



Rwanda

23/3-04

Country Reports on Human Rights Practices - 2003

Released by the Bureau of Democracy, Human Rights, and Labor
February 25, 2004

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 and ended with elections held during the year. On May 26, a country-wide referendum resulted in the approval of a new constitution, which mandated that presidential and legislative elections be held within 6 months. The Constitution recognizes a multi-party system and nullifies the suspension of political activity, although it provided few protections for parties and their candidates. On August 25, the country held its first multi-candidate national elections since independence; President Paul Kagame, who had held the presidency since the Transitional National Assembly elected him in April 2000, was elected to a 7-year term in largely peaceful but seriously marred elections. In September, 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 was subject to presidential 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 October 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.

Proxy groups reportedly supported by the Government continued to operate in the DRC and committed serious human rights abuses. In addition, multiple credible sources have reported that the RDF still maintain a presence in key areas in the Kivus in the DRC, although there were no reports that these groups committed human rights abuses.

The country was very poor, and 60 percent of the population of 8.2 million lived in poverty. The economy is market-based and primarily driven by the agricultural sector. More than 80 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 \$250, and the country experienced an economic growth rate of 1.3 percent. Small-scale commercial activities increased, but the industrial base remained limited.

The Government's human rights record remained poor, and it continued to commit serious abuses. The right of citizens to change their government was effectively restricted. Members of Local Defense Forces committed unlawful killings. Unlike in the previous year, there were no reports of human rights abuses committed by security forces in the DRC. There were reports that an organized group targeted and killed witnesses to the 1994 genocide in certain provinces. There were reports of politically motivated disappearances. Police often beat suspects. Prison conditions remained life threatening; however, unlike during the previous year, there were no reports that prisoners died of outbreaks of disease and the cumulative effects of severe overcrowding. Arbitrary arrest and detention, particularly of opposition supporters, and

prolonged pretrial detention remained serious problems. 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 limited freedom of association and assembly. In some instances, local government officials restricted the freedom of religion. The Government harassed refugees who refused to leave the country voluntarily. The Government harassed NGOs, particularly during campaign periods. Societal violence and discrimination against women and ethnic minorities, particularly the Batwa, were problems. Child labor and trafficking in persons were problems.

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; however, there were reports of arbitrary killings by members of the Local Defense Forces (LDF).

On March 7, two members of the LDF shot and killed Valens Nzigiyimana, Vice Mayor in Charge of Social Affairs in Gitarama Province. On July 18, a LDF officer killed a man named Saidi in Gisenyi Province. On August 31, Protogene Maniragaba, an LDF officer, killed Isidore Ndaraye in Ruhengeri Province; the LDF officer also injured Straton Mbarushimana. All LDF suspects were subsequently arrested, and remained in prison at year's end.

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

In previous years, RDF troops participated in military operations during the war in the DRC on the side of the Goma-based Congolese Rally for Democracy (RCD/G) rebel movement, against the DRC government. In July 2002, in Pretoria, the Government and the DRC government signed an agreement calling for the DRC to end its support for Rwandan rebels and for the RDF to withdraw from DRC territory. By October 2002, according to the U.N.-South African Third-Party Verification Mechanism, all RDF forces had left the DRC. However, during the year, there were credible reports that the Government continued to provide material support for RCD/G forces and the Union of Congolese Patriots (UPC) forces in the Kivus, while likely maintaining a small RDF presence in the DRC.

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 RCD/G and UPC forces was decreasing. It rejected any responsibility for the numerous serious human rights abuses committed against civilians by RCD/G or UPC soldiers in the DRC.

At year's end, the Government had not opened any new inquiries into the abuses by its troops in previous years in the DRC.

During the year, the Government continued to prosecute members of the military on charges of committing murder, rape, or other offenses in the DRC prior to the October 2002 withdrawal. For example, during the year, a military court tried and sentenced RDF Private Onesphore Mushabizi to 10 years imprisonment for raping a woman in July 2001, between Goma and Masisi, DRC. A military court also tried five RDF sergeants accused of the 1998 murders of a Congolese woman named Jolie and her boyfriend, an RDF Sergeant named Gashuliat, at a Kinshasa military barracks. The court sentenced two RDF sergeants—Alphonse Nkusi and Edouard Sebuho—to death and acquitted three others; Nkusi and Sebuho's appeals were pending at year's end. The Ministry of Defense also has prosecuted members of the security forces alleged to have committed human rights violations during the year in military trials.

Military courts actively prosecute RDF soldiers accused of violating the human rights of citizens. In accordance with the Penal Code, the military courts sentenced Private Jean de Dieu Ntezimana and Private Francis Xavier Mbakeshimana to 5 to 10 years' imprisonment and fined

them approximately \$20 (10,000 Rwandan francs) for beating a man to death on October 14, who had stolen goats. The trial of two other RDF officers—Sergeant Anselme Nyamaswa and Corporal Felicien Karangwa—for the beating death on April 20 of an agronomist, Mr. Nsanzimana, who had attacked another RDF sergeant, was pending at year's end.

Unlike in the previous year, there were no reports that unexploded ordnance from the 1994 civil war caused deaths during the year.

There were no developments in the investigation into the December 2001 shooting death of Gratien Munyarubuga.

