

RWANDA

CERD A/31/18 + Corr.1 (1976)

129. The initial report of Rwanda was considered without the participation of a representative of the Government of the reporting State. The Committee welcomed the fact that the report had been submitted two months before the date on which it was due. It noted with satisfaction that the report referred not only to provisions of the Constitution, but also to penal legislation; that it contained the texts of the legal provisions to which it referred; and that it provided information about proposed legislation which had not been enacted yet and which gave effect to the provisions of the Convention. It was noted that the information at hand showed the compliance of the reporting State with provisions of articles 2, 4 (para. (a)) and 5 of the Convention; however, no information was furnished concerning the implementation of the provisions of articles 4 (para. (b)), 6 or 7 of the Convention or the subject-matter of general recommendations III and IV.

130. One member of the Committee observed that article 3 of the Constitution of Rwanda applied only to Rwandese citizens and did not deal with the question of non-discrimination towards foreigners, but another member was of the opinion that the proposed version of the penal code showed that the principle of equality without distinction as to race, recognized by the Constitution in the case of all citizens, applied also to foreigners. It was observed that articles 3, 16 and 41 of the Rwandese Constitution referred only to discrimination on grounds of race and said nothing about the other possible grounds of racial discrimination as defined in article 1, paragraph 1, of the Convention.

131. Article 393 of the proposed penal code was viewed by one member as more restrictive than article 75 bis of the existing penal code, which it would replace. Another member disagreed, and expressed the opinion that the new provision went much farther. It was observed, however, that the general provision referred to persons belonging “to a given ethnic group, region, nation, race or religion”. It was noted with satisfaction that paragraph 1 of the new version prohibited discrimination by public officials. In the opinion of some members of the Committee, the extenuating circumstances provided for in paragraph 2 and 4, and the associations referred to in paragraph 3, of article 393 of the proposed penal code called for clarification.

CERD A/34/18 (1979)

460. The second periodic report of Rwanda (CERD/C/16/Add.5) was considered by the Committee together with the information given by the representative of the reporting State in his introductory statement.

461. The Committee noted with appreciation the changes made in the Constitution and the Penal Code of Rwanda in order to bring them in line with some of the provisions of the Convention. However, more detailed information was requested on the implementation of the provisions of articles 4 (b), 5, 6 and 7 of the Convention. Some members of the Committee expressed the view that it would be useful if the demographic composition of Rwanda could be included in the next report, together with information on the current situation with regard to refugees and any problems which may be encountered by the Rwandese Government in that respect.

462. It was noted that the words “good reason” or “without good reason” appeared in various provisions of Rwandese legislation related to the Convention. The use of these words, it was stated, could imply some reservations allowing a distinction to be made in some cases on the basis of a person’s ethnic origin, region or religion, and further clarification was requested on that point.

463. With reference, in particular, to article 4 (b) of the Convention, it was suggested that the Rwandese Government might reconsider the relevant articles of its Penal Code with a view to reformulating them to declare illegal and prohibit organizations and activities which promoted and incited racial discrimination. It was asked whether an association or society which incited to racial hatred or discrimination could appeal against a rejection of its application on the grounds of abuse and power.

464. The representative of Rwanda informed the Committee that the relative percentages of the three ethnic groups in Rwanda in terms of the total population were 90 per cent, 9 per cent and 1 per cent. The words “good reason” or “without good reason” contained in the legislation, were not meant to be a reservation or safeguard, but to show that there could be valid reasons, in certain cases, such as refraining from employing a person likely to endanger State security or the safety of goods or persons. With regard to applications from associations or societies, the Minister of Justice was competent to take a decision after scrutinizing the statutes of such associations to ensure that they were in conformity with the law. He assured the members of the Committee that their questions would be taken into account in the next periodic report of Rwanda.

CERD A/36/18 (1981)

305. The third periodic report of Rwanda (CERD/C/63/Add.2) was considered by the Committee without the participation of a representative of the reporting State.

306. Members of the Committee were of the view that the report represented a praiseworthy attempt by a small country to continue the dialogue with the Committee. Various suggestions were made during the debate in order to assist the Government of Rwanda in the preparation of its next periodic report. It was stated that although in compliance with the request of the Committee more details of the Penal Code had been given, the Committee would like to know whether article 4 of the Convention was being fully implemented by the provisions relating to the prohibition of propaganda and organizations based on ideas or theories of racial superiority. In addition, details should be provided of the measures being taken to implement articles 3, 5, 6 and 7 of the Convention, as well as an analysis of the demographic composition of the country and of the languages spoken.

