

Rwanda (100)

17



[Print Friendly Version]

U.S. DEPARTMENT OF STATE

[Home](#) | [Contact Us](#) | [FOIA](#) | [Privacy Notice](#) | [Archive](#) | [Search](#)
[About the State Department](#) | [Press & Public Affairs](#) | [Travel & Living Abroad](#)
[Countries & Regions](#) | [International Topics & Issues](#) | [History, Education & Culture](#)
[Business Center](#) | [Other Services](#) | [Employment](#)

Im. Fln.sekr. 20

J.Mr.

97/71511-59

18. MRS. 2002

NWT

Rwanda

Antal bilag

Aktnr. 32



Country Reports on Human Rights Practices - 2001

Released by the Bureau of Democracy, Human Rights, and Labor
March 4, 2002

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. President Paul Kagame was sworn in on April 22, 2000, in what was the first nonviolent presidential change in the country's history. While all political parties are represented within the Transitional National Assembly, it is influenced greatly by President Kagame and the RPF. Prime Minister Bernard Makuza runs the Government on a daily basis and is responsible for relations with the National Assembly. On March 6 and 7, the country held its first secret ballot elections to elect council members at the district level; international observers described the elections as generally free and fair. The judiciary is subject to presidential influence and suffers from a lack of resources, inefficiency, and 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 security apparatus consists of the Rwandan Patriotic Army (RPA) and the police. There were numerous instances in which the security forces acted independently of government authority, and the government authorities do not exercise effective control of the security forces. A volunteer force of armed civilian local defense units with limited arrest powers also functions throughout the country. In May renewed fighting began in the northwest following an infiltration of rebels from the Democratic Republic of the Congo (DRC). Unlike in the previous year, there were no reports that armed bands of Rwandan Hutus posing as Interahamwe fighters committed abuses in the DRC. In previous years, the Rwandan army allegedly recruited these groups in order ostensibly to demonstrate the need for a continued Rwandan military presence in the areas they controlled. Members of the security forces committed serious human rights abuses.

The country is very poor, and 70 percent of the population of 8.1 million lives in poverty. More than 90 percent of the labor force is 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 is \$252 (11,300 Rwandan francs). The gross national product (GNP) was \$1.9 million. The principal exports are coffee and tea. Small-scale commercial activities are increasing, but the industrial base remains limited. The renewed fighting in the northwest has threatened the fledgling tourism industry based on the country's indigenous mountain gorillas.

The Government's poor human rights record worsened, and the Government continued to commit numerous, serious abuses; however, there were some improvements in a few areas. Citizens do not have the right to change their government. The security forces committed extrajudicial killings within the country; there also were numerous, credible reports that RPA units operating in the DRC committed deliberate extrajudicial killings and other serious abuses, and impunity remains a problem. There were no reports of deaths in custody by mistreatment or abuse. There were several credible reports of disappearances. Security forces beat suspects, and there were some reports of torture. Prison conditions remained life threatening and prisoners died of starvation and preventable diseases. Most of the prisoners housed in jails and local detention centers (cachots) are accused of participating in the 1994 genocide; many have been detained for up to 7 years without being charged. Arbitrary arrest and detention, and prolonged pretrial detention, remained serious problems. The judiciary is subject to executive influence and does not always ensure due process or expeditious trials. The Government continued to conduct genocide trials at a slow pace. The Government released some detainees whose files were incomplete, who were acquitted, or who were ill or elderly. Police forcibly entered the home of an opposition politician. The Government restricted freedom of speech and of the press and limited freedom of assembly and association. During the year, the Government lifted the restrictions it previously had imposed on freedom of religion. In some cases, the Government restricted freedom of movement. Security forces generally did not harass refugees who returned from neighboring countries. The Government was hostile toward nongovernmental human rights organizations. Violence and discrimination against women were problems, as was discrimination against indigenous people. There were reports that prisoners were hired out for labor in private homes and businesses, and unconfirmed reports that prisoners were used as forced labor in the DRC. Child labor persisted in the agricultural sector.

Insurgents tied to those responsible for the 1994 genocide committed several killings.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The RPA continued to commit extrajudicial killings during the year. Renewed fighting in the northwest between the RPA and members of the Army for the Liberation of Rwanda (ALIR), a Hutu rebel group composed of members of the former Rwandan armed forces (ex-FAR) and the Interahamwe militia, following their return to the country from the DRC in May, resulted in numerous killings. Approximately 10 civilians were killed during the fighting; all reportedly were killed by ALIR forces. However, unlike in previous years, neither the RPA or the Hutu rebels targeted civilians. There were credible reports that some RPA forces summarily executed rebel soldiers after they had surrendered. There is no indication that the Government sanctioned these killings; however, no action was known to have been taken against the responsible members of the RPA by year's end, and impunity remains a problem.

In February in Kigali, a soldier in uniform killed RPA officer Alphonse Mbayire, a former military attaché assigned to the Rwandan Embassy in Nairobi. The Government claims that the killing was the result of a personal dispute; however, there were unconfirmed reports of government involvement in the killing because of information Mbayire may have had concerning the 1999 murder in Nairobi of former Minister of Internal Affairs Seth Sendashonga. No action reportedly was taken against the soldier by year's end.

Several incidents of alleged attacks by rebels led to counterattacks by security forces; however, unlike in previous years, human rights organizations did not criticize these attacks. There were no reports that the Government used rebel incursions as an excuse to attack illegitimate targets. Despite renewed fighting in the northwest, there were no reports of any reprisals by the RPA; however, there were reports of incursions and murders by armed ALIR infiltrators in the northwest.

Unlike in the previous year, there were no reports of deaths from explosions of landmines or unexploded ordnance left over from the 1990 to 1994 conflict between the former government and the RPA.

Harsh prison conditions contributed to the deaths of 708 inmates during the year, a decrease from the 1,048 deaths in 2000, mostly due to disease (see Section 1.c.). Unlike in the previous year, there reportedly were no deaths in custody due to abuse by prison officials.

Since the start of the current war in the DRC in 1998, RPA troops have participated on the side of the Congolese Rally for Democracy (RCD) rebel movement against the DRC Government. In 1999 all parties involved in the war in the DRC signed the Lusaka Agreement, which included a cease-fire; however, all parties, including RPA soldiers, repeatedly participated in battles after the declaration. Following the assassination of DRC President Laurent Kabila in January, renewed efforts were made to end the war; however, periodic fighting during the year resulted in credible allegations of human rights violations by all forces, including the RPA; however, no reliable statistics were available. All parties agreed to disengage their troops from the front lines and began doing so during the year; the RPA pulled back to its agreed upon positions. In March a cease-fire began; however, fighting continued between the RPA/RCD and pro-DRC forces, primarily in the Kivu Provinces, DRC.

