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## U.S. Department of State

### Rwanda Country Report on Human Rights Practices for 1998

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#### RWANDA

The largely Tutsi Rwandan Patriotic Front (RPF), which took power following the civil war and genocide of 1994, is the principal political force and controls the Government of National Unity. President Pasteur Bizimungu and Vice President and Minister of Defense General Paul Kagame both belong to the RPF. The mainly Hutu Republican Democratic Movement retains the office of Prime Minister. Prime Minister Pierre Rwigema runs the Government on a daily basis and is responsible for relations with the National Assembly. Political party activity was suspended by agreement among the parties for the duration of the transition period, which is scheduled to end in 1999. The judiciary is subject on occasion to executive influence and suffers from inefficiency and some corruption.

The Minister of Defense is responsible for internal security and military defense; the Minister of Interior is responsible for civilian security matters. The security apparatus consists of the Rwandan Patriotic Army (RPA) and the gendarmerie, which is largely made up of RPA soldiers. Civilian police with limited arrest powers work throughout the country. Members of the security forces committed numerous serious human rights abuses.

Rwanda is a very poor country with a market economy; over 90 percent of the population earns its living through subsistence agriculture. The principal export crops are coffee and tea. Per capita Gross National Product is estimated at \$210 per year. The massive genocide and war in 1994 resulted in the destruction of much of the country's economic infrastructure, including utilities, roads, and hospitals. Food production, even before the war, barely had kept pace with population growth. Small-scale commercial activities are on the increase, but the industrial base remains neglected.

The Government's human rights record remained poor, and the Government continued to be responsible for numerous serious human rights abuses. Although there was some improvement in areas, in a few areas abuses worsened. Security forces committed numerous serious abuses. The RPA continued to use brutal tactics and killed hundreds of civilians in the course of fighting an insurgency in the northwest of the country. Some killings were for political reasons, some were acts of revenge, and some were committed during security sweeps. However, the number of killings in the northwest declined, and the Government tried and sentenced several soldiers who committed abuses. The number of alleged disappearances increased. Security forces beat suspects. Prison conditions remained harsh and life threatening for the 125,000 prisoners housed in jails and prisons designed to hold 17,000. Most are accused of participating in the 1994 genocide. More than 3,300 prisoners died during the year. Security forces used arbitrary arrest and detention, and prolonged pretrial detention was a problem. The judiciary is subject to executive influence on occasion and does not ensure due process and expeditious trials. Genocide trials continued at a slow pace. The Government released suspects at a more rapid rate than in the previous year if they had incomplete files or were ill or elderly; by year's end, it had released 5,120 persons. The Government intimidated journalists and restricted freedom of assembly and association; political activity was restricted. The Government made efforts to cultivate the support of the population in the northwest. Hundreds of thousands of civilians abandoned living and hiding places with the insurgents to return home. Government security forces generally did not harass them. The Government was hostile toward some nongovernmental human rights organizations (NGO's). The Government's refusal to permit continued monitoring by the United Nations Human Rights Field Office in Rwanda (UNHRFOR) led to the closure of that mission in July. Discrimination and violence against women and discrimination against indigenous people are problems. The Government has committed itself to ethnic reconciliation, as perceptions of ethnic identity were a key element in the genocide, although generations of intermarriage have blurred the lines between Hutus and Tutsis, and they no longer are clearly distinct groups.

The genocidal militias that had massacred Tutsis and moderate Hutus in 1994 continued their campaign of ethnic extermination and sought to expand their operations beyond the northwest. The insurgents committed numerous serious human rights abuses, including killings of those perceived as Tutsi survivors of the genocide, and of Hutu officials who opposed their agenda, as well as of religious and humanitarian aid workers. The militias, composed of members of the defeated army, the former Rwandan Armed Forces (ex-FAR) and Interahamwe genocide gangs, regularly attacked government offices and public service institutions, such as prisons, clinics, and schools. These actions increased friction between the security forces and the Hutu population and created insecurity on the roads.