307. In connection, in particular, with the implementation of article 5 of the Convention, it would be advisable for the Committee to have the full text of the Constitution as well as information on the situation of refugees in Rwanda and whether they could acquire Rwandese citizenship by naturalization.

308. In connection with article 6 of the Convention, it would be useful for the Committee to receive further details on the organization of the judiciary and the means of recourse, and on whether there was a right to appeal if an application for the registration of an association or society was rejected.

309. Clarification was requested with regard to the meaning of such phrases as “without good reason” or “on account of the origin or the person” which appeared in several provisions referred to in the second periodic report of Rwanda. It was stated, in this connection, that the concept of “without good reason”, in particular, seemed to leave the door wide open to arbitrary decisions and that if rights were to be withheld “for good reason”, then the reasons admissible should be specified so that everyone could perceive that they were legitimate. As for the phrase “on account of the origins of the person” it could not be accepted that it was a legitimate qualification.

310. At the proposal of the Chairman, the Committee decided to bring to the attention of the Government of Rwanda the summary record of its 518th meeting concerning the consideration of its third periodic report and expressed its desire to continue the dialogue with that Government. The Committee emphasized that it expected answers to its questions in the next periodic report of Rwanda, especially as regards the implementation of articles 4, 5 and 7 of the Convention, and expressed the hope that Rwanda would send a representative to take part in the consideration of its next periodic report.

CERD A/39/18 (1984)

157. The fourth periodic report of Rwanda (CERD/C/88/Add.4) was considered by the Committee after a brief introductory statement made by the representative of the reporting State.

158. The Committee expressed satisfaction with the report of Rwanda and congratulated the Government on the manner in which it was fulfilling its obligations and co-operating with the Committee.

159. With reference to the implementation of article 2, the Committee requested clarification on the statement in the report that the Government had not taken special measures because there was no case of discrimination requiring such action. It also wished to know whether the Government had already carried out a complete review of all legislation promulgated during the period of colonial domination and had revoked the laws which were racist or discriminatory in nature. Additional information was requested on the Government's policy for preventing the predominance of specific ethnic groups or sections of the population. Members also wished to know whether the three ethnic groups referred to in the report had always had a common language, in what respect the three ethnic groups differed from one another, whether any new special measures had been taken in the social, economic and cultural fields to ensure the adequate development and protection of minority groups, and whether there still remained any vestiges of feudalism in the country. Members of the Committee expressed the hope that the next report of Rwanda would include detailed information on further legislative or other measures required by the Convention concerning the implementation of the programme for the National Revolutionary Movement for Development (MRND).

160. With regard to article 4, it was pointed out that there seemed to be no penalty for incitement to racial hatred. Clarifications were also requested regarding the relevant provisions of the Penal Code for the suppression of racist organizations.

161. In connection with the implementation of article 5, members drew attention to the system of participation in the political process in the country and noted that only those who satisfied the corresponding educational requirements could be eligible for election as deputies. They inquired whether there existed in Rwanda any system of special representation for persons who did not meet those requirements in order to eliminate any situation which might be tantamount to government by the minority. Furthermore, noting that considerable stress was placed on the need for persons seeking election to Parliament or to the post of municipal councillor to be "good citizens with proper standards of conduct and morality", the Committee asked what steps the Government took to ensure that that important requirement was met. Concerning article 5, paragraph (d) (vii) to (ix), of the Convention regarding the right to freedom of thought, conscience and religion, freedom of opinion and expression and freedom of peaceful assembly and association, it was asked whether other opinions could emerge and whether other movements or political parties were permissible under the present circumstances, taking into account that Rwanda was ruled by a single party system.

162. The Committee noted that Rwanda had provided asylum to 15,000 refugees from Burundi and that it had initiated talks with the Government of Uganda on the 45,000 refugees from that country. It requested information on the status of the refugees and the policy of Rwanda with regard to the granting of nationality to such persons.

163. With regard to article 6, members of the Committee observed that some provisions of the report, which concerned the suppression of racist organizations, were not entirely clear and an explanation should be provided in that regard. It was also asked whether there was any legal recourse available to victims of acts of discrimination committed by private persons.

164. The Committee commended Rwanda for the measures it had adopted in implementing article 7 of the Convention.

165. Replying to questions by members of the Committee, the representative of Rwanda stated that the political movement of Rwanda - the National Revolutionary Movement for Development - was characterized by its integrationist spirit and its manifesto banned all racism, that the party's motto was "peace, unity and development" and that the people were concentrating on achieving those goals. With reference to questions raised regarding language and cultural differences, he said that originally each ethnic group had had its own language, and that the original inhabitants, the Batwa, had been joined in the Middle Ages by the Bahutu and later by the Batutsi. The other two groups had adopted the culture and customs of the Bahutu and there had been so much intermarriage that the three groups had become practically indistinguishable from one another. He also stated that the feudal system had existed until 1959 and that some of the citizens had been part of the ancient feudal structure. However, the problem was not a serious one at present.

