FNF Human Rights Podcast episode Rwanda

Host: Nangamso Kwinana

Guest: Louis Busingye (Businje)

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[00:00:00] **Audio Clip:** It was in 1994, the world was watching, but failed to act. I believed at that

[00:00:08] time that I was doing my best, but I realized after the genocide that there was more that I could and should have done to sound the alarm and rally

[00:00:21] support today. The country is still recovering from the impact of the genocide.

[00:00:27] We saw what's happening one day, 1994, and we know the horrific consequences when eight is allowed to prevail. Preventing history from repeating itself requires countering these hate driven movements that have become a transnational. cases of intolerance towards opposition and critics. In 19 years of his rule, the Rwandan Patriotic front accuse of enforcing arbitrary arrests.

[00:00:53] detentions killings and torch against opponents. others are core corrupt people, [00:01:00] uh, in our new system who do not want to face the justice or to face what they've became.

[00:01:14] Nangamso Kwinana

Thank you for joining us today on our audio journey through Africa.

My name is Nangamso Kwinana and I am delighted that you have tuned in again.

In our previous episodes, we have visited South Africa and talked to Constitutional Court Judge Edwin Cameron.

From there, we travelled to Zimbabwe, where we met Senator David Coltart and Dumisani Muleya, international award winning investigative journalist.

We met Elizabeth Minde from Tanzania, Nicholas Opyio and Bobi Wine from Uganda as well as Alioune Tine from Senegal reporting on the situation in Mali.

We also introduced you to Human Rights Defenders in Cameroon, Nora Shuyeh and Elvis Wepngong. If you missed those episodes, do take a listen.

Today, we find ourselves in Rwanda.

Rwanda, officially the Republic of Rwanda, is also known as the land of a thousand hills. Rwanda shares borders with Uganda, Tanzania, Burundi and the Democratic Republic of Congo.

In 2017, President Paul Kagame was elected to a third seven-year term. According to official figures, he received 99 percent of the vote.

As we already pointed out in our previous episodes, even in democratic constitutional states, human rights violations occur on a regular basis. Emerging and developing countries, especially in Africa are particularly affected.

In Rwanda, significant human rights issues include serious restrictions on freedom of expression - with things like violence against journalists, censorship and website blocking; torture; acts of violence and criminalization on sexual orientation; substantial interference with the rights of peaceful assembly and restrictions on political participation.

I am very pleased that Louis Busingye is joining us today. Louis is a Human Rights Lawyer living in Rwanda. He has a Master's degree in International Human Rights Law from Lancaster University (UK) and a postgraduate degree in Public International Law from the Independent University of Kigali. He is an Alumni of Uganda Christian University where he graduated with a Bachelor's degree in Law.

He currently serves as the Strategic Associate at Interconnected Justice, a pan African organization that advocates for the dignity of African persons and heritage. Prior to this appointment, he was the Programmes Coordinator at Human Rights First Rwanda Association – a national organization that promotes Human Rights and Access to Justice for marginalised persons in Rwanda.

Just a note to our listeners that Louis is recording in Rwanda and outside his home due to lockdown restrictions currently in Rwanda and as that is where the most stable internet connection is - so you may hear a bird or two tweeting in places.

Thank you so much, Louis, for being our guest today!

Louie. I was telling the audience that we are in Rwanda today. We recently celebrated women's day in South Africa. Rwanda has, or at least had the highest representation of women in parliament in the world and is pursuing a strong gender equality political agenda.

[00:04:58] How did this come about? [00:05:00]

[00:05:00] Louis Busingye: I must begin by saying that, uh, it would be quite hard to separate what is happening in Rwanda without alluding to the. Um, social and economic political landscape that is strongly attached to what's happened here in 1994. So a brief background, um, the atrocities that are committed then, uh, you probably will know that the genocide against the Tutsi occurred and, uh, this unfortunate occurrence, uh, actually decimated the population and, uh, unfortunately, um, Most of the victims so happened to be men of the million people plus to perish in this genocide against the Tutsi.

[00:05:46] Most of them being men, the there happened to be a leadership gap that existed was the genocide. And, um, this of course, spirred more women to take up [00:06:00] leadership positions. Uh, existed within the civil service and, um, most women, um, I must say, uh, during the genocide were given the pedestal, uh, having decision-making process within the wound states, um, as a genocide was taking place.

