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2008 Country Reports on Human Rights Practices - Rwanda

Bureau of Democracy, Human Rights, and Labor
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Rwanda is a constitutional republic dominated by a strong presidency. The population was approximately nine million. In 2003 President Paul Kagame was elected to a seven-year term in largely peaceful but seriously marred elections. Chamber of Deputies elections took place on September 15 and were peaceful and orderly, despite irregularities. The Rwanda Patriotic Front (RPF) dominated the legislature, and the September elections further cemented its position. Civilian authorities did not always maintain effective control of the security forces, and security forces acted independently.

Significant human rights abuses occurred, although there were improvements in some areas. Citizens' right to change their government was restricted, and local defense forces (LDF) personnel were responsible for four killings during the year. Violence against genocide survivors and witnesses by unknown assailants claimed at least 16 lives. There were reports of torture and abuse of suspects, although significantly fewer than in previous years. Prison and detention center conditions remained harsh. Security forces arbitrarily arrested and detained persons. Prolonged pretrial detention was a problem, and government officials attempted to influence judicial outcomes, mostly regarding the community-based justice system known as gacaca. There continued to be limits on freedom of speech and of association, and restrictions on the press increased. The government limited religious freedom, and official corruption was a problem. Restrictions on civil society, societal violence and discrimination against women, recruitment of child soldiers by representatives of a Democratic Republic of the Congo (DRC)-based armed group, trafficking in persons, child labor, and restrictions on labor rights occurred.

On December 12, the UN Group of Experts on the Democratic Republic of Congo Report Pursuant to UNSCR Resolution 1807 reported that Rwandan authorities have supplied military equipment and been complicit in recruiting soldiers, including children, to support the Congolese rebel National Congress in Defense of the People, led by a former general of the Congolese Armed Forces, Laurent Nkunda. Also in December the Rwandan and Congolese governments met to develop a joint strategy to eliminate the Democratic Forces for the Liberation of Rwanda.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reported political killings by the government or its agents; however, the LDF allegedly committed four unlawful killings during the year. The government generally investigated security force killings and prosecuted perpetrators; however, no action was taken against police officers responsible for the 2007 shooting deaths of 22 criminal suspects.

LDF personnel shot and killed local residents. For example, in July, in Kigali's Nyagatare sector, an LDF member shot and killed a university student fleeing an altercation. The LDF member was detained, but there were no details on the status of the investigation at year's end. Following the death of the student and three other killings by the LDF in a six-month period in the same district, police disarmed all LDF members in the district.

Unidentified individuals reportedly killed several witnesses to the 1994 genocide throughout the country to prevent testimony and undermine the gacaca process, which the government established to address certain categories of crimes related to the genocide (see section 1.e.).

The government investigated and prosecuted individuals accused of threatening, harming, or killing genocide survivors and witnesses or of exhibiting "genocide ideology." A special protection bureau in the Prosecutor General's Office investigated 794 cases, 269 of which were filed in court.

There were no further investigations of police for the shooting deaths of 22 criminal suspects between January and May 2007, despite a 2007 Human Rights Watch (HRW) report asserting that many of the killings appeared to be extrajudicial executions and recommending an independent investigation and prosecution of perpetrators. The National Police claimed they had insufficient resources to increase training for officers, upgrade detention facilities, and acquire restraint devices, as recommended by a 2007 police report.

There were no further developments after the 2007 police arrests of seven additional suspects in the reprisal killings of eight persons following the November 2006 killing of genocide survivor Frederic Murasira.

In June four members of the Rwanda Defense Forces (RDF) were arrested for complicity in the 1994 murders of 15 civilians, 13 of whom were clergymen, in Kabgayi district in the Southern Province. Two of the officers pled guilty to the charges, and two denied guilt. In October the two officers who pled guilty were sentenced to eight years in prison for their role; the other two were acquitted.

b. Disappearance

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

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

The constitution and law prohibit torture, and instances of torture and abuse of detainees and prisoners by police or prison officials were rare and not tolerated by officials, according to international observers and local human rights groups. A local nongovernmental organization (NGO) that assists torture victims confirmed that incidents and severity of abuse by authorities continued to decline. Authorities dismissed or disciplined some police officers for use of excessive force and other abuses during the year and transferred criminal cases for prosecution; however, impunity was a problem.

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

Isolated reports of torture and abuse by the LDF continued; however, unlike in the previous year, there were no reports of the collective punishment of residents by local

authorities. In a July 2007 report, HRW noted several cases in which local authorities collectively punished residents through fines, involuntary labor, or beatings, generally in cases where violence or threats had been reported against genocide survivors or witnesses.

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

There were reports that unknown assailants on occasion harassed and threatened journalists and citizens.

Unlike in the previous year, there were no reports of injuries resulting from mob violence.

Prison and Detention Center Conditions

Conditions in prisons and detention centers were harsh. Individuals convicted of genocide-related offenses since gacaca hearings began nationwide in July 2006 comprised the majority of the approximately 59,000 prisoners in the country's 14 prisons. Police in a few police detention facilities sometimes beat newly arrested suspects to obtain confessions, and in July a senate committee called for the closure of the Gikondo transit center, where street children, vagrants, and street sellers were held in substandard conditions (see section 1.d.). The government remained committed to improving prison and detention center conditions, and reports of abuse of prisoners and detainees continued to decline.

The government continued to improve prison healthcare but was unable to provide adequate medical treatment. The government increased its food budget when in July it discontinued food contributions from family members of prisoners and instituted a prepaid canteen system that families could access. At year's end human rights groups monitoring the government's ability to provide adequate nutrition to prisoners – especially those previously receiving family farm contributions – found no signs of malnutrition or other nutritional problems. Pregnant and breastfeeding prisoners, as well as female prisoners with small children, continued to receive food supplements from family members. The government provided no food to prisoners in smaller jails or detainees in police stations awaiting hearings or transfers. Police regularly told crime victims that if they did not provide food to the accused, the accused would be released. Some prisoners transferred from police jails to national prisons had not been fed for several days.

The International Committee of the Red Cross (ICRC) provided additional expertise and medical, logistical, and material support to improve conditions for inmates, including hygiene supplies, education programs, health monitoring, and construction programs to improve prison infrastructure.

There were a number of deaths in prison during the year, largely the result of preventable diseases and suspected cases of HIV/AIDS. The government operated HIV/AIDS counseling and treatment programs in five of the country's prisons, and prison deaths from preventable disease and other causes had stabilized at rates approximately similar to those found in the general population.

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

In some cases adult prisoners had access to the juvenile wards. There were reports of

abuse of minors, both by other minors and by the adult prison population, especially among males.