166. Replying to questions concerning refugees, the representative said that they were free to acquire Rwandese citizenship but that none had yet applied for it, and that the Government had started talks with the Government of Uganda regarding their possible repatriation. Concerning the question whether the single party posed a threat to freedom of thought, religion, opinion and association, he recalled that the single party had been established as a result of a popular decision, and that people were free to express their own views.

167. Finally, the representative said that the answers to the remaining questions would be given in the next periodic report.

CERD A/42/18 (1987)

78. The fifth periodic report of Rwanda (CERD/C/115/Add.2) was considered by the Committee at its 752nd and 753rd meetings on 4 and 5 March 1986 (CERD/C/SR.752-SR.753).

79. The report was introduced by the representative of Rwanda, who informed the Committee that his Government wished its peoples (approximately 85 per cent Bahutu, 14 per cent Batutsi and 1 per cent Batwa) to benefit from the implementation of the Convention. He referred to relevant articles of the Rwandese Constitution, Labour Code and Criminal Code as well as to texts reproduced in the report. He stated that, because of the country's insufficient financial resources, Rwanda was facing problems in implementing the various international conventions to which it was a party.

80. Members of the Committee welcomed the introductory statement made by the representative of Rwanda. The report complied with the Committee's guidelines (CERD/C/70/Rev.1) and contained answers to questions raised during the consideration of the preceding report.

81. Members noted that it was stated in the report that laws in force in Rwanda at the date on which the Constitution entered into force would remain applicable if they did not conflict with the Constitution. In that connection, members asked whether former legislation that had not been amended or repealed comprised part of the new legislation, whether a court had the option of simply not applying an old law which it found to be unconstitutional or whether it had to turn to a court of appeal or to the Supreme Court.

82. With regard to article 2 of the Convention, members wished to know more about the special efforts made by the Government to promote the economic and cultural development of the disadvantaged ethnic groups, in particular the Batwa, how effective the plan of the National Revolutionary Movement for Development had been, and to what extent the cultural dominance of the Bahutu groups was due to the fact that Kinyarwanda had become the national language. They requested further information with regard to the government policy for the equitable allocation of jobs in the public and private sector as well as in teaching in order to avoid the preponderance of certain ethnic or social groups. They asked whether the Government took into account the special needs of the different groups in allocating jobs, whether funds were available to raise the level of the two disadvantaged ethnic groups, and whether the policy consisted in setting a certain quota for the employment of members of the various ethnic groups. They would welcome information regarding the extent to which the Government had implemented its policy of equilibrium and any difficulties it had encountered. It was also stated that, in view of its relative economic and social backwardness, the Batwa group would seem to require a greater degree of protection by the law than that available under the current policy of equality before the law.

83. In relation to article 3, members requested information on how Rwanda was implementing that article and, in particular, whether Rwanda maintained any trade, military or diplomatic links with South Africa.

84. In relation to article 4, members sought clarification concerning the application of article 281 of the Penal Code, in particular regarding the death penalty measure envisaged for repeated violation of that article. It was also pointed out that article 281 of the Penal Code did not fully cover article

4 of the Convention.

85. As far as the implementation of article 5 was concerned, members wished to know how fundamental freedoms, such as freedom of opinion and expression, could be guaranteed, since the exercise of such freedoms could not take place outside the sole political party. It was asked whether freedom of the press included freedom to discuss the possible merits of a multi-party system and whether the certificate of good conduct required for certain political offices was only issued to those with the proper political opinion. Members would like to be informed as to how the country's three main ethnic groups were represented in its single political party and whether any single ethnic group was dominant in the party. Additional information was requested regarding the National Revolutionary Movement for Development and its philosophy and it was asked whether it included workers' organizations, trade unions, women's and youth organizations. It was also asked how many refugees had been accepted in Rwanda and whether there were any agreements with Burundi to reunite refugees with their families.

86. Information was requested, under article 7, regarding measures to combat prejudice leading to racial discrimination and to promote tolerance and understanding among different national and ethnic groups.

87. Replying to the questions raised by members of the Committee, the representative of Rwanda said that the codification of Rwandese legislative texts had still not been completed. Following independence, the Rwandese Constitution had provided that former colonial laws that were not contrary to the Constitution and had not been replaced by another text should remain in force.

