

Rwanda (100)

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Rwanda

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Rwanda is a republic dominated by a strong presidency. The largely Tutsi Rwandan Patriotic Front (RPF) took power in 1994 and formed a Government of National Unity that functioned during the transitional period following the civil war and genocide until 2003, when elections were held. In May 2003, a country-wide referendum resulted in the approval of a new constitution, which provides for a multiparty system and nullifies the suspension of political activity, although it provides few protections for parties and their candidates. In August 2003, the country held its first multicandidate national elections since independence; President Paul Kagame was elected to a 7-year term in largely peaceful but seriously marred elections. In September 2003, President Kagame's party, the RPF, won the majority of the seats during legislative elections and therefore remained the principal political force that controlled the Government. The judiciary, which was not operational for most of the year as the country implemented judicial reforms, was subject to executive influence and suffered from a lack of resources, inefficiency, and some corruption.

The Minister of Defense is responsible for external security and national defense; the Minister of Internal Security is responsible for civilian security matters as well as supervision of the prisons and the national police. The Rwanda Defense Forces (RDF), which maintain external security, and the police, which maintain internal security, comprise the security apparatus. Following the formal withdrawal of all its troops from the Democratic Republic of the Congo (DRC) in 2002, the Government began to reorganize its military establishment to provide for a smaller force more suitable for territorial defense than for expeditionary action abroad. Government authorities did not always maintain effective control of the security forces, and there were several instances in which elements of the security forces acted independently of government authority. Some members of the security forces committed serious human rights abuses.

During the year, there were several unconfirmed reports from multiple credible sources that RDF troops were at times present in the eastern part of the DRC, particularly following public threats by the Rwandan President in November indicating that the Government might send RDF troops into the DRC to attack Hutu rebels deemed a threat to its security. There were also reports that RDF military advisors remained integrated with former Congolese Rally for Democracy (RCD/G) forces. However, the Government publicly denied allegations that RDF troops were operating in the DRC. During the year, Rwandan rebels in the DRC, known as the Democratic Forces for the Liberation of Rwanda (FDLR), conducted attacks in the northwestern region of Rwanda.

The country was very poor, and 60 percent of the population of 8.3 million lived in poverty. The economy is market-based and primarily driven by the agricultural sector. More than 85 percent of the labor force was engaged in subsistence agriculture. The 1994 Genocide destroyed the country's social fabric, human resource base, institutional capacity, and economic and social infrastructure. Per capita annual income was \$230, and the country experienced an estimated economic growth rate of 4 percent. Small-scale commercial activities increased, but the industrial base remained limited. Inflation during the year was 11 percent, and wages generally did not keep up with inflation. Drought conditions affected the second harvest season in the latter part of the year, increasing the cost of food and reducing the yield in the export tea market.

The Government's human rights record remained poor, and the Government continued to commit serious abuses. The right of citizens to change their government was effectively restricted. Members of Local Defense Forces (LDF) committed unlawful killings. The Government investigated reports that organized groups targeted and killed witnesses to the 1994 Genocide in certain provinces. There were reports of politically motivated disappearances. Police often beat suspects in custody, and torture was a problem. Prison conditions remained life threatening. Arbitrary arrest and detention and prolonged pretrial detention remained serious problems. During the year, the Government released a report that accused human rights groups, journalists, churches, and local government officials of "genocide ideology"; the Government subsequently justified scores of arbitrary arrests and the effective dismantling of the country's independent human rights organizations as part of its campaign against "divisionism." The judiciary did not always ensure due process or expeditious trials. The Government continued to conduct genocide trials at a slow pace. The Government restricted freedom of speech and of the press, and it limited freedom of assembly.

and association. In several instances, local government officials restricted the freedom of religion, particularly for Jehovah's Witnesses. Government officials reportedly harassed and imprisoned refugees and asylum seekers during the first half of the year, when the Government was taking over responsibility for their registration. Societal violence and discrimination against women and ethnic minorities, particularly the Batwa, were problems. Child labor was prevalent, and trafficking in persons was a problem.

During the year, armed proxy groups reportedly supported by the Government, including some ex-RCD/G combatants, continued to operate and commit serious human rights abuses in the DRC, including killings and rape.

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 political killings by the Government or its agents; however, there were reports of arbitrary killings by members of the LDF.

On April 29, an LDF member named Micombero beat an 18-year-old plantation worker to death in Kanama district in Gisenyi Province. By year's end, it was not known whether officials took any action against the LDF officer.

On May 14, an LDF officer named Ndacyayisenga, with the complicity of another LDF officer named Kinyinya, shot and killed Jean Baptiste Nsekanabo, after he failed to produce his identity card. The LDF officers were not arrested as of the end of the year.

LDF officers who were arrested for committing abuses in 2003 remained in jail, and none of their cases reached conclusion during the year.

There were no developments in the 2002 killing in Kigali of RDF officer Alphonse Mbayire by a soldier in uniform.

Military courts actively prosecuted RDF soldiers accused of violating the human rights of citizens. On January 28, two soldiers arrested Protais Ntiruhunwa, a young boy accused of stealing a radio and took the boy to the barracks and beat him to death. On February 6, the soldiers were arrested, although the trial was not completed at year's end. In the case against Sergeant Nyamaswa and Corporal Karangwa for the April 2003 beating death of an agronomist, Nyamaswa was acquitted and Karangwa received 5 years in prison on June 26.

Despite the official 2002 withdrawal of its forces from the DRC, during the year, there were unconfirmed reports from multiple credible sources, including a panel of U.N. experts, that the Government continued to provide material support for ex-RCD/G forces operating in the DRC under former RCD/G commanders such as Colonel Jules Mutebutsi and General Laurent Nkunda. Unlike in the previous year, there were no reports that the Government provided support to the Union of Congolese Patriots.

There continued to be reports throughout the year of killings and other human rights abuses, including torture, rape, and looting, committed with impunity in the DRC by both pro-DRC and anti-DRC government forces, although RDF forces were reportedly no longer directly involved. Verification of these reports was extremely difficult, particularly those originating from remote areas and those affected by active combat in the eastern part of the DRC. The Government maintained that it no longer had troops in eastern DRC, and that its influence over former RCD/G combatants was decreasing. It rejected any responsibility for the numerous serious human rights abuses committed against civilians by former RCD/G soldiers in the DRC.

During the year, the Government prosecuted nine members of the military on charges of murder or attempted murder in the DRC prior to the 2002 withdrawal. For example, on April 24, Private Phenias Kanyarwanda was sentenced to life imprisonment for killing his Congolese porter. Of the nine tried during the year, two were found innocent. The highest-ranking official tried during the year was a corporal, and he was convicted. At year's end, the Government had not opened any new inquiries into the abuses by its troops in previous years in the DRC. The appeals of RDF Sergeants Nkusi and Seuhoro, both convicted of two 1998 murders by a military court in 2003, were pending at year's end.

According to several human rights organizations and government officials, hundreds of witnesses to the Genocide were killed throughout the country, reportedly to prevent testimonies and undermine the rural justice system (Gacaca). For example, on June 12, three persons lead by Jean Munigankiko killed Valentine Mukanzeyimana of Butare Province. Munigankiko admitted to police that he killed Mukanzeyimana because Mukanzeyimana had accused him in Gacaca proceedings of having killed his

family. By year's end, police had detained suspects in connection with some of the killings.

There were reports in the northwest of killings by insurgents who were allied with persons responsible for the 1994 Genocide. On November 15, an FDLR attack on a village in Gisenyi Province resulted in two deaths. Such attacks were rare and appeared to be aimed at destabilizing the tourism economy and the April commemoration of the 10th anniversary of the 1994 Genocide.

