

THE REPUBLIC OF RWANDA



**GENDER IMPACT ASSESSMENT OF 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**

Kigali, August 2011



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EXECUTIVE SUMMARY

The study on gender impact assessment of 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 (hereafter referred to as “Law N° 22/99 of 12/11/1999” or “the law” throughout the study) was conducted in response to the need for evaluating the extent to which the law had impacted on the lives of the beneficiary populations. Since the Law N° 22/99 of 12/11/1999 was enacted, no single study has been conducted to assess the impact of the law so as to build on its strengths and propose revision of articles with weaknesses for further effective implementation. It is in this context that Gender Monitoring Office (GMO), a government institution that has among other responsibilities, “carrying out research on specific issues in the framework of mainstreaming and respecting principles of gender...” took the initiative of conducting this study.

Chapter I under **Part I** discusses the context in which the study has been conducted. It highlights the commitments that Rwanda has taken both at international and national levels to protect and promote human rights, including gender equality. The translation of international commitments into action at the national level has led to the initiation of different measures including the legal ones, which gave room to the enactment of a number of laws, including Law N° 22/99 of 12/11/1999. For effective implementation of the developed legal measures, appropriate mechanisms have been put in place. They include among others, the Gender Monitoring Office that has the mandate of monitoring and evaluating implementation of the National Gender Policy in all organs at government, private, non-governmental and at the faith based level. The chapter provides definitions of key concepts that are used in the study and defines the objectives that the study is meant to achieve.

Chapter II discusses the methodological approaches used in both collecting and analyzing the desired data. Quantitative methods were used in collecting data from both the household and courts levels. In addition, qualitative data were collected through a literature review, in-depth interviews and focus group discussions. Collected quantitative data were processed and analyzed through Statistical Package for Social Sciences (SPSS). Qualitative data were analyzed by means of content analysis using specifically thematic analysis, as one of the key components. The first two chapters comprise Part I of this study.

Part II (Research Findings) includes five chapters. **Chapter I** provides an overview of the respondents’ profiles. A total of 1287 respondents participated in the survey, out of which 666 were women as compared to 621 men. Among women respondents, 42.8% were married - 28.3% legally married and 14.5% who were not legally married. Of the men respondents, 36.4% were married - 26.3% legally married and 9.9% not legally married. With regard to educational level, 13.1% of women as compared to 10.4% of men had no level of education. Women with primary school level represented 16.9% as compared to 16.6% of men, which confirms the gender parity is already achieved in primary school. A very interesting situation is that women who completed A’ level represented 6.7% as compared to 5.4% of men, but the scenario changes altogether in favour of men at the Bachelors’ degree level, with men’s representation (2.4%) doubling that of women’s (1.2%).



Chapter II discusses the knowledge of Law N° 22/99 of 12/11/1999. Three major components were discussed, including the level of knowledge of Law No 22/99 of 12/11/1999, the means of access to the law and the choice of the type of matrimonial regime. It was found that 51.7% of respondents know that the law does exist and that it is functioning. However, the level of knowledge of Law N° 22/99 of 12/11/1999 varied depending on a number of variables including sex, education and District. Findings revealed that the higher the level of education the higher the level of knowledge of the law. For example, the higher the level of education for men, the higher their level of knowledge. Men also had a higher level of knowledge of the law than women. At District level, Burera District had the highest general knowledge of Law N° 22/99 of 12/11/1999 at 90%. Nyarugenge District ranked the lowest, with 14.9%. It is worth noting that the contents of Law N° 22/99 of 12/11/1999 is much less known, as illustrated through the following figures: 95.3% of respondents from households do not know any article of Law N° 22/99 of 12/11/1999 that has weaknesses, while 66.3% of Judges who responded confirmed that a number of articles have weaknesses.

As far as means of access to Law N° 22/99 of 12/11/1999 are concerned, radio and civil marriage were the most frequently used channels, representing 21.8% and 18.8% respectively.

The matrimonial regime that is most often chosen is the ‘Community of properties’ regime, as this type of regime was perceived to be evidence of love for the couples to be married.

Chapter III discusses the implementation of Law N° 22/99 of 12/11/1999. The following were among the major elements discussed under this chapter: experience with problems related to the law, time needed to process and finalise cases related to the law, views on culture as a hindrance to implementation of the law, key actors involved in implementing the law and retroactivity of the law. A significant number of respondents from households (51.8%) are aware of problems related to the law. However, an important number of respondents from households (48.2%) are not aware of the same problems. Even if a sizable number of respondents are informed about existing problems related to Law N° 22/99 of 12/11/1999, very few are those who have personally experienced them. Men respondents (41.2%) as compared to women respondents (41.8%) have never experienced those problems.

The time needed for cases related to Law N° 22/99 of 12/11/1999 to be solved ranges from one month to three months as highlighted by 40% of Judges. The main cause of delay in handling cases related to the law (43.8% of cases) was due to the nature of the case. Common cases submitted to the courts (69.4%) are related to women claiming inheritance from their parents.

Culture was perceived by respondents from households not to be a hindrance to the implementation of Law N° 22/99 of 12/11/1999. However, consultations with different resource persons revealed that culture is a major obstacle to implementation, as customary law is still in use in some areas of the country.

Local leaders were the primary actors involved in addressing gender-related issues in relation to the law. Articles having weaknesses were identified in this chapter.

Different respondents expressed their views on the retroactivity of Law N° 22/99 of 12/11/1999.

Only 34.8% of Judges supported retroactivity as opposed to 65.2% of judges who do not support it. At household level, 57.3% of respondents are supportive of retroactivity of Law N° 22/99 of 12/11/1999. What is interesting at household level is that the retroactivity is most wanted by women (31.7%) than men (25.6%). The common agreement to this was that the Law N° 22/99 of 12/11/1999 should respect the principle of non-retroactivity of laws as a universal phenomenon. However, it was recommended that cases that emerged before the enactment of this law and were not decided until after 1999, the year of publication of this law, should be handled by means of the same law.

Chapter IV discusses the impact that Law N° 22/99 of 12/11/1999 has had on beneficiary populations. The chapter covers, among other key elements including the general level of impact of the Law N° 22/99 of 12/11/1999, decisions taken on family money, ownership of property, and cases related to the law received by courts and how they are handled. Regarding the general level of impact of this law, 69.2% of respondents from households stated that the law has had an impact on the relationships of married couples. However, 10.7% of respondents from households mentioned cases where the law has caused disputes.

Concerning decisions taken on family money, it was found that both men and women taking decisions together represented 58.1% of responses (29.7% for men and 28.4% for women). As for ownership of property, findings revealed that men have the upper hand of the bulk of properties of higher economic values, although women have attained a certain level of decision making power. For cases related to Law N° 22/99 of 12/11/1999 received in courts, 82.5% of Judges highlighted that such cases are registered in courts. In the Primary Courts cases related to the law represent 15.34% while 3.14% represent cases registered in Intermediary Courts. This means that the majority of cases are finalized in Primary Courts. It is worth mentioning that cases appealed by women related to the law represent 2.26% (of the 3.14% of cases in the Intermediary Courts) as compared to 0.88% for men.

Chapter V discusses proposed dissemination tools, challenges, opportunities and recommendations for more effective dissemination and implementation of Law N° 22/99 of 12/11/1999. Trainings (30.8%), civil marriage (26%) and debates (25.7%) were selected by respondents from households as the most appropriate tools for effective dissemination of the Law N° 22/99 of 12/11/1999. The Official Gazette of the Republic of Rwanda, which is the official means of publication of laws, came in last position with a percentage of 1.1%. Key challenges and opportunities were identified and recommendations were formulated to address them.

ACRONYMS AND ABBREVIATIONS

1. AJEPRODHO: Association de la Jeunesse pour la Promotion des Droits de l'Homme
2. ARDHO : Association Rwandaise pour la Défense des Droits de l'Homme
3. AVEGA : Association des Veuves du Génocide perpétré contre les Tutsi d'Avril 1994
4. CLADHO : Rwandan Collective of Leagues and Associations for the Defence of Human Rights
5. EDPRS : Economic Development and Poverty Reduction Strategy
6. FGD : Focus Group Discussion
7. FFRP: Forum des Femmes Rwandaises Parlementaires
8. GBV : Gender-Based Violence
9. GMO : Gender Monitoring Office
10. HIV/AIDS : Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
11. ICPD : International Conference for Population and Development
12. INILAK : Independent Institute of Lay Adventists of Kigali
13. J.O : Journal Officiel
14. LTIF : Long-Term Investment Framework
15. MAJ : Maison d'Accès à la Justice
16. MIGEPROF: Ministry of Gender and Family Promotion
17. MINALOC : Ministry of Local Governments
18. MINIJUST : Ministry of Justice
19. NGO : Non-Governmental Organisations
20. NPA : Norwegian People's Aid
21. NUR : National University of Rwanda
22. O.G : Official Gazette
23. SNV : Netherland Development Organization
24. SPSS : Statistical Package for Social Sciences
25. UNFPA : United Nations for Population Fund
26. UNICEF : United Nations Children Fund
27. ULK : Université Libre de Kigali
28. UN : United Nations.

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INTRODUCTION

Rwanda, like many other countries, has joined the international community to promote gender equality and human rights. This has been illustrated by the ratification of relevant international and regional instruments for the promotion and protection of all fundamental human rights, including gender equality, and fundamental freedoms. Guided by the spirit of promoting human rights, Rwanda has taken measures to ensure that full respect of human rights becomes a reality in the entire country. It is in this context that legal measures, among other strategies, have been put in place and have been operational for decades.

However, very little data is available on the impact that these legal measures have had on the lives of beneficiaries. Studies to assess that impact are necessary to ensure that implementation of adopted legal measures are still in line with the spirit of making Rwanda a human rights friendly country.

One field in which human rights, and specifically gender equality, needed improvement was matrimonial regimes, liberalities and successions. Indeed, inequality in this domain was known and measures to address it delayed, but in the aftermath of the 1994 genocide perpetrated against Tutsi, the multiplicity of issues reported to the authorities proved that something had to be urgently done. In response to this strong need, Law N° 22/99 of 12/11/1999 was promulgated. In parallel with the publication of this law, mechanisms were put in place to ensure its effective implementation. Gender Monitoring Office (GMO), among other mechanisms, was established to ensure effective monitoring and evaluation of the implementation of the National Gender Policy. It is in this context that GMO has initiated this study to assess the gender impact of the Law N° 22/99 of 12/11/1999, which is one of the best tools in place to ensure gender equality is respected, especially in the areas of matrimonial regimes, liberalities and successions.

The study has two main parts, apart from the two sections on introduction and conclusion. Part I covers two chapters, one discussing the contextual framework and concepts, and the other covering the methodology. Part II covers five chapters looking at the profile of respondents, knowledge about the law, implementation of the law, impact of the law and proposed tools for more effective dissemination and implementation of the Law N° 22/99 of 12/11/1999. The conclusion reviews the objectives of the study, summarizes the findings of the study and proposes further areas of research.

CHAPTER I: CONCEPTS AND CONTEXTUAL FRAMEWORK

1.1. International Context

Rwanda has joined the international community in its efforts to protect and promote human rights, especially by promoting gender equality in general and women's rights in particular. This has been illustrated by ratification of a series of international instruments, including but not limited to: the Convention on the Elimination of all Forms of Discrimination against women (CEDAW) in 1981; 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;¹ 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;² and 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 2002.³

In addition to the ratification of the conventions mentioned above, Rwanda has integrated international and regional human rights instruments including: the UN Charter (1945); the Universal Declaration of Human Rights (1948); the International Covenant on Civil and Political Rights (1966); the International Covenant on Social, Economic and Cultural Rights (1966); the International Conference on Population and Development (ICPD) in 1994; the Beijing Declaration and Platform for Action in 1995; the Millennium Development Goals, with Goal 3 focusing on gender equality, in 2000; and the New Partnership for Africa's Development (NEPAD) in 2001.

In addition to these vital instruments, Rwanda has signed protocols relating to human rights both at international and regional levels. They include, among others:

- The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination of Against Women of 6 June 1999;
- 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;⁴
- The Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children supplementing the Convention Against Transnational Organized Crime concluded in New York on 15 November 2000 and approved and ratified through the Presidential Order n° 163/01 of 31/12/2002;⁵

¹ O.G. n° 12 of 15 June 2003

² O.G. n° 12 of 15 June 2003

³ O.G. n° 12 of 15 June 2003

⁴ O.G. n° 12 of 15 June 2003

⁵ O.G. n° 12 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 2004.⁶

To translate international and regional commitment into action, Rwanda has put in place national instruments and mechanisms to ensure that promotion of gender equality, as an approach to protect and promote human rights, and full respect of women's rights, become a reality countrywide. The sections below discuss the relevant national instruments and mechanisms that are functioning in the country.

1.2. National context

At the national level, Rwanda has developed instruments inspired by different values and principles, as highlighted in the international instruments mentioned above. The national instruments include among others:

The Constitution: The Constitution of the Republic of Rwanda of 4 June 2003, as amended to date, provides for higher levels of representation to previously marginalized groups such as women, youth and people living with disability. This constitutional framework provides a quota of at least thirty percent (30%) for women in decision-making organs, which has resulted in an unprecedented number of women being elected or appointed to decision making positions at all levels.⁷ The Constitution reinforces the principles of gender equality and elimination of all forms of discrimination against women and provides a very strong platform for gender mainstreaming in all sectors.⁸

National legislation: Within the context of promoting human rights and gender equality, Rwanda has started the process of revising gender discriminatory laws and enacting new ones. The following are some examples of already promulgated laws:

- The Law N° 22/99 of 12/11/1999 to supplement Book One of the Civil Code and to institute Part V regarding matrimonial regimes, liberalities and successions;
- The Organic Law N° 42/2000 of 15/11/2000 on the organization of elections to grassroots administrative echelons (J.O. n° spécial du 19/12/2000) as amended by Law N° 13/2002 of 12/03/2002 which stipulates a minimum quota of 30% for women;
- Law N° 37/2002 of 31/12/2002 modifying and completing Law N° 04/99 of 12/03/1999 establishing the National Commission for Human Rights;⁹
- Organic Law N° 08/2005 of 14/07/2005 determining the use and management of land in Rwanda;
- Law N° 14/2008 of 04/6/2008 governing legislation of the population and issuance of the national identity card;

⁶ O.G. n° special of 24 June 2004

⁷ Article 9 (see item 4)

⁸ Item 10 under Preamble

- Organic Law N° 30/2008 of 25/07/2008 relating to Rwandan Nationality;
- Law N°59/2008 of 10/09/2008 on prevention and punishment of gender- based violence;
- Law N°13/2010 of 07/05/2010 modifying and complementing law N° 10/2009 of 14/05/2009 on mortgages;
- Law N° 02/2011 of 10/02/2011 determining the responsibilities, organization and functioning of the National Women’s Council.

Rwanda’s legislation is in line with the policies and strategies that the country has put in place to ensure the spirit of promoting human rights and gender equality, as transpired in the internal legislation, is translated into action. The policies and strategies include, among others:

The Vision 2020: this is a long-term development framework that highlights the aspirations of the Rwandan population from 2000 to 2020. As Rwanda’s development road map, it situates human development as one of the main pillars of the nation’s development. This national instrument highlights critical values including, but not limited, to promotion of social security, democratic principles of governance, and an all-inclusive social and economic system that involves effective participation of all social groups within the population. It is worth mentioning that the Vision 2020 recognises and promotes gender as a crosscutting theme.

The Economic Development and Poverty Reduction Strategy (EDPRS): this is a national strategy aimed at ensuring that principles of equity of voice, participation, and accessibility to services in every sector become a verifiable reality in Rwanda. The strategy stresses three flagship programs including “growth for export and employment,” “Vision 2020 Umurenge,” and “Governance”. The strategy states that gender equality should be prioritized as a crosscutting issue. These programmes have great potential to impact on gender equality, as they address issues affecting gender relations in Rwandan society.

The National Gender Policy: this policy has been newly revised to adjust to changes that took place in the country and to the current situation in addressing pressing gender issues, as experienced by men, women, boys and girls both nationally and regionally. The National Gender Policy recommends the following main approaches, which underlie the strategies developed within the Policy:

- a) Gender mainstreaming approach, which aims at integrating gender issues into policies, programmes, activities and budgets in all sectors and at all levels;
- b) Affirmative action approach, aiming at correcting the huge gender imbalances existing in the various development sectors;



- 
- c) Institutional capacity development of different gender machineries and stakeholders in the implementation of the National Gender Policy;
 - d) Involvement of men in addressing gender issues.

The Long-Term Investment Framework (LTIF): this is the current national investment strategy. It has been prepared to address the main problems regarding the public investment in Rwanda, mostly related to non-alignment of the medium and long term development goals and the insufficient level of public investment. The broad objective of this framework is to guide the government in its investment program by ensuring the best use of resources to achieve the country's development goals. This framework recognises gender equality as a cross-cutting dimension to be mainstreamed into all investment programs for their successful implementation.

The National Decentralisation Policy: this underlines the commitment of the Rwandan government to empower its people to determine their destiny. The implementation of decentralized structures down to the lowest administrative level of Village/*Umudugudu* is a strategic approach for ensuring that gender-related issues are effectively addressed throughout the planning cycle, and that a sense of community ownership by different social groups is enhanced. The National Decentralisation Policy recognizes gender as a crosscutting issue that should be considered from the grassroots level to be transmitted into the national planning process.

To ensure these national instruments are effectively implemented, Rwanda has put in place mechanisms focusing on gender equality promotion and women's rights. They include:

The Ministry of Gender and Family Promotion (MIGEPROF): as the National Machinery responsible for promoting gender equality throughout the development process of the country, MIGEPROF plays a leading role in the implementation process through:

- Coordinating the implementation of the National Gender Policy
- Acting as the lead gender advocate on gender issues
- Widely disseminating the National Gender Policy, at national, regional and international levels
- Providing leadership in the dissemination of the National Gender Policy
- Mobilising resources for the implementation of gender interventions
- Liaising and networking at national, regional and international levels.

The National Women's Council: this constitutes a forum for women's empowerment and active participation in national development. Its role includes:

- Advocating for women's rights and gender equality;

- Mobilizing women to participate in different development activities;
- Capacity building for women.

Other mechanisms include the Gender Monitoring Office (see details in the section below), the National Gender cluster, Sector Ministries, Local Governments, Forum for Rwandan Women Parliamentarians, the National Commission for the Fight Against HIV/AIDS, Gender Focal Points, High Institutions of Learning, Development partners, Private Sector, Faith Based Organizations and Civil Society Organizations. There are further institutions mandated with State accountability and responsiveness including the Parliament, National Human Rights Commission, National Unity and Reconciliation Commission, Ombudsman Office, and Media High Council.

The following provides details on the Gender Monitoring Office (GMO) to highlight the close link between the mandate of the institution and this study.

The Gender Monitoring Office (GMO) is an organ provided for in the Constitution of the Republic of Rwanda of 4 June 2003, as amended to date in its Article 185, with the role of monitoring and evaluating progress towards gender equality.

In order for the Gender Monitoring Office to effectively assess the progress of the implementation of the National Gender Policy, it carries out the following:

- Develops gender-specific performance indicators and a comprehensive monitoring and evaluation system;
- Develops gender-disaggregated data collection systems;
- Develops tools and mechanisms for mainstreaming gender in various development sectors;
- Conducts and publishes periodic gender impact assessment studies and surveys;
- Conducts a gender audit;
- Develops guidelines for periodic reporting by different stakeholders;
- Holds different institutions accountable through scrutinising reports;
- Conducts regular dissemination of best practices to be scaled up or replicated elsewhere.

Although Rwanda has shown its serious commitment to protecting and promoting human rights and gender equality, as demonstrated in ratification of international instruments and implementation of national strategies, more efforts need to be made. The implementation of adopted strategies, including a significant number of legal measures, is hindered by social and cultural realities, among other factors, which raises the question of the impact on the lives of beneficiary populations. This question is further developed under the following section.



1.3. Problem statement and research questions

As discussed under Section 1.2, Rwanda has put in place a series of national instruments and mechanisms to ensure its commitments towards protection and promotion of human rights, including promotion of gender equality. Some of the instruments put in place at national level include legal measures addressing gender inequalities and have been in use for more than a decade.

More specifically, the Law N° 22/99 of 12/11/1999 has been operational for eleven years. Field experience has shown that the bulk of civil court cases in the country are those related to land and succession issues. The customary law which favours men to the detriment of women and thus sustains existing gender inequalities persists and is therefore used to address a number of cases registered in the courts. At this juncture, the key question is: to what extent the implementation of Law N° 22/99 of 12/11/1999 has impacted on the lives of beneficiary populations? To better answer this question, the following research questions need to be considered:

- Has the law been effectively disseminated for the population to apply it to any relevant cases?
- What are the strengths and weaknesses of the law as revealed through implementation?
- What impact has the law made on the lives of the populations that have used it?

To provide responses to the questions raised above, Gender Monitoring Office has taken the initiative of conducting a gender impact assessment on the implementation of Law N° 22/99 of 12/11/1999. Responses to the research questions mentioned above require the following objectives:

1.4. Objectives of the study

The study aims at achieving the following objectives:

- 1.1. To assess the quality and effectiveness of the implementation of the Law N° 22/99 of 12/11/1999 since its adoption in 1999;
- 1.2. To carry out a gender impact assessment of the applicability of the law in Rwandan society;
- 1.3. To highlight articles in the law that need revision or amendment to improve impact;
- 1.4. To propose tools to facilitate dissemination.

1.5. Previous studies on the Law N°22/99 of 12/11/1999

There is a paucity of literature on the law N°22/99 of 12/11/1999 to supplement Book One of the Civil Code and to institute Part V regarding matrimonial regimes, liberalities and successions. Indeed, very little research in line with this law has been conducted.

A review of the existing literature placed emphasis on the key aspects covered, in comparison with the aspects discussed in this study, so as to show its added value. The following lines discuss the key aspects as highlighted in the major relevant research works.

The study conducted by HAGURUKA, a national NGO,⁹ aimed at assessing the impact of the implementation of the law with emphasis on the extent to which women's and girls' rights were respected. This objective was based on the fact that the customary law that is beneficial to men and thus deprives women and girls of their fundamental rights was still prevailing, irrespective of the existence and use of Law N° 22/99 of 12/11/1999. Therefore, the study considered whether the law was having any impact on gender relations. The study looked at different aspects, including women's status and their participation in the process of household property management, rules about rights and duties of spouses in the management of household resources, gender promotion as a springboard to good and equitable management of household resources, issues about succession of land, cohabitation and concubinage, contradictions with other laws, non-retroactivity of Law N°22/99 of 12/11/1999 and successions problems due to the 1994 genocide perpetrated against Tutsi. All these aspects were discussed to facilitate more effective implementation of the Law N°22/99 of 12/11/1999.

Another study conducted by HAGURUKA looked at cases registered in different Rwandan courts from 1995 to 2002.¹⁰ Only cases involving women and children were discussed. The study revealed that majority of civil cases in line with Law N° 22/99 of 12/11/1999 were cases of succession resulting especially from the 1994 genocide perpetrated against Tutsi. Cases related to gender-based violence were the majority among criminal cases in line with Law N° 22/99 of 12/11/1999. HAGURUKA detailed how the cases were processed and tried to develop recommendations on how identified cases should be tried to improve respect for gender equality.

Other research that is related but not directly connected to Law N° 22/99 of 12/11/1999 has been conducted. This includes the “Manual for Citizens of Rwanda on Land Registration, Transfer of Land, and the Protection of Rights to Land”. The manual is a free guide to help everyone who uses, owns or lives on land in Rwanda.

It provides helpful legal information about rights and how to protect those rights. The manual explains the land registration process, before going through the different ways in which land

⁹ HAGURUKA, 2005, *Etude sur l'application et l'impact de la loi N°22/99 du 12/11/1999 relative aux régimes matrimoniaux, libéralités et successions sur les droits de la femme au Rwanda*. Kigali, Rwanda.

¹⁰ HAGURUKA, 2002. *Imanza zireba abana n'abagore zaciwe n'inkiko z'u Rwanda(1995-2002)*. Kigali, Rwanda.



and other items can be legally transferred to others. It also suggests ways that an individual can protect her/his rights and the rights of her/his children, spouse and those outside of legal marriage, especially after death. The manual sets out what can be done and who can be contacted in case of land dispute.

The ‘Rwanda: Preliminary women’s participation and beneficiary plan’ (2008), discusses women’s rights to land and participation in land regulation. The study recommends: to ‘amend the Law N° 22/99 of 12/11/1999 supplementing book one of the civil code and instituting part five regarding matrimonial regimes, liberalities and successions to clarify the nature of a surviving spouse’s right to the entire property upon a spouse’s death when under a community of property regime’. The noted lack of clarity emerged from field cases whereby widows were unsure whether their rights included selling or leasing their land or whether they retained the land upon remarriage. The study recommended amendment of Law N° 22/99 of 12/11/1999 to clarify the extent of that right to ensure whether it is transferable, alienable or if it can be used as collateral by the widow.

Without overlooking the importance and relevance of the different aspects discussed by the studies mentioned above, it is worth noting that looking critically at the contents of the law to link it with the impact it has on beneficiaries was not their main purpose. Articles of the law that have a gender impact, those causing problems of implementation and those having weaknesses in relation to men’s and women’s rights were not discussed in the previous studies. This study discusses not only these aspects but is also aimed at revising Law N° 22/99 of 12/11/1999 by building on its strengths to address identified weaknesses.

1.6. Definition of key concepts

Ascending partition: an act accomplished by parents while they are still alive, by which they share their patrimony between their children or their descendants who acquires, each for the portion devolved to him/her, full ownership. This partition shall be regarded as the accomplishment of parents’ duties to educate their children and to provide them with a personal patrimony.¹¹

Culture: culture is defined as the shared patterns of behaviours and interactions, cognitive constructs, and affective understanding that are learned through a process of socialization. These shared patterns identify the members of a culture group while also distinguishing those of another group.¹²

Concubinage: the fact that two people live permanently as if they were spouses though they are not married while one of them is legally married.¹³

¹¹ Law N° 22/99 of 12/11/1999, Article. 42.

