

# **RWANDA 2012 HUMAN RIGHTS REPORT**

## **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. In August 2010 voters elected President Paul Kagame to a second seven-year term with 93 percent of the vote. Three other registered political parties participated in elections. Senate elections took place in September 2011, 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 in the country remained the government's targeting of journalists, political opponents, and human rights advocates for harassment, arrest, and abuse; disregard for the rule of law among security forces and the judiciary; restrictions on civil liberties; and support of rebel groups in the neighboring Democratic Republic of the Congo.

Other major human rights problems included arbitrary or unlawful killings, both within the country and abroad; disappearances; torture; harsh conditions in prisons and detention centers; arbitrary arrest; prolonged pretrial detention; executive interference in the judiciary; and government infringement on citizens' privacy rights. The government restricted freedoms of speech, press, assembly, association, and to a lesser extent, religion. Security for refugees and asylum seekers was inadequate. Corruption was a problem, and the government restricted and harassed local and international nongovernmental organizations (NGOs). Violence and discrimination against women and children occurred, including the recruitment by the M23 armed group of Rwandan and refugee minors as child soldiers. There was a small but growing incidence of trafficking in persons. Discrimination and occasional violence against persons with disabilities and the Twa minority occurred. The government restricted labor rights, and forced labor, including by children, and child labor were problems.

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.

During the year the government provided material, logistical, and strategic support to the M23 armed group in the eastern Democratic Republic of the Congo (DRC), which committed summary executions and forcibly recruited adults and minors. The government strongly denied providing any support to the M23. SSF remained complicit in the illegal smuggling of conflict minerals from the DRC.

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

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

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

On October 15, Mozambique police found former Rwandan Development Board Managing Director Theogene Turatsinze floating dead and tied with ropes in a lake two days after he was reported missing. Mozambique police initially indicated Rwandan government involvement in the killing before contacting the government and changing its characterization to a common crime. Rwandan government officials publicly condemned the killing and denied involvement. Domestic political observers commented that Turatsinze had access to politically sensitive financial information related to certain Rwandan government insiders. The killing remained unsolved at year's end.

In a June 27 addendum to its interim report, in its November 15 final report, and in a November 26 letter to the UN Security Council, the UN Group of Experts (UNGOE) accused the government of violating UN arms embargo and sanctions regimes through "direct military support" and "the provision of material and financial support to armed groups operating in eastern Democratic Republic of the Congo." Specifically, the UNGOE claimed the government provided weapons and ammunition, recruits, intelligence, political and financial support, logistics, and direct Rwanda Defense Forces (RDF) military interventions in support of the M23 armed group rebellion in the eastern DRC, which began in April. The UNGOE asserted the de facto chain of command of the M23 started with Rwandan Minister of Defense General James Kabarebe and included Permanent Secretary of the Ministry of Defense General Jacques Nziza. The government strenuously disputed

the credibility of the UNGOE report and consistently denied providing any support to the M23. Human Rights Watch (HRW) and other international experts also provided evidence in support of the claim of government assistance to the M23. In press releases dated June 3, September 11, November 8, 16, and 20, and December 28, HRW accused the M23 of arbitrary or unlawful deprivation of life, including the summary execution of at least 33 recruits, among other abuses. The UNGOE echoed such claims, alleging the M23 and RDF troops killed dozens of recruits and prisoners of war through summary executions, beatings, starvation, or by burying them alive. Fourteen international NGOs, including Global Witness, Freedom House, and The Enough Project, published an open letter on December 10 criticizing Rwanda's support for the M23 armed group. Several of those NGOs also produced their own reports and press releases detailing human rights abuses by the M23. In addition to the M23, the UNGOE alleged the Rwandan government provided material and financial support to several other armed groups operating in the DRC, including Raia Mutomboki, the Congolese Defense Forces, and the Patriotic Resistance Forces of Ituri, among others. The UNGOE had charged each of those groups, but especially Raia Mutomboki, with committing extrajudicial killings and other human rights abuses.

Laurent Nkunda, the former leader of the Congolese armed group National Congress for the Defense of the People (CNDP), which was reported to have received support from the Rwandan government, remained under house arrest without charges. During the year, elements of the CNDP reconstituted themselves as the M23 armed group. Nkunda was arrested in 2009 by the RDF when he returned to the country reportedly for consultations with government officials. The Rwandan government has not acted on the DRC's 2009 extradition request for Nkunda.

In September 2011 security personnel shot and injured opposition party PS-Imberakuri member Eric Nshimyumuremyi, allegedly because he was armed and seeking a fight. A PS-Imberakuri spokesperson claimed Nshimyumuremyi was not armed and was shot because he was a party member. The Rwanda National Police (RNP) defended SSF action and did not discipline those involved. Prosecutors charged Nshimyumuremyi with illegal possession of weapons, and his trial continued at year's end.

In December 2011 an unidentified gunman killed Charles Ingabire, a Rwandan journalist and government critic, in Kampala, Uganda. Both the press and human rights organizations reported Ingabire had survived an earlier attack in September 2011. Rwandan authorities alleged he had embezzled from a microfinance

company, orphans, and a genocide survivors' organization and was probably killed for that reason.

Five grenade attacks in January and March in Kigali's Muhanga District and Musanze District resulted in three deaths and injuries to 37 persons. Police arrested several suspects associated with the attacks, which were widely believed to have been orchestrated by the Democratic Forces for the Liberation of Rwanda (FDLR) armed group operating mainly in the eastern DRC. On January 13, judges convicted 21 defendants and acquitted eight in relation to several 2011 and earlier grenade attacks. Prosecutors earlier dropped charges against more than 70 others. Of the 29 defendants tried in court, only four had lawyers, and several maintained SSF members had tortured them into signing false confessions. Judges placed the onus of proving torture on the defendants and refused to examine defendants' claims absent a medical report; however, Amnesty International and HRW claimed the defendants had no access to doctors during their time in detention at Kami military intelligence camp and that such medical examinations could not be obtained without endangering the doctor. Several appeals continued at year's end.

On December 6, the High Court in Musanze District convicted 11 of 12 defendants for threatening state security in relation to 2011 and earlier grenade attacks and other "terrorist acts." According to HRW, many of the defendants had disappeared in 2011, and the majority claimed in open court they had been tortured and forced into confessing during illegal detentions at Mukamira military camp. The criminal trial of an additional 18 SSF defendants began on December 12. An observer of the trial told HRW the majority of the defendants testified by year's end and claimed to have been arrested between 2010 and 2011, illegally detained at Mukamira military camp, and tortured.

According to HRW, another state security trial began in December, including defendants charged with the early 2012 grenade attacks. In addition HRW reported at least three persons who disappeared in September 2011 and were illegally detained at Kami military intelligence camp until transfer to Kicukiro prison in December 2011 have been scheduled to go on trial in a group of 10 defendants in February 2013 for threatening state security and collaborating with the FDLR.

On December 20, the International Criminal Tribunal for Rwanda (ICTR), based in Tanzania, convicted Augustin Ndirabatware, the country's former minister of planning, of genocide and crimes against humanity. The court sentenced Ndirabatware to 35 years in prison. Ndirabatware was found to have distributed

weapons at checkpoints where Hutu militias would kill ethnic Tutsis during the 1994 genocide. Ngirabatware's trial was the last genocide case tried by the ICTR.

Police arrested 14 individuals in connection with numerous machete killings between July and September. Assailants tortured and killed at least 15 prostitutes in Kigali, while small groups indiscriminately slaughtered more than a dozen prostitutes in Muhanga District and Musanze District. According to the Association for the Defense of Human Rights (ARDHO), which received death threats for investigating the Muhanga killings, citizens were afraid to speak with authorities because the assailants attacked witnesses who provided information. Some witnesses, human rights activists, and government officials expressed fear the machete killings were a terrorist campaign instigated by the FDLR.

The government investigated and prosecuted individuals accused of threatening or harming genocide survivors and witnesses or of espousing genocide ideology, which the law defines as dehumanizing an individual or a group with the same characteristics by threatening, intimidating, defaming, inciting hatred, negating the genocide, taking revenge, altering testimony or evidence, killing, planning to kill, or attempting to kill someone. From January to September, a special protection bureau in the Office of the National Public Prosecution Authority (NPPA) registered 167 cases of genocide ideology, of which 64 were filed in court, 31 were dismissed, 10 were reclassified, and 62 were pending investigation. From January to September, the courts adjudicated 59 cases (63 individuals), convicting 52 and acquitting 11 (see section 1.e.). Police investigated six murders of genocide survivors. No information was available regarding charges filed, but according to the genocide survivors' association Ibuka, police arrested suspects in all six cases. On October 1, in Kigali, genocide survivor Alex Rutindura, who media reported was involved in a court case over his parents' land, survived a machete attack by six assailants, the third attempt on his life in two years.

## **b. Disappearance**

There were fewer reports of disappearances and politically motivated abductions or kidnappings than in previous years, but local human rights organizations ceased investigating disappearances during the year after reporting pressure from government officials, including threats and allegations of treason. Amnesty International, the Rwandan League for the Promotion and Defense of Human Rights (LIPRODHOR), and other observers alleged SSF, including the RDF J-2 Military Intelligence Directorate, the National Intelligence and Security Services (NISS), and the RNP's Department of Intelligence, orchestrated the

disappearances. The government occasionally made efforts to investigate occurrences but did not punish any perpetrators.

