



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
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**Consideration of reports submitted by States Parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women**

Combined fourth, fifth and sixth periodic reports of States parties

Rwanda*

* The present report is being issued without formal editing.

For the initial report submitted by the Government of Rwanda, see CEDAW/C/5/Add.13 which was considered by the Committee at its third session. For the second periodic report, see CEDAW/C/13/Add.13 which was considered by the Committee at its tenth session. For the third periodic report, see CEDAW/C/RWA/3 which was considered by the Committee at its twelfth session.



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Acronyms and Abbreviations

AIDS	Acquired Immune Deficiency Syndrome
ART	Anti Retro-Viral Therapy
AFER	Rwandan Association of Women Entrepreneurs
AMR	Rwandan Association of Physicians
ANIR	Rwandan National Association of Nurses
ANSPSF	National Association for Promotion of Women's Sports
ARFEM	Rwandan Association of Media Women
ARPHA	Rwandan Association of Pharmacists
ASBL	Non-profit Association
CAP	Campagne d'Action pour la Paix [Action Campaign for Peace]
CCOAIB	Co-ordinating Council of Local Initiative Organizations and Associations
CLADHO	Committee of Human Rights Leagues and Associations
CNLS	National AIDS Control Commission
CPR	Council of Protestant Churches in Rwanda
FERFAP	Federation of African Women's Associations for Peace
GDP	Gross Domestic Product
GNP	Gross National Product
GLIA	Great Lakes Initiatives on Aids
HIV	Human Immunodeficiency Virus
ICT	Information and Communications Technologies
MDR	Mouvement Démocratique Républicain
CNCSB	National Coordination Committee for Follow-up to the Beijing Conference
NGO	Non-governmental organization
OAU	Organization of African Unity
OG	Official Gazette
ONAPO	National Population Office
ORINFOR	Rwanda Office of Information
PDC	Parti Démocratique Centriste
PDI	Parti Démocratique Idéal
SEPSB	Permanent Executive Secretariat for Follow-up to the Beijing Conference
PL	Parti Libéral
PNLS	National Programme against AIDS
PSD	Parti Social Démocrate
PSR	Parti Social Républicain
RAMA	Assurance Rwandaise des Maladies
RPF	Rwandese Patriotic Front
STDs	Sexually Transmitted Diseases
TRAC	Treatment and Research AIDS Centre
UDPR	Union Démocratique du Peuple Rwandais

Executive Summary

Introduction

Rwanda ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1980. Pursuant to Article 18 of the Convention, it is required to submit periodic implementation reports.

Rwanda submitted three written reports after 1980 and before the 1994 genocide and, in light of the circumstances at the time, it presented an oral report in 1996.

This report is therefore the first written report to be presented since the 1994 genocide. It covers the period 1993-2005 and, in accordance with paragraph 323 of Beijing Platform for Action adopted at the Fourth International Conference on Women, it includes information on 12 critical areas set forth in that platform. The delay in its submission is due to circumstances marked in particular by the genocide that the country experienced in 1994.

An Overview of Rwanda

Rwanda is a land-locked country in Central Africa, with a surface area of 26,338 km². The latest census, conducted in 2002, estimates its population at over eight million, with 3,879,448 men and 4,249,105 women.

Social, Political and Economic Context

Following its independence in 1962, Rwanda had a succession of political regimes characterized by ethnic and regional discrimination. This discrimination sparked mass flights of refugees, mainly of the Tutsi ethnic group, to neighbouring countries and to lands throughout the world. The failure to find a lasting solution to these problems led to the outbreak of war in 1990.

In 1994 the country was the scene of grave and widespread violations of human rights that culminated in the genocide, in which more than one million people perished and in which women and girls were subjected to violence of all kinds, including sexual torture.

The government that took power in the wake of the genocide inherited a country with a crumbling economy, in which basic infrastructure had been destroyed and the social fabric torn apart. It was faced with the challenges of rebuilding the country, reviving the economy, bringing to justice the perpetrators of the genocide, assisting its survivors, repatriating refugees, and reconciling the people of Rwanda.

A national assembly of transition was constituted, with the key task of passing legislation to fill the domestic legal gaps with respect to punishing the crime of genocide and other crimes against humanity committed in 1994.

The judiciary was reorganized, with entry into force of the Supreme Court Act, and more ambitious reforms were undertaken in 2004 and 2005. In an effort to assure justice for victims of the 1994 genocide, a participatory justice system, based on the “Gacaca courts”, was instituted in 2001. They have begun their task of trying the perpetrators of these heinous crimes, working initially through pilot courts.

The country's administrative organization has been revised and the government has initiated a policy of decentralization. Presidential and legislative elections were held in 2003

The Economic Setting

In the wake of the 1994 genocide, the country's economy was moribund. Infrastructure facilities had been destroyed or pillaged, and the situation demanded enormous resources for economic revival. The country faced an emergency during which it depended to a large extent on foreign aid.

The Rwandan economy is dominated by agriculture, followed by services and industry. Some 60% of the population lives below the poverty threshold. The main sources of financing for the government are taxes and duties, grants, and external loans.

With the support of the international community, Rwanda has been able to stabilize itself, and the government has taken measures to implement the Convention as well as the Beijing Platform for Action.

I. Institutional Mechanisms

The mechanisms at issue here are legal and institutional ones. Rwanda has ratified a series of international conventions relating to human rights, including the one covered by this report. There is no need to list them, but it is important to review briefly the institutions that constitute the setting for implementing this Convention.

A specialized ministerial department

In 1999, responsibilities for promoting women's rights were entrusted to a specialized ministerial department, the Ministry of Gender and Promotion of Women.

Since its creation, this Ministry has achieved much in the area of women's education and the promotion of their rights. It has organized training sessions, "solidarity camps", and awareness campaigns about women's rights targeted at a varied audience, including women themselves and the authorities.

It has conducted or participated in surveys looking into potential obstacles to the advancement of women's rights and the current status of women vis-à-vis men in various fields, to provide data as input to policies for women, and the preparation of a plan to combat HIV/AIDS.

It has helped to identify laws that discriminate against women, so that they can be revised, and it has assisted in preparing legislation enshrining the equality of men and women.

The Ministry has identified a number of focal areas for the national gender policy, including poverty reduction, agriculture and food security, health, HIV/AIDS, education and vocational training, governance and decision-making, human rights and gender-based violence, peace and reconciliation, ICTs, and environmental protection, and on this basis it has prepared a national gender policy paper that was adopted by the government as part of its Vision 2020 programme. That programme adopts gender as a cross-cutting theme in all aspects of development.

The national follow-up structure for the Beijing Conference

In 2002, an institution was established to ensure follow-up to the Beijing Conference. It comprises a committee and a permanent executive secretariat. Its role is to integrate the recommendations from the World Conference on Women into the country's programmes and policies.

The National Council of Women

The National Council of Women was instituted to ensure co-ordinated action in gathering the views of Rwandan women, strengthening their capacities, enhancing their representation in the governance of the country, and supporting their struggle for equality and complementarity with men. This amounted in fact to formal, legal confirmation of the women's organizations that had been operational since 1996, right down to the grassroots level of government.

The Gender Observatory

Under the Constitution adopted on 4 June 2003, a Gender Observatory was established in that year for ongoing monitoring and evaluation of gender indicators, from the viewpoint of sustainable development.

The National Human Rights Commission

In 1999 a National Commission on the Rights of Man (*Commission nationale des droits de l'homme*) was created with educational and investigative duties, and the power to refer human rights violations to the courts. The Constitution of 4 June 2003 instituted the National Human Rights Commission (*Commission nationale des droits de la personne*) with the same responsibilities and powers as those of the previous commission.

Office of the Ombudsman

An Ombudsman's Office has also been created to receive complaints against government bodies that commit acts of injustice against citizens.

Civil society

The government has encouraged the formation of associations to promote human rights in general, and women's rights in particular. Most of these are grouped under two umbrella organizations, CLADHO and Pro Femmes/Twese Hamwe.

Female parliamentarians, for their part, have established an association to lobby for legislation that will affirm the rights of women.

II. Measures Adopted in Each Area

Constitutional and legal provisions

Alongside the institutional mechanisms that have been established, there are constitutional and legislative measures to ensure the equality of men and women.

Both the Basic Law that governed the transitional period and the Constitution approved by referendum in 2003 proclaim the principle of equality of all citizens with no discrimination of any kind, including sex-based discrimination.

Laws have been adopted to afford better protection to the rights of women and children. In chronological order, these are: the law governing matrimony, bounties and successions; the law on the rights of children and their protection against violence; and the law criminalizing discrimination and bigotry.

These laws accord women certain rights that they were previously denied, in particular a woman's right to inherit her own family's property, the right to convey her nationality on her child, regardless of its paternal filiation, and the right to record her child on her identity card.

Guarantees for the exercise and enjoyment of fundamental rights and freedoms

Women are guaranteed the enjoyment and exercise of fundamental human rights and freedoms by constitutional and legislative provisions, and by the ability to appeal to various judicial and administrative organs in case of violation of their rights.

Special measures aimed at accelerating de facto equality between men and women.

To speed the process of achieving de facto equality between men and women, constitutional and legislative measures have been taken with respect to the makeup of decision-making bodies. Examples are to be found in the Constitution of 4 June 2003, the law governing local elections, and the law on legislative and presidential elections, which reserve a specific quota of positions for women.

The current makeup of the Government, the Senate and the Chamber of Deputies provides eloquent testimony to these efforts. It should also be noted that, in the appointment of judges under the judicial reform, the position of President of the Supreme Court has been filled by a woman, and four of the judges of that Court are women. This in itself demonstrates the determination to eliminate all forms of discrimination against women in the country's political and public life.

Modification of social and cultural behaviour

A public education and awareness campaign dealing with the rights of women and the equality of men and women should dispel the last vestiges of the traditional patriarchal concept of society, in which men held dominance over women in all fields.

Female trafficking and prostitution, violence against women

The crime of trafficking in women is unknown in Rwanda so far. However, given the situation in other countries, measures to repress crimes of this kind have been taken, through the law on the rights and protection of children. One of the purposes in adopting the law was specifically to combat sexual violence against children, which has been rising alarmingly for some years.

There are criminal penalties for the different kinds of violence against women—physical and sexual—regardless of the aggressor. People are being encouraged to overcome certain customary taboos in all matters relating to sex, and to stand up for the protection of their relatives, and not to hesitate to report such crimes to the competent authorities for prosecution.

A specialized police unit has been created to deal with gender-based violence, and sexual violence in particular. Victims are exempt from the prepayment of fees for obtaining forensic reports that may serve as evidence of crimes committed against them.

Finally, aggressors have been brought to trial. The hearings are held in the locality of the crime, and convictions are publicized by radio and television to alert the public to the severity of such acts.

Acts of sexual violence and torture committed during the 1994 genocide have been and continue to be pursued specifically under special laws against genocide and other crimes against humanity that were committed in 1994.

When it comes to combating prostitution, in addition to the penalties in the Criminal Code covering the various forms of prostitution-related offences, measures have been taken to educate women and girls who engage in this activity and make them aware that it is immoral and poses them a lethal threat, in particular the risk of HIV/AIDS.

Acquisition, change, retention and equality of rights in the transmission of nationality

The legislation in place until the first half of 2003 prohibited a woman from conveying her nationality to her child, if the father was an alien. Consequently, a child in these circumstances had no right to the nationality of its mother, except through naturalization. The new law adopted in 2004 provides that if either parent of a child is a Rwandan, that child is deemed a Rwandan, and the mother may therefore transmit her nationality to her child, whatever the circumstances.

Education

The Rwandan education system does not discriminate against girls, either in law or in practice. The conditions for enrolment and the programmes of instruction are the same for boys and for girls.

Enrolment in primary school is open to any child of eligible age. Admission to public or to subsidized private ("free") secondary schools and to public higher education depends on the grade obtained in the national examination, and on the number of spaces available. Drop-out and attrition rates among girls are high, and their success rate relatively low, and this is reflected in the imbalance between boys and girls in public secondary and higher education, where there are fewer girls than boys.

The number of girls attending school has increased in recent years with the spread of private schools, in particular at the higher education level, where girls outnumber boys. A number of organizations are contributing to this trend, by encouraging girls to enrol and to succeed in school. Of particular note are FAWE (Forum for African Women Educationalists), an NGO that has created a pilot school for girls and offers scholarships for needy girls, and PACFA ("Protection and Care for Families against HIV/AIDS"), an organization under the sponsorship of the First Lady that awards prizes to girls who earn high marks on national examinations at the various levels of education through the end of secondary school.

People formerly had to pay for primary education, despite very clear legislation. By government decision, primary education is now free in the public schools and the subsidized private schools. The government plans to extend free schooling to the end of the first cycle of secondary education, under the "Education for All" programme. A literacy campaign is underway, with the objective of achieving an 85% literacy rate by 2015.

Employment

Employment legislation gives women all the rights defined by the Convention, and specifically the right to work and the right to equal pay for equal work, right to paid leave, the right of a pregnant woman not to be kept at excessively strenuous work, the

right to paid maternity leave without loss of job, and the right to Social Security services relating to occupational risks and pensions.

Health

Current indicators show a fairly high level of awareness of contraceptive methods, but their use is less widespread, reflecting primarily the desire to have children, the fear of secondary effects, religious prohibitions, menopause, and hysterectomy.

The prenatal consultation rate is adequate, but few women give birth in health centres or with the assistance of a trained health worker. As a result, the maternal mortality rate is high, although it is declining. Whereas it stood at 1,071 deaths per 100,000 live births at the time of the 2000 demographic and health survey, it had dropped to 750 by the time of the 2005 survey.

Infant mortality per 1,000 live births was estimated in the 2000 demographic and health survey at 107 deaths before one year and 196 before five years; figures from the 2005 survey are 86 and 152, respectively.

Malnutrition is acute: according to the 2000 demographic and health survey, 9% of women fell below the critical weight threshold, while 13% were overweight, and 42% of children suffered chronic malnutrition. The 2005 survey found that 4% of children were emaciated, 1% severely so, and children between 12 and 23 months had the highest rate of emaciation, at 9%.

People are aware of HIV/AIDS, of how it is transmitted, and of at least one method of prevention. Data from the demographic and health survey revealed a prevalence rate of 3% nationwide, 3.6% among women and 2.3% among men. These data also show that the pandemic is more severe in urban areas.

Awareness campaigns are being conducted throughout the country to make people aware of the risks. Voluntary screening centres and PMTCT services have been instituted. Government institutions (TRAC and CNLS) are working in this area, as are a number of nongovernmental organizations.

The government has deployed the necessary efforts to make antiretroviral drugs available at low cost to persons infected with HIV/AIDS, and an awareness campaign has been launched to combat stigmatization of AIDS victims. Victims have formed associations for mutual support, material and moral. These associations have in turn formed a national network.

With respect to unwanted pregnancies, Rwandan law (article 327 of the Criminal Code) prohibits abortion, but makes an exception for therapeutic abortion, whereby a pregnancy may be terminated if its continuation poses a threat to the life of the mother. This situation must however be confirmed by two physicians, and the procedure must be performed by a licensed physician, in a public or private hospital licensed by the state.

Women and poverty

In the context of combating the feminization of poverty, the government has established a guarantee fund for women seeking a bank loan or credit. In every district there is now a microcredit fund, specifically targeted at rural women. Women's associations have also contributed to this campaign, by establishing savings and microcredit co-operatives, and the Rwandan Association of Women Entrepreneurs has set up a savings and loan bank.

Recreation, sports and culture

Women's participation in recreation, sporting and cultural activities is still low, and is limited for the most part to a few women's sporting associations, primarily in volleyball, basketball and athletics. Yet this situation does not reflect any discriminatory legal or regulatory provision.

Girls have a place in the national ballet, which represents the country's folklore, as well as in private folklore groups.

An association was formed in 2000 to promote women's sports, and it is helping to make girls and women aware of the importance of sport.

Rural women

Rural women play a key role in the national economy because of their involvement in agriculture. Yet their economic power is weak and they live in a setting that denies them access to technology and to health care. The state lacks the means to provide them free health care, and their only resort is to join a co-operative health insurance scheme (known in French as “*mutuelles de santé*”).

A fund has been established in each district to finance small and medium-sized enterprises established by women, as a way of enhancing their economic capacity. The National Women's Council and various other institutional mechanisms are also helping rural women participate in designing development programmes.

According women the same legal capacity as men

Rwandan legislation gives women a legal capacity identical to that of men, and the same possibilities to exercise it. All citizens enjoy the same judicial protection at all stages of proceedings. Women also have the right to travel freely, but their right to choose their place of residence or domicile is limited, for the law obliges them to have the same domicile as their husband.

Marriage and family relations

Monogamous marriage, as recognized by law, requires the free consent of the spouses, who must be of minimum age, and in principle it accords the spouses the same rights and obligations. Moreover, to be legally valid, the marriage must be celebrated before a state registrar and recorded in a registry, with delivery of a marriage certificate.