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

b. Disappearance

There were reports of politically motivated disappearances within the country.

On April 17, police arrested Jean Damascene Tuyizere of Gisenyi Province in Gisenyi town. A military intelligence officer questioned Tuyizere for several days at the police station, after which he was transferred to an unknown location. Several days later, the prefect of the province visited the family and said they should be careful not to travel without their identity cards. By year's end, his family had not been given news of his whereabouts.

On October 6, police arrested four campaign workers of former Prime Minister Faustin Twagiramungu, who ran in the 2003 presidential elections. The families of Jean de Dieu Kwizera, David Habimana, Block Mugambira, and Jean Paul Kamondo last heard from the four men on October 21, and by year's end, had been given no news of their whereabouts.

On November 20, an RDF captain, Jean Leanard Kagabo, disappeared after police arrested him in Byumba Province. By year's end, his family had been given no news of his whereabouts.

There were no developments in the 2003 disappearances of two prominent citizens and four high-level government officials, including parliamentarian Dr. Leonard Hitimana.

On June 30, the Government released a report on the status of several ongoing investigations of high-profile disappearances that occurred in 2003, following the release of a 2003 government report criticizing the Democratic Republican Movement (MDR), an opposition party, and calling for its dissolution. According to the report, Lieutenant Colonel Cyiza, a former Supreme court Vice-President who disappeared in April 2003, was residing in the DRC; two other military officers previously reported missing were in Burundi. In both cases, however, the Government did not provide any proof of these claims. The report provided no new information on the whereabouts of Dr. Leonard Hitimana, an MDR member of the National Assembly.

There were no developments in the case of the missing Banyamulenge (Tutsi) soldiers reportedly arrested in 2002 by the RDF; the Government continued to deny that any such arrests had occurred.

There were no developments in the reported disappearances of two persons detained in 2002 at Ndoshu in the DRC by RDF and RCD/G forces.

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

The law prohibits torture; however, police officers often beat suspects at the time of arrest, and on at least one occasion, security forces reportedly committed acts of torture.

According to a local human rights group, there were 75 reported cases of torture during the year, not including cases reported by Jehovah's Witnesses or journalists (see Section 2.a. and 2.c.). For example, on February 19, an assistant district police chief in Butare Province, Canisius Mwitabangoma, arrested Mathias Mugabo on charges of insulting and using ethnic slurs against the police chief. During his detention, he was beaten with the butt of a bayonet and forced to sleep naked in his cell. No action had been taken against the police chief at year's end.

There were numerous reports during the year that police detained and beat members of Jehovah's Witnesses because they refused to participate in nighttime security patrols (see Section 2.c.).

There was no development in the 2003 case of the torture of RDF Major Ndirabatware, who remained in prison at year's end.

There continued to be numerous reports that security forces at times beat, harassed, or threatened political dissidents, journalists, and members of NGOs (see Sections 2.a., 2.b., and 4).

During the year, unexploded ordnance that remained from the 1994 civil war caused three deaths and eight injuries.

During the year, ex-RCD/G combatants in the eastern region of the DRC committed numerous serious human rights abuses, including torture, beatings, and widespread rape.

Prison conditions were harsh and life threatening. The International Committee of the Red Cross (ICRC) has registered approximately 76,000 prisoners detained on genocide or security-related charges and estimated that an additional 10,000 prisoners were detained on charges unrelated to the genocide; however, the Ministry of Justice routinely referred to the prison population as numbering 87,000. While the Government was committed to improving prison conditions, chronic overcrowding remained a major problem. During the year, the Government completed the construction of two new prisons while closing down the four remaining cachots (local detention centers) in the country.

Sanitary conditions were extremely poor, and despite continuing efforts, the Government did not provide adequate food or medical treatment. The ICRC provided 30 percent of the food in the 16 main prisons and also provided additional expertise and medical, logistical, and material support to improve conditions for inmates. Prison deaths largely were the result of preventable diseases and suspected cases of HIV/AIDS. There was an undetermined number of deaths in prison reported during the year. Prisoners may also be hired out to perform work at private residences and businesses (see Section 6.c.).

Women were detained separately from men, and more than 500 minors were incarcerated with adults throughout the prison system. During the year, the Government made efforts to better ensure that minors were incarcerated separately from adults, as well as efforts to release children; however, an undetermined number of children classified as minors remained incarcerated on genocide-related charges at year's end. 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. High profile political prisoners, such as former president Pasteur Bizimungu, were kept in special sections of regular prisons.

The ICRC, human rights organizations, diplomats, and journalists had regular access to the prisons. The ICRC continued its visits to communal jails and military-supervised jails.

Unlike in the previous year, there were no reports that RCD/G combatants (or ex-RCD/G combatants) incarcerated persons in the private residences of rebel military commanders.

d. Arbitrary Arrest or Detention

The Constitution provided legal safeguards against arbitrary arrest and detention; however, authorities rarely observed them in practice, and security forces continued to arrest and detain persons arbitrarily.

The National Police was a young organization. The National Police is headed by the Commissioner General and has 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, and the police academy curriculum included training on human rights, nonlethal use of force, and professionalism. There was little problem with corruption or discipline within the police force due to national pride, strict training, and close monitoring.

The LDF received less training than the National Police and fall under the Ministry of the Interior, along with locally staffed "civil disorder" units. The LDF performed basic security guard duties throughout the country and were known to chase illegal street vendors, petty criminals, and prostitutes away from public areas. While they have no arrest powers, they reportedly acted with impunity. During the year, the Government initiated a project to integrate the LDF into the National Police.

The law requires that authorities investigate and then obtain a judicial warrant before arresting a suspect. Police may detain persons for up to 48 hours without a warrant, and formal charges must be brought within 5 days of arrest; however, these provisions were widely disregarded during the year. The law permits investigative detention if authorities believe that public safety is threatened or that the accused might flee. There is no bail, but the authorities may 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.

During the year, security forces used arbitrary arrest and detention frequently. Authorities detained numerous individuals after they expressed viewpoints unacceptable to the Government, particularly those who raised complaints about land reform and Gacaca proceedings (see Section 2.a.).

In Kigali city, police arrested Eric Mutemberezi on April 12, Oscar Hbarurema on April 13, and Gad

Byiringiro on April 14 and accused them of attempting to recruit young persons to join Rwandan rebels in Burundi. All were released in June because there was no tangible evidence against them.

Members of religious groups, including Jehovah's Witnesses, were arrested during the year (see Section 2.c.).

Human rights organizations estimated that more than 300 persons were detained briefly during the 2003 presidential campaign period; almost all were reportedly supporters of Faustin Twagiramungu, an opposition candidate.

There were no developments in the 2003 cases against Leonard Kavutse, Janvier Munyemana, and Secretary General of the MDR Pierre Gakwandi, all of whom remained in prison and were awaiting trial at year's end.

The Government continued to detain ex-combatants who returned to the country as part of the ongoing peace process between Rwanda and the DRC; detainees were placed in an 8-to-12-week- reintegration program at Mutobo, in Ruhengeri Province. The returnees included some children. The children generally served as porters for ALIR (now called the Democratic Front for the Liberation of Rwanda, or FDLR); a few served as combatants for FDLR. Child soldiers were held separately from the adult combatants. The Government opened a demobilization center in January to process and reintegrate rebel child soldiers returning from the DRC (see Section 5). Authorities frequently allowed detainees at the demobilization camp at Mutobo to receive visitors, and sometimes to go home for visits.

