

# RWANDA

## EXECUTIVE SUMMARY

Rwanda is a constitutional republic dominated by a strong presidency. The ruling Rwandan Patriotic Front (RPF) leads a coalition that includes six smaller parties. Three other registered political parties participate in elections. In August 2010 voters elected President Paul Kagame to a second seven-year term. Senate elections took place in September, with RPF candidates winning the majority of seats by wide margins. International observers reported the senate elections met generally recognized standards of free and fair elections in most respects but noted concerns regarding the independence of voters' decisions. State security forces (SSF) generally reported to civilian authorities, although there were instances in which elements of the security forces acted independently of civilian control.

The most important human rights problems were lack of respect for the integrity of the person, particularly illegal detention, torture, and disappearance of persons detained by SSF; unwarranted restrictions on the freedoms of speech and press, particularly harassment, violence, and arrest of journalists, political dissidents, and human rights advocates; and societal violence and discrimination against women and children.

Other major human rights problems included allegations of attempted assassinations of government opponents, both within the country and abroad; conditions within prisons and detention centers that sometimes failed to comply with international standards; prolonged pretrial detention; irregularities in the judicial process; unwarranted restrictions on freedoms of assembly, association, and, to a lesser extent, religion; inadequate security for refugees; official corruption; trafficking in persons; discrimination and occasional societal violence against the Twa minority and lesbian, gay, bisexual, and transgender (LGBT) persons; restrictions on labor rights; and child labor.

The government generally took steps to prosecute or punish officials who committed abuses, whether in the security services or elsewhere, but impunity involving civilian officials and SSF was a problem.

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

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were several reports that the government attempted to commit arbitrary or unlawful killings within the country and abroad. The government typically investigated security force killings and prosecuted perpetrators. The government investigated sporadic grenade attacks across the country and continued to prosecute individuals who threatened or harmed genocide survivors and witnesses.

For example, United Kingdom police in May warned specific Rwandan exiles in London that they were the targets of an assassination plot by the Rwandan government. In June 2010 in Johannesburg, South Africa, an unknown assailant shot and seriously wounded former army chief of staff Faustin Kayumba Nyamwasa, who in January would be convicted in absentia by a Rwandan court of various security-related charges. According to a report by the Commonwealth Observer Group, the South African Foreign Ministry stated that foreign “security operatives” were involved and arrested several suspects. At year’s end the South African trial against six Rwandan and Tanzanian defendants continued. On September 22, the media reported that South African authorities had foiled another assassination attempt against Kayumba Nyamwasa. The Rwandan government repeatedly denied any involvement in the London and Johannesburg assassination plots and asserted that it does not condone violence.

On September 15, security personnel shot Eric Nshimyumuremyi, a member of the opposition party PS-Imberakuri, in the chest, allegedly because he was armed and wanted to fight. A PS-Imberakuri spokesperson claimed that Nshimyumuremyi was not armed and was shot because he was a party member.

On December 1, an unidentified gunman killed Charles Ingabire, a Rwandan journalist and government critic, in Kampala, Uganda. Both the press and human rights organizations reported that Ingabire had survived an earlier attack in September. Rwandan authorities alleged that he had embezzled from a microfinance company, orphans, and a genocide survivors’ organization and was probably killed for that reason. On December 26, an unknown assailant killed FDU-Inkingi member Jerome Ndagijimana in Kampala. At year’s end the Ugandan investigations were ongoing.

Grenade attacks in January, March, and July in Kigali and along the border with the Democratic Republic of the Congo (DRC) killed three and injured dozens. Shortly after the July 13 attack, the prosecution brought charges against more than 100 defendants grouped into three “grenade cases.” Prosecutors charged the defendants, grouped loosely by date of arrest, with a range of security-related offenses.

The government investigated and prosecuted individuals accused of threatening or harming genocide survivors and witnesses or of espousing genocide ideology. The law defines this 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 June a special protection bureau in the Office of the National Public Prosecution Authority (NPPA) registered 103 cases of genocide ideology, 56 of which ended in conviction (see section 1.e.). According to genocide survivors' association Ibuka, there were only two cases of violence against genocide survivors or witnesses during the year, and police arrested one assailant.

### **b. Disappearance**

There were numerous reports of disappearances and politically motivated abductions or kidnappings in 2011, as well as cases from 2010 that came to light during the year. Amnesty International, the Rwandan League for the Promotion and Defense of Human Rights (LIPRODHOR), and other observers alleged that SSF, including the Rwanda Defense Forces (RDF) J-2 Military Intelligence Directorate, the National Intelligence and Security Services (NISS), and to a lesser extent the Rwanda National Police (RNP) Criminal Investigations Division, orchestrated the disappearances. The government occasionally made efforts to investigate occurrences but did not punish any perpetrators.

For example, in June 2010 two Rwandan members of a local nongovernmental organization (NGO) disappeared along with approximately 80 other people in Rusizi, according to several NGOs and media reports. Some of those who disappeared resurfaced in 2011 as defendants in the grenade attack cases (see section 1.a.), but according to local and international human rights organizations, many of the 80 abducted remained missing.

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

The constitution and law prohibit such practices, but there were numerous reports of abuse of detainees and prisoners by military and intelligence officials and some reports of abuse by police or prison guards. Authorities dismissed or disciplined some police officers for use of excessive force and other abuses during the year.

Police investigations led to formal criminal charges filed in court in more serious cases.

In a May 10 press release, LIPRODHOR described the arraignment of John Bosco Ngarama on security-related charges, in which the defendant alleged he had undergone severe physical and psychological torture during 10 months of military custody. A number of defendants in the “grenade cases” voiced similar allegations of torture in open court during their arraignments. Former detainees reported systematic torture and other cruel, inhuman, or degrading treatment or punishment of civilians held at military detention facilities.

### **Prison and Detention Center Conditions**

Prison and detention center conditions were harsh, but prisons generally complied with international standards. The government permitted visits by independent human rights observers. There were continued improvements in treatment of the general prison population, and new or upgraded facilities increased capacity by more than 30 percent. According to the Rwanda Correctional Services (RCS), each prison had dormitories, toilets, sports facilities, a health center, a guest hall, a kitchen, water, and electricity, as required by a 2006 presidential order governing conditions in prisons. In previous years prisoner deaths resulted from anemia, HIV/AIDS, respiratory disease, malaria, and other diseases. The rates of such deaths were similar to those found in the general population.

Provision of food in prisons and detention centers was inadequate, and prisoners and detainees relied on family members to supplement their diets. On October 3, the Ministry of Internal Security took full responsibility to provide food for prisoners and detainees through canteens and prison gardens after it issued a directive banning members of the public from taking food to inmates. Ventilation and temperature conditions improved as overcrowding continued to decline. Medical care in prisons was commensurate with care for the public at large. The government enrolled all prisoners in the national health insurance plan.

Conditions in police and military detention centers varied. Overcrowding was common in police detention centers, and poor ventilation often led to high temperatures. Provision of food and medical care was inconsistent, and some detainees claimed to have gone for several days without food. There were complaints regarding inadequate sanitation in some detention centers. There were numerous reports of substandard conditions for civilians held in military detention centers.

There were unconfirmed reports that police sometimes beat newly arrested suspects to obtain confessions. There were numerous reports that J-2 Military Intelligence personnel employed torture and other cruel, inhuman, or degrading treatment or punishment to obtain confessions in military detention centers (see section 1.c).

One prison riot reportedly occurred during the year. Prisoner family members claimed that on July 8, a fight broke out at Huye Prison between newly transferred prisoners from Rusizi and longstanding Huye inmates. Prison guards killed five of the inmates, according to one inmate witness, and transferred all witnesses to other prisons across the country. Prisoners alleged that this was to suppress knowledge of the incident. Prison officials denied knowledge of the incident.

