



USAID | **RWANDA**
FROM THE AMERICAN PEOPLE

WOMEN'S LEGAL RIGHTS INITIATIVE CONFERENCE

THE ROLE OF WOMEN'S LEGAL RIGHTS IN THE FAMILY AND IN RWANDAN SOCIETY



July 2006



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**Sponsored by USAID Women’s Legal Rights Initiative (WLR) Rwanda,
USAID Office of Women and Development
6712 KIGALI/RWANDA
Tel: (250) 08304886/55105878
E-mail: RwandaWLR@chemonics.com**

**Partners: MIGEPROF, MINIJUST, HAGURUKA ASSOCIATION
WLR Rwanda Coordinator: Rose Mukantabana
WLR Rwanda Legal and Gender Specialist: Lyn Beth Neylon
Conference Coordinator: Jeanne d’Arc Kanakuze**

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EXECUTIVE SUMMARY

This Women's Legal rights Initiative (WLR) Rwanda conference on women's legal rights and the Rwandan family conference was one of a range of activities to mark International Women's Day, celebrated every year on March 8th. Women's Day has been celebrated in Rwanda since its institution on a global level, each year having a particular theme. The 2006 theme for Rwanda was, "Local Decision-Making is the Foundation of Sustainable Development -- Rwandan Women, Get Involved!"

Certain conditions need to be met to allow full, genuine participation of women. First, each Rwandan woman needs to be aware that it is her fundamental right and her constitutional responsibility to participate in the country's governance. To do so, the woman needs to feel empowered and safe within her family and her community.

Some Rwandan people believe that defending women's legal rights and gender principles may to some extent disturb family tranquility and eventually lead to family disruption. Woman's role within a Rwandan family is the cornerstone of national development. A Rwandan woman is foremost concerned with the welfare of her family, but she deserves to be free to enjoy her rights as a person, as a global citizen, and as a member of Rwandan society.

Women are over 50% of the population in the Rwandan population. Our country needs women-friendly policies aimed at ensuring all necessary conditions for women to fulfill their responsibilities and enjoy their rights. There are still legal provisions that violate Rwandan women's rights. The country needs new laws to reduce or remove those obstacles which hinder women's rights.

The typical Rwandan family is comprised of the husband, the wife, and children, and is the basic unit responsible for:

- building unity and love and creating conviviality among family members
- defending the interests of family members
- caring for family members and ensuring their good education to make them good citizens dedicated to the national development.

The Rwandan government emphasizes women-friendly policies and initiatives which ensure genuine participation of women (based on family unity) at the global level. This emphasis stems from historical inequalities. There is an urgent need to raise awareness so that all family members have equal opportunities and rights.

The government's policies and initiatives include:

- International Convention on Eradication of All Forms of Discrimination Against Women (CEDAW)
- Resolution 1325 of the UN Security Council, which advocates for the role of women in peace agreement negotiations
- Millennium Development Goals [MGDs]

- The Rwandan Constitution of June 4th, 2003 which revisits gender equality and freedom from discrimination in general and between women and men in particular
- Vision 2020
- Poverty Reduction Program and Specific Women Empowering Actions
- A permanent Secretariat to follow up implementation of the Beijing conclusions especially those pertaining to the respect of gender equality, peace, and development.
- Involving women in decision-making, especially at the local level.

Unfortunately, be they international initiatives or national women friendly laws, some Rwandans consider guarantees of women's rights to be hindrances to family welfare rather than contributing to its construction, unity, and development. As it applies to Rwanda, the Vision 2020 program leads to the following question: which woman, which man, which youth, can lead Rwanda to development within Vision 2020?

Such is the context within which this conference is organized. The objective is to share ideas on concrete actions that will foster welfare and tranquility in Rwandan families, ensure respect of everyone's rights, and to remove legal obstacles and negative perceptions and prejudices.

The national conference described in this report brought together people at all levels: government officials at central and local levels, representatives from NGOs, and citizens. The conference was broadcast live on national radio in Kinyarwanda. Some of those unable to attend called in to offer input.

Objective of the conference and expected results

The objective was to explain and sensitize people on women's legal rights in relation to safeguarding welfare and tranquility within and among Rwandan families.

Expected results:

- Participants will learn more about women's legal rights
- Participants will understand more about family member's roles in safeguarding family welfare and tranquility
- Participants will disseminate positive perceptions among other Rwandans, including their families
- Participants will seek to know more about those legal instruments and disseminate them within their respective families
- Eliminate or negate negative perceptions and prejudices for individuals who still think women's legal rights can lead to family disruption
- Develop viable strategies that promote the role of women in family welfare and national development and enable recourse to legal channels to defend women's rights.

Conference Participants

- Rwandan government representatives, especially those involved in women's rights
- District and provincial authorities
- Non-governmental organizations (NGOs)

- Media
- International organizations related to the conference theme
- The general public who followed conference proceedings on live radio transmission.

Invitations to the conference took into account equal gender representation and geographical diversity.

Summary of conference results

Women's Legal Rights and the Rwandan Family conference was held at the Novotel Hotel on March 16 2006. After opening remarks, panels presented talks on the role of women, men, and children in safeguarding family welfare and tranquility; women's legal rights; and observing gender-friendly laws in Rwanda. A diverse audience of 83 attended, and the general public was included through a live broadcast of the conference in Kinyarwanda during the day. Panel members took questions from the audience and from call-in participants from throughout the country.

In the afternoon, working groups discussed specific strategies to reduce prevailing problems in Rwandan society and families, and the importance of respect for all family members in the context of women's equality in Rwanda. The groups presented conclusions and recommendations for action. The closing ceremony was led by Mr. Kevin Mullally, Director of USAID/Rwanda, and the final speech was given by Madame Edda Mukabagwiza, the Minister of Justice.

An important conclusion was that, although there are obstacles to achieving the full, equal rights as presented in Vision 2020, respect for family members' rights, especially women's rights, is vital to establishing a strong Rwandan family and society.

I. OPENING THE CONFERENCE



Welcome remarks

In her welcome remarks, Lyn Beth Neylon, Legal and Gender Specialist for WLR Rwanda, said:

“Good morning, distinguished guests. Thank you for participating in our national discussion on Women’s Legal Rights and the Rwandan Family. My name is Lyn Beth Neylon, and I supervise the Women’s Legal Rights Initiative, which is funded by the USAID Office of Women in Development. Our objective is to promote and strengthen women’s rights around the world, and encourage the participation of women in economic, social, and political life, because development progress depends on the equality and participation of women and girls in society.

I would like to thank our partners, particularly the Ministry in the Office of the Prime Minister for Gender and Family Promotion, the Ministry of Justice, and the NGO HAGURUKA. Thanks also to our WLR Rwanda Coordinator, Rose Mukantabana, who, with our partners, organized this event. WLR Rwanda organized this conference in response to interest from the Ministries, from Parliamentarians, and from NGOs, to have a national discussion about how women’s rights can create strong, healthy families, which will also strengthen communities and the entire Rwandan society. The conference will be broadcast live on government radio today, to reach the greatest number of people possible.