Approximately 80,000 individuals accused of genocide continued to be imprisoned while awaiting trial. 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 (see Section 1.e.). Lengthy pretrial detention was a serious problem, and some suspects had been in jail since 1994. The Government did not have the capacity to process cases within a reasonable time. Pretrial detentions were even longer than in previous years because the court system was not operational for 10 months of the year (see Section 1.e.).

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 vast majority of those files were incomplete.

There were numerous reports of political detainees, including MDR Secretary General Pierre Gakwandi.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judiciary was subject to executive influence and suffered from inefficiency, a lack of resources, and some corruption. The justice system collapsed during the war and Genocide of 1994. With help from the international community, it continued to undergo a slow rebuilding process. For example, in July, the Government dismissed approximately 500 district- and provincial-level judges from the national court system who were deemed to be unqualified, and it subsequently appointed more than 230 judges as replacements. Despite the reforms, the Government did not have the capacity to ensure that provisions in the Constitution were enforced or that due process protections were observed.

The ordinary courts operated only during the last 2 months of the year. For the first 10 months, Parliament debated and passed judicial reform bills, which restructured the court system and were intended to strengthen the required qualifications for judges. During this legislative process, only courts handling high profile cases functioned. They began hearing cases again in late October, although the Supreme Court was still redistributing 40,000 pending cases, all of which were unrelated to the Genocide, at year's end.

There were problems enforcing domestic court orders. For example, security forces at times ignored court decisions and refused to release prisoners. In the high profile case against Pasteur Bizimungu, the Prosecutor's Office refused to implement the court's decision requiring officials to return material resources confiscated during Bizimungu's arrest to his family, despite appeals from the family and their lawyer. An ombudsman is mandated to conduct investigations into judicial corruption; however, by year's end, no such investigations had been conducted.

The Constitution provides for the adoption of a system of ordinary and specialized courts. Ordinary courts included the Supreme Court, the High Court of the Republic, the provincial courts, and district courts. Specialized courts included Gacaca courts and military courts.

Although the judicial reforms adopted in July were seen as providing the framework for a more independent judiciary, observers raised concerns about the fairness of the process used to appoint and dismiss judges. Despite meeting the criteria delineated in the new reforms, several judges were fired. For example, Jean

Baptiste Nsabimana was dismissed despite having a university law degree and 6 years of experience.

The law provides for public trials with the right to a defense (but not at public expense), a presumption of innocence, and a right to appeal, and these provisions were generally respected in practice; however, some appeals cases were subject to lengthy delays. By year's end, there were between 67 and 100 lawyers in the country, and the abject poverty of most defendants made it difficult for many of them to obtain legal representation. An estimated 10 percent of defendants were able to afford a private lawyer. Lawyers Without Borders continued to train Gacaca judges but did not provide defense or counsel to those in need. 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 time. During the first half of the year, the Ministry of Justice—as part of a campaign to professionalize the judicial sector—began dissolving the Corps of Legal Defenders, an organization supported by international donors that provided those accused of genocide with free legal aid. By year's end, the Corps was no longer functioning.

During the year, there were trials that did not meet internationally accepted standards. On June 7, former President Pasteur Bizimungu, former transport minister Charles Ntakirutinka, and six other persons believed to be involved with Bizimungu's banned PDR-Ubuyanja party were found guilty of belonging to a criminal, antigovernment association; the eight individuals were arrested in 2002 on charges of "threatening national security by forming a criminal association." A court sentenced Bizimungu to 15 years in prison, Ntakirutinka to 10 years in prison, and the remaining six to 5 years each. The trial against Bizimungu and his seven codefendants, which began in March, was marred by a lack of corroborating evidence against the defense and was characterized by many international observers as having fallen short of international standards of fairness and impartiality. During the course of the trial, Bizimungu's attorney was detained for 24 hours for contempt of court, the judge prevented the defense from fully cross-examining the prosecution's witnesses, and the defense was only allowed to present a limited number of witnesses. The codefendants lodged an appeal in June, which had not been heard by year's end.

The RDF continued to dismiss soldiers for indiscipline and criminal offenses. The RDF routinely tried military offenders in military courts, which handed down sentences of fines, imprisonment, or both during the year (see Section 1.a.). The law stipulates that civilians who were accomplices of soldiers accused of crimes be tried in military court. Civilians tried in military court had received stolen goods from soldiers, had acted as accomplices with soldiers to commit theft, or had participated in rape. Military courts tried fewer than 10 civilians during the year.

The judiciary focused on resolving the enormous genocide caseload of more than 80,000 detainees (see Section 1.d.). Unlike in the previous year, the Government did not continue to implement the program referred to as the Gisovu, or pre-Gacaca, project, a release program in which genocide-related detainees and prisoners who were elderly, ill, or without files were taken to their former villages to allow villagers to make complaints against them or to confirm that there was no reason to detain them.

Gacaca courts, a grassroots participatory form of justice, served as the Government's primary judicial process for adjudicating thousands of genocide cases. Gacaca courts were established in more than 9,000 villages across the country during the year. Human rights observers have criticized the Gacaca courts of being biased against those who acted on behalf of the former government and not trying others who committed serious human rights violations from 1990 to the present in support of the current Government. The National Commission for Gacaca Courts, created in 2003, oversaw the rewriting of the Gacaca law. The new law, passed on July 19, reduced the number of judges required for a Gacaca trial, recategorized crimes, and reduced sentences. The Gacaca law provides for reduced sentences for cooperation and credit for time served. Lawyers were not permitted to participate officially in Gacaca. The procedure for observing Gacaca trials made it difficult for human rights groups to monitor the trials. The training of judges on the new Gacaca law was still being completed at year's end, and no courts had progressed beyond the pretrial phase.

In addition to Gacaca courts, genocide-related cases were tried by the ICTR and by the Government in local courts (see Section 4). Less than 10 percent of individuals detained as genocide suspects have been tried in ordinary jurisdictions, and local legal aid organizations reported that no genocide-related trials took place in the country during the year.

A section of the Organic Genocide Law is designed to encourage confessions in exchange for reduced sentences for the vast majority of those involved in the Genocide. Following efforts by the Government, international donors, and NGOs to widely advertise the confession provisions, 65,000 prisoners have confessed since the law was implemented in 1996. However, only a small number of confessions were processed due to lengthy administrative review and hearing proceedings, and the lack of officials to process the confessions through the system. The testimony of the 63,000 prisoners have implicated as many as 500,000 additional persons in the Genocide who have not yet been detained by police.

There were some reports of political prisoners, including former President Pasteur Bizimungu and seven other persons believed to be involved with Bizimungu's banned PDR-Ubuyanja party.

Few people had success pursuing their property restitution cases through the court system, partly because it was not functioning. There were reports that orphans, ex-combatants, and returning refugees had difficulty reclaiming their family land.

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

The Constitution prohibits such practices, and authorities generally respected these prohibitions; however, in August, security forces began monitoring the homes and telephone calls of two journalists (see Section 2.a.).

Unlike in the previous year, there were no reports that security forces forcibly entered homes.

Between 1997 and the end of 2001, more than 600,000 persons were relocated to government-designated resettlement sites in compliance with a "villagization" policy. Although the Government stated that the move to villages was voluntary, some observers said that government authorities compelled many persons to move; others may have relocated out of fear of security forces or insurgents. While villagization remained government policy, the Government did not compel these persons to remain in the villages; however, restrictions on where houses could be built forced some individuals to continue to reside on the settlement sites. Thousands of persons still lived in inadequate housing not of their own choosing.

Citizens who served in the military could be recalled to compulsory duty at any time. After rebel incursions from the DRC into the country in late March, the Government compelled citizens to participate in nightly watch patrols; citizens who refused were beaten and detained (see Section 2.c.).