¹² [Http://www.carla.umn.edu/culture/definitions.html](http://www.carla.umn.edu/culture/definitions.html), Accessed: 13th June 2011.

¹³ Law N°59/2008 of 10/09/2008 on prevention and punishment of gender-based violence.

Deprivation of the right to succession: the removal of an heir from succession, which is a right provided by Rwandan law and International Conventions to which Rwanda is party.¹⁴

Devolution of succession: a passing of property from a deceased person to his/her heirs.¹⁵

Donation with family connotation: an act by which spouses or one of them transfers or acquires by gratuitous act a patrimonial right.¹⁶

Inheritance: the right of an heir to succeed to property on the death of an ancestor.¹⁷

Ingratitude: when the donee has intentionally caused the death or has attempted to end the life of the donor; the donee has been found guilty of grave physical cruelty or insult towards the donor, of malicious accusations or false perjury.¹⁸

Law: is a system of rules and guidelines, usually enforced through a set of institutions. It shapes politics, economics and society in numerous ways and serves as a social mediator of relations between people.¹⁹

Legacy: Legacy is a patrimony devolved as a donation by the owner while alive and for which the legatee acquires full ownership only after the death of the donor.²⁰

Liberalities: the quality or state of being liberal or generous.²¹

Liquidation: an act of identifying and calling the successors, determining the contents of succession, inventorying and establishing the property making up inheritance, credit recovery, and payment of eligible debts over succession and distribution of legacies by particular title.²²

Marriage: union contract entered between a man and a woman in accordance with the law.²³

Matrimonial regime: a body of rules governing the agreement between spouses on the management of their property.²⁴

¹⁴ Law N° 47/2001 prevention, suppression and punishment of the crime of discrimination and sectarianism, Article 1, 3°.

¹⁵ Law N° 22/99 of 12/11/1999 to supplement Book I of the Civil Code and to institute Part Five regarding matrimonial regimes, liberalities and successions.

¹⁶ Op. cit.

¹⁷ Op. cit.

¹⁸ Op. cit.

¹⁹ Wikipedia, Available at: <http://en.wikipedia.org/wiki/Law>, Accessed: June 22, 2011.

²⁰ Law N° 22/99 of 12/11/1999 to supplement Book I of the Civil Code and to institute Part Five regarding matrimonial regimes, liberalities and successions. 46

²¹ Wikipedia, Available at: <http://en.wikipedia.org/wiki/liberalities>, Accessed: 13th June 2011

²² Law N° 22/99 of 12/11/1999 to supplement Book I of the Civil Code and to institute Part Five regarding matrimonial regimes, liberalities and successions, Article 80.

²³ Law N° 59/2008 of 10/09/2008 on prevention and punishment of gender-based violence, Article 2.

²⁴ Law N° 22/99 of 12/11/1999 to supplement Book I of the Civil Code and to institute Part Five regarding matrimonial regimes, liberalities and successions, Article 1.

Polygamy: the fact that one person marries a second spouse while the marriage with the first one is still valid.²⁵

Regime of community of property: a contract by which spouses opt for a marriage settlement based on joint ownership of their property, movable and immovable, as well as of their charges.²⁶

Regime of limited community to acquests: a contract by which spouses agree to pool their respective property on the day of marriage celebration, to constitute the basis of the acquests as well as the property acquired during marriage by a common or separate activity, donation, legacy or succession.²⁷

Regime of separation of property: a contract by which spouses agree to contribute to the expenses of the household in proportion to their respective abilities while retaining the right of enjoyment, administration and free disposal of their personal property.²⁸

Reserve of succession: the portion of someone's property that he/she is not allowed to transfer by donation or testament.²⁹

Succession: an act by which the rights and obligations on the patrimony of the deceased person, called de cujus, are transferred to the heirs.³⁰

Testament: an unilateral revocable act done in legal form, by which a person decides on the destination of his/her patrimony and appoints executors to administer his/her estate after his/her death, and directs the manner in which it is to be distributed and fixes provisions of his/her last will.³¹

Transferable quota: a portion of someone's property that he/she is allowed to freely transfer by donation or testament.³²

Gender: a concept that refers to responsibilities, rights, opportunities, respect and value a person receives from society in accordance with his/her sex, and which is likely to change in relation to time, culture and other criteria.³³

Gender equality: refers to the equal rights, responsibilities and opportunities of women

²⁵ Law N°59/2008 of 10/09/2008 on prevention and punishment of gender- based violence, Article 2.

²⁶ Law N° 22/99 of 12/11/1999 to supplement Book I of the Civil Code and to institute Part Five regarding matrimonial regimes, liberalities and successions, Article 3.

²⁷ Op. cit.

²⁸ Op. cit.

²⁹ Op. cit.

³⁰ Law N° 22/99 of 12/11/1999 to supplement Book I of the Civil Code and to institute Part Five regarding matrimonial regimes, liberalities and successions, Article 49.

³¹ Op. cit.

³² Op. cit.

³³ Law N° 51/2007 of 20/09/2007 Determining the Responsibilities, Organisation and Functioning of the Gender Monitoring Office in Rwanda.

and men, girls and boys. Equality does not mean that women and men will become identical but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration, recognizing the diversity of different groups of women and men. Gender equality is not a women's issue but should concern and fully engage men as well as women. Equality between women and men is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centred development.³⁴

Gender equity: just or fair treatment, balanced recognition and appreciation of both women's and men's potential.³⁵

Gender inequality: differences in terms of rights, opportunities, responsibilities and treatment due to biological identity.³⁶

Gender discrimination: unfair treatment of men or women due to social expectations.³⁷

Gender bias: positive or negative attitude/practice towards either men or women.³⁸

³⁴Op. cit.

³⁵Op. cit, p.6

³⁶ Op. cit, p. 7

³⁷ Op. cit, p.12

³⁸Op. cit, p. 14



CHAPTER II: METHODOLOGY

The methodological approach used in this study covered two main aspects, including data collection and data process and analysis, as discussed in the sections below.

2.1. Data collection

The study applied a combination of both quantitative and qualitative methods.

2.1.1. Collection of quantitative data

The quantitative data were collected using the developed data collection tools. Two key questionnaires were developed: the households' level questionnaire and the courts questionnaire. The two questionnaires were used by trained data collectors, which helped to obtain reliable results based on the perception, knowledge and the experience of the respondents as regards the implementation and impact of Law N° 22/99 of 12/11/1999.

2.1.1.1. Survey in households

The survey in households on the Law N° 22/99 of 12/11/1999 was conducted countrywide. Men and women aged between 18–69 years were targeted and all provinces were covered.

The sampling technique went through a double operation: reasoned choice and random choice. The approach used was based on prior knowledge of the national context. Three Districts with different gender-related issues were selected per Province to form the target population, with the exception of the Southern Province and Kigali City where four Districts and two Districts respectively were selected.³⁹ The Southern Province has a bigger number of Districts while Kigali City has a smaller number. The key gender issues taken into account are those related to matrimonial regimes, liberalities and succession and land issues. The Districts shown in the table below were selected at random.

Table 1: Selected Districts for Households Survey

S/N	Province	District
1	Eastern Province	Bugesera, Kirehe, Nyagatare
2	Western Province	Karongi, Nyamasheke, Rubavu
3	Northern Province	Burera, Gicumbi, Rulindo
4	Southern Province	Gisagara, Kamonyi, Nyaruguru, Nyanza
5	Kigali City	Gasabo and Nyarugenge

³⁹ Four Districts have been selected from the Southern Province due to its bigger number of Districts (8) as compared to the rest of the Provinces, Kigali City having the smallest number of Districts (3).

Within each District, two Sectors were selected in consultation with District authorities: one was known have greater issues related to the implementation of Law N° 22/99 of 12/11/1999 and the other was known experiencing fewer problems. At this juncture, the guidance of local authorities was crucial: District authorities helped data collectors identify relevant sectors.

The sector authorities facilitated contact between data collectors and Cell (*Akagali*) leaders. Cell leaders connected data collectors to the *Umudugudu* (Village) authorities so as to facilitate contact with households.

Selection of households was done randomly and data collectors ensured that the desired information was collected from twenty respondents per Cell. This amounted to a total of forty respondents from two cells for each Sector, with two Sectors per District.

This means that a minimum of 80 respondents per District were supposed to participate in the survey. Due to different field realities, data collectors came up with different totals of respondents for each District, as they were encouraged to reach the possible maximum number. However, some data collectors reached just the minimum (80 respondents) but others went beyond the required minimum surveying around 90 respondents. This led to a total number of **1,287** respondents country-wide, beyond the required minimum of 1200 respondents. Of the total respondents, **666** were women (52%) and **621** were men (48%).

2.1.1.2. Survey in Courts

While the data collection process in households aimed to reveal the perceptions of respondents, data collection in courts stressed evidence-based experience from judges. Consultations prior to data collection revealed that real cases related to Law N° 22/99 of 12/11/1999 were not accessible by outsiders. The strategy chosen to access information was a questionnaire designed to make possible collection of needed data that could help address the problem. It is in this context that a questionnaire for judges from both primary courts and intermediary courts was developed. Copies of questionnaires were distributed to different courts in selected Districts to be completed by judges, courts clerks and other relevant staff. To ensure that the concerned respondents would be able to identify needed cases, they were given ample time to complete the document. Following completion, questionnaires were collected and analysed for data processing.

2.1.2. Collection of qualitative data

Collected quantitative data alone did not make it possible to capture all the parameters of the implementation of Law N° 22/99 of 12/11/1999, so qualitative data were also collected. This was done through a literature review, in-depth interviews and focus group discussions.

2.1.2.1. Literature review

Existing documents helped identify achievements, challenges, lessons learned and recommendations formulated to address identified challenges. Existing literature helped



also to collect needed qualitative and quantitative information. Collected information not only served as necessary qualitative data related to implementation of the Law N° 22/99 of 12/11/1999 but also helped develop relevant data collection tools. A special emphasis was placed on the preliminary reports that motivated the development of Law N° 22/99 of 12/11/1999. Document analysis enabled systematic research on different written documents related to the implementation of the law. It helped to clarify, explain the concepts, and interpret perceptions and facts reported by other authors concerning the impact of the Law N° 22/99 of 12/11/1999.

2.1.2.2. In-depth interviews

In-depth interviews were conducted at various institutions from the public sector, civil society, private sector, UN Agencies, and international and national organizations. Interviews enabled access to the knowledge of resource persons. Accordingly, the study was based on the expertise of a number of individuals who were well informed about the issues of implementation of Law N° 22/99 of 12/11/1999. Interviews were conducted with resource persons from the following institutions:

Public Sector: Parliament, Supreme Court, Ministry of Justice, Ministry of Gender and Family Promotion, National Land Centre, Rwanda National Police, Ombudsman's Office, National Human Rights Commission, National Public Prosecution Authority, National Women Council, High Courts, Intermediary Courts and Primary Courts.

UN Agencies: UN WOMEN, UNFPA and UNICEF.

International NGOs: SNV, NPA, Care International, World Vision, Transparency -Rwanda, International Justice Mission, Advocates without Borders.

National NGOs: Pro-Femmes/TWESE HAMWE, Haguruka, Duterimbere, ARDHO, CLADHO, AVEGA, Réseau des Femmes, Civil Society Platform, Kigali Bar Association, Judicial Defendants.

Law Faculties (Legal clinics): NUR, Faculty of Law, UNILAK, Faculty of Law and ULK, Faculty of Law.

Private Sector: Federation of Private Sector.

2.1.2.3. Focus Group Discussions

Although in-depth interviews provided valuable information for the realization of this study, focus group discussions provided additional information regarding perceptions, feelings and experiences of different people on the implementation and impact of the Law N° 22/99 of 12/11/1999. This allowed collection of rich information in the form of interaction of views from different participants.

1. It is in this context that focus group discussions (FGD) were conducted in one District from each Province, meaning that five group discussions were conducted countrywide. The following were the profiles of participants in the focus group discussions:
2. Vice-Mayors in charge of Social Affairs;
3. Judges;
4. Representatives of the National Women Council;
5. Directors of Good Governance;
6. Gender Officers at District level;
7. Representatives from Civil Society;
8. Representative of the Rwanda National Police;
9. Representative of Faith-Based Organizations;
10. Representatives of National Youth Council;
11. Land Officers;
12. Representatives of MAJ;
13. Executive Secretary of Sector;
14. Person in charge of Civil Status at Sector level.

The choice of participants for focus group discussions was based on the target groups' knowledge and professional experience in relation to Law N° 22/99 of 12/11/1999.

The table below shows the selected Districts for each province where focus group discussions were organized:

Table 2: Selected Districts for focus group discussions

N°	Province	District
1	Kigali City	Nyarugenge
2	Eastern	Nyagatare
3	Northern	Burera
4	Southern	Nyanza
5	Western	Nyamasheke

The participants in focus group discussions were asked questions on the following:

- Quality and effectiveness of the implementation of law n° 22/99 of 12/11/1999;

- 
- Gender impact of the applicability of the law in Rwandan society;
 - Articles that have a positive impact on gender promotion and articles with weaknesses requiring amendment;
 - Proposed tools that can facilitate easy dissemination and the roles of different stakeholders.

While a checklist of questions guided the discussions to ensure that major topics were covered, the focus group discussions were kept flexible to encourage participants to speak on topics of particular interest or importance to them.

2.2. Data Processing and analysis

The quantitative data were processed and analysed through Statistical Package for Social Sciences (SPSS) and the qualitative data through content analysis. Findings from the analysis of quantitative data were matched or compared with findings from qualitative data, either to validate or to invalidate associations from the various crosstabs.

After the detailed discussion in Part I covering the contextual frameworks, concepts and methodology, the following part of this study covers the findings. Findings are discussed at the level of each of the five chapters making in Part II. Thus, findings are highlighted under Chapter I on profile of respondents, Chapter II on knowledge about the Law N° 22/99 of 12/11/1999, Chapter III on its implementation, Chapter IV on its impact and Chapter V on dissemination tools for more effective implementation of the law.

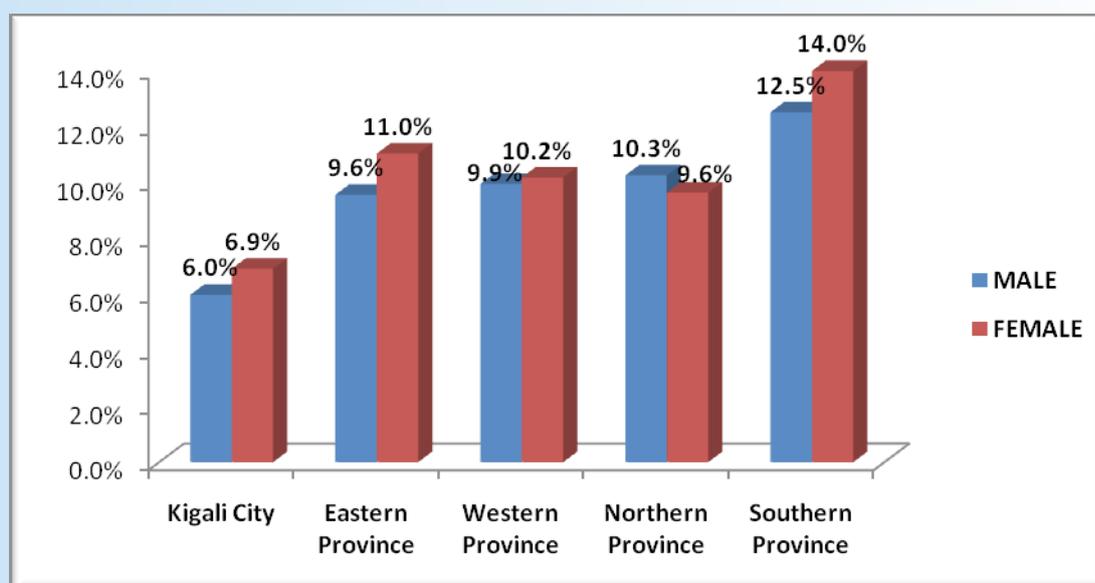
CHAPTER I: PROFILE OF RESPONDENTS

This chapter discusses the social, economic and demographic characteristics of households and courts as well as the link between characteristics and different behaviours resulting from variables such as age, sex, residence, marital status, level of education, and household income.

In this context, differences in terms of knowledge, income and other characteristics influence how individuals become exposed to different gender issues, which have a direct link with Law N° 22/99 of 12/11/1999.

1.1. Households profile

Graph 1: Distribution of households per province



All four Provinces and Kigali City were represented in the study, with a slight difference in the numbers of completed household questionnaires.

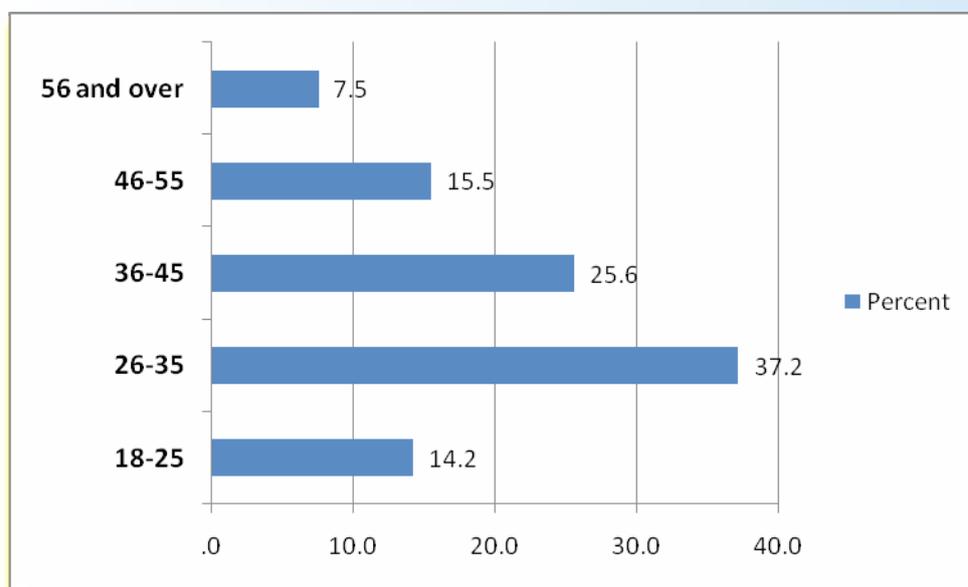
The Southern Province had a high percentage of respondents due to the number of Districts surveyed. In Kigali City, only two Districts were covered in the survey resulting in a lower percentage than other Provinces.

Collected data in relation to the distribution of respondents by sex revealed some slight differences in rural and urban areas: in the rural areas, women represent 27.51% of respondents, compared to 25.49% of men. In urban areas; women represent 24.24% of respondents compared to 22.77% of men. The predominance of respondents in the rural area is justified by the fact that the vast majority of the population of Rwanda lives in rural areas and, likewise,

a larger number of selected districts for the survey were located in rural areas.

The representation of women respondents is higher than that of men due to the fact that women are the majority of the Rwandan population.⁴⁰

Graph 2: Distribution of surveyed households by age



Graph 2 shows that the majority of the surveyed people's ages, as observed at the household level, vary between two age brackets: 26–35 years, which represents 37.2% of respondents, and 36–45 years, representing 25.6%. This situation is logically explained by the fact that the majority of households are headed by persons 25 years of age and older. Further, 67% of Rwandan population is still young (below of 35 years).⁴¹ The percentage of young people between 18–25 years old and those within the age bracket of 46–55 years represent 14.4% and 15.5% of respondents respectively. This scenario can be explained by the fact that majority of young people from 18-25 are still students, and thus were not present during the survey.

The portion of the population beyond 55 years remains few in numbers. This reflects the situation in Rwanda, where life expectancy is around 49 years for women and 47 years for men.

⁴⁰ The 2002 general census revealed that women represent 52.2%.

⁴¹ The General Census of Population and Housing in Rwanda, 2002. Ministry of Finance and Economic Planning, Kigali.

Table 3: Profile of respondents

Background characteristics	Women=666	Men= 621
Marital status		
Married	42.8	36.4
Legally married	28.3	26.3
Not legally married	14.5	9.9
Single	8.5	11.4
Education level		
No level	13.1	10.4
Primary	16.9	16.6
O' Level	7.4	6.4
Professional education	2.2	3.2
A' level	6.7	5.4
Bachelor's Degree	1.2	2.4
Not answered	4.4	3.9
Employment		
A farmer	22.8	18.5
Cattle keeper	0.3	0.5
Both farmer and cattle keeper	7.2	7.1
Salaried	5.4	5.9
Trader	5.4	5.7
Artisan	2.9	5.5
Self employed	3.6	0.5
Domestic activities	3.4	3.1
Unemployed	0.2	0.0
Not answered	0.5	1.4
Immovable property		
Land	6.1	7.1
Banana plantation	0.6	0.5
House	10.5	8.2
Forests	0.2	0.3
More than one	23.2	21.6
No fixed assets	8.1	7.9
No answered	2.8	2.3

Table 3 offers an overview of the profile of the households respondents regarding their marital status, education level, employment and possession of immovable property. 42.8% of women respondents affirm that they are married compared to 36.4% of men. But when it comes to legal marriage, figures decrease significantly on both sides: 28.3% for women and 26.4% for men. Concerning not legally married cases, women represent 14.5% as compared to 9.9% for men. This high percentage of women and men not legally married is likely to impact negatively on gender relations and can contribute to various gender-related issues in connection with Law N° 22/99 of 12/11/1999.

Regarding education level, all education levels are represented. Even the category of “no level”, which is usually forgotten in several research works, is included among respondents. In households, 1.2% of women, compared to 2.4% of men hold a Bachelor's degree. 6.7%

of women compared to 5.4% of men have completed A' level. 16.9% of women compared to 16.6% of men have achieved primary level and 13.1% of women compared to 10.4% of men have not completed any level of education.

The most striking gender disparity, as shown by the above figures, reveal that only about half the number of women have bachelor's degrees compared with men of the same profile. This is an illustration of the poor participation of women in higher education.

Concerning employment, the above table shows that more women are farmers (22.8%) compared with men (18.5%), but men are more represented as artisans (5.5%) compared to women (2.9%).

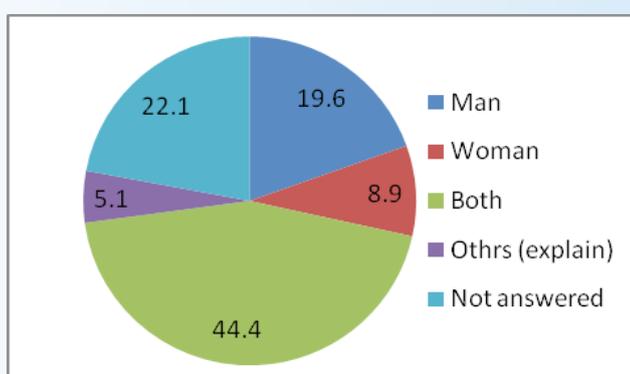
In Rwanda, women are known to be the majority of farmers, and artisanship is perceived as a man's job. What is new from the information in Table 3 is the level of self-employment, where women's representation (3.6%) is higher than that of men (0.5%).

Looking at the higher representation of self-employed women, it would be logical to think that women are likely to have more capital. However, the reality is very likely to be the opposite based on the fact that men have greater access to and control over resources, especially money. Women may outnumber men in the area of self-employment but they are likely to be involved in activities that are economically less valued as compared to those involving men.

In terms of immovable property, the relevant figures show that there is gender parity except under house ownership, where women represent 10.5% compared to 8.2% of men.

Figures show that the majority of respondents (38.8%) have a monthly income which varies between 1000 Rwf –10,000 Rwf. %19.2% affirm that their monthly income ranges between 10,001 Rwf and 30,000 Rwf.

Graph 3: Distribution of household respondents on decisions taken on fixed assets.



Graph 3 reveals a significant tendency of the Rwandan population in terms of decision-making on the use of various immovable properties. 44.4% of household respondents stated that men and women are both involved in decision-making on how to manage their immovable properties.

19.6% of respondents said that only men take decisions and 8.9% said that only women take decisions. In this context, it appears that the gap between men and women is too wide and men dominate, even if there is a tendency to involve both sexes in making decisions according to the respondents.

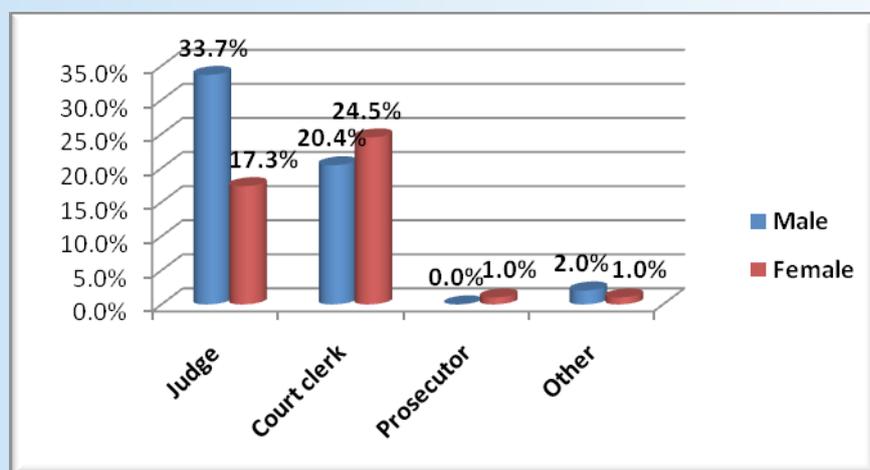
This opinion was confirmed by the majority of participants in focus group discussions and individuals consulted. These participants stated that contrary to the past, Rwandan families have moved from a situation in which all decisions regarding the family were taken by men, to a situation of sharing decisions between spouses.