Women and armed conflicts

In the wake of the bloody events that culminated in the 1994 genocide, and with persistent hotbeds of tension in the region, Rwandan women are well aware of the role they must play in resolving conflicts. In addition to the conferences and workshops on conflict resolution and peace that have been held in Rwanda, the Pro Femmes/Twese Hamwe Association has launched a campaign, known as "Action for Peace", that advocates active non-violence, mediation and conciliation, and women's organizations are organizing discussion groups on the peaceful settlement of disputes, tolerance, unity and reconciliation.

Women and the media

Women still have only a minor media presence in Rwanda, and it is confined to the public press. Women working in this area have created the Rwandan Association of Media Women, which hosts radio programmes on women's rights. The printed and audiovisual media reserve space for women's rights and their integration into the development process, and there are newspapers that specialize in publicizing these rights in order to raise public awareness.

Women and the environment.

Rwandan women are concerned about the environment, as are men. They help to protect the environment by combating deforestation, pollution and erosion, and seeing to the protection of water, wildlife and vegetation.

Protection of girls

The protection of girls is enshrined in the Constitution and in legislation, through the legal duty of parents to provide for their children, the right of a child to have a name, the right to nationality, the right to succession, the regulation of child employment conditions in general, protection against all forms of violence and economic exploitation, the right to be adopted, the right to welfare and better health, the right to sports and recreational activities, and many other rights.

III. Difficulties Encountered

Poverty

The promotion of human rights in general implies, in addition to political will and determination, the implementation of necessary and effective financial means. Because Rwanda's economic strength is limited, poverty constitutes a real constraint in giving full implementation to the Convention, and nongovernmental organizations are also faced with this difficulty.

Ignorance

The ignorance at issue here has to do with a lack of education in matters relating to human rights in general, and women's rights in particular. It constitutes an obstacle, in that people are unaware of the substance and scope of their own rights and those of others, and this leads to the violation of those rights.

Traditional systems, models, taboos and stereotypes

The models and stereotypes inherited from the patriarchal system of traditional society continue to propagate an unequal conception of men and women that inhibits the swift promotion of women's rights. At the same time, the grave human rights violations that have marked Rwanda's history, culminating in the genocide of 1994, have not only weakened the social fabric but have also helped to entrench ignorance of the substance and scope of human rights.

Future prospects

The Rwandan government intends to pursue its educational efforts in this area, and to prosecute the perpetrators of the genocide, in remembrance of the victims. It is planning legislative reforms that will eliminate any reference contrary to the principle of equality of men and women, and it intends to introduce mechanisms for gathering data on gender so that future measures can be adapted accordingly. With mainstreaming of the gender dimension in the development policies and programmes of Vision 2020, there is reason to believe that the process will achieve satisfactory results.

Conclusion

The Rwandan government is grateful to the international community for its constant support in the field of human rights, and especially those of women, and it is proud of the partnership that already exists in implementing its policy in this regard. It stands ready to respond positively to any observations from the Committee that is examining the reports of states parties on application of the Convention on the Elimination of All Forms of Discrimination against Women.

Introduction

1. The Convention on the Elimination of All Forms of Discrimination against Women was adopted by the United Nations General Assembly, in Resolution 34/180 of 18 December 1979, and came into effect on 3 September 1981. Rwanda ratified the Convention by presidential decree 431/16 of 10 November 1980.
2. Under the terms of article 18 of the Convention, states parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee instituted for this purpose, an initial report within one year after its entry into force, and periodic reports every four years thereafter, on the measures they have adopted to give effect to its provisions. The report must be presented in a manner consistent with the directives issued by the committee, as to its content and form.
3. In line with this commitment, Rwanda presented three written reports prior to the genocide and other crimes against humanity committed in 1994, in which more than one million Rwandans perished. In the wake of that tragedy, while still in the throes of reconstruction, Rwanda presented an oral report to the committee at its session of 31 January 1996.
4. Following the International Conference on Women held in Beijing under United Nations auspices, governments were urged to include in their periodic reports on application of the CEDAW Convention a reference to the measures taken for effective implementation of the Beijing Declaration and Platform for Action adopted on that occasion. At its sixteenth session of 13 to 31 January 1997, the committee included this obligation in the directives on the content of the reports to be submitted.
5. These two instruments cover the same situation, in that their aim is to effect change in a world landscape that accords women only a secondary role, by having states adopting the measures necessary for women to participate actively and fully, without discrimination against them, in the realms of political, social, economic and cultural development, on a basis of equality of opportunity between men and women.
6. In its vision for the future of the country, the Rwandan government has firmly concluded that the Rwandan people cannot be united and reconciled unless the female portion of the population can make its contribution, through integration into the different mechanisms of political, social, economic and cultural life.
7. The idea of reinforcing the gender concept in the various dimensions of life was widely debated in the meetings to build consensus on the directions of national life that took place between May 1998 and March 1999. The forum of political parties gave its resolute support to the integration of women into all sectors of activities.
8. In its overall policy, and consistent with its determination to establish the rule of law where all forms of discrimination are discarded, the Rwandan government has defined

and adopted a national gender policy with the primary objective of giving women a significant place in all fields of the country's development.

9. This report is the first to be submitted in writing since the 1994 genocide. To ensure that the report presents a reasonably accurate picture of reality and the country, it has been extended back to cover the period from 1994 to 2005. The lack of reporting over the course of that period can be explained, first, by the fact that, following 1993, the country was immersed in a conflict, during which the government of the day refused to implement the Arusha Peace Agreement and which led to the planning and execution of the 1994 genocide; and second, by the period of emergency that prevailed in the wake of the genocide, during which priorities focused on rebuilding the country in general.

10. This report is divided into two parts. The first provides a socioeconomic and political overview of Rwanda and describes the institutional aspects relating to human rights in general, and women's rights in particular. The second part deals with the measures taken in application of the two international instruments in question, the difficulties encountered in their implementation, and the outlook for the future.

Chapter I: An Overview of Rwanda

11. Rwanda is located in the portion of central Africa commonly known as the "Great Lakes Region". It is bounded to the east by Tanzania, to the west by the Democratic Republic of Congo, to the north by Uganda, and to the south by Burundi.

12. It extends between 11° and 3° south latitude and between 29° and 31° east longitude, 1,200 km inland from the Indian Ocean and 2,000 km from the Atlantic Ocean. It has a tropical montane climate, characterized by two rainy seasons of unequal length, alternating with a short and a long dry season. Its topography is so mountainous that it has been called the "Country of a Thousand Hills".

13. Its population is estimated at 8,128,553, of whom 47.7% (3,879,448) are men and 52.2% (4,249,105) are women, distributed over a surface area of 26,338 km², for a density of 336 persons per km²; the 1,000 km² covered by Lake Kivu are included in this calculation. The urban population accounts for 16.69% of the total, and comprises 728,052 men (53.5%) and 634,260 women (46.5%).¹

1.1. The Social, Political and Economic Context

1.1.1. The Social and Political Context

14. Following its independence in 1962, Rwanda had a succession of political regimes that were characterized by ethnic and regional discrimination and that generated a culture in which human rights were violated with impunity. The country practiced political exclusion for more than 30 years, forcing many Rwandans, primarily of Tutsi ethnic

¹ General Population and Housing Census, Preliminary Report, February 2003.

origin, to seek refuge in neighbouring countries, and elsewhere in the world. The failure to find a lasting solution to these problems led to the outbreak of the civil war that lasted from 1990 to 1994.

15. This continuous discrimination culminated in the genocide that engulfed the country in 1994, claiming more than a million victims, during which Rwandan women suffered greatly: they were molested and raped before being killed, or were carried away as war booty, throughout the course of the genocide and during their forced exodus in the refugee camps.

16. Following the collapse of the regime that had masterminded this genocide, the country faced enormous challenges: the resurgence of diseases, the situation of displaced persons, traumas of all kinds, the many vulnerable groups such as widows and widowers, orphans, returning exiles and survivors without shelter or resources, as well as the problem of refugees who had been taken hostage in neighbouring countries and were used as shields by those who had planned and executed the genocide.

17. A Government of National Unity was installed in July 1994 by the FPR and the political parties that had not taken part in the genocide, in order to make the transition to a regime that would express the will of the people, and to address the great challenge of reconstructing the country on new foundations.

18. Determined to institute the rule of law, the new government adopted a programme to put in place effective mechanisms for countering all forms of discrimination and exclusion, and to undertake political reconstruction and reconciliation, the repatriation of refugees, and the resolution of the problems resulting from the genocide.

19. In November of that year, a National Assembly of Transition was constituted as the legislature, tasked specifically with filling the gaps in domestic legislation to enable the prosecution of the crimes committed in 1994.

20. The judiciary was also reorganized in 1994 through the institution of a military prosecutions office and a military court, and the revival of the law on the organization and functioning of the Supreme Court. In 2004, to improve the functioning of judicial institutions, speed processing and clear the backlog of cases, while reaffirming the responsibility of legal officials, the conventional judicial system underwent a profound reform, both legal and institutional. As a result, the judicial landscape has changed greatly, and the Supreme Court is the highest jurisdiction in the land.

21. Special tribunals were constituted in 1996 to prosecute the crime of genocide. It became clear, however, that the pace of proceedings in this conventional justice system was too slow, and that the urgent task of national reconciliation and unity could only be achieved by a system that recognized victims and their rights. Consequently, a participatory justice system was instituted in 2001, based on the “Gacaca” courts. In 2002, work began in 118 pilot jurisdictions for collecting information on the

circumstances and the identity of those who had committed genocide and other crimes against humanity, and the first trials opened on 10 March 2005. At the time this report was prepared, the government expected the Gacaca courts to become operational throughout the country in the course of 2006.

22. As part of the administrative reform launched by the government and based on decentralization, local administrative elections were held on 6 March 2001, under the supervision of a national elections commission, and they were witnessed by neutral observers from Rwanda and abroad. In 2005, the administrative structure of the country was again reorganized, and another restructuring is planned for 2006 in order to consolidate the decentralization process, as part of a broader programme of good governance intended to deliver basic public services to the broad mass of the population.

23. To mark effectively the end of the transition period, the people approved a new constitution by referendum on 26 May 2003, multiparty presidential elections with direct universal suffrage were held on 25 August 2003, and legislative elections took place between 29 September and 3 October of that year. The country is now in fact governed by authorities elected by the people.

1.1.2. The Economic Context

24. The government installed in July 1994 inherited a devastated land in which nearly all basic infrastructure had been destroyed, and an economy bled dry by the war and the genocide. Recovery would be possible only with the support of the international community, and effective measures had to be adopted.

25. The government embarked on an economic policy of encouraging private investment, upgrading the exploitation of natural resources, supporting the craft industries, promoting tourism, and privatizing public enterprises (most of them money-losing), in order to escape from a crisis in which it was almost totally dependent on external assistance, while gradually putting in place mechanisms for financing the public sector.

26. Currently, the principal sources of government financing are taxes and duties, grants, and external loans.

27. Agriculture is the backbone of the economy. In fact, in 2003 the agriculture sector accounted for 45% of GDP at 1995 prices, followed by services (36%) and industry (19%). It should be noted that 92.6% of women are engaged in agriculture, versus 80.7% of men.² Farming is done in the traditional way, on small plots with little capital input. Farming output goes essentially to meet local consumption needs, and only coffee and tea are exported.

28. Around 60% of the population (61.2% of women and 59.3% of men) lives below the poverty threshold, and there are great discrepancies between rural and urban areas.³

² General Population and Housing Census, 2002.

³ Ministry of Finance and Economic Planning and Ministry of Gender and Promotion of Women: *Rapport sur le profil de la situation de la femme et de l'homme au Rwanda*, Kigali, November 2002.

1.2. Legal and Institutional Mechanisms

1.2.1. Legal instruments

29. The legal instruments in force relating to human rights, and women's rights in particular, consist of the international conventions that Rwanda has signed, and national legislation.

1.2.1.1. International conventions

30. Rwanda has long been a party to the general basic instruments, namely:

- Charter of the United Nations;
- Universal Declaration of Human Rights;
- International Covenant on Civil and Political Rights;
- International Covenant on Economic, Social and Cultural Rights;
- African Charter on Human and Peoples' Rights.

31. Rwanda is also a party to several international, regional or subregional instruments dealing with specific areas such as:

- Suppression of the crime of genocide, war crimes and crimes against humanity;
- Protection of civilians and casualties in wartime;
- Torture;
- Labour;
- Slavery and trafficking in persons;
- Copyright;
- Terrorism;
- Environment;
- Transnational organized crime;
- The fight against discrimination and others.

32. In addition to ratifying the Convention on the Elimination of All Forms of Discrimination against Women, Rwanda has adopted the Declaration on the Elimination of Discrimination against Women and the Beijing Declaration and Platform for Action, and has ratified other instruments related to women's rights and the rights of the child, including:

- Convention N° 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, ratified via Presidential Order n° 39 bis 01 of 300/9/1999 (OG n° 7 of 01/04/2000);

- The African Charter on the Rights and Welfare of the Child, ratified via Presidential Order n° 11/01 of 30 May 2001 (OG 2001, n° 22);
- The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, approved and ratified via Presidential Order n° 311/01 of 26 February 2002 (Special OG of 26/2/2002);
- The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, approved and ratified via Presidential Order n° 32/01 of 26 February 2002 (Special OG of 26 February 2002);
- The Convention on Consent to Marriage, Minimum Marriage Age and Registration of Marriages concluded in New York on 10 December 1962 and approved and ratified via Presidential Order n° 159/01 of 31 December 2002 (OG n° 12 ter of 15 June 2003);
- The Convention on the Political Rights of Women concluded in New York on 31 March 1953 and approved and ratified via Presidential Order n° 160/01 of 31/12/2002 (OG n° 12 ter of 15 June 2003);
- The Final Protocol to the Convention for Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, concluded in New York on 21 March 1950 and approved and ratified via Presidential Order n° 161/01 of 31/12/2002 (OG n° 12 ter of 15 June 2003);
- The Convention for Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, concluded in New York on 21 March 1950 and approved and ratified via Presidential Order n° 162/01 of 31/12/2002 (OG n° 12 ter of 15 June 2003);
- The Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the Convention Against Transnational Organized Crime concluded in New York on 15 November 2000 and approved and ratified via Presidential Order n° 163/01 of 31/12/2002 (OG n° 12 ter of 15 June 2003);
- The Convention on Married Woman's Nationality concluded in New York on 20 February 1967 and approved and ratified via Presidential Order n° 164/01 of 31 December 2002 (OG n° 12 ter of 15 June 2003);
- The Optional Protocol to the African Charter of Human and People's Rights on Women's Rights in Africa approved and ratified via Presidential Order n° 11/01 of 24 June 2004 (Special OG of 24 June 2004).

1.2.1.2. Domestic legislation

33. In addition to the Basic Law (comprising the Constitution of 10 June 1991, the Arusha Peace Agreement, the FPR Declaration of 17 July 1994, and the Memorandum of Understanding between political parties RPF, MDR, PDC, PDI, PL, PSD, PSR and UDPR of 24 November 1994) that governed the transitional period (OG, 1993), and the Constitution of 4 June 2003 (special OG of 04/06/2003), Rwandan legislation consists of laws that include provisions related to women's rights and the rights of the child.

34. Among these laws, the following should be mentioned:

- The Decree of 2 August 1913 related to traders and the proof of commercial commitments (OG, 1913);
- Organic Law N° 29/2004 of 03/12/2004 amending the Law of 28 September 1963 establishing Rwandan nationality Code(OG n° 1 of 01/01/2005);
- Decree Law N° 21/77 of 18/08/1977 of 18 August 1977 establishing the Criminal code as amended and complemented (OG, 1978, n°13 bis);
- Law N° 42/1988 of 27 October 1988 establishing the Preliminary Title and the First Book of the Civil Code (OG, 1989);
- Law N° 22/99 of 12/11/1999 supplementing Book I of the Civil Code and instituting Part V regarding matrimonial regimes, bounties and successions (OG n° 22 of 15/11/1999);
- Law N° 42/2000 of 15 December 2000 Instituting the Organization of Elections of Leaders at Grass-roots Levels in Rwanda as amended (Special OG of 19/12/2000);
- Law N° 27/2001 of 28/04/2001 Relating to Rights and Protection of the Child against Violence (OG n° 23 of 01/12/2001);
- Law N° 47/2001 of 18/12/2001 instituting punishment for offences of discrimination and bigotry (OG n° 4 of 15/02/2002);
- Law n° 51/2001 of 30/12/2001 establishing the Labour Code (OG n°5 of 01/03/2002);
- Law n° 22/2002 of 9/7/2002 on General Statutes for the Rwandan Public Service (OG n° 17 of 01/09/2002);
- Organic Law n° 16/2003 of 27/06/2003 governing political organizations and politicians (special OG of 27/06/2003);

- Organic Law n° 17/2003 of 07/07/2003 on presidential and legislative elections (special OG of 07/07/2003);
- Organic Law N° 20/2003 of 03 August 2003 organising Education (OG n° 21 of 1 November 2003);
- Law n° 30/2003 of 29 August 2003 amending and complementing Decree-law n° 01/81 of 16/01/1981 relating to the census and identity cards (OG n° 21 of 1 November 2003).

