

REPUBLIC OF RWANDA



Minister in the Prime Minister's Office in charge of Family
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**SINGLE REPORT EQUAL TO FOURTH, FIFTH AND
SIXTH REPORTS ON THE IMPLEMENTATION OF THE
CONVENTION ON THE ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN**

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ABBREVIATIONS AND ACRONYMS

AIDS	: Acquired Immuno-Deficiency Syndrome
ART	: Anti Retro-Viral Therapy
AFER	: Association des Femmes Entrepreneures au Rwanda
AMR	: Association des Médecins du Rwanda
ANIR	: Association Nationale des Infirmiers du Rwanda
ANSPSF	: Association Nationale pour la Promotion du Sport Féminin
ARFEM	: Association Rwandaises des Femmes des Médias
ARPHA	: Association Rwandaise des Pharmaciens
ASBL	: Association Sans But Lucratif
CAP	: Campagne d'Action pour la Paix
CCOAIB	: Conseil de Concertation des Organisations et Associations d'Initiative de Base
CLADHO	: Collectif des Lignes et Associations de Défense des Droits de l'Homme
CNLS	: Commission Nationale de Lutte contre le Sida
CPR	: Conseil des Eglises Protestantes au Rwanda
FERFAP	: Fédération des Réseaux des Femmes Africaines pour la Paix
GDP	: Gross Domestic Product
GNP	: Gross National Product
GLIA	: Great Lakes Initiatives on Aids
HIMO	: Haute Intensité de Main d'œuvre
HIV	: Human Immuno-Deficiency Virus
ICT	: Information, Communication, Technology
MDR	: Mouvement Démocratique Républicain
NCCFB	: National Coordination Committee for the Follow-up of Beijing Declaration
NGO	: Non-governmental Organization
OAU	: Organization of African Union
OG	: Official Gazette
ONAPO	: Office National de la Population
ORINFOR	: Office Rwandais d'Information
PDC	: Parti Démocratique Centriste
PDI	: Parti Démocratique Idéal
PESFB	: Permanent Executive Secretariat for the Follow-up of Beijing Platform for Action
PL	: Parti Libéral
PNLS	: Programme National de Lutte contre le Sida
PMTCT	: Prevention of Mother-To-Child Transmission (of HIV)
PSD	: Parti Social Démocrate
PSR	: Parti Social Républicain
RAMA	: Assurance Rwandaise des Maladies
RPF	: Rwandese Patriotic Front
STDs	: Sexually Transmitted Diseases
TRAC	: Treatment and Research Aids Centre
UDPR	: Union Démocratique du Peuple Rwandais
VCT	: Voluntary Counselling and Testing

EXECUTIVE SUMMARY

INTRODUCTION

The Convention on the Elimination of All Forms of Discrimination Against Women, adopted by the United Nations General Assembly on 18 December 1979, and ratified by Rwanda on 10 November 1980, entered into force on September 3rd, 1981.

Article 18 of the Convention provides that States Parties undertake to submit to the Secretary-General of the United Nations periodical reports (4 years) for consideration by an ad hoc Committee.

Rwanda had already submitted three written reports before the 1994 Genocide and other crimes against humanity, whose documents could not be found due to the destruction of archives in the wake of this tragedy. It presented an oral report in 1996 given the circumstances prevailing at that time.

This report is therefore the first written report after the Genocide, but it is a combined report covering the period of 1994 to 2005. This option is driven by the will to avoid presenting a situation that is far different from the current realities of the country.

IMPLEMENTATION OF THE CONVENTION AND BEIJING DECLARATION BY RWANDA

The implementation consists in:

- Establishing institutional mechanisms in charge of the defence, protection and promotion of women's rights.
- Adopting constitutional and legal provisions enshrining and strengthening the principle of equality of men and women.
- Adopting constitutional and legal measures, including, if necessary, penalties, prohibiting all forms of discrimination against women.
- Developing programmes and plans of action to ensure women's development and promote their active participation in political, social, economic and cultural domains of life.

I. DEVELOPING INSTITUTIONAL MECHANISMS

1. PUBLIC INSTITUTIONS

- **Specialised Ministerial Department**

In 1994, a ministerial department especially in charge of issues related to gender and women's promotion was established and it became a specialized ministry in 1999, i.e. the Ministry of Gender and Women's Promotion.

- **National Structure for the Follow-up of Beijing Conference**

The establishment of this mechanism was based on the recommendation of the International Conference on Women held in Beijing. This structure is comprised of:

- A National Coordinating Committee with members from the Government, UN agencies, donors, international and national NGOs, religious denominations, the National Women's Council, the National Youth Council and from the private sector.
- A Permanent Executive Secretariat that ensures the implementation of decisions of the committee and the coordination of the implementation of the Beijing Platform for Action.

- **National Women's Council**

Established by the Constitution of 04/06/2003, the National Women's Council is a social, advocacy and mobilization forum where Rwandese women put together their views in order to solve their own problems jointly and therefore to participate in the development of their country. It is comprised of a General Assembly and Executive Committees at all administrative levels. Members are elected by women according to their constituency. It is provided with a permanent secretariat that ensures the daily running of activities.

- **National Commission for Human Rights**

It is an independent body in charge of:

- educating and sensitizing the population to human rights;
- examining the violations of human rights committed on the national territory and, if necessary, filing complaints in respect thereof with the competent courts.

- **Office of the Ombudsman**

It is an independent institution in charge of:

- acting as a link between the citizen on the one hand and public and private institutions on the other;
- preventing and fighting against injustice, corruption and other related offences in public and private administration;
- receiving and examining complaints from individuals and independent associations against the acts of public officials or organs, and private institutions and mobilising these officials and institutions in order to find solutions to such complaints if they are well founded;
- Coordinating at the national level programmes, strategies and actions of institutions on the prevention and fight against injustice, corruption and other related offences.

- **Gender Monitoring Office**

The Constitution of 04/06/2003 provides for the establishment of a Gender Monitoring Office that shall be in charge of monitoring to evaluate on a permanent basis compliance with gender indicators within the vision of sustainable development.

2. ORGANIZATIONS OF THE CIVIL SOCIETY

- **CLADHO:**

An Umbrella Association of the Leagues and Associations for human rights.

- **PRO-Femme/ Twese Hamwe:**

- An Umbrella Association of Rwandan organizations for the promotion of women, peace and development;
- It includes associations and organizations organized into clusters according to their mandate.

- **Forum of Rwandan Women Parliamentarians**

Established in 1996 on the initiative of women Deputies in the Transitional National Assembly, this forum is aimed at advocacy of the elaboration and adoption of laws designed to strengthen the rights of women and equality between men and women.

II. CONSTITUTIONAL PROVISIONS ENSURING THE PRINCIPLE OF EQUALITY OF MEN AND WOMEN

1. Fundamental Law during the Transitional Period (1994-2003):

- Article 16 of the Constitution of 10 June 1991: Equality of all citizens before the law without any discrimination based, inter alia, on race, colour, origin, ethnic group, clan, sex, opinion, religion or social status.
- Article 3 of the Protocol of the Arusha Peace Accords on the Rule of Law rejects all forms of exclusion and discrimination based, inter alia, on sex. It also implies that all citizens have the same chances of access to all political, economic advantages and others that shall be ensured by the State.

2. Constitution of 04/06/2003

- Article 9, 4°: Fundamental principle of building a State governed by the rule of law, equality of all Rwandese and equality between women and men.
- Article 11: Freedom and equality of all Rwandans with regard to rights and duties, prohibition of all forms of discrimination based, inter alia, on sex.
- Article 16: Equality of all human beings before the law and the right to equal protection of the law.

III. GUARANTEE OF THE EXERCISE AND ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Constitutional Value of the Rights and Freedoms Enshrined in various International Instruments

The right to life, citizenship, freedom and equality, physical and mental integrity, education, good health, private property, fair hearing, freedom of opinion, religion, worship, expression, press and information, association, movement, peaceful assembly without arms, learning and education, marriage, free choice of employment, etc.

IV. ADOPTION OF SPECIAL MEASURES AIMED AT ACCELERATING DE FACTO EQUALITY BETWEEN MEN AND WOMEN

- Assigning to women a minimum quota of 1/3 in grassroots administrative institutions through Law n° 42/2000 of 15 December 2000 related to the organization of elections;
- Constitution of 04/06/2003: 24 seats assigned to women in the Chamber of Deputies, at least 30% of seats in the Senate and in all decision-making institutions.

V. SOCIAL AND CULTURAL PATTERNS OF CONDUCT

- Adoption of special constitutional and legal measures and establishment of specialized institutional mechanisms in the promotion of women's rights.
- Study in 2002 by the Ministry of Gender and Women's Promotion on social and cultural beliefs, attitudes and practices related to gender.
- Training sessions and sensitization campaigns on women's rights and rejection of behaviours contrary to the principle of equality between men and women.
- Identification of practices contrary the principle of gender equality for the elaboration of prohibitive laws.

VI. TRAFFICKING AND EXPLOITATION OF PROSTITUTION OF WOMEN, VIOLENCE AGAINST WOMEN

1. TRAFFICKING IN WOMEN

- No such a case known in Rwanda
- Child kidnapping, sale or trafficking are punished by the law related to the rights and protection of the child against violence.

2. PROSTITUTION

• The Penal Code provides for Penalties for:

- Violation of one of the obligations to which anyone convicted of prostitution can be subjected;
- Incitement to prostitution; Exploitation of prostitution; Facilities for prostitution
- Participation in the preparation or execution of those offences, even with no subsequent effect.

• Law Related to the Rights and Protection of the Child against Violence also punishes:

- Incitement of children to prostitution
- Exploitation of child prostitution
- Using children in entertainment activities aimed advertising prostitution or in pornographic publications.

3. VIOLENCE AGAINST WOMEN

1. Sexual Violence

- **During the Genocide:**

The perpetrators of rape or sexual torture during the genocide are included in the first category by the three organic laws including the one of 19/06/2004 and are sentenced either death penalty or life imprisonment if no confessions were made, or otherwise, imprisonment of between 25 years and 30 years.

- **Post – Genocide**

Against Adults

- The Penal Code punishes rape and indecent assault
- It considers the aggravating circumstances : death of the victim, the quality of the parent, authority, educator or employer of the victim, civil servant, representative of the authority or the religious minister having misused their functions, doctor, surgeon or obstetrician; the plurality of perpetrators...
- Follow-up measures: Establishment of a specialized Police unit and free health care for the victims.
- Appointment at the level of the Prosecution of officers dealing specifically with investigating these offences.

Against Children

- Preventive measures: policy meetings of bodies in charge of fighting against this crime for the adoption of strategies, sensitization campaigns;

Punitive Actions:

- Aggravating circumstances: death of the victim, the quality of the parent or guardian, government official or religious leader, security officer, medical officer, educator, trainee, power of the guilty party over the child.

Other Actions in addition to Punishment:

- Immediate issue of medical and legal certificates with no prior charges
- Rapid trial and holding hearing sessions at the scene of crime
- TV and radio broadcasting of sentencing

2. Physical Violence (often domestic)

- Physical violence against women is punished by the Penal Code, irrespective of the perpetrator.
- Ill-treatment, dreadful sufferings or inhuman or degrading punishments inflicted on a child are punished by the law relating to the rights and protection of the child against violence.

Obstacle: Non-existence of reporting

Measures taken: Sensitization for increased reporting.

VII. ELIMINATION OF ALL FORMS OF DISCRIMINATION IN THE POLITICAL AND PUBLIC LIFE OF THE COUNTRY

The Constitution of 04/06/2003 recognizes:

- The right to vote and to be elected entitled to all Rwandese citizens of both sexes;
- The right of every citizen to free participation in the government of the country and the equal right of all citizens to have access to public service in accordance with their competence and abilities.

- Adoption of special constitutional and legislative measures in favour of women for their participation in the Parliament and grassroots level administrative institutions.
- Increasing the number of women in decision-making institutions.

VIII. ACQUIRING, CHANGING AND RETAINING NATIONALITY, EQUAL RIGHTS WITH RESPECT TO THE NATIONALITY OF CHILDREN

- Dual nationality is recognized by the Constitution
- The Organic Law on Rwandan Nationality Code governs changing and retaining Rwandan nationality.
- It allows any child whose one of his or her parents is a Rwandan to claim Rwandan nationality.

IX. EDUCATION

- The right to education for every Rwandan citizen is recognized by the Constitution.
- The law distinguishes family education, formal education, and non-formal education.
- Primary education is free and compulsory in public schools and public subsidized schools (Art. 39 of the Law n° 20/2003 of 03/08/2003).
- Admission in primary school is subjected to one condition of the required age of 7 years.
- Guidance in various subjects is mainly based on the choice of the applicants and available places.
- A national examination allows students from private schools to get diplomas awarded by the State.
- Access to public higher education is also based on the grade obtained in the national examination and on the accommodation capacity of public universities and high institutes.
- Access to secondary education in public schools and public subsidized schools is based on grades obtained in the national examination at the end of 6 form in primary education and of the first cycle of secondary education (usually known as "tronc commun"), as well as to accommodation capacity of those schools.
- Private sector investment in education contributes greatly to a significant increase in the number of schoolchildren, pupils and students.
- Schoolchildren follow the same curriculum all over the country, both in public and private schools.
- At the level of secondary education, curricula are developed according to subjects, and according to different department and faculties at the level of higher education and that, both in public and private education.
- Late in 2005, a co-educational system was applied in almost all public or private schools.
- Degrees awarded by private universities or high institutes having fulfilled all the requirements are recognized by the State.
- The Government has undertaken a wide literacy programme for the population aimed at reaching the literacy rate of 85% by 2015.
- Within the framework of Vision 2020, an "Education For All" system is planned with 6 goals:
 - Enhancing the quality of education;
 - Achieving gender parity by 2005 and equality by 2015 ;

- Reducing the rate of adult illiteracy;
- Developing apprenticeship and know-how among the youth and adults;
- Make primary education compulsory and free for all and even at the level of the first cycle of secondary education;
- Promoting childhood protection and education.

X. EMPLOYMENT

- The Constitution lays down the principles of the right to employment, free choice of employment as well as the right, with the same competence and ability, to equal pay for equal work.

a) The private sector is governed by the Labour Code

- It prohibits all forms of discrimination that may result in prejudicing equality of chances in respect of employment.
- It advocates equal treatment or equality before legal institutions in the event of employment disputes. It also lays down the right to equal pay for workers with the same competence in respect of work of equal value.
- The right to a paid leave at the employer's expenses is recognized.
- The protection of health and safety of working conditions are governed by Articles 132 to 138 of the Labour Code.
- Pregnant women benefit from special protection provided for by the Labour Code whose violation entails penalties for the violator.

b) The public sector is governed by the General Statutes of Public Service.

c) The existing social security regime is compulsory for private sector workers and civil servants.

d) Civil servants benefit from « RAMA » health insurance in terms of a minimum contribution to the health care cover.

XI. HEALTH

- The Constitution of 04/06/2003 (Art. 41) provides that "All citizens have the rights and duties relating to health. The State has the duty of mobilizing the population for activities aimed at promoting good health and assisting in their implementation".

- Women's rights with regard to health are included in the country general policy on.

- ***Family Planning and Contraceptive Methods:***

- 2000 Survey:
- 97% of the population including 94% of women and 98% of men know at least one modern contraceptive method.
- Contraception practice is less significant: 24% of women used at least one contraceptive method.

- The use rates varied according to areas (27% in urban areas against 11% in rural areas) and according to the level of education (34% of literate women against 8% illiterate women).

- 2005 Survey:

- 17% of women in union use either one modern method or traditional method, with the same variation trends according to the residence area and level of education.

- **Birth Control:**

- The percentage of sterilized women willing to apply birth control increased from 39% in 2000 to 42% in 2005.

- Women wishing to space children by 2 years or above fell from 45% in 2000 to 39% in 2005.

- **Maternal Health:**

- Antenatal consultations: The rate increased from 82.4% in 2000 to 94% in 2005 with a variation according to the residence area and education level (for instance only 6% of illiterate women in 2005)

- Birth:

- a) In health institutions: from 27% in 2000 to 28% in 2005

- b) At home: about 72%

- c) With the assistance of a qualified health worker: 3 births out of 10 including 8% per doctor in 2000, and 39% of attended deliveries in 2005 (per a doctor, nurse, midwife or assistant midwife).

- Traditional midwives play a great role: 46% of deliveries (2000 Survey);

- Tetanus vaccine: only 4% of pregnant women with a wide variation between ages.

- The maternal mortality rate is estimated at 1,071 deaths for 100,000 live births in 2000; it has fallen to 750 deaths since then.

- The malnutrition rate is high: 9% of women are below the critical point, 13% show overweight according to 2000 Survey.

- **Infant Health**

- Expanded Programme of Immunization (EPI 2005): 75% of children aged between 12 and 23 months are fully immunized, 23 % are partially immunized, 3% were not immunized at all.

- Acute respiratory infections, malaria and dehydration: 21% and 27% in 2000, 17% and 26% in 2005

- **Malnutrition:**

a) Emaciation (acute malnutrition: extremely thin children compared to their height: 7% in 2000, 4% in 2005 including 1% severely, and especially 9% for children aged between 12 and 23 months.

b) Chronic malnutrition (growth retardation, i.e. extremely small children compared to their age): 43% in 2000, 45% in 2005.

- **High Infant and Child Mortality:**

a) In 2000: Out of 1,000 live births, 107 under-one-year deaths and 196 under-five deaths.

b) In 2005: Out of 1,000 live births, 86 under-one-year deaths and 152 under-five deaths.

