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Rwanda

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Rwanda is a constitutional republic dominated by a strong presidency. The population was approximately 9 million. In 2003 President Paul Kagame was elected to a seven-year term in largely peaceful but seriously marred elections. The Rwanda Patriotic Front (RPF) continued to dominate the legislature. Government authorities did not always maintain effective control of the security forces, and security forces acted independently.

Significant human rights abuses occurred, although there were important improvements in some areas. Citizens' right to change their government was restricted, and extrajudicial killings by security forces increased. There were reports of torture and abuse of suspects, although significantly fewer than in previous years. Police sometimes imposed collective punishments, including beatings, on residents of communities in which the property of genocide survivors had been damaged or destroyed. Prison and detention center conditions remained harsh, although overcrowding decreased significantly during the year. Security forces arbitrarily arrested and detained persons. Prolonged pretrial detention was a problem, and government officials attempted to influence judicial outcomes, mostly regarding the community-based justice system known as gacaca. There continued to be limits on freedom of speech and association, and restrictions on the press increased. Official corruption was a problem. Restrictions on civil society, societal violence and discrimination against women, recruitment of child soldiers by a DRC-based armed group, trafficking in persons, child labor, and restrictions on labor rights occurred.

The government took demonstrable, concrete steps to advance human rights, which resulted in a June law that abolished restrictions on political party organizational efforts at the local level, a dramatic drop in reports of the torture and abuse of suspects, and passage of legislation that significantly expedited the gacaca process. In April President Kagame pardoned former president Pasteur Bizimungu, who was serving a 15-year prison sentence for trying to establish an opposition party in 2002.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reported political killings by the government or its agents; however, police officers and the local defense forces (LDF) allegedly committed several unlawful killings during the year, and there were credible allegations of extrajudicial killings by police, some of which were still under investigation at year's end. The government regularly investigated killings committed by police officers and members of the LDF, and reports generally indicated that persons accused of killings were arrested and charged.

Local human rights organizations in May reported 10 separate incidents, from January 3 to May 9, in which police officers at various detention facilities around the country shot and killed 22 criminal suspects, allegedly while they were attempting to escape police custody.

In May senior police command responded to these reports with a detailed report acknowledging 10 incidents and 20 deaths from November 2006 to May 2007. The report described each incident as involving either an attempt by a criminal suspect to escape police custody or to disarm police officers and do them physical harm. The report recorded the need for further training in the use of firearms, upgrades of detention facilities, and acquisition of restraint devices. According to the report, investigations continued; no further updates were received by year's end.

In July Human Rights Watch (HRW) released its own report on these incidents, based in some cases upon extensive interviews with local residents where the killings occurred. Witnesses stated that some bullet wounds appeared to have been inflicted at close range, including wounds to the temple, the back of the neck, and the throat. HRW asserted that "many of these killings appear to be extrajudicial executions" and recommended an independent investigation and prosecution of perpetrators.

No action was taken, and none was expected, against military police officers who killed three Rwandan Defense Force (RDF) soldiers and wounded between eight and 20 others during an altercation between prisoners and guards at Mulindi military prison in December 2005, despite calls by the governmental National Human Rights Commission (NHRC) for legal proceedings against those responsible.

No action was taken against police officers who arrested and subsequently killed three persons suspected of involvement in the 2005 killing of Egide Ndabakuranye, president of one of the gacaca courts in Rwamagana District. Police claimed they shot the suspects in self defense while they were trying to escape; however, an HRW report concluded that the injuries inflicted on the three

suspects were inconsistent with self defense.

The results of a police investigation into the 2005 case of Saidi Hakizimana, who died while in police custody, had not been released by year's end.

In several cases, LDF personnel shot and killed local residents. For example, in February near Ruhengeri, an LDF member killed his wife, allegedly for engaging in an affair. In Marchin Musanze District, an LDF member killed Jean Paul Serugendo for unknown reasons. Police arrested both LDF members, whose cases were being investigated at year's end. In Musenze, the district police commander subsequently removed weapons from district LDF personnel, making reissuance of the weapons contingent on training and oversight by police personnel.

No judgment had been issued by the High Court in the November 2005 killing of a suspect by an LDF member in Cyangugu Province, Gitambi Sector.

Two LDF members arrested and charged in 2005 with the 2004 killing of Jean Baptiste Nsekanabo were put on trial in 2006; however, no judgment had been rendered by year's end.

Unidentified individuals reportedly killed several witnesses to the genocide throughout the country to prevent testimony and undermine the gacaca, which the government established to address certain categories of crimes related to the 1994 genocide (see section 1.e.). According to Ministry of Justice figures, between 11 and 25 genocide survivors and witnesses were killed during the year. The survivors' organization Ibuka reported 16 killings of survivors from January through December.

The government investigated and prosecuted individuals accused of threatening, harming, or killing genocide survivors and witnesses. At year's end a special protection bureau in the Prosecutor General's Office had begun investigation of 324 cases reported since mid-2006.

During the year police arrested seven additional suspects in the reprisal killings of eight persons following the November 2006 killing of genocide survivor Frederic Murasira.

b. Disappearance

There were no reports of politically motivated disappearances within the country.

There were no developments, and none were expected, in the 2003 disappearances of two prominent citizens and four high-level government officials, including former supreme court vice president Lieutenant Colonel Cyiza and former parliamentarian Leonard Hitimana, a member of the Democratic Republican Movement (MDR); the MDR had been a part of the multiparty government but had become increasingly critical of it prior to the parliament's recommendation to ban the MDR in 2003--shortly before Hitimana disappeared--and the party's subsequent dissolution.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit torture, and there was a sharp decrease in reports of torture and abuse of detainees and prisoners by police or prison officials, according to the Rwandan League for the Promotion and Defense of Human Rights (LIPRODHOR) and an international monitoring organization. Instances of abuse were reportedly rare and not tolerated by officials. Reports of torture and abuse by the LDF continued, although there were fewer reports than in the previous year

A local NGO that assists torture victims reported 18 new cases of abuse by authorities during the year; in 2006 the same NGO reported that it had assisted between 180 and 240 persons, although an undetermined number of these victims may have been tortured in previous years. Authorities dismissed or disciplined some police officers for use of excessive force during the year.

In its July report, HRW noted several cases of collective punishment of residents by local authorities, involving fines, involuntary labor, or beatings, generally in cases where violence or threats had been reported against genocide survivors or witnesses.

For example, in February police from Ngoma ordered two LDF members from a neighboring town to beat male residents of Sovu after the crops of Husepha Mukarwego, one the female villagers of Sovu, had been destroyed. Mukarwego had lost her six children, husband, and mother-in-law in the genocide and had recently testified in gacaca. The police officers threatened more drastic consequences against residents if they had to come back to Sovu for any similar case.

There were reports that police beat one member of the Jehovah's Witnesses who refused to participate in nighttime security patrols.

No action was taken against LDF members who in 2006 allegedly tortured a 17-year-old boy accused of theft in Muhanga District.

There were reports that unknown assailants on occasion harassed and threatened journalists and citizens (see section 2.a.).

Mob violence during the year resulted in injuries.

Prison and Detention Center Conditions

Conditions in prisons and detention centers were harsh. Due to the large number of individuals convicted of genocide-related offenses since gacaca hearings began nationwide in July 2006, the population in the country's 16 central prisons rose to approximately 98,000 persons in July (compared with 87,000 at the end of 2006), but then declined to 58,598 prisoners at year's end as a result of the government's change in the gacaca sentencing structure (see section 1.e.). In the fall the government closed two of the more decrepit of the 16 central prisons; 14 prisons remained. The government remained committed to improving prison and detention center conditions, and reports of abuse of prisoners and detainees markedly declined. International observers and local human rights groups reported that torture or abuse of detainees in prisons was rare and not tolerated by officials; however, police in a few police detention facilities sometimes beat newly arrested suspects to obtain confessions, although such incidents also sharply decreased during the year. During the year authorities relieved several prison directors of their duties and dismissed several dozen other prison officials for misconduct and corruption.

Sanitary conditions in prisons and detention centers were poor and deteriorated with the rapid increase in the prison population from January to May; conditions improved somewhat as prisoners were released from June through the end of the year.

The government continued to improve prison healthcare but was unable to provide adequate medical treatment. The International Committee of the Red Cross (ICRC) halted food assistance to the 16 main prisons in 2006; however, the government's increased food budget to replace the ICRC contribution was insufficient, and family members supplemented food provisions. The government did not provide food to prisoners in smaller jails. In police stations, the government did not feed detainees awaiting hearings or transfers. Police regularly told crime victims that if they did not provide food to the accused, the accused would be released. In other cases, prisoners transferred from police jails to national prisons had not been fed for several days. The ICRC provided additional expertise and medical, logistical, and material support to improve conditions for inmates.