It is my great pleasure to be with the Rwandan people today, and to participate in this conference, entitled “Women’s Legal Rights and the Rwandan Family.” I will take this opportunity to invite the representative of the Minister of Gender to open the conference. Je vous remercie.”

Official opening

Officially opening the conference was Niwemfura Aquiline on behalf of the Minister in the Office of the Prime Minister in charge of Gender and Family Promotion (MIGEPROF); she is also the National Executive Secretary for the follow-up to implementation of the Beijing Women’s Conference recommendations. She thanked participants for their valuable attendance, and organizers (especially USAID) for their support through the Women’s Legal Rights Initiative.

Madame Niwemfura stressed that MIGEPROF feels that recommendations and ideas from this conference can help strengthen Rwandan families as regards respect of women’s rights. MIGEPROF works to change mentalities and attitudes towards sex and gender roles, particularly regarding family stability and domestic violence.

She pointed out that the role of women in family and national development is vital, especially now, since the Rwandan genocide period has created so many women-led households. As a majority of the country’s population, recognizing and fostering women’s rights is vitally important to the country.

Madame Niwemfura also noted the importance of the debate including a variety of Rwandans’ input, and of the discussion addressing prevailing inequalities. She asked participants to analyze attitudes about gender roles, assess current obstacles, and present solutions.. She noted that there are positive cultural aspects Rwandans can apply to maintain harmony within and among families.

Finally, she emphasized that Rwandan family members have vital roles to play to maintain family harmony and that the conference would offer effective and practical strategies to this end

II. SUMMARY OF PRESENTATIONS: FAMILIES

The roles of family members

On the roles of wife, husband and children within a safe, secure family unit, the main presenter was Mujawayezu Agnes, executive secretary of the umbrella association of NGOs, Profemmes/Twese Hamwe. Co-presenters were Ngarambe François, a teacher in IFAK and his partner Kagoyire Solange Yvonne.

Major points highlighted by Madam Mujawayezu Agnes:

Characteristics of a good, happy family unit include:

- The feeling that one may confidently discuss and collaborate on issues regarding finances, children’s education, health and shelter

- Love and tenderness between family members
- Peace, tolerance, and a feeling of unity between a family and its neighbors.

She stressed that there is a connection between healthy, harmonious families and global security.

Positive qualities in a marriage

Love, kindness, discipline, wisdom, clear-sightedness, integrity, discretion, bravery, sacrifice, generosity and compassion (caring for the vulnerable), mutual respect, chastity, faithfulness, tolerance, trust, loyalty, seeking advice in all matters (especially family and property management, children's education), being good role models, collaboration and agreement regarding family issues including children's education and finances.

Problems in a marriage or partnership

a) Domestic violence

Misunderstandings between partners is normal, but domestic violence should never occur. Domestic abuse includes emotional and psychological abuse. Perpetrators of abuse can be male or female, and can be other relatives or neighbors.

Examples of domestic violence or abuse committed by male perpetrators may include: refusal to feed, clothe, or care for the family; being unfaithful; battery and/or psychological abuse of spouse and/or children; murder; rape of children or female relatives; and selling children into prostitution. Other examples of domestic violence or abuse committed by females may include physical abuse of children or exploitation of domestic workers or children.

Madame Mujawayezu noted that children who grow up in abusive households tend to follow that pattern as adults. Or they may run away and live on the streets, which may also occur with a battered spouse.

In an abusive environment, children may be particularly vulnerable. Some teens act out or escape by running away and living on the street. However, in some cases, older children may actually be perpetrators of domestic abuse, control, and/or violence. Some examples include battery, verbal abuse, theft, and destruction of property. Madame Mujawayezu stated that abusive behavior by children against parents or other family members often goes unreported. Parents may feel ashamed because they feel they have failed as parents.

b) Poor communication and other problems

Some marriages suffer because of poor communication. Spouses sometimes fail to listen to one another. One spouse may be more interested in "winning" an argument or confrontation than in sorting out the problem. The other spouse may fear confrontation, and instead keeps his or her feelings inside. There can be a lack of trust in a marriage.

Many Rwandan families are poor and have trouble meeting their basic survival needs. This can make people very anxious and scared.

Lack of family planning can result in having too many mouths to feed and this can increase anxiety and discord at home.

Finally, Madame Mujawayezu told participants that there are ways families can cope, and even achieve stability and happiness.

To complete Madame Mujawayezu, the Ngarambe's (who were invited as example of a good family) explained that welfare and tranquility are quite possible within family and that there exist enabling strategies.

Valuing one's partner as a gift from God makes one appreciate and nurture his or her relationship. If you say, "I looked for you and you looked for me, we met and decided to live together for ever" as opposed to the attitude, "I myself chose you."

What does it mean to be "family"? It should mean a lifetime commitment where each member "brings his stone or his painting to the family building."

People should understand that having a marriage is not just about the ceremony or following social mores, that you are the "right" age or because you have sufficient means. It is about love, unity, compatibility, and about raising children.

Six Strategies for a Strong and Happy Family

1) Consider the good qualities of our loved ones

People often focus on the negative, whether they talk about it or not. Bottling up negative feelings is counterproductive. If one partner constantly criticizes the other, the other might feel he or she is unable to do anything to make the other partner happy, and think "why bother changing?" It is better to encourage healthy behavior and attitudes.

2) Show you care for your loved ones in small ways

- Identify what the other person likes, and look for what she/he needs
- Remember one another's birthdays and other important dates
- Greet one another in the morning, say goodbye when leaving the house and goodnight when going to sleep. Say "God bless you" when your partner sneezes
- Tell your partner she is beautiful or he is handsome and that you are proud of him or her. (Should you fail to pay your partner compliments, others may do so and attract him or her)
- If the wife is pregnant, her husband should be especially gentle with her and be involved in pre-natal consultations. The baby will sense this caring and will feel it belongs to both parents. Men should be involved with child care once the baby is born—cradling the baby until it sleeps, for example.

When getting ready to go out, women often take longer since they pay attention to details. Some men may get angry and remain in a bad mood because of such delay. To prevent this, the husband should ask what he can do to help, e.g. get the children ready,

prepare food for children, make up the bed or listen to domestic workers' concerns. Being involved in these tasks will result in a happier home life.

3) Consider what you can change in your behavior or tone of voice

No one is necessarily an "angel" among family members; each person may have weaknesses that others have difficulty tolerating. It is important to consider improving one's behavior to become a better person with which to live. Asking others in the household how they perceive you can be difficult, but worthwhile. Consider humbly accepting what you are told instead of getting defensive. This can be a bitter pill, but healing medicine.

4) Ask for and grant forgiveness

It can bring you and your family peace and happiness.

It can be especially hard for men to apologize and ask for forgiveness. While it's typical to expect children to apologize, parents may find it difficult to reciprocate. Parents asking forgiveness of their children sets a good example.

