

1993

Rwanda Human Rights Report

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Human Rights Report

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Rwanda is governed by an interim Government under a powersharing arrangement in which President Juvenal Habyarimana retains predominant executive, legislative, and judicial authority in accordance with the 1991 Constitution. Responsibility for day-to-day government operations rests with a five-party coalition Government headed by a Prime Minister from an opposition party.

The interim Government took a major step forward in its promised transition to multiparty democracy when it signed a Peace Accord on August 4 with the Rwandan Patriotic Front (RPF), ending 3 years of war. The Peace Accord, the result of more than a year of intense negotiations between the two sides, is designed to overcome the major cause of the war, ethnic rivalry between Hutus and Tutsis, who comprise about 85 and 14 percent of the population respectively. The United Nations Security Council voted on October 5 to send a peacekeeping force to Rwanda to assist in the implementation of the Accord.

The Peace Accord had not been implemented by year's end, but, when implemented, will shift many presidential powers to a new multiparty government, create a transition national assembly composed of deputies appointed by 17 political parties, and establish a joint high command for an integrated (government and RPF) army and gendarmerie. The establishment of these transition institutions will usher in a 22-month transition period intended to end with multiparty elections.

The Peace Accord calls for an integrated army and gendarmerie composed of 60-percent government and 40-percent RPF forces. Rwanda's security apparatus consists of the Armed Forces (FAR), including the army, responsible for external security, and the gendarmerie, responsible for internal security; the local police; and the internal and external intelligence services. A National Security Council, consisting of the Ministries of Defense, Interior, and Justice, which are responsible for these services, coordinates the activities of the security institutions. In the wake of renewed hostilities between the Government and the RPF in February, members of both armies committed serious human rights abuses against civilians.

The overwhelming majority of Rwandans are subsistence farmers. The modest industry and food production has barely managed to keep pace with the high population growth rate. The economy depends heavily on exports of coffee and tea, and on foreign aid. Rwanda has an agreement with the World Bank and the

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International Monetary Fund for a structural adjustment program, but the war has disrupted economic recovery; and economic growth remains dependent on postwar economic recovery.

Human rights abuses that plagued the first quarter of 1993 diminished considerably as the peace process progressed toward the signing of the Peace Accord and its implementation. Those abuses stemmed from dissatisfaction on the part of the former sole party, the National Revolutionary Movement for Development (MRND), over the powersharing arrangement agreed to on January 9 between the multiparty Government and the RPF. That dissatisfaction triggered ethnic violence that killed over 300 persons and displaced 4,000 persons, mainly minority Tutsis and opposition political party members. Citing this violence as a cease-fire violation, the RPF attacked in February, killing a number of civilians, mostly Hutus, including some who were politically prominent. In withdrawing, government soldiers looted, raped, and killed a number of civilians. The February fighting temporarily displaced another 600,000 people, bringing the total number of those displaced by war to nearly 1 million.

During this same period, security forces responsible for civilian safety outside the war zone occasionally arrested, beat, and sometimes tortured and killed persons suspected of sympathy with the RPF. Early in the year, an international commission composed of 10 specialists from various countries investigated past and present human rights abuses. The commission's report, issued in March, and the unresolved political killings in May and August of a prominent politician and a well-known local government official kept alive fears of the possible existence of a death squad. As installation of the broad-based government approached following signing of the August 4 Peace Accord, sporadic incidents of violence claimed the lives of several civilians in widely scattered rural areas.

Despite the disruptions of the first quarter, the Government was able subsequently to hold elections in many localities based on competition among multiple candidates from different political parties, including the RPF. Opposition parties won about half of those local elections. Women, however, are poorly represented in the present and emerging political system. They face extensive legal and societal discrimination and are often victims of domestic violence. In the first quarter, they were frequently victims of rape by soldiers.

