

# **RWANDA 2013 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Rwanda is a constitutional republic dominated by a strong presidency. The ruling Rwandan Patriotic Front (RPF) led a coalition that included four smaller parties. In 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 the elections. Elections for parliament's lower house, the Chamber of Deputies, took place in September. Candidates from the RPF and two other parties that support RPF policies won all of the open seats, and election observers reported numerous flaws, including possible irregularities in the vote tabulation process. 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 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 a rebel group in the neighboring Democratic Republic of the Congo (DRC).

Other major human rights problems included arbitrary or unlawful killings both inside and outside of the country, disappearances, torture, harsh conditions in prisons and detention centers, arbitrary arrest, prolonged pretrial detention, and government infringement on citizens' privacy rights. The government restricted freedoms of speech, press, assembly, and association. Security for refugees and asylum seekers improved but was at times inadequate. 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 and declining incidence of trafficking in persons. The government restricted labor rights, and child labor continued to be a problem.

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 the SSF was a problem.

During the year the government provided material, logistical, and strategic support to the M23 armed group in the eastern DRC, which committed summary

executions and forcibly recruited adults and minors. The government strongly denied providing any support to the M23, and in November the M23 was defeated and ceased operations.

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

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

There were several reports that the government committed arbitrary or unlawful killings both inside and outside of the country. The government typically investigated SSF killings and prosecuted perpetrators. The government investigated sporadic grenade attacks and continued to prosecute individuals who threatened or harmed genocide survivors and witnesses.

On July 17, Transparency International Rwanda office coordinator Gustave Makonene was strangled to death and his body dumped on the shores of Lake Kivu near the town of Rubavu. Government officials condemned the killing and denied involvement but did not initiate a credible investigation. Domestic observers noted that Makonene was investigating cases of local police corruption at the time of his death. The killing remained unsolved at year's end.

According to preliminary press reports, sometime during the night of December 31, former Rwandan intelligence chief Patrick Karegeya was killed in a hotel room in Johannesburg, South Africa. Karegeya received political asylum in South Africa in 2009 and resided in the country at the time of his death. Members of the opposition movement Rwandan National Congress alleged Rwandan government involvement.

During the year the government provided material and logistical support to the M23 armed group in the eastern DRC. The group was defeated and ceased military operations in November. Prior to the defeat of the M23, Human Rights Watch (HRW) alleged in a July 22 press release that the M23 recruited fighters from within Rwanda and that "Rwandan military officers have trained new M23 recruits and have communicated and met with M23 leaders on several occasions." In the same release, HRW reported that the M23 executed at least 44 persons and raped 61 women from March to July. On October 8, the UN peacekeeping operation in the DRC, MONUSCO, reported it had demobilized 37 Rwandan child soldiers from the M23 since May 2012, many of whom stated they were recruited by Rwandan officials.

Three grenade attacks in March, July, and September resulted in six deaths and injuries to 60 persons. Police arrested several suspects associated with the attacks, which, like similar attacks perpetrated in previous years, 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. The status of the suspects arrested for the attacks was unknown at year's end.

## **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 in 2012 after reporting pressure from government officials, including threats and allegations of treason. HRW and domestic observers alleged the SSF, including the Rwandan Defense Force (RDF), the National Intelligence and Security Services (NISS), and the Rwandan National Police (RNP), were involved in reported disappearances. The government occasionally made efforts to investigate occurrences but did not punish any perpetrators.

Leaders of the unregistered faction of opposition party PS-Imberakuri and the unregistered United Democratic Forces-Inkingi (FDU-Inkingi) alleged that party members disappeared during the year and that the RNP failed to investigate the disappearances.

In August one refugee and one asylum seeker of Rwandan origin were abducted and disappeared in Uganda. The whereabouts of the refugee was unknown at year's end, although the asylum seeker was found alive but badly beaten in a Kampala suburb. Two refugees of Rwandan origin, Joel Mutabazi and Innocent Kalisa, were arrested by Ugandan police in Kampala in October and deported to Rwanda despite their status as refugees. Media reports implicated Rwandan SSF in the arrest and subsequent deportation of Mutabazi and Kalisa. Mutabazi, Kalisa, and 14 codefendants were charged in a military court for plotting to overthrow the government and other crimes. The government denied the refoulement of Mutabazi and Kalisa violated their rights to protection as refugees and did not investigate the actions of the SSF in returning them to Rwanda.

PS-Imberakuri leader Alexis Bakunzibake, who alleged that government agents kidnapped and tortured him in September 2012, returned to the country during the year and continued to serve as a leader of the unregistered faction of PS-Imberakuri. Bakunzibake did not file a formal complaint with the police or courts.

### **c. Torture and Other Cruel, Inhuman, 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 2012. Authorities dismissed or disciplined some police officers for use of excessive force and other abuses during the year. Police investigations led to formal criminal charges filed in court in more serious cases.

In May 2012 the government signed into law a new penal code that upgrades torture from an aggravating circumstance to a crime in itself. The law mandates the maximum penalty, defined by extent of injury, for SSF and other government perpetrators.

There were numerous reports during the year of detainee abuse and lengthy illegal detention by police and the SSF at the Kwa Gacinya detention center in Kigali and the Kami military intelligence camp.

In September two university students were arrested following an attempt to deliver a petition to the Office of the Prime Minister protesting the government's decision to levy fees on university students in certain socioeconomic categories. The students reported that police beat them with metal rods at the Remera police station in Kigali and held them in solitary cells without food and water for two days. The students were released one week later after a judge dismissed all charges. Despite reporting the torture to a judge, there was no investigation into their allegations. In November one of the students was re-arrested and charged with using false documents after police alleged that some of the signatories to the petition were not enrolled as university students. The case continued at year's end.

There were reports that torture continued in the Kami military intelligence camp, Mukamira camp, Ministry of Defense headquarters, and undeclared detention facilities as first reported by Amnesty International (AI). In 2012 AI 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. Former detainees alleged that 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 rainwater. Local and international human rights

organizations reported that the RDF took positive steps in 2012 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. They cautioned, however, that the increased use of undeclared detention facilities by NISS, the RDF J-2, and RNP Intelligence made monitoring more difficult.

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

Prison and detention center conditions were harsh, although the government continued to make improvements during the year. Police sometimes beat newly arrested suspects to obtain confessions. There were 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 used undeclared detention facilities to detain and interrogate “security” detainees and military officials accused of insubordination. The government selectively permitted visits by independent human rights observers to prisons but not to undeclared detention facilities.

Physical Conditions: 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 the children. 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, although 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.

In March the government disarmed and detained more than 600 M23 combatants who crossed into the country from the DRC after an internal power struggle within the M23. The combatants were interned in a police training facility in Ngoma, which was converted into an internment center.

There were no reported prison riots, although there was a demonstration by M23 internees in September at the Ngoma internment facility. No detainees were killed, and 10 were arrested.

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 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 problems. 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.

The 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. 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 sanitation and nutrition were substandard.

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 2011 merger of the National Prisons Service and the Works for General Interest 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 the UN Children's Fund (UNICEF) to align with rehabilitative priorities. In May 2012 the government amended the penal code to allow community service as alternative sentencing for misdemeanors and petty offenses, and the Ministry of Justice instructed judges to utilize alternative sentencing in place of incarceration for nonviolent offenders.

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 Ministry of Internal Security's permanent secretary personally inspected 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 the Ministry of Defense.

Independent Monitoring: The government permitted independent monitoring of prison conditions by diplomats as well as the International Committee of the Red Cross, which reported that it had access on an unannounced basis to all the prisons, police stations, and military facilities it visited during the year. HRW obtained access to visit prisons, but the government repeatedly blocked access to individual prisoners. Journalists could access prisons with a valid press card but had to request permission from the RCS commissioner to interview or take photographs. The government did not permit independent monitoring of undeclared detention facilities. It also denied local human rights NGOs permits to visit prisons and police detention centers.

Improvements: There were continued improvements in the treatment of the general prison population. Overcrowding in prisons continued to decline. The Ministry of Internal Security took full responsibility for providing food to prisoners. Unannounced quarterly inspections by the Internal Security Ministry's deputy minister led to improved recordkeeping and treatment of prisoners in RCS facilities, while periodic monitoring by the Defense Ministry's chief of defense staff led to a reduction in reported abuses at military detention facilities. Under its strategic plan for 2012-17, the RCS undertook renovations of some of the 14 existing prison facilities and continued construction of Butamwa Prison, which was scheduled to replace Kigali Central "1930" Prison upon completion. All juvenile cases were recorded and submitted to the Ministry of Justice 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, but SSF personnel regularly arrested and detained persons arbitrarily and without due process.

Unregistered opposition political parties reported their supporters were frequently arrested. Most were released after a detention period of one week or less, although some were tortured or disappeared (see sections 1.b. and c.).

Laurent Nkunda, the former leader of the Congolese armed group National Congress for the Defense of the People, which was reported to have received support from the Rwandan government, remained under house detention without charges. Nkunda was detained in 2009 by the RDF when he returned to the country, reportedly for consultations with government officials. The government did not act during the year on the DRC's 2009 extradition request for Nkunda.

The Jehovah's Witnesses reported that its members were arrested in April for failing to participate in genocide remembrance events and again in September for refusing to vote in the lower Chamber of Deputies' election.

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

The RNP, under the Ministry of Internal Security, is responsible for internal security. The RDF, under the Ministry of Defense, is charged with providing external security. Authorities generally maintained control over the RNP and RDF, and the government had mechanisms to investigate and punish abuse and



corruption. The Inspectorate General of the RNP generally disciplined police for excessive use of force and prosecuted acts of corruption. The RDF normally displayed a high level of military professionalism, although elements of the SSF at times may have acted independently of civilian control. For example, there were reports of impunity involving RDF J-2, NISS, and RNP intelligence forces related to disappearances, illegal detention, and torture in military and police intelligence detention centers and in undeclared detention facilities (see section 1.c.).

Police at times 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 that assisted police. Communities chose volunteers to serve in the LDF. The RNP exercised tactical control of the LDF, while local officials had responsibility for operational oversight. The LDF performed basic security guard duties throughout the country and chased illegal street vendors, petty criminals, and prostitutes from public areas. Members of the LDF ordinarily were unpaid and received less training than RNP officers. During the year the government warned the LDF against involvement in criminal activity and prosecuted members who committed crimes. There were fewer reports of LDF abuses than in prior years, although some human rights groups accused the government of not taking sufficiently strong action against some members and considered the LDF to be abusive.

### **Arrest Procedures and Treatment of Detainees**

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. Prosecutors must bring formal charges within seven days of arrest. Authorities sometimes disregarded these provisions, particularly in security-related cases. The 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 the 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 stated that investigations generally were completed within 30 days. After prosecutors formally file a 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 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 undeclared detention facilities. The government generally did not respect the right to habeas corpus.

By law detainees are allowed access to lawyers, but the scarcity of lawyers limited access to legal representation. There were 736 attorneys in the country at the end of 2012, of whom 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 indigent persons 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, during 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 penal code provides that pretrial detention, illegal detention, and administrative sanctions be fully deducted from sentences imposed. The law does not provide for compensation for persons who are acquitted. The law allows judges to impose detention of equivalent duration and fines on SSF and other government officials who unlawfully detain individuals.

Arbitrary Arrest: Police arbitrarily arrested members of opposition parties, journalists, and members of Jehovah's Witnesses (see sections 1.d and 3).

Although there is no requirement for individuals to carry identification, police and the 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 calling 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 that they had the right to operate, based on 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, although 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 the 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.

Pretrial Detention: Lengthy pretrial detention was a serious problem. The National Human Rights Commission (NHRC) reported to parliament in November that prisoners often were detained for extended periods without arraignment. The NHRC report noted three individuals, Rurangwa Louis, Ngrambe Leodomir, and Minirarora Celestin, had been held since their arrests in 1994 and 1995 without presentation to a court. The law permits the detention of genocide suspects until they face trial. Authorities permitted the majority of convicted prisoners (those who 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 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. In February the Ministry of Justice announced that 10 judges and clerks were dismissed during the previous 24 months due to corruption. Authorities generally respected court orders.

#### **Trial Procedures**

The law provides for a presumption of innocence. The law requires that 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 was an insufficient number of prosecutors, judges, and courtrooms to hold trials within a reasonable period of time. In the ordinary court system the law provides for public trials, although courts closed proceedings in cases involving minors, to protect witnesses, or at the request of defendants. Judges, rather than juries, try all cases. Defendants have the right to communicate with an attorney of choice, although few could afford private counsel. The law provides for legal representation of minors. The law does not provide for an attorney at state expense for indigent defendants. 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. Under the law defendants cannot be compelled to testify or confess guilt, and judges generally respected the law during

trial. There were numerous reports that the SSF coerced suspects into confessing guilt. There were also reports that judges accepted confessions obtained through torture despite defendants' protests and failed to order investigations when defendants alleged torture during their trial. 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 may try civilian accomplices of soldiers accused of crimes, and in November the government used this provision to charge 14 civilians before a military tribunal with crimes against state security. The government did not release figures on the number of civilians tried as coperpetrators or accomplices of military personnel.

In July 2012 the International Criminal Tribunal for Rwanda (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). On February 2, the ICTR Appeals Chamber overturned the 2011 ICTR convictions of former cabinet ministers Justin Mugenzi and Prosper Mugiraneza.

### **Political Prisoners and Detainees**

There were reports that local officials and the SSF briefly detained some individuals who disagreed publicly with government decisions or policies. Numerous individuals identified by international and domestic human rights groups as political prisoners remained in prison, including Victoire Ingabire, Bernard Ntaganda, Deo Mushayidi, and Theoneste Niyitegeka.

Members of the opposition PS-Imberakuri party alleged that party founder Bernard Ntaganda was beaten in prison and denied access to medical care. International human rights groups were unable to visit Ntaganda or verify the claims.

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 that 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 community justice “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 may appeal to the African Commission on Human and Peoples’ Rights and the East African Court of Justice, 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 2012, 78 percent of claimants did not receive full enforcement of their judgments within three months of requesting it, as required by law.

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

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

The penal code provides legal protection against unauthorized use of personal data by private entities, although these provisions were not invoked during the year.

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 that local leaders, employers, and others coerced persons into donating one month’s salary to the government’s Agaciro Development Fund.

## **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,” but the government at times restricted these rights. The government intimidated and arrested journalists who expressed views it deemed

critical on sensitive topics or who it believed had violated the law or journalistic standards. Numerous journalists practiced self-censorship.

Freedom of Speech: Individuals could criticize the government publicly or privately on some topics. 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 (\$151 to \$1,510). The 2012 penal code expanded 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 (\$76 to \$760). Slander of foreign and international officials and dignitaries remains illegal, with sentences of one to three years in prison. The 2012 penal code revised the crime of “spreading rumors aimed at inciting the population to rise against the regime” to “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.

In September police arrested and subsequently tortured two students after they presented a petition to the Office of the Prime Minister protesting the introduction of tuition fees for university students. The students were released after a week in detention, and police failed to investigate their claims of torture (see section 1.c).

In August the government signed into law a revised genocide ideology law that introduced international definitions for genocide and narrowed the scope of what constitutes “genocide ideology” and related offences to a more specific range of actions and statements. Specifically, the new law states that “genocidal ideology” must be clearly linked to specific acts or statements, rather than the broader “aggregate of thoughts” standard defined in the 2008 law. International and local human rights organizations, including HRW and the Rwandan League for the Promotion and Defense of Human Rights (LIPRODHOR), welcomed the revised law while expressing concern that, despite clearer protections and narrower definitions, the law still could be used by the government to restrict freedom of speech and the press.

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.

The NPPA reported that, from July 2012 to July 2013, authorities prosecuted 772 individuals for divisionism and “genocide ideology-related crimes,” representing a 33 percent increase in such prosecutions, compared with the July 2011 to 2012 period.

Press Freedoms: Vendors sold both private and government-owned newspapers published in English, French, and Kinyarwanda. There were 53 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 26 radio stations (six government-owned and 20 independent), one government-run television station, and one independent television station that had a radio station affiliate.

A set of five media laws passed during the year granted greater press freedoms, although restrictions remained. Under the new laws, professional journalists no longer are required to hold a journalism degree. The Media High Council, which previously had the power to suspend newspapers, under the new law serves in a “capacity building” role, with a media-elected self-regulatory body overseeing the media and accrediting journalists.

Under the new media laws, journalists must refrain from reporting items that violate “confidentiality in the national security and national integrity” and “confidentiality of judicial proceedings, parliamentary sessions, and cabinet deliberations in camera.” The laws provide journalists the freedom to investigate, express opinions, and “seek, receive, give, and broadcast information and ideas through any media.” Censorship of information is explicitly prohibited. The new laws restrict these freedoms if journalists “jeopardize the general public order and good morals, an individual’s right to honor and reputation in the public eye and to the right to inviolability of a person’s private life and family.” Authorities may seize journalists’ material and information if a “media offense” occurs, but only if a court orders it. Courts may compel journalists to declare confidential sources in the event of an investigation or criminal proceeding. Persons wanting to start a



media outlet must still apply with the “competent public organ.” All media rights and prohibitions apply to persons writing for websites.

Despite the new media laws, self-censorship occurred due to harassment and threats from official and unofficial sources.

Violence and Harassment: Police detained and harassed journalists, and their products were sometimes embargoed or confiscated. For example, on June 4, border/immigration police confiscated copies of the *Impamo*, *Rusyashya*, and *Intego* newspapers at the Gatuna border crossing on the border with Uganda. The newspapers were printed in Uganda and transported to Kigali and other parts of Rwanda weekly or semiweekly. Police told employees of the newspapers and the interim head of the media self-regulatory body that the newspapers were seized because they contained articles on the firing of former justice minister Tharcisse Karugarama. Others were told that the newspapers were seized because their publishers did not pay required duties. All copies of the three newspapers were released within a week.

On September 4, police arrested Joseph Hakuzwumuremyi and questioned him on his sources for a story detailing a reshuffle within the RNP force’s hierarchy. Police demanded that he remove the story from his website because he allegedly obtained information illegally. Police also asked him to identify his sources. He removed the story but did not divulge his sources and was released from custody after several hours.

The government did not expel any members of the media from the country. No journalists were known to have exiled themselves during the year, although several journalists who fled in recent years remained outside the country.

Censorship or Content Restrictions: The law allows the government to restrict access to some government documents and information, including information on individual privacy and information or statements that are deemed to be slander or defamation.

No journalists were convicted in censorship-related cases during the year. On July 26, journalist Stanley Gatera, editor of *Umusingi* newspaper, who was convicted in 2012 on divisionism and gender discrimination charges, was released from prison. Following his release, Gatera restarted his newspaper, which had been on hiatus during his prison term, and published an account of his stay in prison.

In June authorities released Saiditi Mukakibibi, a journalist working for the *Umurabya* newspaper, from prison. She was arrested in 2010 and convicted in 2011 on charges of defamation, inciting public disorder, and divisionism. The newspaper's editor, Agnes Uwimana, remained in prison following her conviction for incitement to civil disobedience, contempt for the head of state, spreading rumors to cause public disorder, denying the genocide, and likening President Kagame to Adolf Hitler.

Radio stations broadcast criticism of government policies, including using popular citizen call-in shows. Some radio stations, including Radio 1, Radio Isango Star, and Radio Salus, had regular call-in shows that featured discussion of government programs or policies. During the period preceding the September Chamber of Deputies' elections, radio stations such as Radio Isango Star, Radio Ishingiro, Radio Izuba Irashe, and others reported irregularities at polling stations.

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 new media laws include the right of all citizens to "receive, disseminate, or send information through internet," including the right to start and maintain a website. All provisions of the media laws apply to web-based publications. Restrictions such as website blocking remained in place. There were numerous reports that the government monitored e-mail and internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the internet, including by e-mail, but were subject to monitoring. There were reports monitoring led to detention and interrogation of individuals by the SSF. According to the International Telecommunication Union, 8 percent of the population used the internet in 2011.

There were reports the government blocked access within the country to several websites that were critical of its policies. Such sites included diaspora-run websites, such as Umuvugizi and leProfete.

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

The government generally did not restrict academic freedom or cultural events, but authorities frequently suspended secondary and university students for divisionism or engaging in genocide ideology, which led to self-censorship.

## **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, although there were exceptions. Freedom of assembly is subject to restrictions. Authorities may legally 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.

In the period preceding the September Chamber of Deputies' elections, opposition parties reported that local officials at times denied permission for political rallies or instructed citizens not to attend the rallies.

### **Freedom of Association**

While the constitution provides for freedom of association, the government limited the right. The law requires private organizations to register. While the government generally granted licenses, it 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.

The government sometimes 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.

Joel Mutabazi and Innocent Kalisa, refugees under UNHCR protection, were arrested and deported from Uganda in October (see section 1.b). Rwanda issued an Interpol arrest warrant for Mutabazi, but the justification for Kalisa's transfer was unclear. The UNHCR, HRW, and AI condemned the deportation of Mutabazi by Uganda as a violation of the principle of nonrefoulement. Authorities held Mutabazi and Kalisa for two weeks without access to legal counsel and in November charged them, along with 14 other defendants, with crimes against national security in a military court in Kigali.

Foreign Travel: The penal code allows judges to deprive persons who have been convicted the right to travel abroad as a stand-alone punishment or as punishment following imprisonment. Authorities denied or confiscated passports of political opponents and their relatives.

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 in previous years in self-imposed exile. There were no new reports of departures during the year.

In September the government seized ownership of the United Trade Center, a shopping mall owned by Tribert Rujugiro Ayabatwa, a Rwandan businessman living in self-imposed exile in South Africa since 2010. The government asserted that the center was abandoned property, although Ayabatwa continued to manage it from South Africa.

Emigration and Repatriation: According to the UNHCR, through August 30, the government accepted 10,778 nationals returning from other countries, most of whom settled in their districts of origin. In addition, 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 the UNHCR and other aid organizations to assist the resettled returnees.

In March more than 600 M23 combatants crossed into Rwanda after an internal power struggle within the M23. The government disarmed the fighters and interned them in a separate camp administered by authorities, keeping them separate from refugees while seeking to resolve the question of their status with the international community. The internees remained in detention at the Ngoma facility at year's end.

The government continued to accept former combatants who returned from the DRC. 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 a three-month reeducation period, each adult former combatant was enrolled automatically in the RDF Reserve Force and received approximately 60,000 Rwandan francs (\$91) and permission to return home. Two months later each former combatant received an additional 120,000 Rwandan francs (\$180).

Citizenship: In contrast with 2012, there were no reports during the year that the government cancelled the passports of political opponents residing outside of the country.

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

From August to November, Tanzania expelled approximately 13,200 Rwandans who it claimed were living illegally in Tanzania. The government resettled approximately two-thirds of the deportees to their home communities in Rwanda and established transit camps in Kiyanzi and Rukara to house the remaining population. Conditions in the transit camps met international standards for nutrition, health, and safety.

### **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. In September it provided protection to 74,003 refugees, 99 percent of whom were from the DRC. Other refugees were from Angola, Burundi, Chad, Eritrea, Ethiopia, Kenya, Somalia, and Uganda.

Refugee Abuse: Authorities improved security and physical protection within refugee camps during the year. The RNP stationed police officers in refugee camps, and refugees were free to file complaints with area police stations. While police issued arrest warrants against some perpetrators, they at times 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 targeted refugee youth, particularly girls, by offering jobs or education in Kigali, Uganda, or elsewhere.

The UN Group of Experts Midterm Report cited recruitment by the M23 prior to their defeat in November, including of individuals from Rwandan refugee camps.

Employment: There were no laws restricting refugee employment, and the Ministry of Disaster Management and Refugee Affairs supported efforts by refugees to work on the local economy. Officials acknowledged that very few refugees were able to find local employment. 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 foreign countries. The government assisted the safe, voluntary return of refugees to their homes and sought to improve local integration of refugees in protracted situations by permitting them to accept employment in the local economy and move freely in the country and by establishing markets to facilitate trade between refugees and citizens in host districts. The government did not facilitate the naturalization of refugees resident in the country.

Temporary Protection: The government also provided temporary protection to individual asylum seekers who might not qualify as refugees.

### **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. The ruling RPF controlled the government and legislature, and its candidates continued to dominate elections at all levels.

### **Elections and Political Participation**

Recent Elections: Elections for parliament's lower Chamber of Deputies in September were peaceful and orderly, but international observers reported they did not meet the generally recognized standards for free and fair elections. Observers reported they were denied access to the vote tabulation process at the polling station, district, and national level, which undermined confidence in the integrity of the results. Opposition parties experienced difficulties in registering ahead of the election, depriving voters of a meaningful choice at the polls.

Political Parties: The constitution outlines a multi-party system but provides few rights for parties and their candidates. There were some reports that the RPF pressured youth into joining the party during mandatory "ingando" civic and military training camps held after secondary school graduation. There were also reports that 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 state discouraged debate or criticism of the government and resulted in occasional detentions.

The government required 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 present a list of at least 200 members, with at least five members in each of the 30 districts, and it must reserve at least 30 percent of its leadership positions for women and provide a written party statute signed by a notary.

The Democratic Green Party of Rwanda (DGPR) was registered officially as a political party on August 9, after the government blocked previous attempts to register the party in 2009 and 2010. The registration was granted one working day before candidate lists for the September Chamber of Deputies elections were due, and the DGPR was unable to register candidates for the election. In 2010 DGPR

vice president Andre Kagwa Rwisereka was killed. The perpetrator(s) had neither been identified nor punished by year's end.

In November the mayor of Gasabo District cancelled the founding party congress of the Pacte Democratique du Peuple-Imanzi (PDP-Imanzi), stating that he could not permit the party to organize a meeting while its president, Deo Mushayidi, was incarcerated. PDP-Imanzi leaders reported that party members were arrested and harassed after the congress was cancelled.

Opposition leaders reported that police arbitrarily arrested some members of the DGPR, the unregistered faction of PS-Imberakuri, the FDU-Inkingi, and the PDP-Imanzi, which remained unregistered. Party members reported receiving threats because of their association with those parties.

In November the Nyarugunga District Court sentenced FDU-Inkingi members Sylvain Sibomana and Dominique Shyirambere to terms of two years and five months in prison, respectively, and levied fines of one million francs on each. Sibomana was convicted of contempt for security officers, and both were convicted of illegal demonstration for wearing badges with a photograph of incarcerated opposition leader Victoire Ingabire.

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 and the DGPR were 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 eight women in the 25-seat Senate and 51 women in the 80-seat Chamber of Deputies. Women filled 11 of 29 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. While the government continued to make implementation of these laws a national priority, corruption remained a problem.



Corruption: Transparency International Rwanda and other civil society organizations reported that the government investigated and prosecuted reports of petty corruption among police and government officials. Police frequently undertook internal investigations and sting operations in order to discourage corruption among police officers.

There were numerous reports throughout the year that government officials at the national, district, and cell levels manipulated or falsified statistics in order to meet development targets.

International and domestic investors reported that the government generally supported the establishment of new businesses in policy and practice. Nevertheless, investors reported contract disputes with the government and stated that they were subject to arbitrary tax, immigration, and investment rules.

Domestic investors at times encountered business difficulties as a result of political disputes. For example, in October investor Tribert Rujugiro Ayabatwa alleged that the government illegally seized ownership of the Union Trade Center, a shopping mall he built in 2006, after he went into self-imposed exile in South Africa. Rujugiro appealed the seizure of the center to the Kigali city government but had not filed a lawsuit in court by year's end.

The NPPA prosecuted civil servants, police, and other officials for fraud, petty corruption, illegal awarding of public tenders, and mismanagement of public assets. The NPPA, under the Justice Ministry, is responsible for prosecuting police abuse cases. The RNP Inspectorate of Services investigated cases of police misconduct, but statistics were not available for the year. 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 the LDF.

The Office of the Auditor General worked to prevent corruption, including by investigating 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

Anticorruption 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 monitored governance more broadly and promoted mechanisms to control corruption. The Rwanda Revenue Authority's Anticorruption Unit had a code of conduct and an active mechanism for internal discipline. The National Tender Board, the Rwanda Utilities Regulatory Agency, and the National Bureau of Standards also enforced regulations.

Whistleblower Protection: The law incorporates whistleblower protections and provides for monetary compensation for information on acts of corruption and related offenses.

Financial Disclosure: The constitution and law require annual reporting of income and assets by public officials as well as reporting upon entry into and exit from office. There is no requirement for public disclosure of those assets except in cases where irregularities are discovered. The Office of the Ombudsman, which monitors and verifies disclosures, reported that most officials complied with the 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.

Public Access to Information: The government promulgated a new Access to Information Law in March. The law grants wide access to government information upon request and, in some cases, information held by private entities when disclosure is deemed to be in the public interest. The government may limit access to information if its release is deemed to be against the public interest or if the information pertains to national security, as determined by the Prosecutor General's Office. During the year no formal challenges under the law were taken to court. The government granted several requests for information.

Illicit Trade in Natural Resources: 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. Observers and government officials reported smugglers succeeded in trafficking an unquantifiable amount of undocumented minerals through the country.

## **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 that government officials generally were cooperative and responsive to their privately expressed views. Other groups 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. Several international NGOs working on human rights issues experienced delays during the annual registration process which they attributed to government opposition to their work.

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 in 2012, reportedly because of government pressure.

Government pressure on LIPRODHOR increased during the year. In July several LIPRODHOR members called an extraordinary meeting and voted to replace their leadership. Observers noted that the meeting violated LIPRODHOR's bylaws and that the leadership was replaced due to its decision to withdraw LIPRODHOR from the Collective of Leagues and Associations for the Defense of Human Rights, which the LIPRODHOR leadership accused of being progovernment.

In 2012 LIPRODHOR's former president stepped down and refused to speak further on human rights after receiving death threats. In July 2012 LIPRODHOR's executive secretary left the country and did not return. There were several reports that the SSF pressured other members of LIPRODHOR and LDGL to quit those organizations.

A progovernment NGO, the Rwanda 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 2012 the government passed two NGO laws.

The law on local NGOs moves their oversight from the Ministry of Local Government 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 law on international NGOs allows for registration in up to five-year increments, depending on the duration of the NGO's funding, but keeps oversight with the Directorate General of Immigration and Emigration, which falls under NISS. The government granted single-year registration to most international NGOs. International NGOs widely criticized the draft ministerial order implementing the new law, particularly provisions that would give the government authority to preapprove hiring and personnel decisions by international NGOs. In response the government delayed publication of the ministerial order, which was still under review at year's end. In recent years, the government limited the number of foreign staff granted visas to work for international NGOs.

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, and they must also sign a memorandum of understanding with relevant government ministries before presenting their registration application to the Directorate General of Immigration. International NGOs reported that the government used the registration process to pressure the NGOs into financially supporting government programs and supporting government policies. The government threatened legal action against organizations that did not submit reports or registration paperwork on time and threatened not to register NGOs whose scope of work was outside of government development policies or programs. Many international and some local NGOs complained that government delays and unpublished requirements caused late submissions and that the regulatory environment worsened during the year.

UN and Other International Bodies: The government sometimes cooperated with international human rights bodies but criticized HRW, Reporters without Borders, Freedom House, and AI 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.

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 NHRC. According to many observers, the NHRC did not have adequate resources to investigate all reported violations and remained biased in favor of the government. Some victims of human rights abuses stated that they did not report the abuse to the NHRC because they perceived it as biased, and they feared retribution by the SSF.

In July 2012 the ICTR, based in Tanzania, 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. On February 4, the ICTR Court of Appeals, which continued to function during the year, overturned two of the ICTR's previous convictions. The ICTR neither indicted nor tried any RPF members from 1994 through 2012.

## **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, although 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 (\$760 to \$1,510). Penalties for spousal rape ranged from two

months' to life imprisonment, with fines of 100,000 to 300,000 Rwandan francs (\$151 to \$450). 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. 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 girls believed a husband was justified in hitting or beating his wife under certain circumstances. National Institute of Statistics data from 2006 indicated that 31 percent of women and girls over age 15 were victims of domestic violence and 10 percent of women and girls experienced domestic violence during pregnancy.

Police headquarters in Kigali had a hotline for domestic violence. Several other government ministries also had free gender-based violence 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 against Gender-Based Violence handled all cases of such violence and child protection. One-stop centers were established throughout the country, providing medical, psychological, legal, and police assistance at no cost to victims of domestic violence. The government worked to establish one-stop centers in hospitals, districts, and refugee camps throughout the year.

The government continued a whole-of-government, multi-stakeholder campaign against gender-based violence, child abuse, and other types of domestic violence. GBV was a required module of training for all police and military at all levels.

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 (\$151 to \$760). 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. In the study, 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, that respondents believed promotion, evaluation, and opportunities for training or travel were based on more objective and transparent criteria. Fifty-six percent of interviewees stated that 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, or 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. 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, although women had serious difficulties pursuing property claims due to lack of knowledge, procedural bias against women in inheritance matters, polygyny, and the threat of gender-based violence. 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 women, and 47 percent of female-headed households were below the poverty line, compared with 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. The law prohibits discrimination in hiring and salary decisions on the basis of gender. Despite the election during the year 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. 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. 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 2012 to extend free universal public education by three additional years of secondary education. Parents were not required to pay tuition fees through the 12 years of basic education, although most parents were required to pay unofficial fees to support basic school operations.



Child Abuse: While statistics on child abuse were unreliable, such abuse was common within the family, in the village, and at school. Conviction statistics were not available. The government continued a high-profile public awareness campaign against gender-based violence and child abuse during the year. The government expanded the network of one-stop centers and hospital facilities that offer integrated police, legal, medical, and counseling services to victims of gender-based violence and child abuse.

Forced and Early Marriage: The minimum age for marriage is 21. Between 2000 and 2010, UNICEF reported that the common law marriage rate for children under the age of 18 was 13 percent. Anecdotal evidence suggested that 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 the age of 18 is considered child defilement and is punishable by life in prison and a fine of 100,000 to one million Rwandan francs (\$151 to \$1,510). In 2012 the director of Nyagatare Juvenile Rehabilitation Center reported that 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 2012 that child heads of household, especially girls, were increasingly coerced into selling sex in exchange for money, basic goods, or protection. 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, which are punishable by penalties of six months to seven years in prison and a fine of 500,000 to 20 million Rwandan francs (\$760 to \$30,000). Conviction statistics were not available.

In March a court in Gasabo District sentenced a man to 30 years in prison for organizing a prostitution ring that included girls younger than 18 years of age.

Child Soldiers: There were reports that the M23 armed group recruited Rwandan children. On October 8, MONUSCO reported that 37 Rwandans were among the 112 child soldiers demobilized from M23 since May 2012 by MONUSCO's disarmament, demobilization, and reintegration program. HRW claimed in its July report that Rwandan children were recruited into M23 in March and April. Rwanda continued to support the M23, which during the year used children to porter goods, collect intelligence, cook, provide sex, serve as bodyguards, and fight

on the front lines in the eastern DRC, although the group was defeated in November and no longer operational at year's end (see sections 2.d. and 7.c.).

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 children who had previously served in armed groups in the DRC. The center provided literacy and numeric education, psychosocial support, recreational and cultural activities, medical care, and agricultural vocational training.

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.). In 2012 the National Commission for Children (NCC) reported that it provided psychological counseling, education, and vocational training to 161 former street children between the ages of nine and 16 at the 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 2012 and closed the three worst performing government-run orphanages. Management of orphanages and the Gitagata center transferred from MIGEPROF to the newly formed NCC during 2012. UNICEF reported that the remaining 30 government-run and one privately run child-care institutions provided shelter, basic needs, and rehabilitation for approximately 3,000 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 in 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 examinations, 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 create a barrier-free environment for persons with disabilities, 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, in 2012 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. Facilities were often underequipped and understaffed, although the government worked to improve staffing and equipment in health facilities throughout the country. Individuals may be committed by a judge to Ndera Psychiatric Hospital involuntarily but must first be referred by district officials after counseling and consultations with family members. Gikondo Transit Center officials reported committing persons with disabilities to Ndera involuntarily and without review.

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.

The Pan African Network of People with Psychosocial Disabilities (PANPPD) reported that in January police detained a mentally disabled man, Jean Bosco Nsengiyumva, using chains that restricted circulation to his hands, and then denied him access to medical care, resulting in the amputation of both hands. Local police were charged with torturing Nsengiyumva, and the Court of Appeal of Rusororo awarded him 230 million Rwandan francs (\$350,000). The police appealed the verdict, which was pending at year's end. Nsengiyumva was transferred to Iwawa Island, where PANPPD alleged he was being detained without charge.

The National Council for Persons with Disabilities, which assisted government efforts to provide for the rights of persons with disabilities, designated one member with disabilities in the Chamber of Deputies. The National Union of Disability Organizations in Rwanda provided an umbrella civil society platform for advocacy on behalf of persons with disabilities. A disabilities coordination forum was organized every trimester. In 2012 the Ministry of Health formed a Department of Injuries and Disabilities within the Noncommunicable 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.

In June and July, President Kagame and several other political leaders called for young Hutus to apologize publicly for the genocide on behalf of their parents. In November cabinet ministers endorsed the “Ndi Umunyarwanda” (“We are Rwandan”) program that included as a resolution the statement that “the genocide against Tutsis was committed in the name of Hutus, thus for the real healing of Rwandan society it is indispensable that Hutus whose name was used in the genocide crime apologize to Tutsi victims, denounce such acts and distance themselves from perpetrators, and fight clearly against the genocide ideology and ethnical divisionism.” Several observers noted that these proposals suggested that the Hutu ethnic group was collectively responsible for the genocide and contributed to the exacerbation of ethnic tension.

The constitution provides for the eradication of ethnic, regional, and other divisions in society and the promotion of national unity. 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, who number 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 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 other citizens viewed them generally as second-class citizens (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, and cabinet-level government officials expressed support for the rights of lesbian, gay, bisexual, and transgender (LGBT) individuals. LGBT individuals reported societal discrimination and abuse, and staff working for LGBT rights groups reported occasional harassment by neighbors and police.

In 2011 the local LGBT rights group Horizon Community Association (HOCA) opened an office in Kigali but was evicted several months later after the landlord reported pressure from neighbors. HOCA leaders and staff also reported receiving threats in 2011, and several fled the country. HOCA successfully opened an office in Kigali and restarted operations during the year.

There were several reports that students at the secondary and university level were suspended or expelled for same-sex relationships, and one student reportedly was arrested. The status of the case was unknown at year’s end.

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 not known.

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

Discrimination against persons living with HIV/AIDS occurred, although such incidents remained rare. According to a June 2012 report by AJPRODHO-JJUKIRWA, persons 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.

Informal sector workers are also permitted to join unions, conduct strikes, and bargain collectively, although informal workers did not avail themselves of these rights. The 2001 labor law grants “every worker in every enterprise” the right to be a member of a trade union. Informal sector workers are exempt from provisions in the 2009 labor law, “except for issues relating to social security (and) the trade union organizations.” All workers are permitted to conduct strikes, although not before navigating official, and lengthy, procedures established by the labor law. 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.

Ministerial orders define the implementation of the national labor law; there are no significant gaps between the labor law and the ministerial orders. 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 may 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 (\$76 to \$450), 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.

There were 30 labor unions, which were organized into three confederations, CESTRAR (Centrale Syndicale des Travailleurs du Rwanda), COTRAF (Congres du Travail et de la Fraternite des Travailleurs), and COSYLI (Conseil National des Organisations Syndicales Libres au Rwanda). All three federations ostensibly were independent, but CESTRAR had close links to the government and ruling RPF party.

Freedom of association and the right to collective bargaining generally were not respected. The government did not enforce applicable laws effectively and restricted these rights. 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 because 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 union 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 benefits required by law.

In September police arrested representatives of a professional association of minibus drivers after they presented a petition to the prime minister protesting a change in government policy that bars minibus taxis from operating within the Kigali city limits. The representatives were detained for several days and subsequently released.

In 2012 Sorwathe Tea, a U.S. firm, became the first company in the country to sign a collective bargaining agreement with its employees, who numbered 2,400. CESTRAR, the Congress of Labor and Brotherhood, and the MIFOTRA participated in the negotiations.

In contrast with prior years, there were neither registered strikes during the year 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 2012 the government signed into law a new penal code greatly strengthening antitrafficking provisions. In August the RNP arrested a Rwandan national and an Ugandan national for their alleged participation in a human trafficking ring. 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.

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 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 Convention 182, or any work deemed difficult, unsanitary, or dangerous by MIFOTRA. A 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 to five million Rwandan francs (\$760 to \$7,600) 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. The government did not enforce the law effectively. Police, immigration officials, local government officials, and labor inspectors received training on identifying victims of trafficking.

The 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 effectively identify 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 2012 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.

Approximately 80 percent of child laborers worked in the agricultural sector. Child labor also persisted among household domestics, in small companies and light manufacturing, in cross-border transportation, and in the brick-making, charcoal, rock-crushing, and mining industries. Children received low wages, and abuse was common. In addition, child prostitution and trafficking of children were problems. According to the Department of Labor's *Findings on the Worst Forms of Child Labor 2012* report, approximately 142,500 children (6.1 percent of children between the ages of five and 14) were engaged in child labor.

There were reports the M23 armed group recruited children in Rwanda, some of them forcibly, to porter goods, collect intelligence, cook, serve as bodyguards, and fight on the front lines in the eastern DRC. Rwandan and refugee children were 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 (\$.076 to \$1.51) per day, while in the construction industry it ranged from 1,500 to 5,000 Rwandan francs (\$2.30 to \$7.60) a day, depending on 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.

According to the World Bank, 45 percent of the population lived below the national poverty line in 2011.

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. Most employees received a one-hour lunch break.

The law regulates hours of work and occupational health and safety standards in the formal wage sector. Ministerial orders issued in May 2012 determine the modalities for establishing and operating occupational health and safety committees and the conditions for occupational health and safety set forth in the country's first comprehensive occupational health and safety standards. While workers do not have the right to remove themselves from dangerous work situations without jeopardizing their jobs, 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 were 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. While 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, the government did not enforce the law consistently. With regard to adult labor, the many violations reported to labor unions compared to the relatively few actions taken by the government and employers to remedy substandard working conditions suggested penalties were insufficient to deter violations. During the year MIFOTRA strengthened financial accountability mechanisms for labor inspectors and districts to ensure that 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. The 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 telephone 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 (\$.45) 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 occupational health and safety standards were common in both the formal and informal sectors. Local media highlighted the common problem of employers not signing up employees for social security or occupational health insurance and not paying into those benefit systems as required by law. 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 occupational health and safety standards. There were no major industrial accidents during the year.