

Rwanda

1. Discrimination in the family

a) Overarching legal framework for marriage

Marriage and family law in Rwanda are governed by the Constitution of Rwanda (2003) and the recently revised Law Governing Persons and Family (2016). Together, they set out a comprehensive framework for equality in family and marital matters. Under the Constitution, forced marriage is prohibited, as “no person may be married without his or her free consent” (Rwanda, 2003, Art. 26). However, women and men do not have the same rights to enter into marriage as divorced or widowed women must wait a period of 300 days until they can legally re-marry (Rwanda, 2016, Art. 215).

The law allows for civil monogamous marriage, which may be preceded by traditional or religious ceremonies (Rwanda, 2016, Art. 167). The law does not provide for customary, informal or de-facto marriage, nor does it include legal provisions which prohibit harmful practices against widows (Rwanda, 2016).

b) Child marriage

As per the Law Governing Persons and Family, the minimum legal age of marriage is 21 for both men and women, without exceptions (Rwanda, 2016, Art. 168). Marriages of persons under the age of 21 are subject to automatic, absolute annulment (Rwanda, 2016, Art. 193). According to the 2001 Law Relating to the Rights and Protection of the Child Against Violence, the definition of forced marriage includes marriage of minors under 21, and an adult who lives with a minor as a husband or wife is subject to a sentence ranging from six months (in cases where the child is above 18) to life imprisonment (in cases where the child is under 18) (Rwanda, 2001, Art. 47-48).

There is no evidence of public measures by the Government to combat child marriage, which is more common in rural areas and refugee camps than in urban areas (U.S. Dept. of State, 2016).

c) Household responsibilities

In the revised Law Governing Persons and Family, the provision that men are the heads of the household was removed. Under the new law, spouses are expected to jointly provide management of the household, “including moral and material support (...) as well as maintenance,” and have the same rights and obligations (Rwanda, 2016, Art. 206, 209).

Women and men have equal rights to parental authority, regardless of their marital status (Rwanda, 2016, Art. 320 – 321). Under the Constitution, they also have equal rights to decide where to live (Rwanda, 2003, Art. 23).

In practice, stereotypes of women as wives and mothers, and men as leaders in charge of decision-making, household property and household finances persist (Oxfam, 2015). Rwandan women and girls perform a significantly larger share of domestic work than their male counterparts (CEDAW,

2017). Traditional patriarchal stereotypes perpetuated within the family and in the wider community constrain women's social status, autonomy, educational opportunities and professional careers (CEDAW, 2017).

d) Divorce

Under the Law Governing Persons and Family, either of the spouses may apply for or finalize a divorce or annulment (Rwanda, 2016, Art. 218). They also assume equal rights and obligations towards their children following the divorce (Rwanda, 2016, Art. 244). However, in custody cases, children under the age of six must live with their mother unless the interests of the children are in danger (Rwanda, 2016, Art. 243). There is no evidence of customary, religious or traditional practices that discriminate against women's legal rights to initiate divorce or to be the legal guardians of their children after divorce.

e) Inheritance

The Law Governing Matrimonial Regimes, Donations and Successions grants male and female heirs equal rights to inherit land and non-land assets (Rwanda, 2016b, Art. 54). Female and male surviving spouses also have the same rights to inherit land and non-land assets, and women have the same rights as men to make a will (Rwanda, 2016b, Art 62, 75).

Rwandan law recognizes civil, monogamous marriage. In practice, however, customary systems continue to govern family and land matters and often discriminate against women's rights to inheritance, as there is no legal recognition of consensual cohabitation and unregistered marriages, including polygamous unions which are widespread in Rwanda (CPRC, 2011; CEDAW, 2017). For instance, in the case of a polygamous union where the man has one legal marriage and other cohabiting "wives," children of the legal marriage have rights to a larger portion of the heritable estate (CPRC, 2011).

Co-ownership is difficult to prove for women in non-formal unions in the absence of property certificates (CEDAW, 2017). Even if women are formally entitled to their inheritance, they still face difficulties claiming it and may be hesitant due to lack of knowledge about their rights, their desire to avoid family disputes and/or for fear of verbal abuse or physical violence in land disputes (International Alert, 2016).