## **RESPECT FOR HUMAN RIGHTS**

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

#### **a. Political and Other Extrajudicial Killing**

The RPA committed hundreds of extrajudicial killings, including individuals and families, in the course of fighting the insurgency in the northwest. The RPA generally committed these abuses during security sweeps, and in revenge for earlier killings by insurgent militias (see Section I.g.). Victims of RPA operations included elderly persons, women, and children, as well as insurgents and suspected collaborators. Reliable statistics for the year are unavailable. Killings were more frequent during the first half of the year when the RPA conducted massive operations in heavily infiltrated areas of Gisenyi, Ruhengeri, and Gitarama prefectures. The number of killings decreased during the second half of the year, as the RPA gained the upper hand against insurgents and undertook efforts to win the support of the local population. The RPA acknowledged that soldiers had difficulty distinguishing civilians from the insurgents, many of whom do not wear uniforms.

In late June and early July, infiltrators moved into parts of Kigali Rurale prefecture. An RPA mission to search out the infiltrators resulted in dozens of deaths in Mbogo commune. In Shyorongi commune, residents were ordered to assemble while the RPA mounted a search for infiltrators. Those persons who had not complied were assumed to be insurgents or insurgent sympathizers and were killed.

In July RPA soldiers killed approximately a dozen civilians near Rwankeri in Gisenyi prefecture. The RPA suspected that the civilians were insurgent sympathizers because they failed to stop infiltrators from destroying a bridge. The Government took steps to punish the perpetrators of some of these killings. Three officers were sentenced to death for their roles in killings in Uhondo and Cyeru. Sixteen soldiers were sentenced to prison terms ranging from 1 year to life in prison, depending on their roles. Another officer, Captain John Turatsinze, was given a 5-year sentence for failing to control his troops.

Harsh prison conditions contributed to the deaths of a more than 3,300 inmates during the year. Some deaths in custody were due to mistreatment. (see Section I.c.).

On January 18, Sergeant Gaspard Mutabazi was summarily executed without trial before 2,000 observers at the stadium in Ruhengeri. He was accused of killing a well-known veterinarian in order to steal his motorbike.

On January 29, a soldier named Emmanuel Rutayisire was executed publicly at the stadium in Gisenyi. He had shot and killed a government correspondent the previous day. Legal experts and others severely criticized the executions.

On May 16, a former cabinet minister, Seth Sendashonga, was killed in Nairobi, Kenya. In June Kenyan authorities charged one Rwandan and two Ugandans with his murder.

Eleven members of the RPA, including at least 2 officers, were arrested for their alleged participation in the massacre of several hundred civilians in Kanama in August 1997. The UNHRFOR conducted an investigation into allegations that thousands of innocent persons were killed in caves near Kanama in late 1997. The UNHRFOR concluded that some civilians undoubtedly had died but could not confirm that the number was in the thousands. There are no plans for further investigations.

A major was arrested on January 15 for negligence in a rebel attack on a displaced persons' camp in December 1997 that left 300 dead. Major Sam Bigabiro was sentenced to life in prison on January 30 for the massacre of 30 persons in Runda commune, Gitarama prefecture, in July 1994. Corporal Denis Gato was convicted of killing on orders from his superior and was sentenced to 45 months' imprisonment.

In July a court sentenced three persons for the 1994 killing of Queen Rosalia Gicanda and six of her relatives. Rosalia was the last Tutsi queen.

Following the outbreak of fighting in August in the Democratic Republic of Congo (DROC), RPA troops participated on the side of Congolese rebels to control territory in the DROC held by the rebels. The U.N. expressed concern about reports of wounding of civilians, arbitrary detention and expulsion, and other serious abuses in areas held by the Congolese rebels.

The International Criminal Tribunal for Rwanda (ICTR) continued its work. In September Prime Minister Jean Kambanda was sentenced to life imprisonment for his role in the genocide (see Section 4). On September 2, the ICTR found former Taba mayor Jean Paul Akayesu guilty of: Nine counts of genocide; direct and public incitement to commit genocide; crimes against humanity for torture and rape and inhuman acts; and extermination. This was the first guilty verdict after trial by an international court

for the crime of genocide. He was sentenced on October 2 to life imprisonment.

In December former army second lieutenant Eustache Dusabeyezu was found guilty of genocide, crimes against humanity, murder, and failure to assist people in danger for leading the April 1994 killings of dozens of Tutsis and moderate Hutus in Gisenyi. He was the fifth former soldier to be convicted for the 1994 genocide. He was sentenced to life imprisonment.