On September 5, unknown persons abducted Alexis Bakunzibake, vice president of the unregistered faction of PS-Imberakuri, from a bus station in Kigali. Two days later Bakunzibake reappeared across the border in Uganda, claiming his kidnappers interrogated him about PS-Imberakuri's plans to register and compete in the 2013 parliamentary elections, its funding sources and supporters, and his conversations with HRW, Amnesty International, and foreign diplomats. Bakunzibake further alleged his kidnappers bound and blindfolded him before staging a mock execution and then warned him to get out of politics. Bakunzibake and other PS-Imberakuri members fled the country soon thereafter. The RNP did not launch an investigation into the incident, claiming Bakunzibake did not file a formal complaint in person.

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

The constitution and law prohibit such practices, and there were fewer reports of abuse of detainees and prisoners by military and NISS officials than in 2011; however, reports of abuse by police intelligence officials increased. 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.

On May 2, the government signed into law a new penal code that upgrades torture from an aggravating circumstance to a crime in itself. The new law mandates the maximum penalty, defined by extent of injury, for SSF and other government perpetrators.

There were numerous new reports during the year of detainee abuse and lengthy illegal detention by police intelligence at Kwa Gacinya detention center in Kigali, despite government assertions the center had been closed. Former detainees told HRW they were detained in isolation and repeatedly beaten by police intelligence with plastic batons or bare hands to secure information and force confessions. Between May and August, police arrested at least 15 persons in connection with an electronics theft ring in Kigali. According to HRW, several of the defendants told the judge during a September pretrial detention hearing police had illegally detained and beaten them into forced confessions, but the judge accepted the prosecution's argument, based on precedent set by the 2011 "grenade case," that

illegal detention could be excusable by investigative prerogative and that claims of torture and abuse could not be examined without a medical report.

Amnesty International reports published in April and October documented 18 allegations of torture and other cruel, inhumane, or degrading treatment or punishment perpetrated by military intelligence and other SSF personnel in 2010 and 2011 to secure information or force confessions at Kami military intelligence camp, Ministry of Defense (MINADEF) headquarters, Mukamira military camp, and safe houses. Former detainees repeatedly alleged to Amnesty International, HRW, and LIPRODHOR they endured sleep deprivation, sensory deprivation, starvation, extraction of fingernails, electrocution, scalding, melting of plastic bags over the head, suffocation, burning or branding, beating, and simulated drowning through confinement in cisterns filled with rain water. Local and international human rights organizations reported the RDF took positive steps during the year to reform military interrogation methods and detention standards, resulting in fewer reports of torture and other cruel, inhumane, or degrading treatment or punishment at Kami and other military detention facilities; however, they cautioned the increased use of safe houses by NISS, RDF J-2, and RNP Intelligence made monitoring more difficult.

In addition to torture, former detainees repeatedly alleged to Amnesty International, HRW, and LIPRODHOR that, while in military intelligence detention in 2010 and 2011 at Kami, they had been held in solitary confinement, without light and without communication with the outside world, they were allowed only two bathroom visits per day, they had to eat next to their feces, and they were sometimes told the food was poisoned. RDF reforms led to a reduction in such reports during the year, according to local and international human rights organizations, but the increased use of safe houses complicated monitoring efforts.

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

Prison and detention center conditions were harsh, although the government made numerous improvements during the year. Police sometimes beat newly arrested suspects to obtain confessions. There were numerous reports of detainee abuse and lengthy illegal detention by police intelligence at Kwa Gacinya detention center in Kigali. There were 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, although less frequently than in the previous year (see section 1.c). The SSF increasingly used safe houses to detain and interrogate “security” detainees and military officials accused of

insubordination. The government selectively permitted visits by independent human rights observers.

Physical Conditions: At year's end the prison population was 55,618, over 90 percent of whom were men. A total of 333 prisoners were juveniles. The system was designed for 54,700. Men and women were held separately in similar conditions, although overcrowding was more prevalent in male wards. Fewer than 100 children under the age of three lived with their parents in prison. The Rwanda Correctional Services (RCS) provided five nursery schools, one psychosocial center, and fresh milk for such children. All juveniles were held at Nyagatare Rehabilitation Center or in special wings of regular prisons. 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; however, there were numerous exceptions due to the large number of 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. The government held international transfers and some high-profile "security" prisoners in similarly upgraded maximum security wings of Kigali Central "1930" Prison.

Unlike in the previous year, there were no prison riots. A riot at Huye Prison in July 2011 resulted in the deaths of five prisoners, who reportedly were shot by guards.

Prisoner deaths resulted from anemia, HIV/AIDS, respiratory diseases, malaria, and other diseases at rates similar to those found in the general population. Medical care in prisons was commensurate with care for the public at large. The government enrolled all prisoners in the national health insurance plan. Prisoners had access to potable water. The Ministry of Internal Security (MININTER) implemented a 2011 directive taking full responsibility to provide food for prisoners through contracted cafeteria services, canteens, and prison gardens. Family members were permitted to supplement the diets of vulnerable prisoners with health issues. Ventilation and temperature conditions improved as overcrowding continued to decline. According to the 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 prison conditions.

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, and not all detention centers had toilets. There were numerous reports of substandard conditions for civilians held in military detention centers.

Gikondo Transit Center, where Kigali 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 generally met basic international standards, operated under the management of the Ministry of Gender and Family Promotion (MIGEPROF), as did one transit center under church management. Hundreds of male transit center detainees and at-risk youth between the ages of 18 and 35 were transferred to the Iwawa Rehabilitation and Vocational Development Center on Iwawa Island, where substandard sanitation and nutrition resulted in disease outbreaks and several deaths. During the year there were reports of individuals drowning while attempting to escape. There were also reports the RDF recruited individuals from Iwawa to join the M23 armed group in the DRC (see sections 1.a. and 6, children.).

Administration: Recordkeeping on prisoners and detainees remained inadequate, but authorities took steps to transfer paper files to an electronic database. 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 RCS provided additional training to its staff on the shift from penal to rehabilitative detention as it coped with the July 2011 merger of the National Prisons Service and the Works for General Interest (TIG) community service program for perpetrators of the genocide. The Nyagatare Rehabilitation Center for juveniles continued renovations with the assistance of the Dignity in Detention Foundation and UNICEF to align with rehabilitative priorities. In May the government amended the penal code to allow community service as alternative sentencing for misdemeanors and petty offenses, and the Ministry of Justice (MINIJUST) instructed judges to utilize alternative sentencing to incarceration for nonviolent offenders during the first half of the

year. MININTER granted conditional release to 1,421 prisoners in May. 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. Prisoners and detainees had weekly access to visitors and were permitted religious observance. Prison staff held regular meetings with prisoners and detainees to listen to inmates' complaints and take action to resolve them when possible. The MININTER permanent secretary personally inspected all prisons and took steps to hire staff for a human rights inspectorate within the ministry. The chief of defense staff supervised detention reform efforts in MINADEF.

Monitoring: 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. HRW obtained access to visit prisons, but the government repeatedly blocked access to individual prisoners and subsequently ruled HRW did not have the right to request access to individual prisoners. Amnesty International was unable to visit prisons due to government delays in permit approval. Journalists may access prisons with a valid press card but must request permission from the RCS commissioner to interview or take photos. The government did not permit independent monitoring of safe houses. It also denied local human rights NGOs, including LIPRODHOR and the Youth Association for Human Rights Promotion and Development (AJPRODHO-JJUKIRWA), permits to visit prisons and police detention centers.

Improvements: There were continued improvements in treatment of the general prison population. Overcrowding in prisons continued to decline. MININTER took full responsibility to provide food for prisoners. Unannounced quarterly inspections by the MININTER permanent secretary led to improved recordkeeping and treatment of prisoners in RCS facilities, while periodic monitoring by the MINADEF chief of defense staff led to a reduction in reported abuses at military detention facilities. Under the RCS Strategic Plan 2012-17, RCS undertook renovations of some of the 14 existing prison facilities and began construction of Butamwa Prison, which will replace Kigali Central "1930" Prison upon completion. As part of a shift to rehabilitative detention, RCS had 2,848 regular prisoners and 650 TIG camp prisoners in vocational training programs at year's end. Also, 4,432 regular prisoners and 849 TIG camp prisoners were participating in literacy and language education. RCS established a psychosocial center for children under the age of three who lived with their parents in prison. All juvenile cases were recorded and submitted to MINIJUST and other government

institutions on a quarterly basis, and increased efforts were made to provide juveniles legal assistance through Legal Aid Week.

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

The constitution and law prohibit arbitrary arrest and detention; however, SSF personnel regularly arrested and detained persons arbitrarily and without due process.

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

The RNP, under MININTER, is responsible for internal security. The RDF, under MINADEF, 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. 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, at times elements of the SSF may have acted independently of civilian control. For instance, there were several reports of impunity involving the RDF J-2, NISS, and RNP Intelligence forces related to disappearances, illegal detention, and torture in military and police intelligence detention centers and in safe houses (see section 1.c.).

