



# EQUALITY BEFORE THE LAW IN RWANDA

GAINS, GAPS, AND FUTURE REFORMS



**The Legal Aid Forum**

Working Together For Equitable Access to Justice.

© UN Women, September 2024.

The views expressed in this publication are those of the authors and do not necessarily represent the views of UN Women, the United Nations or any of its affiliated organizations.

Legal Editor: Beatrice Duncan (PhD)

Design and Layout: Benussi&theFish

Produced in the United States. All rights reserved.

Photo credits:

- © UNICEF/UN0232577/Karel Prinsloo (front cover)
- © UNICEF/UN0329490/Habib Kanobana (page 7)
- © UNICEF/UN0306245/Brian Sokol (page 10)
- © UNICEF/UN0301150/Shehzad Noorani (page 12)
- © UNICEF/UN0298480/Isaac Rudakubana (page 15)
- © UNICEF/UNI212322/Isaac Rudakubana (page 16)
- © UNICEF/UN0232589/Karel Prinsloo (page 22)
- © UNICEF/UNI211053/Isaac Rudakubana (page 23)
- © UNICEF/UN016839/Shehzad Noorani (page 37)
- © UNICEF/UNI306238/Isaac Rudakubana (page 38)
- © UNICEF/UN0306241/Brian Sokol (page 43)
- © UNICEF/UN0300104/Olivier Mugwiza (page 45)
- © UNICEF/UN0473810/Mary Gelman / VII Photo (page 49)

# TABLE OF CONTENTS

---

---

## ACKNOWLEDGEMENTS

---

## ACRONYMS

---

## FOREWORD

---

## EXECUTIVE SUMMARY

---

### CHAPTER 1: INTRODUCTION

- 1.1 Background
- 1.2 Methodology and Scope
- 1.3 Structure of the Report

---

### CHAPTER 2: ENABLERS OF DE JURE EQUALITY

- 2.1 Introduction
- 2.2 Enablers of Legal Reform
  - 2.2.1 The Constitution and Domestic Law
  - 2.2.2 More Women in Decision Making
  - 2.2.3 Commitments to International Norms and Standards
  - 2.2.4 International Human Rights Accountability Mechanisms

---

### CHAPTER 3: LEGISLATIVE GAINS AND GAPS

- 3.1 Introduction
- 3.2 Examples of Legislative Gains
  - 3.2.1 Constitutional Equality and Non-Discrimination
  - 3.2.2 The Overall Legal, Institutional, and Financial Framework

- 3.2.3 The Penal Framework
  - 3.2.3.1 Criminalization of Acts and Omissions in Marriage and Family Relations
  - 3.2.3.2 Peculiarities in the Penal Law and GBV Law
- 3.2.4 Marriage, Family, and Inheritance Rights
- 3.2.5 Land Rights
- 3.2.6 Labour Rights
  - 3.2.6.1 Parental Leave
- 3.2.7 Participation in Public Life
- 3.2.8 Women in Penal Institutions
- 3.2.9 Gender Equality in Access to Education and Health

---

### CHAPTER 4: ADDRESSING GAPS AND CONFLICTS IN FUTURE REFORMS

- 4.1 Rwanda's Experience
- 4.2 Findings
  - 4.2.1 Laws or Provisions of Law to be Amended or Revised
  - 4.2.2 Introduction of New Legislation
  - 4.2.3 Ratification of ILO Conventions
  - 4.2.4 Social Policy Interventions
  - 4.2.5 Conclusion

---

## REFERENCES

---

### OVERVIEW OF RWANDA'S OBLIGATIONS UNDER INTERNATIONAL AND REGIONAL GENDER EQUALITY INSTRUMENTS

# ACKNOWLEDGEMENTS

---

The successful completion of this report was made possible through the strong support and political will of the Government of Rwanda, demonstrated by the dedicated efforts of the Ministry of Gender and Family Promotion, the Gender Monitoring Office, and the Parliament, notably through the Rwanda Women Parliamentary Forum (FFRP).

Commissioned by UN Women and prepared by the Legal Aid Forum, this report benefited from the guidance of a Steering Committee comprised of relevant ministries, national agencies, and civil society organizations. The committee provided strategic direction and quality assurance under the technical oversight of the UN Women Representative, Ms. Jennet Kem.

UN Women extends its sincere gratitude to the Legal Aid Forum Executive Director, Mr. Andrews Kananga for his time, expertise, and commitment in conducting a comprehensive legal analysis of gender responsiveness within Rwandan laws. His leadership and substantive contributions throughout the research process were critical in ensuring the high quality and rigor of this work.

We would also like to offer special thanks to the Coordinator of FFRP, Ms. Speciose Nyiraneza, and to UN Women's team members, Janvier Mukantwali, Beatrice Duncan, Nisha Arekapudi, and Seodi White, for their invaluable technical support and guidance.

# ACRONYMS

---

<b>ACRWC</b>	African Charter on the Rights and Welfare of the Child	<b>IPU</b>	Inter-Parliamentary Union
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination Against Women	<b>KIIs</b>	Key Informant Interviews
<b>CRC</b>	Convention on the Rights of the Child	<b>LAF</b>	Legal Aid Forum
<b>CSO</b>	Civil Society Organisation	<b>OECD</b>	Organisation for Economic Co-operation and Development
<b>DNA</b>	Deoxyribonucleic Acid	<b>O.G.</b>	Official Gazette
<b>FAO</b>	Food and Agriculture Organization	<b>OL</b>	Organic Law
<b>FFRP</b>	Forum des Femmes Rwandaises Parlementaires	<b>SDG</b>	Sustainable Development Goal
<b>FGD</b>	Focus Group Discussion	<b>STI</b>	Sexually Transmitted Infection
<b>GMO</b>	Gender Monitoring Office	<b>UNFPA</b>	United Nations Population Fund
<b>HIV/AIDS</b>	Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome	<b>UN WOMEN</b>	United Nations Entity for Gender Equality and the Empowerment of Women
<b>ILO</b>	International Labour Organization	<b>WBL</b>	Women, Business and the Law
		<b>WEF</b>	World Economic Forum
		<b>WHO</b>	World Health Organization

# FOREWORD

Over the last 30 years, Rwanda has made remarkable progress in developing legal, policy and institutional frameworks to advance gender equality. Several laws have been enacted, amended, or repealed to eliminate provisions and practices that discriminate on the basis of sex. Despite progress made, some aspects of the national legal framework are still in need of review to ensure consistency and alignment with the Constitution of the Republic of Rwanda<sup>1</sup> and global gender equality norms and standards.

It is in this context that the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) commissioned the Legal Aid Forum (LAF), a leading non-State legal aid provider in Rwanda, to undertake a comprehensive legal analysis of the laws of Rwanda from a gender perspective to present a balance sheet on achievements and outstanding gaps for proposed actions on law reform.

This exercise is all the more timely as the world prepares for the 30<sup>th</sup> review of the Beijing Declaration and Platform for Action, an important milestone towards the 2030 Agenda for Sustainable Development, anchored in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol) and other global and regional human rights frameworks.

Guided by a multidisciplinary committee comprising the Ministry of Gender and Family Promotion, the Gender Monitoring Office, the Ministry of Justice, the Rwanda Women Parliamentary Forum (*Forum des Femmes Rwandaises Parlementaires* (FFRP)), OXFAM, the Rwanda Bar Association, Pro-Femmes Twese Hamwe, HAGURUKA, the Rwanda Men's Resource Center and UN Women, the analysis was undertaken to shed light on the legal status of women and girls and the appropriate actions that are needed to ensure that women receive equal treatment as men under the law.

Rwanda is among several countries undertaking comprehensive reviews of their laws from a gender perspective within the framework of *Equality in law for women and girls by 2030: A multi-stakeholder strategy for accelerated action*, a joint initiative of UN Women, the African Union, the Commonwealth, the Inter-Parliamentary Union, Organisation Internationale de la Francophonie, Secretaría General Ibero-Americana, and other organizations.

The country's historic majority female Parliament is a democratic and gender equality dividend, demonstrated in swift and proactive legislative reforms in favour of women and girls since the Constitution was promulgated in 2003. For instance, three important changes in the law took place while preparing this assessment. These were the 2020 and 2024 amendments to the Law Governing Persons and Family, which removed the mandatory waiting period of 300 days that was placed on a widow before she could remarry, and providing full recognition of unpaid care work under the law. Secondly was Rwanda's ratification and domestication of the ILO Violence and Harassment Convention, 2019 No. 190, which extends protection against violence and harassment across formal and informal work settings. Thirdly, Ministerial Order No. 01/MIFOTRA/23 of 12/06/2023 introduced flexible working hours and the possibility of working from home, coupled with a 2023 amendment to the Labour Code extending maternity leave from 12 to 14 weeks and paternity leave from 4 to 7 days.

<sup>1</sup> As at the time of finalizing this report, the Constitution of 2003 was under revision and therefore, technically, no longer in effect. The current constitution is therefore titled "the Constitution of the Republic of Rwanda" throughout this report.

LAF and UN Women are therefore pleased to present “*Equality Before the Law in Rwanda: Gains, Gaps, and Future Reforms*” to underscore the Government of Rwanda’s political will to fast-track outstanding reforms and step-up enforcement and implementation to ensure that equality in law is demonstrably beneficial to women and girls.

**Andrews Kananga**  
Executive Director  
Legal Aid Forum, Rwanda

We thank FFRP and other partners for enriching this report with their experiences in advocating, designing, and implementing laws which advance gender equality, and look forward to working together to advance *de jure* and *de facto* equality in Rwanda.

**Jennet Kem**  
Country Representative  
UN Women, Rwanda



# EXECUTIVE SUMMARY

## A. Background

Rwanda is a leader in the promotion of gender equality, both globally and in Africa. By July 2024, it had the highest number of women parliamentarians in the world, with 63.75 percent in the Chamber of Deputies and 53.8 percent in the Senate.<sup>2</sup>

In 2022, Rwanda became the first country in Africa to achieve gender parity at the highest levels of government, with women holding 54.8 percent of ministerial positions.<sup>3</sup> Furthermore, by 2023, Rwanda's effort at narrowing the gender gap stood at 12<sup>th</sup> out of 146 countries in the world and 2<sup>nd</sup> in Africa.<sup>4</sup>

The country's majority female Parliament is both a democratic and gender equality dividend, demonstrated in swift and proactive legislative reforms in favour of women and girls, especially since the Constitution was promulgated in 2003.<sup>5</sup> The Government has made significant progress in developing legal, policy, and institutional frameworks to accelerate gender equality.<sup>6</sup> The protection and prohibition of gender-based discrimination is enshrined in the Constitution and relevant regional and global treaties, which the country has ratified and domesticated. The Ministry of Gender and Family Promotion, the Gender Monitoring Office,

the National Women's Council, and the Rwanda Women Parliamentary Forum (*Forum des Femmes Rwandaises Parlementaires*) are at the forefront of advancing gender equality, in partnership with civil society organizations and the international community.

The dualist component of the country's legal system allows international treaties that have been ratified by Rwanda and published in the Official Gazette to have the force of national law, and to acquire a higher status than ordinary laws.<sup>7</sup>

*De facto* equality is however shaped by the continuing influence of patriarchal customary norms and practices, which define social relations at family and community levels. For this reason, it is important to continually examine and reflect on the evolving legal framework to prevent deviation from the country's regional and global gender equality obligations. This study therefore aims at examining achievements, enabling factors and challenges in legislative reforms, as well as the outstanding work that needs to be undertaken to bring the laws of Rwanda in line with internationally agreed gender equality norms and standards.

---

2 [Women representation.](#)

3 UN Economic Commission for Africa. 2022. Fast facts: Women's leadership and political participation 2022 Edition, p3, available at: [https://www.uneca.org/sites/default/files/Gender/eca-fast-facts\\_women-leadership-and-political-participation.pdf](https://www.uneca.org/sites/default/files/Gender/eca-fast-facts_women-leadership-and-political-participation.pdf), last accessed on 30<sup>th</sup> August 2024.

4 Global Gender Gap Report (2023), p. 12, available at: <https://www.weforum.org/publications/global-gender-gap-report-2023/in-full/benchmarking-gender-gaps-2023/>, last accessed on 30<sup>th</sup> August 2024.

5 As at the time of finalizing this report, the Constitution of 2003 was under revision and therefore, technically no longer in effect. The current constitution is therefore titled "the Constitution of the Republic of Rwanda" throughout this report.

6 This is evident from the significant number of legislative reforms which have taken place since 2003, the bulk of which were in 2018.

7 Article 169 of the Constitution provides that "upon publication in the Official Gazette, international treaties and agreements which have been duly ratified or approved have the force of law as national legislation in accordance with the hierarchy of laws provided for under the first paragraph of Article 95 of the Constitution."

## B. Methodology and Scope

The research was undertaken through a desk review of relevant laws, State Party reports to human rights treaty bodies, existing literature, including grey material, Key Informant Interviews (KIIs) among 14 institutions, and three Focus Group Discussions (FGDs) comprising an average of six stakeholders per group. A Steering Committee of 10 governmental and nongovernmental institutions was established to guide the research design and identify a long list of laws to be reviewed.<sup>8</sup> The outcome was an inventory of over 230 Laws, Ministerial Orders and Presidential Orders, from which 25 legal frameworks were shortlisted for deeper analysis.

The laws that were selected date from the promulgation of the Constitution, which not only served as the legal foundation for gender equality, but also marked a turning point in Rwanda's political and legal order.