Insurgent militias, which included members of the ex-FAR and Interahamwe gangs and some former refugees, committed hundreds of killings both for political reasons and in pursuit of their genocidal ideology. They also sought to create panic and undermine confidence in the Government's ability to protect the population. Insurgents stepped up propaganda efforts, distributing hate literature and newspapers designed to persuade readers of the justness of their cause, their strength against the Government, and the evil intentions of the RPA. The tracts identified anyone who opposed the insurgents' cause as an enemy. Genocide survivors, Tutsi refugees from the Democratic Republic of Congo, Hutu government officials, local Hutu politicians, and those who refused to cooperate with the insurgency all were targeted. By late summer, the RPA appeared to have gained the upper hand against the insurgents. Intense operations by the RPA combined with disillusionment with the insurgency drove thousands of persons who had abandoned their homes to return to the relatively safer areas controlled by the RPA.

In January insurgents calling themselves the Rwandan Liberation Army distributed leaflets stating that all who opposed them would be beheaded. They subsequently killed between 60 and 70 persons in four communes in Gitarama and beheaded some of their victims. Local officials of both ethnic groups were targeted.

In February 35 civilians were killed by insurgents in Jenda, Gisenyi prefecture; 26 of the victims were Bagogwe Tutsis and 6 were Hutus who were accused of being RPA sympathizers. Also in February, Interahamwe bands killed 58 persons and wounded 64 others at Byahi, in Rubavu commune of Gisenyi. The victims apparently were chosen indiscriminately, without regard to ethnic background. The attackers reportedly fled towards the Democratic Republic of Congo when RPA soldiers arrived to help.

In April ex-FAR and Interahamwe gangs killed 26 genocide survivors in Msumbira commune of Gitarama prefecture. The following day, a group attacked three vehicles, including one carrying the prefect. He was wounded; the driver was killed.

In June over 200 ex-FAR members attacked a settlement of Bigogwe Tutsis in Kayove commune of Gisenyi prefecture. In total, 29 persons were killed and many more were injured. Insurgents attacked the Nkamira transit camp, which held from 4,000 to 5,000 Congolese Tutsis, on June 17. A total of 51 persons were killed and 62 were injured.

Insurgents wearing stolen RPA uniforms attacked a commuter bus traveling from Kigali to Kibuye on June 22. The insurgents killed 18 persons and wounded 40. Reports indicate that many of the wounded later died. On July 12, insurgents attacked the Pensez-y Motel near Tare, about 22 miles from Kigali, where residents had gathered to watch a televised World Cup soccer match; they killed 34 persons, including 2 RPA soldiers. In early September, several hundred Interahamwe militia members attacked the communal jail in Kivumu, Kibuye prefecture and reportedly liberated 380 prisoners. Local officials reported that militia members killed 50 civilians while trying to escape pursuit by the RPA. The RPA reported that it killed 70 members of the Interahamwe and captured 9 others. In June a court in Cyangugu tried six members of the insurgency for murder and found them guilty of the 1997 killings of four U.N. human rights monitors. The six defendants were sentenced to death.

In August there were reports in the foreign media that Hutu rebels using machetes killed at least 110 persons, 34 in Buheta and Raba, near Kigali.

Killings by vigilante groups took place on occasion. One incident occurred in June in Gisenyi prefecture following an Interahamwe attack on the Nkamira transit center. The camp's local defense team, composed of Tutsi civilians, set up a roadblock on the day after the attack and killed anyone who was not recognized by a member of their group. The victims included genocide survivors as well as Hutus.

There were reports that ex-FAR and Interahamwe soldiers were incorporated into Congolese rebel units in the fighting in the Democratic Republic of Congo (see Section 1.g.).

#### b. Disappearance

Reports of disappearances rose sharply but there was insufficient evidence to allow definitive judgments about either the number of disappearances or whether they involved government or insurgent forces. During the first quarter of the year, the UNHCRFOR received fewer than 100 reports of disappearances. However, it is possible that there were disappearances that were not brought to its attention. In some cases, the missing persons later were found in detention centers. In about 50 percent of the cases, the UNHCRFOR was neither able to determine the reason for the disappearance nor to locate the missing person. Local nongovernmental organizations indicated that many of those reported missing had been seen last at a military identification checkpoint. Some were located or released by the Government at a later date, but notification to families was poor or nonexistent.

An Amnesty International report in March cited a significant increase in the number of disappearances countrywide and stated that disappearances in the northwest had become so common that citizens no longer bothered to report them. The Government rejected the report's assertions. Speaking at a press conference, a government spokesman said that the Government would investigate individual cases brought to its attention, but saw no reason to investigate disappearances as a phenomenon.

