



# The Promise and the Reality: Women's Rights in Rwanda

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The views expressed in this paper are those of its independent authors.

## 1. Introduction

Rwanda is probably best known for two things: the 1994 Genocide, when the world stood by while upward of 800,000 Tutsi and moderate Hutu were killed, and being the first country in the world to achieve the target of 50 per cent of parliamentarians being women. The latter is indicative of the stated commitment of the government to gender equality, the empowerment of women and promoting the rights of women. However, it is not evident that the policies have as yet had a significant impact on the lives of the majority of Rwandan women. The authors of the UNDP 2007 country report,<sup>1</sup> for example, conclude that the achievements of political representation have not translated into significant differences for the majority of women. Even young educated women are able to exert only very limited control over their own lives.<sup>2</sup>

Three recent journal articles, all written by authors with significant experience of carrying out research on the situation of women in Rwanda, have rather different perspectives on their situation but come to much the same conclusion: the majority of women have benefited little from government policies to promote gender equality and empower women. Randell and McCloskey<sup>3</sup> argue that although the government has policies and strategies in

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<sup>1</sup> S. Leander, *Turning Vision into Reality: From Recovery to Human Development*, United Nations Development Programme (2007).

<sup>2</sup> L. C. McLean Hilker, Navigating Adolescence and Young Adulthood in Rwanda During and After the Genocide: Intersections of Ethnicity, Gender and Age, 12(3) *Children and Geographies* (2014) 354-368.

place to promote the role of women in economic development and specifically in agriculture, where the vast majority of women work, they have had little impact as yet. Burnet<sup>4</sup> argues that the high political representation of women in parliament has not translated into legislative gains for women; women parliamentarians toe the party line, rarely mobilise around 'women's issues' and in some cases vote for legislation that reduces legal protection for women or eliminates women-friendly policies. She argues, however, that the high political representation of women has at least a symbolic value and has increased respect for some women and given them greater voice in the family and community, greater autonomy in family decision-making and greater access to education. Nevertheless her conclusion is that for the vast majority of women living in rural areas little has changed. Debusscher and Ansoms<sup>5</sup> argue that while strong political will and target-driven gender policies offer opportunities for promoting gender equality, the transformative potential of such policies is jeopardised by an underlying economic rationale (the economic return from investing in women), that neglects women's domestic labour, the limited scope for civil society organisations to influence policy, and the lack of grassroots participation. In addition, it is jeopardised by a focus on quantitative targets which results in a formalistic implementation of gender

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<sup>3</sup> S. Randell and M McCloskey, Sustainable Rural Development in Rwanda: The Importance of the Focus on Agriculture, *International Journal of Agricultural Extension for Sustainable Development* (2014) 107-119.

<sup>4</sup> J. E. Burnet, Women have Found Respect: Gender Quotas, Symbolic Representation, and Female Empowerment in Rwanda, *7 Politics and Gender* (2011) 303-344.

<sup>5</sup> P. Debusser and A. Ansoms, Gender Equality Politics in Rwanda: Public Relations or Role Transformation, *44(5) Development and Change* (2013) 1111-1134.

policies. Thus, in contradiction to those that stress the significant legal, political and economic gains that women have made, like Randell and McCloskey and Burnet, they raise the question of whether these have had any significant impact on traditional gender relations that historically subordinated and exploited women in Rwanda.<sup>6</sup>

This paper will contribute to understanding of the extent to which Rwanda's gender machinery has promoted gender equality and empowered women. More specifically, it raises the question of the extent that the machinery has transformed gender relationships or has the potential to do so, so that gender equality becomes part of everyday practice, the taken-for-granted basis for the relationship between *all* men and *all* women, thus enabling the women to achieve their potential. It will do this by drawing on research that we have undertaken (with others) in Rwanda over the last 10 years.<sup>7</sup> Beyond this it will consider whether women and girls are able to claim and exercise their rights as guaranteed by international laws that Rwanda has ratified and domesticated and by the domestic law. Much of this research has been what Burawoy<sup>8</sup> has typified as policy sociology – that is, research undertaken for government, NGOs or other clients specifically to answer their questions related to policy formulation and/or implementation. However, we would argue

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<sup>6</sup> V. Jefremovas, Loose Women, Virtuous Wives, and Timid Virgins: Gender and the Control of Resources in Rwanda 41(5) *Canadian Journal of African Studies* (1991) 378-395.

<sup>7</sup> Where we discuss findings from this research we provide details of the relevant reports, articles and book chapters.

<sup>8</sup> M. Burawoy, For Public Sociology, 70(4) *American Sociological Review* (2005) 4-28.

that it has also overlapped into public sociology – that is, research that puts forward the perspective of those that are researched and whose findings may be used by them for advocacy.

The methods used have variously included desk research, the secondary analysis of data sets<sup>9</sup> and new surveys and qualitative studies. Much of the research has used mixed methods and has aimed to be participatory and give ordinary Rwandans – women, men and children – a ‘voice’. All the research has been informed by a gender perspective and included a gender analysis. Ethical approval has been obtained from the relevant organisations. Drawing on this accumulated body of research findings we are able provide a much more detailed and comprehensive picture of the progress that has been made in advancing the rights of women in Rwanda, the present situation and the prospects for the future. Throughout the paper we make references to the relevant research studies to support the main points we make, but it is the accumulated body of findings that has influenced the analysis and the conclusions to which we come to in this paper. Our analysis is also informed by our experiences of living and working in Rwanda, in the case of the lead author for more than 10 years.

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<sup>9</sup> The main data sets we have used are those of the Rwanda Demographic and Health Survey and the Integrated Household Survey. They are available to download from the National Institute of Statistics of Rwanda web site, <http://microdata.statistics.gov.rw/index.php/catalog>. We also use the Senate data set which is not publically available but details of which can be found in P. Abbott, R. Mugisha and G. Lodge, *The Constant Quest for Solutions through Dialogue and Consensus, Republic of Rwanda* (2014).

## 2. Country Context

Rwanda is located in the Great Lakes Region of Central East Africa, an area of political fragility. Following the devastating effects of the 1994 Genocide against the Tutsi,<sup>10</sup> which destroyed not only the physical infrastructure but the very fabric of society, the government deliberately set out to build a society that is socially cohesive and makes the good life possible for all.<sup>11</sup>

Rwanda has become a relatively stable and peaceful country, with the post-genocide political settlement based on development Patrimonialism, a system where corruption is rigorously suppressed, rather than used by the ruling party to reward supporters and buy off potential opponents. Investment is made in gaining a broad base of support, brought about by providing more and better public goods and services.<sup>12</sup> The government is stable and the economy growing, poverty is declining, economic transformation is beginning and the country is on track to achieve most of the Millennium Development Goals (MDGs). Good governance has been at the heart of the country's development strategy, and central to this has been accountability and citizen participation. Frameworks have been put in place for all layers of society to contribute to the development process through civic engagement using

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<sup>10</sup> Although the Genocide was aimed at wiping out the Tutsi Race (Genocide against the Tutsi), moderate Hutu as well as Tutsi were among the upward of 800,000 men, women and children that were killed.