88. With regard to article 2 of the Convention, he stated that there was no need for new legislation in that area. The basic cause of inequality among the three ethnic groups had been eliminated when the monarchy had been abolished in 1961. It was impossible to eradicate deep-rooted prejudices overnight. The Government was doing its utmost to integrate the Batwa. That, however, was not easy, since they preferred to live according to their own customs and traditions. In accordance with its policy of equilibrium, the Government was trying to ensure that the three ethnic groups were represented on a proportional basis in jobs. The Batwa, however, were not represented in government posts and did not engage in commerce because of their lack of education. In general, the Bahutu and Batutsi were represented in proportion to their numbers. No sector, however, was reserved for any particular ethnic group.

89. The representative of Rwanda informed the Committee that a presidential decree of 1963 prohibited diplomatic, consular and economic relations with South Africa as long as that country persisted in its apartheid policy.

90. With regard to article 4 of the Convention, he said that the death penalty provided for recidivists in article 282 of the Criminal Code was justified by the spirit of articles 281 and 282. The Rwandese Government wanted to prohibit any organization aiming to reinstate the former régime which had caused inequality based on ethnic discrimination. The death sentence was not automatic and since the promulgation of the Criminal Code, no executions had been carried out. It was not necessary to revise article 281.

91. Concerning the nature and objectives of the National Revolutionary Movement for Development, he said that it had been set up in 1975 by the President of the Republic in order to bring together all the peoples of Rwanda. It provided for freedom of expression and civil, political, economic, social and cultural rights to be exercised within the framework of the Movement. The political structure of the Movement was pyramidal. A number of cells comprised a sector, above which, successively, were the commune, the prefecture, the Ministry of the Interior and the presidency of the Republic. Positions at any level of the structure were acquired by election through direct universal suffrage. There was freedom of expression and the government press co-existed with a growing private press.

92. With regard to economic, social and cultural rights, public and private enterprises enjoyed equal rights to produce, import and export. There was an ongoing programme to construct schools and hospitals and, within the limits of the country's resources, a number of centres had been established to combat illiteracy.

93. The National Revolutionary Movement for Development promoted organizations of workers, women and youth. The Constitution prohibited strikes by civil servants and public administration employees. On the question of the requirements for candidates for public office, the representative of Rwanda said that, after obtaining a certificate of good conduct and meeting the other requirements of age, education and residence, a person could run for any public office except the presidency of the Republic.

94. Of the approximately 40,000 people who had been driven out of Uganda in October 1982, only 6,000 to 7,000 were Rwandese. Voluntary free repatriation had taken place under the auspices of the United Nations High Commissioner for Refugees. No Ugandan refugees remained, and refugees recognized as Rwandese had been resettled either with their families or elsewhere in the country.

CERD A/44/18 (1989)

196. The sixth and seventh periodic reports of Rwanda (CERD/C/146/Add.1 and CERD/C/169/Add.1) were considered by the Committee at its 839th meeting, held on 14 August 1989 (CERD/C/SR.839).

197. In his introductory statement, the representative of Rwanda explained that, under the Rwandese constitutional system, an international convention took effect immediately upon ratification, without any need for the adoption of other legal or administrative measures. He provided the Committee with a detailed list showing how articles of the International Convention on the Elimination of All Forms of Racial Discrimination were covered under Rwandese legislation.

198. Members of the Committee stated that both reports were of a very high quality and followed the Committee's guidelines on the presentation of reports. It was also stated that the seventh report had answered many questions raised by the Committee during its consideration of the sixth report.

199. Members asked for information on the situation regarding the repatriation of Ugandan refugees who had entered the country in 1982 and on the more recent influx of refugees from Burundi.

200. With reference to specific articles of the Convention, particularly article 2, members asked for clarification on the Rwandese policy of balance in the equitable distribution of employment, on whether the policy set quotas or targets and on the system of classification of people under the policy. Questions were asked on the extent to which the written form of kinyarwanda, the official language, was used nationally and on the level of literacy within the country.

201. Turning to article 4, members wished to know if incitement to radical hatred was punishable under the general provisions of the Criminal Code or if there were plans to introduce an amendment to make it so; if there were provisions in the code for the dissolution of organizations pursuing racist practices; and if it was theoretically possible to form such organizations.

202. With regard to article 5, members asked for a definition of the objective criteria determining eligibility for the right to vote and particularly the suspension of such right for persons held by the authorities. Noting that eligibility for elections as a deputy stipulated the completion of four years' secondary education, members asked if this implied indirect discrimination. It asked whether attempts had been made to involve the Roman Catholic Church in solving the problem of over-population in the country. Members wished to know if the right to freedom of opinion and expression could only be exercised within the National Revolutionary Movement for Development (MRND), the sole political party in Rwanda, and whether the President's actions could be criticized. Taking into account the country's limited financial resources, members asked if sources existed to provide unemployment benefits, social security for non-wage-earners and comprehensive education. Members also wished to know what percentage of nationals had access to higher education, how places were distributed among the various ethnic groups and whether special measures had been adopted to improve the educational standard of the Batwa people to enable them to qualify for employment in the state administration.

