

## RWANDA

### 1. Discriminatory family code

The **legal minimum age for civil marriage** for women and men in Rwanda is 21, and any marriage conducted before both parties have turned 21 is legally deemed to be a forced marriage (making the older spouse liable for prosecution).<sup>1</sup> However, according to data from the 2010 Demographic and Health Survey (DHS), the median age of first marriage for women with no education is 20.1 (21.4 for women with primary education; 23.6 for women with primary and secondary education).<sup>2</sup>

Under the 1988 Family Code, both spouses are deemed to have **parental responsibility** to raise their children; however, elsewhere in the Code, the father is named head of the ‘conjugal community’, comprised of the husband, wife, and their children.<sup>3</sup> In addition, in cases where a couple are in dispute regarding parental authority, it is the father’s will that prevails.<sup>4</sup> The Family Code also states that women and men have the same rights to petition for **divorce**, and to have ongoing equal rights and responsibilities in regard to any children.<sup>5</sup>

In the matter of **inheritance**, the 1999 Inheritance and Marital Property Law guarantees equal rights for female and male spouses and children to inherit property.<sup>6</sup> According to the law, a surviving spouse married under the community of property marriage regime inherits all property. If the surviving spouse remarries they keep half of the original inherited property with the other half shared equally among the deceased’s children. If a spouse remarries, he or she retains one quarter of property in full ownership and three-quarters is administered for the children.<sup>7</sup> According to the Chronic Poverty Research Centre, in 2005 59.96% of widows inherited the majority of assets after their spouses.<sup>8</sup>

#### *More*

The Inheritance and marital property law only applies to registered legal marriages, excluding customary and **polygamous** marriages. Most marriages in Rwanda are not registered and, as such, women, particularly co-wives in polygamous marriages, do not enjoy inheritance rights in

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<sup>1</sup> Law on the Rights and Protection of the Child; CEDAW (2007), p.65

<sup>2</sup> Measure DHS (2012), table 4.4

<sup>3</sup> Law n°42/1988 of 27 October 1988 constituting the Preliminary Title and the First Book of the Civil Code (the Family Code) articles 197 and 206, in CEDAW (2007) p.64

<sup>4</sup> Family Code, article 206, in CEDAW (2007) p.64

<sup>5</sup> Family Code, article 237, in CEDAW (2007)

<sup>6</sup> CEDAW (2007) p.33

<sup>7</sup> Chronic Poverty Research Centre (2011)

<sup>8</sup> Chronic Poverty Research Centre (2011), p.20

practice.<sup>9</sup> However, proportions of women in both informal and polygamous unions are declining. The percentage of women in informal unions declined from 20% in 2005 to 15% in 2010.<sup>10</sup> In terms of polygamous marriages, which were outlawed as part of a comprehensive bill on violence against women passed in 2009, only 8% of women reported being in a polygamous union in 2010 - down from 12% in 2005.<sup>11</sup>

## 2. Restricted physical integrity

In April 2009 Rwanda promulgated the Law on the Prevention, Protection, and Punishment of Any Gender-Based Violence, the country's first comprehensive legislation on violence against women. This bill addresses spousal violence, marital rape, **sexual harassment**, and sexual abuse of children in its definition of gender-based violence, and lists the occurrence of such violence as grounds for divorce.<sup>12</sup> This law is a result of a legislative process that began in 2003 to combat a pervasive problem.

The latest Demographic and Health Survey (DHS) reports that almost 41% of women aged 15-49 have experienced physical violence at some point in their lifetime.<sup>13</sup> Of those who had experienced physical violence since age 15 and who were currently married, the husband or boyfriend was a perpetrator in 95% of the cases.<sup>14</sup> Often domestic violence is dealt with within the extended family, according to the US Department of State, and not reported or prosecuted, effectively denying women access to external support as well as legal remedy.<sup>15</sup> These cases are also likely widely underreported; according to the 2010 DHS, 60.8% of women who experienced violence in their lifetime never sought help. The most recent attitudinal data on violence against women indicates that 25% of men and more than twice as many women (56%) believed that wife-beating was justified in at least one instance (out of five provided in the DHS survey).<sup>16</sup>

According to the US Department of State's 2012 human rights report, recent government-sponsored activities to address gender-based violence include: a hotline for **domestic violence** at a police station in Kigali, gender desks at all 75 of the country's police stations, centres for medical, psychological, legal, and police assistance located in five public hospitals throughout the country (four of which opened in 2012).<sup>17</sup>