There were a number of deaths in prison during the year, largely the result of preventable diseases and suspected cases of HIV/AIDS. The government began an HIV/AIDS counseling and treatment program in three prisons in 2006 and two more during the year. International observers reported that prison deaths from preventable disease and other causes had stabilized at rates approximately similar to those found in the general population.

National prison policy prohibits the hiring of prisoners to perform work at private residences and businesses. However, community service was often part of a prison sentence for those who confessed to genocide-related crimes, and prisoners may work (uncompensated) on community projects such as building roads and bridges. Prisoners charged with criminal offenses unrelated to the genocide were not eligible to volunteer for work details. Prisoners often volunteered for such details, which provided time away from overcrowded prisons and in some cases extra privileges.

Living conditions for women were generally better than those for men, as detention areas were less crowded. While male prisoners often shared large sleeping platforms, female prisoners were housed in their own block with separate beds.

In some cases adult prisoners had access to the juvenile wards. There were reports of abuse of minors, both by other minors and by the adult prison population, especially among males.

Pretrial detainees generally were separated from convicted prisoners; however, there were numerous exceptions as a result of the large number of genocide detainees awaiting trial. The remaining high-profile political prisoner, former transport minister Ntakirutinka, was kept in a special section of the Kigali "1930" prison.

The ICRC reported unimpeded access on an unannounced basis to the country's 16 prisons during the year, and LIPRODHOR reported similar ease of access to 15 of the 16 prisons. The government also permitted independent monitoring of prison conditions by diplomats and journalists. The ICRC continued its visits to communal jails and military-supervised jails.

d. Arbitrary Arrest or Detention

The constitution and law provided legal safeguards against arbitrary arrest and detention; however, security forces arrested and detained persons arbitrarily and without due process. Some police officers were disciplined and dismissed for such activities.

Role of Police and Security Apparatus

The RDF maintains external security. The National Police, under the minister of internal security, has responsibility for internal security and is headed by a commissioner general and two deputy commissioners, one for operations and another for administration. Five assistant commissioners oversee the various units, such as traffic, intelligence, criminal investigations, protection, and the provincial areas. The police lacked basic resources such as handcuffs, radios, and patrol cars. However, they participated in extensive training programs. For example, the UN Children's Fund (UNICEF) worked with the National Police to train approximately 300 officers on children's issues, and the police academy curriculum included training on human rights, professionalism, and nonlethal use of force. During the year there were reports of arbitrary arrest, beatings, corruption, and lack of discipline within the police force, and the police Office of Internal Affairs investigated and addressed many of them.

The Prosecutor General's Office under the Ministry of Justice was responsible for prosecuting police abuse cases. A special Internal Affairs Office that reported directly to the national police commissioner general conducted investigations. There were 67 internal investigations referred to the courts by internal affairs at year's end, and 181 officers received administrative punishment on various counts of indiscipline, including the solicitation of bribes, unlawfully beating persons, and absconding from duty. During the year 129 police officers were fired for misconduct: 67 of those for "gross indiscipline," including theft, drunkenness, sleeping on duty, and one murder; 62 were dismissed for corruption, mainly soliciting bribes from the public. Acts which rose to the level of criminal offenses were referred to the Prosecutor General's Office, and several prosecutions were underway at year's end. The National Police advertised a toll-free number in the local radio and press encouraging citizens to report problems regarding police

and the LDF.

Members of local communities chose community volunteers to serve in the LDF, a statutorily established law enforcement organization of approximately 20,000 members under the Ministry of Local Government that assisted police. The National Police exercised tactical control of the LDF, while local officials had responsibility for operational oversight. LDF members performed basic security guard duties throughout the country, including maintaining a presence at gacaca proceedings. LDF members were ordinarily unpaid and received less training than the National Police. They did not have powers of arrest, but in practice they made arrests on orders from local administrative officers and on their own. Among its various duties, the LDF chased illegal street vendors, petty criminals, and prostitutes away from public areas. There were reports that the LDF acted with impunity when dealing with street vendors, street children, vagrants, and undocumented residents. During the year the government prosecuted individual LDF members who committed crimes; however, some human rights groups accused the government of not taking sufficiently strong action against some LDF members and considered the organization to be abusive.

After abuses by LDF personnel and complaints by local citizens in Musenze and Gicumbi districts, police commanders removed weapons from district LDF personnel, tightened oversight by police personnel and local officials, and instituted firearms training. The police appointed an officer to coordinate LDF training nationwide to reduce incidents of violence and abuse.

Arrest and Detention

The law requires that authorities investigate and obtain a warrant before arresting a suspect. Police may detain persons for up to 72 hours without a warrant, and prosecutors must bring formal charges within 10 days of arrest. These provisions were sometimes disregarded during the year. At times police used extrajudicial punishment when minor criminals confessed and the victims agreed to the police officer's recommended penalty, such as week-long detention or restitution. The law permits investigative detention if authorities believe that public safety is threatened or that the accused might flee. There is bail for minor crimes (with a maximum sentence of five years); authorities may otherwise release a suspect pending trial if they are satisfied that there is no risk that the person may flee or become a threat to public safety and order. Family members generally were promptly allowed to visit detained relatives. By law detainees are allowed access to lawyers. In practice, however, access to legal representation was impeded by the scarcity of lawyers (there were only 273 attorneys in the country, and most were located in Kigali). The government did not provide indigent persons with free access to lawyers, and the Kigali Bar Association lacked the resources to provide lawyers to every indigent person, although one international NGO provided limited access to defense counsel. The law requires the government to provide minors with legal representation, which judicial observers cited as a factor in juvenile trial delays.

Security forces arbitrarily arrested journalists and members of Jehovah's Witness during the year.

The government enforced ill-defined laws against vagrancy and illegal street vending. On several occasions police and the LDF detained street children, vendors, beggars, and undocumented nonresidents in Kigali, Butare, and other larger towns and charged them with illegal street vending or "vagrancy." Adults who could produce identification were released. During the June HIV/AIDS conference, street children were transported directly to their home districts, to government-run or government-affiliated shelters, or for processing into vocational and educational programs.

At mid-year the Kigali municipal government reopened the Gikondo transit center, which was closed in 2006 after an HRW report detailed substandard conditions and abuses, including inadequate food and beatings of the street children, vagrants, and street vendors temporarily detained in the facility. Government officials asserted that persons placed in the facility were held for no more than 10 days at a time. However, relatives of those detained were commonly denied access and sometimes waited for up to three weeks before their family members were released.

Unlike in the previous year, there were no reports that police arbitrarily rearrested and detained persons acquitted in courts of law, a practice that was the subject of a Senate investigation in 2006.

Lengthy pretrial detention, including the detention of persons whose unresolved cases dated from 1994, was a serious problem and a consequence of the large number of persons suspected of committing genocide who continued to be held in prisons and detention centers. (The law permits the continued detention of genocide suspects long enough to allow them to face trial either in a conventional court or in the gacaca system, which began operating nationwide in July 2006.) Primarily as a result of the March 1 gacaca law that moved thousands of the less severe genocide cases from the prisons to the gacaca courts, the government made significant progress in reducing the case backlog. The continuing efforts of the National Service of Gacaca Jurisdictions to expedite genocide-related cases also helped reduce the backlog. The majority of convicted prisoners (those who had confessed their genocide crimes) were sent home to their families, with actual prison time to be served after the suspended and community service portions of their sentences had expired. After reaching a high of 98,000 prisoners in June, the prison population leveled off and began to decline as the government began to examine the cases and release those prisoners who had previously confessed to genocide crimes.

In February the government conditionally released 9,000 prisoners, including 8,000 genocide suspects and 1,000 regular prisoners. In June the government began to conditionally release tens of thousands of previously convicted gacaca prisoners to serve their sentences at home. By year's end, approximately 39,000 genocide prisoners were either in pretrial detention or serving their sentences after being convicted of genocide crimes; at the end of 2006, 66,000 prisoners were awaiting trial.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the judiciary operated in most cases without government interference; however, there were constraints on judicial independence. Government officials sometimes attempted to influence individual cases, primarily in gacaca cases. Members of the national bar association noted increased judicial independence during

the year, citing the increased willingness of judges to rule against the government and a higher standard of judicial training and education. There were reports that some members of the executive branch considered it appropriate to call judges to discuss ongoing cases privately and to express executive preferences.

An ombudsman was mandated to conduct investigations into judicial corruption; by year's end the Ombudsman's Office had conducted several dozen such investigations and referred them to the Prosecutor General's Office. Six judges and court registrars were dismissed during the year for abuse of office or corruption after investigations by the judicial council, a body charged with oversight and discipline of the judicial branch.