The conceptual framework of the study is underpinned by Sustainable Development Goal 5 (SDG 5) and its corresponding targets and indicators related to legal frameworks (5.1.1, 5.6.2, and 5.a.2), as well as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa (the Maputo Protocol), the Solemn Declaration of African Heads of States on the Rights of Women in Africa, and the Concluding Observations and Recommendations of the Committee on the Elimination of Discrimination Against Women (CEDAW Committee), in response to Rwanda's combined 7<sup>th</sup>, 8<sup>th</sup>, and 9<sup>th</sup> periodic reports to the Committee in 2017, and its 10<sup>th</sup> periodic report to the Committee in 2024. All these create a basis for tracking reforms that have been undertaken as well as the gaps to be filled to achieve full *de jure* equality.<sup>9</sup>

## C. Key Findings

The research reveals that while Rwanda has made remarkable progress in enacting, repealing and revising laws to promote equality before the law, there are outstanding gaps to be addressed and much more work needs to be done to ensure that the laws are enforced and implemented. These observations are consistent with the World Bank's *Women, Business and the Law 2024 Index (WBL)*, which suggests that while Rwanda's efforts at closing the gender gaps in women's legal rights have been more effective in some areas such as labour, marriage, and family, there are challenges in the promotion of childcare and women's safety, as well as with the implementation and enforcement of laws generally. In response to the State Party reports mentioned above, the CEDAW Committee also recommended several legislative measures to address

discrimination in law. These include decriminalizing self-induced abortions, removing inconsistencies in penalties for spousal rape across different laws and fully recognizing *de facto* unions.

Therefore, based on the results of the FGDs and KIIs and the desk review (including the Concluding Observations and Recommendations of the CEDAW Committee and WBL), this research reveals that a total of 21 actions are needed to bring the country's domestic legal framework in line with international norms and standards. These consist of nine (9) actions to revise or amend the provisions of existing law; the introduction of two (2) new laws; the ratification of a cluster of ILO Conventions; and the execution of nine (9) social policy interventions. The details of these recommendations are presented in Section IV.

8 The institutions were Haguruka, Ministry of gender and family promotion, Gender Monitoring Office, Ministry of justice, Rwanda Men's Resource Center, Rwanda Women Parliamentary Forum, OXFAM, Rwanda Bar Association, PROFEMME TWESEHAMWE, and United Nations Entity for Gender Equality and the Empowerment of Women.

9 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.



# 1

## CHAPTER 1. INTRODUCTION

## 1.1 Background

The Government of Rwanda has made significant progress in deploying a number of legislative, policy, and institutional measures to accelerate gender equality in the country. The protection and prohibition of gender-based discrimination is enshrined in the Constitution of the Republic of Rwanda (the Constitution)<sup>10</sup>, and relevant regional and global treaties, which the country has ratified and domesticated. The Ministry of Gender and Family Promotion (Ministry of Gender), the Gender Monitoring Office (GMO), the National Women’s Council, and the Rwanda Women Parliamentary Forum (*Forum des Femmes Rwandaises Parlementaires (FFRP)*) are at the forefront of advancing gender equality in partnership with civil society organizations (CSOs) and the international community.

The country’s legal system is hybrid in nature, comprising elements of civil law and common law. Rwanda therefore combines monist (peculiar to Belgium) and dualist (peculiar to Commonwealth countries) approaches in its adoption of international treaties. In accordance with its Constitution, international treaties ratified by Rwanda and published in the Official Gazette have the force of national law and acquire a higher status than ordinary laws.<sup>11</sup> The Constitution and organic laws, however, do not fall within the class of “ordinary laws,” and therefore take precedence over international treaties ratified by Rwanda.<sup>12</sup>

The continuing influence of customary norms and practices nevertheless remains a challenge in Rwanda. Social relations at family and community levels are defined by patriarchal norms, which create differentiated roles, responsibilities, and opportunities for men and boys on the one hand and women and girls on the other, and thereby impact on the effectiveness of laws and their implementation and enforcement.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in African (Maputo Protocol), the Solemn Declaration of African Heads of States on Gender Equality in Africa, and the Beijing Declaration and Platform for Action collectively form the charter of rights for women and girls in Africa, while the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child reinforce protections for the girl child.

Drawing on the international human rights framework, SDG 5 aims to “achieve gender equality and empower all women and girls” through global measurements defined by Target 5.1: “End all forms of discrimination against women and girls everywhere,” and the following three SDG 5 indicators which relate to the elimination of discrimination in law:

---

10 This is evident from the significant number of legislative reforms which have taken place since 2003, the bulk of which were in 2018.

11 Article 169 of the Constitution provides that “upon publication in the Official Gazette, international treaties and agreements which have been duly ratified or approved have the force of law as national legislation in accordance with the hierarchy of laws provided for under the first paragraph of Article 95 of the Constitution.”

12 Article 95 (1) of the Constitution outlines the hierarchy of laws in the country as follows: (a) Constitution; (b) organic law; (c) international treaties and agreements ratified by Rwanda; (d) ordinary law; (e) orders and regulations provided for by a law.

(2) A law cannot contradict another law that is higher in hierarchy.

(3) Organic laws are those designated as such and empowered by this Constitution to regulate other key matters in the place of the Constitution.

The importance of Organic laws may be appreciated in the context of their adoption. According to Article 91 of the Constitution, Ordinary laws are passed by an absolute majority vote of Deputies or Senators present at the sitting of the Plenary Assembly, whereas Organic laws require a three-fifths majority vote of Deputies or Senators present at the sitting of the Plenary Assembly. According to Constitute, “Organic laws establish fundamental aspects of the constitutional order, including establishing institutions like the courts or legislature, and in some jurisdictions are accorded similar status to the constitution itself. They sometimes require a higher standard for approval than ordinary law.” See: <https://www.constituteproject.org/topics/orglaw>.

**SDG indicator 5.1.1**, “whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex”. The methodology for data collection has been designed by the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), the World Bank Group, and the Organisation for Economic Co-operation and Development (OECD) Development Centre.

**SDG indicator 5.6.2**, “Number of countries with laws and regulations that guarantee full and equal access to women and men aged 15 years and older to sexual and reproductive health care, information and education.” The methodology for data collection has been designed by the United Nations Population Fund (UNFPA).

**SDG indicator 5.a.2**, “The proportion of countries where the legal framework (including customary law) guarantees women’s equal rights to land ownership and/or control.” The methodology for data collection has been designed by the Food and Agriculture Organization (FAO).

Building on its work with UN Women and the OECD Development Centre, WBL 2024 presents a novel way of measuring the implementation gap between laws (*de jure*) and how they function in practice (*de facto*). Indices revolving around (1) legal frameworks, (2) supportive frameworks, and (3) expert opinions have been designed to determine women’s legal rights, policy instruments designed to support the implementation of these rights, and how these rights are realized in practice.<sup>13</sup>

Under legal frameworks, Rwanda’s score of 72.5 out of 100.0 is higher than the global average and Sub-Saharan Africa regional average of 64.2 and 57.4 respectively. As Table 1.1 below highlights, Rwanda scores 100.0 in areas related to women’s freedom of movement, equal pay, marriage, and property and inheritance, but scores the lowest in legal frameworks related to childcare. In ascertaining the implementation of legal frameworks, Rwanda’s supportive frameworks score of 53.3 out of 100.0 is higher than the global average and Sub-Saharan Africa regional average of 39.5 and 24.5 respectively, with the highest score of 100 in the areas of marriage, property, and inheritance, and the lowest of 0.0 on women’s safety. However, the expert opinions score for Rwanda (50.6 out of 100.0) is lower than the global average (65.7) and lower than the Sub-Saharan Africa regional average (54.6) and does not attain a perfect score under any of the 10 indicators.



13 World Bank Group. 2024. Women, Business and the Law. Rwanda. Available at: <https://wbl.worldbank.org/content/dam/documents/wbl/2024/pilot/WBL24-2-o-Rwanda.pdf>. Last accessed on 30<sup>th</sup> August 2024.

**TABLE 1.1:**  
**WBL 2024 2.0 Indicator Scores for Rwanda**

WBL 2.0	Safety	Mobility	Workplace	Pay	Marriage	Parenthood	Childcare	Entrepreneurship	Assets	Pension	Average
Legal Frameworks score	50.0	100.0	50.0	100.0	100.0	75.0	25.0	50.0	100.0	75.0	72.5
Supportive Frameworks score	0.0	100.0	33.3	50.0	33.3	66.7	0.0	100.0	100.0	50.0	53.3
Expert Opinions score	25.0	50.0	68.8	56.3	68.8	25.0	25.0	25.0	75.0	87.5	50.6

Source: World Bank Group. 2024. *Women, Business and the Law*. Rwanda. Available at: <https://wbl.worldbank.org/content/dam/documents/wbl/2024/pilot/WBL24-2-0-Rwanda.pdf>. Last accessed on 30<sup>th</sup> August 2024.

## 1.2 Methodology and Scope

The research was undertaken in three parts, through (1) a desk review of relevant laws and existing literature (including grey material); (2) Key Informant Interviews (KIIs); and (3) Focus Group Discussions (FGDs). A Steering Committee consisting of representatives from 10 governmental and non-governmental institutions was established to guide the design of research questions and identify a long list of laws to be reviewed.<sup>14</sup> The

outcome was an inventory of over 230 laws, Ministerial Orders, and Presidential Orders, from which 23 legal frameworks were shortlisted for deeper analysis.

The KIIs were undertaken among selected officials from the 14 institutions listed in Table 1.2.1 below, using semi-structured interview techniques.

**TABLE 1.2.1:**  
**List of State and Non-State Research Interviewees**

<p>Forum des Femmes Rwandaises Parlementaires Gender Monitoring Office Legal Aid Forum Ministry of Public Service and Labour Ministry of Gender and Family Promotion Ministry of Justice National Women’s Council</p>	<p>National Commission for Human Rights National Public Prosecution Authority Rwanda Correctional Service Rwanda Investigation Bureau Rwanda Law Reform Commission Rwanda National Police Rwanda Men’s Resource Center</p>
---	--

<sup>14</sup> The institutions were Haguruka, Ministry of gender and family promotion, Gender Monitoring Office, Ministry of justice, Rwanda Men’s Resource Center (RWAMREC), Rwanda Women Parliamentary Forum (FFRP), OXFAM, Rwanda Bar Association, PROFEMME TWESEHAMWE, and UN Women.

Furthermore, three FGDs consisting of an average of six stakeholders per group were organized to cross tabulate the initial findings of the literature review, seek clarification, and elicit information on key gaps and challenges associated with implementing and enforcing laws.

The laws that were selected date from the promulgation of the Constitution, which marked a turning point in Rwanda’s political and legal order, as well as in women’s leadership and participation in public life. Over a decade later, the world adopted the 2030 Agenda for Sustainable Development in 2015, at a time when Rwanda’s democratic and gender equality agendas were consolidating.

This study therefore presents a unique opportunity to understand how Rwanda has responded to its obligations to “achieve gender equality and empower all women and girls” as required under SDG 5, its corresponding targets and indicators, as well as CEDAW, the Maputo Protocol, and other relevant gender equality frameworks. The study focuses on key achievements, enablers, and barriers to legal reforms in favour of women as agreed by national stakeholders. **The national legal frameworks that were selected for review are as follows:**

1. Constitution of the Republic of Rwanda
2. Presidential Order N° 65/01 of 04/03/2014 Determining the Modalities of Imposing Disciplinary Sanctions to Public Servants
3. Presidential Order N°144/01 of 13/04/2017 Determining Modalities for Recruitment, Appointment and Nomination of Public Servants
4. Presidential Order No. 031/01 of 26/05/2023 extending protection against violence and harassment across formal and informal work settings
5. Organic Law N° 001/2023.OL of 29/11/2023 Amending Organic Law N° 001/2019.OL of 29/07/2019 Governing Elections
6. Organic Law N°10/2013/OL of 11/07/2013 Governing Political Organizations and Politicians
7. Organic Law N°12/2013/OL of 12/09/2013 on State Finances and Property

8. Organic Law N° 20/2003 of 03/08/2003 Organizing Education
9. Law N° 04/99 of 12/03/1999 Establishing the National Human Rights Commission (O.G. N°6 of 15/03/1999) Modified and Completed by Law N° 37/2002 of 31/12/2002 (O.G. N° Special of 16/01/2003)
10. Law N° 08/2006 of 24/02/2006 Determining the Organization and Functioning of the District
11. Law N° 51/2007 of 20/09/2007 Determining the Responsibilities, Organization and Functioning of the Gender Monitoring Office in Rwanda
12. Law N°59/2008 of 10/09/2008, on the Prevention and Punishment of Gender Based Violence
13. Law N° 21/05/2016 of 20/05/2016 Relating to Human Reproductive Health
14. Law N° 51/2018 of 13/08/2018 Relating to the Prevention, Suppression and Punishment of Trafficking in Persons and Exploitation of Others
15. Law N°36/2018 of 29/06/2018 Determining the Organization of Education, O.G. N°39 of 24/09/2018
16. Law N° 71/2018 Relating to the Protection of the Child
17. Law N° 66/2018 of 30/08/2018 Regulating Labour in Rwanda, and its amendment, Law N° 027/2023 of 18/05/2023 Regulating Labour in Rwanda
18. Law N° 68/2018 of 30/08/2018 Determining Offences and Penalties in General as amended by two laws (1) Law N° 69/2019 of 08/11/2019 Determining Offences and Penalties in General, and (2) Law N° 059/2023 of 04/12/2023 Determining Offences and Penalties in General
19. Law N° 22/2019 of 29/07/2019 Governing the City of Kigali
20. Law N° 27/2021 of 10/06/2021 Determining Modalities of Acquisition, Registration, Allocation, Possession, Transfer, Management and Use of Land
21. Law N° 021/2022 of 29/09/2022 Governing Rwanda Correctional Service

22. Ministerial Order N° 02/MIFOTRA/23 of 01/08/2023 on Occupational Health and Safety, Employees' and Employers' Organizations, Child Employment, Employment of a Foreigner and Circumstantial Leave
23. Ministerial Order N° 004/23 of 19/10/2023 Relating to Corrections

24. Ministerial Order n° 01/MIFOTRA/23 of 13/06/2023 on working hours and public servants governed by employment contract
25. Law No. 71/2024 of 26/06/2024, Governing Persons and Family repealing Law N°32/2016 of 28/08/2016 Governing Persons and Family.

