

# **RWANDA**

## **Civil Society Report on the implementation of CEDAW**

**(Replies to the list of issues CEDAW/C/RWA/Q/7-9)**

**Submitted for the review of the report on Rwanda**

**at the 66<sup>th</sup> session of the CEDAW Committee**

**(Geneva, 13 February to 3<sup>rd</sup> March 2017)**

### **By a coalition of civil society organizations composed of:**

The Legal Aid Forum (LAF), Association pour la Défense des Droits de la Personne et des Libertés Publiques (ADL), Communauté des potiers du Rwanda (COPORWA), Umusanzu News paper, Human Rights First Rwanda Association (HRFRA), Mouvement des Peuples pour l'Education aux Droits Humains au Rwanda (MPDEH), The Network of Lawyers of Hope in Rwanda (LOH), Center for the Rule of Law in Rwanda (CERULAR), Association Rwandaise pour la Défense des Droits de l'Homme (ARDHO), Impamo News Paper, Association Maison de Droit (MDD), INARA Legal Aid Service (INALAS), Action pour le Développement du Peuple (ADEPE), Amahoro News Paper, No Crime Rwanda (NCR), Center for Human Rights and Development (CHRD), Fight Illiteracy Youth Organization (FIYO), Great Lakes Initiatives for Human Rights and Development (GLIDH), Ligue Rwandaise pour la Promotion et la Défense des Droits de l'Homme (LIPRODHOR), PAX PRESS, Gouvernance for Africa (GFA), Association de la Jeunesse pour la Promotion des Droits de l'Homme et du Développement (AJPRODHO-JIJUKIRWA), and Ishema News Paper.

**Kigali, Rwanda, January 2017**

## **List of acronyms**

CEDAW: Convention on the Elimination of All forms of Discrimination Against Women

CSOs: Civil society Organizations

EDPRS II: Economic Development and Poverty Reduction Strategy II

LAF: The Legal Aid Forum

GBV: Gender Based Violence

IGA: Income Generating Activity

IOSC: Isange One Stop Centre

NGO: Non-Government Organizations

UNHCR: United Nations High Commissioner for Refugees

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## I. Introduction

Rwanda ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) by a presidential decree no 431/16 of 10 November 1980.<sup>1</sup>

Rwanda had already submitted three written reports before the 1994 Genocide against Tutsi. Rwanda presented an oral report in 1996 on the circumstances prevailing at that time and submitted a combined in 2007 covering the period from 1994 to 2005.<sup>2</sup>

In 2015, Rwanda submitted a combined periodic report from which Members of the Committee expressed their appreciation but extracted a list of issues and questions that Rwanda replied to in December 2016.

Civil Society organisations play a major role in CEDAW reporting. The Committee on CEDAW greatly relies upon reports produced by NGO. Crucially, NGO reports provide culturally nuanced, detailed and specific information on the situation of human rights at the local level. Independent, trustworthy information is key to gaining an accurate understanding of the pressing rights issues in a given State. It is against this background that the coalition of Civil Society organizations produced a report base on the list of issues and questions in relation to the combined report of Rwanda.

### Coordination and validation of the Report

This report was written under the coordination of the Legal Aid Forum and a validation meeting was held on 27<sup>th</sup> January 2017 at Ninzi Hill Hotel in Kigali

## II. Replies of the coalition to the list of issues

### II.1 Legal framework and definition of discrimination

1. Please indicate the expected timeline for the adoption into law, with a view to harmonizing national law with the Convention, of the bills before Parliament governing persons and family and regarding matrimonial regimes, family gifts and succession. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with Sustainable Development Goal 5.1, to end all forms of discrimination against all women and girls everywhere, please explain the status of the Convention in the national legal order, following the amendments to the Constitution in 2015. Please provide further information on the steps taken to incorporate a prohibition of discrimination against women, encompassing both direct and indirect discrimination, in line with articles 1 and 2 (b) of the Convention, into the Constitution or into legislation.

### Answer from the Coalition:

<sup>1</sup> Official Gazette No. 4 of 15/12/1981, Presidential decree No. 436/12 of 10 November 1980

<sup>2</sup> Republic of Rwanda, MIGEPROF.

The Laws governing persons and family, matrimonial regime, family gift and succession have been adopted and published in the official gazette no 31 of 01/08/2016 and no 37 of 12/09/2016 respectively. The new laws have information related to the family and succession and all the population need to be aware of such information. Some partners have started to sensitize the population about the laws but these awareness campaigns need to be intensified. As article 49 of the Rwandan Constitution<sup>3</sup> creates an obligation to all Rwandans to respect the Constitution and other laws, Rwandans have to know these new laws.

The Revised constitution of 2015 has incorporated the prohibition of discrimination against women in its article 16<sup>4</sup> related to the protection from all discrimination. From this article, women are protected against discrimination.

**Recommendation:** The Government of Rwanda should:

- Ensure that through the decentralized institution and different programmes such as community work (*Umuganda*), parental evening (*umugoroba w'ababyeyi*) the population are sensitized about the new family and succession laws;
- Simplify the new laws and develop awareness materials such as posters, brochure to be distributed to the population to help them to be aware of these laws.

The Constitution of the Republic of Rwanda of 2003 revised in 2015 has incorporated the prohibition of discrimination against women in its article 16 related to the protection from all discrimination. From this article, women are protected against discrimination.

