

Rwandan Patriotic Army, resulting in the deaths of unarmed civilians. The report notes that in some cases the killings appear to have been perpetrated in order to punish elements of the population for collaboration with the armed groups or to deter such collaboration. Other counter-insurgency measures have resulted in the deprivation of liberty, arbitrary arrest and detention, and possible disappearances. The SRep commended the efforts by the Rwandan military to correct, redress and prevent the recurrence of such violations.

The report described a continuing crisis situation in the justice sector characterized by inadequate resources and the tendency to commit almost all available efforts to prosecutions for participation in the 1994 genocide, to the detriment of other aspects of criminal and civil justice. Steps taken to improve the situation are noted as including: use of the Confession and Guilty Plea procedure which allows eligible accused persons to confess and plead guilty in exchange for a reduced sentence, noting however that detainees who plead guilty may implicate others, requiring investigation and a closer examination of evidence; the training and deployment of 400 judicial police inspectors throughout the country, noting the need for additional training on human rights standards and investigative methodology; improvements in the functioning of the Public Prosecutor's office and in its capacity to establish case files; with regard to the genocide trials, use of the process of group trials in an attempt to alleviate the burden on the judicial system; and the establishment of a Bureau de consultation et de défense by the Rwandan Bar, to ensure legal representation to parties in criminal and civil cases.

References to the penitentiary system note, *inter alia*: as at September 1998, an estimated 125,000 persons were being held in detention centres throughout the country, representing a slight decrease from the end of 1997; the rate of new arrests has significantly decreased compared to 1997; an increase in the number of persons released on humanitarian grounds (the elderly, the seriously ill, and minors) and on the basis of insufficient evidence to sustain a prosecution; overall prison capacity is less than half the actual population in detention, leading to severe overcrowding; and there is a lack of adequate food and water, poor ventilation and lighting, a lack of sanitary facilities, an increase in diseases (such as tuberculosis), and an increase in the overall prison mortality rates.

The report addresses economic and social factors and states that the needs are gradually shifting from immediate emergency assistance in coping with the aftermath of the 1994 genocide to more long-term capacity-building and development cooperation. The genocide has had a persistent and negative effect on social indicators, such as a drop in life expectancy by 4.5 years since 1991, a rise in infant deaths per thousand and a nearly fourfold increase in maternal deaths during childbirth.

The SRep stated that the situation of women remains particularly precarious. Traditional inequalities between men and women have been exacerbated by the repercussions of the genocide in almost all sectors. Women head

more than 40 per cent of all households, their literacy rate is less than 50 per cent, most female heads of household have virtually no schooling, and only 25 per cent of all students in higher education are female. The report also notes that: a large number of women continue to suffer from the traumatic consequences of sexual violence committed during the genocide; rape victims are ostracized from their community and face extreme prejudice when seeking help; victims of sexual violence are often victims of non-sexual violence as well; and many rape victims from the genocide have lost husbands and other family members and find themselves without social support structures.

Note is also taken of the vulnerable status of children in a post-genocide society. Reference is made to cooperation between the government and UNICEF: to give priority to the cases of minors, currently in detention, accused of genocide; provision of specialized training in processing those cases for judicial investigators and judges; and efforts to ensure a separation of minors from adults in the prisons, implement release on parole or transfer to re-education centres. Incidents of sexual violence and prostitution involving young detainees were also reported.

The SRep stated that the strength of civil society will be a key indicator in the promotion and respect for human rights and noted: national NGOs are in continued need of assistance in capacity-building, particularly basic training, logistics and material assistance; many of these organizations suffer from a lack of effective mechanisms for collective cooperation, and are divided by their respective positioning in relation to different societal groups and political affiliations; the withdrawal of the UN Field Operation also meant the loss of an important partner for civil society organizations in the field of human rights; the cooperation of these organizations with international partners should continue to be encompassed under a comprehensive program; and the development of civil society groups, and the cooperation of these groups with the National Human Rights Commission, once it becomes operational, will form a crucial part of the process of reconstruction currently under way in Rwanda.

The report recommends, *inter alia*, that:

- ♦ the government and the National Assembly take appropriate action to enable the National Human Rights Commission to be fully established and to begin functioning effectively and independently in accordance with the fundamental law of Rwanda;
- ♦ the High Commissioner for Human Rights provide all the necessary support for the organization of a public workshop on the newly established National Human Rights Commission once the members of the Commission have been chosen; include among the participants in the workshop the newly appointed members of the Commission, members of the National Assembly, members of Rwandan civil society, and regional and international experts; take steps to