1.2.2. Institutional Mechanisms

In its policy for promoting gender equality and integrating women into development, the government has established institutional mechanisms, some at the very highest level of government, and it has supported and encouraged the emergence of nongovernmental organizations working in the area of human rights in general, and women's rights in particular.

1.2.2.1. Public institutions

1.2.2.1.1. A specialized ministerial department

35. Since the establishment of the transitional government in 1994, responsibilities for gender issues and the advancement of women have been in the hands of a special ministerial department, known successively as the Ministry of Family and Promotion of Women (from 1994 to 1997), the Ministry of Family, Gender and Social Affairs (from 1997 to 1999), the Ministry of Gender and Promotion of Women (1999), Ministry of Gender and Family Promotion (2003), and the Ministry of Family Promotion and Gender (since 2005).

36. This ministerial department works to strengthen women's capacities in all fields of national life, to reduce their degree of marginalization and make them aware of their rights.

37. In March 2001, the Ministry's mandates were defined as follows:

- To develop policies and programmes to overcome existing disparities in the socioeconomic status of men and women, to ensure equal facilities and opportunities to compete;
- To develop policies and programmes to accelerate women's participation in economic development, with particular emphasis on education and their productive capacities;
- To co-operate in implementing programmes for women's self-determination.

38. To date, the Ministry has several concrete achievements to its credit, including the following:

In the policy area, it has prepared a national gender policy document that the government adopted as part of its Vision 2020 programme, and a five-year action plan to promote gender equality, with the emphasis on mainstreaming gender considerations in combating poverty and in the decentralization policy. It has conducted a survey of social and cultural beliefs, attitudes and practices relating to gender, and has carried out research on the impact of gender on the decentralization policy. In co-operation with the Ministry of Finance and Economic Planning, it also conducted a survey on the profile of women, which yielded gender-disaggregated data for various sectors of activity.

In the social field, it contributed to a plan to combat HIV/AIDS, and to the Education for All plan, designed to mainstream the gender dimension in the education system, particularly in the lower secondary schools.

In the economic field, with government support, it has created a guarantee fund to help women obtain credit and bank loans. Pursuant to one of the resolutions in the Beijing Declaration on combating poverty through microcredit, it has created local credit funds for small businesses run by women. It has also made women aware of the importance of savings and the role that co-operatives can play in development.

On the legislative front, the Ministry has worked with the Ministry of Justice and Institutional Relations to identify for revision any provisions of laws that discriminate against women. It has contributed to the drafting of other legislation that has been adopted to protect the rights of women and children, including the law on matrimonial regimes, bounties and inheritance and the law on the rights and protection of children, as well as the Constitution of 4 June 2003.

With respect to institutional mechanisms, mention should be made of the women's organizations created in 1999, which laid the basis for the National Council of Women instituted by the Constitution of 4 June 2003, as well as the National Structure for Follow-up to the Beijing Conference.

39. Special attention has also been paid to raising awareness about women's rights and the concept of gender. In this area, the Ministry has taken the following actions:

It has organized "women's solidarity camps" to sensitize women and encourage them to play an active role in resolving the country's problems by taking carefully considered decisions; issues relating to the general situation in the country are also addressed. It has organized training sessions in gender and development, targeted at members of the National Transition Assembly, radio and TV journalists, government officials, members of civil society, and the senior officials of ministries and commissions.

It has sponsored awareness and information campaigns on gender in development and regular public meetings at the district level, and through the press and audiovisual media.

It has sensitized the authorities at all levels to their role in strengthening women's organizations created through the National Council of Women.

It has selected topics for consideration and debate each year in the context of International Women's Day. Those topics have dealt with women and shelter, economic power and law, education and schooling of Rwandan girls, combating poverty, violence and girls and HIV/AIDS, and participation in decision-making bodies.

40. In pursuit of its mission to promote equity and equality between the sexes in the process of Rwanda's development, this ministerial department has set for itself two main objectives: mainstreaming the gender dimension in the development process, and empowering women in all fields.

41. In this regard, it has identified key areas of focus for the national gender policy as an integral part of the long-term development framework, "Vision 2020", which the government has adopted and which is based on good governance, decentralization, and combating poverty, with gender treated as a crosscutting theme in all aspects of development.

42. These areas are:⁴

- Poverty reduction.
- Agriculture and food security.
- Health.
- HIV/AIDS.
- Education and vocational training.
- Governance and decision making.
- Human rights and gender-based violence.
- Peace and reconciliation.
- New information and communication technologies.
- Protection of the environment.

43. The specific objectives of this national gender policy are:⁵

- To prepare the national poverty reduction policy, taking into account the constraints, options, motivations and needs of women, men, girls and boys, and ensuring that everyone has equal access to and control over economic opportunities such as employment and credit.
- To integrate the gender dimension into legislation governing land ownership and into agricultural policies and programmes, while ensuring that all citizens—men, women, girls and boys—have equal access to and control over their property,

⁴ Ministry of Gender and Family Promotion: National Gender Policy, Kigali, January 2004.

⁵ Idem.

seeds, fertilizers, markets and modern farming techniques that will contribute to food security.

- To ensure that the specific health needs of men and women, girls and boys are effectively met through improved health services that are accessible to all.
- To combat the spread of HIV/AIDS.
- To guarantee equal access to education for girls and boys to ensure their performance; to encourage girls to register in science and technology courses, and to improve literacy rates, with particular emphasis on women.
- To ensure equitable representation and effective participation by women, men, girls and boys in decision-making at all levels, and to promote affirmative action to increase women's representation in decision-making bodies.
- To combat gender-based violence and guarantee equality for all before the law.
- To ensure effective and equal participation by men and women, girls and boys in initiatives and programmes for peace, national unity and reconciliation.
- To lobby the government to encourage the press to be more gender-sensitive and to ensure that gender issues are incorporated systematically and effectively into the new information and communication technologies.
- To ensure that the gender dimension is systematically and effectively reflected in policies, programmes and activities for protecting the environment and managing natural resources.

44. To ensure the success of this policy, the Ministry has identified some short-term priorities (2003/2007):

- Human resource development.
- Mainstreaming the gender dimension in sector policies, plans and programmes for community development at the provincial and district levels.
- Building women's capacities.
- Co-ordinating efforts to promote gender equality and equity.
- Monitoring and evaluating progress against objectives.

45. The Ministry enjoys financial and technical support from various partners that are committed to promoting gender equality and equity as part of their collaboration among themselves and with the government.

1.2.2.1.2. The National Structure for Follow-up to the Beijing Conference

46. Established by Prime Ministerial order n° 57/03 of 05/02/2002, this national structure is in charge of follow-up and co-ordination in implementing the Beijing recommendations. It is composed of two organs:

- The National Co-ordinating Committee, CNCSB;
- The Permanent Executive Secretariat, SEPSB.

47. The CNCSB members are:

- The Minister of Gender and Women's Promotion, as chair;
- The Minister of Finance and Economic Planning, as vice-chair;
- A representative of the President's Office;
- A representative of the Prime Minister's Office;
- A representative of the Ministry of Local Government and Social Affairs;
- A representative of the Ministry of National Education;
- A representative of the Rwanda Information Office;
- A representative of the National Council of Women;
- A representative of the National Youth Council;
- Two representatives of the UN Agencies;
- A representative of donor countries ;
- A representative of international NGOs;
- A representative of "Pro-femmes/Twese hamwe";
- A representative of the Co-ordinating Council of Local Initiative Organizations and Associations (CCOAIB);
- A representative of the Federation of Leagues and Associations for the Defence of Human Rights (CLADHO);
- A representative of the Catholic Church;
- A representative of the Council of Protestant Churches in Rwanda (CPR);
- A representative of the Muslim religion;
- A representative of the Rwandese Private Sector Federation.

48. The CNCSB is responsible for guiding and co-ordinating all activities for integrating the Beijing recommendations into the country's programmes and policies, establishing groups to examine ways of eliminating all forms of inequality between men and women, and a system for monitoring their programmes and work, advising and assisting the Permanent Executive Secretariat in achieving its objective, and mobilizing funds in support of activities.

49. The Permanent Executive Secretariat, which reports to the Ministry for the promotion of women, is headed by a Permanent Executive Secretary.

50. It monitors implementation of decisions of the National Co-ordinating Committee as well as progress in implementing the Beijing Platform for Action at the regional and international level, it co-ordinates the work of all those involved in implementing the

platform, and it prepares reports on the activities of the committee and on implementation of the platform.

1.2.2.1.3. The National Council of Women (CNF)

51. The Constitution of 4 June 2003 (article 187) calls for the establishment of this Council, the organization, powers and functioning of which are set out in Law n° 27/2003 of 18/08/2003 (Special OG bis of 03/09/2003).

52. The CNF reports to the Minister responsible for family and gender affairs, and has its own legal personality and financial autonomy. It is a social forum where Rwandan women share their ideas and work together to resolve their problems and to participate in the country's development. Its tasks are:

- To gather ideas from Rwandan women, excluding no one.
- To train Rwandan women in co-operative problem analysis and resolution.
- To encourage Rwandan women to participate in their country's development process.
- To sensitize Rwandan women to the ideals of patriotism and service to the country.
- To strengthen the capacities of Rwandan women in all their actions.
- To represent Rwandan women in the governance of the country so that they can participate in government programmes.
- To encourage Rwandan women to fight for equality and complementarity between men and women.

53. At the national level, it has a permanent secretariat in charge of day-to-day activities. The General Assembly at the national level comprises members of the national executive committee, the executive committees of Provinces and Kigali City, and all District co-ordinators. The institution gives concrete legal form to the women's structures that were already operational at the various administrative levels since 1996.

54. At each of these levels, there are members with specific responsibilities for finance, health, productive activities, education and training, legal affairs, social affairs, culture, and civic education.

1.2.2.1.4. The National Human Rights Commission

55. A National Commission on the Rights of Man was established by Law n° 04/99 of 12/03/1999 (OG n° 6 of 15/03/1999), amended by Law n° 37/2003 of 31/12/2002 (Special OG of 16 January 2003).

56. Generally speaking, its mission was to examine and pursue human rights violations committed by any person within Rwandan territory, in particular by state agencies and individuals acting in the name of the state, and by any organization operating in Rwanda.

57. The commission has been in place since 1999 and has conducted many inquiries and much research into human rights violations. It seeks to make people aware of human rights by publicizing them and sponsoring public conferences and educational broadcasts.

58. It has also conducted research on juvenile rape to determine its causes, its scope, and the impact of efforts to eradicate it.

59. The commission plans to prepare a Rwandan charter of human rights and a teaching manual on human rights for secondary school students.

60. The Constitution of June 2003 changed the name of the commission to "National Human Rights Commission", recognizing it as an independent body. Its mission is:

- To raise public awareness of human rights.
- To examine human rights violations by state agencies and individuals acting in the name of the state, and by any organization or individual.
- To investigate human rights violations and refer them to the competent judicial authorities.
- To prepare and publish an annual report and other reports as necessary on the status of human rights in Rwanda.

1.2.2.1.5. Office of the Ombudsman

61. Instituted by the June 2003 Constitution, the Office of the Ombudsman is an independent public institution. Its role is clearly defined by the Constitution and by the law governing its organization and functions.

62. In the area of human rights, it has the following functions:

- To serve as intermediary between the citizens and public and private institutions.
- To combat injustice, corruption and related offences in public and private administration.
- To receive and examine complaints from individuals and private associations against the actions of public officials and, if those complaints appear well founded, to bring them to the attention of those officials in search of a satisfactory solution.
- To encourage people to co-operate with public and private administrations and to report instances of injustice, corruption and related offences.

1.2.2.1.6. The Gender Observatory

63. Article 185 of the present Constitution creates an independent national institution known as the "Gender Observatory", the organization and functions of which are to be determined by a law.

64. It will be responsible for:

- Ongoing monitoring of gender indicators from the viewpoint of sustainable development, and to serve as a point of reference and guidance of in matters relating to equity and equality of opportunity.
- Formulating recommendations to institutions on gender issues.

1.2.2.2. Civil Society

65. A number of NGOs are actively involved in human rights in Rwanda. For the most part, they are grouped into umbrella organizations specializing in one branch of human rights or another.

1.2.2.2.1. CLADHO

66. The Federation of Leagues and Associations for the Defence of Human Rights in Rwanda (CLADHO) was formed in 1993 by four associations that decided to pool their efforts against the many human rights violations afflicting the country at that time. It was approved by Ministerial Order n° 18/05 of 4 January 1994 and now comprises five associations.

67. Its activities and those of its members focus on the defence and promotion of human rights in general, and its experience has earned it the status of observer with the African Commission on Human Rights.

68. With respect to women's rights, CLADHO is a member of the National Co-ordinating Committee for Follow-up to the Beijing Conference, and as such contributes to preparation of a strategy and an action plan for mainstreaming the gender dimension in the country's various programmes and policies, as well as in its own activities and those of its members.

1.2.2.2.2. Pro-Femmes/Twese Hamwe

69. The Pro-Femmes/Twese Hamwe Federation was created in 1992 by 13 associations; it currently embraces 43 organizations working for the advancement of women, divided into thematic groups.⁶

70. Its vision is a Rwanda free of gender discrimination of any kind, where equality and equity between men and women prevail in the process of development, within a stable and peaceful society.

71. Pro-Femmes/Twese Hamwe sees itself as a platform, a framework for debate and consensus-building on behalf of women's advancement and their effective and efficient participation in national development. It has set itself the following missions:

⁶ *Mieux connaître le Collectif Pro-Femmes/TWESE HAMWE*, Kigali, November 2002.

- The socioeconomic development of women.
- The promotion of peace and education for peace.
- Enhancing the organizational and institutional capacities of its members.
- Contributing to the adoption of policies in favour of women.

72. Its objectives are:

- To join efforts to bring about changes that will eradicate all forms of discrimination and violence against women.
- To serve as a framework for consultation and thinking about the strategies of its member organizations engaged in promoting peace, and the social, economic and legal empowerment of women.
- To facilitate exchanges among its member organizations and promote partnership with other organizations or institutions working for the advancement of women.

73. In the area of women's and children's rights, the member associations of Pro-Femmes/Twese Hamwe have pursued the following activities:

- Education about human rights in general and women's rights and the rights of the child in particular;
- Through its member, the Association for the Defence of the Rights of Women and Children "HAGURUKA ASBL", it has provided help to 12,729 people (7,344 women and 5,385 children) in administrative and/or legal proceedings up to February 2003;
- Advocacy activities on the following themes: education for girls, women in decision-making bodies, and combating violence;
- Research on concrete topics relating to why girls do not go to school, women and the media, women's place in decision-making bodies, and the establishment of a database on women's capacities;
- Participation in the review of laws and the definition of various policies.

74. Pro-Femmes/Twese Hamwe faces constraints imposed by the cultural and economic environment, where the stereotyped division of labour places an extra burden on women and confines them to a strictly operational role. The other problem is the lack of sufficient funds to complete the decentralization that it has undertaken.

75. Despite these constraints, Pro-Femmes/Twese Hamwe intends to continue its work on three issues: the culture of peace, gender and development.

1.2.2.2.3. The Rwandan Forum of Female Parliamentarians (FFRP)

76. The FFRP was created in 1996 at the initiative of female members of the National Transition Assembly. Its goal is to promote equal rights for the two sexes.

77. In creating the FFRP, the women parliamentarians sought to institute a framework whereby they could contribute to strengthening women's capacities in decision-making positions. They also wanted to play an active and influential role in revising and repealing discriminatory laws. The forum is still operational, and has drafted several pieces of proposed legislation.

Chapter II: Measures Adopted for Implementation of the Convention and the Beijing Declaration

78. The description of the status of women's rights in Rwanda provided in the January 1996 oral report was fairly cursory, given the circumstances that prevailed in the wake of the genocide and the civil war. The present report seeks to address each provision of the Convention and of the Beijing Declaration. For ease of presentation and reading, the provisions of the two instruments are grouped together by topic, wherever possible.

2.1. Measures Common to the Convention and the Declaration

79. The implementation measures described relate to the period covered by the report, but reference will occasionally be made, as necessary, to previous mechanisms, given the time that has elapsed since the last written report.