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RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were extensive political and other extrajudicial killings in the ethnic and political violence which erupted in northwestern Rwanda in January following discontent over the powersharing agreement between the Government and the RPF. The violence, which targeted Tutsis and supporters of political parties other than the MRND, resulted in over 300 deaths and the temporary displacement of 4,000 persons. Youth from the MRND and their ally, the Coalition for the Defense of the Republic (CDR), were responsible for carrying out many of the killings. Women and children were among the victims. (See also Section 1.g.)

Subsequently, under pressure from the RPF in peace talks, the Government removed several local and regional officials for suspected involvement in this ethnic and political violence. However, an interministerial commission found that local authorities had, by and large, responded appropriately to the violence, and the Government took little disciplinary action. It reassigned many of these local officials to important posts, and none had been brought to trial on either civil or criminal charges by year's end.

In the aftermath of the ethnic violence in the first quarter, the authorities charged about 400 persons with arson or murder. Approximately one-third of these had been tried by year's end, and 77 were convicted in trials generally believed to be fair, with sentences ranging from prison terms to the death penalty.

The RPF was guilty of political and extrajudicial killings during its February offensive, including targeting local officials such as judges (see Section 1.g.).

Following the RPF attack, persons suspected of being RPF sympathizers, usually Tutsis but sometimes opposition party members, lost their lives at the hands of the Rwandan military or other party members. Human rights organizations documented cases north of Kigali, just south of the war front, where the military shot to death Tutsis, sometimes whole families or sometimes just the men, usually at checkpoints. Other cases

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indicated that the military beat to death detainees, usually held for lacking proper identification, including at least five detainees in a military camp in central Kigali. Gendarmes abducted three Tutsi (Bagogwe) students from the campus of an Adventist University in February. Their bodies, along with two others, were subsequently found near the school. Human rights monitors reported that as many as four unclaimed bodies, showing signs of beatings or bullet wounds, were buried in Kigali each day in late February. Most of these extrajudicial killings remain unsolved, although a military court has convicted some soldiers for vengeance killings.

Allegations of the existence of Rwandan death squads persisted. In May unknown assailants killed a prominent opposition politician and in August a well-known local official. A report in March from an International Commission of Inquiry into Violations of Human Rights in Rwanda since October 1, 1990, also gave some support to these allegations. The Commission, comprised of human rights monitors from eight countries, spent 2 weeks in Rwanda in January, and its report identified individuals suspected of involvement in death squad activity. Several persons identified in the report subsequently denied the allegations, and the credibility of one of the Commission's witnesses, who claimed he had participated in death squad activities, had not been established by year's end.

b. Disappearance

Local human rights monitors documented at least 10 disappearances in 1993. Most cases involved individuals suspected of being RPF sympathizers who were last seen in the custody of gendarmes or government military personnel or are believed to have been arrested or abducted by government authorities. In one case, a returning Rwandan refugee of Tutsi origin was stopped and questioned by MRND youth and subsequently beaten and taken to a gendarme brigade headquarters in Kigali on suspicion of being an RPF sympathizer. He has not been seen since. In addition to these documented cases, local human rights organizations looked into several other cases of reported disappearances. In most cases, however, the local human rights monitors were unable to verify that the individuals existed.

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

Torture, although not explicitly outlawed, is contrary to the Constitution and Peace Accord, which together constitute the fundamental law of the land.

Early in the year, security forces sometimes used torture as part of interrogations. During the first quarter, their mistreatment of civilians, especially Tutsis, increased sharply. Security forces responsible for civilian safety outside the war zone occasionally arrested, beat, tortured, and killed persons suspected of sympathy with the RPF (see Section 1.a.). These abuses decreased markedly after the Minister of Defense ordered an end to abusive behavior at military checkpoints.

There were many incidents of arbitrary beatings by security forces and political party youth groups in the politically charged atmosphere of January and February. In January MRND and CDR youth blocked roads and attacked Tutsis and political opponents in the northeast of the country. In one case, MRND/CDR youth beat Rwandan employees of Care International in their homes for suspected sympathy with the RPF. Local security forces did not intervene to end the violence.

Government soldiers frequently raped women and high school girls as they withdrew from the front in the face of the RPF advance (see also Sections 1.g. and 5).