The constitution provides for the adoption of a system of ordinary and specialized courts. Ordinary courts include the Supreme Court, a high court, provincial courts, and district courts. Specialized courts include gacaca courts and military courts.

Mobile groups, whose mandate was to establish or complete files that indicated the basis for charges for all genocide-related detainees, continued to operate during the year. Approximately 90 percent of detainees in custody during the year had files; however, the majority of those files were incomplete.

By year's end the number of criminal and civil cases pending in the regular courts decreased from 44,000 at the end of 2006 to approximately 39,000; there were 77,000 cases in January 2006. This reduction resulted from several factors, including culling of old and inactive cases, the substitution of single judge proceedings in the place of three-judge panels for all levels of trial courts, the establishment of monthly case completion targets for all courts, and streamlined case management practices. Court administrators also put in place during the year a justice working group to examine further means of reducing judicial caseloads.

Trial Procedures

In the conventional court system, the law provides for public trials, although courts closed proceedings in cases involving minors, to protect witnesses, or at the request of defendants. The law provides for a presumption of innocence, although the government sometimes restricted this provision, according to HRW. Defendants have the right to question witnesses used against them and to present witnesses and evidence on their own behalf, although in some genocide trials fear of being accused of "genocidal ideology" deterred some witnesses from testifying. Defendants have the right to consult with an attorney, although few defendants could afford counsel. During the year one lawyer fled the country as a result of threats or harassment by unknown persons resulting from his defense of persons accused of genocide or related crimes; two fled in 2006. The law provides for the right to appeal, and this provision was generally respected. Lawyers without Borders continued to provide legal assistance to some indigent defendants and to train gacaca judges but lacked the resources to provide defense counsel to all those in need. The law does not provide for an attorney at state expense for indigent defendants. New court officers continued to be sworn in and assigned to courts across the country, but the government did not have a sufficient number of prosecutors, judges, or courtrooms to hold trials within a reasonable period of time.

The RDF routinely tried military offenders in military courts, which handed down sentences of fines, imprisonment, or both. Military courts provided defendants with an attorney at public expense, and defendants have the right of appeal and had access to government-held evidence relevant to their cases. The law stipulates that military courts should try civilians who were accomplices of soldiers accused of crimes. Military courts tried 53 civilians as coperpetrators or accomplices of military personnel during the year.

Gacaca courts, which began conducting trials nationwide in July 2006, served as the government's primary judicial process for adjudicating hundreds of thousands of genocide cases and were created to ensure that those who participated in the genocide were brought to trial. (The government estimated that adjudicating the caseload in conventional courts would have taken decades.) Defendants in gacaca courts can present witnesses and evidence on their own behalf, although witnesses were sometimes reluctant to testify for fear of reprisals, mainly in the form of accusations of complicity in the alleged crimes at issue. Defendants can appeal gacaca proceedings at sector-level courts. Lawyers are not permitted to participate officially in gacaca but can testify as private citizens.

The Organic Genocide Law is designed to encourage confessions in exchange for reduced sentences for individuals accused of genocide-related crimes other than Category I crimes (the most severe crimes, including rape, murder, genocide instigation, or playing a leadership role in the genocide). The majority of individuals charged with genocide-related crimes have been classified as Categories II or III, and their cases were either tried in gacaca courts (Category II cases) or settled through gacaca mediation (Category III cases). During the year the government enhanced its policy of incentives and disincentives to elicit more confessions from detained genocide suspects by lessening overall sentences and by increasing the suspended sentence and community service portions of those sentences.

On March 1, the government passed a new genocide statute that expedited the processing of genocide cases and provided new sentencing guidelines. The new law nearly doubled the number of gacaca trial courts (from 1,545 to approximately 3,000), reduced the number of judges sitting on each case, and allowed for gacaca administrators with low caseloads to transfer to districts with the most serious backlogs. By year's end gacaca officials claimed that more than 90 percent of the genocide-related cases dating back to 2002, when the first gacaca courts began operating, had been completed in gacaca courts. Human rights organizations expressed concern at the increased pace of adjudication and resultant magnification of due process problems inherent in a traditional system of justice run by nonprofessionals.

The March law also narrowed the definition of Category I offenses, allowing for the transfer of less serious cases to the gacaca courts, where they were tried as Category II offenses and may be sentenced under the new guidelines announced by Justice Minister Karugarama in July. The new guidelines, which were created to alleviate prison overcrowding, allow all persons convicted by gacaca courts to serve their community service and suspended portions of their sentences first, allowing for the release of thousands of prisoners, some of whom had been held since 1994. Those prisoners who confess can go home, serve their jail

sentences later, and may serve no more than one-sixth of a 15- or 20-year sentence; suspects who do not confess may be sentenced to decades in jail.

There were 169,442 gacaca judges (seven per cell-level gacaca court), or "persons of integrity" elected by the community and provided with gacaca law training, serving in 12,103 cell-level gacaca courts across the country. There were 1,545 appellate courts that heard appeals from the 3,000 gacaca trial courts.

While the passage of the March law expedited the gacaca process, serious problems remained. Some gacaca judges denied defendants the right to present witnesses and ordered the imprisonment of those who questioned the impartiality of gacaca judges. Poorly qualified or trained judges and ill-defined guidelines on evidence and hearsay were problems. During the year there were reports that local gacaca officials and citizens abused the process to pursue personal matters and settle grudges unrelated to the genocide, including making false accusations to acquire land.

During the year a number of gacaca judges were implicated in the genocide and subsequently replaced. There were reports that some government officials unduly influenced gacaca judges during the course of some hearings, although there were far fewer such reports than during the pre-July 2006 pilot phase, when government officials interfered at all levels of the gacaca process, according to local NGOs.

Because the government had not given the gacaca courts the authority to consider human rights abuses allegedly committed by the RPF during the 1994 genocide, some human rights groups criticized the gacaca courts for representing a form of incomplete or one-sided justice and for being biased against those who acted on behalf of the former government. The government countered that RPF abuses have been addressed by requisite civil and military authorities, and that such abuses could not be equated with the genocide. During the year military courts did not hear any cases relating to abuses allegedly committed by the RPF during or shortly after the 1994 genocide.

Most gacaca hearings were held without incident, but violence and threats of violence--usually perpetrated by persons accused of crimes related to genocide--against genocide witnesses were serious problems. Some citizens were too frightened to testify in gacaca courts, and there were reports of more than 22 suicides among genocide survivors. During the year there were 324 incidents of violence involving gacaca trials during the year; between 12 and 25 genocide survivors and witnesses were killed in attacks during the year, and 36 were injured. At year's end conventional courts were handling the cases of hundreds of persons accused of participating in the killing of witnesses, survivors, and judges. During the year the police processed 460 cases involving the charge of genocide ideology and 187 cases of divisionism; nearly all cases involved gacaca proceedings. The government also continued to conduct criminal investigations of organized groups that targeted and killed genocide witnesses in certain provinces. Criminal investigations resulted in the prosecution of some persons.

The government held local communities responsible for protecting witnesses and relied on the LDF, local leaders, police, and community members to ensure the safety of witnesses. The 2006 task force to review the situation of genocide survivors continued efforts to enhance surveillance of genocide survivors who were deemed most at risk and surveillance of genocide suspects considered most likely to commit violent attacks; increase joint patrols in rural areas by survivors and security personnel; use preventive detention of genocide suspects to prevent attacks deemed imminent by security officials; expand hot lines; and expedite gacaca hearings for those cases deemed most likely to involve the risk of violence against survivors and witnesses.

IBUKA, an umbrella association for genocide survivors, noted greatly improved efforts by the government during the year to prevent the killings of genocide witnesses and survivors; in 2006 IBUKA had criticized the government for not doing enough to prevent such killings. IBUKA also continued to call for increased cooperation between gacaca courts, police, conventional courts, and mediators and for the creation of a survivors' compensation fund.

There were continuing concerns among observers and analysts over what was believed to be a sizable number of cases where persons had provided false testimony, despite the penalties for providing such testimony. Some human rights observers expressed concern that suspects confessed to avoid lengthy prison terms. There also were reports during the year that some persons had been tried in both conventional and gacaca courts for the same crimes.

The March amendments to the gacaca law dropped the previous provision that anyone convicted of a Category I or II genocide-related crime is no longer eligible to vote. Those convicted of Category I or II crimes may not run for public office or hold certain positions, such as soldier, police officer, prosecutor, or community leader. The 2003 Electoral Code, however, still mandates that no person convicted or accused of participation in a Category I, II, or III genocide crime may register to vote.

During the year the National Unity and Reconciliation Commission postponed indefinitely the release of a survey on the gacaca process as it related to unity and reconciliation in the country.