According to Ibuka, an organization representing survivors of the 1994 genocide, assailants killed several witnesses to the genocide, reportedly to prevent testimonies and undermine the rural justice system introduced in 2002. For example, in the southwest province of Gikongoro, assailants killed a genocide witness and dismembered him in front of 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. Groups of armed insurgents looted villages and ambushed at least one vehicle on the road, killing civilians and destroying property. Such attacks were rare, and appeared to be aimed at destabilizing the tourism economy of the region.

The 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 March 17, the Government released a report sharply criticizing the Democratic Republican Movement (MDR) party for divisionism. On April 14, the Transitional National Assembly recommended that the party be banned; in May, the cabinet accepted the recommendation, but the Supreme Court never acted upon the recommendation. Instead, the party dissolved when all existing political parties were required to reregister under the new political party law. In April, at least six persons—one of whom was named in the report—disappeared, four of whom were senior members of the government (three were military, one was a member of parliament).

On April 3, Damien Musayidizi, a demobilized ex-Rwandan Armed Forces (FAR) soldier and Personal Secretary to the Minister of Defense, disappeared. Musayidizi had worked for the previous Defense Minister, Brigadier General Emmanuel Habyarimana, who fled the country in March after being named in the Government's report on the MDR.

On April 7, MDR parliamentarian Dr. Leonard Hitimana disappeared in Kigali City. Hitimana was 1 of 48 individuals named in the government report on the MDR. Police announced that his vehicle was found at Kannyogo, Kaniga sector, Byumba province, close to the Uganda border. On April 23, Lieutenant Colonel Augustin Cyiza and Eliezar Runyaruka, a magistrate at Nyamata district court, disappeared in Kigali City on their way from UNILAK University. Their vehicle was found at Bukamba district, Ruhengeri province, bordering Uganda, and neither has been heard from since. The Government claimed that they could have fled the country into Uganda. Police never returned the vehicles they claimed to have found on the border to the families of those who had disappeared.

At year's end, none of these cases had been solved.

Unlike in the previous year, there were no reports that RDF forces seized and transferred prisoners from the DRC to the country.

There were no developments in the case of the missing Banyamulenge soldiers reportedly arrested in April and May 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 Ndosho 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. Unlike in the previous year, there were no reports that RDF troops committed abuses against civilians in the DRC.

On April 1, police arrested RDF Major Félicien Ndirabwire, interim commander of Nyakinama Military School, reportedly in connection with Brigadier General Habyarimana's self-imposed exile on March 30, and detained him at Kami military barracks in Kigali. There were credible reports that Major Ndirabwire was tortured, and his family spent more than 2 months without information about his whereabouts. At year's end, he was still in prison; however, his family was able to visit him.

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

Unexploded ordnance that remained from the 1994 civil war caused no injuries during the year.

During the year, there were numerous, credible reports from local and international human rights groups that RCD/G forces engaged in the beating and torture of civilians in the DRC, particularly in the Kivus. There also were numerous reports that RCD/G and UPC soldiers raped women and girls.

Unlike in the previous year, there were no reports that RDF forces imprisoned persons in metal freight containers.

Prison conditions were harsh and life threatening. The International Committee of the Red Cross (ICRC) has registered approximately 80,000 prisoners detained on genocide or security-related charges and estimated that an additional 8,000 prisoners were detained on charges unrelated to the genocide; however, the Ministry of Justice routinely referred to the prison population as numbering 108,000. While the Government was committed to improving prison conditions, chronic overcrowding remained a major problem. During the year, the Government shut down the *cachots* (local detention centers) in all but two provinces in the country, which were considered to have the worst conditions. The prisoners were transferred to other prisons, which exacerbated prison overcrowding. Also during the year, the Government began work on the construction of a new prison; however, it was not completed by year's end. Sanitary conditions were extremely poor, and despite continuing efforts, the Government did not provide adequate food or medical treatment. The ICRC provided 50 percent of the food in the 18 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; however, unlike in the previous year, prison deaths did not result from the cumulative effects of severe overcrowding. There was an undetermined number of deaths in prison reported during the year.

Women were detained separately from men, and more than 3,700 minors—including those who were minors at the time of the crime—were incarcerated with adults throughout the prison system. Children under 14 were not legally responsible for their acts, and this led to the release of approximately 1,000 children and youths from prison under a presidential decree of January 1. The Government was making efforts to release them; however, an undetermined number of children classified as minors were incarcerated on genocide-related charges at year's end. Although the law prohibits the imprisonment of children with adults, the National Commission for Human Rights (NCHR) reported that at least 15 children and 100 infants were incarcerated with their mothers. 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. Prisoners may also be hired out to perform work at private residences and businesses (see Section 6.c.). 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.

Reports persisted that RCD/G forces used the private residences of rebel military commanders for incarcerations. Reports from former detainees indicated a pattern of beatings, undernourishment, and deliberate killings in these houses.

d. Arbitrary Arrest, Detention, or Exile

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 are a young organization. Prior to 2000, police functions were carried out by the military, intelligence services, and judicial courts. The National Police are headed by the Commissioner General and have 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 lack 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, non-lethal 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 (Local Defense Forces) are lesser-trained and locally staffed "civil disorder" units that fall under the Ministry of the Interior. The LDF perform basic security guard duties throughout the country, and were known to chase illegal street vendors, petty criminals, and prostitutes away from public areas. These units operate throughout the country. While they have no arrest powers, they reportedly acted with impunity.