5) Spend quality time together, as a couple and as a family

Spouses should spend time together just the two of them - to celebrate being a couple and enjoy each other's company. Equally important is to take time to be a family. Such practices strengthen the family unit.

6) Set aside time to discuss any issue or problems

Many families do not talk enough.

Partners should talk about all issues: current events, children's education, property management, aid to relatives, progress of household workers, family planning, their sex life, and other matters. Parents should also set aside time to speak to each child. In case of punishment, children need to understand that both parents agree. As parents consult each other, they can consult their children as well. Children often have extraordinary and constructive ideas.

The Ngarambes concluded in their presentation that implementing these strategies would foster peace, tranquility, and harmony within families. They added that one's family is the place to learn how to be good parents in the future.

III. SUMMARY OF PRESENTATIONS: WOMEN'S LEGAL RIGHTS

The first presenter on women's legal rights was Ntete Jules Marius, prosecutor/national competence, on behalf of Prosecutor General Mucyo Jean de Dieu, who was unavailable to attend. Co-presenters included General Secretary of the Rwandan Ministry of Justice Busingye Johnson, and Commissioner with the Rwandan Commission of Human Rights Madame Kanyange Anne Marie.

In his presentation, Ntete Marius highlighted women's rights included in international human rights instruments and Rwandan laws. He also talked about issues which hinder realization of those rights in Rwanda and some of the laws that protect women's rights. Mr. Busingye appealed to all citizens to be involved and spoke of ways to prevent violence. Madame Kanyange discussed how women's rights are guaranteed on a

worldwide basis, and about national laws and observance of women's rights in Rwanda from before the colonial era and to the present day. All presenters agreed on the importance of realizing women's rights.

Ntete pointed out that international conventions prohibit sex-based discrimination. Some international laws and conventions that guarantee women's rights are:

- The 1948 Universal Declaration of Human Rights, which stipulates in Article 1 that all people are born free and equal in dignity and rights.
- The 1951 International convention refers to equal pay for equal work for men and women.
- The 1966 International Covenant on Civil and Political Rights stipulates in Articles 2 and 3 that State parties must ensure that women and men enjoy rights enshrined in that treaty, which Rwanda ratified in 1975.
- The 1966 International Covenant on Economic, Social and cultural Rights stipulates in article 3 that women and men equally enjoy rights enshrined in the Covenant. Rwanda ratified the Covenant in 1975.
- The 1979 Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which Rwanda ratified in 1980. This convention requires State parties to establish a method of implementing women's rights. The Rwandan Constitution of June 14, 2003 reaffirmed the need to establish the same. According to the United Nations, CEDAW is the only human rights treaty which specifically affirms the reproductive rights of women, and targets culture and tradition as influential forces shaping gender roles and family relations.
- The African Charter on Human and Peoples Rights condemns discrimination; article 18, point 3 says that States parties must eliminate discrimination against women and protect women and children's rights enshrined in international law.

Mr. Ntete noted that there are other conventions prohibiting gender-based discrimination, and he briefly discussed women's and family's rights. All international conventions stress that equality among women and men is a government responsibility. He said that Rwandan law still has provisions that discriminate against women.

Some areas of the law in Rwanda that discriminate against women include:

- Rwanda ratified the CEDAW in 1980 but has not implemented the required legislative measures.
- The law establishing the Rwandan civil code contains discriminatory provisions: article 83 says that a woman legally resides where her husband lives (but not the other way around); article 206 states that "the husband is the head of the family, of which he is a member together with the wife and their children"; article 354 states that "the father and the mother are entitled with parental authority; in case of discord, the father's decision prevails."
- The Rwanda penal code is discriminatory in regard to imprisonment for adultery—the penalty is one to six months for a husband and up to one year for a wife.
- There are also numerous discriminatory provisions related to labor law at the domestic and international levels.

Mr. Ntete went on to say that there is a political drive to address gender discrimination issues in Rwanda and that progress has been made.

Rwandan laws protecting women's rights, provisions and other positive actions include:

- The existence of the Ministry of Gender and Family Promotion
- The Constitution of the Republic of Rwanda.
The 4th Constitutional principle reaffirms equality among Rwandans.
The Constitutional requirement of a minimum of 30% of decision-making positions to be held by women.
The Constitution contains provisions which pertain to fundamental human rights granted both to women and men in the following provisions: article 11 (stipulates all Rwandans are born equal in freedom, rights and responsibilities; this article prohibits any gender-based or other forms of discrimination); article 16 (stipulates all people are equal before the law, and emphasizes that the law protects them in the same way without discrimination); and articles 17-29, 37, 40, and 45 (all reaffirm rights granted to both sexes).
- Law no.22/99, dated November 12, 1999 that completed the first book of the civil code and established section 5 related to family property, liabilities, succession, and inheritance. Specifically, article 50 grants equal rights to both boys and girls as regards inheritance.
 - A 2001 law significantly increased punishment for raping a child. There is also speedier prosecution today of rape cases.
 - The draft revised Rwandan penal code provides a section on adultery and concubinage. Both will be punishable by law; article 186 provides for equal punishment for men and women convicted of these crime.

Legal and judicial reforms continue. Reaching the goal of 30% female representation in decision-making judicial positions will help in the prosecution of gender-based violence crimes. Female victims usually feel more comfortable discussing these matters with other women than with men.

Concluding, Mr. Ntete noted the progress made in women's legal rights and said there is still much to be done.

The role of law and society in preventing and fighting violence against women and children

The presenter for this topic was Busingye Johnson. He said that violence against women has long been a critical issue and that perpetrators are not seriously punished. Violence against children and women is a pervasive worldwide problem. There are different types of violence: physical violence, moral violence, and sexual violence.

Gender-based violence takes place at home, at school, and at work. In Rwanda specifically, the statistics do not tell the whole story. Many types of violence are hidden and go unreported, especially when the perpetrator is a family member or authority

figure. Root causes of such violence include perversity, ignorance, poor education, and drug addiction.

The number of incidents (and/or reporting) has been increasing over the years. Between 1995 and 2002, 3,004 individuals were prosecuted for rape cases. From January to November 2002, the National Police recorded 1,732 cases. In 2004 and the first quarter of 2005, 2,309 children from under three to 18 years old were defiled; 6,104 cases were prosecuted and 1,458 were tried in courts. In addition, 94 babies were killed by parents.

As Mr. Busingye explained, for such violence to be eradicated, concerned citizens and organizations should collaborate and come up with strategies. All people involved (victims, witnesses, neighbors, and local authorities) should play a role in combating violence against children and women. Citizens and leaders should be aware of their roles and responsibilities, and those should be set by law, punishing whoever fails to meet their responsibilities. Responsibilities for stopping violence should be shared.