### 1.3 Structure of the Report

This report includes three additional parts:

**Section II** reviews the enabling factors which have contributed to Rwanda's consistent and proactive approach to the formulation of a gender responsive legal framework, highlighting progressive constitutional provisions, the important role of the majority women in parliament, the positioning of international treaties in the legal order, and the role of the CEDAW Committee in monitoring Rwanda's legislative agenda.

**Section III** presents examples of laws which have been enacted, revised, or repealed to ensure Rwanda's compliance with its global and regional gender equality obligations under various treaties such as CEDAW and the Maputo Protocol, as well as measurements provided for under SDG 5.

**Section IV** elaborates on the legislative and social policy interventions that are needed to strengthen the existing legal framework and its implementation, as well as a conclusion which presents a succinct layout of the gains and gaps in reforms and potential future priorities.





# 2

CHAPTER 2:  
ENABLERS OF  
DE JURE EQUALITY

## 2.1 Introduction

Gender equality is not only a fundamental human right, but a necessary foundation for a peaceful, prosperous, and sustainable world. A robust legal framework that promotes gender equality is key to unlocking every country's full potential. This assessment concludes that Rwanda has made enormous strides towards

*de jure* equality. The Section therefore focuses on the key enablers and catalysts of reforms as a basis for appreciating Rwanda's reform journey and how it can be sustained. The observations made are preliminary and will require further research and analysis to draw definite conclusions.

## 2.2 Enablers of Legal Reform

### 2.2.1 The Constitution and Domestic Law

Rwanda's Constitution occupies the highest level in the hierarchy of laws, prohibiting all forms of discrimination, including discrimination based on sex,<sup>15</sup> and mandating a quota of at least 30 percent of women in all decision-making organs.<sup>16</sup> As mentioned earlier, the Constitution mandates that international treaties ratified by Rwanda and published in the Official Gazette have the force of national law, and acquire a higher status than ordinary laws.

Springing from the Constitution, the legislature has enacted several laws which outlaw gender-based discrimination and promote gender equality across different sectors. These include the Law Determining Offences and Penalties; the Labour Code; the Law on Persons and Family; the Land Law; the Law on Matrimonial Regimes, Liberalities and Succession; the Law on State Finances; and the Property Law (all elaborated in Section III).

### 2.2.2 More Women in Decision Making

By July 2024, Rwanda had the highest number of women parliamentarians in the world, with 63.75 percent in the Chamber of Deputies and 53.8 percent in the Senate.<sup>17</sup> In 2022, the country became the first in Africa to achieve gender parity at the highest levels of government, with women holding 54.8 percent of ministerial positions.<sup>18</sup> Furthermore, by 2023, Rwanda's effort at narrowing the

gender gap stood at 12<sup>th</sup> out of 146 countries in the world and 2<sup>nd</sup> in Africa.<sup>19</sup> Rwanda's majority female Parliament is both a democratic and gender equality dividend, as demonstrated in swift and proactive legislative reforms in favour of women and girls since the Constitution was refashioned in 2023.

### 2.2.3 Commitments to International Norms and Standards

The country's hybrid legal system, which includes the monist approach to the integration of international

treaties into domestic law, is an enabler of legal equality because it acknowledges the high place and importance

15 The Constitution of the Republic of Rwanda of 2003, as revised in 2023 (the 2003 Constitution), Article.6.

16 Ibid, Article 10.

17 [Women representation.](#)

18 Fast facts: Women's leadership and political participation 2022 Edition, p.3.

available at [https://www.uneca.org/sites/default/files/Gender/eca-fast-facts\\_women-leadership-and-political-participation.pdf](https://www.uneca.org/sites/default/files/Gender/eca-fast-facts_women-leadership-and-political-participation.pdf). Last accessed on 30<sup>th</sup> August 2024.

19 World Economic Forum, 2023, p.12. Available at: [https://www3.weforum.org/docs/WEF\\_GGGR\\_2023.pdf](https://www3.weforum.org/docs/WEF_GGGR_2023.pdf). Last accessed on 30<sup>th</sup> August 2024.

of gender equality norms and standards in the legal order. Section III highlights examples of legislation that expressly mention such standards in their preambles as a feature of Rwanda's legislative drafting.

The Government is a signatory to several international human rights treaties, such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child (and its Optional Protocols), and the Convention on the Rights of Persons with Disabilities. At the regional level, relevant standards include the African Charter on Human and Peoples' Rights and the African Charter on the Rights and Welfare of the Child. While these treaties protect the rights of all persons (women and men, girls and boys), these protections are guaranteed without distinction or discrimination, including on the basis of sex. Rwanda has also ratified treaties that specifically protect the rights of women. These include CEDAW and its Optional Protocol,<sup>20</sup> the Maputo Protocol, the Convention on the Political Rights of Women, the Convention on the Nationality of Married Women, various International Labour Organisation (ILO) Conventions, and the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages.

By acceding to CEDAW and its Optional Protocol, Rwanda recognizes that women and men are equal before the

law. Furthermore, the Committee is mandated to receive communications or complaints of violations of rights from individuals or groups of individuals (Article 2), while also initiating its own inquiries procedure to examine violations of the Convention (Article 8).

Rwanda's ratification of the Maputo Protocol serves as a critical milestone in the protection of women's rights, emphasizing specific commitments which reflect the situation of African women. The Protocol's unique provisions include special protections for vulnerable women, such as widows, elderly women, women with disabilities and women in distress.<sup>21</sup> States Parties are required to provide appropriate remedies to any woman whose rights or freedoms under the Protocol are violated.

Rwanda has also ratified 35 ILO Conventions, many of which impact on gender equality and the protection of women in the workplace,<sup>22</sup> including the more recent Convention No. 190 on Violence and Harassment. Rwanda is however yet to ratify 49 ILO Conventions, of which several directly impact on the achievement of gender equality.<sup>23</sup> These include Convention 156 on Workers with Family Responsibilities, Convention 183 on Maternity Protection, Convention 189 on Domestic Workers, Convention 131 on Minimum Wage Fixing, and Protocol 89 to the Convention concerning Night Work of Women Employed in Industry.

#### 2.2.4 International Human Rights Accountability Mechanisms

The implementation of core international human rights treaties is monitored by a human rights system that consists of treaty-based committees, Special Procedures of the Human Rights Council, the Universal Periodic Review, the Committee of Experts on the Application of ILO Conventions and Recommendations, and data collection and reporting on the implementation of the 2030 Agenda for Sustainable Development.

As noted in Section I, *de jure* equality in Rwanda has been significantly shaped by the Concluding Observations and Recommendations of the CEDAW Committee, as well as Rwanda's data collection and reporting on SDG indicators 5.1.1, 5.6.2, and 5.a.2 dealing with legal frameworks. The specific Concluding Observations and Recommendations of the Committee in focus are those in response to: (1) Rwanda's combined 7<sup>th</sup>, 8<sup>th</sup> and

20 Optional Protocol to the Convention on the Elimination of Discrimination against Women, 6 October 1999 (entered into force on 22 December 2000). Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-elimination-all-forms>. Last accessed on 30<sup>th</sup> August 2024.

21 Maputo Protocol, Articles 20, 22, 23 and 24.

22 See: [https://normlex.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200\\_COUNTRY\\_ID:103460](https://normlex.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103460). Last accessed on 30<sup>th</sup> August 2024.

23 Ibid.

9<sup>th</sup> periodic reports to the Committee in 2017; and (2) Rwanda’s 10<sup>th</sup> periodic report to the Committee in 2024. These collectively form a framework for tracking the

reforms that have been undertaken, in addition to those that are needed to achieve full *de jure* equality.<sup>24</sup> See key highlights in Table 2.2.4.

**TABLE 2.2.4:**  
**Relevant Concluding Observations and Recommendations of the CEDAW Committee**

Gains	Gaps	Suggested reforms
<b>In Response to Rwanda’s Combined 7th, 8th, 9th State Party Reports (2017)</b>		
<ul style="list-style-type: none"> <li>• Law No. 32/2016 of 28 August 2016 governing persons and the family, which repeals several provisions discriminatory against women.</li> <li>• Law No. 27/2016 of 08 July 2016 governing matrimonial regimes, donations and successions, which explicitly prohibits discrimination between male and female children in succession.</li> <li>• Organic Law No. 12/2013/OL of 12 September 2013 on State finances and property, which enforces accountability measures for gender-sensitive resource allocation across all sectors, programmes and projects through gender budget statements.</li> <li>• Organic Law No. 10/20/2013/OL of 11 July 2013 governing political parties and politicians, which prohibits any form of discrimination based on gender, sex, race and religion in political parties.</li> <li>• Law No. 43/2013 of 16 June 2013 governing land in Rwanda, which prohibits discrimination based on sex in relation to access to land.</li> <li>• Organic Law No. 01/2012/OL of 2 May 2012 instituting the Penal Code, which prohibits the sale of children, child prostitution and child pornography.</li> <li>• Law No. 54/2011 of 14 December 2011 relating to the rights and the protection of the child, which provides for the same responsibilities for child protection by both parents.</li> </ul>	<ul style="list-style-type: none"> <li>• The existence of discriminatory stereotypes against women perpetuated by patriarchy that contribute to gender gaps in different spheres and undermine women’s equal access to opportunities and ability to be free from discrimination, in contravention of articles 15 and 16 of the Constitution.</li> <li>• The Penal Code provides for significantly lower sentences for marital rape than for rape.</li> <li>• Law No. 59/2008 of 10 September 2008 on the prevention and punishment of gender-based violence criminalizes the victims’ refusal to testify.</li> <li>• Deep-rooted patriarchal attitudes and stereotypes that give a higher status to men and boys and the resulting subordination of women and girls, which undermines their social status, autonomy, educational opportunities and professional careers, as well as constitutes an underlying cause of gender-based violence against women.</li> <li>• Mandatory quotas have not been reached at the local level and the representation of women is low at the district level, especially in leadership positions. The Committee is also concerned about the persisting inequality between women and men with respect to leadership positions in the private sector.</li> </ul>	<ul style="list-style-type: none"> <li>• Repeal all remaining legal provisions that are discriminatory towards women.</li> <li>• Adopt comprehensive anti-discrimination legislation that prohibits discrimination on all grounds and encompasses direct and indirect discrimination in both the public and private spheres, as well as intersecting forms of discrimination against women.</li> <li>• Provide capacity-building programmes for judges, local authorities and mediation committee members (abunzi) on the strict application of such anti-discrimination legislation.</li> <li>• Strengthen awareness-raising measures and adopt a comprehensive strategy to eliminate patriarchal attitudes and stereotypes that discriminate against women, in order to effectively promote gender equality and challenge stereotypes concerning the roles and responsibilities of women and men in the family and society.</li> <li>• Establish a baseline and clear indicators to measure the progress made as a result of such strategies and inform the Committee about that progress in its next periodic report.</li> <li>• Accelerate the revision of the Penal Code currently in progress and increase the penalty for marital rape provided in paragraph 199 to harmonize it with the penalty for rape provided in paragraph 197.</li> </ul>

24 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.

Gains	Gaps	Suggested reforms
<ul style="list-style-type: none"> <li>• Organic Law No. 02/2011/OL of 27 July 2011 governing the organization of education, which provides that the education of the citizen shall not be characterized by any form of discrimination.</li> <li>• Law No. 27/2010 of 19 June 2010 relating to elections, which requires that at least 30 percent of candidates for parliamentary elections on the lists of political parties be women.</li> </ul>		<ul style="list-style-type: none"> <li>• Amend Law No. 59/2008 on the prevention and punishment of gender-based violence to decriminalize the victims' refusal to testify against perpetrators.</li> <li>• Increase efforts to implement statutory quotas for women's representation in decision-making bodies at the local and district levels, including by launching awareness-raising campaigns to highlight the importance of women's full and equal participation in political and public life, in particular in leadership positions at all levels.</li> </ul>
<b>In Response to Rwanda's 10th State Party Report, 2024</b>		
<ul style="list-style-type: none"> <li>• Law No. 71/2018 of 31 August relating to the protection of the child, which strengthens the protection of children against different forms of abuse.</li> <li>• Law No. 66/2018 of 30 August regulating labour in Rwanda, as amended in 2023, which includes the prohibition of discrimination and sexual harassment in the workplace and extends social protection and the right to paid leave to women and men employed in the informal economy.</li> <li>• Law No. 51/2018 of 13 August relating to the prevention, suppression and punishment of trafficking in persons and exploitation of others.</li> <li>• The inclusion of anti-discrimination provisions in Law No. 68/2018 on offences and penalties in general, which includes discrimination on the ground of sex.</li> </ul>	<ul style="list-style-type: none"> <li>• The existence of discriminatory stereotypes against women perpetuated by patriarchy that contribute to gender gaps in different spheres and undermine women's equal access to opportunities and ability to be free from discrimination, in contravention of articles 15 and 16 of the Constitution.</li> <li>• Women's underrepresentation in local governance leadership functions, including as district mayors and sector executive secretaries, as well as in decision-making positions in the public service and public institutions.</li> <li>• The low number of women in leadership positions in the private sector, including the Private Sector Federation, and the media.</li> <li>• The persistence of patriarchal norms and stereotypes in which women are considered less suitable for leadership positions than men and which discourage them from applying for or being promoted to such positions.</li> </ul>	<ul style="list-style-type: none"> <li>• Introduce targeted measures, including temporary special measures, such as increased quotas, to achieve parity between women and men in political and public life, in particular in decision-making positions, including in local governance structures.</li> <li>• Harmonize the lesser penalty for "conjugal rape" provided under article 19 of Law No. 59/2008 on the prevention and punishment of gender-based violence with that for the crime of rape under article 134 of Law No. 68/2018 on offences and penalties in general to ensure that these penalties are commensurate with the gravity of the crimes, in line with general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19.</li> </ul>