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

The ICRC reported unimpeded access on an unannounced basis to the country's 14 prisons during the year. Local human rights NGO Rwandan League for the Promotion and Defense of Human Rights (LIPRODHOR) reported similar ease of access to all prisons and was granted accreditation for an entire year, in contrast to previous years in which they had to reapply every three months. The government also permitted independent monitoring of prison conditions by diplomats and journalists. The ICRC continued its visits to communal jails and military-supervised jails.

d. Arbitrary Arrest or Detention

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

Role of Police and Security Apparatus

The RDF maintains external security. The Rwanda National Police (RNP), under the Ministry of Internal Security, has responsibility for internal security and is headed by a commissioner general and two deputy commissioners, one for operations and another for administration. Five assistant commissioners oversee the various units, such as traffic, intelligence, criminal investigations, protection, and the provincial areas. The police lacked basic resources such as handcuffs, radios, and patrol cars. During the year there were reports of arbitrary arrest, beatings, corruption, and lack of discipline within the police force. The police Office of Internal Affairs, which reports directly to the RNP commissioner general, investigated many of them.

The Prosecutor General's Office under the Ministry of Justice is responsible for prosecuting police abuse cases. A special Internal Affairs Office conducted investigations. There were six internal investigations referred to the courts by the Office of Internal Affairs at year's end, and 60 officers received administrative punishment on various counts of indiscipline, including the solicitation of bribes, beating persons, and absconding from duty. During the year 44 police officers were fired for misconduct. Acts which rose to the level of criminal offenses were referred to the Prosecutor General's Office, and several prosecutions were underway at year's end. The RNP advertised a toll-free number in the local radio and press encouraging citizens to report problems regarding police and the LDF.

During the year 305 officers received training on community relations, which included proper use of force and human rights; female officers participated in several RNP-sponsored workshops on professionalism and service provision.

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

the LDF against involvement in criminal activity, prosecuted LDF members who committed crimes, and disarmed LDF members after unauthorized use of firearms; however, some human rights groups accused the government of not taking sufficiently strong action against some LDF members and considered the organization abusive.

After LDF personnel shot and killed a student and three other persons during the year, police disarmed LDF members in the district (see section 1.a.); in 2007 police removed weapons from LDF personnel in Musenze and Gicumbi districts after similar killings. The RNP began nationwide training and counseling to LDF members following such infractions, using military training facilities.

Arrest and Detention

The law requires that authorities investigate and obtain a warrant before arresting a suspect. Police may detain persons for up to 72 hours without a warrant, and prosecutors must bring formal charges within 10 days of arrest. These provisions were sometimes disregarded during the year. At times police used extrajudicial punishment when minor criminals confessed and the victims agreed to the police officer's recommended penalty, such as week-long detention or restitution. The law permits investigative detention if authorities believe that public safety is threatened or that the accused might flee. There is bail for minor crimes (with a maximum sentence of five years); authorities may otherwise release a suspect pending trial if they are satisfied that there is no risk that the person may flee or become a threat to public safety and order. Family members generally were promptly allowed to visit detained relatives. By law detainees are allowed access to lawyers, although are not allowed formal representation in the gacaca process. In practice, however, access to legal representation was impeded by the scarcity of lawyers (there were only 305 attorneys in the country, and most were located in Kigali). The government did not provide indigent persons with free access to lawyers, but a Legal Aid Forum composed of 36 organizations, including domestic and international NGOs, the Bar Association, and university law faculties, provided legal aid services to indigent and vulnerable groups. Such resources were insufficient to provide lawyers to every indigent person. One international NGO also provided limited access to defense counsel outside the forum and assisted more than 1,200 clients during the year. The law requires the government to provide minors with legal representation, which judicial observers cited as a factor in juvenile trial delays.

Security forces briefly detained several opposition campaign workers prior to the September 15 Chamber of Deputies elections (see section 3).

Security forces also arbitrarily arrested members of Jehovah's Witnesses during the year and attempted to arrest at least one journalist (see sections 2.a. and 2.c.).

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

In 2007 the Kigali municipal government reopened the Gikondo transit center, which was closed in 2006 after an HRW report detailed substandard conditions and abuses, including inadequate food and beatings of the street children, vagrants, and street vendors temporarily detained in the facility. Government officials asserted that persons placed in the facility were held for no more than one to three weeks at a time. However, relatives of those detained were commonly denied access, and detainees sometimes waited several months before release. In July a senate committee publicly investigated and released a report on street children and called for the closure of the transit center, citing detainees with children under a year old and detentions of up to six months. The report added that Gikondo did not provide necessary social services and

violated the rights of detainees.

Lengthy pretrial detention, including the detention of persons whose unresolved cases dated from 1994, was a serious problem and a consequence of the large number of persons suspected of committing genocide who continued to be held in prisons and detention centers. (The law permits the continued detention of genocide suspects long enough to allow them to face trial either in a conventional court or in the gacaca system, which began operating nationwide in 2006.) Primarily as a result of the March 2007 gacaca law that moved thousands of the less severe genocide cases from the prisons to the gacaca courts, the government made significant progress in reducing the case backlog. The continuing efforts of the National Service of Gacaca Jurisdictions to expedite genocide-related cases also helped reduce the backlog. The majority of convicted prisoners (those who had confessed their genocide crimes) were sent home to their families, with actual prison time to be served after the suspended and community service portions of their sentences had expired. After reaching a high of 98,000 prisoners in June 2007, the prison population leveled off and began to decline as the government began to examine the cases and release those prisoners who had previously confessed to genocide crimes.

By the end of 2007, the prison population stood at approximately 59,000 and continued at that level throughout the year. As of October the prison population consisted of 43,376 convicted prisoners (including 34,141 genocide prisoners and 9,235 ordinary prisoners) and 15,935 criminal suspects (including 2,846 genocide suspects and 13,089 ordinary suspects).

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the judiciary operated in most cases without government interference; however, there were constraints on judicial independence. Government officials sometimes attempted to influence individual cases, primarily in gacaca cases. There were reports that some members of the executive branch considered it appropriate to call judges to discuss ongoing cases privately and to express executive preferences.

During the year the country passed a constitutional amendment that reduces most judicial appointments from life to four or five years, potentially limiting judicial independence.

In its July report entitled *Law and Reality: Progress in Judicial Reform in Rwanda*, HRW cited continuing lack of judicial independence and concerns about basic trial rights, including the presumption of innocence, the right to present defense witnesses, the right to equal access to justice, and the right to protection from double jeopardy. Among its recommendations, HRW suggested that "the legislature revise the penal code to make intimidating or tampering with witnesses or judicial personnel a crime" and that "the government order government officials to end interference in judicial proceedings."