- Local authorities should sensitize the population about GBV prevention within families and encourage victims to seek help and report the crime immediately. They should also encourage parents whose children are victims of sexual violence to report the crime.
- National police should speed up GBV cases, quicken response times, and strengthen the capacity of police units in charge of responding.
- Medical associations should train doctors to take particular care of children and women who are victims of violence, especially rape. Medical associations and doctors should offer free treatment to victims and help victims report such crimes.
- The National Women Council should advocate for women and children and all victims of sexual violence.
- Prosecutors and the courts should expedite rape cases, establish a specific department in charge of victim and witness protection, and collaborate with medical doctors on evidence and other expert opinion. If possible, rape cases should be tried at the scene.
- There should be media coverage of rape trials and their outcomes, as well as public information regarding the prevalence of violence against women and children.
- The Ministry of Local Administration should integrate in its public discourse the issue of violence against children and women. The Ministry of Justice should reform the penal code to establish stricter laws punishing violence against women and children. These bodies should conduct research on such crimes. The Ministry of Health should educate medical personnel on how to tend to rape victims. Specifically, medical personnel could offer follow-up instructions related to free consultation and treatment for rape victims.
- The National Assembly should conduct community consultations to educate the populace about violence perpetrated against children and women and assess government involvement in fighting violence.
- Human rights organizations are responsible for advocacy, research, and mobilization around the issue of GBV.

Mr. Busingye pointed out that Rwandan citizens should play an important role in reporting crimes promptly and accurately. For any citizen who has knowledge of a crime, the following are specific responsibilities:

- Any citizen above the age of 18 must call for help, report the incident to the local authorities or National Police; failure to do so should incur punishment.
- Neighbors should aid the victim, call the local authorities or National Police; failure to do so should incur punishment.
- Communities should organize meetings to denounce and condemn gender-based violence.
- Local defense should come to victims' aid and inform the police about such incidents.
- Sector coordinators should organize meetings denouncing violence and collect statistics on gender-based violence at the sector level.
- Women council representatives need to advocate for victims of violence and teach women about their rights.
- Police officers should ensure the victim's security and privacy, speed up and handle instances of GBV with due care.
- Doctors should immediately receive and care for a victim of GBV and expedite the collection and analysis of physical evidence.
- The prosecuting officer should act promptly in any incidence of GBV.
- Judges should expedite holding trials and listen to victims' testimony behind closed doors.
- Society should advocate, mobilize, call for help for the victim, and denounce corruption or other practices which hinders the fight against violence.
- Judges, prosecuting officers, and other authorities should do their best to prosecute, try and judge the case at the scene of the crime.
- Media should report violence crimes, especially the name of the perpetrator, the crime itself, and the sentence.

Concluding his presentation, Mr. Busingye Johnson noted that fighting violence should include concrete actions based on the following:

- Knowledge: the people of Rwanda need to understand that gender-based violence is a crime against human rights. It has a negative impact on the victim and victim's family, on Rwandan society, and the whole nation.
- Understanding and fulfilling one's responsibilities: concerned people should always evaluate how their responsibilities in fighting violence are fulfilled and set up alternative strategies when needed.
- Collaboration and transparency: organizations and different categories of the population should work together in accordance with their responsibilities under the law.

Echoing what was said by Ntete Marius and Busingye Johnson, Kanyange Anne Marie began her presentation by reminding the audience that women's rights do not differ from those of men. However, since women experience widespread victimization, women's rights deserve particular attention. She highlighted four reasons for Rwanda to put an emphasis on women's rights:

- Women are human beings
- The majority of illiterate Rwandans are female; thus when they are victims of a crime, they are uneducated about their rights

- Women are children’s primary caregivers and educators, and so are in a position to instill the culture of respect for human rights
- Women constitute a majority of the population and play a key role in work production; thus, they need to know about their rights to help them increase production.

Progress in Women’s Rights

Madame Kanyange noted that progress has been made in women’s rights, from the pre-colonial period to the present.

Women had few rights during the pre-colonial period; during that time, ill treatment of women arose from a culture that considered men to be superior to women in education and work.

Traditional education reinforced differences between girls and boys. At ten, a young girl had to remain within the household and was not allowed to know what was happening outside the household. She was only trained in housekeeping activities. Her brother was educated in “*itorero*”¹ and given life-coping skills. Boys carried out energetic activities such as carpentry, forge, carrying people in traditional carriers, while girls carried out supposedly easy activities such as cooking, weeding, weaving, and other household activities.

Traditional gender roles about work violated women’s rights because women were excluded or prohibited from many important and useful activities, and women were responsible for many supposedly easy household activities considered culturally unfit for men but that were actually numerous, exhausting, and demanded many skills.

Rights of the married woman

Marriage was a contract between families rather than spouses. Dowry² was a symbol that the women were considered to be the property of her in-law family, and that children belonged only to the husband’s family, the role of the wife being to rear those children. If a couple could not have children, society always blamed the woman. If they had no male children, people assumed the woman was at fault, and considered her useless.

Participation in family property management and governance

Women were involved in family production activities but were not allowed to own property. They always use the terms “belonging to other” (the other being the husband) even in regard to their own children.

¹ *Itorero* : a place where young people used to meet and were trained in warring technique, public speaking and negotiation skills, traditional dance, etc.

² Dowry or « *Inkwano* » is composed of things, generally cows, that the family of the boy gives to the family of the girl for marriage.

A daughter could not inherit property. If she divorced, she received “*inzu y’uburushyi*”³. If her husband died, the family property was managed by the husband’s family or her elder son. Only women from wealthy, prominent families had a say in family property management.

Women were not allowed to speak in public; they had to delegate their questions or opinions to their husbands or brothers. Concubinage also demonstrated that women were considered objects or property. Furthermore, conflicts over property and inheritance were common among concubines and their children.

For women to participate in governance, she had to be royalty — either the queen, the queen’s mother, the chief’s wife, or the chief’s mother.

Women and penal laws

Penal laws violated women’s rights, as shown through traditional practices such as chasing away any unmarried woman who became pregnant (but with no punishment for the baby’s father).

Women in traditional beliefs, rituals and taboos

Traditional Rwandan culture harbors a host of beliefs, rituals, and taboos that violate women’s rights. For example, the belief that woman should not speak in public. Some proverbs demonstrate this thinking: “*nta nkokokazi ibika isake ihari*” means “no hen cries in the presence of the rooster;” “*uruvuze umugore ruvuga umuhoro*” means “when the woman speaks within the family, fighting starts.” Other proverbs suggest that no woman should climb to construct a house, and woman should not milk cows.

These attitudes encouraged behavior that has been a loss for women and the nation, wasting women’s abilities and strength. Due to such injustice rooted in social beliefs, everything in history is attributed to men. Women have been considered like children or immature individuals needing guidance or representation, rather than equals of men.

Colonial era

Colonization brought schools, money, towns, and paid employment. The first girls’ school was founded in 1909, nine years after the boys’. During the entire colonial period, boys’ schools and girls’ schools in secondary education were separate and taught different subjects. Girls’ schools generally prepared girls to become nurses and low level teachers, or taught good housekeeping skills. Boys could study in minor and senior seminary, learn science, and attend advanced high school and foreign universities.

Obstacles to girls’ education negatively impacted on women’s job prospects. During that period, few women could access paid employment, and access to work in business was unknown.