## II.2 National Machinery for the advancement of women

2- Please provide information on: (a) the progress achieved and obstacles encountered in the implementation of the national gender policy and its strategic plan; (b) updated information on the human, technical and financial resources allocated to implement this policy and the strategic plan; and (c) whether the State party envisages adopting a new gender cluster strategic plan following its expiry in 2012 ([CEDAW/C/RWA/7-9](#), para. 9).<sup>5</sup> Please indicate whether there are institutions in charge of gender equality at the regional, municipal and community levels, and if so, how coordination is ensured between them and the Ministry of Gender and Family Promotion, including which entities are responsible for coordinating national policies and programmes regarding the advancement of women (paras. 7 and 9).

### Answer of the Coalition

<sup>3</sup> The Constitution of the Republic of Rwanda of 2003 revised in 2015, official gazette no special of 24/12/2015.

<sup>4</sup> "All Rwandans are born and remain equal in rights and freedoms. Discrimination of any kind or its propaganda based on, inter alia: ethnic origin, family or ancestry, clan, skin color or race, sex, region, economic categories, religion or faith, opinion, fortune, cultural differences, language, economic status, physical or mental disability or any other form of discrimination are prohibited and punishable by law "

Note: The present document is being circulated in English, French and Spanish only.

<sup>5</sup> Unless otherwise indicated, paragraph numbers refer to the combined seventh to ninth periodic reports of the State party.

Rwanda has various institutional mechanisms aimed at promoting gender. The national gender machinery include the Ministry of Gender and Family Promotion (MIGEPROF), National Women's Council (NWC), Gender Monitoring Office (GMO) and in Parliament, the Rwanda Women Parliamentary Forum (FFRP) that has the mission of promoting gender equality, contributing to capacity building for women in decision-making. In partnership with other partners, these institutions are doing remarkable work. Through the programmes related to awareness campaigns, trainings, they ensure the reinforcement of capacity building of women, and the implementation of gender equality mainstreaming policies. But some issues are still noticed such as limited capacity of some personnel, resistance of some persons to understand gender equality, lack of self-esteem on behalf of women, lack of population's participation in the planning and budgeting for the activities related to the implementation of national gender policy, etc.

**Recommendation:**

The Government of Rwanda, through the gender machinery should:

- Increase awareness on gender equality within the community;
- Increase population's participation in planning and budgeting for the activities related to the implementation of national gender policy;
- Sensitize and encourage women to have a self-esteem and participate in decision making position;
- Ensure the capacity building of the staff especially training related to planning so gender equality will be well reflected;
- Increase the involvement of men in the promotion of women's rights.

Women across the country have been tipped on the available opportunities to access financial services in a bid to bring about economic development and strengthen relations with financial institutions. Business Development Fund (BDF) in partnership with Rwanda Cooperative Agency (RCA), conducted different workshops in all the provinces of the country where women representatives were facilitated to attend.

Many mechanisms enabling women at the grassroots level to have access to credit and savings have been initiated.<sup>6</sup> Much as these financial mechanisms are facilitating women's access to credits the latter require solid guarantees. But NGOs are preoccupied by the fact that in most cases women do not have those required guarantees. There some efforts need to be made on government side to face this challenge.

**Recommendation:** The Government of Rwanda should:

- Ensure that women, especially rural women are provided with enough and useful information in order to start working with banks and other financial institutions;

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<sup>6</sup> Examples include Communal credit funds for women at the grassroots level; the guarantee funds deposited in Central Bank of Rwanda to provide credit to medium-scale women entrepreneurs; the setting up of a bank for women with the support of the Banques Populaires; the putting in place of a Savings and Credit Cooperative Society due to women's initiative.

- Ensure that SACCOs improve their operations especially when it comes to asking women for collaterals;
- Continue linking women to more opportunities provided by BDF established by the government to facilitate them.

Since 2000, there is a policy of “decentralisation” in Rwanda; it aims to ensure good governance and wellbeing in which Rwandans themselves would be in charge of their destiny. Through this policy, service delivery has improved and local entities empowered. Gender equality as a cross cutting issue has been incorporated in the programmes implemented by decentralized entities. The implementation still met some issues such as the limited knowledge of gender equality of some staff at district, sector and cell levels, a multitude of programmes to be implemented by local authorities which cannot allow them to concentrate on the activities related to gender equality, etc. However, some efforts need to be made concerning the following point about which NGOs suggest recommendations.

**Recommendation:** The Government of Rwanda should:

- Ensure that from the district level to the village level, authorities understand the concept of gender equality mainstreaming and incorporate it in their activities.
- Ensure that the decentralized organ is fully operational to facilitate the incorporation of gender mainstreaming and national gender strategic plan in the planning at district, sector and cell levels.

### II.3 Temporary special measures

3- The report details temporary special measures to increase the number of women in decision-making and governance positions in political and public life (paras. 11-12). Please inform the Committee about the use of other temporary special measures taken or envisaged to accelerate the achievement of substantive equality between women and men in all areas of the Convention, including with regard to: (a) education and employment; (b) the representation of women in the private sector and at the district executive level; and (c) overcoming the disadvantages experienced by specific groups of women subject to multiple forms of discrimination, including rural women, female heads of households, women with disabilities, widows and conflict-affected women and girls.