There continued to be reports throughout the year of killings and other human rights abuses by both pro-DRC and anti-DRC government forces, including the RPA, in the conflict in the DRC. 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. Independent observers often found access difficult due to hazardous conditions, as well as frequent bureaucratic impediments imposed by authorities. 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 could not be clearly established by persons who found it difficult to distinguish between RCD and RPA forces. Some of these reports of RPA killings surfaced in Kinshasa, DRC, media directly or indirectly controlled by the DRC Government; however, other such reports emerged from 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 DRC often reportedly were committed in reprisal for guerrilla attacks on RCD or RPA forces. The Government has admitted that human rights abuses have occurred in territory under RPA/RCD control, but claimed that these were acts committed by individuals, not by the military as an institution.

On December 29, fighting between Mai Mai and RPA and RCD/Goma forces in Kindu resulted in the deaths of 21 civilians. RPA forces claimed they had been attacked by Mai Mai; however, credible reports indicated that RPA and RCD/Goma forces had staged the battle to discourage a U.N. Peace Observation Mission in Congo (MONUC) deployment to the area.

There were reports that landmines continued to be used, particularly in the eastern half of the DRC, despite agreement not to do so in the Lusaka Accords, including by the RPA; however, it is impossible to know which groups laid landmines. There was no information on whether landmines resulted in deaths during the year.

In 2000 the Government began to provide to human rights organizations, and even other governments, systematic replies and rebuttals to allegations of human rights abuses. It also increased measures to arrest alleged offenders from the security services; according to the Government, 27 soldiers were arrested and detained on charges of murder, manslaughter, or armed robbery in the DRC. Others were arrested on charges of offenses committed in Rwanda. There were no reports of any action taken against the responsible soldiers; according to the Government, all of those arrested were awaiting trial in military prisons at year's end. Despite these arrests, no action has been taken against the majority of alleged offenders from the security services, and impunity remains a problem.

The investigation still was ongoing at year's end into the 2000 killing of Assiel Kabera, an advisor to former President Pasteur Bizimungu, by three men in military uniform.

RPA Captain Peter Kabnada and other RPA soldiers who allegedly killed 67 unarmed civilians in Masisi, North Kivu Province, DRC, in 2000, remained in detention awaiting prosecution for murder before the military tribunal at year's end. RPA Captain Alexis Rugira, S/Major Rutabana, and two privates who allegedly killed Baligizi Mufungizi in 2000 remained in pretrial detention awaiting prosecution at year's end.

No action reportedly was taken against the RPA officers responsible for human rights violations in 2000 during fighting with Ugandan army troops in Kisangani, which resulted in hundreds of civilian deaths, more than 1,700 persons injured, and 60,000 displaced persons. Credible sources claim that RPA and Ugandan troops raped many women and shot civilians during extensive fighting in the city. No action was known to have been taken against the RPA soldiers responsible for the following 2000 killings in the DRC: The March executions in Kilambo of numerous persons suspected of collaborating with the Interahamwe; the February killings and rapes of civilians in Kilambo village; and the January killing of a Congolese soldier.

No action was known to have been taken against the RPA soldiers responsible for the following killings in 1999: The December killing of a man from Gisenyi; the May killings in Volcanoes National Park; the February killings of four insurgents in Ruhengeri; the January beating to death of Jean Damascene Gatabazi; and the January killings of two infiltrators in Gitarama prefecture.

No information was available regarding the status of the investigation of RCD commanders believed to be responsible for the 1999 massacre in Makobola, DRC; in that incident, 37 civilians allegedly were killed in revenge for the killing of RCD soldiers by Mai-Mai forces. One suspect was arrested, but allegedly escaped from detention and fled to Uganda. The Government claimed the Interahamwe militia, not the RCD, killed Roman Catholic Father Kakuja in 1999. RCD forces allegedly killed six militiamen in pursuit of the priest's attackers. No further action was taken in the 1999 case in which RCD forces, participating with or supported by the RPA, reportedly buried 15 women alive at Mwenga, DRC. In 1999 the RCD/RPA arrested the RCD commander whose troops allegedly buried alive the women, but he escaped from jail in 2000 along with 32 other detainees.

In August a military court sentenced to life in prison three RPA soldiers, Corporal E. Nzitatira, Private Zirakundwa, and Private Jean-Baptiste, for the 1996 killing of a priest.

Domestic courts continued adjudicating cases arising from the 1994 genocide (see Section 1.e.). In June 2000, following a 9-month trial, the Court of First Instance acquitted of all genocide charges Roman Catholic Bishop Augustin Misago, the highest-ranking Catholic clergyman and the first Bishop to be charged with genocide. The Government has filed an appeal, which was pending at year's end. In June 1999 in the DRC, Rwandan prosecutorial police arrested and transferred to Kigali former Radio Milles Collines broadcaster Valerie Bemeriki on charges of genocide and crimes against humanity. She allegedly incited persons to kill during the 1994 genocide with her inflammatory radio broadcasts. Bemeriki remained in detention pending trial at year's end.

The International Criminal Tribunal for Rwanda (ICTR), based in Arusha, Tanzania, continued to prosecute genocide suspects (see Section 4). On June 8, the ICTR delivered its first acquittal of all charges in the case of Ignace Bagilishema, the former Mayor of Mabanza. In March 2000, the ICTR Appeals Chamber ruled that Jean-Bosco Barayagwize, former officer in the Foreign Ministry and a member of the Radio Television Libre des Mille Collines planning committee, should remain in ICTR custody to be tried for genocide and crimes against humanity (see Section 4). The Media trial against Barayagwiza, Ferdinand Nahimana, and Hassan Ngeze began in September 2000 and was ongoing at year's end. Six other ICTR trials were in progress at year's end: The Butate 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 Laurent Semanza case; the Juvenal Kajelijeli case; the Jean de Dieu Kamuhanda case; and the Ntakirutimana case against Elizaphan Ntakirutimana and Gerard Ntakirutimana. A number of ICTR cases were ongoing at year's end. Major Francois-Xavier Nzuwonemey, former Reconnaissance Battalion Commander, and Lt. Colonel Tharcisse Muvunyi, both of whom were transferred to Arusha during the year, were in detention pending trial at year's end. Bernard Ntuyahaga, a former army major, who feared he would be deported to Rwanda to face trial, turned himself in to the ICTR seeking to be a protected witness; however, he was released from ICTR custody and subsequently was arrested by Tanzanian authorities on immigration violations. In November 2000, former army Captain Innocent Sagahutu was transferred from Denmark to Arusha. Sagahutu and Ntuyahaga are accused of murdering former Prime Minister Agathe Uwilingiyimana and 10 Belgian peacekeepers assigned to protect her in 1994. Ntuyahaga remains in a Tanzanian jail awaiting a ruling on Belgium's and Rwanda's extradition requests. Sagahutu remained in detention pending a joint military trial by the ICTR for 12 counts of complicity in the 1994 genocide. In July the ICTR arrested three of its own investigators on charges of genocide. No trial dates were set for Eliezer Niyitegeka and Casimir Bizimungu during the year.