Credible reports indicate that one gendarme in the gendarmerie interrogation unit, which was trained in non-abusive interrogation techniques in 1992, tortured at least five persons in 1993. One victim, a soldier detained in a military camp on suspicion of attempted assassination, was later transferred to the Kigali prison and released after being acquitted of illegally carrying a grenade. The gendarme was transferred to another post after human rights watchers alerted superiors to his behavior.

Prisons are overcrowded, poorly maintained, and occasionally the site of deadly violence among prisoners. Delegates of the International Committee of the Red Cross (ICRC) have regular access to prisoners and gendarme brigades. ICRC also has access to military camps but not to detainees, if any, held there.

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d. Arbitrary Arrest, Detention, or Exile

Except for suspects caught in the act of committing crimes, the law requires that arrests be made with a warrant following an investigation. Under the law, persons may be detained for no more than 48 hours without a warrant. Within 5 days of arrest, charges must be stated formally in the defendant's presence, or the Court of Appeals must approve a public prosecutor's request for a 30-day preventive detention order.

Preventive detention is permitted if public safety is believed to be threatened, if the accused might flee, or if the penalty carries a minimum sentence of 6 months. Detention may be prolonged indefinitely, but judicial review is mandatory every 30 days. Detainees may appeal their incarceration, and the appeal must be heard within 24 hours by a competent judicial authority. These procedures apply to all persons suspected of crimes and are generally respected in practice. Failure to meet any of these requirements constitutes grounds for release of the arrested person and dismissal of the case. Bail is not available under Rwandan law, but suspects are often released on their own recognizance pending trial.

During February, following resumption of hostilities between government forces and the RPF, the military arrested and detained a number of civilians, usually Tutsi, suspected of complicity with the RPF. They were detained temporarily by the military in military camps in Gisenyi, Gitarama, and Kigali, allegedly for not having proper identification papers. Intervention by the Minister of Defense or action by human rights groups generally resulted in the release of these detainees or their transfer to civilian prisons. These arrests were not widespread, as was the case after the outbreak of war in 1990, and the judicial system was not involved.

There are no known cases of politicians or journalists being arrested or detained in 1993 for expressing views critical of the Government. No action has been taken in the security cases pending since 1992 against three journalists who remain at liberty. Illegal detentions in criminal cases continue to be common due to delays in processing and unfamiliarity of untrained magistrates with judicial procedures.

Pretrial detainees, who comprise the majority of prisoners, may wait for a year or more for a court date due to the backlog of cases. There are no known cases of political detainees still in custody, either in prisons or military camps. Following the

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signing of the Peace Accord, the ICRC returned 12 prisoners of war (POW's) held by the RPF to the Government and the Government returned 6 POW's to the RPF.

Exile is not practiced as a form of punishment. However, thousands of Rwandans, mainly Tutsi, have been in exile for over 30 years in neighboring countries and abroad. Between 2,000 and 4,000 such exiles or their children comprised the RPF invasion force in October 1990. The Peace Accord incorporates into law the right of return; a December 1991 law grants blanket amnesty to refugees and exiles who choose to repatriate.

e. Denial of Fair Public Trial

The judicial system has separate court systems for criminal/civil cases and military cases. Decisions may be appealed to the appropriate regional court of appeals. At the request of counsel or of defendants, the Cour de Cassation will review civil and criminal cases for errors in procedure or in the application of the law. Errors can result in retrial by another panel of judges. The State Security Court, abolished by the Peace Accord, had been defunct since the coalition Government announced its abolition in mid-1992.

The judicial system is susceptible to government influence and manipulation. Although the Constitution provides for an independent judiciary, it also makes the judicial system dependent on the executive branch and gives the President ultimate authority to appoint and dismiss judges. Also, the judicial system is hampered by the low educational level of the vast majority of judicial officials, the lack of material and equipment for the courts, and the absence of compiled jurisprudence.