³ *Inzu y’uburushyi*: a small house given to the woman separated or divorced from the husband. It was given by her father or brother together with a small piece of land but she had no owner rights.

During the colonial era, customary laws prevailed over written ones. The terms of the Universal Declaration of Human Rights were never applied, which was the responsibility of the colonizers, because their countries had ratified the UDHR.

Post independence period

After independence, Rwanda established written laws and ratified existing international human rights instruments. However, the gender equality principle was not respected in many areas such as education, employment, economic access, and politics.

Rwandan women's rights in International Human Rights Law

- The Universal Declaration of Human Rights (UDHR) of December 10, 1948, especially articles 1, 2, 7 and 16. Rwanda adhered to the UDHR on September 18, 1962. The UDHR is not a legally binding document. For this reason, subsequent international covenants and conventions, which are legally binding, were promulgated. States ratifying these instruments are bound to their terms and must change legal provisions contrary to these conventions
- The International Covenant on Civil and Political Rights (ICCPR) of December 16, 1966, especially article 2, article 3, and article 23. Rwanda ratified the ICCPR on February 12, 1975.
- The International Covenant on Economic, Social and Cultural Rights (ICESCR) of December 16, 1966 especially article 2 and 3. Rwanda ratified the ICESCR on February 12, 1975.
- The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) of December 18, 1979, which Rwanda ratified on November 10, 1980.
- International Convention on Women's Political Rights of March 31, 1953; Rwanda ratified it on December 31, 2002.
- The International Convention of February 20, 1957 on the Nationality of Married Women. Rwanda ratified it on December 31, 2002. Some of the terms of this convention provide for equal opportunities to women and men in marriage, and relate to changing or keeping their nationality.
- The International Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages of December 10, 1962. Rwanda ratified it on December 31, 2002. Some of its terms require States to establish mechanisms regulating marriage by consent and mutual agreement of partners, national legislation establishing the minimum age for marriage circumstances, and registration of marriages in appropriate civil books.
- The Convention for suppression of the Trade of Human Beings and Exploitation of other People's Prostitution of March 21, 1950, ratified on December 31, 2002. One of the requirements for States parties is to develop strategies to combat prostitution and ensure social reintegration of former prostitutes.
- Additional Protocol of the African Charter on Human Rights of July 2003; Rwanda ratified it on June 24, 2004. The Protocol requires State parties to eliminate all forms of discrimination against women and especially to assist vulnerable women.

Women's rights in Rwandan law

Complementing Ntete's presentation, Commissioner Kanyange added two ways that Rwanda has attempted to grant equal rights' protection for men and women. The new Constitution of June 4, 2003 provides for "Gender Observatory". Also, Rwanda has a National Women Council in charge of women's rights issues.

Obstacles to realizing women's rights in Rwanda

Like his co-presenters, Commissioner Kanyange highlighted some of the obstacles to achieving women's rights in Rwanda. The issues she mentioned were culture, ignorance, aftermath of the genocide and war, gender-based violence, poverty, discriminatory laws, and lack of observance of women-friendly laws. She also mentioned that there are few women with higher education, university degrees, or technology skills.

Gender-positive laws and principles in safeguarding family tranquility

Presenting on gender-friendly laws was Mr. Mutamba John, Director of Gender issues in MIGEPROF, with co-presenter Madame Gasinzigwa Oda, President of the National Women Council.



Mr. Mutamba opened his speech by pointing out that the future of Rwandan development should be characterized by peace, collaboration, and unity among all Rwandans, and that

the family is the country's basic unit. Thus, a nation aspiring for peace should build families that respect equality among all family members.

He further explained that gender identification means that males and females have innate differences — physical characteristics as well as acquired features based on socialization. Socialized behavior and attitudes confer varying responsibilities, behavior, attitudes, power, rights, and value in society. These differences can lead to inequality.

Like his co-presenters, Mr. Mutamba noted that Rwandan history reveals many practices that still hinder gender equality, beginning with the way parents and the society treat girls and boys unequally. Children take the ethnic group or lineage of the father and some Rwandans do not yet accept the right of women to inherit family property. There still exists what is traditionally called “*incike*” (a woman who hasn't borne any child or a male child).

Like his co-presenters, Mr. Mutamba presented some achievements Rwanda has made in promoting gender equality:

- Millennium Development Goals.
- Vision 2020, the National Poverty Reduction Strategy and gender policy.
- Women now participate in national life at all levels (health, education, economic, social, justice, political, security) and are involved in fields such as masonry, husbandry (especially owing and raising cattle), and political life.

In general, Rwandans support and are concerned with gender issues, as evidenced by the constitutional referendum and support of other new women-friendly laws in areas such as succession, inheritance, and land. Rwandans seem to hold women in esteem, as seen in recent local elections. Girls and women now study subjects formerly reserved for boys and men, such as craft art, masonry, carpentry, and mechanics.

Mr. Mutamba said that there remain obstacles in Rwanda to full gender equality, such as:

- Ignorance or misunderstanding of gender roles can create mistrust among men, and hinder women from fulfilling their responsibility within the family.
- Discriminatory legal provisions.
- Confrontations which may arise between men and women regarding the perception of better opportunities and treatment of women in foreign cultures.

Mme Gasinzigwa spoke about promoting women's rights. She stressed the importance of both sexes addressing issues such as polygamy and succession. Acts aimed at promoting women's rights would include family counseling; training to bring women and men together to promote mutual understanding; assessing and promoting positive attitudes; and denouncing those who hinder equality. She suggested holding meetings with youth to hear their ideas on gender issues and the family, and on combating gender-based violence.

IV. PLENARY DISCUSSIONS

The following issues and possible solutions were discussed in working groups and reported back to the whole audience.



Observance of Laws Regulating the Family

- The issue of “illegal” marriages (when couples live together but are not legally married): in some cases, men react violently when women press the issue of legalizing the union with a legal marriage. Viable strategies are needed to eradicate such practices.
- The practice of polygamy, especially in Ngororero and Nyabihu. Polygamy negatively impacts family life. Participants agreed that while the practice used to have benefits to society, it is now detrimental and should stop. Negative consequences include property rights issues and inheritance, as well as instances of women killing their husbands in retaliation for their poor treatment. In such cases, children can become orphans, and/or become the heads of their households and become unable to attend school.
- Participants asked why the illegality of polygamy has not been enforced. The Secretary General in the Ministry of Justice replied that the draft revised penal code differentiates adultery from concubinage, and that it only applies to legal families (families where the husband and wife are legally married). Alternative strategies are needed to eradicate illegal marriages.
- Some women are refused access to property they acquired with illegal husbands, or because they did not have paid work. Society must acknowledge and value

housekeeping, raising children, and other traditional “women’s work” such as acting as the social liaison with the community.

- Women are often still excluded from family property management.