203. Finally, in connection with article 6, members asked whether the Government had appointed

an Ombudsman to investigate alleged violations of the law by state employees.

204. In response to questions raised by members of the Committee, the representative stated that the situation of the Ugandan refugees had been discussed in a joint commission, set up with the Government of Uganda when the best possible solution had been sought. Many of the refugees had stayed in Rwanda and others had been taken back by the Government of Uganda. With regard to the recent refugees from Burundi, he said the problems had been dealt with within the framework of the subregional community, following an appeal to the international community. With the assistance of the United Nations High Commissioner for Refugees, an overwhelming majority had been voluntarily repatriated. Nearly 1,000 remained in Rwanda in difficult living conditions, but the Government and UNHCR were looking into the possibility of resettling them in a larger country.

205. Turning to specific articles, the representative explained, in connection with article 2, that the purpose of the Government's policy of balance, which set both quotas and targets, was to allow an equitable and just distribution of wealth among the various ethnic groups. The policy was designed to prevent the country from reverting to its former feudal system and to ensure that all groups had proportional representation. Classification of people under the system was based on self-identification, which was then indicated on documents showing civil status. The representative stated that both the written and oral forms of kinyarwanda were used as the medium of instruction in primary schools and taught as a subject at all levels of education, including the advanced level. He added that the literacy rate in the country was between 60 and 70 per cent.

206. With reference to article 4, the representative informed the Committee that no amendment to the Criminal Code was planned to provide specifically for the punishment of incitement to racial hatred. However, such acts were punishable de facto under the general provisions of the Code, and any complaint automatically led to the institution of legal proceedings and the imposition of appropriate penalties for proven offence. He added that the Constitution discouraged racist organizations, which were not granted legal status. Penalties for the establishment of such associations were very heavy, and if members were prosecuted, the associations were automatically dissolved. He confirmed that the Head of State had set up a committee in January 1989 to draft within a specified time-limit a Code of Conduct for government employees for consideration by the Government and subsequent submission to Parliament

207. With regard to questions raised under article 5, the representative pointed out that the objective criteria for eligibility in the exercise of political rights had been given in the reports and basically defined a normal citizen in a position to express his will. The persons held by the authorities, whose rights were suspended, referred to those who had not committed criminal offences but were considered to be in a state of pre-delinquency and were housed in reformatories. With reference to the qualifications needed to become a deputy, the representative explained that this was not discriminatory and had been requested by the people themselves at the fourth congress of the MRND, and that the post of deputy necessitated a certain standard of education in keeping with the demands of the post.

208. In response to the question on over-population, he stated that because of the disparity between demographic and economic growth in the country, the Government had launched a policy to make the population more aware of family planning, and all the churches in the country were participating

in this policy.

209. The representative stated that freedom of opinion and expression was encouraged by the MRND, which was structured to stimulate such freedom through meetings of representatives of the whole population. The expression of others, non-political opinions was guaranteed by the Constitution.

210. The representative explained that, as part of the Government's efforts to implement social rights, attempts were being made to extend social security for wage-earners to independent workers and the self-employed. He added that the Government was doing all it could to encourage job creation in public and private enterprises.

211. The representative pointed out that the allocations of places in secondary schools were proportionate to the size of each ethnic group in the population. Primary education was free and compulsory for all children between 8 and 15, although at present only 10 to 12 per cent went on to secondary education; those who did not were directed towards vocational training courses.

212. In connection with article 6, the representative stated that there was no provision for an Ombudsman in the Rwandese legal system, but that recourse procedures for ordinary citizens existed within the administrative and judicial systems. He said that the system of recourse had functioned satisfactorily so far, which was why the Government had not found it necessary to introduce the post of Ombudsman.

CERD A/49/18 (1994)

53. In view of reports of ethnic conflict in Rwanda, the Committee decided at its forty-first session to request, in accordance with article 9, paragraph 1, of the Convention, further information from the Government of Rwanda on that conflict and on its implications for the implementation of the Convention in Rwanda, in particular the provisions of article 5 (b). No written reply was received in response to that request. At its 1027th meeting, on 9 March 1994, the Committee reviewed the implementation of the Convention in Rwanda.