[00:06:21] Um, as most of them also played a pivotal role in the liberation struggle, they had this sense of, um, wanting to use some of those skills within a governance structure and true to the word as a decency, more or less, um, try to prevail within the country, post a genocide as the 2003 constitution was being promulgated.

[00:06:51] Um, it was only natural that, um, women took the lead and take up the mantle of responsibility, within [00:07:00] parliamentary rules that, um, were down, um. Right now as we speak, um, Rwanda leads the globe. And as far as, um, gender equity is concerned through parliamentary representation, then in 2003, when the constitution was being promulgated, we had the quota system that expected 30% of them to parliamentarians to be, to be women.

[00:07:30] But, um, we actually had, uh, a higher number than was expected. So we had 56 essential women who are elected or appointed as parliamentarians in both chambers of parliament, being the deputy and the Senate today, we have, um, them at 62% and Rwanda is leading in this room to globally. Um, I must say that, um, this, this does not only stop at, uh, [00:08:00] at them being in parliament.

[00:08:01] It cuts across other sectors as well in the private sector. We have an element of gender equity. Um, you know, uh, I give the example on parastatals, like the Rwanda Development Board is an institution that is mandated, uh, with promoting tourism and investment in the country. It's led

by a woman. Um, the national carrier Rwanda Air was until recently, only recently being led by a woman.

[00:08:30] Nangamso Kwinana

: I have definitely often heard that women are extremely well-promoted in the politics of Rwanda. I appreciate what you've just shared with us because you've also expanded on the fact that it's not only within the politics of Rwanda that women are promoted, but also you do try your best as a country to promote the equality and the equity of women across all sectors.

[00:08:58] Thank you very much for sharing that [00:09:00] with us, Louis. I do know that you've also traveled quite a lot and that you've also studied in the United Kingdom. Could you please share and reflect, uh, to us. How progressive do you think Rwanda is in terms of feminism compared to the other countries that you might've visited? How is feminism regarded in Rwanda?

[00:09:25] Louis Busingye: To begin with, I would say that, um, it's, it's in an ideal world from the caring nature that women have. They are pro development, uh, naturing it's only, it's only right that a woman would lead an institution. And that is what Rwanda has been trying to promote feminism, gender equity and equality across the board.

[00:09:48] But I also must say this, that, um, it wouldn't be fair at all to compare the context, not only in Rwanda and Africa at large, [00:10:00] to. democracies that have existed for centuries. Um, the United Kingdom, as, as, as you rightly put it has a democracy that has been there since time immemorial, but even then they still have gaps and they had gaps, um, due to the fact that, um, it's only 1918, that, um, women who are given the right to electoral suffrage in the United Kingdom, that's just about a century ago.

[00:10:28] Seems fairly recent. Uh, comparing to the fact that the United Kingdom is one of the most progressive progressive countries in the world. Um, Rwanda has tried its best to adapt to feminism, uh, regardless of the fact that that exists some challenges. Uh, we see that as I've mentioned, we have governance structures that encourage this, but from the bottom going up there, we still have several gaps.[00:11:00]

[00:11:00] Um, I'll give the examples on that education and training, for example, less and less girls access formal training, especially in early years of development, you find, uh, the ratio is not, uh, is not balanced. More boys attend school than, than girls. We have issues concerning sexual reproductive health rights. Um, recent we've had so much activism towards, um, access to menstrual hygiene in favor of the girls, because, um, with, uh, the issue of poverty, it's also an underlying issue that that seems not to be erased, but the main issue is this, uh, in the context that we live in right now, uh, Africa being the continent that it is, patriachy seems to be the issue. And decision-making for women, especially in the households in rural areas in [00:12:00] is, um, yet

to be achieved. Um, that being said, um, people from different sectors, civil society, uh, lawyers, practitioners, and such, they try as best as it can to, um, ensure that equality and equity previals.

[00:12:19] No. Uh, we have, um, some policies like gender mainstreaming. I'll give the example of, uh, uh, the land equity program that was sent to in 2011 where, um, women and men have an equal share to the right possessing land. And this was a long way in empowering them to. access, um, not only have decision making capabilities in the, in the homestead, but also access either financial institution by giving loans inside.

