

SHADOW REPORT TO THE COMBINED 7TH, 8TH AND 9TH REPORT OF
THE GOVERNMENT OF RWANDA TO THE COMMITTEE ON THE
CONVENTION ON THE ELIMINATION OF ALL FORMS
DISCRIMINATION AGAINST WOMEN (CEDAW)

Prepared and Submitted

By

A COALITION OF NATIONAL NON GOVERNMENTAL ORGANIZATION
REGISTERED AND OPERATING IN RWANDA

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ABOUT THE SUBMITTING ORGANISATIONS

Great Lakes Initiative for Human Rights and Development (GLIHD) is a national non-governmental organization registered and operating in Rwanda in accordance with the law. It is an organization based on values that are aimed at restoring individual dignity through human rights promotion and monitoring. GLIHD is convinced that dignity and valuing other people can be achieved through public interest litigation and monitoring human rights standards and obligations.

Umuryango Nyarwanda w'Abagore Bafite Ubumuga (UNABU, or the Rwandan Organization of Women with Disabilities) aims to promote gender equality and the removal of barriers which prevent WWDs from participating in the country's development. UNABU was established in 2002, by 14 women representing different disability types and is the sole organization representing women with disabilities in Rwanda.

UWEZO Youth Empowerment (UWEZO) was established by a group of youth with disabilities (YWDs) in 2013 and officially registered as a non-governmental organization in February 2014. It is a cross-disability organization with membership of persons with intellectual disabilities, persons with visual impairments, persons with physical disabilities, and Deaf persons, among others.

Human Rights First Rwanda Association (HRFRA) was registered in 2005 under Law No. 20/2000 of 26/7/2000. It is a nonpartisan and a not-for-profit association membership organization. HRFRA's mission is to empower, as well as promote, reinforce and safeguard human rights, the rule of law and good governance in Rwanda. HRFRA strives to achieve this through legal assistance

to poor and marginalized groups in Rwanda and by building capacity of groups to carry out rights advocacy.

EXECUTIVE SUMMARY

The Coalition takes this opportunity to submit a shadow report to the combined 7th, 8th and 9th report of the Government of Rwanda to the Committee on the Elimination of Discrimination against Women (CEDAW Committee).

Objective of the Report

The main objective of this report is to provide key findings on the status of implementation of the CEDAW in view of the Concluding Observations and recommendations made by the CEDAW Committee to the Government of Rwanda reference number CEDAW/C/RWA/CO/6 in 2009. The report provides potential grounds for legal reforms, policy changes and other measures aimed at improving the rights situation of women in Rwanda.

Methodology

The drafting of this report was based on data collected from studies, national reports, interviews with some key informants (public and private institutions), national documents including; laws, policies and strategic plans.

Key Findings

The report notes progress made by the Government of Rwanda in implementing recommendations contained in the Concluding Observations of 2009.

The report notes with appreciation, legal reform undertaken as well the adoption of various policies, strategic plans and initiatives which have contributed to the improvement of women's rights in Rwanda since 2009.

The report also highlights some concerns in some areas that require specific attention and thus suggests recommendations that would address the concerns raised.

Structure of the Report

The Report is divided into seven major parts. Part one covers equality, non-discrimination, human rights & fundamental freedoms, special measures; part two covers sex roles and stereotypes; part three covers trafficking and prostitution; part four covers Employment, part five covers Health and Family Planning; part six covers disability rights and part seven covers general recommendations.

Under each of the above six parts of this document, the report commends progress made by the Government of Rwanda in the implementation of CEDAW and raises concerns and lastly where applicable recommends the Committee the next step to take when engaging with the Government of Rwanda in the upcoming session.

I. EQUALITY, NON DISCRIMINATION, HUMAN RIGHTS & FUNDAMENTAL FREEDOMS, SPECIAL MEASURES (Articles 1- 4 of CEDAW)

1.1. Positive developments

The coalition commends the Government of Rwanda for enacting the following laws:

- The Law N° 43/2013 governing land in Rwanda which grants equal access to land to both men and women in Rwanda.
- The organic law n° 10/2013/0L of 11/07/2013 governing political organizations and politicians that obliges political parties among others to constantly subscribe to gender equality and complementarily, whether in the recruitment of members, putting in place organs of leadership and in their operations and activities (article 7).
- The Law n°54/2011 of 14/12/2011 relating to the rights and the protection of the child which guarantees equal rights to all children without any discrimination (Article 4).
- The Organic Law N° 01/2012/ of 02/05/2012 instituting the penal code which criminalizes rape as well as marital rape.

