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2010 Human Rights Report: Rwanda

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 Country Reports on Human Rights Practices

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Rwanda, with a population of 11 million, is a constitutional republic dominated by a strong presidency. In August voters elected President Paul Kagame to a second seven-year term with 93.1 percent of the vote. International observers noted election day was peaceful with minor irregularities, but they registered concerns about the political and security environment in the run-up to the elections, including a series of grenade attacks in the capital, a lack of critical opposition voices in the preelection period, the continued inability of opposition political parties to register, and the arrests of two opposition party leaders. Two unregistered political parties were unable to field presidential candidates due to legal or administrative issues, and there were two high-profile killings--the vice president of an unregistered opposition party and an independent journalist--that have not been fully resolved. The media also faced heightened restrictions in the months preceding the election. The ruling Rwanda Patriotic Front (RPF) controlled the government and legislature. The RPF candidate dominated the election. Security forces reported to civilian authorities.

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, particularly in the preelection period. The government forcibly returned refugees. Official corruption and restrictions on civil society remained problems. Societal violence and discrimination against women, trafficking in persons, and discrimination against the Twa and the lesbian, gay, bisexual, and transgender (LGBT) community occurred. There were restrictions on labor rights, and child labor occurred.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There was no direct evidence that the government or its agents committed any politically motivated killings; however, there were two high-profile killings, that of a vice president of an unregistered opposition party and an independent journalist, that have not been fully resolved. The government generally investigated security force killings and prosecuted perpetrators.

In August authorities prosecuted and sentenced a local defense member for killing a university student in 2008 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.

The government investigated and prosecuted individuals accused of threatening or harming 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. As of September a special protection bureau in the Office of the National Public Prosecution Authority (formerly the Office of the Prosecutor General) registered 236 cases of genocide ideology and violence against genocide survivors, 96 of which were filed in court or suspended (see section 1.e.).

In January 2009 the governments of the Democratic Republic of Congo (DRC) and Rwanda accelerated efforts to achieve a rapprochement, which they had initiated in late 2008, by carrying out a joint operation called Umoja Wetu (Swahili for "Our Unity") in the eastern DRC against Hutu rebel group 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). In December 2009 the international nongovernmental organization (NGO) Human Rights Watch (HRW) released the report *You Will Be Punished*, which described 201 killings of civilians attributed to military forces during the Umoja Wetu operation. The report also described other 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 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 same HRW report, in late February 2009 soldiers gathered residents of Ndurumo, 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 2009, soldiers killed approximately 40 residents of Byarenga, North Kivu. There were smaller numbers of civilians killed in other incidents during January and February 2009.

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

On June 19, in Johannesburg, an unknown assailant shot and seriously wounded former army chief of staff Lieutenant General Faustin Kayumba Nyamwasa, who had fled to South Africa in February and become an outspoken critic of President Kagame. According to the Commonwealth Observer Group's report of the August Rwandan presidential

elections, the South African Foreign Ministry stated that foreign "security operatives" were involved and arrested several suspects. The government repeatedly denied any involvement and said publicly it does not condone violence.

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At least one mob attack occurred during the year. In February five men attacked the chairperson of the unregistered FDU-Inkingi political party, Victoire Ingabire, and her assistant outside a local government office in Kigali as they went to pick up forms to register their party. Police subsequently arrested the men responsible for the attack.

In September 2009 residents of Kayonza District killed a suspected thief. The suspects fled and authorities suspended the case.

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.

A local NGO that assists torture and abuse victims only operated part of the year due to resource constraints, and referred clients to other human rights organizations.

On June 24, authorities arrested several members of the PS-Imberakuri political party and the unregistered FDU-Inkingi political party on charges of holding illegal demonstrations. Authorities also charged the founder of PS-Imberakuri, Bernard Ntaganda, with threatening national security, genocide ideology, divisionism, and creating a criminal organization. On June 25, authorities released some detainees, but six PS-Imberakuri and three FDU-Inkingi members remained in detention. On June 27, authorities arrested another PS-Imberakuri member. Some detainees claimed authorities physically abused them while in police custody; Ntaganda claimed authorities denied him access to a lawyer. On July 6, the detainees appeared in court, and between July 9 and 13, authorities released all detainees, except Ntaganda, on bail. In October Ntaganda went on a hunger strike to protest his treatment in prison, and on October 14, prison authorities transferred Ntaganda to a hospital in Kigali. At year's end, Ntaganda remained in prison awaiting trial.