The revitalization of the magistrature, anticipated following passage of a law in 1992 enhancing the role of magistrates in decisions affecting the judiciary, did not occur. Instead, controversy over the legality of the leadership and initial decisions of the newly constituted Superior Council of Magistrates paralyzed the judicial system. In addition, Rwanda had no Minister of Justice during the first 6 months of 1993.

All trials are public. Defendants are constitutionally entitled to counsel but often are not represented at trial by counsel because of a shortage of lawyers. There are only about 40 trained private lawyers in Rwanda, mostly in Kigali, and

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approximately 100 officially recognized "legal agents" who may represent defendants in court.

There were no known political prisoners in custody at year's end.

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

The Constitution provides for the respect of privacy of individuals, correspondence, and communications and declares that the home is inviolable. These provisions are generally respected, but occasionally Rwandans are subject to interference in their private lives. During a brief period following renewed hostilities in February, gendarmes looking for hidden weapons entered homes in several parts of Kigali without the required warrants, sometimes in the middle of the night or just before dawn. The military conducted a predawn search of homes of suspected RPF sympathizers in the commune of Murambi in December, beating occupants in the course of searching for weapons.

Surveillance of political parties, associations, and individuals is not practiced.

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

Both government and RPF forces committed extensive violations of humanitarian law. A cease-fire established in July 1992 between the Government and the RPF held until February and then was reestablished in March. During the month-long RPF offensive, an undetermined number of deaths and injuries to combatants and civilians occurred from artillery, mortars, and small arms fire.

Retreating soldiers came to be regarded with fear by the populace because of their undisciplined looting and raping. They--not the fighting--were responsible for much of the damage to houses, schools, and clinics in the war zone.

Both the military and the RPF are suspected of responsibility for a "killing field" containing scores of human skeletons in the war zone of northeastern Rwanda, in an area that changed hands several times during the February hostilities.

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The RPF committed many human rights abuses against civilians during its February offensive. Credible reports indicate that in the first days of the attack in the Ruhengeri area, the RPF used grenades against groups of civilians and targeted for death specific authorities, including several judges and a local administrator implicated in the deaths of Bagogwe, a Tutsi subgroup. There was no evidence, however, to support allegations that the RPF used chemical weapons against displaced persons or that it massacred hundreds of Rwandans trapped behind RPF lines.

The number of displaced persons reached nearly 1 million, 600,000 displaced for the first time and 350,000 re-displaced, some for the fourth time. A massive relief operation to assist displaced persons was mounted by the Government, the ICRC, the local Red Cross, international organizations, nongovernmental organizations, and bilateral donors. Relief assistance continued, but most of the newly displaced had returned to their homes by the end of August, following the signing of the Peace Accord. The combatants permitted the ICRC and the World Food Program to bring in relief supplies from Uganda through the combat zone before and after the February offensive, although there were substantial interruptions.

There were also random acts of violence involving grenades, land mines, and bomb explosions for which no one claimed responsibility. About 50 judicial cases involving mines are pending, but none had come to trial by year's end. Armed robbery, often involving use of grenades, common in urban areas, resulted in numerous deaths and injuries. Some such robberies may have been linked to political intimidation.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and press. Except in areas experiencing violence, freedom of speech was widely exercised by political parties, human rights associations, the private press, and the government media.

Although the electronic media is expanding, the government-owned and operated radio station dominates the media and is the most important means of reaching the public. Since the opening to a multiparty system in 1991 and the appointment of an opposition minister to head the Ministry of Information in 1992, the radio commonly airs opposing viewpoints, including

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criticism of government policies. Political groups have complained about being denied access for their press releases and coverage for their political activities and positions. The new government-owned and operated television station, which broadcasts on weekends and now reaches 70 percent of the country, is considered more balanced in its news coverage than the radio.

The press, both government and private, became more professional in its reporting and, consequently, more tolerated by authorities and prominent individuals. Three newspapers dominate the print media: a government-owned weekly, an independent Catholic biweekly, and a private rural-oriented monthly.

