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RWANDA

The largely Tutsi Rwandan Patriotic Front (RPF), which took power following the civil war and genocide of 1994, is the principal political force and controls the Government of National Unity headed by President Pasteur Bizimungu and Vice President and Minister of Defense General Paul Kagame. Prime Minister Pierre Rwigema runs the Government on a daily basis and is responsible for relations with the National Assembly. Political party activity was suspended by agreement among the parties for the duration of the transition period, originally scheduled to end in July. However, in June the Government announced the extension of the transition period for another 4 years. In March local elections occurred for the first time in 10 years. The judiciary is subject to executive influence and suffers from a lack of resources, inefficiency, and some corruption.

The Minister of Defense is responsible for external security and military defense; the Minister of Internal Affairs is responsible for civilian security matters as well as supervision of the prisons and the soon-to-be-created national police. The security apparatus consists of the Rwandan Patriotic Army (RPA) and the Gendarmerie, which is made up largely of RPA soldiers. Civilian police and armed civilian local defense units with limited arrest powers work throughout the country. The formerly problematic security situation in the northwest, which had improved significantly in late 1988, remained generally calm. Members of the security forces committed serious human rights abuses, although the total declined from the previous year.

Rwanda is a very poor country, and 70 percent of the population live in poverty. The 1994 genocide destroyed the country's social fabric, human resource base, institutional capacity, and economic and social infrastructure. Per capita annual income is \$240, with an estimated 88.5 percent of citizens living on less than \$2 per day and 45 percent on less than \$1 per day. Subsistence agriculture occupies more than 90 percent of the labor force. The principal exports are coffee and tea. Small-scale commercial activities are increasing, but the industrial and tourism base remains limited.

The Government's human rights record remained poor, and the Government continued to be responsible for numerous, serious abuses. Citizens do not have the right to change their government. The security forces committed many fewer extrajudicial killings within the country than in 1998; however, there were many reports, some of which were credible, that Rwandan army units operating in the Democratic Republic of the Congo (DROC) committed deliberate extrajudicial killings and other serious abuses. There were allegations of a small number of disappearances. Security forces beat suspects. Prison conditions remained harsh and life threatening and, according to the International Committee of the Red Cross (ICRC), 1,148 prisoners died in custody from curable illnesses (malaria, dysentery, etc.). Most of the 130,000 prisoners housed in jails and local prisons are accused of participating in the 1994 genocide. Security forces used arbitrary arrest and detention, and prolonged pretrial detention was a problem. The judiciary is subject to executive influence on occasion and does not always ensure due process and expeditious trials. Genocide trials continued at a slow pace, but the Government's emphasis on group trials resulted in more suspects being tried than in the previous two years. The Government released 6,748 detainees whose files were incomplete, who were acquitted, or who were ill or elderly. The Government restricted freedom of speech, press, assembly, association, and movement. An average of 500 refugees per week returned to Rwanda from the DROC. Government security forces generally did not harass them. The Government was hostile toward some nongovernmental human rights organizations (NGO's). In January a law established the National Human Rights Commission. Violence

and discrimination against women are problems. Discrimination based on ethnic status persists, as does child labor.

Insurgents committed several killings.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

The RPA committed significantly fewer extrajudicial killings inside the country than in 1998, due to its success in largely suppressing the insurgency in the northwest, as it pushed Hutu rebels including the former Rwandan armed forces (ex-FAR) and the Interahamwe militia inside the territory of the DROC.

In Mushubati commune, Gitarama prefecture on January 21, the RPA flushed five infiltrators with three firearms out of the woods. Two of the infiltrators were shot and killed, two were captured, and one escaped. On February 17, the RPA killed four insurgents in Ruhengeri. The body of one was put on display at the Nyarutovu internally displaced persons (IDP) camp for several hours, and the camp population was lined up to view the body. In Gisenyi prefecture on August 28, members of a local defense unit (LDU) shot and killed a woman inside the Nkamira transit camp at night. Apparently the woman was mentally unbalanced and was acting strangely when LDU members challenged her.

The improvement in the security situation in the northwest led to a corresponding decline in alleged reprisals by the RPA. However, a human rights group reported that 49 persons, mostly women and children, were killed by the army on May 4 and 5, after fleeing into Volcanoes National Park.

Harsh prison conditions contributed to the deaths of 1,148 inmates during the year. Some deaths in custody were due to mistreatment or abuse by corrupt prison officials (see Section l.c.).

