

RWANDA
NGO SHADOW REPORT
CONVENTION ON THE ELIMINATION OF ALL FORMS OF
DISCRIMINATION 43 SESSION
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INTRODUCTION

Convention on the elimination of all forms of discrimination with regard to the women was adopted by the General meeting of the United Nations in her resolution 34/180 of December 18, 1979. Rwanda ratified it by the presidential decree n°431/16 of November 10, 1980.

As its name "Shadow carry forward expresses it", this report has the aim of supplementing the report presented by the Government of Rwanda with regard to the application and the integration of convention on the elimination of all forms of discrimination with regard to the women in the national legislation.

Our report will neither reconsider the socio-economic and political situation of Rwanda nor the historical background. These details were largely and correctly presented by in the official report.

On our level, we will concentrate our work on the integration of the provisions of convention while raising what was made on the legal level, the challenges met and recommendations that one can give to the institution concerned.

The measures adopted for the application of convention are especially the adoption of the laws and the strategies aiming at the elimination of all forms of discrimination with regard to the women and the recognition of the women's rights and of her protection.

In this respect, it is important to announce right now that Rwanda appears among the countries which marked a great step toward integration of convention.

CEDAW'S ARTICLES	State of the application of convention	Challenges	RECOMMANDATIONS
<p>The article 1st: the definition of the expression “discrimination with regard to the women”</p>	<p>The Rwandan constitution, in its preamble, expressly states the engagement of the Rwandan State to the respect of the principles of the Human rights as envisaged in the various international texts relating to the human rights. Moreover, the dedication of the first chapter second title to the basic rights of the person, the rights and duties of the citizen show how much the State makes a point of protecting the human dignity. According to the constitution, regularly ratified conventions have a place higher than the ordinary and organic laws. Thus, convention on the elimination of all forms of discrimination toward women is integrated in Rwandan legal scheduling.</p>	<p>The challenge to take up here remains the weight of the culture because the tradition contains certain discriminatory rules which grant to the man a value higher than that of the woman.</p>	<p>The aspects of the habit aiming at the discrimination of the woman must be changed. Of this, one needs an education and a sensitizing for the change of mentalities.</p>
<p>Article 2:</p>	<p>The current Rwandan constitution states among</p>	<p>Although the constitution</p>	<p>Despite all these laws</p>