- **Child Breast-feeding:**

a) In 2000: 92% of children aged between 12 and 13 months are breast-fed, 1 child out of ten is breast-fed for almost 33 months, with exclusive breast-feeding for under-six-month children.

b) In 2005: almost all under-six-month children were breast-fed, 97% of children are still breast-fed between 10 and 11 months, with exclusive breast-feeding for under-six-month children.

- **HIV/AIDS and Sexually Transmitted Diseases (STDs)**

- The rate of knowledge of STDs other than HIV/AIDS in 2000 is below average.

- HIV/AIDS, its sexual transmission mode and at least one method of protection are widely known among the population: 99% of women and men (2000 and 2005).
- **Prevalence Rate:**
Estimated data from 2005 Survey:
 - At national level: 3% including 3.6% of women and 2.3% of men
- **Use of condoms:** 3% of women and 5% of men in 2005 against 1% of women and 6% of men in 2000.
- **Some specific actions against HIV/AIDS**
 - Establishment of bodies: National HIV/AIDS Control Programme (PNLS) in 1987, replaced by Treatment and Research Aids Centre (TRAC) and Great Lakes Initiatives on Aids (GLIA) in 2001, and the National HIV/AIDS Control Commission (CNLS)
 - Public awareness-raising against HIV/AIDS and STDs and for testing.
 - Anti-retroviral drugs at affordable prices,
 - Fight against stigmatization and marginalization of people living with HIV/AIDS.
 - **Private Initiatives:**
 - Protection and Care of Families Against HIV/AIDS (PACFA) especially dealing with mother-to-child transmission;
 - Establishment of associations of people living with HIV/AIDS.

Unwanted Pregnancies

- In Rwanda, abortion is prohibited and punished by the Penal Code and the law relating to the rights and protection of the child against violence.
- Only therapeutic abortion is allowed when a pregnancy can put at serious risk the woman's health and in form conditions provided for by the law.
- Advertising abortion means is also punished by the law.

Skilled Staff in Health:

- The ratio of inhabitants per doctor is 50,000, while that of inhabitants per nurse is 3,900.

XII. WOMEN AND POVERTY – BANK LOANS OR CREDIT

- 60% of the population lives below the poverty line including 62.15% of female-headed households and 54.32% of male-headed households (EICV 2001)

Initiatives Undertaken to Fight against Poverty Feminization:

- Establishing a guarantee fund at the level of each District to grant micro-credit to women grouped into cooperatives for their promotion;
- Establishing a savings and credit "banque populaire" affiliated to the "Union des Banques Populaires" by the Associations of Women Entrepreneurs in Rwanda (AFER in its French acronym);
- Opening a special women guarantee fund to facilitate access to credit granted by commercial banks;
- Establishing a savings and micro-credit cooperative (COOPEDU) by a women's association, DUTERIMBERE.

XIII. RECREATIONAL ACTIVITIES, SPORTS AND CULTURE

- No legal or institutional obstacle to women's participation in these activities.

- Existence of a National Association for Female Sports Promotion and women's teams of volleyball and basketball, female football is still in its infancy.
- Girls, still in a small number, are involved in athletics.
- At the cultural level: the national cultural dance group is the archetypical representative of the Rwandese folklore, and it includes both girls and boys. There are also folk groups from private initiatives that also include both girls and boys.

XIV. RURAL WOMEN

- All legal and institutional mechanisms for the promotion of women's rights established in the country are meant for all Rwandese women with no distinction based on residence area.

XV. ACCORDING TO MARRIED WOMEN LEGAL CAPACITY IDENTICAL TO THAT OF MEN

- The principle of equality of men and women is laid down by the Constitution and the Family Law.
- Discriminatory provision: The trade law under review prohibits a married woman but not fully separated from her husband from practising trade without his consent.

XVI. MARRIAGE AND FAMILY RELATIONS

- Every spouse has the right to petition for a divorce for the reasons provided for by the law or both of them by mutual consent.
- Spouses have the same rights in respect of ownership, management, administration, enjoyment and disposal of property according to the matrimonial regime.
- Every person, irrespective of sex, can contract only freely chosen marriage (consent).
- Only monogamous marriage is recognized and results in legally binding commitments on spouses.
- During marriage, the spouses have the same rights and duties between them and towards their children; they have to contribute to household expenses within the bounds of their ability.
- Men and women have equal rights to land ownership, and all children have the rights to inherit the property from their parents with no distinction based on sex.
- The minimum age for marriage is fixed at 21 complete years of age, any cohabitation as a husband and a wife before this year is legally punished.
- So as to take effect, marriage has to be celebrated before the registrar, and a certificate of marriage thereof has to be established.

XVII. WOMEN AND ARMED CONFLICTS

- During the 1994 Genocide, women were not only killed, but they were also subjected to systematic rape, and the survivors still suffer from its trauma.
- Rwandese women realized that they should contribute to armed conflicts resolution.

XVIII. WOMEN AND MEDIA

- The media assign a space for publications relating to women's condition: press articles, radio and TV programmes.
- Establishment of the Rwandese Association of Women in the Media (ARFEM in its French acronym).

XIX. WOMEN AND ENVIRONMENT

- Rwandese woman is involved in the protection of environment like any other citizen: fight against deforestation, erosion, conservation of water, fauna and flora.

XX. PROTECTION OF GIRLS

- The girl enjoys all fundamental rights and freedoms that every citizen is entitled to.

DIFFICULTIES ENCOUNTERED AND WAY FORWARD

DIFFICULTIES

- Poverty, ignorance, traditional taboos and stereotypes
- Genocide and its multiple consequences.

WAY FORWARD

- Strengthening monitoring and evaluation mechanisms, and adoption of development strategies;
- Gender mainstreaming in all national development programmes and projects (Vision 2020, EDPRS, Decentralization Policy);
- Permanent public awareness-raising to eradicate discriminatory stereotypes and customary concepts;
- Prosecuting the Genocide perpetrators and rehabilitating the memory of the victims;
- Promoting and supporting the action of various organizations involved in the field of human rights in general and women's rights in particular.

CONCLUSION

An obvious revolution has been achieved in respect of the promotion of women's rights compared to the pre-1996 situation.

The Government still has confidence in the partnership system existing in this area and aspires to its strengthening. Any suggestion is therefore welcome.

INTRODUCTION

1. The Convention on the Elimination of All Forms of Discrimination Against Women was adopted by the UN General Assembly in its resolution n° 34/180 of 18 December 1979, and entered into force on 3 September 1981. It was ratified by Rwanda through the Presidential Order n°431/16 of 10 November 1980.
2. In accordance with Article 18 of the Convention, States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the ad hoc Committee, an initial report within one year after its entry into force, and thereafter periodic reports every four years on measures which they have adopted to give effect to its provisions. The presentation of the report should comply with the reporting guidelines laid down by the Committee regarding the form and content.
3. Pursuant to this commitment, Rwanda presented three written reports before the 1994 Genocide and other crimes against humanity which claimed more than one million of Rwandese. In the wake of this tragedy, and though it is still grappling with the challenge of its reconstruction in all areas, Rwanda managed to present an oral report at the session of the Committee of 31 January 1996.
4. At the end of the World Conference on Women held in Beijing under the aegis of the United Nations, governments were invited to include in their periodic reports on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women steps taken to implement effectively Beijing Declaration and Platform for Action adopted at the Conference. In its 16th session from 13 to 31 January 1997, the Committee included the request in the guidelines on the content of the reports to be submitted to it.
5. Moreover, both instruments cover the same reality as they are aimed, through actions of States Parties, at altering the landscape of a world in which a woman comes second, through adopting needed measures allowing her full and active participation without discrimination in respect of development in all political, social, economic and cultural spheres, basing on the principle of equality between men and women in respect of chances of access to opportunities available in those spheres.
6. In its vision of the country's future, the Rwandese Patriotic Front has strongly stressed that unity and reconciliation of the Rwandese People cannot be achieved as long as a part of the population, especially the female population, does not contribute to them through its integration in various machineries of political, social, economic and cultural life.
7. The idea of strengthening gender concept in various spheres of life was dealt with in depth at the concertation meetings on the orientations of national life held from May 1998 to March

1999. Integration of women in all sectors of activities was strongly supported by the Forum of Political Parties.

8. The Government of Rwanda, in its general policy, and with a view to confirming its will and determination to establish a rule of law where all forms of discrimination are suppressed, defined and adopted a national gender policy mainly aimed at giving women a significant place in the participation in the country's development in all areas.
9. This report is the first written report to be presented after the 1994 Genocide. With a view to avoiding presenting a situation that is by far different from the country's reality, the report is combined and covers the period of 1994-2005. The failure to present reports over this period is due first of all to the fact that since 1993, the country was in a conflict situation characterised by the refusal to implement the Arusha Peace Accords by the regime in place at that time, and which led to masterminding and implementing the 1994 Genocide on the one hand, and to the emergency period that prevailed in the wake of the Genocide and in the course of which priority actions were aimed at rebuilding the country in general on the other hand.
10. It is divided into two parts. Part one is based on a general profile of Rwanda at the social, economic and political levels as well as at the institutional level in the area of human rights in general and women's rights in particular. Part two is related to various measures to implement both international instruments focused on in this report, difficulties encountered in their implementation as well as to future prospects.

CHAPTER ONE: GENERAL PROFILE OF RWANDA

11. Rwanda is located in the part of Central Africa usually known as the “Great Lakes Region”. It shares borders with Tanzania in the East, the Democratic Republic of Congo in the West, Uganda in the North and with Burundi in the South.
12. It is situated at latitude between 11° and 3° south and at 29° and 31° longitude east, at 1,200 km from the Indian Ocean and at 2,000 km as the crow flies from the Atlantic Ocean. It has a tropical mountainous climate with two unequal rainy seasons alternating with a short dry season and a long dry season. Its particularly mountainous topography has led Rwanda to be known as the “Land of a Thousand Hills”.
13. The population is estimated to be 8,128,553 million including 3,879,448 men representing 47.7%, and 4,249,105 women representing 52.2%, distributed on a surface area of 26,338 sq km, i.e. the population density of 336 inhabitants per sq km; 1,000 sq km covered by Lake Kivu being included in the breakdown. The population residing in urban areas represents 16.69% of the total population and consists of 728,052 men, i.e. 53.5%, and 634,260 women, i.e. 46.5%¹.

1.1. SOCIAL, POLITICAL AND ECONOMIC CONTEXT

1.1.1. SOCIAL, POLITICAL CONTEXT

14. After its independence in 1962, Rwanda had a succession of political regimes characterised ethnic and regional discrimination, and that fostered the culture of impunity of the perpetrators of the violations of those rights. The country applied the exclusion policy for more than 30 years, which compelled the Rwandese, especially those in Tutsi's ethnic group to live in exile in neighbouring countries and other countries all over the world. Due to a lack of its appropriate solution to these problems, the problem of refugees was one of the factors in triggering the armed conflict that the country went through between 1990 and 1994.
15. The apex of this discrimination was reached with the 1994 Genocide that plunged the country into mourning, claiming more one million of victims, and during which Rwandese women were seriously affected: molested and raped before being killed, carried as war booty throughout the genocide, during the forced exodus and in the camps in asylum countries.
16. Following the fall of the regime which had masterminded the Genocide, the country had to cope with huge challenges: outbreak of diseases, the situation of internally displaced people, all forms of trauma, very many vulnerable groups including widows and widowers, orphans, repatriated refugees and genocide survivors with no shelter no resource, and with the problem

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

of refugees that were held hostage in neighbouring countries and used as a shield for the Genocide masterminds and perpetrators.

17. A Government of National Unity was put in place in July 1994 by the RPF and political parties that did not take part in the Genocide in order to ensure a transitional period towards a regime elected by the people, while rising to the major challenge of the country reconstruction on new foundations.
18. With a view to establishing a rule of law, putting in place efficient mechanisms against all forms of discrimination and exclusion was one of the major guidelines of its programme that was also focused on political reconstruction and reconciliation, repatriation of refugees and finding a solution to problems resulting from the Genocide.
19. In November of the same year, a Transitional National Assembly was established in order to ensure a legislative function, especially to allow to bridge the gaps in internal legislation faced with the challenge of justice for punishing crimes committed in 1994.
20. The legislature was also reorganised through the establishment of a Military Prosecution and a Military Court in 1994, and through the entry into force of the law on the organisation and functioning of the Supreme Court. In 2004, with a view to improving the functioning of judicial institutions, speeding up legal proceedings and discharging courts, while emphasising on the duty of legal officials, the classic legal system has been subject to a sweeping reform on the judicial and institutional levels, to the extent that the judicial landscape has greatly changed, the Supreme Court being the highest court in the country.
21. Within the framework of suppressing the crime of genocide, special chambers expected to deal with this crime were established in 1996. The speed of legal proceedings having proved slow in the classic justice system and given the urgent need for reconciliation and national unity that can only be based on a justice system enshrining the recognition of the victims and their rights, a participatory justice system made concrete through Gacaca Courts was established in 2001. In 2002, the activities of collecting information relating to the circumstances of the genocide and other crimes against humanity as well as to the identity of their perpetrators were launched within 118 pilot courts, and the first cases in the pilot courts started on the 10 March 2005. When this report was drafted, the government intended that Gacaca Courts could be operational countrywide during 2006.
22. In line with the administrative organisation reform initiated by the government and based on decentralisation, elections were organised on the 6 March 2001 in order to appoint grass-roots level authorities, under the supervision of a National Electoral Commission and with the admission of national and international neutral observers. In 2005, a new administrative structure of the country was put in place, and another restructuring is expected in 2006 to refine the decentralisation that is in line with a large-scale programme of good governance, and that is aimed at bringing basic public services close to the lower strata of the population.

23. To make effective and concrete the end of the transitional period, the population approved a new constitution through a referendum of 26 May 2003, the multiparty direct universal suffrage presidential elections were conducted on 25 August 2003, and legislative elections took place from 29 September to 3 October in the same year. The country is therefore governed by authorities elected by the people.

1.1.2. ECONOMIC CONTEXT

24. The government established in July 1994 inherited a completely destroyed country with almost the whole of its basic infrastructure destroyed, and a dry-bled economy seriously affected by the war and genocide. The revival required the international community support, and effective measures needed to be taken.

25. The government embarked on an economic policy for encouraging and promoting private investment, improving the exploitation of natural resources, supporting cottage industry, promoting tourism and for privatising public institutions, most of them being in deficit, in order to put an end to a crisis almost relying only on external aid, while gradually putting in place machineries for public sector financing.

26. Today, the main sources of the State financing are taxes, donations and external loans.

27. Agriculture is the backbone of the economy. In fact, the gross domestic product consists mostly of agricultural sector that, in 2003, represented 45% compared to the prices of 1995, followed by services with 36% and finally industry that represented 19%. It should be pointed out that the majority of women are involved in the agriculture sector with 92.6% against 80.7% of men². The agricultural techniques are traditional and agriculture is practised on small surface areas with a low investment rate. The agriculture production is mainly for local consumption, and only coffee and tea are for export.

28. About 60% of the population lives below the poverty line including 61.2% of women and 59.3% of men with a great disparity between rural and urban areas³.

1.2. LEGAL AND INSTITUTIONAL MECHANISMS

1.2.1. LEGAL INSTRUMENTS

29. Existing legal instruments on human rights in general and women's rights in particular are international conventions to which Rwanda is party and national legal texts.

² The General Census of Population and Housing, 2002.

³ Ministry of Finance and Economic Planning and Ministry of Gender and Family Promotion : Rapport sur le profil de la situation de la femme et de l'homme au Rwanda, Kigali, novembre 2002, p.46.

1.2.1.1. International Conventions

30. For a long time, Rwanda has been party to general basic instruments, especially:

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

31. It has also adhered to several international, regional or sub-regional instruments relating to particular areas, especially:

- Suppression of the crime of genocide, war crimes and crimes against humanity;
- Protection of civilians and casualties in wartime;
- Torture ;
- Labour ;
- Slavery and trafficking in persons;
- Copyrights;
- Terrorism;
- Environment ;
- Transnational Organised Crime;
- Fight against discrimination and others.

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

- The Convention N° 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, ratified through the Presidential Order n° 39 bis 01 of 30/9/1999 (O.G. n° 7 of 01/04/2000);
- The African Charter on the Rights and Welfare of the Child, ratified through the Presidential Order n° 11/01 of 30 May 2001 (O.G. 2001, n° 22) ;
- The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, approved and ratified through the Presidential Order n° 311/01 of 26 February 2002 (O.G. n° Special of 26/2/2002);
- The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, approved and ratified through the Presidential Order n° 32/01 of 26 February 2002 (O.G. n° special of 26 February 2002);

- The Convention on Consent to Marriage, Minimum Marriage Age and Registration of Marriages concluded in New York on 10 December 1962 and approved and ratified through the Presidential Order n° 159/01 of 31 December 2002 (O.G. n° 12 ter of 15 June 2003) ;
- The Convention on the Political Rights of Women concluded in New York on 31 March 1953 and approved and ratified through the Presidential Order n° 160/01 of 31/12/2002 (O.G. n°12 ter of 15 June 2003) ;
- The Final Protocol to the Convention for Suppression of Trafficking in Persons and Exploitation of other People's Prostitution concluded in New York on 21 March 1950 and approved and ratified through the Presidential Order n° 161/01 of 31/12/2002 (O.G. n°12 ter of 15 June 2003) ;
- The Convention for Suppression of Trafficking in Persons and Exploitation of other People's Prostitution concluded in New York on 21 March 1950 and approved and ratified through the Presidential Order n° 162/01 of 31/12/2002 (O.G. n°12 ter of 15 June 2003) ;
- The Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children supplementing the Convention Against Transnational Organised Crime concluded in New York on 15 November 2000 and approved and ratified through the Presidential Order n° 163/01 of 31/12/2002 (O.G. n°12 ter of 15 June 2003);
- The Convention on Married Woman's Nationality concluded in New York on 20 February 1967 and approved and ratified through the Presidential Order n° 164/01 of 31 December 2002 (O.G. n°12 ter of 15 June 2003);
- The Optional Protocol to the African Charter of Human and People's Rights to Women's Rights in Africa approved and ratified through the Presidential Order n° 11/01 of 24 June 2004 (O.G. n° special of 24 June 2004)

1.2.1.2. National Legislation

33. In addition to the Fundamental Law (indissolubly consisting of the Constitution of 10 June 1991, the Arusha Peace Accords, and the Declaration of RPF of 17 July 1994 and the Memorandum of Understanding between political parties RPF, MDR, PDC, PDI, PL, PSD, PSR and UDPR of 24 November 1994) which governed the transitional period (O.G., 1993) and the Constitution of 4 June 2003 (O.G. special of 04/06/2003), the Rwandese legislation is composed of laws including provisions related to women's rights and the rights of the child.