Gains	Gaps	Suggested reforms
	<ul style="list-style-type: none"> <li>• The penalty for marital rape in Law No. 59/2008 on the prevention and punishment of gender-based violence is not harmonized with the penalty for rape in Law No. 68/2018 on offences and penalties in general and marital rape, which reportedly remains a taboo subject, is not reported or prosecuted.</li> <li>• The restrictions on accessing legal abortion, including limiting authorization for the performance of abortions to doctors only, the continued stigma, and the high number of women serving prison sentences for abortion-related offences despite the granting of presidential pardons.</li> <li>• The criminalization of abortion in all circumstances other than cases of rape, incest or forced marriage or if the health of the pregnant woman or the foetus is endangered, and the persistence of societal stigma around abortion, leading many women to resort to unsafe abortions.</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure, further to the decriminalisation of prostitution introduced in 2018, that women in prostitution are not arbitrarily arrested and detained by authorities, including through appropriate training for law enforcement officials; Address the root causes of prostitution, such as poverty and structural gender inequalities, as well as the demand for prostitution, and adopt targeted measures to protect women from being exploited in prostitution.</li> <li>• Ensure the effective enforcement of articles 8 and 9 of Law 66/2018 prohibiting sexual harassment and discrimination in the workplace.</li> <li>• Remove the cumbersome requirements for access to legal abortion and train and recruit more qualified health professionals who are authorized to perform abortions, and pardon all women currently serving prison sentences for abortion-related offences and consider decriminalizing abortion in all cases.</li> <li>• Continue to facilitate the regularization of de facto unions, and prohibit the harmful practice of polygamy, which is contrary to the Convention and the dignity of women and girls.</li> <li>• Enhance legal and economic protection of women in de facto unions, including women married under customary law and women in existing polygamous unions.</li> </ul>

Based on the desk review, including the Concluding Observations and Recommendations of the CEDAW Committee and the World Bank's WBL Index, the next

Section reviews major milestones in Rwanda's legislative efforts and the gaps to be addressed.



# 3

CHAPTER 3:  
LEGISLATIVE  
GAINS AND GAPS



### 3.1 Introduction

The previous Section outlines the enabling foundations for gender equality legislation in Rwanda, highlighting the Constitution, the monist dimensions of the legal system, women’s increased participation in decision-making, and commitments to international norms and standards. While international instruments which have been ratified acquire the force of law in

Rwanda, the Government is still required to enact legislation to translate their provisions into the local context. Therefore, in this Section, an attempt is made to elaborate on the key achievements in reforms as identified in the literature review, including some observations about these reforms as a basis for proposing recommendations for future reforms.

### 3.2 Examples of Legislative Gains

#### 3.2.1 Constitutional Equality and Non-Discrimination

The Constitution of the Republic of Rwanda contains several provisions to protect all persons from discrimination. These include:

- Article 2: providing for universal and equal suffrage for men and women
- Article 10(4°): establishing equality of all Rwandans and equality between men and women as a fundamental principle of the State of Rwanda. The same provision extends that at least 30 percent of positions in decision-making organs must belong to women
- Article 15: guaranteeing equality of all persons before the law and equal protection of the law
- Article 16: outlawing discrimination of any kind and the promotion of discrimination, including discrimination based on sex
- Article 17: protecting the right to marry and founding a family with the full and free consent of each of

the spouses, and for spouses to have equal rights and obligations at the time of marriage, during the marriage and in divorce.

As noted earlier, the Constitution confers direct force of law on all international conventions ratified by Rwanda and published in the Official Gazette (Article 169). However, the Constitution is complemented by Organic Laws (higher in rank than treaties), which translate high-level constitutional priorities into law. For example, Organic Law N° 001/2023.OL of 29/11/2023 Amending Organic Law N° 001/2019.OL of 29/07/2019 Governing Elections, promotes gender parity in decision making structures by allocating at least 30 percent of seats in the chamber of deputies, district councils, and national councils to women. Box 3.2.1 highlights some key constitutional gender equality provisions.

---

**BOX 3.2.1:****CONTRASTING GENDER EQUALITY COMMITMENTS IN THE 1991 AND CURRENT CONSTITUTIONS OF RWANDA****The 1991 Constitution**

All citizens shall be equal in the eyes of the law, without any discrimination, especially in respect to race, color, origin, ethnic background, clan, sex, opinion, religion, or social status (Article 16).

**The President of the Republic**

shall negotiate, conclude, and ratify all international treaties, conventions, and agreements, whether of public or private law, and send them to the National Assembly as soon as allowed by the State's interest and security.

However, treaties, conventions, and agreements involving financial implications not anticipated in the budget, shall be enforceable only following approval by law (Article 44 (6)).

**Majorities**

(1) Laws shall be passed by an absolute majority of Deputies to the National Assembly; laws to which the Constitution imparts the character of organic laws shall be passed by a majority of three-fifths. The provisions of an organic law may not be dispensed with by another law.

(2) No law may be adopted except after having been passed article by article.

(3) Votes shall be expressed verbally or by sitting and standing positions; as a whole, a law shall be voted upon calling out names and answering verbally. Ballots shall be secret when mention is made of individuals and in the cases established by internal order regulations (Article 73).

**The Constitution of the Republic of Rwanda****Preamble**

COMMITTED to building a State governed by the rule of law based on the respect for human rights, freedoms and on the principle of equality of all Rwandans before the law as well as that of equality between women and men;

**Fundamental Principles**

The State of Rwanda commits itself to upholding and ensuring respect for the following fundamental principles:

building a State governed by the rule of law, a pluralistic democratic Government, equality of all Rwandans and between women and men which is affirmed by women occupying at least 30% of positions in decision-making organs (Article 10 (d)).

**Equality before the Law**

All human beings are equal before the law. They enjoy equal protection of the law (Article 15).

**Protection from Discrimination**

1. All Rwandans are born and remain equal in rights and freedoms.
2. Any form of or propaganda for discrimination, including on the basis of ethnicity, family or descent, clan, skin colour, sex, region, social status, religion or belief, opinion, wealth, cultural differences, language, economic status, physical or mental disability or any other form of discrimination are prohibited and punishable by law (Article 16).

### **Composition of the Chamber of Deputies and Election of its Members**

1. The Chamber of Deputies is composed of 80 Deputies. They originate and are elected from the following categories:
  - (a) 24 women Deputies elected by specific electoral colleges in accordance with the national administrative entities;
  - (b) At least 30% of Deputies must be women (Article 75).

### **Procedures for Adoption of Law**

1. Ordinary laws are passed by an absolute majority vote of Deputies or Senators present at the sitting of the Plenary Assembly.
2. Organic laws are passed by a three fifths majority vote of Deputies or Senators present at the sitting of the Plenary Assembly (Article 91).

### **Hierarchy of Laws**

1. The hierarchy of laws is as follows: (a) Constitution; (b) organic law; (c) international treaties and agreements ratified by Rwanda; (d) ordinary law; (e) orders and regulations provided for by a law.
2. A law cannot contradict another law that is higher in hierarchy.
3. Organic laws are those designated as such and empowered by this Constitution to regulate other key matters in the place of the Constitution (Article 95).

### **Negotiation and Ratification of International Treaties and Agreements**

1. The President of the Republic or his or her delegate has the sole power to negotiate and sign international treaties and agreements. The President of the Republic has the sole power to ratify international treaties and agreements. The Parliament is notified of those treaties and agreements following their conclusion.
2. However, international treaties and agreements concerning armistice, peace, commerce, international organisations, those which commit state finances, those requiring modification of national legislation or relating to the status of persons can only be ratified after approval by Parliament (Article 168).

### **Binding Force of International Treaties and Agreements**

Upon publication of a Presidential Order ratifying an international treaty or agreement in the Official Gazette of the Republic of Rwanda, the international treaty or agreement has the force of law as national legislation in accordance with the hierarchy of laws provided for under Paragraph (1) of Article 95 of this Constitution (Article 169).

While the Constitution lays down the general principle of equality between men and women and prohibits discrimination based on sex, various laws have been enacted or revised to reinforce the Constitution's

commitments in all spheres of life. The 25 laws which were shortlisted for a deeper analysis are discussed in detail below.

### 3.2.2 The Overall Legal, Institutional, and Financial Framework

A striking feature of several gender equality-related laws in Rwanda is the extensive reference to relevant international norms and standards, underscoring the Government's commitment to human rights and gender equality. References to CEDAW, the Maputo Protocol, ACRWC, CRC, and the Convention on the Consent to Marriage, Minimum Age for Marriage and Registration of Marriages is a significant feature of legislative drafting in Rwanda. Examples of laws in which at least one of such standards is mentioned include Law N° 68/2018 of 30/08/2018 Determining Offences and Penalties in General as amended by two laws (1) Law N° 69/2019 of 08/11/2019 Determining Offences and Penalties in General, and (2) Law N° 059/2023 of 04/12/2023 Determining Offences and Penalties in General; Law N°59/2008 of 10/09/2008 on the Prevention and Punishment of Gender-Based Violence; Law No. 71/2024 of 26/06/2024, Governing Persons and Family repealing Law N°32/2016 of 28/08/2016 Governing Persons and Family, and Law N° 51/2018, of 13/08/2018 related to the Prevention, Suppression and Punishment of Trafficking in Persons and Exploitation of Others.

These international commitments are backed by institutions with constitutional and legislative mandates to promote and implement these standards through appropriate budgets. The institutions concerned include the Ministry of Gender and Family Promotion, the Gender Monitoring Office (GMO), the National Women's Council, FFRP, the Rwanda Law Reform Commission, and the National Commission on Human Rights.

### 3.2.3 The Penal Framework

Law N° 68/2018 of 30/08/2018 Determining Offences and Penalties in General as amended by two laws (1) Law N° 69/2019 of 08/11/2019 Determining Offences and Penalties in General, and (2) Law N° 059/2023 of 04/12/2023 Determining Offences and Penalties in General (collectively referred to as the Penal Law in this research); Law N°59/2008 of 10/09/2008, on the

As a case in point, under Law N° 51/2007 of 20/09/2007 Determining the Responsibilities, Organization and Functioning of the Gender Monitoring Office in Rwanda (GMO Law), the GMO has the mandate to monitor compliance with gender indicators in the context of sustainable national development, oversee the implementation of international agreements and programmes related to the achievement of gender equality, and address complaints of gender-based injustice and violence.

Importantly, the GMO contributes to the preparation of gender-sensitive budgets.<sup>25</sup> This role activates the provision of Organic Law N°12/2013/OL of 12/09/2013 on State Finances and Property (Finance and Property Law), which reflects gender equality as one of the fundamental principles underlying public finance management,<sup>26</sup> and under which all public entities are expected to prepare and submit to the Ministry in Charge of Finance an annual activity report including efforts to implement gender balance. These are consolidated into a gender budget statement that is annexed to the Budget Framework Paper submitted by the Minister in Charge of Finance and approved by Cabinet and both Chambers of Parliament.<sup>27</sup>

Yet, despite the existence of these institutions and financial frameworks, the laws of Rwanda suffer from limited implementation and enforcement due to inadequate budgetary allocations for effective execution of institutional mandates.<sup>28</sup>

Prevention and Punishment of Gender Based Violence (GBV Law) and Law N° 51/2018, of 13/08/2018 Relating to the Prevention, Suppression and Punishment of Trafficking in Persons and Exploitation of Others (Trafficking Law), hold the keys to understanding Rwanda's penal legal regime from a gender perspective.

<sup>25</sup> GMO law, Article 7(8).

<sup>26</sup> Finance and Property Law, Article 4.

<sup>27</sup> Ibid, Article 68.

<sup>28</sup> This point was made in the KIIs and FGDs.

The Penal Law sets out the general principles governing offences and penalties; and offences and penalties in general.<sup>29</sup> Its overarching importance lies in its criminalization of discrimination, defined as “acts aimed at denying a person or a group of people their rights granted under the Rwandan law or international conventions ratified by Rwanda, on the basis of race, ethnicity, origin, clan, family connection, colour of skin, sex, region, nationality, religion, political ideology, economic classes, culture, language, social status, physical or mental disability or physical appearance; acts instigating a person to deny another person or a group of people their rights granted under the Rwandan law or international conventions ratified by Rwanda, on the basis of race, ethnicity, origin, clan, family connection, colour of skin, sex, region, nationality, religion,

political ideology, economic classes, culture, language, social status, physical or mental disability or physical appearance.”<sup>30</sup>

The GBV Law aims to prevent and suppress gender-based violence,<sup>31</sup> while the purpose of the Trafficking Law is to prevent, suppress and punish the offence of trafficking in persons, exploitation of others (including its transnational nature) and provide protection and assistance to victims.<sup>32</sup>

The Penal Law and GBV Law contain provisions that cut across sectors such as marriage and family, employment, education, and sexual and reproductive health. Below is an example of how this is reflected in marriage and family relations.

### 3.2.3.1 Criminalization of Acts and Omissions in Marriage and Family Relations

The Penal Law and GBV Law are not aligned on the issue of rape in marriage. The former provides for “sexual violence against a spouse.”<sup>33</sup> However, unlike other gender-based crimes, the crime of sexual violence against a spouse is not defined or described under this law. Moreover, according to the law, the penalty of between 3 to 5 years is imposed only if both physical and sexual violence are present. This means that sexual violence against a spouse by itself is not recognized under the penal code unless physical violence is proven. The penalty for sexual violence against a spouse is furthermore less than that of rape,<sup>34</sup> which is imprisonment of between 10 and 15 years, in addition to various fines. These penalties are increased when the crime of rape is committed against a person aged over 65 years, a person with a disability, if the act makes a

person unable to defend himself/herself, or if the crime results in death, an incurable illness or disability. The crime of “sexual torture” (causing damage to genital organs of another person) also carries a higher offence of life imprisonment.<sup>35</sup>

On the other hand, the GBV Law defines “conjugal rape” as “coercing a spouse into sexual relations without that spouse’s consent, by way of force, intimidation, and others,”<sup>36</sup> and carries a penalty of imprisonment of between 6 months and 2 years.<sup>37</sup> While the Penal Law provides that “When several laws punish the same offence, the specific law takes precedence over the general law, unless the law provides otherwise,” it is not clear which law applies in practice.