### Answer of the Coalition:

Access to education at all levels, and improving gender parity at the primary and secondary levels<sup>7</sup> in improved in Rwanda.<sup>8</sup>. Although specific gender-disaggregated data on completion

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<sup>7</sup> Gender Equality in Education in Rwanda: What is happening to our Girls?

rates are not available, it is recognized that completion rates for girls are lower than those for boys at all educational levels. Poverty and low levels of achievement are the most significant reasons that students drop out of school at the primary level, and there are considerable disparities between urban and rural children.<sup>9</sup>

The right to employment, including the right to free choice of employment is recognised in article 30 of the Rwandan Constitution. The labour code prohibits any form of discrimination likely to result in unequal chances as regards employment and provides for the principle of equality stipulated in the constitution. The law on inheritance, matrimonial regime, succession and liberalities is meant to promote women's access to and control over properties. Various non-governmental organisations have also invested into training women in various management techniques, including credit and saving. Some issues have been observed with regard to the education and employment of women. The number of women enrolled in TVET is still low, some women are facing corruption related to sexual assaults on behalf of their current employers or potential employers.

**Recommendation:** The Government of Rwanda should:

- Put more effort in sensitizing women to enroll within TVET;
- Avail gender-disaggregated data on completion of education to allow further planning;
- Establish mechanism to fight sexual assaults at work place for women;
- Ensure that gender mainstreaming is incorporated in human resources manuals of public and private institutions;
- Prevention mechanisms to fights GBV at work place are established and disseminated.

In Rwanda, unequal access to credit tends to limit women's involvement in trade and generally inhibits them from expanding their trading activities. The inability by women to access large-scale credit has many outcomes. It can be a determining factor in excluding women from various areas of trade. The huge capital required for capital goods and machinery may be one reason why women trade mainly in consumer goods.

The local leader's elections results for the year 2016 show that the number of women in the place of mayor and vice mayor in charge of economic affairs is still low. In principle, the mayors of Rwanda are 30 and the number of women mayors are 5 not 6 (they might be 6 if the Mayor of Kigali City also added).

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<sup>8</sup> In the Global competitiveness Report 2012-2013, Rwanda is ahead of other countries in the region in promoting gender equality at both the primary and secondary levels, with gross enrolment ratios far above the average for Sub-Saharan Africa, where it has been ranked at 70 place while Uganda, Tanzania, Burundi and Kenya have respectively 121, 120, 140 and 104 places (Source: <http://www.rdb.rw/media-centre/press-releases/rwanda-tops-the-eac-and-3rd-in-sub-saharan-region-global-competitiveness-report-2012-2013.html> )

<sup>9</sup> World Bank, *Rwanda FTI Assessment: Assessment of the Government's Education Strategy and Financial Framework, 2006-2015, for the Fast Track Initiative.*



*Recommendation:* The Government of Rwanda should:

- Continue to encourage women to invest into business in all sectors of the economy especially in trans border's trade.
- Organize and facilitate training workshops for women and men on women's involvement into business activities;
- Sensitize the population with the aim of changing the mind-set about the role of women in society;
- Encourage women to occupy different posts at local level (District, sector and cell) to avoid limiting their role in social affairs.

In Rwanda, various programs are in place to enable different groups at grassroots level to benefit from developed programs (eg: HIMO, UBUDEHE) and different community structures. But so far, complaints from the population about the categorization of ubudehe are still raised.

**Recommendation:** The Government of Rwanda should:

- Set a clear guideline of ubudehe categorisation and differentiate criteria of eligibility for receiving different services for example receiving support for education, support to pay for the "mutuelle de santé", etc.

#### II.4 Stereotypes and harmful practices

4. Reference is made to several programmes initiated by the State party to change the widely accepted attitudes and practices of the subordination of women and gender stereotypes (paras. 14-15). Please inform the Committee about whether these initiatives are linked to a comprehensive strategy, with measurable goals and timelines, implemented to tackle the link between the subordination of women, gender stereotyping and the perpetration of violence against women, in particular domestic violence especially as a result of the consequences of past conflict, as well as the limited educational and employment opportunities for women. Please indicate whether the impact of these programmes has been evaluated.

**Answer of the Coalition:**

In Rwanda, policies and laws have been enacted such as the penal code, the anti-GBV law, national gender policy, etc. gender desks have been created, awareness campaigns and training conducted to eradicate stereotypes and harmful practices. However we haven't yet reach the maximum level of eliminating stereotypes and harmful practices as a significant number of women and girls are facing GBV in their life, a large number of women are still depending economically to their husband or other family members and this lead sometimes to GBV.

**Recommendation:** The Government should:

- Continue its effort in fighting GBV in its all forms (physical, economic, psychological...)
- Continue the implementation of the programmes aiming at economic empowerment of women through the increased access to banks/financial institutions services and access to women guarantee fund, women entrepreneurship program, etc.
- Continue the awareness campaigns on gender equality to allow the population to understand it.

## II.5 The role of Media in promoting women

5. It is stated in the report that the mass media has played a significant role in challenging stereotypes (para. 15). Please describe how the media has been used to discuss and promote non-stereotypical and positive images of women, and to promote the value of gender equality to society as a whole. Please also provide the outcome of any evaluation of effectiveness in this regard. Please indicate the existence of comprehensive educational programmes and awareness-raising campaigns, targeting rural areas in particular, to prevent and address harmful practices such as early marriage, and, furthermore, specify the initiatives involving collaboration with religious and community leaders, teachers, officials and women's organizations to this effect.