More

Polygamy is not lawful as per the Constitution which bans all forms of non-monogamous marriages under civil and customary law (Rwanda, 2003, Art. 25). However, polygamy has been reported to be prevalent in rural areas and complicates women's access to inheritance of property and land as protection of these rights are only guaranteed for legally married women (CEDAW, 2017). Women may enter into informal unions, including polygamous unions, out of need and pressure, including pregnancy and economic survival (International Alert, 2016).

2. Restricted Physical integrity

a) Violence against women

Rwanda has ratified the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa ("Maputo Protocol"), a regional convention that addresses violence against women. The Protocol is in line with Rwanda's national legislation.

Violence against women in Rwanda is broadly addressed by the 2009 Law on Prevention and Punishment of Gender-Based Violence (GBV), and its accompanying National Policy against Gender-Based Violence. In the law, gender-based violence is defined as, "any act that results in a bodily, psychological, sexual and economic harm to somebody just because they are female or male. Such act results in the deprivation of freedom and negative consequences. This violence may be exercised within or outside households" (Rwanda, 2009, Art. 2). As such, the law criminalizes sexual violence, domestic violence and sexual harassment, enforces penalties for each, and provides for a comprehensive approach for investigation and prosecution of the perpetrator (Rwanda, 2009).

The National Policy against Gender-Based Violence sets out a results framework for prevention of and response to gender-based violence, as well as coordination and monitoring to expand the data available on GBV (Rwanda, 2011b). The Policy includes a results framework and division of responsibilities for various government actors, and calls for the full integration of GBV concerns into district development plans (Rwanda, 2009). The Policy does not allocate funding directly to civil society organizations, however it calls for their involvement in designing and implementing programmes against GBV.

Since the adoption of the policy, several mechanisms to prevent GBV and support GBV survivors have been established. Gender desks in Rwandan National Police and the Rwanda Defence Force are in place to respond to cases of sexual GBV and work with hospitals to facilitate access to medical expertise; multi-service centres, called Isange One Stop Centres, provide medical, legal, psychological and social assistance under one roof, and Anti-GBV Clubs and Child Protection Committees have been opened in all districts and schools (CEDAW, 2015). GBV is a required training module for police and military at all levels, and for Rwandan peacekeeping missions sent abroad (U.S. Dept. of State, 2016). As a result, reporting rates for GBV cases in Rwanda have increased (CEDAW, 2017).

Despite these efforts, GBV remains pervasive, as it is widely accepted by the society as a result of entrenched traditional patriarchal norms (CEDAW, 2017). Although reporting rates for GBV cases have increased as a result of the government's prevention and protection efforts, it remains under-reported due to victims' fear of stigma, retaliation, and women's economic dependence on the perpetrator (CEDAW, 2017).

Refugee women and girls, particularly those in refugee camps, are at a disproportionate risk of GBV, including "survival sex" in exchange for food or water, and human trafficking (CEDAW, 2017). The GBV services the government has provided, such as the Isange One Stop Centres, are typically remote from refugee camps and refugee women and girls lack confidential complaint mechanisms and access to justice (CEDAW, 2017).

b) Domestic violence

Domestic violence is a criminal offense under the Law on Prevention and Punishment of Gender-Based Violence and subject to a penalty of six to two years imprisonment (Rwanda, 2009, Art. 20). The Law covers physical, sexual, psychological and economic violence from spouses, but does not explicitly cover abuse from former partners (Rwanda, 2009, Art. 2, 20). The Law does not forbid mediation or conciliation in cases of domestic violence (Rwanda, 2009).

The enforcement and promotion of domestic violence legislation falls under the purview of the broader accompanying National Policy against Gender-Based Violence (Rwanda, 2011b). While the definition of GBV cited in the policy covers domestic violence (stating, “this violence may be exercised within or outside households”), and domestic violence victims have access to GBV health services, hotline and emergency shelters, the Policy does not include provisions specific to the prevention of domestic violence (Rwanda, 2011b; CEDAW, 2015).