The International Criminal Tribunal for Rwanda (ICTR), based in Tanzania, continued to prosecute genocide suspects during the year (see section 4).

Political Prisoners and Detainees

Local officials briefly detained some individuals who disagreed publicly with government decisions or policies; however, such reports decreased markedly during the year, according to LIPROHDOR. Such individuals were released without charge after a day in detention.

In April President Kagame pardoned former president Bizimungu, who was subsequently released from prison. Of his seven

codefendants, one, former transport minister Ntakirutinka, remained in prison. In 2004 a court had convicted them of three counts--incitement of civil disobedience, formation of a criminal association, and embezzlement of public funds--in a trial that did not meet international standards. Bizimungu was sentenced to 15 years' and Ntakirutinka to 10 years' imprisonment; both sentences were upheld by the Supreme Court in March 2006. Prior to their arrest in 2002, Bizimungu and Ntakirutinka had sought to establish the Party for Democratic Renewal, a new opposition party; authorities claimed Bizimungu had used inflammatory rhetoric based on ethnicity, considered divisionism. The government permitted the ICRC access to Ntakirutinka.

On November 15, Colonel Patrick Karegeya, former RDF spokesman and head of the National Security Services, was released from prison. A military tribunal found him guilty in June 2006 of insubordination and sentenced him to 18 months in prison.

Civil Judicial Procedures and Remedies

There are mechanisms for citizens to file lawsuits in civil matters, including violations of their constitutional rights. There continued to be problems enforcing domestic court orders; however, unlike in the previous year, there were no reported instances of authorities refusing to release prisoners despite orders to do so.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

The constitution and law prohibit such practices, and authorities generally respected these prohibitions; however, there were some reports that the government monitored homes and telephone calls.

There were reports that residents in one province were refused land rights in another province unless they provided a gacaca certificate attesting that they were not implicated in the genocide.

Due in part to the insurgency in the late 1990s, government policy requires male citizens above the age of 18 to participate in night watch patrols. During the year the government sometimes arrested, detained, and allegedly beat individuals who refused to participate.

The UN High Commission for Refugees (UNHCR) received reports of recruitment of children for forced labor or child soldiering from a Rwandan camp for Congolese refugees by a DRC-based armed group.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press "in conditions prescribed by the law"; however, the government at times restricted these rights by enforcing overly broad and vaguely defined laws, resulting in decreased press freedom during the year. While the press regularly published articles critical of senior government officials and government policy, there were increased instances in which the government harassed, convicted, fined, and intimidated independent journalists who expressed views that were deemed critical of the government on sensitive topics or who were believed to have violated law or journalistic standards monitored by a semi-independent media regulatory council. Numerous journalists practiced self-censorship.

The law prohibits the propagation of discrimination or sectarianism based on "ethnic, regional, racial, religious, language, or other divisive characteristics." Public incitement to what is commonly termed "divisionism" is punishable by up to five years in prison, heavy fines, or both. Individuals could criticize the government publicly or privately on most topics; however, the laws prohibiting divisionism, genocide ideology, and genocide denial continued to discourage citizens from expressing viewpoints that might be construed as promoting societal divisions. Other statutes forbid criticism "attacking the dignity of a high authority." During the year the expression of such viewpoints sometimes resulted in imprisonment, harassment, or intimidation.

During the year there were three cases in which the government either prosecuted or expelled members of the press for articles deemed in violation of the divisionism statute, the press law, or other articles of the criminal code. Some international human rights NGOs perceived deterioration in certain areas of press freedom and freedom of speech. The number of publications increased. However, few domestic radio stations broadcast hard news programs, and there continued to be a lack of trained journalists. Other observers perceived a lack of trust between the media and the government, noting that government criticism of the domestic media during the year may have illustrated residual concerns stemming in part from the role the media played in provoking the 1994 genocide.

In their strongest verbal attack on the press to date, several government ministers suggested during a televised call-in show in September that journalists critical of the government were aiding "negative forces" (armed forces in neighboring countries dedicated to overthrowing Rwanda's elected government) and that the journalists' editorial policy reflected the genocide ideology of such forces. The show, which was broadcast on a government station, included comments by the ministers of finance, information, internal security, and justice, as well as by the spokesperson for the national police. The minister of internal security charged that persons who insulted President Kagame were "enemies of the nation" who were attempting to destroy the country "starting from the head"; however, the justice minister disassociated himself from the more extreme remarks and noted the important role played by a free press in a democratic society. In October President Kagame and members of his staff met privately with members of the press to discuss the country's journalism. Reports described the meeting as generally positive but noted tensions between progovernment and independent journalists. Some participants accused independent journalists of undermining the government and the president.

On October 24, Charles Kabonero, the editor of the RIMEG group and publisher of *Umuseso*, announced the suspension of his

newspapers pending explanation from the government of his alleged assistance to "negative forces" opposed to the Kagame government. On October 26, Bonaventure Bizumuremye, the editor and publisher of *Umuco*, announced that he would also suspend his publication pending an explanation from the government for allegedly assisting negative forces. Both newspapers resumed publication after several weeks.

There were both privately and government-owned newspapers, published in English, French, and Kinyarwanda. The *New Times*, an English-language paper with close ties to the government, whose shareholders reportedly included senior government officials, was the only newspaper published daily. There were 38 newspapers, journals, and other publications registered with the government. The country's independent newspapers—including *Newsline*, *Umuseso*, *Umuco* (published twice each month), and the sporadically published *Umuwugizi*—regularly maintained positions contrary to or critical of the government, including pointed criticism of the performance of senior government ministers and President Kagame. The *New Times* also criticized government policies and officials. Some journalists said government officials pressured government institutions to withhold advertising from independent newspapers that criticized the government.

The law authorizes private radio and TV broadcasting, subject to the approval of the government, although some have complained that the licensing fees remained prohibitively high. Although the government authorized the licensing of private television stations, it owned and operated the country's only television station. In addition to Radio Rwanda, which was owned and operated by the government, there were nine independent FM radio stations broadcasting during the year, focused primarily on music and talk shows. Foreign media groups, including Voice of America (VOA), BBC, and Deutsche Welle broadcast in Kigali throughout the year and were among the few stations in the country that regularly broadcast independent news. Radio stations broadcast increased criticism of government policies during the year, including through the use of popular citizen call-in shows featuring criticism of the government on local government, health, media, gacaca, and other issues.

Radio France Internationale, which was closed after the November 2006 break in diplomatic relations with France, remained closed during the year.

During the year the government continued to closely monitor the press and arrested several local journalists who published articles deemed in violation of the divisionism, genocide, and press laws.

For example, on January 19, police arrested Agnes Nkusi-Uwimana, editor of *Umurabyo*, on charges of divisionism and minimizing the genocide. In a December 2006 article, Nkusi-Uwimana equated incidents of revenge killings by Rwanda Patriotic Army (RPA) soldiers at the end of the 1994 genocide with the genocide itself. In a January article entitled "You have problems if you kill a Tutsi, but you go free if you kill a Hutu," she attacked by name senior members of the government, calling them "dogs" and "prostitutes." Several independent journalists called upon her to apologize for her published remarks in the first article, which she initially agreed to do. However, she instead published the second article, which led to her arrest. In April she pled guilty to divisionism, defamation, and passing a bad check and received a one-year jail term. The case was widely interpreted as demonstrating that, while the government tolerated wide-ranging criticism of its policies, explicit ethnic attacks and genocide denial or minimizing of the genocide would be prosecuted.

In February authorities arrested Congolese journalist and professor Idesbald Byabuze on suspicion of genocide, denial, and divisionism. Byabuze, who had recently entered Rwanda and taken up a teaching position at a local university, had authored several articles in Congolese publications that denounced at length an alleged Tutsi domination of the Hutu majority population. After detaining Byabuze for approximately one month, authorities released and deported him.

Police summoned journalists to pressure them to reveal their sources, according to a July 17 report by the Committee to Protect Journalists. For example, police interrogated *Umuseso* director Kabonero and editor Didas for three hours in a police station in Kigali after *Umuseso*'s June 13 and 25 articles on criminal prosecutions in South Africa against businessman Tribert Rujugiro. The journalists were also questioned about a June 28 article reporting the alleged three-day house arrest of the country's police chief in connection with a corruption probe. The journalists, who did not reveal their sources, were released without charge.

In April the government began prosecuting *Umuco* editor Bonaventure Bizumuremyi, who was charged in 2006 with defamation, divisionism, and disobeying public authorities; the charges stemmed from 2005 and 2006 *Umuco* articles that "insulted President Kagame" and also from Bizumuremyi's noncompliance with a police summons in 2006. Prosecution continued sporadically throughout the year, and Bizumuremyi continued to act as chief editor for *Umuco*. In May the information minister denied his request to register a new publication *Afrique Liberation*, citing the ongoing prosecution. At one point Bizumuremyi claimed to have gone into hiding to avoid prosecution or arrest, but he later appeared publicly and ignored several scheduled court appearances without incident.