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

- The Decree of 2 August 1913 related to traders and the proof of commercial commitments (O.G., 1913);

- The Organic Law N° 29/2004 of 03/12/2004 modifying the Law of 28 September 1963 establishing Rwandan nationality Code(O.G. n° 1 of 01/01/2005);
- The Decree Law N° 21/77 of 18/08/1977 of 18 August 1977 establishing the Penal code as modified and complemented (O.G., 1978, n°13 bis);
- The Law N° 42/1988 of 27 October 1988 establishing the Preliminary Title and the First Book of the Civil Code (O.G., 1989) ;
- The Law N° 22/99 of 12/11/1999 to supplement Book one of the Civil Code and to institute Part Five regarding matrimonial regimes, liberalities and successions (O.G. n° 22 of 15/11/1999);
- The Law N° 42/2000 of 15 December 2000 Instituting the Organization of Elections of Leaders at Grass-roots Levels in Rwanda as modified (O.G. n° Special of 19/12/2000);
- The Law N° 27/2001 of 28/04/2001 Relating to Rights and Protection of the Child against Violence (O.G. n° 23 of 01/12/2001);
- The Law N° 47/2001 of 18/12/2001 instituting punishment for offences of discrimination and sectarianism (O.G. n° 4 of 15/02/2002);
- The Law n° 51/2001 of 30/12/2001 establishing the Labour Code (O.G. n°5 of 01/03/2002);
- The Law n° 22/2002 of 9/7/2002 on General statutes for Rwanda Public Service (O.G. n° 17 of 01/09/2002);
- The Organic Law n° 16/2003 of 27/06/2003 governing political organizations and politicians (O.G. n° special of 27/06/2003);
- The Organic Law n° 17/2003 of 07/07/2003 related to presidential and legislative elections (O.G. n° special of 07/07/2003);
- The Organic Law N° 20/2003 of 03 August 2003 organising Education (O.G. n° 21 of 1st November 2003);
- The law n° 30/2003 of 29 August 2003 modifying and complementing the Decree- law n° 01/81 of 16/01/1981 relating to census, identity card (O.G. n° 21 of 1st November 2003).

1.2.2. INSTITUTIONAL MECHANISMS

Within its policy aimed at promoting gender equality and women's integration in development, the Government of Rwanda put in place institutional mechanisms some of which are at the highest

level of the State, and it supported the development of non-governmental organisations working in human rights in general and in women's rights in particular.

1.2.2.1. Public Institutions

1.2.2.1.1. Establishment of a Specialised Ministerial Department

35. Since the establishment of the transitional government in 1994, the attributions relating to gender and women's promotion were first assigned to a specific ministerial department, despite the changes of its name which have occurred since its establishment: the Ministry of Family and Women's Promotion from 1994 to 1997, the Ministry of Family, Gender and Social Affairs from 1997 to 1999, Ministry of Gender and Women's Promotion in 1999, Ministry of Gender and Family Promotion in 2003, Minister in the Prime Minister's Office in Charge of Family Promotion and Gender in 2005.
36. The action of the ministerial department is aimed at empowering women in all spheres of national life in order to reduce the level of their marginalisation and enable them to be aware of their rights.
37. In March 2001, the attributions of this ministry were modified as follows:
- Developing policies and programmes designed to alter existing disparities, relating to the socio-economic status of a woman and man with regard to equal facilities and chances in competition;
 - Developing policies and programmes designed to scale up women's productive participation in economic development with a special emphasis on their education and economic capacity;
 - Participating in the implementation of programmes designed to ensure women's self-determination.
38. At present, a number of concrete actions have been achieved by the ministry, including mainly the following:
- Regarding policies, it developed a paper on National Gender Policy that has just been adopted by the Government within the framework of the Vision 2020 programme and a five-year plan of action for gender equality promotion. It conducted a survey on socio-cultural beliefs, attitudes and practices in connection with gender, research on gender incidence on the decentralisation policy and, jointly with the Ministry of Finance and Economic Planning, conducted a survey on women's profile. At the end of the survey, data was disaggregated basing on various sectors of activities and with regard to women.

- At the social level, it participated in the development of the sectorial plan for fighting against HIV and AIDS, and the plan of Education For All that allows for gender mainstreaming in education sector, especially in the curricula of the low level in secondary schools.
- At the economic level, it put in place, with the support of the Government, a women's guarantee fund for obtaining bank credit and loans. Pursuant to one of the resolutions of Beijing Declaration on the fight against poverty through granting micro-credit, it established at the level of Districts, credit funds for women's small businesses. It also raised the women's awareness about the relevance of savings and usefulness of creating mutual support groups to have a role in development.
- As regards legislation, the Ministry, jointly with the Ministry of Justice and Institutional Relations, identified laws containing discriminatory provisions against women for their revision. It took part in the elaboration of other laws protecting women's rights and the rights of the child that were adopted, especially the law on matrimonial regimes, liberalities and successions, the law relating to rights and protection of the child that have already entered into force as well as the Constitution of 04/06/2003.
- Regarding the establishment of institutional mechanisms, there should be mentioned the establishment of women's organisational structures in 1999 that led to the National Women's Council thereafter established by the Constitution of 04/06/2003, but also the National Structure for the Follow-up of Beijing Conference.

39. A special emphasis has also been put on sensitization to women's rights and gender concept, and the following actions have been undertaken by the Ministry:

- Organisation of women's solidarity camps aimed at sensitizing and mobilising them for active participation in the resolution of the country's problems through making decisions with lucidity and good judgment, and during which various themes have been addressed in relation to the country's general situation.
- Organisation of training sessions in gender and development for a targeted audience such as deputies of the Transitional National Assembly, radio and TV journalists, public servants, members of the civil society, senior officials of Ministries and Commissions.
- Sensitization and information campaigns on gender and development in regular public meetings at the level of Districts and through audio-visual and print media.
- Sensitization of authorities at all levels to their role in strengthening women's organisational structures established in line with the National Women's Council.
- Selection of reflection and discussion themes for each year in connection with the celebration of the International Women's Day. The themes selected so far have been focused on women and shelter, economic power and law, education and schooling of

Rwandese girls, fight against poverty, violence and girls and HIV/AIDS, participation in decision-making institutions.

40. In order to achieve its mission of promoting gender equity and equality in the country's development process, this ministerial department set itself two major goals, namely engendering the development process and empowering women in all areas.

41. In this regard, it identified crucial areas on which the National Gender Policy shall be focused as an integral part of a long-term development framework, "Vision 2020", adopted by the Government and based on good governance, decentralisation and fight against poverty, gender being considered as a cross-cutting theme in the development pillars.

42. Those areas are⁴ :

- Poverty reduction ;
- Agriculture and food security;
- Health;
- HIV/AIDS;
- Education and vocational training;
- Governance and decision-making;
- Human rights and gender-based violence;
- Peace and reconciliation;
- ICT;
- Environment protection.

43. The specific objectives of the National Gender Policy are ⁵:

- Developing the national poverty reduction policy taking into account constraints, options, motives and needs of women and men, girls and boys, and ensuring that all of them have equal access to and control over economic opportunities such as employment and credit.
- Engendering the land law, agriculture policies and programmes, while ensuring that all citizens, men and women, girls and boys have the same chances of access to and control over land property, seeds, fertilizers, markets and modern agricultural techniques whose improvement will contribute to the promotion of food security.
- Ensuring that the specific needs of men and women, girls and boys in the field of health are effectively met through an improvement of health services accessible to all.
- Fighting against the spread of HIV/AIDS.

⁴ Ministry of Gender and Family Promotion: National Gender Policy, Kigali, January 2004, p.12.

⁵ Idem.

- Ensuring that girls and boys have equal chances of access to education to ensure their performance; encouraging the enrolment of girls in Science and Technology and increasing the literacy rate by putting a special emphasis on women.
- Ensuring equitable representation and effective participation of women, men, girls and boys in decision-making at all levels, and promoting measures of affirmative action in favour of increased representation of women in decision-making institutions.
- Fighting against gender-based violence and ensuring equality of all before the law.
- Ensuring effective and equal participation of men and women, girls and boys in the initiatives and programmes for peace keeping, national unity and reconciliation.
- Lobbying the Government to encourage the media to be more gender sensitive and ensuring that mainstreaming gender issues is systematically and effectively undertaken within the framework of ICT.
- Ensuring that policies, programmes and activities of environment protection and natural resource management are systematically and effectively engendered.

44. In order to ensure a successful implementation of this policy, the ministerial department identified short-term major actions (2003-2007), namely:

- Development of human resources;
- Engendering sectorial policies, plans and programmes for Province and District community development;
- Building women's capacity;
- Coordination of various interventions relating to the promotion of gender equality and equity;
- Monitoring/evaluation of progress made in the light of set targets.

45. It counts on the financial and technical support from various partners that are involved in the promotion of gender equality and equity within the framework of their collaboration between themselves and with the Government.

1.2.2.1.2. National Structure for the Follow-up of Beijing Conference

46. Established by the Prime Minister's order n° 57/03 of 05/02/2002, this national structure is in charge of follow-up and coordination of the implementation of Beijing recommendations. It is composed of two organs, especially:

- The National Coordinating Committee, NCCFB;
- The Permanent Executive Secretariat, PESFB.

47. The NCCFB members are:

- The Minister having Gender and Women's Promotion in her attributions who is its president;
- The Minister having Finance and Economic Planning in his attributions who is its vice-president;
- A representative of the President's Office;
- A representative of the Prime Minister's Office;
- A representative of the Ministry having Local Government and Social Affairs within its remit;
- A representative of the Ministry having National Education within its remit;
- A representative of the Rwanda Information Office;
- A representative of the National Women's Council;
- A representative of the National Youth Council;
- Two representatives of the UN Agencies;
- A representative of donor countries ;
- A representative of international NGOs;
- A representative of "Pro-femmes/Twese hamwe" Umbrella Association;
- A representative of the Consultative Council of Organizations to Support Grassroots Initiatives (CCOAIB in its French acronym) ;
- A representative of the Umbrella Association of the Leagues and Associations for the Defence of Human Rights (CLADHO in its French acronym);
- A representative of the Catholic Church;
- A representative of the Council of Protestant Churches in Rwanda (CPR in its French acronym) ;
- A representative of the Muslim religion;
- A representative of the Rwandese Private Sector Federation.

48. It is in charge of ensuring orientation and coordination of all activities aimed at mainstreaming Beijing recommendations in the country programmes and policies, the establishment of groups in charge of examining measures to eliminate all forms of inequalities between Rwandese men and women and of a system for the follow-up of programmes and activities of such groups, advising the Permanent Executive Secretariat and assisting it in achieving its objective as well as mobilizing funds to support activities.

49. The Permanent Executive Secretariat, under the Ministry having women's promotion within its remits, is run by a Permanent Executive Secretary.

50. It is in charge of following up the implementation of the decisions of the National Coordinating Committee as well as the progress of the implementation of Beijing Platform for Action at the regional and international level, coordinating the activities of the stakeholders in the implementation of the Platform for Action and activities of drafting needed reports on the activities of the National Coordinating Committee and on the implementation of the Platform for Action.

1.2.2.1.3. National Women's Council

51. The Constitution of 04/06/2003 in its Article 187 establishes this Council whose organisation, attributions and functioning are determined by the Law n° 27/2003 of 18/08/2003 (O.G. n° special bis of 03/09/2003).
52. Under the Ministry having gender and women's promotion within its remit, and vested with legal personality and enjoys financial autonomy, the National Women's Council is a social forum where Rwandese women put together their views in order to solve their own problems jointly and therefore to participate in the development of their country. It has the following mission:
- Gathering Rwandese women's ideas with no exclusion;
 - Training Rwandese women for joint analysis of and responses to their problems;
 - Encouraging Rwandese women to participate in the country's development process;
 - Raising Rwandese women awareness about patriotism and working for the country;
 - Building Rwandese women capacity in their actions;
 - Representing Rwandese women in the country governance for them to participate in Government programmes;
 - Encouraging Rwandese women to fight for equality and complementarity between men and women.
53. At the national level, it has a permanent secretariat in charge of daily management of activities. The General Assembly at the national level is composed of members of the executive committee at the national level, members of the executive committees of Provinces and Kigali City, and all coordinators of all Districts. The establishment of this institution is a concrete legal example of the formal existence of the women's organisational structures that were already operational at the administrative levels since 1996.
54. At all these levels, members will be respectively responsible for finance, health, production activities, education and training, legal affairs, social affairs, culture and civic education.

1.2.2.1.4. National Commission for Human Rights

55. A National Commission for Human Rights was established by the Law n° 04/99 of 12/03/1999 (O.G. n° 6 of 15/03/1999), modified by the Law n° 37/2003 of 31/12/2002 (O.G. n° special of 16 January 2003).
56. On the whole, it is responsible for examining all violations of human rights committed on Rwandese territory, especially those committed by State organs, public officials using their duties as cover as well as by all organisations working in Rwanda.
57. This National Commission for Human Rights existing since 1999 has achieved a number of actions consisting of inquiries into and research on the violations of human rights. It tried to

disseminate the knowledge of human rights by teaching them and organising public conferences, educational radio and TV programmes.

58. It has also conducted research on the phenomenon of raping children under 18 in order to establish their causes, scale, and assess the impact of actions already undertaken for its eradication.
59. There is a planned project of carrying out activities related to the elaboration of a Rwandese charter of human rights and the development of a teaching manual in human rights intended for secondary schools.
60. The Constitution of 04/06/2003 has changed its French name to the "Commission Nationale des Droits de la Personne" and recognises its independence. It is responsible for:
 - educating and sensitizing the population to human rights;
 - examining the violations of human rights committed on Rwandese territory by State organs, public officials using their duties as cover, by organizations and by individuals;
 - carrying out investigations into the violations of human rights and filing complaints in respect thereof with the competent courts;
 - preparing and disseminating an annual report and other reports as may be needed on the state of human rights in Rwanda.

1.2.2.1.5. Office of the Ombudsman

61. Established by the Constitution of 04/06/2003, the Office of the Ombudsman is an independent public institution. Its mission is clearly set forth in the Constitution and in the law establishing its organisation and functioning.
62. As regards protection of human rights, it is especially responsible for:
 - acting as a link between the citizen on the one hand and public and private institutions on the other;
 - preventing and fighting against injustice, corruption and other related offences in public and private administration;
 - receiving and examining complaints from individuals and independent associations against the acts of public officials or organs, and private institutions and mobilising these officials and institutions in order to find solutions to such complaints if they are well founded;
 - Sensitizing the population to working with public and private institutions and not fearing to denounce poor services based on injustice, corruption and related offences.

1.2.2.1.6 Gender Monitoring Office

63. The current Constitution in its Article 185 establishes a national independent institution, referred to as "Gender Monitoring Office", whose organisation and functioning shall be determined by a law.
64. It shall be responsible for:
- monitoring to evaluate on a permanent basis compliance with gender indicators within the vision of sustainable development and to serve as an orientation and reference point regarding equality of chances and equity;
 - submitting to various institutions recommendations within the framework of the gender vision.

1.2.2.2. Civil Society

65. A number of NGOs are actively involved in human rights in Rwanda, but the general trend is that they are grouped into umbrella organisations characterised by one specialisation in one of the branches of human rights.

1.2.2.2.1. CLADHO

66. The Umbrella Association of the Leagues and Associations for the Defence of Human Rights in Rwanda, CLADHO (in its French acronym), was established in 1993. Its establishment was initiated by four associations that decided to group together to fight against several violations of human rights then prevailing in the country. It was legally recognized by the Ministerial Order n° 18/05 of 04 January 1994 and is now composed of five associations.
67. Its activities and those of its members are aimed at defending and promoting human rights in general and its experience allowed it to have the status of an observer in the African Human Rights Commission.
68. As regards women's rights, the Umbrella Group is a member of the National Coordinating Committee for the follow-up of Beijing Conference and in this regard it is involved in the development of a plan of action for engendering various national programmes and policies as well as its activities and those of its members.

1.2.2.2.2. Pro-Femmes/ Twese Hamwe

69. The umbrella association, PRO-FEMMES / TWESE HAMWE, was established in 1992 by 13 associations but it is currently composed of 43 organisations working for women's promotion, which are organised into clusters according to their mandate⁶.