<sup>11</sup>P. Musoni, Rebuilding Trust in post-conflict situation through Civic Engagement: The Experience of Rwanda. Paper presented at the *7th Global Forum on Reinventing Government*; Vienna, Austria, (June 2007). <http://unpan1.un.org/intrdoc/groups/public/documents/un/unpan026588.pdf> last accessed 17 March 2013.

<sup>12</sup> D. Booth, D. and F. Golooba-Mutebi, Development Patrimonialism? The Case of Rwanda *African Power and Politics Programme* (2012) . [http://www.institutionsafrica.org/publications/research\\_stream/developmental-patrimonialism](http://www.institutionsafrica.org/publications/research_stream/developmental-patrimonialism), last accessed July 2013.

mechanisms of dialogue and consensus. The aim has been to recreate a sense of national identity and loyalty through an emphasis on one language, one culture, one history and one people.<sup>13</sup> Rwanda is seen as having one of the most effective governments in Africa.<sup>14</sup> However, there is increasing concern that power is too heavily centralised, with unpredictable consequences for long-term political stability, economic development and human rights.

There is still strong central control of the planning process. This raises concerns about the lack of democratic accountability. It negatively affects the participation of community-based organisations and often results in poor access to information. Local leaders tend to bring messages down from higher levels of government to the community, rather than listening to citizens' concerns and bringing them to the attention of the state.<sup>15</sup> Local people often do not have the capacity to participate effectively or the space to demand their rights to better services. Civil society remains weak, tends to be driven out by the government's mechanisms for social action, membership of which is compulsory,<sup>16</sup> and has not yet proved to be efficient in holding the state

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<sup>13</sup> P. Abbott, R. Mugisha and G. Lodge, *supra* note 9.

<sup>14</sup> P. Collier, *Wars, Guns and Votes. Democracy in Dangerous Places*, Vintage (2010).

<sup>15</sup> E.g. P. Abbott, D. Malunda and N. Festo, *Rwanda Case Study for the European Report on Development*, [http://www.erd-report.eu/erd/report\\_2012/bpcs.html](http://www.erd-report.eu/erd/report_2012/bpcs.html) (2013); S. Straus and L. Waldorf (eds), *Remaking Rwanda*, University of Wisconsin Press (2011); M. Campioni and P. Noack (eds) *Rwanda Fast Forward: Social, Economic, Military and Reconciliation Prospects* (2012).

<sup>16</sup> P. Abbott, R. Mugisha and G. Lodge, *supra* note 9.

accountable. Social capital remains low and many, especially women, lack the capacity to claim their rights.<sup>17</sup>

The government continues to strive for economic reconstruction and development in order to address the biggest challenges facing the country – its limited natural resources, demographic pressure, decreasing productivity of the soil and arable land, the exorbitant cost of production, a narrow economic base and inadequate infrastructure. With a population of just over 10.5 million and a population density of 416 people per square kilometre it is the most densely populated country in Africa and one of the most densely populated in the world. Population growth, although slowing since 2002, continues to exert pressure on an economy mainly dependent on semi-subsistence agriculture, with over three quarters of farms too small to support a household. The government recognises that, lacking natural resources, economic growth will depend on an increasing proportion of the population working in non-agricultural employment and that this will require significant investment in human capital.

The population is predominantly young, with half being below the age of 19 and only three per cent 65 years or over; the high dependency ratio puts a heavy strain on resources. Fifty-two per cent of the population are female, with women forming a majority in older age groups, and about 75 per cent live

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<sup>17</sup> Ibid.

in rural areas where poverty is heavily concentrated.<sup>18</sup> Human capital is low, with only 72 per cent of those aged 16 or over having basic literacy skills (77.7 per cent men, 67.4 per cent women) and 36 per cent having completed primary school (39.4 per cent men, 32.9 per cent women).<sup>19</sup> Only 24 per cent of men and 28 per cent of women aged 16 or over are inactive (neither in education or employment).<sup>20</sup> A majority of the population are employed in agriculture, mainly as subsistence farmers.

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<sup>18</sup> National Institute of Statistics of Rwanda, *Fourth Population and Housing Census Rwanda 2012: Population Size, Structure and Distribution*, Republic of Rwanda (2014).

<sup>19</sup> Authors' own calculation from the 2010/11 Integrated Household Survey, see P. Abbott, R. Mugisha and G. Lodge, *supra* note 9.

<sup>20</sup> National Institute of Statistics of Rwanda, *Fourth Population and Housing Census Rwanda 2012: Labour Force Participation*, Republic of Rwanda (2014).

### 3. Conceptual Framework

Women are human beings just as much as men are, and they are guaranteed the same rights as men by the 1948 *Declaration on Human Rights* and other international conventions. Women are denied their rights they are frequently treated as second-class citizens, less than fully human. Ensuring that women are able to exercise their human rights is about justice for women. However, arguments for gender equality, for women to be able to exercise the same rights as men, are often justified by an economic rationale – promoting equality for women will increase economic growth – rather than as achieving justice for women.

Gender inequality is a violation of women's dignity and a denial of the possibility for women's development of their human capacity. Inequality is not the same as difference, though difference and inequality can and do coexist. *Difference* can be due to biological factors and/or choice. *Inequalities* are created and sustained socially by systemic arrangements and processes and by the deliberative actions of individuals and groups. Gender inequality can take many forms, including premature death, ill health, exclusion from knowledge, poverty, powerlessness and exclusion from opportunities and life chances.

The analysis in this paper is informed by the emerging field of the sociology of human rights and by feminist theories of gender and power. In particular, we

draw on the work of Michael Burawoy,<sup>21</sup> using sociological analysis to examine the extent to which and the ways in which women are able to claim and exercise their economic and social rights in Rwanda – that is, their universally recognised rights not just as women but as full members of the human race. In doing so we recognise that the subordination and marginalisation of women does not end just because they have been granted their legal rights or even made some progress in claiming them. Furthermore, different groups of women are positioned differentially within the opportunity structure and some are more able to claim and exercise their rights than others.

A legal and policy framework is essential but not sufficient; women need to be empowered to be able to claim and exercise their legally recognised rights. The economist Amartya Sen<sup>22</sup> makes an important distinction between capabilities and functionings, the difference between having a right and being able to exercise it. Women need the capability to act and the capability for voice and advocacy and to convert these capabilities into real functionings. In other words, women need to understand what their rights are, they need help to develop their human capacity to claim their rights, exercise influence and advocacy. This may require changes to current structures, cultural attitudes and/or ways of 'doing business'. In practice it is difficult if not impossible to

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<sup>21</sup> M. Burawoy supra note 8; M. Burawoy, A Public Sociology for Human Rights, in J. Blau and K. I. Smith (eds) *Public Sociologies Reader*, Rowman and Littlefield (2006) 1-18.

<sup>22</sup> A. Sen, *Development as Freedom*, Oxford University Press (1999).

measure capabilities and we measure functionings – the extent to which women do actually exercise their rights and advocate the rights of women. We can only know if a woman has a capability once she has exercised it.

