

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	80
Land:	Rwanda
Kilde:	Freedom House
Titel:	Freedom in the World 2010 – Rwanda
Udgivet:	24. juni 2010
Optaget på baggrundsmaterialet:	25. juni 2010

Title	Freedom in the World 2010 - Rwanda
Publisher	Freedom House
Country	Rwanda
Publication Date	24 June 2010
Cite as	Freedom House, <i>Freedom in the World 2010 - Rwanda</i> , 24 June 2010, available at: http://www.unhcr.org/refworld/docid/4c23123ac.html [accessed 24 June 2010]

Freedom in the World 2010 - Rwanda

Capital: Kigali

Population: 9,877,000

Political Rights Score: 6 *

Civil Liberties Score: 5 *

Status: Not Free

Overview

The process of judging perpetrators of the 1994 genocide neared completion in 2009 as the traditional *gacaca* courts officially concluded their work. The government arrested the leader of a rebel group from the neighboring Democratic Republic of Congo in January, despite claims that it continued to support the group. Meanwhile, as Rwanda moved toward a presidential election in 2010, the ruling Rwandan Patriotic Front seemed to step up its already tight control over civic and political life, particularly limiting press freedom.

Belgian colonial rule in Rwanda, which began after World War I, exacerbated and magnified tensions between the minority Tutsi ethnic group and the majority Hutu. A Hutu rebellion beginning in 1959 overthrew the Tutsi monarchy, and independence from Belgium followed in 1962. Hundreds of thousands of Tutsi were killed or fled the country in recurring violence over the subsequent decades. In 1990, the Tutsi-dominated Rwandan Patriotic Front (RPF) launched a guerrilla war from Uganda to force the Hutu regime, led by President Juvenal Habyarimana, to accept power sharing and the return of Tutsi refugees.

Habyarimana was killed when his plane was shot down near Kigali in April 1994. Hutu extremists immediately pursued the complete elimination of the Tutsi. During the genocide, which lasted some three and a half months, as many as a million Tutsi and moderate Hutu were killed. By July, however, the RPF had succeeded in taking control of Kigali and establishing an interim government of national unity.

The Hutu-dominated army and militia, along with as many as two million Hutu refugees, fled into neighboring countries, especially the Democratic Republic of Congo (DRC). These forces were able to retrain and rearm in the midst of international relief efforts to assist the refugees. The RPF responded by attacking refugee camps in the DRC in 1996.

Nearly three million refugees returned to Rwanda between 1996 and 1998 and were

peacefully reintegrated into society. Security improved considerably after 1997, although isolated killings and disappearances continued. The RPF-led government closely directed the country's political life. In 2000, President Pasteur Bizimungu, a moderate Hutu installed by the RPF, resigned and was replaced by Vice President Paul Kagame, a Tutsi.

Rwanda's extended postgenocide political transition officially ended in 2003 with a new constitution and national elections. The RPF's preeminent position – combined with a short campaign period, the advantages of incumbency, and a pliant political culture traumatized by the effects of the genocide – ensured victory for Kagame in the presidential vote and for the RPF and its allies in subsequent parliamentary elections. The largest opposition party, the Hutu-based Democratic Republican Movement (MDR), was declared illegal by the authorities before the elections for allegedly promoting ethnic hatred.

A 2004 parliamentary commission report criticized a number of nongovernmental organizations (NGOs) for propagating "genocide ideology," causing these organizations to significantly limit criticism of the government. Bizimungu was sentenced that year to 15 years in prison after being convicted of antistate activities, and Amnesty International and other independent observers questioned the trial's fairness. He was pardoned and released in April 2007, though one of his codefendants remained in prison.

A ban on political party offices at the local level was lifted in June 2007, and several parties began organizing efforts. However, party activity remained tightly constrained. The RPF-led coalition won handily in the September 2008 parliamentary elections, taking 42 out of 53 elected seats in the lower house. Monitoring by a European Union observer team indicated that the actual RPF share of the vote was higher than reported, suggesting an attempt to make the elections appear more democratic.

In 2009, the grassroots *gacaca* courts officially completed their work of adjudicating genocide cases, though plans for a continuation of the *gacaca* system were under way. Separately, by year's end the International Criminal Tribunal for Rwanda (ICTR) had arrested a total of 81 individuals and completed cases against 48 since its inception in 1994. Cases against 26 individuals were ongoing. Genocide trials for Rwandans also took place in Belgium, Canada, and Finland. Meanwhile, charges against RPF officials have been leveled in both Spain and France for war crimes allegedly committed during the genocide. Rose Kabuye, a key Kagame ally who had been arrested in Germany in 2008 and extradited to France, remained there awaiting trial in 2009.

The Rwandan government improved its cooperation with the DRC during the year, conducting joint military operations in the eastern DRC against Rwandan Hutu rebels. In January, Rwanda arrested Laurent Nkunda, the leader of a Congolese Tutsi rebel group, the National Congress for the Defense of the People (CNDP). Nevertheless, the CNDP continued to carry out military operations and occupy territory in the eastern DRC, and observers accused the RPF of maintaining its alleged support for the group.

With considerable international aid, Rwanda has improved earnings from coffee exports and increased grain and potato production, helping to sustain an economic growth rate of nearly 8 percent. Economic development, however, has been unevenly distributed.