1.2. Judges profile

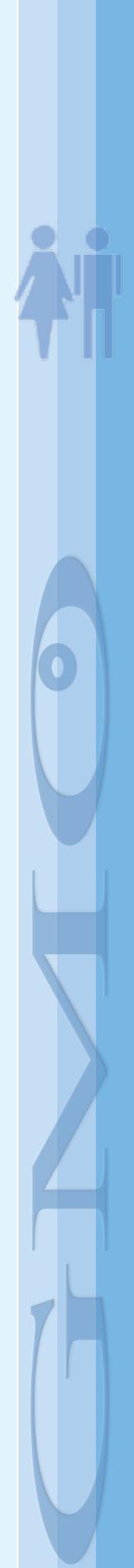
The sample of respondents in this category was made up of 98 judges from two different levels of courts: Intermediary Courts, with 34 judges (34.7%) and Primary Courts with 64 judges (65.3%). Among them, women represented 43.9 % and men were 56.1%. The higher representation of judges in Primary Courts is beneficial given that many cases related to Law N° 22/99 of 12/11/1999 are handled by Primary Courts at the first level, as Intermediary Courts are mainly focused on appeal cases.

In courts, participants in the survey were classified into Judges, Court Clerks, and other staff. Emphasis was placed on Judges and Court Clerks. Graph 4 shows the level of their participation in this study.

Graph 4: Distribution of respondents from courts according to their posts



Judges and courts clerks represented 95.9% of respondents. This high representation is due to the fact that Judges and court clerks are strongly involved in the implementation of Law N° 22/99 of 12/11/1999.



CHAP II: KNOWLEDGE ABOUT LAW N°22/99 OF 12/11/1999

2.1. Level of knowledge about Law N° 22/99 of 12/11/1999

The Law N° 22/99 of 12/11/1999 is a legal instrument which aims at achieving gender equality, and thus promoting human rights principles. Knowledge of Law N° 22/99 of 12/11/1999 is crucial, because it serves as a legal basis for individuals to claim their rights. Indeed, in the case of little or a lack of knowledge of Law N° 22/99 of 12/11/1999, tradition or customary law is used to solve problems in communities. This results in gender inequality, because the patriarchal system on which tradition is based fundamentally favours men to the detriment of women. To have a sense of the level of knowledge about Law N° 22/99 of 12/11/1999 among the surveyed population, different tools were used, as described in the chapter on methodology. At household level, 51.7% of respondents answered that they knew the law. Their level of knowledge of the law varied depending on different variables, discussed below.

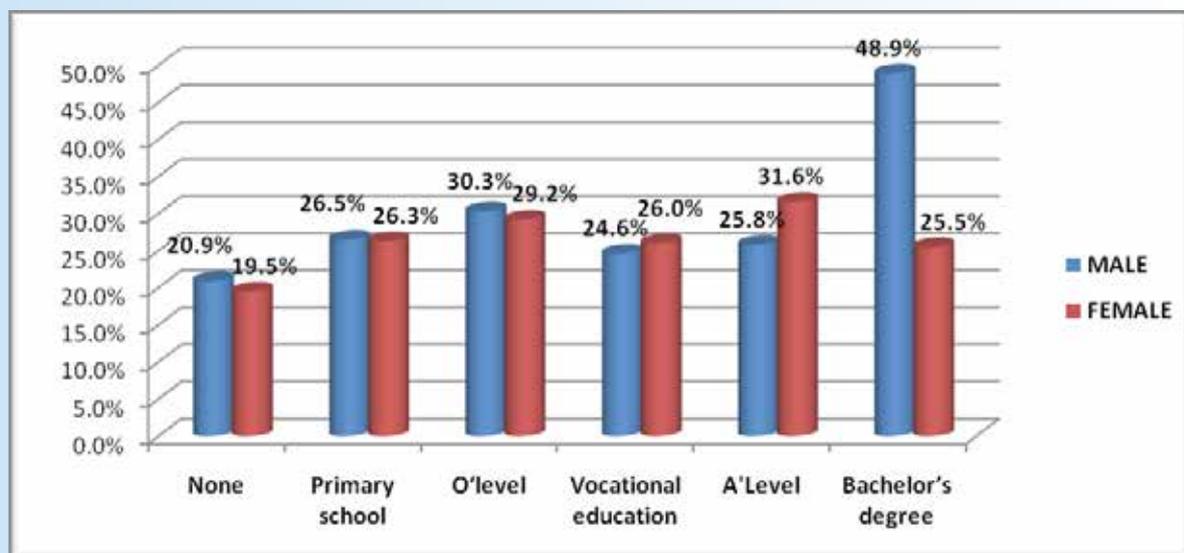
As for representation by sex, the number of men (26.4%) was slightly higher than that of women (25.3%) with knowledge of the law, and the number of women who did not know the law was higher (26.0%) than that of men (21.1%). The number of those who did not give any answer is very small (1.3%).

Based on the above percentages, it is generally observed that Law N° 22/99 of 12/11/1999 is not well known. It would be preferable if women had the same level of knowledge of the law as the proportion of their national representation. One cause of the imbalance is, most probably, that women have less access to information than men.

The situation is quite the same among those who do not know Law N° 22/99 of 12/11/1999. In that group, the number of women is also higher than that of men. The question is ‘If many women do not know the law, how could they know that some injustice has been done to them or not?’ Most probably, it will be difficult to claim their rights if they are not informed about the legal measures in place to defend these rights.

Findings from respondents at the household level showed that level of education is a major factor related to knowledge of Law N° 22/99 of 12/11/1999, as shown in Graph 5 below.

Graph 5: Knowledge of Law N° 22/99 of 12/11/1999 according to the level of education and sex



Graph 5 shows that the highest percentage with knowledge of the law is among Bachelor's degree holders, with men representing 48.9% and women representing 25.5% of respondents. The less-informed group is made up of respondents that have not completed any level of education, with women representing 19.5% and men 20.9%. Other groups' level of knowledge of Law N° 22/99 of 12/11/1999 seems to reflect gender parity: at primary school level, men represent 26.5% and women represent 26.3% of respondents; at vocational education level, men represent 24.6% and women represent 26.0% of respondents; at O' level, men represent 30.3% and women represent 29.2 of respondents, and at A' level, men represent 25.8% and women represent 31.6% of respondents with knowledge of the law.

In general, Graph 5 shows that gender disparities remain verified at all levels of education with men having, in general, a higher level of education than women. At the higher education level, men represent 48.9% of those with knowledge of the law, as compared to 25.5% for women.

Contrary to the Bachelor degree level where men's level of knowledge is much higher than that of women, women have a higher percentage of knowledge of the law at A' level (31.6%) than men (25.8%). This situation is linked to the understanding that women who complete A' level are more likely to seek husbands to create families, as society expects them to do, than to continue with university studies. This has been confirmed by previous studies highlighting that 59% of young women completing A' Level do not access tertiary education because of marriage.⁴² In general, men do not have the same priority after completion of the same level of education, allowing them to reach a higher level of education, such as a Bachelor degree. It is worth mentioning that the majority of respondents were under the age brackets of 26-35 years and 36-45 years, which includes a majority of married women.

⁴² Profemmes Twese Hamwe, 2000. Les raisons de la non scolarisation de la jeune fille au Rwanda.



The above graph generally shows that the higher the level of education of the respondents the higher the level of knowledge of the Law N° 22/99 of 12/11/1999. The reason behind this relates to unequal access to means of information, due to unequal access to resources and a difference in interest in being informed. Indeed, education raises the will of being informed and offers opportunities to have employment and thus capability to buy means of information such as newspapers, radio, TV, etc. Figures in Graph 5 show that level of education is a significant factor influencing the knowledge about the law. Other factors influencing the level of knowledge of the Law N° 22/99 of 12/11/1999 were looked at, as discussed in the sections below.

Age range: there are significant differences in terms of level of knowledge of Law N° 22/99 of 12/11/1999 if age group is considered. For instance, age groups within the ranges of 26-35 years and 36-45 years know the law, with total representations of 57.4% and 56.8% respectively.

Other age groups have a lower score. For instance, 35.5% of those aged from 18 to 25 know Law N°22/99 of 12/11/1999. 43.7% of respondents aged 46 to 55 years know the law as do 51.5% of those aged 56 and more.

The differences in terms of knowledge of Law N° 22/99 of 12/11/1999 as shown through the figures above depend on the age groups that are likely to have common priorities and areas of interest. For example, those aged 18-25 years are the least informed about the law. This is possibly a result of focus on other activities such as studies and application for jobs, rather than involvement in addressing issues related to the law. Unlike this group, respondents aged between 26 and 45 have different activities and priorities that link them with the implementation of the law.

This second group is made up of grown up men and women, who are very active, married and in charge of children (and sometimes taking care of the elderly) and community management. They know the system or are willing to know it because they must guide their children, be accountable before administration, and earn a living for their family. They must know laws likely to interact with their everyday life, especially the Law N° 22/99 of 12/11/1999.

Area of residence: In this study, the percentage of respondents residing in rural areas who know the law is higher (56.3%) than that of those who live in urban areas (34.3%).

This situation results from the fact that in urban areas a lot of people are busy earning their livelihoods through various activities, and do not feel obliged to know the laws, as revealed by focus group discussions.⁴³ When they need to solve problems, they usually try to find out about related laws. When they can handle cases themselves, they do; otherwise those who can hire lawyers' services do so. However, the situation is quite different in rural areas. There, most people's immovable property of some economic value is land. It is logical that everybody is trying to access it.⁴⁴ When possession of land was still governed under customary law,

⁴³ Focus group discussions held in Burera District on April 25, 2011

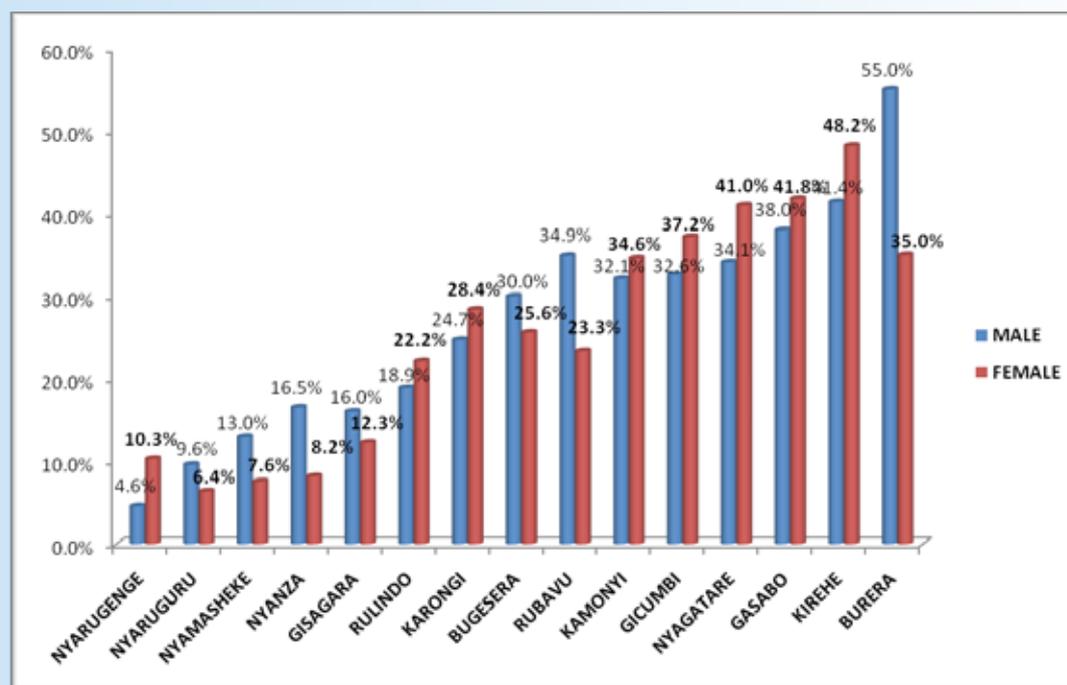
⁴⁴ According to interviewed lawyers, in Primary Courts most cases tried are related to land successions. This was pointed out during focus group discussions held in Nyagatare District on 25th April 2011, and Nyamasheke on 28th April 2011.

everyone learned early rules and regulations linked with land and this enabled each person to defend his or her rights. Now that a written law has replaced the customary law, people learn the new rules to use them in fighting for their rights.

In urban areas, people also have the right to own land, but in general they first have to buy it. It is also possible to inherit it, as it is done in rural areas, but the attention paid on successions and inheritance is not the same in the two areas. This is because in urban areas the most valuable source of income is not land as it is the case in rural areas. According to interviewed lawyers, this difference in terms of the value accorded to land explains why the level of knowledge of the law is higher in rural areas than in urban areas.⁴⁵

District: At this level, there is great variety in findings. The highest percentage of knowledge of the law was obtained in Burera (90%), a rural District, and the lowest (14.9%) in Nyarugenge, in the Capital City. The second highest percentage was observed in Kirehe, another rural District, but another very low percentage was found in Nyaruguru, a rural District as well, as shown in Graph 6 below.

Graph 6: Knowledge of the law per District and sex



Graph 6 shows an interesting scenario: out of the fifteen selected Districts, eight revealed a higher representation of women than men who said they knew Law N° 22/99 of 12/11/1999. The explanation for this was unclear, as “area of residence”, which was previously found to be an influencing factor, could not alone explain this: urban Districts including Nyarugenge and Gasabo were also part of the eight Districts.

⁴⁵ Focus group discussion held in Burera District on April 25, 2011



Sex: In the two Districts of Burera and Rubavu, differences between men and women were quite significant. In Burera District men represented 55.0% and women 35.0% of those with knowledge of the law and in Rubavu District men represented 34.9% and women 23.3% of those with knowledge of the law. The same scenario was verified in some other Districts. For example, in Nyaruguru District 9.6% of respondents who said they knew Law N° 22/99 of 12/11/1999 were men and 6.4% were women; in Gicumbi District, 37.2% of respondents who said they knew Law N° 22/99 of 12/11/1999 were women and 32.6% were men.

Figures displayed in Graph 6 indicate a variety of levels of knowledge in those Districts. As research was conducted both in rural and urban sectors in each District, figures could suggest that Law N° 22/99 of 12/11/1999 was differently disseminated in those Districts. In some Districts, populations had more opportunities to be informed about Law N° 22/99 of 12/11/1999 than in others.

Information about the level of knowledge of Law N° 22/99 of 12/11/1999 by the population is significant. For example, although 51.7% of respondents said they knew Law N° 22/99 of 12/11/1999, figures decline when specific questions about the law are asked. For example, percentages of knowledge were relatively low when respondents were asked to answer the question on how they know the Law N° 22/99 of 12/11/1999. Some specific elements of the law were provided and the feedback from respondents about their knowledge level was evaluated in percentages leading to the following results:

- matrimonial regimes and household resources management: 33%,
- people who are entitled to inherit from their parents:39.5%,
- the rights of girls to access their parents' resources:28.1%,
- the role of women in households resources management:18.6%,
- the principle of gender equality: 19.7%.

The percentage of respondents who did not know anything about Law N° 22/99 of 12/11/1999 was quite high: 27.9%.

However, most respondents had the same idea about the principle of gender equality as far as household resources management and succession rights were concerned: both men and women have the same rights. However, they had various answers about the right of women to control household resources when their husbands die. For most respondents, a woman should control household resources when her husband dies, but for others the following different views were expressed for women's control over household's resources to be exercised:

- A woman has the right to manage household resources when her husband dies, if she got married legally;
- A woman has the right to manage household resources when her husband dies, if she has children;

- A woman has the right to manage household resources when her husband dies, if the matrimonial regime is community of property;
- A woman has the right to manage household resources when her husband dies, if she stays there and does not remarry;
- Resources belong to children.

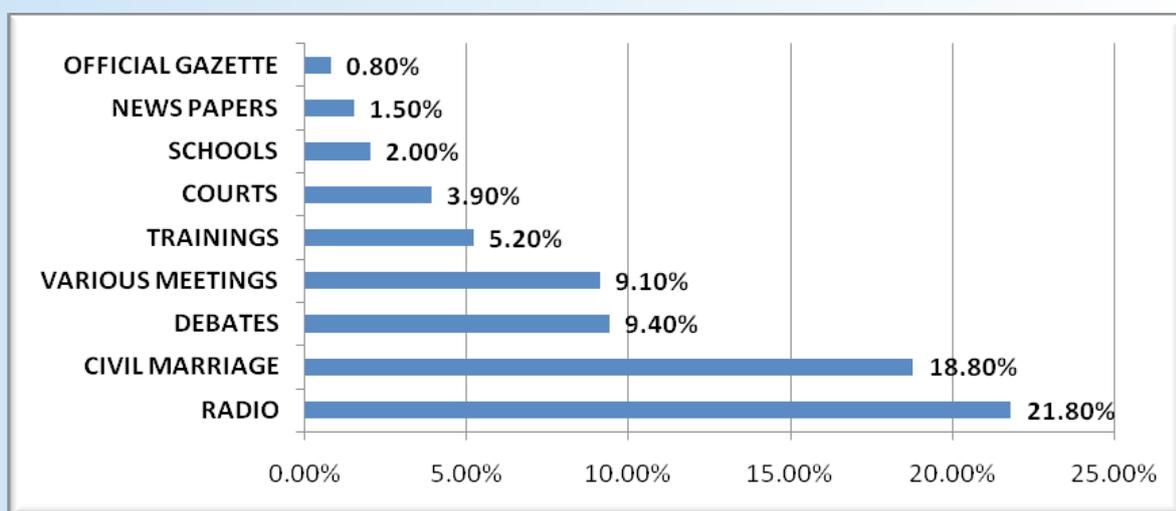
In short, the majority of respondents at household level, during consultations and focus group discussions, know the spirit of the law but few of them know details about it. Because of ignorance of Law N° 22/99 of 12/11/1999 and culture that still favours men over women, women's rights to manage household resources when the husband dies are subject to certain conditions.

2.2. Means of access to Law N° 22/99 of 12/11/1999

Two channels were selected as the most frequently used means of access to the Law N° 22/99 of 12/11/1999. They include radio (21.8% of respondents) and civil marriage (18.8% of respondents), followed by debates and meetings which represented 9.4% and 9.1% of responses respectively.

The other means of access were not highly rated. They included trainings (5.2%), courts (3.9%), school (2.0%), newspapers (1.5%), and the Official Gazette (0.8%), as shown in Graph 7 below.

Graph 7: Means of access to Law N° 22/99 of 12/11/1999



Graph 7 shows that the radio was the most common means of access should not come as a surprise, as the culture of reading among Rwandans is not that strong. Few people buy books or newspapers; their main source of information being the radio.⁴⁶

⁴⁶ The general agreement is that during the 1970s and 1980s, radio was among the main strategic means of broadcasting.



The second most important source of information about Law N° 22/99 of 12/11/1999 is civil marriage (18.8%). This is a social event during which relatives and friends of the newly married couples gather before the relevant State official to sign a marriage contract, requiring the couple to choose a matrimonial regime from the three highlighted in the law to govern their marriage.

This event serves as a learning opportunity about the Law N° 22/99 of 12/11/1999. The authority in charge of officiating civil marriage (currently the Executive Secretary of a Sector in most cases) gives a lecture to the couple to be married and to the rest of the gathering, on relevant provisions from the law, including the types of matrimonial regimes for them to choose. However, some respondents said that the wedding day, which is also the day for civil marriage in most cases; it is not an appropriate time to give enough information about the Law N° 22/99 of 12/11/1999. They further explained that the event does not offer enough time for explanation as people are focussing on the event rather than the provisions of the Law N° 22/99 of 12/11/1999. As stated during the focus group discussion held in Nyamasheke District,⁴⁷ couples are there to get married, not to listen to any law.

During focus group discussions,⁴⁸ respondents noted that other means of information (debates, meetings, trainings, etc.) about Law N° 22/99 of 12/11/1999 are quite insignificant. That is also logical: few people have the time or the opportunity to attend trainings, debates and meetings in which legal matters are discussed.

At this point, one question remains: did the above mentioned means of access to the Law N° 22/99 of 12/11/1999 lead to detailed knowledge of that law? Undoubtedly, they did not. As indicated under Section 2.1, 51.7% of respondents said they knew the Law N° 22/99 of 12/11/1999 in general but few were aware of specific provisions. For example, those who indicated that they knew the law stipulated the role of women in household resource management represented 18.6%.

Limited access to Law N° 22/99 of 12/11/1999 has repercussions on the way people choose the matrimonial regime they think will fit for their marriage, as discussed in the section below.

2.3. Choice of matrimonial regimes types

For a long time in Rwandan history, there was no need for different matrimonial regimes, since there was only one matrimonial regime: community of property.⁴⁹

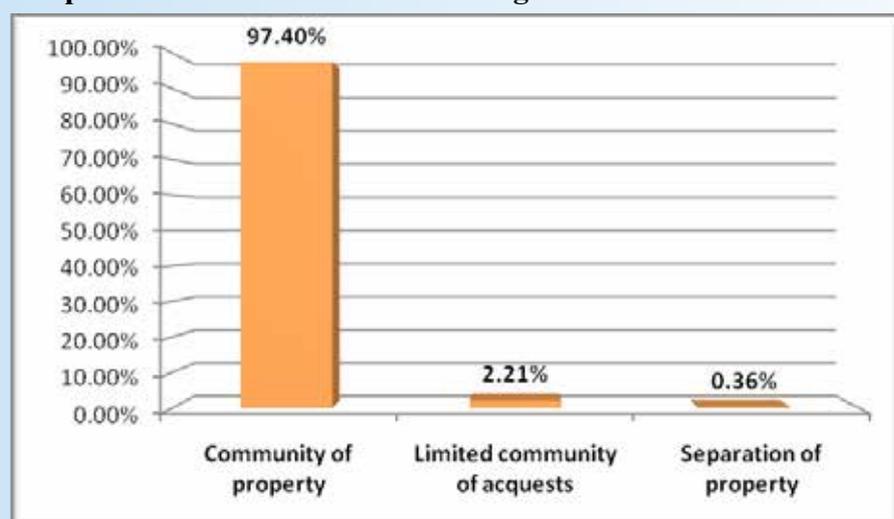
Law N° 22/99 of 12/11/1999 provided three possible matrimonial regimes, but it is not evident that couples to be married really make an informed choice. After 11 years of Law N° 22/99 of 12/11/1999, responses about selection of matrimonial regime are, to some extent, surprising, as shown in the Graph 8 below.

⁴⁷ 28th April 2011.

⁴⁸ Burera & Nyagatare Districts, 25th April 2011.

⁴⁹ Focus group discussion held in Nyamasheke District on 28th April 2011.

Graph 8: Choice of a matrimonial regime



Graph 8 shows that a majority of respondents (97.4%) who married after Law N° 22/99 of 12/11/1999 chose community of property as a matrimonial regime. A small number (2.21%) chose the limited community of acquests, and those who chose separation of property represented 0.36% of responses.

The figures mentioned above were collected at household level, but qualitative data gathered during focus group discussions indicated that participants felt that only community of property is considered suitable for couples who really want to have a strong relationship. This system was considered to reinforce relationships between spouses, which is a prerequisite for stable families.

During focus group discussions,⁵⁰ responses to the question of choice of matrimonial regime were provided. One response was that couples do not pay much attention to matrimonial regimes before they sign the marriage contract. Some participants even pointed out that most of the time people do not think of the consequences of matrimonial regimes before they present themselves for marriage.⁵¹ Another response is that people are afraid of being the first in the community to choose the regime of limited community of acquests, or, worse, from their perspective, the separation of property.⁵²

Love was another dimension to take into account. For a lot of participants in focus group discussions, community of property was perceived as evidence of love; choosing another matrimonial regime in this context meant a lack of love. Some participants even mentioned that a boy who would propose separation of property would run the risk of being jilted by his would-be wife.⁵³ For all those reasons, most people chose community of property.

Based on the feedback from the respondents it is clear that community of property is not chosen as a matrimonial regime because there is an understanding of the differences between this regime and the other two in the Law N° 22/99 of 12/11/1999. The selection is made

⁵⁰ Focus group discussion held in Nyamasheke District on 28th April 2011.

⁵¹ Op. cit.

⁵² Focus group discussion held in Nyagatare District on 25th April 2011.

⁵³ For example, in Nyarugenge District, on 25th April 2011.

because of its link with the traditional matrimonial regime that is still in use and a rejection of the other types of regimes which are perceived as problematic and of Western origin.

Limited information about the matrimonial regimes is observable at the level of interpretation especially when it comes to divorce. As participants mentioned, especially during focus group discussions, it is difficult for men to accept that they will share equally their property, upon divorce, arguing that wives bring little of value into the marriage. This was very controversial in different districts where the majority of men resisted the idea of sharing the household properties with former wives and expressed the feeling that Law N° 22/99 of 12/11/1999 was being unfair to them.⁵⁴

Women, on the other hand, argued that their role as housewives and through other different forms of contribution to the survival of families, be it morally or financially, should be taken into account. The argument about division of property divorce relates to culture and the loss of love and social esteem, which in most cases favours men to the detriment of women.

Informed choice of matrimonial regime would help address issues connected to the implementation of the chosen regime. Despite the fact that participants were not well informed about the matrimonial regimes they chose for their marriage, they expressed that they were informed about problems related to the Law N° 22/99 of 12/11/1999 in general.