The Coalition commends the Government of Rwanda for adopting the following policies, strategies and initiatives:

- The National Legal Aid Policy (2014). The overall aim of the National Legal Policy is to ensure that indigent and vulnerable citizens access quality justice and realize their rights guaranteed by law.
- Establishing Access to Justice Bureau commonly known as MAJ (*Maison d'Acces a la Justice*) at district level to provide legal aid to indigents. Each Access to Justice Bureau has dedicated staff dealing with Gender Based Violence.

- The National Policy against Gender Based Violence (2011).
The overall objective of the policy against Gender Based Violence is to progressively eliminate gender-based violence through the development of a preventive, protective, supportive and transformative Environment.
- The National Strategic Plan for Fighting Against Gender Based Violence (2011-2016)
- The Gender Policy (2010). The overall goal of the National Gender Policy is to promote gender equality and equity in Rwanda through a clearly defined process of mainstreaming gender needs and concerns across all sectors of development.
- Establishment of gender desk in Rwanda National Police (RNP), The Rwanda Defense Forces (RDF), and gender unity within the National Public Prosecution Authority (NPPA).

The Coalition further commends the Government of Rwanda for the increase of number of rape related cases prosecution and subsequent conviction whereby the rate of rape prosecution case won by the National Public Prosecution Authority increased from 64.9 % in 2012 to 84.2 % between the year 2013 and 2014.¹

1.2. Areas of concern

The Coalition is concerned with the discrepancy in terms of punishment in case of rape and marital rape as the Penal Code provides a heavier punishment for rape than marital rape.

Article 199 the Penal Code provides for either an imprisonment ranging from 2 months to 6 months for anyone convicted of marital rape whereas article 199 (marital rape) and article 196

¹Rwanda National Public Prosecution Authority "NPPA Initiatives towards GBV Prevention and Responses, existing challenges". Available at http://nnpa.gov.rw.fileadmin/Archive/PRESS_RELEASE/GBV_PRESENTATION.pdf
Accessed on 20 August 2015

of the Penal Code provides for an imprisonment of more than five (5) years to seven (7) years for anyone convicted of rape.

The Coalition is also concerned with limited legal support given to victims of GBV as the current legal aid policy only provides legal representation to indigents, children and people with disabilities.

The Coalition is concerned with statistics from the National Institute of Statistics which show that 91.7% of victims of spousal assault were women in 2013.¹

The Coalition is concerned with the lack of detailed information on the rate of investigation and prosecution of cases of physical and sexual violence in the statistical yearbooks as recommended by the CEDAW Committee concluding observations **(Recommendation N^o 26 of CEDAW/C/RWA/CO/6)**.

The Coalition is concerned with the lack of referral framework between *Isange One Stop Centres* and Community Based Organizations to support the social rehabilitation of victims of sexual violence as it was revealed during interviews with some key informants.

The Coalition is further concerned with findings from the EICV III Thematic Report Gender (published by the National Institute of Statistics) which indicated that younger men were much more likely to think that it was justified in some circumstances for a husband to beat his wife.²

¹ National Institute of Statistics of Rwanda "Statistical Year Book 2014" Page 206

² National Institute of Statistics of Rwanda "EICV3 THEMATIC REPORT GENDER" Available at <http://statistics.gov.rw/system/files/user_uploads/files/books/EICV3ThematicReport_Gender.pdf>. Accessed on 17 August 2015

1.3. Recommendations

The Coalition calls upon the CEDAW Committee to recommend the Government

of Rwanda to:

- Harmonize punishments in terms of rape with the view of applying the principle of equal protection of the law to both the victims of rape and marital rape.
- Expand legal support in terms of legal representation to all victims of sexual and physical violence regardless the victim's economic status.
- Strengthen the capacity of the investigators in GBV offences including continuous trainings.
- Recruit more staff dedicated to GBV related investigations with the view of enabling the National Public Prosecution Authority effectively handle of GBV cases.
- Develop and implement a strategy with measurable targets/goals to change mindset on GBV among the community including the youth, community leaders, women and men.
- Reiterate its previous recommendation that requested the Government of Rwanda to ensure the systematic collection and publication of data, disaggregated by type of violence and by the relationship of the perpetrator to the victim, and to use such data as the basis for monitoring the implementation of current and future policy and support measures.
- Establish a cooperation framework between *Isange* One Stop Centres from the National Police Hospitals with Community Based Organisations with the view of supporting the social rehabilitation of victims of sexual violence.