Police lacked sufficient basic resources such as handcuffs, radios, and patrol cars, but observers credited the RNP with generally strong discipline and effectiveness. Nevertheless, there were reports of police arbitrarily arresting and beating individuals, engaging in corrupt activities, and demonstrating a lack of discipline. The RNP institutionalized training in community relations, which included appropriate use of force and human rights. The National Police Academy offered an undergraduate program in professional police studies.

There also were reports of abuse of suspects by 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. Communities chose volunteers to serve in the LDF. The RNP exercised tactical control of LDF, while local officials had responsibility for operational oversight. LDF performed basic security guard duties throughout the country and chased illegal street vendors, petty criminals, and prostitutes from public areas. LDF ordinarily were unpaid and received less training than RNP officers. They

did not have power of arrest but routinely made illegal arrests on orders from local officials and on their own authority.

During the year the government warned LDF against involvement in criminal activity and prosecuted members who committed crimes. There were fewer reports of LDF abuses than in prior years; however, some human rights groups accused the government of not taking sufficiently strong action against some members and considered LDF abusive.

On May 13, in Rubavu District, illegal street vendor Sadiki Mutabazi committed suicide by public self-immolation after being repeatedly abused by LDF. The district police commander and mayor maintained Mutabazi died because he was smoking marijuana and caught himself on fire, but eyewitnesses claimed Mutabazi deliberately doused himself with petrol after LDF beat him and confiscated his goods. Several impoverished local residents said such abuse by LDF was commonplace.

### **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, and judges interpreted these provisions broadly. Such detention must be reviewed by a judge every 30 days and may not extend past one year, 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 unless they were held at intelligence-related detention centers such as Kami or Kwa Gacinya

or in safe houses. The government generally did not respect the right to habeas corpus.

By law detainees are allowed access to lawyers. In practice the scarcity of lawyers limited access to legal representation. There were 736 attorneys in the country, a decrease from 2011; of these, 420 were trainees, mostly located in Kigali. The government did not provide indigent persons with legal representation. A Legal Aid Forum composed of 37 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 the backlog.

Defendants sometimes remained in prison after serving their sentences while waiting for an appeal date or due to problems with prison records. The new penal code signed into law in May provides that pretrial detention, illegal detention, and administrative sanctions be fully deducted from the duration of penalties imposed. The law still does not provide for compensation for those acquitted. It allows judges to impose on SSF and other government officials who unlawfully detain individuals a detention of equivalent duration and fines.

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

Although there is no requirement that individuals carry identification, police and LDF regularly detained street children, vendors, beggars, and citizens without identification and sometimes 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, substance abusers, vagrants, suspected prostitutes, and street vendors. Center officials asserted they had the right to operate on the basis of a 2007 official gazette notice that reopened the center after previous human rights complaints, and

that they held persons for no more than 10 days; however, some detainees reported waiting several months before release. Relatives often reported that authorities denied them access to detainees.

The Ministry of Youth and Information and Communications Technology continued to operate Iwawa Rehabilitation and Vocational Development Center on Iwawa Island in Lake Kivu. The center provided six months' psychotherapy and then six months' vocational and technical training to approximately 1,500 men between the ages of 18 to 35, most of whom were homeless, substance abusers, or petty criminals whom transit centers, local officials, or family members referred without recourse to judicial process. Parents were able to visit their adult children at Iwawa, and at least one individual left early after his parents complained to their district mayor about conditions on the island. During the year government officials made plans to open a similarly remote center for young women.

Pretrial Detention: Lengthy pretrial detention was a serious problem. According to the RCS, 3,560 men, 343 women, and 49 juveniles (43 of them male) were in pretrial detention at the end of the year. The law permits the detention of genocide suspects until they face trial; 85 persons charged with genocide remained in pretrial detention at year's end. 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 government made strides toward eliminating the case backlog and reducing the average length of pretrial detention. The inspector general of the NPPA sanctioned 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 charged with threatening state security ("undermining national defense" under the new penal code), 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. MINIJUST dismissed three judges and clerks during the year for corruption, and police arrested members of the public for attempting to bribe judges. Authorities generally respected court orders.

At year's end there were 1,704 criminal cases and 1,123 civil cases pending in the regular courts, compared to 8,119 criminal cases and 11,264 civil cases in June 2011.

### **Trial Procedures**

The law provides for a presumption of innocence, but government officials did not always adhere to this in practice. The law requires defendants be informed promptly and in detail of the charges in a language they comprehend; however, judges postponed numerous hearings because this had not occurred. Defendants have the right to a fair trial without undue delay, but there were an insufficient number of prosecutors, judges, and courtrooms to hold trials within a reasonable period of time. In the ordinary court system (vice military and community justice “gacaca” courts) the law provides for public trials, although courts closed proceedings in cases involving minors, to protect witnesses, or at the request of defendants. Judges, rather than juries, try all cases. Defendants have the right to communicate with an attorney of choice, although few could afford private counsel. Minors are guaranteed legal representation by law. The law does not provide for an attorney at state expense for indigent defendants; however, the Rwandan Bar Association and 36 other member organizations of the Legal Aid Forum provided legal assistance to some indigent defendants, although they lacked the resources to provide defense counsel to all in need. The law requires that defendants have adequate time and facilities to prepare their defense, and judges routinely granted requests to extend preparation time. Defendants and their attorneys have the right to access government-held evidence relevant to their cases, but courts did not always respect this right. Defendants have the right to be present at trial, confront witnesses against them, and present witnesses and evidence on their own behalf. The law protects defendants from being compelled to testify or confess guilt, and judges generally respected that right during trial. However, there were numerous reports SSF coerced suspects into confessing guilt and of judges accepting such confessions despite defendants' protests. The law provides for the right to appeal, and this provision was respected.

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. The government did not release figures for the number of civilians tried as coperpetrators or accomplices of military personnel.

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 permitted legal representation.

During the year courts completed the final 52 gacaca appeals, and on June 15, the government passed laws to close the gacaca system. According to the summary report presented at closing, since 2005 the National Service of Gacaca Jurisdictions tried 1,958,634 genocide-related cases (178,741 of which were appeals) in 12,103 courts staffed by 169,442 elected judges. Gacaca courts had a conviction rate of 86 percent.

Under gacaca the accused were divided into three categories based on the gravity of the charges brought against them, each with different sentencing guidelines designed to encourage confessions in exchange for reduced sentences. Category 1 included planners and supervisors of the genocide or crimes against humanity, those who committed rape or acts of sexual torture, and their accomplices. Most Category 1 defendants faced trial before ordinary courts rather than in gacaca courts. Gacaca courts tried 41,375 Category 1 cases at first instance, representing 2 percent of gacaca trial cases, and convicted 89 percent. Of those convicted, 19,177 appealed, with 13 percent winning acquittal on appeal. Category 2 included perpetrators, coperpetrators, and accomplices of murder, attempted murder, manslaughter, torture, and defilement of corpses. Gacaca courts tried 443,134 Category 2 cases at first instance, representing 25 percent of trial cases, and convicted 60 percent. Of those convicted, 134,394 appealed, with 30 percent winning acquittal on appeal. Category 3 included persons who committed offenses against property. Gacaca courts tried 1,295,384 Category 3 cases at first instance, representing 73 percent of trial cases, and convicted 96 percent. Of those

convicted, only 22,607 appealed, with 10 percent winning acquittal on appeal. Women represented 10 percent of all cases.

On June 29, the ICTR terminated its activities; on July 2, the ICTR turned over its remaining genocide cases to a Tanzania-based branch of the Mechanism for International Criminal Tribunals (MICT). The MICT continued to prosecute genocide suspects during the year (see section 5).

### **Political Prisoners and Detainees**

There were reports local officials and SSF briefly detained some individuals who disagreed publicly with government decisions or policies. Neither the government, opposition, nor international or domestic NGOs maintained lists or estimated numbers of political prisoners. International and domestic human rights groups sometimes applied the term “political prisoner” to anyone whose actions were politically motivated, such as opposition political leaders Victoire Ingabire or Deo Mushayidi, even in cases where evidence suggested they might have committed the acts of which they were accused.

On March 1, the government released high-profile political prisoner and former minister of transportation Charles Ntakirutinka. Ntakirutinka was confined to a special section of Kigali Central “1930” Prison during his 10-year sentence for inciting civil disobedience and association with criminal elements. International and domestic human rights organizations asserted the charges were politically motivated retaliation for Ntakirutinka forming the Democratic Party for Renewal with former president Pasteur Bizimungu to challenge the RPF.

Former 2003 presidential candidate Theoneste Niyitegeka remained in prison following his 2008 conviction for complicity in genocide, for which he was sentenced to 15 years in prison. International and domestic human rights organizations claimed the charges against Niyitegeka were politically motivated and that there were serious irregularities in Niyitegeka’s appeal proceedings in sector-level courts, which followed his acquittal by the gacaca court system.

### **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 for violations of human rights. They can appeal to the African Commission on Human and Peoples’ Rights (ACHPR) and the East African Court of Justice (EACJ), but

none did so. The Office of the Ombudsman processes claims of judicial wrongdoing on an administrative basis. According to a Legal Aid Forum study released in June, 78 percent of claimants did not receive full enforcement of their judgments within three months of requesting it, as required by law.