2.1.1. Constitutional, legal and institutional provisions guaranteeing the principle of equality of men and women (Article 2 of the Convention and Point H of the Beijing Programme for Action)

2.1.1.1. Constitutional and legal provisions

80. Article 16 of the Constitution of 10 June 1991, which was an integral part of the Basic Law that governed the transition period, provided that “All citizens are equal before the law without any discrimination based, *inter alia*, on race, colour, origin, ethnic group, clan, sex, opinion, religion or social status”. Likewise, Article 3 of the Protocol on the Rule of Law was worded as follows: “National unity implies the rejection of all forms of exclusion and discrimination based, *inter alia*, on ethnic group, region, sex or religion. It also implies that all citizens have the same opportunities of access to all political, economic and other advantages that the State must guarantee”.

81. Point 9 of the Preamble to the Constitution of 04/06/2003 reaffirms the commitment of the Rwandan people to the principles of human rights, as defined in the international instruments listed therein, which include the CEDAW. Article 9 (4) of the Constitution, in citing the fundamental principles to which the Rwandan state is committed, includes the

building of a state governed by the rule of law and a pluralistic democratic system, and the equality of all Rwandans and equality between women and men. It also establishes, in Article 11, the principle of equality as one of the fundamental human rights, in these terms: “All Rwandans are born and remain equal in their rights and duties.

Discrimination of whatever kind based, *inter alia*, on race, ethnic group, clan, tribe, colour, sex, region, social origin, economic status, culture, language, social status, physical or mental disability or any other form of discrimination is prohibited by law”. Finally, Article 16 provides that “All human beings are equal before the law. They shall enjoy equal protection, without any discrimination”.

82. In addition, Article 190 of the Constitution provides that conventions duly ratified or approved have higher authority than organic laws and ordinary laws. Rwanda therefore considers itself bound by the conventions it has ratified, including the Convention on the Elimination of All Forms of Discrimination against Women.

83. Law N° 42/1988, containing the Preliminary Title and the First Book of the Civil Code that constitutes the Family Code, has amended the previous law in some important ways, establishing the principle that marriage does not change the capacity of the spouses, whose powers can only be modified by law or by their matrimonial regime (Article 212) and that, except under the regime of community of property, each spouse can practise a profession, industry or trade without consent of the other (Article 213), thus doing away with the wife's need for her husband's permission to practice any profession.

84. Law N° 22/99 of 12/11/1999 on matrimonial regimes, bounties and successions recognizes the right of a girl to inherit property belonging to her family (Article 50), and requires the consent of both spouses for any act of donation of family property or assets and for recognizing any right over those assets (Article 21).

85. Law N° 27/2001 of 28/04/2001 on rights and protection of the child recognizes the woman's right to convey her nationality to the child even it is born of a foreign father. That law is thus the first to suppress the provision that forbade a woman to convey her nationality to a child born to a foreign father, as stipulated in the law of 28 September 1963 establishing the Rwandan Nationality Code, which was amended in 2005 by a new law that explicitly spells out this right.

86. Law N° 47/2001 of 18/12/2001 on the offences of discrimination and bigotry clearly defines the forms of discrimination that are punishable, regardless of the perpetrator (any individual, public or private official, association or political party, electoral candidate) and irrespective of the methods used (spoken or written words, record of decision, pictures or signals on radio or TV, in a meeting or public place). It provides for the death penalty, imprisonment and/or fine, suspension or dissolution of an association or political party, dismissal of an elected candidate and stripping of civic rights, and it excludes these crimes from the statute of limitations.

87. Law n° 30/2003 of 29 August 2003 amending and complementing Decree-Law n° 01/81 of 16/01/1981 relating to census, identity card, domicile and residence recognizes the right of a woman to record the child on her identity card (OG n° 21 of 1/11/2003), a right that, prior to this law, was exclusively reserved to the father of the child.

88. Other legal amendments are in the course of preparation:

- An amendment to the Criminal Code, abolishing the provision that punishes a woman convicted of adultery more seriously than a man;
- Amendments to the Family Code, specifically the provision that gives the man precedence as head of the family, and the discriminatory provision that prevents a judge from ordering the husband to leave the conjugal residence, upon application by the woman, if that residence is in a building of which the woman or one of her relatives is the owner, renter or life tenant, when the husband practises in it an art, profession, craft, trade or industry;
- An amendment to the commercial code provision that requires a woman to obtain her husband's permission in order to run a business.

2.1.1.2. Institutional mechanisms

89. Rwanda now has special institutions to protect and promote the rights of women. A ministerial department specifically responsible for gender promotion has been created for the purpose of reinforcing women's capacities and promoting equity and equality of the sexes in the context of sustainable development.

90. The National Council of Women was established by the Constitution of 04/06/2003 as a social and advocacy forum for women; Law n° 27/2003 of 18/08/2003 governs its organization, powers and functions. It has offices at all levels of government, headed by women elected by their colleagues.

91. A National Commission on the Rights of Man was created in 1999 to prosecute human rights violations in Rwanda; the Constitution of 4 June 2003 changed its name to the National Human Rights Commission.

92. There is also a body responsible for co-ordination and follow-up for implementing the Beijing Declaration.

93. The Gender Observatory created by the June 2003 Constitution will be responsible for ongoing monitoring of gender indicators.

94. There are many associations engaged in the defence, protection and promotion of human rights in general, and women's rights in particular, most of them grouped under umbrella organizations (CLADHO and Pro-Femmes/Twese Hamwe).

2.1.2. Guaranteeing women the exercise and enjoyment of human rights and fundamental freedoms (article 3 of the Convention and point H of the Beijing Platform for Action)

95. By virtue of the Basic Law that was in force during the transition period, and the Constitution of 4 June 2003, all citizens are guaranteed the exercise and enjoyment of human rights and fundamental freedoms as defined in international instruments.

96. Mechanisms for the promotion and protection of human rights have been created. These include the establishment of a special ministerial department for promotion of the family and gender, the mission of which was described in the first part of this report, and the National Commission on Human Rights, which is empowered to receive complaints and conduct investigations of human rights violations in general, and refer cases to the competent judicial authorities.

97. The Office of the Ombudsman, instituted by the June 2003 Constitution, may accept complaints from individuals and private associations against the actions of officials and public and private agencies, in the context of preventing and combating injustice, and may submit these complaints to the courts if they are not satisfactorily resolved by the official or agency concerned.

98. All citizens enjoy the same judicial protection, and are entitled to appeal to the courts to enforce their rights. Legislation provides criminal penalties for violations of fundamental human rights. Thus, the Criminal Code punishes any assault on life and physical integrity (Article 310 to 347), crimes against property (Articles 399 to 405, 424, 428, 437 to 450), and attacks on the freedom of the citizens (Article 388 to 390); the law on the rights and protection of the child punishes violations of children's rights; and other specific laws contain criminal provisions that are enforceable before the courts. Moreover, in addition to criminal sanctions, victims may sue for reparations, and a body of independent lawyers has been in place since 1997.

2.1.3. Special measures to accelerate de facto equality between men and women (article 4 of the Convention)

99. The Rwandan government considers that achieving equality between women and men requires specific measures to rectify the current imbalance. One policy supported by the government has been to practice positive discrimination, by establishing quotas for female members of district and sector executive committees, as well as in the community development committees.

100. Consistent with this approach, the government has adopted laws setting specific minimum quotas for women in decision-making bodies.

101. Thus, Law n° 42/2000 of 15 December 2000 governing local administrative elections in Rwanda (Special OG of 19/12/2000) as amended by Law n° 13/2002 of

12/03/2002 (Special OG of 19/03/2002) provides for a minimum quota of one-third for women.

102. Local elections were held from 6 to 13 March 2001, with the following results:

- 720 female members of District Councils, representing 26% of seats;
- 127 female members of District Executive Committees, representing 24% of seats⁷.

103. The Constitution of June 2003 reserves 24 seats for women in the Chamber of Deputies, and guarantees them at least 30% of seats in the Senate. Following the legislative elections of 29 September-3 Oct 2003, 36 seats in the Chamber of Deputies (45% of the total) were held by women, and 44 (55%) by men. After the changes that were made, and with replacement of some deputies for various reasons, the Chamber of Deputies now has 39 women and 41 men, for a ratio of 48.8% female versus 51.2% male. The Senate has 6 women out of 20 senators, or 30%. The government team installed following the presidential elections of 2003 had 18 ministers, 4 of whom were women, and 11 secretaries of state, of whom 5 were women, and ministerial rearrangements to date have retained the same proportions: 4 of 18 ministers and 6 of 11 secretaries of state were women as of 28 September 2004, and on 20 August 2005, 4 of 17 ministers and 7 of 12 secretaries of state were women.

104. The intention to speed the achievement of equality between men and women can also be seen in the creation of a bank loan guarantee fund for women and a district microcredit fund for women.

105. The government is convinced that these measures must be reinforced and extended to other fields where women are underrepresented. It expects more significant results through the Vision 2020 programme, which relies on good governance and decentralization to promote sustainable development by combating poverty, where women are assigned a major role.

2.1.4. Modifying the social and cultural patterns of conduct of men and women (article 5 of the Convention)

106. The patriarchal system of traditional Rwandan society gave men pre-eminence over women, and the birth of a boy was preferred over the birth of a girl.

107. A son was regarded as a guarantee that the family and the clan would survive through his offspring, and conversely the value of the daughter would be signed away when she left the family to marry. She could not inherit her family's property, and she was considered a burden on her family if she became a single mother or a widow, or were repudiated.

⁷ National Electoral Commission: District, municipal and Kigali City elections in Rwanda from 06 to 13 March 2001, May 2001.

108. Yet, relegated to the background as she was, the woman played an important role. She was her husband's right hand, and she advised him when it came to important decisions, for she followed the country's political life closely. Women were not allowed, however, a public position or voice.

109. With evangelization, schooling, and the social and economic changes in their daily life, Rwandans have gradually adopted a different view of the roles assigned to children according to their sex. The presence of women in certain government and technical positions has modified public opinion about their abilities compared to those of men.

110. Despite this change in attitudes, the most recent survey⁸ shows that the majority of Rwandans still prefer to have a boy, and that some men remain reluctant to carry out decisions taken by women.

111. Women are also victims of prejudices that handicap their participation in economic life. Some people think, for example, that if a woman earns more than her husband she will become headstrong and too independent, and some men feel it improper or at least questionable conduct for a woman to seek higher education and take work as a retail clerk or secretary.

112. Activities that generate high incomes and a degree of prestige for their practitioners are virtually reserved to men, and women's participation in associations and co-operatives is sometimes a source of conflict, given men's negative attitudes.

113. Women are rarely involved in defining community needs and priorities, because their capacities are underestimated. They are also victims of an inferiority complex to which they at times seem resigned.

114. In legal matters, on the other hand, there is now little room for customary practices. The Constitution of 4 June 2003 declares (article 201 (3)) that unwritten customary law shall be applicable only if it has not been replaced by written laws, is not inconsistent with the Constitution and the laws, and does not violate human rights, prejudice public order or offend decency and morals.

115. The creation of the special ministry and the National Council of Women, and the emergence of women's associations active both in economic and in human rights matters are helping to banish prejudices and customary practices that have perpetuated inequality between men and women.

116. Training and awareness sessions on women's rights have been organized in various parts of the country and at all levels of society, targeted at a varied audience including women themselves. Radio and TV programmes and printed publications also carry the message about the rights of women as human beings.

⁸ Ministère du Genre et de la Promotion de la Femme and UN Population Fund: *Etude sur les croyances, les attitudes et les pratiques socio-culturelles en rapport avec le genre au Rwanda*, Kigali, May 2002.

117. Much has been done already to strengthen organs and mechanisms, but progress depends on the available resources. The Rwandan government intends to pursue this effort in line with its means, and with the support of partners that have formally pledged their commitment.

2.1.5. Female trafficking and prostitution, violence against women (article 6 of the Convention and points D and L of the Beijing Platform for Action)

2.1.5.1. Trafficking in women

118. This type of crime has apparently not reached Rwanda, and it is not covered in the Criminal Code. That code considers only the offences of kidnapping and illegal confinement, which are punishable by imprisonment of between five and ten years; aggravating circumstances related to the period of confinement, physical torture or death of the victim increase the penalty to 20 years, life imprisonment, and death, respectively (Article 388).

119. In response to the trend observed in other countries, however, provision for such crimes has been made in the law on the rights and protection of children, article 41 of which imposes punishment of five years to life imprisonment for the abduction, sale or trafficking of a child.

2.1.5.2. Prostitution

120. According to a joint 1998 study by the Ministry of Health and the Ministry of Gender and Promotion of Women on "Prostitution and HIV/AIDS", prostitutes are to be found both in the cities and in the countryside. The phenomenon can be blamed primarily on poverty and inadequate education. Poverty and poor education of the young are among the identified causes.

121. In the context of combating prostitution, the Criminal Code (article 363) defines restrictions that may be imposed on any person convicted of this offence. Such persons:

- Are prohibited from leaving the country or from frequenting places identified in the judgment.
- Must report to the office or the authority named in the judgment.
- Must submit to examination, treatment or care, including hospitalization if this is deemed necessary.

122. Violation of these restrictions is punishable by three to six months imprisonment and/or a fine of 2,000 to 5,000 francs.

2.1.5.3. Contributing to prostitution

123. The Criminal Code punishes with three months to five years imprisonment and a fine of 10,000 to 100,000 francs anyone who employs, induces or misleads another

person for purposes of prostitution, even with that person's consent (article 364), and anyone who keeps such person for these purposes (article 365). The same penalty is stipulated in the law on the rights and protection of the child, for similar offences committed against the child (article 38).

124. The Criminal Code also punishes with six months to five years imprisonment and a fine of 10,000 to 100,000 francs any attempt to obstruct the actions of the qualified agencies to prevent, assist or re-educate persons engaging in prostitution or in danger of prostitution. Any obstruction of publicity related to a prostitution case is punishable by one month to one year imprisonment and a fine of 1,000 to 10,000 francs (articles 366 and 367).

2.1.5.4. Exploitation of prostitution

125. The exploitation of prostitution is the equivalent of procuring in Rwandese law. It is punishable as follows:

- Running, managing or financing a house of prostitution is punishable by imprisonment of between one year and five years and a fine of between 20,000 and 100,000 francs according to the Criminal Code (Article 368), and by imprisonment of between five years and ten years and a fine of between 200,000 and 500,000 francs according to the law on the rights and protection of the child, if a child is the victim (Article 39) ;
- Sharing in or accepting the proceeds of prostitution is punishable by imprisonment of between one year and five years and a fine of between 20,000 and 100,000 francs according to the Criminal Code (Article 369), and by imprisonment of between two years and five years if the victim is a child (Article 40 (1) of the law on the rights and protection of the child) ;
- Using children in entertainments featuring prostitution or pornographic materials is punishable by imprisonment of between five and twelve years and a fine of between 200,000 and 500,000 francs (Article 40 paragraph 2 of the law on the rights and protection of the child) ;
- Issuing an attestation, a certificate or forged document, or using any other means to help persons living from the prostitution of another or others to justify their resources when they cannot do so is punishable by imprisonment of between one year and five years and a fine of between 20,000 and 100,000 francs according to the Criminal Code (Article 370).

2.1.5.5. Facilitation of prostitution

126. The Criminal Code punishes the facilitation of prostitution as follows:

- Imprisonment of between three months and three years and a fine of between 10,000 and 50,000 francs for any help, assistance or deliberate protection for the prostitution of another, soliciting, or offering go-between services between prostitutes and procurers (Articles 371 and 372) ;
- Imprisonment of between one year and three years and a fine of between 10,000 and 50,000 francs for lease or rent of a building for the purpose of prostitution.

127. Article 374 of the Criminal Code lists the following aggravating circumstances:

- The victim is a minor.
- Lack of consent of the victim.
- There are several victims.
- The crime is committed outside the national territory or against a person upon or soon after arrival from abroad.
- There are several perpetrators, co-perpetrators or accomplices.
- Carrying an apparent or hidden weapon.
- The perpetrator is a parent, authority or servant of the victim.
- The perpetrator is a public official or religious minister.

128. Incitement to these offences and participation in preparing or executing them, even without subsequent effect, are also punished by imprisonment of eight days to three months and a fine of 500 to 1,000 francs (article 375), and anyone convicted of such offences abroad may be constrained by a court, upon arrival in Rwanda, to prohibition or restriction on residency or to loss of civil rights.

2.1.5.6. Violence against women

129. Acts of violence against women are viewed differently, depending on their nature. People tend to confine the concept to sexual violence committed by third parties, something that is publicly condemned. Physical and sexual violence by husbands against their wives is considered acceptable or even sometimes justified. All these types of violence are however offences under the criminal law.

2.1.5.6.1. Sexual violence

130. It is important to distinguish between the sexual violence perpetrated during the course of the genocide and that which occurred subsequently, and between sexual violence against adult women and that committed against children in recent times.

131. During the 1994 genocide, rape was used as a weapon and as a means of inflicting pain and humiliation on the victims. The rapes committed during that time were accompanied by torture of indescribable savagery.

