Elimination of Discrimination against Women in Family and Cultural Life

(RWANDAN CONTEXT)

**SUBMITTED BY :HUMAN RIGHTS FIRST RWANDA ASSOCIATION**

1. Legal Framework and International Instruments

The [Constitution](http://www.oefre.unibe.ch/law/icl/rw00000_.html) is the Supreme law in Rwanda and any law or custom in conflict with it is null and void to the extent of its inconsistency. Rwanda adopted a new Constitution on 26th May 2003.  And it is the same constitution that provides for modalities relating to *International Treaties and agreements* [[1]](#footnote-1)

As it occurred at the 1993 world conference on human rights, states Rwanda inclusive reiterated in the Vienna declaration that human rights are the inherent of all human beings and that the protection of human beings is the primal responsibility of respective governments. In similar tone, the Government of Rwanda has thus far ratified & domesticated most of international and regional instruments relating to the prevention and elimination of discrimination against women and various conventions on gender equality and women’s empowerment. The international and regional conventions include the Universal Declaration of Human Rights , the International Covenant on Civil and Political Rights, the Convention on the Elimination of all Forms of Discrimination against Women that was ratified by Rwanda on the 15th of December 2008 , and the Platform for Action adopted at the UN World Conference on Women in Beijing resolutions of which were adopted by the state.

This being a major accomplishment by the state in upholding affirmative action reaffirmed its prior position on the same that was clearly stated by Constitutional provides as premised in the Fundamental principleskey amongst which reads *The State of Rwanda commits itself to building a state governed by the rule of law, a pluralistic democratic government, 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[[2]](#footnote-2)*The constitution further on provides that *All Rwandans are born and remain free and equal in rights and duties. Discrimination of whatever kind based on, inter alia, gender included is punishable by law.[[3]](#footnote-3)*

1. **Institutional Framework**

There exists particular institutions that regulate and enforce affirmative action in Rwanda these being

The Ministry of Gender and Family Promotion is located in the Prime Minister’s Office. It leads the national machinery to promote gender equality and the empowerment of women throughout the country and the Minister represents women at Cabinet level. The Ministry is responsible for ensuring that the National Gender Policy is implemented. Through Practice and policy formulation and implementation Rwanda has proved to be instrumental and exemplary in more ways than one.

The Ministry of Gender and Family Promotion duly formulated the Gender Based Violence Policy in July 2011 and complimentary to this shipbuilding policy’s formulation various awareness geared activities were organized at national level key of which were

A march against Gender-Based one which the head of state and top state ministers participated in. The Mobilizing of families in illegal marriages to legalize them into legitimate matrimonies, Expediting pending Gender- based Violence cases in Courts of Justice. As a highlight to this an International Conference of Security Organs from African Countries on Strategies to prevent and fight Gender- Based Violence was hosted by the Ministry of Gender and Family promotion was organized In Kigali in December 2011.

The Gender Monitoring Office [[4]](#footnote-4)The Gender Monitoring Office was mandated in the Constitution. It is responsible for ensuring that systems are in place for monitoring and evaluating the implementation of gender mainstreaming and that gender disaggregated data is collected to enable the monitoring of gender equality. It oversees the collection and analysis of gender disaggregated data at both national and local levels.

1. **Gender Equality in Land Tenure**

Up to the late nineties Gender disparities in land access in Rwanda as was in other third world countries were quite predominant, cultural norms as well as conflicting legislations let this were catalysts to chauvinistic tendencies. For many years, Rwanda had been characterized by customary land administration land rights were transferred from father to son through the succession process, and land rights were being passed on within a lineage or family to male children or relatives.

The Organic Land law that was enacted in 2005 set to bring fairness on the land tenureship

Such was the norm until when the Government of Rwanda in 2005 found it imperative to institute a land reform process with aim of securing rights for land owners having particular focus on women.

*Any person or association with legal personality has the right over the land and to freely exploit it as provided by the organic law. Any discrimination either based on sex or origin in matters relating to ownership or possession of rights over the land is prohibited. The wife and the husband have equal rights over land. [[5]](#footnote-5)*

*The organic law protects equally the rights over the land acquired from custom and the rights acquired from written laws. With regard to laws, owners of land acquired from custom are all persons who inherited the land from their parents, those who acquired it from competent authorities or those who acquired it through any other m­­­­­­­eans recognized by national custom whether purchase, gift, exchange and sharing.[[6]](#footnote-6) Are particular* Articles that stood out in regard to gender equality. Showing a paradigm shift from traditional tendencies.