<p>Political measurements for the elimination of any discrimination</p>	<p>the basic principles to which the State Rwandans begins to conform and respect, that of the construction of a Rule of law and pluralist democratic regime, equality of all the Rwandan ones between the women and men, (article 9.4 Const.). - article 11 devotes the principle of the equality like one of the basic rights of the person: " All Rwandan are born and remain free and equal in rights and duties. Any discrimination based in particular on the race, the ethnos group, the clan, the tribe, the color of the skin, the sex, the area, the social origin, fortune, the difference of cultures, language, of social situation, physical or mental deficiency or on any other form of discrimination is prohibited by the law". The law n°42/1988 bearing title preliminary and delivers first of the civil code which constitutes the code of the family made significant modifications to that it</p>	<p>carried international conventions to the second degree of the hierarchy of the standards to Rwanda (article 200 Const.), the judges in Rwanda are not accustomed to referring to the international conventions regularly ratified by Rwanda. But whenever the law distinguishes, the judges resort to the constitution without any time to say clearly to which conventions, they refer. For example, in the event of divorces, after 1994, the judges to grant the guard of</p>	<p>adopted in the objective of raising the obstacles in the legislation with regard to the woman, it is necessary to make the modifications of certain legal clauses whose spirit aims at the discrimination and the ignorance of right and capacity to the woman. Thus, the current penal code in Rwanda, in its article 354 stipulates that the woman convicted of adultery will be punished of a one month imprisonment to one year. The husband</p>
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	<p>replaced, in particular in what it poses the principle that the marriage does not modify the capacity of the husbands whose capacities can be modified only by the law or their matrimonial mode (article 212). Under the first civil code modified after the adoption of CEDAW, the woman her legal capacity by the effect of the marriage lost. She could not be party to legal proceedings, to make the trade,... without the authorization of her husband. The law n°22/99 of November 12, 1999 relating to the matrimonial modes, the successions and liberalities recognizes with the girl the right to be heiress in the goods belonging to the family from which it resulting (Article 50), and subordinates to the agreement of the two husbands any deed of gift of a real estate or a good of the inheritance of the household as well as the recognition of an unspecified right on her</p>	<p>the child take into consideration the age of the child and the parent able to ensure the good education of the child. The second example, the guilty woman of the infringement of adultery is punished as same punishment as the man even if the law envisages the different punishment. On the other hand, the lawyers, to support their arguments in front of the judge, resort to international conventions.</p>	<p>convinced of adultery will be punished of a one month imprisonment to six months and a fine of thousand francs or one of these punishments. In general, they are provisions of former laws to the adoption of the constitution, and we can ensure that the Rwandan legislator will not delay to modify them. The penal code in the course of drafting, takes into account of the discriminatory provisions that appear in</p>
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	<p>goods (Article 21). The law n°27/2001 of 28/04/2001 relating to the rights and the protection of the child against violences recognizes with the woman the right to transmit her nationality to the child even if this one were born from a foreign father. She was thus the first to remove the prohibition which was made with the woman transmit her nationality to a child whose foreign paternal filiation was established under the empire of the old law of bearing September 28, 1963 codes Rwandan nationality, which was modified in 2005 by a new law which sanctions this right expressly on the matter. The law n°30/2003 of August 29, 2003 modifying and supplementing the Order in Council n°01/81 of January 16, 1981 relating to the census, identity card, residence and residence, recognizes with the woman the right to make register the child on the identity card which</p>		<p>it. However, the Supreme court removed the first subparagraph in connection with the woman and ordered that the woman will be punished same punishment as the man. This aimed at maintaining the constitutional principle of the equality between the man and the woman. The current code of the family still requires hundreds fundamental modifications</p>
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	<p>until the promulgation of this law, was a prerogative exclusively reserved to the father of the child.</p>		
<p>Article 3: Guarantee of the human rights and fundamental freedoms</p>	<p>The exercise and the pleasure of the human rights and fundamental freedoms on the basis of equality with the men are guaranteed by the Rwandan constitution. The women as all the Rwandan citizens have the right to exert recourse to the jurisdictions for the safeguard of their rights. The Ministry in charge of gender and Family Promotion has objective to reinforce the capacities of the women, and to promote the equity and the equality of gender within the framework of sustainable development. The national council of the women having for vocation to serve as framework of user-friendliness and plea of the women instituted by the constitution. The observatory of gender envisaged by the constitution in charges of</p>		<p>The installation of gender observation commission envisaged by the constitution.</p>

	<p>monitoring intended to allow a permanent evaluation of the respect of the indicators of gender is not set up yet</p>		
<p>Article 4: Adoption of the special measures intended to accelerate the equality in fact between the men and the women</p>	<p>-The policy supported by the Government is that of the positive discrimination according to which a certain number of quota of the women must be integrated in the bodies of decision making with the representation of at least 30%.</p> <p>- the constitution of June 4, 2003 as modified so far allots to the women 24 seats in parliament and at least 30% of seats in the Senate.</p> <p>- the creation of guarantee funds in favor of the women with an aim of allowing the women to access the credit in order to finance their income generating projects. The women who gather in co-operatives are encouraged.</p>	<p>A great number of the women is not able to elaborate a profit making project.</p>	<p>The decentralized bodies, NGO's have to set up training programs on the matter.</p>
<p>Article 5: Roles</p>	<p>The creation of the specific Ministry, of the</p>	<p>The child boy, in the</p>	<p>Measurements taken</p>