Domestic violence is prevalent and culturally condoned, as spousal rape, physical abuse, denial of property rights, verbal abuse and psychological harassment are often perceived as a normal part of family life (ECOI, 2013). Most instances of domestic violence remain within the extended family and are not reported or prosecuted (U.S. Dept. of State, 2016).

c) Rape

Rape is a criminal offense under the Law on Prevention and Punishment of Gender- Based Violence and subject to a penalty ranging between 10 and 20 years of imprisonment, with increased penalties if the crime results in bodily harm or mental illness (Rwanda, 2009, Art. 16). Rape is legally defined as “causing another person to engage in a non-consensual sexual intercourse by using force, threat or trickery” (Rwanda, 2012, Art. 196). “Sexual intercourse” is not defined in the law, so it is unclear if rape requires proof of penetration.

Marital rape is criminalized, however it is considered a separate act from non-marital rape and subject to lower penalties: imprisonment of up to six months, and a fine of RWF 100 000 to 300 000 (Rwanda, 2009, Art. 198-199).

Like domestic violence, sexual violence and rape fall under the broader definition of GBV, which is addressed by the broader National Policy against Gender-Based Violence. Victims can access the Isange One Stop Centres for medical and legal support, and police officers and service providers receive training on orientation of and care to rape victims (Rwanda, 2011b; CEDAW, 2015).

d) Sexual harassment

The Law on Prevention and Punishment of Gender- Based Violence provides legal protection from sexual harassment, which is subject to imprisonment of two to five years, and a fine between RWF 100 000 to 200 000 (Rwanda, 2009, Art. 24). In the Penal Code, sexual harassment is defined as sexual harassment of one’s subordinate (Rwanda, 2009, Art. 24). The Law Regulating Labour further prohibits GBV and moral harassment “within the context of work,” with GBV defined as “any kind of physical, psychological or sexual gestures or actions directed at a person or an assault on their property on the grounds of their sex” (Rwanda, 2009c, Art. 9). As such, the legal definition

specifically covers the workplace but not educational establishments, public places or cyber harassment (Rwanda, 2009, Art. 24).

Sexual harassment in the workplace remains pervasive in Rwanda, and takes the form of sexually suggestive language, sexual extortion by superiors, and pressure to perform sexual favours in order to access promotions and opportunities (Transparency Rwanda, 2013).

e) Female genital mutilation

Female genital mutilation (FGM) is not traditionally practiced in Rwanda. The Government has ratified the Maputo Protocol, which prohibits “all forms of female genital mutilation, scarification, medicalisation and para-medicalisation of female genital mutilation and all other practices in order to eradicate them” (ACHPR, 2003).

f) Abortion

As per the Penal Code, abortion is illegal except in cases where the woman’s physical health or life are endangered, in cases of rape or incest, or when the continuation of the pregnancy jeopardizes the baby’s health (Rwanda, 2012, Art. 165). Any woman who carried out self-induced abortion without an exemption from criminal liability issued by a Court is liable to one to three years of imprisonment, and a fine of RWF 50 000 to 200 000 (Rwanda, 2012, Art. 162 – 163).

More

Rwanda is a source and transit country for human trafficking, with Rwandan women and girls exploited in domestic service or in the commercial sex trade, and refugees from Burundi and the DRC trafficked into the sex trade as they transit through Rwanda (U.S. Dept. of State, 2017). Trafficking of persons within Rwanda and transnational trafficking are both criminalized under the Penal Code, with penalties ranging from 8 to 15 years of imprisonment (Rwanda, 2012, Art. 254-256).

The gender desks established at police stations each have a judicial police officer that has undergone training to assist victims of trafficking, and all newly hired immigration officers receive training on identifying trafficking victims (HRC, 2015).

3. Restricted Access to productive and financial resources

a) Secure access to land and assets

Under the 2013 Law Governing Land and the Constitution, women have the same legal status as men when it comes to owning, using, making decisions about and using as collateral of land and property (Rwanda, 2003, Art. 29; Rwanda, 2013, Art. 4). Joint land titling is available, and not restricted to married couples (Rwanda, 2013, Art. 21).