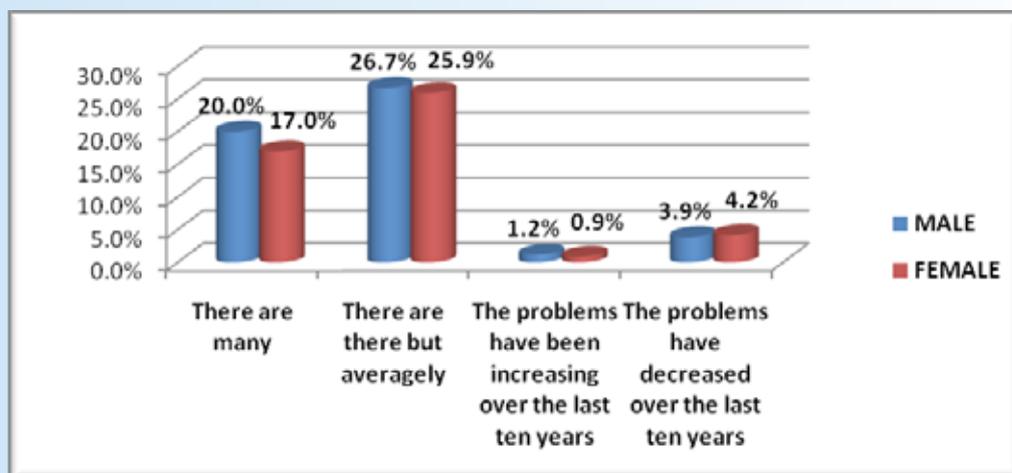
2.4. Recognition of problems related to law N° 22/99 of 12/11/1999 in communities

Law N° 22/99 of 12/11/1999 was promulgated in 1999 to solve gender issues related to matrimonial regimes, liberalities and successions. However, the change in attitude is slow and many people are not aware of the contents of the law. The assumption before this study was conducted was that the main problem with implementation of Law N° 22/99 of 12/11/1999 was that few people really knew and understood it.

To uncover the perception of the population, a question about the existence of problems related to matrimonial regimes, liberalities and successions in their respective area was asked and a number of respondents answered affirmatively. A follow-up question was asked about the extent of the problems. In response to this question, some respondents, men (20.0%) and women (17.0%) said that problems were many. However, a slight majority of men (26.7%) and women (25.9%) said that problems were there but they were average, as shown in Graph 9 below.

⁵⁴ Focus group discussions held in Burera District on 25th April 2011.

Graph 9: Frequency of problems related to law 22/99 of 12/11/1999 and perception per sex



Graph 9 shows other trends of women (4.2%) and men (3.9%) who thought that problems have decreased over the last ten years while some other men (1.2%) and women (0.9%) thought that problems have been increasing during the same period. Even though the majority of respondents recognized that problems in relation with matrimonial regimes do exist, fewer could explain the trend. For example, the total of those who thought that problems have been decreasing over the last ten years represent 8.2% and those who said that problems have increased for the last ten years represent 3.6% of respondents. Either opinion about the increase or decrease of problems related to Law N° 22/99 of 12/11/1999 may result from effective implementation of the mentioned law. On one hand the decrease may result from the reduction of gender inequalities as positive consequences of the implementation of Law N° 22/99 of 12/11/1999, and on the other hand, the increase of the trend may come as a result of an increase in reporting the cases.

The causes of problems related to the law were also discussed by respondents with the following identified as the major problems.

2.5. Causes of the problems related to Law N° 22/99 of 12/11/1999

According to different respondents at household level and as highlighted during interviews and focus group discussions, the causes of problems related to matrimonial regimes, liberalities and successions are as follows:

- Everyone would like to increase their access to and control over resources, and this leads to competition rather than respect of Law N° 22/99 of 12/11/1999;
- Many people do not know the provisions of Law N° 22/99 of 12/11/1999;
- There is misconception of the notion of gender equality;

- The patriarchal system supports the idea that women should claim for their rights only within their households;
- Divorces leading to the division of household properties;
- Men's selfishness leads to resistance to the provisions of the law;
- Concubinage and polygamy, which, in some cases leads to divorce, and problems related to sharing household property between spouses;
- In rural areas, a lot of people want to own land, the main type of property of economic value ;
- The attitude of the population is rooted in tradition so that they are not comfortable with written laws;
- The number of people who know the law has increased and so has the number of people seeking justice;
- Poverty is an obstacle to sharing property equally in the case of divorce or succession;
- The existence of unsolved problems related to matrimonial regimes, liberalities and successions caused by the 1994 genocide perpetrated against Tutsi, because Law N° 22/99 of 12/11/1999 is not retroactive.

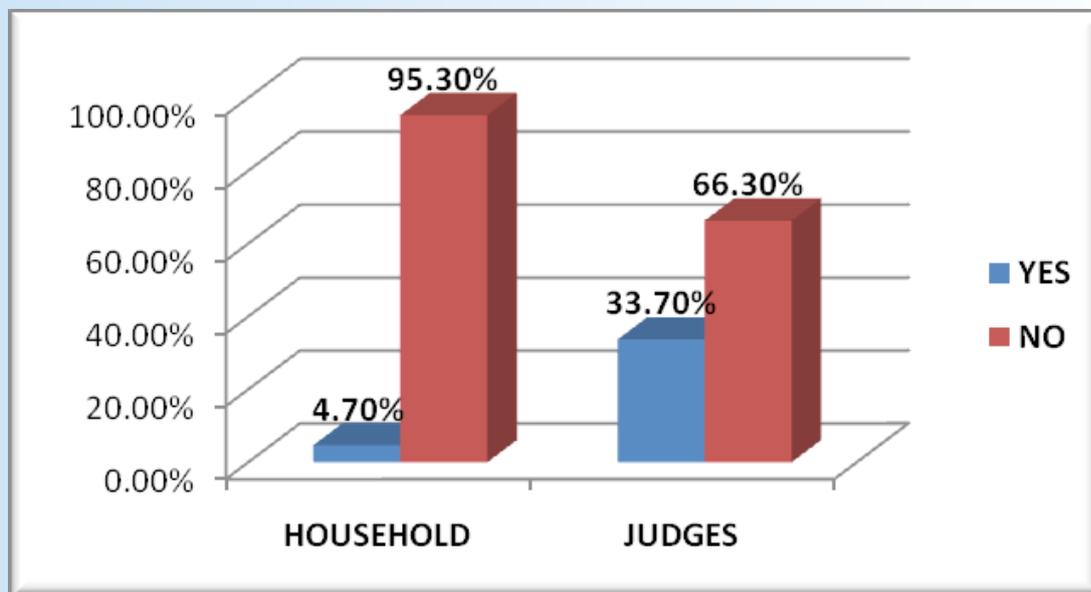
Respondents were also asked whether they experienced problems related to matrimonial regimes in their own households. The majority of respondents (79.3%) answered there were no problems and 3.8% did not answer. This is surprising given that the same respondents (89.6%) acknowledged the existence of problems related to Law N° 22/99 of 12/11/1999 in their area, yet a similar percentage said they did not experience the problems in their households! It is possible that respondents have not had problems or that they did not want to talk about their own family. Another possible reason could be that respondents do not know the contents of the law and thus it was difficult for them to tell specifically which problems that took place in their area related to which article from the Law N° 22/99 of 12/11/1999. The section below goes further into the contents of the law to determine respondents' level of knowledge.

2.6. Knowledge about articles of the Law having weaknesses regarding gender equality

Respondents from households, courts, consultations and focus group discussions were asked whether they knew which articles of Law N° 22/99 of 12/11/1999 have weaknesses in relation to men's and women's rights. During focus group discussions and interviews, the information gathered indicated that a few people knew the contents of Law N° 22/99 of 12/11/1999. At the household level, figures showed clearly that the majority of respondents (95.3%) did not

know which articles have weaknesses. At the courts level, the majority of judges (66.3%) knew which articles have weaknesses in relation to gender equality. Graph 10 below shows these differences.

Graph 10: Knowledge about articles having weaknesses



Although very few people know about the contents of Law N° 22/99 of 12/11/1999 as mentioned in Graph 10 (4.70%), a significant number of respondents from focus group discussions⁵⁵ and consultations⁵⁶ thought that some of the provisions of the law should be revised. For example, at the household level, 47.2% of respondents thought that it would be a good idea to make Law N° 22/99 of 12/11/1999 retroactive effective from the end of the 1994 genocide perpetrated against Tutsi.⁵⁷ This view was also verified in the study conducted by HAGURUKA.⁵⁸ However, 35.2% of respondents rejected the idea of retroactivity of the law, along with those who had no opinion (17.6%), as illustrated in Graph 11 below.

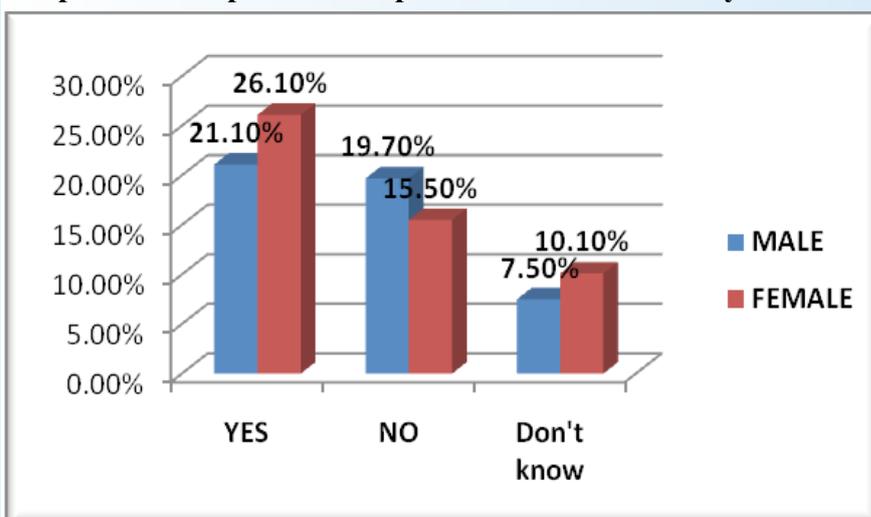
⁵⁵ Focus Group discussions held in Nyagatare District on 25th April 2011

⁵⁶ Interview with René Munyabuhoro, ULK judicial clinics Coordinator, April 14, 2011

⁵⁷ Op.cit.

⁵⁸ Association HAGURUKA asbl, *Etude sur l'application et l'impact de la loi N° 22/99 du 12/11/1999 relative aux régimes matrimoniaux, libéralités et successions*, octobre 2005, p.105.

Graph 11: Perceptions of respondents on retroactivity of Law N° 22/99 of 12/11/1999



The reason offered by respondents who were not in favour of retroactivity of was that if Law N° 22/99 of 12/11/1999 became retroactive there would be too many cases to try. They also felt that this would create an overwhelming number of issues that the Government would not be able to address given limited resources.⁵⁹ However, some persons interviewed at the courts level, specifically lawyers, thought that some articles should be revised (see details under Chapter III).⁶⁰

Thus, the study demonstrated that a small majority of the respondents knows Law N° 22/99 of 12/11/1999 in general. However, apart from judges and other professionals involved in the implementation of the law, the majority of participants in this study knew only the principle of equality between men and women in succession and inheritance.

Respondents knew little about means of access to the law, problems related to the law in communities and articles having weaknesses in relation to men's and women's rights. Besides, most people who got married after Law N° 22/99 of 12/11/1999 was promulgated choose "community of property", as matrimonial regime for their marriage, but it appears that their choice was not well informed. All this seems to indicate that many people know the existence of Law N° 22/99 of 12/11/1999 and its spirit but do not know the details. This is likely to create difficulties at the level of implementation. The following chapter discusses the different aspects of implementation of Law N° 22/99 of 12/11/1999.

⁵⁹ Nyagatare District, 25th April 2011.

⁶⁰ They are discussed thoroughly in the following chapter III, under point "3.7. Articles causing problems in implementation".

CHAPTER III: IMPLEMENTATION OF LAW N° 22/99 of 12/11/1999

This chapter discusses different aspects of implementation, as experienced by both the visited populations in the households and judges in the different courts. This chapter provides a response to the second research question regarding the strengths and weaknesses of Law N° 22/99 of 12/11/1999, as revealed through implementation. The chapter will also help discover whether the law has really granted women equal rights with men, as opposed to the traditional legislation that accorded more powers to men than women.

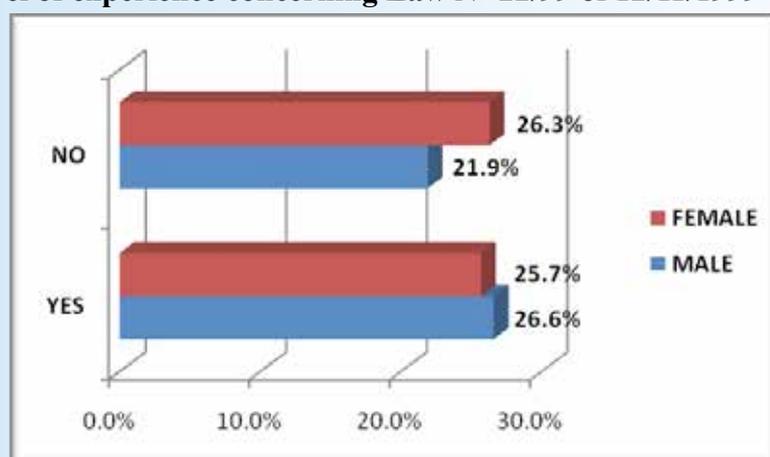
The key elements discussed in this chapter include: participants' experience with problems related to the Law N° 22/99 of 12/11/1999; participants' level of experience concerning the law; participants' frequency of personal involvement in related cases; the average time required for addressing related problems; the length of time for solving related cases through the courts; the level of delay in solving cases related to Law N° 22/99 of 12/11/1999 as compared to other cases in the courts; the causes of problems related to the implementation of the law; articles causing problems in implementation of the law; actors involved in addressing gender-related issues; the reference actors have used in addressing those issues; , , the non-retroactive effect of Law n° 22/99 of 12/11/1999; and cases related to matrimonial regimes, liberalities and successions that are not covered by the law.

3.1. Experience with problems related to Law N° 22/99 of 12/11/1999

The interviews and focus group discussions indicated that there are many problems related to Law N° 22/99 of 12/11/1999. The responses collected from the households level showed that respondents were aware of the existence of many problems related to Law N° 22/99 of 12/11/1999 in their areas.

The graph below demonstrates that that more than 51. 8% of respondents recognized being informed about problems in their area.

Graph 12: Level of experience concerning Law N° 22/99 of 12/11/1999



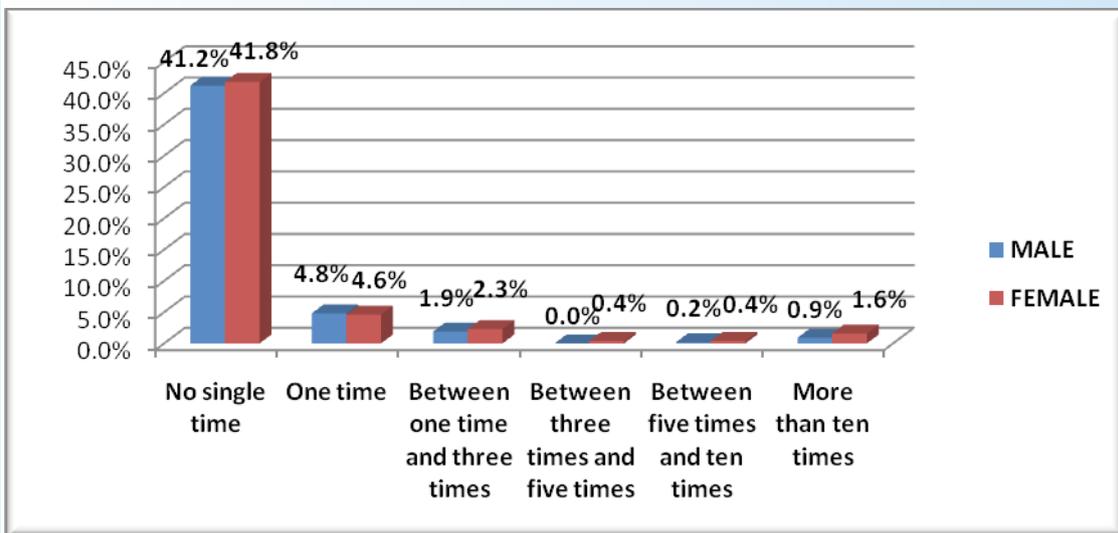
Graph 12 shows that the difference between those who know a certain problem related to matrimonial regimes, liberalities and succession in their areas and those who do not, is not

great enough to conclude that all respondents are well acquainted with cases related to the law.

Concerning the issue of case flow, in matters related to this law, the list given by judges shows that Law N° 22/99 of 12/11/1999 is used in solving certain issues, which is proof that the law is being implemented.

In a related question, when asked to reveal how many times they have been involved in issues related to Law N° 22/99 of 12/11/1999, 41.2% of men respondents and 41.8% of women respondents said that they have never been involved in such cases. The graph below provides a clear picture of this feedback.

Graph 13: Frequency of personal involvement in cases related to Law N° 22/99 of 12/11/1999

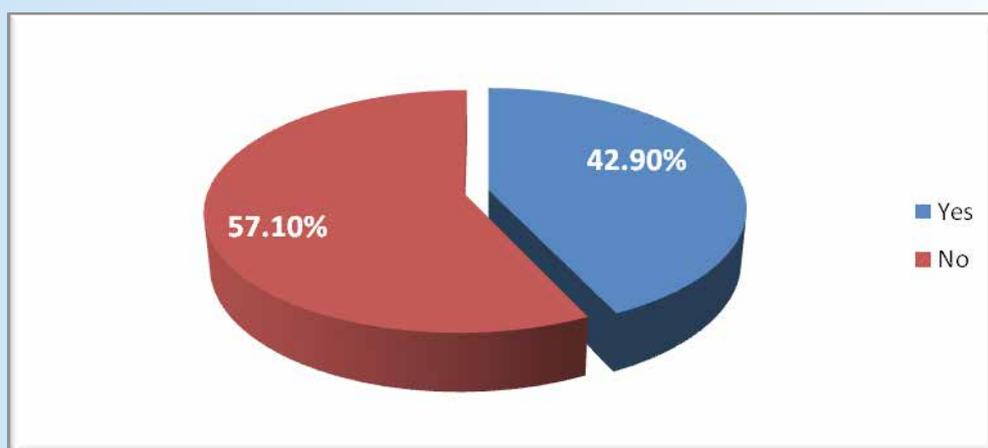


The rate of personal involvement in a case related to Law N° 22/99 of 12/11/1999 is very low compared to respondents' stated level of experience with a dispute related to the law. This scenario may refer to the fact that a significant number of people may be aware of the existence of an issue without having been personally involved in it. The section below looks at the average time used to address issues related to the mentioned law.

3.2. Average time for addressing problems related to Law N° 22/99 of 12/11/1999

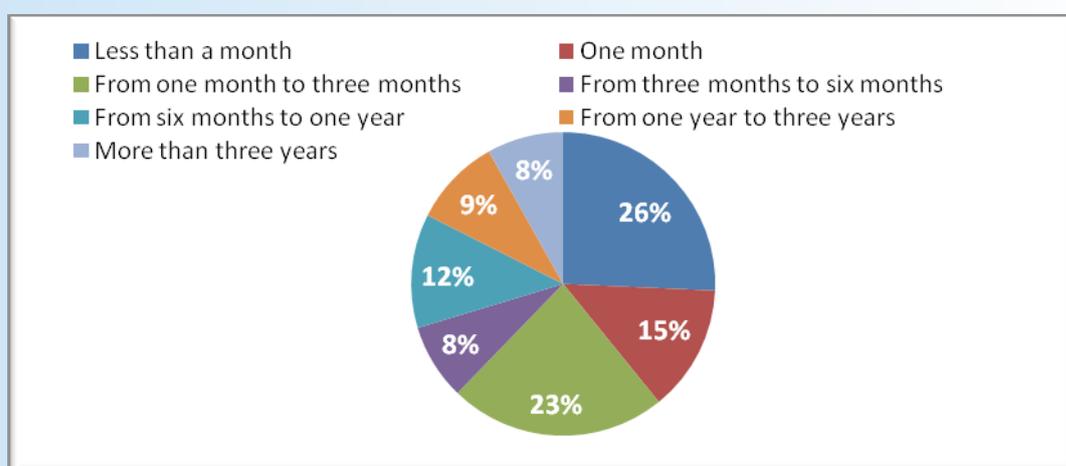
Based on information collected from the courts survey, cases related to Law N° 22/99 of 12/11/1999 take long time to be handled. 42.9% of Judges think that cases related to this law are tried quickly while 57.1% think that it takes a long time to handle such cases, as illustrated in the pie chart below.

Graph 14: Duration taken in solving cases related to Law N° 22/99 of 12/11/1999



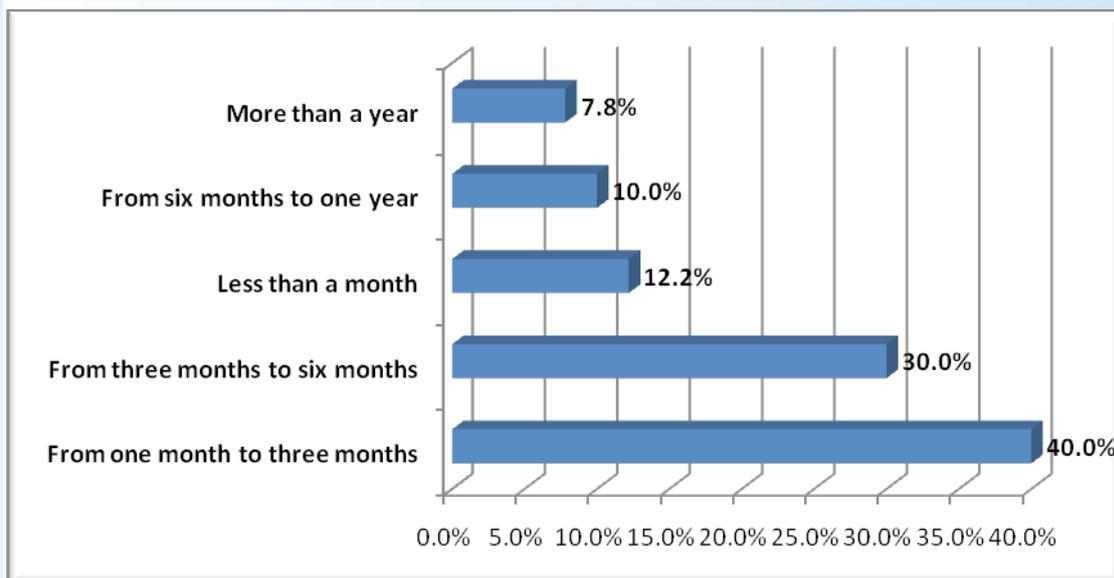
However, although respondents stated that even if cases related to the law take a long time to be resolved, many of those cases have been sorted out within a period of 6 months. This will be discussed further below. As it can be seen on the pie chart below, according to respondents from the households level, the average duration of a case related to Law N° 22/99 of 12/11/1999 varies between one month and three months.

Graph 15: Timeframe used in solving cases related to the law (Responses from households)



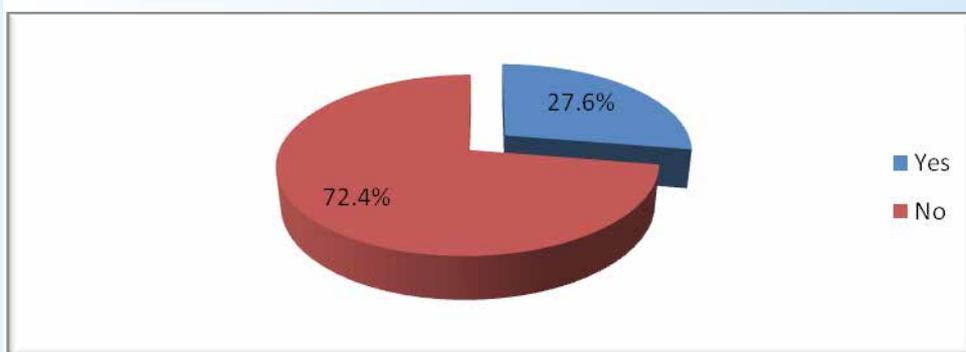
The response of three months as the time frame needed for addressing a case related to Law N° 22/99 of 12/11/1999 is verified by the responses from Judges, as shown in the graph below.

Graph 16: Timeframe used in solving cases related to Law N° 22/99 of 12/11/1999 (Responses from judges)



Graph 16 shows that majority of judges (70%) are of the view that cases related to the law do not take more than six months to be handled. The question then becomes whether six months is a long or a short period. To respond to this question, the time taken by cases related to Law N° 22/99 of 12/11/1999 was compared to other cases, as shown in the pie chart below.

Graph 17: The level of delay in solving cases related to Law N° 22/99 of 12/11/1999 compared to other cases



Graph 17 shows that 27.6% of judges responded that the cases related to the Law are delayed more than other cases. %72.4% of respondents said that cases related to Law N° 22/99 of 12/11/1999 are not as delayed as other cases.