[00:12:53] And this has been seen to try and inspire women to take up some of this. Uh, it's it's a [00:13:00] feminist, uh, approach that, that, that is being done at policy level. Um, we have various activities that, um, uh, practitioners, practitioners like me part take in. Um, I'll give the example of the 16 days of activism that happens every November.

[00:13:17] Uh, people like me, who's a strong proponent of the "He for She" Movement go out and, um, advocate against the ill effects of, uh, sexual gender based violence. So, um, to answer your question, uh, in a nutshell, Feminism is something that is quite broad. And, um, we try our best to make sure that, especially in the grassroot levels, women have a say in what affects them.

[00:13:47] Nangamso Kwinana

: Indeed. We do appreciate the work that yourself and other women and men who are human rights defenders do in order to ensure the continued investment towards [00:14:00] human rights. Equality and equity, Louis, as you have already touched on, I'm aware that you are a human rights lawyer. Could you share with us what motivated you to become a human rights defender and to stand up for the rights of others? What is your story?

[00:14:19] **Louis Busingye:** My story is, um, is one that has a very sad beginning because I was unfortunate enough or fortunate, depending on how you look. Uh, to be born as a refugee, uh, again, alluding to the fact that this country was under turmoil, in 1994, my parents gave birth to me and my siblings in a foreign land was born in Kenya.

[00:14:43] And, um, it's being so at a very early age have had various incidents of, uh, discrimination, perpetuated towards me and my family. Based on the fact that living in a foreign land, um, [00:15:00] this was a, um, uh, issue it wasn't something that would deter me,

[00:15:08] but pursue means of addressing such, such challenges especially with people who are vulnerable as I was then. So me, uh, pursuing a career in human rights, uh, activism. And using my, uh, profession in, um, in the legal field to try and create equity for everyone across the board, um, has been, uh, something that was inculcated. Um, but from my child, for my child, I must say this, that along the way I, uh, I, I managed to gain experience and

exposure, and also learn from people who have been working in this field for several years.

[00:15:55] And they've shaped my mind both academically and professionally. [00:16:00] And, uh, to be honest, I stand on the shoulders of giants who inspire me to do the wonderful work or to emulate the wonderful work that they've been doing in human rights.

[00:16:13] Nangamso Kwinana

: Thank you for sharing your personal story with us, Louis. Now we have already said at the outset that human rights violations are occurring all over the world, you are living in Rwanda.

[00:16:28] What do you think are the most serious human rights violations in Rwanda at the present moment?

[00:16:35] Louis Busingye: If you look at human rights across the board, social economics and political rights, there are many and. If I was to narrow it down to two freedoms that I think need to be addressed more, I would focus on the right to freedom of expression and access to information as well as the freedom or the issue of a pretrial detention. [00:17:00]

[00:17:00] Uh, these are two issues that keep on reoccurring and, uh, seem not to be addressed adequately by the powers that be. So to begin with the freedom of expression and access to information, this is a fundamental freedom that is provided for by the constitutional Republic. Rwanda under article 38, provides that everyone has the right to freely express him or herself without any encumbrances.

[00:17:29] Uh, there's also a law relating to access to information that was denied in 2015. That, uh, empowers individuals, common citizens to seek, receive, impart information that is, um, within the framework of public interests, um, within a timely manner. But then again, uh, you find, uh, instances where, uh, the state or authorities or people who are supposed to relay the [00:18:00] information, um, broadening and broadening the exception to this is room. Of course it's not an absolute rule. Um, internationally, there are some exceptions to freedom of expression. Um, for example, one is not supposed to prejudice, uh, uh, good morals or invade on personable farming, family privacy. Uh, you find, uh, that, um, and also mentioned the fact that the access to information also has its exceptions.

[00:18:34] It's not an absolute right. So to speak any. Information that would be, seem to threaten national security, legal proceeding, or, um, aim to reveal, trade secrets, all these, uh, These are exceptions to one accessing information and being, um, available information as, as [00:19:00] is required by law. But then again, uh, uh, these exceptions are supposed to be ideally, um, interpreted in a narrow manner, but you find the people who, uh, suppose to enforce or implement this, freedoms

[00:19:20] um, just apply them in a fraud, not apply them. And this has been seen to be an impediment to, to, to the, to, to these, these rights, um, actually been seen to be done, uh, something that has been also, um, echoed by the Universal Periodic Review, the third cycle that happened last year. 15 are the recommendations that were handed down to Rwanda.