132. Three successive laws have been enacted to deal with genocide and related crimes: Organic Law n°08/96 of 30 August 1996 on the prosecution of genocide and crimes against humanity, (OG n°17 of 01/09/1996); Organic Law n° 40/2000 of 26 January 2001, creating the Gacaca courts and organizing prosecution for offences constituting genocide or crimes against humanity (Special OG of 12/11/2002 [sic]), as amended and complemented by Organic Law 33/2001 of 22 June 2001 (OG n°14 of 15/07/2001); and Organic Law 16/2004 of 16/06/2004 on the organization, competence and functioning of the Gacaca Courts for prosecuting crimes of genocide and other crimes against humanity, committed between 1 October 1990 and 31 December 1994 (Special OG of 19 June 2004).

133. All these laws recognize the exceptional nature of sexual violence committed during the 1994 genocide. Thus, persons found guilty of rape or sexual torture fall within the first category and incur either the death penalty or life imprisonment (if they have not confessed or their confessions have been rejected), or imprisonment of 25 to 30 years, if their confessions have been accepted.

134. For sexual violence subsequent to the genocide, committed against female adults, the Criminal Code provides the following punishment:

- Imprisonment of 5 to 10 years for rape (Article 360 (1))
- Death penalty if the rape resulted in the death of the victim (Article 360 (3)).

135. The Criminal Code also recognizes aggravating circumstances if the crime represents abuse by a parent, authority, teacher or employee of the victim; a public official, a representative of authority, or a religious minister; a physician, surgeon or obstetrician with respect to persons in their care; and if there are several perpetrators, and if the victim's health has been severely affected (article 361). In these cases, the penalty is 10 to 20 years imprisonment.

136. The penalties for rape may apply to the husband, if he is convicted of sexual violence against his wife. Indecent assault is also punished by the Criminal Code (Article 359).

137. As indicated above, there has been a resurgence of sexual violence against children in recent years. This has been attributed to many causes, such as custom, the kind of education received at home or at school, an environment that sets bad examples for children, and even ignorance on the part of persons who believe AIDS can be cured by having sex with children.

138. In the face of this situation, the government has taken steps to prevent and punish such crimes, which are very harmful to society.

139. In terms of prevention, strategy planning and co-ordination meetings have been held with all the bodies responsible for combating this crime, awareness campaigns have been launched to publicize the criminal nature of these acts and their consequences, and co-

ordination has been established between public institutions and the citizenry for reporting offences against children, and sexual violence in particular. A juvenile police unit has recently been created, to respond promptly for investigating and seeking those responsible for sexual violence.

140. In terms of punishment, the law on the rights and protection of children provides the following sanctions:

- 20 to 25 years imprisonment and a fine of 100,000 to 500,000 francs for rape of a child aged 14 to 18 years (article 34 (1)).
- Life imprisonment and a fine of 100,000 to 500,000 francs for rape of a child under the age of 14 (article 34 (2)).
- Death penalty, if the rape has caused death or an incurable disease (article 35).
- Life imprisonment, if the perpetrator is a person in charge of the child, whether an administrator or religious authority, a security officer, a medical worker, a teacher, a trainee, and in general any person with professional or administrative power over the child.
- Imprisonment of one to five years and a fine of 20,000 to 100,000 francs for any indecent assault committed or attempted against the child.

141. Additional steps have been taken to repress these crimes effectively: suspects are brought to trial promptly, hearings are held in the locality of the crime if possible, convictions are broadcast by radio and TV, and medical reports are delivered swiftly without payment of fees. A special police unit has been established to deal with complaints and ensure prompt investigation.

142. However, there remain many obstacles to the effective repression of sexual violence, including the refusal to report a relative or family member, or a husband in the case of married women, the desire to preserve the victim's honour, and in general the customary taboos against mention of anything to do with sex.

2.1.5.6.2. Physical violence

143. Physical violence against women, whether committed by the husband or someone else, is punished by articles 310 to 338 of the Criminal Code, which provide for imprisonment of up to life, or the death penalty, depending on circumstances.

144. The same applies to cruel treatment, aggravated suffering and inhuman or degrading punishment inflicted on children. The penalty is from four months to three years imprisonment and a fine of 50,000 to 200,000 francs; and it may be raised from three years to life imprisonment if an infirmity results, and the death penalty may be imposed if the child has died from the punishment (article 32 of the law on the rights and protection of children).

145. In prosecuting crimes of violence against women and children, the public prosecution has officers specifically responsible for such matters.

2.1.6. Elimination of all forms of discrimination in the political and public life of the country (articles 7 and 8 of the Convention and point G of the Beijing Platform for Action)

146. The Constitution recognizes the right of all citizens to participate freely in the management of the country's public affairs, either directly or through freely chosen representatives, and there is no prohibition or limitation on the right of women to participate in elections as voters or candidates.

147. The Constitution of June 2003 (article 8 (3)) recognizes the right to vote and to be elected for all Rwandan citizens of both sexes who meet the legal conditions, a principle that was also reflected in the Basic Law that governed the transition period.

148. Organic Law n° 17/2003 of 07/07/2003 governing presidential and parliamentary elections (Special OG of 04 July 2003) stipulates (Article 5) that all Rwandans who are at least 18 years of age as of the date of elections are entitled to vote, provided they are registered on the electoral roll and have not been deprived of their civil and political rights or excluded from voting by any of the limitations of Article 10.

149. These limitations refer to the forfeiture of voting rights, conviction by a court, confession to the crime of genocide, and to persons who are refugees or prisoners.

150. The conditions for eligibility to the position of President of the Republic and of Deputy, as stipulated in the Constitution and the organic law referred to above, place no limits on the right of women to stand for election.

151. Finally, the Constitution recognizes the right of all citizens to participate freely in the management of the country's affairs, according to law, and equal right of access to public functions, with due regard to their competence and capacities (article 45). It must also be noted that special legislative measures have been adopted, establishing minimum quotas for women in Parliament and in decision-making bodies.

152. It is worth mentioning again that the makeup of the government (cabinet) has varied, since the 2003 elections, between 34% and 37% female versus 66% and 63% male and that of the Chamber of Deputies between 45% and 48.8% female versus 55 and 51.2% male, and that 30% of Senators are women. In the wake of the 2004 judicial reform, the President of the Supreme Court is a woman, and half of the Court's 8 judges are women.

2.1.7. Acquisition, change and retention of nationality, equality of rights in the transmission of nationality to children (article 9 of the Convention)

153. The Basic Law that governed the transition period, and more particularly the Constitution of 10 June 1991, did not recognize dual nationality, but the Constitution adopted by referendum in 2003 admits the principle of dual nationality.

154. Until 2004, the acquisition, change and retention of nationality were governed by the law of 28 September 1963, the Rwandan Nationality Code. That Law gave women and men the same rights with respect to acquiring, changing and retaining their nationality. Even in the case where a Rwandan woman married an alien, or a foreign woman married a Rwandan, the wife did not automatically lose her nationality: it could not be changed without her consent.

155. However, the law prevented a woman from transmitting her nationality to her children, because it provided that to be considered a Rwandan the child must be born of a Rwandan father; if it was illegitimate, it must be established that its father was Rwandan, or was not or could not be shown to be an alien.

156. This inequality was eliminated by the 2004 law, which provides that any child with one Rwandan parent is considered to be Rwandan (article 1), and specifies (article 36) that a child born after 1 Dec 2001 to a Rwandan mother and a foreign father is automatically Rwandan.

2.1.8. Education (article 10 of the Convention and point B of the Beijing Platform for Action)

157. There is no discrimination against women in the education system. From the constitutional and legislative viewpoint, article 27 of the Constitution of 10 June 1991, which was part of the Basic Law that governed the transition period, made primary education compulsory, and the Constitution now in force recognizes the right of all persons to education (article 40).

158. Organic Law n° 11/1985, which governed National Education (OG 1985) until 2003, provided (Article 17 (3)) that children meeting the admission requirements have the right to attend the school of their choice. That law was replaced by Law n° 20/2003 of 03/08/2003 (OG n° 21 of 1 November 2003), which provides that education must seek to produce a citizenry free from all forms of discrimination and favouritism (Article 2 (10)).

159. This new law distinguishes family education, of the kind acquired from the child's parents and its acquaintances, from the formal education provided in the nursery, primary, secondary, technical, special, higher or other types of schools created by law, as well as non-formal education such as public ("popular") education or continuous training.

160. Under that law, "popular" education is offered to all adults and juveniles, the target group being those who have no schooling or were unable to pursue their studies, to equip them with the knowledge needed to participate in the economic, social and cultural development of the country (article 14).

161. With respect to continuous training, the intent is to help workers of all categories to acquire the capacity and the knowledge to perform their present or future functions as a contribution to the country's development.

162. Article 35 of that law makes education in the public schools and the *écoles conventionnées* (State-approved and usually subsidized private schools) compulsory and free.

163. Boys and girls have the same access to primary school, where attaining the enrolment age is the sole condition of admission. Access to secondary education in the public or subsidized schools depends on the grades obtained in a national examination that is prepared, organized and corrected under the supervision of the National Examinations Board created by Law n° 19/2001 of 12/03/2001 (OG n° 9 of 01/05/2001) and is subject to space availability in the public secondary schools. Students will be steered into one stream or another, depending on their marks from this competition, and their previously expressed preference. In the case of higher education, students choose their own stream, but the reduced number of places means that admission must be based on the scores obtained in a national examination at the end of secondary school, taken under the supervision of the National Examinations Board.

164. Today, coeducation prevails in nearly all educational institutions, meaning that all students have access to the same programmes, the same examinations, and teaching staff with the same level of qualifications, as well as to facilities and equipment of the same quality standards, at least for those who attend the same institution.

165. The following figures show participation rates of girls and women in education at all levels, both as students and teachers, compared to the rates for boys and men.

Primary school enrolment, by sex

Year/ Sex	1997/1998	1998/1999	1999/2000	2000/2001	2001/2002	2002/2003	2003/2004	2004/2005
Boys	635,735	644,430	721,881	738,439	763,277	810,585	862,156	912,207
Girls	634,968	644,187	709,811	737,833	771,233	825,978	890,432	945,634
% Boys	50.0	50.0	50.4	50.0	49.8	49.5	49.2	49.1
% Girls	50.0	50.0	49.6	50.0	50.2	50.5	50.8	50.9

Source: MINEDUC, *Recensement Statistique*, 2006.

In primary school, the situation can be considered positive. In some cases, the number of girls is higher than that of boys.

Secondary school enrolment, by sex

Year/ Sex	1996/1997	1997/1998	1998/1999	1999/2000	2000/2001	2001/2002	2002/2003	2003/2004	2004/2005
% Boys	-	-	49.2	49.1	49.8	50.5	52.0	52.3	52.8
% Girls	-	-	50.8	50.9	50.2	49.5	48.0	47.7	47.2

Source: MINEDUC, *Recensement Statistique*, 2006.

Percentage of pupils by sex in public and private secondary education

Year/ Sex	1996/1997	1997/1998	1998/1999	1999/2000	2000/2001	2001/2002	2002/2003	2003/2004	2004/2005
Boys Public	50.6	49.6	60.3	59.6	61.7	62.4	59.3	62.3	64.0
Boys Private	-	-	39.7	40.4	38.3	37.5	40.7	37.7	36.0
Girls Public	49.4	50.4	54.8	50.0	51.2	50.1	47.2	49.1	52.9
Girls Private	-	-	45.2	50.0	48.8	49.9	52.8	50.9	47.1

Source: MINEDUC, Recensement Statistique, 2006.

Percentage of students by sex in public and private higher education

Year/ Sex	1995/1996	1996/1997	1997/1998	1998/1999	1999/2000	2000/2001	2001/2002	2002/2003	2003/2004	2004/2005
Boys Public	74.5	72.9	75.2	69.8	74.2	73.8	75.2	73.2	70.7	72.8
Boys Private	25.5	27.1	24.8	34.4	25.8	26.2	24.8	24.8	26.8	27.1
Girls Public	0.0	67.2	57.6	53.9	51.8	50.5	49.1	48.4	47.8	47.6
Girls Private	0.0	32.8	32.4	46.1	48.2	49.5	50.9	51.6	52.2	52.3

Source: MINEDUC, Recensement Statistique, 2006.

Percentage of teachers by sex in primary education

Year/ Sex	1997/1998	1998/1999	1999/2000	2000/2001	2001/2002	2002/2003	2003/2004	2004/2005
Men	44.6	45.0	46.9	48.9	49.9	49.8	47.7	45.8
Women	55.4	55.0	53.1	51.1	50.1	50.2	52.3	54.2

Source: MINEDUC, Recensement Statistique, 2006.

Percentage of teachers by sex in secondary education

Year/ Sex	1998/1999	1999/2000	2000/2001	2001/2002	2002/2003	2003/2004	2004/2005
Men	73.6	79.1	81.4	81.2	80.8	80.1	78.7
Women	23.3	20.9	18.6	18.8	19.2	19.9	21.3

Source: MINEDUC, Recensement Statistique, 2006.

Percentage of qualified teachers in secondary education

Year/ Sex	1998/1999	1999/2000	2000/2001	2001/2002	2002/2003	2003/2004	2004/2005
Men	89.8	90.4	90.4	91.0	90.5	89.8	86.7
Women	10.2	9.6	9.6	9.0	9.5	10.2	13.3

Source: MINEDUC, *Recensement Statistique*, 2006

Percentage of teachers by sex in public and private higher education

Year/ Sex	1995/ 1996	1996/ 1997	1997/1998	1998/ 1999	1999/ 2000	2000/ 2001	2001/ 2002	2002/ 2003	2003/ 2004	2004/ 2005
Men Public	91.3	90.0	89.2	85.9	84.5	85.0	84.1	83.6	83.3	
Women Public	8.8	10.0	12.6	14.1	15.5	15.0	15.9	16.4	16.7	
Men Private	0.0	95.8	96.1	96.0	97.2	97.4	96.9	94.6	94.6	
Women Private	0.0	4.2	3.9	4.0	2.8	2.6	3.1	5.4	5.1	

Source: MINEDUC, *Recensement Statistique*, 2006.

166. To promote education for girls and reduce their tendency to drop out, the NGO “Forum for African Women Educationalists” (FAWE), with government support, has opened a pilot school for girls’ education and has instituted a prize for girls who do well in the examinations. Today, 656 girls are attending the school, and 412 needy girls receive grants from a fund managed by this NGO⁹.

167. This organization is also a permanent member of the national scholarships commission, where it champions in particular applications from female candidates, with the goal of having 50% of scholarships awarded to girls and women.

168. In the same vein, the PACFA organization (“Protection and Care for Families against HIV/ADS”) works to spur girls and women to perform well in school. It awards prizes nationwide to girls or women who have earned good grades in different national examinations.

169. Recently, private investment in education has led to a significant increase in the number of girls pursuing secondary and higher studies.

170. Pupils in private primary and secondary schools are allowed to take the national examinations at each of these levels. This entitles them to enrol in public education institutions and to obtain diplomas awarded by the state.

⁹ FAWE RWANDA: Supporting girls and women to acquire education for development, Kigali, August 2003.

171. Similarly, the government now accords recognition to diplomas awarded by private institutions of higher education, when it has verified that they meet the minimum legal requirements for offering courses.

172. Within its development programme, Vision 2020, the government plans to make education free through to the end of the lower cycle of secondary school. It is currently examining the practical and resource implications of this move, and it has recently increased the number of public secondary schools at this level.

173. The literacy programme is also one of the government's major concerns in the education field.

174. The 2001 literacy survey provided the following estimates:¹⁰

- The literacy rate was 47.8% for women versus 58.1% for men
- Only 5.8% of women attended apprenticeship courses versus 9.1% of men
- 2.6% of women received vocational training versus 7.5% of men
- 25% of women versus 17% of men had not attended a school or a literacy centre.

175. Data from the 2002 general population and housing census show an illiteracy rate of 43.5% for women, and 33.5% for men. The following tables provide details:

Literacy rate among private household members aged 6 years and over:

	<i>TOTAL</i>	<i>MEN</i>	<i>%</i>	<i>WOMEN</i>	<i>%</i>
Read and write	3,287,883	1,616,781	49.17	1,671,102	50.82
Read only	380,136	178,289	46.09	201,847	53.09
Neither read nor write	2,440,114	1,013,547	41.53	1,426,567	58.46

School attendance among private household members aged 6-29 years:

	<i>TOTAL</i>	<i>MEN</i>	<i>%</i>	<i>WOMEN</i>	<i>%</i>
Attend/attended	3,276,497	1,590,972	48.557	1,685,525	51.44
Never attended	925,598	435,398	47.03	490,200	52.96
Not specified	225,403	110,794	49.1	114,609	50.8

Level of schooling completed by private household members aged 6 years and over (excluding those attending school)

	<i>TOTAL</i>	<i>MEN</i>	<i>%</i>	<i>WOMEN</i>	<i>%</i>
None	2,052,155	816,675	39.7	1,235,480	60.2
Primary	2,417,124	1,160,187	47.99	1,256,937	52.0
Post-primary	79,025	37,441	47.37	41,584	52.6
Secondary	197,022	106,726	54.1	90,296	45.8
Higher	20,225	15,059	74.4	5,166	25.54
Not specified	27,870	13,234	47	14,636	52.51

Source: Rwanda Development Indicators, 7th Edition, 2004, pp. 216-217.