### **Answer of the Coalition:**

Media is used to promote women's rights. Through different radio and TV talk shows rights of women are discussed. Laws that are very useful and sensible like the family law, succession law are discussed especially on radios where the population are given an opportunity to ask questions and clarification where necessary. CSOs also use media to promote women's rights through different programmes. Journals, social medias, etc. are also used. To have everyone engaged to promote gender equality and eradicate Gender Based Violence needs the participation of every citizen. The government should take some measures to promote women's rights.

### **Recommendation:** The Government should:

- Identify measures to encourage media to sensitize the population about women's rights and to promote gender equality;
- Use the media and publish via it success stories with regards to the positive image of women in the community;
- Encourage and facilitate media to cover the proceedings of Gender Based Violence perpetrators and have access to their files in order to publish the punishment given with the aim of discouraging potential perpetrators.

All stakeholders engaged in human rights area, in fighting GBV, in promoting women and child's rights conduct awareness campaigns targeting the population with the aim of providing useful information about the applicable laws in Rwanda. The population of Rwanda participate in the awareness meeting sensitizing them on human rights. The number of people who attend the

sensitization meeting is high in rural area than in Kigali.<sup>10</sup> Laws related to land management, succession, family, child's rights...are mostly discussed during the sensitization meetings. CSOs play a major role for the sensitization of the population about the laws as they are working in different areas. The report of the citizen feedback on justice services through ICT platforms indicated that the knowledge of Rwandans about the law needs to be improved.<sup>11</sup>

**Recommendation:** The Government should:

- Continue the activities of sensitizing the population about the useful laws;
- Continue to engage opinion leaders in the sensitization meetings as they play a key role in the society.

## II.6 Gender based violence against women in the post genocide

6. Reference is made to the national action plan on the implementation of Security Council resolution 1325 (2000) on women and peace and security, covering the period 2009-2012 (para. 16; [CEDAW/C/R/RWA/CO/6/Add.1](#), para. 5). Please inform the Committee about the outcome of any evaluation conducted regarding: (a) the impact of the plan on achieving the equal participation and full involvement of women in the reconstruction and socioeconomic development of the country; (b) whether a new national action plan will be adopted and implemented, following its expiry in 2012; and (c) whether the role of women in prevention efforts will be accorded priority.

7. With respect to cases of sexual violence that occurred during the genocide, please provide details on: (a) the number of prosecutions that have taken place, the convictions secured, the sentences handed down and the nature of remedies provided to the victims; (b) the measures taken to address the discrimination experienced by children born to victims of rape during the genocide; and (c) data on the type of assistance provided by the government fund for genocide survivors, including the beneficiaries (para. 59). Reference is made to the psychological, legal, economic and medical support provided to women survivors of rape during the genocide (para. 16). Please describe in detail what services are offered in each of these areas, and in which regions they are offered, and provide statistics on the individuals who have availed themselves of these services.

**Answer of the Coalition:**

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<sup>10</sup> Page, Citizen Feedback on justice services through ICT platforms, initial report, LAF, 2016; 84

<sup>11</sup> Op cit. page 3

Women participated and are still participating in the peace building process in Rwanda. A close analysis of the NAP shows a compliance with the UNSCR 1325 and a lot have been achieved. **However, some challenges have been noticed:** overlapping of responsibilities, as a number of activities were expected to be implemented by several stakeholders; irregular follow up and evaluation: in any project implementation, follow up and mid-term evaluation are meant to design corrective measures to inform the next stages; insufficient documentation by various stakeholders,...<sup>12</sup>

**Recommendation:** The Government of Rwanda should:

- Ensure that the next National Action Plan indicate clearly the responsibility of each stakeholder;
- Disseminate within key stakeholders the UN1325 and the National Action Plan in order to facilitate their implementation.

Gender based violence against women (cases of sexual violence against women)

33. Cases of sexual violence against women are prosecuted by the national public prosecution authority. The achievement in prosecution the GBV cases shows a large number of case prosecuted: defilement: 802 cases were filed with the court and rape: 91 cases were filed with the courts.<sup>13</sup> Women victims have the rights to seek for reparation according the Rwandan laws. However, a small number of victims file civil cases for reparation.

**Recommendation:** The Government should:

- Conduct sensitization meeting aiming at informing the population the rights of SGBV victims;
- Encourage its partners in civil society to educate the population about the rights of the victims of sexual gender based violence;

34. Children born to victim of rape during the Genocide are very vulnerable due to historical background of their birth. There is no specific program of the Government to support those children. There are some CSOs which have activities to support those children by providing financial support, education, psycho-social, etc.

**Recommendation:** The Government of Rwanda should:

- Through the Rwanda Governance Board allocat funds to local NGOs, the organizations that are supporting children born of rape during the genocide against the tutsis;
- Put in place a specific program to support children born on rape during the genocide against the tutsis due the specificity of their situation;

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<sup>12</sup> Report on the evaluation of the implementation of the 2009-2012 National Action Plan for UN1325; GMO; Pages 90,94, and 95

<sup>13</sup> See NPPA quarterly progress report, July 2015-March 2016; page 10

Through FARG, the Fund for the Neediest Genocide Survivors, genocide survivors receive various assistance. From 1998 up to 2015, effort have been made most especially in education program. *The budget spent from 1998 up to 2014-2015 on these program talked above are 190,374,795,158Frw.*<sup>14</sup>

**Recommendation:** The Government of Rwanda should:

- Continue the implementation of all programmes aiming at supporting Genocide survivors.

The Government of Rwanda and Civil society Organizations offer services related to psychological, economic, legal and medical are offered to Genocide survivors by various organizations of the Civil Society. As the consequences of the genocide cannot be dissipated easily, there is a need of continuing the support provided to genocide survivors.