[00:19:53] Um, this issue of, um, access to information and freedom of expression in the country. Now we had a human [00:20:00] rights council, uh, urging, the country to the state to ensure that to media pluralism is, um, is seen, uh, the independence of the media is something that is utmost important. Um, you find, um, uh, the recommendations relating to, uh, the revision on provisions that are, seem to undermine the freedom of expression and access to information.

[00:20:26] Now it gives the example of, um, the cybersecurity law that has been used to target, um, online bloggers and, uh, people who, uh, some are, seem to be critical to their state. Um, You'd have, uh, the law relating to data protection as well that is tabled before parliament. Um, you find that all these laws seem to undermine the general rule, that rule, that, uh, access to information and freedom of expression is a right that [00:21:00] is entitled everyone, uh, Touching on a pretrial detention, uh, very quickly. Uh, this is provided by the criminal procedure procedure. act to explain to the listeners what a pre-trial detention is. Uh, this is, um, uh, an incident where, uh, a scenario where a suspect is kept under confinement or detention before conviction, or before he, or she was tried and this has been seen to be an issue because. Um, most of the cases is pre-trial detentions. Uh, the way go way beyond the scope that is provided by law.

[00:21:43] Nangamso Kwinana

: There's also one thing that I'd like to find out, sadly, homosexuality is considered a to boop topic in Rwanda, even though neither homosexuality nor homosexual acts are illegal. Rwanda is a [00:22:00] signatory of the United Nations Joint Statement, condemning violence against the LGBTQ people. How is it possible that homosexuality has such a negative position in Rwanda society?

[00:22:14] Louis Busingye: This is something that I'm also very passionate about. Um, LGBTQ rights and Rwandaa, uh, not criminal Dasia, but. de facto, the very many incidents of, uh, discrimination and homophobia, uh, to put this issue into context, uh, about 12 years ago, in 2009, there was suggestions that, uh, this is, uh, the LGBTI punish based on the fact that.

[00:22:51] Uh, let me score the misconception that it is an African one does not promote African values and [00:23:00] to the law, the draft could then 2009 had, um, uh, a draconian article that said to punish anyone who seemed to be practicing or engaging in, um, in same sex relations and such. Or even people who encourage to sensitize to, uh, a sentence that exceeds

10 years, but, uh, through collective lobbying, uh, by human rights, practitioners, lawyers, activists, and such journalists, um, that particular article.

[00:23:38] And, um, indeed it was seen as a victory then, and it's still being celebrated now because, uh, There are 54 African states. I think Rwanda is one of the few that has no criminal stance against the LGBTI, uh, activities, um, I'll allude to the fact that Ghana, uh, just [00:24:00] only recently tabled a bill, uh, uh, incriminating, the LGBT activities.

[00:24:06] Ghana has been praised to be the godfather of democracy and equality in the continent. But, uh, these draconian laws seem to be taking effect in even the most progressive states. Uh, then again, I must say this, that, um, the two Rwanda is a signatory to the UN joint statement that condemns violence against LGBTQI persons and same thing with the universal declaration on human rights of 1948. But, um, these statements are just commitments by, uh, by nations that, uh, set standards towards human rights and the prevalence of human rights. There's nothing that binds them towards it. And, um, it's just reflective to the homophobic tendencies that [00:25:00] are being seen, um, on the ground.

[00:25:04] Uh, as we speak to, there are so many cases of, um, homophobia and violence, uh, a lot of hate speech online. Um, there's very many instances of discrimination on both within the family setting and the society that seems to target people, sexual minorities, and people who, or even people who are, uh, varying, uh, gender identity

[00:25:30] Nangamso Kwinana

And Louis, while we are on that thought of there has to be more that has to be done. Could you reflect to us, what do you think is the role of the churches? And also, what do you think is the role of proper quality education? What are the churches and what does proper quality education play as a role in that this field

[00:25:55] Louis Busingye: To begin with? Let's take a moment [00:26:00] with like what African culture is. As, as we've we've, um, come to realize that African culture is one that celebrates diversity and uniqueness, and this has been seen through the various philosophical approaches that, uh, that, uh, historical fathers relied upon i'll allude to Ubuntuism. Um, in South Africa, we had humanism in Zambia. We had a philosophy Arambei in Kenya, also in the east African region, they might say, but with the onset of colonialism and Christianity that came in the 18th and 17th century, uh, heteronormativity and, uh, you know, um, same sex relations were seen to be, um, evil to the eyes of the Christian faith.

