



National Commission for Human Rights

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“The Rights to privacy in the digital age”

The right to privacy is the right of every person to see the respect of his private and intimate life, whatever his rank, birth, wealth, age during this age computer age. This is an important human rights that is protected in Rwandan law and the national legislation is strongly built as regard the respect and protection of the right to privacy especially in digital communication

The protection of the right to privacy is mentioned in the Universal Declaration of Human Rights in its article 12 that inspired a number of international covenants including the civil and political covenant that Rwanda ratified.

“The right to privacy is our right to keep a domain around us, which includes all those things that are part of us, such as our body, home, property, thoughts, feelings, secrets and identity. The right to privacy gives us the ability to choose which parts in this domain can be accessed by others, and to control the extent, manner and timing of the use of those parts we choose to disclose” **Wikipedia.com**

While the **“Digital Age** also known as the Computer Age, Information Age or New Media Age is a period in human history characterized by the shift from traditional industry that the industrial revolution brought through industrialization, to an economy based on information computerization. The onset of the Information Age is associated with the Digital Revolution, just as the Industrial Revolution marked the onset of the Industrial Age”. **Wikipedia.com**

While providing responses to the questions below, we mentioned some articles in the Constitution of the Republic of Rwanda and in other laws that guarantee the said right.

1. Measures taken at national level to ensure respect for and protection of the rights to privacy, including in the context of digital communication

One of the measures is that the Constitution of the Republic of Rwanda guarantees the protection and respect of the rights to privacy in its article 22 states that: *the private life, family, home or correspondence of a person shall not be subjected to arbitrary interference; his/her honor and good reputation shall be respected*, and article 34 paragraph 2 states that *freedom of speech and freedom of information shall not prejudice public order and good morals, the right of every citizen to honor, good reputation and the privacy of personal and family life*.

Other Laws have been established by the authorities in order to ensure the respect of the right to privacy. Let's mention some of them:

- The law n 02/2013 of 08/02/2013 regulating media (article 9);
- The law n 03/2013 of 08/02/2013 regulating access to information (article 4) ;
- The law n 04/2013 of 08/02/2013 determining the responsibilities, organizations and functioning of the Media High Council (article 4);

- The law n 60/2013 of 22/08/2013 regulating the interception of communication;
- The law n 44/2001 of 30/11/2001 governing telecommunications;
- The Law n 54/2011 of 14/12/2011 relating to the rights and the protection of the child (article 16)

2. Measures taken to prevent violations of the rights to privacy, including to ensure that relevant national legislation complies with international human rights laws

Rwanda ratified the International Covenant on civil and political rights, therefore is bind to article 17 providing that “No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks”.

Moreover, article 4 of the law number 4/2013 of 8/2/2013 relating to access to information stipulates that information withheld by a public organ or private body to which this law applies shall not be published when it may involve interference in the privacy of an individual when it is not of public interest.

3. Specific measures that have been taken to ensure that procedures, practices and legislation regarding the surveillance of communication, their interception and the collection of personnel data, are coherent with international human rights law

Existing telecommunication industries are bind by the law 44/2001 of 30/11/2001 governing telecommunications especially in article 54 that provides that every user’s voice or data communication carried by means of a telecommunications network or telecommunication services, remains confidential to that user and the user’s intended recipient of that voice or data communication and article 55 of the same law provides when that provision does not apply; for example if:

- The user has given explicit written authorization;
- The Court has authorized, the interception of Communication, or recorded communication;
- Purpose of providing evidence of any commercial transaction or that a business communication has taken place;

Article 70 of the same law provides punishment for the non-respect of the above mentioned provisions.

In additional to that the Rwandan Penal Code provides punishment for anyone who may offence privacy. They can be found in article 280 to 291 and the Law n 60/2013 of 22/08/2013 in its article 12 stating that inspectors in charge of monitoring authorized persons to ensure that they intercept communications in accordance to the law shall be appointed.

4. Measures that have been taken to establish and maintain independent, effective domestic oversight mechanisms capable of ensuring transparency, as appropriate, and accountability for State surveillance of communication, their interception and collection of personal data

The interception of communications is done accordingly to laws and few persons are authorized to make it, as it is clearly mentioned in the law n° 60/2013 of 22/8/2013 **regulating the interception of communication** from articles 3 to article 7 when it indicates what it is a lawful and unlawful interception, a prohibited interception of communication, persons authorized to apply for an interception warrant and

requirements for a communication service provider and in **the Ministerial Order n° 001/ICT.MIN.2010 of 23/12/2010 determining modalities of intercepting communication** in its articles 3 to 9.

In addition to that, there is an agency that is responsible of ensuring compliance by public utilities including telecommunication enterprises with the laws governing their activities. The law establishing the Rwanda Utilities Regulatory Agency RURA in its article 5,5 stipulates that the agency has the responsibility to ensure compliance by public utilities with the laws governing their activities.

5. Any other information on the protection and promotion of the rights to privacy in the context of domestic and extraterritorial surveillance and/or interception of digital communication and collection of personal data

The Code of Ethics governing journalists and other media professionals and the Media in Rwanda, adopted in June 2011, in its article 6 provides that journalists and other media professionals shall respect the human dignity and the privacy and that the broadcasting or publication of any information related to private life shall only be dictated by public interest.