On November 30, there were unverified reports from numerous credible sources, including MONUC, that a significant number of armed men suspected of being RDF soldiers entered the DRC and attacked and burned villages north of Goma, near the border.

During the year, there were numerous credible reports, including one by the U.N. Group of Experts, that ex-RCD/G combatants from the DRC, with the aid of local Rwandan and Congolese officials recruited for military training--sometimes forcibly--demobilized Rwandan and DRC soldiers and refugees from the DRC (see Section 2.d.). However, the Government denied that any recruitment activities occurred.

The Government interfered with the right of Jehovah's Witnesses to marry according to their faith (see Section 2.c.). Unlike in the previous year, there were no reports that police harassed family members of former president Pasteur Bizimungu; however, his family members reportedly were still unable to gain possession of property confiscated by government agents in 2002, despite a court order issued during the year.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government restricted these rights in practice, and the Government harassed journalists who expressed views contrary to official views. Most journalists practiced self-censorship due to fear of government reprisals.

Government authorities detained individuals after they expressed viewpoints unacceptable to the Government. On April 28, police arrested Augustin Habimana after he complained in a public meeting to a mayor in Gisenyi Province that the current Government's policy of forced night patrols was similar to the policy under the former regime of Juvenal Habyarimana, and said that the Government should negotiate peace with the DRC-based rebels rather than use the local population to fight them. He remained in detention at year's end.

Unlike in the previous year, there were no reports that the Government accused opposition party members of using language that was "divisionist."

During the year, the Government continued to exercise tight controls over the media. The number of newspapers continued to increase; however, by July, international and local observers generally agreed that Umuseso was the only independent newspaper remaining in Rwanda. There were unconfirmed reports during the year that government agents were attempting to covertly infiltrate Umuseso's staff to influence the content of the newspaper. There were both privately and government-owned newspapers, all of which published weekly in English, French, or Kinyarwanda; however, there were no daily newspapers. Newspapers were subject to government restrictions.

The Government largely controlled the broadcast media. The law authorizes private radio and TV

broadcasting, subject to the approval of the Government. During the year, the Government granted licenses to four private radio stations, three of which began operations by year's end. Radio Rwanda journalists were civil servants of the National Office of Information. Foreign media groups, including Voice of America, Deutsche Welle, and the British Broadcasting Corporation, broadcast in Kigali. The Government continued to own the only television station, which was nominally independent of the Government.

During the year, the Government continued to torture, harass, and threaten the media. On February 22, security forces detained, harassed, and threatened to kill five journalists, including Robert Sebunira and Emmanuel Munyaneza, both of whom worked for the independent Kinyarwanda weekly, Umuseso. The journalists said they were detained because they were printing articles that were critical of the Government and were told during detention not to print such articles again. By year's end, no action had been taken against the security forces members of security forces responsible for the reported beating.

In August, security forces began following and monitoring the homes and telephone calls of Umuseso writers Tharcisse Semana and Madjaliwa Niyonsaba, both of whom subsequently went into hiding. Both journalists reportedly received threatening text messages demanding that they never again write articles critical of the Government.

In September, the Government threatened to close Umuseso for several months. The newspaper's editorial staff refused to comply with a request by the High Council of the Press to acknowledge "mistakes" and to reveal its sources for a controversial series of articles. The threat followed 2 years of constant harassment during which the Government confiscated Umuseso's editions on several occasions. By year's end, the Information Ministry had not suspended Umuseso.

On November 15, police detained incommunicado two journalists, Patrice Nsengiyumva, director of the Press House (Maison de la Presse), and Bonaventure Bizimuremyi, editor of the newspaper Umucyo. Eventually, authorities allowed them access to attorneys and family members. They were released a few days later, and by year's end, judicial investigations were ongoing.

On December 18, six unknown assailants with knives stabbed and wounded two Umuseso journalists, Mugisha Furaha and Rwango Kadafi, after reportedly recognizing them as journalists. By year's end, there were unconfirmed reports that some of the assailants were members of the military and that police had arrested three of the assailants; however, no additional information was available.

On December 31, members of the security forces reportedly arrested Umuseso journalist Didas Gasana at the country's Ugandan border, detained him for 5 hours, and threatened to kill him. Gasana had obtained an exit visa to go to Uganda for medical reasons.

No action was taken against police officers who beat three journalists and a deputy editor in November 2003.

Several journalists remained in self-imposed exile at year's end.

At year's end, several international press freedom advocates continued to criticize the Government for not allowing Radio Rwanda journalist Dominique Makeli access to due process; he was arrested in 1994 on charges of inciting genocide.

The Government censored the media during the year by confiscating newspapers on several occasions. Authorities confiscated Umuseso editions throughout the year, usually while editors carried the newspapers from Uganda, where they were printed. In addition, during the summer, authorities reportedly confiscated all the copies of an edition published by Ukuri, a local newspaper; the confiscation took place shortly after the publication of an expose on police corruption.

There were two printing presses, one of which was owned by the Government. The second was owned by the Catholic Church and was used only by the Church. Other newspapers had to either use the government press or print their newspapers in Uganda.

During the year, the Government used criminal libel laws to suppress criticism from the media. On November 16, the editor of Umuseso, Charles Kabonero, was tried on criminal charges of "divisionism" and defamation after Denis Polisi, a parliamentarian and secretary general of the ruling party, filed a libel suit against Kabonero. The suit was filed in response to an article published in August that alleged Polisi rented office space to several parastatal bodies and had ambitions to rule the country. The Kigali prosecutor's office requested a 4-year prison sentence and a fine of \$90,000 (50 million francs) for Kabonero. On November 23, Kabonero was found not guilty of "divisionism," but he was found guilty of defamation and contempt of a public official. The court ordered Kabonero to pay the Government a \$9 (5,000 francs) fine for contempt and another \$6 (3,600 francs) in court fees; it also ordered Kabonero to pay \$0.001 (1 franc)

to Polisi for damages.

During the year, Journaliste en danger (JED), an NGO promoting press freedom in Central Africa, selected local journalists to monitor the state of press freedom in the country; however, before beginning work on the project, the monitors declined to fulfill their duties. According to JED, the monitors declined due to an atmosphere of fear and a general lack of press freedom in the country.

The Government did not restrict access to the Internet or censor websites during the year.

The Government did not restrict academic freedom; however, the head of the national university, appointed by the Government, made public statements describing his role as one of monitoring the university, its staff, and its students for evidence of "genocide ideology."

Following the June release of Parliament's genocide ideology report, the Ministry of Education, Science, and Technology fired 37 teachers and suspended 27 high school students on accusations that they engaged in genocide ideology and other offenses, including sexual abuse, intent to poison Tutsi, and harassment of genocide survivors. The Ministry delivered the list of more than 60 educators and students to police for prosecution. Human rights observers noted that the Government had a responsibility to prevent the recurrence of genocide; however, they criticized the Government's use of the ill-defined charge of genocide ideology, saying that it threatened academic freedom and freedom of speech, and that it encouraged local officials to fabricate false charges against persons for personal, political, or economic gain.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, authorities limited this right in practice. Authorities legally may require advance notice for outdoor rallies, demonstrations, and meetings. Authorities generally prohibited nighttime meetings, particularly after rebel incursions into the northwest part of the country from the DRC in late March and April.

During the year, there were reports that authorities prevented meetings by NGOs (see Section 4).

The Constitution provides for freedom of association; however, the Government limited this right in practice. Private organizations were required to register, and in practice, the Government generally granted licenses without undue delay; however, there were some exceptions. During the year, the Government instituted a new policy for registration, requiring organizations to obtain letters of support from every local official in areas in which the organizations intended to work. This essentially made registration extremely difficult for some types of organizations, particularly human rights organizations.