Gender discrimination, the subordination and exploitation of women, is a violation of the norm of human equality and the universal rights of women. Women are seen not only as inferior to men but as the responsibility of fathers/husbands; they are commodified, infantilised and objectified. However, to overcome inequality it is necessary to distinguish different forms it takes. Therborn<sup>23</sup> identifies three kinds of inequality: vital inequality, the unequal socially constructed life chances of human beings; existential inequality, the unequal allocation of personhood, autonomy, dignity, degrees of freedom and the right to respect and self-development; and resource inequality, unequal access to the resources needed for action – for example education, land, property, social capital networks. Although analytically we can distinguish these three types of inequalities, however, we should note that they interact and influence each other.

Inequalities are produced and sustained by social arrangements and processes and by the deliberate actions of individuals as well as collectives. To understand the dynamics of equality mechanisms it is necessary to understand how inequalities are sustained and justified. Firstly, women are

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<sup>23</sup> G. Therborn *The Killing Fields of Inequality*, Polity (2013).

distinguished from men; they are constructed as different. Secondly, this difference is used to exclude women, to deny them opportunities and discriminate against them. Thirdly, the socially constructed differences are the basis on which men claim superiority, subordinate women and then fourthly to exploit them. To overcome difference, women need to have the necessary functionings so that they can exercise their rights to create new opportunities, equal opportunity laws need to be enforced and women's rights need to be promoted. To overcome exclusion women need to be able to claim membership of the human race and human rights laws have to be enforced and account for women's experiences. To overcome subordination women need to act collectively, to claim equality of power and for them to do this they need to be empowered. To overcome exploitation there needs to be a political rearrangement of resources, and to support this rearrangement laws and policies are necessary to ensure that women have access to the necessary resources.

The empowerment of women entails empowering them across four inequality mechanisms – the inequalities of being constructed as different, of being excluded, of being subordinated and of being exploited. The key mechanisms are positive discrimination (catching up), rules (laws) against discrimination, empowerment, and redistribution of resources. It means giving women self-belief and self-esteem so that they can make changes in their lives. They need the power to act individually and collectively so that they can challenge male power in their households and communities. They need the power to

organise with others to enhance their rights, to engage in political activities and take on political roles, and they need power over resources including income-generating ones. Above all we must remember that it is patriarchy that keeps women down. Patriarchy is embedded in social relations and social practices; it is part of the everyday, taken-for-granted social structure. Women and girls come to see themselves as others see them and take on subordinate roles that limit their aspirations and prevent them achieving their potential. The empowerment of women, then, means above all transforming social relations and practices so that women are able to claim and exercise their right to be fully human. It means that men have to change and come to see and treat women as their equals.

Gender mainstreaming is regarded as the key process for promoting gender equality, but it is a contested process<sup>24</sup> and other goals can and do take priority even when there is a state commitment to it. A transformation in gender relationships requires that the mainstream is changed rather than just that women are integrated into the existing policy paradigm, and in particular it requires recognising the roles women and men play in the private as well as the public sphere.<sup>25</sup> Gender mainstreaming often becomes a technocratic process, with national gender machinery driving change rather than women's own perceptions of their political interests. The technocratic process involves

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<sup>24</sup> S. Walby, Gender Mainstreaming: Productive Tensions in Theory and Practice, 12(3) *International Studies in Gender, State and Society* (2005) 321-343.

<sup>25</sup> T. Rees, *Mainstreaming Equality in the European Union: Education, Training and Labour Market Policies*, Routledge (1998).

the development of 'tools' such as gender-disaggregated statistics, gender budgeting and gender impact assessment, with the meeting of targets seen as more important than changing women's lived experience. The two do not have to be mutually exclusive, but technocrats may not always understand gender equality. Also, where there is weak civil society women have little ability to organise to lobby for change and hold government accountable. Top-down gender mainstreaming has generally failed to deliver gender transformation because of its focus on changing women and girls, a lack of attention to changing gender relations and structural inequalities.<sup>26</sup> The key questions that need to be asked are (1) 'empowering women to do what?' and (2) 'how will social and gender justice be advanced?'

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<sup>26</sup> P. Debusser and A. Ansoms, *supra* note 5; J. L. Parpart, Exploring the Transformative Potential of Gender Mainstreaming in International Development Institutions, 26 *Journal of International Development* (2014) 382-395.

#### 4. The Gender Machinery: Laws, Policies and Institutions

The genocide of 1994 radically changed the gender balance in Rwandan society; despite the fact that women's bodies in the conflict were seen as the objects of rape and sexual torture, it ironically helped to change the situation for at least some women. Whilst devastating, it also acted as a catalyst for change and enabled women to seize openings, change gender ideologies and make significant political gains.<sup>27</sup> In the immediate aftermath of the genocide women were left as heads of households, as economic providers and as major actors in the society. Women's organisations lobbied for women's political inclusion and played a key role in the framing of the 2003 Constitution. It is the case that as an integral part of the policies for social inclusion, Rwanda has made a strong commitment to gender equality and the empowerment of women, and Rwanda has ratified and domesticated most international and regional laws that promote the rights of women, including the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW).<sup>28</sup> When international law has been ratified and gazetted (published in the Rwandan Official Gazette; Article 190 of the 2003 Constitution) its provisions take precedence over national and ordinary laws; courts may invoke international law when domestic law is contradictory or

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<sup>27</sup> e.g. M. Hughes, *Understanding the Positive Effects of Civil War on Women's Parliamentary Representation*, Department of Sociology, the Ohio State University, Paper presented at the 102<sup>nd</sup> American Sociological Association Meeting, New York, August, [www.allacademic.com/metap184371\\_index.htm](http://www.allacademic.com/metap184371_index.htm), (2007); E. Powley, *Strengthening Governance: The role of women in Rwanda's transition*, [www.womenwaginpeace.net/content/articles/RwandaFullCaseStud.pdf](http://www.womenwaginpeace.net/content/articles/RwandaFullCaseStud.pdf), (2003)

<sup>28</sup> Gender Monitoring Office, *Assessment of Gender Related International and Regional Instruments and their Implementation in Rwanda*, Republic of Rwanda (2011).

when it is ambiguous or silent. However, there is concern that the provisions of international laws are not well known by the legal profession<sup>29</sup> and that the full text of the ratified treaties is not published in the Official Gazette and therefore not easily accessible to law professionals and citizens more generally.