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 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, police used arbitrary arrest and detention frequently. Authorities detained numerous individuals after they expressed viewpoints unacceptable to the Government, including supporters and campaign workers of presidential opposition candidate Faustin Twagiramungu. Human rights organizations estimated that more than 300 persons were detained during the presidential campaign period in July; almost all were alleged supporters of Twagiramungu. Presidential candidate Dr. Theoneste Niyitegeka was detained daily from July 29 until August 1 after he filed a complaint against the Government for eliminating him from the race. Four members of the executive committee of the ADEP-Mizero party, led by former MDR president Celestin Kabanda, were detained daily from July 29 to August 26. One of those detained, Leonard Kavutse, made a public announcement at National Police headquarters severely criticizing his own party in what was widely believed to be a coerced statement. Kavutse remained in detention at year's end.

Unlike in the previous year, police did not arrest members of NGOs during the year.

Members of religious groups were arrested during the year (see Section 2.c.).

On June 8, Janvier Munyemana was arrested and placed in Kigali central prison. It turned out that he was mistaken for another man, and although the correct man was eventually found and arrested, Mr. Munyemana remained in prison at year's end.

On September 9, police arrested Alvera Mukantabana of Butare Province after her husband accused her of "divisionism." She was held in prison until October 17.

On July 30, the Supreme Court dismissed the second appeal of former President Pasteur

Bizimungu, former transport minister Charles Ntakirutinka, and five other persons believed to be involved with Bizimungu's banned PDR-Ubuyanja party; the seven individuals were arrested in April and May 2002 on charges of "threatening national security by forming a criminal association." The Supreme Court ruled that the appeal had no legal basis and ordered them to remain in detention, pending trial before Kigali's Court of First Instance. At year's end, the seven individuals remained in custody awaiting trial.

At year's end, Pierre Gakwandi, Secretary General of the MDR, remained in prison, awaiting trial on charges of sectarianism, divisionism, and defamation of public personalities on charges related to an interview that appeared in the newspaper *Le Partisan* in 2002.

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 a reintegration program, which lasted from 8 to 12 weeks. These returnees included some children. The children generally were serving as porters for ALIR (now called the Democratic Front for the Liberation of Rwanda, or FDLR); few were serving as combatants for FDLR. Child soldiers were held separately from the adult combatants. Detainees at the demobilization camp at Mutobo frequently received visitors and sometimes were allowed to go home for visits.

An estimated 90 percent of the approximately 88,000 individuals incarcerated were awaiting trial on genocide charges. 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. Some suspects had been in jail since 1994. The Government did not have the capacity to process cases within a reasonable time.

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.

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, former Defense Minister Brigadier General Emmanuel Habyarimana, RPF parliamentarian Colonel Balthazar Ndengeyinka—both of whom were mentioned in the Government's March 17 report sharply criticizing the MDR—and Lieutenant Alphonse Ndayambayage, an aide of Habyarimana's, went into exile.

Theobald Rwaka Gakwaya, a former Interior Minister and founder of the Rwandan League for the Promotion and Defense of Human Rights (LIPRODHOR) remained in self-imposed exile abroad.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, the judiciary was subject to executive influence and also 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 was being rebuilt slowly and was beginning to function more normally. The Government did not have the capacity to ensure that provisions in the Constitution were enforced or that due process protections were observed.

Security forces at times ignored court decisions and refused to release prisoners. There were occasional reports of bribery of officials ranging from clerks to judges. The 12-member Anti-Corruption Commission, which was responsible for exposing numerous cases of corruption, was no longer in operation during the year. The new constitution provided for the creation of an ombudsman, who would be responsible for drafting an anti-corruption law; however, by year's end, such a law had not been drafted. An ombudsman was nominated by the president and approved by the Senate, per the Constitution, in November.

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. At the

year's end, judicial reforms were not implemented, and a system of communal courts, appeals courts, and a Supreme Court of six justices were not operational. The President may nominate two candidates for each of two Supreme Court seats, and the Senate may choose one or reject both; in December, all judges for the Supreme Court were chosen by this process, but the lower courts had yet to be staffed.

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. The shortage of lawyers and the abject poverty of most defendants made it difficult for many defendants to obtain legal representation. 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.

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. 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, or had acted as accomplices with soldiers to commit theft. Military courts tried fewer than 20 civilians during the year.

The judiciary was focused on resolving the enormous genocide caseload of more than 80,000 detainees (see Section 1.d.). The Government continued with 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. Local human rights organizations estimated that less than 10 percent of accused persons undergoing this process during the year were released. Re-arrests because of community criticism were rare but did occur. In January, the Government provisionally released close to 24,000 prisoners accused of genocide. These prisoners had confessed to their crimes, and were either elderly, ill, or had already served the sentence they would have received. Approximately 1,000 of these released prisoners were re-arrested, after having been implicated in additional crimes.