54. The representative of the State party pointed out that since 5 January 1994 Rwanda had been facing a constitutional crisis, a result of the unwillingness of party leaders to share power as stipulated in the Arusha Peace Agreement of 4 August 1993. ^{9/} The representative expected that his Government would consider seriously the report of the Committee, following its pattern of always cooperating with the United Nations. He also stated that efforts were being made to draft a report on the situation in Rwanda which would be submitted to the Committee as early as possible.

55. Members of the Committee discussed the origins of the ethnic conflicts taking place in Rwanda and noted that the attempts to form a power-sharing government had become deadlocked. Doubt had been cast by critics as to the good faith of the President for delaying the formation of the new government, and on the willingness of the President to accept State obligations as prescribed by international law. Members also noted that both politics and ethnicity carried significant weight in the conflict; the Rwandanese Patriotic Front, though seen as an ethnically based, Tutsi-led organization, had a Hutu president.

56. Members of the Committee wished to learn from the representative of Rwanda what follow-up had been given to the Arusha Peace Agreement; what actions had been taken with respect to the findings of the international commission of inquiry into human rights violations, organized by a group of non-governmental organizations, which held the army, the administration, and the judiciary responsible for the deterioration of the situation; what steps had been taken by the Government to bring perpetrators of human rights violations to justice; what was the involvement of militias attached to political parties in human rights violations and were such activities restricted in any way; whether the "ethnic quota" system which allocated posts to members of ethnic groups was limiting access by Tutsis to posts in teaching and the public service; whether the ethnic based identity card system had been abolished, and whether the Twa minority were still being treated as second class citizens.

57. In his reply, the representative of the State party noted that the hope of peace that the Arusha Peace Agreement embodied had been dashed by the egoism of certain political leaders who were unable to agree on a compromise. The bickering of these leaders had led to delay in the establishment of the transitional institutions and thus to a political vacuum when the coalition government disbanded on 5 January 1994. However, he still believed that the Arusha agreement had provided answers to all the Committee's concerns, and could be implemented if the international community exerted pressure on the political leaders.

^{9/} A/48/824-S/26915, annex I.

58. With reference to the findings of the non-governmental organization international commission of inquiry, the representative stated that the President and the Prime Minister had issued a declaration of intent to implement the commission's recommendations. The representative stated that the ethnic quota system had been disbanded in June 1991 with the advent of the multiparty system. He also stated that the Twa were being integrated through various programmes and were not treated as second class citizens. It had been decided to revoke the system of identity cards based on ethnicity, but owing to the political vacuum that decision had not been implemented. The groups described as militia were the youth branches of various parties.

59. In response to the representative's attribution of responsibility to the political leaders, the members of the Committee asked the representative to comment on the President's refusal to attend a joint working meeting to overcome the political impasse and on the possibility that the President was undermining the principle of the peace agreement by refusing to retreat from a posture that would inevitably lead to war.

60. The representative claimed that such accusations were unfair, for, unlike the other party leaders, the President had taken his oath under the new transitional government and had formally agreed to implement the Arusha Peace Agreement. The representative had no objection to the proposal to bring Rwanda together in a forum with other regional actors, but denied that Rwanda had any role in the recent coup d'état in Burundi or in the subsequent violence there.

Concluding observations

61. At its 1039th meeting, on 17 March 1994, the Committee adopted the following concluding observations.

(a) Introduction

62. It is regretted that the Government of Rwanda did not submit the further information which had been requested by the Committee. However, it is appreciated that a delegation was present to respond to the questions and comments of Committee members.

(b) Principal subjects of concern

63. Concern is expressed over the failure of the Government to identify and punish those responsible for the ethnically motivated murders that have taken place in Rwanda. The resulting impunity of the perpetrators has encouraged a continuation of serious human rights violations which, in turn, have undermined attempts to re-establish the rule of law.

64. While the signing, in August 1992, of the Protocol of Agreement on the Rule of Law is welcomed, concern is expressed over the delay in forming a power-sharing government and that many of the provisions have not yet been implemented, particularly articles 15 and 16 which call for the establishment of a national commission of inquiry responsible for monitoring human rights violations, and the creation of an international commission of inquiry to investigate human rights violations committed during the armed conflict.

65. Concern is also expressed over the state of the system of criminal justice, including the judiciary, which has not discharged its functions either independently or effectively. The poor conditions to which detainees are subjected will not make resolution of the conflict any easier.

(c) Suggestions and recommendations

66. The Committee strongly recommends that decisive steps be taken immediately at the international level, through the Secretary-General of the United Nations, and at the regional and national levels, to break the vicious cycle of ethnic violence and atrocities that continues in Rwanda. To that end, the Committee supports the full implementation of the Arusha Peace Agreement and the associated protocols, particularly concerning the rule of law.