Since the start of the current war in the DROC in August 1998, RPA troops have participated on the side of the Congolese rebel movement Rassemblement Congolais pour la Democratie (RCD) against the DROC Government. There have been many reports, some of which were credible, that RPA soldiers massacred civilians in the DROC. The Government denied these claims. It declared a unilateral cease-fire in the DROC in May. However, RPA soldiers repeatedly participated in battles after the declaration. It is unknown who initiated the hostilities.

There was widespread reporting throughout the year of killings and other human rights abuses by both pro- and anti-government forces, including the RPA, in the conflict in the DROC. Verification of these reports was extremely difficult, particularly those emanating from remote areas and those affected by active combat, primarily in eastern Congo. Independent observers often found access difficult due to hazardous security conditions as well as frequent impediments imposed by authorities. Both pro- and anti-government forces extensively used propaganda disseminated via local media, including charges leveled against imposing forces, further complicating efforts to obtain accurate information regarding such events.

In early January, there were detailed credible reports that RCD and Rwandan forces massacred a large number of civilians in Makabola in the eastern DROC between December 31, 1998, and January 1. The RCD stated that it had ordered an investigation into these allegations. No results of the RCD's investigation were made public during the year, except for RCD claims that some of the supposed victims had fled into the bush and later returned to Makabola. A Catholic missionary news agency reported that on

November 22, Rwandan and RCD troops shot and killed an abbot and other persons attending a Catholic mass. There were other reports of extrajudicial killings committed either by elements of the RCD, which the RPA materially supported and in some respects often directed, or in which direct involvement by RPA soldiers was not clear to persons who found it difficult to distinguish between RCD and RPA forces. Some of these reports of RPA killings surfaced in Kinshasa media directly or indirectly controlled by the DROC Government; however, other such reports emerged through international religious or humanitarian organizations and were based on the accounts of multiple witnesses or photographic or other evidence. The reported extrajudicial killings of civilians by RCD and Rwandan forces in the DROC often reportedly were committed in reprisal for guerrilla attacks on RCD or Rwandan forces.

Lightly armed civilian local defense units were formed, but these units are not a professional security force. An NGO attributed 10 to 12 deaths to members of LDU's. Most appear to have been the result of personal quarrels.

During the year there were no substantive new developments regarding reports of mass killings of Hutus inside the DROC in 1997 by forces allegedly including both RPA and RCD elements.

In April in Ruhengeri prefecture men wielding traditional weapons killed at least five persons, including a newly elected sector official and three officials elected to the development committees in their townships.

In February in Ndusu commune, Ruhengeri, insurgents killed four villagers. In late July, suspected Interahamwe killed a family of four with machetes in their home (between Ruhengeri and Gisenyi). It is believed that the family was killed because they could implicate Interahamwe members in involvement in the 1994 genocide.

In March DROC-based Rwandan Hutu Interahamwe rebels killed 12 tourists and rangers in an Ugandan park. Ethnic Hutu rebels were said to be responsible for the killings of 30 ethnic Tutsis in a December 23 attack on Tamira village, Gisenyi prefecture.

The National Demining Office (NDO), an independent unit of the RPA, reported that between April and September, two persons were injured seriously in Mutura commune from land mine explosions and another seriously injured in Gaseke commune also in Gisenyi prefecture. One young child was killed by a land mine in Cyangugu on September 21. These mines were believed to be left over from the 1990-94 conflict between the former government and the RPA.

On April 14, Roman Catholic Bishop Augustin Misago was arrested on charges of genocide, a week after President Bizimungu, with Misago in the audience, accused Misago publicly at a memorial service marking the fifth anniversary of the genocide. Misago was the Bishop of Gikongoro. He is charged with planning the genocide, failure to provide assistance to persons in danger, and incitement to murder. Specific charges include turning over three priests to those who were committing genocide and ignoring the pleas for help of 30 young schoolgirls seeking refuge in the church. The girls later were killed. Misago is the highest-ranking Catholic clergyman and the first bishop to be charged with genocide. After a number of delays, his trial finally began in Kigali on September 14. More than 20 other Catholic priests and nuns face similar accusations and awaited trial at year's end.

Courts continued adjudicating cases arising from the 1994 genocide (see Section 1.c.). In April a court cleared former local official Ignace Banyaga of taking part in the genocide. On April 29, a Swiss military tribunal sentenced Fulgence Niyonteze, a former bourgmestre in Gitarama prefecture, to life imprisonment for murder, incitement to murder, and war crimes committed during the 1994 genocide. The five judges of the tribunal found him guilty of inciting citizens at a meeting to kill Tutsis, ordering the murder of two others in a nearby bishop's residence, and kidnapping Tutsi refugees to

have them killed.