**Recommendation:** The Government of Rwanda should:

- Continue the provision of psychological, medical, economic and legal support to support Genocide survivors.

## II.7 Gender based violence against women

8. Please indicate whether the State party envisages reviewing the provisions of Law No. 59/2008 on the prevention and punishment of gender-based violence: (a) criminalizing adultery and concubinage; (b) imposing life imprisonment on a person found guilty of transmitting a terminal disease; (c) criminalizing a victim's refusal to testify; and (d) applying more lenient penalties to marital rape than other forms of rape.

### Answer of the Coalition:

The law no 59/2008 on the prevention and punishment of GBV has been criticized by various observers. Recently, during the review of Rwanda by the Human Rights Committee (CCPR/C/RWA/CO/4), the issue has also been pointed out. In fact, the Committee expressed his concern saying that while welcoming the various efforts made to combat gender-based violence, the Committee notes with concern that Law No. 59/2008 on Prevention and Punishment of Gender-Based Violence criminalizes the victims' refusal to testify with regard to the violence they suffered and national legislation applies more lenient penalties to conjugal rape than to general rape. It is also concerned about the lack of statistical data provided that could be used to assess the prevalence of sexual and physical violence against women and children (arts. 3, 6 and 7). The Human Rights Committee then made a recommendation to the

<sup>14</sup> By **97,677** students have completed secondary school whereas **12,524 students** have completed higher learning schools, in health at least each financial year, 24,339 beneficiaries have been assisted under medical care, 21,599 beneficiaries including 1560 who were left childless during the Genocide against the Tutsi(Incike), 43,146 houses have been constructed under shelter program and 46,551 beneficiaries have been assisted under income generating activities (IGA) while 5,000 beneficiaries have been assisted under Girinka project (<http://www.farg.gov.rw/index.php?id=14>)

government:

*The Human Rights Committee suggested that the government of Rwanda should : (a) make the necessary legislative amendments in order to apply the same penalties to all types of rape and repeal the provision that criminalizes the victim's refusal to testify; ensure that cases of domestic and sexual violence are thoroughly investigated, that the perpetrators are prosecuted, and if convicted, punished with appropriate sanctions, and that victims are adequately compensated; (c) Guarantee the issuance of protection orders in order to ensure the safety of victims; (d) Step up its efforts to guarantee the availability of a sufficient number of Isange one stop centres and support services in all parts of the country.<sup>15</sup>*

Concerning the qualification of a crime as a GBV case and its subsequent inclusion within a specific GBV category, the majority of respondents highlighted the need for more clarity in the definition of GBV and GBV categories in the national law.<sup>16</sup> Other articles of this law such as articles 36, 39, etc. need to be reviewed to make sure that the law facilitate the access to justice for victims.

The procedures to review the current penal code are on-going and Ministry of Justice has collected views and ideas from the stakeholders related on the articles of the penal code that need to be reviewed.

**Recommendation:** The Government should:

- Revise the law no 59/2000 to ensure that victims of GBV who do not testify about the GBV suffered are not punished;
- Harmonize the punishment given to different types of GBV and even increase them as a measure of eradicating GBV;
- Take into consideration the comments and views of different partners while drafting the new anti-GBV law.

## II.8 National Scale up strategy for IOSC

9. It is stated in the follow-up report that the Ministry of Health is working on a national scale-up strategy to address the operational challenges faced by the Isange one-stop centres ([CEDAW/C/RWA/CO/6/Add.1](#), para. 23). Please provide an update on the allocation of human, technical and financial resources to the centres and their prevalence throughout the State party. Please further provide the outcome of any evaluations conducted on the impact of the implementation of the national policy against gender-based violence (2011), as executed through its strategic plan (2011-2016). Please provide information on the development of a national management information system designed to capture all data from various entry points in the reporting and referral process of cases of gender-based violence and how the systematization, collation and coordination of these data are ensured (ibid.,para. 28).

**Answer of the Coalition:**

<sup>15</sup> See UN Doc. CCPR/C/RWA/CO/4

<sup>16</sup> Report on the assessment of challenges and capacity needs of the criminal justice agencies in managing GBV cases in Rwanda; LAF, 2013; Page 3

The IOSC play an important role to respond to S/GBV as they offer free medical, psycho-social and legal services to the victims of victims of S/GBV. IOSC have been decentralized to district level at district hospital. Even if, IOSC offers legal services, these legal services are limited as they concern only the investigation and prosecution of the case. The civil damages are not included. Victims need to be aware of their rights to seek for civil reparation. During its visit to IOSC, the GMO has identified the limited legal assistance to support GBV victims as a gap in the services offered to victims<sup>17</sup>. For this there is a need to incorporate the services of a lawyer within the IOSC services offered to victims. IOSC have been established at district level, still a distance travelled by victims to reach these services. Also these IOSC at district level have to be well equipped to enable them to offer good services to the victims.

