2009 Human Rights Report: Rwanda

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

March 11, 2010

Rwanda, with a population of 10 million, is a constitutional republic dominated by a strong presidency. In 2003 voters elected President Paul Kagame to a seven-year term in largely peaceful but seriously marred elections. Chamber of Deputies elections took place in September 2008 and were peaceful and orderly, despite irregularities. The Rwanda Patriotic Front (RPF) dominated the government and legislature. Civilian authorities generally maintained effective control of the security forces.

Citizens' right to change their government was effectively restricted. Violence against genocide survivors and witnesses by unknown assailants resulted in deaths. There were reports of abuse of suspects by security forces and local defense members, and prison and detention center conditions remained generally harsh. Security forces arbitrarily arrested and detained persons. Prolonged pretrial detention was a problem. There were restraints on judicial independence and limits on freedoms of speech, press, association, and religion. The government forcibly returned refugees. Official corruption and restrictions on civil society remained a problem. Societal violence and discrimination against women, trafficking in persons, and discrimination against Twa and the lesbian, gay, bisexual, and transgender (LGBT) community occurred. There were restrictions on labor rights, and child labor occurred.

In January the governments of the Democratic Republic of Congo (DRC) and Rwanda accelerated efforts to achieve a rapprochement, which they had initiated in late 2008. In January and February the two governments carried out a joint operation called Umoja Wetu (Swahili for "Our Unity") in the eastern DRC against the Hutu rebel group known as the Democratic Forces for the Liberation of Rwanda (FDLR). The FDLR was responsible for numerous atrocities against Congolese civilians in eastern DRC, and its leaders were implicated in the 1994 Rwandan genocide. The Umoja Wetu operation disrupted the FDLR and precipitated the return of Rwandan FDLR combatants and noncombatants. Rwandan forces also arrested General Laurent Nkunda, the leader of the Congolese rebel National Congress in Defense of the People (CNDP). According to a December report by the international nongovernmental organization (NGO) Human Rights Watch (HRW), the joint DRC-Rwandan operation resulted in civilian deaths.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that that the government or its agents committed arbitrary or unlawful killings. Unlike in the previous year, there were no reports of unlawful killings by local defense members. The government generally investigated security force killings and prosecuted perpetrators; however, authorities took no action against police officers responsible for the 2007 shooting deaths of 22 criminal suspects.

There were no developments in the case of the July 2008 killing of a university student by a local defense member in Kigali's Nyagatare sector. Following the death of the student and three other local defense killings in a six-month period in the same district, police disarmed all local defense members in the district.

Unidentified individuals killed 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 espousing genocide ideology, which the law defines as dehumanizing an individual or a group with the same characteristics by threatening, intimidating, defaming, inciting hatred, negating the genocide, taking revenge, altering testimony or evidence, killing, planning to kill, or attempting to kill someone. A special protection bureau in the Office of the National Public Prosecution Authority (formerly the Office of the Prosecutor General) investigated 473 cases, 181 of which were filed in court (see section 1.e.).

In December HRW released the report *You Will Be Punished,* which describes 201 killings of civilians attributed to government forces during the DRC-Rwanda joint operation of January and February. The report also described widespread abuses by soldiers against civilians. According to HRW, several of the victims and witnesses it interviewed "found it difficult, if not impossible, to distinguish Rwandan army soldiers from former CNDP combatants recently integrated into the Congolese Armed Forces, who played an important role in the operation." The HRW report, citing a 2008 UN Group of Experts report, noted that soldiers of both armies "often wore identical camouflage uniforms" and that Rwandan soldiers had Rwandan flags on their uniform sleeves. In some cases, according to HRW, former CNDP combatants had the same army uniforms, although they usually removed the Rwandan flag.

According to the HRW report, in late February soldiers gathered residents of Ndorumo, North Kivu, by calling a meeting at a local school and subsequently shot and killed approximately 90 villagers, including women and children, reportedly for collaborating with the FDLR. In a similar incident, also in February, soldiers killed approximately 40 residents of Byarenga, North Kivu. There were smaller numbers of civilians killed in other incidents during January and February.

The government denied the RDF had participated in any killing of civilians. Neither Congolese nor Rwandan authorities had taken any steps to investigate or prosecute any soldiers allegedly involved in such incidents by year's end.

At least one mob killing occurred during the year. In September residents of Kayonza district killed a suspected thief. While the main suspect fled after the killing, the trial of several accomplices was ongoing at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices, but instances of abuse of detainees and prisoners by police or prison guards sometimes occurred. 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, authorities took no action against police officers responsible for the 2007 shooting deaths of 22 criminal suspects.

A local NGO that assists torture and abuse victims reported that it received no new cases during the year and that incidents and severity of abuse by authorities continued to decline.

There were reports that police beat members of the Jehovah's Witnesses who refused to participate in nighttime security patrols, and authorities arrested some members (see section 2.c.).

HRW stated it received reports of civilians who alleged that security personnel arrested them arbitrarily during the Umoja Wetu operation in the DRC, and that some of the security personnel then changed into Rwandan army uniforms before taking the civilians across the border to Rwanda and beating, detaining, and questioning them over their alleged ties to the FDLR. All reported being returned to the DRC after being held for a period of up to 17 days. None reported having been charged with any offense. There was no other independent confirmation of these reports.

Neither Congolese nor Rwandan authorities had taken any steps to investigate or prosecute any soldiers allegedly involved in such incidents by year's end.

Isolated reports of abuse by local defense members continued.

There were reports that unknown assailants on occasion harassed and threatened journalists and other citizens (see section 2.a.).

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 2006 made up the majority of the prison population. There were unconfirmed reports that police sometimes beat newly arrested suspects to obtain confessions. Kigali's Gikondo transit center, where authorities held street children, vagrants, suspected prostitutes, and street sellers, continued to operate, despite a senate committee's July 2008 call for its closure due to substandard conditions (see section 1.d.).