Starting in late May, almost 300,000 persons who had been living or hiding in forest and mountain areas with the insurgents returned to their home areas in the northwest. A significant percentage of those who purportedly had disappeared are believed to be among this population. It is uncertain how many of the returnees had gone willingly with the insurgents, and how many had been compelled.

Journalist Emmanuel Munyemanzi disappeared in May, and his whereabouts remain unknown (see Section 2.a.).

Insurgents carried out several kidnappings. On March 23, five Rwandan and two Spanish nuns were kidnaped during an attack on La Sante hospital in Ruhengeri prefecture. On July 7, one Canadian and two Rwandan nuns were kidnaped during an attack on Bungwe sector in Byumba prefecture. On July 21, two Belgian priests were kidnaped from their parish in Rwanza in Ruhengeri prefecture. In all three cases, the victims later were released. Reports indicated that the insurgents hoped that the expatriates would express support for their cause.

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

The Fundamental Law prohibits torture; however, the International Committee of the Red Cross (ICRC) reported that beatings at the time of arrest are common. A few deaths in prisons were due to mistreatment.

In September the ICTR found former Taba mayor Jean Paul Akayesu guilty of torture and rape during the 1994 genocide (see Section 1.a.). This was the first time that a verdict by an international court included rape as a genocide crime.

Insurgents committed numerous abuses. In August a human rights observer reported the case of a 14-year-old boy in a Gisenyi hospital whose hands had been cut off by insurgents when he refused to join them.

Prison conditions are harsh and life threatening. The prison population declined slightly and stands just over 125,000. Overcrowding is a chronic problem, and sanitary conditions are extremely poor. However, many of the worst local prisons were closed for security reasons, and the inmates were concentrated in the larger central prisons. The Government does not provide adequate food or medical treatment. There were sporadic reports of isolated deaths due to malnutrition and mistreatment. Most deaths were the result of curable diseases or the cumulative debilitating effects of severe overcrowding. Over 3,300 persons died in custody during the year.

The ICRC feeds inmates in the 14 main prisons and also provides additional expertise, and logistical and material support to improve conditions for them. Hundreds of children are incarcerated with their mothers throughout the prison system (see Section 5).

The ICRC, human rights organizations, diplomats, and journalists have regular access to the prisons.

#### d. Arbitrary Arrest, Detention, or Exile

The Fundamental Law provides legal safeguards against arbitrary arrest and detention, but authorities rarely observed them in practice. The justice system collapsed during the war and genocide of 1994, but with help from the international community it slowly is being rebuilt and is beginning to function more normally. The Government does not have the capacity to ensure that provisions in the Constitution are enforced or that due process protections are observed.

In general the law requires that authorities first investigate, then obtain a judicial warrant before arresting a suspect. Police may detain persons for up to 48 hours without a warrant; formal charges must be brought within 5 days of arrest. The law permits preventive detention if authorities believe that public safety is threatened or that the accused might flee. There is no bail but the authorities may release suspects pending trial if they are satisfied that there is no risk that the person may flee.

Over 90 percent of the 125,000 persons incarcerated are awaiting trial on genocide charges. Some have been in jail since 1994. The Government does not have the capacity to process cases within a reasonable time. In March 1997, the Government, with extensive assistance from donors, established mobile groups whose mandate was to establish or complete files that indicate the basis for charges for all prisoners. To date these groups have handled over 60,000 cases. Approximately 30,000 prisoners remain without files. In December 1997, the National Assembly amended the law to permit the detention through 1999 of genocide suspects on whom files had not been established. However, the Government continued to release prisoners who were elderly, ill, or had no files. It released about 400 prisoners each month; over 5,100 were released during the year. The Government took steps to mute criticism from survivors' groups and residents of the communities to which those released were returned. Rearrests because of community opposition were rare. New arrests dropped precipitously from 1,054 in January to 31 in August. This change was attributed to improved enforcement by the Ministry of Justice of the laws governing arrest and to a recognition of the fact that the existing prison caseload is already more than the system can handle.

There were no reports of political detainees.

Exile is not practiced.

e. Denial of Fair Public Trial

The Fundamental Law provides for an independent judiciary; however, the Government did not fully respect this provision. In March the President of the Court of Appeals was suspended following a disagreement with the President of the Supreme Court over the power of the executive branch with regard to the judiciary. He resigned his position a few months later. There were credible indications that members of the executive branch were dissatisfied with rulings made by the suspended judge. There were occasional reports of corruption, mostly of bribery of officials, ranging from clerks to judges.