¹⁰ Administrative data from the Ministry of National Education, Kigali, 2001.

176. In light of this situation, the government has launched a broad and ambitious literacy campaign with the objective of achieving a literacy rate of 85% by 2015. The campaign will be conducted at the district level.

177. One of the targets set by the Ministry of Education is to eliminate all the causes and obstacles that impede access to school and disparity in education, whether related to gender, handicaps, social status or geographic situation. It has adopted a specific programme to this end, "Education for All".

178. This programme has set 6 targets for the year 2015:

- Enhancing the quality of education;
- Achieving parity between the sexes by 2005 and equality by 2015 ;
- Reducing the adult illiteracy rate;
- Fostering apprenticeship and practical learning among youth and adults;
- Making primary education compulsory and free for all;
- Promoting early childhood protection and education.

2.1.9. Employment (article 11 of the Convention and point F of the Beijing Platform for Action)

179. From the legal viewpoint, women have the same employment rights as men. The right to work as an inalienable right, the free choice of work, and the right to equal pay for equal work requiring equal skills were recognized in the Basic Law that governed the transition (article 30 of the June 1991 Constitution) and again in the June 2003 Constitution (article 37).

180. The Labour Code prohibits any form of discrimination that would alter the equality of employment opportunities, equality of treatment, or equality before the courts in the case of labour disputes, and it calls for equal pay for workers with equal skills performing the same type of work (articles 12 and 84).

181. Articles 71 and 72 of the Labour Code give every worker the right to paid leave, at the employer's expense, which may start to be taken after one year of continuous service.

182. The protection of health and safety in the workplace is governed by articles 132 to 138 of the Labour Code. They include the obligation to keep the workplace clean at all times, with conditions that protect the health of workers and ensure their safety; the employer's duty to provide workers with health and safety education and to provide them with the necessary and appropriate protective equipment. Article 138 foresees the possibility of making a medical or health service available to workers, and requires evacuation to the nearest medical facility for injured or sick workers who cannot receive adequate care in this in-house medical service.

183. The Labour Code regulates the work of pregnant or nursing women, who must not be kept at tasks that require excessive force or that are dangerous or inconvenient for their condition and health (article 67 (2)).

184. Article 68 provides that, at time of delivery, a salaried woman has the right to suspend work for 12 consecutive weeks, including two mandatory weeks before the presumed date of delivery and six mandatory weeks after delivery, and the employer is prohibited from giving her notice of termination during her maternity leave. Regrettably, this provision entitles a woman on maternity leave to receive only two-thirds of the salary she earned before the suspension of work.

185. Finally, article 70 stipulates that, in the case of a woman who does not return to work at the end of her maternity leave because of an illness, certified by a physician as resulting from the pregnancy or childbirth, the woman's employment may not be terminated until after six months. Violation of these labour provisions relating to pregnant women is subject to criminal punishment.

186. When it comes to employment in the public sector, the General Statute of the Rwandan Public Service is governed by Law n° 22/2002 of 09/07/2002 (OG n° 17 of 01/09/2002). It provides for recruitment by competition under the supervision of the Public Service Commission, which is to maintain objectivity and neutrality in the recruitment and management of human resources, and to this end has the power to organize administrative competitions for the various working positions in the civil service, and to publish the results (articles 19-22). General conditions of recruitment make no reference to any form of gender-based discrimination (article 28).

187. In the public sector, a woman on maternity leave is entitled to her full salary, in contrast to the provision of the Labour Code governing female employees in the same situation in the private sector area

188. Despite this legislative protection, the number of women holding jobs remains low. The household survey conducted in 2000/2001 found that women accounted for 34.6% of public-sector workers; 31.9% of employees in the para-public sector; and 26.2% of people working in the informal private sector.¹¹ Data from the payroll office of the Ministry of the Civil Service and Labour showed that there were 3,000 female employees in the central administration, in a total of 8,000.¹²

189. The 2002 population and housing census yielded the following data on employment in general.

¹¹ Ministry of Gender and Family Promotion: National Gender Policy, Kigali, 2003.

¹² MIFOTRA, Direction des traitements, September 2003.

Employed population aged 6 years and over, by type of employment

	<i>TOTAL</i>	<i>MEN</i>	<i>% M</i>	<i>WOMEN</i>	<i>% W</i>
Members of the executive and legislative corps, directors and managers	5,221	4,207	80.6	1,014	19.4
Professionals	44,952	26,016	57.87	18,936	42.12
Technicians and associate professionals	16,811	10,771	64.07	6,040	35.92
Administrative personnel	15,896	7,799	49.06	8,097	50.9
Service personnel and traders	88,981	55,810	62.7	33,171	37.3
Farmers and skilled workers	2,957,907	1,220,460	41.3	1,737,747	58.7
Craftsmen and specialized workers	91,615	79,922	87.3	11,693	12.7
Machinery operators and mechanics	18,135	17,795	98.1	340	1.9
Unskilled workers	131,833	79,161	60.1	52,672	39.9
Not specified	12,258	6,458	52.7	5,800	47.3

Source: Rwanda Development Indicators, 7th Edition, 2004.

Agriculture employs 80.7% of men and 92.6% of women, with these rates rising to 90% and 97%, respectively, in rural areas.

190. The social security system is governed by the Decree-Law of 22 August 1974 (OG 1974), which applied the system to all workers covered by the Labour Code and to all statutory civil servants, and by the amendments contained in Law n° 06/2003 of 22/03/2003 (OG n° 12 bis of 15/06/2003), which extended the system to include voluntary insurance for independent workers.

191. These provisions open the right to various benefits under the Rwanda Social Security Fund (CSR) relating to occupational hazards, basic pensions and supplementary pensions. The system pays occupational injury or disease indemnities, old age pensions, disability or death pensions, and a lump-sum allowance in the event of retirement, disability or death.

192. As to social insurance, civil servants are covered by a contributory health care plan run by the Rwanda Health Insurance Company (RAMA), established by Law n° 24/2001 of 27 April 2001. The institution intends to expand its services to private sector employees in the near future.

2.1.10. Health (article 12 of the Convention and point C of the Beijing Platform for Action)

193. Women's health rights, like those of men, are governed by the national health policy adopted in 1995, intended to contribute to the public welfare through high-quality services acceptable and accessible to the majority of the population, who are expected to subscribe fully. The policy involved two main aspects: the preparation of health standards, laws and regulations governing the organization and functioning of health-care

facilities and services and the prescription of care, and improvement to the health situation.

194. A number of legal instruments have been adopted to improve the quality of healthcare services and institutions:

- Law n°10/98 of 25 October 1988, the “Art of Healing” Act, according to which the rights and duties of the patient and the professional are to be determined by an implementing order governing the conditions and procedures for dispensing health care within public and private health centres;
- Law n° 12/99 of 02 July 1999 governing the pharmaceutical profession (OG n° 23 of 01/12/1999);
- Law n° 41/2000 of 07 December 2000 on the establishment and organization of the teaching hospital centre;
- Law n° 30/2001 of 12 June 2001 on the organization, functioning and scope of activities of the College of Physicians.

195. Further laws are now in the drafting stage, including the health code, the public hygiene code, and a law on general health administration. Others deal with creation of the College of Pharmacists, the Rwandan Council of Nurses and Midwives, and biomedical research and traditional medicine.

196. Health professionals have also taken action to form associations: the Rwandan Association of Physicians (AMR), the Rwandan Association of Pharmacists (ARPHA) and the Rwandan National Association of Nurses (ANIR).

197. The Constitution adopted by referendum in 2003 provided (article 41) that "all citizens have health rights and duties. The state has the duty to mobilize the population for activities to protect and promote health, and to contribute to their implementation."

198. The health system is decentralized: at its base are the health districts, which operate independently and provide services to both urban and rural dwellers. The health districts are responsible for the health institutions and services belonging to both the public and the private sector.

199. With the 1980 crisis it became difficult to maintain a free public health care system, and a strategy was therefore adopted for financing basic health services through community participation, in line with the “Bamako Initiative”. Since 2000, each health establishment has a health committee comprised of health promoters elected by the public.

200. On this point, it should be noted that the offices of the National Council of Women have an elected member responsible for health issues at each administrative level.

201. The following description of the current situation, as described below, is based on three surveys: the demographic and health survey of 2000, the healthcare delivery survey of 2001, and the 2005 demographic and health survey.

2.1.10.1. Family planning and contraceptive methods:

202. Awareness of contraceptive methods is widespread: around 97% of the population (94% of women and 90% of men) knows of at least one modern contraceptive method. Periodic abstinence and withdrawal, both traditional methods, rank first.¹³

203. However, contraception is less widely practiced. The 2000 demographic and health survey found that at least one woman in four (24%) had used at least one contraceptive method at some point in her life, and use patterns varied according to locality (27% in urban areas versus 11% in rural areas) and level of education (34% of literate women versus 8% of women with no education). The 2005 survey shows that the use of contraceptive methods among women living with a partner is still low: only 17% of such women use either a modern or traditional method.¹⁴ The use of modern contraceptive methods differs greatly according to place of residence: 20% in the cities versus 8% in the countryside. Women with more education are also likelier to practice modern contraception: the rate is 19% for women with postsecondary education, 12% with secondary schooling, and 9% with primary schooling, while it is only 6% among women with no schooling. Moreover, the number of children a woman has seems to be a factor determining the use of modern contraception. The rate of use rises with the number of children: it is low among women with no children (1%), and begins to rise after one or two children (8%), reaching a peak among women with three or four children (13%).

204. The reasons for not using contraception have to do with the desire to have children (20%), fear of secondary effects (15%), menopause and hysterectomy (14%), and religious prohibitions. Some women are swayed by religions that oppose use of the condom, and preach abstinence: this constitutes an obstacle to family-planning.

205. Contraceptive materials can be obtained from a variety of sources, including hospitals, health centres, pharmacies and shops, as well as from parents and friends.

206. Among women living with a partner, the 2005 survey found that 42% (excluding sterilized women, who represent 0.5%) say they want to limit their births and thus do not want to have more children, 39% want to space births two years apart or more, and 12% want to have a child within the next two years.

207. It is interesting to note that the proportion of women wanting to limit the number of their children has risen since 2000 from 33% to 42%, while women wishing to space their future children has declined (from 45% to 39%).¹⁵

¹³ ONAPO: Demographic and Health Survey, Kigali, 2000.

¹⁴ 2005 Demographic and Health Survey, Preliminary Report.

¹⁵ Idem.

2.1.10.2. Maternal health

208. The 2000 demographic and health survey had shown that for the great majority of births the mothers had prenatal consultations. Overall, 82.4% of pregnant women sought prenatal care. By contrast, only 27% of births took place in health establishments, while 72.6% were delivered at home. Moreover, only three births in 10 were assisted by a trained health worker, and 8% were attended by a physician. Deliveries assisted by traditional midwives were more common, representing 46% of births.¹⁶

209. The high rate of deliveries without qualified medical assistance and the failure to seek postnatal care meant that the maternal mortality rate was high, estimated at 1,071 deaths per 100,000 live births.¹⁷ This maternal mortality rate has declined substantially: the 2005 demographic and health survey reported 750 deaths per 100,000 live births.

210. According to estimates from the 2005 demographic and health survey, 94% of women consulted a health professional during their most recent pregnancy, with some slight variations according to age, number of previous births, place of residence, and region. Qualified prenatal consultation rises with the mother's level of education: 95% of women with primary schooling, and over 96% of those with secondary schooling or more sought consultation, while 92% of women with no education received no prenatal care.

211. Tetanus vaccination coverage for pregnant women is not universal. Only 4% of mothers received at least one anti-tetanus injection during their last pregnancy, and there are significant gaps by age: the rate is 85% for pregnant women under the age of 20, and 33% for those aged 35 and older.

212. The same survey shows that 39% of births were assisted by a physician, a nurse, a midwife or an auxiliary midwife. The youngest mothers (those under 20 years of age) were most likely to be attended (50%). Only 28% of births took place in a health establishment. By comparison with the 2000 survey, there has been improvement in terms of assisted childbirth and delivery in a health facility.

213. The 2000 survey also showed that a very high proportion of women suffer from malnutrition: 9% fall below the critical weight for safe pregnancy and delivery, while a slightly higher proportion (13%) are overweight, and thus exposed to the same risk.

2.1.10.3. Child health

214. For some years now, the Ministry of Health has been offering the Expanded Programme of Immunization (EPI). The 2005 survey shows that the rate of vaccination coverage of children in Rwanda is high: 75% of children aged 12-23 months have been fully vaccinated, 23% partially, and only 3% have had no vaccinations. The national vaccination coverage rate has not changed from 2000 (76%).

¹⁶ ONAPO: Demographic and Health Survey, Kigali, 2000.

¹⁷ Ministry of Health: *Enquête sur les prestations des services de soins de santé*, 2001.

215. The most important childhood ailments are acute respiratory infections, malaria and dehydration from severe diarrhoea. These were estimated by the 2000 survey as responsible for 21% and 17% of cases, respectively.¹⁸ The 2005 survey found that 17% of children show symptoms of acute respiratory infections, and 26% show symptoms of fever.

216. The 2000 child health survey found evidence of acute malnutrition: 7% of children under 5 years were emaciated, i.e. they were too thin for their height, and 43% suffered chronic malnutrition or retarded growth, and were too small for their age.¹⁹ The 2005 survey showed that more than four children in 10 (45%) were suffering from chronic malnutrition, and 19% from its severe form. It also showed that growth retardation rises rapidly with age: it is highest among children between 12 and 23 months (55%), but is also quite high (52-50 3%) among older children. As to acute malnutrition, the survey shows that 4% of children are emaciated, and 1% severely so, and that children aged 12-23 months have the highest rate of emaciation (9%).

217. The 2000 survey showed that infant and child mortality remained high: for every 1,000 live births, 107 infants died before their first birthday, while 196 died before the age of five years. According to the 2005 survey, the infant mortality rate was estimated at 86 deaths per 1,000 live births, before the first birthday, and 72 of every 1,000 one-year-olds would not survive to their fifth birthday. Overall, of every 1,000 children born alive, 152 will not reach their fifth birthday.

218. Estimates from the 2000 survey showed that all mothers were breast-feeding their infants: 95% of children between 12 and 13 months were still nursing, and nearly one child in 10 would still be nursing after 33 months. Exclusive breast-feeding was also generalized, covering 71% of children between four and five months. According to the 2005 survey, nearly all children under six months are breast-fed, and 97% of children between 10 and 11 months are still nursing, while 90% of mothers respect the recommendation for exclusive breast-feeding until six months.

2.1.10.4. HIV/AIDS and sexually transmitted diseases (STD)

219. Sexually transmitted diseases are a major public health problem: not only can they cause infertility, serious diseases and even death, but they are increasingly recognized as augmenting the risk of communicating the human immunodeficiency virus (HIV) which causes acquired immune deficiency syndrome (AIDS).

220. At the time of the 2000 survey, public awareness of STD other than AIDS was well below average, but virtually all women and men (99%) knew about AIDS, and that it was sexually transmitted, and they knew of at least one means of prevention.²⁰ For the 2005 survey, all men and women said they knew about or had heard of HIV/AIDS. The great

¹⁸ ONAPO Demographic and Health Survey, Kigali, 2001.

¹⁹ Idem.

²⁰ Ministry of Health : *Enquête sur la prestation des services de soins de santé*, Kigali, 2001.

majority of women (90%) and nearly all men (99%) said it was possible to do something to avoid contracting the disease, or they mentioned at least one method of protection.

221. As to condoms, the 2005 survey showed that their use is still very low: 3% of women and 5% of men. These rates show no significant change since 2000, when 1% of women and 6% of men said they had used condoms.

222. Use of the condom with one's spouse or cohabiting partner is also very low, at between 1% and 2% for women and men, but it is higher in the case of a non-cohabiting partner, at 20% for women and 34% for men.

223. Systematic surveillance of the prevalence of HIV/AIDS in the general population was found to be a difficult undertaking. Consequently, the TRAC (Treatment and Research AIDS Centre) set up sentinel surveillance sites some years ago to screen pregnant women visiting prenatal care facilities.

224. The data from the sentinel sites were of great value, as they were regularly available and were less costly to collect than data from a national survey representative of the general population.

225. However, they betrayed some serious limitations. The first problem was that pregnant women were not representative of the general population of childbearing age. Second, it is obvious that prevalence rates vary between men and women, and men are not represented in the data for the surveillance sites. Moreover, the prevalence rate is higher among pregnant women than among the general female population, which includes women who are not sexually active and thus have little exposure to HIV/AIDS. Prevalence levels also vary with age, and the age distribution of women who attend prenatal facilities may be different from that of the general female population. Finally, geographic coverage could be another source of bias inherent in the distribution of surveillance sites, which are for the most part in urban or semi-urban settings where the prevalence of HIV is likely the highest.