In some cases journalists were harassed, threatened, or attacked by unidentified individuals. For example, in January three men attacked *Umuwugizi* editor Jean Bosco Gasasira with tire irons as he left a meeting of local journalists in Kigali, inflicting life-threatening injuries to his skull, breaking his arm, and injuring his leg. Police arrested one suspect, a demobilized ex-soldier, at the scene of the attack and began an investigation. The prosecutor general increased the original police charge of aggravated assault to attempted murder and began prosecution in June. In July the attacker received a life sentence. Gasasira, who continued to report surveillance and harassment after he resumed publication of his newspaper, was questioned by police in September about several of his articles and released the same day.

No arrests were made, and none were expected, in connection with the beating of Olivier Tibasumba, the brother of VOA stringer Lucie Umukundwa, who fled the country in 2006 after her brother's assailants warned that she should "stop interfering with our work."

In June the minister of information closed a new publication, the *Weekly Post*, after one issue, citing irregularities in its application for registration. *Weekly Post* reporter Eneus Akange subsequently reported harassment by unidentified government security

personnel and left the country, claiming his arrest was imminent. The High Council of the Press formally contacted the minister for an explanation of his actions; the minister claimed that the application contained falsehoods. In September the newspaper took the information minister to court, challenging his authority to close the newspaper.

According to some of the country's journalists, government officials pressured some government institutions and local businesses to withhold advertising from independent newspapers critical of the government and also influenced the printed press through its purchase of advertising space, upon which many private publications were financially dependent; government agencies generally did not advertise in independent newspapers. Early in the year, the president publicly asked why government offices should place advertisements in independent newspapers critical of his government. Print media often published abroad to avoid more expensive local publishing costs.

The High Council of the Press, which reports to the Office of the President and has four government representatives among its nine members, occasionally requested clarification from journalists on articles that potentially violated the media law or criminal libel statutes. Some domestic and international press freedom advocates continued to criticize the council for lacking independence and focusing its energy and resources on monitoring the country's journalists while failing to defend journalists' rights or to investigate possible infringements of press freedom. However, in August the council requested an explanation from the minister of information concerning his closure of the *Weekly Post*; the council also sent representatives to accompany journalists called by the police for questioning.

The government continued to use a media law that imposes criminal sanctions on the media for libel and other forms of defamation to suppress criticism and limit press freedom.

Internet Freedom

There were no government restrictions on the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet cafes were common and used regularly in the largest towns, but the Internet was generally unavailable to the majority of people living in rural areas.

Academic Freedom and Cultural Events

The government generally did not restrict academic freedom or cultural events; however, during the year the government arrested and subsequently expelled a foreign professor who, prior to his arrival in the country, had written articles denouncing the alleged Tutsi domination of Hutus.

There were several reports of authorities suspending secondary school students on accusations of engaging in genocide ideology. For example, in June eight students and three teachers were expelled from a secondary school in Nyamirama for defecating on the beds of genocide survivors and harassing them with unsigned letters.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly, and the government generally respected this right in practice; however, there were some exceptions. Authorities legally may require advance notice for outdoor rallies, demonstrations, and meetings. There were no reports that authorities prohibited nighttime meetings, although some groups avoided nighttime meetings to avoid possible disruption.

Unlike in the previous year, there were no reports that the government cancelled local marches.

The government continued to limit the type of locations where religious groups could assemble, at times citing municipal zoning regulations as the reason.

Freedom of Association

The constitution provides for freedom of association; however, the government limited this right in practice. Private organizations were required to register, and the government generally granted licenses without undue delay; however, there were some exceptions. The constitution provides for a multiparty system of government and for the free operation of political organizations. The government restricted political party activities in practice by requiring membership in the Political Party Forum; however, on June 1, a new political party law abolished restrictions on political party organizational efforts at the district, sector, cell, and village level (see section 3).

To obtain a provisional six-month approval, domestic NGOs must present their objectives, plan of action, and financial information to local authorities of every district in which the organizations intend to work. After obtaining provisional agreement, domestic NGOs must apply for registration (legal recognition) each year under the authority of the Ministry of Justice. If a local NGO is initially denied registration, the NGO sometimes must renew its registration documents. These requirements made registration extremely difficult for some organizations. Domestic NGOs were required to submit financial and activity reports each year to the national government.

The government also required international organizations to register each year and to obtain yearly provisional authorization from the local governments of every district in which the organizations intend to work, followed by final authorization from the requisite ministry. This requirement made registration difficult for some organizations. The government also required international organizations to submit yearly reports with the relevant local governments and national level ministries. The paperwork involved was burdensome.

c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice; however, there were some exceptions. Local government officials detained members of Jehovah's Witnesses for refusing to participate in security patrols; however, there were substantially fewer such reports than in previous years.

The law requires that all nonprofit organizations, including churches and religious organizations, register with the Ministry of Local Government and with the Ministry of Justice to acquire the status of "legal entity."

There were reports that some religious organizations operated without legal recognition because the registration process was arduous, which government officials confirmed. Members of unregistered groups were vulnerable to censorship and possible detention. The government did not deny any new applications during the year.

The government ended the suspension of two Pentecostal churches led by foreign pastors; one of the pastors left the country in 2006.

Unlike in the previous year, no religious workers were arrested for comments that could be construed as negating the 1994 genocide.

There were reports of police detaining, arresting, and in one case beating members of Jehovah's Witnesses because they refused—on religious grounds—to participate in nighttime security patrols; however, there were significantly fewer reports than in previous years. In 2005 a few judges ruled that there is no law requiring mandatory nighttime patrols and that the Prosecutor's Office had wrongly applied a law requiring some form of "community work."

The 15 members of Jehovah's Witnesses arrested in 2006 were released during the year.

During the year the government and Jehovah's Witnesses authorities continued to address problems and misunderstandings through a collaborative mechanism begun in 2005. The government responded to reports that local authorities had detained members of Jehovah's Witnesses and secured their release in all cases. Unlike in the previous year, the government allowed new Kingdom Halls or churches to be built throughout the country. Church leaders reported improved relations with the government and better communication between the national government and local leaders.

The government continued to require religious groups to hold services at their established places of worship and to ban the use of private homes for this purpose. Some small religious groups that met in private homes were forced to move to new locations.

Government officials presiding over wedding ceremonies generally required couples to take an oath while touching the national flag, a practice that members of Jehovah's Witnesses objected to on religious grounds. This practice made it difficult for church members to marry as they had to find officials willing to perform the ceremony without the flag requirement.

According to church officials, three primary student children of Jehovah's Witnesses were suspended from school for refusing to attend Christian services in May and three more in July. Active engagement by local Jehovah's Witnesses leaders with government officials resulted in the resolution of the issue and the readmission of the students.

Societal Abuses and Discrimination

There was a very small Jewish community, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

The law prohibits forced exile, and the government did not use it.

During the year the country accepted 16,000 Rwandan nationals expelled by the Tanzanian government, most of whom were settled in their districts of origin. The government worked with the UNHCR and other aid organizations to assist the returnees who were resettled. Government mediators handled land disputes resulting from the large number of returnees.

The government continued to accept former combatants who returned to the country from the Democratic Republic of the Congo (DRC) as part of the ongoing peace process between the two countries. A total of 6,676 former combatants from armed groups in

the DRC, including 671 former child soldiers, had been demobilized and peacefully resettled in Rwanda since the beginning of the disarmament, demobilization, and reintegration program in 2001. During the year 202 adult former combatants from armed groups and 50 children were demobilized; 1,667 RDF soldiers were demobilized in December. With international support, the government's Demobilization and Reintegration Commission, the lead agency for the reinsertion of returned former combatants, placed such persons in a two-month reeducation program at demobilization and reintegration centers in the Northern Province. There also was a center solely for former child combatants in the Eastern Province. After the two-month reeducation period, each adult former combatant was given approximately \$90 (50,000 Rwandan francs) and allowed to return to his village. Returnees who were accused of committing genocide and were over 25 years of age (or 14 years old at the time of the genocide) were subject to gacaca trials.

Following a July agreement with the government of Uganda, approximately 2,200 Rwandan citizens were repatriated from Uganda and resettled in their home villages. UNHCR monitored the population movement, which was not voluntary, but had no legal mandate to assist a nonrefugee population.

Protection of Refugees

The law provides for the granting of asylum and refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol, and the government has established a system for providing protection to refugees. The constitution recognizes the right to asylum "under conditions determined by law," and there was a law in place to recognize refugees. However, the government was slow to implement refugee registration procedures, and most persons seeking asylum or refugee status had to seek private assistance (finding housing, food, and other supplies) while awaiting formal recognition by the government.