The three International Criminal Tribunal for Rwanda (ICTR) panels considering case transfers to Rwanda and a British court evaluating an extradition request by the government of several genocide suspects found adequate judicial independence in the country. The ICTR panels nevertheless denied case transfer, citing fair trial concerns, including inadequate witness protection and improper sentencing guidelines.

In October the Military Court in Kigali acquitted two senior RPF officers for the June 1994 killings of 15 civilians, including high officials of the Catholic Church; the case had been referred by the prosecutor for the ICTR. The two junior RPF officers who pled guilty to the crimes were given reduced sentences of eight years on grounds that the crimes were not premeditated. The prosecutor appealed the decision to a higher court.

During the year the Ombudsman's Office conducted several dozen investigations into judicial corruption and referred them to the Prosecutor General's Office. Several judges

and court registrars were dismissed for abuse of office or corruption after investigations by the judicial council, a body charged with oversight and discipline of the judicial branch.

The constitution provides for the adoption of a system of ordinary and specialized courts. Ordinary courts include the Supreme Court, the High Court, provincial courts, and district courts. Specialized courts include gacaca courts and military courts. During the year the government established commercial courts to address a backlog of commercial disputes.

By year's end there were 47,000 criminal and civil cases pending in the regular courts; approximately 39,000 such cases were pending at the end of 2007.

Trial Procedures

In the conventional court system, the law provides for public trials, although courts closed proceedings in cases involving minors, to protect witnesses, or at the request of defendants. The law provides for a presumption of innocence, although the government sometimes restricted this provision, according to HRW. Juries are not used. Defendants have the right to be present, question witnesses used against them, and to present witnesses and evidence on their own behalf. Defendants have the right to consult with an attorney, although few defendants could afford counsel. The law provides for the right to appeal, and this provision was generally respected. Lawyers without Borders continued to provide legal assistance to some indigent defendants and to train gacaca judges but lacked the resources to provide defense counsel to all those in need. The law does not provide for an attorney at state expense for indigent defendants. Defendants and their attorneys have access to government-held evidence relevant to their cases. New court officers continued to be sworn in and assigned to courts across the country, but the government did not have a sufficient number of prosecutors, judges, or courtrooms to hold trials within a reasonable period of time.

The RDF routinely tried military offenders in military courts, which handed down sentences of fines, imprisonment, or both. Military courts provided defendants with an attorney at public expense, and defendants have the right of appeal and had access to government-held evidence relevant to their cases. The law stipulates that military courts should try civilian accomplices of soldiers accused of crimes. Military courts tried 48 civilians as co-perpetrators or accomplices of military personnel during the year.

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

Genocide law is designed to encourage confessions in exchange for reduced sentences for individuals accused of genocide-related crimes other than Category I crimes (the most severe crimes, including rape, murder, genocide instigation, or playing a leadership role in the genocide). The majority of individuals charged with genocide-related crimes have been classified as Categories II or III, and their cases were either tried in gacaca courts (Category II cases) or settled through gacaca mediation (Category III cases). In March 2007 the government passed legislation to lessen overall sentences and increase the suspended sentence and community service portions of those sentences. The March 2007 sentencing guidelines, which were created to alleviate prison overcrowding, allow all persons convicted by gacaca courts to serve their community service and suspended portions of their sentences first, resulting in the release of thousands of prisoners, some of whom had been held since 1994. Prisoners who confess can go home, serve their jail sentences later, and may serve no more than one-sixth of a

15- or 20-year sentence; suspects who do not confess may be sentenced to decades in jail.

In June the law was further amended to move approximately 6,900 Category I cases – most involving rape – from regular courts to the gacaca system. The law also provides for the transfer of approximately 1,200 genocide Category I cases already begun in the regular courts to the gacaca courts. The law provides for the commutation of custodial sentences and replaces remaining jail terms with community service once the original community service portion of a sentence is completed.

By year's end gacaca officials claimed that more than 99 percent of the genocide-related cases dating back to 2002, when the first gacaca courts began operating, had been completed in gacaca courts, and under 10,000 remained to be heard under the statute revised in June.

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

During the year one lawyer fled the country as a result of threats or harassment by unknown persons resulting from his defense of persons accused of genocide or related crimes; one fled in 2007.

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

Unlike in the previous year, no gacaca judges were implicated in the genocide and subsequently replaced. Some government officials reportedly unduly influenced gacaca judges during the course of hearings, although there were far fewer such reports than in previous years.

Because the government has not authorized gacaca courts to consider human rights abuses allegedly committed by the RPF during the 1994 genocide, some human rights groups criticized the gacaca courts for representing a form of incomplete or one-sided justice and for being biased against those who acted on behalf of the former government. HRW claimed that only 32 soldiers had been brought to trial for crimes committed against civilians during the genocide and attributed the number to government reluctance to try RPA soldiers for such crimes. The government, which claimed 46 soldiers had been prosecuted, countered that RPF abuses have been addressed by requisite civil and military authorities and that such abuses could not be equated with the genocide. In June the government brought charges against four former RPA soldiers for their alleged role in the deaths of 15 civilians in Kabgayi in June 1994. Two of the officers were sentenced to eight years in prison after pleading guilty; two were acquitted (see section 1.a.).

Most gacaca hearings were held without incident, but violence and threats of violence – usually perpetrated by persons accused of crimes related to genocide – against genocide witnesses were serious problems. Some citizens were too frightened to testify in gacaca courts; however, unlike in the previous year, there were no reports of suicides among genocide survivors. The government reported that 16 genocide survivors and witnesses were killed in attacks during the year; the survivors' organization Ibuka reported 22 killings of survivors from January through December. Conventional courts handled the cases of hundreds of persons accused of participating in the killing, injuring, or threatening of witnesses, survivors, and judges. During the year police processed 794 cases involving such violence against survivors and witnesses, 269 of which were filed in court, and 340 cases of "divisionism" (a poorly defined term commonly used in relation

to the offense of sectarianism), 140 of which were filed in court; nearly all cases involved gacaca proceedings. The government also continued to conduct criminal investigations of organized groups that targeted and killed genocide witnesses in certain provinces. Criminal investigations resulted in the prosecution of some persons.

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

Ibuka, an umbrella association for genocide survivors, criticized the government for not doing enough to prevent such killings. IBUKA also continued to call for increased cooperation between gacaca courts, police, conventional courts, and mediators and for the creation of a survivors' compensation fund.