The press law provides for stiff penalties for insulting the President and requires editors to file copies of each edition of their papers with specified authorities, including the public prosecutor, prior to distribution, but this has resulted neither in censorship nor self-censorship. The authorities did not arrest or detain any journalists during 1993 and took no action against three journalists, who remain at liberty, charged with security violations pending since 1992. Unknown persons assassinated a television journalist in front of his home in April, but it is unclear whether his death was connected with his work. No one was arrested for the crime. Another journalist, Afrika Janvier, who claimed while in custody that he had participated in "death squad" activities, chose to remain in prison pending appeal of his conviction for defamation of the President.

Political, ethnic, and regional tensions often affect professorial appointments in the national university system, but there was no apparent ideological pressure on teaching, research or curriculum.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly. Permits for outdoor rallies, demonstrations, and meetings require 6-day advance notice, but political party rallies are routinely held throughout the country, except in combat zones, without official interference or obstruction.

Unauthorized demonstrations in January, particularly by party youth, both in Kigali and in the north of the country, resulted in property damage, numerous injuries, and some deaths. After

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hostilities resumed, the President called on political parties to suspend party rallies and meetings. Opposition parties objected publicly to this proposal, but they never tested it. Normal political activity resumed after a cease-fire was reestablished in March.

Citizens were generally free to join the political party of their choice, but sometimes MRND and CDR party youth used violence against persons affiliated with a different party or with no party (see Sections 1.a and 1.c.). Political parties, now numbering 18, and civic associations, which have proliferated since 1991, must register with the Ministry of the Interior and with the Ministry of Justice, respectively. There were no instances of registrations being denied.

c. Freedom of Religion

Freedom of religion is provided for in the Constitution and is generally accorded to religious communities. At the end of 1992, the Government dropped its objections to the Jehovah's Witnesses, who are now free to practice their religion. Christianity predominates with the largest segment of the population adhering to Catholicism. Muslims constitute a small minority but freely practice their religion.

There was no discrimination against foreign clergy, and no restrictions on construction of places of worship, training of clergy, religious publishing, or religious education.

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

Freedom of movement and residence are restricted by laws and regulations which require all residents to hold national identity cards and residence and work permits. Police conduct periodic checks, especially in urban areas, and return all those not registered in the locality to their own commune. Property owners who do not require tenants to show valid documentation are subject to fines and even imprisonment. Undocumented tenants are subject to expulsion.

A nightly curfew, introduced following the outbreak of war in 1990, was extended following resumption of hostilities in February, and then lifted after the Peace Accord was signed, except in the former war zone. Military checkpoints, too, were increased when hostilities resumed but nearly eliminated after August.

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Passports for foreign travel are normally obtained by Rwandans who seek them. Following the signing of the Peace Accord, the Government began issuing passports upon request to Rwandan refugees and exiles. Emigration is not restricted.

The Peace Accord protocol on refugees incorporates into law the right of refugees to return. Estimates of refugees and exiles living in neighboring countries and elsewhere range from 500,000 to more than 1 million. Most are ethnic Tutsis, and their descendants, who fled Rwanda in 1959 and during subsequent ethnic violence associated with independence in 1962. Individual refugees and exiles, including some Tutsis from Burundi, began to return in 1993, but planning continued for organized return of those who desire government assistance. A 1991 law grants amnesty to refugees for crimes committed before the law went into effect.

Nearly 300,000 refugees from Burundi poured into Rwanda in October to escape ethnic violence following the abortive coup attempt and assassination of Melchior Ndadaye, Burundi's first president of Hutu origin. These refugees are situated in camps along the length of the Rwandan border with Burundi. Prior to this recent influx, Rwanda was hosting approximately 23,000 refugees, mainly Hutus from Burundi, most of whom had fled massacres in 1972. Most retained Burundi citizenship but were integrated into Rwandan society. Between the time of the Burundi President's election in June 1993 and his assassination in October, more Burundi refugees sought repatriation than could be immediately accommodated. During this period, almost all who had fled to Rwanda after violence in 1988 and 1991, as well as some who had been in Rwanda since 1972, repatriated under the auspices of the United Nations High Commissioner for Refugees. Some of these repatriates returned to Rwanda after the coup attempt, having lost family members in the subsequent ethnic violence.