In practice the government provided some protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The government granted refugee status and asylum during the year.

The UNHCR continued to assist refugees and asylum seekers and provided temporary protection to 53,201 persons, the vast majority of whom were refugees from the DRC. The government generally cooperated with the UNHCR.

During the year there were reports of a DRC-based armed group recruiting children and adults from Rwandan refugee camps to be combatants or forced laborers. The government initially denied the reports of recruitment but subsequently sent counselors to educate the refugee population on the dangers of child soldiering and publicly urged camp populations and others to report any recruiting attempts. The government noted that it was difficult to control camps that had no fences and populations that regularly crossed borders.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide for the right of citizens to change their government peacefully; however, this right was effectively restricted.

Elections and Political Participation

In 2003 President Paul Kagame won a landslide victory against two independent presidential candidates, receiving 95 percent of the vote. In legislative elections the same year, President Kagame's political party, the RPF, won the majority of the seats in the Chamber of Deputies and Senate. International election observers, representing both foreign governments and NGOs, noted that the country's first postgenocide elections, although peaceful, were marred by numerous serious irregularities—including ballot stuffing, "guarded" polling booths, and irregular ballot counting in at least two of the 12 provinces—and fraud. There also were numerous credible reports that during the 2003 presidential and legislative campaigns, opposition candidates and their supporters faced widespread harassment and intimidation, including detention.

On June 1, a new law on political parties abolished restrictions on party organizational efforts at the district, sector, cell, and village level, allowing parties to open offices at every administrative level in the country; previously parties could have offices at the national and provincial levels only. After the new law came into effect, several parties began vigorous efforts to both elect local party leadership and open offices at the local level. During the year there were no reported efforts to form a political party opposed to the government, and there were no reports that the government denied registration to any party.

During the year the electoral commission took measures to comply with the 2006 African Peer Review Mechanism (APRM) country report, released by the New Partnership for Africa's Development, a mandated initiative of the African Union. The report recommended that secret ballots be used in local elections and that the voters' register be updated and modernized. During the year the commission purchased 16,000 modern ballot boxes, hired a consultant to digitize the voting process, and in September began a nationwide voter re-registration process linked to the issuance of national identity cards.

The RPF continued to dominate the parliament and the political arena. Eight other political parties sought support in the country. Seven political parties were represented in the Chamber of Deputies and the Senate; however, most chose to associate themselves with the RPF rather than assert independent positions. In accordance with the constitution, which states that "a political organization holding the majority of seats in the Chamber of Deputies may not exceed 50 percent of all the members of the Cabinet," independents and members of other political parties held key positions in government and parliament, including that of the prime minister and the speaker of the Chamber of Deputies. In the Chamber of Deputies, 13 of the 53 directly elected members belonged to parties other than the RPF. All political parties represented in parliament held regular meetings and were authorized to recruit new members and stand for election.

The constitution provides for a multiparty system but offers few rights for parties and their candidates. According to the 2006 APRM report, the country had made significant progress toward political pluralism, but parties were still "not able to operate freely" and faced legal sanctions if accused of engaging in divisive acts. The government's continuing campaign against divisionism discouraged debate or criticism of the government and resulted in brief detentions and the holding of one political prisoner, former minister Ntakirutinka.

All political organizations were constitutionally required to join the Forum for Political Organizations, which continued to limit competitive political pluralism, according to the 2006 APRM report. The law regulates the formation, structure, and functioning of political organizations and monitors their use of the media, management of financial assets, and relations between political organizations and other institutions. The law outlines a code of conduct for political organizations. The law also outlines the government's ability to cancel an organization's mandate.

The constitution requires that at least 30 percent of the seats in parliament be reserved for women, who won approximately 40 percent of the seats during the 2003 legislative elections. At year's end there were nine women in the 26-seat Senate and 38 women in the 80-seat Chamber of Deputies. There were nine women in ministerial positions, representing 32 percent of cabinet positions.

There was one member of the Batwa ethnic group in the 26-seat Senate but none in the Chamber of Deputies.

Government Corruption and Transparency

The law provides criminal penalties for official corruption, and the government implemented these laws with increasing effectiveness. The World Bank's worldwide governance indicators reflected that corruption in the country was a problem.

The government's Office of the Ombudsman had an active good governance program and several anticorruption units that worked at the local level. Although the office does not have the authority to prosecute cases, it can recommend cases to the Prosecutor General's Office, and during the year the office pursued several thousand corruption cases, the majority of which involved land. The government began a broad inquiry into misuse of public funds by 46 government institutions. There were reports that some corruption charges and prosecutions were directed at political opponents of the RPF. The inspector general of government worked to prevent corruption. The law provides for annual reporting of assets by public officials but not public disclosure of those assets. During the year the police and prosecution service used the auditor general's annual report to begin detailed investigations into the conduct of government business. There were several high-level officials convicted of corruption.

During the year the government prosecuted several senior officials on corruption charges, including the secretaries general of the ministries of labor, defense, and health. Charges against the secretary general of labor were dropped; the secretary of defense was convicted of embezzlement and sentenced to 18 months' imprisonment; and the secretary of health was acquitted.

The law does not provide for access to government information, and in practice it remained difficult for citizens and foreigners, including journalists, to obtain access to government information.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of international NGOs and several increasingly independent domestic human rights groups operated in the country, investigating and publishing their findings on human rights cases. Some domestic NGOs said the government was intolerant of criticism and had a tendency to be suspicious of local and international human rights observers, often rejecting their criticism as biased and uninformed. During the year some NGOs expressed fear of the government and self-censored their activities and comments. Despite continued government restrictions, relations between the government and domestic NGOs improved during the year. International and local NGOs reported unfettered access to the country's prisons.

Domestic NGOs LIPRODHOR and LDGL focused on human rights abuses. Other local NGOs, including ADL, ARDO, AVP, FACT, Kanyarwanda, CCOAIB, CESTRAT, CLADHO, Profemmes, and Civil Society Platform, dealt with at least some human rights issues and conducted activities such as lobbying the legislature to provide more protection for vulnerable groups; facilitating dialogue on the death penalty; observing elections; raising awareness of human rights among youth; and providing explanations of legislation, legal advice, and advocacy. LIPRODHOR employed its 600 members and 106 district volunteers to conduct field investigations of alleged abuses, and both LIPRODHOR and LDGL published their findings and discussed them with government officials--including on sensitive cases--and raised concerns about false accusations in gacaca trials. A few domestic NGOs produced publications regularly on general human rights issues.

The law on nonprofit associations allows government authorities to control projects, budgets, and the hiring of personnel. NGOs often found the registration process and government reporting requirements difficult and burdensome. For example, civil society groups were required to submit quarterly financial statements and lists of staff and assets in each of the districts where projects occurred. NGOs were also required to provide reports on their activities to the Ministry of Local Government. Members of NGOs complained that these requirements and near-compulsory participation in the Joint Action Forum strained their limited resources. While there was no legal requirement to contribute financially, some organizations felt pressured to do so. Unlike in previous years, there were no reports that the government required NGOs to obtain authorization for projects before they could access funds provided by international donors.

Domestic NGOs noted that relations with the government generally improved during the year and that consultations were positive between the government and civil society on a proposed bill reforming the regulation of NGOs. Nevertheless, several domestic NGOs expressed disappointment that civil society's recommendations were often sought on short notice, giving them little time to prepare their responses, and that their suggestions were not regularly incorporated into the draft legislation.

On May 27, a gacaca trial court sentenced Francois Byuma, the head of a local human rights group, to 19 years' imprisonment on genocide charges. Several other local human rights groups charged that the court had been biased, as Byuma's organization, Protect Our Children, had been investigating the president of the gacaca court on a sex-with-minors charge. (The president did not recuse himself from presiding in the case.) In August a gacaca appeals court, which took new testimony, upheld the sentence. Noting that evidence of Byuma's direct involvement was limited and unpersuasive, some observers considered the sentence unduly harsh. In an August 22 report, HRW noted that the appeals court "gave no reasons for its decision." Byuma conceded that he participated--although tangentially and by order of local authorities--in efforts to locate Tutsis for slaughter, but denied that he participated in any beatings or killings.

Unlike in the previous year, the government cooperated with domestic and international NGOs to facilitate prison access. In July ICRC officials noted that they were granted access with or without providing advance notice to authorities. In September a LIPRODHOR representative noted that the organization had "almost-automatic" access to 15 of the country's 16 prisons in unannounced visits; authorities in the 16th prison reportedly were uncooperative.