There were reports authorities detained and arrested members of the Jehovah's Witnesses who refused to participate in nighttime security patrols (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 alleged ties to the FDLR. All reported being returned to the DRC after being held for periods 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 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 generally harsh, but there were some improvements in treatment of the general prison population. According to the National Prisons Service, it had fully implemented a 2006 presidential order governing the construction and organization of prisons, which stipulates that each prison must have dormitories, toilets, sports facilities, a health center, a guest hall, a kitchen, water, and electricity. Prisoners and detainees had weekly access to visitors and were permitted religious observance. Prison staff held regular meetings with prisoners and detainees to listen to inmates' complaints and take action to resolve them when possible. The majority of the prison population is comprised of individuals convicted of genocide-related offenses since the traditional court system, or gacaca, hearings began nationwide in 2006. 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 2008 call for its closure due to substandard conditions (see section 1.d.).

In 2008 the government stopped allowing food contributions from family members of prisoners and instituted a prepaid canteen system families and detainees could access. During the year the International Committee of the Red Cross (ICRC) completed a nutritional survey of prisoners and found that prisoners received an adequate amount of food, but some prisoners suffered from a micronutrient deficiency. Pregnant and breastfeeding prisoners, and female prisoners with small children, continued to receive food supplements from family members and prison authorities. 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. The government established nursery schools for children under three years' old living with their mothers in five prisons; each nursery school also has a cow to provide fresh milk to the children. Some prisoners transferred from police jails to national prisons had not been fed for several days.

There were no reports of prison riots during the year. In August 2009 prisoners in the Kimironko and Cyangugu prisons rioted over lack of food and visitation rights, resulting in several injuries.

The 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. The ICRC also had access to all police stations to monitor treatment of detainees and conditions. In addition the ICRC in partnership with the Rwanda National Police (RNP) identified 17 police stations for structural repairs.

All 14 prisons provided treatment for tuberculosis (TB), and eight provided full TB diagnostic and treatment services. Eleven prisons provided HIV voluntary counseling and testing services, while 12 provided antiretroviral treatment for HIV-infected prisoners. According to the Ministry of Internal Security, in 2009 the government provided voluntary HIV counseling and testing to approximately 33 percent of prisoners and antiretroviral treatment to an estimated 1,500 prisoners.

In previous years prisoner deaths resulted from anemia, HIV/AIDS, respiratory disease, malaria, and other diseases, although the rates of such deaths were similar to those found in the general population. The National Prisons Service reported there was one prisoner death during the year, a decrease that was partly a result of a Global Fund program that facilitated the placement of medical personnel in all 14 prisons, implemented treatment for diseases including HIV/AIDS, and improved hygiene and sanitary conditions.

In September 2009 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.

As of year's end, the prison population was approximately 62,000 in a system designed for 43,400. The population consisted of approximately 57,800 men, 3,860 women, and 430 minors. Additionally, as of August there were 314 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, afforded extra privileges.

Unlike the previous year, there were no reports of abuse of minors. During the year the government converted a prison in Nyagatare, in the East, into a rehabilitation detention center for minors between the ages of 14 to 16 years and transferred all sentenced minors from other prisons to the center.

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. Authorities separated prisoners convicted of serious crimes and sentenced for many years from those convicted of lesser crimes and pretrial detainees.

The remaining high-profile political prisoner, former transport minister Ntakirutinka, remained in a special section of Kigali's "1930" prison.

The ICRC reported unimpeded access on an unannounced basis to all prisons during the year; the government reported no local human rights NGOs had applied for permits to visit prisons. The government also permitted independent monitoring of prison conditions by diplomats. In order for journalists to receive access to prisons, they must first apply to the Media High Council. The ICRC continued its visits to police stations and military facilities.

The law established an ombudsman, who has the power to carry out investigations of actions by government institutions, public establishments, or private institutions in which the population finds injustice. The ombudsman must also receive and examine complaints from individuals and independent associations relating to acts of civil servants, state organs, and private institutions and find solutions to legitimate complaints.

In 2009 the government completed construction of a new block of prison cells in the South in compliance with international standards for incarceration of prisoners convicted by international criminal tribunals. In November 2009 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 it had enrolled all prisoners in the national health insurance plan, which prisoners could use when referred to district hospitals.

There was no presidential order governing police detention centers and conditions varied.