In June Major Anne Marie Nyirahakizimana became the first female former FAR officer to receive the death penalty. In a military court in Gitarama presided over by Lt. Col. Jackson Rwahama, Nyirahakizimana and civilian Pastor Athanase Nginshuti were found guilty of genocide and other crimes against humanity committed in Kigali urban prefecture and Gitarama prefecture in 1994. The defendants, along with the Government and the Free Methodist Church, were ordered to pay compensation of more than \$31.4 million (11 billion Rwandan francs).

In June former Radio Milles Collines broadcaster Valerie Bemeriki was arrested on charges of genocide and crimes against humanity. She allegedly incited persons to kill with her inflammatory radio broadcasts. In July a court in Kibuye sentenced 9 persons to death and 16 to life imprisonment on genocide-related charges.

The International Criminal Tribunal for Rwanda (ICTR), established in Arusha, Tanzania, to try organizers of the 1994 genocide, increased the pace of its work during the year. Six new judges were sworn in and construction of the third trial chamber was completed in February. Mali and Benin signed agreements with the ICTR to accept in their countries prisoners convicted by the ICTR. Former Information Minister Eliezer Niyitegeka and former Health Minister Casimir Bizimungu were arrested in Nairobi and sent to Arusha in February on ICTR warrants; their trials were pending at year's end. In April three other former ministers were arrested in Cameroon on ICTR warrants. Following a guilty plea, Omar Serushago was sentenced to 15 years' imprisonment on February 5 for genocide and crimes against humanity in the killing of 37 persons. Former Mayor Ignace Bagilishema surrendered in South Africa in February and was sent to Arusha, where his trial began in September on seven counts of genocide. The ICTR found former prefect of Kibuye Clement Kayishema guilty on four counts of genocide and sentenced him to life imprisonment in May. Also in May, businessman Obed Ruzindana was found guilty on one count of genocide and sentenced to 25 years in prison. Some citizens were displeased by the "lenient" sentences. In August the prosecution added rape charges to the indictment of Former Minister of Family and Women's Affairs, Pauline Nyiramasuhuko, for crimes committed by her subordinates. Nyiramasuhuko in 1997 became the first woman to be indicted by an international court for genocide. Hutu militia leader Georges Rutaganda was convicted of genocide in December and sentenced to life in prison. The trial of Alfred Musema was completed, but no judgment was issued by year's end. Elizaphan Ntakirutimana, a preacher indicted by the ICTR for allegedly inciting the massacre of hundreds of Tutsi seeking refuge in his church, fled the country, and the ICTR is pursuing efforts to bring him to trial.

Tribunal officers arrested a number of former ministers wanted for their role in the genocide, all of whom have been transferred to the detention center in Arusha to await trials.

Former chairman of the Mouvement Democratique Republican (MDR) political party Bonaventure Ubalijoro was arrested in March for presumed involvement in massacres of Tutsis in the 1960's.

b. Disappearance

Returning refugees from northeast DROC were taken in government buses to a transit center in the disused Technical and Agricultural School (ETAG), after it reopened as a school, to the Nkamira transit center, both in Gisenyi. Based on interviews with returnees, one domestic human rights group reported that between January and June several returnees who went to the ETAG center failed to arrive at their communes. It is unclear why they failed to arrive, or if they settled elsewhere in the country.

There were reports that persons arrested and detained in areas of the DROC controlled by antigovernment forces were transferred to Rwanda and remained unaccounted for at year's

end.

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

The fundamental law prohibits torture; however, an NGO credibly reports that beatings at the time of arrest are common, and some released detainees reported that they had been tortured. An August 18 report from local and international media claimed that the police beat and arrested six university students who, along with other students, were marching to the Prime Minister's office. The students were Anglophone Tutsis protesting French-language instruction in schools and universities.

One domestic human rights group made credible claims that "scores" of detainees interviewed for one of its reports showed wounds of mistreatment.

In May 178 RPA soldiers, including 12 officers, were dismissed from the RPA for chronic indiscipline and criminal offenses.

Former government Minister Pauline Nyiramesuhuko, who already was charged with genocide in 1997, was charged in August with rape for crimes committed by her subordinates (see Section 1.a.).