The law provides for public trials with the right to a defense, but not at public expense. The shortage of lawyers--there are 64 in the country--and the extreme poverty of most defendants makes it difficult for many defendants to obtain representation. International NGO's such as Avocats sans Frontiers provide defense and counsel to many of those in need. The Government does not have sufficient prosecutors, judges, or courtrooms to hold trials within a reasonable time.

According to the Prosecutor General, over 800 genocide suspects were tried, including 107 who pled guilty. The number of convictions and acquittals is not known. The number of death sentences handed down declined from 1997. On April 24, there were 22 convicted genocide criminals executed in public, in several different locations around the country, despite widespread international opposition. No further executions were held.

In 1996 the Parliament passed a law, the Organic Genocide Law, designed to encourage confessions in exchange for reduced sentences for the vast majority of those involved in the genocide. Few confessions were elicited prior to the public executions in April. To date 2,777 persons have confessed, and more than 8,000 have expressed interest in confessing. The Government requested and received assistance from several donors to handle the unanticipated increase.

There were no reports of political prisoners.

f. Arbitrary interference with Privacy, Family, Home, Correspondence

The Constitution prohibits such practices, and authorities generally respected these prohibitions. Forced conscription has been practiced by the RPA, particularly after the RPA entered the conflict in the Democratic Republic of Congo in August. Citizens who have served in the military forces can be recalled to compulsory duty at any time.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

The RPA used excessive force in suppressing the insurgency in the northwest part of the country and killed hundreds of civilians. No complete death toll is available (see Section I.a.). The RPA indiscriminately killed suspected insurgent collaborators, some of whom were women and children. Family members of collaborators also were killed. The RPA also fired indiscriminately on civilians. In January RPA soldiers allegedly fired upon approximately 300 civilians during a military operation in Rubavu commune, Gisenyi prefecture. In February the RPA killed an unknown number of civilians during a search for infiltrators in Mukingo, Ruhengeri. In late March and early April, the RPA launched significant military operations against insurgent areas in Ruhengeri, particularly Kinigi. On April 1,

RPA soldiers attacked an insurgent hideout and shot indiscriminately at everyone in the area. Civilians trying to escape the battle were killed by soldiers in armored vehicles. During the same month, RPA soldiers were responsible for the deaths of 134 persons in Ruhondo commune and nearly 200 in Cyeru commune, both in Ruhengeri prefecture. The killings in these neighboring communes, many of which were indiscriminate, occurred after an insurgent unit apparently escaped capture by the RPA. An RPA officer and 11 soldiers were ambushed and killed on April 7 between Cyeru and Nyamugari. Observers believe that many reprisal killings followed this incident. In parts of Gisenyi, the RPA required civilians to destroy banana plantations, the key to their livelihood, in order to prevent insurgents from using the thick leaves as cover.

Insurgents committed hundreds of killings, and specifically targeted genocide survivors and other innocent civilians (see Section 1.a.). Insurgents routinely attacked members of the civilian population who refused to support them and targeted facilities such as schools and clinics (see Section 1.a.).

In May insurgents armed with guns and machetes attacked a secondary school at Nyamyumba in southern Gisenyi prefecture, killing 11 students and 3 others. The headmaster had refused to close the school as instructed in rebel tracts.

In September a truck in a World Food Program (WFP) convoy detonated a land mine placed by insurgents. The driver was killed. In one of their tracts, the rebels had warned WFP to stop delivering food.

There were allegations that ex-FAR and Interahamwe soldiers were incorporated into Congolese rebel units fighting in the Democratic Republic of Congo and killed civilians (particularly Tutsis) in that country.

Insurgents also were responsible for several kidnappings (see Section 1.b.).

## **Section 2 Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The Fundamental Law provides for freedom of the press; however, the Government did not fully respect this provision. The Government intimidated journalists whose reporting was contrary to official views.

A Rwandan television journalist, Emmanuel Munyemanzi, disappeared on May 5 under suspicious circumstances. There are allegations that he disagreed with broadcasting decisions. On May 12, there was an unconfirmed report that his body had been seen near the Mille Collines Hotel but had been quickly removed. The head of Rwanda's information department, known as ORINFOR, stated publicly that there was concern about poor programming and that Munyemanzi was transferred to another department on a temporary basis. He asserted that there was no link between Munyemanzi's disappearance and any actions taken within the television station.