Rwandan law generally provides for gender equality in line with these international laws and the 2003 Constitution guarantees gender equality (Preamble 9, 10 and Article 9).<sup>30</sup> Progressive inheritance and land laws give women equal rights with men to own and inherit property, including land, and to the joint ownership of property in legal marriage – the *Matrimonial Regimes, Liberties and Successions Law* (Law No 22/99 of 1999) and the *Land Law* of 2013 (Law No 43/2013 of 16/06/2013). Land ‘owned’ by couples married under community of property (the vast majority) has to be registered in the joint name of both spouses and all legitimate children have to have their interest recorded on the land title. Other domestic legislation to support gender equality and the empowerment of women includes the 2008 *Law on Gender Based Violence* (Law No59/2008) and the 2009 *Labour Law* (Law No 10/2009). The *Labour Law* provides for equal pay for work of equal value, sets the minimum age for employment for men and women alike at 16 years and

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<sup>29</sup> M. Ndagiza, F. Masengo, C. Murekatete and A. Fox, *Assessment of the Legal Framework Governing Gender and Property Rights in Rwanda*, USAID-Rwanda (2013)

<sup>30</sup> P. Abbott and M. Rucogoza *Legal and Policy Framework for Gender Equality and the Empowerment of Women in Rwanda*, Institute of Policy Analysis and Research-Rwanda (2011); Gender Monitoring Office, *supra* note 28.

protects young people under the age of 18 from the worst forms of labour. It also provides protection for pregnant and nursing mothers and makes provision for maternity leave for women working in the formal sector.

However, the law is not yet in full conformity with the international conventions although the provisions of legislation currently before Parliament (draft *Matrimonial Regimes and Family Donations and Successions Law*<sup>31</sup> and the draft *Law Governing Persons and Families*) will bring it into closer alignment they will not do so fully.<sup>32</sup> The discriminatory provision in current law that husbands are heads of the household and that wives have to live in the matrimonial home will be replaced with non-discriminatory provisions.

However, there is no provision in domestic law that prohibits direct and indirect discrimination (Article 1 of CEDAW) or specifically requires the state to ensure equal development for women in rural areas (Article 14 of CEDAW). There is little legal protection for the vast majority of women who work in the informal sector, and where the law does provide protection its enforcement is almost impossible because of the small number of labour inspectors.<sup>33</sup> The law will continue to permit bride price (payment by the future husband to the father of the bride) and offers little protection to the property rights of women in consensual unions as it will continue to only recognise civil marriage, thus

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<sup>31</sup> This proposed law will replace the *Matrimonial Regimes, Liberalities and Successions Law* (Law No 22/99).

<sup>32</sup> P. Abbott and J. Rwica, *End-of-Line Evaluation of 'Beyond Raising Awareness: Shifting the Power Balance to Enable Women to Access Land in Rwanda*, RCN J&D (2014).

<sup>33</sup> P. Abbott, *Promoting Children's Rights in Rwanda: Progress under EDPRS1 and Priorities for EDPRS2*, UNICEF-Rwanda, (2013).

not protecting about 30 per cent of co-habiting women.<sup>34</sup> The lack of protection for the property rights of these women is arguably a form of indirect discrimination, because the law does not have the same negative impact on the property rights of men living in consensual unions. Widows are also not offered full protection by the law, as they can be divested of the right to administer their late husband's half of the matrimonial property by a decision of the (informal) family court that allows children inherit their share of their late father's property as they reach adulthood.

The principle of gender equality is a cross-cutting issue in all policies and strategies, including the country's long-term development framework, *Vision 2020*,<sup>35</sup> and the *Economic Development and Poverty Reduction Strategy (EDPRS)*.<sup>36</sup> Rwanda has a *National Gender Policy*<sup>37</sup> and specific policies include ones for girls' education,<sup>38</sup> women in agriculture,<sup>39</sup> gender-based violence<sup>40</sup> and sexual and reproductive health,<sup>41</sup> each with its own

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<sup>34</sup> National Institute of Statistics of Rwanda, Ministry of Finance and Economic Planning, Ministry of Health and MEASURE DHS, *Rwanda Demographic and Health Survey 2010*, ICF International (2012).

<sup>35</sup> Ministry of Finance and Economic Planning, *Vision 2020*, Republic of Rwanda (2000).

<sup>36</sup> Ministry of Finance and Economic Planning, *Economic Development and Poverty Reduction Strategy*, Republic of Rwanda (2008); Ministry of Finance and Economic Planning, *Economic Development and Poverty Reduction Strategy-2*, Republic of Rwanda (2013).

<sup>37</sup> Ministry of Gender and Family Promotion, *National Gender Policy*, Republic of Rwanda (2010).

<sup>38</sup> Ministry of Education, *Girl's Education Policy*, Republic of Rwanda (2008).

<sup>39</sup> Ministry of Agriculture and Animal Husbandry, *Gender Agriculture Strategy*, Republic of Rwanda (2010).

<sup>40</sup> Ministry of Gender and Family Promotion *National Policy against Gender Based Violence*, Republic of Rwanda (2011); Ministry of Gender and Family Promotion, *National Strategic Plan for Fighting Gender Based Violence 2011-2016*, Republic of Rwanda (2011).

implementation strategy. Gender-Responsive Budgeting has been in place since 2003, the production of gender budget statements was piloted in 2010/11 and since 2011/12 all ministries are expected to produce them.<sup>42</sup> However, there are concerns about the technical capacity of central and local government to deliver the policies, including the extent to which employees understand gender equality and about the monitoring and evaluation of their implementation.<sup>43</sup>

The national gender machinery is comprised of the Ministry of Gender and Family Promotion, the Gender Monitoring Office and the National Women's Council (NWC). The Ministry of Gender and Family Promotion is charged with promoting gender equity, coordinating the implementation of the national gender policy and ensuring effective gender mainstreaming and the empowerment of women. The Gender Monitoring Office is charged with overseeing the monitoring and evaluation of the gender policy's implementation and reporting on progress achieved. The National Women's Council (NWC) ensures representation of the interests of women at all levels from the village to central government, the dissemination of information on

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<sup>41</sup> Ministry of Health, *Adolescent Sexual Reproductive Health and Rights Policy*, Republic of Rwanda (2012); Ministry of Health, *Family Planning Policy*, Republic of Rwanda (2012).

<sup>42</sup> Ministry of Finance and Economic Planning, *Current Institutionalisation of Gender Responsive Budgeting in Rwanda*  
[http://www.minecofin.gov.rw/fileadmin/library/National\\_Budget\\_Directorate/1.National\\_Budget/3.Budget%20Documentation/3.%20GRB%20Documentation/Gender%20Institutionalization%20in%20Rwanda.pdf](http://www.minecofin.gov.rw/fileadmin/library/National_Budget_Directorate/1.National_Budget/3.Budget%20Documentation/3.%20GRB%20Documentation/Gender%20Institutionalization%20in%20Rwanda.pdf) (2013).

<sup>43</sup> e.g. Ministry of Agriculture and Animal Husbandry, *Strategic Plan for the Transformation of Agriculture III*, Republic of Rwanda (2013).

laws, policies and programmes to promote gender equality and capacity-building in advocacy for women and women's organisations. The National Gender Cluster acts as a forum bringing together Government and all stakeholders, including official development partners, the private sector, representatives of Women's Councils and CSOs. Concerns have been raised about the coordination of the organisations making up the national gender machinery and the clarity of the division of responsibilities between them.<sup>44</sup>

While NWC is important in representing women's concerns, giving a voice to women and providing opportunities for capacity-building, its impact is limited through lack of resources and reliance on volunteers except at the highest levels. Although the area of gender equality and women's empowerment has been recognised as one of the few where CSOs have had an impact,<sup>45</sup> their role is severely limited by the government's emphasis on CSOs working to government agenda and a lack of capacity among member organisations for advocacy at nation and local levels.<sup>46</sup> This means that women have very limited opportunities to put forward their own perception of their political

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<sup>44</sup> Committee on the Elimination of Discrimination against Women, *Concluding observations of the Committee on the Elimination of Discrimination against Women*, United Nations (2009) <http://www.refworld.org/publisher,CEDAW,CONCOBSERVATIONS,RWA,,,0.html>.