[00:26:58] So the [00:27:00] role of church be one that aims to preach love, unity hope, inclusion and such. Um, you have to see a church that, uh, realize itself on the doctrine or, uh, hate and negativity as seen, um, contrary to what is believed. It's the church that came with, um, the, the notion of

homaphobia, um, This is criminal stances that we see in today's legislation that are a true reflection of what the Christian faith brought.

[00:27:34] And this is something that needs to change in order for that to be, um, positive attitude towards the LGBTIQ community. The role of education is one that is quite broad. Um, uh, one, one of the things that, uh, um, scholars that, uh, pro LGBT IQ equality. Um, profess is that, um, uh, [00:28:00] LGBTQ persons for existence is the issue that is not repugnant to African norms.

[00:28:06] I'll give the example, one famous ..., Dr. Sylvia Tamale, who has given an anthropological account of the existence of, uh, LGBTQ communities historically in the African countries. And, uh, she alludes to various factors like, uh, the king of Buganda at the time was known to be, um, gay. Um, we had, uh, she alluded to the fact of, uh, the bushmen of...in Zimbabwe

[00:28:40] Um, we also had, um, uh, members of, um, different varying sexual orientations, gender identity. And, um, more to, this is how the societies adopted or inculcated them without any form of discrimination whatsoever. Um, this is [00:29:00] something that needs to be in calculated in today's education to be seen, to be progressive.

[00:29:07] Um, for lawyers who study human rights like myself, the principal of the universiality. Um, as a countermeasure towards a cultural relativism is something that can be included in the syllabus pro LGBTQ rights. Of course. Um, I think this is something that needs to be in calculated as well. There are also other philosophers who come up with theories like intersectionality and identity politics, um, that looks at, um, People with varying identities can actually afford that identity to create equity for themselves. Um, this is something that also can be used to improve the curriculum so to speak.

[00:29:55] Nangamso Kwinana

: Certainly the content that you've shared with us has been quite intriguing and engaging, [00:30:00] but mostly very insightful. Um, and as we are nearing towards concluding our engagement, I do want to find out from you only recently was the persons with disability policy adopted in Rwanda. Could you please explain to us what does this entail?

[00:30:22] Louis Busingye: I might say that the issue personal disability is something that I'm quite sentimental about. And, um, to also give a brief context on disability rights and Rwanda, we have their constitution that, uh, lays down fundamental freedoms that, uh, protect, uh, persons with disabilities.

[00:30:44] We have article 16, for example, that, um, uh, prohibits any form of discrimination upon people with, uh, physical, mental disability. Um, we have the law relating persons with disability that was [00:31:00] enacted in 2007. And we also have various institutional framework that also advocate for the rights of persons with disability.

[00:31:10] We have the National Council of Disability, this a national body that advocates for rights of people with disability across the board. Um, we also have a member of parliament who presents, um, legislative, um, formulation process, um, pro PWD. as a sitting member of parliament. But then again, this framework, both institutional and legal, um, we're seen to be acting, um, within a vacuum, so to speak.

[00:31:44] Um, the most recent census, uh, placed, uh, persons with disability, uh, about, uh, 6% of the population. So, um, about half a million, um, Rwandans. [00:32:00] Persons with disability and these laws did not address one thing that, um, disabilities, the diverse concept. You'd have, um, other forms of categories of disabilities that were not well catered for within this particular law or framworks that, uh, uh, was seen to be trying to create equality for persons with disability.

[00:32:29] And this is one of the things that this policy seeks to address. Um, uh, I'll give the example of, uh, uh, "me two" people, for example, they were historically not, uh, uh, considered to be persons with disability. And this one think that this policy addresses, um, people living with albinism, you know, people with autism and cerebral palsy and then downsyndrome.