Gacaca courts, a grassroots participatory form of justice, served as the Government's primary judicial process for adjudicating genocide cases. The sixth chamber of the Supreme Court oversaw the implementation of Gacaca until May, when the new Constitution required the creation of a special commission to oversee Gacaca courts. By year's end, the law governing this new commission had not passed the legislature. The Gacaca law provides for reduced sentences for cooperation and credit for time served; lawyers were not permitted to participate officially in Gacaca. In June, the Government changed the procedure for observing Gacaca trials, making it difficult for human rights groups to monitor the trials. As a result, some groups stopped their observation activities altogether. In June, the Government suspended all Gacaca trials until after the end of the campaign period. Activities resumed in most Gacaca districts in October.

In addition to Gacaca courts, genocide-related cases were tried in the ICTR and by the Government in local courts (see Section 4). By year's end, local courts had judged approximately 7,800 persons on genocide-related charges, most following group trials. Of the 557 cases judged by local courts during the year, 18 resulted in death sentences, 54 in life imprisonment, 360 in sentences less than life, 106 in acquittals, and 19 in dismissals due to death or a lack of evidence. The vast majority of trials met international standards. The domestic human rights NGO LIPRODHOR actively monitored trials and interviewed released prisoners. No executions have been carried out since 1998.

In August, the Court of First Instance in Butare Province convicted 100 persons of committing crimes against humanity, including rape, torture, and murder, in connection with the 1994 genocide; 11 were sentenced to death, and 71 to life in prison. The other 18 were convicted of terms from 25 years to life, and 39 persons were acquitted during that trial. This was the largest mass trial in the country.

In December, a court found 18 persons guilty of genocide crimes committed in the country in 1994 and sentenced them to serve various terms in prison. They were convicted for having

taken part in the killing of an estimated 20,000 civilians at the Nyarubuye Roman Catholic Church in the province of Kibungo. The leader of the group, Gitera Rwamuhizi, was sentenced to 25 years in prison. The rest received terms from 7 to 16 years.

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. As a result of efforts by the Government, international donors, and NGOs to widely advertise the confession provisions, 63,000 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.

There were numerous reports of political detainees (see Sections 2.b. and 3); however, there were no reports of political prisoners.

Few people had success pursuing their property restitution cases through the court system. 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, on September 8, police forcibly entered the home of opposition presidential candidate Faustin Twagiramungu and confiscated his computer, cellular phone, and many personal documents. During the year, government security agents followed Dr. Niyitegeka and Twagiramungu and tapped their phones.

Since 1997, more than 600,000 persons in the countryside have been relocated to government-designated resettlement sites in compliance with a "villagization" policy. Although the Government claimed that the move to villages was voluntary, some observers believe that government authorities compelled many persons to move; others may have relocated out of fear of security forces or insurgents. Human Rights Watch (HRW) reported that many of these individuals were forced to move against their will to substandard housing, often with little access to basic amenities, such as water. The Government denied that coercion occurred, but admitted it had encountered problems in the implementation of the program. While villagization remained government policy, the Government no longer compelled these persons to remain in the villages; however, restrictions on where houses could be built forced some individuals to remain. Thousands of persons still lived in inadequate housing not of their own choosing.

Since its withdrawal from the DRC in October 2002, the RDF has not practiced forced conscription. However, citizens who served in the military could be recalled to compulsory duty at any time.

During the year, there were numerous credible reports that RCD/G forces in the DRC forcibly recruited and transferred to the country numerous Kinyarwanda-speaking Congolese Hutus, including children, for military training. The Government denied that any such activities occurred.

There were reports that police harassed family members of former president Pasteur Bizimungu.

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 whose views were contrary to official views. Most journalists practiced self-censorship due to fear of government reprisals.

During the campaign period, the Government repeatedly accused opposition candidates and parties of using language that was divisionist, often using this as a pretext to eliminate them from the races.

Authorities detained numerous individuals after they expressed viewpoints unacceptable to the Government, including supporters and campaign workers of presidential opposition candidate Faustin Twagiramungu (see Section 1.d.).

During the year, the number of newspapers continued to increase. There were both privately and government owned newspapers, which published weekly in English, French, or Kinyarwanda; however, there were no daily newspapers. Newspapers were subject to government restrictions, and print journalists generally exercised self-censorship due to fear of government reprisal.

The Government largely controlled the broadcast media. In November 2002, a press law was passed that authorized private radio and TV broadcasting, subject to the approval of the Government; however, by year's end the Government continued to own the only national radio station and the only television station, both of which nominally were independent of the Government. Radio Rwanda journalists were civil servants of the National Office of Information. At year's end, the Government had granted licenses to several community-based radio projects, but had failed to give the projects frequencies, thereby rendering the licenses useless. During the campaign period, the Government publicly discussed jamming international radio stations.

Foreign media groups, including Voice of America, Deutsche Welle, and the British Broadcasting Corporation, broadcast in Kigali.

On January 22, police arrested and detained Ismail Mbonigaba, chief editor of the independent newspaper Umuseso, on charges of discrimination and sectarianism for publishing defamatory and divisive material. The Prosecution released him on February 27 on the grounds that his 7-day detention by police exceeded the maximum period allowed by law. On March 16, Mbonigaba was dismissed from Umuseso following accusations that he embezzled newspaper funds.