On June 8, a jury in Belgium convicted a physics professor, a former government minister, and two nuns of complicity in the killings of approximately 7,000 Tutsis in and around the town of Sovu in 1994. The professor and one of the nuns were sentenced to 12 years in prison, the other nun was sentenced to 15 years, and the minister was sentenced to 20 years.

Lightly armed civilian local defense units (LDU's) exist, but are not professional security forces. Unlike in the previous year, there were no reports of killings by LDU's. There was no report of any action taken against LDU

members responsible for killing civilians in 2000. There was no investigation nor action taken in the August 1999 case in which members of an LDU shot and killed a woman in the Nkamira transit camp.

On December 26, Gratien Munyarubuga, a taxi driver and member of the opposition Party for Democracy and Renewal (PDR), was killed by two of his passengers. Police reportedly stood by during the attack and did not apprehend the perpetrators. The PDR party claimed that the killing of Munyarubuga, who had been threatened earlier by police, was politically motivated. An investigation was ongoing at year's end.

Rebel forces in the country killed approximately 10 civilians, most of whom were farmers who protested being robbed or otherwise abused.

b. Disappearance

There were credible reports during the year that several persons disappeared, including RPA members. Most persons who were reported missing reappeared in other countries, claiming that they were forced to flee for their own safety; however, some remained missing and were presumed dead at year's end. There were credible reports of government involvement in all of the disappearances.

There were unconfirmed reports that in February, Jean de Dieu Dufatanye, a planter who appeared to have had a business dispute with a high-level RPA contact, disappeared after traveling to Kigali reportedly to meet with an influential member of the RPF. On April 7, Alexis Ruzindana, a demobilized RPA major, reportedly disappeared after departing Kigali for Cyangugu; however, there were unconfirmed reports at year's end that Ruzindana, was in self-imposed exile in Uganda.

On April 27, Theobald Rwaka Gakwaya, the founder of the Rwandan League for the Promotion and Defense of Human Rights (LIPRODHOR) who lost his position as Interior Minister in March after numerous disagreements with the Government, disappeared after leaving his home to meet with members of political parties in Gisenyi. There were unconfirmed reports at year's end that Gakwaya was in self-imposed exile in Uganda or another country.

Unlike in the previous year, there were no reports that Hutu residents, mostly boys and small business owners, from Kibungo prefecture disappeared from their homes or from prisons.

Unlike in the previous year, there were no reports during the year that persons arrested and detained in areas of the DRC controlled by anti-DRC government forces disappeared after being transferred to Rwanda; however, credible reports persisted that Rwandan and RCD rebel troops abducted young women from the villages they raided, although it was unlikely that such abductions were sanctioned by the Rwandan Government.

In May 2000, RPA soldiers reportedly arrested Ainakafota, the director of the Bolongo-Bas office of Friends of Nelson Mandela for Human Rights (ANMDH) in Orientale Province, DRC, and two other staff members of the human rights nongovernmental organization (NGO), on suspicions of spying. Neither the ANMDH nor family members had been able to locate Ainakafota and the staff members since their arrest; inquiries to Rwandan officials concerning their whereabouts had produced no results by year's end.

There were no developments regarding several refugees returning from the DRC in 1999 who registered at a transit center, but failed to arrive in their home communes.

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

The fundamental law prohibits torture; however, beatings at the time of arrest were common, and some released detainees reported that they had been tortured. There continued to be reports that RPA troops abused civilians in the DRC.

In January a Congolese art dealer was arrested and detained for 8 days at the Military Intelligence Headquarters. While in detention, he was interrogated and allegedly subjected to electric shock torture. Although he was suspected of working with anti-Rwandan forces in the DRC, he never was charged. No action was taken against the responsible members of the security forces by year's end.

There were numerous reports that government security forces harassed and threatened political dissidents, journalists, and NGO's (see Sections 2.b. and 4). Police prevented the meetings of some NGO's (see Section 2.b.).

On August 13, the British Broadcasting Corporation (BBC) broadcast an interview with former president Bizimungu in which he claimed that he was attacked on August 8 by 10 persons, some of whom he identified as belonging to his former protection unit. On August 16, the progovernment New Times newspaper disputed the claim. On August 17, police questioned Bizimungu about the incident (see Section 1.d.).

Unlike in previous years, there were no reports of deaths from landmines or unexploded ordnance during the year.

The RPA continued to dismiss soldiers for indiscipline and criminal offenses. The RPA routinely tried military

offenders in military courts, which handed down sentences of fines, imprisonment, or both during the year.

During the year, there were numerous, credible reports from local and international human rights groups that RPA forces and their RCD allies engaged in the beating and torture of civilians in the DRC (see Sections 1.a. and 2.c.). On May 15 in the village of Kinyogote, South Kivu Province, a group of RPA soldiers raped Jeanine Ruhembo and Ndole Sifa in the presence of their husbands and children.

In April 2000, Amnesty International and Human Rights Watch reports accused the RPA of forcibly returning to the country and mistreating former soldiers and others alleged to have helped political opponents leave the country, or believed to support the former King. For example, there were reports that four men arrested in Burundi and Tanzania under false pretenses were detained and tortured by RPA soldiers after being repatriated forcibly to the country; however, the National Commission for Human Rights (NCHR) and the men's families visited the men in detention and reported that the men did not appear to have been tortured. All detainees cited in the Amnesty International and Human Rights Watch reports were released in August 2000. The Government consistently denied the allegations of RPA torture and in June 2000 refuted such claims in a written response to Human Rights Watch.

No action was taken against the three soldiers who harassed and beat the wife of Vales Kwitegetse, a journalist with the government-controlled newspaper Imvaho, in 2000.

No action was taken during the year against RPA soldiers involved in the following 2000 cases in the DRC: The rapes of numerous women in Kisangani in May and June; and the February killings and rapes of 30 persons in Kilambo, North Kivu Province, DRC.