The following were cited as causes of polygamy and illegal marriages:

- Some young girls and women consider men as their Providence to get them out of poverty and other problems; women need to understand they can be strong and financially take care of themselves. Women should know their rights and family responsibilities. They should not equate making a family with simply having a husband.
- There are related problems for some women who fail to fulfill their family responsibilities.

Strategies

- Women and men in cohabitation for a certain period, should be considered legally married.
- There is a need to address trauma of women in polygamous unions once the man takes another wife.
- Local authorities should address other possible problems such as property sharing and children’s education.

General violence and domestic violence: issues and answers

The problems of GBV, domestic violence, and violence in general were discussed, and some possible solutions were offered. All groups agreed that police must deal properly with family members who ask forgiveness for relatives who are prosecuted for domestic violence because the relatives fear for the family’s financial well-being. Conference participants believe that livelihood conditions should not hinder prosecution of a crime. Some participants asked whether spousal battery is punishable under the Rwandan penal code, because it is never prosecuted.

Other views and suggestions:

- Domestic violence is due to a failure of spouses to “fulfill responsibilities.”
- Establishing principles to foster family harmony would make it easier to identify who has infringed on the other’s rights.
- There are differing roles for society, authorities, and families in fighting domestic violence and defending the victim.
- Local authorities should play a key role in fighting domestic violence and protect human rights in general.
- Punishment should be increased for perpetrators of GBV and domestic violence.

Children's rights: issues and answers

- Children do not have the right to choose school subjects.
- Rwandans who followed the conference proceedings in areas where forced marriages exist asserted the practice is disappearing, but that children still suffer exploitation and are often blocked from education.
- Parents living separately negatively impact on children's growth and education.
- The law should punish men who impregnate women and fail to provide for the children.

Human rights observance in general: issues and answers

- Attitudes and words of some people are still tainted with violence.
- Women are not involved enough in peace negotiations.
- Types of gender-based violence are still observed in some religious confessions.
- Regarding issues that may not be addressed by courts and tribunals due to the current judicial reform and court closures, the Secretary General of the Ministry of Justice informed participants that courts and tribunals are due to resume their activities as usual very soon.
- There should be continued legal assessment of laws that violate human rights, and women's rights in particular, and the establishment of newer, fairer laws. Laws alone cannot remedy the situation; there must be collaboration among law enforcement agents. Many crimes go unreported. Local authorities and the community have a responsibility to report crimes.
- Men should understand their responsibilities and roles in global plights such as wars, especially for being "hardliners" and uncompromising during peace negotiations.
- Failure of some to change prejudices and attitudes; there is a need to stress positive aspects of both sexes.
- Since violence occurs mainly where ignorance prevails, there is a need for new laws and education in Rwandan society.
- Participants were reminded about the underway draft legislation to prevent gender based violence; some provisions provide for the responsibility of each family or Rwandan to protect and rehabilitate his/her fellow.

Concluding the plenary session, the Secretary General in the Ministry of Justice informed participants about the upcoming meeting of the Ministry of Justice to develop an action plan to fight against violence.

V. CONCLUSIONS AND RECOMMENDATIONS

Basing on presentations and views from different parts of the country forwarded via Radio Rwanda, participants discussed in working group the following:

- Main elements disturbing family welfare
- Role of wife, husband, children and legal rights for each.
- Obstacles hindering their full participation in family welfare.
- Image of the wife, husband and the child of the Rwandan family in Vision 2020 that could serve as a model in educating youth and Rwandans in general.
- Strategies aimed at protecting and promoting rights of family members in safeguarding family welfare.

Out of group discussions, participants drew the following conclusions:

Main elements disturbing family welfare:

- Illegal marriage, marriage based on finances, absence of consultation, lack of communication, failure to fulfill responsibilities or help with domestic work, lying, adultery, alcohol abuse, ignorance, greed, property wastage, poverty, gender prejudices, poor knowledge of laws and fundamental human rights, non-observance of laws, some legal provisions containing inequalities, mobilization which does not reach all of the population.

Roles and legal rights of individual family members

- No new ideas came up apart from presentations and discussions.

Obstacles hindering full participation in family welfare:

- Poor knowledge of laws and fundamental human rights, non observance of laws, some legal provisions containing inequalities, mobilization which doesn't reach all of the population, poverty, ignorance.

Ideal image of family members in Vision 2020:

- Husband: ideally, he has integrity, is a peacemaker, fulfills responsibilities of family welfare, is enlightened, clean, has tenderness and gives compliments, is tolerant, confident, humble, not dominant, prone to ask for and give forgiveness, lucid, accepts legal marriage, respectful of family members, cares for his partner, always shows love and tenderness to family members, knowledgeable about gender and rights for each family member including household workers and defends those rights, passionate about work, faithful, consults and is consulted, listens carefully.
- Wife: The same as husband, with a special emphasis on being peaceful, enlightened, and clean.
- Child: works hard, consults and is consulted, listens carefully, obeys his/her parents, and is peaceful.

Strategies for Rwanda to help protect and promote family members' rights in safeguarding family welfare:

- Speed up holding “Gender Observatory.”
- Review and change discriminatory laws and enforce the existing gender-equitable laws.
- Remove cultural obstacles such as depriving women the right to access family property.
- Punish those who disturb family welfare and harmony.
- Prosecute and punish adultery publicly, and not only when the victim has officially reported the crime.
- Support women’s empowerment (in terms of knowledge and income).
- Educate people on their legal rights.
- Leaders should be role models.
- Mobilization in public meetings bringing together spouses.
- Create discussion group among spouses.
- Legal education so that everyone knows the law, and punishment for failure to respect the law.
- Educate youth and spouses on family harmony using training committees at the grassroots. Such committees should report violence in their areas.
- Sensitize all people to ensure security of their fellow citizens, especially among family members.
- Teach gender sensitivity in families and schools.
- Educate journalists to be gender-sensitive in their reporting.
- Help develop self-esteem skills among Rwandan women.
- Different organizations and categories of the population should report any violence they have witnessed or heard about.
- Promote education of children.
- Sensitize parents to give equal education to their children (girls and boys).
- Religious leaders should promote tolerance and equality.

Closing Ceremony



Speech by Kevin Mullally, Director of USAID/Rwanda:

“Honorable Minister of Justice, Distinguished Ladies and Gentlemen,

It is a privilege and pleasure for me to address this very distinguished gathering on the occasion of closing this conference on the Role of Women’s Legal Rights in Safeguarding Family Welfare and the Entire Rwandan Society.

I am pleased to note that Rwanda, like many other countries of the world, considers the family as a foundation of the society. I have been told that there is a saying in Kinyarwanda that “a woman is the heart of the household” (“Umugore ni umutima w’urugo”). This saying highlights the role of women in safeguarding family welfare, and that role that can be extended to all of Rwandan society.

In this regard, USAID appreciates the fact that Rwandan women are involved in the local-decision making that is the basis for sustainable development. However, we recognize that women should be able to do even more as far as development initiatives are concerned.

For women to safeguard family welfare, there are some key issues that need their attention:

- Ensuring the unity and love among family members that will help the household to develop
- Holding education as a priority for the children in the household, and
- Defending the interests of family members and helping them to know their rights.