<p>stereotyped by sex and prejudices</p>	<p>national council of the women, the emergence of female associations contribute to the destruction of the usual practices which make that the behaviors and mentalities against the blooming of the woman persist. The decentralized bodies, ONG must be invested in the formation on the matter.</p>	<p>Rwandan society, is always more preferred than the girl. Certain men do not recognize the woman capacity of in decision making or to have constrictive ideas. They think that the role of a woman is to give birth to and to deal with the household. The women are also victim of inferiority complex.</p>	<p>must be accompanied by an intense social training to all the layers of the population on the policy of gender equality, which remains confused for certain Rwandans.</p>
<p>Art 6: Traffic and exploitation of the prostitution of the women</p>	<p>Although the Rwandan penal code represses the procuring, it expressly does not sanction the women trafficking. The reason seems that the traffic of the women is an unknown infringement in Rwandan practice. However article 41 of the relative law to the rights and the</p>		<p>Even if it is difficult to track the women traffickers in Rwanda, it is advisable to make research in this field to see at what extent this</p>

	<p>protection of the child against violences lays down the imprisonment going up from 5 years to perpetuity against the author of removal, sale or draft of a child.</p>		<p>criminality affects Rwandan women and young girls.</p>
<p>Prostitution: the Rwandan penal code envisages in its article 363 measurements which seem to us very light within the framework of discouraging the prostitution which seems to become a plague in urban and rural environments. These measurements are:</p> <ul style="list-style-type: none"> - Prohibition to leave the country or to be at places determined by the judgment; - Obligation to self present to the services or to the authorities indicated in the judgement; - Obligation to subject to measurements of examination, treatment or care, including the hospitalization if that proves to be necessary. 	<p>the poverty, the rural migration and the lack of various professional trainings for the young girls who did not finish the studies or who do not find employment are factors which support the girls to become prostitute</p>	<p>There has to be measures of punishment which discourage the prostitution. To reinforce the initiatives already started to bring together the prostitutes in associations or co-operatives and to sensitize them on the plague of the AIDS. To adopt the measures of professional training to the young girls who did not continue their</p>	

		<p>studies beyond the elementary school. They finish the elementary school at the age of 13 and 14 years and are still very vulnerable. To make in-depth studies to see the state of certain acts in connection with the prostitution like: motivation to the prostitution, exploitation, exploitation of prostitution and facility for the prostitution, all these acts are envisaged and punished by the penal code but nobody is</p>
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<p>Art 7: Political life</p>	<p>The women exert their right to vote and be voted;</p> <p>Positive discrimination, a quota of 30% in all the bodies of decision making is ensured by the constitution.</p> <p>Today, there are women who are heading the political institutions. Ex: The Parliament House of Commons and the Supreme court are managed by the women. At the Parliament the women are represented up to 51%. At the post of Vice president of the Senate, there is a woman. We have women Ministers, the Mayors of district,... The women meet in various organizations and nongovernmental</p>		<p>already punished for these acts. However, we find in cities the known corners of the prostitutes.</p>
			<p>Sensitizing in all the corners of the country where the women do not reach information concerning the political line of the country. To help women to develop self-confidence and to reinforce their capacity.</p>

	associations dealing with the public life and policy of the country. Thus we have associations of the women for the defense of the women's rights; co-operatives of the women; banks whose promoters are women,...		
Art 8: Representation at the international level	In Rwanda, we have women Ambassadors, the women sent in the regional and international organizations. For example: Among the member of parliament who represent Rwanda in the Parliament of East African community, the number of the women exceeds the number of the men. The judges of the Court of East African Community, Rwanda has two representatives, a man and a woman. Among also DALFOUR Peace keeping corps; the military team is made of men as well as women.		
Art 9: Nationality	The inequality in the transmission of nationality of the parent to the child was raised. Today the newborn of a Rwandan mother can		