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 RDF under the Ministry of Defense maintains external security. The 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 315 officers received training in 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 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 seven 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 public safety is threatened or the accused might flee. There is bail for minor crimes (those with a maximum sentence of five years); authorities may otherwise release a suspect pending trial if they are satisfied 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 684 attorneys in the country of which 469 were trainees, mostly located in Kigali) limited 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 Rwandan Bar Association, and university law faculties, provided legal aid services to indigent and vulnerable groups. Such resources were insufficient to provide lawyers for every indigent person. The Bar Association provided 259 lawyers to clients during the year. Lawyers Without Borders also provided limited access to defense counsel and provided 165 lawyers for 670 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 2009 government authorities arrested Laurent Nkunda, leader of a Congolese armed entity, while he was in the country. According to a 2008 report by the UN Group of Experts (UNGOE) on the Democratic Republic of the Congo, Rwandan authorities had supplied military equipment to and were complicit in recruiting soldiers for the armed entity led by

Nkunda. At year's end, Nkunda remained under house arrest. On several occasions, police and the local defense detained street children, vendors, beggars, and undocumented persons in Kigali and 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.

Early in the year, the government opened a rehabilitation center on Iwawa Island in Lake Kivu to provide vocational and technical training to approximately 1,500 men between the ages of 18 to 35, some of whom were homeless or petty criminals.

The government continued to operate a rehabilitation center, which offers psycho-social counseling, education, and reintegration services, to more than 200 street boys.

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 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. 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 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 gacaca cases. There were no reports that members of the executive branch communicated with judges to discuss ongoing cases privately or to express executive preferences.

In its July 2008 report *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 2009 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 panels of the International Criminal Tribunal for Rwanda (ICTR) 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 2008 the Military Court in Kigali acquitted two senior RPF officers of the 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' imprisonment on the ground the crimes were not premeditated. The prosecutor appealed the decision to a higher court, which confirmed the lower court ruling.

As of October, there were 19,394 criminal and 19,282 civil cases pending in the regular courts; approximately 46,000 such cases were pending at the end of 2009.

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 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 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 number of prosecutors, judges, or courtrooms to hold trials within a reasonable period of time was inadequate.

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 military courts should try civilian accomplices of soldiers accused of crimes. During the year through October, military courts had tried 62 civilians as coperpetrators 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. Gacaca defendants are presumed innocent until proven guilty, and gacaca courts normally decide a case on the same day a trial begins. There is no bail in the gacaca system. 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. According to a Penal Reform International (PRI) report released during the year, which provided a compilation of their findings on gacaca courts from 2001 through September 2009, some defense witnesses were also reluctant to testify for fear of being accused of "genocide ideology." Defendants can appeal gacaca proceedings at sector-level courts. Lawyers are not permitted to participate officially in gacaca courts, 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 planning or commission of 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 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 1.2 million cases. As of December, all gacaca cases were complete; however, the National Service of Gacaca Courts continued to process requests for review of judgments.

During the year there were no reports of lawyers fleeing 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 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.

According to the PRI report released this year, local authorities "at times" were reported to have 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 low 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 sometimes problems. Some citizens were too frightened to testify in gacaca courts. Unlike in the previous year, the National Public Prosecution Authority and the survivors' organization Ibuka both reported no genocide survivors or witnesses were killed during the year. Ordinary courts also handled the cases of persons accused of participating in the injuring or threatening of witnesses, survivors, and judges.

During the year police investigated at least six cases of violence against genocide survivors and witnesses. The government asserted the genocide ideology law was necessary to prevent a reincitement of 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 organized groups targeted and killed genocide witnesses. However, the government continued to conduct criminal investigations of individuals, which resulted in some prosecutions.

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; however, according to Ibuka, threats and violence against survivors decreased significantly due to increased sensitization. During the year the task force conducted joint patrols in rural areas by survivors and security personnel; used preventive detention of genocide suspects to prevent attacks deemed imminent by security officials; utilized 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 some suspects confessed to avoid lengthy prison terms. Unlike in previous years, 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 2009 a group of more than 300 genocide suspects fled to Burundi, claiming persecution in Rwanda. Government officials claimed that most persons fled due to pending gacaca cases, not persecution. An estimated 115 individuals were able to claim asylum in October 2009; authorities deported others who came forward later with asylum claims. Burundi's minister for the interior told human rights groups that in November 2009 authorities deported these latter asylum seekers because they had filed their claims too late.

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

Political Prisoners and Detainees

There were reports 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.

Rwanda is subject to the African Court on Human and Peoples' Rights and the East African Court of Justice and has two judges on the courts. As of October, there had been no decisions taken in favor of or against Rwanda.

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 two private media outlets for six months. 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 arrest, harassment, or intimidation.