At year's end the prison population was 58,461, consisting of 49,995 men and 8,466 women, of which 224 were juveniles. The system was designed for 56,900. Men and women were housed in separate but approximately equal conditions. Fewer than 100 children under the age of three lived with their parents in prison. The RCS provided nursery schools and fresh milk for such children. All juveniles were held at Nyagatare Rehabilitation Center. There were no reports of abuse of juveniles, and the RCS continued to improve access to lawyers, education, and job training for juveniles. Individuals convicted of genocide-related offenses comprised a majority of the adult prison population. Authorities generally separated pretrial detainees from convicted prisoners and prisoners convicted of serious crimes from those convicted of lesser ones. However, there were numerous exceptions due to the large number of genocide-related detainees awaiting trial. The government continued to hold eight prisoners of the Special Court for Sierra Leone in a purpose-built detention center, which the UN deemed met international standards for incarceration of prisoners convicted by international criminal tribunals.

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.

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.). Two other transit centers, where conditions met basic international standards, operated as well. Many transit center detainees and at-risk youth were transferred to the Iwawa Rehabilitation and Vocational Development Center, which observers reported generally met international standards and provided job training.

The law provides for an ombudsman who has the power to carry out investigations of prisons. The ombudsman also receives and examines complaints from individuals and independent associations relating to civil servants, state organs, and private institutions. Domestic and international human rights organizations reported numerous instances of long delays and failures to locate prisoners and detainees. There were reports of forgotten detainees and of prisoners who remained incarcerated beyond their release date due to misplaced records.

The National Prisons Service merged with the Works for General Interest (TIG) community service program in July to form the RCS and began to shift its focus from penal to rehabilitative detention. The Nyagatare Rehabilitation Center for juveniles undertook renovations with the assistance of UNICEF to align with rehabilitative priorities. The Ministry of Justice (MINIJUST) instructed judges to utilize alternative sentencing to incarceration for nonviolent offenders. The RCS also commuted the sentences of more than 1,000 prisoners, expanding the use of community service as an alternative to time in prison.

The government permitted independent monitoring of prison conditions by diplomats, as well as the International Committee of the Red Cross, which reported unimpeded access on an unannounced basis to all the prisons, police stations, and military facilities that it visited during the year. The government stated no local human rights NGOs applied for permits to visit prisons in 2011. LIPRODHOR claimed it had followed up on a 2009 application for access and was awaiting approval. Human Rights Watch (HRW) similarly claimed it was unable to obtain access to prisons during the year. Journalists may access prisons with a valid press card but must request permission to interview or take photos from the RCS commissioner.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention. However, SSF regularly arrested and detained people arbitrarily and without due process.

#### **Role of the Police and Security Apparatus**

The RNP, under the Ministry of Internal Security, is responsible for internal security. The RDF, under the Ministry of Defense, is charged with providing external security. Authorities generally maintained control over the RNP and RDF, and the government had mechanisms to investigate and punish abuse and corruption. However, there were reports that elements of the SSF may have acted independently of civilian control. There were several reports of impunity involving the military and intelligence forces involving disappearances, illegal detention, and torture in military detention centers.

There were reports of abuse of suspects by SSF and local defense members. The Inspectorate General of the RNP generally disciplined police for excessive use of force and prosecuted acts of corruption, and the RDF normally displayed a high level of military professionalism. However, there were numerous reports that the J-2 Military Intelligence Directorate tortured and abused detainees with impunity.

The police lacked sufficient basic resources such as handcuffs, radios, and patrol cars, but observers credited the RNP with generally strong discipline and effectiveness. There were reports of police arbitrarily arresting and beating individuals, engaging in corrupt activities, and demonstrating a lack of discipline. During the year the RNP took steps to institutionalize training in community relations, which included appropriate use of force and human rights. In December the National Police Academy graduated its first undergraduate class in professional police studies.

Communities chose volunteers to serve in the local defense forces (LDF), a statutorily established law enforcement organization of approximately 20,000 members under the Ministry of Local Government (MINALOC) that assisted the police. The RNP exercised tactical control of LDF, while local officials had responsibility for operational oversight. LDF performed basic security guard duties throughout the country including at gacaca court (a village-level justice system) proceedings and chased illegal street vendors, petty criminals, and prostitutes from public areas. LDF were ordinarily unpaid and received less training than RNP officers. They did not have power of arrest but made arrests on orders from local officials and on their own authority.

During the year the government repeatedly warned LDF against involvement in criminal activity and prosecuted members who committed crimes. However, some human rights groups accused the government of not taking sufficiently strong action against some members and considered LDF abusive.

## **Arrest Procedures and Treatment While in Detention**

The law requires authorities to investigate and obtain a warrant before arresting a suspect. Before arrest, police may detain suspects for up to 72 hours without a warrant, and prosecutors must bring formal charges within seven days of arrest. Authorities sometimes disregarded these provisions, particularly in security-related cases. SSF held some suspects incommunicado or under house arrest. At times police employed 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. Such detention must be reviewed by a judge every 30 days, but in practice SSF held numerous suspects indefinitely after the first authorization of investigative detention. The government attributed such continued detention to judicial backlog and delays in obtaining a court date, and said investigations generally were completed within 30 days. After the formal filing of the prosecution's case, detention is indefinite unless bail is granted. Bail exists only for crimes with a maximum sentence of five years or less, but authorities may release a suspect pending trial if 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. However, defendants are not allowed formal representation in the gacaca court process. In practice the scarcity of lawyers (there were 784 attorneys in the country, of which 175 were trainees, mostly located in Kigali) limited access to legal representation. The government did not provide indigent people with legal representation. A Legal Aid Forum composed of 31 organizations, including domestic and international NGOs, the Rwandan Bar Association, the Corps of Judicial Defenders, and university legal aid clinics, provided legal aid services to indigents and vulnerable groups, although such resources were insufficient to provide lawyers for all those in need. The law requires the government to provide minors with legal representation, which judicial observers cited as a factor in juvenile trial delays. The government continued to hold an annual Legal Aid Week, in which it processed as many juvenile cases as possible to reduce backlog.

Arbitrary Arrest: Police arbitrarily arrested members of opposition parties, journalists, and members of Jehovah's Witnesses (see sections 2.a., 2.c., and 3).



In 2009 government authorities arrested Laurent Nkunda, leader of a Congolese armed entity, while he was in the country. At year's end Nkunda remained under house arrest without charge.

In August 2010 SSF arrested Lt. Col. Rugigana Ngabo, brother of Kayumba Nyamwasa, and held him for more than a year without charge. Ngabo's trial before a military tribunal finally began on November 28, just before the East African Court of Justice (EACJ) ruled that his detention was illegal.

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

Despite a 2008 Senate committee report that called for the closure of Kigali's Gikondo Transit Center for violations of detainee rights and lack of social services, the facility continued to operate as a temporary detention facility for street children, vagrants, and street vendors. Government officials asserted they held people for no more than three weeks. However, some detainees reported waiting several months before release. Relatives often reported that authorities denied them access to detainees.

The government continued to operate Iwawa Rehabilitation and Vocational Development 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. In May the first group of 752 young men graduated from year-long courses.

Pretrial Detention: There were serious problems of lengthy pretrial detentions, including the detention of people whose unresolved cases dated from 1994, a consequence of the large number of people suspected of committing genocide who continued to be held in prisons and detention centers. The law permits the detention of genocide suspects until they face trial either in an ordinary court or in the gacaca court system. Authorities permitted the majority of convicted prisoners (those who had confessed their genocide crimes) to return to their families, with prison time to be served after the suspended and community service portions of their sentences. The law did not provide for compensation for those acquitted or require credit for time served prior to conviction. Defendants sometimes remained

in prison after serving their sentences while waiting for an appeal date or due to problems with prison records.