The report on the assessment of challenges and capacity needs of criminal justice agencies in managing gender based violence cases in Rwanda, identified a range of capacity needs for judicial sector personnel in relation to the knowledge of national and international legal frameworks for GBV as well as the necessity to enhance skills in GBV cases analysis, crime qualification, and evidence collecting methods.<sup>18</sup> Also the monitoring of the Gender Monitoring office of the IOSC recommended the GBV training to IOSC staff.<sup>19</sup>

**Recommendation:** The government of Rwanda should:

- Include legal aid services in the services offered by IOSC.
- Equip IOSC with the necessary equipment to allow them to help GBV victims.
- Ensure that the personnel of IOSC receive regular trainings;
- Ensure that victims have the access to information related to the claim of civil damages/compensation;
- Ensure that the Lawyers provide legal services to victims of GBV without cost;

A national strategic plan for 5 years (2011-2016) has been established to implement National Policy against gender based violence. Public and private institutions, civil society organizations and other stakeholders participated and are still participating in the implementation of this strategic plan. Some achievement have been observed, but there are still some challenges in fighting GBV in Rwanda. There is a need of more clarity in the definition of GBV and GBV categories in the national law.

The existence of long established norms and practices, and the persistence of stereotypes and prejudices were also reported as hindering factors for the effective qualification and categorization of GBV crimes.<sup>20</sup>

IOSC are established at district level, but victims are traveling a long distance to access the services; late reporting of GBV hinders the prosecution of perpetrators due to the absence of evidence; the poverty of victims and economic dependence of the victims to other persons

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<sup>17</sup> See Gender Monitoring Office, Annual report 2015-2016; page 30

<sup>18</sup>See the Report on assessment of challenges and capacity needs of the criminal agencies in managing gender based violence cases in Rwanda, LAF, 2013, page 3

<sup>19</sup>See Gender Monitoring Office, Annual report 2015-2016; page 30

<sup>20</sup> See the Assessment report produced by LAF, page 3

and even the perpetrators do sometimes prevent the reporting of GBV, the absence of social reintegration mechanisms for the victims; limited legal support to GBV victims; the absence of guidelines to handle GBV cases within all interveners in charge of response to GBV; culture of silence in the community is still a challenge as it leads to friendly solution between families to some GBV cases.

**Recommendation:** The government should:

- Establish clear guidelines on the handling GBV cases to guide all interveners;
- Establish clear guidelines on the social reintegration of victims in the society;
- Continue the economic empowerment of women as mechanism of preventing GBV;
- Continue the awareness in the community for the prevention of GBV and also on the services offered to GBV victims;
- Incorporate services of a lawyer in the services offered to GBV victims at IOSC;
- Revise the law related to the prevention and punishment of GBV;
- Enhance the knowledge and understanding of national legal provision by judicial personnel at all levels, including police officers prosecutions and judges.
- Revise the law on GBV and define clearly GBV and GBV categories.
- Decentralise IOSC at the Sector level or put more than one IOSC in the district to facilitate the reporting of SGBV and to facilitate victims to access the IOSC.

Different actors are intervening in the prevention and response to GBV. Each institution collects the data in his/her area of intervention for reporting purposes. There is no standardized tool for data collection between all stakeholders. The existence of such tool will help in the collection and keeping of all data from all stakeholders delivering services to fight GBV.

**Recommendation:** The government of Rwanda should:

- Establish and disseminate a harmonized tool to be used by all stakeholders intervening to fight GBV for data collection.
- Ensure that all stakeholders use the harmonized tool to collect and keep data.

## II.9 Trafficking and exploitation

10. At the time of its previous review, the State party informed the Committee about a bill on suppressing, prosecuting and punishing trafficking in persons. Please provide information on the status of this bill and the expected timeline for its enactment into law. Please indicate the existence of any national strategy to address the root causes of trafficking and the exploitation of prostitution of women and girls, and describe the programmes in place to ensure the rehabilitation and social integration of victims of such activity, including the availability of shelters, and the allocation of resources to ensure their implementation.

11. Please provide sex-disaggregated data on the extent and forms of trafficking and the exploitation of prostitution and provide details on any cases of prosecution and punishment of perpetrators of trafficking in women and girls, as well as the protection measures and reparations provided to the victims. The Committee notes the articles of the Penal Code criminalizing the enticement of prostitution and its organization (para. 25). Please clarify whether the penal sanctions subject both



the sex worker and the client to prosecution. Please also indicate the existence of social services, and any assistance made available to women wishing to leave prostitution.

### **Answer of the Coalition**

Most of the time, vulnerable persons including women and children are the victims of human trafficking. There are mechanisms established in Rwanda to combat this phenomenon. The existing legal framework that deals with human trafficking in Rwanda is the Rwandan penal<sup>21</sup> Given that the current penal code is under review, this revision will allow the removal of the pat related to the punishment of human trafficking and establish a special law. This activity is coordinated at the level of the Ministry of Justice and it is still a draft.

**Recommendations:** The government of Rwanda should:

- Speed up the enactment of the law preventing and punishing human trafficking;

Awareness campaigns and trainings on human trafficking are conducted by government institution and civil society organs but the Rwandan population does not have enough information about human trafficking that is why they are continuing to be victims of human trafficking. Poverty and lack of information is contributing factor to human trafficking.

**Recommendation:** The government of Rwanda should:

- Continue the organization of awareness campaigns on human trafficking within the community.

According to the report of the National Public Prosecution Authority, authors of human trafficking are prosecuted and judged<sup>22</sup>. Media also publish news about the arrest of human trafficking suspects.<sup>23</sup> Such mechanisms are used to discourage potential authors of human trafficking. There is a need of increasing the effort made to combat human trafficking.

**Recommendation:** The Government should:

- Involve all stakeholders especially media in combating human trafficking;

Article 205 of the Rwandan penal code is related to the obligations to be fulfilled by a prostitute indicates clearly in the last paragraph, that the punishment provided is the same for any person caught having sex intercourse with a prostitute. Article 212 of the Rwandan penal code punishing the aiding, abetting and protecting prostitution does not contain clear provisions relating to the punishment of a prostitute and her/his client.