The fast manner in which gender-related cases are handled is a positive result of the reform of the justice system, as confirmed by Officials in the Supreme Court.⁶¹ Before the 2004 judicial reform, few courts had the jurisdiction in all matters related to civil law. These courts were mainly the former “First instance tribunal”, which are now Primary Courts. With

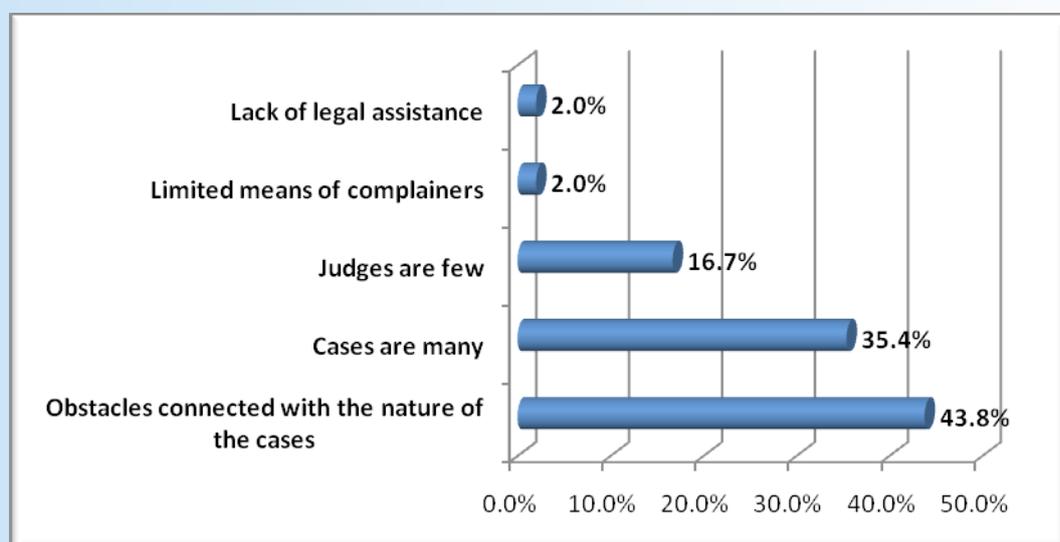
⁶¹ Interview with François Régis Rukundakuvuga and Charles Kariwabo, Inspector General of the Courts and Inspector of Courts at the Supreme Court, respectively.

judicial reform, many courts and tribunals were empowered in terms of jurisdiction and many specialized courts have been put in place. Today, the court backlog is no longer a serious issue. This is one of the key factors that has facilitated the implementation of the law. Delays observed prior to reform were a source of distrust of the justice system, which encouraged the use of customary laws.

Those who stated that cases related to Law n° 22/99 of 12/11/1999 are more delayed than others have given many reasons to support their argument.

The major reasons included the nature of some of the particular cases related to the Law n° 22/99 of 12/11/1999 (43.8%), the large number of cases (35.4%), the small number of judges (16.7%), and the limited means of plaintiffs and lack of legal assistance (2.0%), as illustrated in the graph below.

Graph 18: Causes of delay observed in handling cases related to the Law N° 22/99 of 12/11/1999



Issues related to the nature of cases include for example, relevant issues that emerged after the 1994 genocide perpetrated against Tutsi whereby survivors may not have written documents to justify that the property (e.g. land) belongs to them. This is a common situation in which the neighbours of the claimant are dead or live far from the area, as the court requires witnesses to attend whenever they are summoned to court. The availability of witnesses or people involved in the case is not reliable when there are many, hence there is delay. A very complex case involving many people and many interests may take much longer than a simple case.

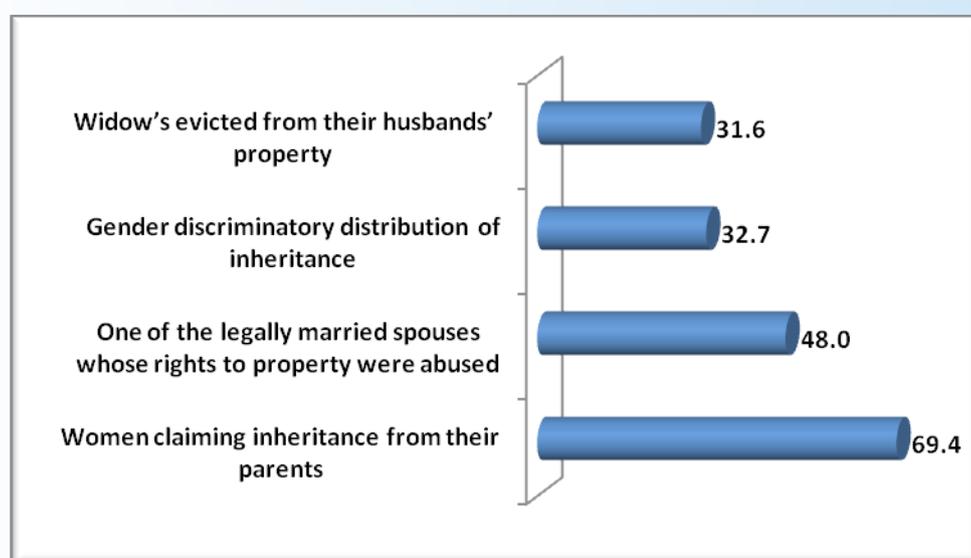
The limited financial means of plaintiffs and limited legal aid can be a serious issue, although only 2% of respondents named it as a problem. This issue was confirmed by the focus group discussions and many consulted resource persons. However, different courts have different experiences in terms of the causes of delays, including the case load, and a limited number of judges, among others.

3.3. Persistence of some problems related to Law N° 22/99 of 12/11/1999

Without overlooking the achievements registered nationally through the implementation of Law N°22/99 of 12/11/1999 and the Constitution of the Republic of Rwanda of 4th June 2003, as amended to date, there are some problems that specifically affect women and thus hinder the effective implementation of the law. Problems pointed out by respondents included the higher value socially accorded to male children to the detriment of female children. In some rural areas, Rwandan girls and women in general are still victims of sex and gender-based discriminatory practices. This situation persists despite the functioning of Law N° 22/99 of 12/11/1999.

Among the many problems hampering the implementation of the law, some are more frequent than others, as highlighted by judges in the graph below.

Graph 19: Frequent types of cases submitted to courts related to Law N° 22/99 of 12/11/1999



Graph 19 indicates that the issue of women claiming inheritance from their parents represents the majority of cases at 69.4%.

The abuse of a legally married spouse's rights to property comes in second with 48.0% of cases. These figures show that problems related to the law are linked to the principle of equal rights between men and women. This reality has been verified through different consultations and focus group discussions as discussed in the sections below.

3.3.1. Qualitative analysis on the principle of equal rights between men and women

a) Relative equal rights based on the property

Rwanda's legal system has, since enactment of Law N° 22/99 of 12/11/1999, established the principle that spouses have equal rights in terms of ownership of property. This principle

was enshrined in the Constitution of the Republic of Rwanda of 4th June 2003, as amended to date and in the Organic Law N° 08/2005 determining the use and management of land in Rwanda. It has since become a rule of general application and has been invoked to deal with succession issues that emerged before 1999.

This principle has contributed to the advancement of women in relation to ownership of land. It is a very important tool aimed at removing the inequality that was experienced in the past by women, especially within the context of customary law. However, many interviewees and those within the focus group discussions expressed the fact that the principle is not effectively implemented.

An example which illustrates the relative effect of the principle is that of less value given to unemployed women, especially in the management of household patrimony. In fact, during the research, it was noticed that there are some practical problems in the implementation of the principle of gender equality in the matrimonial context. People expressed doubt in recognizing the position of an unemployed woman vis-à-vis her husband on the question of property, especially when it is registered in the husband's name.

b) Problems resulting from illegal cohabitation

During the focus group discussion, the problem of illegal cohabitation was cited as one of the problems affecting the implementation of the law. This was confirmed by the results of the research as 48% of judges responded that the abuse of one of the illegally married spouses' rights to property is one of the sources of litigation received in courts.

In their responses, households reported that Law N° 22/99 of 12/11/1999 is silent on the rights of a woman living with a husband illegally. This has been highlighted as one of the major issues observed in relation with Law N° 22/99 of 12/11/1999.

It is true that the legislator cannot, in normal cases, be asked to deal with illegal relationships. However, given the complex nature of the problem, the legislator has to address the issue of rights for a woman involved in a situation of cohabitation that lasts for a certain period.

c) Problems related to unequal access to inheritance

As stated previously, Law N° 22/99 of 12/11/1999 ensures that male and female children enjoy equal rights of inheritance. Equal rights of inheritance have been hailed as an achievement towards ensuring equality between men and women. During the survey, respondents underlined the effect of culture on the underprivileged position of girls. They expressed their wish to put in place various strategies that would remove the injustices faced by girls in comparison with their brothers. Those strategies are mainly a means of enforcement of the law. In addition, respondents said that inheritance may not necessarily mean inheriting land and houses. There are parents who do not even have these immovable properties but may possess other types of properties, including for example money. All children should be given equal opportunity to go to school⁶² and this is also considered inheritance from a parent.

⁶² The Constitution of the Republic of Rwanda of 04th June 2003 as amended to date.



In consideration of the above concerns, participants indicated that girls face obstacles that reduce their chances for education, such as household tasks and limited consideration for specific women's rights, and thus require special attention.

d) The issue of “*umunani*”

The issue of legacy “*umunani*” given by parents to their children while they are still alive was also communicated as another source of discrimination between female and male children. Most respondents reported inequality in the parent's allocation of property during their life. This is particularly the case with land property, where male children are often given a big portion of the land as “*umunani*” after the marriage, while girls are only given domestic materials. Where parents have some degree of gender sensitiveness, girls may be given a smaller portion of property compared to the boys' portion or given unfertile land. This is done because of the loophole in the law. The law does not stipulate when the ascending partition should be done. Article 42 of Law N° 22/99 of 12/11/1999 states: ‘...*this partition shall be regarded as the accomplishment of parents' duties to educate their children and to provide them with a personal patrimony*’.

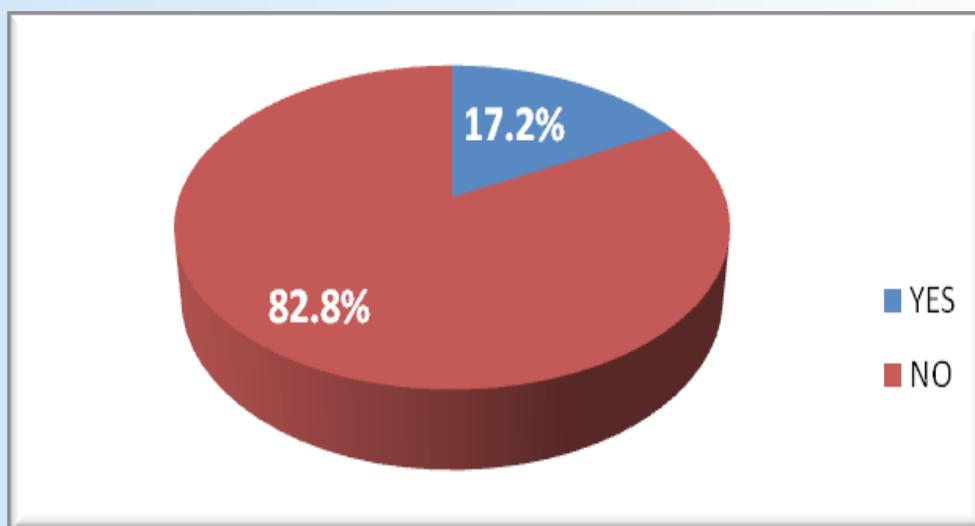
Article 43 of the same law guarantees equality between girls and boys to the ascending partition.⁶³ Despite the fact that the law guarantees equality between both sexes, some parents are still bound by culture, which does not recognize girls rights to property other than domestic materials known as “*ibishyingiranwa*” (basic materials needed by the girl for her marriage).

3.4. Causes of problems related to the implementation of Law N° 22/99 of 12/11/1999

There were many reported causes of problems related to the implementation of the law. A recurrent problem related to the implementation of a written law whose provisions are different from customary law. This is shown through the persistence of traditional culture, which favours boys to the detriment of girls. However, the responses recorded on the question of whether culture is hindering the implementation of the law show that culture is not very significant, as indicated in the pie chart below.

⁶³ Article 43 of Law n° 22/99 of 12/11/1999: “All children, without distinction between girls and boys, alive, or where deceased before parents, their descendants, excluding those banished due to misconduct or ingratitude, have a right to the partition made by their ascendants.”

Graph 20: Culture as a hindrance to the implementation of Law N° 22/99 of 12/11/1999



Graph 20 indicates that 82.8% of respondents from the household survey said that culture is not a hindrance to the implementation of Law N° 22/99 of 12/11/1999. However, during interviews and focus group discussions, examples revealed that culture does interfere with the implementation of the law. This is the case in rural areas where the adoption of the law has not significantly changed the situation of women. According to the consultations and focus group discussions, religious organisations also play a key role in obstructing the implementation of Law N° 22/99 of 12/11/1999. Respondents stated that some church leaders say that a woman must submit to her husband. This kind of belief is a serious obstacle to the implementation of the law.

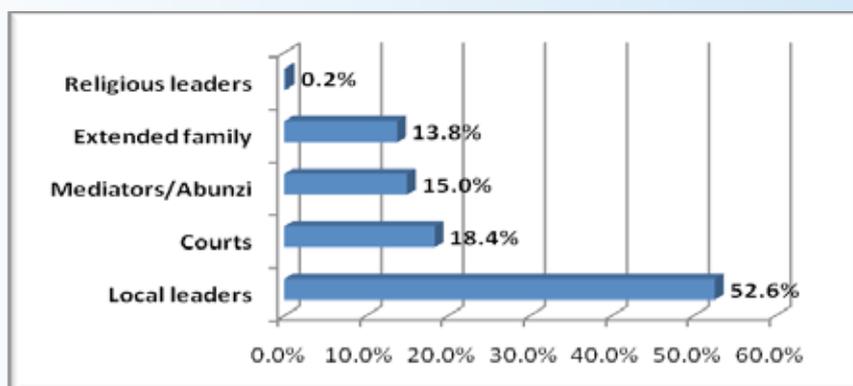
Given that respondents from households know the Law N° 22/99 of 12/11/1999 in general but ignore the contents, the study will give more weight to the interviews with resource persons and focus group discussions with different stakeholders which conclude that culture and religion are part of the factors contributing to hindering the implementation of the law.

3.5. Evidence of gender-related issues addressed by Law N° 22/99 of 12/11/1999

As a proof of the effective implementation of the law, there are several gender-related issues addressed with reference to the law. This is illustrated by the different actors involved in addressing gender-related issues by means of Law N° 22/99 of 12/11/1999, as shown in Graph 21 below.



Graph 21: Actors involved in addressing gender-related issues under Law N° 22/99 of 12/11/1999

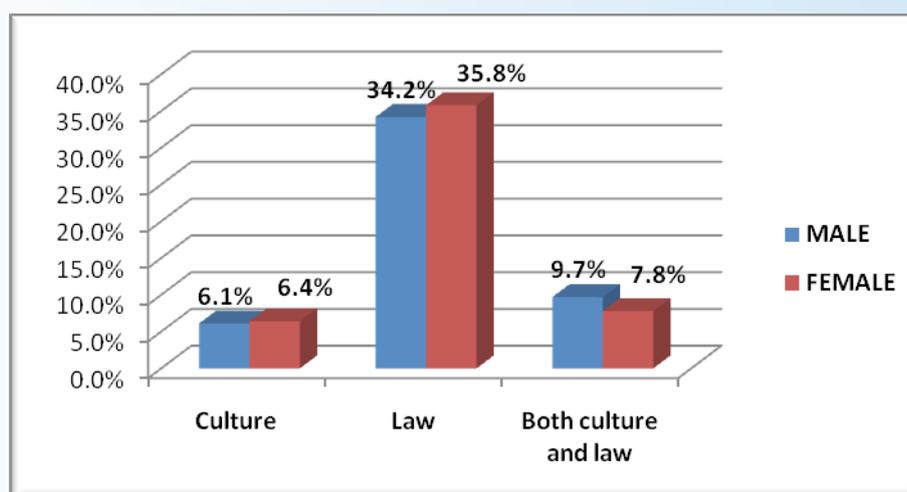


Graph 21 shows that local leaders came at the top of the responses for implementing actors, at 52.6 % of respondents. The courts came at the second position with 18.4%. The mediation committees were the third on the list with 15%. Few respondents (13.8%) said that issues related to succession are handled by extended family members. Religious leaders were found not to be much involved in addressing these issues: they ranked the last on the list with 0.2%.

Mediators and courts are bound to apply Law N° 22/99 of 12/11/1999, and they do so to some extent. The highest percentage of responses (52.6%) indicates that local leaders are the ones who are mostly involved in addressing issues related to the law.

In terms of the reference used in solving gender-based issues related to the law, respondents gave different views, as highlighted in the graph below.

Graph 22: Reference used in addressing gender-related issues



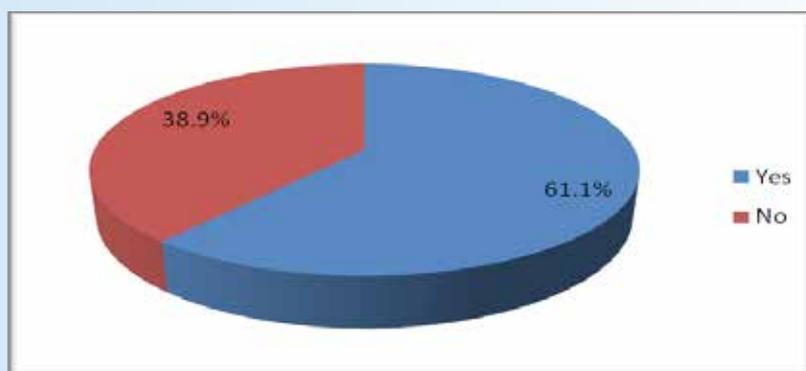
Graph 22 indicates that 34.2% of men and 35.8% of women said the law was the main reference for addressing gender-related issues. However, the percentage of respondents who consider culture (6.1% for men and 6.4% for women) and culture together with the law (9.7% for males and 7.8% for female respondents) was significant.

The reason underlying this situation depends on the institution or person in charge of resolving the issue. It is easier for a judge to apply the law than it would be for other actors, such as local administrative leaders, members of the mediation committees, family members or neighbours. For example, depending on their level of education, awareness of the content of the law and personal interest in the case, local leaders and mediation committees may not always apply the law as effectively as judges. In fact, it is easier for a local administrative leader to base his/her decision on common sense than it is to base it on a law that he/ she is not acquainted with. A family member or a neighbour called to solve an issue related to Law N° 22/99 of 12/11/1999 may never ask himself or herself which article from the law that applies to the specific case at hand. Probably the only legal system he/she knows or wants to know is the customary law.

3.6. Problems caused by the implementation of Law N° 22/99 of 12/11/1999

Several problems have been caused by implementation of Law N° 22/99 of 12/11/1999. The pie chart below shows clearly through responses given by judges state that many problems are caused by the implementation of the law.

Graph 23: Perceptions of judges of problems caused by implementation of Law n° 22/99 of 12/11/1999



Graph 23 shows that 61.1% of judges confirmed a number of problems caused by the implementation of Law N° 22/99 of 12/11/1999. The problems highlighted included those related to the management of the household patrimony between spouses; the sharing of property by spouses in the case of divorce; the issue of inheritance of girls from their parents; disputes caused by female children claiming equal rights in their families, and gender-based violence, among others.

3.7. Articles causing problems in implementation of Law N° 22/99 of 12/11/1999

36.3% of responding judges indicated that specific articles from law n° 22/99 of 12/11/1999 are causing problems in implementation, especially those having weaknesses in relation with rights of men and women. However, 63.7% of respondents said that they did not know any legal provision that had weaknesses in relation with gender-based rights.

During the interviews and focus group consultations, a number of legal provisions were pointed out as discriminatory against women. Modifications were also suggested for other provisions which are not discriminatory because they require updating. After a deeper analysis, the following articles are proposed for revision:

Table 4: Proposed articles for revision

Articles	Content of the law	Recommended Interpretation
Art. 2	<p>Upon entering marriage spouses shall choose one of the following matrimonial regimes:</p> <ol style="list-style-type: none"> 1. Community of property; 2. Limited community of acquests; 3. Separation of property. <p>In case no provision is made, the spouses shall be deemed to be married under the regime of community of property.</p>	<p>Art. 2 should be revised so as to clarify the possibility given to spouses to put an end to the chosen regime. This can be done by reminding spouses about the freedom given to them to enter and to leave a matrimonial regime any time at the interest of their family. It's also possible to indicate, in the law, the possibility given to spouses to choose any of the three matrimonial regimes for a time-bound contract. However, this possibility of a time limit should not be seen as a fourth matrimonial regime but rather as a possible option to fall under each of the three matrimonial regimes.</p>
Art. 8	<p>At the marriage celebration, the spouses who opted for the regime of limited community of acquests shall establish and submit to the officer of civil status a signed inventory of assets and liabilities defined by each spouse to constitute the community. Any property that is not inventoried as common property shall be presumed to be personal property.</p>	<p>Article 8 should be revised to set an appropriate time for future spouses to prepare and submit the inventory of assets and liabilities to constitute the community.</p>
Art. 21	<p>Whatever be the matrimonial regime chosen and the management modalities of the patrimony of the spouses, the agreement of both spouses shall be required for the donation of an immovable property and of any other property in the community, as well as for the acknowledgement of any right attached to these properties.</p>	<p>Article 21 should be revised and provide that in case of community of property regime, any action committing family property needs to be done with the explicit consent of both spouses.</p>

A r t s . 42&43	The ascending partition is an act accomplished by parents while they are still alive, by which they share their patrimony between their children or their descendants who acquire, each for the portion devolved to him or her, full ownership. This partition shall be regarded as the accomplishment of parents' duties to educate their children and to provide them with a personal patrimony.	These Articles should be revised to clarify in the law the modalities of making an ascending partition, the issue of sharing the property not given by parents during ascending partition, the issue of a descendant who did not participate to ascending partition or who has received a manifestly lower plot compared to other children's.
Art 66	<p>In the case of marriage under the regime of separation of property, the order of heirs in succession shall be as follows:</p> <ol style="list-style-type: none"> 1. The children of the de cujus; 2. the father and mother of the deceased; 3. the full brothers and full sisters of the deceased; 4. the half- brothers and half-sisters of the deceased; 5. the uncles and aunts paternal as well as maternal of the deceased. <p>With the exception of the father and the mother of the deceased, all other legatee heirs deceased before the de cujus shall be represented at the succession by their descendants.</p>	Article 66 applies to all marital property regimes despite the opening sentence; otherwise there are no provisions for intestate succession for property held in the <i>community of property</i> regime or the <i>limited community of acquests</i> regime.





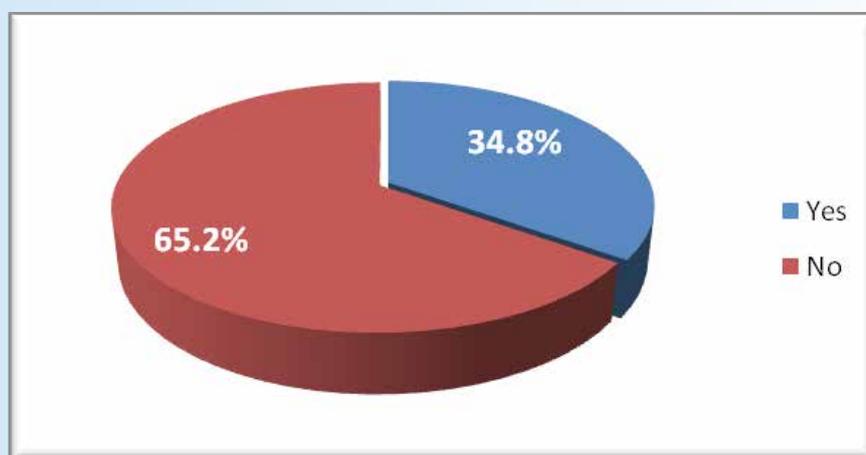
Art. 70(1)	<p>Succession of spouses married under the regime of community of property shall be carried out as follows :</p> <p>1 - in case of death of one of the spouses, the surviving spouse shall ensure the administration of the entire patrimony while assuming the duties of raising the children and assistance to the needy parents of the <i>de cujus</i>;</p>	<p>Article 70 should also be reviewed in order to regulate clearly the issue of the surviving spouse and her/his rank in the succession. Can he or she come to succeed together with the successors of the second rank? What if there is no successor of the second rank? In this case, is he/she succeeding together with heirs of the third rank? In the absence of the third rank, is he/she succeeding with the fourth rank and fifth respectively? Finally, what if nobody among the successors list is there? Is he or she able to succeed the whole patrimony of the <i>de cujus</i>? Again, for clarifying the issue raised in application of article 70 concerning the role given to the surviving spouse, the legislator must clarify the meaning of the role given to the surviving spouse toward the management of the family property. The 'does' and 'don'ts' have to be well clarified. Any of this formula needs to be taken by the legislator: "<i>when administrating the family patrimony, the surviving spouse has the power to...</i>". <i>'Before performing the duties related to the family patrimony, the surviving spouse must have an authorization from.... 'In any way, the surviving spouses is not authorised to accomplish these duties unless authorized by the competent court'.</i></p>
Art 90	<p>The partition and the donation of an estate forming part of the property in succession are subject to land regulations.</p>	<ul style="list-style-type: none">▪ During the consultations, participants observed that these regulations are not and cannot be provided by the Organic law N° 08/2005 determining the use and management of land in Rwanda. They wonder why the succession of land is different from succession of other immovable properties. There is a need to state in the Law N° 22/99 of 12/11/1999 that land property in succession is inherited as any other immovable property. In the same way, the law shall state clearly that the partition of land property in succession follows the same rules provided for the partition for other properties. However the modalities of partition should be considered in conformity with the Organic law N° 08/2005 determining the use and management of land in Rwanda

Art. 91	A property which does not exceed an area of one hectare and any other undivided thing cannot be partitioned. The owners have rather to agree on the modalities of their sale or exploitation and share the fruits there from.	Respondents and focus discussions raised the issue of practicability of such provision. They ask what will happen if there is no agreement on common exploitation or sale? The legislator cannot address this issue otherwise, it is up to the people to obey the law as it stipulates. Filing the case in court would be the last option if the concerned persons have failed in administrative organs or at the mediation committees. This article should be revised to provide possible responses to this question.
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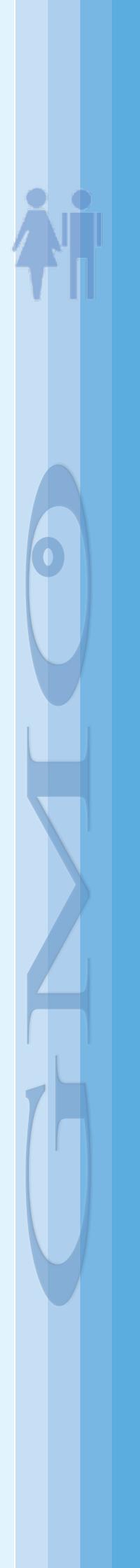
3.8. Non-retroactive effect of Law N° 22/99 of 12/11/1999

The principle of retroactivity of the law is used when a legal provision addresses a situation that took place before the legislation was enacted. Judges in this study indicated that cases of succession or liberalities opened before 1999 were submitted to courts, with plaintiffs invoking Law N° 22/99 of 12/11/1999 to solve their problems. To the question of whether the law should be retroactive, judges expressed different views as indicated in the pie chart below.