In July 2008 the government 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--reported a slight increase in malnutrition among prisoners. Pregnant and breastfeeding prisoners, as well as female prisoners with small children, continued to receive food supplements from family members. The government allowed families to provide food to prisoners in smaller jails or detainees in police stations awaiting hearings or transfers. Prisoners outside of Kigali maintained gardens, which supplemented prison diets. Some prisoners transferred from police jails to national prisons had not been fed for several days. Police in previous years told crime victims that if the victims did not provide food to the accused, authorities would release the accused.

On August 11, prisoners in the Kimironko and Cyangugu prisons rioted over lack of food and visitation rights, resulting in several injuries.

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 for minors, health monitoring, and construction programs to improve prison infrastructure.

All of the country's 14 prisons provided treatment for tuberculosis (TB), and eight provided full TB diagnostic and treatment services. Eleven prisons provided HIV voluntary counselling and testing services, while 12 provided antiretroviral treatment for HIV-infected prisoners.

Prisoner deaths resulted from anaemia, HIV/AIDS, respiratory disease, malaria, and other diseases, although the rates of such deaths were similar to those found in the general population. The Prisons Service reported that prisoner deaths declined during the year as a result of a Global Fund program that facilitated the placement of medical personnel in all 14 prisons, treatment for diseases including HIV/AIDS, and improvement in hygiene and sanitary conditions.

On September 26, in Nyagatare Prison, two prisoners died and 11 were hospitalized due to a botulism outbreak; 67 of the 188 inmates in the prison contracted the disease.

By the end of October, the prison population was approximately 64,000 in a system designed for 43,400. The population consisted of approximately 59,100 men, 4,200 women, and 700 minors. Additionally, as of August there were 679 children living with their parents in prison.

National prison policy prohibits the hiring of prisoners to perform work at private residences and businesses. However, community service, a national program, 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 juvenile prisoners had access to the adult wards. There were reports of abuse of minors, both by other minors and by the adult prison population, especially among the male inmate population.

Authorities generally separated pretrial detainees 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, former transport minister Ntakirutinka, remained in a special section of the Kigali "1930" prison.

The ICRC reported unimpeded access on an unannounced basis to all prisons during the year. Local human rights NGO League for Human Rights in the Great Lakes Region (LDGL) reported similar ease of access to all prisons; at year's end another local human rights NGO was awaiting a renewed permit to visit prisons. 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.

During the year the government completed construction of a new block of prison cells in compliance with international standards for treatment of prisoners convicted by international criminal tribunals. In November the Special Court for Sierra Leone (SCSL) transferred eight prisoners to Rwanda to serve their sentences. The SCSL agreed with the International Criminal Tribunal for Rwanda (ICTR) on the quality of the detention center, which the UN deemed met international standards.

During the year the government reported that it had enrolled all prisoners in the national health insurance plan, although medical treatment remained inadequate.

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.

Role of the Police and Security Apparatus

The Rwandan Defense Forces (RDF) under the Ministry of Defense maintain external security. The Rwanda National Police (RNP), headed by a commissioner general and two deputy commissioners, is under the Ministry of Internal Security and is responsible for internal security. Five assistant commissioners oversee the various units, such as training, intelligence, criminal investigations, protection, and the provincial areas. The police lacked sufficient basic resources such as handcuffs, radios, and patrol cars. During the year there were some reports of police arbitrarily arresting and beating individuals, engaging in corrupt activities, and demonstrating a lack of discipline.

The National Public Prosecution Authority (formerly the Prosecutor General's Office), under the Ministry of Justice, is responsible for prosecuting police abuse cases. The police Office of Inspectorate Service, which reports directly to the RNP commissioner general, handled approximately 400 cases of police misconduct during the year. During the year the RNP fired 74 police officers for alleged corruption, abuse of power, or misconduct; 391 police officers received administrative punishment for indiscipline. Acts that rose to the level of criminal offenses were referred to the National Public Prosecution Authority, and several prosecutions were underway at year's end. The RNP advertised a toll-free number in the local radio and press and provided complaint/compliment boxes in many communities to encourage citizens to report problems regarding police and the local defense members.

During the year 330 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 local defense, 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 local defense, while local officials had responsibility for operational oversight. Local defense members performed basic security guard duties throughout the country, including maintaining a presence at gacaca proceedings. Local defense 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 local defense chased illegal street vendors, petty criminals, and prostitutes away from public areas. There were reports that the local defense acted with impunity when dealing with street vendors, street children, vagrants, and undocumented residents. During the year the government publicly warned the local defense against involvement in criminal activity and prosecuted local defense members who committed crimes; however, some human rights groups accused the government of not taking sufficiently strong action against some local defense members and considered the organization abusive.

Arrest Procedures and Treatment While in 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. Authorities sometimes disregarded these provisions during the year. At times police used nonjudicial punishment when minor criminals confessed and the victims agreed to the police officer's recommended penalty, such as a week of 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. Authorities generally allowed family members prompt access to detained relatives. By law detainees are allowed access to lawyers, although they are not allowed formal representation in the gacaca process. In practice, however, the scarcity of lawyers (there were 450 attorneys in the country, of which 292 were trainees, most in Kigali) impeded access to legal representation. 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. The Bar Association provided 314 lawyers to clients during the year. One international NGO also provided limited access to defense counsel and provided 596 lawyers for 724 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.

Police arbitrarily arrested opposition members, journalists, and members of Jehovah's Witnesses during the year (see sections 2.a., 2.c., and 3).

In January government authorities arrested Laurent Nkunda, leader of a Congolese armed group, while he was in the country. At year's end Rwandan and Congolese officials were negotiating the extradition of Nkunda, who remained under house arrest.

On several occasions police and the local defense detained street children, vendors, beggars, and undocumented nonresidents in Kigali and other larger towns and charged them with illegal street vending or "vagrancy." Authorities released adults who could produce identification and transported street children to their home districts, to shelters, or for processing into vocational and educational programs.