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

On June 22, the EACJ Appellate Division affirmed the EACJ First Instance Division's December 2011 ruling that the arrest and detention without trial of Seveline Rugigana Ngabo, brother of former army chief of staff Faustin Kayumba Nyamwasa, was unlawful and therefore constituted an infringement of the East African Community Treaty. The court ordered the government to restart Ngabo's trial immediately, which paused after the government filed its appeal, and pay costs. On July 25, the Military High Court acquitted Ngabo of treason but convicted him of conspiring to threaten state security and inciting violence, sentencing him to nine years' imprisonment and a fine of 100,000 Rwandan francs (\$160). The country had no other pending cases before the ACHPR or EACJ.

### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit such actions; however, there were numerous reports the government monitored homes, telephone calls, e-mail, and other private communications, movements, and personal and institutional data. There also were reported instances of government informer systems within international NGOs, local civil society organizations, religious organizations, and other social institutions.

The new penal code signed into law in May provides for legal protection against unauthorized use of personal data by private entities, although these provisions were not invoked during the year.

Some Tutsi men reported pressure to join the SSF as a guard against further genocide. Staff members at a few orphanages reported the RDF pressured some of their young men to join the military during mandatory "ingando" civic and military training camps held after secondary school graduation. Some parents reported local RPF leaders also pressured their children to join the party during ingando. RPF cadres regularly visited citizens' homes to demand contributions to the political party, and there were some reports of persons being denied public services if they did not contribute. Despite orders from cabinet ministers not to do so, there were reports local leaders, employers, and Rwandan embassy staff coerced persons

into donating one month's salary into the government's Agaciro Development Fund.

Media and NGOs reported the government violated due process requirements during the year in evicting some residents, businesses, and civil society organizations due to city development projects in Kigali.

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

### **a. 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: 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. The law prohibits the propagation of ideas based on "ethnic, regional, racial, religious, language, or other divisive characteristics." Public incitement to "genocide ideology" or "divisionism," which includes discrimination and sectarianism, is punishable by five to nine years in prison and fines of 100,000 to one million Rwandan francs (\$160 to \$1,600). The new penal code signed into law in May expands former provisions that prohibited the display of contempt for the head of state or other high-level public officials to include administrative authorities or other public servants, with sentences of one to two years in prison and fines of 50,000 to 500,000 Rwandan francs (\$80 to \$800). Slander of foreign and international officials and dignitaries remains illegal, with sentences of one to three years in prison. The new penal code rebrands the crime of "spreading rumors aimed at inciting the population to rise against the regime" as "spreading false information with intent to create a hostile international opinion against the Rwandan state," with much more severe penalties, including life in prison for acts committed during wartime and seven to 10 years in prison for acts committed during peacetime.

On September 8, police arrested Secretary General Sylvain Nsabimana and Kigali City party leader Martin Ntavuka, both of whom were members of unregistered

opposition political party FDU-Inkingi, for making statements about the lack of political space in Rwanda. Plainclothes police traveling in the same bus as Nsabimana and Ntavuka denounced them to local police, who detained them for a few hours at Muhanga District Police Station and interrogated them about their statements and political activities.

The government asserted the genocide ideology law was necessary to prevent reincitement to violence, but NGOs and human rights organizations recommended the law be repealed or amended due to its overly broad provisions.

For example, on April 22, police arrested Epaphrodite Habarugira, a journalist at Radio Huguka, after a broadcast that allegedly supported genocide ideology. Habarugira maintained he confused the Kinyarwanda words for “victims” and “survivors”; the prosecution argued his misuse of these words was intended to deny the 1994 genocide. Habarugira appeared before the Muhanga Intermediate Court on July 30 and was found not guilty of genocide ideology because the prosecution failed to establish intent. The prosecution appealed the acquittal, and the case was pending at year’s end.

On November 14, the Gasabo Intermediate Court in Kigali sentenced Stanley Gatera, editor of *Umusingi* newspaper, to one year in prison and fines of 100,000 Rwandan francs (\$160) for inciting divisionism and gender discrimination in an opinion column published in June. The prosecutor said in court that the article broke the country’s laws about referring to ethnic identities; the article suggested men may regret marrying a Tutsi woman solely for her beauty. Gatera, who defended himself in court, said the newspaper had run an apology in a subsequent issue; however, police called it a “denial of wrongdoing.”

Freedom of Press: Vendors sold both private and government-owned newspapers published in English, French, and Kinyarwanda. There were 37 newspapers, journals, and other publications registered with the government, although fewer than 10 published regularly. Sporadically published independent newspapers maintained positions both in support of and contrary to or critical of the government. There were 25 radio stations (six government-owned and 19 independent) and one government-run television station.

Under the current media law, the Media High Council has the power to suspend newspapers. In addition to restrictions on freedom of speech, which are applicable to journalists, the new penal code incorporates several existing press offenses from the media law, including: illegally started media; refusal to publish correction,

reply, or rectification; and intent to undermine public order and territorial integrity. The new penal code supersedes some aspects of the existing media law to include a new exemption from criminal liability for breach of personal privacy laws in relation to the privacy of an authority when such activities adversely affect the public interest, and to remove press publication on an irregular schedule as a criminal offense. 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.

Violence and Harassment: Journalists were attacked, detained, and harassed by police. For example, on June 8, in Northern Province, police beat *Kigali Today* newspaper journalist Norbert Niyuzurugero for unspecified reasons while he was taking photos of the long lines at the Musanze Taxi Park due to a shortage of minibuses. On June 14, police beat journalist Anonciata Tumusiime of Radio Flash in front of Parliament during media policy proceedings, rendering him unconscious. Tumusiime claimed he was attempting to gather information about the proceedings, but police alleged he was interfering with security by parading in front of Police Inspector General Emmanuel Gasana. No action was taken against police officers responsible for the beatings.

The government did not expel members of the press from the country; however, several journalists fled the country, and several journalists who fled in prior years lodged asylum claims abroad.

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

On April 5, the Supreme Court reduced the seven-year sentence of *Umurabyo* newspaper journalist Saidati Mukakibibi to three years and the 17-year sentence of *Umurabyo* editor Agnes Uwimana to four years. In February 2011 Mukakibibi was convicted of defamation, inciting public disorder, and divisionism; Uwimana was convicted of 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.

The law authorizes private radio and television broadcasting, subject to the approval of the government, although some media practitioners complained 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 using 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 (undermining national defense under the new penal code) and related crimes (see section 1.a).

### **Internet Freedom**

The law does not provide for government restrictions on access to the Internet, but restrictions such as Web site blocking were in place. There were numerous reports 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 monitoring led to detention and interrogation by SSF. According to the International Telecommunication Union, 7 percent of individuals used the Internet in 2011.

There were reports government blocked access to several Web sites within the country that were critical of the government.

On February 8, the Swedish government expelled Rwandan diplomat Evode Mudaheranwa for harassing Jean Bosco Gasasira, a journalist who had claimed asylum in Sweden. In June 2011 a court had convicted Gasasira in absentia of displaying contempt for the head of state and incitement to civil disobedience for his writings in the online publication *Umuwugizi* and sentenced him to two and a half years in prison.

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

The government generally did not restrict academic freedom or cultural events, although authorities frequently suspended secondary and university students for divisionism or engaging in genocide ideology. In February 2011 police arrested university lecturer Lambert Havugintwari on charges of threatening state security and smuggling grenades into the country after he gave a controversial lecture.

Havugintwari won release from prison in 2012 when the High Court in Nyanza District found him not guilty, and the prosecution declined to appeal.

## **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. Freedom of assembly is subject to restrictions. Authorities legally may require advance notice for public meetings and demonstrations, but must respond to such requests within one week or 15 days, depending on the type of event. The government limited the types of locations where religious groups could assemble, at times citing municipal zoning regulations as the reason.

On November 13, the unregistered opposition political party Democratic Green Party of Rwanda (DGPR) cancelled its planned November 16 party congress, a required step in party registration, after Gasabo District officials failed to respond to its September 25 request to hold a public meeting. District officials denied responsibility for the failure to respond, citing instructions from the national security council.

### **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). In addition, the government imposed difficult and burdensome NGO registration and renewal requirements, especially on international NGOs, as well as time-consuming requirements to submit annual financial and activity reports (see section 5).

## **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 internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Foreign Travel: The new penal code allows judges to deprive convicted defendants of the right to go abroad as a standalone or postimprisonment punishment. Authorities denied or confiscated passports of political opponents and their relatives. For example, at year's end the government still had not issued a passport to former political prisoner Charles Ntakirutinka, who was released from prison in March and filed a passport application shortly thereafter.

Exile: The law prohibits forced exile. Some political dissidents, journalists, social activists, and former "security" detainees who claimed harassment and intimidation by the government departed the country during the year in self-imposed exile.

Emigration and Repatriation: Through August 30, Rwanda accepted 10,778 nationals returning from other countries, according to the UNHCR, most of whom settled in their districts of origin. Also, 4,432 Rwandan citizens who had been living in areas of the DRC controlled by the FDLR armed rebel group returned, according to the Rwanda Demobilization and Reintegration Commission (RDRC). The government worked with UNHCR and other aid organizations to assist the resettled returnees.