II. SEX ROLES AND STEREOTYPES (Article 5 of CEDAW)

2.1. Positive developments

The Coalition notes efforts put by the Government of Rwanda and some of civil society organizations sensitizing the community to adopt positive attitudes to eliminate sex roles and patriarchal stereotypes which negatively affect women's advancement in the society.

2.2. Areas of concern

The Coalition is concerned with findings from EICV III which indicated that by the age of 15 girls do almost six hours more domestic work than boys.

The Coalition is also concerned with persistent patriarchal stereotypes which hold the view that the dominance of men and submissiveness of women as a natural fact.⁴

The Coalition is further concerned by persistence of negative cultural beliefs on gender among the causes of GBV. According to findings from baseline study conducted by RWAMREC (Rwanda Men's Resources

Centre), a Rwandan local NGO, 21.4% of the respondents held the view that persistence of negative on gender was the cause of GBV.⁵ In interviews held with some key informants, it was revealed that persistent traditional norms continue to be an obstacle for women's economic empowerment.

⁴ RWAMREC "Study on Masculinity and GBV in Rwanda". Available at <<http://rwamrec.org/IMG/pdf/rwamrec_study_on_masculinity_and_gbv_in_rwanda-2.pdf>. Accessed on 20 August 2015.

⁵ RWAMREC "Sexual and Gender Based Violence (GBV) Baseline Study in 13 Districts" Available at <http://www.rwamrec.org/IMG/pdf/baseline_study_on_gbv_may_2013_rwamrec.pdf> Accessed on 21 August 2015

Interviews with key informants also revealed the negative impact of traditional norms which prevent women in rural areas from taking decisions in their households.

2.3. Recommendations

The Coalition calls upon the CEDAW Committee to recommend the Government of Rwanda to:

- Step up efforts in developing a strategy with measurable targets to change negative cultural beliefs on gender.
- Develop strategies which target men and boys with the view of transforming them into agents of positive changes instead of GBV perpetrators.

III. TRAFFICKING AND PROSTITUTION (Article 6 of CEDAW)

3.1. Positive development

The Coalition commends the Government of Rwanda for criminalizing human trafficking under article 252 of the Penal Code.

The Coalition notes efforts made in sensitization in the fight against human trafficking through awareness campaigns.⁶

⁶ Rwanda National Police "Students called to beware of human traffickers". Available at <<http://www.police.gov.rw/newsdetail/?tx_ttnews%5Btt_news%5D=3703&cHash=7f0f2468f4e14b0f72c50f7767b24331>>. Accessed on 12 September 2015. Read also The Independent "Rwanda tackles human trafficking" .Available at<<<http://www.independent.co.ug/rwanda-ed/rwanda/9424-rwanda-tackles-human-trafficking->>> Accessed on 12 September 2015.

3.2. Areas of concern

The Coalition is concerned with criminalization of prostitution in the current penal code (published in the official gazette in 2012), this despite the recommendation N^o 27 of the Concluding observations made by the CEDAW Committee (CEDAW/C/RWA/CO/6) requesting the Government of Rwanda of addressing root causes of prostitution instead of criminalizing the activity.

The Coalition is concerned by the lack of a comprehensive study on root causes of human trafficking and also statistics on investigated and prosecuted cases of human trafficking despite various media reports indicating cases of human trafficking.⁷

3.3. Recommendations

The Coalition calls upon the CEDAW Committee to recommend to the Government to:

- Speed up the review of the penal code with the view of decriminalizing prostitution.
- Step up efforts in eradicating social and economic root causes of prostitution.
- Conduct a comprehensive study on the root causes of human trafficking
- Provide systematically data (figures) on individuals prosecuted and those convicted for human trafficking.

⁷ Newtimes "The Ordeal of human trafficking victim ". Available at <<<http://www.newtimes.co.rw/section/article/2015-01-21/185155/>>>. Accessed on 12 September 2015.