Despite a 2008 senate committee report that called for the closure of Kigali's Gikondo transit center for violations of detainee rights and lack of social services, the facility continued to operate as a temporary detention facility for street children, vagrants, and street vendors. Government officials asserted that they held persons for no more than one to three weeks; however, detainees sometimes waited several months before release. Authorities commonly denied access to the relatives of detainees.

There were serious problems of lengthy pretrial detention, including the detention of persons whose unresolved cases dated from 1994, 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 an ordinary court or in the gacaca system. The government made significant progress in reducing the gacaca case backlog. Authorities permitted the majority of convicted prisoners (those who had confessed their genocide crimes) to return to their families, with actual prison time to be served after the suspended and community service portions of their sentences had expired.

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. Unlike in previous years, there were no reports that members of the executive branch called judges to discuss ongoing cases privately and to express executive preferences.

In its July 2008 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.

In May the Swedish Supreme Court decided to extradite a genocide suspect to Rwanda; however, the European Court of Human Rights suspended the transfer to review the case. In 2008 the three International Criminal Tribunal for Rwanda (ICTR) panels considering case transfers to Rwanda found adequate judicial independence in the country. The panels nevertheless denied case transfer, citing fair trial concerns, including inadequate witness protection and improper sentencing guidelines.

In October 2008 the Military Court in Kigali acquitted two senior RPF officers of 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. 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, which confirmed the lower court ruling.

The constitution provides for 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, commercial courts, and military courts.

By year's end there were 19,247 criminal and 26,364 civil cases pending in the regular courts; approximately 47,000 such cases were pending at the end of 2008.

Trial Procedures

In the ordinary 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, but government officials did not always adhere to this in practice. 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 and the Bar Association continued to provide legal assistance to some indigent defendants 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. The government continued to swear in new court officers and assign them 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 the same rights as civilian courts, including an attorney at public expense, the right of appeal, and access to government-held evidence relevant to their cases. The law stipulates that military courts should try civilian accomplices of soldiers accused of crimes. As of October military courts had tried 67 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. (The government estimated that adjudicating the caseload in ordinary courts would have taken decades.) Gacaca defendants are presumed innocent until proven guilty, and gacaca courts normally decide a case the day of the trial. There is no bail in the gacaca system, and defendants are informed of the charges against them during the trial, not before it. 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 they 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 are classified as Category II (those who committed criminal actions such as murder or injured someone with the intent to murder) or Category III (those whose crimes involved property); these cases were either tried in gacaca courts (Category II cases) or settled through gacaca mediation (Category III cases). In 2007 the government passed legislation to lessen overall sentences and increase the suspended sentence and community service portions of those sentences. The 2007 sentencing guidelines, 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. Category II prisoners who confess can return home and serve their jail sentences later, usually no more than one-sixth of a 15- or 20-year sentence; suspects who do not confess and are convicted may face decades in jail.

In June 2008 the law was further amended to move approximately 6,900 Category I cases--most involving rape--from ordinary courts to the gacaca system. The law also provides for the transfer of approximately 1,200 genocide Category I cases, already begun in the ordinary courts, to the gacaca courts. The law provides for the commutation of custodial sentences and replaces remaining prison terms with community service once the original community service portion of a sentence is completed.

By year's end gacaca officials reported having concluded more than 1.1 million cases. As of December, 2,261 gacaca cases remained.

In August there were 123,365 gacaca judges or "persons of integrity" elected by the community and trained in gacaca law, serving in 13,708 cell, sector, and appellate gacaca benches, or groups of judges, across the country.

Unlike in previous years, no lawyers fled the country as a result of threats or harassment by unknown persons following their defense of persons accused of genocide or related crimes.

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.

There were reports that government officials unduly influenced gacaca judges during the course of hearings.

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. The government claimed that it had prosecuted 46 soldiers, that civil and military authorities addressed RPF abuses, and that one could not equate such abuses with the genocide. A human rights organization claimed

that 36 soldiers had faced trial for crimes committed against civilians during the genocide and attributed the number to government reluctance to try RPF soldiers for such crimes. No charges were brought against RPF soldiers during the year.

Most gacaca hearings took place 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. The government reported that unknown attackers killed six genocide survivors and witnesses during the year, whereas the survivors' organization Ibuka reported 24 killings of survivors from January through December. Ordinary courts also 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 approximately 473 cases involving such violence against survivors and witnesses, 181 of which were filed in court. Nearly all cases involved gacaca proceedings. The government asserted that the genocide ideology law was necessary to prevent a reincitement to violence, but NGO and human rights organizations criticized the law as overly broad and recommended its repeal. Unlike in the previous year, there were no reports that organized groups targeted and killed genocide witnesses. However, the government continued to conduct criminal investigations of individuals, which resulted in the prosecution of some persons.

The government held local communities responsible for protecting witnesses and relied on the local defense, local leaders, police, and community members to protect witnesses. A task force continued efforts to monitor those genocide survivors deemed most at risk and genocide suspects considered most likely to commit violent attacks. During the year it increased joint patrols in rural areas by survivors and security personnel; used preventive detention of genocide suspects to prevent attacks deemed imminent by security officials; expanded hotlines; and expedited gacaca hearings for those cases deemed most likely to involve the risk of violence against survivors and witnesses.

Ibuka continued to call for increased cooperation among gacaca courts, police, ordinary courts, and mediators, and for the creation of a survivors' compensation fund; however, unlike in previous years, it did not criticize the government for failing to prevent survivor killings.

Some analysts and human rights observers voiced concern that witnesses might have given false testimony in a sizable number of gacaca cases, despite penalties for such conduct. Observers also expressed concern that some suspects confessed to avoid lengthy prison terms. Unlike in the previous year, there were no reports that some persons had been tried in both ordinary and gacaca courts for the same crimes.

Although the vast majority of persons facing gacaca charges remained in the country, in September a group of more than 300 genocide suspects fled to Burundi claiming persecution in Rwanda (see section 2.d.). Government officials claimed that most persons fled due to pending gacaca cases, not persecution.

The ICTR, based in Tanzania, continued to prosecute genocide suspects during the year (see section 5).