The government continued to accept former combatants who returned from the DRC; however, the government refused to repatriate more than 50 M23 combatants, including 14 minors, considered Rwandan citizens by the government of the DRC, the UN, and HRW. The government demobilized 1,209 adult former combatants from armed groups and rehabilitated 66 children, reuniting 53 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 Musanze Child Rehabilitation Center, relocated from Muhazi, Eastern Province, treated former child combatants in Northern Province. After the three-month reeducation period, each adult former combatant

was enrolled automatically in the RDF Reserve Force and received approximately 60,000 Rwandan francs (\$95) and permission to return home. Two months later each received an additional 120,000 Rwandan francs (\$190). In a June 27 addendum to its interim report and in its November 15 final report, the UNGOE stated the government remobilized repatriated FDLR combatants and forcibly recruited ex-FDLR from the Mutobo Demobilization Center, deploying them to the DRC to fight alongside the Rwandan-supported M23 armed group, an allegation first made by HRW in a September 11 press release. According to the UN Organization Stabilization Mission for the DRC (MONUSCO), this practice led to reduced repatriation in the second half of the year. The UNGOE further reported the RDRC forcibly recruited ex-FDLR child soldiers from demobilization and sent them to join the M23 (see section 6).

Citizenship: On May 14, the government cancelled the passports of 25 political opponents and their family members residing outside of the country. According to the Southern Africa Litigation Center, the move rendered the 25 persons, including children, stateless. Government officials said justifications for canceling the passports could only be shared with the individuals affected, but international human rights groups alleged the cancellations were politically motivated.

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

As part of the “Guca Nyakatsi” housing program, in 2011 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. According to the Community of Rwandan Potters (COPORWA), an organization that focused primarily on Twa community needs, the program disproportionately affected the Twa minority. At the end of April, COPORWA claimed that 1,278 Twa families remained homeless without replacement houses, and that 41 percent of the new mud brick houses were unfinished or of substandard construction. In September COPORWA reported as many as 10 percent of Twa families forced to move into new housing were being asked to pay rent despite a law requiring the government to provide such housing to low-income citizens free of charge.

### **Protection of Refugees**

Access to Asylum: The law provides 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 provided protection to approximately 59,805 refugees, 99 percent of whom were from the DRC. Other refugees were from Angola, Burundi, Chad, Eritrea, Ethiopia, Kenya, Somalia, and Uganda.

In a joint effort by the UNHCR, Directorate General of Immigration and Emigration, and Ministry of Disaster Management and Refugee Affairs (MIDIMAR), all refugees underwent reregistration to verify the size of the refugee population and expel Rwandan citizens and other illegitimate claimants to refugee status from the camps. As a result of this effort, the existing refugee population decreased from 55,654 to 43,443 refugees; however, due to renewed conflict in the eastern DRC, an additional 24,123 new individuals entered Rwanda between April 27 and year's end, of whom 14,574 settled in the newly reopened Kigeme Refugee Camp and 3,318 awaited processing at Nkamira Transit Center.

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. Intimidation of police and victims by camp leaders contributed to a general sense of impunity within the refugee community, especially in relation to gender-based violence (GBV).

Human traffickers increasingly targeted refugee youth, particularly girls, by offering jobs or education in Kigali, Uganda, or elsewhere. Hundreds of newly arrived male Congolese refugees between the ages of 13 and 29 left Nkamira Transit Center and Kigeme Refugee Camp to join or rejoin the M23 armed group in the DRC. The M23 and its agents recruited or forcibly conscripted dozens of young Congolese men and children from the Gihembe, Kiziba, and Nyabiheke refugee camps (see sections 6 and 7.c.). In May MIDIMAR published a camp code of conduct excluding a specific ban on armed group recruitment despite repeated UNHCR proposals to include the standard reference.

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: 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.

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.

Temporary Protection: The government also provided temporary protection to individual asylum seekers who might not qualify as refugees. It provided temporary protection to 1,477 persons during the year.

### **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 2011 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 due to pressure or coercion. The elections were technically "nonpartisan" in that candidates could not identify or take advantage of their 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.

Political Parties: The constitution outlines a multiparty system but provides few rights for parties and their candidates. There were some reports the RPF pressured youth into joining the party during mandatory ingando civic and military training camps held after secondary school graduation. There were numerous reports RPF cadres coerced political donations from both party members and nonmembers. 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 undermining national security. The government's enforcement of laws against genocide ideology, divisionism, and spreading false information with intent to create a hostile international opinion against the Rwandan state 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, 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 DGPR to register were impeded. Government officials charged that DGPR president Frank Habineza organized the party as a splinter group of the RPF with the support of Ugandan intelligence. In 2010 DGPR vice president Andre Kagwa Rwisereka was killed; the perpetrator(s) were neither identified nor punished. Following Kagwa Rwisereka's death, Habineza fled to Sweden, and the DGPR discontinued activities in Rwanda. After rival politicians claimed he received an RPF bribe to cease opposing the ruling party, Habineza returned to Rwanda on September 6. During a September 13 press conference, he introduced a new executive committee, presented the party platform, and declared his intent to register the DGPR and compete in the September 2013 parliamentary elections. Government officials again impeded DGPR efforts to register in November 2012 (see section 2.b.).

Police arbitrarily arrested some members of the DGPR, the unregistered faction of PS-Imberakuri, and of FDU-Inkingi, which remained unregistered, and members reported receiving threats because of their association with those parties. A number of members of unregistered political parties fled the country during the year.

On September 5, unidentified persons kidnapped the vice president of the unregistered faction of PS-Imberakuri (see section 1.b.). On September 15, Rutsiro District police arrested eight members of FDU-Inkingi. According to party leadership, police interrogated the detainees about FDU-Inkingi's plans for the 2013 parliamentary elections, funding sources, and planned activities. The lawyer initially hired by FDU-Inkingi for their defense withdrew after local police reportedly threatened him, and the prosecution arraigned the eight party members during the interim, charging them with inciting insurrection or trouble among the

populace. According to the NPPA, the party members had attended an illegal meeting of an unregistered political party. In November police arrested the DGPR coordinator for Kirehe District and five DGPR party members in Musanze and Rutsiro Districts for recruiting new members, which is not an offense under the law. Police released the five members after senior party officials reportedly agreed to submit themselves to questioning, without a lawyer, about DGPR political activities, but held the Kirehe District party coordinator in illegal detention for three weeks without charge or presentation in court.

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 the 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 nine women in the 26-seat Senate and 47 women in the 80-seat Chamber of Deputies. Women filled seven 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. Corruption and Lack of Transparency in Government**

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

In a controversial March report, an ad hoc parliamentary committee charged Minister of Finance and Economic Planning John Rwigombwa and eight other senior government officials of mismanaging the Rukara hydropower dam project. The parliamentary investigation followed the publication of an article in *The New Times* newspaper, which had claimed that in 2011 Minister of Local Government James Musoni had illegally awarded public tenders to the local company Digitech Solutions (now known as Ngali Holdings). Rwigombwa and the other officials protested the report's findings as inaccurate and poorly researched, and in August the parliamentary committee of public accounts cleared the nine officials of any wrongdoing. The parliamentary disciplinary committee subsequently investigated

the seven members of the ad hoc parliamentary committee for misconduct, and the Office of the Auditor General opened a new investigation into the project.

On July 21, police arrested Musoni's permanent secretary in MINALOC, Cyrille Turatsinze, and a coaccused for allegedly accepting a bribe of two million Rwandan francs (\$3,175) on another public tender. On August 10, the Nyarugenge Intermediate Court acquitted Turatsinze and his coaccused because they were not on the MINALOC committee that approved tenders.

As of July the NPPA reported prosecuting 342 civil servants, including unidentified financial controllers, heads of institutions, and members of internal tender committees, for fraud, illegal awarding of public tenders, and mismanagement of public assets. The government issued 134.4 million Rwandan francs (\$213,335) in fines and successfully prosecuted 75 individuals, resulting in prison terms of up to eight years as well as fines. Prosecutors continued to investigate some cases and scheduled others for trial.

The constitution and law require annual reporting of income and assets by public officials, as well as reporting upon entry and exit of office, but there is no requirement for public disclosure of those assets except in cases of discovered irregularities. The Office of the Ombudsman, which monitors and verifies disclosures, reported most officials complied with this requirement. In cases of noncompliance, the Office of the Ombudsman has the power to impose administrative sanctions, which often involved loss of position or prosecution.

The NPPA, under MINIJUST, is responsible for prosecuting police abuse cases. The RNP Inspectorate of Services investigated cases of police misconduct, but statistics were not available for 2012. The RNP suspended police officers for corruption, abuse of power, or misconduct and imposed administrative punishment for indiscipline. 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.

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) 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, Rwanda Utilities Regulatory Agency, and the National Bureau of Standards also enforced regulations. The law incorporates whistleblower protections and stipulates whoever provides information on acts of corruption and related offenses will benefit monetarily. 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 utilized a "bagging and tagging" system to aid companies with regional and international due diligence requirements related to conflict minerals. The government maintained a ban on the purchase or sale of undocumented minerals from neighboring countries. According to a June 21 UNGOE interim report on the DRC, the government tightened border controls after a December 2011 UNGOE report alluded to SSF complicity in the smuggling of conflict minerals. However, observers and government officials reported smugglers succeeded in trafficking an unquantifiable amount of undocumented minerals through the country, while the UNGOE, Global Witness, The Enough Project, and other international NGOs reported SSF remained complicit in smuggling and illegally tagging conflict minerals.