In September Amnesty International (AI) published the report *Safer to*

Stay Silent: The Chilling Effect of Rwanda's Laws on "Genocide Ideology" and "Sectarianism," which claimed these laws are broad and ill-defined and have created a vague legal framework that is misused to criminalize criticism of the government and legitimate dissent. The report claimed these laws deter persons from exercising their right to freedom of expression and that some persons refrained from expressing opinions that may be legal.

On July 13, authorities arrested *Umurabyo* journalist Saidati Mukakibibi for defamation, inciting public disorder, and divisionism for likening President Paul Kagame to Adolf Hitler. On July 8, authorities arrested *Umurabyo* editor Agnes Uwimana for incitement to civil disobedience, contempt of the head of state, spreading rumors to cause public disorder, and denying the genocide. At year's end both remained in detention awaiting trial.

Authorities arrested an American lawyer on May 28 on charges of genocide denial, genocide ideology, and threatening national security. On June 17, Rwandan authorities released him on medical bail; however, they said they would continue the investigation.

On April 21, authorities arrested Victoire Ingabire, the chairperson of the unregistered FDU-Inkingi political party, on charges of providing material support to the FDLR and promoting genocide ideology. On April 22, authorities released her on bail, but confined her to Kigali.

On October 14, police arrested Ingabire again on separate charges, after a former high-level FDLR commander, Major Vital Uwumuremyi, implicated her in a plot to establish an armed group called the Coalition of Defense Forces (CDF) as the military wing of the FDU-Inkingi. Authorities arrested Uwumuremyi, who had demobilized last year and was living in Rwanda, after he attempted to cross into the DRC under an assumed name.

According to local reports, prosecutors were charging Ingabire in connection with her alleged support for the CDF and the FDLR. FDU-Inkingi press releases claimed Ingabire was being treated inhumanely; government officials denied these claims. At her pretrial October 23, the judge sentenced her to 30 days preventive detention while the investigation continued. On November 25, the court approved an additional 30 days of detention. On December 13, Ingabire appealed the decision and lost. At year's end, Ingabire remained in prison awaiting trial.

In August 2009 the government passed the Law on Media. Provisions in the law grant the Media High Council the power to suspend newspapers, increase the amount of capital required to open new media outlets, impose criminal penalties on journalists who incite discrimination or show contempt for 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. There were 31 newspapers, journals, and other publications registered with the government, although fewer than 10 published regularly. Sporadically published independent newspapers maintained positions contrary to and critical of the government during part of the year.

The government did not expel members of the press from the country; however, on April 14, the Media High Council suspended private newspapers *Umuseso* and *Umuvugizi* for six months for inciting public disorder. *Umuvugizi* editor John Bosco Gasasira fled the country for Uganda in April, and *Umuseso* editor Charles Kabonero fled in May; both claimed threats to their personal security. *Umuvugizi* continued to publish online, but the Web site was not accessible in Rwanda; the government denied blocking the site. At year's end, the Media High Council had lifted the suspension, but neither paper had reregistered, a requirement to publish.

In August 2009 the government charged *Umuvugizi* editor and journalist Jean Bosco Gasasira, one of three journalists expelled from a government event in 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 2009. On September 25, the Kigali High Court cleared Gasasira of all charges.

In 2008 government officials expelled three local journalists--Charles Kabonero of *Umuseso*, Jean Bosco Gasasira of *Umuvuzigi*, 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, Gasasira, and Kabonero remained outside the country. The government later began allowing *Rushyasha's* reporters to cover government events.

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

Civil society representatives 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.

The law authorizes private radio and television broadcasting, subject to the approval of the government, although some media practitioners 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.

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

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.

On June 24, an unknown assailant shot and killed *Umuvugizi* journalist Jean-Leonard Rugambage outside his home in Kigali. *Umuvugizi* editor Gasasira claimed the murder was related to an article published online that morning alleging the government was involved in the assassination attempt on former army chief of staff Lieutenant General Faustin Kayumba Nyamwasa; however, on June 27, police arrested two suspects, one of whom confessed to the murder of Rugambage as

a genocide-related revenge killing. In October authorities sentenced both suspects to life in prison. Both appealed the sentence, and at year's end, one remained in prison and the second remained free while the investigation continued. Human rights groups have called for an independent autopsy and an independent commission of enquiry into the killing.

Internet Freedom

There were no government restrictions on access to the Internet. There were reports that the government monitored e-mail, but no reports related to 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; 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, in September 2009 police arrested university lecturer Dieudonne Nyamulinda on charges of insulting the president and denying the genocide. Authorities sentenced him to five years in prison. Nyamulinda appealed the sentence and at a later trial received a sentence of two years in prison. There were no confirmed reports that authorities suspended secondary or 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.