**Recommendation:** The government should:

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<sup>21</sup> Chapter 8 of the code: Offence related to human trafficking, illegal removal, sale and use of human body organs).

<sup>22</sup>National Public Prosecution Authority, report of January 2015-March 2016)

<sup>23</sup><http://www.newtimes.co.rw/section/article/2016-07-25/202030/>

- Revise article 212 of the penal code and make it clear so that this article punishes prostitute and her/his client.

The ex sex-workers are rehabilitated. Programs aiming to assist them include financial support, training on IGA, creation of cooperatives, professional trainings etc. These programmes are owned either by the Government or civil society. Such programs allow ex se-workers to quit prostitution and exercise a decent work. The issue is that there is a lack of funds to support these programmes.

**Recommendation:** The Government should:

- Mobilise more funds to be allocated in the programs aiming at rehabilitation of ex sex-workers;
- Continue the sensitization within the sex workers and encourage them to quit prostitution.

## II.10 Participation in public and political life and decision making

### II.11 Education

13. Please inform the Committee about: (a) the effectiveness of the affirmative action "cut-off points" in ensuring that girls remain in and complete school and higher education (para. 13); (b) the strategy in place to increase the number of female teachers, especially at the secondary and tertiary levels and in leadership positions; and (c) the programmes in place to combat the significant illiteracy rates of women (para. 64).

14. Please indicate whether the State party envisages reversing its policy of suspending pregnant pupils approaching the time of confinement and permitting them to return to school only following the birth and one year of childcare (para. 29). Please describe the support services offered to adolescent mothers to facilitate their return to education. It is stated in the report that the men responsible for the pregnancy of pupils are punished, in particular teachers (ibid.). Please provide data on the number of pregnant pupils, the number of teachers sanctioned and the type of sanctions imposed, as well as the protection measures in place to combat violence against girls in schools.

There is a specific outcome related the increasing the number of women in teaching profession in secondary and higher learning institutions. Women have been are still being sensitized to have self-confidence and participate in the leadership positions. The number of women leaders has increased in Rwanda. Women in teaching profession are facing different issues such due to the other duties women in Rwanda culture within their home, women teachers do not have time to rest and prepare their lessons or to increase their capacity by following evening classes; such home activities also have impact on their productivity and they can't access promotion easily. Due to the lack of financial means, women teachers do not increase their knowledge by participating in high learning education, etc.

**Recommendation:** The government should:

- Continue the sensitization with women and encourage them to participate in the leadership positions;
- Sensitize men about the role they can play at home and help women within the home/family duties and break the existing stereotypes on the role of women.

Illiterate adults are trained and this training has a positive impact on their life. They are provided with basic knowledge that may be useful for them. Both public institutions, civil society organizations and faith based-organizations conduct adult training. The 4<sup>th</sup> Rwanda Population Housing Census showed that the percentage of women who have never attended school was higher than men (27,9% women and 22,8%)<sup>24</sup>

**Recommendation:** The government should:

- Continue this activity and involve a big number of women to reduce a number of women illiterate.

## II.12 Employment

**Issue 15.** The State party indicates that workers in the informal sector are protected by Law No. 13/2009 regulating labour in Rwanda (para. 31). Recalling the State party's obligations under articles 2 and 11 of the Convention and its commitment to achieve Sustainable Development Goal 5.1, please provide sex-disaggregated data on: (a) the number of inspections carried out under this law in the informal sector; (b) the nature of the violations recorded and the penalties imposed; and (c) the number of workers earning the minimum wage. Please further provide information on steps taken by the State party to provide women street vendors with market facilities where they can work safely.

16. The State party indicates that victims of gender-based discrimination and sexual harassment in the workplace may seek redress by filing a complaint with the Ombudsman Office (para. 55). Please provide sex-disaggregated data on the number of cases brought, the nature of violations, the investigations opened, where sanctions were applied and the remedies provided to the victims. Please provide information on the State party's efforts to combat the exploitation of girl domestic workers, including efforts to revise Law No. 13/2009 in order to allow labour inspectors to enter workplaces outside of normal business hours — in accordance with the recommendations of the International Labour Organization — and make information publicly available on inspections, violations, citations and penalties relating to child labour.

**Answer of the Coalition:**

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<sup>24</sup>See figures from RPHC conducted in 2012.

According to the article 3 of the labour law in Rwanda, the informal sector worker is not subjected to the provisions of the labour law, except for the issue relating to social security, the trade union organizations and these related to health and safety at work place<sup>25</sup>. The inspection of companies working in informal sector shows the good will of protecting all workers in Rwanda. The informal sector represents a significant percentage as 78% count for informal sector.<sup>26</sup> The visit of informal sector shows a good will to protect those working in that sector.

**Recommendation:** The government should:

- Increase the number of the inspection carried out and extend this inspection to a big number of companies.
- Take into account the rights of workers in informal sector while revising the labour law;

**Answer of the Coalition:**

The issue of streets women vendors has been identified by authorities especially in urban areas. These women have been sensitized to abandon such commerce and durable solutions have been proposed to them. Small markets have been availed for them to continue their commerce. Given what is observed on the ground, there still women selling small things in the streets due to various reasons such as the market avail are not big enough for everyone to fit in, these markets have been avail in the places which are not accessible to the clients; the rent to be paid to occupy such markets seems high to some of these women, etc.