---

29 Penal Law, Article 1.

30 Ibid. Article 163.

31 GBV Law, Article 1.

32 Trafficking Law, Article 1.

33 Penal Law, Article 137.

34 Ibid. Article 134.

35 Ibid. Article 114.

36 GBV Law, Article 2.7.

37 Ibid, Article 19.

Furthermore, both laws criminalize adultery<sup>38</sup>, concubinage<sup>39</sup> and failure of victims to testify<sup>40</sup> although the penalties differ.<sup>41</sup> Thirdly, while the Penal Law uses the phrase “harassment of a spouse with the intention of

preventing him/her from living a peaceful life,” the GBV Law describes harassment as “distorting the tranquillity of one’s spouse due to polygamy, concubinage, adultery, dowry, reproduction and his/her natural physiognomy.”<sup>42</sup>

### 3.2.3.2 Peculiarities in the Penal Law and GBV Law

There are, however, gender-related provisions that are peculiar to each law. For example, the Penal Law criminalizes assault and battery;<sup>43</sup> desertion of the marital home (excluding desertion which is due to mistreatment, which has been reported to the nearest local administration and a record is made);<sup>44</sup> child defilement;<sup>45</sup> bigamy;<sup>46</sup> denial of freedom to practice family planning;<sup>47</sup> sexual harassment outside of marriage;<sup>48</sup> fraudulent use and disposal of family property;<sup>49</sup> hindering the application of a law;<sup>50</sup> and finally, self-induced abortion (carrying a penalty of imprisonment of between 1-3 years).<sup>51</sup> However, abortion ceases to be a crime if the pregnancy occurs as a result of rape; or forced marriage; or incest up to the second degree; or the person affected

is a child; or the foetus or mother is faced with a health risk, and the procedure is performed by a recognized medical doctor.<sup>52</sup>

Although Law N° 71/2018 Relating to the Protection of the Child (Child Protection Law) is a civil statute, Article 28 dealing with “Harassing a child or imposing severe punishments on him/her” is a criminal offence, with higher penalties where the offence results in the child’s disability.<sup>53</sup> Furthermore, under the GBV Law gender-based violence can be cited as a ground of divorce<sup>54</sup> and spousal murder;<sup>55</sup> polygamy;<sup>56</sup> and depriving a spouse of the right to property<sup>57</sup> are all classified as crimes.

---

38 Article 136 of the Penal Law as amended by Article 5 of Law N° 69/2019 of 08/11/2019 Determining Offences and Penalties in General and Article 14 of the GBV Law.

39 Article 138 of the Penal Law as amended by Article 6 of Law N° 69/2019 of 08/11/2019 Determining Offences and Penalties in General and Article 21 of the GBV Law.

40 Article 251 of the Penal Law and Article 36 of the GBV Law.

41 Ibid.

42 Article 147 of the Penal Law and Article 4 of the GBV Law.

43 Section 4, Penal Law as amended by Articles 10 and 11 of Law N° 059/2023 of 04/12/2023 Determining Offences and Penalties in General.

44 Ibid. Article 139.

45 Ibid, Article 133 as amended by Article 4 of Law N° 69/2019 of 08/11/2019 Determining Offences and Penalties in General.

46 Ibid. Article 141.

47 Ibid. Article 148.

48 Ibid. Article 149.

49 Ibid. Article 150.

50 Ibid. Article 282.

51 Ibid. Article 123 as amended by Article 12 of Law N° 059/2023 of 04/12/2023 Determining Offences and Penalties in General.

52 Ibid. Article 125.

53 The sanction is a term of not less than two (2) years and not more than three (3) years, and a fine of not less than two hundred thousand Rwandan francs (FRW 200,000) and not more than three hundred thousand Rwandan francs (FRW 300,000). If the offence results in the child’s disability, the penalty is imprisonment for a term of not less than seven (7) years and not more than ten (10) years, and a fine of not less than one million Rwandan francs (FRW 1,000,000) and not more than two million Rwandan francs (FRW 2,000,000). If the offence results in death of the child, the penalty is life imprisonment.

54 GBV Law, Article 6.

55 Ibid. Article 25.

56 Ibid. Article 22.

57 Ibid. Article 4.

### 3.2.4 Marriage, Family, and Inheritance Rights

The new Family Law, Law No. 71/2024 of 26/06/2024, Governing Persons and Family (Law on Persons and Family)<sup>58</sup> repeals the previous Law N°32/2016 of 28/08/2016 Governing Persons and Family and integrates Law No. 27/2016 of 08/07/2016, Governing Matrimonial Regimes, Donations, and Succession, producing one consolidated law. It therefore provides for the requirements of a valid marriage, divorce and their registration, management of marital property, issues of paternity, maternity, child custody, registration of civil marriages, succession and inheritance.<sup>59</sup> This new law, the Child Protection Law and GBV Law are in place to promote equality in marriage, family, inheritance and the protection of family members.

In this context, the Law on Persons and Family recognizes civil monogamous marriages contracted between a man and a woman upon mutual consent as the only form of marriage under statutory law.<sup>60</sup> Therefore, polygamous and *de facto* unions are not recognized. Spouses are equal before the law and their parental obligations are only towards their biological children, unless otherwise agreed.<sup>61</sup>

An important innovation in this law is the express recognition of unpaid care work, defined in Article 2(i) to include “duties which involve caring for the health and life of household members such as, among others, childcare, sick care, elder care, cleaning and meal preparation and which are carried out by either spouse without compensation.” Unpaid care work can be cited in marriage contracts as a defining factor in marital relations and property arrangements, including in divorce proceedings.<sup>62</sup>

Under the previous law, the minimum age of marriage was 21 years without exception. However, Article 197 of the new Persons and Family Law sets 21 years as the minimum age for marriage and provides that persons who have reached the minimum age of 18 years but who have not yet attained marriageable age may be authorized to get married for reasonable grounds if he or she applies for it in writing to the civil registrar at District level. It further ensures equality between spouses in rights and obligations, mutual fidelity, help, assistance and in management of the household<sup>63</sup> and vests parental authority in the father and the mother equally.<sup>64</sup> Additionally, the law establishes the Family Council, consisting of both parents, siblings, and extended family, as an organ within the family to safeguard the interests of family members and settling family disputes.<sup>65</sup> Furthermore, parents are responsible for the care of their children from conception<sup>66</sup> and all children are entitled to equal protection, although the law does not mention the grounds of discrimination e.g., on ground of sex<sup>67</sup> as laid out in the CRC.

The Law on Persons and Family also overrides the following discriminatory provisions of the 1988 Civil Code Book One:

- Article 83, which obligated a woman to have the domicile of her husband as her domicile
- Article 119, which allowed only a father to register children, except where he was not available, then the mother could do so
- Article 206, which recognized only men as heads of households

---

58 This new law was published in O. G., n° Special of 30/07/2024.

59 Law on Persons and Family, Article 1.

60 Ibid. Articles 195(1).

61 Ibid. Article 293.

62 Ibid. Article 167(h) and Article 175(2) provides: The value of unpaid care work carried out by one of the spouses or both is calculated between 10% and 39% of the property earned since their cohabitation after deducting the debts they contracted after the marriage.

63 Law on Persons and Family, Articles 234 and 235.

64 Ibid. Article 343.

65 Ibid, Article 154. By the same Article, the Minister in charge of family determines the members of the family council, its duties, organization and functioning through a Ministerial Order. This Order is yet to be published.

66 Child Protection Law, Article 4.

67 Ibid. Article 5.

- Article 345, which gave preference to husbands in matters of parental authority
- Article 352, which gave preference to the father to represent and administer the child's property
- Article 427, which gave preference to fathers to apply for emancipation of their minor children

The Law on Persons and Family was initially amended in 2020 to eliminate additional discriminatory provisions in the 2016 version of law.<sup>68</sup> Article 215(3) of this previous law provided that a widowed woman could not remarry before the expiration of a period of 300 days following the death of her husband.<sup>69</sup> This was changed through Article 16 of the original amending law of 2020 to provide that “A widowed spouse has the right to remarry.”<sup>70</sup> The original provision was clearly discriminatory because similar waiting periods were not applicable to men and overlooked the potential role of DNA testing. It is however not clear whether the new 2024 law advances or rolls back the 2020 provision because under Article 246(2) the wording used is “One of the widowed spouses has the right to remarry” and not “A widowed spouse has the right to remarry.” The former provision appears to mean that it is only in monogamous situations that a surviving spouse has an automatic right to remarry, whereas in polygamous situations, only one spouse has the right to remarry. This may create tension with Article 195, which acknowledges that “Civil monogamous marriage contracted upon mutual consent before the public administration is the only recognised marriage” in Rwanda. It needs to be noted that the Maputo Protocol provides that “monogamy is

encouraged as the preferred form of marriage and that the rights of women in marriage and family, including in polygamous marital relationships are promoted and protected.”<sup>71</sup>

The 2020 and 2024 amendments also deleted a previous provision which required that in the case of a divorce, a child under the age of six years is to live with the mother unless this would not be in the best interest of the child.<sup>72</sup> Under the 2024 law “the judge may, in the best interest of children, grant provisional custody of children to either spouse or to a third party and determine the contribution of each spouse to the children’s maintenance.”<sup>73</sup>

Spouses can mutually elect one of four matrimonial property management and distribution regimes and the corresponding rights and obligations that the law provides for, namely, (1) community of property; (2) limited community of property; (3) separation of property; (4) matrimonial regime based on an agreement drawn up by intending spouses.<sup>74</sup> The choice of arrangement is recorded in a marriage contract and submitted to a civil registrar at least seven days prior to the marriage ceremony.<sup>75</sup>

Not only are spouses deemed equal in all matters related to the Law on Persons and Family, but so also are children of both sexes, including in succession matters.<sup>76</sup> However, full-blooded children of a deceased person inherit from both the paternal and maternal sides, while consanguineous and uterine children inherit only from the side of the parent to whom they are related.<sup>77</sup>

68 See Law N° 32/2016 of 28/08/2016 Governing Persons and Family.

69 Ibid.

70 See Law N° 001/2020 of 02/02/2020.

71 Maputo Protocol, Article 16(c).

72 See Article 243 of Law N° 32/2016 of 28/08/2016 Governing Persons and Family.

73 See Article 254 of the Law on Persons and the Family.

74 See Ibid. Chapter IX: MATRIMONIAL REGIMES.

75 Law on Persons and the Family, Articles 168 and 208.

76 Ibid. Article 356.

77 Ibid. 374 (3).

### 3.2.5 Land Rights

Article 1 of Law N° 27/2021 of 10/06/2021 Determining Modalities of Acquisition, Registration, Allocation, Possession, Transfer, Management and Use of Land (Land Law) describes land as part of “the common heritage of all Rwandans, the ancestors, present and future generations.” Without prejudice to recognised rights of people, the State has absolute power to manage all lands situated in its national territorial boundaries, which it exercises in the general interest to ensure rational economic and social development in accordance with laws.<sup>78</sup>

Any form of discrimination in relation to access to land and enjoyment of real rights to land is prohibited,<sup>79</sup> and

a person can receive land through purchase, succession; donation; inheritance; lease or sub lease; sale; sub-lease; exchange; mortgage; concession, and emphyteutic lease.<sup>80</sup> The land rights of spouses depend on the type of matrimonial regime of their choice and a person who acquires land through inheritance, succession, purchase, donation, exchange, land sharing, or legal grant by competent authorities acquires either an emphyteutic lease or freehold.

Despite the law, Rwandan women lag in access and control over land due to patriarchy and patrilineal principles of customary law, preventing them from acquiring and using land on an equal footing with men.<sup>81</sup>

### 3.2.6 Labour Rights

Equality between men and women in employment is guaranteed under Law N° 66/2018 of 30/08/2018 Regulating Labour in Rwanda as amended by Law N° 027/2023 of 18/05/2023 (Labour Code), which governs formal and informal sector employment. The law imposes an obligation on employers to provide employees with equal opportunities in the workplace; sets out the minimum age for admission to employment;<sup>82</sup> and prohibits discrimination based on sex<sup>83</sup> including terminating the employment contract of a woman because of her pregnancy.<sup>84</sup> It also requires employers

to pay employees an equal salary for work of equal value without discrimination of any kind<sup>85</sup> and prohibits sexual harassment in any form and the dismissal of an employee for having reported or testified about sexual harassment committed by his or her supervisor. The resignation of an employee due to sexual harassment is also deemed to constitute sexual harassment.<sup>86</sup>

Protections under the Labour Code take effect from when a contract of employment is in place,<sup>87</sup> and therefore, does not protect against discrimination during the recruitment process. Furthermore, FGDs revealed

---

78 Land Law, Article 3.

79 Ibid. Article 5.

80 Freehold: a form of land tenure based on a contract between a person and the State, where it grants him or her full and indefinite rights over the land (Article 2.9); land concession: contract between a State and a person where it grants him or her the right to use a private State land for investment and social welfare purposes for a fixed term (Article 2.11); emphyteutic lease: type of land ownership based on a long-term contract between the State and a person granting him or her rights on land (Article 2.21); State land: land owned by the State of Rwanda (Article 2.23); sub-lease: a contract between a holder of an emphyteutic lease or freehold and another person so that the latter may exploit the former's land in return for payment of an agreed fee (Article 2.27).