**Rape** is a criminal offence in Rwanda, with penalties ranging from 5 years to life imprisonment.<sup>18</sup> Spousal rape is also a crime, with penalties ranging from two months to life imprisonment.<sup>19</sup> According to the US Department of State's 2012 human rights report, the government of

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<sup>9</sup> Chronic Poverty Research Centre (2011)

<sup>10</sup> Measure DHS (2012), p. 53

<sup>11</sup> Government of Rwanda (2008) Law on the Prevention, Protection, and Punishment of Any Gender-Based Violence, Law No. 59/2008, enacted 10 September 2008, Article 57; Measure DHS (2012), p. 54

<sup>12</sup> Pearson, E. with E. Powley (2008 pp. 24-25; World Bank (2013a))

<sup>13</sup> Measure DHS (2012), Table 17.1

<sup>14</sup> Measure DHS (2012), Table 17.2

<sup>15</sup> US Department of State (2012), p. 36

<sup>16</sup> Measure DHS (2012), p. 230

<sup>17</sup> US Department of State (2012), p. 36

<sup>18</sup> Government of Rwanda (2008)

<sup>19</sup> Government of Rwanda (2008), Articles 5, 19

Rwanda handles rape cases as a priority within its judicial system; 351 cases were reported in 2012, with 109 filed in court, 143 dropped, and 99 pending.<sup>20</sup> Of the 65 cases adjudicated between January and September of 2012, 17 resulted in acquittal and 53 resulted in convictions, with sentences ranging from four years to life imprisonment.<sup>21</sup> However, under current gender-based violence law (Law on the Prevention, Protection, and Punishment of Any Gender-Based Violence), abduction is illegal and punishable by a fine and imprisonment of five to eight years.<sup>22</sup>

Additionally, women tend not to report sexual assaults, due to shame and taboos regarding discussion of anything to do with sex.<sup>23</sup> According to the 2010 DHS, more than one in five women (22%) aged 15-49 reported experiencing sexual violence at some point in their life, although 65% never sought help.<sup>24</sup>

Further barriers to women's physical integrity come in the form of restrictive **reproductive rights** policies.

### ***More***

**Abortion** is illegal in Rwanda except in cases where the woman's mental or physical health is in danger.<sup>25</sup>

The problem of sexual violence was severely aggravated during the Rwandan **genocide**, during which many women, children, and men were subjected to acts of sexual violence.<sup>26</sup> During sentencing at the International Criminal Tribunal for Rwanda in 1998, rape was likened to an act of genocide,<sup>27</sup> and rape was used as a means of inflicting pain and humiliation on victims.<sup>28</sup> Soldiers of the Rwandan Patriotic Army were responsible for serious human rights violations throughout the conflict with the Ugandan Army in Kisangani in 2000, a period marked by a very high incidence of rape. Many women were also buried alive.<sup>29</sup> Rwandan soldiers and rebels have also been implicated in sexual violence in the ongoing conflict in the Eastern Congo region bordering Rwanda.<sup>30</sup>

## **3. Son bias**

The male/female **sex ratio** for the working age population (15-64) in 2013 is 0.99 while the ratio at birth is 1.03.<sup>31</sup>

There is evidence to suggest that Rwanda is a country of no concern in relation to **missing women**.

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<sup>20</sup> US Department of State (2012), p.35

<sup>21</sup> US Department of State (2012), p 36

<sup>22</sup> Government of Rwanda (2008), Article 17

<sup>23</sup> CEDAW (2007), p.42

<sup>24</sup> Measure DHS (2012), p. 243, 251

<sup>25</sup> UN DESA (2013)

<sup>26</sup> CEDAW (2007), p.65

<sup>27</sup> African Development Bank Group (2008), p.3

<sup>28</sup> CEDAW (2007), p.40

<sup>29</sup> (ECOSOC) (2003), p. 94

<sup>30</sup> ECOSOC (2003) p. 44

<sup>31</sup> Central Intelligence Agency (2013)

In 2012, the ratio of female to male primary school enrolment was 102.1 percent and 106.5 for secondary school.<sup>32</sup> According to 2010 data, malnutrition appears to have affected males younger than 5 years old more significantly than girls the same age.<sup>33</sup> According to 2010 data, girls (7-14) were more involved than boys in household chores.<sup>34</sup>