1. **Affirmative Action in Governance Structures**

In administrative matters with 64% of parliamentary seats being taken up by women in the September 2013 elections Rwanda stands out as the country with the highest percentage of female parliamentary representatives and is refered to as an exemplary nation globally in that regard and key to note that most of these legislators are core feminists who front Womens rights in unison.

Key to note also is the one stop Gender Based Violence desk in all Police Post Countrywide where reception and monitoring of Gender Based Violence cases is conducted. These GBV Desks have gone made significant gains in curbing the ill of Violence Assault Rape and Homicide committed upon women countrywide.

1. **Eradication of Traditional Mindsets**

Traditional Practices like Female Genital Mutilation & Polygamy are non -existent within the present day Rwandan society although traditionally such uncouth means were generally accepted as customary practices. These instances were in the form of female genital modification elongation of the Labia minora and the use of local botanical species. These were misinformed methods are heftily punishable by law today.

A new phenomenon in Rwanda is the acceptance of Women heads of households where a steadily increasing number of women have taken up the mantle and responsibility of steering the family unit. This is not only evident in the Urban areas but the rural setting. *The percentage of female headed households stood at 40.4 when the last survey was conducted in 2012*[[7]](#footnote-7)and this can be attributed to the economic emancipation schemes like the *Economic Development and Poverty Reduction Strategy* [[8]](#footnote-8)that The Ministry of Finance has put in place having the women at the core of this venture.

## Women involvement in Art, Craft & Culture

Participation of women in the crafts industry has been recognized as an exclusive feminine affair where beautiful traditional baskets are woven and sold locally or exported in bulk.[[9]](#footnote-9) Some women actually use basket weaving as a tool for economic transformation and we at Human Rights First Rwanda Association support such initiatives especially the marginalized groups that we seek to assist. Within the scope of our activities we are able to uphold the right to life of some women who are living with H.I.V. who earn a living through basket weaving.[[10]](#footnote-10)

Through this a leaf may be borrowed on civil society participation in bridging the gender gap by promoting viable economic ventures as this one that are women centered.

It is in the Arts theater drama and Music where women are not adequately represented though their presence has gradually been increasing over the years. The Director of Planning, Ministry of Gender and Family Promotions has been vocal in encouraging women in effectively participating in the for at the moment it still remains quite low, It is realized that most are still concerned with domestic duties and thus some of them don't have time to fulfill their potential in art.

1. **Way Forward**

Conclusively asserting, bearing in mind the recent history of conflict It would be fair to state that Rwanda has accomplished major strides in as far as upholding and promoting women’s Rights is concerned through policy implementation and general practice.

Much as basic battles have been won in pursuit of affirmative action it would be erroneous for us to state that the war is over for there still exits some setbacks that need dear attention.

Approximately 50 % of women work as dependent family workers and over 70 % of women are stil engaged in agricultural work, mainly in subsistence farming. Inferiority complexes that hinder them from joining the formal sector being the root cause.

As we focus on the Post-2015 developmental agenda the women’s voice & stature should be put at the fore and this calls for a concerted effort between the state, development partners, the private sector and The Civil Society as a bridge to the crosscutting issues that are in touch with women Rights in order to ensure that the valid recommendations stated in this agenda are reflective within the Rwandan Community at large.

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1. Title X of The Rwandan Constitution 2003 [↑](#footnote-ref-1)
2. Cap 2 Article 9 of The Rwandan Constitution 2003 [↑](#footnote-ref-2)
3. Article 11 of the Constitution of Rwanda 2003 [↑](#footnote-ref-3)
4. Article 185 of the Constitution of Rwanda 2003 [↑](#footnote-ref-4)
5. Article 4 Of The Organic Law on Land [↑](#footnote-ref-5)
6. Article 7 of the Organic Law on Land [↑](#footnote-ref-6)
7. National Institute of Statistics Rwanda data 2012 [↑](#footnote-ref-7)
8. <http://www.edprs.rw/> [↑](#footnote-ref-8)
9. <http://rwandanarts.blogspot.com/> [↑](#footnote-ref-9)
10. <http://www.globalgiving.org/projects/empowering-500-rwandan-women-living-with-hiv-aids/> [↑](#footnote-ref-10)