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

The March 2007 amendments to the gacaca law dropped the previous provision that anyone convicted of a Category I or II genocide-related crime is no longer eligible to vote. However, those convicted of Category I or II crimes may not run for public office or hold certain positions, such as soldier, police officer, prosecutor, or community leader. In anticipation of legislative changes to the Electoral Code, the National Electoral Commission in early summer allowed 300,000 voters convicted of Category III genocide crimes to register to vote in the September parliamentary elections. In August the Parliament changed the Electoral Code to allow these Category III persons to vote.

During the year the National Unity and Reconciliation Commission released the results of a survey on the gacaca process and national unity and reconciliation. The overwhelming majority (99 percent of the general population and 92 percent of survivors) expressed the belief that the gacaca process "is an essential step toward peace and reconciliation in Rwanda," and 98 percent of the general population reported gacaca "is a more effective way" to deal with genocide crimes than the formal court system.

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

Political Prisoners and Detainees

Local human rights NGOs reported that local officials briefly detained some individuals who disagreed publicly with government decisions or policies.

Former transport minister Ntakirutinka was sentenced to 10 years' imprisonment in 2004 in a trial that did not meet international standards; he was charged with incitement of civil disobedience, formation of a criminal association, and embezzlement of public funds. Ntakirutinka and former president Bizimungu, who was released in 2007, had sought to establish the Party for Democratic Renewal. The government permitted the ICRC access to Ntakirutinka.

Civil Judicial Procedures and Remedies

The judiciary was generally independent and impartial in civil matters. There are mechanisms for citizens to file lawsuits in civil matters, including violations of their constitutional rights. The Office of the Ombudsman processes claims of judicial wrongdoing on an administrative basis. There continued to be problems enforcing domestic court orders.

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

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

Due in part to the insurgency in the late 1990s, government policy requires male citizens above the age of 18 to participate in night watch patrols. During the year the government sometimes arrested, detained, and allegedly beat individuals who refused to participate (see section 2.c.).

2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press "in conditions prescribed by the law"; however, the government at times restricted these rights by enforcing overly broad and vaguely defined laws, excluding journalists from government events, and expelling foreign journalists. Press freedom decreased during the year. While the press regularly published articles critical of senior government officials and government policy, the government continued to harass, convict, fine, and intimidate independent journalists who expressed views that were deemed critical of the government on sensitive topics or who were believed to have violated law or journalistic standards monitored by a semi-independent media regulatory council. Numerous journalists practiced self-censorship.

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

In April a Catholic priest was sentenced to 30 days in prison for comments that could be construed as negating the 1994 genocide (see section 2.c.).

There were both private and government-owned newspapers, published in English, French, and Kinyarwanda. The *New Times*, an English-language paper with close ties to the government and whose shareholders reportedly included senior government officials, was the only newspaper published daily. There were 36 newspapers, journals, and other publications registered with the government. The country's sporadically-published independent newspapers – including *Umuseso*, *Umuco*, and *Umuwugizi* – maintained positions contrary to or critical of the government, including pointed criticism of the performance of senior government ministers and President Kagame. The *New Times* also criticized government policies and officials. Some journalists said government officials pressured government institutions to withhold advertising from independent newspapers that criticized the government. Journalists from international media outlets reported being denied access to cover certain government events and difficulty reaching officials.

During the year the government either prosecuted or expelled members of the press

from the country for articles deemed in violation of the divisionism statute, the press law, or other articles of the criminal code.

For example, in July the Directorate of Immigration and Emigration deported *Umuseso* chief editor Furaha Mugisha, claiming that he was a Tanzanian with fraudulent Rwandan identity papers illegally living and practicing journalism in the country.

On May 2, the government expelled three local journalists – Charles Kabonero of *Umuseso*, Jean Bosco Gasasira of *Umuwugizi*, and Jean Gaubert Burasa of *Rushyasha* – midway through a government event celebrating World Press Freedom Day. The three and Bonaventure Bizumuremyi of *Umuco* were subsequently excluded from covering government events.

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

For example, in February local journalists Charles Kabonero and Didas Gasana were convicted of libel for critical articles written about a prominent businessman. They were given a one-year suspended sentence and issued a fine. The journalists appealed, and the case had been postponed indefinitely at year's end.

In March *Umuco* editor Bizumuremyi fled the country after his newspaper ran side-by-side photos and an article equating President Kagame with Adolf Hitler. The Rwanda Media Ethics Committee and the High Council of the Media (formerly named the High Council of the Press) called for the suspension of the publication. Police raided his residence seeking his arrest, and the RNP spokesman publicly called for assistance in apprehending Bizumuremyi on defamation charges. His whereabouts were unknown at year's end. In April 2007 the government began prosecuting Bizumuremyi for defamation, divisionism, and disobeying public authorities stemming from 2005 and 2006 *Umuco* articles that "insulted President Kagame," and also from Bizumuremyi's noncompliance with a police summons in 2006.

Police harassed, intimidated, and detained journalists for questioning. For example, in October police and immigration officials seized an edition of *Umuco* at the country's border with Uganda (many papers are printed in Kampala) and held the chief editor for questioning for several days. *Umuco* was not published after October.

In January *Umurabyo* editor Agnes Nkusi-Uwimana, who was arrested in January 2007 for divisionism, defamation, and passing a bad check, was released from prison after serving a one-year sentence.

In October former Radio Rwanda journalist Dominique Makeli, who had been held since 1994 for inciting genocide in his reporting, was released from prison.

There were no developments in the September 2007 legal action taken by the *Weekly Post* against the former minister of information who closed the publication after one issue, citing irregularities in its application for registration.

The High Council of the Media, which reports to the Office of the President and has four government representatives among its nine members, occasionally requested clarification from journalists on articles that potentially violated the media law or criminal libel statutes. Press freedom advocates continued to criticize the council for its lack of independence and for monitoring journalists while failing to defend their rights or to investigate possible infringements of press freedom. The council occasionally sent representatives to accompany journalists called by the police for questioning.

According to some journalists, government officials pressured government institutions and local businesses to withhold advertising from newspapers critical of the government, affecting the newspapers' revenue. Print media often published abroad to avoid more

expensive local publishing costs.

The law authorizes private radio and TV broadcasting, subject to the approval of the government, although some have complained that the licensing fees remained prohibitively high. Although the government authorized the licensing of private television stations, it owned and operated the country's only television station. In addition to Radio Rwanda, which was owned and operated by the government, there were four community radio stations, five religious stations, one university station, and four independent FM radio stations broadcasting during the year, focused primarily on music and talk shows. Foreign media groups, including Voice of America (VOA), the BBC, and Deutsche Welle broadcast throughout the year and were among the few stations in the country that regularly broadcast independent news; however, journalists from the BBC and VOA Kinyarwanda radio services were sometimes not allowed to operate freely after a September cabinet decision to exclude them from government events.