Except for genocide suspects, the government made strides toward eliminating the case backlog and reducing the average length of pretrial detention. During the year the Inspector General of the NPPA began sanctioning government officials who abused regulations on pretrial detention with penalties such as fines and suspensions.

Despite progress in shortening pretrial detention in the majority of cases, there were numerous reports of lengthy pretrial detention and illegal detention of defendants facing charges of threatening state security, terrorism, genocide ideology, divisionism, defamation, contempt for the head of state, and other security-related sensitive crimes. Such cases were also more likely to experience repeated delays after trials began.

#### **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 and government officials sometimes attempted to influence individual cases. Authorities generally respected court orders.

In June there were 8,119 criminal and 11,264 civil cases pending in the regular courts, compared with 38,676 cases in October 2010.

#### **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. Judges, rather than juries, try all cases. Defendants have the right to be present, question witnesses against them, and present witnesses and evidence on their own behalf. Defendants also have the right to consult with an attorney, although few could afford private counsel. Minors are guaranteed legal representation by law. The law provides for the right to appeal, and this provision was generally respected. Lawyers without Borders, the Rwandan Bar Association, and the Legal Aid Forum provided 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 the right to access government-held evidence relevant to their cases, but courts did not always respect this right. The numbers of prosecutors, judges, and courtrooms were inadequate to hold trials within a reasonable period of time.

The RDF routinely tried military offenders in military courts, which rendered sentences of fines, imprisonment, or both. Military courts provided defendants with the same rights as civilian courts, including the right of appeal and access to government-held evidence relevant to their cases. The law stipulates military courts can try civilian accomplices of soldiers accused of crimes. Through October 2010 military courts had tried 62 civilians as coperpetrators or accomplices of military personnel during the year. The government did not release figures for 2011.

Gacaca courts served as the government's primary mechanism for adjudicating 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 at trial, not before. Defendants can present witnesses and evidence on their own behalf, although witnesses were sometimes reluctant to testify for fear of reprisals, particularly accusations of complicity in the crimes alleged. Defendants can appeal gacaca proceedings to sector-level courts. Defendants are not entitled to legal representation.

Genocide law is designed to encourage confessions in exchange for reduced sentences, except for Category I crimes (the most severe crimes, including rape, "infamous murder," genocide instigation, or playing a leadership role in the planning or commission of genocide). The majority of individuals are charged with Category II crimes (such as murder or assault with intent to murder) or Category III crimes (property crimes). Category II cases are tried in gacaca courts and Category III cases resolved through gacaca mediation. Since 2007 all persons convicted by gacaca courts were permitted to serve the community service and suspended portions of their sentences first, in order to alleviate prison overcrowding. Category II defendants who confessed usually served 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. According

to an HRW report released in May, the lack of confidentiality in the gacaca system negatively impacted rape victims, who had stronger privacy protection in the ordinary courts. The 2008 law also provides for the transfer of approximately 1,200 Category I genocide cases, already begun in the ordinary courts, to the gacaca courts. The 2008 law builds on the 2007 law by replacing remaining prison terms with additional community service once the original community service portion of a sentence is completed.

By year's end gacaca officials reported having concluded nearly all gacaca cases, which numbered more than 1.2 million. Fewer than 50 appeals remained pending at year's end.

Poorly qualified judges and ill-defined rules on evidence and hearsay presented problems. There were reports that local gacaca officials and citizens abused the process to pursue personal matters, including making false accusations to acquire land.

According to the May HRW report, which provided a compilation of the NGO's findings on gacaca courts after observing more than 350 cases from 2001 through May 2011, fair trial violations also included instances of trumped-up charges, judges' and officials' intimidation of defense witnesses, and corruption by judges and parties. Other human rights observers also voiced concern that witnesses might have given false testimony and that some suspects falsely confessed to avoid lengthy prison terms.

Because the government has not authorized gacaca courts to consider allegations of human rights abuses committed by the RPF during the 1994 genocide, some human rights groups criticized the gacaca courts for rendering incomplete or one-sided justice and for being biased against those who acted on behalf of the former government. In response the government reported that it had prosecuted 46 RPF soldiers, that civil and military authorities also addressed RPF abuses, and that such abuses could not be equated with the genocide. HRW claimed that only 36 RPF 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 related to the genocide were brought against RPF soldiers during the year.

The government held local communities responsible for protecting gacaca court witnesses and relied on LDF, 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. According to the genocide survivors' organization Ibuka, threats and violence against survivors continued to decrease. During the year the task force supervised joint patrols in rural areas by survivors and security personnel, employed 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 police, ordinary courts, and mediators and for the creation of a survivors' compensation fund.

The International Criminal Tribunal for Rwanda (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.

The remaining political prisoner, former minister of transportation Charles Ntakirutika, was confined to a special section of Kigali's "1930" prison.

### **Regional Human Rights Court Decisions**

Rwanda has acceded to the jurisdiction of the African Commission on Human and Peoples' Rights (ACHPR) and the EACJ and has three judges serving on the courts. On December 1, the EACJ found Rwanda in breach of the East African Community Treaty with regards to the illegal detention of Rugigana Ngabo, brother of Kayumba Nyamwasa, and ordered the government to begin the trial immediately and pay costs. Rwanda began Ngabo's trial before a military tribunal on November 28, in advance of the ruling. Rwanda had no other pending cases before the ACHPR or EACJ.

### **Civil Judicial Procedures and Remedies**

The judiciary was generally independent and impartial in civil matters. Mechanisms exist for citizens to file lawsuits in civil matters, including violations of their constitutional rights. They can appeal to the ACHPR and the EACJ, but none did so. The Office of the Ombudsman processes claims of judicial wrongdoing on an administrative basis.

## **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, telephone calls, and e-mail. Media and NGOs reported the government violated due process requirements in evicting some residents under the “Guca Nyakatsi” or “Goodbye Thatched Roofs” program to phase out grass-thatched houses, and under city development projects in Kigali and Bugesera (see section 2.d.).

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

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

#### **Status of Freedom of Speech and Press**

The constitution provides for freedom of speech and press “in conditions prescribed by the law.” The government at times restricted these rights. The government intimidated and arrested journalists who expressed views that were deemed critical on sensitive topics or who were believed to have violated the law or journalistic standards. Numerous journalists practiced self-censorship.

Freedom of Speech: The law prohibits the propagation of ideas based on “ethnic, regional, racial, religious, language, or other divisive characteristics.” Public incitement to “divisionism,” which includes discrimination and sectarianism, is punishable by up to five years in prison and fines of up to five million Rwandan francs (\$8,300). Other statutes forbid displaying contempt for the head of state or other public officials and carry sentences of up to five years in prison and fines of up to 10,000 Rwandan francs (\$17). 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.

In December 2010 authorities arrested and charged Roman Catholic priest Emile Nsengiyumva with threatening state security after he gave a sermon criticizing government family planning programs and the “Guca Nyakatsi” housing program. On July 29, the court convicted Nsengiyumva and sentenced him to a year and a half in prison.

Unlike in the previous year, there were no reports that organized groups targeted and killed genocide survivors or witnesses. However, police investigated at least two cases of violence against genocide survivors and witnesses. The government asserted the genocide ideology law was necessary to prevent reincitement to violence, but NGOs and human rights organizations criticized the law as overly broad and recommended its repeal or reform.

Freedom of Press: Vendors sold 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. There were 23 radio stations (six government-owned and 17 independent) and one government-run television station.

