



**The Global Initiative**  
*for* Economic, Social and Cultural Rights

**SHADOW REPORT TO THE UNITED NATIONS COMMITTEE ON ECONOMIC,  
SOCIAL AND CULTURAL RIGHTS**

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**Submitted by:  
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The Global Initiative for Economic, Social and Cultural Rights (GI-ESCR) is an international non-governmental human rights organization which seeks to advance the realization of economic, social and cultural rights throughout the world, tackling the endemic problem of global poverty through a human rights lens. The vision of the Global Initiative for Economic, Social and Cultural Rights is of a world where economic, social and cultural rights are fully respected, protected and fulfilled and on equal footing with civil and political rights, so that all people are able to live in dignity.

The mission of the Global Initiative for Economic, Social and Cultural Rights is to strengthen the international human rights framework through creative standard setting, so that all people, and in particular marginalized individuals and groups, are able to fully enjoy their economic, social and cultural rights, and are able to do so without discrimination and on the basis of equality; provide innovative tools to policy makers, development actors and others on the practical implementation and realization of economic, social and cultural rights; enforce economic, social and cultural rights through international, regional and national mechanisms and seek remedies for violations of these rights, with a focus on creating beneficial jurisprudence aimed at transformative change; engage networks of human rights, women's rights, environmental and development organizations and agencies to advance the sustainable enjoyment of economic, social and cultural rights at both national and international levels; and work with advocates, social movements and grassroots communities at national and local levels to more effectively claim and enforce economic, social and cultural rights, including by engaging international mechanisms for local impact.

## I. ARTICLES 3, 11 & 12 -- Women's Land and Property Rights in Rwanda

1. This shadow report addresses the current situation of women in Rwanda with respect to the status of their land and property rights.
2. As the State Party report notes, "Women also form a vulnerable group. Agriculture is largely dominated by women; 92.97 per cent of women are engaged in agriculture as against 80.9 per cent of men." Land is an incredibly vital resource for women in Rwanda, deeply connected to their ability to realize their rights to equality, food, health, water, and personal security.
3. While Rwanda had a positive track record in many respects with respect to women's land and property rights, there continue to be significant challenges. A two-year (2009–2010) action research study entitled "Experiences of Women in Asserting their Land Rights: the case of Bugesera District, Rwanda," was carried out by Rwanda Women Network (RWN) in collaboration with the Makerere Institute of Social Research (MISR). The study showed that "gains for women's struggle on land rights in statutory law are undermined on the ground by the continuation of discriminatory practices, which are prejudicial to women and due to the negative attitudes towards women's land rights in Rwanda."<sup>1</sup>
4. In its 2009 Concluding Observations on Rwanda, the Human Rights Committee notes that "While noting that equality between men and women is enshrined in the Constitution of Rwanda, the Committee notes with concern that discrimination against women exists in several fields, particularly under the Civil Code and also under the Family Code, which recognizes the husband to be the head of the conjugal union" (UN Doc. CCPR/C/RWA/CO/3). According to the Social Institutions and Gender Index (SIGI) of the Organisation for Economic Co-operation and Development (OECD), "Under the 1988 Family Code, both spouses are deemed to have responsibility to rear and maintain their children; however, elsewhere, the code names the father as the head of the 'conjugal community,' comprising the husband, wife, and their children."<sup>2</sup>
5. The CEDAW Committee, in its Concluding Observations on Rwanda from 2009 urged the State party to "take proactive measures to ensure that rural women have access to ... land.... It recommends that the State party strengthen its efforts to design and implement gender-sensitive rural development strategies and programmes, ensuring the full participation of rural women in their formulation and implementation" (UN Doc. CEDAW/C/RWA/CO/6).
6. The SIGI also notes that despite the 1999 Inheritance and Marital Property Law which guarantees equal rights for female and male spouses and children to inherit property, a major problem is that the law only applies to registered legal marriages and excludes polygamous marriages. In Rwanda, most marriages are not registered women, particularly wives in polygamous marriages, do not enjoy their inheritance rights in practice.<sup>3</sup>
7. The Rwandan Women's Network also found in its study that "the institutions that are used by women to defend their land rights are not adequately supported and therefore end up being ineffective. Deficiencies cited by members of the *Abunzi* include lack of law reference materials, transport and orientation in gender and land issues." Furthermore, "women lack the necessary assistance in claiming and pursuing these rights" and "women face the challenge of stigma

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<sup>1</sup> Rwanda Women Network (RWN), 'Policy Brief: Women's land rights gains in Rwanda are eroded by cultural practices and negative attitude,' 2011.

<sup>2</sup> See: <http://genderindex.org/country/rwanda>

<sup>3</sup> Ibid.

and fear of societal repercussions, including disapproval by the family or community, loss of dignity and at worst, physical violence.”<sup>4</sup>

8. On the application of custom, the study also found that “the results of this study have affirmed that customary practices are still applied alongside the statutory law. It is evident that customary practices regarding inheritance are still widely applied in Rwanda, alongside the new legislations that give equal land rights to men and women. This is highlighted by the dominance of inheritance cases involving relatives in the semi-rural district of Bugesera. It was striking to find that disputants include ‘own children’ implying significant vulnerability of aging women.”<sup>5</sup>

9. On land law specifically, the 2005 Organic Land Law formally abolished customary law where it governed land rights; nonetheless, the SIGI finds that “despite gaining a certain level of independence and legal protection since the genocide, women still face difficulties accessing private property.” Similarly, while “[w]omen in Rwanda do not appear to face any legal restrictions in accessing credit, but in practice, have very limited access to bank loans.”<sup>6</sup>

10. All of this points to the fundamental disconnect between statutory protections and women’s experience of inequality in the area of women’s land and property rights in Rwanda. Therefore, the Global Initiative for Economic, Social and Cultural Rights respectfully suggests that the Committee on Economic, Social and Cultural Rights should urge the State party to:

- 1) Introduce measures to address negative customs and traditional practices which affect full enjoyment of women’s land and property rights;
- 2) Ensure that all justice mechanisms, including customary mechanisms, respect, protect and fulfill women’s rights to land and other productive resources, and provide customary justice authorities with training on women’s rights, as well as other relevant support, in order for them to effectively protect women’s rights within the scope of their jurisdiction and encourage fair decision-making about women’s land rights;
- 3) Support, through financial and other means, positive local initiatives which affirm women’s position and leadership and support women’s equal rights to land and other productive resources;
- 4) Amend the 1988 Family Code to remove the father as the head of the ‘conjugal community,’ or household and abolish the concept of ‘head of household’ in legal designations and entitlements where its application would result in de facto discrimination against women, including the provision or allocation of land and other productive resources in favor of male ‘head of households.’

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<sup>4</sup> Supra note 1.

<sup>5</sup> Ibid.

<sup>6</sup> Supra note 2.