In 2009 authorities cancelled three assemblies of the Democratic Green Party of Rwanda (or Green Party): two for alleged procedural errors and one because of 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 types 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

For a description of religious freedom, please see the Department of State's *2010 International Religious Freedom Report* at www.state.gov/g/drl/rls/irfr/rpt.

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, returning refugees, asylum seekers, stateless persons, and other persons of concern.

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

According to the UNHCR, during the year the country accepted 9,886 citizens returning from other countries; most were settled in their districts of origin. According to Rwanda Demobilization and Reintegration Commission statistics, approximately 3,000 civilian noncombatants, who had been living in FDLR-controlled areas of the DRC, returned in 2009 and during the year. The government worked with the UNHCR and other aid organizations to assist the resettled 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 9,196 former combatants from armed groups in the DRC, including 771 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 610 adult former combatants from armed groups and rehabilitated 47 children, reuniting 29 with their families. It also demobilized 2,000 RDF soldiers during the year. With international support, the government's Demobilization and Reintegration Commission, the lead agency for the reintegration 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.

Protection of Refugees

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.

The UNHCR, with government support, continued to assist refugees and asylum seekers. At year's end, it had provided temporary protection to 55,688 refugees, 99 percent of whom were refugees from the DRC. Other refugees were from Angola, Burundi, Chad, Eritrea, Ethiopia, Somalia, Sudan, and Uganda.

In June the government began issuing identity cards to refugees. In a joint effort by the UNHCR, the Immigration Department, and the Ministry of Disaster Management and Refugee Affairs, 10,840 refugees had received identity cards by year's end, and the process was ongoing. In June UNHCR hosted a two-day training program for 110 Rwandan members of parliament on human rights, UNHCR's international protection mandate, and regional, national, and legal instruments.

In July the Government of Uganda deported approximately 1,300 Rwandans who had fled to Uganda in March and April, but were denied refugee status by Uganda. The government received these returning individuals in Byumba Transit Center, which according to the UNHCR lacked water and adequate space. The government did not allow the UNHCR access to the individuals. Reports received later from the UNHCR and the government indicated individuals received a one-month supply of food and nonfood items the day after their arrival. Authorities later transported some returnees to their districts of origin.

There were no reports representatives of a DRC-based armed group recruited children and adults from Rwandan refugee camps to be combatants or laborers. The government noted 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 employment.

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

The constitution and law provide the right of citizens to change their government peacefully; however, the ruling Rwanda Patriotic Front (RPF) controlled the government and legislature, and its candidate for president during the year dominated the election.

Elections and Political Participation

Presidential elections in August were peaceful and orderly, with a heavy turnout; however, observers noted irregularities in the electoral process. The election was dominated by the ruling party, with the RPF candidate, Paul Kagame, receiving approximately 93.1 percent of the vote; the Social Democratic Party candidate 5.2 percent; the Liberal Party candidate 1.4 percent; and the Party for Peace and Concord candidate 0.4 percent.

The Report of the Commonwealth Observer Group noted voter turnout was large, voters conducted themselves in an orderly manner, and polling stations and staff were well-prepared. The report listed some irregularities in specific locations. For example, there were confirmed reports that Rwandan National Electoral Commission (NEC) officials called voters to polling stations as early as 2:00 a.m. although polls officially opened at 6:00 a.m.; ballot box seals did not appear to be numbered or otherwise uniquely identifiable; there were instances of ballot boxes not having been verified as empty prior to the commencement of voting; and a lack of familiarity by many voters as to proper voting procedures. Regarding the ballot counting and tabulation process, the report noted polling officials generally followed procedures, but "there were more inconsistencies at this stage and also a looser application of procedures." For example, in some cases, polling officials did not formally announce the start of the count, did not always properly account for and secure unused ballot papers, and did not always post results at the polling station.

Few observers were able to monitor the district consolidation process and many reported discrepancies between vote tallies at the polling stations and the final tally at the district level. For example, most observers reported the RPF candidate winning 97 to 100 percent of votes cast at the polling stations, while the final national tally recorded him winning 93.08 percent. In their report, the Rwandan Civil Society Election Observation Mission noted that "the practice with regard to the process of transmission and consolidation of results from polling centres to the district level in some districts still needs some improvement." Some observers noted the process for collecting and delivering ballots and results to the district was lengthy and unclear, reflecting the country's infrastructure and resource challenges. Also, NEC officials did not always give observers clear information regarding the district consolidation process, resulting in a lack of transparency. Some observers noted the use of a thumb print on the ballot could lead to a perception a ballot could be traced to an individual.