In practice, however, women’s access to land and property faces many roadblocks. The Law only grants rights to women in registered civil unions, but not to the majority of women in informal unions, who lack legal protection where their share of land or property ownership is concerned (CEDAW, 2017). Women’s involvement in household decision-making varies, and while they may

have formal rights to administer land and property, in practice they may be mediated by their husband and his family (CPRC, 2011). Since social and gender norms have positioned land-related decisions within the male domain, attempts by women to transgress them may be interpreted as a threat to male authority and have been found to leave women vulnerable to violence (International Alert, 2016). This includes cases where women are coerced to sign land transaction documents, intimidated to give up their inheritance, or otherwise economically oppressed (International Alert, 2016).

b) Secure access to formal financial resources

There are no restrictions on women's rights to open a bank account and obtain credit, regardless of their marital status (World Bank, 2016). The Government supports various initiatives to expand women's access to financial resources and credit, including the establishment of a programme for women's and youth access to finance which offers business advisory services, financial literacy training and microloans (CEDAW, 2015).

In practice, however, women are often incapable of providing the guarantees necessary to obtain loans or credit, as in the majority of households the main assets are controlled by men (CEDAW, 2017).

c) Workplace rights

Non-discrimination on the basis of gender in the workplace, and equal pay for equal work are guaranteed by the Law Regulating Labour (2009c, Art. 12). The right to free choice of employment and occupation is enshrined in the Constitution, and women are not restricted from entering certain professions or working night hours (Rwanda, 2003, Art. 30). Rwanda has ratified ILO's 1951 Equal Remuneration Convention and 1958 Discrimination (Employment and Occupation) Convention (ILO, 2017).

The Law on Prevention and Punishment of Gender-Based Violence grants women three months of maternity leave, paid by the government, and protects pregnant women from termination as a result of their pregnancy (Rwanda, 2009, Art. 9). Fathers are entitled to a four-day paid paternity leave (Rwanda, 2010b, Art. 2).

In practice, employment among Rwandan women is high regardless of their education level, but many female workers are employed in low-paid agricultural or informal work, where they do not have access to the same benefits or salary level as men (CEDAW, 2017). Gender roles that dictate women should bear the burden of domestic care work restrict their access to the labour market, in particular in traditionally male-dominated fields of employment (International Alert, 2016). The *de facto* restrictions on women's access to credit further exclude them from labour participation and constrain their ability to open a business (CEDAW, 2017).

4. Restricted Civil liberties

a) Citizenship rights

The Constitution and the 2008 Organic Law Relating to Rwandan nationality grants men and women equal rights to acquire, change and retain their nationality, and to confer it to their children (Rwanda, 2003, Art. 7; Rwanda, 2008, Art. 6, 11). The Law Governing Persons and Family provides women with the same rights as men to register the birth of their children, regardless of marital status (Rwanda, 2016, Art. 103).

The Constitution does not recognize multiple or intersectional discrimination, instead stating that: “discrimination of whatever kind based on, inter alia, ethnic origin, tribe, clan, colour, sex, region, social origin, religion or faith, opinion, economic status, culture, language, social status, physical or mental disability or any other form of discrimination is prohibited and punishable by law” (Rwanda, 2003, Art. 11). There is no evidence of laws and regulations that require the promotion of legal and policy developments in the area of nationality, nor of discriminatory customary or traditional practices that deny women their nationality rights.

Under the Identity Card Law (2008b, Art. 11) and Ministerial Order 3/1: Regulations and Procedures for Implementing Nationality Law (2011, Art. 17), men and women and have the same rights to apply for identity cards and passports, regardless of marital status. The law provides women with the same rights as men to acquire passports for their minor children (Rwanda, 2011, Art. 17). As per Article 23 of the Constitution, every Rwandan has the right to leave and to return to the country, and there are no gender-biased restrictions on freedom of movement enshrined in the law (Rwanda, 2003).

b) Voting

Men and women have equal voting rights under Article 8 of the Constitution (Rwanda, 2003). Although voting is not compulsory, voting turnout among both men and women is very high (IDEA, 2017).

c) Political voice

Under Article 8 of the Constitution, women have the same rights as men to hold public and political office in all three branches of Government (Rwanda, 2003). Article 9 of the Constitution provides for legal quotas at the national and sub-national levels, stating as one of its fundamental principles: “equality of all Rwandans and between women and men reflected by ensuring that women are granted at least thirty per cent of posts in decision making organs” (Rwanda, 2003). The quota reserves 30% of seats in the single/lower house, upper house and at the sub-national level for women, to be elected via a women-only ballot (Quota Project, 2017).