[00:32:57] All, these are catered for [00:33:00] well within the policy. And, um, in all honesty, when you look at the policy itself, it seems to, uh, even, uh, reflect more the intention of the law than the law itself. And, uh, it sets to operationalize some of these laws by triggering the nondiscrimination clause really, um, sets to diversify the responsibilities.

[00:33:26] Uh, prevailing of, um, PWD rights. Uh, historically traditionally we'd have the ministry of local government, for example, that is in charge to have the docket, uh, ensuring persons with disabilities rights were insured. But now this policy seems to diversify that we have the ministry of finance that, uh, is, uh, given the owness budgeting of having inclusive budgeting.

[00:33:54] We have the ministry of sports and culture, for example, as well, that seems to have [00:34:00] the mandate of promoting sports and culture that is inclusive. We now have the Paralympics that, um, set to begin. And, uh, this is, um, seen to be one of the avenues that the ministry of sports can use this policy to encourage persons with disability, to participate in sport.

[00:34:19] all, these are, uh, uh, brilliant strategies that are presented in this policy. And it's only right for us to harness the, the, the intention with this policy. Uh, also I'll allude to the fact that, um, um, the, the law did not also provide for other social amenities, for example, uh, um, uh, poverty reduction strategy employment, uh, persons with disability. But, um, this policy seems to provide, uh, for example, uh, uh, accessible forms of, uh, education, uh, as a right entitled students with disability, [00:35:00] it's, uh, it's, it's a, it's a very sad fact that 68% of children with disability cannot access school as much as they want to access school.

[00:35:10] And. This, uh, accessible means by the use of technology and assistive devices is something that is provided for by this policing. So I think it's, uh, it's a wonderful thing. And it's, um, being tried and tested, as I say, it's only a month into existence. And, uh, we hope to see that, uh, uh, equality and equity for persons with disability, uh, will thrive moving forward.

[00:35:36] Nangamso Kwinana

: Thank you once again, Louis, and as we near the end of our engagement, I think let's end this one on a positive note and also, uh, hear some of your personal aspirations. What is your dream or vision for human rights in Rwanda? And perhaps even in Africa in [00:36:00] general,

[00:36:01] Louis Busingye: Of course human rights is something that is evolving. Uh, I must say this, that, uh, the African context is one that is blessed with so much diversity, so much beauty and people from different cultures walks of life, the social strata. And, um, it's, it's, it's a sad thing to see that, uh, the people who are mandated with, uh, the, the responsibility of making this world or this continent a better place and the ones who seem not to be respecting violating the rights of the common being. Um, my dream, my ideal world to have responsible members of the community taking up these leadership positions and, um, fulfilling them on mandates as required by law. Not even by law, by the human nature, promoting the dignity of the human person., [00:37:00] it it's, it's a concept that is not Western.

[00:37:04] This is a concept that is also not just African it's a human concept. The dignity of the human person through equality, through non-discrimination to the respect of the rule of law. These are things that, um, I would ideally want to see those people in power should look towards themselves as human beings and try as much as possible to create a dignified society amongst African citizen.

[00:37:34] Nangamso Kwinana

And I'm confident Louis, you will definitely be amongst those that are at the forefront of continuing to defend and protect human rights. Not only in your own country, Rwanda, but in Africa in general. Thank you very much for sharing. Interesting. And also educational insights with us and our listeners, we really do appreciate all the knowledge that you've shared with us. Thank you, Louie.

[00:37:57] I really enjoyed that conversation with Louis and it was interesting to hear how Rwanda has been evolving since 1994. Some things that really stood out for me in our conversation were:

• The government's policy on promotion of women in decision making roles and the fact that 62% of national assembly representatives are women. It is interesting to hear how this has had a trickle down effect in other sectors of society including business. Women are in leadership roles where they are able to affect real change.

- I was touched to hear Louis' personal account of how he ended up being a human rights' lawyer and how his early life and being born a refugee impacted his decision to devote his life to fighting for human rights.
- Although Rwanda has it's human rights issues, from Louis' reflections, it seems that there has been progress in the area of transformation in Rwanda.

This was our Rwanda episode of "Let's talk human rights – the FNF Africa podcast exploring human rights issues". If you enjoyed the podcast, join us for our next episode!

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