In March the Geology and Mines Department (GMD) suspended for six months Semico mining company and two unnamed companies for fraudulently tagging minerals. At the same time, the International Tin Research Institute (ITRI) Tin Supply Chain Initiative (iTSCi) suspended exporter Africa Primary Tungsten (APT) for six months for buying tags from Semico mining company to tag illegally conflict minerals on the APT compound. The GMD referred APT to the police for investigation. According to ITRI and the international NGO Pact, some of the country's highest ranking mining officials were complicit in the fraudulent tagging scheme, and lack of prompt enforcement allowed the guilty parties to sell 70 metric tons of untagged tungsten on the market after the violation was documented.

On June 29, Global Witness reported General Bosco Ntaganda and "other senior members of the M23 amassed huge sums of money through the trade in conflict minerals." According to the Global Witness press release, M23 leaders smuggled coltan (tantalum) and tin ore across the border and marketed them internationally

as “Rwandan goods--while the authorities in Kigali have turned a blind eye.” The Enough Project reported a Congolese court convicted an ex- CNDP officer and two bodyguards on October 10 of robbing trucks carrying minerals and attempting to smuggle two metric tons of coltan into Rwanda on October 7. In a November 20 press release, Global Witness announced it had evidence M23 controlled mines in Masisi, DRC, from which minerals were smuggled into Rwanda in October and certified for export as domestic production.

In its November 15 final report, the UNGOE implicated specific senior RDF and NISS officials (Gen. James Kabarebe, Head of J-2 Military Intelligence Brig. Gen. Richard Rutatina, and NISS Director of External Security Col. Dan Munyuza) in minerals smuggling from the DRC in concert with Gen. Bosco Ntaganda, the M23, and private Congolese traders. On January 17, the government placed four senior RDF and NISS officials (RDF Reserve Force Commander Lt. Gen. Fred Ibingira, Brig. Gen. Richard Rutatina, Third Division Commander Brig. Gen. Wilson Gumurusizi, and Col. Dan Munyuza) under temporary house arrest, but did not publicly link the arrests to minerals smuggling and never charged any of the four with any crime. Many observers claimed the four were involved with Gen. Bosco Ntaganda’s smuggling network, and the UNGOE stated that explicitly in its final report. The UNGOE further reported the smuggling of primarily tin, tantalum, and tungsten across land borders with the DRC, across Lake Kivu, and by air. The November 15 final report described the fraudulent tagging of Congolese minerals through the illegal purchase of tags issued by mining cooperatives with unused or underused concessions in western Rwanda. In addition to a number of mining cooperatives and mineral export houses, the UNGOE implicated the company Alpha Minerals in fraudulent tagging schemes, as well as Global Mining Company, which was run by Eddy Habimana, a relative of Gen. James Kabarebe.

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

Several domestic and international human rights groups operated in the country, investigating and publishing their findings on human rights cases. Some human rights groups reported government officials generally were cooperative and responsive to their privately expressed views; 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 most human rights NGOs expressed fear of the government and self-censored their activities and comments.

A few domestic NGOs, including LIPRODHOR, AJPRODHO-JIJUKIRWA, ARDHO, and the League for Human Rights in the Great Lakes Region (LDGL), focused on human rights abuses. LIPRODHOR and LDGL scaled back programs and investigations during the year, reportedly because of government pressure. LIPRODHOR's president, who received death threats in 2011, stepped down early in the year and refused to speak further on human rights issues. In July LIPRODHOR's executive secretary left the country and did not return. The former executive secretaries of LIPRODHOR and LDGL remained outside the country. There were several reports SSF pressured other members of LIPRODHOR and LDGL to quit those organizations.

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. In July, 22 local NGOs established the Rwanda Network of Human Rights Defenders as an alternative sector umbrella group; however, some NGO leaders expressed concern the government would maintain control over the new umbrella group through its president.

The Collective of Leagues and Associations for the Defense of Human Rights (CLADHO), which LIPRODHOR and LDGL accused in 2010 of having been taken over by government agents, attempted to reassert itself in July through the election of a new executive committee during its general assembly. Former Mufti Sheik Saleh Habimana, the RGB Head of Political Parties, NGOs, and Religious Organizations, rejected certification for CLADHO's new executive committee and forced new elections after the new committee announced it would investigate the decisions of the former executive secretary. After CLADHO members again elected the same new executive committee, Habimana reportedly worked with the former executive secretary to have a court case filed that would force an injunction against the new executive committee taking office. Several domestic and international NGOs criticized Habimana's actions as unlawful interference that was politically motivated.

During the year the government passed two new NGO laws. The law on local NGOs moves their oversight from MINALOC to the RGB and replaces annual registration with one-time registration and required submission of annual budgets and reports. It allows local NGOs to lobby for political causes but not candidates, and permits government funding in exchange for greater government control over budgets and activities. Local NGOs welcomed the advent of one-time registration and permission to advocate for their causes, but also worried the new law would

serve to increase government interference and control of programming. The new law on international NGOs allows for registration in up to five-year increments depending on the duration of the NGO's present funding, but oversight remains with the Directorate General of Immigration and Emigration, which falls under NISS. International NGOs widely criticized the new law. The Directorate General of Immigration and Emigration generated even more concern among international NGOs by immediately seeking to roll back the law's limited reforms through a controversial ministerial order.

Local and international NGOs often found the registration process difficult in part because they must present their objectives, plan of action, and detailed financial information to the local authorities of every district in which they would like to work. NGOs of all sizes 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 international NGOs and some local NGOs complained government delays and unpublished requirements caused late submissions and the regulatory environment worsened during the year.

UN and Other International or NGO Humanitarian Bodies: The government sometimes cooperated with international human rights NGOs; however, it criticized HRW, Reporters Without Borders, Freedom House, and Amnesty International, as well as the UN and several of its agencies, as being inaccurate and biased. The government reportedly conducted surveillance on certain international and domestic NGOs. Some NGOs reported authorities pressured individuals affiliated with them to provide information on their activities, and several NGOs expressed concerns intelligence agents infiltrated their organizations with intent to gather information or create internal problems. Some local staff members of HRW reported receiving death threats from SSF for their work on human rights issues. On February 9, the Karongi District labor inspector and officials from MIDIMAR and the Directorate General of Immigration and Emigration physically threatened and intimidated expatriate staff members of the American Refugee Committee for firing corrupt Rwandan employees; the government took no corrective action after receiving complaints.

Several international organizations complained the Directorate General of Immigration and Emigration used ministerial orders to roll back legal reforms, improperly deny visas to personnel, further complicate registration requirements, and establish government control over all facets of NGO activities and internal management. There were isolated reports of government officials asking

international NGOs to hand over their assets, programs, and staff to local NGOs and government agencies.

Government Human Rights Bodies: The independent and adequately funded Office of the Ombudsman operated with the cooperation of executive agencies and took action on cases of corruption and other abuses, including of human rights (see sections 1.e. and 4).

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.

On June 29, the ICTR, based in Tanzania, terminated its activities; on July 2, it turned over its remaining genocide cases to a Tanzania-based branch of the MICT. The MICT continued to prosecute genocide suspects. From 1994 through 2012, the ICTR completed 73 cases, with 47 convictions, 16 convictions pending appeal, and 10 acquittals. At year's end there were nine fugitives. Before its closure the ICTR approved the transfer of two detainees and six of the nine fugitive cases to Rwanda. The ICTR neither indicted nor tried any RPF members during its existence.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution provides that all citizens are equal before the law, without discrimination based on 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 constitution and law are silent on sexual orientation and gender identity. 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 priority. Penalties for rape ranged from five years' to life imprisonment, with fines of 500,000 to one million Rwandan francs (\$795 to \$1,590). Penalties for spousal rape ranged from two months' to life imprisonment, with fines of 100,000 to 300,000 Rwandan francs (\$160 to \$475). Prosecutors reported opening 351 cases of adult rape. Of those 351 cases, 109 were filed in court, 143 were dropped, and 99 were pending

investigation. From January to September, the courts adjudicated 65 cases (70 individuals) of adult rape, convicting 53 and acquitting 17. Among those convicted, the courts sentenced four to life in prison. Rape and other crimes of sexual violence committed during the genocide are classified as Category I genocide crimes.

The law provides for imprisonment of three to six months for threatening, harassing, or beating one's spouse; however, domestic violence against women was common. Most incidents remained within the extended family and were not reported or prosecuted. UNICEF reported in 2010 that 48 percent of adolescent females thought a husband was justified in hitting or beating his wife under certain circumstances. 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 percent of women and girls experienced domestic violence during pregnancy. From January to September, prosecutors received 365 cases of spousal harassment, exclusive of other forms of GBV, of which 163 were filed in court, 26 were dropped, four were reclassified, and 172 were pending investigation. From January to September, the courts adjudicated 117 cases (119 individuals) of spousal harassment, convicting 115 and acquitting four.

Police headquarters in Kigali had a hotline for domestic violence. Several other government ministries also had free GBV hotlines. Each of the 75 police stations nationwide had its own gender desk, an average of three trained officers, and a public outreach program. The RNP Directorate of Anti-GBV, established in October 2011, handled all cases of GBV and child protection. The Isange Center provided one-stop medical, psychological, legal, and police assistance at no cost to victims of domestic violence at Kaciryu Police Hospital in Kigali. Five public district hospitals operated small-scale one-stop centers, four of which opened in 2012.