No further action was taken in the 1999 case in which RCD forces, participating with or supported by the RPA, reportedly buried 15 women alive at Mwenga, DRC.

No action was taken, and none is likely to be taken, against the police who reportedly beat and arrested six university students who were marching to the Prime Minister's office in 1999.

Prison conditions are harsh and life threatening. The International Committee of the Red Cross (ICRC) has registered approximately 106,000 prisoners detained on genocide or security-related charges and estimates that an additional 5,000 prisoners are detained on charges unrelated to the genocide; however, the Ministry of Justice routinely refers to the prison population as numbering 130,000. Chronic overcrowding in the prisons increased this year, as prisoners were transferred from many of the local jails, or cachots, to the larger national prisons. Sanitary conditions are extremely poor, and the Government does not provide adequate food or medical treatment. Government food deliveries to the prisons were organized better and arrived on a regular basis; however, the amount of food did not increase, and there were numerous reports of malnutrition among the prison population. The ICRC provides 50 percent of the food in the 19 main prisons and also provides additional expertise and medical, logistical, and material support to improve conditions for inmates. Prison deaths were largely the result of preventable diseases, suspected HIV/AIDS, malnutrition, or the cumulative effects of severe overcrowding. In April an outbreak of typhus at the prison in Relima resulted in an unknown number of deaths. There were 708 deaths in prison reported during the year; between 80 and 100 of those deaths resulted from typhus. Unlike in previous years, there were no deaths attributable to abuse, and there were no reports of prison officials dismissed for corruption.

Women are detained separately from men; however, during the year approximately 185 children were incarcerated with adults throughout the prison system (see Section 5). 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 also may be hired out to perform work at private residences and businesses. In April there were unconfirmed reports that the Government used prisoners as forced labor in the DRC (see Section 6.c.).

Unlike in the previous year, there were no reports that some Hutu residents disappeared from prisons (see Section 1.b.).

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

d. Arbitrary Arrest, Detention, or Exile

The fundamental law provides 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 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.

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 disregarded widely. 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.

or become a threat to public safety and order.

In January a Congolese art dealer was arrested, tortured, and detained for 8 days without being charged (see Section 1.c.). In March authorities arrested and detained for 2 months a businessman from Ruhengeri on suspicion that he had received large amounts of money from an opposition group; he was released without being charged. In May seven attorneys were arrested for reportedly engaging in antigovernment activities; they were released after 3 weeks in detention without being charged.

On May 30, after forcibly preventing a planned press conference at the home of former President Bizimungu, police detained and interrogated journalists and other guests (see Sections 2.b. and 3). On August 24, police arrested Bizimungu ostensibly because he had failed to file a police report after he allegedly was attacked (see Section 1.c.). Bizimungu also claimed that he had been placed under house arrest during the year; however, government authorities denied the charge.

After ALIR forces began to return to the country through a series of armed excursions from the DRC in May, government forces captured and detained approximately 1,600 rebels, including 400 children. The children generally were serving as porters for the ALIR units; few were serving as combatants. Child soldiers were separated from the adult combatants. Human rights groups reported that the detainees were treated humanely. Detainees at the re-education camps at Mudende and elsewhere sometimes were allowed to go home for visits. The Government allowed access and assistance by the U.N., ICRC, NGO's, media, and foreign diplomats.

In July 2000, security forces detained and later released several members of the taxi drivers' union, ATRACO.

An estimated 95 percent of the approximately 112,000 individuals presently incarcerated were awaiting trial on genocide charges (see Sections 1.a. and 1.e.). Lengthy pretrial detention was a serious problem. 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 detainees. Approximately 90 percent of prisoners in custody during the year have files; however, the vast majority of those files are incomplete.

The Government continued to release prisoners who were elderly, ill, without files or with incomplete files, acquitted, or sentenced to terms outside of prison (see Section 1.e.). Rearrests because of community criticism were rare. In June the National Assembly again amended the law to permit the continued detention of genocide suspects long enough to allow suspects to face trial either in a conventional court or in the Gacaca system (see Section 1.e.).

On May 5, 2000, former Member of Parliament (M.P.) Jean Mbanda published a letter critical of the Government. On May 29, 2000, Mbanda was arrested allegedly for fraud and embezzlement. Mbanda, who still was in detention, is regarded widely as a political detainee who is being punished for his political views and is innocent of the charges against him.

The Government does not use forced exile; however, there were credible reports that some individuals secretly left the country to live in self-imposed exile because they believed their lives were in danger. Some of these individuals subsequently were tried and convicted in absentia by the Government (see Section 1.e.).

e. Denial of Fair Public Trial

The fundamental law provides for an independent judiciary; however, the Government does not respect this provision in practice. The judiciary is subject to executive influence and also suffers from inefficiency, a lack of resources, and some corruption. There were occasional reports of bribery of officials ranging from clerks to judges. The 12-member Anti-Corruption Commission charged with fighting corruption in the judiciary continued to make progress. 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. Unlike in the previous year, there were no reports that magistrates and prosecutors were suspended or dismissed on corruption charges during the year. There also were no reports that magistrates were removed during the year following "not guilty" verdicts of suspects alleged to have participated in the 1994 genocide or for false charges of genocide.

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; however, the latter is not known to ever have happened.

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 legal representation. International NGO's such as Avocats Sans Frontières (ASF or Lawyers Without Borders) provided defense and counsel to some of those in need, but it is estimated that less than 50 percent of prisoners have defense counsel. Lawyers from ASF rarely accepted individual cases and assisted mostly in group trials; numerous individuals represented themselves without legal assistance. New court officers continued to be sworn in and assigned to courts across the country, but the Government does not have sufficient prosecutors, judges, or courtrooms to hold trials within a reasonable time.

Some persons were tried and convicted in absentia by the Government. On September 26, the RPA convicted in absentia Major Alphonse Bulema, Major Michel Mupende, and Major Gerard Nashamaje of desertion and

financial fraud; all three officers reportedly had fled the country to escape prosecution.