IV.EMPLOYMENT (Article 11 of CEDAW)

4.1. Positive Developments

The Coalition commends the Government of Rwanda for clearly prohibiting Gender Based Violence under article 9 of the Law N^o13/2009 of 27/05/2009 regulating Labour in Rwanda.

The Coalition commends the Government of Rwanda for enacting the Law N^o 86/2013 of 11/09/2013 establishing the General Statutes for Public Service that obliges the State to guarantee to its employee the protection against any type of violence at workplace during the fulfillment of his/her duties or at any time it is obvious that the security threat is due to the fulfillment of his/her duties (article 67).

The Coalition also commends the Government of Rwanda for prohibiting discrimination on the ground of sex, marital status, family responsibilities, current, previous and future pregnancy under article 12 of the Law N^o13/2009 of 27/05/2009 regulating Labour.

4.2. Areas of concern:

The Coalition is concerned with the worrying phenomenon of "gender based corruption in the workplace" in both public and private sector. According to the findings from the survey carried out by Transparency Rwanda 43.3 % of females looking for employment and 29.1% of female secretaries are more exposed to gender based corruption.⁸ The survey also indicated that 56.2% of gender based corruption cases were not reported.

⁸Transparency Rwanda "Gender based Corruption in Workplaces in Rwanda". Available at<<[http://tirwanda.org/images/stories/gender based corruption in workplaces in rwanda.pdf](http://tirwanda.org/images/stories/gender_based_corruption_in_workplaces_in_rwanda.pdf)>> Accessed on 19 August 2015. The survey was carried out between 2008 and 2010.

The Coalition is also concerned with the findings from EICV 3 Thematic Report Gender which indicated that men have benefited much more from the growth in non-farm jobs compared to women whereby there has been a fall in the number of men working in agriculture but a rise in the number of women doing so.

4.3. Recommendations:

The Coalition calls upon the CEDAW Committee to recommend to the Government of Rwanda to:

- Develop and implement a policy against sexual violence at workplace
- Work closely with the Private Sector, Trade Unions and other stakeholders in developing other strategies to eradicate gender based corruption at workplace.
- Develop a strategy with measurable goals which will close the gaps between men and women in non-farm jobs.

V. HEALTHCARE AND FAMILY PLANNING (Article 12 of CEDAW)

5.1. Positive developments

The Coalition commends the Government of Rwanda for reducing maternal mortality rate. According to the latest Rwanda Demographic Health Survey (RDHS) 2014-2015, maternal mortality ratio 210 compared to the previous ratio of 476 per 100,000 as indicated in RDHS 2010.⁹

The Coalition notes the decrease in trends related to unmet needs in family planning methods as the latest Demographic Health Survey

⁹ National Institute of Statistics "Demographic Health Survey 201-2015: Key Findings ".Available at <http://www.statistics.gov.rw/publications/demographics-and-health-survey-dhs-20142015-key-findings> Accessed on 22 August 2015.

indicates that 19 percent of married women have an unmet need for family planning compared to the Demographic Health Survey of 2010 which indicated that 21 percent of married women had an unmet need for family planning.

The Coalition also notes the expansion for grounds for legal abortion in the Penal Code. Unlike the previous penal code which authorized abortion only when the continuation of pregnancy jeopardized the health of the pregnant woman, the current penal code (2012) has expanded the grounds of abortion to pregnancy resulting from incest, rape and forced marriage.

5.2. Areas of concern

According to findings from the study jointly conducted by Guttmacher Institute and the School of Public Health of the National University of Rwanda an estimated 22 % of unintended pregnancies in Rwanda that end in induced abortion are carried out in unsafe methods due to legal restrictions and strong stigma surrounding abortion.¹⁰ The same study revealed that half of abortions in Rwanda are performed by untrained providers.

The Coalition is further concerned with the failure by the Penal Code to expressly mention defilement as one ground for abortion.

The Coalition is further concerned with the legal requirements imposed on women who seek abortion as a result of rape, incest and forced marriage as the lengthy legal procedure makes it difficult for women to seek abortion on ground of incest, rape and forced marriage. According to article 165 of the Penal a

¹⁰Guttmacher Institute and School of Public Health of the National University of Rwanda "Unintended pregnancies and Induced abortions in Rwanda: Causes and Consequences". Available at <<<https://www.guttmacher.org/pubs/unintended-pregnancy-Rwanda.pdf>>> Accessed on 18 August 2015

court order is needed before an abortion on the ground of incest, rape and forced marriage can be carried out.