Women’s legal rights are an important pillar in safeguarding the well-being and harmony of Rwandan families. A good understanding of legal rights can help to spread constructive views and attitudes among family members and neighbors.

We believe that this conference is concluding with viable strategies that will promote the role of women in family welfare and national development, in particular in making use of law to defend women’s rights. As influential people in your respective areas, we urge you to build upon the skills and knowledge you have gained from this conference and help others to understand what you learned from this conference.

Your understanding will help to combat the negative perceptions and prejudices of some individuals who still think that women’s legal rights can lead to family disruption. Think about what else you can do with your experience to encourage women legal rights in your families and institutions. I thank you for your attention.”

Summary of Speech by the Minister of Justice

Officially closing the conference, the Minister of Justice, Madame Mukabagwiza Edda, thanked organizers of the conference, particularly USAID, the Minister in the Office of the Prime Minister in Charge of Gender and Family Promotion, the Women’s Legal Rights Initiative in Rwanda, and HAGURUKA Association.

She also expressed her gratitude to participants and their constructive ideas which will be taken into account in protecting and promoting women’s rights to safeguard healthy families and Rwandan society.

The conference has educated participants about Rwandan perceptions and views on the conference theme. All views and observations will be incorporated in implementing the conference’s recommendations.

The Ministry appreciated the fact that local authorities were represented and heard different views to ensure full tranquility within Rwandan families, focusing on women’s rights and gender principles. She noted her satisfaction with the many positions in social affairs held by women as the outcome of the previous elections. “They used to be the heart of the family,” she said, “and now they have become the heart of the nation.”

Madame Mukabagwiza Edda was pleased that presenters highlighted relevant national laws and that people expressed interest in and concern for these laws. She mentioned that one objective of the conference was to promote those laws, especially those friendly to women. To that end, she emphasized the importance of making the conference proceedings accessible to a wide variety of the Rwandan population. The Minister stated that observing and protecting human rights and laws will become a principle in Rwanda, and she promised an emphasis on promoting those women-friendly laws that have been

neglected or ignored. All this work will start in the family, the foundation of development towards Vision 2020, to reflect the image of the ideal Rwandan husband, wife, and child.

The Minister appreciated discussion on gender issues (which is still a problem for some people) and that all Rwandans were represented in the conference to help strategize. She appreciated the respect shown to our good cultural practices and that gender should continue to be a mainstream topic related to national development. Madame Mukabagwiza believes that conclusions and recommendations of this conference should be implemented to change negative thoughts and eliminate prejudices. People should understand, she said, that positive gender awareness helps build stronger families and is a good basis for family members to work towards sustainable development with equal opportunities, rights, and respect of national laws.

The Minister stressed that the Ministry of Justice will provide its unwavering support to similar activities. The conference was a quick way to diffuse and contribute to realizing human rights in Rwanda. She reiterated that Rwandans believe genuine development starts with families, and this will be possible through discussions and ownership of conclusions like these from today's conference. Each person's esteem begins at his/her family home or workplace. No one should cover up a bad deed or be uncaring, she said. Every family member plays a role in respecting each other's rights, the basis for a happy family and the Vision 2020 ideal.

Before concluding, Madame the Minister of Justice reiterated her gratitude to USAID for its support to the conference and concern about women's rights in Rwanda through the Women's Legal Rights Initiative.

Finally, she wished for all Rwandans secure, respectful, law-abiding families.

Report prepared by Madame Jeanne d'Arc KANAKUZE (WLR Rwanda consultant).
Kigali, March 27th, 2006; edited by Chemonics International Communications
Department and Lyn Beth Neylon, Legal & Gender Specialist, WLR

VI. ANNEXES

Conference Program

HOURS	ACTIVITY	RESPONSIBLE PARTY	CO FACILITATOR
8h00 – 9h00	Registration of participants	Women's Legal Rights Initiative (WLR), HAGURUKA	
09h00 - 09h05	Welcome remarks	Lyn Beth Neylon, Legal & Gender Specialist, Women's Legal Rights Initiative	
09h05 - 09h15	Official Opening	Minister of Gender and Family Promotion	
09h15 – 09h45	The Role of Wife, Husband, and Children in Safeguarding Family Welfare & Tranquility	Agnes Mujawayezu, Executive Secretary, Pro-Femmes	Ngarambe François, Teacher, IFAK and his wife Kagoyire Yvonne
09h45 - 10h30	Women's Legal Rights	Ntete Jules Marius, Prosecutor Busingye Johnson, Secretary General Minijust	Kanyange Anne Marie, Commissioner, Rwandan Human Rights Comm.
10h30 - 11h00	Observing Gender-Friendly Laws and Principles in Safeguarding the Family	John Mutamba, Director of Gender, MIGEPROF	Gasinzigwa Oda, President, National Women's Council
11h00 - 11h20	Coffee Break		
11h20 - 12h30	Discussion in Plenary Session	Facilitator	Presenters
12h30 - 14h00	Lunch break		
14h00 - 15h00	Working groups	Reporters of working groups	Facilitator
15h00 - 16h00	Plenary session	Reporters of working groups	Facilitator
16h00 - 16h20	Break		
16h 0 - 17h00	Conference Conclusions	Participants	
	Closing Remarks	Kevin Mullally, Director of USAID/Rwanda	
	Closing of Conference	Edda Mukabagwiza, Minister of Justice	

Conference Participants

Name	M/F	Position	Organization /Institution	Telephone number	Email
1.Mukantabana Odette	F	Vice Mayor/Social Affairs	Rutsiro District	08755077	
2.Mutamba John	M	Director/Gender	MIGEPROF	08504524	mutajohn@yahoo.com
3.Kayiraba Florence	F	Vice Mayor/Social Affairs	Kicukiro District	08303875	florencekayiraba@yahoo.com
4.Shirley Randell	F	Senior Gender Specialist	SNV	08308961	
5.Uwase Béatrice	F	Journalist	ORINFOR/ARFEM	08643685	Uwasebea2000@yahoo.fr
6.Mukasine Chantal	F	Teacher	Mutara/Nyagatare	08641776	chantal@yahoo.fr
7.Mukarubuga Christine	F	Vice Mayor/Social Affairs	Ngororero District	08493054	mukachris@yahoo.fr
8.Uwanyirigira Agnès	F	Human rights trainer	CLADHO	08613620	uwagira@yahoo.fr
9.Karangwa Jeanne	F	Journalist	Kinyamateka	08441183	
10.Rutabagaya Eugène	M	Gender Project	MIFOTRA	08304537	progender@yahoo.fr
11.Havugimana Jean de Dieu	M	Journalist	ORINFOR/TVR	08518360	hajedie@yahoo.fr
12.Mutesi Anitha	F	Vice Mayor/Social Affairs	Kayonza District	08640383	
13.Bazigaga Gloriose	F	Regional Coordinator	International Alert	08303439	gbazigaga@international-alert.org
14.Ayinkamiye Spéciose	F	Senator	Senate	08743627	sayinkamiye@yahoo.com
15.Ndegeya Alice	F	Executive Secretary	SERUKA	08503121	seruka@rwanda1.com
16.Serucaca	M	Director	Muhanga	08650019	jnzogera@yahoo.fr