During the year the RDF participated in a national campaign entitled "16 Days of Activism to Fight GBV." The country hosted a UN training course on Investigation and Prevention of Sexual and Gender-Based Crimes at the Rwanda Peace Academy in Musanze District, which drew participants from 16 countries that contribute police to UN missions. The country also hosted the Africa Security Organs Annual Review Meeting on Prevention of Violence against Women and Girls, which adopted recommendations aimed at strengthening awareness, prevention, and response to GBV. The government continued a whole-of-government, multistakeholder campaign against GBV, child abuse, and other types

of domestic violence. GBV was a required module of training for all police and military at all levels.

In its November 15 final report, the UNGOE reported M23 and RDF involvement in sexual violence in the DRC. For example, according to the report, the RDF captured a Rwandan M23 deserter in Kinigi, Rwanda, brought him back to the M23 in the DRC, and then forced him to rape a girl in front of the other troops.

Sexual Harassment: The law prohibits sexual harassment by employers or any other person and provides for penalties of two months' to two years' imprisonment and fines from 100,000 to 500,000 Rwandan francs (\$160 to \$795). Nevertheless, sexual harassment remained common. According to a 2010 Transparency Rwanda study, gender-based corruption was perceived as being fundamentally linked to recruitment practices and to the determination of salary and other benefits; 21 percent of female respondents believed their salary determination was not objective, and some claimed their salaries were determined by their willingness to have sex with company executives. The study also found, by contrast, promotion, evaluation, and opportunities for training or travel were based on more objective and transparent criteria. Fifty-six percent of interviewees said they did not report gender-based corruption cases. 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 prenatal 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 2010 was 340 maternal deaths per 100,000 live births. Major factors influencing maternal mortality included lack of skilled attendance at birth and unhygienic conditions. Between 2008 and 2010, the UN reported the use of modern contraceptives increased from 26 percent to 44 percent. Between 2005 and 2010,

skilled attendance at birth rose from 39 to 69 percent, according to the 2010 Demographic and Health Survey. The proportion of assisted births at health facilities increased from 45 percent in 2007-08 to 69 percent in 2010.

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, gender bias in 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 National Institute of Statistics August 2012 Integrated Household Living Conditions Survey, 28 percent of households were headed by females, and 47 percent of female-headed households were below the poverty line, compared to 45 percent of all households. Women were more concentrated in the agricultural sector, with 82 percent of women engaged in agricultural work, compared with 61 percent of men. The other main occupations in which women found work were sales and commerce, where similar proportions of men and women were engaged. 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.

The government-funded National Women's Council served as a forum for women's issues and consulted with the government on land, inheritance, and child protection laws. MIGEPROF led government programs to address women's issues and coordinated programs with other ministries, police, and NGOs, including 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. Minor children adopted by Rwandans, irrespective of foreign nationality or statelessness, automatically receive citizenship. Children retain their acquired nationality in the event of dissolution of the parents' marriage. Births are registered at the sector level upon presentation of a medical birth certificate. Anecdotal evidence indicated low prevalence of birth registration due to complex procedures and associated penalties for late registration. There were no reports of unregistered births leading to denial of public services.

Education: Six years of primary education and three years of secondary education are compulsory. The government implemented a 12-year Basic Education Program in January to extend free universal public education by three additional years of secondary education. Parents are not required to pay tuition fees through the 12 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 unreliable; however, such abuse was common within the family, in the village, at school, and by law enforcement. From January to September, prosecutors reported opening only 35 cases of child abuse. Of those 35 cases, 22 were thereafter filed in court, two were dropped, and 11 were pending investigation. Conviction statistics were not available. The government continued a high-profile public awareness campaign against GBV and child abuse during the year. The government trained 4,143 law enforcement and local officials on GBV and child abuse during Women's and Girls' Month from March 8 to April 5.

The Isange Center and five public hospital one-stop centers treated victims of GBV and child abuse. The Gihundwe One-Stop Center in Rusizi District treated 285 such victims in its first year of existence from September 2010 to September 2011. Center officials reported 45 percent of the victims were minors, and that 55 percent of victims reported sexual violence and 45 percent reported domestic violence.

Child Marriage: The minimum age for marriage is 21. Between 2000 and 2010, UNICEF reported an under-18 child marriage rate of 13 percent. Anecdotal evidence suggested child marriage was more common in rural areas and refugee camps than in urban areas.

Sexual Exploitation of Children: The law provides that any sexual relations involving a child under 18 years old is considered child defilement and is punishable by life in prison and a fine of 100,000 to one million Rwandan francs (\$160 to \$1,590). The director of Nyagatare Juvenile Rehabilitation Center reported the majority of juvenile detainees were serving time for child defilement (statutory rape), usually six-month sentences. Noting an increase in child sexual abuse and exploitation, UNICEF reported in October child heads of household, especially girls, were increasingly coerced into selling sex in exchange for money, basic goods, or protection. Prosecutors received 2,064 cases of child defilement, of which 843 were filed in court, 655 were dropped, three were reclassified, and 566 were pending investigation. From January to September, the courts adjudicated 570 cases (589 individuals) of child defilement, convicting 466 and acquitting 123. Among those convicted, the courts sentenced 41 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 six months and seven years in prison and a fine of 500,000 to 20 million Rwandan francs (\$795 to \$31,745). Police reported investigating one case of forcing a child into prostitution. Conviction statistics were not available.

Child Soldiers: There were several reports the M23 armed group and its agents forcibly recruited dozens of Rwandan children as young as 12, as well as Congolese refugee children from Nkamira Transit Center in Rubavu District and from Rwanda's four refugee camps, to porter goods, collect intelligence, cook, provide sex, serve as bodyguards, and fight on the front lines in the eastern DRC (see sections 2.d. and 7.c.). For example, a mother living at Kiziba Refugee Camp reported to UNHCR, RNP, and NPPA her minor son was forcibly recruited. Government authorities took no action, and in September the woman reported being followed and intimidated by unknown persons. Two minor M23 recruits who escaped told UN interviewers that they and one of their friends had been taken from Kiziba and promised good jobs in the DRC, but then forced into military service. According to the UNHCR and refugee mothers, the M23 took children as young as 13 from Nkamira. Officials representing the Directorate General of Immigration and Emigration and MIDIMAR refused to countersign or acknowledge refugee statements made during registration and reregistration exercises to the effect that the disappearances and forced recruitment occurred.

The government continued to support the Musanze Child Rehabilitation Center in Northern Province, relocated during the year from Muhazi, Eastern Province, which provided care and social reintegration preparation for 66 children who had previously served in armed groups in the DRC. Of those former child soldiers, 53 were reunited with their families. The center provided literacy and numeric education, psychosocial support, recreational and cultural activities, medical care, and agricultural vocational training.

The UNGOE in its November 15 final report stated the RDRC sent ex-FDLR child soldiers back to the DRC to fight alongside the M23. For example, the UNGOE reported that on August 15 Frank Musonero, RDRC center director for Mutobo, sent five ex-FDLR child soldiers between the ages of 13 and 16 to Kinigi, where RDF troops forced them to carry ammunition and join the M23.

Displaced Children: There were numerous street children throughout the country. Authorities gathered street children in transit centers and placed them in rehabilitation centers. Street children processed in one of MIGEPROF's two transit centers or in the sole church-run transit center benefited from better social worker screening than those detained at Kigali City's Gikondo Transit Center, where conditions and screening were substandard (see section 1.d.). The National Commission for Children (NCC) provided psychological counseling, education, and vocational training to 161 former street children ages nine to 16 at Gitagata Child Rehabilitation Center, the only government-run center for street children. According to center officials, 70 percent of children at Gitagata became street children as a result of poverty, 20 percent because they were orphaned, and 10 percent due to family conflict. The dilapidated but spacious center mandated a one-year stay, after which children could be reintegrated with their families or paired with foster homes. Conditions and practices varied at 29 privately run rehabilitation centers for street children.

Institutionalized Children: As part of government plans to downsize and eventually phase out orphanages, the NCC reported it reintegrated 622 orphans with families between March and May and closed the three worst-performing government-run orphanages. Management of orphanages and Gitagata transferred from MIGEPROF to the newly formed NCC during the year. UNICEF reported the remaining 30 government-run and one privately run child-care institutions provided shelter, basic needs, and rehabilitation for 3,153 orphans and street children. According to the NCC, 70 percent of children in orphanages were not orphans but had either run away or been abandoned by their families. 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.

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 law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities regarding employment, education, air travel and other transportation, 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. Despite a continuing campaign to enable persons with disabilities to have a barrier-free environment, accessibility remained a problem throughout the country.

Few students with disabilities reached the university level because many primary and secondary schools were unable to accommodate their disabilities. Many children with disabilities did not attend primary or secondary school. The Ministry of Education and UNICEF collaborated to train teachers to be more sensitive in responding to the needs of children with disabilities. For example, Murama Primary School in Bugesera District appointed a UNICEF-supported special needs education coordinator for students with hearing and speech disabilities and waived lunch and school supply expenses for children with disabilities as an incentive to keep them in school. 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.

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. Gikondo Transit Center officials reported committing detainees to Ndera involuntarily and without review of any kind.