Prison conditions are harsh and life threatening. The ICRC has registered about 124,000 prisoners. However, the Ministry of Justice, routinely refers to the prison population as 130,000. The prison population has remained stable since early 1998. The ICRC registered 4,888 new detainees and stated that 6,748 were released. The ICRC feeds inmates in the 19 main prisons and also provides additional expertise and logistical and material support to improve conditions for inmates. Overcrowding is a chronic problem, and sanitary conditions are extremely poor. There were some reports that prison conditions were beginning to improve with the transfer of prison administration to the Ministry of Internal Affairs. The Government does not provide adequate food or medical treatment. Harsh prison conditions and malnutrition contributed to the deaths of numerous inmates. Some deaths in custody were due to mistreatment or abuse by corrupt officials. Most of the 1,148 deaths were the result of curable diseases, suspected AIDS, or the cumulative effects of severe overcrowding. The Ministry of Internal Affairs launched a vigorous anticorruption campaign. The Ministry dismissed no fewer than 9 of the country's 19 prison directors, who subsequently were jailed on corruption charges. Hundreds of children are incarcerated with adults throughout the prison system (see Section 5).

The ICRC, human rights organizations, diplomats, and journalists have regular access to the prisons. The ICRC extended its visits to communal jails in areas of the country that previously had been insecure and to some gendarmerie-supervised jails that its delegates had not been permitted to enter for several months.

d. Arbitrary Arrest, Detention, or Exile

The Fundamental Law provides legal safeguards against arbitrary arrest and detention; however, authorities rarely observed them in practice. The justice system collapsed during the war and genocide of 1994. With help from the international community it is being rebuilt slowly and is beginning to function more normally. The Government does not have the capacity to ensure that provisions in the Constitution are enforced or that due process protections are observed.

In general the law requires that authorities investigate, then obtain a judicial warrant before arresting a suspect. The police may detain persons for up to 48 hours without a warrant; formal charges must be brought within 5 days of arrest. These provisions are widely disregarded. The law permits preventive 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.

Over 90 percent of the 130,000 individuals presently incarcerated are awaiting trial on genocide charges. Some have been in jail since 1994. The Government does not have the capacity to process cases within a reasonable time frame. In March 1997, the Government, with extensive assistance from donors, established mobile groups whose mandate is to establish or complete files, which indicate the basis for charges, for all prisoners. While these groups have handled over 60,000 cases, approximately 40,000 prisoners remain without files. In December the National Assembly amended the law to permit the continued detention of genocide suspects through mid-2001.

In April in Kibuye prefecture, judicial officials delayed the release of 1,000 genocide suspects who have no case files due to fear that the community had not been sensitized sufficiently to receive the suspects peacefully. However, the Government continued to release prisoners who were elderly, ill, or had no file. Many of the 6,748 detainees released were those without case files. Rearrests because of community criticism were rare. This change was attributed to improved enforcement by the Ministry of Justice of the laws governing arrest and to recognition of the fact that the existing prison caseload is already more than the system can handle.

An international human rights organization reported in detail an alleged incident in September in which some RPA members in the northwest of the country detained several civilians suspected of theft, and beat them so severely over a period of several days that one later died. International human rights organizations have received credible reports of military detention facilities to which they have no access and in which civilians are sometimes detained.

Exile is not practiced.

e. Denial of fair public trial

The Fundamental Law provides for an independent judiciary; however, the Government did not respect this provision fully. The judiciary is subject on occasion to executive influence and suffers from inefficiency, a lack of resources, and some corruption. There were occasional reports of corruption, mostly of bribery of officials, ranging from clerks to judges. In October a 12-member commission charged with fighting corruption in the judiciary held its first meeting. It is chaired by the Minister of Justice and charged with investigating all activities involving corruption and educating citizens on methods that can be used to fight corruption.

The Fundamental Law provides for a system of communal courts, appeals courts, and a Supreme Court of six justices. The President nominates two candidates for each Supreme Court seat, and the National Assembly may choose one or reject both (the latter is not known to have ever happened). In June, after a third Supreme Court justice left his post, the President requested and received the resignations of the remaining three justices. A new Supreme Court was sworn in in July.

The law provides for public trials with the right to a defense, but not at public expense. The shortage of lawyers and the abject poverty of most defendants make it difficult for many defendants to obtain representation. International NGO's such as Avocats Sans Frontiers (ASF or Lawyers Without Borders) provide defense and counsel to many of those in need, but it is estimated that less than 50 percent of prisoners have defense counsel. The Government does not have sufficient prosecutors, judges, or courtrooms to hold trials within a reasonable time.

The judiciary is focused on resolving the enormous genocide caseload of some 130,000 prisoners. The Government increased its use of group trials as one method of reducing the caseload. It also embarked on a nationwide campaign to explain "gacaca" (a form of traditional participatory justice modernized to try genocide suspects) ahead of its expected

implementation. According to a draft bill, lawyers are not to be permitted to participate officially, and gacaca "judges" are to be elected by their communities.

