

that has prevented them from seeking medical assistance and use of illegal abortion. The report refers to the Conference on genocide, impunity and responsibility (held in Kigali in November 1995) which recommended a programme of assistance specifically for women and agreed that remedial measures agreed should include: material assistance — such basic necessities as food, housing and clothing; establishment of income-generating projects; housing rehabilitation; treatment of physical mutilation and psychological trauma; creation of a specialized medical unit for treatment of complicated cases; and revision to laws to provide better protection. The report also notes, however, that the lack of resources in Rwanda has led to very limited implementation of this programme. As a result of state resource problems, the report observes, many Rwandan women have formed self-help associations to deal with socio-economic development, the socio-cultural development of women, or pacification and reconciliation activities.

The situation of children is also included in the section of the report dealing with vulnerable groups and states again that children were not spared during the massacres and were doubly victimized, either as perpetrators used by the belligerents as an instrument to commit crimes against humanity, killing as civilians or soldiers, or as innocent victims witnessing atrocities against their parents and/or suffering atrocities themselves. The report identifies the two major problems facing child survivors of the genocide as being family reunification and social reintegration.

Remedial measures are noted to include a national commission on children in difficult circumstances to assist unaccompanied children, street children, child soldiers and child prisoners, the latter of which numbered 1,353 as at the end of October 1996.

The report also addresses the situation of the Twas, an indigenous people who make up about 1 per cent of the population in Rwanda. Commentary recalls that the Twas, a small number of whom participated in the massacres, were not spared the killing and were targeted by the Rwanda Patriotic Army (RPA), the former FAR (Forces Armées Rwandaises) and militias. The report notes further that they have not benefited from any special assistance programmes and are confronted with political and administrative obstacles in their attempts to benefit from positive discrimination measures.

In terms of the present situation in Rwanda, the report considers current violations of human rights and notes that they include: violations of property rights — illegal occupation of property, leading to arbitrary arrests and detentions arising from malicious accusations and sometimes resulting in land disputes ending in murder; violations of freedom of expression — in the form of censure, intimidation, beatings, aggravated assault, kidnapping and murders of individuals (those targeted are generally professionals able to express their opinions orally or in writing, including journalists, the religious community, judges and human rights workers); violations of the right to personal security — arising in part from the determination of the government to enact emergency measures at all costs, most recently through adoption by the Rwanda Parliament on 8 September 1996 of an act which suspends fundamental guarantees granted to convicted prisoners (thereby confirming the practice of arbitrary arrests and

detentions), eliminates the right of appeal, and applies retroactively in some cases; and, violations of the right to physical integrity and to life — with violations, including sabotage and murder, committed by persons crossing into Rwanda from the DR Congo.

The situation of Rwandan refugees in neighbouring countries is also addressed. The report is critical of the programme set up by the Office of the High Commissioner for Refugees and generally characterizes the strategies employed as failures. This includes UNHCR efforts to separate those who intimidate other refugees in the camps, efforts to sustain an information/education programme to encourage voluntary repatriation, and efforts at deterrence, including the dismantling of survival structures in the camps such as restaurants, shops, schools and dispensaries.

The report concludes with a number of recommendations, including the following:

- ▶ adequate resources be provided to the International Tribunal so that it can carry out its mandate effectively;
- ▶ assistance be provided to the government to reactivate and reconstitute the national judicial system;
- ▶ states hosting fugitives from justice related to the genocide should hand them over for trial to the appropriate authorities;
- ▶ a legal framework be established to protect widows, women raped during the genocide, orphans and unaccompanied children and resources provided for programmes aimed at the social and psychological rehabilitation of these victims;
- ▶ the government should observe international standards and procedures related to arrest and detention of suspected criminals;
- ▶ the government should observe freedom of expression and the independence of the judiciary; and,
- ▶ the UN should provide increased resources to the Human Rights Field Operation in Rwanda to raise the number of observers to 300.

Resolution of the Commission on Human Rights

At its 1997 session, the Commission on Human Rights adopted by consensus a resolution on the situation in Rwanda (1997/66) in which the Commission: restated its condemnation of the crime of genocide, crimes against humanity and other human rights violations; reaffirmed the responsibility of individuals who planned and/or participated in genocide and grave human rights violations; called on the government to prosecute rape and other sexual violence that occurred during and after the genocide; called on the government to facilitate the participation of women, particularly genocide survivors and returnees, in all phases of social and economic reconstruction; called on the government to invite the Special Rapporteur on violence against women to conduct a field mission to study the issue of sexual violence, its consequences and its relationship to the ongoing work of the International Criminal Tribunal for Rwanda as well as of national tribunals; welcomed the start of genocide trials; expressed concern about conditions of detention; appealed to the international community for further financial and technical support to the