The quota is enforced via the Organic Law N° 10/2013/0L Governing Political Organizations and Politicians, which also obliges political parties to reflect gender equality in the recruitment of their members and in their leadership (Rwanda, 2013, Art. 7). The Government, via the National Women Council, provided training and transport facilitation to female candidates during the 2013 elections (CEDAW, 2017). It also allocates a budget to gender mainstreaming in political institutions through its Gender Monitoring Office (Rwanda, 2011).

Rwanda is often considered a model for women's political participation, as it is the country with the largest representation of women in parliament – electing more female parliamentarians than the quota calls for - and a high representation of women among provincial governors and in the judiciary (CEDAW, 2017). However, representation of women remains low at the local district level, where there are no quotas, and in local public administration (CEDAW, 2017). This hampers women's political participation, as the local level is often an important entry-level political opportunity for aspiring female politicians.

d) Access to justice

The Law Relating to the Code of Criminal Procedure provides for equal rights of men and women to sue and be sued, and to have their testimony hold equal weight regardless of marital status (Rwanda, 2013b). There is no evidence of specific legislation or measures to protect women from violence in political and public life.

The Organic Law N° 10/2013/OL Governing Political Organizations and Politicians serves to protect and promote the freedom of association of all individuals, including human rights defenders, by asserting the principle of equality of political organizations before government institutions (Rwanda, 2013, Art. 3). To broaden women's access to justice, the Ministry of Justice has opened "Access to Justice" (Maisons d'Accès à la Justice — MAJ) Bureaus, which are present in each district to provide access to legal advice and assistance, and have specific desks to deal with legal assistance to women and in gender-based violence cases (HRC, 2015). Rwandan Courts have witness protection units and safe houses to ensure whistle-blowers and witnesses are protected from harassment and intimidation, which facilitate women's access to justice and protection from retaliation (HRC, 2015). Since the end of the Gacaca Courts in 2012, which were acknowledged as a largely successful transitional justice mechanism for women, Rwanda's legal framework no longer provides for the establishment of tribunals or courts to facilitate women's access to justice (HRC, 2015).

While the MAJs provide a system of legal aid, there are no legal aid schemes for women that address their specific barriers in access to justice, including lack of economic independence and sociocultural norms that constrain them from filing GBV or land inheritance claims (CEDAW, 2015). The Government has identified lack of information about the legal system as a key constraint on women's access to justice (Rwanda, 2010).

The Government established a Gender Monitoring Office (GMO) in 2010, which has the power to receive complaints related to GBV, to monitor compliance of gender equality policies and laws, and report on statistics related to the participation of women in Government and other sectors (CEDAW, 2015; Rwanda, 2010). The GMO is complemented by the National Women's Council, which serves as a platform for women to raise issues pertaining to their development and is allocated the responsibility to provide education and training for women on gender equality (CEDAW, 2015).

ACHPR (African Commission on Human and People's Rights), 2003. *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa*, available at: <http://www.achpr.org/instruments/women-protocol/>, accessed Dec. 2017

CPRC (Chronic Poverty Research Centre), 2011. *Challenges and opportunities in inheritance rights in Rwanda*, available at: http://www.chronicpoverty.org/uploads/publication_files/PN%20Inheritance-Rwanda.pdf, accessed Dec. 2017

ECOI (European Country of Origin Information Network), 2013. Domestic violence, including legislation, state protection, services and legal recourse available to victims, available at: https://www.ecoi.net/local_link/261949/375254_en.html, accessed Dec. 2017

HRC (United Nations Human Rights Council), 2015. National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Rwanda, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/245/38/PDF/G1524538.pdf?OpenElement>, accessed Dec. 2017

IDEA (Institute for Democracy and Electoral Assistance), 2017. *IDEA Database: Voter Turnout Rwanda*. Available at: <https://www.idea.int/data-tools/question-countries-view/521/255/ctr>, accessed Dec. 2017

Rwanda (Government of Rwanda), 2003. *Constitution of Rwanda*, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/64236/90478/F238686952/RWA64236.pdf>, accessed Dec. 2017