Radio stations broadcast increased criticism of government policies during the year, including through the use of popular citizen call-in shows featuring criticism on local government, health, media, gacaca, and other issues.

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

In some cases journalists were harassed and threatened by unidentified individuals. For example, several journalists reported receiving threatening telephone calls from unidentified individuals or being followed by unknown vehicles. One journalist said he was falsely accused of rape; the accusation was dropped by the alleged victim when other witnesses disputed the claim.

Internet Freedom

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

Academic Freedom and Cultural Events

The government generally did not restrict academic freedom or cultural events; however, there were several reports of authorities suspending secondary school students on accusations of engaging in genocide ideology. The National University of Rwanda expelled two students accused of divisionism and genocide ideology in June.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly, and the government generally respected this right in practice; however, there were some exceptions. Authorities legally may require advance notice for outdoor rallies, demonstrations, and meetings.

Local government officials reportedly prevented opposition meetings preceding the September 15 Chamber of Deputies elections.

The government continued to limit the type of locations where religious groups could assemble, at times citing municipal zoning regulations as the reason. Authorities also reportedly prohibited nighttime meetings of some religious groups (see section 2.c.).

Freedom of Association

The constitution provides for freedom of association; however, the government limited this right in practice. Private organizations were required to register, and the government generally granted licenses without undue delay; however, there were some exceptions. The government restricted political party activities by requiring membership in the Political Party Forum.

The government generally imposed difficult and burdensome NGO registration and renewal requirements, as well as time-consuming requirements to submit annual financial and activity reports.

c. Freedom of Religion

The constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion; however, there were some exceptions. Local government officials detained members of Jehovah's Witnesses for refusing to participate in security patrols and fired Jehovah's Witnesses teachers for not participating in government-sponsored solidarity camps.

The law requires that all nonprofit organizations, including churches and religious organizations, register with the Ministry of Local Government and the Ministry of Justice to acquire the status of "legal entity." There were reports that some religious organizations operated without legal recognition because the registration process was arduous, which government officials confirmed. Members of unregistered groups were vulnerable to censorship and possible detention. The government did not deny any new applications during the year.

In April Catholic priest Edward Sentarure was sentenced to 30 days in prison for comments that could be construed as negating the 1994 genocide.

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

In July police briefly arrested 112 residents, including women and children, in Rusizi District for holding night prayers in a private home.

There were reports of police detaining and arresting members of Jehovah's Witnesses because they refused – on religious grounds – to participate in nighttime security patrols. Two individuals were also beaten for refusing to participate in these patrols. Such abuses occurred despite a 2005 government ruling that the Prosecutor's Office had wrongly applied to religious groups a law requiring some form of community work.

For example, on June 5, police arrested and detained four members of Jehovah's Witnesses while they were in local government offices waiting to get their identity cards; they were informed the arrest was a result of their failure to participate in nighttime security patrols. At a July 15 court hearing, their attorney argued that the four had performed alternative community work, pursuant to an agreement with the government, and that the arrest and detention had been illegal. On July 16, the High Court in Gisenyi ruled that the four should be released, which occurred on July 18.

On two occasions in August local authorities briefly detained between 70 and 150 members of Jehovah's Witnesses, including women and children, for "congregating" at night and consequently not participating in evening patrols. Both groups were released without charge the next morning. There was one report of two members of Jehovah's Witnesses being arrested and held for four days in Nyanza for failure to provide evidence they had voted in the September 15 legislative elections.

In April 215 Jehovah's Witnesses teachers were fired for failing to participate in government-sponsored solidarity camps on religious grounds. None of the teachers had been reinstated by year's end, and some reported difficulty finding alternative employment as a result of the incident.

Church officials reported that since May 2, 112 children of Jehovah's Witnesses were expelled from school for refusing to sing the national anthem. None had been readmitted by year's end, despite repeated attempts by church officials to engage government officials.

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

During the year government authorities and Jehovah's Witnesses leaders continued to address problems and misunderstandings through a collaborative mechanism begun in 2005. However, church leaders reportedly found officials less willing to respond to their concerns, particularly regarding the fired teachers.

Societal Abuses and Discrimination

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

For a more detailed discussion, see the [2008 International Religious Freedom Report](#).

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

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

The government generally cooperated with the UNHCR.

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

Internally Displaced Persons (IDPs)

In July the government demolished homes and businesses in an impoverished section of Kigali's Kiyovu neighborhood, as part of the city's master development plan. Some residents claimed they were given very little notice to vacate, and in some cases received insufficient compensation for their property and, in the case of business owners, loss of livelihood. Residents moved to new government-built housing on the outskirts of Kigali or in with family members around the city.

During the year the country accepted 8,205 citizens returning from other countries, all but approximately 500 from the DRC; most were settled in their districts of origin. The government worked with the UNHCR and other aid organizations to assist the returnees who were resettled. Government mediators handled land disputes resulting from the large number of returnees.

The government continued to accept former combatants who returned to the country from the DRC as part of the ongoing peace process between the two countries. A total of 6,812 former combatants from armed groups in the DRC, including 699 former child soldiers, have been demobilized and peacefully resettled in Rwanda since the beginning of the disarmament, demobilization, and reintegration program in 2001. During the year 136 adult former combatants from armed groups and 28 children were demobilized; 969

RDF soldiers were demobilized during the year. With international support, the government's Demobilization and Reintegration Commission, the lead agency for the reinsertion of returned former combatants, placed such persons in a two-month reeducation program at demobilization and reintegration centers in the Northern Province. There also was a center solely for former child combatants in the Eastern Province. After the two-month reeducation period, each adult former combatant was given approximately 50,000 Rwandan francs (approximately \$90) and allowed to return to his village. Returnees who were accused of committing genocide and were over 28 years of age (or 14 years old at the time of the genocide) were subject to gacaca trials.

Protection of Refugees

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

In practice the government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

The UNHCR, with government support, continued to assist refugees and asylum seekers and provided temporary protection to 55,926 persons as of November 26; the vast majority were refugees from the DRC.

Some refugees seeking third-country resettlement reportedly had difficulty obtaining exit visas from the government. Lack of government-issued ID cards also created difficulties for refugees when they were outside the camps.

During the year there were reports that representatives of a DRC-based armed group recruited children and adults from Rwandan refugee camps to be combatants or forced laborers. The government noted that it was difficult to control camps that had no fences and populations that regularly crossed borders. Refugees had access to primary schools and health care, but few were able to find jobs, although there were no laws denying them access to employment.