During the year, the Government refused registration to The Community of Indigenous Peoples of Rwanda (CAURWA), a Batwa advocacy organization (see Section 5).

The Constitution provides for a multiparty system of government and for the free operation of political organizations; however, the Government often did not respect these provisions. During the year, the main opposition party, the Democratic Republican Movement, remained inactive as a result of the cabinet's May 2003 recommendation to ban it; although the Supreme Court never acted upon the recommendation, the MDR was dissolved shortly thereafter when all existing political parties were required to reregister under a new political party law. The actions taken by authorities during the 2003 election campaign period created an atmosphere of fear, so many groups simply chose not to meet. Members of political parties other than the ruling RPF reported that, because Rwanda had essentially become a one-party state, there was no sense in meeting.

All political organizations were obliged to join and attend meetings of the Forum for Political Organizations, chaired by the RPF Secretary General. The only new party registered during 2003, the Party for Peace and Concord (PPC), did not join the RPF coalition. Security forces harassed its executive committee members, and several members were forced out of their jobs, including the former Postmaster General, Dr. Christian Marrara.

The Government continued to harass former members of the MDR and other opposition figures.

Unlike in the previous year, there were no reports that the RCD/G (or ex-RCD/G) or Uganda People's Congress forces restricted freedoms of assembly.

c. Freedom of Religion

The Constitution provides for freedom of religion; however, while the Government generally respected this

right in practice, it failed to prevent local authorities from abusing or restricting religious freedoms, particularly those of Jehovah's Witnesses.

There were numerous reports that police beat and detained or arrested members of Jehovah's Witnesses because they refused to participate in nighttime security patrols. Since March, 2009 members of Jehovah's Witnesses were imprisoned or detained on alleged security grounds, 34 of whom faced severe beatings while in detention. Detentions ranged from 1 day to 1 month in length. Jehovah's Witnesses members from 6 of the 12 provinces were arrested on charges of "disobeying government emergency security policy," specifically, refusing to participate in night patrols. In four of the six provinces, local authorities beat the detained Jehovah's Witnesses.

There were also reports during the year that authorities closed a Jehovah's Witnesses Kingdom Hall and dispersed worshippers.

On August 24, police arrested 16 men and 8 women who were participating in a Jehovah's Witness service in Mataba, Umutara Province. They reportedly were imprisoned because they were meeting on a Tuesday rather than a Saturday. The women were released after 2 days, and the men after 3 days.

Unlike in the previous year, there were no reports that authorities detained or harassed Seventh-day Adventists.

Pentecostal Pastor Majyambere remained in detention at year's end on charges of "preaching rebellion."

After 2 years in prison, members of the Mouvement Sacerdotal Marial were released in June. There was no development in the cases of the Pentecostal prayer group arrested in March 2003.

The report by the Commission on Genocide Ideology criticized a number of churches, their activities, and/or their leaders (see Section 4). The report specifically targeted Jehovah's Witnesses, Seventh-day Adventists, a number of Pentecostal churches, and several Catholic priests. For example, the report accused a Catholic priest of promoting genocide ideology because he created an association of micro-credit borrowers, whose members all belonged to the same ethnic group. In addition, churches were criticized for allowing Hutu and Tutsi to sit separately during prayers. The Commission recommended that the Government should intervene in internal church politics to resolve leadership conflicts, that a number of associations should be abolished, and that the Government should counsel churches about which activities were acceptable. It also called on Parliament to adopt a special law to govern the functioning of all churches in the country; however, by year's end, no such law had been adopted.

The law requires that all nonprofit organizations, including churches and religious organizations, register with the Ministry of Justice to acquire the status of "legal entity." At year's end, no application had been denied, and no group's religious activities had been curtailed as a result of difficulties or delays in the registration process.

The law does not require that a person who wants to get married at a ceremony presided over by a government official must put his or her hand on the national flag, but this practice was enforced throughout the country. Jehovah's Witnesses had a very difficult time finding places to marry without this patriotic ceremony, which they objected to on religious grounds. Jehovah's Witnesses claimed that members of their faith have been beaten and imprisoned at the place issuing the marriage certificate, due to their refusal to place their hands on the flag.

According to church officials, in 4 of the country's 12 provinces, 43 children of Jehovah's Witnesses were expelled from secondary schools between April and June for refusing to salute the national flag or to sing the national anthem. Church officials raised the issue with national authorities, but most of the children remained expelled until the end of the school year.

Some religious leaders were perpetrators of violence and discrimination during the year, and several clergy members of various faiths faced charges of genocide in the country's courts and in the ICTR (see Section 4).

For a more detailed discussion, see the 2004 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, the Government at times did not respect them in practice. Citizens had to show identification upon request by security forces. Citizens must obtain a new national identity card when making a permanent move to a new district, and these new cards were issued routinely. In May, government officials forced citizens to return to the districts listed on their identity cards and said those who refused to return would face detention.

There were several reports during the year that government officials delayed passport issuances for, or threatened to confiscate passports of, political dissidents, most notably Dr. Theoneste Niyategeka, who ran against President Kagame in the 2003 presidential elections.

The Constitution prohibits forced exile, and the Government did not use forced exile; however, some individuals secretly left the country to live in self-imposed exile because they believed their lives were in danger. For example, in March, the editor in chief of an independent Kinyarwanda newspaper, Robert Sebunfrira, fled the country after continuous harassment and torture by security forces. In October, several persons implicated in the June parliamentary report on genocide ideology also fled the country, including a Catholic priest and a high school administrator.

Between February and April, government officials from both Rwanda and the DRC were pressuring refugees to return to the DRC, according to DRC refugees in the Gihembe and Kiziba camps, in Rwanda's Byumba and Kibuye provinces (respectively). Government officials reportedly entered the camps in plain clothes, posing as refugees, and conducted unsanctioned meetings designed to encourage the refugees to return to the DRC. In one case, these officials allegedly pressured the refugees to sign a letter requesting their immediate repatriation.

By year's end, more than 50,000 Rwandan refugees remained outside the country; however, approximately 13,000 refugees returned to the country during the year. According to the UNHCR, more than 10,000 citizens freely returned to the country from the DRC, and another 2,500 refugees were voluntarily repatriated from Uganda.

More than 5,000 Hutu former combatants and accompanying family members were repatriated to the country as part of an effort to demobilize, repatriate, and reintegrate Rwandan rebels in the DRC.

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, but the Government has established a system providing protection to refugees. The Constitution recognized the right to asylum "under conditions determined by law"; however, there was no law in place to recognize refugees. In practice, the Government provided some protection against refoulement, the return of persons to a country where they fear persecution, and it granted refugee status and asylum; 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 waiting for formal recognition by the Government. The Government generally cooperated with the U.N. High Commissioner for Refugees (UNHCR), which was responsible for granting refugee status until March. The UNHCR continued to assist refugees and provided temporary protection to approximately 50,900 persons, the vast majority of whom were refugees from the DRC who fled the DRC during the unrest of 1996.

During the first 6 months of the year, when the Government was taking over the responsibility of registering refugees and asylum seekers, there were numerous reports that government officials harassed and imprisoned refugees and asylum seekers. Some refugees reported that during February, they were tortured while in prison and others were intentionally starved. Police and immigration officials in remote locations were either unaware of their new responsibilities to register refugees and asylum seekers, or poorly trained to do the job. By year's end, the reported incidents of harassment were considerably lower. There were numerous reports, including one prepared by an independent panel of experts for the U.N. Security Council, that former RCD/G agents in the DRC entered refugee camps in Rwanda, with the aid of local Rwandan authorities, to recruit young men, including children, to join their militia in the eastern DRC; however, some parents of refugees who left the camps said they sent their children to the DRC for schooling—not for use as soldiers—and the U.N. report, which relied heavily on statements by humanitarian aid workers, did not refute this claim.

