address the root causes of trafficking"².

4. Another recommendation that Rwanda "noted", was that Rwanda work to "[f]urther ensure that the country's religious minorities are able to freely practice their respective belief. However, rather than increasing freedom of religion, Rwanda has acted to restrict it. In 2018, Rwanda enacted new laws regulating churches, religious organisations, and pastors. Since these laws came into force, the government of Rwanda has closed at least 8000 churches and 100 mosques. As these new regulations are extremely concerning and highly problematic, the ECLJ will address them first in this submission.

Legal Framework Concerning Religious Freedom

5. Under Article 4 of the its constitution, the "Rwandan State is an independent, sovereign, democratic, social and **secular** Republic"³. Furthermore, Article 16 declares that "All Rwandans are born and remain equal in rights and freedoms"⁴. In addition, "Freedom of thought, conscience, **religion, worship and public manifestation thereof is guaranteed by the State in accordance with the law**"⁵. Rwanda's constitution makes it clear that politics and religion are to remain separate as "[p]olitical organisations are prohibited from basing themselves on . . . religion . . ."⁶. Finally, "[a]ll power derives from Rwandans and is exercised in accordance with this Constitution"⁷.

6. In 2018, the Rwandan government introduced and then implemented new rules governing churches, religious organisations, and even pastors. The new regulations fall under the jurisdiction of the Rwanda Governance Board. These regulations are extremely intrusive and detailed, and Article one clear states their purpose: “This law determines organisation and functioning of faith-based organisations”⁸. For example, Chapter IV Article 22 details the requirements for being a preacher in Rwanda:

A preacher must:

1. be of majority age;
2. be a person of integrity;
3. fulfil the requirements of an organization for being a preacher at that level;
4. possess a statement testifying that an organisation authorizes him/her to be a preacher;
5. not have been definitively sentenced to a principal penalty of imprisonment equal to or exceeding six (6) months which was never removed by amnesty or rehabilitation;
6. not have been definitively convicted of the crime of genocide, genocide ideology, discrimination or sectarianism;
7. possess a degree of a higher learning institution in religious studies or any other degree with a valid certificate in religious studies or related matters delivered by a recognised institution.

...

The Board may issue regulations determining additional requirements for being a preacher⁹.

These same regulations exist for any “legal representative of an organisation and his/her deputy”¹⁰. And Article 36 states that a

preacher is liable for the faults committed by his or her subordinate in the fulfilment of his or her duties if: 1) the preacher knew or had reason to know that the fault was going to be committed and did nothing to prevent it; 2) the preacher has known the fault after its commission but did nothing to punish it¹¹.

7. Article 23 dictates *where* sermons may be given:

Religious sermon is delivered in designated facilities that meet the requirements of the law.

If an organisations intends to organise special public gathering, it seeks authorization from the competent authority¹².

8. Article 16 restricts the preaching and ministry of a religious organisation:

[a]n organisation, an umbrella, a forum of umbrellas or a ministry is, in its faith, practices and preaching, prohibited from jeopardising the unity of Rwandans,

peace and security, public order and health, good morals, good conduct, freedom and fundamental rights of others.

In its functioning, an organisation, an umbrella, a forum of umbrellas or a ministry is prohibited from causing noise pollution. Noise pollution is punished in accordance with relevant laws¹³.

9. And Article 37 gives the Rwanda Governance Board authority to suspend or dismiss members of a religious organisation's administration:

For the interests of the organisation, umbrella, forum of umbrellas or ministry, the Board can suspend or dismiss one or many of its members of administration in case its organs fail to take actions.

The Board issues regulations determining the period of suspension based on the gravity of the fault committed and reasons for dismissal of one or more of members of administration¹⁴.