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 Charles 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 actions, and the government generally respected these prohibitions in practice; however, there were some reports that the government monitored homes and telephone calls.

Section 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. The government continued to intimidate and arrest 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. The government also suspended, and subsequently reinstated, a media outlet. 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 "contempt for the Head of State of Rwanda." During the year the expression of such viewpoints sometimes resulted in harassment or intimidation.

In August the government passed a new media law called the Law on Media. Provisions in the new law grant the Media High Council the power to suspend newspapers, increase the amount

of capital required to start new media outlets, impose criminal penalties on journalists who incite discrimination or show contempt to the president, and require journalists to reveal their sources when authorities deem it necessary to carry out criminal investigations or proceedings. The law also requires journalists to have either an associate's degree in journalism or communication, a certificate obtained from an institute of journalism and communication, or a university degree in another field with training in journalism. Journalists without one of these qualifications must obtain them within five years to continue in their positions.

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 daily newspaper. There were 67 newspapers, journals, and other publications registered with the government, although fewer than 20 published regularly. Sporadically published independent newspapers-–including *Focus, Umuseso,* and *Umuvugizi*--maintained positions contrary to or critical of the government. The *New Times* also sometimes criticized government policies and officials. Journalists from the BBC's Kinyarwanda-language service reported being denied access to cover certain government events and difficulty reaching officials between January and June. As of June BBC Kinyarwanda journalists reported receiving invitations to government events and interviews with government officials.

Unlike in the previous year, the government did not expel 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; however, journalists were expelled from public events. Police also detained journalists.

During a February 14 lecture given by High Court President Johnston Busingye to police cadets, police expelled two journalists from the *New Times* who had been invited to cover the event. Police subsequently forced the journalists to delete their photographs when they were unable to produce their letters of permission from the Ministry of Internal Security to attend the event. The lecture included discussion of human rights in policing.

In August a gacaca court in Butare sentenced Amani Ntakandi, a journalist for the biweekly *Rushyashya*, to three months in prison for taking photos of an August 5 gacaca trial. Ntakundi, who had a permit to take notes issued by the national agency for Gacaca courts, claimed he was unaware that he needed separate permission to take photos. Authorities released him in November.

The law imposes criminal sanctions on the media for libel and other forms of defamation. In December authorities arrested, then released, *Umuseso* editor Didas Gasana on charges of defamation and insult after he published a story alleging an affair between the minister of cabinet affairs and the mayor of Kigali.

In August the government charged *Umuvugizi* editor and journalist Jean Bosco Gasasira, one of three journalists expelled from a government event in May 2008, with slander, abuse, defamation, and invasion of privacy after he published two articles that accused a government official of having an extramarital affair. The judge found Gasasira guilty of defamation and

invasion of privacy and fined him; Gasasira appealed the decision in December. In reaction to a media question during a July 27 press conference, the minister of information, Louise Mushikiwabo, announced that the "days of destructive media are numbered." Gasasira, who was attacked by unknown assailants in 2007 after *Umuvugizi* published articles that criticized the government, claimed that he had been followed during the August trial by men whom he believed were state security agents.

In August the Media High Council recommended that the government suspend the weekly *Umuseso* for three months following a July article that called President Kagame a dictator and compared him to former president Habyarimana; however, no action had been taken against the newspaper by year's end. According to the Committee to Protect Journalists, Minister of Information Mushikiwabo explained that she could not understand how anyone would make such a comparison, saying, "one man started the genocide, while the other ended it." Police and immigration officials seized the shipment of a subsequent edition of *Umuseso* at the country's border with Uganda (where it was printed), but released it several hours later. *Umuseso* continued to publish.

In May 2008 government officials expelled three local journalists-–Charles Kabonero of *Umuseso*, Jean Bosco Gasasira of *Umuvugizi*, and Jean Gaubert Burasa of *Rushyasha*--from a government event celebrating World Press Freedom Day. It subsequently excluded Bonaventure Bizumuremyi of *Umuco* and Kabonero's replacement from covering government events. At year's end Bizumuremyi and Kabonero remained outside the country. The government later began allowing *Rushyasha*'s reporters to cover government events.

The case against *Umuco* editor Bizumuremyi remained pending; Bizumuremyi fled the country in March 2008 after his newspaper ran side-by-side photographs of President Kagame with Adolf Hitler and an article equating the two. The government had not suspended *Umuco*, but the newspaper had not published since October 2008. In 2007 the government began prosecuting Bizumuremyi for defamation, divisionism, and disobeying public authorities.

The appeal of the one-year suspended sentence of local journalists Charles Kabonero and Didas Gasana of *Umuseso,* who were convicted in February 2008 of libel for critical articles written about a prominent businessman, remained pending at year's end.

Critics continued to criticize the semiautonomous Media High Council for inhibiting rather than promoting press freedom.

Unlike in previous years, government officials did not pressure government institutions and local businesses to withhold advertising from newspapers critical of the government, which affected newspapers' revenues.

The law authorizes private radio and TV broadcasting, subject to the approval of the government, although some complained that the licensing fees were prohibitively high. The government authorizes the licensing of private television stations; however, it owned and operated the country's only television station. In addition to government-owned and operated Radio Rwanda, there were six community radio stations, five religious stations, one university station, and six independent FM radio stations broadcasting during the year; they offered mostly music and talk shows. Foreign media groups, including Voice of America, BBC, and

Deutsche Welle, broadcast throughout the year and were among the few stations in the country that regularly broadcast independent news.

Radio stations broadcast criticism of government policies during the year, including through the use of popular citizen call-in shows.

In April the Ministry of Information suspended the BBC's Kinyarwanda radio service after it broadcast quotes excerpted from an episode of *The Roots of the Origin*, a weekly radio program focused on conflict in the Great Lakes region; the quotes were considered inflammatory given the 1994 genocide. The government charged that the quotes were "likely to obstruct national unity and reconciliation efforts." Following direct discussions between the government and the BBC, the government revoked the suspension. However, in June Minister of Information Mushikiwabo asked the BBC to reaffirm its commitment to balanced and accurate editorial content. According to the *New Times* daily, the minister "warned that if the station did not change the way it dealt with the 1994 genocide, broadcasts in Kinyarwanda would be "definitively and unconditionally" suspended.