There was a restricted atmosphere for the functioning of civil society due to the legacy of the genocide. In 2006 the New York-based NGO Freedom House reported that human rights NGOs were generally reluctant to express critical views to avoid being accused by the government of engaging in divisive political activity and of opposing the government. During the year the government continued to claim that calls by human rights groups or opposition figures for investigations of alleged RPF war crimes constituted attempts to equate the genocide with abuses committed by RPF soldiers who stopped the genocide. There were reports that some NGOs were pressured to cooperate with the government to provide information on the activities of other NGOs.

In April the Senate released the results of a 2005 study to identify divisionism and "genocide ideology" (support for genocide or its principal tenets) among international NGOs and scholars. Unlike the 2004 parliamentary report, which the government used to effectively dismantle the country's independent human rights organizations, the 2005 study did not accuse specific organizations of supporting genocide ideology or make recommendations for action against them, but rather offered an analysis of the historical origins in the years before the genocide and suggested strategies for constructing a society free of corrosive attitudes. The 2004 report accused 13 domestic and international civil society groups, religious institutions, journalists, local government leaders, secondary schools, and the national university of engaging in divisionist activities and genocide ideology. LIPRODHOR stopped operating in 2005, and many of its members sought asylum abroad.

By the end of 2005, LIPRODHOR had rebuilt its organization, rebuilt its relationships with local government officials, and begun to travel throughout the country, conduct investigations, criticize the government, and seek redress for its clients. During the year LIPRODHOR was one of two domestic human rights NGOs that vigorously investigated violations by the government and engaged in discussion and lobbying with officials to address abuses. By year's end LIPRODHOR's caseload exceeded pre-2004 levels.

During the year a progovernment NGO platform group continued to manage and direct some NGOs through the use of umbrella groups, which theoretically aggregated NGOs working in particular thematic sectors; however, many observers believed that the government controlled some of these umbrella NGOs. Other umbrella organizations exercised considerable independence. In 2006 the UN Development Program and the NHRC, the government's lead agency for human rights, inaugurated a framework for cooperation among human rights NGOs including a permanent secretariat, quarterly meetings of a guiding council, and biannual plenary sessions to discuss and address human rights issues.

During the year the NHRC released its 2006 report, which criticized government action in a number of areas, including illegal detentions, police beatings, and prison conditions. However, the NHRC did not have adequate resources to investigate all reported cases of violations, and according to some observers, the NHRC remained biased towards the government in its investigations and reporting.

The ICTR continued to prosecute genocide suspects during the year. Since 1994 the ICTR has completed 27 cases, with 22 convictions and five acquittals. At year's end, there were 29 individuals on trial, six individuals awaiting trial, six individuals on appeal, and one individual transferred to The Hague, for a total of 63 individuals in custody in the court's seat in Tanzania. During the year the ICTR prosecutor began the process of transferring cases to Rwanda for trial, and the government took steps to prepare its facilities and legal system to meet international standards for these cases.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides that all citizens are equal before the law, without discrimination on the basis of ethnic origin, tribe, clan, color, sex, region, social origin, religion or faith opinion, economic status, culture, language, social status, or physical or mental disability. The government generally enforced these provisions; however, problems remained.

Women

The law criminalizes rape, and the government continued taking steps to enforce the law more effectively. The government handled rape cases as a priority within its courts and tribunals. In recent years those convicted of rape generally received sentences of between 20 and 30 years' imprisonment. The government recognized rape as a problem, and in 2005 classified rape and other crimes of sexual violence committed during the genocide as a Category I genocide crime. It also improved protection at the local level for rape victims testifying at gacaca courts. During the year police investigated 1,435 rape cases.

The law does not specifically prohibit domestic violence, and domestic violence against women, including wife beating, was common. Cases normally were handled within the context of the extended family. In October officials at police headquarters in Kigali established a hot line for domestic violence together with an examination room, trained counselors, and easy access to a police hospital for more intensive interventions. Each of the 62 police stations nationwide had its own gender desk, trained officer,

and public outreach program. The national gender desk in Kigali also monitored investigations and prosecutions nationwide into gender-based violence.

Prostitution is illegal, but trafficking in women for sexual exploitation remained a problem.

Women continued to face societal discrimination, but the government had multiple programs to combat these traditional practices. Women traditionally performed most of the subsistence farming. Since the 1994 genocide, which left numerous women as heads of households, women assumed a larger role in the formal sector, and many operated their own businesses. Nevertheless, women continued to have limited opportunities for education, employment, and promotion. The government made an effort to expand opportunities for women. The government-funded Women's Council served as a forum for women's issues and consulted with the government on land, inheritance, and child protection laws. Other efforts included scholarships for girls in primary and secondary school, loans to rural women, and the appointment of a minister in the Prime Minister's Office for family and gender promotion to train government officials and NGOs in methods to increase the role of women in the workforce. The law allows women to inherit property from their fathers and husbands, and it allows couples to choose the legal property arrangements they wish to adopt; however, in practice, it was much more difficult for women than for men to successfully pursue property claims.

The minister of gender and family promotion in the Office of the Prime Minister was the lead government official handling problems of particular concern to women, coordinating programs with other ministries, police, and NGOs. A number of women's groups were active in promoting women's concerns, particularly those faced by widows, orphaned girls, and households headed by children.

Children

The government was committed to children's rights and welfare and worked to improve education and health care for children, who headed at least 106,000 households. The government worked closely with international NGOs to secure assistance for children who were heads of households and sensitized local officials to the needs of children in such situations.

Education is compulsory through primary school or until age 13. While primary school fees were abolished, most parents still had to pay unofficial fees to support basic school operations. However, children were not dismissed from school for their parents' failure to pay such fees. A survivor's fund assisted with the secondary school fees for school-age genocide survivors.

Public schools lacked essential and basic supplies and could not adequately accommodate all children of primary school age. Private primary schools often were too distant or too expensive to serve as an alternative for many children. According to the Ministry of Education, 92.4 percent of primary school-age children were enrolled in school. According to UNICEF, the net primary school attendance/enrollment ratio was 75 percent. Of the children who entered the first grade, 46 percent reached the fifth grade. Equal numbers of boys and girls began primary school, but attendance by girls declined at a faster rate than for boys. Children took entrance exams to enter secondary school, and 17 percent of secondary school-age children were enrolled in school during the year.

Boys and girls had equal access to state-provided medical care.

There were no statistics available on child abuse; however, it was a problem.

According to UNICEF, 20 percent of women between the ages of 20 and 24 had married or entered into a union before they were 18 years old. The legal age for marriage for both males and females is 21.

Due to the genocide and deaths from HIV/AIDS, there were numerous households headed by children, some of whom resorted to prostitution to survive.

During the year there were reports that an armed group from the DRC recruited children from Rwandan refugee camps for use as combatants or forced laborers (see section 2.d.).

The government continued to support a demobilization and reintegration program. During the year 50 children who had served as soldiers in the DRC received care and reintegration preparation from the Muhazi demobilization center for children in the Eastern Province.

There were approximately 7,000 street children throughout the country. Authorities rounded up street children and placed them in foster homes or government-run facilities. In midyear the Kigali municipal government reopened the Gikondo transit center, where street children, vagrants, and street sellers were held in substandard conditions (see section 1.d.). The government supported 12 childcare institutions across the country that provided shelter, basic needs, and rehabilitation for 2,950 street children. The government also worked with international organizations and NGOs to provide vocational training and psychosocial support to street children, to reintegrate them into their communities, and to educate parents on prevention of street children.

Trafficking in Persons

While there was no specific antitrafficking law, laws against slavery, prostitution by coercion, kidnapping, rape, and defilement were available to prosecute traffickers. There were reports that persons were trafficked from and within the country during the year.

The country was a source for small numbers of women and children trafficked for sexual exploitation, domestic labor, and soldiering. The largest trafficking problem was underage prostitution; small numbers of impoverished girls, typically between the

ages of 14 and 18, used prostitution as a means of survival, and some were exploited by loosely organized prostitution networks. Due to the genocide and deaths from HIV/AIDS, numerous children headed households, and some of these children resorted to prostitution or may have been trafficked into domestic servitude. While police reportedly conducted regular operations against prostitution, no statistics were available on prosecutions of those who utilized or exploited children in prostitution. When the government dismantled prostitution rings, it offered women rehabilitation programs sponsored by the Ministry of Gender and Family Promotion that included work retraining.

During the year there were reports of a DRC-based armed group recruiting and trafficking Congolese from refugee camps for use as forced laborers or child soldiers in the DRC (see section 2.d.).

No traffickers were prosecuted during the year; however, several investigations were ongoing at year's end. The Rwanda National Police, under the Ministry of Internal Security, is the lead government agency responsible for combating trafficking of persons.