During the year, UNHCR supported three monitoring officers who generally found that returning refugees could negotiate agreements with persons living on and using their former property. However, in one case, 200 refugees returning from Uganda chose to return to Uganda after being unsuccessful in reclaiming their land in Umutara Province. Local authorities did not actively prevent them from accessing the land; however, they did not protect refugees' right of return as it applied to property.

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

The Constitution provides for the right of citizens to change their government peacefully; however, despite peaceful presidential and legislative elections during 2003, this right was effectively restricted.

In August 2003, President Paul Kagame won a landslide victory against two independent presidential candidates. International election observers, representing both governments and NGOs, noted that the country's first post-genocide elections, though peaceful, were marred by numerous irregularities, including ballot stuffing, "guarded" polling booths, and irregular ballot counting in at least 2 of the 12 provinces. There also were numerous credible reports that during the presidential and legislative campaign periods in 2003,

Kagame's opponents and their supporters faced widespread harassment and intimidation, including detention, which made it virtually impossible to campaign.

The local level electoral process requires that persons queue behind the candidate of their choice. Since there is no confidentiality in the voting process, there is considerable social pressure to select the RPF candidate. In some districts, this pressure was so great that no one chose to challenge the RPF candidate. International observers also expressed concern that approximately half of the provincial and district officials, elected 2 years ago to 4-year terms, were removed by unilateral state decision.

During the year, several local elections were held to replace officials removed from office for "incompetence" or "corruption"; observers did not consider the election process to be free and fair.

The Constitution, adopted in May 2003, requires that all political parties register with the Government, and all but one of the parties that existed prior to May 2003 successfully re-registered (see Section 2.b.). During the year, no party other than the ruling RPF was active in party building activities such as recruitment and platform development.

The Constitution provides for a bicameral legislature, consisting of an 80-seat Chamber of Deputies and a 26-seat Senate. The term for Deputies was 5 years, while the term for Senators was 8 years, non-renewable.

In the September and October 2003 legislative elections, President Kagame's political party, the RPF, won the majority of the seats in the Chamber of Deputies and Senate. International election observers noted that the elections, though peaceful, were marred by numerous irregularities and widespread intimidation against the opposition.

In addition to the RPF, six other political parties were represented in the Chamber of Deputies and the Senate; however, none were considered to be fully independent of President Kagame and the RPF.

In accordance with the Constitution, all political organizations were required to join the Forum for Political Organizations. In addition, the law regulates the formation, structure, and functioning of political organizations; it also 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 that places tight controls on political organizations. For example, the law states that political organizations have the "moral obligation to condemn any biased ideas and behavior aimed at turning the State into a State governed by a cluster of politicians." The law also outlines the Government's ability to cancel an organization's mandate. Political organizations that participated in Forum meetings during the year reported that they were not allowed to openly discuss their concerns about political space in the country.

Corruption of government officials was a problem. During the year, the ombudsman's office, created in 2003 to combat corruption, reported over 2,000 cases of financial and administrative corruption committed during the year. Most were cases where a government official used his or her power to coerce citizens into action.

In January, two prominent government officials resigned or took a leave of absence before being replaced because of allegations of corruption. Gerald Gahima, former Prosecutor General and Vice President of the Supreme Court, was accused of using his position to secure bank loans. Gahima's brother, Theogene Rudasingwa reportedly took a leave of absence from his position as Advisor to the President after being accused of giving government contracts to his construction company. During the year, security forces intimidated a local hotel into breaking its contract with a private security company, KK Security, and hiring Intersec, a security company owned by an RPF investment group.

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.

The Constitution requires that at least 30 percent of the seats in Parliament be reserved for women; women won approximately 40 percent of the seats during September 2003 legislative elections. At year's end, there were 8 women in the 26-seat Senate and 39 women in the 80-seat Chamber of Deputies. In addition, President Kagame appointed 9 women to ministerial positions, representing 32 percent of the positions in his cabinet.

Although the Constitution stipulated that marginalized groups should be represented in the Senate, the Batwa were not explicitly given such representation.

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

A variety of domestic and international human rights groups operated in the country, investigating and publishing their findings; however, the Government effectively dismantled independent human rights organizations during the year. The Government generally did not provide to human rights organizations, or to other governments, systematic replies or rebuttals to allegations of human rights abuses committed in the country. The Government tended to be suspicious of local and international human rights observers. The majority of the domestic human rights organizations were seen as being only nominally independent of the Government, and none of the domestic organizations had the resources to conduct extensive human rights monitoring. The Government harassed those that attempted to report and act with significant independence.

During the first half of the year, local NGO activities often were limited to receiving and compiling reports from citizens about human rights abuses and conducting selected investigations, primarily because of resources but also because of some self-censorship. Reports were published occasionally; statements criticizing specific incidents were more common.

On June 30, Parliament approved a report by the Commission on Genocide Ideology that described evidence allegedly showing the prevalence of "genocide ideology" in each of the country's 12 provinces. Based on 6 months of investigations, the report dealt with cases of harassment of genocide survivors, the activities of the domestic human rights organization Rwandan League for the Promotion and Defense of Human Rights (LIPRODHOR) and other NGOs, and allegedly corrupt leaders of local government, churches, and grassroots organizations. During the year, the Government used this report to target perceived critics of the Government (see Sections 2.a. and 2.c.). International observers criticized the report for failing to adequately define genocide ideology and failing to protect the principle of presumption of innocence. Simply being accused by the Government of supporting a genocide ideology was enough to damage the ability of the accused organizations from being able to work effectively, even if they were later absolved of guilt.

The report called for the dissolution and prosecution of a number of civil society organizations and their members. After the release of the report, independent human rights organizations were effectively dismantled, and all independent sources of information on the human rights conditions in the country disappeared in the second half of the year. The government particularly targeted LIPRODHOR, calling for its dissolution because it allegedly promoted the idea that the Government protected and promoted only Tutsi interests. Although LIPRODHOR was not dissolved, it was forced to rewrite its mandate, and align itself more closely with Government policy. In June and July, several LIPRODHOR executive board members fled the country.

Other civil society organizations implicated in the report were also forced either to stop their activities or rework their programs to align more closely with government policy. In response to the parliamentary report, a group of progovernment domestic NGOs created an NGO "Platform," or collective, to manage the activities of NGOs. Membership was not voluntary, and the elections for officers were irregular.

There were reports that authorities prevented NGO meetings during the year.

On September 6, despite 3 years of negotiations between the Government and international NGOs on a draft law to manage international NGOs, the Government proposed an entirely new draft law to the international NGOs. The proposed new law did not address many of the compromises made during the previous negotiation and subjected NGOs to stringent government oversight. No compromise had been reached between the parties by year's end, but the proposal was widely seen as an attack on international NGOs.

The Government continued to criticize reports by international observers and human rights NGOs and was hostile towards those whose reporting was perceived by the Government to be biased and inaccurate.

In July, a report issued by a U.N. panel accused the Government of supporting dissidents in the DRC, led by ex-RCD/G commanders such as Colonel Mutebutsi and General Nkunda, who seized the eastern town of Bukavu in June, thereby breaking an arms embargo instituted in 2003 by the U.N. Security Council. In its report, the U.N. Expert Panel on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the DRC concluded that the Government's "ongoing assistance, which includes the supply of arms and ammunition, continues to threaten the stability of the [DRC] transitional government and, if unchecked, could lend itself to a renewed outbreak of hostilities and further jeopardize regional stability." The Government's minister for regional cooperation described the report as a "fabrication lacking credible evidence" and accused it of being biased.