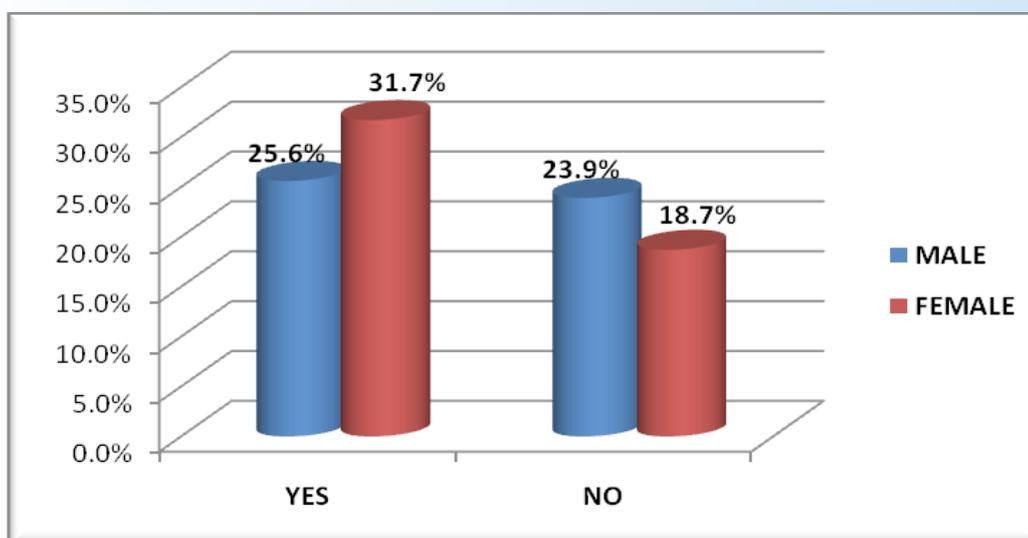
Graph 24: Perception of judges on retroactivity of Law N° 22/99 of 12/11/1999



Graph 24 shows that 65.2% of judges answered “no” and 34.8% answered “yes” to the question of whether the law should be applied retroactively. Respondents at household level also gave their views on this question, as shown in graph 25 below.



Graph 25: Perception of households level respondents on non-retroactivity of Law n° 22/99 of 12/11/1999



Graph 25 shows that a higher percentage (31.7% of women and 25.6% of men) responded affirmatively while 23.9% of men and 18.7% of women answered 'No' to the question of retroactivity of the law. Retroactivity is most wanted by female respondents (31.7%). It is possible that female respondents think that women who did not inherit from their parents before this law came into force should ask their brothers to share their inheritance.

The arguments given by household level participants to support the possible retroactivity of Law N°22/99 of 12/11/1999 are many. They include the need to deal with injustices caused by the existing legal framework, which was mainly inspired by customary law and which led to discrimination between female and male children, and between women and men. The law is also necessary to clarify the list of heirs and their order in the succession. During interviews and focus group discussions, participants suggested that legislators clarify the application of the law in dealing with pending cases, especially for successions which commenced in 1994 but have not yet been resolved. This clarification could solve the issue of inheritance for girls whose parents died before the adoption of the Law and widows whose cases are still pending.

It is urgent to clearly address the issue of retroactivity of the law. The formulation of the law may be different for retroactive cases, but whatever form it shall take there is a need to think about the possibility of applying the content of the Law N° 22/99 of 12/11/1999 to all related cases where property was not shared that started before the date of its publication,.

3.9. Cases related to matrimonial regimes, liberalities and successions that are not covered by Law N° 22/99 of 12/11/1999

When asked whether there are legal issues related to matrimonial regimes, liberalities and succession that are not covered by this law, respondents mentioned non-legally married women's rights, including illegitimate children's rights in succession, succession of one's spouse by the co-spouse, and the need to consider the agreement of both spouses before giving any gift from the common patrimony.

A key point was raised about the Law N° 22/99 of 12/11/1999 being silent on the issue of the effectiveness of the chosen matrimonial regime in the case of the celebration of marriage not being followed by cohabitation. This is because the marriage may be nullified. There is a serious legal gap here which allows for different interpretations. The question is when marriage starts: Is it the time when the union contract is made before the person responsible for civil status or it is the time when the spouses are under the same roof. Whether spouses are living in the same house or not, the marriage has already been confirmed unless the law says otherwise, thus all conditions under the contract must be respected. When such scenarios occur, they are dealt with differently depending on who is resolving the matter and the parties involved. It is crucial that the legislator provides more details on how to deal with such cases.

These concerns should be addressed by the legislator even if they are not dealt with through Law N° 22/99 of 12/11/1999. Besides sensitising people in a consensual union to marry legally, there are no legal mechanisms to protect the property rights of non-legally married couples and this has resulted in disputes within families. Although they may not be regarded as married couples, they should still be seen as people co-owning property and this should be covered by the law. If this issue is not resolved, women's rights to property will not be sufficiently protected. Even with the great achievements that have been registered in legalizing married couples, there are still significant numbers of illegally married couples in the country and their rights to property must be clarified.

The following chapter will now examine the extent to which the implementation of Law N° 22/99 of 12/11/1999 has impacted the lives of beneficiary populations.



CHAPTER IV: IMPACT OF LAW N° 22/99 of 12/11/1999

4.1. Level of the impact of Law N° 22/99 of 12/11/1999

Prior to the late 1990s, women could not inherit land or any other property, and ownership was transferred from father to son. Women had no rights to their husband's land in the case of divorce and only had guardianship rights over their sons' land. A childless widow could only claim user rights on her husband's land if she married one of his brothers.⁶⁴ The government has passed a law giving women equal rights to those of men in inheriting land and other property, overturning traditional norms that favoured males.

Law N° 22/99 of 12/11/1999 paved the way for increasing women's access to financing. Some women entrepreneurs have been able to provide the collateral needed for bank loans.⁶⁵ Many of the interviewees and focus group discussion participants said that in the law there are provisions that guarantee equal property rights for men and women and that women are able to purchase or inherit land and other property under their own name and use this asset for securing bank loans.⁶⁶

The Executive Secretary of AVEGA emphasized that gender equity in rights to property can increase women's power in social and political relations. Property rights often lead to other benefits in society, including participation in community decision-making, elections, and other socio-economic activities.⁶⁷ Rwanda is a leader worldwide in terms of the number of women parliamentarians. All of these positive changes emanate from the principle of equality provided for by the Rwandan Constitution of 4th June 2003, as amended to date. Law N° 22/99 of 12/11/1999 fostered the principle of equality by empowering women economically and also contributed to women in decision-making. The figures below highlight some of the statistics of women in various public institutions in May 2010.

Table 5: Some statistics on women's participation in decision making

Positions	Participation rate of women
Senators	34.6 %
Deputies	56.3 %
Ministers	38.1 %
State Ministers	40%
Permanent Secretaries	50 %
Judges in Supreme Court	50 %
Judges in High Court	25 %
Gacaca (Judges - Inyangamugayo)	35 %
Governors of Provinces and Mayor of Kigali City	20 %

Source: Gender Monitoring Office, 2009-2010: Women in Higher Position compared to Men. Kigali, Rwanda

⁶⁴ International Finance Corporation, Voices of Women Entrepreneurs in Rwanda, 2008, pg 18.

⁶⁵ Interview with Mrs Clemence M, in charge of gender, Private Sector on 31st March 2011.

⁶⁶ Articles 43 and 50 of Law N°22/99 of 12/11/1999. See also Article 4(2) of the Organic law N° 08/2005 determining the use and management of land in Rwanda

⁶⁷ Interview with AVEGA Executive Secretary on 1st April, 2011.

Law N° 22/99 of 12/11/1999 may also contribute to building women’s confidence and encouraging their participation in good governance. Women continue to play their role to strengthen peace and security at the national, regional and international levels through their involvement in Rwanda National Police, Rwanda Defence Forces and various peace keeping missions.

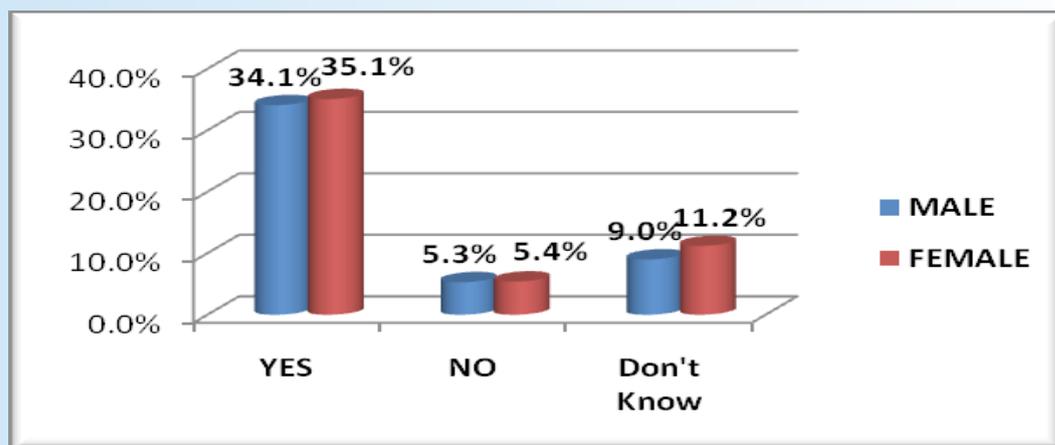
Socially, some women may now be more able to pay school dues for their children because they have property as a source of revenue through sale or lease. This may also apply to paying for medical insurance, either for themselves or their families. Women with secure property rights are better able to cope with and mitigate the effects of HIV/AIDS, such as illness and widowhood, on themselves and their children. Women with secure property rights can also maintain their family’s income and bear with economic shocks associated with HIV/AIDS.⁶⁸

“The fact that the law gives alternative choice for the type of the matrimonial regime gives chance to the married couples not to choose what is not suitable for the family and in addition it has secured property rights for orphans.”⁶⁹

Law N° 22/99 of 12/11/1999 was created as a solution to inequality and has been part of Rwanda’s overall achievement in economic development and other sectors such as health, as highlighted by interviewees.

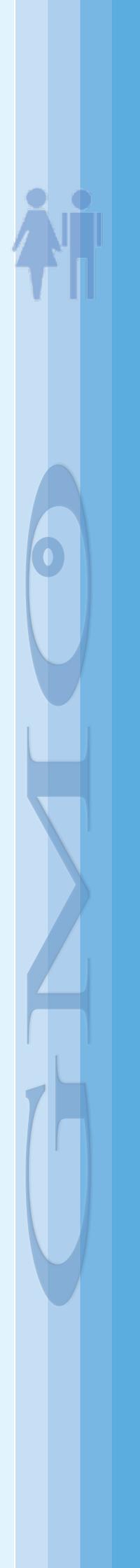
The success and impact of the law results from the commitment of the Republic of Rwanda. After the 1994 Genocide perpetrated against Tutsi the initial challenge was to repeal laws that discriminated against women, including inheritance laws, and to pay particular attention to such biases during the national consultations that led to the Constitution of the Republic of Rwanda of 04th June 2003, as amended to date. The graph below illustrates the impact of Law N° 22/99 of 12/11/1999 perceived as a general assessment by respondents.

Graph 26: Impact of Law N° 22/99 of 12/11/1999



⁶⁸ Brown Jennifer and Justine Uvuza. 2006. 'Women’s Land Rights in Rwanda: How Can They Be Protected and Strengthened as the Organic law N° 08/2005 of 14/07/2005 determining the use and management of land in Rwanda is Implemented'. Rural Development Institute, Seattle. 2006, P 2, See also, Richard S. Strickland, "To Have and to Hold: Women’s Property and Inheritance Rights in the context of HIV/AIDS in Sub-Saharan Africa," ICRW Working Paper, June 2004.

⁶⁹ Interview with the Executive Secretary, AVEGA, on 1st April 2011





According to the household survey, Graph 26 shows that 69.2% of respondents answered that the law has had an impact on the lives and relationships of married couples. Other impacts stated include:

- Girls can receive donations from their parents equally as boys and can take this donation to be part of their marital property, depending on the regime under which they are married.⁷⁰
- Women have right to property from families where they are born and have equal rights to marital property in the case of community of acquests.
- Either party cannot sell or mortgage the property without consulting the other. The law states that “*the agreement of both spouses shall be required for the donation of an immovable property and of any other property in the community, as well as for the acknowledgement of any right attached to these properties.*”⁷¹ The requirement of consent of the two parties has led to proper management of their property. Some of the interviewees said that consent to whatever is taking place within the home brings peace and security.
- Some men have stopped marginalizing women; women are given their due respect by their husband and in-laws.
- Some men no longer beat their wives; they are instead focused on the benefit of their family.
- The law has also reduced the level of dispute in extended families.
- Both men and women work and contribute to the management of the family property because they know that they both have equal property rights. Women are able to manage their own property. They may have been less invested if they could be evicted at any time. Women in consensual but not legally recognized marriages feel insecure compared to legally married women.
- Women have decision-making powers, compared to the situation in the past where everything belonged to husbands, refer to Graph 27.
- Women can now manage their patrimony and this has resulted in good relationships with family members, refer to Graph 26.

However, 10.7% of the respondents have mentioned cases where the law has caused disputes in society, resulting in bad relationships, and the following are some of their concerns:

- Some women feel that they are heads of the family because they are guaranteed equal property rights and this has resulted in misunderstandings between the husband and wife.

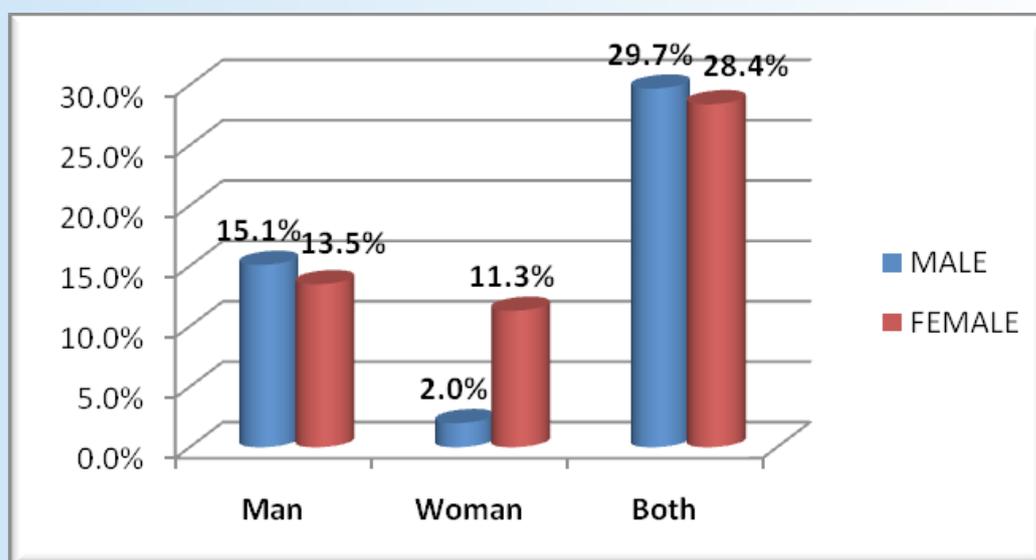
⁷⁰ Article 43 of Law N° 22/99 of 12/11/1999.

⁷¹ Art. 21, *Ibid.* see also Art. 35 of the Organic law N° 08/2005 of 14/07/2005 determining the use and management of land in Rwanda.

- Some women refuse to give men their conjugal rights because they feel they have equal rights and have gone beyond what the law provides.
- Some women are beaten when they claim their rights.
- Some local actors are ignorant of the law and the gender principle in general and when women report abuse, they lose the case.

Despite these concerns, most of the respondents (69.2%) agree that the law has positively impacted the lives and relationships of married couples. Some respondents, mostly men, believed that couples lived in harmony before the adoption of the law. However, this may have been due to culture and some of the discriminatory laws. It does not explicitly imply that women were happy with the situation. The figures below illustrate the level of impact achieved in family level decision-making as perceived by respondents, especially on how to use family money.

Graph 27: Decision taken on family money per sex



Graph 27 indicates that 58.1% of the respondents said that both men and women take decisions in the management of family money. 28.6% said men take decisions alone, and 13.3% said it is women who take decisions on how to use family money.

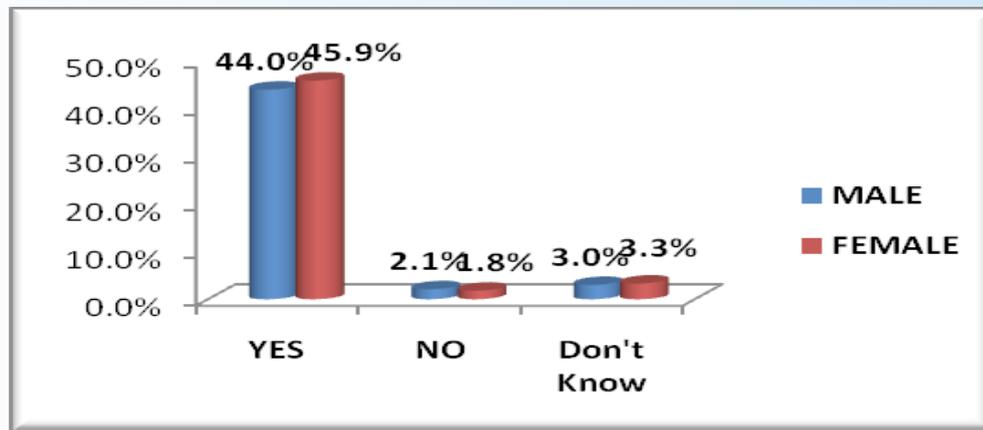
Figures from Graph 27 show that although women can make decisions about family money, respondents perceived that they still have little decision making power compared to men. Men respondents did not fully agree that women have equal rights, and this is shown by their responses. For example, out of the 13.3% who said that women can take decisions alone, only 2.0% were men.

However, most respondents indicated that both men and women take decisions together.

The level of women's decision-making power was also reaffirmed by some of the interviewees: *'Women have a say in their community and in their families in particular, they have decision-*

making powers, and this limits mismanagement of resources on the side of the man and vice versa'.⁷² Beyond the power of women in decision-making at the household level, the power to manage family patrimony is also recognized, as indicated in Graph 28 below.

Graph 28: percentage of respondents who believe that a surviving spouse can manage the property



Graph 28 shows that a total of 89.9% of respondents, both men and women, from households are of the view that the surviving spouse can administer the entire property upon the death of the other spouse. 3.9% said that the surviving spouse cannot manage the property upon the death of the other and 6.3% said that they do not know. Some of the respondents, both from the focus group and household survey, said that the surviving spouse can manage the entire patrimony because today people have knowledge about gender and their rights and they know that it is for the benefit of the entire family.

Indeed, the law states ‘...in case of death of one of the spouses, the surviving spouse shall ensure the administration of the entire patrimony while assuming the duties of raising the children and assistance to the needy parents of the *de cujus*.’⁷³

Some respondents indicated that many people have no notion about gender and others are hesitant to change because of culture. This is represented by 3.9% who said that the surviving spouse cannot manage the entire property because there are some people who still believe that women cannot manage the property after the death of the husband but a man can.

Article 70(1) which gives the surviving spouse the right to administer the entire property is one of the articles proposed for revision (see under Section 3.7) because there is no clear definition of “administration.”⁷⁴ It is not clear whether administration is ownership or if the surviving spouse is managing the property for the heirs. This can only be interpreted to be

⁷² Interview with Ms UWIMANA Stephanie, Legal Officer, HAGURUKA, on 6th April, 2011

⁷³ Art. 70(1) , - in case of death of one of the spouses, the surviving spouse shall ensure the administration of the entire patrimony while assuming the duties of raising the children and assistance to the needy parents of the *de cujus*; see also Art. 24 (2) of the same law.

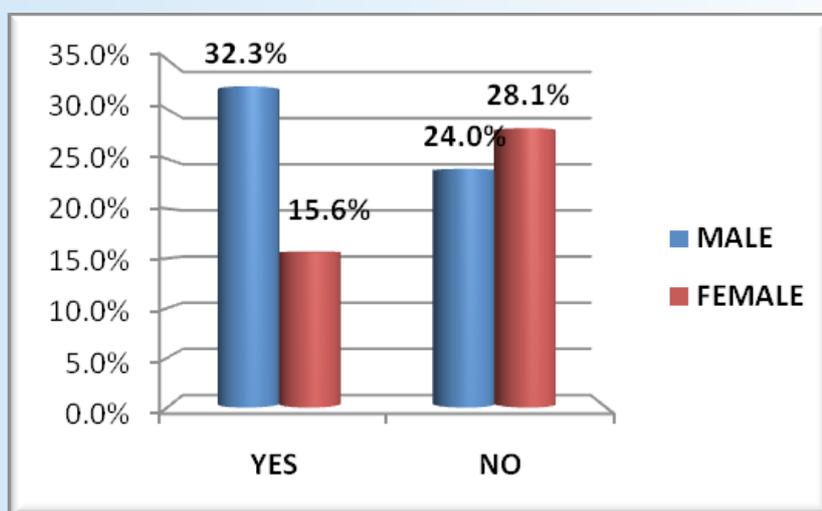
⁷⁴ “Ensuring the administration of the entire estate,” the phrase used describe the right of the surviving spouse is intended to create a usufruct right for the surviving spouse. Usufruct is a tangible property right provided for in the Civil Code, while “ensuring the administration” is not defined, and is not an established property right.

ownership when the spouse remarries and is given a right to his or her portion. This lack of clarity has caused confusion and when the surviving spouse is a women it is not always easy for her to sell the property, even in the interest of the family, because heirs may claim that she is administering the property but has no right to mortgage or sell it.

Respondents from the household survey and focus groups show that the law has assisted local leaders in resolving disputes and judges in deciding cases which were alarmingly high before the law was put in place. This is based on the fact that most civil cases are resolved by the local authorities. Before enactment of the law, inheritance laws were based on culture, and of course resulted in injustices.

While the law has addressed some gender issues and has had an impact on Rwandan society, respondents believe that there are gender-related issues that remained untouched, as illustrated in the graph below.

Graph 29: percentage of respondents who believe that the law has not effectively addressed gender-related issues



According to the study, 52.1% of participants responded that the law has addressed gender-related issues. However, 47.9% responded that the law has not effectively addressed gender-related issues.

The following reasons were highlighted by interviewees:

- There is a need to harmonize Law N° 22/99 of 12/11/1999 and other laws, such as Civil Code Book One, where some provisions discriminate against women and others are not aligned with the situation today. According to one respondent, “women may not have full access to property if the family law book one still gives power to a man as head of the family. Women tend to be submissive and men assume all the powers. Men should change this attitude, this is a gradual process but eventually it will come”.⁷⁵

⁷⁵ Interview with Me James NUWAGABA, Lawyer and consultant at International Justice Mission, on 4th April 2011. See also articles 203, 345, 352 and 427 of the Civil Code Book One, 1988

- The rights of the widow and orphan girl child of the 1994 genocide perpetrated against Tutsi were not catered for by the law. Art. 95 should be amended to take into consideration the girl orphans and widows of 1994. Respondents said that the law should cover cases from 1994. However, some respondents said that the issue of retroactivity of the law may bring more conflicts because some of the property is no longer there (see Section 3.8).
- There are provisions in the law that require revision or amendment for more impact, for example Art. 21. Although this article has a gender impact in terms of seeking the consent of the other spouse in decisions about joint property, the article needs to be amended to include movable property with bigger value, in case of donation, sale or mortgage.
- Participants showed concern about the loophole in the law where spouses are free to mismanage the property because they do not sign an inventory of assets and liabilities defined by each spouse, which are required in two of the matrimonial regimes⁷⁶. Article 8 states that “at the marriage celebration the spouses who opted for the regime of limited community of acquests shall establish and submit to the officer of civil status a signed inventory of assets and- liabilities defined by each spouse to constitute the community”.

Respondents emphasized that at the civil marriage celebration spouses should establish and submit to the Officer of Civil Status a signed inventory of assets and liabilities defined by each spouse. This will reduce the level of mistrust between spouses whereby men may hide some asset from the women. However, during the group discussions and interviews, some participants said that some women keep property with their family in the pretence that they do not have any property.

Either party can hide part of the property, because upon marriage celebration everything is theory; spouses mention the regime but do not make an inventory. This is not the appropriate time for making an inventory and learning more about the law, because couples are more interested in celebrations rather than learning. The law should set an appropriate time for future spouses to learn more about it and be able to prepare for whatever may be required by the matrimonial regime they choose.

Interviewees and focus group discussion participants said that children should receive the donation at the age of 21. The law is silent about the time for parents to give donations to their children. It only states that this partition shall be regarded as the accomplishment of parents’ duties to educate their children and to provide them with a personal patrimony. In practice girls are given less than boys.

Other than provisions that require revision or amendment of that law, more impact could be seen through proper implementation of the law⁷⁷. Although women and men, girls and boys have equal property rights under the law in principle, the impact of the law can be seen through whether there is full ownership of property in practice.