The judiciary is focused on resolving the enormous genocide caseload of more than 100,000 detainees (see Section 1.d.). The Government has increased its use of group trials as one method of reducing the caseload. The Government also continued with a project sometimes referred to as the Gisovu project, a release program in which detainees and prisoners who are elderly, ill, without files, acquitted, or sentenced to terms outside of prison are taken to their former villages to allow villagers to make complaints against them or to confirm that there is no reason to detain them. Typically approximately 30-40 percent of the prisoners investigated in this manner are released. For the first 8 months of the year, 3,466 detainees were reinvestigated, and 1,335 of them were released. There also were 49 individuals arrested for the first time as a result of these investigations. However, Gacaca courts, a grassroots participatory form of justice, will serve as the Government's primary judicial process for adjudicating genocide cases. These courts combine participatory justice and reconciliation techniques exercised at the local level and are scheduled to begin operating in 2002. The Gacaca law provides for reduced sentences for cooperation and credit for time served; lawyers are not permitted to participate officially in Gacaca. The Government continued its nationwide campaign to explain Gacaca to the public during the year. In October voters elected thousands of Gacaca judges to serve on local courts. The sixth chamber of the Supreme Court and its President, Aloysie Cyanzayire, will oversee the implementation of Gacaca.

The Government also continued to try genocide-related cases in local courts (see Section 1.a.). By year's end, approximately 4,220 persons had been judged on genocide-related charges, most following group trials. According to LIPRODHOR, during the first 9 months of the year, approximately 1,005 persons had been judged in local courts on genocide-related charges; 88 received death sentences, 288 were sentenced to life in prison, 459 received sentences for less than life, and 205 were acquitted, and 25 were fined for property crimes. The vast majority of trials met international standards. LIPRODHOR also actively monitored trials and interviewed released prisoners. As of year's end, 22 death sentences had been carried out, all by public firing squad in 1998; however, no public executions occurred during the year.

A section of the Organic Genocide Law is designed to encourage confessions in exchange for reduced sentences for the vast majority of those involved in the genocide. As a result of efforts by the Government, international donors, and NGO's to advertise widely the confession provisions, more than 20,000 prisoners had 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 no reports of political prisoners.

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

The Constitution prohibits such practices, and authorities generally respect these prohibitions; however, police forcibly entered the home of former President Bizimungu on several occasions during the year, detained guests and journalists, and ordered out foreign diplomats (see Sections 1.d., 2.a., and 3).

Forced conscription has been practiced by the RPA, particularly after the country entered the conflict in the DRC. Citizens who served in the military may be recalled to compulsory duty at any time.

Prominent members of the PDR, Bizimungu's new party, were pressured by the Government to leave the party and renounce it publicly (see Sections 1.d., 1.f., and 3). The PDR has charged that the December 26 killing of one of its members was politically motivated (see Section 1.a.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The fundamental law provides for freedom of speech and of the press; however, the Government restricted these rights in practice, and there were numerous, credible reports that the Government harassed journalists whose views were contrary to official views. Most journalists practice self-censorship due to fear of government reprisals.

On May 30, security forces prevented former President Bizimungu from holding a press conference to announce the formation of a new political party, detained journalists, and confiscated cameras and computer equipment (see Sections 1.d. and 1.f.). Government officials also banned Bizimungu and his lieutenants from discussing politics with the press (see Section 3). In August Bizimungu claimed that he was assaulted by soldiers in civilian clothes; unidentified men also attacked and injured one of his supporters in August (see Section 1.c.). On December 26, unknown persons killed another Bizimungu supporter (see Section 1.a.).

In May 2000, former M.P. Mbanda published a letter critical of the Government. He was arrested and remained in detention at year's end (see Section 1.d.).

Media sources are limited. There were several privately owned newspapers, which publish weekly in English, French, or Kinyarwanda. There was no daily newspaper.

In March the Government prevented Newsline newspaper editor John Mugabi, who had been detained on libel

charges in 1999, from leaving the country (see Section 2.d.). There also were credible reports that government authorities threatened Mugabi on numerous occasions during the year. Newsline, a frequent critic of the Government, subsequently went out of business; there were unconfirmed reports that the Government was involved.

In May a journalist working as a stringer for the Voice of America (VOA) was harassed after filing a report disputed by the authorities. Authorities reportedly threatened the journalist, prevented her from covering an unrelated story, and confiscated her identity documents.

In 2000 journalist Vales Kwitegetse, who had been investigating government involvement in corruption, fled to Uganda; he reportedly did not return during the year.

All associations, including the Rwandan Journalists Association (ARJ), and all NGO's, must register and apply for a license under NGO legislation passed by the National Assembly in 1999 (see Sections 2.b. and 4). Without a license, an association legally may not act on behalf of its members nor apply for assistance from NGO's or other donors. Prior to the law going into effect in April, the Government issued temporary permits to some NGO's, including the ARJ; however, all license applications from international NGO's and local human rights organizations still were being processed at year's end. They must register by April 2002, and approximately 20 local nonprofit organizations have completed the registration process.

The Government exercises tight control over the electronic media and maintains a monopoly over local television and radio, which in principle is nominally independent from government influence. The Government owns the only national radio station and the only television station, which broadcasts 5 hours of programming per day. The government-controlled radio station, Radio Rwanda, has a wide audience and each Sunday broadcasts a call-in program, which discusses and debates controversial subjects. Radio Rwanda journalists are civil servants of the National Office of Information. The British Broadcasting Corporation broadcasts on FM from Kigali in several languages. The German broadcasting service Deutsche Welle also broadcasts from Kigali. On August 4, the VOA began broadcasting in the country.

In February Anicet Kagere was fired from his position with Radio Rwanda when he reported on LIPRODHOR's criticism of prison conditions (see Section 4). In March Gerald Mbanda, Chief Editor for TV Rwanda, was suspended without pay after he broadcast images of President Kagame that the Government considered unflattering.

In September the National Assembly passed a law that provides for a maximum sentence of death and a minimum sentence of 20 years imprisonment for journalists who are convicted of using the mass media to incite the population to commit genocide; however, this legislation did not become law by year's end. The new law resulted from the media's active role in the 1994 genocide.

The government-owned telecommunications company and the government-supported Kigali Institute of Technology provide Internet service; however, during the year, several licenses were granted to private companies that plan to provide Internet services in the future.

The Government generally respects academic freedom.

b. Freedom of Peaceful Assembly and Association

The fundamental law provides for freedom of assembly; however, authorities limited this right in practice. They legally may require advance notice for outdoor rallies, demonstrations, and meetings. Authorities generally prohibit nighttime meetings, although they have relaxed this restriction for religious groups. Radio Rwanda denounced "illegal" meetings, press conferences, and "other activity not in line with the law" during the year. The Government prevented the meetings of some human rights NGO's, press conferences held by members of the political opposition, and some meetings held in private homes (see Sections 1.f., 3, and 4). For example, on May 30, security forces prevented former President Bizimungu from holding a press conference (see Sections 1.d., 2.a., and 3). In June police dispersed a meeting held by the NGO Justice and Peace in Rwanda. Although a representative of the Kigali Mayor's office had presided over the opening session, police charged that the meeting was unauthorized; authorities later apologized for halting the meeting. In August government officials initially prevented LIPRODHOR from holding its annual meeting in Kigali, claiming that the group had not received permission from the local government; LIPRODHOR had notified authorities of the planned meeting, but was unaware that permission was required. Authorization for the group's meeting subsequently was granted.