Rwanda (Government of Rwanda), 2008. *Organic Law Relating to Rwandan Nationality*, available at: https://www.migration.gov.rw/fileadmin/templates/PDF_files/Organic_Law_relating_to_Rwandan_Nationality-2.pdf, accessed Dec. 2017

Rwanda (Government of Rwanda), 2009. *Law on prevention and punishment of gender-based violence*, available at: <http://www.refworld.org/docid/4a3f88812.html>, accessed Dec. 2017

Rwanda (Government of Rwanda), 2009b. *National Policy against Gender-Based Violence*, available at: http://www.migeprof.gov.rw/fileadmin/migrated/content/uploads/GBV_Policy_Strategic_Plan-2.pdf, accessed Dec. 2017

Rwanda (Government of Rwanda), 2009c. *Law regulating labour in Rwanda*, available at: http://www.minecofin.gov.rw/fileadmin/templates/documents/Legal/Other_laws/LAW%20%20NO%2013.2009%20OF%2027.5.2009%20REGULATING%20LABOR%20%20IN%20RWANDA.pdf, accessed Dec. 2017

Rwanda (Government of Rwanda) 2010. Strategic Plan for the Implementation of the National Gender Policy, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/94010/110189/F2120238974/RWA-94010.pdf>, accessed Dec. 2017

Rwanda (Government of Rwanda), 2010b. *Ministerial Order N°03 of 13/07/2010 Determining circumstantial leaves*, available at <http://www.mifotra.gov.rw/fileadmin/templates/downloads/laws/official%20gazettes/Official%20Gazette%20n%C2%B030%20of%2026.07.2010.pdf>, accessed Dec. 2017.

Rwanda (Government of Rwanda), 2011b. National Strategic Plan for Fighting Against Gender-based Violence 2011 – 2016, available at: http://www.migeprof.gov.rw/fileadmin/_migrated/content_uploads/GBV_Policy_Strategic_Plan-2.pdf, accessed Dec. 2017

Rwanda (Government of Rwanda), 2011. Gender Monitoring Office Strategic Plan 2011 – 2016, available at: http://gmo.gov.rw/fileadmin/user_upload/PDF_Documents/GMO_Strategic_Plan_2011-2016.pdf, accessed Dec. 2017

Rwanda (Government of Rwanda), 2012. *Organic Law instituting the Penal Code*, available at: https://www.police.gov.rw/uploads/tx_download/RWA-93714.pdf, accessed Dec. 2017

Rwanda (Government of Rwanda), 2013. *Law N° 10/2013/OL Governing Political Organizations and Politicians*, available at: http://www.rgb.rw/fileadmin/Key_documents/Law_governing_the_PP_and_politicians.pdf, accessed Dec. 2017

Rwanda (Government of Rwanda), 2013b. *Law relating to the code of criminal procedure*, available at: http://www.minijust.gov.rw/fileadmin/Law_and_Regulations/PPR.pdf, accessed Dec. 2017

Rwanda (Government of Rwanda), 2016. *Law governing persons and family*, available at: http://www.rlrc.gov.rw/fileadmin/templates/photo_gallery/2016/September/Law_Governing_Persons_and_Family.pdf, accessed Dec. 2017

Rwanda (Government of Rwanda), 2016b. *Law governing matrimonial regimes, donations and successions*, available at: http://www.minijust.gov.rw/fileadmin/Law_and_Regulations/Official_Gazette_no_31_of_01.08.2016.pdf, accessed Dec. 2017

Transparency Rwanda, 2013. *Gender-based Corruption in Workplaces in Rwanda*, available at: http://www.rcsprwanda.org/IMG/pdf/Gender-based_corruption-transparency_rwanda.pdf, accessed Dec. 2017

U.S. Dept. of State (United States Department of State), 2016. *Country Reports on Human Rights Practices for 2016: Rwanda*, available at: <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>, accessed Dec. 2017

U.S. Dept. of State (United States Department of State), 2017. *Trafficking in Persons Report 2017, Country Narratives: Rwanda*, available at: <https://www.state.gov/documents/organization/271344.pdf>, accessed Dec. 2017