Under the current Media Law, the Media High Council (MHC) has the power to suspend newspapers. The law also provides that the following crimes committed by the media are punishable with penalties provided for by the penal code: being an apologist for the genocide and genocide ideology, incitement to discrimination of any form, contempt of the head of state, and inciting the army or national police to insubordination. A court may order journalists to reveal their sources when deemed 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 with training in journalism. Previously practicing journalists without one of these qualifications must obtain them by 2015 to continue in their positions.

On February 4, the government sentenced *Umurabyo* newspaper journalist Saidati Mukakibibi to seven years' imprisonment for defamation, inciting public disorder, and divisionism, and *Umurabyo* editor Agnes Uwimana to 17 years for incitement to civil disobedience, contempt for the head of state, spreading rumors to cause public disorder, denying the genocide, and likening President Kagame to Adolf Hitler.

Violence and Harassment: Journalists continued to be subject to arrest and imprisonment, and some journalists reported government and nongovernment agents harassed and intimidated them due to their reporting.

For instance, police arrested Joseph Bideri, managing director of the progovernment English-language daily *The New Times*, on November 14. Bideri claimed his arrest resulted from articles published that exposed corruption in government tenders surrounding a hydropower plant. The police chief alleged Bideri was called in for questioning because the news reports were interfering with police and parliamentary investigations, but that during questioning he was arrested for “disrespecting and abusing” the police. Bideri was released the next day and either resigned or was fired from *The New Times* in December.

The government did not expel members of the press from the country. However, several journalists fled the country. For instance, Nelson Gatsimbazi, *Umusingi* newspaper general director, left in June after the state prosecutor filed charges against him for using divisionist language in a personal altercation with the editor of another newspaper.

On September 15, a court convicted Didace Nduguyangu of the June 2010 murder of *Umuvugizi* journalist Jean Leonard Rugambage and sentenced him to 10 years in prison. The court acquitted a second defendant, police officer Antoine Karemera. Authorities reported that Nduguyangu confessed that he killed Rugambage to avenge Rugambage’s alleged murder of his brother during the 1994 genocide. Some observers asserted the killing was politically motivated, as it occurred the same day Rugambage’s article alleged Rwandan government involvement in the assassination attempt against Kayumba Nyamwasa (see section 1.a.).

Censorship or Content Restrictions: The law provides for censorship and content restrictions relating to some government documents, individual privacy, slander, and defamation.

On January 18, the government printing house ORINFOR refused to print an edition of *Umusingi* that included an interview with former chief of external security services Patrick Karegeya, whom a Rwandan military court convicted in absentia on January 14 of divisionism, threatening state security, forming a terrorist group, undermining public order, and contempt for the head of state, along with Kayumba Nyamwasa and two other former government officials.

There were several reports that private printing houses declined to print newspapers or charged more for sensitive issues. For example, on August 18, a private printing house, NICA, told *Umusingi* chief editor Stanley Gatera that it would not print the paper without payment of an additional 200,000 Rwandan



francs (\$333) because of two sensitive articles. In one article exiled *Umusingi* owner Nelson Gatsimbazi reported on diaspora opposition claims that only Tutsi children went to universities and got scholarships to study abroad, and he countered that inequality in Rwanda was a problem between rich and poor, not between Tutsi and Hutu. He agreed with opposition claims that people disappeared mysteriously or were killed extrajudicially. A second article by another writer claimed that the government did not protect worker rights and warned that youth unemployment could lead to protests.

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 owned and operated the country's only television station.

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

Libel Laws/National Security: Defamation (libel and slander) is a criminal offense punishable by fines and imprisonment. Courts convicted journalists and others on the charge of threatening state security and related crimes.

### **Actions to Expand Press Freedom**

On March 30, the cabinet adopted a media policy document outlining major reforms to the sector, including the following: the semiautonomous MHC will no longer be responsible for media regulation, but rather media development and the promotion of media freedom; print journalists will self-regulate under a mechanism to be determined; the government-run broadcasting agency ORINFOR will transform into the Rwanda Broadcasting Agency (RBA), which will be regulated by its own board made up of civil society and private sector individuals; and the Rwanda Utility Regulatory Authority (RURA) will have such regulatory authority over electronic media (under the supervision of the RBA's board of directors) as is necessary for the allocation and use of the electromagnetic spectrum but will devolve content regulation to the yet-to-be determined self-regulatory mechanism. The cabinet ordered these reforms to be enacted through new legislation and changes to existing media legislation. The Office of the Government Spokesperson replaced the Ministry of Information on June 30, and

on July 1, the cabinet approved new draft legislation on Access to Information and on the RBA, as well as amendments to the Media Law, Media High Council Law, and the law governing RURA. These were introduced before Parliament on August 2. At year's end, all draft legislation remained under debate in Parliament. The ad hoc committee finalized amendments to the journalists' code of ethics in September and took steps to develop a self-regulatory mechanism.

### **Internet Freedom**

The law does not provide for government restrictions on access to the Internet, but restrictions such as website blocking are in place nonetheless. There were reports that the government monitored e-mail and Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail, but were subject to monitoring. There were a few reports that monitoring led to detention and interrogation by SSF.

The government blocked access to at least three Web sites within the country, including [www.umuvugizi.com](http://www.umuvugizi.com), [www.leprophete.fr](http://www.leprophete.fr), and [www.africandictator.org](http://www.africandictator.org). All three sites were critical of the government. The MHC first ordered *Umuvugizi* blocked in April 2010 prior to seeking a court order. It used communication companies to block the sites.

In June a court convicted journalist Jean Bosco Gasasira of displaying contempt of the head of state and incitement to civil disobedience and sentenced him in absentia to two and a half years in prison for his writings in the online publication *Umuvugizi*.

### **Academic Freedom and Cultural Events**

The government generally did not restrict academic freedom or cultural events. However, on February 9, police arrested university lecturer Lambert Havugintwari on charges of threatening state security and smuggling grenades into the country after he gave a controversial lecture. At year's end he remained in jail and his case was pending. Authorities frequently suspended secondary and university students for divisionism or engaging in genocide ideology.

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

### **Freedom of Assembly**

The constitution and law provide for freedom of assembly, and the government generally respected this right in practice. However, there were exceptions. Authorities legally may require advance notice for outdoor rallies, demonstrations, and meetings. The government limited the types of locations where religious groups could assemble, at times citing municipal zoning regulations as the reason.

### **Freedom of Association**

While the constitution provides for freedom of association, the government limited this right in practice. The law requires private organizations to register, and the government generally granted licenses without undue delay. However, the government impeded the formation of new political parties and restricted political party activities (see section 3). Also the government 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**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

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

The constitution and law provide for freedom of movement within the country, 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 people of concern.

Exile: The law prohibits forced exile, and the government did not use it. Some political dissidents, journalists, and social activists who claimed harassment and intimidation by the government departed the country during the year in self-imposed exile.

Emigration and Repatriation: Through mid-December Rwanda accepted 7,045 nationals returning from other countries, according to the UNHCR, most of whom

settled in their districts of origin. From 2009 until the end of 2011 almost 4,000 civilian noncombatants who had been living in areas of the DRC controlled by the rebel militia group Democratic Forces for the Liberation of Rwanda (FDLR) returned, according to the Rwanda Demobilization and Reintegration Commission (RDRC). The government worked with the UNHCR and other aid organizations to assist the resettled returnees.

The government continued to accept former combatants who returned from the DRC as part of the ongoing rapprochement between the two countries. During the year the government demobilized 766 adult former combatants from armed groups and rehabilitated 52 children, reuniting 21 with their families. The RDRC, with international support, placed adult former combatants in a three-month reeducation program at Mutobo Demobilization Center in Northern Province. The Muhazi Child Rehabilitation Center treated former child combatants in Eastern Province. After the three-month reeducation period, each adult former combatant received approximately 60,000 Rwandan francs (\$100) and permission to return home. Two months later each received an additional 120,000 Rwandan francs (\$200).