The Constitution provides for freedom of association; however, the Government limits 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. All unions must register with the Government (see Section 6.a.). On April 1, the Government also passed a new law making registration of NGO's more difficult and giving the Government more influence over the staff, budget, and committee membership of NGO's (see Section 4).

Prominent members of former President Bizimungu's new party were pressured by the Government to leave the party and renounce it publicly (see Sections 1.d., 1.f., and 3). The National Revolutionary Movement for Democracy and Development (MRND), and the Coalition for the Republic (CDR), both implicated in planning and executing the 1994 genocide, are banned by law.

c. Freedom of Religion

The Constitution provides for freedom of religion; however, while the Government generally respects this right in practice, during the year, the Government lifted the restrictions it previously had imposed. There is no state religion. The law provides for small fines and imprisonment for up to 6 months for anyone who interferes with a religious ceremony or with a minister in the exercise of his professional duties. In the past, the Government forbade religious meetings at night on the grounds that insurgents formerly used the guise of nighttime "religious meetings" to assemble their supporters before attacking nearby targets; however, by year's end, the Government had stopped restricting religious meetings at night and had lifted local restrictions on meetings for worship and proselytizing.

On April 1, the Government promulgated a law that increases Government influence over NGO's and requires all nonprofit organizations, including churches and religious organizations, to register with the Ministry of Justice to acquire the status of "legal entity." The registration requirement is not new, and groups can maintain their up-to-date valid registrations, renewing them only when they expire (see Sections 2.a., 2.b., and 4). Major religious groups and churches reported no difficulties in registering with the Ministry of Justice during the year.

In late 2000, several "storefront" churches consisting of wooden frames covered by plastic sheeting were torn down because the churches were not registered with the Ministry of Justice. In late 2000, a few "storefront" evangelical preachers applied for status as nonprofit groups but were refused following a determination by the Ministry that the groups were profit oriented. However, by year's end, the Government's strategy had changed to one of urging the groups to register with the Ministry of Justice to regularize their status. Few, if any, applications for registration of religious groups were processed by the Government by year's end. Organizations have until April 2002 to register.

In July 2000, there were reports of detentions of members of Jehovah's Witnesses by local officials and of radio broadcasts by local officials announcing restrictions on the Jehovah's Witnesses' right of assembly and worship. In late 2000, the Government lifted restrictions on Jehovah's Witnesses holding meetings and preaching publicly. Discussions between church leaders, government officials, and foreign diplomats resulted in a reversal of the Government's policy. Senior government officials intervened personally with local officials to ensure that religious freedom is respected at all government levels. In May leaders of Jehovah's Witnesses in the country reported that they enjoyed religious freedom and that no members of their church were detained or in prison. Members of Jehovah's Witnesses who were detained for nonparticipation in nightly security patrols were released by September 2000.

Unlike in the previous year, local officials did not detain persons who, on religious grounds, refused to participate in nighttime security patrols or cooperate in other government programs, including adherents of "Temperance" and "Abagorozi." Both groups are said to be offshoots of the Adventist Church and Jehovah's Witnesses.

Unlike in previous years, few Catholic officials repeated the claim that the Government is prejudiced against the Church; senior clergy reported that relations between the Church and the Government had improved because of collaboration and dialog in the areas of education and reconciliation. The Church and the Government moved closer to a resolution of the question of using churches as genocide memorials, and several churches were reconsecrated and returned to serving the community.

The Government continued to watch closely for the development of cult churches after the doomsday cult deaths in Uganda in 2000. Unlike in the previous year, there were no reports that authorities detained leaders of suspected groups, and the Government urged such groups to register with the Ministry of Justice.

Several clergy of various faiths have faced charges of genocide in Rwandan courts, in the ICTR, and in foreign courts, notably in Belgium (see Sections 1.a. and 1.e.). On June 8, a jury in Belgium convicted a Benedictine nun and her mother superior from a Benedictine convent of complicity in the murder of approximately 7,000 Tutsis in and around the town of Sovu in 1994 (see Section 1.a.). Catholic Bishop Misago, who was cleared of genocide-related charges in June 2000, again appeared on the list of accused genocidaires after the prosecution announced its intention to appeal the verdict (see Section 1.a.).

There were fewer reports during the year that RPA troops and RCD rebels in the DRC targeted Catholic clergy for abuse. Abuses reportedly took the form of attacks on missions, killings of priests, the rape of nuns, and the burning of churches. There were fewer reports that RCD and RPA troops deliberately targeted Catholic churches to both intimidate the local population and retaliate for the Church's perceived role in the 1994 genocide in Rwanda.

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

The Constitution provides for these rights; however, the Government limited them in practice. Citizens must show identification when requested. Travel authorization is not needed and citizens may move or settle temporarily anywhere without a residence permit. However, citizens must obtain a new national identity card when making a permanent move to a new district. These new cards are issued routinely.

Former President Bizimungu claimed that he had been placed under house arrest during the year; government authorities denied the charge (see Sections 1.c., 1.d., 1.f., and 3). In March the Government prevented Newsline editor John Mugabi from leaving the country. He had been placed under similar travel restrictions in 1999 (see Section 2.a.).

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 many persons were compelled to move by government authorities; others may have relocated out of fear of government security forces or insurgents. Human Rights Watch 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 has encountered problems in the implementation of the program. While villagization remained government policy, the Government no longer compels these persons to remain in the villages; however, restrictions on where houses can be built forced some to remain. Thousands of persons still lived in inadequate housing not of their own choosing.

The law does not provide for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Constitution recognizes the right to asylum "under conditions determined by law"; however, there is no law in place to recognize refugees. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and provided first asylum to 34,578 persons. The vast majority are Congolese refugees who fled their country during the unrest of 1996. Approximately 500 Burundians still are awaiting compensation for their property seized in 1997 when the Government revoked their refugee status, granted in the 1970's.

Refugees continue to return to the country from several countries within the region. More than 85,000 Rwandan refugees remain in the DRC, Tanzania, Uganda, Burundi, Malawi, Zambia, Angola, Republic of the Congo, Cameroon, Central African Republic, Togo, and Benin. However, due to the conflict in the DRC, many refugees have returned to the country. According to the UNHCR, approximately 12,000 Rwandan citizens returned to the country from the DRC during the first 9 months of the year. Since 1999 approximately 72,000 Rwandan citizens, mostly Hutu, have returned to the country. Most of the refugees that fled the Kibungo Province for Tanzania in 2000 because of drought and rumors of a government crackdown have returned.