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

70. Its vision is that it aspires to a Rwanda safe from all forms of gender-based discrimination, characterised by gender equality and equity in the development process within the context of a stable and peaceful society.
71. Aiming to be a platform, an exchange and concertation framework that promotes women's fulfilment and their active and effective participation in national development, PRO-FEMMES / TWESE HAMWE set itself the following goals:
- Socio-economic development of women;
 - Promoting peace and education to peace;
 - Building organisational and institutional capacity of its members;
 - Participating in the development of policies for women.
72. It is aimed at:
- joining efforts to bring about changes with a view to eradicating all forms of discrimination and violence against women;
 - acting as a consultation framework and as a think tank on strategies for the achievement of the mission of member organisations involved in the promotion of peace, women's social, economic and legal development;
 - fostering exchanges between different member organisations and promoting partnership with organisations and institutions working for women's promotion.
73. Regarding women's rights and the rights of the child, PRO-FEMMES / TWESE HAMWE member associations have carried out the following activities:
- Education about human rights in general and women's rights and the rights of the child in particular;
 - Assistance, through the Association for the Defence of the Rights of Women and Children "HAGURUKA ASBL", member of this umbrella association, to 12,729 people including 7,344 women and 5,385 children, in administrative and/or legal proceedings up to February 2003 ;
 - Advocacy activities on the following themes: girl schooling, women in decision-making institutions and fight against violence ;
 - Research on concrete topics relating to the causes of not schooling girls, women and media, women's place in decision-making institutions, and the establishment of a database on women's capacity;
 - Participation in the review of laws and definition of various policies.

74. The action of the umbrella association PRO-FEMMES / TWESE HAMWE is faced with a constraint related to cultural and economic setting organised in terms of stereotyped work distribution that leads to excessive work for women and only gives them an implementer role. Another difficulty is a lack of enough financial resources to finish the undertaken decentralisation system.
75. Despite these constraints, the umbrella association PRO-FEMMES/TWESE HAMWE intends to pursue activities on three themes, especially culture of peace, gender and development.

1.2.2.2.3. Forum of Rwandan Women Parliamentarians

76. The Forum of Rwandan Women Parliamentarians was established in 1996 under the initiative of women Deputies in the Transitional National Assembly. The mission of the Forum is the promotion of rights in respect of equality and gender.
77. The Women Parliamentarians, by establishing the Forum, wished to establish a framework which can enable them to contribute to building the capacity of women in decision-making positions. They also intended to participate actively in and have positive measurable impact on the review and abrogation of discriminatory legal provisions against women. It is currently operational and has initiated various bills within its intervention area.

CHAPTER II: MEASURES ADOPTED TO IMPLEMENT THE CONVENTION AND BEIJING DECLARATION

78. In the oral report presented in January 1996, the situation of women's rights in Rwanda was quite succinctly described given the circumstances of that time in the aftermath of the genocide and the war that put an end to it. This report will try to handle each provision of the Convention and Beijing Declaration, and for practical reasons of better presentation and readability, the provisions of both instruments will be grouped as far as possible according to their similarity.

2.1. MEASURES THAT ARE COMMON TO THE CONVENTION AND DECLARATION

79. The outlined implementation measures are related to the period covered by this report, but in some areas where it may be needed, we will refer to previous mechanisms considering especially the time when the last written report was presented.

2.1.1. CONSTITUTIONAL, LEGAL AND INSTITUTIONAL PROVISIONS ENSURING THE PRINCIPLE OF EQUALITY OF MEN AND WOMEN (ARTICLE 2 OF THE CONVENTION AND POINT H OF BEIJING PLATFORM FOR ACTION)

2.1.1.1. Constitutional and Legal Provisions

80. The Fundamental Law that governed the transitional period in Article 16 of the Constitution of 10 June 1991 that was its integral part provided that; "All citizens are equal before the law without any discrimination based, inter alia, on race, colour, origin, ethnic group, clan, sex, opinion, religion or social status".

Likewise, Article 3 of the Memorandum related to the Rule of law was worded as follows; "The national unity implies the rejection of all forms of exclusion and discrimination based, inter alia, on ethnic group, region, sex or religion. It also implies that all citizens have the same chances of access to all political, economic advantages and others that shall be ensured by the State".

81. The Constitution of 04/06/2003 sets forth in its Article 9,4°, some of the fundamental principles to which the State of Rwanda commits itself to conforming and enforcing the respect thereof such as building a State governed by the rule of law, a pluralistic democratic government, equality of all Rwandese and between women and men. It also establishes in its Article 11 the principle of equality as one of the fundamental human rights as follows; "All Rwandans are born and remain equal in rights and duties. Discrimination of whatever kind based, inter alia, on race, ethnic group, clan, tribe, colour, sex, region, social origin, economic status, culture, language, social status, physical or mental disability or any other form of discrimination is prohibited and punishable by law". Finally, in its Article 16, it provides that "All human beings are equal before the law. They shall enjoy, without any discrimination, equal protection of the law".

82. Moreover, the conventions ratified or approved on a regular basis are, in accordance with the provisions of Article 190 of the Constitution, more binding than organic laws and ordinary laws. Therefore, Rwanda feels bound by various Conventions that it has ratified including the Convention on the Elimination of all Forms of Discrimination Against Women.
83. The Law N° 42/1988 establishing the Preliminary Title and the First Book of the Civil Code that constitutes the family code has quite significantly changed the previous law, especially in that it lays down the principle that marriage does not change the capacity of both spouses whose powers can only be modified by law or by their matrimonial regime (Article 212) and that, unless in the event of the regime of community of property, each spouse can practise a profession, industry or trade without consent of the other (Article 213), thus suppressing the subordination of the practice of any profession by a wife to permission of her husband.
84. The Law N° 22/99 of 12/11/1999 regarding matrimonial regimes, liberalities and successions recognizes the right of a girl to inherit property belonging to her family (Article 50), and makes subject to the consent of both spouses any act of donation of immovable or assets from the family property as well as the recognition of any right to those assets (Article 21).
85. The Law N° 27/2001 of 28/04/2001 relating to rights and protection of the child against violence recognizes the right a woman to grant her nationality to the child even s/he is born of a foreign father. It has therefore been the first to suppress the provision that forbade a woman to grant her nationality to a child born to an alien father according to the previous law of 28 September 1963 establishing the Rwandan nationality Code, which was modified in 2005 by a new law that lays down explicitly this right.
86. The Law N° 47/2001 of 18/12/2001 instituting punishment for offences of discrimination and sectarianism sets forth the forms of discrimination that is designed to suppress whoever may be their perpetrators: any individual, official within public or private institutions, association or political party, candidate; and irrespective of the methods used: words, writings, material decision action, pictures or signals on radio, TV, in a meeting or public place. It provides for the death penalty, imprisonment and/or fine, suspension or dissolution of an association or political party, dismissal of an elected candidate and for deprivation of civic rights, and it makes these crimes indefeasible.
87. The law n° 30/2003 of 29 August 2003 modifying and complementing the Decree- law n° 01/81 of 16/01/1981 relating to census, identity card, domicile and residence recognizes the right of a woman to register the child on her identity card (O.G. n° 21 of 1/11/2003) that, till the promulgation of this law, was exclusively entrusted to the father of the child.
88. Other modifying bills are under elaboration, especially:
- The draft review of the penal code in which the provision that punishes a woman convicted of adultery more seriously than a man shall be abrogated;

- The draft review of the family code, especially in its provisions that lay down the predominance of a man regarding especially the quality of the head of the family as well as differential treatment consisting of forbidding the judge to order, upon request by the woman, the husband to leave the conjugal residence if it is established in a building whose owner, usufructuary or tenant is the woman or one of her parents, when that husband practises in it an art, profession, handicrafts, trade or industry ;
- The draft review of the trade code that makes practising trade by a woman subject to permission by her husband.

2.1.1.2. Institutional Mechanisms

89. Today, Rwanda has specific institutions with a mandate to protect and promote women's rights. A ministerial department specifically in charge of gender promotion has been established and set itself the goal of building women's capacity, promoting gender equity and equality within the framework of sustainable development.
90. The National Women's Council that is designed to be used as a social and advocacy forum for women has been established by the Constitution of 04/06/2003, and Law n° 27/2003 of 18/08/2003 determining its organisation, attributions and functioning. It provided with organs at all the country's administrative levels managed by women elected by their colleagues.
91. A National Commission for Human Rights was established in 1999 with a mandate to examine the violations of human rights on Rwandese territory, and the Constitution of 04/06/2003 established it and changed its French name to the "Commission Nationale des Droits de la Personne".
92. There is also an organ in charge of coordination and follow-up of Beijing Declaration. The National Women's Council that is designed to be used as a social and advocacy framework for women has been established by the Constitution of 04/06/2003, and the Law n° 27/2003 of 18/08/2003 establishes its organisation, attributions and functioning.
93. The Gender Monitoring Office established by the Constitution of 04/06/2003 shall be in charge of monitoring aimed at allowing permanent evaluation of the respect of gender indicators.
94. A number of associations are involved in the defence, protection and promotion of human rights in general and women's rights in particular, the majority of them being grouped within umbrella associations (CLADHO and PRO-FEMMES / TWESE HAMWE).

2.1.2. GUARANTEE OF THE EXERCISE AND ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS FOR WOMEN (ARTICLE 3 OF THE CONVENTION AND POINT H OF BEIJING PLATFORM FOR ACTION)

95. The enjoyment and exercise of human rights and fundamental freedoms as defined by the international instruments are recognized to all citizens by the fundamental law in force during the transitional period, and by the Constitution of 04/06/2003.
96. Mechanisms of the promotion and protection of human rights have been put in place such as the establishment of a specialised ministerial department for family and gender promotion whose mandate has been specified in part one of this report, and the Commission for Human Rights that, basing on the complaints made to it and inquiries conducted into the violations of human rights in general, can file them with the competent courts.
97. The Office of the Ombudsman established by the Constitution of 04/06/2003 and that is responsible among others for receiving and examining complaints from individuals and independent associations against the acts of public and private officials or organs within the framework of preventing and combating injustice, and filing such complaints with relevant officials or organs if no satisfactory solution is found.
98. In this regards, all citizens enjoy equal legal protection, and have the right to appeal to courts in order to safeguard their rights. Fundamental penal laws provide for penalties against the violations of fundamental human rights. For instance, there is the penal code that punishes the offences of the violation of the right to life and of physical integrity (Article 310 to 347), those committed against property (Article 399 to 405, 424, 428,437 to 450), violations of the freedom of the citizens (Article 388 to 390), the law relating to rights and protection of the child against violence that contains a chapter on penalties against the violations of the rights of the child, and other particular laws whose criminal provisions are applied by national courts. Furthermore, in addition to criminal penalties, the injured party can obtain, through a ruling, redress for the suffered wrongs, and the Bar composed of independent barristers has been in place since 1997.

2.1.3. ADOPTION OF SPECIAL MEASURES AIMED AT ACCELERATING DE FACTO EQUALITY BETWEEN MEN AND WOMEN (ARTICLE 4 OF THE CONVENTION)

99. The Government of Rwanda considers that the achievement of equality between men and women requires specific measures to break the current imbalance. One of the policies supported by the Government is that positive discrimination according to which a certain number of quotas for women should be integrated in the District and Sector executive committees as well as in the community development committees.
100. In this regard, it has adopted laws assigning a defined minimum quota specifically to women in decision-making institutions.

101. For instance, there is the Law n° 42/2000 of 15 December 2000 related to the organisation of elections of leaders at grassroots levels in Rwanda (O.G. n° special of 19/12/2000) as modified by the Law n° 13/2002 of 12/03/2002 (O.G. n° special of 19/03/2002) that provides for a minimum quota of 1/3 for women.
102. The results from the elections of leaders at grassroots levels organised from 6 to 13 March 2001 were as follows:
- 720 women, members of District Councils, i.e. 26% of women against 74% of men;
 - 127 women, members of District Executive Committees, i.e. 24% of women against 76% of men⁷.
103. Likewise, the Constitution of 04/06/2003 assigns to women 24 ex officio seats in the Chamber of Deputies and at least 30% of seats in the Senate. Following the parliamentary elections conducted between 29 September and 03 October 2003, 36 women were in the Chamber of Deputies against 44 men, i.e. 45% of women against 55% of men. After the introduced changes and following the replacement of deputies involved for various reasons, the Chamber of Deputies is composed of 39 women and 41 men, i.e. 48.8% of women and 51.2% of men. The Senate is composed of 6 women out of 20 senators in total, i.e. 30 % of women. The cabinet put in place following the presidential elections of 2003 was composed of 18 Ministers including 4 women, and 11 Ministers of State including 5 women, the cabinet reshuffles carried out so far have almost kept the status quo: 18 Ministers including 4 women and 11 Ministers of State including 6 women on 28/09/2004, 17 Ministers including 4 women and 12 Ministers of State including 7 women on 20/08/2005, i.e. 37.9%.
104. The establishment of a woman guarantee fund in the sector of bank credit and a District women micro-credit fund is also in line with the commitment to accelerate the achievement of equality between men and women regarding economic power.
105. The Government of Rwanda believes that these measures need to be strengthened and also mainstreamed in other domains where there is low representation of women. It intends to achieve more significant results within the context of "Vision 2020" programme based on good governance and decentralisation for sustainable development through the fight against poverty, and in which women are invited to have a great role.

2.1.4. MODIFICATION OF SOCIAL AND CULTURAL PATTERNS OF CONDUCT OF MEN AND WOMEN (ARTICLE 5 OF THE CONVENTION)

106. The patriarchal system of the Rwandese traditional society has enshrined the predominance of men over women, and has been characterised by preference given to the birth of a boy rather than to that of a girl.

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

107. Boys were considered as the guarantors of perennality of the family and their clan by their offspring and conversely, the value of girls is signed away by taking them away from the family following their marriage. They could not inherit property from their family, and were a burden for it once they were single mothers, widows, or when they were repudiated.
108. However, though pushed in the background, a woman played an important role within the society. She was the right eye of her husband and advised him when he had to make important decisions because she followed closely the political life of the country. But women were not allowed to sit and speak in public.
109. With evangelising, schooling, social and economic changes introduced in their daily life, Rwandese have gradually acquired another conception of roles assigned to children according to their sex. The presence of women in certain positions in administration and technical activities has led to the evolution of public opinion about their skills compared to those of men.
110. Despite this positive development, a recent survey on this issue shows that there is still preference⁸ given to a boy by the majority of Rwandese, and that some men are still reluctant to implement the decisions made by women.
111. Women are also victims of prejudices that handicap their participation in economic life. Thus, some people think that a woman with a salary higher than that of her husband becomes refractory and too independent, and some men compare women's higher level of education and the practice of professions such as trade or secretarial work to misconduct or at least questionable conduct.
112. Activities that generate high incomes and give some advantage to those who practise them are almost men's monopoly, and women's participation in associations leads in some cases to conflicts caused by negative attitudes of men.
113. Women are rarely included in the assessment of community needs and priorities due to undervaluation of their capacity, but they are also victims of inferiority complex that they seem to be sometimes satisfied with.
114. At the legal level, customary practices have however a very restricted space. The Constitution of 4 June 2003 in its Article 201 paragraph 3 provides that unwritten customary law remains applicable as long as it has not been replaced by written laws, is not inconsistent with the Constitution, laws and regulations, and does not violate human rights, prejudice public order or offend decency and morals.

⁸ Ministère du Genre et de la Promotion de la Femme & Fonds des Nations Unies pour la Population : Etude sur les croyances, les attitudes et les pratiques socio-culturelles en rapport avec le genre au Rwanda, Kigali, mai 2002.

115. Putting in place a specific ministerial department, the National Women's Council, and the development of women's associations in economic sector and human rights contribute to the destruction of prejudice and customary practices that lead to the perpetuation of inequality between men and women.
116. Training and awareness-raising sessions on women's rights have been conducted countrywide and at all levels for a large audience, including women themselves. Radio and TV programmes as well as written publications have been produced for education about women's rights and human rights.
117. Strengthening existing organs and mechanisms is important, but it depends on available resources. However, the Government of Rwanda intends to pursue the foregoing endeavours within the bounds of its resources and with the support from partners who have formally pledged their commitment.

2.1.5. TRAFFICKING IN WOMEN AND EXPLOITATION OF PROSTITUTION OF WOMEN, VIOLENCE AGAINST WOMEN (ARTICLE 6 OF THE CONVENTION AND POINTS D AND L OF BEIJING PLATFORM FOR ACTION)

2.1.5.1. Trafficking in Women

118. This type of crime is likely still unknown in Rwanda, and there is no related provision in the Penal Code. It only provides for offences of kidnapping, illegal confinement punishable by imprisonment of between five and ten years, the aggravating circumstances related to the period of confinement, physical torture or death of the victim leading the perpetrator to be sentenced respectively to imprisonment of 20 years, life imprisonment and death penalty (Article 388).
119. However, due to an increase of crimes noticed in other countries, such likelihood has been provided for in the law relating to rights and protection of the child against violence. Article 41 of this law provides for imprisonment of between five years and life imprisonment against whoever kidnaps, sells or leads a child into slavery.

2.1.5.2. Prostitution

120. According to the study conducted jointly with the Ministry of Health and the Ministry of Gender and Women's Promotion in 1998 on "Prostitution and HIV/AIDS", prostitutes are encountered in urban and rural areas. Poverty and poor education of the youth are among identified causes.
121. In line with the fight against prostitution, the Penal Code in its Article 363 provides for restrictions to which whoever is convicted of them can be brought to trial. They are:
- Forbidding to leave the country or be in places defined in the ruling;

- Obligation to report to the institutions or authorities set forth in the ruling;
- Obligation to submit oneself to test, treatment and care measures, including hospitalization if need be.

122. The violation of any of these obligations can lead the perpetrator to be sentenced to imprisonment of between three months and six months and to pay a fine of between two thousand and five thousand francs, or to one of these penalties.

2.1.5.3. Incitement to Prostitution

123. The Penal Code provides for imprisonment of between three months and five years and a fine of between ten thousand and one hundred thousand francs against whoever employs, incites or deceives for the purpose of prostitution another person even with his/her consent (Article 364), and against whoever cares for him/her for similar purposes (Article 365). The same penalty is provided for by the law relating to rights and protection of the child against violence for similar offences committed against the child (Article 38).