**Recommendation:** The government should:

- Increase the number of markets given women streets vendors and locate them in places accessible to the clients;
- Provide training to the women street vendors on how to operate small business as they were used to sell on the streets;
- Avail initial financial support to them to help them starting small business;
- Continue the sensitization within these women on the advantage of working in a formal market

**Answer of the Coalition:**

Domestic workers have been sensitized to create trade unions to help them to secure their rights. Girl domestic workers are still vulnerable. Most of the time they are victims of GBV from their employers and they are not aware of their rights;...girl domestic workers some of them are minors and they have been forced to work due to the poverty of their family. The Law No. 13/2009 has not yet been revised. The initiative of ADBEF is certainly encouraging, but it covers

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<sup>25</sup>Law no 13/2009 of 24/05/2009 regulating labour in Rwanda

<sup>26</sup> Rwanda, labour market profile, 2014; page 13

only a small radius of the city of Kigali. Given the limited means of this organization cannot cover the number of victims concerned.

**Recommendation:** The government should:

- Sensitize the community about the respect of the rights of domestics workers;
- Ensure the full implementation of the instructions of the Minister of Public services related to child labour;
- Ensure trainings of domestic workers on their rights;
- Increase awareness on domestic workers rights in all the country.

## II.13 Health

17. Please inform the Committee about: (a) the efforts made to raise awareness of article 165 of the new Penal Code regarding the expanded exceptions for permissible abortion; (b) the progress made in repealing provisions of the Code hindering access to safe abortion in eligible cases; and (c) the development of clear guidelines for health-care providers to improve the accessibility and availability of safe abortion services.

18. Please clarify whether the national mental health policy includes specific objective measures to address women's mental health issues, including psychosocial counselling for women and girls suffering from trauma, severe stress and other behavioural and mental health problems. Please provide sex-disaggregated data on the reported cases dealt with by the country's mental health service (para. 34). Please further provide information on specialized care provided to women and girls with disabilities, in particular those living in rural areas.

## Answer of the Coalition

In general, campaigns are conducted to sensitize the Rwandan population about the applicable laws by the government of Rwanda and its partners such as civil society organisations. The article 162 of the penal code is discussed during the awareness session related to penal code, to the anti-GBV campaigns, the rights of child etc. The research carried out by the Legal Aid Forum on the citizen feedback on justice services in Rwanda through ICT platforms recommended to increase the outreach programs to sensitize citizens about their rights as 47% of the respondents have ranked their understanding of the law as low.<sup>27</sup>

**Recommendation:** The government should:

- Increase the awareness session on applicable laws in Rwanda to make more people especially in rural areas to gain the useful information.

The current Rwandan penal code is under review. Civil Society organizations shared with the Ministry of Justice their comments and views about the articles to be taken into account during the review of the penal code.

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<sup>27</sup>Citizen feedback on the justice services in Rwanda through ICT platforms, initial report, March 2016; page 76.

**Recommendation:** The government should:

- Take into consideration the views provided by different stakeholders on the articles of the penal code to be reviewed and handle the issue of safe abortion.

Article 165 of the penal code provided for cases where abortion is permitted. This issue was a preoccupation for the Human Right Committee (CCPR/C/RWA/CO/4). In his dialogue with the government of Rwanda, the Committee noted that the 2012 amendment to the Penal Code expanded the exceptions for legal abortion. *"Nevertheless, the Committee remains concerned at the burdensome requirements for seeking permission to undergo abortion, namely, a court order recognising rape, forced marriage or incest and the permission of two doctors in the case of jeopardy to the health of the pregnant women or the foetus. The Committee is concerned that pregnant women are therefore led to seek clandestine abortion services that put their lives and health at risk. In this regard, the Committee regrets the lack of data provided with regard to the number of legal abortions actually authorized. It also regrets the lack of information regarding the content of the draft Bill on reproductive health, which reportedly would further limit legal abortion only to cases where the pregnancy may seriously threaten the mother's life, as certified by three doctors (arts. 3, 6, 7 and 17)"*.

This led the Committee to formulate some recommendations to the State party mainly concerning medical services necessary to protect women<sup>28</sup>, review of legislation<sup>29</sup>, women and adolescent girls and access to reproductive health services<sup>30</sup>.

**Recommendation:** The government should:

- Establish and disseminate clear guidelines related to safe abortion according to the provisions of Rwandan laws;
- Ensure that these guidelines are followed.

Mental health services are offered to patients in Rwanda through specialized institution to treat such illness. Due to cultural mind-set, mental illness is not well seen and people who suffered from it are stigmatized after they recover. Mental health services are offered to those who seek for them without any discrimination, but such services are offered by a limited number of hospitals.

**Recommendation:** The government should:

- Increase the number of hospitals who can offer mental health services;

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<sup>28</sup> (a) Ensure that women are not denied medical services necessary to protect their lives and health

<sup>29</sup> (b) Review its legislation to ensure that women are not prompted by legal obstacles to resort to clandestine abortions that put their lives and health at risk and guarantee that the provisions on termination of pregnancy of the draft Bill on reproductive health are in full compliance with the Covenant;

<sup>30</sup> (c) Ensure access for women and adolescent girls to reproductive health services throughout the country, particularly in the rural areas, and increase education and awareness-raising programmes on the importance of using contraceptives and on sexual and reproductive rights and choices.

- Sensitize the population about the mental illness.