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

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 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 opposition parties into the Government after its military victory in 1994, but none of the officials was elected.

Political parties agreed to suspend political activities for a period of 5 years, during which time the transition to elected government was to have been completed. This 5-year period was scheduled to end in July 1999; however, the Government announced in June 1999 the extension of the transition period by 4 additional years. The announcement did not mention political party activities, but the parties continued to observe the suspension. Some political parties alleged that the RPA actively promoted itself regionally and at the sector levels, while prohibiting other political parties from doing the same. There is no law preventing the formation of political parties; however, on May 30, security forces prevented former President Bizimungu from holding a press conference to announce the formation of the PDR party (see Section 2.b.). Prominent members of Bizimungu's new party were pressured by the Government to leave the party and renounce it publicly (see Sections 1.d. and 1.f.). The Government has issued conflicting statements on the legality of new parties; in 1995 then President Bizimungu also prevented the formation of a new political party.

A National Assembly is functioning, with nine political entities represented, including the RPA. The political bureaus or executive committees of their respective parties chose assembly members, known as deputies. The "Political Forum," an informal grouping of senior members of each of the political parties represented in the National Assembly, has dismissed deputies for misconduct, alleged corruption, or incompetence. The parliamentary commissions of inquiry investigated allegations of corruption and other alleged misdeeds of ministers and deputies. Some of these inquiries have resulted in the sanctioning and resignation of ministers.

On March 6, the country held its first secret-ballot elections to elect council members at the district level; more than 90 percent of eligible voters participated in what international observers deemed to be generally free and fair elections. However, a March report by Human Rights Watch indicated that in 45 percent of the contests only one candidate ran for office, some potential candidates withdrew after being threatened, and some voters cast their ballots out of fear of reprisal. This fear was based on historical experience; however, there were no reports of reprisals following the March elections. Political parties did not participate in this election. The central Government continued to appoint officials at the regional and national levels.

On October 4, voters elected thousands of Gacaca judges to serve on local courts (see Section 1.e.).

The National Unity and Reconciliation Commission, charged with educating the public on such issues as ethnic understanding, peace building, history, and civics, was active. The Legal and Constitutional Commission, charged with the preparation of a new Constitution, was established and its 12 members appointed in 2000.

The percentage of women in government and politics does not correspond to their percentage of the population; however, there are no laws that restrict the participation of women in the political process. Women hold 4 of the 21 ministerial positions in the Government and 18 of the 74 seats in the National Assembly.

The percentage of minorities, particularly the Batwa ethnic group, in government and politics does not correspond to their percentage of the population; however, there are no laws that restrict their participation (see Section 5).

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

A variety of domestic human rights groups operate in the country, but none of the domestic organizations has the resources to conduct extensive human rights monitoring. On April 1, the Government passed a law making registration of NGO's more difficult and giving the Government more influence over the staff, budget, and committee membership of NGO's.

Local NGO activities often are limited to receiving and compiling reports from citizens about human rights abuses and conducting selected investigations. Reports are published occasionally; statements criticizing specific incidents are more common. A variety of domestic and international human rights groups operate without government restriction, investigating and publishing their findings on human rights violations. Only one or two local human rights NGO's are viewed as strictly impartial. While in previous years local human rights organizations have operated without restriction, the Government interfered with their operations and harassed their monitors during the year. Following the February publication of a LIPRODHOR report that criticized conditions in Nsindi Prison, the Government demanded that its author be fired. LIPRODHOR refused to fire the author; however a journalist for Radio Rwanda was fired for making the report public (see Section 2.a.). There also were credible reports during the year that the Government threatened LIPRODHOR activists and interfered with the group's field activities.

The Government forcibly prevented or dispersed several meetings organized by NGO's during the year (see Section 2.b.).

The Government criticized the reports by some international human rights NGO's and was particularly hostile towards those whose reporting was perceived as biased and inaccurate. In 2000 the Government began to provide to human rights organizations, and even other governments, systematic replies and rebuttals to allegations of human rights abuses. In June the Government refuted point-by-point refutations to the accusations contained in the Human Rights Watch report published the same month, calling the report propaganda that promoted ethnic division. Unlike in the previous year, no international NGO's complained that security forces harassed their informants; however, there were isolated reports that security forces contacted informants.

The ICRC operated normally and was active in visiting prisons.

The ICTR continued to prosecute genocide suspects during the year, but at a slow pace (see Section 1.a.). A June report by the International Crisis Group criticized the ICTR for the slow pace of its trials and noted that since 1994, the ICTR has delivered verdicts on only nine persons. Credible reports indicate that the ICTR faces numerous problems, including inadequate staffing, inefficiency, and corruption. Relations between the Government and the ICTR continued to improve. The ICTR operates under an agreement signed in 1999, which clarified some aspects of protection measures, but concentrated largely on the ICTR staff's privileges and immunities. On June 8, the ICTR delivered its first acquittal of all charges in the case of Ignace Bagilishema, the former Mayor of Mbanza. In July the ICTR suspended or declined to renew the contracts of three investigators working with them because they were on a list of suspected genocidaires. The Governments of Mali, Benin, and Swaziland have agreements with the ICTR to accept prisoners convicted by the ICTR, and on December 9, the first prisoners, former Prime Minister Jean Kambanda, Jean Paul Akayesu, Alfred Musema, and Clement Kayishema who were sentenced to life in prison; Obed Ruzindana who was sentenced to 25 years; and Omar Serushago who was sentenced to 15 years, were transferred to the U.N. Detention Facility in Bamako, Mali, where they will serve their sentences. The Government of Italy has agreed to house Georges Ruggiu, the only non-Rwandan in ICTR custody; however, the implementation of this agreement had not occurred by year's end.

The NCHR hosted several human rights seminars and training sessions during the year. The Government generally allowed the Commission to operate independently and without undue influence. The NCHR intervened on behalf of Jean Mbanda and former President Bizimungu during the year (see Sections 1.e., 2.a., and 3).

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 only partially enforced these provisions.

Women

Domestic violence against women was common. Wife beating and domestic violence occur frequently. Cases normally were handled within the context of the extended family and rarely come before the courts. When the Government did become involved, such as in cases involving serious injury, the courts took such incidents seriously. Numerous suspects have been tried and convicted for crimes of violence against women and girls. In 2000 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.