On November 19, police seized an edition of Umuseso and arrested Umuseso Editor Robert Sebunirira on accusations of publishing false information and "defamatory" stories and inciting ethnic divisions. Police subsequently detained and beat Deputy Editor McDowell Kalisa and three Umuseso journalists during interrogations. All were released by November 21, without having been formally charged.

At year's end, The Herald had not resumed publishing after its Chief Editor was deported to Uganda in 2002. He has never returned.

Valens Kwitegetse, a journalist for the government newspaper Imvaho, remained outside the country at year's end. He was charged with using the media to promote ethnic hatred, and chose self-exile in Uganda.

On April 17, border police confiscated Ismail Mbonigaba's new publication, Indorerwamo, which was printed in Uganda. The police spokesman indicated that the Government did not authorize the newspaper's first publication. Restrictions were lifted within a few weeks.

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 campaign period, although the Government had promised equal media coverage for all candidates, in practice this did not occur. During both the presidential and legislative election campaigns, the Government used state-run newspapers, as well as the state-run radio and television stations, to accuse opposition candidates of divisionism. In September, the Government held a press conference to which it only invited government-run media. During the briefing, government officials asked journalists for help in exposing the divisive nature of opposition candidates' campaigns.

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

The Government did not restrict academic freedom.

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, although they relaxed this restriction for religious groups.

Authorities prevented and dispersed political meetings and meetings held in private homes during the campaign for presidential and legislative elections. Authorities also threatened citizens to prevent them from attending already scheduled meetings.

Police forcibly dispersed political rallies during the campaign period; however, there were no reports of injuries.

The Constitution provides for freedom of association; however, the Government limited this right in practice. Private organizations were required to register; however, with few exceptions, the Government generally granted licenses without undue delay.

The Constitution provides for a multi-party system of government and for the free operation of political organizations; however, the Government did not always respect these provisions. The MDR party was outlawed and dissolved by the Government in accordance with an April recommendation by the Transitional National Assembly and the law governing the registration of political parties; its members subsequently split into three factions. Each of these factions attempted to register as a new political party prior to the presidential and legislative elections in August and September. Only one, the Party for Peace and Concord (PPC), was accepted. The President's cabinet rejected the other two, which were led by opposition figures Celestin Kabanda and Stanley Safari in July, because of illegal provisions in the parties' constitutions. Neither party was given the opportunity to amend its constitution; consequently, neither party was able to field candidates during the legislative elections.

Police harassed and intimidated MDR members during the year. During April, several individuals suspected of association with the banned MDR political party were arrested or had disappeared (see Sections 1.b. and 1.d.). In July, government officials harassed and intimidated friends and associates of opposition presidential candidate Dr. Theoneste Niyitegeka.

In eastern DRC, there were numerous reports that RCD/Goma and UPC 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.

There were multiple reports that local authorities harassed and detained members of Pentecostal and Seventh-day Adventist churches. The majority of those detained by local officials were released within weeks of their arrest. In some provinces, schools continued to expel Jehovah's Witnesses children. A number of religious leaders reported intimidation and harassment related to the referendum for the new constitution held in May; according to religious officials, security forces detained and interrogated Protestant church leaders when it was believed their congregations were not voting in favor of the Constitution. In addition, a number of religious leaders reported intimidation and harassment again during the presidential and legislative elections.

On March 13, members of a Pentecostal church were arrested during a prayer service on Mt. Kigali. The group had gone into a cave to pray when local security forces arrested them. At the end of the year, the leaders of the group remained in detention.

At year's end, approximately three members of the Mouvement Sacerdotal Marial, a prayer group, including dissident Catholic priest Laurent Kalibushi, remained in detention; the Government arrested the group in March 2002 on accusations that the group was an "unhealthy

and anti-social cult" with ties to the 2000 "doomsday cult" deaths in Uganda.

Some religious leaders were perpetrators of violence and discrimination during the year, and several clergy members of various faiths have faced charges of genocide in the country's courts, in the ICTR, and in foreign courts, notably in Belgium. In February, the ICTR concluded the trials of Elizaphan Ntakirutimana, a former Seventh-day Adventist pastor, and his son, Gerald Ntakirutimana. Both were found guilty of genocide, and both cases were under appeal at year's end. Of the 31 detainees awaiting trial at the ICTR, 3 were religious leaders during the 1994 genocide: Hormisdas Nsengimana, Rector of Christ-Roi College; Emmanuel Rukundo, a military chaplain; and Athanase Seromba, a Catholic priest.

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.

Unlike in the previous year, there were no reports that RDF troops targeted Catholic clergy for abuse in the DRC. No religious groups in the DRC reported any abuses targeted specifically at them, although several reported that "armed soldiers" pillaged and destroyed their property, forcibly dispersed religious services, and harassed religious leaders.

For a more detailed discussion, see the 2003 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.

Unlike in the previous year, there were no reports that the Government confiscated passports of journalists.