### **Internally Displaced Persons (IDPs)**

As part of the “Guca Nyakatsi” housing program, the government demolished approximately 47,000 rudimentary grass-thatched huts deemed unsuitable for habitation and replaced them with mud brick housing with corrugated metal roofs. Local government officials reportedly demolished a large number of huts before constructing replacement houses, leaving hundreds homeless for several months or forcing them to move. According to the Community of Rwandan Potters (COPORWA), an organization that focused primarily on Twa community needs, the program disproportionately affected the Twa minority.

### **Protection of Refugees**

Access to Asylum: The country’s constitution and laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

The UNHCR, with government support, continued to assist refugees and asylum seekers. At year’s end it had provided temporary protection to approximately 55,530 refugees, 99 percent of whom were from the DRC. Other refugees were from Angola, Burundi, Chad, Somalia, and Uganda.

In a joint effort by the UNHCR, Directorate General of Immigration and Emigration, and Ministry of Disaster Management and Refugee Affairs, all refugees underwent reregistration to verify the size of the refugee population and expel Rwandans and other illegitimate claimants to refugee status. As a result of this effort, the refugee population was expected to decrease significantly. However, statistics from the reregistration process were not available at year's end.

Refugee Abuse: Authorities failed to provide adequate security or physical protection within refugee camps. The RNP stationed one police officer part-time at each camp. Camp and RNP officials acknowledged the camps faced higher crime rates than the rest of the country. Refugees were free to file complaints with area police stations. While police issued arrest warrants against some perpetrators, they refused to enter the camps to execute warrants. When police in Gicumbi arrested a male refugee from the Gihembe camp on charges of domestic violence, camp leaders mobbed the police station and successfully demanded the suspect's release. This incident contributed to a general sense of impunity within the refugee community, especially in relation to gender-based violence (GBV).

Employment: There were no laws restricting refugee employment, but few were able to find jobs on the local economy. Refugee camps offered periodic job training programs to assist refugees in finding or creating income-generating opportunities.

Access to Basic Services: The government noted it had difficulty controlling camps that had no fences and populations that regularly crossed borders. Refugees had access to public education, public health care, public housing within the refugee camps, law enforcement, courts and judicial procedures, and legal assistance. The government funded primary education but did not provide tuition at the secondary and university levels. Access to law enforcement was limited by the lack of police presence in the refugee camps.

Durable Solutions: Rwanda is not a resettlement country for refugees from third countries. The government assisted the safe, voluntary return of refugees to their homes but did not facilitate local integration or naturalization of refugees in protracted situations.

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

The constitution and law provide citizens the right to change their government peacefully. However, the ruling RPF controlled the government and legislature, and its candidates continued to dominate elections at all levels.

### **Elections and Political Participation**

Recent Elections: Senate elections in September were peaceful and orderly, with high turnout. International observers reported the senate elections met the generally recognized standards of free and fair elections in most respects but noted concerns regarding the independence of voters' decisions. The elections were technically nonpartisan in that candidates could not identify or exploit party affiliation during the campaign season and included numerous candidates. Winning candidates typically received 80 percent of the vote. The RPF dominated the Senate elections, winning 11 of 14 seats up for election.

International and local observers noted that election procedures appeared generally well organized, transparent, and calm. Observers recorded four unregistered voters casting ballots, a late-sealed voting box, and a skipped vote for a winning candidate. Several successful candidates, including non-RPF candidates, remarked that the RPF asked them to run for office and gave assurances that they would win. Some voters claimed that they and all other voting RPF members received a text message from provincial RPF headquarters on the morning of the election instructing them to vote for particular RPF and non-RPF candidates. Observers reported a large number of identical ballots.

Observers were able to monitor provincial vote consolidation during the Senate elections. Observers commented that media coverage was generally professional and educated citizens on the laws and the electoral process.

Political Parties: The constitution outlines a multiparty system but provides few rights for parties and their candidates. There were reports that the RPF pressured youth into joining the party during mandatory "Ingando" civic and military training camps held after secondary school graduation. Some 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 threatening state security. The government's enforcement of laws against genocide ideology and divisionism discouraged debate or criticism of the government and resulted in occasional detentions.

The constitution requires all political organizations to join the National Consultative Forum for Political Organizations (Party Forum), which promoted consensus at the expense of political competition. To register as a political party, an organization must demonstrate membership in every district, reserve at least 30 percent of its leadership positions for women, and provide a written party statute signed by a notary.

Attempts in 2009 and 2010 by the Democratic Green Party (DGP) to register were impeded. Government officials charged that DGP president Frank Habineza organized the party as a splinter group of the RPF with the support of Ugandan intelligence. In July 2010 DGP vice president Andre Kagwa Rwisereka was killed. Police initially suspected robbery but later indicated his death may have been over a financial dispute. Some human rights organizations claimed the killing could have been politically motivated and called for an independent autopsy by foreign experts. As of October the investigation continued, but the RNP had not identified a suspect. Following Kagwa Rwisereka's death, Habineza fled to Sweden. The DGP thereupon discontinued activities in Rwanda.

Police arbitrarily arrested some members of the DGP, PS-Imberakuri, and FDU-Inkingi, and members also reported receiving threats because of their association with those parties.

In accordance with the constitution, which states a majority party in the Chamber of Deputies may not fill more than 50 percent of cabinet positions, independents and members of other political parties held key positions in government including that of prime minister. PS-Imberakuri was the only registered political party not represented in cabinet.

Participation of Women and Minorities: The constitution requires at least 30 percent of the seats in Parliament's Chamber of Deputies be reserved for women. At year's end there were 10 women in the 26-seat Senate and 45 women in the 80-seat Chamber of Deputies. Women filled eight of 26 cabinet positions.

There was one member of the Twa minority in the Senate and none in the Chamber of Deputies or cabinet.

#### **Section 4. Official Corruption and Government Transparency**

The law provides criminal penalties for official corruption, and the government continued to make implementation of these laws a national priority. However, corruption remained a problem.

On July 27, NPPA Inspector General Julius Marius Ntete announced that the government was prosecuting 223 people, including unidentified government ministers, directors of national institutions, university heads, and national researchers, for stealing public funds totaling approximately three billion Rwandan francs (\$5 million). The government issued 22.8 million Rwandan francs (\$38,000) in fines and recovered 17.9 million Rwanda francs (\$30,000) from officials who voluntarily returned funds. At year's end the government had successfully prosecuted 145 individuals, resulting in prison terms of up to 10 years as well as fines. Prosecutors continued to investigate some cases and scheduled others for trial.

In September LIPRODHOR reported that a local official in Bugarama, Rusizi, evicted a number of rice farmers without compensation and redistributed the land to military and police officers and others who assisted in the evictions. By year's end the RNP had not responded to the report.

The NPPA, under MINIJUST, is responsible for prosecuting police abuse cases. During the year the RNP Inspectorate of Services investigated 250 cases of police misconduct. The RNP suspended 68 police officers for corruption, abuse of power, or misconduct and imposed administrative punishment for indiscipline on 176 officers. The RNP referred criminal offenses committed by police to the NPPA, and several prosecutions were underway at year's end. The RNP advertised a toll-free hotline number in the local radio and press and provided complaint and compliment boxes in many communities to encourage citizens to report both positive and negative behavior by police and LDF members.