According to a preliminary report from the Media High Council, media coverage and professionalism generally improved since the 2008 chamber of deputies elections. The report noted media generally gave all parties equal access and balanced coverage; however, problems included lopsided coverage by public media organs, inaccurate estimations of campaign rally turnouts, and private media's reliance on second-hand information during the first half of the campaign period. According to a study by the National University of Rwanda School of Journalism and Communication and the Deutsche Welle Akademie, media coverage during the elections was generally professional and provided education to citizens on the laws and the electoral process. However, the report noted the public media organs they monitored did not give equal space or airtime to all the candidates and parties. Additionally media organs underrepresented some parties and sometimes reported inaccurately. Finally the report found many media organs did not abide by government regulations to avoid political propaganda, refrain from wearing political party colors, and provide balanced reporting, thereby undermining opposition parties and candidates.

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 positions for women, and provide a written party statute signed by a notary to register.

The government impeded the registration of the Green Party. In September 2009 the Green Party had to cancel a planned assembly because a public notary was not available. In October 2009 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 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 2009 local authorities arrested a PS-Imberakuri member for 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.

On July 14, the body of unregistered Green Party vice president Andre Kagwa Rwisereka was found in the South. Police initially suspected robbery, but later they indicated the murder may have been over a financial dispute. Some human rights organizations claimed the murder could have been politically motivated and called for an independent autopsy by foreign experts. Police arrested a suspect on July 16 and released him on July 21. The investigation was ongoing at year's end.

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

In accordance with the constitution, which states a majority party in the chamber of deputies may not fill more than 50 percent of all cabinet positions, independents and members of other political parties held key positions in government including that of the prime minister.

The constitution requires at least 30 percent of seats in parliament be reserved for women. At year's end, there were nine women in the 26-seat senate and 43 women in the 80-seat chamber of deputies. There were eight women in ministerial positions, representing 31 percent of cabinet positions.

There was one member of the Twa ethnic group in the 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.

For example, in December 2009 the court sentenced Vincent Gatwabuyege, former permanent secretary in the Ministry of Infrastructure, to three years in prison for embezzlement of state funds. Authorities fined him 500,000 Rwandan francs (approximately \$1,000) and released him from prison in July. In November 2009 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. On July 16, authorities acquitted him on all charges, released him from prison, and fined him 500,000 Rwandan francs (\$1,000). In August 2009 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.

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 RNP Office of Inspectorate Service, which reports directly to the RNP commissioner general, handled approximately 413 cases of police misconduct during the year. During the year the RNP fired 104 police officers for corruption, abuse of power, or misconduct; 309 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 through the local radio and press and provided complaint and compliment boxes in many communities to encourage citizens to report problems regarding police and local defense members.

The Office of the Auditor General worked to prevent corruption, including through investigations of improper tendering practices at government ministries. The Office of the Ombudsman had an active good governance program and several anticorruption units that worked at the local level. During the year the office pursued many corruption cases, the majority of which involved misuse of public funds. During the year the police and National Public Prosecution Authority 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 officials complied.

In January 2009 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. In 2009 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. Between June and December, the anticorruption council received 184 cases of alleged corruption; authorities prosecuted 14 of the cases and delivered administrative penalties in some of the other cases.

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.

The November 2010 report of the UN Group of Experts (UNGOE) on the Democratic Republic of the Congo (DRC) reported, prior to the DRC's suspension of all mining activities in three Congolese provinces, that export houses (or "comptoirs") "have in the main begun trading legally, apparently at the instigation and with the financing of Rwanda-based Minerals Supply Africa (MSA), which is one of the main buyers of minerals from the eastern area of the Democratic Republic of the Congo." In its 2009 report, the UNGOE reported that MSA had purchased minerals from a DRC-based supplier, Hill Side, which according to the UNGOE is engaged in sales to MSA of tens of thousands of kilograms of cassiterite that were exported from the DRC but not declared to DRC authorities. According to information presented by the UNGOE, Hill Side's cassiterite supply chains originated from conflict-affected areas of eastern DRC's North Kivu Province.

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 relations with the government were generally positive; however, others indicated 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.