226. To overcome these drawbacks, the demographic and health survey of 2005 included the HIV test, and showed that, nationwide, the prevalence rate is 3%: 3.6% for women and 2.3% for men. By place of residence, the prevalence rate is 7.3% in cities (8.6% for women and 5.8% for men), and 2.2% in rural areas (2.6% for women and 1.6% for men).

227. The government's national policy for reproductive health seeks to encourage the community to adopt safe sex practices and to fight actively against STD and HIV/AIDS. As part of this policy, the government plans to implement a strategy that would require service providers to track the patient's partner or partners during treatment, to comply strictly with protocols concerning doses and duration of treatment, to encourage the patient to see the treatment through to the end, and to advise her to abstain from sexual relations until the treatment is over, and to adopt safe sex habits thereafter.

228. In the campaign against AIDS, the National Programme against AIDS (PNLS) was instituted in 1987, and was replaced in 2001 by two institutions: the Treatment and Research AIDS Centre (TRAC) and the Great Lakes Initiatives on AIDS (GLIA).

229. TRAC is a technical unit within the Ministry of Health that funds the HIV referral laboratory, the HIV clinic, and the epidemiology service, and ensures national co-ordination of the Programme for the Prevention of Mother-to-Child Transmission (PMTCT).

230. A National AIDS Control Commission (CNLS) was also established in 2001, with the following responsibilities:

- Assisting the Rwandan State in formulating, implementing and co-ordinating the national policy against AIDS;
- Co-ordinating national strategies and planning activities of anti-AIDS institutions;
- Enlisting the public in fighting AIDS on a daily basis in accordance with the priorities in the national policy;
- Mobilizing resources within and beyond Rwanda to establish a National Fund Against AIDS ;
- Raising awareness of Rwandan authorities at all levels about the need to support the national AIDS policy.

231. The country's leading public figures have been involved in this campaign. The First Lady, for example, is active in the protection and care of families against HIV/AIDS. In this regard, the PACFA organization (Protection and Care of Families against AIDS) is specifically involved in the field of mother-to-child transmission.

232. Efforts are being made to help persons living with HIV/AIDS to obtain antiretroviral drugs, and a widespread campaign has been launched to keep such people from being stigmatized and marginalized, and to condemn attitudes and behaviour that tend to exclude them.

233. With the help of volunteers, these people have formed associations throughout the country, and have set up a network for mutual moral support and for distributing assistance. These associations also serve as channels for income generating activities, so sufferers can meet the needs inherent to their condition.

234. However, the fact that some religions reject condoms as a method of protection against HIV/AIDS has impeded the campaign to promote this device as a way of stopping the spread of this pandemic.

2.1.10.5. The main causes of morbidity

235. Malaria is the leading cause of morbidity and mortality in Rwanda, accounting for more than 50% of visits to health facilities, and about 34% of all deaths. As to

tuberculosis, thanks to the use of DOTS (Directly Observed Treatment, Short Course) initiated by the National Tuberculosis Programme, the therapy success rate was 70.1% in 2000. HIV/AIDS is more important than tuberculosis as a cause of morbidity. The other significant causes include acute respiratory infections, intestinal parasites, and diarrhoeic diseases.

2.1.10.6. Unwanted pregnancies

236. In Rwanda, abortion is banned and punished by legislation. Articles 30 and 31 of the law on the rights and protection of children provide specific penalties for abortion, attempted abortion, causing a woman to abort with or without her consent, or even unintentionally. Abortion is also treated as a crime by the Criminal Code (article 325), with aggravating circumstances if the means used to make the woman abort result in her death, and professional disqualification for any physician, obstetrician, dentist, pharmacist, veterinarian or other person who causes a woman to abort.

237. Abortion is authorized only when continuation of the pregnancy would gravely imperil the woman's health. In these cases, however, it is subject to strict conditions, including written confirmation by two physicians in four copies, two of which are given respectively to the woman and to the medical officer, and the requirement that the abortion must be performed by a licensed physician in an officially approved public or private hospital (article 327 of the Criminal Code). In the same spirit, article 379 of the Criminal Code prohibits advertising of abortion means or services.

2.1.10.7. Qualified personnel

238. The public health system suffers from a shortage of experienced doctors and nurses to staff the health centres. The scarcity of health professionals remains critical and is in fact the great challenge facing the health sector. The number of qualified physicians and nurses is still inadequate throughout the country, and particularly in rural areas.

239. In the public health system, personnel are less motivated, and this tends to drive physicians into the private sector. There is only one nurse for every 3,900 people, and one medical doctor for every 50,000. While the ratio of nurses is within the range recommended by the WHO (one nurse for 5,000 residents), this is not the case with doctors, where the recommended ratio is one per 10,000 in developing countries.

240. The government expects this problem to be resolved by the A2 nurses who have graduated in recent years, and the A1 nurses who are already in the field following their training at the Kigali Health Institute (KHI).

241. In the face of these challenges, the Health Ministry has taken steps to place the health sector on a footing where it can ensure and promote public health through high-quality preventive and curative care and rehabilitation. Those steps include the following:

- The Ministry has reviewed the health policy adopted in February 2004 using a sector-wide approach (“SWAp”), and a strategic plan was established in 2004.
- It has put great effort into drawing up the list of essential drugs.
- A pricing policy has been set for certain essential health services, such as tuberculosis, malaria and epidemics.
- Health insurance co-operatives (*mutuelles de santé*) have been established to provide access to health care for the most vulnerable groups.
- The “Integrated Management of Childhood Illnesses” strategy, promoted by UNICEF and WHO, has been introduced.
- A reproductive health policy has been developed in co-operation with the country's partners, and IEC and CCC activities have been launched to promote family planning and to encourage women to make use of the health services.
- The campaign against malaria has been stepped up through the introduction of new products, which are being subsidized to make them more affordable to the population at large, and through the promotion of insecticide-treated mosquito nets.

2.1.10.8. The health outlook

242. To improve the quality of health care further and make it more accessible, the government is planning a strategic innovation for the period 2005/2007, in the form of performance-based contracts for the procurement of four sets of specific services (Health, Municipality and Family, Health Insurance Co-operatives, Health Centre Performance and obstetrical emergencies in District hospitals).

243. Seven programmes have been adopted. These involve:

- Human resource development through investment in educational institutions to train health professionals, and the revision of salary structures and incentives to improve the distribution and the number of health professionals, particularly in rural areas.
- Expanding the availability of high-quality drugs, vaccines and consumables in health centres by determining needs, developing and implementing the drug supply plan; setting standards and prices for pharmaceutical products distributed through the public sector.
- Building and rehabilitating health facilities to meet the objectives of the strategic health plan, which call for raising from about 60% to 65% the proportion of people living within 5 km of a health centre, by 2010.
- Making health services more affordable by promoting health insurance co-operatives and refining the pricing policy and targeting subsidies for greatest impact.
- Strengthening community-based healthcare (“evidence-based medicine”, EBM) in order to reduce mortality and morbidity.
- Restructuring the national referral hospitals and specialized treatment centres such as the HIV/AIDS clinic, and stepped-up surveillance of resistance to tuberculosis and malaria.

- Strengthening institutional capacities to manage, co-ordinate and supervise health services.

2.1.11. Family benefits—women and poverty. Bank loans and credit; recreational activities, sports and cultural life (article 13 of the Convention and points A and F of the Beijing Platform for Action)

2.1.11.1. Family benefits

244. According to the law constituting the Preliminary Title and the First Book of the Civil Code, which establishes a maintenance obligation between spouses, the wife is entitled to maintenance from her husband if he is alive. This obligation also falls upon children, who must support needy parents (article 200).

245. The Family Code excludes the award of compensation to that party to a divorce who is held to be in the wrong (article 280). Compensatory benefits are awarded to the spouse who wins the case, and if there are no financial arrangements agreed between spouses, or they are inadequate, the winning spouse may be awarded alimony not to exceed one-third of the income of the other spouse (articles 261 and 262).

246. As to benefits in kind and in cash, contributory or not, they are provided pursuant to the Social Security law in the form of medical care required by an injury resulting from an occupational accident, a daily allowance in the case of temporary disability, a pension in the case of permanent total or partial disability, survivors' pensions and funeral expenses in the case of death, old-age pensions, disability pensions, survivor or early retirement pensions, and survivors allowances. This coverage applies however only to women eligible for the Social Security system, which is managed by a government agency, the Caisse Sociale du Rwanda.

2.1.11.2. Women and poverty: Bank loans or credits

247. The survey conducted in 2001 for the national poverty reduction strategy found that 60% of the population was living below the poverty threshold, including 62.15% of households headed by women, and 54.32% of households headed by men.

248. Combating the feminization of poverty entails strengthening women's economic capacities. In this context, as indicated throughout this report, a number of initiatives have been taken, including:

- Establishment of a guarantee fund to facilitate women's access to credit from banks and other financial institutions.
- Establishment and financing of a fund in each district to provide women with microcredit for entrepreneurial initiatives.

249. Associations devoted to the advancement of women have also taken steps to strengthen their economic capacity, including:

- Establishment of a savings and microcredit co-operative (CO-OPEDU) by the women's association, DUTERIMBERE;
- Establishment of a savings and loan institution ("*banque populaire*") affiliated with the Union des Banques Populaires by the Association of Female Entrepreneurs in Rwanda (AFER).

250. Despite these efforts, there are still some major obstacles to reducing poverty among women:

- The unequal division of labour, which places an extra burden on women especially in rural areas.
- The low level of education and vocational qualifications of women.
- Lack of access to factors of production.

251. It should also be noted that the national gender policy is part of a long-term programme that the government has adopted for sustainable development in which women will play a more meaningful role both as actors and as beneficiaries.

2.1.11.3. Recreational and cultural activities

252. There is no legal or institutional obstacle to Rwandan women's participation in recreational activities, sports and culture.

253. For the institutional viewpoint, the Ministry of Youth and Sports promotes these activities for men and women alike. The National Olympics Committee includes national federations in all areas of sport, for organizing and supervising national competitions. Women are members of the committees of these federations.

254. Within its policy to promote sport in general, the country gives special emphasis to football (soccer), basketball, volleyball and athletics. At the elite level, women's teams participate in seasonal competitions, but there are also teams formed by female pupils and students. In volleyball, there is a national women's team and a male team that take part in regional and international competitions. A national championship is held each year, in which there are 8 women's clubs and 11 men's clubs. In basketball, besides the national girls' and boys' teams, there are five women's clubs and six men's clubs that participate in the national championship.

255. Women's football is still in its infancy, but there are plans afoot to create women's teams in the various provinces of the country and to organize a national championship. On this point, a commission has been created within the National Football Federation, specifically to promote women's football, and a women's sports office has been set up in each district.

256. One discouraging factor is the opinion that women hold about playing sports. Most women feel that sport is something for people who don't have any other obligations, such as raising and caring for a family.

257. On the cultural front, the national ballet is the star representative of Rwandan folklore, and its performances abroad are ample evidence of this fact. Its makeup is mixed, and women are well represented. There are also folklore groups that have been created through private initiative in the form of associations that embrace both sexes.

258. The major obstacle for women engaged in sporting and cultural activities is that they must in effect abandon their marriage and their many household tasks.

259. In order to promote women's sports, private parties took the initiative²¹ in 2000 to create the National Association to Promote Women's Sports (ANPSF). That Association seeks to make women aware of the importance of sport for physical well-being, and it arranges sporting matches where it picks out talented girls for further training. Women are invited to participate in these competitions regardless of their social status or their place of residence.

260. This association falls under the Ministry of Youth and Sports, which provides them with logistical support. Like the other federations, it is also a member of the National Olympics Committee.

2.1.12. Rural Women (Article 14 of the Convention)

261. Living conditions for rural women differ greatly from those for women in the cities, especially in terms of their daily activities and their environment. The government considers that the CEDAW must be applied for the benefit of urban and rural women alike. To this end, all legal and institutional mechanisms created at the national level in this field are aimed at all Rwandan women.

262. Through the policy of decentralizing decision-making bodies, rural women are now members of local administrative bodies, in which they participate in preparing community development programmes.

263. The National Council of Women, which was created by the June 2003 Constitution with its powers and functions established by Law n° 27/2003 of 18/08/2003, is not only a social organization for its members but also a mechanism of advocacy for their role in the country's development. It is very much a rural women's organization, with committees right down to the local administrative level.

264. In economic terms, funds have been created in each district to provide microcredit for small and medium-sized businesses run by women. While these funds cannot perhaps guarantee the full economic emancipation of women, they are at least a catalyst that

²¹ *Rapport de concertation de l'Association Nationale pour la Promotion du Sport Féminin*, Kigali, 9 May 2003.

encourages them to co-operative entrepreneurship. "Rural Women's Day" has been celebrated for the last two years, and on these occasions prizes are awarded to the women selected as being the most active.

265. On the health front, the health centres now offer family-planning services, but the limited number of such centres means that most women have to travel a long way for even minimal service. Moreover, their access to health care depends on their financial means: because the state's straightened economic circumstances do not allow it to provide free healthcare, people must support each other through health insurance co-operatives.

2.1.13. Equality before the law for married women (article 15 of the Convention)

266. As noted in earlier sections of this report, the equality of men and women before the law is enshrined both in the Basic Law that governed the transition period and in the Constitution of June 2003 now in force.

267. Article 212 of the Family Code recognizes the legal capacity of men and women as identical, and provides that the capacities of the spouses are not affected by marriage. This principle is reinforced in article 213, which declares: "Each spouse has the right to practise a profession, industry or trade without the consent of his/her partner, except under a regime of community of property".

268. Finally, Article 215 of the Family Code accords to each spouse the power to go to court, irrespective of the matrimonial regime, without permission of the partner, in disputes related to property under his/her responsibility or relating to the rights accorded to him/her to practise a profession, industry or trade.

269. Freedom of movement and the right to choose one's residence in the national territory is accorded to all the citizens by the Basic Law that governed the transitional period (Article 21 of the Constitution of 10 June 1991) and is also enshrined in Article 23 of the Constitution of 04/06/2003.

270. However, while there is no restriction on the man's freedom to choose his domicile, this is not so for women: Article 75 of the Family Code provides that the spouses shall have the same residence, unless otherwise required by the family interests, and that any dispute over this point shall be settled by the judge. Article 83 of the same code provides that a married woman shall have her husband's domicile as her legal domicile unless the court, for sound reasons, allows her to have a separate domicile.

2.1.14. Marriage and family relations (article 16 of the Convention)

271. Article 25 of the Basic Law that governed the transition and article 26 (1) of the June 2003 Constitution both enshrined the principle of recognizing only monogamous marriage.

272. The June 2003 Constitution also provides that no person may be married without his or her consent, and accords to both spouses the same rights and duties during marriage and upon divorce. This amounts to the principle of equality between a man and a woman, which implies that they have the same rights during their marriage and at its dissolution.

273. Law n°42/1988 of 27 October 1988 constituting the Preliminary Title and the First Book of the Civil Code provides that marriage must be voluntary (Article 170) and that marriage contracted without the free consent of one of the spouses may be contested by that spouse (Article 220).

274. During marriage, the spouses have the same rights and duties toward each other and toward their children. According to Article 197 of the Family Code, both spouses assume, by the very fact of marriage, the responsibility to maintain and rear their children. Other responsibilities of the spouses include the duty of fidelity, help and assistance, and to share household tasks according to their ability (Articles 209 and 211).

275. This law also recognises the right of both spouses to petition for divorce for the reasons set out in its Article 237 and to continue, after the divorce, to oversee the maintenance and upbringing of their children, and to contribute thereto according to their ability (Article 285).

276. However, certain provisions of this law perpetuate the inequality of men and women in some aspects of family rights and relations. Article 110 for example, provides that the father must register the birth of a child, and the mother may do so only if the father is absent or unable to do so. Article 206, for its part, indicates that the husband is the head of the conjugal community comprising the husband, the wife and their children.

277. Similarly, according to Article 206, parental authority is exercised by the father and mother. However, in the event of disagreement, the will of the father must prevail, and the mother's only recourse is to the courts. As noted previously, these provisions are in the course of amendment.

278. In the acquisition, ownership, management, administration, enjoyment and disposal of property, spousal rights are determined by the matrimonial regime under which their marriage was contracted. Article 50 of the law on matrimonial regimes, bounties and successions gives each spouse, regardless of the matrimonial regime, the right to review any act of donation or any act conveying rights to family assets or property.

279. Organic Law n° 08/2005 of 14/07/2005 governing the use and management of land in Rwanda prohibits any discrimination based on sex in matters relating to access to land ownership or enjoyment of rights over land, and clearly stipulates that the husband and wife have equal rights to real property (Article 4).