81 See profile by [Rick de Satgé](#) revises the original country profile which was prepared by [Mireille Biraro](#). 2023. Rwanda - Context and Land Governance. Available at <https://landportal.org/book/narratives/2023/rwanda>.

82 Labour Code, Article 5. This is set at 16 years. However, a child aged between thirteen (13) and fifteen (15) years is allowed to perform only light works in the context of apprenticeship. An Order of the Minister in charge of labour establishes the list of light works for the child provided for under Paragraph 2 of this Article.

83 Ibid. Article 1.

84 Ibid. Article 24, as amended by Article 1 of Law N° 027/2023 of 18/05/2023.

85 Ibid. Article 9.

86 Ibid. Article 8.

87 Ibid. Article 2.

that some employers refuse to hire pregnant women and breastfeeding mothers. Referring to the previous Law N°13/2009 of 27/05/2009 regulating labour in Rwanda,<sup>88</sup> the Committee of Experts on the Application of the ILO Conventions (particularly ILO Convention 111) recommended the amendment of the Labour Code to ensure that equal opportunities apply to all stages of employment, including during recruitment.<sup>89</sup> However, this recommendation was not adopted during the enactment of the new Labour Code of 2018.

Additionally, the Labour Code and GBV Law limit the protections they afford against sexual harassment to supervisor-supervisee relationships, and do not explicitly include sexual harassment committed in employee-employee contexts. As noted above, however, sexual harassment more broadly is criminalized under Article

149 of the Penal Law and could be used as a framework for prosecuting such behaviour in the workplace (see Box 3.2.6 below), although it would be essential for the Labour Code and Penal Law to be aligned.

Therefore, while, CEDAW requires States Parties, as part of their measures to eliminate discrimination against women in employment, to prohibit and apply sanctions for refusal to employ or dismiss a woman on grounds of pregnancy or maternity leave,<sup>90</sup> the Labour Code does not include a specific provision that explicitly prohibits discrimination during all stages of the recruitment process, including when the applicant is pregnant, nor does it fully protect employees from harassment. Accordingly, this is an area of Rwandan law that should be improved to ensure women's equal opportunity and non-discrimination in employment.

#### **BOX 3.2.6:**

##### **PROTECTION FROM SEXUAL HARASSMENT FROM EMPLOYERS AND EMPLOYEES UNDER THE PENAL LAW**

Article 149: Sexual harassment are repeated remarks or behaviour of sexual overtones towards a person that either undermine, violate his/her dignity because of their degrading or humiliating character which create against him/her an intimidating, hostile or unpleasant situation. Any person who commits any of the acts referred to in Paragraph One of this Article, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than six (6) months and not more than one (1) year and a fine of not less than one hundred thousand Rwandan francs (FRW 100,000) and not more than two hundred thousand Rwandan francs (FRW 200,000). In case the offender is an employer or any other person who uses his/her responsibility to practice acts of sexual harassment on a subordinate through instructions, threats or intimidation with intention to achieve sexual pleasure, he/she is liable to imprisonment for a term of more than one (1) year and not more than two (2) years and a fine of not less than two hundred thousand Rwandan francs (FRW 200.000) and not more than three hundred thousand Rwandan francs (FRW 300.000).

Source: Article 149 of Law N° 68/2018 of 30/8/2018, Determining Offences and Penalties in General (Penal Law)

Protections against discrimination and sexual harassment are however more explicit in the public sector, which is governed by Presidential Orders implementing the Labour Code. For example, Presidential Order N°65/01

of 04/03/2014 Determining the Modalities of Imposing Disciplinary Sanctions to Public Servants ensures that sexual harassment and gender-based violence committed in the workplace are sanctioned by dismissal<sup>91</sup>

<sup>88</sup> This Law was in force when the recommendations of the Committee of Experts were made.

<sup>89</sup> International Labor Office, Report of the Committee of Experts on the Application of Conventions and Recommendations (Geneva, 2017), at 422.

<sup>90</sup> CEDAW, Article 11.

<sup>91</sup> Presidential Order N°65/01 of 04/03/2014 Determining Modalities of Imposing Disciplinary Sanctions to Public Servants, Article 14.

without prejudice to a criminal action that may also be commenced against a dismissed civil servant for the commission of harassment. Article 19(3) of Presidential Order N°144/01 of 13/04/2017 Determining Modalities for Recruitment, Appointment and Nomination of Public Servants provides that “If two candidates with disabilities obtain equal marks for the same vacant post, the experience is taken into consideration. If they have the same experience, preference should be given to a female.” Article 33(2) of the same Presidential Order stipulates that “If two of [the candidates] have the same score, the one who has more experience in that position is given preference. If both have the same experience,

the one who has more training is preferred. In case both have the same training, the one with the higher academic qualification is preferred. In case both have the same qualifications, the person with disability among them is given preference. If they both have a disability, preference should be given to a female.”<sup>92</sup>

However, an opportunity has arisen to overhaul and address conflicts in all the laws with Rwanda’s ratification of ILO Convention 190 on sexual harassment and GBV at the work place, which extends protection against violence and harassment in all sectors, whether formal or informal and in urban and rural work places.

### 3.2.6.1 Parental Leave

Ministerial Order N° 02/MIFOTRA/23 of 01/08/2023 on Occupational Health and Safety, Employees’ and Employers’ Organizations, Child Employment, Employment of a Foreigner and Circumstantial Leave revises the provisions of the Labour Code and the General Statute Governing Public Servants discussed above in matters related to maternity leave and circumstantial leave. It fulfils Article 56(3) of the amending Law N° 027/2023 of 18/05/2023 which sets out the role of the Minister in Charge of Labour in establishing standards for maternity leave and paternity leave through a Ministerial Order.

The Ministerial Order therefore raises the period of paid maternity leave from 12 consecutive weeks as set out in the Labour Code, to 14 consecutive weeks, with the option of commencing two weeks before delivery.<sup>93</sup> Similarly, male employees are entitled to seven calendar days of paid paternity leave upon the birth of their child – an increase from the previous four days.<sup>94</sup> A critical feature of the amending Law N° 027/2023 of 18/05/2023 is its treatment of maternity leave and

paternity leave in one section.<sup>95</sup> This is in contrast to Law N° 66/2018 of 30/08/2018 which only provides for maternity leave and not paternity leave.<sup>96</sup> Furthermore, Ministerial Order N° 01/MIFOTRA/23 of 13/06/2023 on working hours and public servants governed by employment contract introduced flexible working time, allowing for flexible working hours between 8:00 am and 9:00 am and possibilities of working from home upon agreement with the supervisor (Article 3(2)).

This development in the labour laws of Rwanda reinforce the shared roles of women and men in childcare. It was the general view among FGD participants that this new and important development in the law could be best subsumed under the heading “parental leave.”

On a related note, the GBV Law provides that upon delivery, a woman shall have the right to maternity leave of three months and one hour per working day, agreed with the employer, to breastfeed for a period of 12 months after maternity leave and it is forbidden to fire a woman just because she is pregnant or on maternity leave.<sup>97</sup> These discrepancies in the law demonstrate the

92 Presidential Order N°144/01 of 13/04/2017 Determining Modalities for Recruitment, Appointment and Nomination of Public Servants, Articles 19 and 33.

93 Ministerial Order N° 02/MIFOTRA/23 of 01/08/2023 on Occupational Health and Safety, Employees’ and Employers’ Organizations, Child Employment, Employment of a Foreigner and Circumstantial Leave, Article 54.

94 Ibid. Article 58.

95 See Article 5 of the amending Law N° 027/2023 of 18/05/2023.

96 See Article 56

97 GBV Law. Article 9.

need to harmonize all provisions of all laws that deal with maternity and paternity leave.<sup>98</sup>

However, while ILO Maternity Protection Convention 2000 (N° 183), which Rwanda has ratified, recommends

a period of at least 14 weeks of maternity leave,<sup>99</sup> Recommendation No. 191 of the Convention proposes at least 18 weeks of maternity leave (see Box 3.2.6.1 below).<sup>100</sup>

#### **BOX 3.2.6.1:**

##### **IMPROVED PARENTAL LEAVE PROVISIONS IN ILO RECOMMENDATION NO. 191**

1. Members should endeavour to extend the period of maternity leave referred to in Article 4 of the Convention to at least 18 weeks.
2. Provision should be made for an extension of the maternity leave in the event of multiple births.
3. To the extent possible, measures should be taken to ensure that the woman is entitled to choose freely the time at which she takes any non-compulsory portion of her maternity leave, before or after childbirth.

Although the introduction of 14 weeks of maternity leave was as recent as 2023, FGD participants recommended that Rwanda's future goal for maternity leave should be to raise the current 14 weeks to 18 weeks, in line with

Recommendation No. 191. It was also the general view that paternity leave should be a duration which is at least half of that granted to female employees.

### **3.2.7 Participation in Public Life**

The Constitution's support for affirmative action has been outlined in previous sections. In line with Article 4 of CEDAW, it is aimed at reversing discrimination that women have historically experienced through the allocation of at least 30 percent of positions in decision-making organs to women.<sup>101</sup> The Constitution also guarantees equal participation in government and public service, providing that all Rwandans have the right to participate in the governance of the country, either directly or through their freely chosen representatives, in accordance with the law. It further stipulates that all Rwandans have the right of equal access to public service in accordance with their competences and abilities.<sup>102</sup>

The constitutional principle of equal participation in political life is also reflected in various laws, such as Organic Law N° 001/2023.OL of 29/11/2023 Amending Organic Law N° 001/2019.OL of 29/07/2019 Governing Elections (Law on Elections), which provides that any Rwandan of at least 18 years of age or who will have attained that age by election day is allowed to register to vote.<sup>103</sup> Organic Law N° 10/2013/OL of 11/07/2013 Governing Political Organizations and Politicians (Law on Political Organisations) furthermore requires all political organizations to constantly reflect gender equality and diversity in membership, leadership, and operational activities.<sup>104</sup>

<sup>98</sup> The GBV Law is in the process of being amended. LAF has provided its opinions and suggested removing some articles including Article 9 from the GBV Law, as the provisions are already covered by labor law.

<sup>99</sup> ILO Convention, 183 - Maternity Protection Convention, 2000 (No. 183), Article 4.

<sup>100</sup> Maternity Protection Recommendation, 2000 (No. 191). Section 1 (1).

<sup>101</sup> Constitution, Article 10.

<sup>102</sup> Constitution, Article 27.

<sup>103</sup> Law on Elections, Article 6.

<sup>104</sup> Law on Political Organizations, Article 7.

At the local level, Law N° 08/2006 of 24/02/2006 Determining the Organisation and Functioning of the District (District Law) provides for women's participation at the district level, which is divided into sectors, cells and villages.<sup>105</sup> The district is the entity responsible for the promotion of democracy and the framework for socio-economic development<sup>106</sup> and is governed by a Council and an Executive Committee that is responsible for the administration of the population and safeguarding its interests. Women are to constitute at least 30 percent of the District Council.<sup>107</sup> Furthermore, Law N° 22/2019 of 29/07/2019 Governing the City of Kigali (Kigali Law) stipulates that the Executive Committee of the

City of Kigali shall be comprised of three (3) members elected from members of the Council of the City of Kigali, including at least one woman, while the Executive Organ of the District shall be composed of two members, including at least one woman.<sup>108</sup>

Despite these legal provisions, Haguruka notes that women lag behind men in many areas and sectors, local government elective positions, and civil service.<sup>109</sup> The CEDAW Committee has also expressed concern at the low number of women in leadership positions in the private sector, including the Private Sector Federation, and the media (see Table 2.2.4).

### 3.2.8 Women in Penal Institutions

The rights of women in detention, including those who are pregnant and breastfeeding are protected under Article 24(b) of the Maputo Protocol, which accords women in conflict with the law the right to dignity through an environment that is suitable for rehabilitation, reformation and a productive life after detention.

The Child Protection Law provides that pregnant women or mothers with children below the age of three years and who are in detention are to be treated as a special ward of the facility.<sup>110</sup> Furthermore, Article 45 of Law N° 021/2022 of 29/09/2022 Governing Rwanda Correctional Service provides for the protection of pregnant women and breastfeeding mothers in correctional facilities. A pregnant or breastfeeding woman who is incarcerated is given special treatment immediately after admission, taking into account her health condition. Furthermore, a child under three years of age living with her incarcerated mother is entitled to adequate food for infants.

When a child living with her incarcerated mother reaches three (3) years, he or she is sent to his or her family or to a foster family of her mother's choice or chosen by the Government, when the child has no family to receive him or her. Additionally, under Article 36 of the same law, the Minister determines the diet composition of rations for incarcerated persons through a Ministerial Order. This Order has already been published and includes pregnant or breastfeeding women among the categories of incarcerated persons who receive a food supplement.

Similar provisions are provided under Article 15 of Ministerial Order N° 004/23 of 19/10/2023 Relating to Correction that provides food supplement to pregnant or breastfeeding women (see Box 3.2.8 for similar provisions under Rule 42 of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), applying to women who are in conflict with the law.<sup>111</sup>

---

105 District Law, Article 3.

106 Ibid. Article 2

107 Ibid. 10.4

108 Kigali Law, Articles 11, 24, 40.

109 Haguruka. 2022. Women's Participation in Political and Decision-Making Processes in Rwanda. Report Submitted by Haguruka to The African Commission on Human and People's Rights.

110 Law N° 71/2018 of 31/08/2018 relating to the protection of the child, Article 21.

111 United Nations General Assembly Resolution 65/229, United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) applies to women prisoners under sentence; suspected women offenders awaiting trial while in detention; female offenders subject to non-custodial measures and corrective measures; and women who are in protective custody.