124. Moreover, the Penal Code punishes any hindrance to the action of prevention, assistance and rehabilitation undertaken by competent organisations for people involved in prostitution or in danger of prostitution, and any advertisement on a prostitution occasion. The perpetrators of such acts incur respectively imprisonment of between six months and five years and a fine of between ten thousand and one hundred thousand francs as well as imprisonment of between one month and one year and a fine of between one thousand and ten thousand francs (Articles 366 and 367).

2.1.5.4. Exploitation of Prostitution

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

- The direction, management or financing of a prostitution house are punishable by imprisonment of between one year and five years and a fine of between twenty thousand and one hundred thousand francs according to the Penal Code (Article 368), and by imprisonment of between five years and ten years and a fine of between two hundred thousand and five hundred thousand francs according to the law relating to the rights and protection of the child if s/he is a victim of it (Article 39) ;
- Benefiting from prostitution or accepting assistance well aware it is from prostitution are punishable by imprisonment of between one year and five years and a fine of between twenty thousand and one hundred thousand francs according to the Penal Code (Article 369), and by imprisonment of between two years and five years if the victim is a child (Article 40 paragraph one of the law relating to rights and protection of the child) ;

- Using children in night activities aimed advertising prostitution or in pornographic publications is punishable by imprisonment of between five and twelve years and a fine of between two hundred thousand and five hundred thousand francs (Article 40 paragraph 2 of the law relating to rights and protection of the child against violence) ;
- Issuing an attestation, a certificate or forged document, or using any other means to help a person in connection with one or many persons involved in prostitution justify their resources when they cannot do so is punishable by imprisonment of between one year and five years and a fine of between twenty thousand and one hundred thousand francs according to the Penal Code (Article 370).

2.1.5.5. Facilities for Prostitution

126. The Penal Code provides for penalties against acts that it considers as an offence of facilities for the purpose of prostitution as follows:

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

127. In its Article 374, the Penal Code considers as aggravating circumstances:

- Minority of the victim;
- Lack of consent of the victim ;
- Plurality of victims ;
- Committing this offence outside the national territory or against a person on his/her arrival or on the following day of his/her arrival from abroad;
- Plurality of perpetrators, accomplices;
- Apparent or concealed carrying of weapons;
- Quality of parent, authority or servant of the victim;
- Quality of the civil servant or religious minister.

128. Incitement to committing these offences and participating in their preparation or execution, even without subsequent effect, are also punishable by imprisonment of between eight days and three months and with a fine of between five hundred and one thousand francs (Article 375), and the individual who would have sentenced for such offences in a foreign country may be compelled, on his/her arrival on the national territory, to prohibition or obligation of residence, or to loss of civil rights.

2.1.5.6. Violence against Women

129. Violence against women is perceived differently according to its nature. People tend to limit it to only sexual violence committed by other people and that is publicly condemned. They consider as acceptable or even sometimes as justified physical and sexual violence committed by husbands against their wives. But all these types of violence are considered as offences by the criminal law.

2.1.5.6.1. Sexual Violence

130. It is necessary to distinguish sexual violence committed during the genocide from that committed after it on the one hand, and sexual violence that adult females are victims of from sexual violence targeting children these latter days.

131. During the 1994 Genocide, rape was used as a weapon, a method to inflict sufferings on victims and to dehumanize them. Rapes committed at that time were accompanied by tortures of abject brutality.

132. Within the framework of the suppression of the crime of genocide and related crimes, three laws have been enacted successively, especially the organic law n°08/96 of 30th August 1996 on the organization of prosecutions for offences constituting the crime of genocide or crimes against humanity, (O.G. n°17 of 01/09/1996), the organic law n° 40/2000 of January 26, 2001, setting up Gacaca courts and organizing prosecutions for offences constituting the crime of genocide or crimes against humanity (O.G. n°14 of 15/07/2001) as well as the Organic Law 16/2004 of 16/06/2004 establishing the organisation, competence and functioning of Gacaca Courts in charge of prosecuting and trying the perpetrators of the crime of genocide and other crimes against humanity, committed between October 1st, 1990 and December 31, 1994 (O.G. n° special of 19 June 2004).

133. All the foregoing laws have taken into account the exceptional nature of sexual violence committed in the context of the 1994 Genocide. Thus, the perpetrators of rape or acts of sexual torture are included in the first category and incur either death penalty or life imprisonment, or imprisonment of between 25 years and 30 years, depending on whether they have made confessions or whether these confessions have been rejected, or conversely, the confessions made have been approved.

134. As regards post-genocide sexual violence and sexual violence committed against adult females, they are punishable by the Penal Code as follows:

- Imprisonment of between five years and ten years for any rape (Article 360 paragraph one)
- Death penalty if the rape resulted in the death of the victim (Article 360 paragraph 3).

135. It also considers the aggravating circumstances related to the quality of the parent, authority, educator or employer of the victim, civil servant, representative of the authority or the

religious minister having misused their functions, doctor, surgeon or obstetrician towards people under their care, and the plurality of perpetrators and serious deterioration of the victim health (Article 361). In these circumstances, the guilty parties shall be sentenced to imprisonment of between ten years and twenty years.

136. It should be pointed out that penalties provided for rape may be applied to the husband if he is convicted of sexual violence against his wife. Moreover, the offence of indecent assault is also punished by the Penal Code (Article 359).

137. As stated above, these latter days, there has been an outbreak of sexual violence against children. The identified causes come from various sources such as custom, type of education received at home and school, the environment that provides bad patterns to children, ignorance of some individuals believing that AIDS can be cured by sexual relations with children and many others.

138. In response to this situation, the Government has taken preventive and repressive measures to stop this crime with harmful consequences for society.

139. As regards prevention, policy meetings with all institutions in charge of fighting this crime have been organised to adopt needed strategies, awareness-raising campaigns have been conducted to make known the criminal nature of those acts and their consequences, and a partnership between public institutions and the population has been established to condemn offences against children and especially sexual violence. A Police Unit for minors has just been set up, and it shall be in charge of rapid investigations and prosecution of perpetrators of sexual violence.

140. As to suppression, the law relating to rights and protection of the child has been adopted and provides for the following penalties:

- Imprisonment of between twenty years and twenty-five years and a fine of between one hundred thousand and five hundred thousand francs for the rape of a child who is between fourteen and eighteen years of age (Article 34 paragraph one) ;
- Life imprisonment and a fine of between one hundred thousand and five hundred thousand francs for the rape of a child aged below fourteen years (Article 34 paragraph 2) ;
- The death penalty if the rapist causes death to a child or infects him/her with an incurable disease (Article 35) ;
- Life imprisonment if rape is committed by a person in charge of the child such as a government official or religious leader, security officer, medical officer, educator, trainee and in general basing on the profession or power of the guilty party over the child (Article 36) ;
- Imprisonment of between one year and five years and a fine of between twenty thousand and one hundred thousand francs for any dehumanizing crime committed or attempted against a child.

141. Accompanying measures have also been taken to ensure efficient suppression such as rapid trial of people suspected of these crimes and, if possible, holding sessions at the scene of crime, TV and radio broadcasting of sentencing, immediate issue of medical certificates without being subject to terms of payment. A specialised Police Unit has been set up in order to help process complaints and conduct related rapid investigations.

142. However, several obstacles resulting especially from the refusal to denounce either by a parent or a family member, either by a husband in the event of married women, from the will to preserve the respect of the victim and in general from taboo considerations inherited from the custom regarding mention of any sex related matter, are a handicap to the suppression of sexual violence.

2.1.5.6.2. Physical Violence

143. Physical violence against women is; irrespective of the perpetrator, third party or husband; punished by the Penal Code in its Articles 310 to 338 that provide for temporary or life imprisonment and death penalty according to various circumstances set forth therein.

144. This applies also to ill-treatment, dreadful sufferings or inhuman or degrading punishments inflicted on a child that are punishable by imprisonment of between four months and three years and a fine of between fifty thousand and two hundred thousand francs, the death penalty may be applicable if the crimes result in the death of a child (Article 32 of the law relating to the rights and protection of the child against violence).

145. Within the framework of legal proceedings against violence crime against women and children, there are officials specifically in charge of this crime among the staff members of the Prosecution.

2.1.6. ELIMINATION OF ALL FORMS OF DISCRIMINATION IN THE POLITICAL AND PUBLIC LIFE OF THE COUNTRY (ARTICLE 7 AND 8 OF THE CONVENTION AND POINT G OF BEIJING PLATFORM FOR ACTION)

146. Free participation of all the citizens in the government of the country, whether directly or through freely chosen representatives, is recognised by the Constitution, and there is neither prohibition nor restriction of the women's right to participate in elections as voters or candidates.

147. The Constitution of 04/06/2003, in its Article 8 paragraph 3, lays down the principle of the right to vote and to be elected entitled to all Rwandese citizens of both sexes fulfilling the requirements provided for by the law, the principle that was enshrined in the Fundamental Law that governed the transitional period.

148. The Organic Law n° 17/2003 of 07/07/2003 governing presidential and parliamentary elections (O.G. n° special of 04 July 2003) stipulates in its Article 5 that persons entitled to vote are all Rwandese who are at least 18 years of age as of the date of elections, registered on the electoral roll and have not been deprived of their civil and political rights or excluded from voting by any of the limitations provided for by its Article 10.
149. The limitations refer to deprivation of the right to vote, sentence by the courts, confessions to the crime of genocide, the status of refugees and prisoners.
150. Eligibility for election for the office of the President of the Republic and as a deputy as provided for by the Constitution and the above organic law does not restrict the right of women to be elected.
151. Finally, the Constitution recognizes the right of citizens to participate freely in the government of the country in accordance with the law, and the equal right of all citizens to have access to public service in accordance with their competence and abilities (Article 45). It should also be recalled that special legislative measures have been adopted for the minimum number of women to sit in the Parliament and participate in decision-making institutions.
152. Furthermore, it should be pointed out that the cabinet composition has, since the 2003 elections, varied between 34% and 37% of women against 66% and 63% of men, that of the Chamber of Deputies has varied between 45% and 48.8% of women against 55 and 51.2% of men, and that 30% of Senators are women. In line with the 2004 legal reform, the President of the Supreme Court is a woman, and, out of 8 judges in the Court, 4 are women.

2.1.7. ACQUIRING, CHANGING AND RETAINING NATIONALITY, EQUAL RIGHTS WITH RESPECT TO THE NATIONALITY OF CHILDREN (ARTICLE 9 OF THE CONVENTION)

153. The Fundamental Law that governed the transitional period, and especially the Constitution of 10 June 1991, did not recognize dual nationality, but the Constitution adopted through a referendum in 2003 recognizes the principle of dual nationality.
154. Until 2004, acquiring, changing and retaining nationality were governed by the law of 28 September 1963 establishing the Rwandese nationality code. This law granted women equal rights with men to acquire, change and retain their nationality, since even the marriage of a Rwandese woman to an alien or of an alien woman to a Rwandese man should not automatically change the nationality of the wife, as this was subject to her consent.
155. However, it did not allow a woman to grant her nationality to her children as it provided that a child considered as a Rwandese is the child born to a Rwandese father, an illegitimate child for whom it is established that s/he is born to a Rwandese father, or even an illegitimate child born to a Rwandese woman whose paternal filiation has not been established or cannot be established to an alien father.

156. This imbalance has been redressed by the law adopted in 2004 that considers as a Rwandese any child whose one of the parents is a Rwandese (Article One) and stipulates under its Article 36 that a child born as of 1st December 2001 to a Rwandese mother and an alien father shall be automatically Rwandese.

2.1.8. EDUCATION (ARTICLE 10 OF THE CONVENTION AND POINT B OF BEIJING PLATFORM FOR ACTION)

157. No form of discrimination against women is contained in the education system. At the constitutional and legislative level, Article 27 of the Constitution of 10 June 1991 included in the Fundamental Law that governed the transitional period provided that primary education is compulsory, and the current Constitution in its Article 40 provides that every person has the right to education.

158. The Organic Law n° 11/1985 that governed National Education (O.G. 1985) until 2003, in its Article 17 paragraph 3, provided that children fulfilling the requirements for admission to their chosen school have the right to attend it. It has been replaced by the Law n° 20/2003 of 03/08/2003 (O.G. n° 21 of 1st November 2003), and it provides that education shall be aimed at training a citizen free from all forms of discrimination and favouritism (Article 2,10°).

159. This new law outlines family education provided by the parents of a child and his/her neighbourhood, formal education provided in pre-school, primary, technical, secondary, special and higher education schools or other types of schools that may be established by the law as well as non-formal education including public education and continuous education.

160. According to this law, public education is intended for all adult people and the youth, the target group being unschooled people or people who could not pursue their studies to acquire skills that may allow them to participate in the process of economic, social and cultural development of the country (Article 14).

161. As to continuous education, it is aimed at developing among workers of all categories, the capacity and skills that may allow them to perform their current or expected functions for the development of the country.

162. In its Article 35, this law provides for compulsory and free primary education in public schools and public subsidized schools.

163. Children of both sexes have the same chances of access to primary schools because school age is the only requirement for admission. Access to secondary education in public schools and public subsidized schools is subject to grades obtained in the national examination prepared, conducted and corrected under the supervision the National Examinations Council established by the Law n° 19/2001 of 12/03/2001 (O.G. n° 9 of 01/05/2001) and to places

available in secondary public schools. Guidance is done basing on the grades obtained in the national examination and the choice made previously by the candidate. For higher education, the student chooses his/her guidance, but the restricted number of places leads to the admission based on the criterion of grades in the final national examination at the end of secondary studies sat under the supervision of the National Examinations Council.

164. Today, a coeducational system is applied by almost all schools, which allows all pupils to have access to the same programmes, examinations and to qualified teaching staff with similar qualifications as well as school rooms and equipment of the same quality, at least for those who attend the same school.

165. The statistical data below shows the rate of participation of girls and women in education at all levels as pupils or students or as teachers compared to boys and men.

Pupils enrolled in primary education per sex

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

Source: MINEDUC, Statistical Census, 2006

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

Percentage of pupils per sex in secondary education

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

Source: MINEDUC, Statistical Census, 2006

Percentage of pupils per sex in public and private secondary education

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

Source: MINEDUC, Statistical Census, 2006

Percentage of students per sex in public and private higher education

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

Source: MINEDUC, Statistical Census, 2006

Percentage of teachers per sex in primary education

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

Source: MINEDUC, Statistical Census, 2006

Percentage of teachers per sex in secondary education

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

Source: MINEDUC, Statistical Census, 2006

Percentage of qualified teachers in secondary education

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

Source: MINEDUC, Statistical Census, 2006

Percentage of teachers per sex in public and private higher education

Year/ Sex	1995/1996	1996/1997	1997/1 998	1998/1999	1999/2000	2000/2001	2001/2002	2002/2003	2003/2004	2004/2005
Men Public	91.3	90.0	89.2	85.9	84.5	85.0	84.1	83.6	83.3	
Women Public	8.8	10.0	12.6	14.1	15.5	15.0	15.9	16.4	16.7	
Men Private	0.0	95.8	96.1	96.0	97.2	97.4	96.9	94.6	94.6	
Women Private	0.0	4.2	3.9	4.0	2.8	2.6	3.1	5.4	5.1	

Source: MINEDUC, Statistical Census, 2006

166. In order to promote girls' education and reverse the waning trend, the non-governmental organisation, Forum for African Women Educationalist (FAWE), with government support, has opened a pilot school for girls' education and institutionalized a class prize for girls who perform very well in examinations. Today, the school is attended by 656 girls, and 412 girls in need are given grants from a fund managed by this NGO⁹.
167. This organisation is also a permanent member of the national commission granting scholarships in which it is responsible especially for the applications of female candidates, the goal being that 50% of scholarships be granted to them.
168. Likewise, PACFA (Protection and Care of Families Against HIV/AIDS) is also involved in the promotion of the performance rate of girls and women in schools and in this regard, it awards prizes countrywide to the girls or women having obtained good grades in different national examinations.
169. Current private investment in education has resulted in a sharp increase in the number of girls in secondary and higher education.
170. The pupils from private primary and secondary schools are allowed to sit national examination organised at any of both levels. This enables them respectively to attend public schools and get diplomas awarded by the State.
171. Similarly, the government, having done a needed consideration of the existence of legal minimum requirements for the provision of courses in private higher education institutions, officially recognizes degrees awarded by these institutions.
172. In its development programme, Vision 2020, the Government intends to ensure free education until the end of the first level of secondary studies. The study of practical measures and available resources is under way, and it has just increased the number of public secondary schools at this level.
173. The literacy programme is also one of the major concerns of the Government regarding education.
174. The survey conducted in 2001 on literacy has led to the following estimates: ¹⁰
- The literacy rate was 47.8% for women against 58.1% for men
 - Only 5.8% of women attended apprenticeship courses against 9.1% of men
 - 2.6% of women were provided with vocational training against 7.5% of men
 - 25% of women against 17% of men did not attend a school or a literacy centre.

⁹ FAWE RWANDA : Supporting girls and women to acquire education for development, Kigali, August 2003, p.7.

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

175. Data collected during the General Census and Housing in 2002 shows the rate of literacy of 43.5% of women against 33.5% of men as detailed below:

Rate of literacy of the population in ordinary households aged 6 years and above:

	TOTAL	MEN	%	WOMEN	%
Read and write	3,287,883	1,616,781	49.17	1,671,102	50.82
Read only	380,136	178,289	46.09	201,847	53.09
None (illiterate)	2,440,114	1,013,547	41.53	1,426,567	58.46

Population in ordinary households aged 6-29 years per school attendance

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

Unschooling population residing in ordinary households aged 6 years and above per attained level of education

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

Source: Rwanda Development Indicators, 7th Edition, 2004

176. In response to this situation, the Government launched a large-scale literacy campaign with a goal of achieving the literacy rate of 85% by 2015. This will be achieved at the level of Districts.