In some cases unidentified individuals harassed and threatened journalists. Some journalists reported receiving text messages and phone calls from unidentified persons harassing them because of critical stories they had written or calling them enemies of the country. Additionally, some journalists reported that unidentified vehicles followed them.

Internet Freedom

There were no government restrictions on access to the Internet. There were reports that the government monitored e-mail, but not 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 in rural areas, where the majority of the population lives. According to International Telecommunication Union statistics for 2008, approximately 3 percent of the country's inhabitants used the Internet.

Academic Freedom and Cultural Events

The government generally did not restrict academic freedom or cultural events; however, on September 30, police arrested university lecturer Dieudonne Nyamulinda, from Eastern Province, on charges of insulting the president and denying the genocide; Nyamulinda remained in prison awaiting trial at year's end. Unlike in the previous year, there were no reports that authorities suspended secondary and university students for divisionism or engaging in genocide ideology.

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.

Authorities prevented political party organizers from meeting. During the year the PS-Imberakuri party attempted to hold four assemblies to register as a political party, but police dispersed two of the assemblies due to procedural errors; the party was unable to secure a notary for the other two. PS-Imberakuri held a successful assembly in June and became an official political party in July.

In April the mayor of Nyarugenge District cancelled the Republican Democratic Alliance/Legacy of Agathe Uwilingiyimana party (ADRUIUA), mistakenly believing they needed authorization by local officials. ADRUIUA attempted to hold another assembly, but did not have enough attendees and had not registered as a political party by year's end.

Authorities cancelled three assemblies of the Democratic Green Party of Rwanda (DGPR or Green Party), including two for procedural errors and one to a disruption by an attendee. The Green Party also found it difficult to secure a notary for its assemblies, and it was still awaiting authorization from police to hold another assembly at year's end.

The government continued to limit the type of locations where religious groups could assemble, at times citing municipal zoning regulations as the reason.

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 impeded the formation of new political parties and restricted political party activities (see section 3).

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 continued to arrest, detain, and beat members of Jehovah's Witnesses for refusing to participate in security patrols. Unlike in the previous year, no Jehovah's Witnesses teachers were fired for refusing to participate 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." During the year the government was drafting a new law on religious organizations and did not accept new applications.

The government allowed religious groups to hold services only at established places of worship and banned the use of private homes for this purpose. Unlike in the previous year, there were no reports that police arrested persons who held night prayers in their homes.

In May and June soldiers beat members of Jehovah's Witnesses for refusal to participate in armed night patrols. During the year police arrested and detained members of Jehovah's

Witnesses for an average of six days as a result of their failure to participate in nighttime security patrols. Such arrests occurred despite a 2005 government ruling that the National Public Prosecution Authority had wrongly applied a law requiring some form of community work to religious groups.

In August the High Court of Musanze summoned a 16-year-old Jehovah's Witness and charged him with disturbing national peace; the youth had been expelled from another school in February 2008 for refusing to sing the national anthem. The judge acquitted the youth at his October 8 trial.

Of the 112 children of Jehovah's Witnesses who were expelled from school in 2008 for refusing to sing the national anthem, 97 had been readmitted by September.

In April 2008 the government fired 215 Jehovah's Witnesses teachers for failing to participate in government-sponsored solidarity camps on religious grounds. As of September, 119 remained unemployed, 48 had gone to the DRC, 47 found different employment, and one had returned to teaching.

Government officials presiding over wedding ceremonies generally required couples to take an oath while touching the national flag, a practice to which members of Jehovah's Witnesses objected 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. Some members found that placing their hands on a bible on top of the flag was an acceptable alternative.

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 reported little official willingness to respond to their concerns.

Societal Abuses and Discrimination

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

The government endorsed the opening of Agahozo Shalom Youth Village during the year, a residential community for orphaned teenagers sponsored by an American Jewish organization, which teaches tolerance and acceptance of all persons.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at **www.state.gov/g/drl/rls/irf**.

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 Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and

assistance to internally displaced persons, refugees, and returning refugees. The law prohibits forced exile, and the government did not use it.

During the year the country accepted 15,452 citizens returning from other countries, all but 5,702 returning from the DRC; most were settled in their districts of origin. The government set a deadline of July 31, later extending it to August 31, for the return of the approximately 20,000 Rwandan refugees and asylum seekers from Uganda; approximately 5,000 returned. The government worked with the UNHCR and other aid organizations to assist the resettled returnees. 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 rapprochement between the two countries. A total of 8,284 former combatants from armed groups in the DRC, including 715 former child soldiers, had been demobilized and peacefully resettled in the country since the beginning of the disarmament, demobilization, and reintegration program in 2001. During the year the government demobilized 1,152 adult former combatants from armed groups and rehabilitated approximately 90 children, 49 of whom arrived during the year. It also demobilized 1,910 RDF soldiers 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 three-month reeducation program at a demobilization and reintegration center in Northern Province. There also was a center solely for former child combatants in Eastern Province. After the three-month reeducation period, each adult former combatant received approximately 60,000 Rwandan francs ($108) and permission to return home; several months later, each received an additional 120,000 Rwandan francs ($216). Returnees accused of committing genocide and who were at least 14 years old at the time of the genocide faced gacaca trials.

Internally Displaced Persons (IDPs)

The government demolished homes and businesses in Kigali as part of the city's master plan, and some residents claimed they received insufficient compensation for their property. Unlike in the previous year, there were no complaints of inadequate notice given to residents to vacate their properties.

Protection of Refugees

The country is a party to the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, as well as the 1969 African Union Convention Governing the Specific Aspects of the Refugee Problem in Africa; 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 (in finding housing, food, and other supplies) while awaiting formal recognition by the government.