The Office of the Auditor General worked to prevent corruption, including by investigations of improper tendering practices at government ministries. The RNP and the NPPA used the auditor general's annual report to pursue investigations into government businesses. The Office of the Ombudsman led the National Anti-Corruption Council and had an active good governance program and several local level anticorruption units. The office pursued many corruption cases, the majority of which involved misuse of public funds. The Rwanda Governance Board (RGB), formerly the Rwanda Governance Advisory Council, monitored good governance more broadly and promoted mechanisms to control corruption. The Rwanda Revenue Authority's Anti-Corruption Unit had a code of conduct and an



active mechanism for internal discipline. The National Tender Board, RURA, and the National Bureau of Standards also enforced regulations.

The law provides for annual reporting of assets by public officials but not public disclosure of those assets. The government reported that most officials complied with this requirement.

The law does not provide for access to government information, and it was 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 print.

The government implemented a “bagging and tagging” system to comply with anticipated due diligence requirements of a foreign government related to conflict minerals. The government banned the purchase or sale of undocumented minerals from neighboring countries in March and made efforts to seize smuggled minerals at the border and within the country. However, observers and government officials reported that smugglers succeeded in trafficking an unquantifiable amount of undocumented minerals through the country. A December UN Group of Experts report on the DRC alluded to SSF complicity in such smuggling, noting that “RDF soldiers had sentry posts all along the border” and charging that “nothing could cross without their knowledge.” Government officials confiscated more than 80 metric tons of smuggled minerals during the year and returned the minerals to the DRC government.

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

A variety of international NGOs and several domestic NGOs operated in the country, investigating and publishing their findings on human rights cases. Some domestic NGOs reported 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.

Various domestic NGOs, including LIPRODHOR and the League for Human Rights in the Great Lakes Region (LDGL), focused on human rights abuses. LIPRODHOR and the LDGL published their findings and discussed them with government officials.

In February LIPRODHOR's president reported receiving accusations and threats regarding the organization's reports. In May one of its members claimed he had been abducted, interrogated, and tortured by SSF. In July another member fled the country after allegedly receiving death threats. The NGO's former executive secretary remained outside the country.

In August border officials arrested LDGL's president and acting executive secretary on embezzlement charges. After questioning, the RNP ordered their release. LDGL's executive secretary remained outside the country and claimed to continue receiving death threats related to his work with the organization.

The law on nonprofit associations permits government authorities to review budgets and the hiring of personnel. Local and international NGOs often found the registration process difficult. A domestic NGO must present its objectives, plan of action, and financial information to local authorities of every district in which it would like to work. Domestic and international NGOs must reapply to RGB and Directorate General for Immigration and Emigration, respectively, for registration each year and must submit yearly financial and activity reports. NGOs complained these requirements strained their limited resources. The government threatened legal action against organizations that did not submit reports or registration paperwork on time. Many organizations complained that government delays and unpublished requirements caused late submissions and that the regulatory environment worsened during the year.

The government generally cooperated with international NGOs. However, it criticized HRW, Reporters without Borders, Freedom House, and Amnesty International as being inaccurate and biased. The government reportedly conducted surveillance on certain international and domestic NGOs. Some NGOs reported that authorities pressured individuals affiliated with them to provide information on their activities.

Several international organizations complained that the government used the Law on Immigration and Emigration and a May ministerial order implementing the law improperly to deny visas to some personnel.

A progovernment NGO, the Civil Society Platform, managed and directed some NGOs through umbrella groups, which theoretically aggregated NGOs working in particular thematic sectors. Many observers believed the government controlled some of these groups.

The government completed the country's first Universal Periodic Review (UPR) with the UN Office of the High Commissioner for Human Rights. The government accepted 67 of 73 UPR recommendations.

Government Human Rights Bodies: 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 4). The Office of the Ombudsman was independent and its resources adequate.

The government cooperated with the National Human Rights Commission (NHRC). However, the NHRC did not have adequate resources to investigate all reported violations and remained biased in favor of the government, according to many observers.

The ICTR in Tanzania continued to prosecute genocide suspects. Since 1994 the ICTR had completed 70 cases, with 45 convictions, 15 convictions pending appeal, and 10 acquittals. At year's end there were five persons on trial, one person awaiting trial, and nine fugitives. The ICTR approved its first case transfer to Rwanda. The ICTR had tried no RPF members by year's end, and none were under indictment. The government continued to claim that calls by human rights groups or opposition figures for investigation of alleged RPF war crimes constituted attempts to equate the genocide with much more minor 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**

Rape and Domestic Violence: The law criminalizes rape and spousal rape, and the government handled rape cases as a judicial system priority. 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 prosecutors reported receiving 1,056 cases of adult rape, and police reported investigating 287

cases. Among those 1,056 cases, 433 were filed in courts, 201 were dropped, and 422 were pending investigation at year's end. From January through May, the courts adjudicated 1,090 cases of adult rape and child defilement, convicting 750 and acquitting 340. Among those convicted, the courts sentenced 71 to life in prison. 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 from 2006 indicated 31 percent of women and girls over the age of 15 were victims of domestic violence, and 10.2 percent of women and girls experienced domestic violence during pregnancy. Police investigated 3,585 cases of gender-based violence (GBV) during the year. Prosecutors received 363 cases of spousal harassment, exclusive of other forms of GBV, of which 177 were filed in court, 18 were dropped, one was reclassified, and 167 were pending investigation at year's end. Conviction statistics were unavailable.

The law on the prevention and punishment of GBV provides for imprisonment of six months to two years for threatening, harassing, or beating one's spouse. However, most incidents remained within the extended family and were not reported or prosecuted. Police headquarters in Kigali had a hotline for domestic violence, an examination room, and trained counselors who provided access to a police hospital for more intensive interventions. Several other government ministries also had free GBV hotlines. Each of the 75 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 of GBV.

During the year the RDF opened a gender desk, and many ministries established gender focal points. The Isange Center provided one-stop medical, psychological, and police assistance at no cost to victims of domestic violence at the Kigali police hospital. The first public hospital with a one-stop center opened in October near the northwest border in Rubavu. In May the government hosted training for Rwandan SSF and others from the region on the prevention, assessment, and treatment of GBV. In August the RNP concluded a year-long, high-profile campaign against GBV. In October the government launched a whole-of-government, multistakeholder campaign against GBV, child abuse, and other types of domestic violence to coincide with the elevation of the RNP gender desk to the directorate level. In November the RNP trained two additional GBV investigators

per police station. During the year GBV became a required module of basic training for all police and military.

Female Genital Mutilation: The law prohibits female genital mutilation, and the practice was not known to occur.

Sexual Harassment: The law prohibits sexual harassment by employers and provides for penalties of two to five years' imprisonment and fines from 100,000 to 300,000 Rwandan francs (\$165 to \$500). Nevertheless, sexual harassment remained common. According to a Transparency Rwanda study, 21 percent of female respondents believed that their salary determination was not objective, and some claimed their salaries were determined by their willingness to have sex with company executives. The effectiveness of government enforcement efforts was unknown.

Reproductive Rights: The government encouraged citizens not to have more than three children but respected the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of 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. Insurance plans did not provide adequate coverage for more expensive medical care.

There was a small copayment for obstetric services, but this fee was waived for women who completed the recommended four antenatal care visits. Women and men received equal access to diagnostic services and treatment for sexually transmitted infections. According to the UN, the estimated maternal mortality ratio in 2008 was 540 maternal deaths per 100,000 live births. Major factors influencing maternal mortality included lack of skilled attendance at birth and unhygienic conditions. Between the 2005 and 2010 Demographic and Health Surveys, the use of modern contraceptives increased from 10 percent to 45 percent and skilled attendance at birth rose from 39 to 69 percent. The proportion of babies delivered at a health facility increased from 45 percent in 2007-08 to 69 percent in 2010. The government provided 21 percent of available contraceptives.