177. One of the goals set by the Ministry of Education is to eradicate all causes and obstacles which handicap access to education and the disparity in education, whether based on gender, handicap, social or geographical group. In this regard, it has adopted a specific programme, "Education For All".

178. The Programme is aimed 6 goals for 2015:

- Enhancing the quality of education;
- Achieving parity between sexes by 2005 and equality by 2015 ;

- Reducing the rate adult illiteracy;
- Developing apprenticeship and know-how among the youth and adults;
- Make primary education compulsory and free for all;
- Promoting childhood protection and education.

2.1.9. EMPLOYMENT (ARTICLE 11 OF THE CONVENTION AND POINT F OF BEIJING PLATFORM FOR ACTION)

179. At the legal level, women have equal rights with men in the field of employment. The right to employment as an inalienable right, the right to free choice of employment as well as the right, with the same competence and ability, to equal pay for equal work were enshrined in the Fundamental Law that governed the transitional period (Article 30 of the Constitution of 10 June 1991) and are also enshrined in the Constitution of 04/06/2003 (Article 37).

180. The labour code prohibits all forms of discrimination that may result in prejudicing equality of chances in respect of employment, equal treatment or equality before legal institutions in the event of employment disputes, and it advocates equal pay for workers with the same competence in respect of work of equal value (Articles 12 and 84).

181. The labour code, in its articles 71 and 72, recognizes the right of any worker to a paid leave at the employer's expenses, and the enjoyment right thereof is acquired after one year of effective continued service.

182. The protection of health and safety of working conditions are governed by Articles 132 to 138 of the labour code. Matters covered in these articles include especially the obligation to keep working premises in a permanent state of cleanliness and provide them with security and health conditions necessary for the staff good health, the obligation of the employer to educate his/her workers on health and safety and make available necessary and appropriate protection facilities. Article 138 provides for the possibility to make available medical or health services to workers, and the obligation to transfer to the nearest medical centre injured and ill people not likely to be appropriately treated with available services.

183. Finally, the labour code regulates the work of pregnant women or women with breastfeeding babies. It also prohibits compelling pregnant women or women with breastfeeding babies to continue to carry out tasks requiring excessive force or that are dangerous or inconvenient for their condition and health (Article 67 paragraph 2).

184. Article 68 of that code provides that for delivery purpose, a salaried woman shall have the right to suspend work for twelve consecutive weeks including at least two weeks before the presumed delivery day and six weeks after delivery, and forbids the employer to give a salaried woman a notice of termination that falls in her delivery leave. However, it should be deplored that this law provides that a woman on a delivery leave shall be entitled only to 2/3 of her usual salary.

185. Finally, Article 70 prohibits terminating the contract of a woman who, at the end of her delivery leave, does not return to work due to an illness certified by a doctor certificate as resulting from pregnancy or delivery. The termination can only be effected at the end of a six-month period, and the violation of these provisions related to work of pregnant women and women with breastfeeding babies are likely to make the violator incur criminal sanctions.

186. As regards employment in public sector, the General Statutes of Rwandese Public Service is governed by the Law n° 22/2002 of 09/07/2002 (O.G. n°17 of 01/09/2002). It provides that recruitment is subject to an examination conducted under the supervision of the Public Service Commission responsible for ensuring objectivity and neutrality in recruitment and management of human resources and that to this end, has especially the attribution of conducting administrative examinations for different posts in Public Service and publishing their results (Article 19-21 and 22). The general requirements for recruitment do not refer to any form of discrimination based on sex (Article 28).

187. In public sector, a woman on delivery leave is entitled to her total salary contrary to the provisions of the Labour Code for private sector employees in the same situation.

188. Despite this legislative protection, the number of women with jobs is still limited. The Household Living Conditions Survey conducted in 2000-2001 revealed that 34.6% of women worked in public sector compared to 66.4% of men, that 31.9% of women were in parastatal sector against 68.1% of men, and that 26.2% of women worked in private informal sector against 70.8% of men¹¹. According to data from the pay department within the Ministry of Public Service and Labour, 3,000 female civil servants were in central administration out of 8,000 civil servants in total¹².

189. The General Census of Population and Housing of 2002 revealed the following data in the field of employment in general.

Employed Active Population Aged 6 Years and above per Practised Employment

	TOTAL	MEN	% M	WOMEN	% W
Members of the executive and legislative corps, directors and senior cadres	5,221	4,207	80.6	1,014	19.4
Intellectual and scientific professions	44,952	26,016	57.87	18,936	42.12
Intermediary professions	16,811	10,771	64.07	6,040	35.92
Administrative personnel	15,896	7,799	49.06	8,097	50.9
Service personnel and traders	88,981	55,810	62.7	33,171	37.3
Farmers and qualified workers	2,957,907	1,220,460	41.3	1,737,447	58.7

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

¹² Données du MIFOTRA, Direction des traitements, Septembre 2003.

Craftsmen and specialised workers	91,615	79,922	87.3	11,693	12.7
Drivers and repairers	18,135	17,795	98.1	340	1.9
Non-qualified workers	131,833	79,161	60.1	52,672	39.9
Not specified	12,258	6,458	52.7	5,800	47.3

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

80.7% of men and 92.6% of women are involved in the field of agriculture with participation of 90% of men and 97 of women in rural areas.

190. The social security regime is governed by the Decree-law of 22 August 1974 on the organisation of social security (O.G. 1974) modified by the Law n° 06/2003 of 22/03/2003 (O.G. n°12 bis of 15/06/2003) and that compels workers subjected to the labour code with no distinction and statutory civil servants to be subjected to its provisions. This modifying law extends its application scope to voluntary insurance of independent workers.

191. The status of being subject to these provisions opens the right to various benefits granted by Rwanda Social Security Fund (CSR in its French acronym) related to occupational hazards, basic pensions and supplementary pensions. These benefits are those provided in the event of occupational injury or disease, old age pensions, disability or death pensions, benefits in the event of retirement, disability and death.

192. In the field of the right to social insurance, civil servants benefit, subject to a minimum contribution, from health care cover from the institution, Rwanda Health Insurance Scheme (RAMA in its French acronym), established by the Law n° 24/2001 of 27 April 2001. The institution intends to expand its services to private sector employees in the foreseeable future.

2.1.10. HEALTH (ARTICLE 12 OF THE CONVENTION AND POINT C OF BEIJING PLATFORM FOR ACTION)

193. The rights of women and men in the field of health are included in the framework of the national health policy initiated since 1995 by the Government and with a general objective of contributing to the welfare of the population through quality, acceptable services that are accessible to the majority of the population who is expected to have full participation. The implementation of this policy was based on three main parts: the development of health standards, laws and regulations governing the organisation and functioning of health care institutions and services and care prescription per se as well as the improvement of health context.

194. To enhance the quality of health care and services as well as managing organs, some legal instruments have been adopted, especially :

- The Law n°10/98 of 25 October 1988 establishing the Art of Healing that provides that the rights and duties of the patient and professional shall be determined by an implementing

order related to terms and modes of providing health care within public and private health centres;

- The Law n° 12/99 of 02 July 1999 governing the pharmaceutical art (O.G. n° 23 of 01/12/1999);
- The Law n° 41/2000 of 07 December 2000 relating to the establishment, organisation of the teaching hospital centre;
- The Law n° 30/2001 of 12 June 2001 regarding the organisation, functioning and scope of activities of the Medical Council.

195. Furthermore, the elaboration of other laws is already under way and these laws are at the level of draft laws, especially the health code, the code of public health, organisation of the general administration in the field of health. Others are related to the establishment of the pharmaceutical association, the Rwandese council of nurses and midwives as well as to the biomedical research and traditional medicine.

196. The health professionals are also involved in this trend and have formed associations. Today, there are the Rwanda Association of Medical Doctors (A.M.R in its French acronym), the Rwanda Pharmacists Association (ARPHA in its French acronym) as well as the National Rwanda Association of Nurses (ANIR in its French acronym).

197. The Constitution adopted through a referendum in 2003 in its Article 41 provides that "All citizens have the rights and duties relating to health. The State has the duty of mobilizing the population for activities aimed at promoting good health and assisting in their implementation".

198. The general organisation of the health system is decentralised with at its grassroots level health districts with independent functioning and provide services to the population in urban and rural areas. Health districts are in charge of health institutions and services within the public or private sector.

199. The 1980 crisis made it difficult to pursue a system of free health care; it was therefore necessary to adopt the strategy of funding basic health services based on community participation in accordance with the BAMAKO initiative. Since April 2000, there has been in every health care institution a health committee including health workers elected by the population.

200. In this regard, it should be mentioned that the structures of the National Women's Council have at each administrative level an elected member in charge of health matters.

201. The situation described above is the one that was revealed by the 2000 Demographic and Health Survey, the survey on the performance of the institutions of health care conducted in 2001, and the 2005 Demographic and Health Survey.

2.1.10.1. Family Planning and Contraceptive Methods

202. Contraceptive methods are almost generally known because about 97% of the population including 94% of women and 98% of men know at least one modern contraceptive method. Periodic continence and withdrawal (coitus interruptus) as traditional birth control methods rank first¹³.

203. However, the practice of contraception is less important. The 2000 Demographic and Health Survey showed that at least one woman out of four, i.e. 24%, had already used at least one contraceptive method in her life, and the use rates varied according to areas: 27% in urban areas against 11% in rural areas; and according to the level of education: 34% of literate women against 8% illiterate women. The survey conducted in this field in 2005 shows that the use of contraceptive methods among women now living with their husbands is still low, since only 17% of them use either one modern method or traditional method¹⁴. The use of modern contraceptive methods is greatly different according to the residence area: 20% in urban areas against 8% in rural areas. Moreover, the prevalence of modern contraceptive use is also higher among the most educated women with post-secondary education level (19%) than among women with secondary level (12%) or primary level (9%), and especially among illiterate women (6%). Furthermore, the number of live children of a woman is likely a determining factor in the modern contraceptive use. The latter increases as the number of children increases: low among childless women (1%), it starts rising among women with one or two children (8%) to reach the maximum rate among women with three or four children (13%).

204. The reasons behind not using contraception result from the will to have children (20%), the fear of side-effects (15%), menopause and hysterectomy (14%) as well as religious taboos. The point of view of some religious denominations that are against the use of condoms and advocate chastity influences their followers and is an obstacle to family planning.

205. Supply sources are enough diversified because they cover hospitals, health centres, pharmacies and shops as well as parents and friends.

206. Among women who are still with their husbands, the 2005 survey showed that 42% (not including sterilized women who represent 0.5%) affirm their will to space children, then do not want to have children anymore, 39% want to space children by two years or above, and 12% wish to have a child within two years to come.

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

¹⁴ Demographic and Health Survey -2005, Preliminary Report.

207. It should be pointed out that the proportion of women who want to space the children has increased since 2000 (from 33% to 42%), while that of women who wished to space their future children has reduced (from 45 to 39%).¹⁵

2.1.10.2. Maternal Health

208. The 2000 Demographic and Health Survey showed that the great majority of births had been subject to antenatal consultations. Overall, 82.4% of pregnant women had attended antenatal clinics. However, despite antenatal consultations, only 27% of deliveries took place in health institutions, and about 72.6% took place at home. In addition, only three deliveries out of ten deliveries had been attended by a trained health officer including 8% attended by a doctor. There was a higher number of deliveries attended by traditional midwives and represented 46% of births¹⁶.

209. Those massive deliveries not attended by qualified health personnel as well as the practice of not attending post-natal care services had led to a rate of maternal mortality estimated at 1,071 deaths for 100,000 live births¹⁷. This rate of maternal mortality has significantly dropped. The results from 2005 Demographic and Health Survey show 750 deaths for 100,000 live births.

210. According to estimates from the 2005 Demographic and Health Survey, 94% of women consulted a health professional during pregnancy of their latest baby, with a small variation according to age, the residence area and region. Antenatal consultation by a health worker increases with the mother's education level: 95% for women with primary level, more than 96% for those with secondary level or higher level, while 92% of uneducated women did not receive any antenatal care services.

211. The tetanus vaccine coverage for pregnant women is not universal: only 4% of mothers received at least one antitetanus injection during their recent pregnancy, with major discrepancies between ages : 85% of pregnant women aged below 20 years, 33% for those aged 35 years and above.

212. The same survey revealed that 39% of deliveries were attended by health personnel (doctor, nurse, midwife or auxiliary midwife). Less young mothers (below 20 years) have been the most frequently attended to (50%). As regards the delivery place, only 28% of deliveries took place within a health institution. With regard to the 2000 survey, it can be noticed that there has been a small improvement regarding assistance during delivery and delivery within a health service.

¹⁵ Idem

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

¹⁷ Ministry of Health: Enquête sur les prestations des services de soins de santé, 2001, p.92.

213. The 2000 survey also revealed that a very significant proportion of women suffer from malnutrition, and that 9% of them are below the critical point to be ensured safe pregnancies and deliveries, and slightly high proportion (13%) of overweight women being also at the same risk.

2.1.10.3. Infant Health

214. As regards the vaccination of children, the Ministry of Health has put in place Expanded Programme of Immunization (EPI). The 2005 survey shows that the vaccination coverage for children is high in Rwanda: 75% of children of 12-23 months have been completely vaccinated and 3% were not vaccinated at all. 23 % of children in this age group have been partially vaccinated. With regard to the 2000 survey, the vaccination coverage has not changed at the national level (76% in 2000).

215. Acute respiratory infections, malaria and dehydration resulting from serious diarrhoea are the most serious diseases affecting infant health. According to the 2000 survey, they are respectively estimated at 21% and 17% of diseases from which children suffered¹⁸. As to the 2005 survey, it reveals that 17% of children showed symptoms of acute respiratory infections and 26 % showed fever symptoms.

216. The 2000 survey on infant health revealed acute malnutrition because the indices of nutritional status showed that 7% of children below five years were emaciated, i.e. they were too thin with regard to their height, and that 43% were affected by chronic malnutrition or showed retardation of growth and were thus too small for their age¹⁹. The 2005 survey shows that on the whole more than four children out of ten children are affected by chronic malnutrition (45%) and 19 % in the form of serious chronic malnutrition, that the level of retardation of growth increases rapidly with age, being the highest among children aged between 12 and 23 months (55%) but also quite high (52% to 53%) among older children. Regarding acute malnutrition, the findings of that survey show that 4% of children are emaciated, and 1% of children are seriously emaciated, the highest level of emaciation being 9% for children aged between 12 months and 23 months.

217. The findings of the 2000 survey showed that infant and child mortality was still high, and out of 1,000 live births, 107 children died before one year, while 196 died before 5 years. According to the 2005 survey, the risk of infant and child mortality was estimated at 86 deaths below one year for 1,000 live births, and out of 1,000 live births below one year, 72 died below five years. Overall, out of 1,000 live births, 152 die before five years.

218. The estimates of the 2000 survey showed that all mothers breast-fed their children because 95% of children aged between 12 months and 13 months were still breast-fed and that one

¹⁸ ONAPO Demographic and Health Survey, Kigali, 2001.

¹⁹ Idem.

child out of ten were breast-fed for almost 33 months. There was also general exclusive breast-feeding and it covered 71% of children aged between 4 and 5 months. According to the 2005 survey, almost all children below six months are breast-fed, 97% of children aged between 10 and 11 months are still breast-fed, when the recommendation of exclusive breast-feeding for children aged below six months was implemented by 90% of mothers.

2.1.10.4. HIV/AIDS and Sexually Transmitted Diseases (STDs)

219. Sexually transmitted diseases are a major problem of public health because they cannot only lead to infertility, very serious diseases and even to death, but it is increasingly acknowledged that they can also increase the risk of transmission of the human immunodeficiency virus (HIV) that causes AIDS (Acquired Immune Deficiency Syndrome).
220. During the 2000 survey, sexually transmitted diseases (STDs) and other diseases than AIDS were more known by the population in the ratios below the average, but AIDS was almost commonly known by 99% of women and men, and its mode of sexual transmission and at least one prevention method²⁰. The findings of the 2005 survey show that all women and men declared that they knew or had heard of HIV/AIDS, and that the great majority of women (90%) and almost all men (99%) declared that it was possible to do something to prevent its infection or mentioned at least one protection method.
221. As to the use of condoms, the findings of the 2005 survey show that it is very low: 3% of women and 5% of men. These rates do not show a major change since 2000 when 1% of women and 6% of men had said that they used them.
222. On the other hand, the use of condoms with a spouse or cohabiting partner is extremely low: between 1% and 2% for women and men; but it rises greatly when it is another partner (not cohabiting): 20% for women and 34% for men.
223. Systematic surveillance of HIV/AIDS prevalence within the population in general having proved difficult, the Treatment Aids Centre (TRAC) had, over previous years, undertaken surveillance through surveillance sites among pregnant women attending the services of antenatal consultations.
224. Data from those surveillance sites were of paramount importance because they could be available on a regular basis and were less expensive to collect than the data of a national survey representative of the general population.
225. However, data from those surveillance sites had several significant limitations. The major limitation was mainly related to the fact that pregnant women were not representative of the general reproductive age population. On the other hand, the most obvious is that the

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

prevalence levels vary between men and women, and yet men were not of course represented in the data from those surveillance sites. In addition, the prevalence level is higher among non-pregnant women than among women within the general population because among non-pregnant women, there are women who are not sexually active, and they are therefore less at the risk of HIV/AIDS. The prevalence levels also vary with age, and in this regard, women who attend antenatal care services can have an age distribution that is different from that of women within the whole population. Finally, the geographical coverage might present another source of bias inherent in the distribution of surveillance sites that are more often in urban or semi-urban areas, where HIV prevalence is likely the highest.