Political Rights and Civil Liberties

Rwanda is not an electoral democracy. International observers have noted that the 2003 presidential and 2003 and 2008 parliamentary elections, while administratively acceptable, presented Rwandans with only a limited degree of political choice. The 2003 constitution grants broad powers to the president, who can serve up to two seven-year terms and has the authority to appoint the prime minister and dissolve the bicameral Parliament. The 26-seat upper house, the Senate, consists of 12 members elected by regional councils, eight appointed by the president, four chosen by a forum of political parties, and two representatives of universities, all serving eight-year terms. The Chamber of Deputies, or lower house, includes 53 directly elected members, 24 women

chosen by local councils, and three members chosen by youth and disability groups. All serve five-year terms.

The constitution officially permits political parties to exist, but only under strict controls. The constitution's emphasis on "national unity" has the effect of limiting political pluralism. The RPF dominates the political arena, and parties closely identified with the 1994 genocide are banned, as are parties based on ethnicity or religion. These restrictions have been used to eliminate parties that have the potential to challenge the RPF's dominance. The constitutionally mandated Political Party Forum vets proposed policies and draft legislation before they are introduced in Parliament. All parties must belong to the forum, which operates on the principle of consensus, though in practice the RPF guides its deliberations. Parliamentary committees have begun to question ministers and other executive branch officers more energetically, and some of these debates are reported in the local press. As the country moves toward the 2010 presidential election, the government appears to be tightening controls on independent political activity.

Government countermeasures have helped limit corruption, though graft remains a problem. A number of senior officials in recent years have been fired and faced prosecution for alleged corruption, embezzlement, and abuse of power. The Office of the Ombudsman, the auditor general, and the National Tender Board are all tasked with combating corruption. Rwanda was ranked 89 out of 180 countries surveyed in Transparency International's 2009 Corruption Perceptions Index.

The RPF has imposed numerous legal restrictions and informal controls on the media, and press freedom groups have accused the government of intimidating independent journalists. The British Broadcasting Corporation's Kinyarwanda service was banned for two months ending in June 2009 after it aired dissenting views on the genocide. In August, the Media High Council recommended the suspension for three months of the independent national weekly *Umuseso* for defaming the president, and in December, authorities arrested and released the editor, Didas Gasana, on another defamation charge. Also in August, the editor of *Rugari* was sentenced to two years in prison for attempted extortion, and a journalist from *Rushyashya* was sentenced to a three-month jail term for photographing a *gacaca* trial. The editor of *Umuwugizi*, Jean-Bosco Gasasira, was convicted of defamation and invasion of privacy in November for publishing an article about an affair between two government officials. He was fined about \$6,000. A new media law enacted in August contained a number of restrictive provisions, including educational requirements for journalists, a rule compelling journalists to reveal sources when it is deemed necessary for criminal cases, and increased capital requirements for starting new media outlets. Authorities do not restrict access to the internet, but its penetration in the country remains limited.

Religious freedom is generally respected, though the government has increasingly enforced regulations on religious organizations and has arrested clergy for comments construed as denying the genocide. The implication of some clergy in the genocide has complicated relations between the government and many churches. Academic freedom is constrained by fears among teachers and students of being labeled "divisionist" and potentially arrested.

Although the constitution codifies freedoms of association and assembly, in reality these rights are limited. Some NGOs have complained that registration and reporting procedures are excessively onerous, and activities that the government defines as "divisive" are prohibited. Several organizations have been banned in recent years, leading others to refrain from criticizing the RPF. However, most civil society organizations that do not focus on sensitive subjects, such as democracy and human rights, function without direct government interference.

The constitution provides for the rights to form trade unions, engage in collective bargaining, and strike. According to the 2009 Annual Survey of Violations of Trade Union Rights compiled by the International Trade Union Confederation, relations between the government and trade unions have improved since the first union elections in 2007.

Nevertheless, the government continues to pressure the unions, often in subtle and indirect ways. The list of "essential services" in which strikes are not allowed is excessively long. The largest union umbrella group, the Central Union of Rwandan Workers, was closely controlled by the previous regime but now has greater independence.

The judiciary has yet to secure full independence from the executive. Nevertheless, a 2008 report by Human Rights Watch noted some recent improvements in the judicial system, including an increased presence of defense lawyers at trials, improved training for court staff, and revisions to the legal code. The *gacaca* courts have faced criticism from legal experts because of government interference and their focus on genocide crimes to the exclusion of crimes allegedly committed by the RPF. Although the *gacaca* process was formally completed in June 2009, some trials and appeals continue, and the government announced plans to continue *gacaca* courts to try more serious genocide cases. An estimated 1.5 million cases were tried in the *gacaca* courts. While their behavior does not appear to reflect official policy, individual police officers sometimes use excessive force, and local officials periodically ignore due process protections.

Equal treatment under the law is guaranteed, and legal protections against discrimination have increased in recent years. A national identity card is required when Rwandans wish to move within the country, but these are issued regularly. In previous years there were cases of government officials forcing citizens to return to the districts listed on their identity cards, though this no longer appears to be a problem.

The 2003 constitution requires women to occupy at least 30 percent of the seats in each chamber of Parliament. After the 2008 elections, Rwanda became the first country in the world to have a female parliamentary majority, with 56 percent of seats in the lower house held by women. Both the speaker of the lower house and the chief justice of the Supreme Court are women. Women's rights to inherit land have been strengthened through legislation. An international report found in 2006 that Rwanda had made significant strides toward achieving an equal balance of girls and boys in primary school education, and special incentives exist to promote the advancement of girls in science-related study topics. Despite these improvements, de facto discrimination against women continues. Economic and social dislocation has forced women to take on many new roles, especially in the countryside.

**Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom.*

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