Discrimination: 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 due to lack of knowledge, inheritance issues, polygyny, and the threat of GBV. After the 1994 genocide, which left many women as heads of households, women assumed a larger role in the formal sector, and many operated their own businesses. According to the UN Development Program, nearly one-third of households in the country were headed by women, and 62 percent of these households were below the poverty line, compared to 54 percent of households headed by men. Despite the election in 2008 of a Chamber of Deputies with a female majority, women continued to have limited opportunities for employment and promotion. According to the Ministry of Industry and Commerce 2011 Establishment Census, women managed approximately 26 percent of all formal enterprises. However, men owned key assets of most households, particularly those at the lower end of the economic spectrum, making formal bank credit inaccessible to many women and rendering it difficult to start or expand a business. According to the 2005 Demographic and Health Survey, more than 85 percent of working women were engaged in agriculture. Seventy-two percent of these women were self-employed, and 64 percent received 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 led government programs to address women's issues and coordinated programs with other ministries, police, and NGOs. This included implementation of the National Action Plan for the Implementation of UN Security Council Resolution 1325 on Women, Peace, and Security. 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 and children's concerns, particularly those of widows, orphaned girls, and households headed by children. The government-run Gender Monitoring Office tracked the mainstreaming of gender equality and women's empowerment throughout all sectors of society and collected gender-disaggregated data to inform policy processes.

## **Children**

Birth Registration: 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.

Education: Primary education is compulsory. Parents 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.

Child Abuse: Statistics on child abuse were unavailable. However, such abuse was common. The government began a high-profile public campaign against GBV and child abuse in October and conducted training for police and investigators in November.

Child Marriage: The minimum age for marriage is 21. There were no statistics available on child marriage. However, it occurred occasionally in rural areas and refugee camps.

Sexual Exploitation of Children: 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 defilement and is punishable by 20 years to life in prison and a fine of 100,000 to 500,000 Rwandan francs (\$165 to \$830). During the year prosecutors received 1,219 cases of child defilement, of which 612 were filed in court, 168 were dropped, two were reclassified, and 437 were pending investigation. From January through May, the courts adjudicated 1,090 cases of adult rape and child defilement, convicting 750 and acquitting 340. Among those convicted, the courts sentenced 71 to life in prison.

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

The law prohibits commercial sexual exploitation of children and child pornography, with penalties of between five and 10 years in prison and a fine of 200,000 to 500,000 Rwandan francs (\$330 to \$830). Police reported investigating one case of forcing a child into prostitution. Conviction statistics were not available.

Child Soldiers: The government continued to support the Muhazi Child Rehabilitation Center in Eastern Province, which provided care and social reintegration preparation for 52 children who had previously served in armed groups in the DRC. At year's end 21 of the former child soldiers were reunited

with their families. UNICEF concluded a 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.

Displaced Children: Approximately 18 percent of the estimated 55,000 refugees in the country were under the age of 18. They had access to primary education and health care (see section 2.d.).

There were numerous street children throughout the country. Authorities gathered street children and placed them in foster homes or government-run facilities, including: eight rehabilitation centers, which offered psychosocial counseling, education, and reintegration services; Iwawa Rehabilitation and Vocational Development Center, where young adults received job training; and three transit centers, where street children, vagrants, and street sellers were held in substandard conditions (see section 1.d.).

Institutionalized Children: The government supported 34 child-care institutions across the country that provided shelter, basic needs, and rehabilitation for 3,830 orphans and street children during the year. The government worked with international organizations and NGOs to provide vocational training and psychosocial support to orphans and street children, reintegrate them into their communities, and educate parents on how to prevent their children from becoming street children. In August the government announced plans to downsize and eventually phase out orphanages by integrating orphans and street children with families.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

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

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).



## Persons with Disabilities

The constitution prohibits discrimination on the basis of physical or mental disability and establishes the National Council for Persons with Disabilities (NCPD) to assist in coordinating government efforts to provide for the rights of persons with disabilities. The law prohibits discrimination against people with physical, sensory, intellectual, and mental disabilities in regard to employment, education, access to health care, and the provision of other state services, and the government generally enforced these provisions. 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 all of the foregoing provisions. The NCPD designated one member in the Chamber of Deputies. The National Union of Disability Organizations in Rwanda (NUDOR) provided an umbrella civil society platform for advocacy on behalf of persons with disabilities.

In December 2010 MINALOC conducted a census to establish a database of persons with disabilities, to be used as a planning tool for development projects, training for therapists, medical practitioners, and teachers in special education, including vocational training programs.

On August 22, the government launched a campaign to enable people with disabilities to have a barrier-free environment. However, handicap accessibility remained a problem throughout the country.

Some Rwandans viewed disability as a curse or punishment, which could result in social exclusion and sometimes abandonment or hiding of children from the community. From November 26 to December 3, the NCPD organized the first annual Disability Week, culminating in National Disability Day on December 3, to sensitize Rwandans to problems faced by persons with disabilities. On December 23, the NCPD followed up with the country's first National Day of Children with Disabilities.

There was one government psychiatric referral hospital in Kigali, with district hospitals providing limited psychiatric services. All other mental health facilities were nongovernmental. In general facilities were underequipped and understaffed. Individuals can be committed by a judge to Ndera Psychiatric Hospital involuntarily but must be referred by district officials after counseling and consultations with family members.

There were numerous claims of employment discrimination against people with disabilities. For example, a recent graduate of the School of Finance and Banking filed a complaint against the brewery Bralirwa after it allegedly refused her a job because she was deaf. NUDOR worked with the NCPD on the resolution of such claims.

Institutes of higher education admitted students with disabilities, but only the National University of Rwanda and the Kigali Institute of Education were able to accommodate students with visual disabilities. However, few disabled students could reach the university level because many primary and secondary schools were unable to accommodate their 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 most Rwandans knew 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.

### **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 Twa believed these government policies denied them their rights as an indigenous ethnic group. However, the government recognized the COPORWA, an organization that focused primarily on Twa community needs, as an advocate for the most marginalized. Most Twa continued to live on the margins of society with very limited access to health care or education and were viewed generally as second-class citizens by other Rwandans (also see section 2.d.).

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

There are no laws that criminalize sexual orientation or consensual same-sex conduct. However, some members of the lesbian, gay, bisexual, and transgender (LGBT) community reported societal discrimination and abuse. One local LGBT rights group, the Horizon Community Association (HOCA), opened an office in Kigali in April but was evicted in August after the landlord reported pressure from community members. HOCA leaders and staff reported receiving threats, and several fled the country. There were some violent physical attacks with anti-LGBT overtones.

The RNP investigated reports of threats to LGBT activists. On March 22, the government signed a UN Human Rights Council statement on “Ending Acts of Violence and Related Human Rights Violations Based on Sexual Orientation and Gender Identity.”

### **Other Societal Violence or Discrimination**

Discrimination against people 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 may remain in the military.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides all salaried workers, except for certain public servants, the right to form and join independent unions, conduct legal strikes, and bargain collectively. These rights were sometimes abrogated by other provisions of law.

All unions must register with the Ministry of Public Service and Labor (MIFOTRA). The application process was cumbersome and required unions to disclose their membership and property.

The law provides some workers the right to conduct strikes, as long as numerous restrictions are observed. Public servants are not allowed to strike, and 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 through complex, compulsory arbitration, conciliation, and mediation processes prescribed by MIFOTRA. The law also allows unions to negotiate with employers for an industry-level minimum wage in certain sectors. The law allows unions to conduct their activities without interference, prohibits antiunion discrimination, and requires employers to reinstate workers fired for union activity.