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

Citizens did not have the ability to change their government through democratic means. Nevertheless, under a powersharing agreement reached in 1992, four opposition parties participated in a five-party coalition Government with President Habyarimana and the former sole party, the MRND. Nearly one-quarter of the deputies in the legislature declared themselves members of parties other than the MRND. The Peace Accord, which had not gone into full effect by the end of the year, defers

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nationwide, multiparty elections for President and Parliament, called for under the 1991 Constitution, until the end of the 22-month transition period.

The U.N. Security Council voted on October 5 to send a new U.N. force to Rwanda to assist with implementation of the Peace Accord. The U.N. mission will be responsible for assisting in providing security for Kigali so that the broad-based government can be installed, for monitoring government and RPF observance of the cease-fire and adherence to the Peace Accord provisions on the integration of the armed forces, for assisting in providing security for returning refugees, and for monitoring the security situation in the period leading up to elections.

The Peace Accord signed in August and the 1991 Constitution together constitute the Fundamental Law of Rwanda. The Accord calls for President Habyarimana to remain President during the transition period with the prime minister to come from a different political party. Government ministers and deputies in the 70-person legislature, the transition national assembly, are to be named by their political parties to positions distributed among the parties according to formulas worked out at the peace negotiations. Six parties, including the RPF, will comprise the government and 17 parties are authorized to hold seats in the legislature (two parties declined). The enlarged transition government will be responsible for developing an electoral law, establishing an electoral commission, and drafting a new constitution, to be submitted to national referendum.

There are no legal restrictions on the participation of women in political life, but women are poorly represented in politics and government. Three women held ministerial portfolios, including that of Prime Minister, and several, representing different parties, served as deputies in the legislature. Toward the end of the year, political parties began selecting deputies to be named to the new transition national assembly. While the selection process was not yet complete at year's end, it appears that the new Assembly will have considerably fewer female deputies than the previous legislature. Former female deputies report that their chances of competing on an equal footing with men within a competitive party system are nil.

Although there are no legal restraints to their participation in the political process, the Twa (Pygmies) are not represented

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in key positions, including any in Rwanda's emerging political parties.

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

Rwanda has nine human rights organizations, five formed in 1990 and 1991 and four formed in 1993. Those formed earliest, which have joined together in a consortium, regularly investigate allegations of human rights abuses, make representations to public officials, publish press releases and reports of investigations, and generally seek redress on behalf of victims. These organizations have been instrumental in alerting officials to abuses of authority and in prompting early interventions to redress or contain ethnic violence, arbitrary arrest, or torture (see Sections 1.a. and 1.d.).

While their work was generally unhindered, individual human rights monitors experienced intimidation and sometimes violent harassment from unidentified sources. For example, an unknown assailant attempted to assassinate human rights monitor Alphonse Nkubito on November 14. He sustained injuries from grenade fragments. Local officials in some areas where abuses occurred prevented access to human rights monitors or warned citizens against talking to them. Prominent human rights monitors frequently received threatening anonymous phone calls.

The more recently formed associations trace all human rights problems in Rwanda to the war launched by the RPF in 1990, a view shared by the MRND and authorities supportive of the President. They were largely inactive, but one published a commentary criticizing the International Human Rights Commission's findings (see below). A National Human Rights Commission with investigative authority, called for in the Rule of Law Protocol of the Peace Accord, has yet to be established.

Rwanda cooperates with outside governmental and nongovernmental human rights groups. In January an "International Commission of Inquiry on Violations of Human Rights in Rwanda since October 1, 1990," composed of experts from eight countries, spent 2 weeks investigating past and then-current human rights abuses. Its report, released in March, accused government officials, including President Habyarimana, of responsibility for massacres. In response, the President and Prime Minister issued a joint statement acknowledging past wrongs and setting

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forth proposals for preventing future abuses. There has been minimum followup.