#### 4. Restricted resources and assets

Where the 1999 Inheritance Law established legal rights for the inheritance of land and other property, the 2005 Organic Land Law formally abolished customary law where it governed land rights.<sup>35</sup> The 2005 Law also encourages long tenure security through long-term (99 year) leases and land registration, and is actively encouraging joint titling of land. Women are involved in the coordination and registration process.<sup>36</sup> But despite gaining a certain level of independence and legal protection since the genocide, women still face difficulties **accessing property**.<sup>37</sup> A 2010 qualitative study by the Rwanda Women Network and Makerere Institute of Social Research found women's legal **rights to land** are undermined by the continuation of discriminatory practices, due to the negative attitudes towards women's land rights in Rwanda.<sup>38</sup>

Women in Rwanda do not appear to face any legal restrictions in **accessing credit**, but in practice, have very limited access to bank loans.<sup>39</sup> Government-sponsored micro-credit mechanisms have improved their access to financial resources.<sup>40</sup> According to the latest data from the World Bank, in 2011, 28.2% of women had accounts at formal financial institutions, compared with 37.5% of men.<sup>41</sup> Although roughly equal percentages of women (8%) and men (8.9%) received a loan from a financial institution in 2011,<sup>42</sup> women made up only 32.74% of microfinance borrowers in Rwanda in 2012, down from 53% in 2011.<sup>43</sup>

#### 5. Restricted civil liberties

Married women face some restrictions in regard to choosing where they wish to live, as they are legally required to live in the same house as their husband.<sup>44</sup> According to the 2007 CEDAW report, there are no other legal restrictions on women's **freedom of movement** in Rwanda.<sup>45</sup>

Women and men have the same rights to vote in and stand for election in Rwanda.<sup>46</sup> The Rwandan government has instituted **quotas** to promote women's political participation at the

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<sup>32</sup> World Bank Development Indicators Database

<sup>33</sup> World Bank Development Indicators Database

<sup>34</sup> Understanding Children's Work

<sup>35</sup> Verma (2007), p.24; Law No. 08/2005, The Organic Land Law

<sup>36</sup> AfDB (2008), p.20-21

<sup>37</sup> World Bank (2010), p.148

<sup>38</sup> Rwanda Women Network (2011)

<sup>39</sup> World Bank (2010) p. 148; CEDAW (2007), p.36

<sup>40</sup> World Bank (2010) p. 148; CEDAW (2007), p.36

<sup>41</sup> World Bank (2013b)

<sup>42</sup> World Bank (2013b)

<sup>43</sup> Microfinance Information Exchange (2013)

<sup>44</sup> Article 83, Family Code in CEDAW (2007), p.63

<sup>45</sup> CEDAW (2007), p.13

<sup>46</sup> CEDAW (2007), p.43

national and sub-national levels through its Constitution.<sup>47</sup> At the sub-national level, Electoral Law (02/2006, sections 2, 3, 4) put in place a parallel system of women's councils and women's only elections so as to guarantee the 30% mandate at the local levels.<sup>48</sup>

In 2008, Rwanda became the first nation in history to have more women members in a national parliament than men.<sup>49</sup> Public opinion on women politicians is evenly divided; according to a 2007 World Values Survey, 51% think that men make better political leaders than women do, versus 48% who disagree with that statement.<sup>50</sup>

### ***More***

Under the Labour Act, section 64, women with maternity insurance are entitled to 12 weeks **maternity leave** at two-thirds of their pay while women with no maternity insurance are entitled to six weeks leave at the entirety of their salary, and six weeks at 20% of their salary. What benefits a woman receives are paid for by her employer.<sup>51</sup>

As a way to empower women socially and economically, KenTel, Rwanda Telecentre Network and Southern Africa Telecentre Network implemented a digital literacy programme targeting women in rural and urban areas. Known as the Telecentre Women Campaign, the initiative aimed to empower disadvantaged women with ICT knowledge for personal growth and greater opportunities. As a result, from July to November 2013, 300 women from Kenya, Rwanda and Zambia gained basic knowledge of ICT to help them improve their businesses and employment.<sup>52</sup>

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<sup>47</sup> Constitution, articles 9 (4), 76, 82 ; The Quota Project (2013)

<sup>48</sup> The Quota Project (2013)

<sup>49</sup> IPU (2010)

<sup>50</sup> WVS (2007), Question V61

<sup>51</sup> ILO (n.d.)

<sup>52</sup> Telecentre Women, [http://women.telecentre.org/?page\\_id=224](http://women.telecentre.org/?page_id=224)

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