⁷⁶ Art. 2, Law N° 22/99 of 12/11/1999 states 3 regimes (community of property; limited community of acquests; separation of property) but the law in Art. 8 it requires inventory only when spouses choose limited community of acquests with the aim of knowing the asset that goes to the community property

⁷⁷ Refer to Chapter III above on implementation of the law.

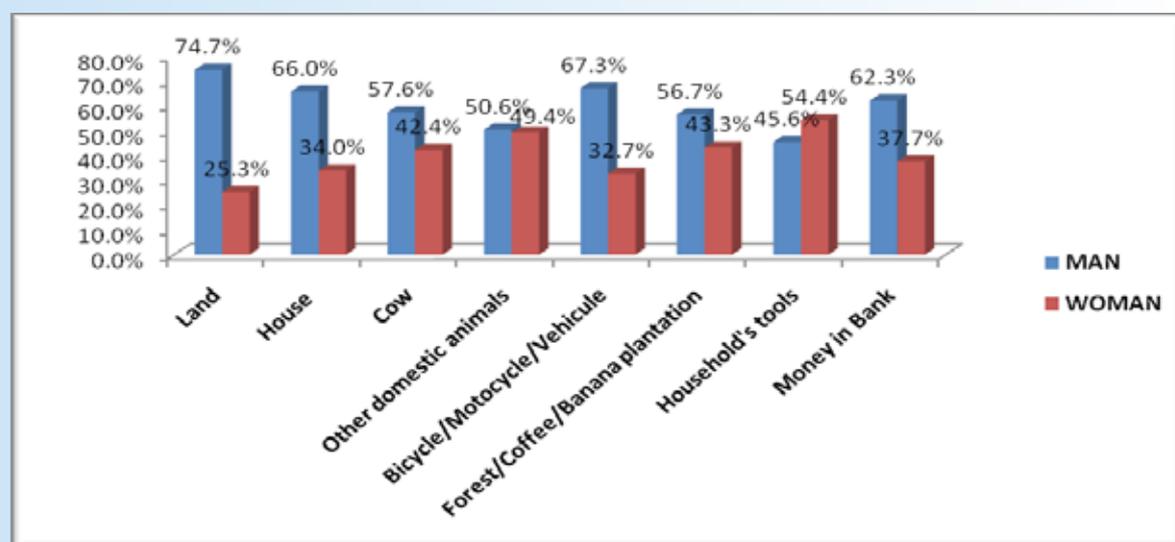
4.2. Level of ownership of property

Ownership of property means having access to it. For example if the property is land, access may include the right to:

- use or not use the land;
- decide how the land is used;
- enjoy what is produced from the land, for example food, shelter or profits;
- transfer land rights through gift, inheritance, sale, or lease;
- use land as financial security.

Although 69.9% of respondents stated that both men and women take decisions over their marital property, (meaning that a good number seek consent or decide together on what to do with their marital property) according to the statistics below 26.9% of men take decisions without consultation and only 12.1% of women take decisions on their own. This implies that some women have the property but cannot take a decision on how to use it. The graph below gives a general overview of the level of ownership of various types of property in a household.

Graph 30: Who is the owner of the following type of property in a household?



Graph 30 shows that 74.7% of respondents indicated that men are land owners compared with 25.3% of respondents indicating women are land owners. For house ownership, 66% of respondents indicated that men are owners, and 34% indicated women are owners. In the case of bicycles, motorcycles and vehicles, 67.3% of respondents said men are owners and 32.7% said women are owners. 45.6% of respondents said men own households tools



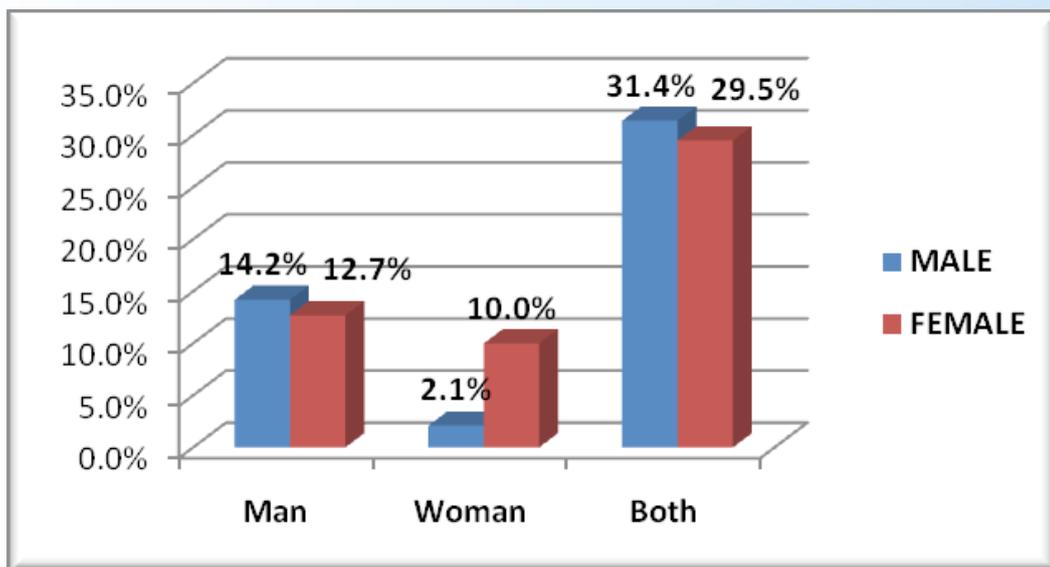
(domestics) compared to 54.4% of respondents who said women own household tools. For money in the bank, 62.3% of respondents said men compared to 37.7% of respondents who said women are owners. In practice, the majority of women do not own big assets like land, houses, coffee plantations and money because they cannot take decisions on whether to lease or mortgage these assets. Even if a woman wanted to take the final decision, it would have to be taken by a man.

Referring to the above figures; the supremacy of men compared to women is quite visible. In all assets, men have a higher level of ownership. The only area with a higher ownership level by women is in domestic tools within households.

The lower percentage of women's ownership is also identified at the level of decisions taken on different assets, as shown in the graph below.

The law itself is clear; it gives equal property rights to girls and boys, wives and husbands depending on the type of regime.⁷⁸ However, culturally, and in terms of attitude, men are considered to control the big assets. However, we have seen cases where both women and men take decisions in management of the patrimony (refer also to Graph 31 below), meaning that there are achievements; change of attitude is a gradual process.

Graph 31: Decisions taken on fixed assets



Graph 31 shows that 60.9% of respondents believe that both women and men take decisions on fixed assets. This is an improvement in comparison to the past, where women did not believe that they had rights to patrimony. When you compare the responses of men and women respondents, only 2.1% of men responded that women can take decisions on their property and 10.0% of women believed that they can take decisions. Knowing that women can take decisions on their property is one way of saying that they have ownership rights and can claim these in case their rights are violated. However, the different views in thinking about who owns what and who takes decisions by men and women respondents have their

⁷⁸ Articles 2, 42, 43 and 50 of Law N° 22/99 of 12/11/1999.



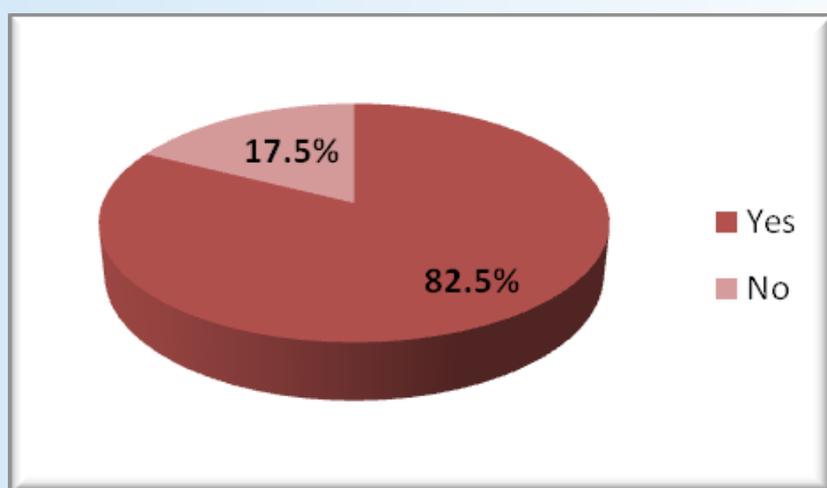
own repercussions. According to views from the participants of the study, these variations in decision-making have resulted in abuse by men. *‘When a man does not believe that a woman can take decision[s] on their marital property and the woman says otherwise, she is abused. As a result some women fear to claim their rights in fear that they will be beaten or abused in different ways.’*⁷⁹

Although there are many cases where Law N° 22/99 of 12/11/1999 has had an impact, seen through the law itself, being gender sensitive, the change of attitude by some of the population, both beneficiaries and dispute resolution actors, there are some who are still bond by culture. Another way of measuring the impact of the law is through the cases filed in courts. The fact that some people are able to file a case implies that they understand that they are protected by the law and that it impacts their lives. This is positive as in the past the law of inheritance discriminated against women, but today they are equal citizens.

4.3. Cases related to the law that have been processed and finalized

Out of the 98 judges interviewed from both primary courts and intermediary courts, 82.5% said that there are cases related to Law N° 22/99 of 12/11/1999 that are submitted to courts.

Graph 32: Cases received in courts that relate to the law

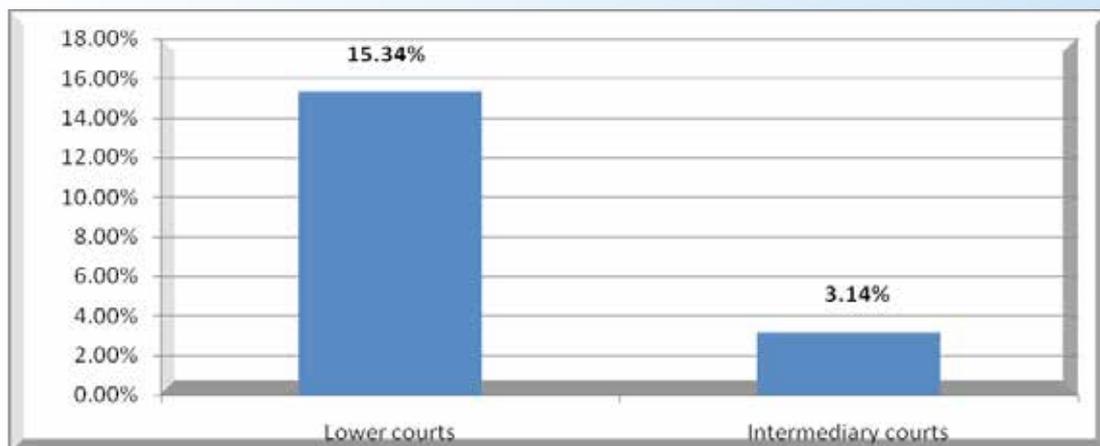


Graph 32 shows that most judges said that they do receive cases related to the law, implying that these cases are filed in court. This may be because cases are registered in court depending on the level of competence of the court. According to the views of focus groups and interviewees, some people are not satisfied with the decision of mediators and decide to go to court.

This is an impact itself, as people are able to claim their rights from different resolution actors and are even willing to appeal when they are not satisfied.

⁷⁹ Interview with Ms UWIMANA Stephanie, Legal Officer, HAGURUKA, on 6th April, 2011.

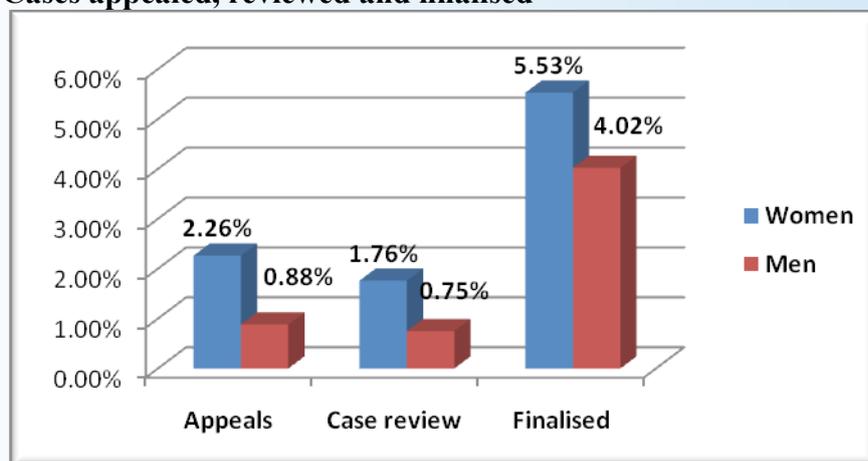
Graph 33: Number of cases received in courts related to the law compared to other cases



Graph 33 shows that 15.34% of the cases related to matrimonial regimes, liberalities and successions are registered in primary courts. In the intermediary courts, 3.14% of cases related to the law are registered as an appeal.

The fact that 82.5% of the judges said that cases related to Law N° 22/99 of 12/11/1999 are registered (see Graph 32) implies that there are cases which are not dealt with at the level of mediators. Moreover, when you take 15.34% of all civil cases registered in court, it is a relatively large number. The more people understand the law, the more claims there will be. The gender impact of the law was also assessed in terms of the number of cases appealed, as shown in the graph below.

Graph 34: Cases appealed, reviewed and finalised



Graph 34 indicates that 4.02% of cases with male plaintiffs were finalized and 5.53% of cases with female plaintiffs were finalized, of all the appealed cases related to the law. The reason for the difference in percentage is due to the fact that most commonly, cases registered relate to women's rights. Another reason for the difference in percentage of cases finalized with women versus men plaintiffs could be the impact of the law; the fact that the law is clear, means that judges are able to decide based on the law at hand.

Not all cases registered under the primary courts are finalized in the same court at the first trial. For different reasons, some people are not satisfied and decide to review cases in the same court.

According to judges and interviewees, the following are some of the reasons:

- It is not easy to get evidence in cases related to this law;
- There is limited knowledge of the law and as a result individuals fail to plead successfully for themselves and look for ways to appeal. For example, they may hire someone to plead on their behalf or try again. They may at times be assisted by their neighbours who also may not know what to do;
- The percentage of cases with women claimants is still high because most cases relate to their rights and it's not always easy for them to plead for themselves.

The fact that the percentage of cases finalized and then reviewed with women claimants is higher than those of men probably relates to the high percentage of women who do not know the law, as discussed in the chapter regarding the knowledge of the law. Further, most common cases relate to women's rights, as previously stated. Cases appealed can serve as good indicators of the gender impact of Law N° 22/99 of 12/11/1999. The section below looks at this.

4.4. Cases related to Law N° 22/99 of 12/11/1999 that were appealed

As not all individuals are satisfied at the first trial, some will appeal. Graph 34 shows that only 3.14% (men and women) of the cases received in the primary court were appealed to the intermediary courts. The civil law procedure states that all cases related to land must be first registered in the primary court.

Only cases related to other assets which have value more than three million Rwandan francs are filed directly to intermediary courts. The fact that most cases related to this law are land related cases reduces the number of cases that would be registered in the intermediary court first. However, some of these cases are appealed at the intermediary court level.

Graph 34 shows that cases with women claimants (2.26%) are appealed more often than those with men (0.88%). The reasoning could be because most of the cases concern women's rights. Some women know the law according to the graph above. Out of 51.7% of respondents who said that they knew the law, 25.3% are women (see under Section 2.1). This would also be one of the reasons why the percentage of their cases appealed are higher. When they are not satisfied they know that they can appeal.

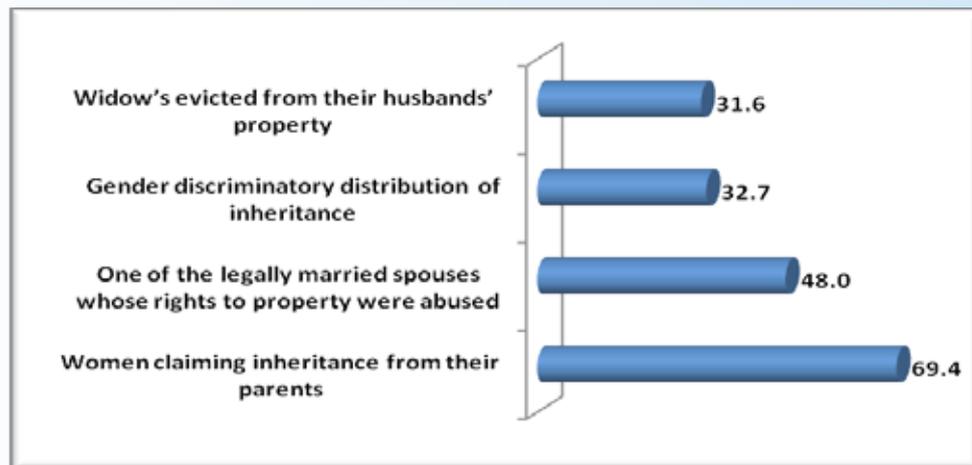
Likewise, men may be satisfied not because they have won the case, but because they are satisfied with how it has been handled. However, the percentage of cases won by a man or woman claimant is not available, nor in the case where an individual, man or woman, who loses is satisfied with how the case is ruled and chooses not to appeal.





Law N° 22/99 of 12/11/1999 has had an impact because it guarantees equal rights, because people have knowledge of the law, and because of how it is implemented. Where the law is poorly implemented for different reasons, it has less impact. Therefore the three scenarios go together: for the law to have an impact it should be technically good and gender sensitive, understood and well implemented. The graph below shows the gender-related issues in relation to Law N° 22/99 of 12/11/1999 that are most often submitted to the court.

Graph 35: Most frequent issues related to Law N° 22/99 of 12/11/1999



Graph 35 shows that the category of cases that relate to Law N° 22/99 of 12/11/1999 include concerns related to women claiming inheritance from their parents (69.4%), married spouses whose rights are abused (48%), gender discrimination while distributing property (32.7%), and widows evicted from the property left behind by the husbands (31.6%).

Some of the reasons judges and the people in the focus group discussions highlighted as to why these cases are common are due to gender bias. The following are some of the reasons:

- Many females are claiming their rights to inheritance after losing their parents and relatives in the 1994 Genocide perpetrated against Tutsi;
- The culture discriminates against girls and women;
- Many divorce cases require spouses to share their marital property equally;
- Concubinage and those in consensual marriages that raise issues in society;
- Land is the main asset Rwandans have and when it comes to sharing, whether between siblings or married couples, it becomes complex;
- Limited knowledge of existing mechanisms aimed at providing the population with legal aid, especially women and girls with little or no means at all;
- Ignorance of the principle of gender in general;

- Ignorance of the law n° 22/99 of 12/11/1999 and other laws like the Civil Code Book One (family law) where some provisions give more powers to men and women tend to be submissive;
- Today, some women know their rights and have to claim.

Women's rights to property are still abused and the major cause is the culture that discriminates against women. Attitudes (both of beneficiaries and dispute resolution actors) to change will not transform overnight, but with efforts to raise awareness even those who are bound by culture will understand and change.

The fact that people, women in particular, are able to claim their rights implies that there is great achievement as a result of Law N° 22/99 of 12/11/1999, not only for women but also for the entire society. To ensure that the law has more impact on Rwandan society, increasing knowledge of its contents would be a key approach. Therefore, dissemination of Law N° 22/99 of 12/11/1999 is a must, which requires appropriate dissemination tools. This is what is examined in the next chapter.



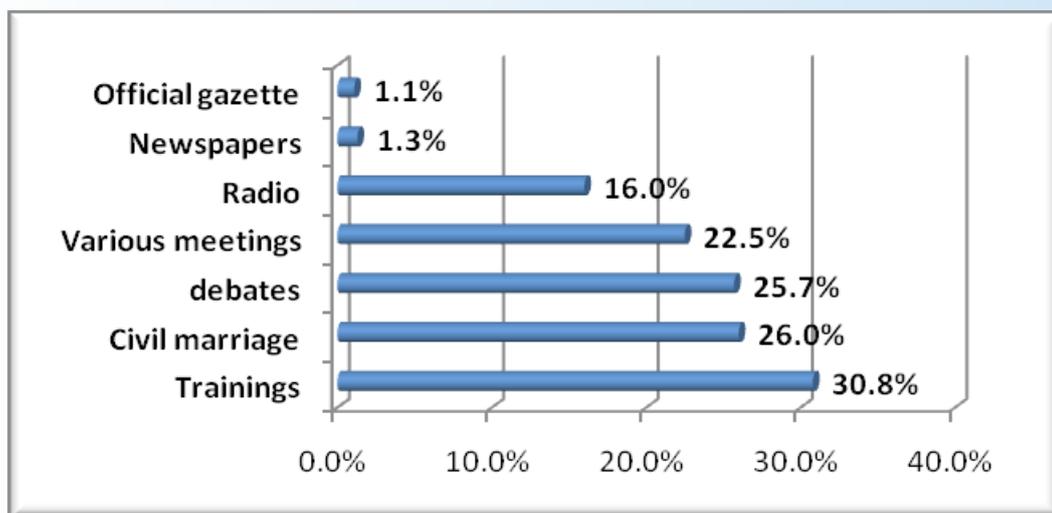
CHAPTER V: PROPOSED TOOLS, CHALLENGES AND RECOMMENDATIONS FOR MORE EFFECTIVE DISSEMINATION AND IMPLEMENTATION OF LAW N° 22/99 OF 12/11/1999

As discussed in Chapter III and Chapter IV, it has been observed that the impact of Law N° 22/99 of 12/11/1999 has been obstructed for different reasons, including limited dissemination and strategies that are not appropriate for the beneficiaries. This chapter highlights various dissemination tools, building on proposals by respondents from households, court consultations and focus group discussions.

5.1. Selected tools for dissemination

Radio, civil marriage celebrations, debates, meetings, trainings and courts have been identified as the most frequently used channels for the dissemination of Law N° 22/99 of 12/11/1999. However, respondents have indicated that the same channels can be used, but with different levels of focus placed on them, as shown in the graph below.

Graph 36: Selected tools for dissemination of the law



Graph 36 shows that according to the choice of respondents, dissemination tools have been ranked in the following descending order: training (30.8%), civil marriage celebration (26.0%), debates (25.7%), various meetings (22.5%), radio (16.0%), newspapers (1.3%) and Official Gazette (1.1%).

Although radio that is the most frequently used tool, as revealed by household respondents, trainings have been selected by participants as the top tool that would bring better dissemination results. Radio has been ranked fifth, after trainings. Civil marriage celebrations, debates and meetings have ranked second, third and fourth respectively as the tools that should be used. This ranking was based on tools that were presented to respondents, who were asked to select the most important one. In addition to this, respondents were asked to say what they think are

the best tools to disseminate Law N°22/99 of 12/11/1999. The section below discusses some of the best dissemination tools for the law.

5.2. Perceived better dissemination tools from consultations and focus group discussions

Consultations and focus group discussions revealed the following as the best dissemination tools for the law in descending order: training of local leaders as trainers on Law N° 22/99 of 12/11/1999; training faith-based organizations on the law; developing brochures/leaflets to be distributed to the population at Cell level; TV programs; teaching the law in schools and clubs; sending short messages about the law by phone; discussions on the law during community works/*umuganda*; training through associations; newspapers; radio spots; drama; posters.

5.3. Proposed tools based on analysis of respondents' views

The choice of respondents to have 'training of local leaders as trainers on Law N°22/99 of 12/11/1999' conforms with the data from the survey as shown in Graph 21 as more than half (52.6%) of actors involved in the implementation of Law N°22/99 of 12/11/1999 are local leaders.

The survey showed in terms of adjudication, after local leaders (52.6%) are the courts (18.4%), then Mediators/*Abunzi* (15.0%), followed by extended family (13.8%) and faith-based organisations (0.2%). Thus, this study proposes the following: (1) training of local leaders on Law N° 22/99 of 12/11/1999, (2) empowering courts by increasing the number of judges, especially at primary courts levels and through providing relevant support, and (3) training of Mediators/*Abunzi*, faith-based organisations and extended family on the same law, as they are found to be actively involved in the implementation of Law N° 22/99 of 12/11/1999. The rest of the tools proposed by focus group discussions and consultations can be distributed to be used by the key players mentioned above.

5.4. Identified challenges, opportunities and recommendations

The following challenges are those deemed to be the major ones. These are followed by opportunities and recommendations.

5.4.1. Key challenges

- Limited knowledge of Law N°22/99 of 12/11/1999;
- The level of knowledge differs according to the level of education, gender and district;
- Limited access to information related to Law N°22/99 of 12/11/1999;

- Limited knowledge of existing mechanisms aimed at providing the populations with legal aid, especially women and girls who have little or no means of access;
- Culture hinders the implementation of Law N°22/99 of 12/11/1999. Although culture was not perceived as a hindrance by the majority of respondents at household level, consultations with implementers of the law revealed that customary law is still in use in many areas;
- There are some provisions in Law N°22/99 of 12/11/1999 that give room for gender bias that favours men;
- The tools used to disseminate the law today include radio, TV, newspapers, and brochures. These do not suit the majority of the population;
- There are limited monitoring mechanisms to ensure implementation of the law;
- Religious beliefs hamper the successful implementation and knowledge of the law;
- Although Law N° 22/99 of 12/11/1999 allows both men and women same rights of access to and control over household properties, the reality is that men still have the upper hand on properties of higher economic value;
- Despite the great achievements registered in the promotion of women's participation in decision making, more efforts are needed to ensure that men (and women) support this endeavour.

5.4.2. Opportunities

The success and impact of Law N° 22/99 of 12/11/1999 results from the commitment of the Republic of Rwanda, where after the 1994 genocide perpetrated against Tutsi the initial challenge was to repeal laws that discriminated against women, including inheritance laws, and to pay particular attention to such biases during the national consultations that led to the Constitution of the Republic of Rwanda of 04th June 2003 as amended to date. The political will has been the gear to the success in improving equality between men and women and proper implementation of different laws.