In the past the government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion; however, on

June 2, soldiers and police forcibly closed the Kigeme refugee camp, which had sheltered approximately 2,000 Burundian refugees. As of May 31, the date agreed upon by the UNHCR and the governments of Rwanda and Burundi for closing the camp, approximately 1,500 of the refugees had voluntarily returned home. Of the remaining 500 refugees, the UNHCR had slated 70 for resettlement, leaving approximately 440 persons. On June 2, police and soldiers rounded up these remaining refugees and forcibly transported them to Burundi. The UNHCR criticized the action.

The UNHCR, with government support, continued to assist refugees and asylum seekers. As of November 30, it had provided temporary protection to 54,004 persons, mostly refugees from the DRC.

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

In September a group of more than 300 genocide suspects fled from Rwanda to Burundi claiming persecution. Government officials claimed that most fled due to pending gacaca cases, not persecution.

Unlike in the previous year, there were no reports that representatives of a DRC-based armed group recruited children and adults from Rwandan refugee camps to be combatants or 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.

Section 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 in September 2008 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 (with 79 percent of the vote), the Social Democratic Party (PSD) seven seats (13 percent), and the Liberal Party (PL) four (7.5 percent). The councils of women, youth, and persons with disabilities elected the other 27 chamber members. Nine political parties contested the elections; six of them had joined in coalition with the RPF rather than fielding independent lists of candidates.

National Electoral Commission (NEC) rulings restricted the ability of the PSD and the PL to effectively disseminate their messages, 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. NEC and other government officials often prevented observers from monitoring the ballot counting above the polling station and polling center

levels (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. Parties were not able to operate freely, and parties and candidates faced legal sanctions if found guilty of engaging in divisive acts, destabilizing national unity, threatening territorial integrity, or undermining national security. The government's enforcement of laws against genocide ideology or 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 promote consensus at the expense of political competition, according to observers. Independent political parties must demonstrate membership in every district, reserve at least 30 percent of a party's leadership for women, and provide a written political program signed by a notary in order to register.

The government registered the PS-Imberakuri political party during the year; however, the registration process was cumbersome. The government impeded the registration of the newly formed Green Party. In September the Green Party had to cancel a planned assembly because a public notary was not available. In October, after an unidentified man disrupted a Green Party assembly, police canceled the meeting, citing security concerns. In November the Green Party applied for but was unable to obtain police clearance to hold another planned assembly. By year's end the Green Party had not succeeded in registering as a political party.

Police arbitrarily arrested opposition members. For example, in September local authorities arrested a PS-Imberakuri member for political campaigning at school and breach of public order after he reportedly spoke to students about his party. Police released him without charge after three days; however, district authorities in Ruhango subsequently dismissed him from his teaching position.

During the year authorities prevented political party organizers from meeting (see section 2.b.).

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 including that of the prime minister.

The constitution requires that at least 30 percent of the seats in parliament be reserved for women. At year's end there were seven women in the 26-seat Senate and 45 women in the 80-seat Chamber of Deputies. There were nine women in ministerial positions, representing 36 percent of cabinet positions.

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

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government implemented these laws with increasing effectiveness; however, corruption remained a problem. During the year authorities prosecuted 404 cases of corruption and embezzlement, some of which involved senior officials, and 169 cases were pending.

For example, in December the court sentenced Vincent Gatwabuyege, former permanent secretary in the Ministry of Infrastructure, to three years in prison for embezzlement of state funds. In November the court sentenced Theoneste Mutsindashyaka, former state minister for primary and secondary education, to one year in prison for violating tendering procedures for construction of Eastern Province headquarters. In August the court charged former parliamentarian Bikoro Munyanganizi with corruption and sentenced him to two years in prison. Munyanganizi appealed, and in December the court acquitted him on the corruption charges but sentenced him to one year in prison for tax evasion.

Following its 2008 annual report, the ombudsman's office conducted several dozen investigations into judicial corruption and provided them to the National Public Prosecution Authority. Authorities dismissed several judges and court registrars for abuse of office or corruption after investigations by the Judicial Council, a body charged with oversight and discipline of the judicial branch.

The Office of the Auditor General 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. Prior to acquiring the authority to prosecute cases in October, the office recommended cases to the National Public Prosecution Authority, and during the year the office pursued several hundred corruption cases, the majority of which involved misuse of public funds. During the year the police and National Public Prosecution 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.

In January the government announced the formation of an anticorruption council, composed of the ombudsman's office, the National Public Prosecution Authority, the national police commissioner, and several ministries. During the year the council established a hotline for reporting cases of corruption, made corruption cases a priority in the judicial system, and shared information during quarterly meetings.

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. However, the annual budget was available publicly, both in electronic form and in hard copy.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of international NGOs and several independent domestic human rights groups operated in the country, investigating and publishing their findings on human rights cases. Some domestic NGOs noted that relations with the government were generally positive; however, others 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, following a formal application process.

Domestic NGOs LIPRODHOR and 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 180 members (down from 400 last year) and 106 district volunteers to conduct field investigations of alleged abuses. Both LIPRODHOR and the 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 review budgets and the hiring of personnel. NGOs often found the registration process difficult; however, unlike in the previous year, no domestic human rights NGOs were unable to register. 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 with the Ministry of Justice. If a local NGO is initially denied registration, the NGO sometimes must correct and resubmit its registration documents. The government also required domestic NGOs 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.

The government required civil society groups to submit quarterly financial statements and lists of staff and assets in each of the districts where projects were implemented.

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.

There were reports that authorities pressured some individuals affiliated with NGOs to provide information on their activities.

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

Unlike in the previous year, there were no reports that government authorities harassed local NGOs.

The government generally cooperated with international NGOs; however, it frequently criticized HRW as being inaccurate and biased and reportedly conducted surveillance on some international NGOs.

Unlike in the previous year, the government did not deny visas to NGO personnel.

The National Human Rights Commission (NHRC) enjoyed the government's cooperation but 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 operated with government cooperation and took action on cases of corruption and other abuses, including of human rights (see sections 1.e. and 3).

