

To: All ministers in the Government of Rwanda

25 April 2019

Dear Prime Minister/Minister

Dangers of a universal DNA database

I write regarding reports that Rwanda is considering establishing a DNA database for all its citizens.

In your role as a minister in the Rwandan Government, I would like to alert you to the fact that mandatory collection of DNA from whole populations violates international principles on human rights. Kuwait previously passed a law to mandate collection of DNA from all its citizens but this law has since been annulled and was found to contravene Article 17 of the International Covenant on Civil and Political rights by imposing unnecessary and disproportionate restrictions on the right to privacy.^{1,2} In an earlier judgment, the Grand Chamber of the European Court of Human Rights, in the case of *S. and Marper v. the UK* in 2008, similarly found that the indefinite retention of biological samples, forensic DNA profiles, and fingerprints in England and Wales at that time was a breach of Article 8 of the European Convention on Human Rights.³ This judgement led to the removal of over 1.7 million DNA profiles taken from innocent people and from children from the UK DNA database and the destruction of 7,753,000 biological samples.⁴

A person's DNA is left wherever they go, for example on a coffee cup. This means a DNA database allows the government, police, or anyone who gains access to it, to track individuals and their families, even if they have not committed crimes. In addition, unlike other biometrics, a forensic DNA profile can also be used to identify relatives (including paternity and non-paternity) and make inferences regarding the ethnicity or ancestry of the individual. Further, DNA identification is expensive and is not foolproof. Whilst a targeted DNA database can play a role in solving crimes, costs and the likelihood of errors both increase the larger a DNA database becomes.

To meet international standards enshrined in the International Covenant on Civil and Political Rights, a DNA collection and retention mechanism must be extensively regulated,

¹ Kuwait's high court rules against controversial law on DNA. *Zawya*. 6th October 2017.

https://www.zawya.com/mena/en/legal/story/Kuwaits_high_court_rules_against_controversial_law_on_DNA-SNG_101047768/

² United Nations Human Rights Office of the High Commissioner. Concluding observations on the third periodic report of Kuwait. Human Rights Committee. CCPR/C/KWT/CO/3. 11 August 2016.

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/KWT/CO/3&Lang=En

³ CASE OF *S. AND MARPER v. THE UNITED KINGDOM*. JUDGMENT STRASBOURG 4 December 2008. <https://rm.coe.int/168067d216>

⁴ Home Office (2013) NATIONAL DNA DATABASE STRATEGY BOARD ANNUAL REPORT 2012-13.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/252885/NDNAD_Annual_Report_2012-13.pdf

narrow in scope, and proportionate to meeting a legitimate security goal. In addition, international best practice would require Rwanda to incorporate further safeguards into its DNA gathering system, including legal provisions to restrict the circumstances in which DNA may be collected and retained and restrictions on the purposes for which stored data may be used.

GeneWatch UK is a member of the Forensic Genetic Policy Initiative, which has developed and published the enclosed report 'Establishing Best Practice for Forensic DNA Databases'. This project took the innovative and unique approach of developing best practice international standards by engaging civil society in extensive discussion and debate. As a result, this report is the most wide-ranging and definitive analysis of human rights safeguards for forensic DNA databases that is available worldwide. The report is also available online at: <http://dnapolicyinitiative.org/report/>

Please do not hesitate to contact us if you require further information.

Yours sincerely,

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