The following are some examples of the national laws already promulgated to ensure gender equality and promotion of human rights:

- The Constitution of the Republic of Rwanda of 4th June 2003 as amended to date;
- 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;

- The Organic Law N° 42/2000 of 15/11/2000 on the organization of elections to grassroots administrative echelons (J.O. n° spécial du 19/12/2000) as amended by Law N° 13/2002 of 12/03/2002 which stipulates a minimum quota of 30% for women;
- The Organic Law N° 08/2005 of 14/07/2005 determining the use and management of land in Rwanda;
- Law N°59/2008 of 10/09/2008 on prevention and punishment of gender- based violence.

The following strengths of Law N° 22/99 of 12/11/1999 can serve as opportunities for its effective implementation. In particular the law:

- Reduces conflict and violence;
- Promotes gender equality;
- Encourages equal responsibility among spouses for the management of family property, especially under the community of property regime;
- Offers different options for matrimonial regimes;
- Encourages women to claim their inheritance rights.

Besides national laws the government of Rwanda is committed to ratifying a series of international instruments. (Refer to Part I Chapter I on international context for more details). To ensure that such laws are implemented the government have put different mechanisms such as:

- The Ministry of Gender and Family Promotion
- The vision 2020
- The Economic Development and Poverty Reduction Strategy (EDPRS)
- The National Gender Policy
- The National Decentralisation Policy
- The Gender Monitoring Office

Read Part I Chapter I of this study for the details on how these mechanisms work for proper implementation of the principles of equality in different spheres of life.

Although Rwanda has achieved a lot in terms of gender equality, there is still room for improvement and some recommendations have been formulated to deal with key challenges.



5.4.3. Recommendations

The following recommendations to address specific challenges have been formulated in relation to the appropriate institution.

5.4.3.1. Public Institutions

Rwandan Parliament: as an institution that is charged with enacting laws, the Parliament should ensure that Law N° 22/99 of 12/11/1999 is clear, and without loopholes. As one of the institutions mandated with State accountability and responsiveness, the National Parliament should hold accountable the organs in charge of the implementation of the law. Legislators should take strong action to fight *contra legem* culture. The FFRP should continue to facilitate the dissemination of the law through advocacy, among other channels.

Ministry of Justice: The Ministry should assess on a periodic basis the effectiveness and regulation of laws including Law N° 22/99 of 12/11/1999, for better implementation and more effective dissemination and should put more emphasis on legal aid services by MAJ.

Ministry of Gender and Family Promotion: as the National Machinery responsible for promoting gender equality, the Ministry should more actively participate in the coordination of the implementation of gender sensitive laws. It should also advocate for the revision of gender discriminatory laws.

Gender Monitoring Office: the GMO should facilitate institutions involved in the dissemination and implementation of laws to develop gender sensitive baselines and indicators to serve as tools to ensure that laws, including Law N° 22/99 of 12/11/1999, have a gender impact.

National Women Council: actively participate in advocacy for revision of gender discriminatory laws and contribute in capacity building for women to strengthen their level of knowledge of laws, with more emphasis on laws defending their rights including Law N° 22/99 of 12/11/1999.

Ombudsman's Office: through sensitization, the Office should strengthen the capacity of men and women, boys and girls to increase their level of knowledge about laws defending their interests, with a special attention to Law N° 22/99 of 12/11/1999. The Office should also work in close collaboration with implementers to ensure fair implementation for both men and women, so as to significantly reduce cases of injustice submitted to the Ombudsman's Office.

National Human Rights Commission: to continue establishing gender sensitive structures to monitor human rights from a gender perspective, in collaboration with the Gender Monitoring Office and other actors. The Human Rights Commission should also sensitise populations on women's rights as human rights and ensure that implementation of gender sensitive laws, including Law N° 22/99 of 12/11/1999, is fair for both men and women.

National Land Centre (NLC): Land Tenure Regularization (LTR) is a set of procedures that systematically brings land owners to register their land. It requires all land owners in a designated LTR area to participate. There are seven related procedures that have to be followed, including Local Information Dissemination. NLC, in collaboration with the local authorities, should mobilize the community to participate fully in the LTR exercise to ensure their rights to land are registered. Specific attention should be put to vulnerable groups, including women whose land rights are usually lost during land registration. In general, NLC should be more sensitive to gender issues during land registration, as it has a direct link with various issues regarding the Law N° 22/99 of 12/11/1999.

Media High Council: put more emphasis in facilitating the dissemination of laws through various media channels, placing emphasis on gender equality for women and men to benefit fairly from properties to which they have rights.

Local Governments: ensure that laws, including Law N° 22/99 of 12/11/1999, are fairly implemented for both men and women in districts at all levels. They should facilitate dissemination of the law through distribution of copies or access to internet for sectors, cells and villages.

5.4.3.2. Faith-Based Organisations

To encourage training for better facilitation of dissemination of Law N° 22/99 of 12/11/1999 by highlighting among other things the compatibility between their faith and the spirit behind the mentioned law.

5.4.3.3. Civil Society Organizations

To advocate for review of gender discriminatory laws, participate in dissemination process of laws including Law N° 22/99 of 12/11/1999 and effectively implement programs in relation with the said law. Besides, the Civil Society should develop dissemination tools that suit all categories of beneficiaries.

Kigali Bar Association: to increase and extend their services to rural areas for vulnerable people to access legal aid services and more especially pro-bono services.

The community:

Institutions/organisations having education under their mandate

- Make reference to Law N° 22/99 of 12/11/1999;
- Educate students/children about equality between girls and boys;
- Should themselves be gender sensitive;
- Should be exemplary in obeying and executing the law.



Women

- Women should know the law and participate in all activities related to the law be it in dissemination and/or implementation;
- Promote gender equality in management of their property;
- Women should have the courage and confidence to report cases if their rights are violated;
- Promote equality between girls and boys;
- Put emphasis on educating rural women and organise specific meetings for those women.

Men

- Should understand that empowering women does not mean disempowering men;
- Men should know the law and participate in all activities related to the law;
- Promote gender equality in the management of their patrimony;
- Promote equality between girls and boys.

5.4.3.4. Development partners

Support both financially and technically the dissemination and implementation of laws, including the Law N°22/99 of 12/11/1999 at central and decentralized levels.

CONCLUSION

This study aimed at achieving the following objectives: to assess the quality and effectiveness of implementation of the matrimonial regimes, liberalities and succession law since its adoption in 1999; to carry out a gender impact assessment of the applicability of the law in Rwandan society; to highlight articles of the law that need revision or amendment to improve impact; and to propose tools that can facilitate dissemination.

The findings of this study revealed that Law N° 22/99 of 12/11/1999 is effectively implemented, as cases related to this law take less time (less than six months) to be tried, as compared with other cases registered in the courts. In terms of the quality of implementation, the study found that the bulk of cases are handled in a fair manner, which is demonstrated by the smaller number of cases reviewed with women claimants (1.76%) and men claimants (0.75%) and cases appealed by women (2.26%) and men (0.88%), with the rest of cases (15.34%) being finalized at the lower court.

Local leaders were found to be the most frequently involved in implementing Law N° 22/99 of 12/11/1999. Cases that experienced significant delays in proceedings were primarily those with a more complicated nature (e.g. involving several players), or in the situation where there were a limited number of judges faced with an increasing number of relevant cases.

Household respondents stated that culture was not an obstacle to the implementation of Law N° 22/99 of 12/11/1999 but professional implementers of the law and consulted resource persons highlighted that culture is an obstruction, particularly due to the use of customary law in many contexts.

Problems caused by the implementation of Law N° 22/99 of 12/11/1999 primarily include cases related to the management of the household patrimony between spouses; the sharing of property by spouses in the case of divorce; the issue of inheritance of girls from their parents; disputes caused by female children claiming equal rights in their families; and gender-based violence.

It is recommended that in relation to non-retroactivity Law N° 22/99 of 12/11/1999 should apply to those cases that are still pending, meaning those that were registered before 1999 but which have still not been resolved.

Major cases submitted to the courts (69.4%) are related to women claiming inheritance from their parents, suggested a continued strong gender disparity in inheritance.

The gender impact assessment was verified through different aspects; including the fact women are increasingly submitting their cases to the courts to claim their rights as defended by Law N° 22/99 of 12/11/1999. A total of 69.2% of respondents, who were married couples including men (35.1%) and women (34.1%), stated that decision-making and access to and control of over key family resources are shared by both men and women. Decisions on the use of family money are also jointly taken by wife and husband as expressed by respondents a total of 58.1% of respondents (29.7% women and 28.4% men).

Articles of the law that have weaknesses and therefore are causing implementation problems have been identified and avenues for review have been proposed.

Dissemination tools have been proposed and they include: training of local leaders, empowerment of relevant courts, training of Mediators/*Abunzi* and faith-based organisations, and equipping all actors with needed materials and facilities.

Having looked at all the above, recommendations have been given for all concerned institutions/CSOs/ partners to assist with increasing the positive impact of the law.

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GENIIO



ANNEXES

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GENI O



ANNEX I

REPUBLIC OF RWANDA GENDER MONITORING OFFICE

HOUSEHOLD QUESTIONNAIRE FOR GENDER IMPACT ASSESSMENT OF THE IMPLEMENTATION OF THE LAW N° 22/99 OF 12/11/1999 TO SUPPLEMENT BOOK I OF THE CIVIL CODE AND TO INSTITUTE PART FIVE REGARDING MATRIMONIAL REGIMES, LIBERALITIES AND SUCCESSIONS

QUESTIONS FOR THE LAW'S BENEFICIARIES AT HOUSEHOLD LEVEL

PART I: LOCATION OF HOUSEHOLD

N°	QUESTIONS	CODE
I.1	Question number	/ _ / _ / _ /
I.2	Province	/ _ /
I.3	District	/ _ / _ /
I.4	Sector:	
I.5	Cell:	
I.6	Village:.....	
I.7	Residence : 1) urban area	/ _ /
	2) rural area	
I.8	Household number	/ _ _ / _ _ / _ _ /

PART II: IDENTIFICATION OF RESPONDENT

II.	QUESTIONS	POSSIBLE ANSWERS	CODE
II.1	When were you born ? If the date of birth is known put day, month and year in the relevant box. Move to → II.3		/__ __/ __ __/ __ __/
II.2	In case the date is not known, ask: how old are you ?		/ __/ __/
II.3	<i>Sex</i>	1. MALE 2. FEMALE	/ __/
II.4	Have you ever gone to school ? If NO, go to → II.6	1. YES 2. NO	/ __/
II.5	Which level of education have you covered?	1.None 2. Primary school 3. O'level 4.Vocational education 5.A'Level 6.Bachelor's degree 7. MA/MSc/PhD	/ __/
II.6	Marital status? If single, move to II.11	1.Married 2.Single	/ __/
II.7	Have you been legally married? If NO, go to II.10	1.YES 2.NO	/ __/



II.8	Are you still living with your spouse?	1.YES 2.NO	/___/
II.9	If what caused this?	1.My spouse has died 2.Legally divorced 3.Illegally divorced	/___/
II.10	Have you ever lived with another man/woman?	1.I'am still living with him/her 2.Ii lived with him/her 3. None	/___/
II.11	Profession	1. A farmer 2. Cattle keeper 3. Both fermer and cattler keeper 4. Salaried 5. Trader 6. Artisan 7. Self-employed 8. Domestic activities 9. Jobless	/___/
II.12	What is your estimate family income?		/___/___/___/___/___/
II.13	Who takes decisión on how to use the family Money?	1. Man 2. Woman 3. Both 4. Not applicable	/___/



II.14	Which fixed assets do you possess in your family?	<ol style="list-style-type: none">1. Land2. Bana plantation3. House4. Forests5. More than one fixed assets6. No fixed asset7. Other (explain)	/ __/
II.15	Who takes decision on them ?	<ol style="list-style-type: none">1. Man2. Woman3. Both4. Others (explain)	/ __/



III.4. Apart from the means mentioned above which other one do you think would better disseminate this law?

.....
.....
.....

III.5 What do you know about this law? Tick what you know among the following:

- 1. A strategy to manage the property of legally married couples
 - 2. Useful for those entitled to inherit from their parents
 - 3. Plays a role to facilitate a girl's access to properties of her parents
 - 4. The role of a woman in managing the property of her family
 - 5. Equality between men and women
 - 6. Knows nothing
 - 7. Other (explain)
-
.....

III.6. What do you know specifically under the following items?

- 1. Management of property among legally married peoples
.....
.....
 - 2. Rights to succession for a boy and a girl
 - 3. Rights of a woman to the property of a household when the husband is deceased
-
.....
.....



III.7. Which type of matrimonial regimes have you chosen?	
1. Community of property 2. Limited community of acquests 3. Separation of property 4. Am not legally married 5. I got married before promulgation of this law 6. Not applicable	/___/
If you have chosen 1, 2, 3, move to III.9 , if 5, 6, go to III.10	
III.8. If 4, what caused this?	
III.9. Please explain the basis of your choice	
III.10. Are there problems related to matrimonial regimes, liberalities and succession in your area?	
1.YES 2.NO	/___/
III.11. If YES, what is the extent of them?	
1. There are many 2. There are there but averagely 3. The problems have been increasing over the last ten years 4. The problems have decreased over the last ten years 5. Don't know	/___/
If 5, move to III.17	
III.12. Please provide examples illustrating these problems	



III.19. Who is the owner of the following type of property in a household?								
Property owner	Land	House	Cow	Other domestic animals	Bicycle/ Motorcycle/ Vehicle	Forests/ Coffee farm/ Banana plantation	Household's tools	Money in banks
1.Man								
2.Woman								
3.Both								
4.Family								
5.Children								
6.Single								
III.20. Have you ever had a matrimonial regimes related issue in your family?								
1.YES 2. NO							/___/	
If NO, move to III.26								
III.21. If YES, whom were you in conflict with?								
1. Husband, 2. Wife 3. Husband's relatives 4. Wife's relatives 5. Children 6. Others (explain)							/___/	
III.22. Please explain the problem.								
.....								
III.23 Who was involved in addressing the problem?								
1.Husband's relatives 2.Wife's relatives 3.Local leaders 4.Mediators 5.Primary Courts 6.High Courts 7.Others (explain).....							/___/	



III.24. How long did it take for the problem to be resolved?

<ol style="list-style-type: none">1. Less than a month2. One month3. From one month to three months4. From three months to six months5. From six months to one year6. From one year to three years7. More than three years8. The problem is still there and has been there for (provide number of years)	/___/
---	-------

III.25. If you had the problem and did not report it to relevant authorities, what caused you to keep silence?

1. It requires difficult processes
2. I didn't know which authority to report to
3. I couldn't get sufficient proves
4. It was going to take me a long time
5. It was not going to change any thing
6. That was going to put me in trouble
7. I am still thinking about it; latter on I will report it
8. Limited means
9. Others: explain
.....
.....

III.38. What else do you think should be done to significantly reduce issues of matrimonial regimes in your area?

.....
.....
.....



Thanks you for your time and attention

Date...../...../.....

Name and signature of interviewer.....

ANNEX II

REPUBLIC OF RWANDA

GENDER MONITORING OFFICE

REASERCH ON GENDER IMPACT ASSESSMENT ON THE IMPLEMENTATION OF THE LAW N° 22/99 OF 12/11/1999

QUESTIONS FOR JUDGES AND OTHER COURT STAFF

The Law N° 51/2007 of 20/09/2007 determining the responsibilities, organisation and functioning of the Gender Monitoring Office in Rwanda, which is a public institution charged with monitoring the implementation of the National Gender Policy for sustainable development of Rwanda, especially under Article 5 stipulates that the said institution has the responsibility to constantly monitor and evaluate implementation of gender-related interventions and to provide guidelines for better promotion of gender equality countrywide.

It is against this backgrpound that GMO is conducting a study on gender imapct assessment of the implementation of the matrimonial regimes, liberalities and succession law to evaluate the impact that the law has had on Rwandans' life. GMO is therefore requesting judges from different levels especially those working at in lower courts and intermediary courts to facilitates data collectors involved in this undertaking by facilitating them access to needed responses to questions in this questionnaire.

I. IDENTIFICATION OF RESPONDENT

I.1. Level 1. Lower Court 2. Intermediary Courts		/___/
Province	
District	
Sector	
Cell	
I.2. Sex : 1. Male 2. Female		/___/
I.3. Education :		
1. Senior six 2. Diploma 3. Bachelor's degree 4. Masters 5. Other tertiary level.....		/___/





II. 6. Do you find that cases related to this law are processed in a fast manner? 1. YES 2. NO	/___/
II.7.If NO , what are the causes behind the delaying of those cases?	
1. Judges are few, 2. Cases are many 3. Obstacles connected with the nature of the cases 4. Limited means of complainers 5. Lack of legal assistants 6. Others: explain	/___/
II.8. Are cases related to this law taking longer time to be sorted out as compared to other cases? 1. YES 2. NO	/___/
II.8. If YES, what is causing that?	
II.9. What are the problems related to this law that your court is frequently receiving?	
1. Women claiming inheritance from their parents 2. Widows who have been chased out from their husbands' property 3. One of the legally married spouses whose rights to property were abused 4. Gender discriminatory distribution of inheritance. 5. Others : please explain	



II24. Can you provide an estimate percentage (%) of cases related to this law that were processed and finalized?

1. Women :%
2. Men:%

II.25. Are cases touching matrimonial regimes, liberalities and succession that are not covered by this law?

/___/

1. YES
2. NO

II.26. If YES, please explain

.....
.....
.....
.....

Thank you in advance!

Date...../...../.....



ANNEX III

List of interviewed people

N°	NAME	INSTITUTION	POSITION
1	Mrs KAYOMBYA Claire	National Women Council	DAF
2	Mrs MUSENGIMANA Odette	Réseau des Femmes	Executive Secretary
3	Mr MUNYAMAHOLO René	ULK Judicial clinics	Coordinator
4	Mrs MUKAMANA Berthilde	World Vision	Gender Coordinator
5	Mrs BUGINGO Emma Marie	PRO-FEMMES/Twese Hamwe	Executive Secretary
6	Mr BURASANZWE Oswald	MINALOC	NDIS Project/lawyer
7	Mrs NYIRINGANGO Maurice & Mrs MUKAMANA Belline	National Police	Admin Assistant to Director of Judicial Police Head Anti GBV
8	Mr KAYUMBA Deogratias	National Human Rights Commission	Vice President
9	Mrs MUKASINE Beatrice	SNV Rwanda	Water, Sanitation and Hygiene Adviser
10	Mrs MUKANTWALI Janvière	Canadian Cooperation	Gender expert/Unité d'Appui au Programme Rwanda/Burundi
11	Mrs KAMASHAZI Donna	UN Women	Programme Manager and Acting Deputy Regional Programme Director
12	Mrs MUJAWAMARIYA J d'Arc	MIGEPROF	Hon. Minister
14	Mr KAYITARE Jean Pierre	MINJUST	Assistant Attorney General in charge of Legislation
15	Mr KARIWABO Charles	Supreme Court	Inspector of the Courts
16	Mr MUNYANEZA Eric	National Public Prosecution Authority	Inspector of the Prosecution
17	Mr KARAKE, Mr BAHIZI	Kigali Bar Association	Advocates
18	Mr ZIGIRINSHUTI Félix & Mr HAVUGIYAREMYE Aimable	UNR/ Legal clinic	Lecturers
19	Daonto & Mrs IKIREZI Mireille	CARE International	EEGL project
20	Mrs NDANGIZA Madina	RCN	Head of Gender Project
21	Mrs BAKAMURERA Jacqueline	MAJ	Deputy Attorney General
22	Mr MUDAKIKWA John	AJEPRODHO	Executive Secretary
23	Mr KAJANGWE Joseph	OMBUDSMAN Office	Prevention and Fighting Injustice
24	Mrs MUNGANYINKA Triphine	USAID	Gender focal point
26	Mr TURYAHEBWA Robert	UNILAK Law School	Dean of Faculty of Law
27	Mr RUHIGIRA Benoit	ARDHO	Executive Secretary
28	Me NUWAGABA James	International Justice Mission	Lawyer and Consultant
29	Mr NIZEYIMANA Elie & Mrs UWIMANA Stéphanie	HAGURUKA	Legal Officers
30	Mrs KAYONGA Caroline	Ministry in charge of Land	Permanent Secretary
31	Hon. NIBISHAKA Aimable	FFRP	Parliamentarian
32	Mrs Odette KAYIRERE	AVEGA	Executive Secretary
33	Representative of UNICEF	UNICEF	in charge of gender
34	Mrs Goretti DUSABE	National Land Centre	

ANNEX IV

List of Nyagatare District focus group discussions members

N°	NAMES	INSTITUTION	POSITION
1	Mr MUGISHA David	Land Office	Director
2	Mr KABAYIZA George	Nyagatare District Youth and Sports Service	Head
3	Mr GAKUNDANYI Gaspard	MAJ	Representative
4	Mr HITIMANA Jean	FBO	Pastor
5	Mr RWABUKWISI Désiré	Civil society	
6	Mr MPARIRWA Pascal	Intermediary Court	Court Clerk
7	Mr KAYITARE Fred	Nyagatare District	Social Affairs
8	Mr RWAJEKARE Alfred	Nyagatare District	Mediator/ President
9	Mr KARINIJABO Kellen	Nyagatare District	Good Governance
10	Mr UWIMANA Jean Népo	Nyagatare Primary Court	Judge
11	Mr KWIZERA Didier	Nyagatare District RDB/BDC	Head
12	Mrs MBABAZI Jane	Nyagatare District	Gender Office
13	Mrs MBABAZI Peace	National Women Council	Representative
14	Mr MURENZI Dan	Mediator	
15	Mr RWAYITARE Fred	Civil Society	
16	Mr SIMPARINGABO Diogène	Nyagatare Primary Court	

ANNEX V

List of Nyamasheke District focus group discussions members

N°	NAMES	INSTITUTION	POSITION
1	Mr RUTAYISIRE Faustin	Civil Society	
2	Mrs NDINDAYINO Athanasie	Civil Society	
3	Mrs MUKAMA Emmanuelle	Nyamasheke District	In charge of Civil Status
4	Mr NSHIMIYIMANA J Damascène	Kagano Sector	Executive Secretary
5	Mr NIYTEGEKA Chrysologue	Nyamasheke District /Primary Court	Greffier
6	Mr NDIKUBWIMANA Anastase	Nyamasheke District /Youth Service	Secretary
7	Mrs MUKAMUSABYIMANA M Jeanne	National Women Council	Head
8	Mr RWASIBO Seth	Nyamasheke District	Legal Advisor
9	Mrs MUKARUGOMWA Noelle	Nyamasheke District/ Good Governance Service	Head
10	Mr BAHIZI René	Kagano Sector	Mediator (President)
11	Mr KABANDA Joachim	Nyamasheke/ District Gender and Family	Head
12	Mr KAGORORA Jacques	FBO	Pastor

ANNEX VI

List of Burera District focus group discussion members

N°	NAMES	INSTITUTION	POSITION
1	Mrs IYAKAREMYE Jeannette	Gender & Family Promotion	Head
2	Mrs NYIRAMAHIRWE Jeanne d'Arc	National Youth Council	Coordinator
3	Mr SERUGO Michel	MAJ	Head
4	Mr BIZABA Jean Paul	Cyeru Primary Court	President
5	Mr DUSABIMANA Syldion	Land Service	Land Officer
6	Mr HABIMANA Fidèle	Social Affairs	
7	Mrs NZAYITURIKI Dorothee	National Women Council	Vice Coordinator
8	Mrs AYINKAMIYE Pélagie	Good Governance Service	Head
9	Mr MUHIRE Silas	Cyeru Sector	Executive Secretary
10	Mr BITANGARO J Pierre	Civil Society	RPF/Permanent Secretary

ANNEX VII

List of Nyanza District focus group discussion members

N°	NAMES	INSTITUTION	POSITION
1	Mr MUGANAMFURA Sylvestre	Busasamana Sector	Executive Secretary
2	Mrs UMUGWANEZA J.F de Chantal	District Nyanza	MAJ
3	Mr MIHANDA Zacharie	Pastor	Head
4	Mr NKURIKIYUMUKIZA Jean Marie	Nyanza District	Good Governance
5	Mrs NIRERE Marie Jeanne	Mediator	President
6	Mr NIYITEGEKA Venant	Nyanza District	Land Registration Officer
7	Mr RUTIKANGA Sixbert	Busasamana Sector	Civil Status and Notary
8	Mr KAYIGYI Ange Claude	Nyanza District	CNJR
9	Mr MUNYAHARI Jean Pierre	Civil Society Organization	President
10	Mrs MUKANTAGANIRA Beata	Civil Society Organization	Secretary
11	Mrs KAYITESI Nadine	Nyanza District	In charge of Gender
12	Mrs KAMBAYIRE Apolline	Nyanza District	Vice Mayor in charge of Social Affairs
13	Mr KARASIRA M.P	Rwanda National Police	Police

ANNEX VIII

Nyarugenge District focus group discussion members

N°	NAMES	Organisation	Function
1	Mrs Mukeshimana Juliette	Primary Court	Clerk
2	Mr Rwamucyo G. Sévérien	Nyarugenge District	D i r e c t o r / Administration
3	Mrs Mujawamariya Consolée	Nyarugenge District	Director of Gender and Family Promotion
4	Mrs Uwambaye Clémence	Nyarugenge District	National Women's Council Coordinator
5	Mr Ruhungande Silas	Nyarugenge Sector	Mediator/President
6	Mrs Umutoni Adeline	Nyarugenge District	Civil Status
7	Mr Muhire Constantin	Nyarugenge District	MAJ Coordinator
8	Mrs Mutesi Jacqueline	Muhima Sector	Civil Status
9	Mr Ingabire Emmanuel	Nyarugenge District	Director/Land Office
10	Pastor Nzeyimana Innocent	ONGS Nyarugenge	President/Unity and Reconciliation



GINMI