The ICTR in Tanzania continued to prosecute genocide suspects during the year. Since 1994 the ICTR had completed 49 cases, with 41 convictions and eight acquittals. At year's end there were 26 individuals on trial, two persons awaiting trial, and 11 fugitives. Despite continued government efforts to prepare its facilities and legal system to meet international standards, the ICTR has rejected five applications to transfer genocide suspects to Rwanda for trial; nine cases remained under appeal at year's end.

The ICTR had tried no RPF members by year's end. 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.

Section 6 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 spousal rape, and the government handled rape cases as a priority within its courts and tribunals. Penalties for rape ranged from 10 years' to life imprisonment; penalties for spousal rape ranged from six months' to two years' imprisonment. During the year police investigated 2,356 cases of rape, the court tried 3,152 cases, and 1,487 new rape cases were filed in court; 2,020 cases were pending at year's end, compared to 3,685

pending cases at the end of 2008. In recent years those convicted of rape generally received prison sentences of between one year and life. Rape and other crimes of sexual violence committed during the genocide are classified as Category I genocide crimes.

Domestic violence against women, including wife beating, was common. Figures from the National Institute of Statistics indicated that 31 percent of women over age 15 were victims of domestic violence, and 10.2 percent of women experienced domestic violence during pregnancy. A law on the prevention and punishment of gender-based violence came into effect in April and provides for imprisonment of six months to two years for threatening, harassing, or beating one's spouse. Cases normally were handled within the context of the extended family. Between January and November police investigated 2,108 cases of gender-based violence. Police headquarters in Kigali had a hotline for domestic violence, an examination room, and trained counselors who provide access to a police hospital for more intensive interventions. In December 2008 the RDF cooperated with local authorities in Northern Province to increase reporting and support efforts against gender-based violence in 41 specific locations. 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 nationwide investigations and prosecutions into gender-based violence. In July the government--in partnership with the RNP, UN Children's Fund, UN Development Fund for Women, and UN Population Fund--opened the Isange Center, which provided medical, psychological, and police assistance to victims of domestic violence.

Prostitution is illegal but was prevalent.

The law prohibits sexual harassment by employers and provides for penalties of two to five years' imprisonment and fines from 100,000 to 200,000 Rwandan francs (approximately $180 to $360). Sexual harassment was common.

The government respected the basic right of couples and individuals to decide freely and responsibly the number, timing, and spacing of their children. The government made available reproductive health services and contraceptives for all citizens, regardless of age, sex, and ethnicity. More than 90 percent of the population had some form of health insurance, and there was no charge for the poorest of the population. There was a small copayment for obstetric services; this fee was waived for women who completed the recommended four antenatal care visits. Women and men received equal access to diagnostic services and treatment for sexually transmitted infections. According to the Population Reference Bureau, the government provided 73 percent of available contraceptives. Overall, the unmet need for family planning was 38 percent, a statistic that reflected rural access issues, lack of accurate information, and religious reasons.

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 2008 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. The 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 provided scholarships for girls in primary and secondary school and loans to rural women. A number of women's groups actively promoted women's concerns, particularly those of widows, orphaned girls, and households headed by children. In January the government opened the Rwanda Gender Observatory, a gender-focused institution that tracks the mainstreaming of gender equality and women's empowerment throughout all sectors of society and collects gender-disaggregated data to inform policy processes.

Children

Citizenship is derived from one's parents. Children born to two Rwandan parents automatically receive citizenship, and children with one Rwandan parent must apply for citizenship before turning 18. Children born in Rwanda to unknown or stateless parents automatically receive citizenship. Births are registered at the sector level upon presentation of a medical birth certificate. There were no reports of unregistered births leading to denial of public services.

Primary education is compulsory. Parents of students are not required to pay fees through nine years of basic education; however, most parents were required to pay unofficial fees to support basic school operations. According to 2008 World Bank statistics, 54 percent of children completed primary school. Girls accounted for 51 percent of children enrolled in primary school and 49 percent of children enrolled in secondary school. Female enrollment at higher education levels lagged behind that of males.

Statistics on child abuse were unavailable; however, such abuse was common.

There were no statistics available on child marriage; however, it occurred in rural areas.

Due to the genocide and deaths from HIV/AIDS, there were numerous households headed by children, some of whom resorted to prostitution to survive. The law provides that any sexual relations between an adult and a child under 18 is considered rape and is punishable by between 20 years to life in prison. Between January and July prosecutors filed 2,045 rape cases of minors in regular courts; judges acquitted 632 of those accused and sentenced 110 to life in prison.

During the year the government conducted a high-profile public campaign to discourage intergenerational sex and sexual procurement.

The law prohibits child pornography with penalties of between five and 10 years in prison and a fine of 200,000 to 500,000 Rwandan francs (approximately $360 to $900).

The government continued to support the Muhazi rehabilitation center for children in Eastern Province, which provided care and reintegration preparation during the year for approximately 90 children, who had previously served as soldiers in the DRC. During the year 75 of the former child soldiers were reunited with their families.

There were numerous street children throughout the country. Authorities rounded up street children and placed them in foster homes or government-run facilities, including Gikondo

transit center, where street children, vagrants, and street sellers were held in substandard conditions (see section 1.d.). The government also supported 35 child-care institutions across the country that provided shelter, basic needs, and rehabilitation for approximately 2,600 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 how to prevent their children from becoming 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. Additionally, the law on prevention and prosecution of gender-based violence included an article on gender-based human trafficking with penalties of 15 to 20 years' imprisonment and a fine of 500,000 to 2,000,000 Rwandan francs (approximately $900 to $3,600). 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 and domestic labor. Some children also were trafficked to Uganda, Tanzania, and Kenya for agricultural labor or use in commercial sexual exploitation.

The largest trafficking problem was underage prostitution. Small numbers of impoverished girls, typically between ages 14 and 18, used prostitution as a means of survival; 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.

Traffickers included individuals and small, loosely organized prostitution networks. There were reports of such networks in secondary schools and universities. In some instances older students offered vulnerable younger girls room and board, eventually pushing them into prostitution to pay for their keep.