The Coalition is concerned with doctor authorization requirement for an abortion when the pregnancy is threatening the health of the

woman (article 166 of the Penal Code) bearing in mind the limited number of available medical doctors based on the ratio of 1 doctor per 15,806 patients.³

5.3. Recommendations

The Coalition calls upon the CEDAW Committee to recommend the Government of Rwanda to:

- Remove the issuance court order as one of the conditions to carry out abortion in case of rape, incest or forced marriage.
- Remove the doctor authorization and thus train mid-level health providers to enable them perform abortion.
- Include pregnancy as result of child defilement among the grounds for abortion.

VI. DISABILITY RIGHTS (Article 3 of CEDAW and Committee's General Recommendation no. 18 of 1991 on disable women)

6.1. Positive developments

The Coalition commends the Government of Rwanda for putting in place an enabling legal, policy and institutional frameworks as far as the rights of women with disabilities is concerned. Particularly, the notes with appreciation the revision of the Constitution in 2015 which prohibits discriminations of any kind; law No. 01/2012 of 02/05/2012 instituting the Penal Code which punishes discrimination and the Law N° 01/2007 OF 20/01/2007 relating to protection of disabled persons.

³National Institute of Statistics "Statistical Yearbook 2014.

6.2. Areas of Concern

The Coalition is concerned with low representation of women with disabilities in the decision making positions.

The Coalition is also concerned with lack of adequate information on specialized care provided to women and girls with disabilities.

The Coalition is further concerned with the fact the law N° 01/2007 of 20/01/2007 relating to protection of disabled persons does not provide for the issue of gender and disability and that other laws do not explicitly prohibit discrimination based on gender.

The Coalition is also concerned with the decrease in number of school enrolment for women and girls with disabilities particularly in secondary and tertiary levels. In secondary schools number of girls with disabilities declines to 5% compared to 8% among males with disabilities and 11.2 among girls without disabilities.⁴The situation at Universities is worse with less than one percent of women with disabilities having reached the higher education.⁵

6.3. Recommendations

The Coalition calls upon the CEDAW Committee to recommend the Government of Rwanda to:

- Insure increase in number of women with disabilities in all decision making positions.
- Provide sufficient information on specialized care provided to women and girls with disabilities, particularly those living in rural areas.

⁴ National Institute of Statistics in Rwanda, Fourth Population and Housing Census, Rwanda, 2012, Thematic report: Socio-economic characteristics of persons with disabilities, 2014, p. 28

⁵Ibidem

- To explicitly include the rights of women and girls with disabilities, including legal protection against multiple and intersectional discrimination in relevant laws.
- To include in SGBV monitoring indicators those particularly focusing on women and girls with disabilities.
- Guarantee that women and girls with disabilities have equal access to education as their counterparts who do not have disabilities. More efforts should be put at secondary and university levels.

VII. GENERAL RECOMMENDATIONS

The Coalition calls upon the CEDAW Committee to recommend the Government

of Rwanda to:

- Consider ratifying the Convention concerning decent work for Domestic Workers (International Labour Organization Convention N^o 189)
- Consider ratifying the Maternity Protection Convention (International Labour Organization Convention N^o 183)
- Translate the subsequent concluding Observations of the combined 7th, 8th and 9th report of the Government of Rwanda to the committee on the Convention on the Elimination of all Forms of Discrimination against Women into Kinyarwanda (the national language) and widely disseminate them.
- Develop a roadmap in the implementation of Concluding Observations.
- Ensure that annual performance contract of district mayors include gender dimension with measurable goals.

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3. Law N°54/2011 of 14/12/2011 relating to the rights and the protection of the child
4. Law No 43/2013 governing land in Rwanda
5. Law N° 86/2013 of 11/09/2013 establishing the General Statutes for Public Service
6. The organic law n° 10/2013/OL of 11/07/2013 governing political organizations and politicians

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D. MEDIA REPORTS

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2. The New Times "The Ordeal of a Human trafficking victim" Published on 21 January 2015.