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

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

Elections and Political Participation

Chamber of Deputies elections took place on September 15 and were peaceful and orderly, with a heavy turnout; however, observers noted irregularities in the electoral process. The RPF won 42 of 53 directly elected seats (79 percent of the vote), the Social Democratic Party (PSD) won seven seats (13 percent), and the Liberal Party (PL) won four (7.5 percent). On September 16 and 17, the councils of women and persons with disabilities elected the other 27 chamber members. A total of nine political parties contested the elections, with six of them having joined in coalition with the RPF rather than field independent lists of candidates. Two parties, the PL and PSD, ran separate slates of candidates. One independent candidate also contested.

National Electoral Commission (NEC) rulings restricted the ability of the PSD and the PL to effectively spread their message, allowing the RPF to dominate the 22-day electoral campaign. The media devoted the bulk of its coverage to the RPF. There were credible reports of local government interference with PL and PSD rallies and meetings, and

security forces briefly detained several campaign workers.

According to observers many voting stations opened early, did not make proper use of forms, and did not initially seal ballot boxes. Observers were often prevented by NEC and other government officials from monitoring the ballot counting above the polling station and polling center level (the first two levels). The Civil Society Election Observation Mission observed in its Statement of Preliminary Findings that "in a significant proportion of cases, it was not possible to confirm the accuracy of consolidated results at any stage beyond polling center consolidation."

In 2003 President Paul Kagame won a landslide victory against two independent presidential candidates, receiving 95 percent of the vote in a largely peaceful but seriously marred election.

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

All political organizations were constitutionally required to join the Forum for Political Organizations, which continued to limit competitive political pluralism, according to the 2006 APRM report. Despite a June 2007 law allowing political parties to open offices at every administrative level, local officials on occasion reportedly prevented opposition meetings preceding the September parliamentary elections, citing improper paperwork or venue booking conflicts. During the year there were no reported efforts to form any new parties or efforts by the government to deny registration to any party.

In accordance with the constitution, which states that "a political organization holding the majority of seats in the Chamber of Deputies may not exceed 50 percent of all the members of the Cabinet," independents and members of other political parties held key positions in government and parliament, including that of the prime minister and the speaker of the Chamber of Deputies.

The constitution requires that at least 30 percent of the seats in parliament be reserved for women. At year's end there were nine women in the 26-seat Senate and 45 women in the 80-seat Chamber of Deputies. There were 10 women in ministerial positions, representing 38 percent of cabinet positions.

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

Government Corruption and Transparency

The law provides criminal penalties for official corruption, and the government implemented these laws with increasing effectiveness; however, corruption was a problem.

During the year the government investigated several senior officials on corruption charges, including two vice-mayors and the executive secretary of Gasabo district in Kigali. In January Kigali authorities asked Andre Bizimana, the vice-mayor of social affairs, to resign and suspended other officials. In March the former director general of the Rwanda Bureau of Standards was sentenced in absentia to 7.5 years in prison on corruption charges. In May the minister of trade suspended an agricultural cooperative of demobilized RPA soldiers and arrested 13 members on charges of corruption and price fixing. In June senior police officials, including the commissioner general and the head of the Criminal Investigation Department, were suspended for abuse of office,

reportedly related to tendering irregularities. Investigation of their alleged offenses continued at year's end.

The inspector general of government worked to prevent corruption, including through investigations of improper tendering practices at government ministries. The government's Office of the Ombudsman had an active good governance program and several anticorruption units that worked at the local level. Although the office does not have the authority to prosecute cases, it can recommend cases to the Prosecutor General's Office, and during the year the office pursued several thousand corruption cases, the majority of which involved land. For example, in October, 32 local government officials were investigated for embezzlement as part of a land expropriation exercise in Kigali; 16 were held as investigations continued at year's end. The government continued a broad inquiry into misuse of public funds by 46 government institutions; some corruption charges and prosecutions reportedly were directed at political opponents of the RPF. During the year the police and prosecution service used the auditor general's annual report to pursue investigations into the conduct of government businesses. The law provides for annual reporting of assets by public officials but not public disclosure of those assets; most public officials complied.

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

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

A variety of international NGOs and several increasingly independent domestic human rights groups operated in the country, investigating and publishing their findings on human rights cases. Domestic NGOs noted that relations with the government were generally positive; however, some indicated that the government was intolerant of criticism and suspicious of local and international human rights observers, often rejecting their criticism as biased and uninformed. During the year some NGOs expressed fear of the government and self-censored their activities and comments. International and local NGOs reported unfettered access to the country's prisons.

Domestic NGOs LIPRODHOR and the League for Human Rights in the Great Lakes Region (LDGL) focused on human rights abuses. Other local NGOs dealt with at least some human rights issues and conducted activities such as lobbying the legislature to provide more protection for vulnerable groups; observing elections; raising awareness of human rights among youth; and providing explanations of legislation, legal advice, and advocacy. LIPRODHOR employed its 400 members and 106 district volunteers to conduct field investigations of alleged abuses, and both LIPRODHOR and LDGL published their findings and discussed them with government officials – including on sensitive cases – and raised concerns about false accusations in gacaca trials. A few domestic NGOs produced publications regularly on general human rights issues.

The law on nonprofit associations permits government authorities to control projects, budgets, and the hiring of personnel. NGOs often found the registration process difficult, and one domestic human rights NGO reported it had not been able to register by year's end. To obtain a provisional six-month approval, domestic NGOs must present their objectives, plan of action, and financial information to local authorities of every district in which the organizations intend to work. After obtaining provisional agreement, domestic NGOs must apply for registration (legal recognition) each year under the authority of the Ministry of Justice. If a local NGO is initially denied registration, the NGO sometimes must renew its registration documents. Domestic NGOs also were required to submit financial and activity reports each year to the national government. NGOs complained that these requirements and near-compulsory participation in the Joint Action Forum strained their limited resources. While there was no legal requirement to contribute financially to the forum, some organizations felt pressured to do so.

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

Civil society groups were required to submit quarterly financial statements and lists of staff and assets in each of the districts where projects occurred.

A progovernment NGO platform group, the Civil Society Platform, continued to manage and direct some NGOs through the use of umbrella groups, which theoretically aggregated NGOs working in particular thematic sectors; however, many observers believed that the government controlled some of these umbrella NGOs.

The government continued to claim that calls by human rights groups or opposition figures for investigations of alleged RPF war crimes constituted attempts to equate the genocide with abuses committed by RPF soldiers who stopped the genocide. There were reports that some NGOs were pressured to cooperate with the government to provide information on the activities of other NGOs.