By year's end, more than 80,000 Rwandan refugees remained outside the country; however, many other refugees returned to the country during the year. According to the UNHCR, more than 8,000 Rwandan citizens freely returned to the country from the DRC during the year. Another 2,000 Rwandan refugees were voluntarily repatriated from Tanzania. During the year, the Government signed tripartite agreements with eight African countries, including Zambia, Uganda, the DRC, the Republic of the Congo, Malawi, Namibia, Zimbabwe, and Mozambique, to establish a framework for the return of Rwandan refugees from these eight countries.

More than 400 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 to persons who meet the definition of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. 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 did not provide protection against refoulement, but it did grant asylum status and generally cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR), who granted refugee status, in assisting refugees and provided temporary protection to approximately 34,700 persons, the vast majority of whom were Congolese refugees who fled the DRC during the unrest of 1996.

Unlike in the previous year, there were no reports of the forced return of persons to a country where they feared persecution; however, more than 8,500 refugees who were forcibly repatriated in 2002 returned to the country's refugee camps to escape the harsh conditions in the DRC. Even after authorities discontinued the forced repatriations in October 2002, the Government continued to harass those who chose to stay in the country and drastically reduced services to the camps during the year. The Government banned the construction of new shelters at Gihembe Camp, in anticipation of a move at a later date. At year's end, the camp had become severely overcrowded, and living conditions were well below international

standards.

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 the year, this right was effectively restricted.

On May 26, a new constitution was adopted by referendum, ending a 9-year transitional period. The new constitution required that all political parties register with the Government, and all but one of the existing parties successfully re-registered (see Section 2.b.).

Founding members of Celestin Kabanda's party, ADEP-Mizero, were called into the police station daily from July 29 until August 26, the day after the presidential elections, effectively prohibiting the party from supporting any candidate during the presidential election and from running any candidates in the legislative elections. In addition, the Government pressured an estimated 600 former MDR members and members of the ADEP-Mizero to publicly denounce opposition presidential candidate Faustin Twagiramungu and independent legislative candidate Celestin Kabanda.

During the presidential and legislative campaign periods, Kagame's opponents and their supporters faced harassment and intimidation, including detention, which made it virtually impossible to campaign (see Section 1.d.). On the eve of the election, police arrested Twagiramungu's 12 provincial campaign organizers, saying they were preparing election-day violence. Most of them were released after the elections.

During the campaign period for both presidential and legislative elections, government officials confiscated campaign materials of opposition candidates.

On August 25, President Paul Kagame won a landslide victory against two independent candidates, Faustin Twagiramungu and Jean Nepomuscene Nayinzira. A fourth candidate, Alvera Mukabaramba, withdrew on the eve of the election. 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 were numerous credible reports of widespread intimidation and harassment of the opposition.

The Constitution also created 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. President Kagame's political party, the RPF, won the majority of the seats in the newly created Chamber of Deputies and Senate during legislative elections held over a 4-day period from September 29 to October 2. International election observers noted that the elections, though peaceful, were marred by numerous irregularities and widespread intimidation against the opposition. A coalition of five parties, including the ruling RPF, competed against three opposition political parties. Parties and independent candidates that ran in opposition to the RPF experienced intimidation and harassment similar to those faced by opposition candidates during the presidential elections; the Government reportedly canceled opposition rallies and confiscated campaign materials. Two independent candidates, Celestin Kabanda and Jean Baptiste Sindikubwabo, were disqualified 3 days before election day over allegations that they submitted false documents. There were numerous withdrawals from the legislative races the weekend prior to the elections.

In accordance with the Constitution, indirect elections were organized to designate 24 women deputies, 2 deputies representing youth organizations, 1 deputy with disabilities, and 1 senator from each of the 12 provinces. The women were chosen by a joint assembly composed of members of the respective district, municipality, town, or Kigali city councils and members of the executive committees of women's organizations at the provincial, Kigali City, district, municipal, town, and sector levels. The National Youth Council elected the youth members; the Federation of Associations of the Disabled elected the handicapped member.

There were local elections for some positions such as district mayors and cell, district, and provincial level councils. Others were appointed, such as prefects and executive secretaries.

In addition to the RPF, six other political parties were represented in the newly mandated 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 a consultative forum. In addition, the Organic Law Governing Political Organizations and Politicians, which the Transitional National Assembly passed on June 23, 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.

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 legislative elections. At year's end, there were 6 women in the 20-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.

There were no laws that restricted the participation of minorities in government and politics. Although the Constitution stipulated that marginalized groups should be represented in the Senate, the Batwa were not 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, but none of the domestic organizations had the resources to conduct extensive human rights monitoring. The Government tended to be suspicious of local and international human rights observers, particularly with regard to accusations against the Government during the campaign periods. The majority of the domestic human rights organizations are seen as being only nominally independent of the Government. The Government harassed those that attempted to report and act more independently. The Government attempted to prohibit the more independent organizations from gaining official observer status during the elections.

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.

The Government generally did not provide to human rights organizations, and even other governments, systematic replies and rebuttals to allegations of human rights abuses. Under international pressure, the Government did provide a statement on reports of politically motivated disappearances (see Section 1.b.), 4 months after they occurred. However, it did not resolve these cases.

The Government directly threatened the domestic human rights NGO LIPRODHOR, by publicly criticizing its reports and trying to block international funding for its activities. LIPRODHOR was mentioned specifically in the MDR report, which accused members of LIPRODHOR of collaborating with MDR members and funneling money to the party from foreign donors.