<sup>45</sup> Conseil de Concentration des Organisation d'Appui aux Initiatives de Base, *The State of Civil Society in Rwanda*, <http://civicus.org/downloads/CSI/Rwanda.pdf> (2011).

<sup>46</sup> P. Abbott, *supra* note 33; see also P. Gready, 'You're with us or against Us': Civil Society and Policy Making in Post-Genocide Rwanda, in S. Straus and L. Waldorf, *Remaking Rwanda*, University of Wisconsin Press (2011)

interests. Gender policy is implemented in a top-down way by technocrats who are supplied with 'tools' to monitor implementation.

The observations on the last periodic review of Rwanda's compliance with CEDAW<sup>47</sup> commended Rwanda on its commitment and the measures it had undertaken to eliminate discrimination against women but raised a number of concerns about compliance and implementation and the time being taken to review laws and remove discriminatory provisions.<sup>48</sup> It also highlighted: the low representation of women in academia, local public administration, senior posts in the private sector and economic life; high levels of domestic violence; horizontal and vertical segregation in the labour market; women's access to health care; awareness about family planning and the high rate of abortion; women's economic empowerment and high levels of poverty; and the need for gender sensitive rural development. It requested the wide dissemination in Rwanda of the Convention and its Optional Protocol, including to the judiciary and to women in general.

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<sup>47</sup> Committee on the Elimination of Discrimination against Women, supra note 44.

<sup>48</sup> The revised Criminal Code was gazetted in 2012 but the draft law revising the family code is still before Parliament.

## 5. The Lived Reality of Gender Equality for Women and Girls in Rwanda

In this section we consider the progress that has been made in women overcoming vital, resource and existential inequalities and the mechanisms that have been used – positive discrimination, measures for inclusion, political and economic empowerment and the redistribution of resources. While laws and policies are important in promoting the rights of women, real progress has to be measured by the outcomes – by the real improvements in women’s lives. We recognise that the three types of inequality interact and mutually reinforce one another but nevertheless they are analytically distinct. It is only in the political arena and for senior government posts that positive discrimination has been used extensively; in other areas the government has set targets for gender participation but has generally not set quotas or implemented specific programmes to enable women to make up their historic deficit. Furthermore, the availability and use of gender-disaggregated statistics to guide districts that have the responsibility for implementing policy is very limited.<sup>49</sup>

### 5.1 Vital Inequality

Improving health and wellbeing for all has been a success story in Rwanda and significant progress has been made in improving that of women and girls.<sup>50</sup> The maternal mortality rate has fallen dramatically from an estimated

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<sup>49</sup> At the time of writing this paper (August 2014) the GMO has contracted consultants to recommend a set of indicators where gender disaggregated data is available that the districts can use to measure progress in implementing gender equality in service delivery.

1,300 per 100,000 live births in 1990 in to 476 in 2010,<sup>51</sup> and is now below the Sub-Saharan average of 500 per 100,000 live births.<sup>52</sup> The total fertility rate has also fallen from 5.7 in 1993 and at 4.0<sup>53</sup> is now below the Sub-Saharan average of 5.0.<sup>54</sup> The uptake of modern contraception among married women of child-bearing age<sup>55</sup> has increased and at 39.4 per cent is well above the Sub-Saharan average of 19 per cent.<sup>56</sup> Compared with 10 Sub-Saharan African countries selected because of low uptake of contraception in the 1990s Rwanda now has the highest uptake and has had the largest increase in uptake, 39 percentage points, compared to 21 for Ethiopia with the second highest increase and 1.1 for Nigeria with the smallest increase. Rwanda has also had the highest increase in the percentage of women delivered by a qualified health care worker, with an increase of 37.7 percentage points; the other countries range from a decrease of – 2.7 percentage points in Nigeria to an increase of 15.8 in Malawi. However, Benin (77.7 per cent) and Malawi (71.4 per cent) have a higher proportion of women delivered by a qualified health care worker, compared to Rwanda (69 per cent). The urban/rural gap

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<sup>50</sup> P Abbott, J. Rwirahira, R. Mugisha, L. Mutesi, L. Tuyishime and L. Vuningoma, *Lifestyle and Sexual and Reproductive Health in Rwanda: Findings from a Purposive Qualitative Study*, IPAR-Rwanda (2014).

<sup>51</sup> P. Abbott and J. Rwirahira, *Against the Odds: Achieving the MDGs in Rwanda*, IPAR-Rwanda (2012).

<sup>52</sup> <http://africa.unfpa.org/public/cache/offonce/news/pid/10767>

<sup>53</sup> National Institute of Statistics of Rwanda *2012 Population and Housing Census. Thematic Report - Fertility*, Republic of Rwanda (2014).

<sup>54</sup> <http://www.tradingeconomics.com/sub-saharan-africa/fertility-rate-total-births-per-woman-wb-data.html>

<sup>55</sup> 'Married women' includes women living in consensual unions.

<sup>56</sup> S. Pacque-Margolis, C. Cox, A. Pucket and L. Schaefer, *Exploring Contraception Use Differential in Sub-Saharan Africa through a Health Workforce Lens*, Technical Brief 11, Capacity Plus, Intra Health Inc (2013).

in Rwanda is relatively low compared to the other countries, two percentage points for contraception and 15 percentage points for delivery, with the gap having declined significantly between 2000 and 2010.

Undoubtedly improvements in women's health and wellbeing (and that of men and children) have been due, at least in part, to the volunteer community health workers, two thirds of whom are women, who provide basic health care at community level, and to community health insurance. In our research women across Rwanda women have praised community health workers<sup>57</sup> and expressed appreciation for the ways in which they have helped them.

However, concerns have been expressed about the fines that are imposed on women that do not go to a health centre for delivery and the increased cost of community health insurance. Many households struggle to meet these costs, which compete with providing sufficient food and the costs of sending children to school from their meagre resources.<sup>58</sup> Despite the increase in contraception use 47 per cent of pregnancies are unplanned<sup>59</sup> and restrictive abortion law<sup>60</sup> means women and girls are at risk of dying needlessly from illegal abortions

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<sup>57</sup> There are three elected voluntary community health workers in every village, two women and one man. They are responsible for health promotion and basic health care including for sexual and reproductive health.

<sup>58</sup> P. Abbott and J. Rwirahira, *supra* note 51.