The Government continued to fail to act on the Rwandan Journalists' Association's request for a license. Without a license, the Association may not act legally on behalf of its members or apply for assistance from NGO's or other donors.

Media sources are limited. There are several privately owned newspapers, which publish weekly in English, French, or Kinyarwanda. There is no daily newspaper. Most journalists practice self-censorship. The Government owns the only national radio station and the only television station, which

has 5 hours of programming per day. The British Broadcasting Corporation began broadcasts on F.M. radio in March.

Academic freedom is respected.

#### b. Freedom of Peaceful Assembly and Association

The Fundamental Law provides for freedom of peaceful assembly; however, the government authorities restrict this right in practice. They legally may require advance notice for outdoor rallies, demonstrations, and meetings. Private organizations are required to register but, with few exceptions (see Section 2.a.), the Government generally grants licenses without undue delay.

The Constitution provides for freedom of association; however, the Government restricts this right in practice. The National Revolutionary Movement for Democracy and Development (MRND) and the Coalition for Defense of the Republic, both implicated in planning and executing the 1994 genocide, have been banned by law.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice.

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

The Constitution provides for these rights, and the Government generally respects them in practice.

Many persons have been displaced in the northwest as a result of insurgent activities and government military operations to halt them. Numerous displaced persons returned to their home areas in the northwest beginning in late May. The Government encouraged some of these returnees to settle temporarily in makeshift camps close to communal office buildings and other centers where their security could be better assured. In December the U.N. Office of the Humanitarian Coordinator estimated that there was a total of 625,713 displaced persons in Ruhengeri and Gisenyi prefectures. The Government began relocating these persons in government-selected village sites in their home sectors in the latter part of the year. The Government urged NGO's and international donors to provide seeds, tools, and other assistance necessary for this population to resume normal activities.

The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and provided first asylum to over 36,000 refugees. The vast majority were Congolese refugees who fled their country during unrest in 1996. About 800 Burundian refugees also have found temporary asylum in the country.

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

### **Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government**

Citizens do not have the right to change their government through democratic means. The Rwandan Patriotic Front (RPF) is the dominant political force in the country. Following the genocide of 1994, political parties agreed to form a Government of National Unity based on the provisions of the 1992 powersharing agreement crafted in the Arusha negotiations and ratified by the 1993 Arusha Accords. This agreement lays the basis for the apportionment of ministries and other offices. Political parties also agreed to suspend political activities for a period of 5 years, which will end in 1999. The RPF brought

representatives of four other opposition parties into the Government after the its military victory in but none of the officials were elected. A National Assembly is functioning, with nine political entities represented, including the RPA. Assembly members, known as deputies, were chosen by the political bureaus or executive councils of their respective parties. The central government appoints local officials. There are no legal restrictions on the participation of women in political life, but women remain underrepresented in politics and in the Government, including both the Cabinet and the National Assembly. Thirteen of the 70 Members of Parliament are women; there are two female Cabinet members. The Batwa ethnic group also is underrepresented.

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

A variety of local human rights groups operate without government restriction, investigating and publishing their findings on human rights violations. However, none has the resources to conduct extensive human rights monitoring. Local NGO activities often are limited to receiving and compiling reports from citizens about human rights abuses and conducting selective investigations. Reports are published occasionally; statements condemning specific incidents are more common. Only one or two local human rights NGO's are viewed as strictly impartial.

The Government was cooperative and responsive to the reports of some international human rights NGO's. It was hostile towards others whose reporting was perceived as biased and inaccurate. International human rights workers encountered problems with authorities when they did not strictly observe the terms of their visas. Some international human rights workers construed these actions as obstruction by the Government.

The Government and the U.N. Human Rights Field Office for Rwanda (UNHRFOR) began discussions about changes to and the renewal of UNHRFOR 's mandate in 1997. The negotiations intensified from March through May, but the sides did not agree on terms for renewal. The Government opposed the continuation of monitoring. In the absence of agreement to continue this function, U.N. officials decided to close the office. UNHRFOR operations ceased at the end of July. The Government expelled a UNHRFOR staff member in June for making public statements that the Government termed "insulting."

The ICRC operates normally and is active in visiting prisons.