There were a few reports of the forcible dispersal or prevention of NGO meetings during the year. Independent journalists and human rights workers said police regularly harassed them in the weeks prior to presidential elections. In addition, the Government forced some NGOs to suspend their programs during the elections in August and September. It also attempted to confiscate NGO vehicles just prior to the campaign period, and at one point, government officials tried to infiltrate NGO meetings.

In February, police prevented the regional NGO League for Human Rights in the Great Lakes

(LDGL) from conducting a conference designed to address the controversial legal status of the Local Defense Forces.

At a May 9 meeting, an umbrella organization of 40 women's groups sharply criticized both domestic and international human rights organizations. Members of Pro-Femmes/Twese Hamwe and other women's groups joined parliamentarians and academics in criticizing the MDR for "divisionism"; the groups also criticized HRW for its support of the MDR and LIPRODHOR for being "divisive." That Pro-Femmes/Twese Hamwe, which had previously received an award for its commitment to non-violence and tolerance, would publicly join government officials in such statements demonstrated the effect the Government had on civil society.

Restrictions on three members of a local NGO arrested in January 2002 and later released were lifted by the end of 2002; however, the NGO was still barred from operating at year's end.

The Government continued to criticize reports by international human rights NGOs and was hostile towards those whose reporting was perceived by the Government to be biased and inaccurate. For example, in May, on state-controlled radio, the Government "strongly condemned the deceit used by Human Rights Watch to sabotage programs of the Government."

The International Criminal Tribunal for Rwanda (ICTR), based in Arusha, Tanzania, continued to prosecute genocide suspects during the year, but at a slow pace. Since 1994, the ICTR has delivered verdicts on only 16 persons, including 5 during the year. Credible reports indicated that the ICTR continued to face serious problems, including poor management, incompetence, and corruption. The authorities sporadically prevented witnesses from attending and giving testimony at the ICTR, which delayed the judicial process. To expedite trials, the U.N. Security Council appointed a new ICTR Prosecutor on September 4, after it split the ICTR and International Criminal Tribunal for Yugoslavia (ICTY). Relations and cooperation between the Government and the ICTR improved following the appointment of Hassan Bubacar Jallow as the ICTR's new Prosecutor. Discussions between the Government and the Tribunal continued on investigating RDF crimes, or "revenge killings," committed in 1994.

Five trials were completed by year's end. On February 19, the ICTR sentenced former Seventh-day Adventist pastor Elizaphan Ntakirutimana to 10 years' imprisonment and his son Gerard Ntakirutimana to 25 years' imprisonment (see Section 2.c.). On May 15, Laurent Semanza was sentenced to 25 years' imprisonment and Eliezer Niyitegeka to life imprisonment. In addition, on December 3, Ferdinand Nahimana, a founding member of Radio Television Libres des Mille Collines (RTLM)—a privately owned and operated radio station whose members were all also government officials—and Hassan Ngeze, owner and editor of the Hutu extremist newspaper Kangura, were found guilty of genocide, incitement to commit genocide, and crimes against humanity and were sentenced to life in prison; the two worked for a radio station that broadcast lists of persons to be killed and revealed where they could be found. The third defendant, Jean-Bosco Barayagwiza, who was also a founder of RTLM and former political affairs director in the foreign affairs ministry, was sentenced to 35 years in prison; his sentence was reduced to 27 years because of the time he had already served prior to the trial.

Seven ICTR trials were in progress at year's end: the Butare case against former Minister of Family and Women's Affairs Pauline Nyiramasuhuko, Arsene Shalom Ntahobali, Alphonse Nteziryayo, Sylvain Nsabimana, Elie Ndayambaje, and Joseph Kanyabashi; the Cyangugu case against Emmanuel Bagambiki, Samuel Imanishimwe, and Andre Ntagerura; the Juvenal Kajelijeli case; the Jean de Dieu Kamuhanda case; the Sylvestre Gacumbitsi case; the case of former finance minister Emmaunel Nindabahizi; and the military case against Theoneste Bagasora, Gratien Kabiligi, Aloys Ntabakuze, and Anatole Nsengiyumva. An additional 30 persons remained in detention, awaiting trial at the year's end, while 2 persons 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.

The Governments of Mali, Benin, and Swaziland have agreements with the ICTR to accept convicted prisoners. Six convicted genocidaires were serving their sentences in Mali: former Prime Minister Jean Kambanda, Jean Paul Akayesu, Alfred Musema, and Clement Kayishema, all of whom were sentenced to life in prison; Obed Ruzindana, who was sentenced to 25 years; and Omar Serushago, who was sentenced to 15 years. The Government of Italy has agreed to

house Georges Riuggiu, the only non-Rwandan in ICTR custody; however, the agreement was not implemented by year's end.

The NCHR produced only one communiqué before the election period, in which it severely criticized the pre-election report of HRW.

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

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

Domestic violence against women was common and wife beating occurred frequently. Cases normally were handled within the context of the extended family and rarely came before the courts. When the Government did become involved, such as in cases involving serious injury, the courts handled such cases efficiently, leading to the conviction of numerous suspects. During the year, numerous rape trials resulted in convictions with the maximum sentences for perpetrators. Prosecutions for rape continued during the year; those convicted generally received sentences of from 20 to 30 years' imprisonment.