<sup>59</sup> P. Abbott with L. Mutesi, C. Tuyishime and J. Rwirahira, *Reproductive and Sexual Health in Rwanda: A Review of the Literature, Legal and Policy Framework and Media Analysis*, Population Media Centre (2014).

<sup>60</sup> *Organic Law Instituting the Penal Code Law No 01 of 2012* Section 5 permits abortion only in the case of rape or if there is a serious health risk to the mother or the life of the unborn child, on the recommendation of two medical doctors and confirmed by a court of law. This is not in line with Clause 17 of the 2005 Beijing Declaration, which states that women should have the right to control their fertility.

or end up serving long prison sentences or having to care for a child as a lone mother.<sup>61</sup>

Beyond this, life satisfaction is relatively low for women as well as men. A nationwide survey carried out in 2012 found a mean of 5 on a 10-point scale, with no difference between men and women<sup>62</sup> and analysis of the 2005-08 wave of the World Values Survey showed it to have the lowest mean value (4.9 on a 10 point scale) along with Georgia and Ethiopia of the countries included in that wave.<sup>63</sup> In our research women in rural areas across Rwanda have compared their life situation unfavourable with that of men. They have told us that they are constantly tired from the hard work in which they have to engage and say that they feel and look old before their time while their husbands look young and are full of energy.<sup>64</sup>

## 5.2 Resource Inequality

In discussing gender inequality we generally consider women's equitable access to three resources: education and training; economic resources including land and access to employment; and political power and influence.

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<sup>61</sup> P. Abbott with L. Mutesi, C. Tuyishime and J. Rwirahira, *supra* note 59.

<sup>62</sup> P. Abbott, R. Mugisha and G. Lodge, *supra* note 9.

<sup>63</sup> P. Abbott and C. Wallace, *Happiness in a Post-Conflict Society: Rwanda*, in H Selin and G. Davey (eds), *Happiness Across Cultures*, Springer (2012).

<sup>64</sup> P. Abbott and D. Malunda, *Analysis of Three Rwanda Strategic Agricultural Policies and Programmes (Vision 2020, EDPRS, PSTA) with a Critical Gender Informed Review of their Implementation and Financing*, ActionAid-Rwanda (2014).

Access is of course only the first stage; we have also to consider women's ability to exercise their rights.

### *1. Education and Training*

In education a specific policy and implementation plan has been developed designed to ensure that girls achieve their full potential at all levels of education.<sup>65</sup> Girls are now as likely to be enrolled in education as boys at all levels from pre-school to higher education and outperform boys at primary and junior secondary levels but boys are more likely to pass senior secondary school examinations, take science subjects and gain places at the state university. Although public sector higher education has expanded considerably the proportion of girls gaining places has remained constant at just over 30 per cent. Girls are more likely to go to the less prestigious and less well-resourced private sector higher education institutions.<sup>66</sup>

However, the levels of gender-based violence in schools have been found to be high, with girls being abused by male pupils as well as teachers. Girls are also deterred from attending school by 'sugar daddies' that waylay them as they walk home from school. Concern has also been raised about the numbers of teenage pregnancies, with girls dropping out of school as a result

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<sup>65</sup> Ministry of Education *Girl's Education Policy*, Republic of Rwanda (2008); Ministry of Education *Girl's Education Strategic Plan*, Republic of Rwanda (2008)

<sup>66</sup> Ministry of Education, *Education Statistics 2013*, Republic of Rwanda (2013).

and girls' progress in school being hampered by the demands made on them to do domestic labour as they grow older.<sup>67</sup>

While virtually all children attend school for at least some time, standards of educational attainment are low. Only 51 per cent of 19 year olds have completed primary school, with girls being marginally more likely to have done so than boys, 54 per cent compared to 48 per cent. Girls residing in urban areas being more likely to complete than those in rural areas, 68 per cent, compared to 52 per cent. There is a gradient by poverty, with 45 per cent of girls in Quintile 1 (the poorest fifth of households having completed compared with 71 per cent of those in Quintile 5 (the wealthiest fifth of households. Among adults aged 18 and over, women have significantly poorer levels of education than men; only 32 per cent have completed primary school compared with 40 per cent of men and only 65.6 per cent are literate compared with 77 per cent of men. Women in rural areas have significantly poorer levels of education than those in urban areas; only 28 per cent have completed primary education compared to 54 per cent of women in urban areas and only 63 per cent are literate compared to 80 per cent in urban areas.<sup>68</sup> In the research we have undertaken government officials and development partners have argued that one of the reasons for women being

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<sup>67</sup> P. Abbott, *Context Mapping and Problem Driven Political Economy Analysis*, background paper for P. Musker, P. Clist, P. Abbott, C. Boyd and K. Latimer, *Results Based Aid Baseline Report*, DfID (2014); Gender Monitoring Office *Gender Based Violence in Primary and Secondary Schools in Rwanda*, Republic of Rwanda (2013).

<sup>68</sup> Authors' own calculation of 2010/11 Integrated Household Survey.

disadvantaged in agriculture is their low level of literacy, which is said to be much lower than men's.<sup>69</sup>

## 2. Access to Employment and Economic Resources

Women have benefitted less from the creation of non-farm employment than men, women are disadvantaged compared to men in the agricultural sector and the commercialisation of farming has made it more difficult for rural women to feed their families.<sup>70</sup> On average, women work for about 20 hours more a week than men when domestic work is taken account, doing the child care and domestic labour, being mainly responsible for collecting wood and water and undertaking voluntary care work in the community.<sup>71</sup> Two-thirds of community health workers are women, and they find it difficult to juggle the competing demands on their time. They have told us that it is difficult for them to farm the land, look after their own families and carry out their duties as community health workers. High turnover also endangers the quality and continuity of the service, as retaining them is difficult due to the demands of making a living and looking after a family.<sup>72</sup> Beyond this women have told us

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<sup>69</sup> P. Abbott, O. Kemiremb and D. Malunda, *Mapping of Existing Initiatives on Women in Agriculture in Rwanda*, IPAR-Rwanda (2014).

<sup>70</sup> e.g. P. Abbott and F. Alinda, *Women's Economic Empowerment and Land in Rwanda*, Oxfam-Kigali (2012); P. Abbott, and D. Malunda, *Women's Economic Empowerment*, Ministry of Trade and Industry, Rwanda (2012); see also P. Abbott, supra note 33; P. Abbott and D. Malunda, supra note 64; P. Abbott, O. Kemiremb and D. Malunda, supra note 69.

<sup>71</sup> P. Abbott, supra note 33; P. Abbott and D. Malunda supra note, 64; P. Abbott, O. Kemiremb and D. Malunda, supra note 69.