The Arusha Accords provide for, and the Government recommitted itself to, a National Human Rights Commission. A presidential decree establishing the commission was signed in November 1997 and became law on December 1. To date the members of the commission have not been named. In response to urgings from donors and international human rights groups, the Government agreed that the National Assembly should pass a law establishing the commission as a permanent and independent entity. In December the Government sent to the Assembly a bill to establish the commission.

Cooperation between the Government and the International Criminal Tribunal for Rwanda (ICTR) improved. The Government chided the Tribunal for its slow pace but acknowledged its efforts to increase the pace of work and welcomed the completion of the first trial. The Government expressed satisfaction with the sentences of life imprisonment given to former Prime Minister Jean Kambanda and to Jean Paul Akayesu, former mayor of Taba (see Section 1.a.). Protection mechanisms for witnesses in Rwanda continue to be the subject of discussion between the ICTR and the Government. One witness who testified in defense of an accused genocidaire was subsequently killed. The perpetrator is still being sought.

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

The Constitution provides that all citizens are equal before the law, without discrimination on the basis of race, color, origin, ethnicity, clan, sex, religion, or social standing. However, the Government provides only limited enforcement of these provisions.

### **Women**

Violence against women is common. Wife beating and domestic violence are normally handled within the context of the extended family and rarely come before the courts.

Despite constitutional provisions, women continue to face discrimination. Women traditionally perform most of the subsistence farming and play a limited role in the modern sector. They have limited opportunities for education, employment, and promotion. The Family Code of 1992 generally improved the legal position of women in matters relating to marriage, divorce, and child custody, but does not meet the constitutional commitment to gender equality. For example, it formally designates men as heads of households. Also, the absence of inheritance laws limits a woman's right to property, thus jeopardizing her status and ability to provide for her family should she survive her husband. The omission is particularly onerous in the postgenocide period, since widows are numerous and surviving male relatives, who normally would inherit and provide for them, are relatively few.

The Ministry of Gender, Family, and Social Affairs is charged with handling problems of particular concern to women. The Minister is an active advocate for women's rights. Since the 1994 genocide, a plethora of women's groups has emerged. These organizations are extremely active in promoting women's issues, particularly problems faced by widows, orphaned girls, and households headed by children. Addressing social and cultural barriers to the equality of women is a major focus.

### **Children**

The Government is committed to children's rights and welfare. It is attempting to provide an education and health care to every child. Over 85 percent of the children who were separated from or lost their parents during the 1994 genocide and the massive repatriation in 1996 have been reunited with family members or placed in foster homes. Only 3,000 of the 50,000 lost and separated children remain in centers.

All families must pay school fees to enroll a child. The Government routinely waived fees for orphans. As of May, the U.N. Children's Fund estimated that about 45,000 children 18 years or younger head households in the country. The Government worked closely with local and international NGO's to secure assistance for children in such situations. The Government regularly held sessions with local officials to sensitize them to the needs of households headed by children and emphasize the additional officials bear in connection with this group.

The few public schools that exist cannot accommodate all children of primary school age, and private schools also are few. A 1996 sociodemographic survey released in July, conducted by the Government and the U.N. Population Fund, found that 59.6 percent of the population age 6 and over had primary education. Only 3.9 percent had completed secondary school and 0.2 percent had university education. The highest percentage of those with no education is in the 30-and-over age group, indicating a trend toward increased educational levels in recent years.

Although the penal code prohibits the imprisonment of children with adults, the ICRC reported that

about 590 children, most of whom are aged 2 or younger, are with their mothers who are incarcerated. No figure was available for the number of children tried for participation in the 1994 genocide.

### **People With Disabilities**

Although there are no laws restricting persons with disabilities from employment, education, or other state services, in practice few disabled persons have access to education or employment. There are no laws or provisions that mandate access to public facilities.

### **Indigenous People**

Less than 1 percent of the population belongs to the Batwa ethnic group. These indigenous people, survivors of the Pygmy (Twa) tribes of the mountainous forest areas bordering the Democratic Republic of Congo, exist on the margins of society and continue to be treated as inferior citizens by both the Hutu and Tutsi groups. The Batwa have been unable to protect their interests, which center on access to land and housing. Few Batwa have gained access to the educational system, resulting in their minimal representation in government institutions. There is no reliable information on specific human rights abuses perpetrated against the Batwa population since the 1994 upheaval.