Rwandan human rights monitors are in frequent contact with international human rights groups and receive considerable financial support from abroad. The International Committee of the Red Cross (ICRC) continued to have unrestricted access to prisons and gendarmeries, but the Government again denied the ICRC request for access to detainees, if any, in military camps.

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

The Constitution provides that all citizens are equal before the law, without any discrimination because of race, color, origin, ethnicity, clan, sex, opinion, religion, or social standing. Rwanda's political parties' law bans parties based on ethnic origin or religious affiliation. In practice, a number of groups experience discrimination.

Women

Despite Constitutional provisions, women continue to face serious de facto discrimination. Women play only a minor role in political life and the modern economy and traditionally perform most of the subsistence farming. They have limited opportunities for education, employment, and promotion. According to a 1991 U.N. study, females receive only 33 percent of the schooling of males. In support of women's rights, President Habyarimana encouraged family planning, and a new Family Code went into effect in 1992. The Code generally improves the legal position of women in marriage, divorce, and child custody, but it still does not meet Rwanda's international and constitutional commitments to gender equality. For example, it formally recognizes men as heads of households. Also, the absence of succession laws limits a woman's right to property, thus jeopardizing her status and ability to provide for her family, should she survive her husband.

Violence against women, including wife beating, occurs and is thought to be widespread. Cases involving domestic violence rarely come before the courts. Instead, wife beating and domestic violence are normally handled within the context of the extended family. A woman seeking family help is generally thought to be seeking advice about how to improve her conduct. Only if family counseling fails is the matter likely to be

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taken to outside entities, such as the courts, and divorce is usually the next step. Although the number of groups promoting women's interests have proliferated since the opening to democracy, none addresses directly the issue of violence against women.

Rape became a major issue as soldiers left the front following renewed hostilities in February (see Section 1.c.).

Children

The Government does not have a specific policy nor any resources earmarked for children's welfare.

By law, the State is required to pay for the education of orphans, prohibit imprisonment of minors with adults, protect minors from labor exploitation, and provide for a foster parent system. In practice, funds and oversight mechanisms to implement these programs do not exist.

Indigenous People

Less than 1 percent of the population comes from the Twa ethnic group. These indigenous people, survivors of the Pygmy tribes of the mountainous forest areas bordering Zaire, exist on the margins of society and continue to be treated as second-class citizens by both Hutus and Tutsis. The Twa have not been able to protect their interests which center on access to land and housing. Few Twa have gained access to the education system, resulting in minimal representation in government structures.

National/Racial/Ethnic Minorities

Ethnicity is a sensitive issue as a result of Rwanda's ethnic imbalance and its historical legacy. About 85 percent of the population is Hutu, 14 percent Tutsi, and 1 percent Twa. Citizens carry identity documents that clearly identify ethnic origin, but the Peace Accord requires that this reference be eliminated. A policy of ethnic quotas, which allocates positions to ethnic group members in proportion to their numbers, has in practice limited access of Tutsis to education, training, and government employment. No provision is made for the Twa. Procedures introduced by the coalition Government in place since 1992 have reduced the impact of the quota system on access to secondary school and eliminated some employment barriers. The projected integration of government and RPF armed forces, part of the peace settlement, would redress the

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virtual absence of Tutsis in the security apparatus of the country. Apparently as a consequence of public sector discrimination, Tutsis are well represented in the private sector and the clergy.

People with Disabilities

There are no laws restricting people with disabilities from employment, education, or other state services, but in practice, few handicapped persons have had access to education and thus to employment. Nor are there any laws or provisions to assure access of the disabled to public premises. The number of handicapped is increasing among both civilians and military injured in bomb, landmine, and grenade incidents associated with the war or armed assaults. The military is in the process of training war-wounded soldiers for productive employment within or outside the military.