The government made significant efforts to fight trafficking despite resource constraints. The government provided training on sex crimes and crimes against children to police as part of the police training curriculum. During the year the police offered specialized training in recognizing trafficking, particularly trafficking involving children, to many police cadets. The government also monitored immigration and emigration patterns, as well as border areas that were accessible by road.

Persons with Disabilities

The constitution provides that all citizens are equal before the law and prohibits discrimination on the basis of physical or mental disability, and during the year the government promulgated a law that specifically prohibits discrimination against persons with disabilities in regard to employment, education, and access to social services. The law also mandates access to public facilities, accommodations for taking national exams, provision of medical care by the government, and monitoring of implementation by the NHRC. The constitution mandates that one member of the Chamber of Deputies be appointed by the Federation of the Associations of Persons with Disabilities.

National/Racial/Ethnic Minorities

Before the 1994 genocide, an estimated 85 percent of citizens were Hutu, 14 percent Tutsi, and 1 percent Batwa. Prior to the 1994 genocide, citizens were required to carry identity cards that indicated ethnicity. Following the genocide, the government banned all identity card references to ethnic affiliation as divisionist or contributing to genocide ideology. As a result, the Batwa, purported descendants of Pygmy tribes of the mountainous forest areas bordering the DRC and numbering approximately 33,000, were no longer designated as an ethnic group. On this basis the government no longer recognized groups advocating for Batwa needs. Some Batwa said their rights as an indigenous ethnic group were denied as a result of such government policies. The government recognized the Community of Indigenous Peoples of Rwanda (CAURWA), a Batwa advocacy organization, although it was not formally acknowledged as an organization supporting an "indigenous group." Despite the recognition of CAURWA and joint health and education projects with the government, most Batwa continued to live on the margins of society with very limited access to education, and they continued to be treated as inferior citizens by both the Hutu and Tutsi groups.

Large-scale interethnic violence in the country between Hutus and Tutsis erupted on three occasions since independence in 1962, resulting on each occasion in tens or hundreds of thousands of deaths. The most recent and severe outbreak of such violence, in 1994, involved genocidal killing of much of the Tutsi population under the direction of a Hutu-dominated government and in large part implemented by the Hutu-dominated national army and armed youth militia called the Interahamwe. The genocide ended later the same year when the predominantly Tutsi RPA, operating out of Uganda, occupied Rwandan territory, overthrew the Hutu-dominated government, and established the government of National Unity, which was composed of members of eight political parties and which ruled until the elections in 2003.

Since 1994 the government has called for national reconciliation and abolished policies of the former government that were perceived to have created and deepened ethnic cleavages. The government eliminated all references to ethnicity in written and nonwritten official discourse, and there was no government policy of ethnic quotas for education, training, or government employment. The constitution provides for the eradication of ethnic, regional, and other divisions and the promotion of national unity. Some organizations and individuals continued to accuse the government of favoring Tutsis--particularly English-speaking Tutsis--in government employment, admission to professional schooling, recruitment into or promotion within the army, and other matters; however, there was no evidence suggesting that the government practiced ethnic favoritism. University admissions demonstrated that a substantial majority of entering students were French speaking.

Other Societal Abuses and Discrimination

Discrimination based on sexual orientation occurred, and in September some members of parliament publicly called for legislation criminalizing homosexuality. There were reports that police officers assaulted and arrested homosexuals. There were also reports of landlords evicting tenants based on sexual orientation.

Discrimination against persons living with HIV/AIDS occurred, although such incidents dramatically decreased in recent years, and the government actively supported public education campaigns on the issue, including the establishment of HIV/AIDS awareness clubs in secondary schools. Members of the military with HIV/AIDS are allowed to serve domestically but do not take part in peacekeeping missions abroad.

Section 6 Worker Rights

a. The Right of Association

The law provides all salaried workers, except for civil servants, with the right to form and to join unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice; civil servants were prohibited from organizing. Between 20 and 30 percent of the total workforce, including agricultural workers, was unionized.

While all unions must register with the Ministry of Labor for official recognition, there were no known cases in which the government denied recognition during the year.

The law prohibits antiunion discrimination, but there were no functioning labor courts to resolve complaints involving discrimination against unions. According to the Central Union of Rwandan Workers (CESTRAR), employers frequently intimidated unionists through the use of transfers, demotions, and dismissals. The law requires employers to reinstate workers fired for union activity.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and while the government respected this right in practice, some private sector employers did not and often harassed union members to discourage their activities. In addition, the law does not extend this right to agricultural workers. The law provides for collective bargaining, but this right was severely limited.

The government was heavily involved in the collective bargaining process since most union members were in the public sector. Only CESTRAR had an established collective bargaining agreement with the government.

The law provides some workers with the right to strike, but in practice this right was severely restricted. Participation in unauthorized demonstrations could result in employee dismissal, nonpayment of wages, and civil action against the union. The law does not allow civil servants to strike. For workers who are allowed by law to strike, a union's executive committee must approve any strike, and the union must first try to resolve its differences with management according to steps prescribed by the ministry of labor. This process essentially prohibits strikes. There were no demonstrations by union members during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, and the government generally enforced this right; however, prisoners were assigned work details that generally involved uncompensated public maintenance duties. Gacaca courts sentenced convicts to perform community service, and those suspected of committing genocide who confessed were given sentences involving community service. By year's end approximately 45,000 persons had been registered for community service and were either working as day laborers, as residents in one of 26 community service camps, or awaiting community service assignments.

There were reports indicating that an armed group based in the DRC recruited children from Rwandan refugee camps for labor and soldiering in the DRC (see section 2.d.).

Forced child labor and trafficking of children for sexual exploitation occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

While the law does not specifically prohibit forced or compulsory labor by children, there are laws to protect children from exploitation in the workplace; however, the government did not effectively enforce them, and child labor, including forced prostitution, was prevalent. Except for subsistence agricultural workers, who account for more than 85 percent of the workforce, the law prohibits children under the age of 16 from working without their parents' or guardians' permission and prohibits children under 16 from participating in night work (between 7 p.m. and 5 a.m.) or any work deemed hazardous or difficult by the minister of labor. Children also must have a rest period of at least 12 hours between work engagements. The minimum age for full-time employment is 18 years (14 years for apprenticeships), provided that the child has completed primary school. In June the government indicated that approximately 450,000 children (approximately 9 percent of the country's four million children under 18) were engaged in child labor. However, a UN report released in 2006 suggested that 36 percent of children between the ages of five and 14 (approximately one million children) were engaged in child labor.

The government identified five forms of child labor as those that should be considered as the "worst forms of labor," including domestic work outside the family sphere; agricultural activities on tea, rice, and sugar cane plantations; work in brickyards and sand extraction quarries; crushing stones; and prostitution. During the year child labor persisted in the agricultural sector (particularly on tea plantations), among household domestics, in small companies, and in the brickmaking industry. Children received low wages, and abuse was common. In addition, child prostitution and trafficking of children were problems. There were reports of a DRC-based armed group recruiting children in refugee camps to be used as combatants or forced laborers.

The government made efforts to improve its enforcement, but it did not have the capacity or a sufficient number of labor inspectors to effectively enforce laws restricting and regulating child labor.

The government worked with NGOs to raise awareness of the problem and to identify children involved in child labor, and to send them to school or vocational training. Since March 2005, in collaboration with the NGO KURET, the government rescued 3,485 children from exploitative labor conditions and provided training and prevention services to another 2,582 children considered at

risk for trafficking or other exploitation. The government also consulted NGOs on the formulation of a national child labor policy and on integrating child labor issues into its poverty reduction strategy. The government imposed fines against those who illegally employed children or sent their children to work to the detriment of their education. The government continued to support 30 child labor inspectors in 12 regional offices; however, the government was unable to provide them with adequate resources to effectively identify and prevent the use of child labor.

e. Acceptable Conditions of Work

The Ministry of Public Service, Skills Development, and Labor set minimum wages in the small formal sector. The government, the main employer, effectively set most other wage rates as well. There was no single minimum wage; minimum wages in the formal economy did not provide a decent standard of living for a worker and his family, although it did provide a higher standard of living than that of the 85 percent of the population relying only on subsistence farming. In practice some workers accepted less than the minimum wage. Families regularly supplemented their incomes by working in small businesses or subsistence agriculture.

Officially, government offices and private sector entities had a 40-hour workweek; the maximum workweek was 45 hours. Aside from a 30-minute break for lunch, there is no mandated rest period. The law regulates hours of work and occupational health and safety standards in the formal wage sector, but inspectors from the Ministry of Public Service did not enforce these standards aggressively. Workers did not have the right to remove themselves from dangerous work situations without jeopardizing their jobs. The same standards applied to migrant and foreign workers.



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