### **National/Racial/Ethnic Minorities**

Before April 1994, an estimated 85 percent of citizens were Hutu, 14 percent were Tutsi, and 1 percent were Batwa. However, Hutus and Tutsis are not clearly distinct groups, as the two have intermarried for generations. The subsequent mass killings and migrations probably affected the ethnic composition of the population, but the extent of the changes is unknown. A joint Government-U.N. Population Fund government census completed in 1997 did not address the ethnic composition of the population. The Government has called for ethnic reconciliation and committed itself to abolishing policies of the former government that had created and deepened ethnic cleavages. It eliminated references to ethnic origin from the national identity card, a provision of the 1993 Arusha Accords. The Government has not addressed statutorily the problem of ethnic quotas in education, training, and government employment, but discrimination against the Tutsi minority effectively ceased with the change of government in 1994. Some Hutus accuse the Government of favoring Tutsis in government employment, admission to professional schooling, recruitment into the army, and other matters.

### **Section 6 Worker Rights**

#### **a. The Right of Association**

The Constitution provides for the right to create professional associations and labor unions, and the Government usually respects this right in practice. In practice the labor movement has been hampered due to the massive disruptions caused by the 1994 genocide. Although preconflict labor law technically remains in effect, the Government is unable to implement its provisions. Unions are only slowly regrouping and asserting themselves.

Union membership is voluntary and open to all salaried workers, including public sector employees. There are no restrictions on the right of association, but all unions must register with the Ministry of Justice for official recognition. There are no known cases in which the Government has denied recognition. Unions are prohibited by law from having political affiliations, but in practice this is not always respected. Union activists complain that employers threaten to fire employees who attempt to organize or join unions.

Organized labor represents only a small part of the work force. More than 90 percent of workers are engaged in small-scale subsistence farming. About 7 percent work in the modern (wage) sector, including both public and private industrial production, and about 75 percent of those active in the modern sector are members of labor unions.

Until 1991 the Central Union of Rwandan Workers (CESTRAR) was the only authorized trade union organization. With the political reforms introduced in the Constitution, the CESTRAR officially became independent of the Government and the later-outlawed MRND political party. Unions outside the CESTRAR have been registered.

The Constitution provides for the right to strike, except for public service workers. Procedures to conduct a legal strike as stipulated in the Labor Code are cumbersome and, according to a CESTRAR officer, have never been followed. A union's executive committee must approve a strike, and a union must first try to resolve its differences with management according to steps prescribed by the Ministry of Public Service and Labor.

In August workers at the National Printery went on strike after most workers received termination notices citing privatization of the Printery as the reason for their dismissal. The workers attempted a march but failed to obtain prior permission. Government authorities dispersed the group peacefully.

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

#### b. The Right to Organize and Bargain Collectively

The Constitution provides for collective bargaining, although only CESTRAR had an established collective bargaining agreement with the Government. In practice, since most union members are in the public sector, the Government is intimately involved in the process (see Section 6.e.).

The law prohibits antiunion discrimination, it has not been reported. There are no formal mechanisms to resolve complaints involving discrimination against unions.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced labor, and there are no reports that it occurs in practice. Although the law does not specifically prohibit forced and bonded labor by children, such practices are not known to occur. Work details composed of prisoners are common and generally involved rebuilding houses, clearing land, or other public maintenance duties.

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

Except in subsistence agriculture, the law prohibits children under age 18 from working without their parents' or guardians' authorization, and they generally may not work at night. The minimum age for full employment is 18 years, and 14 years for apprenticeships, providing that the child has completed primary school. The Ministry of Labor has not enforced child labor laws effectively. The law does not specifically prohibit forced or bonded labor by children, but such practices are not known to occur (see Section 6.c.).

#### e. Acceptable Conditions of Work

The Ministry of Labor sets minimum wages in the small modern sector. The Government, the main employer, effectively sets most other wage rates as well. There is no single minimum wage; minimum wages vary according to the position. The minimum wages paid are insufficient to provide a decent standard of living for a worker and family. Often families supplement their incomes by work in small business or subsistence agriculture. In practice, however, workers accept less than the minimum wage.

Officially, government offices have a 40-hour workweek. In 1993 negotiations were held between the unions, government, and management to reduce the workweek from 45 to 40 hours in the private sector as well. Hours of work and occupational health and safety standards in the modern wage sector are controlled by law, but labor inspectors from the Ministry of Labor enforce them only loosely. Workers do not have the right to remove themselves from dangerous work situations without jeopardizing their jobs.

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