---

**BOX 3.2.8:****RULE 42 OF THE BANGKOK RULES**

1. Women prisoners shall have access to a balanced and comprehensive programme of activities which take account of gender-appropriate needs.
2. The regime of the prison shall be flexible enough to respond to the needs of pregnant women, nursing mothers and women with children. Childcare facilities or arrangements shall be provided in prisons in order to enable women prisoners to participate in prison activities.
3. Particular efforts shall be made to provide appropriate programmes for pregnant women, nursing mothers and women with children in prison.
4. Particular efforts shall be made to provide appropriate services for women prisoners who have psycho-social support needs, especially those who have been subjected to physical, mental or sexual abuse.

Interviews conducted among managerial staff of the Rwanda Correctional Service (RCS) however reveal that in practice, existing protocols are not adequately designed to accommodate pregnant or nursing mothers. For example, no separate feeding provisions for pregnant women and nursing mothers exist.<sup>112</sup> The management and treatment of pregnant women and nursing mothers are executed from the same budget that is allocated to the general prison population. This means for example

that they are fed the same food, regardless of whether it is adequate for their special nutritional needs. The RCS relies on donations from philanthropists and partners to support the needs of pregnant women and nursing mothers in prisons. These contributions are however not sustainable, nor do they adequately address the government's obligations to provide appropriate care for them.

### 3.2.9 Gender Equality in Access to Education and Health

The Constitution provides that every Rwandan has the right to education.<sup>113</sup> Furthermore, Organic Law N° 20/2003 of 03/08/2003 Organizing Education and Law N°36/2018 of 29/06/2018 Determining the Organization of Education, O.G. N°39 of 24/09/2018 (Education and Laws 1 and 2) provides for equality in access, enrolment and completion of education for all, which sets out as one of its objectives the elimination of all grounds and obstacles that hinder the development of the education of girls and women, as well as of any other groups that need special attention.<sup>114</sup> In addition, under the GBV Law, pregnancy and delivery shall not constitute cause for depriving a student of her right to education.<sup>115</sup>

In April 2008, the girls' education policy and strategic plan were developed by the Ministry of Education to promote enrolment, retention and quality education for women and girls at all levels. This policy emphasizes girls' education in science and technology, and provides for affirmative action measures, such as lower pass marks for female students in national exams.<sup>116</sup>

In the health sector, equality between men and women is guaranteed through the Constitution, which guarantees the right to good health for all Rwandans without discrimination.<sup>117</sup> It has also been noted above that Article 148 of the Penal Law criminalizes the denial of freedom to practice family planning.

---

112 See Ministerial Order N°003/11 of 29/09/2011 determining quantity and quality of ration for an incarcerated person.

113 Constitution, Article 20.

114 Education Law 1, Article 4.

115 GBV Law, Article 9.

116 Ministry of Education. 2008. Girls' Education Policy.

117 Constitution, Article 21.

Gender equality is specifically reflected in Law N°21/05/2016 of 20/05/2016 Relating to Human Reproductive Health, O.G. N° 23 of 06/06/2016 (Reproductive Health Law), which provides that all persons have equal rights to human reproductive health, and that no person should be denied such rights based on any form of differentiation.<sup>118</sup> This Law also provides for special care for pregnant women and infants, reflecting the need for gender-specific approaches to ensure gender equality in the field of reproductive health.<sup>119</sup> Furthermore, under the Child Protection Law, the State pays medical insurance fees for orphans and

other vulnerable children upon approval by competent local government authorities.<sup>120</sup>

Further research is needed to establish whether Rwanda's strong legal framework in women's health has contributed to high rates of bodily autonomy among women. According to UNFPA, 84 percent of married women or those in *de facto* unions are able to make decisions affecting their healthcare; 98 percent feel they have autonomy in the use of contraceptives; and 83 percent can say no to sex.<sup>121</sup> Such research could establish the potential linkages between *de jure* equality and substantive equality in matters of sexual and reproductive health.



---

118 Reproductive Health Law, Article 5.

119 Ibid. Article 6.

120 Child Protection Law, Article 7.

121 UNFPA. 2020, Rwanda. Sexual and Reproductive Health and Reproductive Rights Country Profile. Available at: <https://www.unfpa.org/sites/default/files/resource-pdf/Sexual%20and%20Reproductive%20Health%20and%20Reproductive%20Rights%20Country%20Profile.pdf>. Last accessed on 30th August 2024.



# 4

CHAPTER 4.  
ADDRESSING GAPS  
AND CONFLICTS IN  
FUTURE REFORMS

## 4.1 Rwanda's Experience

The analysis has so far demonstrated that Rwanda has invested significantly in legislative reforms in favour of women and girls in its effort to align domestic law with global and regional gender equality commitments. There are however deficits in the law, as seen in gaps and conflicts in some provisions as well as overall weak enforcement and implementation.

KIIs and FGDs reveal that while awareness raising on the rights of women and girls has improved since the adoption of the Beijing Declaration and Platform for Action, significant gaps and barriers still remain in the social appreciation of women's rights. A study conducted by LAF in 2017 finds that on average, only four percent

of Rwandans rate their awareness of the law as being "high", while 45 percent rate it as low.<sup>122</sup> This general lack of awareness of women's rights is reflected in a corresponding limited awareness of the law more broadly among Rwandan citizens.<sup>123</sup>

This situation leads to inadequate compliance with gender-related laws. Therefore, while Rwandan women enjoy many legal protections, public awareness campaigns and improved legal aid focused on gender issues are critical to closing the gaps in implementation and in women attaining the full realization of their rights under the law.

## 4.2 The Findings

Based on the results of the FGDs and KIIs and the desk review (including the Concluding Observations and Recommendations of the CEDAW Committee and WBL), this research reveals that a total of 21 actions are needed to bring the country's domestic legal framework in line with international norms and standards. These consist

of nine (9) actions to revise or amend the provisions of existing law; the introduction of two (2) new laws; the ratification of a cluster of ILO Conventions; and the execution of nine (9) social policy interventions. The details of these recommendations are presented below:

### 4.2.1 Laws or Provisions of Law to be Amended or Revised

#### Labour Legislation:

1. In line with the Recommendations of the Committee of Experts on the Application of ILO Convention 111, Article 9 of the Labour Code should be amended to ensure that its provisions on equal opportunity and non-discrimination are applied across all stages of employment, including the recruitment process, induction, training, and promotion.<sup>124</sup>
2. An opportunity has arisen to overhaul and address conflicts in all labour laws with Rwanda's

ratification of ILO Convention 190 on sexual harassment and GBV at the work place, which extends protection against violence and harassment in all sectors, whether formal and informal and in urban and rural work places.

3. Ministerial Order N° 02/MIFOTRA/23 of 01/08/2023 on Occupational Health and Safety, Employees' and Employers' Organizations, Child Employment, Employment of a Foreigner and Circumstantial Leave, which recently revised the period of maternity leave upward from 12 to 14 consecutive weeks, should be amended by considering an

122 LAF, ICT for Justice: Citizen's Feedback on Justice and legal aid services in Rwanda through ICT Platforms, Final Survey Report, April 2017.

123 Republic of Rwanda, JRLS Strategic Plan 2013-2018, available at: [https://minijust.gov.rw/fileadmin/Documents/JRLS\\_Documents/SSP\\_II\\_2013-2018.pdf](https://minijust.gov.rw/fileadmin/Documents/JRLS_Documents/SSP_II_2013-2018.pdf). Last accessed on 30th August 2024.

124 ILO. 2017. Report of the Committee of Experts on the Application of Conventions and Recommendations (Geneva, 2017), at 422.

additional increase to 18 weeks in line with ILO Recommendation No. 191 of ILO Convention 183 on Maternity Protection, with the option of commencing two weeks before delivery.

4. In response to views expressed in FGDs, and in the spirit of the new Law on Persons and Family, introduce “parental leave” encompassing both maternity leave and paternity leave to reinforce the value that society places on shared parental childcare responsibilities.

#### **The Penal Framework:**

1. Decriminalize self-induced abortions in line with the recommendations of the CEDAW Committee (Table 1.2.4).
2. Harmonize the provisions of the Penal Law and GBV Law on the definition of conjugal rape and remove the requirement of proof of physical violence in the Penal Law as well as the distinction in penalties associated with rape in marriage and rape outside

of marriage in line with the CEDAW Committee’s Recommendations.

3. Repeal the provisions in the Penal Law and GBV Law which criminalize the failure of victims and survivors of violence to testify in line with the CEDAW Committee’s Recommendations.
4. Harmonize terminologies of “harassment of a spouse with the intention of preventing him/her from living a peaceful life,” as used in the Penal Law and “distorting the tranquility of one’s spouse” as used in the GBV Law.

#### **Marriage and Family:**

1. Amend the Law on Family and Persons by recognizing *de facto* unions and protecting women married under customary law and women in existing polygamous unions in line with Article 6(c) of the Maputo Protocol and CEDAW Committee’s Recommendations.

### **4.2.2 Introduction of New Legislation**

1. In line with the WBL findings and in the spirit of the new Law on Persons and Family, introduce legislation on childcare services to be provided by State and non-State childcare providers, with provision made for quality standards for the delivery of childcare services.<sup>125</sup>
2. Adopt comprehensive anti-discrimination legislation to prohibit discrimination on all grounds, encompassing direct and indirect discrimination in both the public and private spheres, as well as intersecting forms of discrimination against women (e.g., in support of Batwa women) in line with the CEDAW Committee’s Recommendations.

### **4.2.3 Ratification of ILO Conventions**

**Rwanda’s ratification and domestication of the following ILO Conventions will also help in addressing additional gaps in women’s labour rights:**

1. Convention 156 on Workers with Family Responsibilities
2. Convention 183 on Maternity Protection
3. Convention 189 on Domestic Workers
4. Convention 131 on Minimum Wage Fixing
5. Convention 156 on Workers with Family Responsibilities
6. Protocol of 1990 to the Convention concerning Night Work of Women Employed in Industry

<sup>125</sup> World Bank Group. 2024. Women, Business and the Law. Rwanda. Available at: <https://wbl.worldbank.org/content/dam/documents/wbl/2024/pilot/WBL24-2-o-Rwanda.pdf>. Last accessed on 30th August 2024.

#### 4.2.4 Social Policy Interventions

The following steps are recommended to remove shortfalls in the implementation and enforcement of gender equality laws:

1. The GMO and Ministry of Gender and Family Promotion should execute capacity building interventions for the Rwanda Investigation Bureau, the Rwanda National Police, and the Rwanda Correctional Services to ensure a better understanding of how to mainstream gender and the rights and needs of women in their policies and programmes in line with the CEDAW Committee's Recommendations.
2. The Executive, Legislature and Judiciary should enforce constitutional provisions which stipulate that at least 30 percent of elected or appointed officials must be female. These provisions should be implemented to ensure representation of women at all levels of public administration, civil service,<sup>126</sup> and the private sector, including the Private Sector Federation, and media, in line with the CEDAW Committee's Recommendations.
3. The Ministry of Health should remove the cumbersome requirements for legal abortions and train and recruit more qualified health professionals who are authorized to perform such abortions. Additionally, the Ministry of Justice should take steps to facilitate Presidential pardons for all women and girls who are currently serving prison sentences for abortion-related offences.
4. The Ministry of Health, GMO and Ministry of Gender and Family Promotion should undertake research to determine the impact of existing legislation on women's health and women's bodily autonomy.
5. The Ministry of Public Service and Labour, as well as GMO, should monitor and evaluate gender discriminatory practices among private sector employers and ensure that practices that discriminate against women are addressed through appropriate measures.
6. The Ministry of Public Service and Labour and GMO should also undertake a specific study to assess key cultural and practical barriers that hinder the effective implementation of gender-related laws and policies and launch public awareness campaigns on gender and human rights more broadly on specific issues of urgency, such as the registration of marriages and inheritance rights in line with the CEDAW Committee's Recommendations.
7. The GMO and Ministry of Gender and Family Promotion must consider developing comprehensive mechanisms to address violence against women, including to implement special procedures for cases of sexual harassment, monitor national services, plans and programmes addressing violence against women, provide an annual budgetary allocation towards violence against women risk mitigation, and institute prevention and response programs.
8. Gender machinery institutions should also strengthen ongoing public awareness-raising and adopt a comprehensive strategy to eliminate patriarchal attitudes and stereotypes to effectively entrench gender equality in policy and practice in line with CEDAW Committee's Recommendations.
9. Gender machinery institutions should enhance legal and economic protection of women in *de facto* unions, including women in customary unions, and those which are polygamous, in line with the CEDAW Committee's Recommendations.

---

<sup>126</sup> Haguruka. 2022. Women's Participation in Political and Decision-Making Processes in Rwanda. Report Submitted by Haguruka to The African Commission on Human and People's Rights.

## 4.2.5 Conclusion

This study constitutes a national stakeholder review of Rwandan laws from a gender perspective. It hinges on the hybrid nature of the legal system, which adopts dualist and monist approaches in integrating international norms and standards. As a result, Rwanda has automatically incorporated several gender equality standards such as CEDAW, CRC and the Maputo Protocol into domestic law.

The promulgation of the Constitution in 2003 marked a positive turning point in advancing equality before the law, non-discrimination and affirmative action guarantees. Furthermore, the country's majority female Parliament has served as both a democratic and gender equality dividend, as demonstrated in swift and proactive reforms in favour of women and girls.

Drawing on the international human rights framework, SDG 5 aims to “achieve gender equality and empower all women and girls” through global measurements defined by Target 5.1: “End all forms of discrimination against women and girls everywhere.” The conceptual framework of the study was therefore underpinned by SDG 5 and its corresponding targets and indicators related to legal frameworks (5.1.1, 5.6.2, and 5.a.2), as well as the CEDAW Committee's response to Rwanda's combined 7<sup>th</sup>, 8<sup>th</sup>, and 9<sup>th</sup> periodic reports to the Committee in 2017, and its 10<sup>th</sup> periodic report to the Committee in 2024.