Domestic NGOs the Rwandan League for the Promotion and Defense of Human Rights (LIPRODHOR) and the League for Human Rights in the Great Lakes Region (LDGL) focused on human rights abuses. Other local NGOs dealt with at least some human rights issues and conducted activities such as lobbying the legislature to provide more protection for vulnerable groups, observing elections, raising awareness of human rights among youth, and providing explanations of legislation, legal advice, and advocacy. In 2009 LIPRODHOR employed its 180 members (down from 400 in 2008) 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. 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. 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 requires domestic NGOs to submit financial and activity reports each year. NGOs complained 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 obtain yearly provisional authorization from the local governments of every district in which the organizations work, followed by final authorization from the concerned ministry. This requirement made registration difficult for some organizations. The government also requires international organizations to submit yearly reports to 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 the government controlled some of these umbrella groups.

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.

The government submitted a report to the UN Office of the High Commissioner for Human Rights for the country's first Universal Periodic Review, which described its efforts to improve the human rights situation in the country. Additionally 35 local civil society organizations submitted an alternative report; however, some leaders of the participating organizations denounced the report after it was submitted, saying it did not reflect their views.

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

The government did not deny visas to NGO personnel; however, on March 3, officials confiscated, and on March 10 cancelled, the work permit of HRW's sole international researcher in country on charges of forgery. The researcher reapplied, and on April 23, officials denied her application. She left the country the next day.

The National Human Rights Commission (NHRC) enjoyed the government's cooperation but did not have adequate resources to investigate all reported violations and remained biased in favor of 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 completed 52 cases, with 36 convictions, eight convictions pending appeal, and eight acquittals. At year's end, there were 21 individuals on trial, two persons awaiting trial, and 10 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. In November the prosecutor filed three new requests; eight other 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 courts tried 239 cases--159 new rape cases were filed in court, and 1,463 cases were pending at year's end, compared with 2,020 pending cases at the end of 2009. 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 31 percent of women over the age of 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 2009 and provides for imprisonment of six months to two years for threatening, harassing, or beating one's spouse. However, cases normally were handled within the context of the extended family. Between January and June, police investigated 1,572 cases of gender-based violence; however, this figure is thought to underestimate the problem's extent. 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 2008 the RDF cooperated with local authorities in Northern Province to increase reporting of 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 2009 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.

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 (\$180 to \$360). Sexual harassment was common. The effectiveness of government enforcement efforts was unknown.

The government respected the basic right of couples and individuals to decide freely and responsibly the number, timing, and spacing of their children and to have the information and means to do so free from discrimination, coercion, and violence. 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, with free coverage provided to the poorest of the population. However, some persons remained uninsured because they did not qualify for free insurance, did not purchase insurance, or could not afford the fees. Additionally the resources generated by the insurance schemes were not sufficient to cover more expensive medical care, which resulted in significant out-of-pocket costs.

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 including HIV/AIDS. According to the Population Reference Bureau, the government provided 73 percent of available contraceptives. According to a 2005 Demographic and Health Survey, the unmet need for family planning was 38 percent, a statistic that reflected rural access issues, lack of accurate information, and religious reasons. According to the UN Population Fund, use of modern contraceptives increased from 10 percent in 2005 to 17 percent in 2008, and skilled attendance at birth rose from 39 to 52 percent in the same period. According to the UN, the estimated maternal mortality ratio in 2008 was 540 maternal deaths per 100,000 live births.

Women have the same legal status and are entitled to the same rights as men. 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. According to the UNDP, nearly one-third of households in the country are female-headed, and nearly two-thirds of these households lie

below the poverty line, compared to 54 percent of male-headed households. Despite the election in 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. According to the International Finance Corporation, women headed 42 percent of enterprises and made up 58 percent of enterprises in the informal sector, which accounts for 30 percent of the country's GDP. For the majority of women, particularly those at the lower end of the economic spectrum, the key assets of most households are usually owned by men, making formal bank credit inaccessible to many women, rendering it difficult to start or expand a business. According to a 2005 Demographic and Health survey, more than 85 percent of working women are engaged in agriculture, but 72 percent of these women are self-employed and 64 percent receive no payment for their work. 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 Ministry 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 2009 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; children with one Rwandan parent must apply for citizenship before turning 18 years old. Children born in the country 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 tuition fees through nine years of basic education; however, most parents were required to pay unofficial fees to support basic school operations.

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 many 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 years old is considered rape and is punishable by 20 years to life in prison. Between January and July 2009, prosecutors filed 2,045 cases in regular courts of rape of minors; 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 (\$360 to \$900).