The government did not enforce applicable laws effectively and restricted these rights in practice. Government-led aggregation of small and medium enterprises into sector-specific cooperatives precluded unionization and led to the shutdown of unions for moto-taxi drivers and bus drivers, among others. In addition, local government officials and employers routinely impeded the right to join or form unions in practice. Employers often harassed union members and prevented organized workers from meeting by prohibiting meetings during work hours. Approximately 30 percent of the total workforce, including agricultural workers, belonged to unions.

The government severely limited the right to collective bargaining. The government was heavily involved in the collective bargaining process since most

union members worked in the public sector. The government also controlled collective bargaining for cooperatives. No labor unions had an established collective bargaining agreement with the government, and despite the law, no unions negotiated with employers for an industry-level minimum wage during the year.

Between December 2010 and February, workers at textile manufacturer Utexrwa went on strike to protest excessive compulsory unpaid overtime. MIFOTRA worked with the Central Union of Rwandan Workers (CESTRAR) and the Congress of Labor and Brotherhood of Rwanda to negotiate an agreement between Utexrwa and its employees. However, some employees were fired or laid off during the strike, and their grievances remained unresolved at year's end.

In August employees at auto dealership Akagera Motors held a strike to protest unrealized promises to increase salaries. According to union representatives, President Kagame and several ministers personally pressured CESTRAR and Akagera Motor employees to preclude a strike. Akagera Motors eventually agreed to collective bargaining with its employees.

There were no functioning labor courts or other formal mechanisms to resolve antiunion discrimination complaints. According to CESTRAR, employers in small companies frequently intimidated unionists through the use of transfers, demotions, and dismissals.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits most forms of forced or compulsory labor, and the government generally enforced the law. However, forced labor occurred in practice. Prison authorities assigned prisoners to work details that generally involved uncompensated public maintenance duties, and community leaders monitored participation in a monthly community service day called *umuganda*. The government required citizens to participate in three hours of *umuganda* community service and public works per month as a way to bring the country together to rebuild from the 1994 genocide. There were reports that some localities required *umuganda* more than once a month. Jehovah's Witnesses performed additional *umuganda* in exchange for exemption from LDF commitments.

There were no reports that children in refugee camps were recruited as combatants in eastern DRC, but children in refugee camps were sometimes trafficked to Uganda and Kenya as forced laborers. Statistics on the number of victims

removed from forced labor were not available. The government prosecuted one case of slavery, and the case continued at year's end. Other forced labor cases may have been tried under different laws. Government efforts to prevent and eliminate forced labor focused on trafficking in persons and child labor (see section 7.c.).

Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits forced or compulsory labor by children. The law does not prohibit children younger than 16 from working without their parents' or guardians' permission in the subsistence agriculture sector, which accounted for an estimated 85 percent of child labor. In other sectors the law prohibits children younger than 18 from participating in night work (between 7 p.m. and 5 a.m.), the worst forms of child labor as defined under International Labor Organization (ILO) Convention 182, or any work deemed difficult, unsanitary, or dangerous by MIFOTRA. The 2010 ministerial order 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. Other laws prohibit children in military service, prostitution, or pornography, as well as child trafficking and slavery. Children must have a rest period of at least 12 hours between work periods. The minimum age for full-time employment is 18 (16 for apprenticeships), provided that the child has completed primary school. The law provides six months to 20 years' incarceration and/or fines of 500,000 Rwandan francs (\$830) to 5 million Rwandan francs (\$8,300) for violations. The law applies to contractual employment, but not unregistered employment such as in agricultural cooperatives, and thus leaves most working children unprotected. In addition to the national laws, some districts enacted laws against hazardous child labor, sanctioning employers and parents for violations.

However, the government did not enforce the law effectively, and forced child labor and trafficking of children for sexual exploitation occasionally occurred. Police and labor inspectors received training to identify potential trafficking victims.

The National Advisory Committee on Child Labor, National Commission on Orphans and Vulnerable Children, Inter-Ministerial Committee on Child Rights, and National Commission on Children each have specific roles in designating responsible agencies and establishing actions to be taken, timelines, and other

concrete measures in relation to the various national plans and policies related to child protection. By year's end the National Advisory Committee on Child Labor had not finalized its 2008 National Policy for the Elimination of Child Labor and 2007 Five Year Action Plan to Combat Child Labor. At the local level, 149 local child labor committees monitored incidents of child labor. The government supported 30 labor inspectors, one in each district. Although the government was unable to provide them with adequate resources to identify effectively and prevent the use of child labor, the inspectors regularly trained employers and local authorities on child labor issues. The RNP continued to operate a Child Protection Unit. Child labor reduction and school attendance benchmarks were enforced as part of district government officials' performance contracts.

The government continued to work with NGOs to raise awareness of the problem and to identify and send to school or vocational training children involved in child labor. The government fined those who illegally employed children or sent their children to work instead of school. On August 18, the government closed the Comar Mining Cooperative and arrested eight persons after discovering 11 children illegally employed in the mines. Teachers and local authorities continued to receive training on the rights of children and human rights. MIFOTRA raised public awareness of the worst forms of child labor through radio shows, television announcements, and skits. The government continued efforts to stop child prostitution through a high-profile public campaign to discourage intergenerational sex and sexual procurement.

Child labor persisted throughout the agricultural sector, among household domestics, in small companies and light manufacturing, in cross-border transportation, and in the brick-making, charcoal, rock-crushing, and mining industries. Children received low wages and abuse was common. In addition child prostitution and trafficking of children were problems. According to a report released in June by the ILO, UNICEF, and the World Bank Group in partnership with the government, approximately 260,000 children (9 percent of children between the ages of five and 17) engaged in child labor.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

There was no national minimum wage, but MIFOTRA set industry-specific minimum wages in the country's small formal sector. For example, in 2010 the

minimum wage in the tea industry ranged from 500 to 1,000 Rwandan francs per day (approximately \$0.83 to \$1.66), while in the construction industry it ranged from 1,500 to 5,000 Rwandan francs a day (\$2.50 to \$8.30), depending on the skill level. Minimum wages provided a higher standard of living than that of the approximately 80 percent of the population relying on subsistence farming. The government, as the country's largest employer, effectively set most other formal sector wage rates.

The law provides a standard workweek of 45 hours and 18 to 21 days paid annual leave, in addition to official holidays. Maternity leave is set at six weeks with full salary, and an optional additional six weeks at 20 percent of salary. The law does not provide for premium pay for overtime, but there are prohibitions on excessive compulsory overtime. The law provides employers with the right to determine daily rest periods. In practice most employees received a one-hour lunch break. The law regulates hours of work and occupational health and safety standards in the formal wage sector. Workers do 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 labor standards apply to migrant and foreign workers as to Rwandan nationals. There are no effective labor standards for the informal sector, which accounted for 89 percent of all establishments according to the 2011 Establishment Census.

MIFOTRA supported 30 labor inspectors, one in each district, but the inspectors did not enforce these standards effectively. Penalties helped to deter the worst forms of child labor as indicated by the continuing decrease in child labor, the high level of media attention to arrests for the worst forms of child labor, and action by some key industries to eliminate child labor. However, the government did not enforce the law consistently. With regard to adult labor, the many violations reported to labor unions compared with the relatively few actions taken by the government and employers to remedy substandard working conditions suggested that penalties were insufficient to deter violations.

Some workers accepted less than the minimum wage. Families regularly supplemented their incomes by working in small businesses or subsistence agriculture. Most workers in the formal sector worked six days per week. Violations of wage, overtime, and occupational safety and health standards were common in both the formal and informal sectors. Workers in subcontractor and business process outsourcing sectors were especially vulnerable to hazardous or



exploitative working conditions. Statistics on workplace fatalities and accidents were not available. There were no major industrial accidents during the year.