These frameworks provide a firm basis for tracking the reforms that have been undertaken, as well as those that are needed to achieve full *de jure* equality in Rwanda.<sup>127</sup> The 21 actions to bring the country's domestic legal framework in line with international norms and standards are multifaceted in nature. Therefore, alongside the FGDs and KIIs, the analysis has resulted in a strong frame of reference for national stakeholders to address gaps in the law and deficits in implementation.

---

<sup>127</sup> 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.





# REFERENCES

## International Treaties

1. *African Charter on Human and People's Rights*, 1 June 1981, UNTS 1520 (entered into force on 21 October 1986).
2. *Convention on the Nationality of Married Women*, 20 February 1957 (entered into force 11 August 1958).
3. *Convention on the Political Rights of Women*, 31 March 1953 (entered into force 7 July 1954).
4. ILO Convention 100 on Equal Remuneration adopted in 1951.
5. ILO Convention 111 on Discrimination (Employment and Occupation) adopted in 1958.
6. *International Convention on the Elimination of all forms of Discrimination against Women*, 18 December 1979 (entered into force on 3 September 1981).
7. *International Covenant on Civil and Political Rights*, 19 December 1966, 999 UNTS 171 (entered into force on 23 March 1976).
8. *Optional Protocol to the Convention on the Elimination of Discrimination against Women*, 6 October 1999 (entered into force on 22 December 2000).
9. *The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages*, 7 November 1962 (entered into force 9 December 1964).
10. *The Protocol to the African Charter on Human and Peoples Rights on the rights of Women in Africa*, 1 July 2003 (entered into force on November 25, 2005).
11. *The International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, UNTS 993.

## Domestic Laws

1. Constitution of the Republic of Rwanda.
2. Presidential Order N° 65/01 of 04/03/2014 Determining the Modalities of Imposing Disciplinary Sanctions to Public Servants.
3. Presidential Order N°144/01 of 13/04/2017 Determining Modalities for Recruitment, Appointment and Nomination of Public Servants .
4. Presidential Order No. 031/01 of 26/05/2023 extending protection against violence and harassment across formal and informal work settings.
5. Organic Law N° 001/2023.OL of 29/11/2023 Amending Organic Law N° 001/2019.OL of 29/07/2019 Governing Elections.
6. Organic Law N°10/2013/OL of 11/07/2013 Governing Political Organizations and Politicians.
7. Organic Law N°12/2013/OL of 12/09/2013 on State Finances and Property.
8. Organic Law N° 20/2003 of 03/08/2003 Organizing Education.
9. Law N° 04/99 of 12/03/1999 Establishing the National Human Rights Commission (O.G. N°6 of 15/03/1999) Modified and Completed by Law N° 37/2002 of 31/12/2002 (O.G. N° Special of 16/01/2003).
10. Law N° 08/2006 of 24/02/2006 Determining the Organization and Functioning of the District.
11. Law N° 51/2007 of 20/09/2007 Determining the Responsibilities, Organization and Functioning of the Gender Monitoring Office in Rwanda.
12. Law N°59/2008 of 10/09/2008, on the Prevention and Punishment of Gender Based Violence.
13. Law N° 21/05/2016 of 20/05/2016 Relating to Human Reproductive Health.
14. Law N° 51/2018 of 13/08/2018 Relating to the Prevention, Suppression and Punishment of Trafficking in Persons and Exploitation of Others.
15. Law N°36/2018 of 29/06/2018 Determining the Organization of Education, O.G. N°39 of 24/09/2018.
16. Law N° 71/2018 Relating to the Protection of the Child.
17. Law N° 66/2018 of 30/08/2018 Regulating Labour in Rwanda, and its amendment, Law N° 027/2023 of 18/05/2023 Regulating Labour in Rwanda.
18. Law N° 68/2018 of 30/08/2018 Determining Offences and Penalties in General as amended by two laws (1) Law N° 69/2019 of 08/11/2019 Determining Offences and Penalties in General, and (2) Law N° 059/2023 of 04/12/2023 Determining Offences and Penalties in General.
19. Law N° 22/2019 of 29/07/2019 Governing the City of Kigali.
20. Law N° 27/2021 of 10/06/2021 Determining Modalities of Acquisition, Registration, Allocation, Possession, Transfer, Management and Use of Land.
21. Law N° 021/2022 of 29/09/2022 Governing Rwanda Correctional Service.
22. Ministerial Order N° 02/MIFOTRA/23 of 01/08/2023 on Occupational Health and Safety, Employees' and Employers' Organizations, Child Employment, Employment of a Foreigner and Circumstantial Leave.
23. Ministerial Order N° 004/23 of 19/10/2023 Relating to Corrections.
24. Ministerial Order N° 01/MIFOTRA/23 of 13/06/2023 on working hours and public servants governed by employment contract.
25. Law No. 71/2024 of 26/06/2024, Governing Persons and Family repealing Law N°32/2016 of 28/08/2016 Governing Persons and Family.

## Other Sources

1. Alda Facio, *What is Patriarchy*, <http://learnwhr.org/wp-content/uploads/D-Facio-What-is-Patriarchy.pdf> (last accessed on 30th August 2024).
2. Emma S. Webster, *Affirmative Action: What it is and How it works*, <https://www.teenvogue.com/story/what-is-affirmative-action-explainer> (last accessed on 30th August 2024).
3. Emmanuel Ntirenganya, *The New Law Eases Marriage Restrictions on Widows*, *The New Times* (December 6, 2019) at <https://www.newtimes.co.rw/news/new-law-eases-marriage-restrictions-widows> (last accessed on 30th August 2024).
4. European Institute for Gender Equality, *Glossary of gender mainstreaming concepts and definitions*, <https://eige.europa.eu/gender-mainstreaming/concepts-and-definitions> (last accessed on 30th August 2024).
5. Faye J. Crosby et al., *Understanding Affirmative Action*, 57 *Annu. Rev. Psychol.* 585 (2006).
6. World Economic Forum, *Global Gender Gap Report (2018)*, available at [http://www3.weforum.org/docs/WEF\\_GGGR\\_2018.pdf](http://www3.weforum.org/docs/WEF_GGGR_2018.pdf). (last accessed on 30th August 2024).
7. Hurst Hannum, 'UDHR in National and International Law' 3:2 *Health and Human Rights* 144.
8. International Labor Office, *Report of the Committee of Experts on the Application of Conventions and Recommendations* (Geneva, 2017).
9. Ministry of Gender and Family Promotion, *National Gender Policy* (July 2010).
10. Ministry Of Health Rwanda, *Rwanda Annual Health Statistics Booklet 13 (2014)*, available at: [http://www.moh.gov.rw/fileadmin/templates/hmis\\_reports/Rwanda\\_Annual\\_Health\\_Statistics\\_Booklet\\_2014\\_.pdf](http://www.moh.gov.rw/fileadmin/templates/hmis_reports/Rwanda_Annual_Health_Statistics_Booklet_2014_.pdf) (last accessed on 30th August 2024).
11. OHCHR, *Gender Stereotyping*. <https://www.ohchr.org/en/issues/women/wrgs/pages/genderstereotypes.aspx> (last accessed on 30th August 2024).
12. UNESCO, *UNESCO's Gender Mainstreaming Implementation Framework*, <http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/BSP/GENDER/PDF/1.%20Baseline%20Definitions%20of%20key%20gender-related%20concepts.pdf> (last accessed on 30th August 2024).
13. UNFPA & UNICEF, *Women's Rights and Children's Rights: Making the Connection*, p. 11, [https://www.unfpa.org/sites/default/files/pub-pdf/Women-Children\\_final.pdf](https://www.unfpa.org/sites/default/files/pub-pdf/Women-Children_final.pdf) (last accessed on 30th August 2024).
14. UN Women. 2019. *Equality in Law for Women and Girls by 2030: A Multistakeholder Strategy for Accelerated Action*



# OVERVIEW OF RWANDA'S OBLIGATIONS UNDER INTERNATIONAL AND REGIONAL GENDER EQUALITY INSTRUMENTS

**TABLE A:**  
**Rwanda's obligations under international and regional gender equality instruments**

Thematic area	Summary of key obligations
<b>General protection from discrimination</b>	<p><b>CEDAW Articles 1-5; Maputo Protocol, Article 2</b></p> <p>The principle of equality between men and women in national constitutions; the prohibition of all forms of discrimination against women and ensuring sanctions are appropriate; protection of the rights of women on an equal basis with men, and ensuring this right through competent national tribunals; states must refrain from engaging in any act or practice of discrimination against women; implementation of appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women; repeal of all national penal provisions which constitute discrimination against women; modification of the social and cultural patterns of conduct to eliminate prejudices under custom and all other practices based on the idea of the inferiority or superiority of either of the sexes.</p>
<b>Employment</b>	<p><b>CEDAW, Article 11; Maputo Protocol, Article 13; ILO Conventions 100 and 111</b></p> <p>Protection from discrimination; equality of access to employment and choice of profession; equal pay and allowances; training opportunities, including vocational training and apprenticeships; maternity benefits; social security and social insurance; childcare; safety; protection from harassment; protection of women within the informal sector; recognition of unpaid care work; equality of taxation; protection from economic exploitation.</p>

<b>Education</b>	<b>CEDAW, Article 10; Maputo Protocol, Article 12</b> Protection from discrimination; equal rights in the field of education; equality of conditions for career and vocational guidance; access to the same curricula, examinations, and teaching facilities; protection from sexual harassment in educational institutions; elimination of stereotypes that perpetuate discrimination; promotion of literacy among women; enrolment and retention of girls in schools; access to programs of continuing education; equal opportunities to benefit from scholarships and grants; access to educational information to ensure family wellbeing.
<b>Health and reproductive rights</b>	<b>CEDAW, Article 12; Maputo Protocol, Article 14</b> Protection from discrimination; protection from harmful practices endangering women's health; health services for victims of harmful practices; right to health; sexual and reproductive health rights; protection against STIs, including HIV/AIDS; family planning education; adequate, affordable and accessible health services; establishment and strengthening of maternal health services; healthy and sustainable environment; mental health.
<b>Violence against women</b>	<b>Maputo Protocol, Article 4</b> Protection from all forms of violence; enactment and enforcement of laws to prohibit all forms of violence; services for victims of violence against women; elderly women; asylum seekers; refugees; returnees; internally displaced persons; harmful practices; rape; sexual exploitation; sexual abuse.
<b>Nationality</b>	<b>CEDAW, Article 9; Maputo Protocol Articles 6, 3.1.4.; Convention on the Nationality of Married Women</b> Protection from discrimination; right to change or retain nationality; equal rights between parents with respect to the nationality of children.
<b>Marriage, divorce and inheritance</b>	<b>CEDAW Articles 11, 16; Maputo Protocol Articles 6, 7, 20, 21</b> Protection from discrimination; equality in marriage; protection of rights of women in marriage; consent; registration; acquisition and management of property; equal rights in separation, divorce, and annulment of marriage; equitable sharing of joint property; reciprocal rights towards children; equitable share in inheritance of husband's property and parents' properties; child marriage; widows' rights.
<b>Access to justice</b>	<b>Maputo Protocol, Article 8; CEDAW, Article 15</b> Protection from discrimination; equality before the law; equal protection and benefit of the law; access to judicial and legal services; legal aid; law enforcement; gender equality rights; equal representation in the judiciary and in law enforcement organs; reform of discriminatory laws and practices.
<b>Political and public life</b>	<b>CEDAW Articles 4, 7, 8</b> Temporary special measures aimed at accelerating de facto equality between men and women; affirmative action; quota systems; equal representation; appropriate measures to eliminate discrimination against women in political and public life; participation in formulation and implementation of government policy; equal terms with men; opportunity to represent their governments at the international level and to participate in the work of international organizations.
<b>Rural women</b>	<b>CEDAW, Article 14</b> Recognition of particular problems faced by rural women; recognition of significant roles which rural women play in the economic survival of their families; access to adequate health care facilities, including information, counselling and services in family planning; access to security benefits.

<b>Economic and social benefits</b>	<b>CEDAW, Article 13; Maputo Protocol, Articles 13, 15, and 16</b> Elimination of discrimination against women in other areas of economic and social life; right to family benefits; right to bank loans, mortgages and other forms of financial credit.
<b>Elderly women</b>	<b>Maputo Protocol, Article 22</b> Protection of elderly women; specific measures commensurate with their physical, economic and social needs, employment and professional training; freedom from violence, sexual abuse, and discrimination based on age; the right to be treated with dignity.
<b>Trafficking in women and girls</b>	<b>CEDAW, Article 6</b> Suppression of all forms of trafficking in women and exploitation of prostitution of women.
<b>Disability and distress</b>	<b>CEDAW, Article 12; Maputo Protocol, Articles 23, 24</b> Protection of women with disabilities; specific measures commensurate with their physical, economic and social needs to facilitate access to employment, professional and vocational training and participation in decision-making; freedom from violence, sexual abuse, discrimination based on disability; right to be treated with dignity; protection of poor women, women heads of families and women from marginalized populations; protection of pregnant and nursing women and women in detention.
<b>Armed conflict/peace</b>	<b>Maputo Protocol, Articles 10, 11</b> Peaceful existence and the right to participate in the promotion and maintenance of peace; participation in programmes of education for peace and a culture of peace; significant reduction of military expenditures in favour of spending on social development in general and the promotion of women in particular; ensuring respect for the rules of international humanitarian law applicable in armed conflict which affect the population, particularly women; protection of asylum-seeking women, refugees, returnees and internally displaced persons against all forms of violence, rape and other forms of sexual exploitation; no child, especially girls under 18 years of age, to take a direct part in hostilities or to be recruited as a soldier.
<b>Environment, sustainable development, food security and housing</b>	<b>Maputo Protocol, Articles 15, 16, 18, 19</b> Access to clean drinking water, sources of domestic fuel, land, and means of producing nutritious food; access to housing, acceptable living conditions in a healthy and sustainable environment; sustainable development; protection of indigenous knowledge systems.