<sup>72</sup> Personal communication from the Minister of State for Health, 19<sup>th</sup> August 2014.

that the emphasis on gender equality has also added to their burden. Their husbands now, they tell us, expect them to earn money by starting-income generating activities, as well as doing the entire domestic and child care work and most of the farming.<sup>73</sup> Some have told us that what they need is pre-school provision for their children. While the government is committed to expanding such provision the rationale underlying it is to improve children's educational attainment and local communities are expected to make their own provision with minimum financial support from government.<sup>74</sup>

Women have benefitted much less than men from the increase in non-farm employment and a majority are still employed in pre-modern forms of social relations as dependent family workers, mainly in agriculture.<sup>75</sup> Men are much less likely to be so employed, and the majority so employed are sons, while the majority of the women so employed are wives. In 2010/11 58.4 per cent of employed women aged 18 or over worked as dependent family workers, compared with 15.9 per cent of men. If we consider only married men and women, 74.4 per cent of women were dependent family workers (73.7 per cent in agriculture) compared with only 2.6 per cent of married men. Women perform much of the agricultural labour while men make the decisions about the running of the farm and are responsible for the sale of surplus produce.

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<sup>73</sup> P. Abbott supra note 33; P. Abbott and D. Malunda supra note, 64; P. Abbott, O. Kemiremb and D. Malunda, supra note 69; P. Abbott and F. Alinda, supra note 70.

<sup>74</sup> Ministry of Education, supra note 66, and Abbott and Malunda, supra note 68.

<sup>75</sup> P. Abbott, O. Kemiremb and D. Malunda, 69.

Male farmers have also benefitted disproportionately from programmes to improve the skills of those working in the agricultural sector,<sup>76</sup> to the extent that the government has allocated funding in 2014-15 for women to be included in training workshops.<sup>77</sup>

What is interesting is that a majority of women that define themselves as dependent workers are in fact co-owners of the land. They are aware of this but nevertheless they and their husbands continue to regard the land as really belonging to the husband. They also see their husband as the person in charge of decision-making and the household finances.<sup>78</sup> Women themselves place a high emphasis on lack of access to and control over land as the main reason for their lack of economic empowerment. They are the main litigants in land disputes, which make up a majority of the cases dealt with by both informal dispute mechanisms and the law courts.<sup>79</sup> These disputes generally involve women living in consensual unions and polygamous wives, illegitimate daughters, women being denied the right to inherit land by their brothers and widows being evicted from matrimonial property by their in-laws. Most land disputes are dealt with by the family meeting (Inama y'Umuryango), local

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<sup>76</sup> Abbott and Malunda, *supra* note 68.

<sup>77</sup> Annex VIII Consolidated Gender Budget 2014-15, Law No 23/2014 Determining the State Finances for 2014/2015.

<sup>78</sup> P. Abbott *supra* note 33; P. Abbott and D. Malunda *supra* note, 64.

<sup>79</sup> P. Abbott, *ibid.*

leaders (Umurenge Committee) or cell executive committee,<sup>80</sup> with only a very small minority of cases being dealt with by the Abunzi or the courts.<sup>81,82</sup> It is generally only after the local dispute resolution mechanisms have been exhausted that disputants can seek redress through the courts. Local dispute resolutions mechanisms are intended to arbitrate between the contesting parties, not to make legal decisions in line with the law. Women often report agreeing to accept less land than their legal entitlement in the interests of maintaining good relationships with their family or because they have little option. Most women cannot afford to pursue a case in the formal courts. Beyond this, many women (and men) are not aware of what women's land rights are.<sup>83</sup>

Women experience resistance to exercising their rights to own and control land, from women as well as men. Lack of knowledge of the law, lack of legal support, fear of domestic violence and customary practices are major barriers to women being able to claim their land rights.<sup>84</sup> Women do not trust the family courts or local leaders to arbitrate; they see them as biased and

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<sup>80</sup> The layers of decentralised government go from district via sector and cell to village.

<sup>81</sup> Author's own analysis of Senate data set.

<sup>82</sup> By law (Organic Law No 02/2010/ L of 09/06/2010) disputes have to be heard by informal arbitration mechanisms before they can be considered by the law courts. The Abunzi are the 'highest' informal mechanism and are constituted at cell and sector level, with litigants being able to appeal decisions made at cell level before the sector level Abunzi committee. Abunzi committees comprise of five local elected volunteers; at least two of whom are women.

<sup>83</sup> P. Abbott, supra note 33; the government is implementing a programme to make justice available to the poor but even if women can get legal advice free many cannot afford the costs of attending court hearings.

<sup>84</sup> P. Abbott, supra note 33, P. Abbott, O. Kemiremb and D. Malunda, 69.

prejudiced. Abunzi are said to need more training and to be better equipped, and they themselves acknowledge that they have a poor understanding of the law and lack access to the laws. Law and justice professionals lack an understanding of the multi-dimensional implications of the violation of women's rights and how they can make legal rulings that are gender-sensitive.

### *3. Political Representation and Empowerment*

It has generally been assumed that if female representation is increased in decision-making fora, including national parliaments and local government, more gender-sensitive decisions will be taken and implemented and the rights of women will be promoted. Quotas mandated by the 2003 Constitution as amended to date (at least 30 per cent of positions on decision-making bodies reserved for women) have resulted in high levels of political representation of women at national, and to a lesser extent, local government levels. Women make up 64 per cent of the members of the House of Representatives as well as the 30 per cent quota rule generally adhered to or exceeded in appointments to the cabinet, civil servant posts at permanent secretary level and appointments to the judiciary. However, it is not necessarily the case that women represent the interests of women. Moreover, the progress that has been made in women's leadership has not filtered to the lower levels of

government or other areas such as higher education, the police, the armed forces or the private sector.<sup>85</sup>

Female national legislators, for example, have been criticised for not doing enough to pass laws that benefit women as most of them owe allegiance to the Rwanda Patriotic Front rather than to women.<sup>86</sup> Their only major achievement to date has been the Gender Based Violence Law; the only legislation ever passed that originated in Parliament.<sup>87</sup> Women parliamentarians worked together to draw up the legislation and to ensure that they enlisted the support of at least some male parliamentarians. Women members of Parliament have been criticised, however, for supporting the maternity leave provisions in the 2009 Labour Law which only gave women six weeks' paid maternity leave, with the defence that it was based on meeting the needs of employers.<sup>88</sup> More recently parliament has rejected the recommendations made by the Coalition Rwandaise pour l'Accès des Femmes à la Terre, an advocacy group made up of the main women's community-based organisations and non-government organisations working on land issues that in revising the Civil Code protection should be given to the

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<sup>85</sup> Gender Monitoring Office, National Gender Statistics Report, Republic of Rwanda (2013); Gender Monitoring Office, *Gender Baseline and Key Indicators in Four Sectors: Decision-making, Agriculture, Infrastructure and Private Sector*, Republic of Rwanda (2011).

<sup>86</sup> J. E. Burnet, supra note 4.

<sup>87</sup> Draft laws in Rwanda can either be put forward by the cabinet which is made up of appointed ministers or by a member of parliament - i.e. a private member's bill.

<sup>88</sup> The maternity leave provisions do not meet the ILO Convention 189 on maternity leave but the Government of Rwanda has not ratified this convention.

property rights of women (and men) living in consensual unions.<sup>89</sup> The draft revised Civil Code also explicitly recognises the practice of bride price, which involves a prospective husband making payment to the father of the bride and continues to give informal family courts the right to take land from widows if they are deemed not to have cared for their husbands when alive or for the benefit of their children.