In December, following unconfirmed MONUC reports that RDF forces had entered the DRC, the U.N. Security Council sharply criticized the Rwandan Government and called on it to immediately withdraw troops who may have crossed the border. A U.N. spokesperson said the U.N. had been unable to verify information independently because the region was difficult to access. The Government denied that its troops had entered the DRC.

The ICTR continued to prosecute genocide suspects during the year. Since 1994, the ICTR has delivered verdicts on 23 persons, including 6 during the year. Government authorities sporadically prevented witnesses from attending and giving testimony at the ICTR, which delayed the judicial process. Relations and cooperation between the Government and the ICTR improved following the 2003 appointment of Hassan Bubacar Jallow as the ICTR's Prosecutor. Discussions between the Government and the Tribunal continued on investigating Rwandan Patriotic Army (RPA) crimes, or "revenge killings," committed in 1994.

Six genocide trials were completed by year's end. On January 22, Jean de Dieu Kamuhanda, former Minister of Culture and Education, was sentenced to life imprisonment. On February 25, a lieutenant in the Armed Forces of the Congo (FAR), Sammuel Imanishimuwe, was sentenced to life imprisonment. On the same date, Emmanuel Bagambiki, former prefect of Cyangugu Province, and Andre Ntagerura, former Minister of Transportation, were both provisionally released. On June 17, Sylvestre Gacumbitsi, Mayor of Rusumo Commune in Kibungo Province, was sentenced to 30 years in prison. On July 15, former Minister of Finance Emmanuel Ndindabahizi was sentenced to life imprisonment.

Twenty-five ICTR trials were in progress at year's end, and 11 cases were under appeal. An additional 17 persons remained in detention, awaiting trial at the year's end, while 3 persons accused of genocide awaited transfer to Arusha. Two of the three ICTR investigators arrested in 2001 on genocide charges were in custody awaiting trial at year's end; the remaining investigator had been released from custody but was fired by the ICTR.

In May, the Government publicly criticized efforts by the ICTR to investigate alleged RPA war crimes and said civilian casualties were sometimes an unavoidable consequence of military operations.

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 did 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 and rarely came before the courts. Since the courts were being restructured during the year, no new cases were heard. In recent years, those convicted of rape generally received sentences of from 20 to 30 years of imprisonment.

A Human Rights Watch study, released September 30, addressed justice in cases of sexual violence and highlighted that only a few perpetrators of sexual violence had been prosecuted over the past decade. The report found that weaknesses in statutory law, insufficient protections for victims and witnesses, lack of training for authorities with respect to sexual violence, and poor representation of women among police and judicial authorities have resulted in an inadequacy on the Government's part to ensure legal redress and medical assistance. According to Amnesty International, although an estimated 250,000 to 500,000 women and girls were raped during the Genocide, the survivors still had almost no opportunity for legal recourse; and although some organizations estimate that 75 percent of genocide widows were living with HIV/AIDS, medical care was unavailable to the majority of them.

Prostitution and trafficking were problems (see Section 5, Trafficking).

Women continued to face societal discrimination. Women traditionally performed most of the subsistence farming. Since the 1994 Genocide, which left numerous women as heads of households, women have assumed a larger role in the formal sector, and many have run their own businesses. Nevertheless, women continued to have limited opportunities for education, employment, and promotion. Government efforts to expand opportunities for women included a clause in the Constitution providing that at least 30 percent of the seats in Parliament be reserved for women; women won approximately 40 percent of the seats during September 2003 legislative elections. Other efforts included scholarships for girls in primary and secondary school, loans to rural women, and a Ministry of Gender program to train government officials and NGOs in methods to increase the role of women in the workforce. The Family Code generally improved the legal position of women in matters relating to marriage, divorce, and child custody. 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 to successfully pursue property claims than for men.

The Ministry of Gender and Women in Development was charged with handling problems of particular concern to women, and the Minister was an active advocate of women's rights. A number of women's groups were extremely 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 it attempted to provide education and health care to every child. Children headed at least 65,000 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 12. While primary school fees were officially waived during the year, most parents still had to pay the fees to support basic school operations. School fees routinely were waived for orphans. Public schools lacked essential and basic supplies and could not accommodate all children of primary school age. A UNICEF study reported that 400,000 school-age children were unable to go to school in 1999. Private schools often were too distant or too expensive to serve as an alternative for many children. Examination decided entry to secondary school. According to a UNICEF report published during the year, 67 percent of primary school-age boys and girls were enrolled in school. Of the children who entered the first grade, 78 percent reached the fifth grade. Approximately 74 percent of men were literate, compared with 60 percent of women.

Child prostitution was a problem (see Section 5, Trafficking).

During the year, there were reports that former RCD/G forces in the DRC recruited, sometimes forcibly, children from refugee camps within Rwanda with the aid of local Rwandan officials (see Section 2.d.). The Coalition to Stop the Use of Child Soldiers reported that armed groups in the DRC continued to use approximately 2,000 Rwandan children as soldiers in Ituri district of the DRC. The Government denied that any such recruitment activities occurred in the country and that Rwandan children were being used as child soldiers in the DRC.

The Government's program of demobilization and reintegration continued during the year, with a number of child soldiers from the DRC participating in the program. In January, the Government opened a demobilization center dedicated specifically to children. The Government participated in an International Labor Organization (ILO)-International Program for Elimination of Child Labor (IPEC) program to prevent the involvement of children in armed conflicts and support the rehabilitation of former child soldiers. There were credible reports that, in some regions, children were recruited to work for the LDF; however, these were isolated cases.

Child labor was prevalent (see Section 6.d.).

There were approximately 6,000 street children throughout the country. Local authorities rounded up street children and placed them in foster homes or government-run facilities. The Gitagata Center still housed approximately 400 children, the majority of whom were rounded up in December 2003. The Government supported a "Childcare Institution" in each of the 12 provinces that served as safe houses for street children, providing shelter and basic needs. The Government continued to work with NGOs throughout the year to address the question of street children.

Trafficking in Persons

There was no specific antitrafficking law, but laws against slavery, prostitution by coercion, kidnapping, rape, and defilement were available to prosecute traffickers; however, there were reports of trafficking.

No traffickers have been prosecuted; however, during the year, the Government actively investigated cases of sex crimes, although it did not keep separate trafficking statistics. In 2003, the Government prosecuted 581 persons accused of sexual crimes against children. The Government was making significant efforts to fight trafficking despite severe resources 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 Government worked to open a forensic lab to aid police in building stronger cases against traffickers; by year's end, the administrative offices were functioning. During the year, the Government also monitored immigration and emigration patterns, as well as border areas that were accessible by road.

The country was a source country for small numbers of women and children trafficked for the purposes of sexual exploitation, domestic labor, and soldiering. Small numbers of women were trafficked internally or to Europe for prostitution. A small number of child victims were trafficked to Burundi and the DRC. There were reports that local government officials facilitated the trafficking of children for use as soldiers in the DRC (see Section 5, Children).

Numerous children headed households, and some of these children resorted to prostitution or may have been trafficked into domestic servitude. Child prostitution was a problem. Former adult prostitutes preyed on children from rural areas, recruiting them to work in cities, often under false pretenses. UNICEF estimated that there were 2,140 child prostitutes in the major cities and several thousand street children.

The Government identified the worst forms of child labor, and, in collaboration with UNICEF, identified three NGOs to help children working in these sectors. The Government also sponsored programs specifically designed to alleviate poverty among the poorest families, in which poverty was most often cited as the primary cause of forced child labor. When the Government dismantled prostitution rings, it offered women rehabilitation programs, which included work retraining.