Despite constitutional provisions, women continued to face discrimination. Women traditionally perform 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. The 1992 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 is charged with handling problems of particular concern to women. The Minister is an active advocate of women's rights. Since the 1994 genocide, a number of women's groups have emerged. These organizations were extremely active in promoting women's concerns, particularly those faced by widows, orphaned girls, and households headed by children.

Children

The Government is committed to children's rights and welfare, and it attempts to provide education and health care to every child. At least 85,000 households are headed by children. The Government works closely with international NGO's to secure assistance for children who are heads of households, and sensitizes 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. Approximately 30,000 children live abroad, and the Government claims most were taken without the consent of their parents during the genocide. Many of the children abroad have been adopted. In 2000 the Government asked that 41 children adopted in Italy be repatriated, and the Governments of Rwanda and Italy began discussions on the issue; however, it was unclear whether those discussions were ongoing at year's end.

All families must pay school fees to enroll a child; however, school fees are routinely waived for orphans. The public schools lack essential and basic supplies and cannot accommodate all children of primary school age. A UNICEF study reports that 400,000 school-aged children were unable to go to school in 1999. Private schools often are too distant or too expensive to serve as an alternative for many children. Entry to secondary school is by examination. According to a 1996 study conducted by the Government and the U.N. Population Fund, 59.6 percent of the population aged 6 and over had primary education, but only 48 percent of the population as a whole was literate; 52 percent of men were literate compared to 45 percent of women. Only 3.9 percent of citizens had completed secondary school, and only 0.2 percent had a university education.

Although the Penal Code prohibits the imprisonment of children with adults, the ICRC reported that many children, most of whom are age 2 or younger, are incarcerated with their mothers. In 1999 the ICRC reported that approximately 570 children who were under the age of 14 at the time of their arrest were incarcerated on genocide-related charges; an undetermined number of children under the age of 14 still were incarcerated on genocide-related charges at year's end.

In 2000 local authorities arrested 1,300 street children and ordered them to return to their communes of origin or face the penalties for vagabondage and other crimes attributed to them; many returned to the street. During the year, local authorities occasionally rounded up street children and placed them in foster homes; many ran away, and there were unconfirmed reports that some joined the RPA to perform nonmilitary duties.

Credible reports persisted that Rwandan and RCD rebel troops abducted young women from the villages they raided, although it was unlikely that such abductions were sanctioned by the Rwandan Government.

Persons with Disabilities

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

Indigenous People

With the removal of ethnic labels from identification cards, the Batwa are no longer designated officially as an ethnic group. Less than 1 percent of the population is considered Batwa. The Batwa, survivors of the Twa (pygmy) tribes of the mountainous forest areas bordering the DRC, exist on the margins of society and continue to be treated as inferior citizens by both the Hutu and Tutsi groups. There are seven Batwa organizations focused on the protection of their interests, access to land, housing, education, and eradication of discrimination against them; however, they generally were unable to protect their interests. Few Batwa have been educated formally, resulting in minimal representation in government institutions. There is no reliable information on specific human rights abuses perpetrated against the Batwa population since the 1994 upheaval. There is one Batwa on the NCHR.

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 1994 mass killings and migrations probably affected the ethnic composition of the population, but the extent and nature of the changes were 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 of a Hutu-dominated government and implemented in large part 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 current Government. 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. 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 in these areas effectively ceased with the change of government in 1994. Some organizations and individuals accuse the Government of favoring Tutsis, particularly English-speaking Tutsis, in government employment, admission to professional schooling, recruitment into or promotion within the army, and other matters.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides the right to create professional associations and labor unions, and the Government generally respects this right in practice. The labor movement has been hampered in practice because of the massive disruptions caused by the 1994 genocide. Unions have continued to regroup and assert themselves.

Union membership is voluntary and open to all salaried workers, including public sector employees. Organized labor represents only a small part of the work force. More than 90 percent of workers are engaged in small scale subsistence farming. Approximately 7 percent of the workforce work in the modern (wage) sector, and approximately 75 percent of those active in the modern sector are union members.

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 has denied recognition. The law prohibits unions from having political affiliations, but in practice this is not always respected.

Until 1991 the Central Union of Rwandan Workers (CESTRAR) was the only authorized trade union organization. With the political reforms introduced in the 1991 Constitution, the CESTRAR officially became independent of the Government. There are 27 registered unions under 2 umbrella groups: 17 are under CESTRAR, and 10 are under the National Council of Free Unions in Rwanda (COSYLI).

The Constitution provides for the right to strike, except for public service workers. 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. Unlike in the previous year, there were no demonstrations by union members.

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

b. The Right to Organize and Bargain Collectively

The law protects workers from employer interference in their right to organize and administer unions. The Constitution provides for collective bargaining, although only the CESTRAR has an established collective bargaining agreement with the Government. In practice the Government is involved intimately in the collective bargaining process since most union members are in the public sector (see Section 6.e.). The law prohibits antiunion discrimination, but no formal mechanisms exist to resolve complaints involving discrimination against unions. Union activists have complained that some employers threaten to fire employees who attempt to join a union.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, prisoners are assigned to work details, which generally involve 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. In April there were unconfirmed reports that the Government used prisoners as forced labor to mine Columbo-tantalite (Coltan) in the DRC.

The law does not prohibit specifically forced and bonded labor by children; however, there were no reports that such practices occur.

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

Except for subsistence agriculture, the law prohibits children under the age of 18 from working without their parents' or guardians' permission, and they generally cannot work at night. The minimum age for full-time employment is 18 years, and 14 years for apprenticeships, providing that the child has completed primary school. The Ministry of Public Service and Labor and the Ministry of Local Government did not enforce child labor laws effectively, in part due to the large number of households headed by children. In 2000 the Ministry of Public Service and Labor and the Ministry of Local Government and Social Affairs, in collaboration with UNICEF, announced a national program aimed at educating children about their rights. The program has been implemented, but no information was available by year's end on the program's effectiveness. It is rare to see child labor outside the agricultural sector. The Government ratified the ILO Convention 182 on the Worst Forms of Child Labor during the year.

The law does not prohibit specifically forced and bonded labor by children; however, such practices are not known to occur.

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 nature of the job. The minimum wages paid are insufficient to provide a decent standard of living for a worker and family, and in practice, workers accepted less than the minimum wage. Often families supplement their incomes by working in small business or subsistence agriculture.

Officially, government offices and private sector entities have a 40-hour workweek; the maximum workweek is 45 hours. There is no mandated rest period. The law controls 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

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

This site is managed by the Bureau of Public Affairs, U.S. Department of State. External links to other Internet sites should not be construed as an endorsement of the views contained therein.