226. To mitigate these shortcomings, 2005 Demographic and Health Survey integrated HIV test and the findings show that at the national level, the prevalence is 3%, women representing 3.6% and men 2.3%. As regards the situation by residence area, the prevalence rate is 7.3% in urban areas distributed at 8.6% for women and 5.8% for men, and 2.2 % in rural areas, distributed at 2.6 for women and 1.6% for men.

227. Within its national policy for reproductive health aimed at encouraging the community to adopt safe sexual practices and to fight actively against sexually transmitted diseases and HIV/AIDS, the Government intends to put in place an appropriate strategy that stipulates that the providers should integrate the follow-up of the patient by the partner(s) in treatment, strictly comply with the protocols relating to the doses and treatment duration, encourage the patient to follow treatment to its end and advise him/her to abstain from sex until the end of treatment and, once treatment completed, to adopt safe sexual habits.

228. Within the framework of the fight against AIDS, the National AIDS Control Programme (PNLS in French acronym) was established in 1987. In 2001, it was replaced by two institutions: the Treatment and Research Aids Centre (TRAC) and the Great Lakes Initiatives on Aids (GLIA).

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

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

- Assisting the Rwandese State in formulating, implementing and coordinating the national policy in the fight against AIDS;
- Being the coordinating body of national strategies and plans of action from various institutions in the fight against AIDS;
- Sensitizing people to be involved in activities aimed at fighting against AIDS on a daily basis in accordance with priority strategies as formulated in the national policy;

- Mobilising resources inside and outside Rwanda to establish a National Fund Against AIDS ;
- Raising awareness of the country authorities at all levels about the need to support the national AIDS policy.

231. The country's high authorities have been involved in that fight such as the First Lady whose actions are based on the protection and care of family against HIV/AIDS. In this regard, the organisation PACFA (Protection And Care of Families against AIDS) is specifically involved in the field of mother-to-child transmission.

232. Efforts have been made to enable the people living with HIV/AIDS to get anti-retroviral treatment, and a large-scale campaign against their stigmatisation and marginalisation has been conducted to condemn some behaviours tending to exclude them.

233. Those people, with the support of benefactors, have formed associations almost countrywide and put in place a network within which they morally support one another and through which aid can be channelled to them. These associations are also used as a channel for undertaking income generating activities that allow them to meet basic needs going with their status.

234. Nevertheless, the fact for some religious denominations to be against the use of condoms as a protection method against HIV/AIDS weakens the outcome of the campaign conducted in this regard within the fight against the spread of this pandemic.

2.1.10.5. Main Causes of Morbidity

235. Malaria is the first cause of morbidity and mortality in Rwanda, representing more than 50% of consultation causes in the country health centres and about 34% for all deaths. As regards tuberculosis, care intervention using Direct Observed Treatment Short Course (DOTS) that had been initiated by the National Programme for the fight against tuberculosis had allowed to reach a rate of therapeutic success of 70.1% in 2000. HIV/AIDS is still the most important source of tuberculosis. Other major causes of morbidity include acute respiratory infections, intestinal parasitoses and diarrhoeic diseases.

2.1.10.6. Unwanted Pregnancies

236. In Rwanda, abortion is prohibited and punished by the law. In its Articles 30 and 31, the law relating to rights and protection of the child provides for specific penalties for abortion, abortion attempt, and the fact of causing a woman to abort with or without her consent, or even unintentionally. Abortion is also considered as an offence by the Penal Code (Article 325) that provides for aggravating circumstances related to the death of a woman due to the means used to cause her to abort as well as a penalty consisting in forbidding a doctor, midwife, dentist,

pharmacist, veterinary surgeon and others who might have caused a woman to abort, to continue to practise their profession.

237. The only allowed abortion is that that can be done if the continuation of pregnancy puts at serious risk the woman's health. It is however subject to strict form requirements, namely written notice by two doctors in four copies of which two are respectively given to the woman and to the officer in charge of the medical sector, and that the abortion be performed by a physician authorized by the State and take place within a State authorized public or private hospitalisation institution (Article 327 of the Penal Code). Likewise, advertising abortive means is also punished by the Penal Code in its Article 379.

2.1.10.7. Qualified Personnel

238. The public health system suffers from a shortage of doctors and nurses with experience to cover the needs within health institutions. The shortage of health professionals remains crucial and it is the major challenge within health sector. The number of qualified doctors and nurses is still small for the whole country, and the situation is more delicate in rural areas.

239. In public health system, the personnel is less motivated, and this is the major cause that leads doctors to move towards private sector. The ratio of inhabitants per nurse is 3,900, and 50,000 per doctor. While the ratio of nurses is at the scale recommended by WHO (One nurse for 5,000 inhabitants); it is not the same for that of doctors (1 doctor for 10,000 inhabitants in developing countries).

240. However, the Government hopes that the solution to this problem will come from the number of advanced level nurses trained over the recent years, and A₁ nurses who are already in the field having completed their studies at Kigali Health Institute (KHI).

241. In response to these challenges, the Ministry of Health has made great efforts to ensure the implementation of the mission in health sector consisting in ensuring and promoting the state of the population health through quality prevention, cure and rehabilitation care through a high-performance health system. Some achievements have been made by the ministry:

- The Ministry reviewed the health sector policy that was adopted in February 2004 through a sector wide approach (Swap), and a strategic plan was established in 2004.
- It has made significant efforts in determining essential drugs list.
- The policy of prices has been formulated for some essential health services such as tuberculosis, malaria and epidemic diseases.
- Pre-paid health insurance schemes (usually known in French as *mutuelles de santé*) have been established to cope with limited access of vulnerable groups to health care.
- The introduction of the strategy known as "Integrated Management of Childhood Illnesses" as promoted by UNICEF and WHO.

- The development of a reproductive health policy in collaboration with partners, and the inception of IEC and CCC activities, activities for the promotion of family planning and use of health services by women.
- Improvement of the fight against malaria through the introduction of new anti-malaria products and subsidisation of these products to increase their accessibility by all the population, and promotion of insecticide-treated mosquito nets.

2.1.10.8. Way Forward in Health

242. For continued enhancement of the quality of health care services and their accessibility, prospects are envisaged. Thus, for 2005-2007, a strategic innovation that consists in initiating conditional contracts for the purchase of the results of four packages of specific services (Health, Municipality and Family, Pre-paid Health Insurance Schemes, Performance of Health Centre and obstetric emergency within District hospitals) is envisaged.

243. Moreover, 7 programmes have been adopted:

- Human resources development through investment in the institutions for training and teaching health professionals and reform of salary structures and incentives to improve the distribution and the number of health professionals, especially in rural areas;
- Increase the availability of quality drugs, vaccines and consumables within health centres by identifying needs, developing and implementing a plan of drug supplying; defining, standardising and strengthening the prices of pharmaceutical products distributed through public sector;
- Building and rehabilitating health structures to achieve the objectives of the health sector strategic plan for the population living within 5 km from the health centre from about 60 to 65% by 2010 ;
- Strengthening the financial accessibility to health services through pre-paid health schemes, and developing the policy of prices having a great impact of health services receiving more public services;
- With a view to reducing mortality and morbidity, strengthening community-based health care (interventions based on community-based factual medicine);
- Restructuring national referral hospitals and specialised treatment centres such as HIV/AIDS clinics, and surveillance of tuberculosis and malaria resistance;
- Building institutional capacity to be able to manage, coordinate and supervise health services.

2.1.11. FAMILY BENEFITS – WOMAN AND POVERTY. BANK LOANS AND CREDIT-RECREATIONAL ACTIVITIES, SPORTS AND CULTURE (ARTICLE 13 OF THE CONVENTION AND POINTS A AND F OF BEIJING PLATFORM FOR ACTION)

2.1.11.1. Family Benefits

244. According to the law establishing the Preliminary Title and the First Book of the Civil Code, a wife has the right to foods provided by her husband when the latter is still alive, since this law enshrines the maintenance order between spouses. The order applies also to children towards the parents in need (Article 200).

245. The Family Code rules out compensatory benefits to the spouse responsible for the cause that warranted the divorce decree (Article 280). Those benefits are entitled to the spouse who won the case, and in the event of the shortage of benefits that might have been stipulated or a lack of benefits granted between spouses, the one who won the case can be provided by ruling with maintenance not higher than a third of the income of the other spouse (Articles 261 and 282).

246. As regards benefits in kind and cash, contributory and non-contributory benefits, they are provided under the terms set forth by the law on the social security system in the form of medical care needed for occupational injury, sickness benefit in the event of temporary disability, disability benefit in the event of partial or total permanent disability, survivor annuities in the event of death and grant for funeral expenses, old age pension, disablement pension, survivor or early retirement pay, and survivor benefit. However, only women who are subjected to the social security system managed by a public institution, Rwanda Social Security Fund, benefit from the foregoing cover.

2.1.11.2. Woman and Poverty –Bank Loans and Credit

247. The findings of the survey conducted in 2001 within the national poverty reduction strategy showed that 60% of the population live below the poverty line, including 62.15% of female households and 54.32% of male households.

248. The fight against the feminization of poverty implies building economic capacity of women. In this regard, and as previously stated in this report, initiatives have been undertaken, including:

- Establishing a guarantee fund for women to enable them to have access to credit granted by banks and other credit institutions;
- Establishing and financing a fund at the level of each District aimed at granting micro credit to women for their self-promotion.

249. Associations for women's promotion have also undertaken some actions for their economic empowerment, including especially:
- Establishment of a savings and micro credit cooperative (COOPEDU) by the women's association, DUTERIMBERE ;
 - Establishment of a savings and credit "banque populaire" affiliated to the Union des Banques Populaires by the Associations of Women Entrepreneurs in Rwanda (AFER in its French acronym).
250. Despite the efforts made, poverty reduction among women is faced with major constraints such as:
- Unequal distribution of work that leads to excessive work for women, especially in rural areas;
 - Low level of education and professional qualification of women ;
 - Limited access to production factors.
251. It should also be pointed out that the national gender policy is in line with the long-term programme adopted by the Government for sustainable development in which the woman will have a more significant role as a stakeholder and beneficiary.

2.1.11.3. Recreational and Cultural Activities

252. In Rwanda, there is no legal or institutional obstacle to women's participation in recreational, cultural and sports activities.
253. At the institutional level, the Ministry of Youth and Sports is responsible for the promotion of those activities both for men and women. The National Olympic Committee is comprised of national federations in all sports disciplines that organise and ensure the supervision of national competitions. Women are included in the committees of those federations.
254. Within its comprehensive policy for the promotion of sports in general, the country put special emphasis on football, volleyball, basketball and athletics. At the elite level, there are female teams that participate in seasonal competitions, but also in teams formed by female pupils or students. In volleyball, there are one national female team and one national male team that take part in regional and international competitions. A national championship is organised each year and it involves 8 female clubs against 11 male clubs. In basketball, apart from the national girls' team and another of boys, 5 female clubs against 6 male clubs take part in the national championship.
255. Female football is still in its infancy, but it is planned to set up female teams in different Provinces of the country and organise a national championship. To this end, a commission specifically in charge of promoting female football has been set up within the National Football Federation, and a permanent female sports desk has been established in each District.

256. One of the disadvantages results from women's opinion about doing sport. The majority of them think that sports activities are for people without other constraint, especially constraints resulting from concerns inherent in family maintenance.
257. At the cultural level, the national cultural dance group is the archetypical representative of the Rwandese folklore, and its shows in foreign countries are a very obvious manifestation. It has a mixed composition, and the representation of women compared to that of men is significant. There are also folk groups established under private initiative in the form of associations whose composition reflects both sexes.
258. The major obstacle for women involved in sports and cultural activities is their dropping due to their marriage that compels them to deal with several activities related to household management.
259. With a view to promoting female sports, private individuals took the initiative to set up²¹ in 2000 the National Association for the Promotion of Female Sports (ANPSF in its French acronym). This association intends to raise women's awareness about the relevance of sports to the body and to identify, through matches organised by them, talented girls to ensure their training. To this end, they organize sports competitions involving women, irrespective of their social status or their residence area.
260. This association is under the Ministry of Youth and Sports that therefore provides it with logistic support. It is also included in the National Olympic Committee like other federations.

2.1.12. RURAL WOMEN (ARTICLE 14 OF THE CONVENTION)

261. Women in rural areas and those in urban areas live in different conditions. This difference is especially at the level of their daily activities and their environment. The Government considers that the implementation of the Convention on the Elimination of all Forms of Discrimination Against Women is related to women both in urban and rural areas. In this regard, all legal and institutional mechanisms established at the national level in this field are meant for all Rwandese women.
262. Through the policy of decentralisation of all decision-making institutions, rural women are included in grassroots level institutions within which they are invited to participate in formulating community development programmes.
263. The National Women's Council established by the Constitution of 04/06/2003 and whose organisation, attributions and functioning are determined by the Law n° 27/2003 of 18/08/2003 is not only a social forum for its members, but also an advocacy mechanism for them in the

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

country development. It is an archetypical organisation of rural women, given that there are committees at all levels down to the grassroots administrative level.

264. Regarding economy, the fund established at the level of each District and designed to fund small and medium-sized enterprises of women by giving them micro credit shall help ensure women's economic fulfilment, or shall at least be the driving force behind their involvement in entrepreneurship through groups. For two years, the day of rural women has been celebrated and, on this occasion, prizes are awarded to the most active women.

265. At the health level, family planning services are integrated in health centres, but the restricted number of health facilities compels the majority of women to walk long distance to reach an institution with appropriate minimum service, and their access to health care is subject to their economic power because, economic constraints preventing the State from ensuring free health care services, people have to support one another through pre-paid health insurance schemes into which they are grouped.

2.1.13. ACCORDING TO MARRIED WOMEN LEGAL CAPACITY IDENTICAL TO THAT OF MEN (ARTICLE 15 OF THE CONVENTION)

266. As already stated above, equality of men and women before the law is enshrined in the Fundamental Law that governed the transitional period and in the current Constitution of 04/06/2003.

267. The Family Code in its Article 212 accords an identical legal capacity to men and women as it provides that marriage shall not modify the legal capacity of spouses. The principle is also stressed more clearly under Article 213 that provides that: "Each spouse has the right to practise a profession, industry or trade without the consent of his/her partner, except in the event of the regime of community of property".

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

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

270. However, while there is no restriction of the freedom to choose one's domicile relating to men, it is the other way around for women as Article 75 of the Family Code provides that the spouses shall have the same residence, unless otherwise required by the family interests, and that any related conflict shall be settled by the summary judge. Article 83 of the same code

provides that a married woman shall have her husband's domicile as her legal domicile unless the court, for sound reasons, allows her to have a separate domicile.

2.1.14. MARRIAGE AND FAMILY RELATIONS (ARTICLE 16 OF THE CONVENTION)

271. The Fundamental Law that governed the transitional period in its Article 25 of the Constitution of 10 June 1991, and the Constitution of 04/06/2003 in its Article 26 paragraph one, lays down the principle of recognizing only civil monogamous marriage.

272. The Constitution of 04/06/2003, in the above Article, provides also that no person may be married without his or her consent, and accords to both spouses the same rights and duties upon and during marriage and at the time of divorce. This is the principle of equality between a man and a woman that implies that they have the same duties during marriage and at its dissolution.

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

274. During marriage, the spouses have the same rights and duties between them and towards their children. According to Article 197 of the Family Code, both spouses assume, by the very fact of marriage, the responsibility to maintain and rear their children. Other responsibilities resulting from marriage include the duty of fidelity, help and assistance, contribution to household expenses within the bounds of the ability of each spouse (Articles 209 and 211).

275. This law also recognises the right of both spouses to petition for a divorce for the reasons set forth under its Article 237 and to continue, after the divorce, to look after the maintenance and upbringing of their children, and give related contribution within the bounds of their ability (Article 285).

276. However, some provisions of this law perpetuate equality of men and women on some aspects of rights and family relations. Thus, there is for instance Article 110 that provides that the registration of the birth of a child is done by the father, the mother being allowed to do it only when the father is not available or is unable to do so. As regards Article 206, it indicates that the husband is the chief of the conjugal community including the husband, wife and their children.

277. Likewise, according to Article 206, parental rights are exercised by the father and mother. However, in the event of disagreement, the will of the father shall prevail, the mother having only the right to appeal to courts. As pointed out previously, these provisions are under modification.

278. Regarding acquisition, ownership, management, administration, enjoyment and disposal of property, both spouses have the rights that are determined according to the matrimonial regime under which their marriage was contracted. Article 50 of the law relating to matrimonial regimes, liberalities and successions accords to each spouse, irrespective of the matrimonial regime, equal right to any act of donation or any act recognizing the right to the household property or real estate.
279. The Organic Law n° 08/2005 of 14/07/2005 determining the use and management of land in Rwanda prohibits any discrimination based on sex in matters relating to access to land ownership, enjoyment of rights over land and clearly stipulates that the husband and wife have equal rights to land ownership (Article 4).
280. This law establishes land commissions at the national, provincial and Kigali City level as well as at the District level, and it provides that at each level, the land commission shall include both men and women (Article 8).
281. It regulates final transfer of the rights over land and requires that, irrespective of its form, it be subject to prior consent of all family members (Article 35).
282. The minimum age for marriage is fixed at 21 complete years of age for the man and woman and the law relating to rights and protection of the child against violence prohibits any cohabitation as a husband and a wife if one or both partners have not yet attained this age. According to this law, marriage of a person who did not give his/her consent when s/he has not attained that age is a forced marriage and makes the perpetrator incur repressive penalties.
283. It also provides for penalties against whoever lives with or attempts to live as a husband or wife, either with a child of above eighteen years of age but less than twenty-one years of age (Article 48), and against whoever is responsible for premature or forced marriage of a child and considers as an aggravating circumstance the quality of a parent or guardian (Articles 49 and 50).
284. Finally, marriage that, for taking effect, has to be celebrated before the registrar, is subject to a certificate of marriage and that results in giving to each of the spouses a family record book that makes valid its conformity with the civil registers (Articles 184 paragraph 2, 185 and 187 of the law establishing the preliminary title and the first book of the Civil Code).