The main body representing the interests of women is the Women's National Council, but most of the representatives are unpaid volunteers except at highest levels and it is under-resourced.<sup>90</sup> The government has tended to crowd out civil society organisations and, to the extent that they exist, to require them to work to the government's agenda rather than advocate for legal and policy changes to promote the rights of women. Decision-making and policy implementation is top-down. Messages are taken to citizens at village meetings, and they are expected to agree how they can contribute individually and collectively to the realisation of the government's policy objectives. To the extent that citizens have space to comment, it is about policy implementation. Even within these spaces for participation women tend to be underrepresented and to have little space to represent their interests as women. Women are often unable to attend meetings where policy implementation at a local level is discussed because of their other duties and

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<sup>89</sup> P. Abbott, *supra* note 33.

<sup>90</sup> P. Debusser and A. Ansoms, *supra* notes 5.

are generally under-represented in leadership positions in community-based organisations. Women's understanding of their rights is weak, their advocacy skills are low and they are generally unable to get women's rights issues given priority on the local agenda.<sup>91</sup> Women then generally lack 'voice' and the ability to hold the government accountable.

The heavy reliance on informal arbitration mechanisms disadvantages women because of the poor understanding of women's rights and the continuing dominance of traditional values which construct women as second class citizens, the dependents of fathers and husbands. Aid policies with the emphasis on aid being used to implement the government's own agenda and use government mechanisms, together with the adoption of a sector-wide approach, have reduced the funding available for non-governmental and civil society organisations which work at the grass roots to sensitise local communities to the importance of women's rights and work to empower women so that they can claim and exercise their rights struggling for funds.<sup>92</sup>

### 5.3 Existential Inequality

Traditional norms and values continue to dominate in rural areas. Men are seen as responsible for ensuring the good behaviour of wives and daughters -

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<sup>91</sup> P. Abbott, *supra* note 33; see also F. Cowell, Participatory Rights in Rwanda: Genocide Ideology Laws and the Future of Political Space, 2012 in M. Capion and P. Noack and P. Gready, *Rwanda Fast Forward: Social, Economic and Military Reconciliation Prospects* (2012). Palgrave Macmillan; C. Adamczyk, *Independent Actions or Silent Agents: Where to go for Rwandan Civil Society?* In M. Capion and P. Noack; P. Gready

<sup>92</sup> P. Abbott, *supra* note 33.

wives are expected to be upright, daughters to be virgins and widows to be virtuous.<sup>93</sup> Young single women are accused of being prostitutes if they use contraception.<sup>94</sup> Good wives and mothers do most of the heavy labour and ensure that the family is fed but have little if any control over resources and are expected to be retiring in public. When a wife does not produce children she is seen as responsible and she is almost invariably divorced. Land, even when a wife is the legal co-owner, is said to really belong to the husband who also controls the household finances.<sup>95</sup> Men are said to be justified in beating their wives if they do not behave appropriately. Men and women have told us in our research that men should not beat their wives but if they step out line then they have to: it is what is necessary and expected.

The dominance of patriarchal ideology extends beyond relationships in the family to those in the community more generally. This has particular significance in defining the roles that women can play in local politics and positions of authority. Also, these values underpinned the decision made by informal dispute resolution bodies when dealing with cases of domestic violence and land disputes involving women; it is not so much ignorance of

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<sup>93</sup> V. Jefremovas (supra note 6) argues that this was the situation in pre-genocide Rwanda. We would argue that the situation remains much the same today.

<sup>94</sup> P. Abbott, J. Rwirahira, R. Mugisha, L. Mutesi, L. Tuyishime and L. Vuningoma, supra note 50; P. Abbott and J. Rwirahira, 58.

<sup>95</sup> P. Abbott supra note 33; P. Abbott and D. Malunda, supra note 64; P. Abbott, O. Kemiremb and D. Malunda, supra note 69, P. Abbott and F. Alinda, supra note 70.

the law that prevents women being able to claim and exercise their rights but the dominance of traditional patriarchal values.

## 6. Conclusion

There is an evident and identifiable line which marks the pre-and post-genocide periods, with the genocide providing a tipping point in the forces of equality and inequality and the necessary preconditions for a successful surge in promoting gender equality. Undoubtedly this was also fuelled by other political priorities, including the commitment to building a cohesive society in the post-genocide period and the economic imperative of using the skills of women as well as men in driving forward economic transformation and growth. There has been strong top-down pressure for gender equality and the empowerment of women, and government efforts have been complemented by programmes at the grassroots level designed to improve the lives of women in rural areas.<sup>96</sup> Women and girls have benefited especially from the government's investment in health and education but less so from the investment in agriculture and trade and industry, and the vast majority of women have yet to become empowered and benefit from any real gains in the achievement of gender equality.

Legal reforms and policies designed to promote gender equality and the empowerment of women are undoubtedly an essential first step and are now for the most part in place. However, an underlying economic rationale remains dominant, gender policies are implemented only formalistically with a focus on quantitative targets, there is limited scope for civil society, and grassroots

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<sup>96</sup> P. Abbott and D. Malunda, *supra* note 64.

participation is lacking. A policy implementation gap is undoubtedly a factor in the failure of the majority of women to realise greater gender equality and empowerment. However, the major impediment is the resistance to change at the grass-roots level, a resistance based on the continuing dominance of traditional laws and values which are entrenched in the everyday social practices of women as well as men. The transformative potential of the gender equalities policies is thus limited by the deep-rooted social norms and practices within which gender inequalities are embedded. Rwanda remains a deeply patriarchal society and cultural attitudes to women remain negative, especially in rural areas.

The lack of real progress in women being able to claim and exercise their right to be equal with men can be explained at least partly by looking at the forces of demand and supply for women's equal rights in Rwanda. While women were active in the years following the genocide and especially in the run-up to the agreement of the 2003 Constitution, much of that energy and commitment was incorporated into the government machinery through the election of many of the most active women to parliament and into the Women's National Council. Not only have civil society organisations been deprived of many of the women with the potential to provide leadership but government policies make it difficult for these organisations to promote the interests of women actively and hold the government accountable for prompting gender equality. If we consider the forces of demand and supply for gender equality we can see that it has been driven by the supply side: by government, with the active

encouragement of the United Nations agencies and the main Official Development Partners working in the country. The demand side has been weak because women are rarely aware of their rights and, if they are, they have little capacity to advocate for them. When the main pressure is from the supply side then the achievement of numerical targets can easily become seen as the measure of progress. Without pressure from the demand side the measuring of progress by women's subjective experience is much less likely to be on the agenda, as are policies and strategies to challenge traditional laws and values and change men as well as women. In effect the fight for gender equality is a conflict between men and the government in a struggle over the labour power of women. Men are fighting to protect their control over the labour of their wives and daughters while the government wants women to become economically empowered; to contribute directly to economic growth and to produce healthier and better educated children. The government promotes gender equality and the rights of women to the extent that it fits with this economic rational.

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