67. The ethnic conflict in Rwanda is paralleled by a conflict in Burundi involving members of the same two groups. It is doubtful whether one State can resolve the conflict within its borders unless the conflict in the subregion is resolved.

68. The Committee recommends that major reform of the judiciary be undertaken and stresses that adequate legal safeguards must be put in place to ensure the security of members of all ethnic communities and their access to effective judicial recourse.

69. The Committee strongly urges that a determined effort be made to bring an end to the impunity of perpetrators of ethnically motivated massacres and other racially based human rights violations that have ravaged the country. In this connection, the Committee emphasizes that investigation, prosecution and punishment must be undertaken to restore confidence in the rule of law and also as an indication of resolve that a recurrence of those crimes will not be tolerated. To that end, steps should be taken immediately at the international level to investigate the crimes against humanity which have been committed in Rwanda and to collect systematically evidence which could eventually be submitted to an international tribunal with competence on this question.

70. The Committee recommends that the Government of Rwanda request technical assistance from the Centre for Human Rights in all aspects of strengthening democratic institutions and promoting respect for human rights, with the possible assistance of one or more members of the Committee. Such assistance would be useful particularly with respect to legislative and judicial reform, the training of law enforcement officials, the establishment of a national institution for the protection of human rights and the development of education programmes aimed at encouraging inter-ethnic tolerance and understanding.

(d) Further action

71. In accordance with article 9, paragraph 1, of the Convention, the Committee requests further information from the State party on measures taken to implement the provisions of the Convention in the light of the concluding observations adopted by the Committee at its forty-fourth session. The State party is requested to provide that information by 30 June 1994 so that it may be considered by the Committee at its forty-fifth session.

72. At its 1045th meeting (forty-fifth session), on 3 August 1994, the Committee gave further

consideration to the situation in Rwanda (see sect. B below).

CERD A/52/18 (1997)

370. At its 1212th meeting, held on 20 March 1997 (see CERD/C/SR.1212), the Committee reviewed the implementation of the Convention by Rwanda based upon its previous report (CERD/C/169/Add.1) and its consideration by the Committee (see CERD/C/SR.839). The Committee noted with regret that no report had been submitted to the Committee since 1988.

371. The Committee welcomed the presence of a delegation of the State party at its meeting and the oral information provided on developments relevant to the implementation of the Convention in the State party. The Committee welcomed, in particular, the assurance that Rwanda will resume its reporting obligations under the Convention shortly.

372. The Committee therefore invites the State party to present its next report in time for the fifty-first session of the Committee and to include in it information on the legislative, judicial, administrative or other measures giving effect to the Convention, in accordance with the Committee's general guidelines regarding the form and contents of reports to be submitted by a State party under article 9, paragraph 1, of the Convention.

373. The Committee suggests that the Government of Rwanda may wish to avail itself of the technical assistance offered under the advisory services of the United Nations High Commissioner for Human Rights/Centre for Human Rights, with the aim of drawing up and submitting as soon as possible an updated report.

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135. The Committee considered the eighth, ninth, tenth, eleventh and twelfth periodic reports of Rwanda, submitted as one document (CERD/C/335/Add.1), at its 1385th and 1386th meetings (CERD/C/SR.1385 and 1386), held on 14 and 15 March 2000. At its 1397th meeting (CERD/C/SR.1397), held on 23 March 2000, it adopted the following concluding observations.

1. Introduction

136. The Committee welcomes the reports submitted by the State party and the additional oral and written information provided by the delegation as a constructive response to the questions asked by the Committee members. The Committee also welcomes the opportunity thus offered to renew its dialogue with the State party within the framework of the regular reporting procedure.

137. The Committee notes that despite the long period which has elapsed since the examination of the State party's previous report in 1988 and the enormous tragedies which have since occurred in Rwanda, the report focuses primarily on the legislative and practical steps taken by the State party to eliminate institutionalized and other forms of racial discrimination, but contains little information on racially discriminatory acts which have been committed.

2. Factors and difficulties impeding implementation of the Convention

138. The Committee bears in mind the events of 1994 and thereafter, involving genocide and the massive loss of life, and recognizes the difficulty for the population of the State party to overcome this recent history. The Committee is aware that the genocide continues to affect most aspects of life in the State party. The Committee also recognizes the problems posed by the attacks of armed opposition groups from outside its territory since 1994.

139. The Committee further notes that State financial and material resources were reduced to a minimum by acts of destruction and theft during the armed conflicts in 1994. While noting the progress made by the State party in addressing some of the economic problems facing the country, in particular reducing the level of inflation, the Committee is aware that the continuing economic difficulties in the State party, its heavy dependence upon scarce international assistance, and the limited resources available to the State party are significant obstacles to the full implementation of the Convention in Rwanda.