Verified figures for the number of genocide suspects tried were not available, though a Ministry of Justice official noted that the number was greater than the total tried during the previous two years. A U.N. Children's Fund/Ministry of Justice report states that between January and June, 86 genocide trials were held and 634 prisoners were judged. Of these, 64 received the death penalty; 191 were sentenced to life in prison; 225 received various prison terms; 24 received other penalties; and 130 were acquitted. The vast majority of trials met international standards. The human rights organization Liprodhor also actively monitors trials and interviews released prisoners. No public executions occurred.

In 1996 the National Assembly passed the Organic Genocide Law, a portion of which is designed to encourage confessions in exchange for reduced sentences for the vast majority of those involved in the genocide. With assistance from donors and NGO's advertising widely the confession provisions, to date, over 15,000 prisoners have confessed. However, only a small number of confessions have been processed due to the lengthy administrative review and hearing and the lack of officials to process the confessions through the system.

There were no reports of political prisoners. f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such practices, and authorities generally respected these prohibitions. Forced conscription has been practiced by the RPA, particularly after the RPA entered the conflict in the DROC. Citizens who served in the military may be recalled to compulsory duty at any time.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Fundamental Law provides for freedom of the press; however, the Government restricted this right in practice. The Government intimidated journalists whose reporting was contrary to official views. Most journalists practice self-censorship due to fear of government reprisals. On February 26, John Mugabi, editor of the monthly newspaper Newline, was jailed on a complaint of libel filed by Lt. Col. Frank Rusagara, Secretary General of the Ministry of Defense, after Mugabi refused to reveal the source(s) for an article that alleged that Rusagara took a bribe on a helicopter deal. Mugabi was released provisionally on May 21 with several conditions placed on his freedom of movement and travel. A second journalist, Amiel Nkulizi, was released in August after more than 2 years in prison without a hearing.

On September 8, Helena Nyirabikali, a female journalist who worked for the state-owned weekly newspaper Imvaho for over 15 years, was arrested on genocide charges. The Government accused her of writing articles that incited ethnic hatred. The human rights organization African Rights mentioned her in a report as being one of the Rwandan women who played a big role in the genocide. Nyirabikali joined several other journalists in prison on genocide charges.

The Government continued to fail to act on the Rwandan Journalist Association's request for a license. Without a license, the Association legally may not act on behalf of its members or apply for assistance from NGO's or other donors.

Media sources are limited. There are several privately owned newspapers, which publish weekly in English, French, or Kinyarwanda. There is no daily newspaper. The Government owns the only national radio station and the only television station, which has 5 hours of programming per day. The British Broadcasting Corporation broadcasts on FM from Kigali in several languages. In November the German broadcasting service

Deutsche Welle signed an agreement with the Government to open an FM station in Kigali.

The Government is the sole Internet service provider.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The fundamental law provides for freedom of peaceful assembly; however, the authorities restrict this right in practice. They legally may require advance notice for outdoor rallies, demonstrations, and meetings.

The Constitution provides for freedom of association; however, the Government restricts this right in practice. Private organizations are required to register but, with few exceptions (see Section 2.a.), the Government generally grants licenses without undue delay.

The National Revolutionary Movement for Democracy and Development (MRND), and the Coalition for Defense of the Republic (CDR), both implicated in planning and executing the 1994 genocide, were banned by law.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice. There is no state religion. On February 12, the Security Council of Kigali city, in cooperation with representatives of churches and religious groups currently operating, decided that no religious group would be allowed to function unless it was registered with the Government. The sub-prefect and the chief of urban and security services decided to meet three times a year to evaluate and combat those who involve themselves in religious groups with intentions other than prayer. In March communities elected several members of the religious group "temperance" to local committees. When some persons refused to take the oath of office because their religion forbids swearing, government officials barred them from office, and the communities elected replacements. In Kibuye prefecture in October, 40 persons were briefly arrested for refusing to serve on night patrols on religious grounds.

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

The Constitution provides for these rights; however, the Government restricted them in practice. Citizens must show identification when requested. In mid-June security forces rounded up some 400 to 500 "suspicious persons" in a Kigali neighborhood. Those with proper identification and foreigners in legal status were released. The police sent some 110 persons from other parts of the country back to their home communes.

Over 600,000 persons were displaced in the northwest in late 1998 and moved into camps as a result of insurgent activities and government military operations to halt them. During late 1998 and the first half of 1999, the displaced persons were moved into 183 villages under the Government's policy of villagization. Although the Government claimed that the move to villages was voluntary, observers believe that many persons were compelled to move.