Persons with Disabilities

Although there were no laws restricting persons with disabilities from employment, education, or other state services, in practice, few persons with disabilities had access to education or employment. There was no law mandating access to public facilities.

National/Racial/Ethnic Minorities

Before 1994, an estimated 85 percent of citizens were Hutu, 14 percent were Tutsi, and 1 percent were Batwa (Twa). However, Hutus and Tutsis were not clearly distinct groups since the two have intermarried for generations. The 1994 mass killings and migrations probably affected the ethnic composition of the population, but the extent and nature of the changes remained unknown.

With the removal of ethnic labels from identification cards, the Batwa no longer were officially designated as an ethnic group. During the year, there were approximately 23,000 Batwa in the country, which represented less than 1 percent of the population. The Batwa, survivors of the Twa (Pygmy) tribes of the mountainous forest areas bordering the DRC, existed on the margins of society and continued to be treated as inferior citizens by both the Hutu and Tutsi groups.

The Government refused to register CAURWA, an advocacy group for the Batwa, because its program of advocating on behalf of one ethnic group was perceived as "divisive."

By year's end, no investigation had been made into the case of a Batwa genocide suspect who died in 2002 during detention at Gikongoro prison.

There were seven Batwa organizations focused on the protection of their interests, which included access to land, housing and education, and the eradication of discrimination against them; however, they generally were unable to protect their interests due to government restrictions on using ethnic labels. Because the Government no longer recognized ethnicity, the Batwa were unable to argue that they needed special services. Few Batwa had been educated formally. There was one Batwa on the National Commission for Human Rights, but no explicit Batwa representation in the Senate, despite a constitutional provision that allows the president the right to appoint four members to the Senate "who shall ensure the representation of historically marginalized communities."

Large-scale interethnic violence in the country between Hutus and Tutsis has 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 Hutu-dominated armed forces called the ex-FAR and Interahamwe militia. The Genocide ended later the same year when a predominately Tutsi militia, operating out of Uganda and occupied Rwandan territory, overthrew that government and established the Government of National Unity, which was composed of members of eight political parties and which ruled until the elections in August and September 2003. Since 1994, the Government has called for national reconciliation and committed itself to abolishing policies of the former government that had created and deepened ethnic cleavages. The Constitution provides for the eradication of ethnic, regional, and other divisions and the promotion of national unity. Some organizations and individuals accused 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, the Government continued to deny this charge.

Incitement to Acts of Discrimination

Following the June release of Parliament's genocide ideology report and an October Radio Rwanda broadcast about the same subject, there were reports that local government officials incited Tutsi citizens to make false accusations against or discriminate against Hutus. During the year, one case of discrimination involved a personal conflict between a local Tutsi official and a Hutu school administrator. The local official accused the school administrator of threatening Tutsi students. Although the school administrator was

eventually cleared of the charges, he was forced to leave the district and reported ongoing harassment by government intelligence officers.

Section 6 Worker Rights

a. The Right of Association

The law provides noncivil servants with the right to create professional associations and labor unions, and workers generally exercised this right in practice. The law specifically excludes civil servants from organizing. The labor movement was hampered because of the massive disruptions caused by the 1994 Genocide. Unions continued to regroup and assert themselves during the year; however, the Government and many employers were opposed to the idea of trade unions operating freely.

More than 85 percent of workers were engaged in small-scale subsistence farming. Union membership was voluntary and open to all salaried workers, including public sector employees. Organized labor represented only a small part of the work force. Approximately 7 percent of the work force worked in the formal (wage) sector, and approximately 75 percent of those active in the modern sector were union members.

There were no restrictions on the right of association for noncivil servants, but all unions must register with the Ministry of Labor for official recognition. There were no known cases in which the Government denied recognition. The law prohibits unions from having political affiliations and from publicly expressing their political, philosophical, or trade union opinions, which the Central Union of Rwandan Workers (CESTRAR) has said is tantamount to prohibiting organizing.

The law prohibits antiunion discrimination, but there were neither functioning labor courts nor other formal mechanisms to resolve complaints involving discrimination against unions. Union activists have complained that some employers threatened to fire employees who attempted to join a union. The law requires employers to reinstate workers fired for union activity; however, there were no reports that employers had fired employees for this reason.

b. The Right to Organize and Bargain Collectively

The law provides for the protection of workers from employer interference in their right to organize and administer unions; however, the law does not include agricultural workers in this provision. The law provides for collective bargaining, although only CESTRAR had an established collective bargaining agreement with the Government. In practice, the Government was intimately involved in the collective bargaining process since most union members were in the public sector (see Section 6.e.). There were no export processing zones.

Participation in unauthorized demonstrations could result in employee dismissal, nonpayment of wages, and civil action against the union. Authorization was not required for union meetings.

The law provides for the right to strike, except for public service workers and workers in essential services; however, there were no strikes during the year. The Minister of Labor decides what constitutes an essential service. According to the International Confederation of Free Trade Unions, there is an excessively broad definition of so-called "essential" services in which strikes are prohibited. 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 Public Service and Labor. This process essentially prohibits strikes. There were no demonstrations by union members during the year.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, prisoners were assigned to work details, which generally involved rebuilding houses, clearing land, or other public maintenance duties. Prisoners also may be hired out to perform work at private residences and businesses. It was unclear how much pay the prisoners were given in return for their work.

During the year, there were reports of forced coltan mining by prisoners, as well as other forms of forced labor.

The law does not prohibit specifically forced and compulsory labor by children, and there were reports that former RCD/G forces in the DRC forcibly recruited children from refugee camps within Rwanda with the aid of local Rwandan officials (see Sections 2.d. and 5).

d. Prohibition of Child Labor and Minimum Age for Employment

Except for subsistence agriculture, which occupies approximately 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 or any work deemed hazardous or difficult, as determined by the Minister of Labor; however, child labor was prevalent. Night work is defined by the Labor Code as work between 7 p.m. and 5 a.m.; 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, and 14 years for apprenticeships, provided that the child has completed primary school. According to a 2003 U.N. report, 31 percent of children between the ages of 5 and 14 engaged in child labor, and during the year, children headed many households.

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 the brick-making industry. In addition, child prostitution was a problem, and there were unconfirmed reports that ex-RCD/G combatants forcibly recruited refugee children for use as soldiers in the DRC (see Sections 2.d. and 5). Children received low wages and abuse was common.

The Ministry of Public Service and Labor and the Ministry of Local Government did not enforce child labor laws effectively. There continued to be a lack of labor inspectors and labor courts to prevent child labor.

During the year, the Government took some steps to prevent and reduce the use of child labor. In July, the Ministry of Labor conducted training for the country's 12 labor inspectors; 1 day was devoted to child labor. Throughout the year, the Government conducted a widespread education campaign on child labor that included radio and television programs. In addition, the Government continued to support 12 child labor inspector offices, 1 for each of the country's provinces; 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 and Labor set minimum wages in the small formal sector. The Government, the main employer, effectively set most other wage rates as well. There is no single minimum wage; minimum wages varied according to the nature of the job. The minimum wages paid did not provide a decent standard of living for a worker and family, and in practice, workers accepted less than the minimum wage. Often families supplemented their incomes by working in small business or subsistence agriculture.

Officially, government offices and private sector entities had a 40-hour workweek; the maximum workweek was 45 hours. The Government mandated that the workday begin at 7 a.m. and end at 3:30 p.m., with a 30-minute break for lunch. There was 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 do not have the right to remove themselves from dangerous work situations without jeopardizing their jobs.