Some citizens viewed disability as a curse or punishment, which could result in social exclusion and sometimes abandonment or hiding of children from the community. In January UNICEF reported the 2010 MINALOC census found that despite legislative improvements, persons with disabilities, particularly children, continued to face discrimination and stigma. According to a February Handicap International Rwanda research document, the prevailing cultural stereotype was that persons with disabilities could only survive through begging and dependence.

There were numerous claims of employment discrimination against persons with disabilities. For example, the School of Finance and Banking appointed a recent graduate of the school to join the university faculty because of her high examination score but fired her on her third day of work because she was deaf. The National Union of Disability Organizations in Rwanda (NUDOR) worked with the National Council for Persons with Disabilities (NCPD) on the resolution of such claims.

During the year there were several reports of violence against persons with disabilities. Police were sometimes less responsive if the victim had disabilities. For example, NUDOR reported police failed to pursue the case of a deaf woman in Nyanza District who became pregnant and contracted HIV as a result of rape. NUDOR claimed police failed to pursue the case because of the victim's disability.

From November 26 to December 3, the NCPD organized the second annual Disability Week, culminating in the second National Day of Children with Disabilities and the International Day of Persons with Disabilities to sensitize citizens to problems faced by persons with disabilities.

The NCPD, which assisted government efforts to provide for the rights of persons with disabilities, designated one member with disabilities in the Chamber of

Deputies. NUDOR provided an umbrella civil society platform for advocacy on behalf of persons with disabilities. A disabilities coordination forum was organized every trimester. During the year the Ministry of Health formed a Department of Injuries and Disabilities within the Non-Communicable Diseases Division of the Rwanda Biomedical Center.

Persons with mental disabilities were required to submit a medical certificate before they were allowed to vote. Some disabilities advocates complained that requirements for electoral candidates to hold secondary education diplomas or higher degrees, depending on position, disadvantaged persons with disabilities.

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

Longstanding 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 know the regional or ethnic origin of their fellow Rwandans. Some individuals continued to accuse the government of favoring Tutsis, particularly English-speaking Tutsis, in government employment, admission to professional schooling, recruitment into or promotion within the army, and other matters.

### **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 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 (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 sexual conduct; however, lesbian, gay, bisexual, and transgender (LGBT) individuals reported societal discrimination and abuse. In April 2011 local LGBT rights group Horizon Community Association (HOCA) opened an office in Kigali but was evicted in August 2011 after the landlord reported pressure from neighbors. HOCA leaders and staff reported receiving threats in 2011, and several fled the country. HOCA did not reopen its office during the year; however, two other local LGBT rights groups--My Rights and Other Sheep--opened offices in Kigali and Rubavu District without incident.

Unlike in the previous year, there were no known reports of physical attacks against LGBT persons. In previous years LGBT victims of such attacks fled the country and were granted asylum abroad. The RNP investigated reports of threats to LGBT activists and individuals, but the outcome of such investigations was unknown.

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

Discrimination against persons living with HIV/AIDS occurred, although such incidents remained rare. According to a June report by AJPRODHO-JIUKIRWA, persons living with HIV/AIDS often were denied the right to inheritance in the belief they would die soon. 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 were not permitted to participate in peacekeeping missions abroad but could remain in the military.

## **Section 7. Worker Rights**

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

The law provides all salaried formal sector workers, except for certain senior public servants and soldiers, the right to form and join independent unions, conduct legal strikes, and bargain collectively. Family businesses and informal sector workers generally are not protected under most provisions of the labor code. Other provisions of law sometimes abrogated these rights. For example, a ministerial order that identifies essential services severely restricts the fields in which workers have the right to strike.

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, subject to numerous restrictions. Public servants and soldiers are not allowed to strike, and participation in unauthorized demonstrations can 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 allows unions to negotiate with employers for an industry-level minimum wage in certain sectors, but none did so. The law allows unions to conduct their activities without interference, prohibits antiunion discrimination, and requires employers to reinstate workers fired for union activity. Antiunion interference and discrimination are subject to penalties of up to two months in prison and fines of 50,000 to 300,000 Rwandan francs (\$80 to \$475), which were not sufficient to deter violations. The labor code restricts voluntary collective bargaining by inserting the government into labor negotiations and requiring binding arbitration in cases of nonconciliation.

Freedom of association and the right to collective bargaining generally were not respected in practice. 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. In addition, local government officials and employers routinely impeded workers from joining or forming unions. Employers often harassed union members and prevented workers from meeting by prohibiting meetings during work hours. Employers often dismissed union representatives and members as a result of their union activities and did not reinstate them.

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. Labor union officials commented that many private sector businesses controlled by the RPF or RDF were off-limits to collective bargaining negotiations. The government also controlled collective bargaining with cooperatives. No labor unions had an established collective bargaining agreement with the government. Employers, including the government, perpetually delayed agreements to bargain or bargained with employer-controlled unions. Employers across a number of industries, such as mining and construction, employed subcontractors in order to avoid hiring workers with bargaining rights or paying legally required benefits.

In January tea company Sorwathe became the first company in Rwanda to sign a collective bargaining agreement with its employees, who numbered 2,400. The Central Union of Rwandan Workers (CESTRAR), the Congress of Labor and Brotherhood, and MIFOTRA participated in the negotiations.

In contrast to prior years, there were no registered strikes in 2012, nor anecdotal evidence of unlawful strikes.

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. In May the government signed into law a new penal

code greatly strengthening antitrafficking provisions. After acquitting one trafficking suspect of slavery on January 20 for lack of evidence, the government convicted two Rwandan men of slavery and sentenced them to five years in prison on August 8 after they attempted to traffic four Rwandan women to China for prostitution under false pretenses. 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.). Statistics on the number of victims removed from forced labor were not available.

However, forced labor, including forced child labor, occurred in practice. 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 some localities required umuganda more than once a month. Jehovah’s Witnesses performed additional umuganda in exchange for exemption from community night patrol commitments.

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 minimum age for full-time employment is 18 (16 for apprenticeships), provided the child has completed primary school. The law sets the minimum age for employment at 16, and prohibits children younger than 18 from participating in hazardous work, defined as 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 in industrial institutions and in domestic service, mining and quarrying, construction, brick making, or applying fertilizers and pesticides. The law prohibits forced or compulsory labor by children. The law prohibits 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 law provides six months to 20 years’ incarceration and fines of 500,000 Rwandan francs (\$795) to five million Rwandan francs (\$7,935) for violations. The law applies to contractual employment, but not unregistered employment such as subsistence family farming or casual labor in agricultural cooperatives, and thus leaves most working children unprotected. In addition to

the national laws, some districts enforced local regulations against hazardous child labor, sanctioning employers and parents for violations; however, the government did not enforce the law effectively. Police, immigration officials, local government officials, and labor inspectors received training to identify potential trafficking victims.

The newly formed NCC took the lead role in designating responsible agencies and establishing actions to be taken, timelines, and other concrete measures in relation to the Integrated Child Rights Policy and various national commissions, plans, and policies related to child protection subsumed therein. The National Advisory Committee on Child Labor continued drafting the overdue 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. In January the government implemented a 12-year Basic Education Program to extend free, universal public education by three additional years of secondary education, which aided in reducing the incidence of child labor. The government fined those who illegally employed children or sent their children to work instead of school. 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 crossborder 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 2011 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.

There were reports the M23 armed group recruited dozens of Rwandan children as young as 12, as well as hundreds of Congolese boys and men ages 13 to 29, from Rwandan refugee camps and Nkamira Transit Center, some of them forcibly, to porter goods, collect intelligence, cook, provide sex, serve as bodyguards, and fight on the front lines in the eastern DRC. Rwandan and refugee children were increasingly trafficked to Kigali, Uganda, Kenya, and elsewhere as forced laborers, domestic servants, and prostitutes (see sections 2.d. and 6).

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 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 at the 2010 exchange rate), while in the construction industry it ranged from 1,500 to 5,000 Rwandan francs a day (\$2.50 to \$8.30 at the 2010 exchange rate), 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 constitution requires equal pay for equal work.

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 (OHS) standards in the formal wage sector. Ministerial orders No. 01 of 17/05/2012 determining modalities for the establishing and functioning of occupational health and safety committees and No. 02 of 17/05/2012 determining conditions for occupational health and safety set forth Rwanda's first comprehensive OHS standards. 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 labor 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 penalties were insufficient to deter violations. MIFOTRA strengthened financial accountability mechanisms for labor inspectors and districts during the year to ensure funds were properly spent on inspections and other labor programming to prevent violations and improve working conditions. UNICEF purchased tax-free motorcycles for approximately half of MIFOTRA's labor inspectors to allow for unannounced site visits. Those inspectors who received motorcycles also received funds for fuel and maintenance. To improve productivity and communication, MIFOTRA provided inspectors with laptops, internet service, and mobile phone minutes; the source of funding was unclear.

Some workers accepted less than the minimum wage where one was set, with reports of some workers in Kigali accepting 300 Rwandan francs (\$0.48) per day for casual labor. 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 OHS standards were common in both the formal and informal sectors. Local media highlighted a common problem with employers not signing up employees for social security or occupational health insurance and not paying into those required benefit systems. 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, but MIFOTRA officials singled out mining as a sector with significant problems implementing OHS standards. There were no major industrial accidents during the year.