Prostitution and trafficking were problems (see Section 6.f.).

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 modern sector, and many 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 legislative elections. Other efforts included the sponsorship of scholarships for girls in primary and secondary school, the provision of 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 allows couples to choose the legal property arrangements they wish to adopt.

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. More than 98 percent of the children who were separated from or lost their parents during the 1994 genocide and subsequent repatriations have been reunited with family members or placed in foster homes.

In June, the Government announced that all primary school fees would be waived. The fees were waived; however, in some districts, near the end of the term, principals refused to give out grades unless persons paid the fees. 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 enter the first grade, 78 percent reach the fifth grade. Approximately 74 percent of men were literate compared with 60 percent of women.

Child prostitution was a problem (see Section 6.f.).

Both the Government and non-state militias have used children as soldiers in past conflicts. However, the Government no longer recruited children into its security forces. The Government's program of demobilization and reintegration continued during the year, with a number of child soldiers being among those moved through the program back to civilian life. 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.

There were reports that Congolese children were transferred to the country for military training (see Section 1.f.).

Child labor was a problem (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 700 children, the majority of whom were rounded up in December. During the year, approximately 25 girls, who were subject to sexual abuse in the center, were removed and placed in a new center only for girls, managed by the Catholic Church. The Government opened 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.

There continued to be reports that RCD/Goma and UPC rebel troops abducted young women from the villages they raided in the DRC, to serve primarily as porters or sex workers.

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 Community of Indigenous Peoples of Rwanda (CAURWA), an advocacy group for the Batwa, reported that Biturira, a Batwa genocide suspect detained at Gikongoro prison, died in a pit latrine in July 2002. The man had been sent into the latrine by a prison guard to fetch a mobile phone that had fallen into the latrine. At the year's end, no investigation had been made into his death.

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 NCHR, and no Batwa in the Senate, despite a constitutional provision that allows the president the right to appoint 4 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. That 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. 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 new 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

During the year, the ICTR convicted and sentenced former media executives and journalists to prison terms for promoting racial hatred and inciting acts of violence against Tutsis and moderate Hutus during the 1994 genocide (see Section 4).

Section 6 Worker Rights

a. The Right of Association

The law provided the right to create professional associations and labor unions, and workers generally exercised this right in practice. The labor movement was hampered because of the massive disruptions caused by the 1994 genocide; however, unions continued to regroup and assert themselves during the year.

More than 80 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 modern (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, 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, but in practice this was not always respected.

There were 27 registered unions under 2 umbrella groups: 17 were under the Central Union of Rwandan Workers (CESTRAR), and 10 were jointly under the National Council of Free Unions in Rwanda (COSYLI), and the Association of Christian Unions (ASC-Umurimo).

The law prohibits anti-union discrimination, but no formal mechanisms existed to resolve complaints involving discrimination against unions. Union activists have complained that some employers threatened to fire employees who attempted to join a union.

Labor organizations may affiliate with international labor bodies. The CESTRAR was 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 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 the 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.).

Participation in unauthorized demonstrations could result in employee dismissal, nonpayment of wages, and civil action against the union; however, 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. 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.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded 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.

Unlike in the previous year, there were no reports that the national army forced Rwandan prisoners and Congolese civilians, including children, to mine columbite-tantalite, or coltan, in the Provinces of South Kivu and Maniema in the DRC, especially in the areas of Kalemie and Kalima.

The law does not prohibit specifically forced and bonded labor by children; however, with the exception of forced military recruitment and service (see Section 5), there were no reports that such practices occurred.

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

Except for subsistence agriculture, which occupies approximately 80 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 a problem. 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 was 18 years, and 14 years for apprenticeships, provided that the child had completed primary school. According to a U.N. report released during the year, 31 percent of children aged 5 to 14 engaged in child labor. The Ministry of Public Service and Labor and the Ministry of Local Government did not enforce child labor laws effectively, and 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, among household domestics, and the brick-making industry. In addition, child prostitution was a problem (see Section 6.f.).

e. Acceptable Conditions of Work

The Ministry of Public Service and Labor set minimum wages in the small modern 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 were insufficient to meet the basic needs of 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. In July, the Government changed the workday schedule, so that the day began at 7 a.m. and ended 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 modern 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.

The law provides for equal protection of foreign workers.

f. Trafficking in Persons

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

During the year, the Government actively prosecuted cases of sex crimes, but did not keep separate trafficking statistics. The Government did not fully comply with the minimum standards for the elimination of trafficking in persons; however, it was making significant efforts to do so despite severe resources constraints.

There were reports that persons were trafficked to South Africa. Numerous children head households, and some of these children resorted to prostitution or may have been trafficked into domestic servitude. Child prostitution was a problem; an international organization estimated there were 2,140 child prostitutes in the major cities and several thousand street children.

There continued to be reports that Rwandan-backed Congolese militias operating in the DRC abducted men, women, and children for forced labor and sexual exploitation, and to serve as combatants. Unlike in the previous year, there were no reports that RDF troops abducted women and children from villages they raided to perform labor, military services, and sexual services.