The Government cooperates with the office of the U.N. High Commissioner for Refugees and provided first asylum to a number of refugees. The vast majority were Congolese refugees who fled their country during unrest in 1996. Several hundred Burundians still are awaiting compensation for their property seized in 1997 when the Government revoked their refugee status, granted in the 1970's.

There were reports in March that the RCD would expel Rwandans from the Masisi and Rutshuru regions in the DROC, on accusation that they were causing insecurity there. No mass expulsion occurred. After a rate of return of over 3,000 per month through May, the weekly rate of return of Rwandan refugees from northeast DROC fluctuated between 200 and 760. It is likely that the RPA and RCD put pressure on some of the refugees to return to Rwanda; however, returnees interviewed by the UNHCR said that their return was voluntary.

There were no reports of the forced return of persons to a country where they feared persecution.

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

Citizens do not have the right to change their government by democratic means. The Rwandan Patriotic Front (RPF) is the dominant political force in the country. Following the genocide of 1994, political parties agreed to form a government of national unity based on the 1992-93 Arusha Accords. This agreement laid the basis for the apportionment of ministries and other offices. The RPF brought representatives of four other opposition parties into the Government after its military victory in 1994, but none of the officials was elected. Political parties also agreed to suspend political activities for a period of 5 years, by which time the transition to elected government was to have been complete. This 5-year period was to end in July; however, the Government announced in June the extension of the transition period by 4 years. The announcement did not mention political party activities; the parties continue to observe the suspension. A National Assembly is functioning, with nine political entities represented, including the RPA. Assembly members, known as deputies, were chosen by the political bureaus or executive committees of their respective parties. Between March and May, the "political forum", composed of party officials (many of them members of the Government) expelled and replaced 21 of the 70 deputies from several parties, the first time the political forum took such action.

The central Government appoints officials at the commune and prefecture levels. From March 29 to 31, the Government held elections for local development committees at the cell level (the smallest geographic jurisdiction) and sectors (the next-largest jurisdiction). The committees are to propose, select, and implement development projects financed by the limited resources available to them. Prior campaigning was prohibited. On election day, residents of each of the nearly 9,000 cells met and nominated fellow cell residents as candidates. Voters (residents age 18 and over) voted by lining up behind the candidate of their choice for 8 of the 10 seats on the committee. Elections at the sector level were indirect; the persons elected at the cell level became the voting pool and elected 8 of the 10 members of their sector committee from among their own number. The other two seats on each cell and sector committee went automatically to the cell or sector presidents of the separately elected women's and youths' committees. Political parties did not participate in this election.

No legal restrictions hinder the participation of women in political life; however, women remain underrepresented in politics and in the Government, including the Cabinet, the National Assembly, and the local committees elected in March. There are 15 female assembly members and 2 female cabinet members. The Batwa ethnic group also is largely underrepresented. Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic human rights groups operate without government restriction, investigating and publishing their findings on human rights violations. However, none has the resources to conduct extensive human rights monitoring. Local NGO activities often are limited to receiving and compiling reports from citizens about human rights abuses and conducting selective investigations. Reports are published occasionally; statements criticizing specific incidents are more common. Only one or two local human rights

NGO's are viewed as strictly impartial.

The Government was cooperative and responsive to the reports of some international human rights NGO's. It was hostile towards others whose reporting was perceived as biased and inaccurate.

The ICRC operates normally and is active in visiting prisons.

In January the National Assembly passed a law establishing the National Human Rights Commission and selected the members in May. The Commission obtained training for its members and hosted several human rights seminars.

Cooperation between the government and the International Criminal Tribunal for Rwanda generally improved. In October the Government named Martin Ngoga, chief prosecutor in Butare prefecture, as the Government's representative to the ICTR. The Government chided the Tribunal for its slow pace but welcomed the completion of the third trial chambers and expressed interest in holding one of the genocide trials in Rwanda. Protection mechanisms for witnesses in Rwanda continued to be the subject of discussion between the ICTR and the Government. After years of operating without a framework agreement, an agreement was signed on June 3, spelling out some aspects of protection measures, but concentrating largely on the ICTR staff's privileges and immunities.