The government continued to support the Muhazi rehabilitation center for children in Eastern Province, which provided care and social reintegration preparation during the year for approximately 47 children who had previously served as soldiers in the DRC. As of December, 29 of the former child soldiers were reunited with their families. In June UNICEF, with the support of the government, began a year-long project at the center to provide literacy and numeric education, psychosocial support, recreational and cultural activities, an improved medical unit, and increased nutrition through gardens and fish farming.

There were numerous street children throughout the country. Authorities gathered 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 30 child-care institutions across the country that provided shelter, basic needs, and rehabilitation for 1,988 street children. The government worked with international organizations and NGOs to provide vocational training and psychosocial support to street children, reintegrate them into their communities, and educate parents on how to prevent their children from becoming street children.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congresreport/congresreport_4308.html.

Anti-Semitism

There was a very small Jewish community, consisting entirely of foreigners, and there were no reports of anti-Semitic acts, societal discrimination, or abuse.

In 2009 the government endorsed the opening of Agahozo Shalom Youth Village, a residential community for orphaned teenagers sponsored by an American Jewish organization, which teaches tolerance and acceptance of all persons.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* 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 National Federation for People with Disabilities (FENAPH) appointed one member of the chamber of deputies. The legislature passed an amendment to the constitution on June 17 to establish a national council for persons with disabilities to assist in coordination of government efforts to provide for the rights of persons with disabilities.

Some persons view disability as a curse or punishment, which can result in social exclusion and sometimes abandonment or hiding of children from the community. FENAPH has held several conferences to sensitize teachers and communities to these abuses.

There is one government psychiatric referral hospital in Kigali; all other mental health facilities are nongovernmental. In general facilities are underequipped and understaffed. Individuals can be committed to mental health facilities involuntarily with no hearing.

There have been no claims of employment discrimination against persons with disabilities.

The National University of Rwanda and the Kigali Institute of Education admit students with visual disabilities.

National/Racial/Ethnic Minorities

Long-standing tensions in the country culminated in the 1994 state-orchestrated genocide, in which Rwandans killed between 750,000 and one 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 that included members of eight political parties. President Kagame was elected in 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. In practice, some Rwandans know the regional or ethnic origin of their fellow Rwandans. 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.

Some French-speaking citizens charged 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 organizations 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 34,000, 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 Rwandan Potters, an organization that focused primarily on Twa community needs, as an advocate for the most marginalized, rather than organizations that support an indigenous ethnic group. 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 in Kigali, gays claimed to have been verbally and physically abused in workplaces, bars, prisons, and elsewhere.

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 stigmatization of those with 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 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; however, while the government respected this right in practice, some private sector employers did not and often harassed union members. Employers often prevented organized workers from meeting by prohibiting meetings during work hours. Approximately 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. During the year workers at a tobacco company formed a union and held a strike to protest working conditions. According to a union cooperative, some of the workers responsible for forming the union were fired; a trial for some members is set for June 2011.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining, but the government severely limited this right. The labor law allows for unions to negotiate with employers for an industry-level minimum wage, but no unions have done so.

The government was heavily involved in the collective bargaining process since most union members worked in the public sector. No labor unions 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 the Central Union of Rwandan Workers, 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 62,028 persons to community service. At year's end, 20,875 persons were serving their sentences in one of the 51 community service camps, 24,543 had completed their community service, and 14,071 were waiting to begin community service.

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.

Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

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. According to a survey completed by the International Labor Organization and UNICEF in partnership with the government, 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 16 years old from working without their parents' or guardians' permission. The law prohibits children younger than 18 years old 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 periods. The minimum age for full-time employment is 18 years old (16 years old 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, 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, 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 effectively to 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, identify children involved in child labor, and send them to school or vocational training. Between 2004 and 2008, in collaboration with numerous NGOs, the government rescued 4,251 children from exploitative labor, prevented 3,121 at-risk children from entering exploitative labor, and assisted many of them to attend formal or vocational education. 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. The Ministerial Order this year on the worst forms of child labor prohibits children from working at industrial institutions and in domestic service, mining and quarrying, construction, brick-making, or applying fertilizers and pesticides. In November the Ministry of Public Service and Labor released a brochure on strategies to eliminate child labor in the country.

Also see the Department of State's annual *Trafficking in Persons Report* at <http://www.state.gov/g/tip>.

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, the minimum wage in the tea industry ranged from 500 to 1,000 Rwandan francs per day (approximately \$0.85 to \$1.70), while in the construction industry it ranged from 1,500 to 5,000 Rwandan francs a day (\$2.50 to \$8.50), depending on skill level. 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 with full salary to six weeks with full salary, with an optional additional six weeks at 20 percent of 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.

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