Government officials sometimes criticized domestic NGOs that sought assistance from international NGOs and the diplomatic corps in resolving disputes with the government.

During the year two NGOs reported government harassment and surveillance.

The government generally cooperated with international NGOs; however it criticized HRW throughout the year, particularly after HRW's July report on judicial reform (see section 1.e.).

In September and again in December, the government denied an entry visa to a senior HRW researcher who had travelled extensively in the country; no reason for the denials was provided.

The National Human Rights Commission (NHRC) did not have adequate resources to investigate all reported cases of violations and remained biased towards the government, according to some observers.

The Office of the Ombudsman existed with government cooperation and took action on cases of corruption and other abuses, including of human rights (see sections 1.e. and 3).

Parliamentary human rights committees issued recommendations during the year. For example, in July a senate committee on social welfare and human rights issued a report on street children (see section 1.d.).

The ICTR in Tanzania continued to prosecute genocide suspects during the year. Since 1994 the ICTR has completed 36 cases, with 31 convictions and five acquittals. At year's end there were 31 individuals on trial, nine individuals awaiting trial, and 13 fugitives. Despite continued government efforts to prepare its facilities and legal system to meet international standards, the ICTR rejected four applications to transfer genocide suspects to Rwanda for trial; the cases remained under appeal at year's end (see section 1.d.).

5. Discrimination, Societal Abuses, and Trafficking in Persons

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

problems remained.

Women

The law criminalizes rape, and the government handled rape cases as a priority within its courts and tribunals. In recent years those convicted of rape generally received sentences of between 20 and 30 years' imprisonment. Rape and other crimes of sexual violence committed during the genocide are classified as a Category I genocide crime. The government also improved protection at the local level for rape victims testifying at gacaca courts. For example, a law passed in May provides that gacaca cases involving rape be heard "in camera" and that persons who reveal the contents of such proceedings be subject to penalty. During the year police investigated 1,500 rape cases.

The law does not specifically prohibit domestic violence, and domestic violence against women, including wife beating, was common. Figures from the National Institute of Statistics indicate that 31 percent of women over age 15 were victims of domestic violence, and 10.2 percent of women experienced domestic violence during pregnancy. Cases normally were handled within the context of the extended family. In 2007 officials at police headquarters in Kigali established a hot line for domestic violence together with an examination room, trained counselors, and provided access to a police hospital for more intensive interventions. Each of the 62 police stations nationwide had its own gender desk, trained officer, and public outreach program. The national gender desk in Kigali also monitored investigations and prosecutions nationwide into gender-based violence. Drawing from a 2007 workshop for senior officials on gender-based violence, the government in June produced a comprehensive guide to investigation and prosecution of gender-based crime, including appropriate treatment of victims.

Prostitution is illegal, but was prevalent.

The law does not prohibit sexual harassment, and it occurred.

The law allows women to inherit property from their fathers and husbands, and couples may make their own legal property arrangements; however, women had serious difficulties pursuing property claims. Since the 1994 genocide, which left numerous women as heads of households, women assumed a larger role in the formal sector, and many operated their own businesses. Despite the election in September of a Chamber of Deputies with a female majority, women continued to have limited opportunities for education, employment, and promotion. Women performed most of the subsistence farming in the country. The government-funded Women's Council served as a forum for women's issues and consulted with the government on land, inheritance, and child protection laws. A minister of gender and family promotion in the Office of the Prime Minister headed government programs to address women's issues and coordinated programs with other ministries, police, and NGOs. The government also provided scholarships for girls in primary and secondary school and loans to rural women. A number of women's groups were active in promoting women's concerns, particularly those faced by widows, orphaned girls, and households headed by children. In April the government sponsored a workshop on the rights of female workers and admonished employers against paying insufficient salaries to women on maternity leave.

Children

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

While primary school fees were abolished, most parents still had to pay unofficial fees to support basic school operations. According to the UN Children's Fund (UNICEF), the net primary school attendance/enrollment ratio was 75 percent. Of the children who entered the first grade, 46 percent reached the fifth grade. Equal numbers of boys and

girls began primary school, but attendance by girls declined at a faster rate than boys. Only 17 percent of secondary school-age children were enrolled in school during the year.

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

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

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

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

The government continued to support the Muhazi demobilization center for children in the Eastern Province, which provided care and reintegration preparation during the year for 41 children who had served as soldiers in the DRC; 12 of the 28 child soldiers received at the center during the year were reunited with their families.

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

Trafficking in Persons

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

The country was a source for small numbers of women and children trafficked for sexual exploitation, domestic labor, and soldiering. The largest trafficking problem was underage prostitution; small numbers of impoverished girls, typically between the ages of 14 and 18, used prostitution as a means of survival, and some were exploited by loosely organized prostitution networks. Due to the genocide and deaths from HIV/AIDS, numerous children headed households, and some of these children resorted to prostitution or may have been trafficked into domestic servitude. While police reportedly conducted regular operations against prostitution, no statistics were available on prosecutions of those who utilized or exploited children in prostitution.

The RNP is the lead government agency responsible for combating trafficking of persons.

Traffickers prosecuted under laws against prostitution by coercion, slavery, kidnapping, rape, and defilement were subject to criminal penalties, including imprisonment.

In May a man was sentenced to 30 years in prison by a Gasabo district court for operating an underage prostitution ring; several investigations into other trafficking cases were ongoing at year's end.

When the government dismantled prostitution rings, it offered women rehabilitation programs that included employment training and were sponsored by the Ministry of

Gender and Family Promotion. The government provided training on sex crimes and crimes against children as part of the police training curriculum. During the year the police offered specialized training in recognizing trafficking, particularly trafficking involving children, to many police cadets. The government also monitored immigration and emigration patterns, as well as border areas that were accessible by road. The RNP conducted sensitization programs against prostitution and warned hotel owners against allowing underage girls to frequent them.

See also the State Department's [2008 Trafficking in Persons Report](#).

Persons with Disabilities

The law specifically prohibits discrimination against persons with disabilities in regard to employment, education, and access to social services, and the government generally enforced these provisions. The constitution prohibits discrimination on the basis of physical or mental disability. The law also mandates access to public facilities, accommodations for taking national exams, provision of medical care by the government, and monitoring of implementation by the NHRC; these provisions generally were implemented. One member of the Chamber of Deputies is appointed by the Federation of the Associations of Persons with Disabilities.

In March the National University of Rwanda began admitting blind students, becoming the second public higher education institution (behind the Kigali Institute of Education) to do so.