However, the Government expressed disappointment with some of the ICTR'S decisions (see Section I.a.). It strongly criticized the ICTR when it dropped charges and, in March, released Bernard Ntuyahaga, who was accused of murdering the former Prime Minister and 10 Belgian peacekeepers assigned to protect her in 1994. After Ntuyahaga subsequently was arrested again by Tanzanian authorities in March, Rwanda and Belgium both submitted extradition requests. He remained in jail in Tanzania at year's end. In November the Government temporarily suspended cooperation with the ICTR and briefly denied a visa to its chief prosecutor following the appeals judges' ruling that due to lengthy delays and other procedural errors, ICTR detainee Jean-Bosco Barayagwiza must be freed. Barayagwiza is a former leader of the most extreme Hutu party who was charged with multiple counts of genocide and other crimes against humanity in 1996. In December the judges agreed to reconsider their decision on the basis of the chief prosecutor's promise to introduce additional evidence.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides that all citizens are equal before the law, without discrimination on the basis of race, color, origin, ethnicity, clan, sex, opinion, religion, or social standing. However, the Government provides only limited enforcement of these provisions.

Women

Violence against women is common. Wife beating and domestic violence occur frequently. Cases normally are handled within the context of the extended family and rarely come before the courts.

Despite constitutional provisions, women continue to face discrimination. Women traditionally perform most of the subsistence farming and play a limited role in the modern sector. They have limited opportunities for education, employment, and promotion. The 1992 Family Code generally improved the legal position of women in matters relating to marriage, divorce, and child custody but does not meet the constitutional commitment to gender equality. For example, it formally designates men as heads of households. In October the National Assembly passed a law on matrimonial regimes and inheritance that allows women to inherit property from their husbands and fathers and allows couples to choose the type of property rights they wish to adopt (i.e., joint ownership, community property, etc.).

The Ministry of Gender and Women in Development is charged with handling issues of particular concern to women. The Minister is an active advocate for women's rights. Since the 1994 genocide a large number of women's groups has emerged. These organizations are extremely active in promoting women's issues, particularly problems faced by widows, orphaned girls, and households headed by children. Addressing social and cultural barriers to the equality of women is a major focus.

Children

The Government is committed to children's rights and welfare. It attempts to provide education and health care to every child. Over 85 percent of the children who were separated from or lost their parents during the 1994 genocide and the massive repatriation in 1996 have been reunited with family members or placed in foster homes. According to the U.N. Children's Fund (UNICEF), of the 28,946 unaccompanied children once housed in its centers, 24,907 have been reunited with their families or placed in foster homes.

All families must pay school fees to enroll a child. The Government routinely waived fees for orphans. UNICEF estimates that over 60,000 children age 18 or younger head households in the country. The Government worked closely with local and international NGO's to secure assistance for children in such situations. The Government regularly held sessions with local officials to sensitize them to the needs of households headed by children and emphasize the additional responsibility officials bear in connection with this group.

The public schools cannot accommodate all children of primary school age. Private schools are too distant or too expensive to serve as an alternative for many children. Entry to secondary school is by examination. A 1996 sociodemographic survey released in July 1998, conducted by the Government and the U.N. Population Fund, found that 59.6 percent of the population age 6 and over had primary education. Only 3.9 percent had completed secondary school and 0.2 percent had university education. UNICEF estimates that these figures are still accurate. The highest percentage of those with no education is in the 30-and-over age group, indicating a trend toward increased educational levels in recent years.

Although the Penal Code prohibits the imprisonment of children with adults, the ICRC reported that 298 children, most of whom are age 2 or younger, are incarcerated with their mothers. The UNICEF/Ministry of Justice report claims that as of year's end, 3,030 minors were incarcerated on genocide-related charges, but few had been tried for their offenses. The ICRC reported that approximately 570 children who were under age 14 at the time of their arrest are incarcerated on genocide-related charges. Some 25 children under the age of 14 currently are incarcerated. In August 60 children accused of participating in the genocide were released from a child detention center.

In May communal police rounded up street children in Kigali. There were rumors that the children were to be forced to join the RPA and sent to the DROC for battle; however, the children actually were taken to a shelter in Gikongoro.

By mid-April reports estimated that a total of 2,200 street children had been taken to a solidarity camp in Gikongoro where they learned hygiene, civic education, the dangers of narcotics, and methods of protection against sexually transmitted diseases. In April 270 street children of school age were returned to their families after the camp. The families were required to take their children directly to a school. Some 300 others are to receive vocational training. The Kimisagara street children's center in Kigali retains 130 orphans who are to attend primary school while awaiting adoption.

People with Disabilities

Although there are no laws restricting persons with disabilities from employment,

education, or other state services, in practice few disabled persons have access to education or employment. No laws or provisions mandate access to public facilities.