280. That law establishes land commissions at the national, provincial and district levels and for the city of Kigali, and stipulates that at each level, the land commission must include both men and women (Article 8).

281. It regulates the transfer of land rights and requires that, whatever its form, such transfer must carry the consent of all family members (Article 35).

282. The minimum age for marriage is set at 21 years for the man and the woman, and the law on the rights and protection of the child prohibits any cohabitation as husband and wife if one or both partners have not yet attained this age. According to this law, marriage of a person under that age who has not consented is a forced marriage, and the perpetrator is liable to prosecution.

283. The law also punishes any person who cohabits or attempts to cohabit as husband and wife with a juvenile over the age of 18 years but under the age of 21 (Article 48), and any person responsible for the premature or forced marriage of a child, and it considers as an aggravating circumstance the quality of a parent or guardian (Articles 49 and 50).

284. Finally, to have legal effect, marriage must be celebrated as a formal act before the civil registrar, and each spouse receives a certificate of marriage proving conformity with the civil records (Articles 184 (2), 185 and 187 of the law constituting the preliminary title and the first book of the Civil Code).

2.2. Measures Specific to the Declaration

2.2.1. Women and armed conflicts (Point E of the Beijing Platform for Action)

285. The series of bloody conflicts that have tainted Rwanda's history, culminating with the genocide of April 1994, have left their mark on men and women alike. Women in particular were subjected by the perpetrators of the genocide to systematic rape, from which they still bear many traumas. Indeed, many women and children now find themselves responsible for families without having the means to support them.

286. The Great Lakes region also has hotbeds of tension, the numbers and frequency of which call for initiatives to restore peace and to establish relations based on neighbourliness and tolerance. Rwandan women have heeded this call, and actions have been taken from this perspective.

287. Rwanda hosted a conference, from 25 to 30 June 2000, on “Women as Partners for Peace in Africa” (WOPPA). It brought together women from many countries that are the scene of conflict, in Africa and other parts of the world, to devise strategies for women to make a real and effective contribution to the search for peace in the world.

288. Following the Kigali Pan-African Conference on Peace, Gender and Development that was held from 1 to 31 March 1997 under the joint sponsorship of the OAU, the

Government and NGOs working for women's advancement, the government participated in establishing the Federation of African Women's Peace Networks (FERFAP).

289. From 15 to 19 September 2003, a regional workshop on women and conflict resolution was held in Kigali, hosted by the Ministry for Gender and Promotion of Women.

290. Pro-Femme/Twese Hamwe has launched a campaign, "Action for Peace" (CAP), for conflict resolution through non-violent action, mediation and conciliation.

291. The member associations of this umbrella federation have organized training sessions, conferences and workshops on tolerance, non-violence, unity and reconciliation, and on peaceful conflict resolution, designed to appreciate the role of women in restoring and keeping peace.

2.2.2. Women and the media (Point J of the Beijing Platform for Action)

292. The state recognizes freedom of the press and freedom of information, and has committed itself to upholding them. In this regard, it has adopted a press act, Law n° 18/2002 of 11/05/2002 (OG n° 13 of 01/07/2002, page 113).

293. A Ministerial Department has been established within the Office of the Prime Minister, with information among its responsibilities, and the public press is managed by an independent legal institution, the Rwandan Information Office (ORINFOR). The High Council of the Press, composed of journalists elected by their peers, overseas respect for ethics in the exercise of the journalistic profession.

294. The private press must observe certain formalities: it must publish written notice at least one month before the first printed issue appears, and audiovisual publishers must sign an agreement with the state, upon the advice of the High Council.

295. There are currently a number of private newspapers on the market. The audiovisual press comprises a public radio station, six private domestic radio stations and four foreign ones, and the national television network.

296. Women still have too little presence as professionals to exert much influence in the press; they are largely confined to the public press.

297. Nevertheless, the media reserve space for matters relating to the status of women. Most newspapers publish articles of interest to women, and radio and TV reporting covers women's activities in both urban and rural areas. The newspapers and broadcasters carry features to educate people about the rights of women and the importance of integrating them more effectively into the development process. Indeed, there are specialized journals in this field, notably *Urubuga rw'abagore* ("Women's Platform"), distributed as an insert in the newspaper *Kinyamateka*, "Focus on Beijing" published by

the Permanent Executive Secretariat for Follow-up to the Beijing Declaration, and *Haguruka*, published by the eponymous women's association.

298. There are associations for the defence and promotion of women's rights that provide IEC information and documentation services and publish reports on women's doings and their rights.

299. Inspired by the recommendations from the Beijing Conference, women working in the media created the Rwandan Association of Media Women (ARFEM) in 1995, with the following objectives:

- Organizing meetings where Rwandan women and women in the media can share their views;
- Mutual support to promote the media profession;
- Encouraging Rwandan women to join the media profession and express their views through all communication channels ;
- Promoting and publicizing women's activities and thereby strengthen their role in decision-making, planning and national management.

300. These women produce radio and TV broadcasts and press stories on issues relating to gender and development, peace, and human rights.

301. Access to information is still very limited for most women, however, particularly those in rural areas, because they are too poor to purchase media products. Available data from 2002 show that only 41.7% of private households had a radio, 0.12% had a TV set, while 56.2% had neither radio nor television, and 99% had no computer or Internet access.²²

2.2.3. Women and the environment (Point K of the Beijing Platform for Action)

302. Rwanda has ratified many conventions on the environment, but the situation was long characterized by the absence of any domestic legal and regulatory framework, a gap that has now been filled.

303. With respect to industry, a government order of 28 May 1956 required prior permission to operate any establishment that presented foul odours, risks of explosion, poisoning or fire, water pollution or other harmful emissions. In 2001, the government adopted a national industry policy that calls for the establishment of non-polluting industrial facilities that comply with environmental standards.

304. Enforcement of environmental policy is in the hands of the Ministry of Lands, Environment, Water and Natural Resource, which is tasked with protecting Rwanda's land, flora, fauna and water, the natural resources that, as the basis of agriculture, are the bulwark of the country's GNP and household incomes.

²² Rwanda Development Indicators, 7th Edition, 2004.

305. On the institutional front, the Rwandan Environmental Management Agency (REMA) has been created as a public institution with its own legal personality and financial autonomy.

306. A Rwandan National Environment Fund (FONERWA) is to be established to raise and manage financing.

307. Finally, Organic Law n° 04/2005 of 08/04/2005 on protection, conservation and promotion of the environment came into effect on 1 May 2005 (OG n° 9 of 1 May 2005). It lays down guiding principles for conservation and rational use of the environment and natural resources: protection, environmental sustainability, intergenerational equity, co-operation, and the “polluter pays” principle.

308. That law distinguishes the human environment from the natural environment, which comprises the soil, the subsoil, water and the atmosphere. It spells out the obligations of the state and local governments, and people’s rights and obligations with respect to the environment.

309. The fact that firewood and its by-products such as charcoal remain the main source of cooking energy places a great burden on the environment: 94.4% of households use trees and plants to produce energy for cooking food. To reduce consumption of firewood and its by-products, households have been introducing improved stoves.

310. Environmental protection measures have been taken to control wood cutting and charcoal manufacture, which are now subject to prior authorization by the competent authority, and quarrying of all kinds is also subject to control. Products such as plastic bags that are not biodegradable are also banned.

311. Rwandan women are involved in protecting the environment, on the same basis as any citizen, through the campaign against deforestation, which includes the "National Tree Day" and awareness-raising about environmental protection, avoiding any action that could cause pollution, combating erosion, and protecting water, wildlife and vegetation.

312. The role and place of women will be given further emphasis under the long-term plan for sustainable development that the government has just adopted.

2.2.4. Protection of girls (Point L of the Beijing Platform for Action)

313. Girls in Rwanda enjoy protection as children. The Basic Law that governed the transition is silent on this point, but the current Constitution provides (article 28) that every child is entitled to special measures of protection, to be taken by its family, society and the state, as required by its condition, in accordance with national and international law.

314. The First Book of the Civil Code grants to children in general the rights mentioned in the Beijing declaration. Thus, it provides that every person shall have a surname and that a child shall have its own first name distinguishing it from its father and mother as well as its living siblings (Articles 58 and 60), that births must be registered within two weeks of delivery (Article 117) and that a birth certificate must be issued (Article 120); this registration is to be effected by the father, the mother, a grandparent or next of kin, or any person having attended the delivery or having found an abandoned newborn (Article 119).

315. Article 197 of this law makes the parents responsible for maintenance of their children. This obligation can be enforced through legal action, and abandonment or exposure of children is punishable not only under the Criminal Code (Articles 380 to 387), but also by the law on the rights and protection of the child (Articles 43 to 46).

316. The law that until 2005 governed the nationality of children discriminated against women, who could not transmit their nationality to their children as long as the father could be identified. It has now been replaced by a law constituting the Rwandan Nationality Code, which excludes statelessness, and provides that the child acquires Rwandan nationality if one of its parents is Rwandan or if it is found in Rwanda as a newborn with its parents unknown (articles 3 and 6). The law on the rights and protection of children also grants every child the automatic right to acquire the nationality of its Rwandan mother (Article 6(2)).

317. The law governing matrimonial regimes, bounties and successions gives a girl the right to inherit her family's property, and the Family Code requires consent as a condition for marriage, which may not be contracted before the age of 21 years.

318. Rwandan law prohibits the economic exploitation of children. The international conventions on this point that Rwanda has signed are part of domestic law, and their rank exceeds that of organic and ordinary laws.

319. The conditions governing child labour are regulated by articles 63 to 66 of the Labour Code. Except with permission from the Minister of Labour, no child may be employed in a business, even as an apprentice, before the age of 16, and that permission may be given only for light work that will not prejudice the child's health, its studies, or its participation in guidance and supplementary training programmes. In no case may a child under the age of 16 years be employed at night work or in tasks that are stressful or hazardous. It should be noted that the law on the rights and protection of the child has lowered the child employment age to 14 years (article 18 (2)).

320. The Labour Code institutes a system of inspection and controls to ensure that work performed by a child is not excessively hard and will not harm its health. Violation of this provision is punishable by a fine of 10,000 to 50,000 francs, and repeat offences are punishable by imprisonment of 15 days to six months (article 194).

321. Finally, as noted earlier, the economic exploitation of girls in the form of trafficking or prostitution is punished by the law on the rights and protection of the child.

322. That law recognizes a series of rights for the protection of children. Those rights relate to education, basic parental care, the right of an orphan to be adopted or assigned a guardian, or to be entrusted to an appropriate state institution. They also include freedom of assembly and peaceful meeting, the right to well-being and health, the right to rest, and the right to sporting and leisure activities appropriate to the child's age.

323. The membership of the National Youth Council, created by article 188 of the June 2003 Constitution, includes girls on the same basis as boys. In application of this constitutional provision, Law n° 24/2003 of 14/08/2003 (Special OG bis of 3/9/2003) governs the organization and functioning of the Council.

324. Under the terms of that law, the National Youth Council is a forum where young people can share ideas that will contribute to their development and that of the country. It seeks to mobilize the young and introduce them to the possibilities of production through associations, to initiate them in ways of solving their problems, and to prepare them to take part in decision-making bodies. It also lobbies on their behalf with agencies responsible for the promotion of youth.

325. The central bodies of the Council are the General Assembly and an executive committee, at each administrative level. The executive committee includes counsellors in the following fields: finance, education, science and technology, culture, sports and recreation, gender issues, questions relating to adolescents, health, information, production and prosperity, and co-operation.

Chapter III. Difficulties Encountered in Implementing the Convention, and Prospects for the Future

3.1. Difficulties Encountered

3.1.1. Poverty

326. The Rwandan economy generates only low incomes, a fact that influences the choice of priorities in all sectors of national life. In this sense it poses a constraint on rapid development: a broad, short-term programme of major investments in human and material resources is required, and external debts are also likely to accumulate.

327. The economic situation does not allow people access to the technical means needed to improve their status. The main factors behind this poverty are the shortage of land and rudimentary tools, rapid population growth, and limited means of development.

328. Nongovernmental organizations working in the field of human rights in general, and women's rights in particular, lacks the means to carry out their mission, and must rely on foreign aid, which gives them the breathing room they need to operate

3.1.2. Ignorance

329. With the many human rights violations that repeated conflicts have stamped on Rwandan's history, its people have received little in the way of positive education about their rights.

330. A sustained and well-funded education campaign is needed to wipe from people's minds the terrible consequences of this tradition, which in many cases has produced indifference to human rights.

331. Moreover, while it is true that illiteracy rates remain high and constitute a major obstacle to human rights education, it is not only the unschooled who are ignorant in this field. Many highly educated people are unaware of the content and scope of their own rights and those of others, whereas it is precisely such people who should constitute a bulwark for the effective exercise of human rights and fundamental freedoms.

3.1.3. Traditional patterns, models, taboos and stereotypes

332. Rwandan society still harbours traditional taboos and stereotypes that run counter to the universal principles of human rights. Deeply ingrained ways of thinking are slow to disappear and constitute an obstacle not only to the promotion of human rights in general, and women's rights in particular, but also to efforts to establish equality between men and women within a desirable time frame.

333. The patriarchal concept of society accords women only a secondary role, and excludes any idea of equality with men in terms of human rights. Large-scale awareness campaigns and legislative innovations in sensitive areas still governed by custom or outmoded laws will in the end do away with these customary concepts that are incompatible with women's rights.

3.1.4. The genocide

334. The genocide that gripped Rwanda in 1994 negated the most fundamental values of human society, and the role played by the authorities in these inhuman acts highlighted their failure to provide responsible leadership and to champion the values of humanism, tolerance, justice and peace.

335. These grave violations of fundamental human rights resulted from a sectarian ideology, and they had terrible consequences not only for their direct victims but for the whole of Rwandan society. It is essential at this time to commemorate the victims and to recognize their rights, and this means that firm justice must be meted out to those

responsible for those crimes, while ensuring education about human rights, if the Rwandan people are to be reconciled and to live together in a climate of dialogue, tolerance and peace.

336. The government is thus determined to prosecute these acts in order to root out the culture of impunity and the ideology of genocide. The Gacaca courts that were instituted in 2001 are already operational in part, and they will soon be functioning throughout the country.

3.2. Prospects for the Future

337. Rwanda intends to continue its efforts to promote women's rights, through more sustained action. The creation of various bodies for monitoring and promoting women's rights demonstrates the government's determination to establish a suitable framework of advocacy for women, one that will serve as a channel not only for making their voice heard but also for participating in the country's development.

338. The government recently adopted a comprehensive programme, "Vision 2020", based on the principles of good governance and decentralization of decision-making in order to achieve sustainable development of the kind where every citizen plays an active role and at the same time enjoys its fruits. The watchwords of this programme are good governance, democracy, national reconciliation, political stability and national security, popular participation in decision-making and the development process, and a fully inclusive economic system in which people from all social and economic walks of life participate effectively.

339. This programme is also based on the National Poverty Reduction Strategy (PRSP), which calls for reducing the poverty rate by 30% by the year 2015, through actions designed to transform agriculture, to enhance governance, and to develop human resources, economic infrastructure, institutions, and the private sector.

340. The national gender policy is an integral part of this programme, designed to mainstream the gender dimension in community development policies and programmes, and to strengthen women's capacities.

341. In partnership with other stakeholders, the government will step up awareness and training activities relating to human rights in general, and women's rights in particular.

342. Further legislative reforms will be undertaken to eliminate the remaining provisions that violate the principles of equality between men and women and of equality of development opportunities.

343. The means of control over human rights violations will be broadened and reinforced by instituting recourse mechanisms at all levels, by establishing a database for tracking progress at each stage, and by adapting measures as the circumstances require.

344. The government will continue to encourage NGOs in their work of defending and promoting human rights in general, and women's rights in particular.

Conclusion

345. Despite the great challenges it faced in the wake of the 1994 genocide, Rwanda has made a solid start at implementing the Convention on the Elimination of All Forms of Discrimination against Women and the Beijing Declaration, and indeed the situation today represents a veritable revolution vis-à-vis the one that prevailed before 1996.

346. The government has of course demonstrated its concern by creating and strengthening a number of institutions for promoting human rights in general, and women's rights in particular, and by adopting various legal measures. What is most important, however, is that all these mechanisms are functioning.

347. Mainstreaming the gender dimension in community policies and programmes is clear evidence of the government's conviction that every member of Rwandan society must participate actively in the country's development. The framework for that participation is the Vision 2020 programme, and achievements to date provide grounds for confidence in this process and for believing that constraints will melt away in the face of the government's determination to do everything to find the necessary means for fulfilling the programme.

348. The government's confidence is reinforced by the system of partnership that is already operational in the field of women's rights, and it calls on all those involved to pursue their work, which it sees as useful support for achieving its policy objectives.

349. The government will also welcome any suggestions and observations the Committee may have after reviewing this report, concerning both its form and its content.

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