2.2. MEASURES SPECIFIC TO THE DECLARATION

2.2.1. WOMEN AND ARMED CONFLICTS (POINT E OF BEIJING PLATFORM FOR ACTION)

285. The waves of antagonistic and bloody events, which marred Rwanda history and which have culminated in the Genocide of April 1994, have affected both men and women. The latter were particularly subjected to systematic rape by the perpetrators of genocide and they still

have the bad memories of their traumas, but also a number of women and children are now responsible for households without any resources to provide for them.

286. The Great Lakes Region has also hotbeds of tension whose multiplicity and frequency call for initiatives to restore peace that imply living on good terms with neighbours and tolerance. Rwandese women thought they are concerned, and actions have been undertaken in this regard.
287. Rwanda hosted, from 25 to 30 June 2000, a Conference on "Women as Partners for Peace in Africa" (WOPPA) aimed at bringing together women from different African countries and from other parts of the world going through conflicts in order to devise together the strategies to be implemented for their effective and significant involvement in the process of search for peace in the world.
288. After the Kigali Pan-African Conference on Peace, Gender and Development jointly organised from 1 to 31 March 1997 by OAU, the Government and NGOs working for women's promotion, the Government has participated in the establishment of the Federation of African Women Peace Networks (FERFAP in its French acronym).
289. From 15 to 19 September 2003, a regional workshop on women in conflict resolution was held in Kigali, under the aegis of the Ministry of Gender and Family Promotion.
290. As to the umbrella association PRO-FEMME/TWESE HAMWE, it launched a campaign, "Action for Peace" (CAP), based on conflict resolution through active non-violence, mediation and conciliation.
291. The member associations of this umbrella association organised trainings, conferences and open days on tolerance, non-violence, unity and reconciliation, and on peaceful conflict resolution to grasp the role of women in restoring and keeping peace.

2.2.2. WOMEN AND MEDIA (POINT J OF BEIJING PLATFORM FOR ACTION)

292. The freedom of the press and freedom of information are recognised by the State which has subsequently committed itself to ensuring them. In this regard, the Law n° 18/2002 of 11/05/2002 governing the press has been adopted (O.G. n° 13 of 01/07/2002).
293. A ministerial department having information within its remit is in the Prime Minister's Office, and the public press is managed by an institution vested with legal personality, i.e. Rwanda Information Office (ORINFOR in its French acronym). The High Council of the Press, whose members are elected by their journalist peers, is responsible among others for ensuring respect of press ethics by the media in the practice of their profession.

294. The private press is subject to prior terms of written notice at least one month before the first issue for the print media, and of signing a memorandum with the State upon approval by the High Council of the Press for the audiovisual press.
295. Today, the print media comprises several private newspapers on the market. As to the audiovisual press, it is comprised of one public radio, 6 private local radios and 4 international radios, including the national television.
296. Women's presence in the press as professionals is still too low to have a measurable impact on it, but it is rather conspicuous in the public press.
297. However, the media assign a space for publications relating to women's condition. Therefore, most of newspapers publish articles on different women's concerns; audiovisual reports on women's activities both in rural and urban areas are done and published. Articles are published in newspapers and audiovisual programmes are organized to educate the beneficiaries about the rights of women and the importance of their more effective integration in the development process. Moreover, there are specialized newspapers in this field such as "Urubuga rw'abagore" (Women's Platform) included in Kinyamateka newspaper, Focus on Beijing published by the Permanent Executive Secretariat for the Follow-up of Beijing Platform for Action, and Haguruka published by the women's association with the same name.
298. Some associations for the defence and promotion of women's rights have provided themselves with information and documentation facilities (IEC) and produce publications related to the achievements of women and their rights.
299. Basing on the recommendations of Beijing Conference, the women working in the media established in 1995 the Rwandese Association of Women in the Media (ARFEM in its French acronym) with the following objectives :
- Organise meetings between Rwandese women and women in the media to exchange their views;
 - Mutual support to promote the media profession;
 - Encourage Rwandese women to join the media profession and express their views through all communication channels ;
 - Promote and publicize the activities of women to contribute to their involvement in decision-making, planning and national management.
300. They prepare audiovisual programmes and press articles on issues related to gender and development, peace and human rights.
301. However, access to information is still very limited for the majority of women, especially those in rural areas due to poverty that prevents them from getting access to those information facilities. Indeed, data available in 2002 shows that only 41.7% of ordinary households has a

radio set, 0.12% have a television set against 56.2% for households without a radio or television set, and 99% of households that have no access to computers and Internet.²²

2.2.3. WOMEN AND ENVIRONMENT (POINT K OF BEIJING PLATFORM FOR ACTION)

302. Rwanda has ratified several conventions on environment. However, in this field, there has been for a long time a lack of an internal legal and regulatory framework, but this gap has just been bridged.
303. As to the field of industry, it is governed by the order of 28 May 1956 on dangerous, insalubrious or hazardous establishments whose exploitation is subject to prior permission due to the risks related among others to smells, dangers of explosion, poisoning or of fire, to water pollution and other harmful emanations that can come from it. The Government also adopted in 2001 the national industry policy that advocates the establishment of non-polluting industrial units that are in accordance with environmental standards.
304. A ministerial department, i.e. the Ministry of Land, Environment, Water and Natural Resources, whose major mission is to ensure protection of land, flora, fauna and water which are, in Rwanda, the important natural resources of the gross national income and households because it is the core of agriculture, ensures the implementation of the policy formulated in this field.
305. The establishment of institutions in this field has also been translated by the establishment of Rwanda Environmental Management Authority (REMA), a public institution vested with legal personality and financial autonomy.
306. Likewise, a National Fund for Environment in Rwanda (FONERWA in its French acronym) responsible for mobilising and managing funds has to be established.
307. Last, the Organic Law n° 04/2005 of 08/04/2005 determining the modalities of protection, conservation and promotion of the environment has come into effect since 1st May 2005 (O.G. n° 9 of 1 May 2005). It determines especially the guiding principles for conservation and rational use of environment and natural resources. These are the principles of protection, sustainability of environment, equal opportunities among generations, cooperation and polluter pays principle.
308. This law identifies natural environment composed of soil, subsoil, water and air, and human environment. It defines the obligations of the State, local communities, and the rights and duties of the population in the field of environment.

²² Rwanda Development Indicators, 7th Edition, 2004.

309. Considering the fact that firewood and its by-products such as charcoal remain the main source of cooking energy, it is obvious that environment is endangered, since 94.4% of households use trees to produce energy needed for cooking foods. So as to reduce the use of firewood and its by-products, improved stoves have been introduced within households.
310. Within the framework of environment protection, measures have been taken in respect of cutting wood and making charcoal which are subject to prior permission by the relevant authority as well as in respect of exploiting any kind of quarry. The use of some rot-resistant products such as plastic bags is also prohibited.
311. The Rwandese woman is involved in protection of environment like any other citizen through the fight against deforestation translated by the establishment of the national tree day, and through awareness-raising campaigns on protection of environment in connection with prohibition of all practices likely to cause pollution, fight against erosion, conservation of water, fauna and flora.
312. Her role and place are expected to be scaled up in line with the long-term development plan that has just been adopted by the Government for sustainable development.

2.2.4. PROTECTION OF GIRLS (POINT L OF BEIJING PLATFORM FOR ACTION)

313. In Rwanda, a girl enjoys protection as a child. The Fundamental Law that governed the transitional period does not provide for anything about this matter, but the current Constitution in its Article 28 provides that every child is entitled to special measures of protection by his or her family, society and the State that are necessary, depending on his/her status, under national and international law.
314. The Law establishing the First Book of the Civil Code accords to child in general the rights set forth in Beijing Declaration. Furthermore, it provides that every person shall have a name and that a child shall have his/her own first name distinguishing him/her from his/her father and mother as well as his/her siblings who are still alive (Articles 58 and 60), that births shall be registered within fifteen days as of delivery (Article 117) and that a certificate of birth shall be established thereof (Article 120), the father, mother, one of the parents or closest relative, and any person having attended the delivery or having found an abandoned newborn baby being responsible for birth registration (Article 119).
315. In its Article 197, this law lays down the responsibility of the parents to ensure maintenance of their children. Dereliction of this duty can lead to a legal action against the parent defaulting on the duty to compel him/her to fulfil it, and abandonment or exposure of children is punished by penalties provided for not only by the Penal Code (Articles 380 to 387), but also by the law relating to the rights and protection of the child against violence (Articles 43 to 46).

316. As to child nationality, the law that governed the matter until 2005, and which was discriminatory against women in granting their nationality to their children as long as the paternal filiation was known, has been replaced by another law. Therefore, the current law on Rwandan nationality rules out statelessness and provides that is a Rwandese any child whose parents are both Rwandese or one of them is not, or if s/he is found as a newborn baby in Rwanda and that his/her parents are unknown (Articles 3 and 6). Likewise, the law relating to rights and protection of the child recognizes the right of every child to be granted automatically the nationality of her Rwandese mother (Article 6 paragraph 2).
317. The law relating to matrimonial regimes, liberalities and successions recognizes the right of a girl to succession in her family property and the family code provides for consent as one of the requirements for the validity of marriage, which can be contracted only at 21 complete years of age.
318. The Rwandese law prohibits economic exploitation of children because the related international conventions to which Rwanda is party are included in its internal law and are, according to legal hierarchy, more binding than organic laws and ordinary laws.
319. The requirements for child employment are governed by the labour code in its articles 63 to 66. A child below sixteen years of age is not allowed to contract for employment in any company, even for apprenticeship, except by exception enacted by the Minister having labour in his attributions, and the exception may be granted only for light tasks as long as they are not likely to prejudice the health of the child, his/her studies, participation in guidance and supplementary training programmes. In any case, a child below sixteen years of age cannot be employed for night tasks that are unhealthy or hard. It should be pointed out that the law relating to the rights and protection of the child against violence reduces the age for child employment down to 14 years (Article 18 paragraph 2).
320. The Labour Code establishes a system of labour inspection and monitoring to ensure that the tasks assigned to a child are not excessive or not likely to prejudice his/her health and it provides for a fine of between 10,000 and 50,000 francs against the violation of that provision related to child employment, relapsing into the offence being punishable by imprisonment of between fifteen days and 6 months (Article 194).
321. Finally, economic exploitation of girls that can be in the form of trafficking or prostitution exploitation is, as previously stated, punished by the law relating to rights and protection of the child against violence.
322. The law relating to rights and protection of the child against violence accords to him/her a range of rights for his/her protection. These rights are related to education, fundamental care by the parents, the right of an orphan to adoption or guardianship, or even to the care of an appropriate institution under the responsibility of the State, the right to freedom of peaceful

assembly and meeting, the right to welfare and better health, the right to rest, sports and recreational activities corresponding to his/her age.

323. Girls like boys are members of the National Youth Council established by the Constitution of 04/06/2003 in its Article 188. Pursuant to this constitutional provision, the law n° 24/2003 of 14/08/2003 (O.G. special bis of 3/9/2003) on the organisation and functioning of this council has been adopted.
324. According to this law, the National Youth Council is a forum where the youth hold discussions aimed at contributing to their own development and that of the country, and it is responsible especially for bringing together the youth and sensitizing them to production activities through associations, and initiating them into problem resolution as well as preparing them for being involved in decision-making institutions, while being used as an advocacy framework for them before the institutions having in their attributions youth promotion.
325. Its organs are based on the General Assembly and Executive Committee that are at each administrative level. Members of the Executive Committee include advisors in the following fields: finance, education, science and technology, culture, sports and leisure activities, gender issues, adolescent issues, health, information, production and welfare, cooperation.

CHAPTER III: DIFFICULTIES ENCOUNTERED IN THE IMPLEMENTATION OF THE CONVENTION AND WAY FORWARD

3.1. DIFFICULTIES ENCOUNTERED

3.1.1. POVERTY

326. Rwanda economy produces low income and impacts the choice of priorities in all sectors of national life. It therefore hinders rapid development that implies big commitments both in terms of human and material resources for short-term implementation of a quite large-scale programme and it subsequently leads to external debts.
327. The economic situation of the population also does not allow it to have access to technical means needed for enhancing its status. The major factors behind this poverty are the shortage of land and rudimentary exploitation means, rapid population growth as well as low and limited level of development means.
328. Non-governmental organizations involved in the field of human rights in general and of women's rights in particular are faced with a lack of resources needed for effective and efficient implementation of their mission and rely on external aid which gives them the needed boost, otherwise they may not live up to their mission.

3.1.2. IGNORANCE

329. Various violations of human rights that characterized Rwanda history through different conflicts that it went through did not at all allow positive education of the population about human rights.
330. There is therefore a need for a sustained education campaign and a quite reasonable time to eradicate from the population the harmful consequences of this tradition that in most instances lead to indifference to human rights.
331. Moreover, while it is obvious that illiteracy rate is still high and greatly handicaps education about human rights, ignorance in this field is not only among uneducated people. A number of people with high level of education are unaware of the consistency and scope of their rights and those of others, when they are expected to be one of the guarantees of the full and effective exercise of fundamental human rights and freedoms.

3.1.3. TRADITIONAL PATTERNS, TABOOS AND STEREOTYPES

332. Traditional taboos and stereotypes that are contrary to universal principles of human rights are still pervasive in Rwandese society. Firmly fossilized patterns change slowly and are an obstacle not only to promoting human rights in general and women's rights in particular at the desired pace, but also to fully establishing equality between men and women.
333. This goes also for the patriarchal conception of society that pushes women in the background, excluding any idea of equality between men and women in respect of human rights. The awareness-raising campaigns undertaken on a large scale and the adoption of innovative legal provisions in delicate areas still governed by the custom or outdated laws will ultimately overcome these customary conceptions that are incompatible with the promotion of women's rights.

3.1.4. GENOCIDE

334. The crime of genocide committed in Rwanda in 1994 infringed the fundamental positive values of any human society, and the role of authorities in those inhuman acts obviously showed a lack of dedicated leadership with values of humanism, tolerance, justice and peace.
335. Those serious violations of fundamental human rights have resulted from a sectarian ideology, and have had extremely bad consequences to their victims and to Rwandese society. The rehabilitation of the memory of the victims and the recognition of their rights are of paramount importance and subsequently call for severe justice against the perpetrators of those crimes, while ensuring education to human rights in order to achieve the reconciliation of Rwandese who are called upon to live together in a climate of dialogue, tolerance and peace.
336. The Government of Rwanda will therefore continue to prosecute the perpetrators of those acts to eradicate the culture of impunity and genocide ideology. Gacaca courts that were established in 2001 are already partially operational, and their countrywide functioning is to be launched.

3.2. WAY FORWARD

337. Rwanda intends to continue to promote women's rights by more sustained actions. The establishment of different machineries in charge of monitoring and promoting the rights of women is in line with the will of the Government to put in place an enabling advocacy framework for women that will be used as a channel for not only airing their opinions, but also for participating in the country development.
338. In this development, the Government has just adopted a comprehensive programme, i.e. Vision 2020, based on the principles of good governance and decentralisation of decision-making institutions for sustainable development in which every citizen is expected to play an

active role while benefiting from it. The key terms of this programme are good governance, democracy, national reconciliation, political stability and national security, participation of the population in decision-making and in the development process, a fully inclusive economic system implying effective participation of all social and economic strata of the population.

339. The programme is also based on the National Poverty Reduction Strategy (PRSP) that is expected to reduce by 30% towards 2015 the proportion of the population living below the poverty line and whose intervention domains are modernisation of agriculture, good governance, human resources development, economic infrastructure development, institutional development and private sector development.
340. The National Gender Policy that is an integral part of this programme is aimed at engendering community development policies and programmes as well as empowering women.
341. In collaboration with other stakeholders in human rights in general and women in particular, the Government will scale up sensitization and training methods in this field.
342. The legal reforms will continue to remove some remaining provisions that are contrary to the principle of equality between men and women and equality of chances of access to development opportunities.
343. Monitoring machineries in respect of the violations of human rights will be scaled up and strengthened through the establishment of mechanisms of reporting at all levels, monitoring and establishment of a database allowing at each stage to assess progress made and, if need be, undertake an appropriate review of measures according to the current situation.
344. Finally, the Government will continue to support the activities of various non-governmental organisations involved in the field of defence, protection and promotion of human rights in general and women's rights in particular.

CONCLUSION

345. Despite the great challenges that it had to rise to in the aftermath of the 1994 Genocide, Rwanda did embark on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women and Beijing Declaration, and it should be pointed out that there has been an obvious revolution compared to the situation before 1996.
346. The establishment and strengthening of various institutions in charge of promoting human rights in general and women's rights in particular as well as the adoption of legal measures have indeed been the concern of the Government, but the most important is that all those mechanisms are operational.
347. Engendering community policies and programmes is the manifestation of the belief of the Government of Rwanda that every member of the Rwandese society must participate actively in its development. This active participation will be in line with Vision 2020 and, given the current achievements; it can be worth relying on this process and believing that the constraints will be overcome by the determination of the Government to do its utmost to find ways and means for its implementation.
348. Its confidence is strengthened by the system of partnership already operational in the area of women's rights, and it appeals to involved stakeholders to continue their work that is relevant to the successful implementation of its policy in this field.
349. The Government welcomes the recommendations and observations by the ad hoc Committee upon consideration of this report, regarding both its form and content.

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