10. Furthermore, under the 2018 regulations,

any organization, umbrella organization, or *ministry that intends to begin operations must obtain legal status from the Rwanda Governance Board* (RGB). According to the law, [a faith-based organisation (FBO)] must submit the following to obtain legal status: an application letter addressed to the RGB; notarized statutes governing its organization; the address of its head office and the names of its legal representative and his/her deputy, their duties, full address, and criminal records; a document certifying the legal representative and his/her deputy were appointed in accordance with its statutes; a brief notarized statement explaining its doctrine; a notarized declaration of the legal representatives of the organization of consent to the responsibilities assigned to them; notarized minutes of the group's general assembly that established the organization, approved its statutes, and appointed members of its organs; a notarized document describing the organization's annual action plan and source of funding; a document indicating the building that meets the requirements of the building code of the area of operation; a letter issued by district authorities agreeing to collaborate with the organization; a partnership document issued by an umbrella organization of the organization's choosing; and proof of payment of a nonrefundable application fee. The law states the RGB must either issue a certificate of legal personality within 60 days of the date of receipt of the application or, in case of denial, send a written notice explaining the reasons for the denial within 30 days of the date of receipt of the application¹⁵.

As indicated by this summary of the regulations, the regulations are long, complicated, intrusive, and intricate.

Government Control and Shutdown of Religious Organisations and Churches

11. As stated above, the new regulations are extremely concerning and problematic. As of July 2018, "more than 8,000 churches have now been closed, and the number keeps growing"¹⁶.

While many of these churches have been closed “for failing to comply with building safety standards,” some have been closed because “the pastor had no theological degree from an accredited institute as the government requires”¹⁷.

12. According to Rwanda’s constitution, the government is to be secular, yet in adopting and enacting these regulations, the government of Rwanda has made itself the final authority on religious institutions and persons. Not only does the Rwandan government control what faith-based organisations may exist by requiring them to register with the government, but details what characteristics, education, and experience representatives, board members, and pastors of these organisations must have. The government retains the authority to suspend or dismiss administrative members, and dictates where sermons may be preached. This is the very definition of a government dictated and run religion.

13. If there were any question regarding the intent behind these regulations, Rwanda’s own president has dispelled them when he stated: “Seven hundred churches in Kigali? Are these boreholes that give people water? . . . I don’t think we have as many boreholes. Do we even have as many factories? But 700 churches, which you even had to close? This has been a mess!”¹⁸

14. Kigali -- the capital of Rwanda, is home to over 1.13 million people, and covers 281.85 square miles. Given the fact that 94% of the population identifies as practicing some form of Christianity, it is hardly surprising that many churches exist. If only 700 churches existed and the congregants divided equally between them, each church would be home to roughly 1500 congregants. Even for Western countries, such as Europe and the United States, a church with a congregation of that size would be considered unusual. According studies, in the United States, which is home to over 330 million people, “most congregations remain small, with 90% having 350 or fewer people”¹⁹.

15. Regardless of whether the number of churches in one city is “reasonable”, the Rwandan constitution sets out separation of state and religion by declaring that Rwanda is secular. Furthermore, it guarantees the freedom of religion and its expression, including the right to public manifestation of that religion. The constitution further declares *all persons equal in these freedoms*, yet, in enacting and enforcing these regulations, the Rwandan government has prohibited many religious adherents from being able to profess their religion in the ways they may desire.

16. The government’s control over who may become a preacher excludes anyone who is under the age of 18, as well as anyone who does not have the specifically required degree. While some religious organisations may have certain requirements that they desire to impose upon those who seek pastoral positions within that church or religious organisation, it should be the free determination of the congregants and the organisation administration, who they choose, not the determination the government. The government’s interference is exactly the type of interference against which separation of state and church, as well as freedom of religion protects. As such, these regulations are unconstitutional.

Legal Framework and Protections Concerning Human Trafficking

17. Under Article 168 of the Constitution “[I]nternational treaties and agreements which have been duly ratified or approved have the force of law as national legislation in accordance

with the hierarchy of laws provided for under the first paragraph of Article 95 of this Constitution”²⁰.

18. Rwanda has signed and ratified the International Covenant on Civil and Political Rights (ICCPR). Articles 7, 8, and 24 of the ICCPR address trafficking in persons, as well as forced and child labour:

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, one shall be subjected without his free consent to medical or scientific experimentation²¹.

