

food and by providing female detainees the opportunity to be with their small children on prison grounds but outside the prison walls. It is also noted that the authorities have made an effort to promote national reconciliation through workshops and seminars aimed at increasing awareness and understanding of international human rights standards and other initiatives such as the establishment of grass-roots-level conflict-resolution groups which bring together various sectors of civil society — for example women and representatives of professional associations — to discuss openly and frankly matters of everyday concern.

Referring to the presence of a large number of UN agencies working in Rwanda, and other international efforts to assist the country, the report comments on the need for more effort to be devoted to ensuring greater cooperation and coordination of their activities, in particular in the area of technical assistance for human rights projects agreed upon with the government. Reference is also made to the government's wish to participate, with the High Commissioner for Human Rights, in a joint review of the functions and role of HRFOR. The SRep welcomed the review, seeing it as the means through which HRFOR will be enabled to contribute more effectively to improving the human rights situation and support the capacity-building needed for sustainable and long-term improvements.

Concerning efforts to create an independent national human rights commission, the report refers to the Arusha Peace Agreement (4 August 1993) and the Protocol of Agreement on rule of law between the government and the Rwandese Patriotic Front (18 August 1992). The report notes that article 15 of the Protocol of Agreement now forms part of the Basic Law of Rwanda and stipulates that: both parties to the Protocol agree that a national commission on human rights shall be established; the institution shall be independent and investigate human rights violations committed by anyone on Rwandese territory, in particular, by organs of the state and individuals acting in their capacity as agents of the state or various organizations; the investigative work of the Commission shall not be limited in time; the Commission shall be provided with the necessary means, especially legal means, to accomplish its mission efficiently; and the findings of the Commission shall be used to sensitize and educate the population about human rights and institute legal proceedings where necessary.

Referring to the November 1997 draft proposal for the establishment of a National Human Rights Commission, the report notes that: most of the key elements relating to the establishment and functioning of such a commission are contained in the draft bill; several elements need to be improved, however, particularly in provisions related to jurisdiction, functions and powers; and, prior to the actual creation of the Commission there should be a wide public discussion in order to enable various sectors of society to contribute actively to its establishment and to develop a sense of partnership with this new mechanism. The report further notes that: in order to enhance maximum national support, it would be preferable for the

Commission to be created by a bill brought before Parliament, which can be debated and discussed, rather than through presidential decree; the Commission should be based on a broad mandate that includes the competence to investigate and inquire into complaints and examine proposed legislation, cooperate with the human rights organs of the UN, regional institutions and other countries and contribute to reports which Rwanda is required to submit, under its treaty obligations, to UN bodies and regional institutions; the Commission should be free to conduct its inquiries as it considers appropriate and to cooperate with whomever it considers necessary to fulfil its functions as well as have the power to compel the production of documents or other evidence and the attendance of witnesses for the purpose of gathering evidence; and the bill creating a National Human Rights Commission should contain provisions that protect the immunity of its members and stipulate penalties for interference with its work. Further, the independence of such a Commission should be protected by the allocation of adequate resources and its membership should reflect the diversity of Rwandan society.

The report notes that, contrary to recommendations that there be wide public discussions prior to the establishment of the Commission, the government proceeded through Presidential Order No. 26/01 of 11 November 1997 to establish the Commission. The report notes, however, statements by government ministers that a full and open debate on this subject was welcome in the Transitional National Assembly and that the decree could be modified as necessary before being tabled for adoption as a law.

In addition to recommendations made in the SRep's report to the 1997 General Assembly (A/52/522), the report to the 1998 Commission recommends, *inter alia*, that:

- ♦ the government and the international community enhance their cooperation to maintain and develop the most suitable conditions for the promotion and protection of human rights in Rwanda;
- ♦ with regard to justice and law enforcement, the following areas be given priority: (a) basic training in law and human rights for judicial personnel; (b) human rights education and training for members of the Rwandese Patriotic Army, the gendarmerie, the communal police and other law enforcement personnel, including local administrative authorities; (c) training and other support to the military justice system; (d) human rights training seminars and refresher courses for prison and detention centre personnel; (e) increasing the capacity of prisons and improving conditions of detention; and (f) providing logistical support to the judiciary;
- ♦ the international community concentrate immediately on providing all necessary technical assistance to enable the government to establish a dossier for every detainee;