



SUMMARY REPORT ON FAMILY-RELATED ISSUES IN RWANDA

88th CEDAW Session, May 2024

The Global Campaign for Equality in Family Law¹ (GCEFL's) submission of this summary report to the Committee on the Elimination of Discrimination Against Women (CEDAW) on Rwanda's periodic report for the 88th CEDAW Session, May 13th - 31st, 2024.

Following the briefing to the CEDAW Committee in October 2023, on Article 16 and family law, the Global Campaign for Equality in Family Law (GCEFL) respectfully submits this summary report to contribute to the analysis of Rwanda's compliance with the Convention on the Elimination of All Forms of Discrimination against Women ("the Convention"). In this report, we focus on articles 1 (equality), 2 (non-discrimination), 5 (gender stereotypes), 11 (employment), and 16 (marriage and family) of the Convention, providing a general overview of discriminatory aspects related to family law and practices. The issues in this report related to economic participation, including inheritance, parental leave, and guardianship are sourced from The World Bank's Women, Business and the Law 2024 report on women's economic opportunity in economies.²

Rwanda does not maintain any reservations to Art. 16 of CEDAW. However, we would like to once again urge the CEDAW Committee to kindly consider granting more time and specific attention to Article 16-related matters during the Constructive Dialogues.

Related CEDAW Arts.	Issues Related to Family Law / Practices	Details
Arts. 1, 2, 16	Marriage: Property rights	In a proposed Draft Law concerning family matters, courts can order an unequal share of assets to each spouse during divorce proceedings, especially if the marriage has lasted less than five years. ³ The Committee on Political Affairs and Gender in the Lower House is

¹ The Global Campaign for Equality in Family Law (GCEFL) is led by a coalition of 8 women's rights, human rights and faith-based organisations including Equality Now, Act Church of Sweden, CLADEM (Latin American and Caribbean Committee for the Defense of Women's Rights), Musawah, Muslims for Progressive Values, SOAWR (Solidarity for African Women's Rights) network represented by FEMNET, Women's Learning Partnership, and UN Women. More info: www.equalfamilylaws.org

² *Economy Data: Rwanda, Women, Business and the Law*, <https://wbl.worldbank.org/en/data/exploreeconomies/rwanda/2024> (2024).

³ Moise Bahati, *Rwanda: Divorce - New Draft Law Proposes Unequal Property Division*, allAfrica <https://allafrica.com/stories/202403180546.html> (Mar. 18, 2024); Rwanda: *Marriage at 18 and unequal property division after divorces in the new draft law proposes*, Updates Bible, <https://www.updatesbible.com/home/rwanda-marriage-at-18-and-unequal-property-division-after-divorces-in-the-new-draft-law-proposes/> (Mar. 18, 2024).

		currently assessing the law.⁴ The new provisions are supposedly intended to discourage spouses from entering marriage for the purpose of obtaining property and to tackle rising divorce rates.⁵ This law would grant judicial discretion to leave a spouse without property after a marriage. A majority of adult women in Rwanda have little to no legal protection of their rights to property and inheritance, as there is no legal recognition of consensual cohabiting and polygamous unions which are unregistered.
Arts. 1, 2, 16	Marriage: Dowry	There are no laws prohibiting the payment of a dowry. The practice remains widespread.
Arts. 1, 2, 11, 16	Parenthood: Parental leave	There is not at least 14 weeks of paid maternity leave available to mothers, only 84 days. <i>Law No. 66/2018 of 30/08/2018 Regulating Labour in Rwanda, Art. 56;</i>⁶ <i>Law Establishing And Governing Maternity Leave Benefits, Arts. 11, 12.</i>⁷ There are only 4 days of paid paternity leave available to fathers, and there is no paid parental leave. <i>Ministerial Order No. 3 of 13/7/2010, Art. 2.</i>⁸
Arts. 1, 5, 16	Harmful Practices & Gender-Based Violence: Marital Rape Female Genital Mutilation/Circumcision	The law carries a minimum sentence of 10 years for rape but only 6 months for marital rape. <i>Law on Prevention and Punishment of Gender-Based Violence, 2008, Arts. 16, 19.</i>⁹ Though FGM/C is not a common practice in Rwanda, there are reports of labia elongation, classified as Type

⁴ The New Times Rwanda, Post, Twitter, <https://twitter.com/NewTimesRwanda/status/1775793859374588231> (Apr. 4, 2024).

⁵ Moise Bahati, *Divorce: New draft law proposes unequal property division*, The New Times Rwanda, <https://www.newtimes.co.rw/article/15343/news/law/divorce-new-draft-law-proposes-unequal-property-division> (Mar. 18, 2024).

⁶ *Law No. 66/2018 of 30/08/2018 Regulating Labour in Rwanda*, https://www.dataguidance.com/sites/default/files/new_labour_law_2018.pdf.

⁷ *Law No. 003/2016 of 30/03/2016 Establishing And Governing Maternity Leave Benefits Scheme*, https://gmo.gov.rw/fileadmin/user_upload/laws%20and%20policies/Law_Establishing_and_Governing_Maternity_Leave_Benefits_Scheme.pdf.

⁸ *Ministerial Order No. 3 of 13/7/2010*, https://docs.igihe.com/IMG/pdf/labour_law_application_orders_4_.pdf.

⁹ *Law on Prevention and Punishment of Gender-Based Violence, 2008*, <https://www.refworld.org/legal/legislation/natlegbod/2008/en/67903>.

	(FGM/C)	IV FGM/C. ¹⁰ There is no legislation criminalizing the practice of FGM/C in Rwanda.
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The CEDAW Committee has also issued recommendations on issues pertaining to Article 16 in its previous Concluding Observations to Rwanda in 2017:¹¹

- **Polygamy and Informal Unions:** “The Committee draws the State party’s attention to general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution. While recommending that the State party continue to encourage the regularization of marriage and to discourage the practice of polygamy, which is contrary to the Convention and the dignity of women and girls, it also recommends that the State party ensure legal protection of the economic rights of women in non-formal unions.”
- **Marital Rape:** “Accelerate the revision of the Penal Code currently in progress and increase the penalty for marital rape provided in paragraph 199 to harmonize it with the penalty for rape provided in paragraph 197”

SUGGESTED RECOMMENDATIONS FOR THE CONCLUDING OBSERVATIONS

1. Ensure that any draft law on property matters guarantees legal protection of the rights of women to property and inheritance, especially in consensual cohabiting unions and unregistered marriages. Recognise and incorporate into the law the concept of unpaid work (including, eg care work, domestic work and subsistence agriculture) and ensure that the division of assets at the time of dissolution of marriage and unions is fair and equitable depending on the monetary and non-monetary contributions of the parties, for the duration of the marriage/union.
2. Take concrete measures to eliminate gender-based violence and harmful practices that discriminate against women and girls, including by prohibiting dowry and criminalising FGM and marital rape;
3. Reform the parental leave provisions to ensure that all parents get an equitable and paid number of days.

¹⁰ The African Women's Development and Communication Network (FEMNET), *Towards Realising Women's and Girls Rights - Policy Brief, Rwanda* (2021) <https://www.femnet.org/wp-content/uploads/2022/09/RWANDA-final.pdf>.

¹¹ *Concluding observations on the combined seventh to ninth periodic reports of Rwanda*, CEDAW/C/RWA/CO/7-9 (2017), <https://undocs.org/Home/Mobile?FinalSymbol=CEDAW%2FC%2FRWA%2FCO%2F7-9&Language=E&DeviceType=Desktop&LangRequested=False>.