Article 8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.
2. No one shall be held in servitude.
3. (a) No one shall be required to perform forced or compulsory labour²².

Article 24

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State²³.

19. The 2012 Penal Code of Rwanda codified sentences for human trafficking with prison sentences ranging from 8 to 12 years²⁴. Additionally, Rwanda passed The Law Relating to the Rights and Protection of the Child in 2012, which outlawed child trafficking, prostitution, and slavery. However, despite these legal protections, Rwanda still struggles with human trafficking.

Human Trafficking

20. The U.S. 2019 Trafficking in Persons (TIP) Report listed Rwanda as a Tier 2 country; meaning that it “do[es] not fully meet the TVPA’s (Trafficking Victims Protection Act) minimum standards but [is] making significant efforts to bring themselves into compliance with those standards”²⁵. According to the report, those most vulnerable are children aged 13-18 who are used for commercial sex work within Rwanda as well as neighboring countries such as Uganda and the Democratic Republic of Congo²⁶. Rwanda Investigation Bureau Secretary, Col. Jeannot, stated at a workshop on human trafficking in 2019, “Rwanda is also among countries affected by Human Trafficking, and for the last five years, over 189 cases of Human Trafficking and people smuggling involving 378 victims were recorded”²⁷.

21. Within Rwanda, human traffickers exploit Rwandan children, most of the time girls, to be transported and exploited abroad. Often times, these victims end up as forced laborers and

domestic servants in the middle east, or as sex slaves in China. In 2017, a local human rights group reported that girls who became pregnant while being forced to work as domestic servants were “fired” and then subsequently sold into prostitution²⁸. Rwandan women are also exploited, often tricked in to being trafficked with the promise of lucrative jobs abroad.

22. By way of illustration, in 2018 a Rwandan woman (whose name was changed for protection) called Dative Uwingeneye, was approached by an acquaintance and offered a job in Kuwait promising a monthly salary of 300,000 Rwandan francs (roughly \$400)²⁹. However, she ultimately never received this money and was subjected to “slavery that would eventually cause severe damage to her lungs [and] backbone, as well as sexual abuse³⁰. For seven months she worked “as a domestic worker for all the families housed in a three storeyed apartment building³¹”. She was never paid for her work, but instead told that she owed \$2000 to her “boss” to cover the expenses he had paid to secure her. Eventually, she was able to reach out to the Rwandan embassy and then escape and return home to Rwanda³². Uwubgeneye was one of 18 human trafficking victims who was rescued from a foreign country. However, there are countless other victims who are not as fortunate.

23. Male children, have also been found to be trafficked to neighboring countries to serve as child soldiers³³. In 2018, another international organisation found eight Rwandan children who were serving in armed groups in the Democratic Republic of the Congo. The real number of trafficked children serving in armed groups is unknown and underreported.

24. Refugees who seek protection within Rwanda also serve as targets for human trafficking. Since 2015 there has been an increase in the number of Burundi teenagers living in Rwanda who are then trafficked to third countries. Reportedly, in some of these refugee camps, Rwandan security forces who are stationed at these camps to protect the refugees either facilitated recruitment or looked the other way while others “recruited” refugees into being trafficked³⁴.

Conclusion

25. In order to truly protect the fundamental human right of religious freedom and to ensure separation of church and state, the government of Rwanda should heavily revise its regulations of faith-based organisations. While government guidance on health and safety concerning church buildings is certainly appropriate, the detailed, intrusive and controlling regulations that are currently in place that dictate nearly every aspect of a faith-based organisation’s daily operations are unconstitutional.

26. While Rwanda has implemented legislative measures to combat human and child trafficking, Rwanda needs to work to increase its efforts to enforce these measures. This includes enhanced training for its military and law enforcement agencies. Reports indicating that police and security personnel turn a blind eye to traffickers is deeply concerning and must be investigated. Legislative efforts to combat human trafficking must not only target traffickers, but those who help aid and abet traffickers. Rwanda must uphold its obligations under the ICCPR to ensure that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”³⁵.