In November 2008 Ugandan authorities arrested a Rwandan national in Uganda for attempting to sell a 15-year-old boy she had trafficked from Rwanda.

Unlike in previous years, there were no reports that children were recruited from refugee camps for soldiering in eastern DRC and forced labor.

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

Authorities investigated several cases and prosecuted traffickers using laws against prostitution by coercion, slavery, kidnapping, rape, and defilement; however, no traffickers were convicted during the year. If convicted, individuals face penalties including imprisonment.

Several investigations into other trafficking cases continued at year's end, including two cases involving adults caught at borders with children.

When the government dismantled prostitution rings, it offered women rehabilitation programs that included employment training. There were no shelters specifically for trafficking victims.

The government provided training on combating sex crimes and crimes against children as part of the police training curriculum. During the year the police offered specialized training for police cadets in recognizing trafficking, particularly trafficking involving children. 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 their hotels.

The Department of State's annual *Trafficking in Persons Report* can be found at **www.state.gov/g/tip**.

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; the government generally implemented these provisions. The Federation of the Associations of Persons with Disabilities appointed one member of the Chamber of Deputies.

In March 2008 the National University of Rwanda began admitting blind students, becoming the second public higher education institution (following the Kigali Institute of Education) to do so.

National/Racial/Ethnic Minorities

Long-standing tensions in the country culminated in the 1994 state-orchestrated genocide, in which Rwandans killed up to a million of their fellow citizens, including approximately three-quarters of the Tutsi population. Following the killing of the president in 1994, an extremist interim government directed the Hutu-dominated national army, militia groups, and ordinary citizens to kill resident Tutsis and moderate Hutus. The genocide ended later the same year when the predominantly Tutsi RPF, operating out of Uganda and northern Rwanda, defeated the national army and Hutu militias, and established an RPF-led government of national unity. This government included members of eight political parties and 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 removed all references to ethnicity in written and nonwritten official discourse and eliminated ethnic quotas for education, training, and government employment. The constitution provides for the eradication of ethnic, regional, and other divisions in society and the promotion of national unity. Some 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.

French-speaking citizens charged that the 2008 government decree to replace French with English in 2010 as the language of instruction from elementary school grade three onwards favored English-speakers.

Indigenous People

Beginning in the 1920s, colonial authorities formally assigned "racial" categories to all citizens and required them to carry identity cards indicating their designated ethnicity--Hutu, Tutsi, or Twa. Government authorities continued this practice until after the 1994 genocide. The postgenocide government banned identity card references to ethnicity and prohibited social or political organization based on ethnic affiliation as divisionist or contributing to genocide ideology. As a result the Twa, purported descendants of Pygmy tribes of the mountainous forest areas bordering the DRC and numbering approximately 33,000 to 35,000, lost their official designation as an ethnic group. The government no longer recognizes groups advocating specifically for Twa needs, and some believed these government policies denied them their rights as an indigenous ethnic group. The government recognized the Community of Indigenous Peoples of Rwanda (CAURWA) and the Ligue pour la Promotion des Potiers du Rwanda (LIPOPORWA), organizations that focused primarily on Twa community needs, as advocates for the most marginalized, rather than organizations that support an indigenous ethnic group. Despite official recognition of CAURWA and LIPOPORWA and ongoing joint health and education projects with the government, most Twa continued to live on the margins of society with very limited access to health care or education. The Twa generally continued to be treated as second-class citizens.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Some members of the LGBT community reported societal discrimination and abuse during the year. According to a 2008-09 study conducted in Kigali, gay men claimed to have been verbally and physically abused in workplaces, bars, prisons, and elsewhere in public.

Other Societal Violence or Discrimination

Discrimination against persons living with HIV/AIDS occurred, although such incidents remained rare. 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.

According to RDF policy and in keeping with UN guidelines, members of the military with HIV/AIDS are not permitted to participate in peacekeeping missions abroad but remain in the military.

Section 7 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. Between 20 and 30 percent of the total workforce, including agricultural workers, belonged to unions.

All unions must register with the Ministry of Labor for official recognition; the application process was cumbersome.

The law provides some workers the right to strike, but authorities severely restricted this right. 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.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining, but the government severely limited this right. 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 in small companies frequently intimidated unionists through the use of transfers, demotions, and dismissals, although less often than in the previous year. The law requires employers to reinstate workers fired for union activity; however, the government seldom enforced this law.

There were 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, prison authorities assigned prisoners to 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 received sentences involving community service. Some prisoners volunteered for community service because it allowed them time away from overcrowded prisons and sometimes extra privileges. Authorities have sentenced a total of 94,466 persons to community service. As of December, 19,000 persons were serving their sentences in one of the 55 community service camps, 11,000 had completed their community service, and 64,466 were waiting to begin community service.

Unlike in the previous year, there were no reports that children in refugee camps were recruited to be used as combatants in eastern DRC or forced laborers.

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

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits forced or compulsory labor by children; however, the government did not effectively enforce it. There were approximately 325,000 children (11 percent of children between the ages of five and 17) engaged in child labor. During the year the government increased efforts to stop child prostitution through a high-profile public campaign to discourage intergenerational sex and sexual procurement.

Except for subsistence agricultural workers, who accounted for more than 85 percent of the workforce, the law prohibits children younger than under the age of 16 from working without their parents' or guardians' permission. The law 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 (16 for apprenticeships), provided that the child has completed primary school.

The government identified five forms of child labor 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.

A National Advisory Committee on Child Labor composed of 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 supported 30 labor inspectors, one in each district; however, the government was unable to provide them with adequate resources to effectively identify and prevent the use of child labor. Some districts established bylaws 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 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 fined 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 1,000 to 1,500 Rwandan 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.

In May the government passed a law that increases legal working hours from 40 to 45 hours per week and reduces maternity leave from 12 weeks of full salary to six weeks of full salary, with an optional additional six weeks at 20 percent of the salary. The law provides employers with

the right to determine daily rest periods; in practice most employees received a one-hour lunch break. 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 effectively. 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.

http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm