

RWANDA 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Rwanda is a constitutional republic dominated by a strong presidency. The ruling Rwandan Patriotic Front (RPF) led a governing coalition that included four smaller parties. In August voters elected President Paul Kagame to a third seven-year term with a reported 99 percent of the vote and a reported 98 percent turnout. One independent candidate and one candidate from an opposition political party participated in the presidential election, but authorities disqualified three other candidates. International election monitors reported numerous flaws, including irregularities in the vote tabulation process. In 2013 elections for parliament's lower house, the Chamber of Deputies, candidates from the RPF coalition and two other parties that supported RPF policies won all of the open seats. In 2015 the country held a constitutional referendum; the National Electoral Commission reported 98 percent of registered voters participated of which 98 percent endorsed a set of amendments that included provisions that would allow the president to run for up to three additional terms in office.

Civilian authorities maintained effective control over state security forces (SSF).

The most significant human rights issues included: arbitrary killings and politically motivated disappearances by security forces; torture and other cruel, inhuman, or degrading treatment or punishment by security forces; harsh and life-threatening prison and detention center conditions; arbitrary arrest; security forces' disregard for the rule of law; prolonged pretrial detention; infringement on citizens' privacy rights and on freedoms of speech, assembly, and association; restrictions on and harassment of media and some local and international nongovernmental organizations (NGOs); restrictions on freedom to participate in the political process and the ability to change government through free and fair elections; harassment, arrest, and abuse of political opponents, human rights advocates, and individuals perceived to pose a threat to government control of social order; trafficking in persons; and restrictions on labor rights.

The government occasionally took steps to prosecute or punish officials who committed abuses, including within the security services, but impunity involving some civilian officials and some members of the SSF was a problem.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were numerous reports the government committed arbitrary or unlawful killings.

On July 13, Human Rights Watch (HRW) published a report documenting the cases of 37 individuals killed by police or other security forces in western areas between 2016 and 2017 for a variety of petty crimes, including theft of bananas, fishing with illegal nets, and unlawful border crossings. HRW reported, “The killings and enforced disappearances appear to have been part of a broader strategy to spread fear, enforce order, and deter any resistance to government orders or policies.” It was unclear, however, whether the national government ordered or approved this strategy. According to the report, local authorities, including law enforcement officers, threatened family members who reported the deaths. In January and February, members of unregistered opposition groups and local human rights activists issued similar reports that included some of the same cases covered by HRW as well as others. Minister of Justice Johnston Busingye publicly called the HRW report “fake news.”

On October 13, the National Commission for Human Rights (NCHR), which is nominally independent but funded by the government, held a press conference to discredit HRW’s findings. The NCHR claimed that seven of the individuals cited in the report were alive and presented one individual with the same name at the press conference. The NCHR stated most of the others cited in the HRW report either had died of natural causes or were unknown to local authorities and residents. The NCHR reported that 10 of the individuals named in the HRW report were shot and killed by border patrols while using an illegal border crossing with the Democratic Republic of the Congo (DRC). The NCHR stated that residents had been warned not to cross the border at night, and the government did not investigate the cases further. The NCHR also reported that in two cases documented by HRW, authorities had arrested, prosecuted, convicted, and jailed the security official responsible for the reported killings, a Rwanda Defense Forces (RDF) soldier, who was sentenced to 10 years’ imprisonment.

On November 1, HRW issued a press release that called the NCHR findings “largely fabricated” and noted discrepancies in the ages, next of kin, and residences among three of the individuals whose deaths HRW had documented and the persons presented by the NCHR. HRW also claimed that government officials “threatened and coerced victims’ family members to present false information” and

detained those who refused to contradict their initial testimonies to HRW. The government launched an investigation into HRW's allegations but did not complete it by year's end.

b. Disappearance

There were several reports of disappearances by or on behalf of government authorities.

On February 14, Violette Uwamahoro, a dual British-Rwandan national whose husband was a member of a diaspora opposition movement, the Rwanda National Congress, disappeared after attending a family member's funeral. The government refused to acknowledge her detention for three weeks. On March 23, the government announced that Uwamahoro had been charged with treason. On March 28, she was conditionally released pursuant to a judge's order and allowed to return to the United Kingdom in mid-April.

On March 6, journalist John Ndabarasa, missing since August 2016, reappeared in Kigali. Ndabarasa told media that he had fled the country but decided to come back voluntarily because he no longer feared for his safety. HRW declared that Ndabarasa's statement to media "raised a lot of suspicion" in light of the numerous cases documented by HRW "where former detainees were forced to make false claims following months of illegal, secret detention and torture." According to local human rights organizations, authorities confiscated Ndabarasa's identity documents and restricted his movements following his return.

On September 6, the Rwanda National Police (RNP) detained the Kigali representative of the United Democratic Forces (FDU) Inkingi, an unregistered opposition party, Theophile Ntirutwa, and at least nine other members of his party and its leadership. Whereas the other detainees were granted immediate access to FDU's lawyer and charged in a timely manner, Ntirutwa was assumed missing for 18 days until the RNP confirmed his detention on September 24. According to HRW, in September 2016 the RNP had detained and tortured Ntirutwa for three days.

Domestic organizations critical of the SSF reported government interference in their operations and cited a lack of capacity and independence to investigate security-sector abuses, including reported enforced disappearances.

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

The constitution and law prohibit such practices, but there were numerous reports of abuse of detainees and prisoners by police, military, and National Intelligence and Security Services (NISS) officials.

In 2012 the government signed into law a penal code that upgrades torture from an aggravating circumstance to a crime in itself. The law mandates the maximum penalty, defined by the extent of injury, for SSF and other government perpetrators. In 2015 the government ratified and indigenized the Optional Protocol to the Convention Against Torture (OPCAT). However, the Constitution takes precedence over international treaties. In December the Committee Against Torture reported there were no cases in which the Convention was applied or invoked before domestic courts.

On October 10, HRW published a report documenting 104 cases of individuals who were illegally detained, and in many cases tortured, in military detention centers between 2010 and 2016. According to the report, military intelligence personnel and army soldiers employed torture and other cruel, inhuman, or degrading treatment or punishment to obtain confessions before transferring the individuals to formal detention facilities. Detainees described asphyxiation, electric shocks, mock executions, severe beatings, and other mistreatment. HRW observed the trials of multiple individuals who alleged being tortured at unofficial military detention centers, including Kami and Mukamira military camps, a military base known as the “Gendarmerie” in Rubavu, and detention centers in Bigogwe, Mudende, and Tumba. According to the HRW report, many of the individuals told judges they had been illegally detained and tortured, but “HRW is not aware of any judges ordering an investigation into such allegations or dismissing evidence obtained under torture.” There were no reported prosecutions of SSF personnel for torture.

There were numerous reports police at times beat newly arrested suspects to obtain confessions or instructed other inmates to beat them. Allegations of abuse at the police station in Gisenyi, located across the border from Goma, DRC, and the Remera station in Kigali were particularly frequent. Official reports of sexual abuse were rare, but according to former detainees, transactional sex in prisons and detention centers occurred regularly.

In 2015 and 2016, HRW published reports documenting the abuse by police and other detainees of detained street vendors, persons in prostitution, and beggars at the Gikondo Transit Center, a detention facility in Kigali (locally known as “Kwa Kabuga”), as well as so-called transit centers in Muhanga, Mbazi, and Mudende. According to the HRW report and unpublished reports from domestic observers, inmates carried out the majority of beatings, often with sticks, acting under direction of detention center authorities. The government disputed HRW’s findings, denying the existence of undeclared detention centers and stating that Gikondo was a rehabilitation facility designed to provide “social emergency assistance” in lieu of incarceration. According to HRW, several persons died during or just after their detention in Mudende in 2016 from severe injuries sustained during detention. According to local human rights organizations, these abuses continued during the year despite government efforts since 2015 to improve conditions in Gikondo.

Three RNP officers serving in the UN Stabilization Mission in Haiti were cited in a 2016 report by the UN secretary-general on sexual exploitation and abuse of civilians by international peacekeepers. All three were paternity cases arising from inappropriate relationships with adult victims. The government immediately suspended the officers and opened investigations into their conduct, promising appropriate disciplinary action, provided DNA to the United Nations, and sent a senior officer to Haiti to ensure cooperation with the UN investigation. The UN investigations had not concluded by year’s end.

Prison and Detention Center Conditions

Prison conditions ranged from harsh and life threatening to meeting international standards. The government took steps to improve conditions in some prisons and constructed additional facilities to relieve overcrowding, but conditions varied widely among prisons.

Domestic civil society organizations reported impediments for persons with disabilities, including lack of sign language interpreters at police stations and detention centers.

Physical Conditions: According to the Rwanda Correctional Service (RCS), the prison population rose by approximately 15 percent, from fewer than 52,000 inmates in 2015 to more than 61,000 in August, which greatly exacerbated prison overcrowding. The government blamed inadequate facilities for two prison fires in March that caused severe damage to the Gasabo prison in Kigali. The government

closed the prison in Gasabo and substantially reduced the prison population of the “1930” prison in Nyarugenge, transferring inmates to a newly constructed facility in Mageragere. Authorities held men and women separately in similar conditions, although overcrowding was more prevalent in men’s wards.

Conditions were generally harsh and life threatening in detention and transit centers, according to HRW reports in 2015 and 2016. Detention centers in general lacked separate facilities for children. According to HRW, officials held children together with adults in Muhanga, Mudende, and Gikondo. They sometimes held minors in separate facilities, such as in Mbazi that had marginally better conditions than the facilities for adults. There was also a minors-only facility in Nyagatare; observers reported Nyagatare came close to meeting international norms and noted authorities provided detained children with formal education opportunities.

According to the Ministry of Justice, approximately 150 children under age three lived with their mothers in prison. The law does not allow children above age three to remain with their incarcerated mothers.

Authorities generally separated pretrial detainees from convicted prisoners, although there were numerous exceptions due to the large number of detainees awaiting trial.

The government held six prisoners of the Special Court for Sierra Leone in a purpose-built detention center that the United Nations deemed met international standards for incarceration of prisoners convicted by international criminal tribunals. The government moved international transfers and some high-profile “security” prisoners previously held in maximum-security wings of Kigali Central “1930” Prison to the facility in Mageragere.

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 because the government enrolled all prisoners in the national health insurance plan. Prisoners were fed once per day, but there were no provisions for feeding those in pretrial detention, who relied on family members for food. Authorities permitted family members to supplement the diets of vulnerable prisoners with health problems. HRW stated several detainees shared mattresses often infested with lice and fleas.

Conditions in police and military detention centers varied. Overcrowding was common in police stations and detention centers, and poor ventilation often led to high temperatures. Provision of adequate food and medical care was inconsistent.

Authorities transferred transit center male detainees and at-risk adults ages 18 to 35 to the Iwawa Rehabilitation and Vocational Development Center on Iwawa Island in Lake Kivu. Sanitation, nutrition, and health services at the center generally met international standards.

Administration: The RCS investigated reported abuses by corrections officers, and the same hierarchical structure existed in police and security forces; there was no independent institution charged with investigating abuses or punishing perpetrators.

Detainees held at the Iwawa Rehabilitation and Vocational Development Center did not have the right to appeal their detentions to judicial authorities.

Independent Monitoring: The government permitted independent monitoring of prison conditions on a limited basis by diplomats and the International Committee of the Red Cross and also by members of the Kenyan Section of the International Commission of Jurists carrying out monitoring functions on behalf of the UN Mechanism for International Criminal Tribunals (MICT). At times, however, it restricted access to specific prisoners and did not permit monitors to visit undeclared detention centers and certain military intelligence facilities. No domestic or international NGOs reported monitoring prison conditions during the year, citing intimidation by the government.

On October 20, the UN Subcommittee on Prevention of Torture suspended its monitoring mission under the Optional Protocol to the Convention against Torture, citing government obstruction, restrictions on access to detention facilities and detainees, and fear of reprisals against individuals interviewed by the delegation.

Journalists could access prisons with a valid press card but required permission from the RCS commissioner to take photographs or interview prisoners or guards.

Improvements: Under its strategic plan for 2013-18, the RCS completed construction of a 9,500-person facility in the Mageragere suburb of Kigali to relieve overcrowding in the Kigali Central “1930” and Kimironko prisons. During the year the RCS established a correctional policy specialist position to oversee compliance with legal inmate rights provisions, and observers credited the RCS

with continuing to take steps to improve prison conditions and eradicate abuses in formal detention facilities. The Ministry of Justice organized several conferences during the year on prisoners' rights and encouraged corrections officers to respect the rights of inmates.

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. The law provides for the right of persons to challenge the lawfulness of their arrest or detention in court, but in practice few tried, and there were no reports of any detainees succeeding in obtaining prompt release or compensation for unlawful detention.

According to HRW's October 10 report, individuals "suspected of collaborating with enemies" were detained unlawfully, and held "for up to nine months in extremely harsh and inhuman conditions," frequently incommunicado. HRW also documented cases "in which individuals believed to be held in military custody have never returned and appear to have been forcibly disappeared." Individuals detained by military intelligence were not registered in the formal law enforcement system, and "the period of their detention in military facilities [is] erased from public record," according to HRW.

Domestic observers and local media reported the RNP systematically rounded up and arbitrarily detained street children, street vendors, suspected drug abusers, persons in prostitution, homeless persons, and suspected petty criminals. As in previous years, the RNP held detainees without charge at the Gikondo Transit Center before either transferring them to the Iwawa Rehabilitation and Vocational Development Center without judicial review or forcibly returning them to their home areas in the countryside. In August, for example, the Ministry of Local Government and the mayor of Kigali ordered the forcible relocation to rural areas of more than 560 persons detained by police for begging and loitering in Kigali, according to local media. The government maintained that individuals in transit and rehabilitation centers were not detainees, although they could not leave the centers.

In the period preceding the August 4 presidential election, domestic observers noted that authorities intensified efforts to remove street children, unlicensed vendors, persons in prostitution, and the homeless from Kigali streets. Local human rights activists reported the SSF performed searches without a warrant of

all residences near the president's campaign rally points and detained those perceived to pose a potential threat. One human rights activist reported being detained for four days with at least one dozen other individuals without being charged.

Role of the Police and Security Apparatus

The RNP, under the Ministry of Justice, is responsible for internal security. The RDF, under the Ministry of Defense, is in charge of providing external security, although the RDF also works on internal security and intelligence matters alongside the RNP. In 2016 the cabinet approved the creation of the Rwanda Investigation Bureau under the Ministry of Justice to assume the RNP's investigation and prosecution responsibilities, but the bureau had not started operation by year's end.

Civilian authorities generally maintained control over the RNP and the 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. Nevertheless, there were reports SSF elements at times acted independently of civilian control. For example, there were reports RDF J-2 (intelligence staff), NISS, and RNP intelligence personnel were responsible for disappearances, illegal detention, and torture in military and police detention centers, both declared and undeclared.

The RDF normally displayed a high level of military professionalism and discipline. In August RDF Major Aimable Rugomwa, who in 2016 shot and killed a young boy in Kanombe on suspicion of theft, was convicted and sentenced to 10 years in prison and fined 11 million Rwandan francs (\$13,000). In October, two RDF soldiers were convicted of murder and extortion and sentenced to life imprisonment. The soldiers were convicted of extorting payments from individuals who could not present an identification document (ID) and of shooting and killing a man who refused to comply with their demands while on a night patrol on May 9 in the Gikondo suburb of Kigali.

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. The RNP institutionalized community relations training that included appropriate use of force and human rights, although arbitrary arrests and beatings remained problems.

There were reports of abuse of suspects by the District Administration Security Support Organ (DASSO), including in May and August several incidents in which street vendors responded to alleged DASSO abuse by attacking DASSO officers. According to local media reports, street vendors also accused the DASSO of working with police to expropriate their merchandise. As in previous years, authorities disciplined individual DASSO officers and organized human rights training for all 2,600 DASSO personnel.

Arrest Procedures and Treatment of Detainees

The law requires authorities to investigate and obtain a warrant before arresting a suspect. Police may detain suspects for up to 72 hours without an arrest warrant. Prosecutors must submit formal charges within five days of arrest. Police may detain minors a maximum of 15 days in pretrial detention but only for crimes that carry a penalty for conviction of five years' or more imprisonment. There were numerous reports police and prosecutors disregarded these provisions and held individuals, sometimes for months and often without charge, 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 a police officer's recommended penalty, such as a week of detention or providing restitution.

The law permits investigative detention if authorities believe public safety is threatened or the accused might flee, and judges interpreted these provisions broadly. A judge must review such detention every 30 days, which may not extend beyond one year, but the SSF held numerous suspects indefinitely after the first authorization of investigative detention and did not always seek reauthorization every 30 days. Police also routinely circumvented arrest procedures by summoning suspects for daily interrogation, requiring them to spend up to 16 hours each day at Criminal Investigations Division headquarters without formally charging them with a crime. Individuals subsequently reported spending the bulk of each day simply sitting in a cell, and said investigators only questioned them for 20 to 30 minutes each day.

After prosecutors formally file a charge, detention may be indefinite unless bail is granted. Bail exists only for crimes for which the maximum sentence if convicted is five years' imprisonment or less, but authorities may release a suspect pending trial if satisfied the person would not flee or become a threat to public safety and order. Authorities generally allowed family members prompt access to detained relatives, unless the individuals were held on state security charges, at intelligence-

related detention centers such as Camp Kami or Kwa Gacinya, or in undeclared detention facilities. The government at times violated the right to habeas corpus.

Convicted persons sometimes remained in prison after completing their sentences while waiting for an appeal date or due to problems with prison records. The law provides that pretrial detention, illegal detention, and administrative sanctions be fully deducted from sentences imposed, but it does not provide for compensation to persons who are acquitted. The law allows judges to impose detention of equivalent duration and fines on SSF and other government officials who unlawfully detained individuals, but there were no reports that judges exercised this authority.

Arbitrary Arrest: Unregistered opposition political parties reported authorities frequently detained their supporters and party officials but released most after detention of one week or less. Several, including FDU leaders, were detained longer than one week. FDU assistant treasurer Leonille Gasengayire, who was detained in August 2016 on what domestic and international observers called politically motivated charges, was released in March. On September 6, Gasengayire and eight other FDU members, including the party's top leaders, were arrested, allegedly for "recruiting individuals into armed groups operating in a neighboring country." On September 20, they were arraigned and charged with membership in a terrorist organization. Domestic and international observers disputed the prosecution's claim and argued the charges were politically motivated. On September 6, Theophile Ntirutwa, the FDU's Kigali representative, also was detained, but he was not charged with the others and was assumed missing until September 24, when RNP confirmed his detention. In October the courts denied bail to Ntirutwa and eight other FDU members and remanded them to pretrial detention. They remained in detention, and the trial had not commenced by year's end.

Although there is no requirement for individuals to carry an ID, police and the DASSO regularly detained street children, vendors, and beggars without IDs and sometimes charged them with illegal street vending or vagrancy. Authorities released adults who could produce an ID and transported street children to their home districts, to shelters, or for processing into vocational and educational programs.

There were numerous reports that authorities detained family members of individuals suspected of committing crimes if the suspects themselves could not be

located. Authorities advertised the detention of the suspects' relatives but released them without charges if the suspects turned themselves in.

Pretrial Detention: Lengthy pretrial detention was a serious problem, and authorities often detained prisoners for extended periods without arraignment. HRW reported that when some detainees were transferred from military detention facilities to official detention facilities, military, intelligence, or police officials made detainees sign documents stating they had been arrested on the date of their transfer rather than their actual date of arrest, thereby erasing their military detention from the record. The law permits detention of genocide and terrorism suspects until trial. The inspector general of the National Public Prosecution Authority (NPPA) sanctioned some government officials who abused regulations on pretrial detention with penalties, including fines and suspensions.

To eliminate case backlogs and reduce the average length of pretrial detention, in 2015 the government promulgated national regulations on the organization, jurisdiction, competence, and functioning of cell- and sector-level mediation committees (Abunzi), whose members were elected locally, expanding their jurisdiction to include criminal cases. In March a domestic NGO announced preliminary findings of a survey that showed a sizable majority of citizens viewed the Abunzi as biased; many survey respondents described the Abunzi as corrupt and reported dissatisfaction with their decisions. The government criticized the survey findings, and the organization did not publish survey results by year's end. If one of the parties to a dispute rejected the sector-level mediation committee's decision, it could appeal it to the local primary court, but few reported having the means to do so. In approximately half of the cases that were appealed, courts overturned the Abunzi decisions because of misapplication of the law.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Although detainees have the right to challenge their detention in court, few tried and none were able to obtain prompt release or compensation for unlawful detention.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence. As in previous years, there were no reports of direct government interference in the judiciary, and authorities generally respected court orders. Domestic and international observers noted, however, that outcomes in high-profile genocide, security, and politically sensitive cases appeared predetermined.

Trial Procedures

The constitution and law provide for the right to a fair and public trial, and an independent judiciary generally enforced this right. The law provides for a presumption of innocence and requires defendants be informed promptly and in detail of the charges in a language they comprehend.

Defendants have the right to a trial without undue delay. In its 2016-17 activity report, the NPPA stated it had processed to conclusion 89 percent of the 26,026 cases it had received. Despite the NPPA's conclusion that its 181 prosecutors handled all cases without significant undue delay, defense lawyers noted a substantial increase in criminal cases and reported there were an insufficient number of prosecutors, judges, and courtrooms to hold trials within a reasonable time.

By law detainees are allowed access to lawyers. The expense and scarcity of lawyers and most lawyers' reluctance to take on cases they considered sensitive for political or state security reasons, however, limited access to legal representation. Some lawyers working on politically sensitive cases reported harassment and threats by government officials and denial of access to evidence against their clients.

Defendants have the right to communicate with an attorney of their choice, although many defendants could not afford private counsel. The law provides for legal representation of minors. The Rwandan Bar Association and 36 other member organizations of the Legal Aid Forum provided legal assistance to some indigent defendants but lacked the resources to provide defense counsel to all in need. Legal aid organizations noted that the requirement that defendants present a certificate of indigence signed by their district authorities made it difficult to qualify for pro bono representation. Defendants reported that authorities frequently delayed or refused to issue the certificate, especially in genocide-related cases.

The law requires that defendants have adequate time and facilities to prepare their defense, and judges routinely granted requests to extend preparation time. The law provides for a right to free interpretation, but domestic human rights organizations noted that officials did not always enforce this right, particularly in cases of deaf and hard-of-hearing defendants requiring sign language interpreters. Defendants have the right to be present at trial, confront witnesses against them, and present

witnesses and evidence on their own behalf. By law defendants may not be compelled to testify or confess guilt. Judges generally respected the law during trial. The law provides for the right to appeal, and authorities respected this provision.

There were some reports the SSF coerced suspects into confessing guilt in security-related cases. Judges tended to accept confessions obtained through torture despite defendants' protests and failed to order investigations when defendants alleged torture during their trial (see section on political prisoners below). The judiciary sometimes held security-related, terrorism, and high-profile political trials in closed chambers. Some defense attorneys in these cases reported irregularities and complained judges tended to disregard the rights of the accused when hearings were not held publicly.

The RDF routinely tried military offenders, as well as civilians who previously served in the RDF, before military tribunals that handed down penalties of fines, imprisonment, or both for those convicted. Military courts provided defendants with similar rights as civilian courts, including the right of appeal. Defendants often appeared before military tribunals without legal counsel due to the cost of hiring private attorneys and the unwillingness of most attorneys to defend individuals accused of crimes against state security. The law stipulates military courts may try civilian accomplices of soldiers accused of crimes. The government did not release figures on the number of civilians tried as accomplices of military personnel.

In 2012 the International Criminal Tribunal for Rwanda transferred its remaining genocide cases to a Tanzania-based branch of the MICT. It continued to pursue eight genocide fugitives subject to Rwanda tribunal indictments. During the year several countries, including Germany and the Netherlands, transferred other high-profile genocide suspects to Rwandan authorities, and prosecutions in these cases were underway.

Political Prisoners and Detainees

There were numerous reports that local officials and the SSF briefly detained some individuals who disagreed publicly with government decisions or policies. Some opposition leaders and government critics faced indictment under broadly applied charges of genocide incitement, genocide denial, inciting insurrection or rebellion, or attempting to overthrow the government. Political detainees were afforded the same protections, including visitation rights, access to lawyers and doctors, and

access to family members, as other detainees. Frequently, authorities held politically sensitive detainees in individual cells--even in facilities with severe overcrowding--to ensure they would not be mistreated while in detention. Numerous individuals identified by international and domestic human rights groups as political prisoners remained in prison, including Victoire Ingabire, Deo Mushayidi, and Theoneste Niyitegeka.

FDU president and former 2010 presidential candidate Victoire Ingabire was convicted and sentenced to eight years' imprisonment in 2012 in what was considered a flawed trial based on politically motivated charges. In 2013 the Supreme Court upheld the conviction and increased her sentence from eight to 15 years' imprisonment. Following the September 6 arrest of the FDU's top leaders on charges that human rights organizations believed to be politically motivated, the party released a statement accusing authorities of impeding access to Ingabire and preventing party members from bringing her food. On November 24, the African Court on Human and People's Rights ruled that Rwanda violated Ingabire's right to freedom of expression and that her 2012 conviction in a flawed judicial process violated her right to defense.

Convicted and sentenced to 15 years' imprisonment in 2008 for complicity in genocide, former 2003 presidential candidate Theoneste Niyitegeka remained in prison at year's end. International and domestic human rights organizations claimed the charges against Niyitegeka were politically motivated and that there were serious irregularities in Niyitegeka's appeal proceedings in sector-level courts.

Colonel Tom Byabagamba and retired brigadier general Frank Rusagara remained in prison after their sentencing in 2016 to 21 and 20 years' imprisonment, respectively, for inciting insurrection and tarnishing the government's image. HRW documented numerous irregularities in these two cases, including the fact judges allowed the defense to cross-examine only four of the 11 prosecution witnesses. One of these, retired captain David Kabuye, was arrested at approximately the same time; Kabuye stated during his own trial he was forced to testify against Rusagara and Byabagamba. Kabuye was released and charges against him dropped following Byabagamba's and Rusagara's sentencing.

On August 29, police raided the residence of presidential aspirant and vocal Kagame critic Diane Rwigara (see section 3). Rwigara and several family members reported being held incommunicado and placed under de facto house arrest for several days. The Rwigaras told local press that they were summoned by

police for near daily questioning until their formal arrest on September 23. On October 16, Rwigara was charged with forgery, divisionism, and inciting insurrection; her mother faced the latter two charges and her sister the charge of inciting insurrection. On October 23, the court remanded Diane Rwigara and her mother to 30-day pretrial detention, which may be extended for up to one year. She remained in detention, and the trial had not commenced at year's end.

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. The Office of the Ombudsman processed claims of judicial wrongdoing on an administrative basis. Individuals may submit cases to the East African Court of Justice (EACJ) after exhausting domestic appeals.

Property Restitution

Reports of expropriation of land for the construction of roads, government buildings, and other infrastructure projects were common, and complainants frequently cited government failure to provide adequate and timely compensation. The NCHR investigated some of these cases and advocated on citizens' behalf with relevant local and national authorities but was unable to effect restitution in a majority of the cases.

A March HRW report chronicled the cases of dozens of families forced off their land by local authorities in western areas either to enable government construction of "model villages" or because politically connected families laid claim to the land. HRW stated military and civilian authorities "arrested, beat, and threatened persons who challenged... government decisions to force residents off their land."

On May 8, relatives of FDU member Jean Damascene Habarugira reported they were instructed by authorities to retrieve his body from Nyamata Hospital in Bugesera, 24 miles from his residence in Ngoma from which he had disappeared several days earlier. Habarugira had been a vocal opponent of the government's land consolidation policy. Habarugira's eyes had been gouged out and his head partially decapitated. The FDU alleged local authorities bragged of "eliminating" Habarugira in community meetings. Several days later police arrested the chief of security in Habarugira's village for killing him.

The EACJ continued hearings in the case of Tribert Rujugiro Ayabatwa, a Rwandan businessperson living in self-imposed exile in South Africa whose United Trade Center shopping mall in Kigali, valued at 16.2 billion Rwandan francs (\$19 million), was seized by the government in 2013. In September authorities auctioned off the building for 6.9 billion Rwandan francs (\$8.1 million) to a group of Kigali investors whose identities were not disclosed.

The government continued harassment of the family of Assinapol Rwigara whose death, the family claimed, was a politically motivated killing by SSF members after an automobile accident in 2015. During the year the government closed the family's tobacco factory after previously demolishing a hotel belonging to the Rwigaras in 2015 and seizing real estate owned by the family in 2016. In September, two months after Assinapol's daughter, Diane, was disqualified from running in the August 4 presidential election, the government initiated criminal proceedings against the family for alleged nonpayment of taxes. The Rwigaras reported the government closed and garnished their bank accounts. Police also confirmed the seizure of large sums of money during two raids on the Rwigara residence on August 29 and September 4. In November the government threatened to seize and auction off the family's properties to settle alleged tax arrears amounting to 5 billion Rwandan francs (\$6 million).

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

Although the constitution and law prohibit such actions, there were numerous reports that the government monitored homes, movements, telephone calls, email, other private communications, and personal and institutional data. There were reports of government informants working within international and local NGOs, religious organizations, media, and other social institutions.

The law requires police to obtain authorization from a state prosecutor prior to entering and searching citizens' homes. According to human rights organizations, the SSF at times entered homes without obtaining the required authorization.

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

RPF members regularly visited citizens' homes pressuring citizens to contribute to the ruling party and the government's Agaciro Development Fund, established by

the government in 2012 with the expressed goal of accelerating the country's independence from international aid. Following citizen complaints concerning aggressive fund-raising efforts by the ruling party in the period preceding the August 4 presidential election, Minister of Local Government Francis Kaboneka issued a directive to local leaders to stop collecting "forced" contributions, noting that the RPF had sufficient funds for the elections.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press "in conditions prescribed by the law," but the government severely restricted this right. Journalists reported government officials questioned, threatened, and at times arrested journalists who expressed views deemed critical of the government on sensitive topics.

The Rwanda Media Commission (RMC), a self-regulatory body, sometimes intervened on journalists' behalf. Some journalists reported the RMC lost its independence following the 2015 ouster and subsequent exile of its elected chairperson Fred Muvunyi and stated the election of the RMC's board in December 2016 violated the organization's bylaws that require a majority of the organization's members to be present for the election of leadership. Journalists reported all positions on the RMC board were filled in close consultation with the government.

Freedom of Expression: There were no official restrictions on individuals' right to criticize the government publicly or privately on policy implementation and other issues, but broad interpretation of provisions in the penal code had a chilling effect on such criticism. The government generally did not tolerate criticism of the presidency and government policy on security, human rights, and other matters deemed sensitive. For example, in January independent journalist Robert Mugabe reported being summoned by police for questioning on a daily basis during the course of two weeks; he also tweeted that he was accused of committing treason and threatening state security in the wake of his critical coverage of the government's annual National Dialogue in December 2016. Mugabe was not charged with a crime and was not formally detained.

Laws prohibiting divisionism, genocide ideology, and genocide denial discouraged citizens from expressing viewpoints some might construe as promoting societal

divisions. The law prohibits the propagation of ideas based on “ethnic, regional, racial, religious, language, or other divisive characteristics.” Conviction of public incitement to “genocide ideology” or “divisionism,” including discrimination and sectarianism, is punishable by five to nine years’ imprisonment and fines of 100,000 to one million Rwandan francs (\$118 to \$1,183). Authorities applied the laws broadly, including to silence political dissent and to shut down investigative journalism. Authorities also broadly applied a provision in the penal code criminalizing “knowingly spreading rumors to excite the population against the established government,” for which conviction is punishable by 10 to 15 years’ imprisonment.

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 for conviction of one to two years’ imprisonment and fines of 50,000 to 500,000 Rwandan francs (\$59 to \$592). The penal code also made penalties more severe, including life in prison for conviction of acts committed during wartime. Defamation of foreign and international officials and dignitaries is illegal, with sentences if convicted of one to three years’ imprisonment.

In 2013 a revised genocide ideology law was signed into law that introduced international definitions for genocide and narrowed the scope of what constitutes “genocide ideology” and related offenses to a more specific range of actions and statements. Specifically, the 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. Nevertheless, authorities applied the statute broadly, and there were numerous reports of its use to silence persons critical of government policy.

The government investigated and prosecuted individuals accused of threatening or harming genocide survivors and witnesses or of espousing genocide ideology, defined by law as dehumanizing an individual or a group with the same characteristics by threatening, intimidating, defaming, inciting hatred, denying the genocide, taking revenge, altering testimony or evidence, killing, planning to kill, or attempting to kill someone.

In mid-April the RNP reported 24 arrests for spreading genocide ideology during the first two weeks of April.

Press and Media Freedom: Vendors sold both private and government-owned newspapers published in English, French, and Kinyarwanda. According to the Rwanda Governance Board (RGB), there were 40 newspapers, journals, and other publications registered with the government, although fewer than 10 published regularly. Sporadically published independent newspapers maintained positions in support of or critical of the government but a lack of advertisement revenue and funds remained serious challenges to continuing operations. There were 36 radio stations (six government-owned and 30 independent) and more than 16 television stations, according to the RGB. Independent media reported a difficult operating environment and highlighted the reluctance of the business community to advertise on radio stations that might be critical of the government, leading several media outlets to close during the year.

A set of five media laws passed in 2013 provide for greater press freedoms but had no discernable effect on those freedoms. Media professionals reported government officials sought to influence reporting and warned journalists against reporting information deemed sensitive or critical of the government. The RGB's 2016 Media Barometer gave the government high marks for establishing a regulatory environment conducive to freedom of expression and democratic discourse. Civil society groups criticized RGB's finding, noting that by the government's own admission under the UN Human Rights Council-led *Universal Periodic Review*, certain provisions in the law undermine freedom of expression.

The law provides journalists the freedom to investigate, express opinions, and "seek, receive, give, and broadcast information and ideas through any media." The law explicitly prohibits censorship of information, but censorship occurred. The 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." By law authorities may seize journalists' material and information if a "media offense" occurs but only under a court order. In practice journalists reported that authorities often seized journalists' material and equipment without a court order. Courts may compel journalists to reveal confidential sources in the event of an investigation or criminal proceeding. Persons wanting to start a media outlet must apply with the "competent public organ." All media rights and prohibitions apply to persons writing for websites.

Violence and Harassment: There were reports police and the SSF at times detained and harassed journalists. On September 1, several independent journalists reported harassment by police and the Republican Guard outside the Rwigara residence, an

incident RNP spokesperson Theos Badege dismissed as “a case of mistaken identity and miscommunication.”

In January owner and editor of the newspaper *Rwanda Focus*, Shyaka Kanuma, published a social media post alleging that he was summoned for questioning by NISS. Within days Kanuma’s social media accounts were suspended, and he was charged with fraud and tax evasion. In December, Kanuma was released after completing a one-year sentence.

Several journalists who fled in prior years remained outside the country, including former RMC chairman Fred Muvunyi, who went into self-exile in 2016 after arguing against the government’s 2014 suspension of the BBC’s Kinyarwanda service following the broadcast of a BBC documentary that was controversial in 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 deemed to constitute defamation. Journalists reported that editorial boards for major print and broadcast media companies censored information deemed critical of the RPF or government policies. During the presidential campaign, independent candidates reported that radio stations refused to accept their paid advertisements due to fear of retaliation by the government.

Radio stations broadcast some criticism of government policies, including on popular citizen call-in shows; however, criticism tended to focus on provincial leaders and local implementation of policies rather than on the president or ruling party leadership. Journalists reported self-censorship and were careful to distance themselves from opinions expressed by call-in guests that could be deemed controversial. 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. The Rwanda Broadcasting Agency organized the country’s first-ever presidential debate, which was broadcast live on national radio and television. Only one candidate attended, however, while the others were instead represented by a member of their party.

Libel/Slander Laws: Conviction of defamation (libel and slander) is a criminal offense punishable by fines and imprisonment. There were no reports of slander and libel laws being used to suppress freedom of speech or the publication of material that criticized government policies or government officials.

National Security: Under the 2013 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.” Authorities invoked these laws to arrest and intimidate journalists covering politically sensitive topics and matters under government investigation.

Internet Freedom

The media law includes the right of all citizens to “receive, disseminate, or send information through the 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, however. There were numerous reports the government monitored email and internet chat rooms. Individuals and groups could engage in the peaceful expression of views online, including by email and social media, but were subject to monitoring. As in the previous year, there were no confirmed reports monitoring led to detention or interrogation of individuals by the SSF. According to the International Telecommunication Union, 22 percent of the population used the internet in 2016.

Government-run social media accounts were used to debate and at times intimidate individuals who posted online comments considered critical of the government.

The government blocked access within the country to several websites critical of its policies. Such sites included websites of the Rwandan diaspora such as *Umuvugizi* and *Le Profete* and online newspapers such as *Ireme.com* as well as the news blogs of some independent journalists living in Rwanda.

Academic Freedom and Cultural Events

The government generally did not restrict academic freedom or cultural events, but because academic officials frequently suspended outspoken secondary and university students for divisionism or engaging in genocide ideology, students and professors practiced self-censorship. Local think tanks deferred to government officials in selecting subjects for research, and authorities often prevented the publication of studies that cast the government in a negative light. The government requires visiting academics to receive official permission to conduct research; academics reported occasional harassment and denial of permission to

conduct research on political issues, child labor, refugees, human rights problems, or the genocide.

b. Freedoms of Peaceful Assembly and Association

The constitution, law, or both provide for the freedoms of peaceful assembly and association, but the government limited these rights.

Freedom of Peaceful Assembly

The constitution and law provide for freedom of peaceful assembly, but the government did not always respect this right. Authorities may legally require advance notice for public meetings and demonstrations and must respond to notification within one week or 15 days, depending on the type of event. Even with prior written authorization, public meetings were subject to disruption or arbitrary closure. Some civil society groups reported being denied authorization to hold public meetings after the government refused to grant them NGO registration.

In the period preceding the presidential campaign, the Democratic Green Party of Rwanda (DGPR) reported numerous instances of authorities intimidating their members, shutting down meetings, and sending police or village security officers to disrupt gatherings. In July, early in the presidential campaign, local authorities reportedly organized local groups of schoolchildren to disrupt campaign rallies of the president's challengers and denied them meeting space. After local media reported on citizen complaints of harassment faced by independent candidates, the government arrested several local leaders, and the minister of local government issued a statement warning local authorities not to disrupt campaign rallies. For the remainder of the campaign, the two opposition and independent candidates were able to campaign without harassment.

Freedom of Association

While the constitution provides for freedom of association, the government limited the right. The law requires private organizations to register. Although the government generally granted licenses, it impeded the formation of political parties, restricted political party activities, and delayed or denied registration to local and international NGOs seeking to work on human rights, media freedom, or political advocacy (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 for annual financial

and activity reports (see section 5). In July a December 2016 law consolidating RGB authority over the operation of all media, research, religious-based, domestic, and international NGOs came into force. Domestic civil society groups stated the law introduced additional requirements and exacerbated the difficulties faced by civil organizations.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government 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. As of December the government hosted more than 87,000 Burundian refugees and approximately 74,000 Congolese refugees. The government continued to grant prima facie refugee status to Burundian refugees fleeing instability after Burundi's 2015 presidential election. For other nationalities significant delays existed in the application of individual Refugee Status Determinations; UNHCR reported working with the government to improve the process. There were also approximately 9,000 Congolese asylum seekers who requested asylum in 2015-16 and whose claims had not been adjudicated by year's end. According to UNHCR, their group claim was pending a joint verification exercise with the government that had been initially scheduled for October 2016. It had yet to be conducted by year's end.

UNHCR supported Mahama Camp for Burundian refugees and five camps primarily for Congolese refugees with international and national NGOs, providing for basic health, water, sanitation, housing, food, and educational needs, in coordination with the government. Authorities sometimes restricted access to the camps. UNHCR reported excellent cooperation with the government and local community. The government continued to work with UNHCR on expanding the integration of refugees into the national education system, as well as on increasing livelihood opportunities. The government also reported identifying a mechanism

for enrolling urban refugees, who did not previously have access to health services, into the national health insurance scheme, but had not begun enrollment by year's end, pending the start of the verification exercise.

In 2015 UNHCR, in agreement with the government and 14 host countries, recommended the invocation of the "ceased circumstances" clause for Rwandans who fled the country between 1959 and 1998 with an agreement with African states hosting Rwandan refugees that refugees were to be assisted in returning to Rwanda or obtaining legal permanent residency in host countries by December 31, 2017. The cessation clause forms part of the 1951 Refugee Convention and may be applied when fundamental and durable changes in a refugee's country of origin, such that they no longer have a well founded fear of persecution, remove the need for international protection. More than three million exiled Rwandans had returned, including nearly 15,000 from January through November. The government worked with UNHCR and other aid organizations to assist the returnees, most of whom resettled in their districts of origin.

The government accepted former Rwandan combatants who returned from the DRC. The Rwandan Demobilization and Reintegration Commission, with international support, placed adult former combatants in a three-month re-education program at Mutobo Demobilization Center in Northern Province. After completion, each adult former combatant was enrolled automatically in the RDF Reserve Force and received 60,000 Rwandan francs (\$71) and permission to return home. After two months each former combatant received an additional 120,000 Rwandan francs (\$142). During the 2016-17 fiscal year, 244 former combatants were reintegrated through the program. The Musanze Child Rehabilitation Center, relocated in 2015 from Muhazi, Eastern Province, treated 10 former child combatants in Northern Province during the same timeframe.

Foreign Travel: The law allows a judge to deprive convicted persons of the right to travel abroad as a stand-alone punishment or as punishment following imprisonment. Government officials must obtain written permission from the Office of the Prime Minister or the president before traveling abroad for official or personal reasons. The government restricted the travel of serving and former security-sector officials and arrested some of those who traveled abroad without authorization.

Members of the unregistered FDU-Inkingi party stated that authorities denied the issuance of or confiscated the passports of party members and their relatives.

Protection of Refugees

Authorities generally provided adequate security and physical protection within refugee camps. The RNP worked with UNHCR to build police posts on the edge of and station police officers in refugee camps. RNP officers were stationed in five of the country's six refugee camps. Refugees were free to file complaints at both camp and area police stations. Sexual and gender-based violence (GBV) was a problem, and NGOs working on protection noted there was underreporting of GBV cases. In 2016 the government collaborated with UNHCR on a gender assessment that identified GBV and trafficking-in-persons risks in all six camps. The findings were published in March; notably, refugee respondents did not identify government officials among those who perpetrated GBV and were overwhelmingly of the opinion that an increase in RNP presence in the camps would contribute to fewer incidents of GBV. UNHCR reported continuing collaboration with the government on turning the assessment's recommendations into an action plan to address GBV risks in the camps.

The government did not conduct a public investigation into credible allegations of recruitment of Burundian refugees, including children, from Mahama refugee camp between May and September 2015, and some refugees reported facing continued harassment and intimidation from authorities for their whistleblowing role in reporting recruitment. Some refugee whistleblowers also reported harassment for reporting the 2015 involvement of authorities in the sexual exploitation of refugees in Kigeme camp. There were credible reports of recruitment attempts by government of Burundi-affiliated militia and foreign militants in Congolese camps as well as in Mahama during the year, but--unlike in 2015--no evidence of Rwandan government facilitation or involvement. In July the government detained at least 32 individuals in Mahama refugee camp. Some were accused of minor offenses and were subsequently released. Others, suspected of recruitment, were arrested for allegedly undocumented residence. All suspects were Burundian.

Access to Asylum: The law provides for the granting of asylum or refugee status. UNHCR, with government and donor support, assisted approximately 170,000 refugees and asylum seekers, mostly from Burundi and the DRC. Of these, approximately 9,000 were Congolese asylum seekers who continued to face protracted delays in the adjudication of their asylum claims. An interagency committee that makes individual refugee status determinations in cases where claimants are not eligible for prima facie refugee status reportedly had not met

since 2015, effectively stalling asylum applications from all nationalities other than Burundi and the DRC.

Human rights organizations reported that the government accepted asylum seekers of Eritrean and Sudanese origin deported from Israel to Rwanda and that many of the deportees subsequently were transported to Uganda for a fee. Deportees reported their passports were not stamped upon arrival in Rwanda. Individuals deported from Israel who petitioned UNHCR for asylum reported that their personal identity documents were withheld from them upon arrival in Rwanda.

Freedom of Movement: The law does not place restrictions on freedom of movement of asylum seekers, but refugees stated that delays in the issuance of identity cards and Convention Travel Documents (CTDs) restricted their ability to travel within and outside the country. The government committed to issuing all refugees IDs and machine-readable CTDs upon the conclusion of a joint verification exercise with UNHCR. The exercise was originally scheduled for October 2016 but had yet to be conducted by year's end.

Employment: No laws restrict refugee employment, and in 2016 the Ministry of Disaster Management and Refugee Affairs jointly launched a livelihoods strategy with UNHCR aimed at increasing the ability of refugees to work on the local economy. Officials acknowledged that implementation of the strategy had been slow and the majority of refugees were unable to find local employment. Refugees cited lack of government-issued identity documents and the widespread perception among potential employers that the law prevents the employment of refugees as their main obstacles to finding employment.

Access to Basic Services: Refugees had access to public education through grade 9, public health care, housing within the refugee camps, law enforcement, courts and judicial procedures, and legal assistance. A limited number of refugees completed secondary education and were enrolled in universities. Refugees who arrived prior to 2013 were registered and provided with biometric IDs similar to the national identity cards; however, there were significant delays in the issuance of identity documents to refugees who entered the country in 2013 and after. Refugees in the camps received basic health care and treatment for more complicated cases through the national health insurance scheme for which UNHCR reimbursed the government. There were, however, approximately 33,000 Burundi-origin urban refugees residing mostly in Kigali and Huye who could not access the national health insurance scheme. During the year the Ministries of Health and Refugee Affairs reached agreement on enrolling these refugees in the

national health insurance scheme once the joint verification exercise with UNHCR was completed. UNHCR and the government agreed to expand access to secondary education beyond ninth grade and collaborated on increasing integrated learning opportunities with the construction of more than 100 additional integrated classrooms in local communities during the year.

Durable Solutions: The government did not accept refugees for resettlement from third countries. The government assisted the safe, voluntary return of refugees to their countries and sought to improve local integration of refugees in protracted stays by permitting them to accept local employment and move freely in the country, and by establishing markets to facilitate trade between refugees and local citizens. The government did not facilitate the naturalization of refugees resident in the country.

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

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government through free and fair elections based on universal and equal suffrage, but government restrictions on the formation of opposition parties and harassment of critics and political dissidents limited that ability. The law provides for voting by secret ballot in presidential and parliamentary--but not local--elections. The RPF and allied parties fully controlled the government and legislature, and RPF candidates dominated elections at all levels.

Elections and Political Participation

Recent Elections: In August voters re-elected President Paul Kagame to a third seven-year term reportedly with 99 percent of the vote. The National Electoral Commission (NEC) reported that 98 percent of the population participated in the election. Observers' confidence in the integrity of electoral results was undermined by irregularities and instances of ballot stuffing. Officials denied observers access to vote tabulation at polling stations as well as vote consolidation at the sector-, district-, and national-level. Ballots were not numbered or adequately controlled and accounted for either at the individual polling station or at the sector-, district-, or national-level. Observers noted that reported results in some polling rooms exceeded the number of registered voters, the number of voters observed throughout the day, and the number of physical ballots counted by

election officials in the presence of observers. Independent aspirants experienced difficulties in registering their candidacies ahead of the elections. The NEC disqualified three independent aspirants, reportedly for failing to meet registration requirements, such as obtaining the required number of supporters' signatures. Observers noted considerable ambiguity regarding the registration requirements and approval process and the lack of an appeals process for those candidates who were disqualified. One independent candidate and one opposition party candidate did run in the election. The NEC initially issued restrictive guidelines on social media use during the presidential campaign that were rescinded following a public outcry. Observers noted that the compressed three-week campaign timeline and the prohibition on fundraising prior to the NEC's certification of candidacies severely hampered candidates' ability to challenge the incumbent. In July, at the beginning of the campaign, presidential candidates reported harassment by local officials that prompted government authorities to arrest one district mayor and several local leaders, after which harassment of official candidates stopped.

In 2015 the government held a constitutional referendum on a set of amendments that included provisions that would allow the president to run for up to three additional terms in office. The NEC reported 98 percent of registered voters participated, and 98 percent endorsed a set of amendments that retained term limits and included provisions that shorten the terms in office of the president and prime minister from seven years to five years but also provided an exception that would allow the president to run for up to three additional terms in office (one seven-year term and up to two five-year terms). The text of the amendments was not generally available to voters for review prior to the referendum, and political parties opposed to the amendments were not permitted to hold rallies or public meetings to express their opposition to the amendments. Independent international observers did not monitor or report on the conduct of the referendum.

Elections for parliament's lower house, the Chamber of Deputies, in 2013 were peaceful and orderly, but according to international observers, they did not meet the generally recognized standards for free and fair elections.

Political Parties and Political Participation: The constitution outlines a multiparty system but provides few rights for parties and their candidates. There were some reports the RPF pressured youth into joining the party during mandatory "ingando" civic and military training camps after completing secondary school and the "itorero" cultural school that promoted patriotism in addition to inculcating national customs. There were also reports RPF members pressured teachers, clergy, and businesspersons to join the party and coerced political donations from

both party members and nonmembers. Political parties allied to the RPF were largely able to operate freely, but members faced legal sanctions if found guilty of engaging in divisive acts, destabilizing national unity, threatening territorial integrity, or undermining national security. Officials for the DGPR reported that DGPR members were harassed and threatened by local officials and compelled to contribute financially to the RPF.

The DGPR was registered officially as a political party in 2013, after the government blocked its attempts to register in 2009 and 2010. DGPR president Frank Habineza was successful in registering his candidacy for the August presidential election, the first election in which the DGPR participated. DGPR leaders reported that, despite some harassment from local officials, the party was permitted to publish policy proposals as alternatives to RPF policy and hold small meetings with party supporters.

The government no longer required but strongly encouraged all registered political parties to join the National Consultative Forum for Political Organizations. The consultative forum sought to promote consensus among political parties and required member parties to support publicly policy positions developed through dialogue. At year's end, all 11 registered parties were members of the organization. Government officials praised it for promoting political unity, while critics argued it stifled political competition and public debate.

Opposition leaders reported police arbitrarily arrested and beat some members of the unregistered Social Party-Imberakuri (Bernard Ntaganda faction), Democratic Pact of the Imanzi People (PDP-Imanzi), and FDU-Inkingi parties. Party members reported receiving threats because of their association with those parties. On September 6, the RNP raided the FDU's Kigali office and detained 10 party members. The party's top leaders were subsequently charged with membership in a terrorist organization (see section 1.). Jean Marie Vianney Kayumba, the highest-ranking member of the PDP, was also detained on September 6. After his September 8 release, he reported being held incommunicado in various RNP "safe houses" where he said he was beaten and threatened with death. He was not charged with a crime.

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 allied with the RPF held key positions in government, including that of prime minister and foreign minister. The Social Party-Imberakuri and the DGPR were not represented in the cabinet.

Participation of Women and Minorities: No laws limit participation of women, members of minorities, or both in the political process, and they did participate. In the cabinet announced on August 28, women held 42 percent of the positions, and continued to hold 64 percent of seats in Parliament.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for conviction of corruption by officials and private persons transacting business with the government that include imprisonment and fines. The law also provides for citizens who report requests for bribes by government officials to receive financial rewards when officials are prosecuted; however, there were no reported cases of such rewards being given. While the government implemented anticorruption laws and encouraged citizens to report requests for bribes, corruption remained a problem.

Corruption: Transparency International Rwanda and other NGOs reported the government investigated and prosecuted reports of corruption among police and government officials. Police frequently conducted internal investigations of police corruption, including sting operations, and punished offenders. During the year the vice rector of the University of Rwanda and the managing directors of the Water and Sanitation Agency and the Energy Utility Corporation were arrested on corruption charges. Additionally, 12 sector- and district-level leaders and their administrative staff members were charged with corruption and embezzlement during the year.

Embezzlement is a criminal offense that is litigated separately from other corruption-related crimes. The NPPA reported 203 convictions stemming from 234 cases of embezzlement between September 2016 and August. A total of 117 individuals were either acquitted of embezzlement or had charges dropped due to insufficient evidence during the year.

International and domestic investors reported the government strongly supported the establishment of businesses, including through one-stop business licensing efforts that generally resulted in business registration within 72 hours. Nevertheless, investors reported contract disputes with the government, late payments for services, pressure to renegotiate existing contracts, and arbitrary enforcement of tax, immigration, and investment rules hindered their ability to run and expand their businesses.

The NPPA prosecuted civil servants, police, and other officials for fraud, petty corruption, awarding of public tenders illegally, and mismanagement of public assets. Under the Ministry of Justice, the NPPA is also responsible for prosecuting police abuse cases. The RNP Inspectorate of Services investigated cases of police misconduct. The RNP dismissed 90 staff members, including 17 officers, for indiscipline, corruption, misconduct, and abuse of power during the year. The RNP advertised a toll-free hotline number on local radio and in the press and provided deposit boxes in many communities to encourage citizens to report both positive and negative police and DASSO behavior.

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 trafficked an unknown amount of undocumented minerals through the country.

Financial Disclosure: The constitution and law require annual reporting of income and assets by public officials as well as reporting them upon entering and leaving 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 99 percent of officials complied with the requirement. In cases of noncompliance, the Office of the Ombudsman has the power to garnish wages and impose administrative sanctions that often involved loss of position or prosecution.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Several domestic and international human rights groups operated in the country, investigating and publishing their findings on human rights cases. The government was often intolerant of public reports of human rights violations and suspicious of local and international human rights observers, and it often impeded independent investigations and rejected criticism as biased and uninformed. Human rights NGOs expressed fear of the government, reported SSF monitoring of their activities, and self-censored their comments. NGOs working on human rights and deemed to be critical of the government experienced difficulties securing or renewing required legal registration.

The government criticized HRW, Reporters Without Borders, the Committee to Protect Journalists, the Institute for War and Peace Reporting, Freedom House, and Amnesty International for being inaccurate and biased. Following the 2015 revocation of HRW's Memorandum of Understanding (MOU), the Ministry of Justice signed an MOU with the organization in June 2016. The government, however, did not act on HRW's application for renewed registration, and the MOU lapsed in July.

The government conducted surveillance on some international and domestic NGOs. Some NGOs reported authorities pressured individuals affiliated with them to provide information on their activities and expressed concern that intelligence agents infiltrated their organizations to gather information, influence leadership decisions, or create internal problems.

Several domestic and regional NGOs that contributed reports to the country's *Second Universal Periodic Review* on human rights in 2015 reported continued government harassment including short-term detention without charges, questioning, and threats of arrest and prosecution for the contents of their work.

Some domestic NGOs--including the League for the Protection of Human Rights, Youth Association for Human Rights Promotion and Development, and Rwandan Association for the Defense of Human Rights--nominally focused on human rights abuses, but their effectiveness was limited due to internal conflict and self-censorship. Most NGOs that focused on human rights, access to justice, and governance issues vetted their research and reports with the government and refrained from publishing their findings without government approval.

A progovernment NGO, the Rwanda Civil Society Platform, managed and directed some NGOs through umbrella groups that theoretically aggregated NGOs working in particular thematic sectors. Many observers believed the government controlled some of the umbrella groups. Regulations requiring NGOs to participate in joint action and development forums at the district and sector levels granted local government broad powers to regulate activities, levy fees, and bar organizations that did not comply.

Local and international NGOs often experienced difficulties obtaining registration, in part because the process required submission of a statement of objectives, plan of action, and detailed financial information for each district in which an NGO wished to operate. International NGOs reported the government used the registration process to delay programming and pressure them into financially

supporting government programs and policies. The regulatory environment worsened during the year for international NGOs focused on advocacy, the promotion of media freedom and human rights, and expansion of civic engagement. The law allows registration for up to five years, but the government granted only single-year registration to many international NGOs and limited the number of visas issued to foreign staff, especially for NGOs focused on advocacy and human rights. Some international NGOs were obliged to cancel their programming after experiencing registration delays of a year or more.

The United Nations or Other International Bodies: The government generally cooperated with international organizations but criticized reports that portrayed it negatively as inaccurate and biased. In October the UN Subcommittee on Prevention of Torture suspended its visit to Rwanda due to obstructions imposed by the government such as limiting access to places of detention.

In 2012 the International Criminal Tribunal for Rwanda, based in Tanzania, transferred its remaining genocide cases to a Tanzania-based branch of the MICT that continued to pursue genocide suspects. From 1994 through year's end, the tribunal completed 75 cases; of these, 52 were convictions, 11 were convictions pending appeal, and 12 were acquittals. Eight suspects remained fugitives.

The government cooperated with the MICT, including by cooperating with the Kenya Section of the International Commission of Jurists-appointed monitors of the trials and detention of individuals transferred to the government of Rwanda from the MICT.

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 human rights cases (see section 4).

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

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

Women

Rape and Domestic Violence: The law criminalizes rape of men and women and spousal rape, and the government handled rape cases as a judicial priority. Penalties for conviction of rape range from five years' to life imprisonment with fines of 500,000 to one million Rwandan francs (\$592 to \$1,183). Penalties for conviction of spousal rape range from two months' to life imprisonment with fines of 100,000 to 300,000 Rwandan francs (\$118 to \$355).

The law provides for imprisonment of three to six months for threatening, harassing, or beating one's spouse. Domestic violence against women and children was common. Authorities encouraged the reporting of domestic violence cases, although most incidents remained within the extended family and were not reported or prosecuted.

Police headquarters in Kigali had a hotline for domestic violence. Several other ministries also had free GBV hotlines. Each of the 78 police stations nationwide had its own gender desk, an average of three officers trained in handling domestic violence and GBV cases, and a public outreach program. The government operated 44 one-stop centers throughout the country, providing medical, psychological, legal, and police assistance at no cost to victims of domestic violence.

The government continued its whole-of-government, multistakeholder campaign against GBV, child abuse, and other types of domestic violence. GBV was a required training module for police and military at all levels and was included as a module for all troops and police deploying to peacekeeping missions abroad.

Sexual Harassment: The law prohibits sexual harassment by employers or any other person and provides for penalties for conviction of two months' to two years' imprisonment and fines from 100,000 to 500,000 Rwandan francs (\$118 to \$592). Nevertheless, advocacy organizations reported sexual harassment remained common.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: Women have the same legal status and are entitled to the same rights as men, including under family, labor, nationality, and inheritance laws. The law allows women to inherit property from their fathers and husbands, and couples may make their own legal property arrangements. Women experienced some difficulties pursuing property claims due to lack of knowledge, procedural bias against women in inheritance matters, multiple spousal claims due to polygyny, and the threat of GBV. The law requires equal pay for equal work and prohibits discrimination in hiring decisions.

After the 1994 genocide that left many women as heads of households, women assumed a larger role in the formal sector, and many operated their own businesses. Nevertheless, men owned the major assets of most households, particularly those at the lower end of the economic spectrum, making bank credit inaccessible to many women and rendering it difficult to start or expand a business.

Children

Birth Registration: Children derive citizenship from their 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 nationality or statelessness, automatically receive citizenship. Children retain their citizenship in the event of dissolution of the parents' marriage. Births were registered at the sector level upon presentation of a medical birth certificate. There were no reports of unregistered births leading to denial of public services. For additional information, see Appendix C.

Education: The government implemented a 12-year basic education program in 2012 that extended tuition-free universal public education to six years of primary and six years of secondary education. Education through grade nine is compulsory. Parents were not required to pay tuition fees, although domestic observers reported that "in practice parents have to pay high education fees for teachers' incentives and meal expenses."

According to the *2015 Integrated Household Living Conditions Survey*, 88 percent of children attended primary school and 23 percent attended secondary school in the 2013-14 academic year.

Child Abuse: While statistics on child abuse were unreliable, such abuse was common within the family, in the village, and at school. The government conducted a high-profile public awareness campaign against GBV and child abuse. The government supported a network of one-stop centers and hospital facilities that offered integrated police, legal, medical, and counseling services to victims of GBV and child abuse. The National Commission for Children (NCC) also partnered with UNICEF to establish a corps of 29,674 community-based “Friends of the Family” volunteers (two per village) to help address GBV and child protection concerns at the village level.

Early and Forced Marriage: The minimum age for marriage is 21. Anecdotal evidence suggested child marriage was more common in rural areas and refugee camps than in urban areas. For additional information, see Appendix C.

Sexual Exploitation of Children: By law sexual relations with a child under age 18 constitutes child defilement for which conviction is punishable by life in prison and a fine of 100,000 to one million Rwandan francs (\$118 to \$1,183).

The law prohibits commercial sexual exploitation of children and child pornography, which are punishable by penalties if convicted of six months to seven years’ imprisonment and a fine of 500,000 to 20 million Rwandan francs (\$592 to \$23,670). Conviction statistics were not available. The government, however, reported investigating 24 human trafficking cases through August. Of these, six led to criminal charges, 10 were dropped due to lack of evidence, two were reclassified, and six remained pending. Local media reports indicated victims in some of these cases were minors.

Child Soldiers: The government supported the Musanze Child Rehabilitation Center in Northern Province that provided care and social reintegration preparation for children who previously served in armed groups in the DRC (see section 2.d., Freedom of Movement). The center provided 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 district transit centers and placed them in rehabilitation centers. Conditions and practices varied at 29 privately run rehabilitation centers for street children.

UNHCR reported that approximately 1,750 unaccompanied and separated children entered the country as part of an influx of more than 87,000 refugees from Burundi since 2015. UNHCR accommodated unaccompanied minors in the Mahama refugee camp and camp staff provided additional protection measures for them.

Institutionalized Children: In May the NCC reported that 2,691 children were transferred from private orphanages and government-run child-care institutions into family-based rehabilitation with the assistance of UNICEF between 2012 and 2017. The joint government-UNICEF program prevented approximately 2,500 children from being separated from their families. The government estimated approximately 1,200 children remained in 15 child-care institutions across the country.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

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/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, transportation, access to health care, the judicial system, and the provision of other state services, and the government generally enforced these provisions. The law mandates access to public facilities, accommodations for taking national examinations, provision of medical care by the government, and monitoring of implementation by the NCHR. Despite a continuing campaign to create a barrier-free environment for persons with disabilities, accessibility remained a problem throughout the country, including in public buildings.

There were no legal restrictions or extra registration steps to vote for citizens with disabilities, and registration could be completed online. The NEC provided sign language interpreters during the presidential campaign, although not for opposition candidates. Observers noted that some polling stations remained inaccessible to persons with disabilities and that some election volunteers appeared untrained on how to assist voters with disabilities. Observers, however, also reported significant improvements compared with previous electoral cycles, including the country's first use of braille ballots and other accommodations for elderly persons and voters with disabilities.

Many children with disabilities did not attend primary or secondary school. Few students with disabilities reached the university level because many primary and secondary schools were unable to accommodate their disabilities.

There was one government psychiatric referral hospital in Kigali, with district hospitals providing limited psychiatric services. All other mental health facilities were nongovernmental.

Some citizens viewed disability as a curse or punishment that could result in social exclusion and sometimes abandoned or hid children with disabilities from the community.

National/Racial/Ethnic Minorities

The constitution provides for the eradication of ethnic, regional, and other divisions in society and the promotion of national unity. Longstanding tensions in the country culminated in the 1994 state-orchestrated genocide that killed between 750,000 and one million 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 in 1994 when the predominantly Tutsi RPF, operating from 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.

Since 1994 the government has called for national reconciliation and abolished the policies of the former government that created and deepened ethnic cleavages. The government removed all references to ethnicity in official discourse--with the exception of references to the genocide that is officially termed "the 1994 genocide

against the Tutsi”--and eliminated ethnic quotas for education, training, and government employment.

Some individuals stated the government’s reconciliation policies and programs failed to recognize Hutu victims of the genocide or crimes committed by the RPF after the end of the genocide.

Indigenous People

After the genocide the government banned identity card references to Hutu, Tutsi, or Twa ethnicity and prohibited social or political organizations based on ethnic affiliation. As a result the Twa, who numbered 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 this government policy denied them their rights as an indigenous ethnic group.

Acts of Violence, Discrimination, and Other Abuses 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, transgender, and intersex (LGBTI) persons. LGBTI persons reported societal discrimination and abuse, and LGBTI rights groups reported occasional harassment by neighbors and police.

There were sporadic reports of physical attacks against LGBTI persons. Activists reported that two LGBTI individuals fled the country due to social media harassment from community members that they said was endorsed by local community leaders.

In May, Ugandan LGBTI activist Kasha Jacqueline Nabagesera was arrested on arrival at the Kigali airport and returned to Uganda. According to an RNP statement, Nabagesera had been detained for drunkenness and misconduct.

HIV and AIDS Social Stigma

The penal code provides for imprisonment of up to six months for persons convicted of stigmatizing an individual who suffers from an incurable infection. There were no reports of prosecutions under this statute. Discrimination against persons with HIV/AIDS occurred, although such incidents remained rare. The

government actively supported relevant public education campaigns, including establishing HIV/AIDS awareness clubs in secondary schools and making public pronouncements against stigmatization of those with the disease.

The penal code also provides stiffer penalties for conviction of rape and defilement in cases of transmission of an incurable illness. In most cases of sexual violence, the victim and alleged perpetrator both undergo HIV testing.

According to RDF policy and in keeping with UN guidelines, the military did not permit its members with HIV/AIDS to participate in peacekeeping missions abroad but allowed them to remain in the RDF.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides that “every worker in every enterprise,” except for certain senior public servants, police, and soldiers, has the right to form and join independent unions, conduct legal strikes, and bargain collectively. The law also permits informal-sector workers to join unions, conduct strikes, and bargain collectively, but informal workers are exempt from other protections of the law. Most provisions of the law generally do not protect unregistered small businesses, cooperatives, and informal-sector workers.

The law restricts voluntary collective bargaining by requiring prior authorization or approval by authorities and requiring binding arbitration in cases of nonconciliation. The law allows unions to negotiate with employers for an industry-level minimum wage in certain sectors, but these agreements were not enforced.

The law provides some workers the right to conduct strikes, subject to numerous restrictions. Public servants, soldiers, and employees providing “essential services” as defined by the Ministry of Public Service and Labor generally are not permitted 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 the ministry.

Other provisions of the law frequently abrogated these rights. For example, a ministerial order that broadly defines essential services to include public transportation, security, education (during national exams), water and sanitation, and telecommunications severely restricts the right to strike in these fields.

Ministerial orders define the implementation of the labor law; there are no significant inconsistencies between the law and ministerial orders. All unions must register with the Ministry of Labor. The application process was cumbersome, lengthy, and costly, and it required unions to disclose their membership and property.

The law allows unions to conduct activities without interference, prohibits antiunion discrimination, and requires employers to reinstate workers fired for union activity. Conviction of antiunion interference and discrimination are subject to penalties that were not sufficient to deter violations.

There were 29 labor unions organized into three confederations: 15 unions were represented by the Rwanda Confederation of Trade Unions (CESTRAR), seven by the Labor and Worker's Brotherhood Congress (COTRAF), and seven by the National Council of Free Trade Union Organizations in Rwanda. All three federations ostensibly were independent, but CESTRAR had close links to the government and the 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.

The government severely limited the right to collective bargaining, and legal mechanisms were inadequate to protect this right. Labor union officials commented that many private-sector businesses controlled by the RPF or the RDF were off limits to collective bargaining negotiations. The government also controlled collective bargaining with cooperatives and mandatory arbitration. No labor union had an established collective bargaining agreement with the government.

Collective bargaining occasionally was practiced in the private sector. For example, in 2015 an international tea exporter renewed its 2012 collective bargaining agreement with its employees. CESTRAR, COTRAF, and the Ministry of Labor participated in the negotiations.

There were neither registered strikes nor anecdotal reports of unlawful strikes during the year; the most recent recorded strike was by textile workers in 2013.

National elections for trade union representatives were held in 2015. Trade union leaders stated the government interfered in the elections and pressured some candidates not to run.

There were no functioning labor courts or other formal mechanisms to resolve antiunion discrimination complaints, and COTRAF reported it could take four to five years for labor disputes to be resolved through the civil courts. According to several trade unions, employers in small companies frequently used transfers, demotions, and dismissals to intimidate union members.

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 2014 the government issued a national trafficking in persons action plan that included programs to address forced labor. Various articles of the penal code criminalize human trafficking. The law prescribes penalties for conviction of imprisonment or fines. Penalties were sufficiently stringent to deter violations and commensurate with those prescribed for other serious crimes. Child trafficking convictions are subject to a minimum five-year prison term, while slavery convictions carry three- to 12-year prison terms. 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/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for full-time employment is 16. The law prohibits children under age 18 from participating in hazardous work, including night work from 7 p.m. to 5 a.m.; the worst forms of child labor as defined by International Labor Organization Convention 182; or any work deemed difficult, unsanitary, or dangerous by the Ministry of Labor. Prohibited sectors include work in industrial institutions, domestic service, mining and quarrying, construction, brick making, or applying fertilizers and pesticides. The law prohibits forced or compulsory labor by children; children in military service, prostitution, or pornography; and child trafficking and slavery. The law provides for working children to have at least 12 hours of rest between work periods and also applies to minors employed outside

the formal work sector. In 2016 the Ministry of Labor approved additional protections for children, including putting a cap on the number of hours minors may be employed at 20 per week, identifying additional categories of work “harmful to the health and development of children” that are proscribed for minors, and expanding application of the guidelines’ protections. In 2016 the Ministry of Education and Ministry of Labor approved separate guidelines outlining sanctions for individuals who prevent children from attending school.

The law applies to contractual employment but not to noncontractual employment, such as subsistence family farming or casual labor in agricultural cooperatives, and thus leaves many working children unprotected. In addition to national law, some districts enforced local regulations against hazardous child labor and sanctioned employers and parents for violations. 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. At the local level, 149 child labor committees monitored incidents of child labor, and each district was required to establish a steering committee to combat child labor. At the village level, 320 child labor focal point volunteers were appointed, supported by 10 national protection officers appointed by the NCC and 48 social workers. The NCC worked with UNICEF to train a cadre of approximately 30,000 “Friends of the Family” volunteers to address child abuse and prevent child trafficking at the village level.

The Ministry of Labor conducted labor inspections of sectors of the economy known to employ children, focusing on domestic work and the agriculture sector. The RNP operated a Child Protection Unit. District government officials, as part of their performance contracts, enforced child labor reduction and school attendance benchmarks. Observers noted considerable political will to address child labor but also that the government remained sensitive to public attention regarding the extent of child labor in the country. For example, the government continued to refuse to “validate” a 2015 NGO report on the prevalence of child labor in the tea sector.

The government worked with NGOs to raise awareness of the problem and to identify and send to school or vocational training children involved in child labor.

The Ministry of Labor invited private-sector businesses to sign a memorandum of understanding committing them to eradicate child labor. The government's 12-year basic education program aided in reducing the incidence of child labor, although many children who worked also attended school because classes were held in alternating morning or afternoon shifts. The government fined those who illegally employed children or parents who sent their children to work instead of school.

The government did not enforce the law effectively. The majority of child laborers worked in the agricultural sector and as household domestics. Child labor also existed in isolated instances 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 forced labor and child sex trafficking, including child sex trafficking, were problems.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination but does not specifically protect sexual orientation, gender identity, and HIV-positive status. The constitution requires equal pay for equal work.

The government sought to enforce antidiscrimination laws, but there were numerous reports not challenged in court of discrimination based on gender, pregnancy, disability, and political affiliation. Migrant workers enjoyed the same legal protections, wages, and working conditions as citizens.

e. Acceptable Conditions of Work

In 2016 the National Labor Council approved a proposal to increase the national minimum wage, which would have been the first revision to the minimum wage since 1974, when it was set at 100 Rwandan francs (\$0.12) per day. The proposal, however, was not approved by the cabinet. The Ministry of Public Service and Labor set industry-specific minimum wages in the small formal sector. Sector minimum wages were not enforced. Minimum wages provided a higher standard of living than that of the approximately 70 percent of the population relying on

subsistence farming. As the country's largest employer, the government effectively set most other formal-sector wage rates.

According to the *2015 Integrated Household Living Conditions Survey*, the percentage of citizens in 2014 living below the national poverty line was 39 percent, and the percentage living in extreme poverty was 16 percent. According to the World Bank, 60 percent of the population in 2013 lived below the international poverty line.

The law provides a standard workweek of 45 hours and 18 to 21 days paid annual leave, in addition to official holidays. The law provides for premium pay for overtime for some salaried employees and sets prohibitions on excessive compulsory overtime, but these provisions often were disregarded and rarely enforced. The law provides employers with the right to determine daily rest periods. Most employees received a one-hour lunch break. The law was amended in 2016 to provide for fully paid maternity leave for up to three months.

The law regulates hours of work and occupational health and safety standards in the formal-wage sector. Ministerial orders determine the modalities for establishing and operating occupational safety and health committees, but the committees had not been established. The same labor standards applied to migrant and foreign workers as to citizens.

The number of inspectors was not sufficient to enforce labor standards effectively. The many violations reported to labor unions compared to the few actions taken by the government and employers to remedy substandard working conditions suggested penalties were insufficient to deter violations.

Some workers accepted less than the minimum wage. Families regularly supplemented their incomes by working in small businesses or subsistence agriculture. Most workers in the formal sector worked six days per week. Violations of wage, overtime, and occupational health and safety standards were common in both the formal and informal sectors. Local media highlighted the common problem of employers violating the law by not registering employees for social security or occupational health insurance and not paying into those benefit systems. Workers in the 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 ministry officials singled out mining as a sector with significant problems in implementing

occupational safety and health standards. There were no major industrial accidents during the year.

Workers did not have explicit rights to remove themselves from situations that endangered their health or safety without jeopardizing their jobs. The Ministry of Labor sought to promote the health and safety of workers by maintaining a list of dangerous professions subject to heightened safety scrutiny.