Indigenous People

Less than 1 percent of the population belongs to the Batwa ethnic group. The Batwa, survivors of the Twa (Pygmy) tribes of the mountainous forest areas bordering the Democratic Republic of Congo, exist on the margins of society and continue to be treated as inferior citizens by both the Hutu and Tutsi groups. The Batwa have been unable to protect their interests, which center on access to land and housing. Few Batwa have gained access to the educational system, resulting in their minimal representation in government institutions. There is no reliable information on specific human rights abuses perpetrated against the Batwa population since the 1994 upheaval.

National/Racial/Ethnic Minorities

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

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 a Hutu-dominated government and implemented in large part by Hutu-dominated armed forces (now the ex-FAR) and Interahamwe militia; that genocide ended later the same year when a Tutsi militia operating out of Uganda overthrew that government and established the current Government. The Government has called for national reconciliation and committed itself to abolishing policies of the former government that had created and deepened ethnic cleavages. It eliminated references to ethnic origin from the national identity card. The Government has not addressed statutorily the problem of ethnic quotas in education, training, and government employment, but discrimination against the Tutsi minority effectively ceased with the change of government in 1994. Some Hutus accuse the Government of favoring Tutsis in government employment, admission to professional schooling, recruitment into the army, and other matters. Some organizations also complain that in hiring, the government favors English-speaking Tutsis over French-speaking Tutsis.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right to create professional associations and labor unions, and the Government usually respects this right in practice. In practice the labor movement has been hampered due to the massive disruptions caused by the 1994 genocide. Although preconflict labor law technically remains in effect, the Government is unable to implement its provisions. Unions are only slowly regrouping and asserting themselves.

Union membership is voluntary and open to all salaried workers, including public sector employees. There are no restrictions on the right of association, but all unions must register with the Ministry of Justice for official recognition. There are no known cases in which the Government denied recognition. Unions are prohibited by law from having political affiliations, but in practice this is not always respected. Union activists complain that employers threaten to fire employees who attempt to organize or join unions.

Organized labor represents only a small part of the work force. More than 90 percent of

workers are engaged in small-scale subsistence farming. About 7 percent work in the modern (wage) sector, including both public and private industrial production, and about 75 percent of those active in the modern sector are members of labor unions.

Until 1991 the central union of Rwandan workers (CESTRAR) was the only authorized trade union organization. With the political reforms introduced in the Constitution, the CESTRAR officially became independent of the Government and the later-outlawed MRND political party. Unions outside the CESTRAR have been registered.

The Constitution provides for the right to strike, except for public service workers. Procedures to conduct a legal strike as stipulated in the Labor Code are cumbersome and, according to a CESTRAR officer, never followed. A union's executive committee must approve a strike, and a union must try to resolve its differences first with management according to steps prescribed by the Ministry of Public Service and Labor.

Labor organizations may affiliate with international labor bodies. The CESTRAR is affiliated with the Organization of African Trade Union Unity and the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively

The Constitution provides for collective bargaining, although only the CESTRAR had an established collective bargaining agreement with the Government. In practice since most union members are in the public sector, the Government is involved intimately in the process (see Section 6.e.).

The law prohibits antiunion discrimination, and there were no reports of such discrimination. No formal mechanisms exist to resolve complaints involving discrimination against unions.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced labor, and there were no reports that it occurred in practice, apart from work details composed of prisoners, which are common and generally involved rebuilding houses, clearing land, or other public maintenance duties. Although the law does not specifically prohibit forced and bonded labor by children, such practices are not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment

Except in subsistence agriculture, the law prohibits children under age 18 from working without their parents' or guardians' authorization, and they generally may not work at night. The minimum age for full employment is 18 years, and 14 years for apprenticeships, providing that the child has completed primary school. The Ministry of Public Service and Labor has not enforced child labor laws effectively. The law does not specifically prohibit forced or bonded labor by children; however, such practices are not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work

The Ministry of Public Service and Labor sets minimum wages in the small modern sector. The Government, the main employer, effectively sets most other wage rates as well. There is no single minimum wage; minimum wages vary according to the position. The minimum wages paid are insufficient to provide a decent standard of living for a worker and family. Often families supplement their incomes by work in small business or subsistence agriculture. However, in practice, workers accept less than the minimum

wage.

Officially, government offices have a 40-hour workweek. In 1993 negotiations were held between the unions, the government, and management to reduce the workweek from 45 to 40 hours in the private sector as well. The law controls hours of work and occupational health and safety standards in the modern wage sector, but labor inspectors from the Ministry of Public Service and Labor enforce them only loosely. Workers do not have the right to remove themselves from dangerous work situations without jeopardizing their jobs.

f. Trafficking in Persons

The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked in, to, or from the country.

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