National/Racial/Ethnic Minorities

Large-scale interethnic violence in the country between Hutus and Tutsis culminated in the 1994 genocide, renamed the "Tutsi Genocide" by a constitutional amendment passed during the year. Genocidal killing of much of the resident Tutsi population and moderate Hutus under the direction of a Hutu-dominated rump government and in large part implemented by the Hutu-dominated national army and Interahamwe armed youth militia resulted in up to a million people killed. The genocide ended later the same year when the predominantly Tutsi Rwandan Patriotic Army (RPA), operating out of Uganda, occupied Rwandan territory, defeated the national army and Hutu militias, and established an RPF-led government of National Unity, which was composed of members of eight political parties and which ruled until the 2003 elections.

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

Indigenous People

Prior to the 1994 genocide, citizens were required to carry identity cards that indicated ethnicity – Hutu, Tutsi, and Twa. Following the genocide the government banned all identity card references to ethnic affiliation as divisionist or contributing to genocide ideology. As a result the Batwa, purported descendants of Pygmy tribes of the mountainous forest areas bordering the DRC and numbering approximately 33,000, were no longer designated as an ethnic group. On this basis the government no longer recognized groups advocating for Batwa needs. Some Batwa said their rights as an indigenous ethnic group were denied as a result of such government policies. The government recognized the Community of Indigenous Peoples of Rwanda (CAURWA), a Batwa advocacy organization, although it was not formally acknowledged as an

organization supporting an indigenous group. Despite the recognition of CAURWA and joint health and education projects with the government, most Batwa continued to live on the margins of society with very limited access to education, and they continued to be treated as inferior citizens.

Other Societal Abuses and Discrimination

Discrimination based on sexual orientation occurred, and in September 2007 some members of parliament publicly called for legislation criminalizing homosexuality.

During the year security forces detained two women for several days upon their return from a conference on lesbians in Africa; security forces also reportedly searched their e-mail.

Unlike in the previous year, there were no reports that police officers assaulted homosexuals or that landlords evicted homosexual tenants.

Discrimination against persons living with HIV/AIDS occurred, although such incidents continued to decrease. The government actively supported public education campaigns on the issue, including the establishment of HIV/AIDS awareness clubs in secondary schools and making public pronouncements against the stigmatization of the disease. Members of the military with HIV/AIDS are not permitted to participate in peacekeeping missions abroad, but remain in the military.

6. Worker Rights

a. The Right of Association

The law provides all salaried workers, except for civil servants, the right to form and to join unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice. The law allows unions to conduct their activities without interference, and while the government respected this right in practice, some private sector employers did not and often harassed union members to discourage their activities. Between 20 and 30 percent of the total workforce, including agricultural workers, was unionized.

All unions must register with the Ministry of Labor for official recognition, and the application process was reportedly more difficult than in previous years.

The law provides some workers the right to strike, but this right was severely restricted; civil servants were not allowed to strike. Participation in unauthorized demonstrations could result in employee dismissal, nonpayment of wages, and civil action against the union. A union's executive committee must approve any strike, and the union must first try to resolve its differences with management following a process prescribed by the Ministry of Labor; this process effectively prohibited strikes.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining, but this right was severely limited. The government was heavily involved in the collective bargaining process since most union members were in the public sector. Only the Central Union of Rwandan Workers (CESTRAR) had an established collective bargaining agreement with the government.

The law prohibits antiunion discrimination, but there were no functioning labor courts to resolve complaints involving discrimination against unions. According to CESTRAR, employers frequently intimidated unionists through the use of transfers, demotions, and dismissals, though less often than in the previous year. The law requires employers to reinstate workers fired for union activity; however, this law was seldom enforced.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, and the government generally enforced this right; however, prisoners were assigned work details that generally involved uncompensated public maintenance duties. Gacaca courts sentenced convicts to perform community service, and those suspected of committing genocide who confessed were given sentences involving community service. By year's end approximately 54,000 persons had been formally registered for community service; of these, approximately 28,000 were either working as day laborers or as residents in one of 64 community service camps, while the rest were awaiting community service assignments.

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

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

d. Prohibition of Child Labor and Minimum Age for Employment

While the law does not specifically prohibit forced or compulsory labor by children, there are laws to protect children from exploitation in the workplace; however, the government did not effectively enforce them. During the year the government increased efforts to stop child prostitution; however, child labor, including forced prostitution, was prevalent. In June 2007 the government indicated that approximately 450,000 children (approximately 9 percent of the country's four million children under 18) were engaged in all forms of child labor. However, a 2006 UN report suggested that 36 percent of children between the ages of five and 14 (approximately one million children) were engaged in child labor.

Except for subsistence agricultural workers, who account for more than 85 percent of the workforce, the law prohibits children under the age of 16 from working without their parents' or guardians' permission and prohibits children under 16 from participating in night work (between 7 p.m. and 5 a.m.) or any work deemed hazardous or difficult by the minister of labor. Children also must have a rest period of at least 12 hours between work engagements. The minimum age for full-time employment is 18 years (14 years for apprenticeships), provided that the child has completed primary school.

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

A National Advisory Committee on Child Labor comprising various government ministries, the NHRC, the RNP, trade unions, and NGOs met regularly to provide guidance and technical assistance to the government on child labor issues and to develop a national child labor policy. The government continued to support 30 child labor inspectors in 12 regional offices; however, the government was unable to provide them with adequate resources to effectively identify and prevent the use of child labor. Some districts established by-laws to prevent child labor, and child labor reduction benchmarks were integrated into district performance contracts.

The government worked with NGOs to raise awareness of the problem, to identify children involved in child labor, and to send them to school or vocational training. Since

March 2005, in collaboration with multiple NGOs, the government rescued 3,485 children from exploitative labor conditions and provided training and prevention services to another 2,582 children considered at risk for trafficking or other exploitation. The government imposed fines against those who illegally employed children or sent their children to work instead of to school. During the year teachers and local authorities received training on the rights of children.

e. Acceptable Conditions of Work

There was no single minimum wage, but minimum wages in the formal economy did not provide a decent standard of living for a worker and his family. For example, minimum wage in the tea industry ranged from 500 to 750 Rwandan francs per day (approximately \$0.90 to \$1.35), while in the construction industry it ranged from 1000 to 1500 francs a day (\$1.80 to \$2.70). Minimum wages, however, provided a higher standard of living than that of the 85 percent of the population relying only on subsistence farming. The Ministry of Public Service, Skills Development, and Labor set minimum wages in the small formal sector. The government, the main employer, effectively set most other wage rates as well. In practice some workers accepted less than the minimum wage. Families regularly supplemented their incomes by working in small businesses or subsistence agriculture.

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