3. Positive aspects

140. The Committee commends the State party for its significant progress in addressing institutional forms of discrimination. The Committee notes with satisfaction the establishment of an independent National Human Rights Commission with a mandate to monitor and promote respect for human rights and to monitor how State institutions with responsibility for the implementation and protection of human rights, including those covered by the Convention, are managed.

141. The Committee also notes the efforts made by the State party to remove all references to

ethnic distinctions from official texts and speeches, as well as from identity cards. In addition, the Committee notes the State party's efforts to prevent impunity for perpetrators of genocide and other human rights violations and to bring those most responsible for such acts to justice. The Committee is encouraged by the State party's efforts to rehabilitate the judicial system, including through the training of judicial and law-enforcement officials.

142. The Committee welcomes the efforts made by the State party to improve the economic and social rights of the people, notably through the provision of housing facilities.

143. The Committee commends the State party for its efforts to receive refugees from neighbouring countries.

4. Concerns and recommendations

144. The Committee remains concerned that impunity prevails, notably in some cases involving unlawful acts committed by members of the security forces. The Committee recommends to the State party to continue addressing impunity through the judicial process and urges the State party to make additional efforts to respond adequately to and prevent unlawful acts committed by members of the military or civilian authorities.

145. The Committee notes that given the nature of the recent genocide, the majority of the large number of imprisoned or detained persons belong to the Hutu ethnic group. The Committee expresses its concern over the poor conditions of detention and imprisonment and the mortality rate of detained and imprisoned persons. The Committee recommends that the State party continue its efforts to respect minimum standards of detention.

146. The Committee recognizes the difficulties faced by the State party in the administration of justice and acknowledges the State party's efforts to identify practical methods to strengthen judicial procedures, including through the use of customary law practices. It urges the State party to take further measures to reduce periods of pre-trial detention and to ensure that the right to equal treatment before the law, as defined in article 5 (a) of the Convention, is respected in national and customary judicial proceedings.

147. The Committee notes the State party's past efforts to introduce "screening" practices, such as the Commissions de Triage, as an additional means of providing an early release from detention of those persons against whom there is little recorded evidence of criminal offences. The Committee recommends to the State party to recommence such efforts and to ensure that the population in general is well informed of these procedures so that those persons who are released are able to reintegrate into their communities in safety. The Committee further recommends that amnesty should be extended to lesser offenders who confess their crimes.

148. The Committee notes with satisfaction that the State party has resumed its cooperation with the International Tribunal for Rwanda and recommends to the State party to assist and to cooperate fully with the Tribunal.

149. While noting that the State party's measures to relocate large groups of the population to

semi-urban locations are intended to improve access to water, health and other services, the Committee is concerned about reports of forced relocations and that some relocated persons do not have access to adequate housing. The Committee recommends to the State party to ensure that all relocations are on a non-discriminatory basis and that relocated persons enjoy, without discrimination, the rights listed in article 5 of the Convention.

150. The Committee recognizes the State party's efforts to establish a specialized centre for juveniles accused of participating in the genocide, but remains concerned at the detrimental effect upon children of long periods of detention. While taking into consideration the very serious and tragic acts of which these juveniles are accused, the Committee nevertheless recommends that the State party make every effort to reintegrate such juveniles into the community as soon as is possible.

151. The Committee is concerned about recent reports on the setting up of village-based local defence forces, armed with firearms and machetes, receiving very limited training and which include among their recruits very young persons. The Committee recommends to the State party to avoid any action which might lead to new outbursts of ethnic violence, especially violence involving juveniles.

152. Recalling its decisions on Rwanda under its early warning and urgent action procedures, notably its decisions 5 (53) of 19 August 1998 and 3 (54) of 19 March 1999, the Committee is further concerned by reports of the intimidation of judicial authorities seeking to investigate and address human rights violations committed since 1994 against ethnic Hutus.

153. The Committee calls upon the State party to make additional efforts to investigate allegations of serious ethnic violence and humanitarian law violations that may have been committed and to address these acts through the judicial process, while maintaining full respect for the relevant human rights of accused and detained persons and ensuring that judicial officials are able to conduct their work free from intimidation or other pressure.

154. The State party is invited, in its next report, to provide further information on the following issues: (a) actions taken in respect of human rights to improve the mutual understanding of all members of the population; (b) further actions taken to address human rights violations stemming from discriminatory treatment; and (c) actions taken, and results achieved, by the National Human Rights Commission.

155. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

156. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of making the declaration be considered.

157. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's observations on them be similarly publicized.

158. The Committee recommends that the State party's next periodic report, due on 16 May 2000, be an updating report and that it address the points raised in the present observations.