	<p>automatically have the nationality of his mother (art 36 law on the protection of the child). This was not the case.</p>		
Art 10: Education	<p>The policy of education for all in Rwanda does not know any discrimination with regard to the woman (Art.40). Measurements to encourage the young girls to study sciences, the grants to the girls who earn better school marks, the schools of excellence ...</p>	<p>The persistence of mentalities that do not consider that a girl can study or have same capacities as the boys; a high rate of deserting from school as they advance.</p>	
Article 11: Employment	<p>Article 12 and 84 of the labor regulation prohibits any form of discrimination which would deteriorate equal opportunity of employment. With an aim of encouraging the insertion of the women, the policy of positive discrimination in favour of the woman, especially in public institutions, is practiced. Thus, with equality of competence, the woman is firstly retained. The woman who is in</p>	<p>Effect; reluctance in certain private institutions to employ the expectant mothers. When, they will come for job interview, they tend to hide their state of maternity for not decreasing their chances. The women who express difficulties</p>	

	<p>maternity leave is entitled to totality of her salary for 3 months in public institutions. However the labor regulation provides that the private institutions can allocate to the women in maternity leave 2/3 of their salary. Actually, such a provision was not to appear in the law.</p>	<p>related to maternity are finally fired out under other reasons. For certain positions which require to work beyond the normal service hours can cause misunderstandings in families.</p>	
<p>Article 12: Health</p>	<p>According to art 12.2. of the Convention on the special treatment of a woman during the pregnancy or in the childbirth: There do not exist free services for health offered to the women during the pregnancy, the childbirth even afterwards. But within the framework of the policy of mutual insurance company of health, the women like other Rwandan citizens, are encouraged to pay an unimportant sum of 1000 Fr to guarantee their health care during one year. This enables them to reach the health care</p>		

	with the help of an affordable price by the citizens who do not have enough means.		
Article 13: Economic and social services	<p>The first book of civil code in its article 200 stipulates that the woman is entitled to food on behalf of her husband if this one is in life, because this law devotes a maintenance obligation between husband. According to the matrimonial mode a woman can contract a credit and assemble her trade. Moreover, after having noted that agriculture and the breeding cannot satisfy their need, much of women undertook other income generating projects like basket making, the trade, etc</p>	<p>Poverty and ignorance remain a serious handicap to the women.</p>	
Article 14: Rural women	<p>We observe an inequality between the man and the woman in rural environment with regard to work for the survival of their households. The rural women are more particularly dealing especially with all domestic tasks and pastoral and breeding. However the majority are not</p>		<p>Elimination of illiteracy for all the layers of women in rural area, Formation on the development of the</p>

	<p>entitled to the agricultural and livestock products. The man in rural areas is till now regarded by the culture as superior to the woman and supreme leader of the household. The rural women are poor. The majority is not instructed; to make income generating projects, a certain level of education is needed, which is constraint for many rural women to reach the small funds to start something to deal with their poverty. Moreover, the micro credits granted to the women are still non-existent in some rural corners.</p>		<p>projects in all rural environments</p> <p>Sensitizing on the grouping in co-operatives in order to develop their families and to develop themselves at the same time</p>
<p>Article 15: equality in front of the law</p>	<p>- article 16, it lays out that "all the human are equal in front of the law. They have right, without any distinction, to an equal protection. As it was mentioned, the penal code distinguishes the punishment at the man and the guilty woman from adultery (Article 354); but the Supreme court removed the first</p>		

<p>Article 16: Marriage and</p>	<p>subparagraph in connection with the woman and ordered that the woman will be punished same as the man. This with an aim of maintaining the constitutional principle of the equality between man and woman. The civil code lays out that the married woman has the official domicile of her husband. This is in contradiction with the article 15 al 4 of the convention which lays out that the States left recognize that the man and the woman have the same rights with regard to the legislation relating to the right of the people to circulate freely and to choose their residence. Even in practice, such a clause does not have a direction any more because today, the husbands choose the residence which facilitates work to them or facilitates the studies of the children.</p>		
	<p>The Rwandan law declares the husband as being the natural chief of the marital community what</p>		<p>All these provisions of the family code are in</p>