¹ UPR of Rwanda –Second Cycle-Thematic List of Recommendations A/HRC/31/8 – Para 135.

² *Id.* para 133.19.

³ Rwanda’s Constitution of 2003 with Amendments through 2015, Constitute Project, art. 4, *available at* https://www.constituteproject.org/constitution/Rwanda_2015.pdf?lang=en.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.* at art. 57.

⁷ *Id.* at art. 1.

⁸ *More than 8,000 Rwandan Churches Closed Following Government Directive*, WORLD WATCH MONITOR (27 July 2018), <https://www.worldwatchmonitor.org/2018/07/more-than-8000-rwandan-churches-closed-following-government-directive/>.

⁹ Official Gazette no. 36: Summary, RGB. RW (10 Sept. 2018), *available at* https://www.rgb.rw/fileadmin/Key_documents/Law-RGS-Gazette/Law_governing_FBOs_2018.pdf.

¹⁰ *Id.* at art. 20.

¹¹ *Id.* at art. 36.

¹² *Id.* at art. 23.

¹³ *Id.* at art. 16.

¹⁴ *Id.* at art. 37.

¹⁵ *Rwanda 2018 International Religious Freedom Report: Executive Summary*, STATE.GOV, <https://www.state.gov/wp-content/uploads/2019/05/RWANDA-2018-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf> (last visited 19 June 2020).

¹⁶ Tonny Onyulo, *Banned from Meeting in Church, Rwandan Worshippers Gather at Home*, RELIGION NEWS SERVICE (6 Sept. 2018), <https://religionnews.com/2018/09/06/banned-from-meeting-in-church-rwandan-worshippers-gather-at-home/>.

¹⁷ *Id.*

¹⁸ Johnson Kanamugire & Edmund Kagire, *Rwanda: President Kagame Shocked by High Number of Churches in Rwanda*, ALLAFRICA.COM (3 Mar. 2018), <https://allafrica.com/stories/201803030059.html>.

¹⁹ *American Congregations at the Beginning of the 21st Century*, NAT’L CONGREGANTS STUDY, DUKE UNIVERSITY, *available at* http://www.soc.duke.edu/natcong/Docs/NCSII_report_final.pdf (last visited 30 June 2020).

²⁰ Constitution of Rwanda, art 168, *available at* https://www.constituteproject.org/constitution/Rwanda_2015.pdf?lang=en.

²¹ International Covenant on Civil and Political Rights, Dec .16, 1966, S. Treaty Doc. No. 95-20, 6 I.L.M. 368 (1967), 999 U.N.T.S. 171, art. 7.

²² *Id.* art 8.

²³ *Id.* art. 24.

²⁴ National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21 Rwanda, *available at* <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/245/38/PDF/G1524538.pdf?OpenElement>.

²⁵ 2019 TRAFFICKING IN PERSONS REPORT: RWANDA, U.S. DEP’T OF STATE (20 June 2019), <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>.

²⁶ *Id.*

²⁷ *180 Rwandans Trafficked in 5 Years*, KT PRESS (6 Jun. 2019), <https://www.ktpress.rw/2019/06/180-rwandans-trafficked-in-5-years/>.

²⁸ 2019 TRAFFICKING IN PERSONS REPORT: RWANDA, *supra* note 25.

²⁹ *Rwanda: Human Trafficking Victim Narrates Ordeal in Kuwait*, ALL AFRICA (4 Nov. 2019), <https://allafrica.com/stories/201911040040.html>.

³⁰ Michel Nkurunziza, *Inside Rwanda’s War on Human Trafficking*, THE NEW TIMES (20 May 2019), <https://www.newtimes.co.rw/news/inside-rwandas-war-human-trafficking>.

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ International Covenant on Civil and Political Rights, Dec .16, 1966, S. Treaty Doc. No. 95-20, 6 I.L.M. 368 (1967), 999 U.N.T.S. 171, art. 7.