Section 6 Worker Rights

a. The Right of Association

The 1991 Constitution provides all Rwandans the right of association and freedom to create professional associations and labor unions. Union membership is open to all salaried workers, including public sector employees, and is optional. There are no restrictions on the right of association but all unions must register with the Ministry of Justice for official recognition. There are no known cases in which the Government has denied such recognition. Unions are prohibited by law from having political affiliations.

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

Before 1991 the Central Union of Rwandan Workers (CESTRAR) was the only authorized trade union organization in the country. With the political reforms introduced by the 1991 Constitution, CESTRAR officially became independent of the Government and the MRND, but in practice it still has close informal ties to that party. CESTRAR, which is a federation of 17 labor unions, has

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approximately 70,000 members and represents about 42 percent of the labor force in the modern sector.

In 1993 the Government officially recognized the Union of Primary Schoolteachers, bringing to five the number of unions recognized since 1991. In competing for membership with CESTRAR, these five unions have decided to consolidate their recruitment efforts and enhance their bargaining power by forming a loose confederation to be called the Confederation of Liberal Syndicates (COSYU). The other independent unions in COSYU are: The United Association of Health Personnel in Rwanda; the Interprofessional Union of Workers of Rwanda; the Union of Secondary Schoolteachers; and the Association of Christian Unions (representing public and private sector workers, small businessmen, and some subsistence farmers).

The Constitution provides to all workers, except workers in the public service sector, the right to strike. Union members have the right to strike with the approval of their executive committee, provided they first try to resolve their differences with management according to certain steps prescribed by the Ministry of Labor and Social Affairs. Laws prohibiting retribution against strikers exist but have never been enforced.

In 1993 there were several strikes against public and private sector firms. One involved workers within CESTRAR's own executive bureau who had not been paid in several months. Neither CESTRAR nor the other labor unions officially organized these strikes. Workers' demands focused on wages, benefits, and working conditions. Although the strikes were wildcat in nature, the Government treated them as legitimate and acted as a facilitator in the workers' negotiations with management. In most cases, CESTRAR played a supporting role (except in its own labor dispute).

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

b. The Right to Organize and Bargain Collectively

The Constitution grants workers the right to defend their rights through collective action. Only CESTRAR has an established collective bargaining agreement with the Government. Although newly established labor unions have yet to develop similar procedures, their members are not prevented

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from engaging in collective bargaining. In practice, as most workers are in the public sector, the Government is intimately involved in the process (see Section 6.e. below).

There are no legal bars to antiunion discrimination, but such discrimination has not occurred in practice. There are no formal mechanisms to resolve complaints involving discrimination against unions.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Forced labor is prohibited by law and is not known to occur in practice.

d. Minimum Age for Employment of Children

Except in the subsistence agriculture sector, which involves most Rwandans, by law children under 18 are not permitted to work without their parents' or guardians' authorization, and they may work at night only under exceptional circumstances on a temporary basis. Labor laws set the minimum age for full employment at 18 years and for apprenticeships at 14 years, providing the child has completed primary school. The Minister of Labor, who is responsible for enforcement, has the right to permit a child under the age of 14 to work, but this has reportedly never been tested in practice. Enforcement of child labor laws is lax; nevertheless, apart from children working in family-owned businesses, child labor outside the agricultural sector is uncommon.

e. Acceptable Conditions of Work

Minimum wage rates in the small modern sector of the economy are set administratively by the Ministry of Labor. The minimum wage is \$1.08 (150 Rwandan francs) for an 8-hour workday. The Government, the main employer in the country, effectively sets most other wage rates as well. The minimum wage is inadequate to provide a decent standard of living for urban families and is often supplemented by work in small business or subsistence agriculture. In practice, the minimum wage rate is self-enforcing since workers will not work for less.

Government offices have a 40-hour workweek by law. Negotiations between the unions, government, and management are under way to reduce the workweek from 45 to 40 hours a week in

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the private sector as well. Hours of work and occupational health and safety standards in the modern wage sector are controlled by law but only loosely enforced by labor inspectors from the Ministry of Labor. Workers do not have the right to remove themselves from dangerous work situations.

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