<p>family life</p>	<p>goes against the principle of equality between the man and the woman on the one hand and between the husbands on the other hand. this provision is contrary in article 16 1 C which lays out that the States members take all the appropriate measures to eliminate discrimination with regard to the women in all the questions rising from the marriage and in the family relationship and, in particular, ensure, on the basis of equality of the man and the woman, the same responsibilities during the marriage and during its dissolution. The Rwandan law still provides that the father has the casting vote in the event of dissension in the exercise of the parental authority, this is an uneven provision since preference is given to the opinion of the husband in the legal administration of the children; That is completely contradictory to the article 16 al 1 D</p>		<p>opposition with articles 5 of the CEDAW which says that the States members should take all the appropriate measures for:</p> <p>modify all the diagrams and models of sociocultural behaviours of the man and the woman. this is to arrive at the elimination of the prejudices and the usual practices, which are founded on the idea of the inferiority of women toward men or a stereotyped role of the</p>
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	<p>of the CEDAW which lays out that the States members take all the appropriate measures to eliminate discrimination with regard to the women in all the questions arising from the marriage and in the family relationship and, in particular, ensure, on the basis of equality of the man and the woman, the same responsibilities as a relative, whatever their marital status, for the questions referring to their children; in all cases, the interest of the children are the paramount consideration.</p>		<p>men and women.</p> <p>To make sure that family education contributes to understand that maternity is a social function and recognize the common responsibility for the man and the woman in the care to raise their children and to ensure their development, given that the interest of the children is the paramount condition in all the cases.</p>
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CONCLUSION

At the conclusion of this report having treated application of the CEDAW in the Rwandan legal order, we recognize that Rwanda is very advanced as regards of application of the CEDAW.

Indeed, no matter what traditionally Rwanda is not a society with discrimination of the sexes, the years of before 1980 knew a legislation and a policy which was not very interested in the women's rights. But since the adoption of the CEDAW and in particular since the end of the war and the genocide of 1994, the Government of Rwanda shows a political will tending to strengthen the equality of the man and the woman as well as the protection of the women's rights and the fight against discrimination.

At the political plan, it is practiced a positive discrimination holding to the women a quota of 30% in all the decision making levels.

In the civil and penal codes, the modifications of laws occurred these last years prove sufficiently that the country intends to arrive to the integration and the total application of the CEDAW.

At this level, we realized that currently severe sanctions are inflicted to those who violate the women's rights.

It is important to insist on the clearness with which the new constitution raises any ambiguity on the equality of the sexes and the fight against the discrimination of the women. It is the same for all the political and economic

legislation such as the law on the elections, the law on the succession and the matrimonial modes.

The few inequalities which remain as we saw on the level of civil code and of the penal legislation are justified themselves by the anteriority of these texts to the CEDAW and to the constitution. In practice, the judge preserves the right, even the duty of not applying them because of their unconstitutionality and their contrariety with the international legislation. Much more, the bodies in charge of the design and the adoption of the laws are on-site to propose the modifications and the necessary complements.

It is in the economical and political arena and that one finds an adaptation almost perfect to the CEDAW. It should be said besides that within this framework the country felt itself the need to adapt laws favorable to the women's rights who found themselves only and persons in charge of the social and economical life in their households. Nevertheless, despite of the progress report of the application of the CEDAW in Rwanda, some handicaps still slow down the will of the administration and the people.

These difficulties are first of all of a traditional, social and cultural nature. The traditional superiority of the man still weighs in the spirit of certain Rwandan including a great number of women. The division of the labour, the right to the property and the succession are so related to the culture which the lately adopted laws cannot change them easily.

The second handicap is related to the education level and ignorance. This problem is felt by the men as well as by the women. The majority of Rwandan did not profit from provided education. What is brought to their attention

reaches them with difficulty and they take much time to understand even what favours them. In particular, even if the constitution stipulates that no one is not judicious to be unaware of the law, the majority of the women know better their traditional duties and discriminatory than their statutory duties.

In the end, the economic and financial poverty is an important obstacle to the development of the women's rights and the fight against discrimination. we can know our rights well but remain unable to prevail about it because of poverty and the economic dependence.