Joel			District		r
17.Kayitesi Charlotte	F	Gender Specialist	Kigali City	08481142	kaylotte@yahoo.fr
18.Uwizeyimana Marie Louise	F	Journalist	Umurabyo	08596293	
19.Mukasine Marie Chantal	F	Journalist	Umurabyo	08596293	Uwize202@yahoo.fr
20.Mutesayire Josephine	F	Vice Mayor/Social Affairs	Ngoma District	08745076	Jnenpom2@yahoo.fr
21.Ruzindana Edouard	M	Vice Mayor/gender	Nyagatare District	08591644	
22.Mukahabanyi Winifrida	F		East Province		
23.Runezerwa Gad	M	Director/Training & Gender Integration	MIGEPROF	08597100	runegad@yahoo.fr
24.Kamungu Beranadette	F	Vice Mayor/Social Affairs	Kirehe District	08635030	bernakam@yahoo.fr
25.Kalinganire Dieudonné	F	Human rights protection	NHRC	08684441	Muhongerwa2003@yahoo.co.uk
26.Mbabazi Odette	F	Human Resource Manager	MINECOFIN	08586941	Odette.mbabazi@minecocofin.gov.rw
27.Mukangango Berthilde	F	Refugees protection	MINALOC	08835931	mubesth@yahoo.fr
28.Musinguzi Francis	M	Gender Adviser	USAID/Rwanda	08405361	fmusinguzi@usaid.gov
29.Mucyowera Isabelle	F	Vice Mayor/Social Affairs	Bugesera District	08420450	mucyoiza@yahoo.fr
30.Umutoni Espérance	F	Vice Mayor/Social Affairs	Rusizi District	08841294	Tony1@yahoo.fr
31.Muhisoni Rose	F	Gender Based Violence officer	National Police	08594380	muhisonir@yahoo.fr
32.Kabarenzi Violette	F	Director/Gender	KIST	08434326	v.kabarenzi@kist.ac.rw
33.Nsinga Ovin	M		V.Desian	08488328	nivo@yahoo.fr

34.Mutoni Minette	F	Attorney	Bar Association	08526003	mutoni@yahoo.fr
35.Mushashi Sebastien	M				musebastiano@yahoo.fr
36.Kabatayi Night Eugénie	F	Coordinator HIV/AIDS Project	Rwanda women Network	583662/ 08590361	rwawnet@rwanda1.com
37.Dr Hakiba Solange	F	SMI/MOH	MINISANTE	08585506	Sol-hakiba@yahoo.fr
38.Mujyambere J.Pierre	M	Lawyer	Norwegian People Aid	08623834	mujyapierre@yahoo.fr
39.Dusenge Yvette	F	Vice Mayor/Social Affairs	Gatsibo District	08638752	
40.Ingabire Marie Immaculée	F	Coordinator	Civil Society Network "ICGLR"	08300248	mikingabe@yahoo.fr
41.Murekatete Alphonsine	F	Vice Mayor/Social Affairs	Rwamagana District	08591174	malphonsine@yahoo.fr
42.Rwigira Emile	M	Translator	WLR	08532371	rwigira@yahoo.fr
43.Mugunga J.Baptiste	M	In charge of Information & communication	HAGURUKA	08626654	Mujeba2002@yahoo.fr
44.Uwineza Béline	F	Lawyer	Gacaca National Coordination	08492806 /586648	balineza@yahoo.fr
45.Afeefa Abdur-Rahama	F	Researcher	WLR		afeefa@gwu.edu
46.Roy Schilieben	M	Researcher	WLR		roy@gwu.edu
47.Kerry Contini	F	Researcher	WLR		kcontini@law.gwu.edu
48.Ndamage P.Jules	M	Journalist	ORINFOR	08525548	
49.Nyiramamatam	F	President	HAGURUKA	08307374	jmunyana@yahoo.fr

a Zaina					r
50.Mujawayezu Agnès	F	Executive Secretary	Profemmes/ Twese Hamwe	08503211	profemme@rwanda1.com awayezu@yahoo.fr
51.Kanyange Anne Marie	F	Commissionner	NHRC	08302016	Christellanne2002@yahoo.fr
52.Muteteli Edynale	F	Gender Specialist	Nyabihu District	08540601	muteddy@yahoo.fr
53.Gasinzigwa Oda	F	President	National Women Council	08522939	gasinzigwao@yahoo.co.uk
54.Ntete Jules Marius	M	Prosecutor/National competence	Prosecutor General Office	0304432	Ntete_j@yahoo.fr
55.Bisangwa Bonaventure	M	Gender, Family Promotion & children	Karongi District	08464623	bisangwabonaventure@yahoo.com
56.Kalisa Alice	F	Director Health, Family Promotion and children	Nyarugenge District	08300403	Kalice4@yahoo.fr
57.Ngarambe François	M	Teacher	IFAK	510516	frngarambe@yahoo.fr
58.Kagoyire Yvonne Solange	F	Employee	CRS	08480828	yskagoyire@crsranda.org
59.Bernadette LEE	F	Researcher	WLR		leebq@gwu.edu
60.Karuranga Jane	F	Human Resource Mananger	KIE	08501082	karuranga.jane@yahoo.com
61.Gatabazi Olivier	M	Head of Branch office	AJIPRODH O	08836371	
62.Murekeyison i Judith	F	Laywer	Office Ombudsman	08486517	judithmurekeyisoni@yahoo.fr
63.Umutesi Rose	F	Gender Adviser	CMJR	08842662	Umutesi2g@yahoo.fr
64.Mukasine Béatrice	F	Gender Adviser	SNV	08561661	bmukasine@snvworld.org

65.Utamuliza Alice M.Liliane	F	Vice Mayor/Social Affairs	Rubavu District	08491618	Amashilin@yahoo.fr
66.Dukuzumure myi Marie Chantal	F	General Commissionner	AGR	08653498	alduchant@yahoo.fr
67.Tuyisenge Christine	F	Head of Legal Department	HAGURUKA	08505459	Gashayija2006@yahoo.fr haguruka@rwanda1.com
68.Ntaganda Eugène	M	Researcher	CCM-UNR	08542243	Entaganda2000@yahoo.fr
69.Mukayire Catherine	F	Vice Mayor/Economic Affairs	Ruhango District	08843765	Mukayire@yahoo.fr
70.Umwali Denyse	F	Coordinator Specialized programs	East Province	08403589	dumwali@yahoo.fr
71.Kanakuze Judith	F	Deputy/President FFRP	Parliament	08305864	jkanakuze@yahoo.fr
72.Kanyamibwa Denys	M	Journalist	ORINFOR	08863146	kanyanal@yahoo.com
73.Mbarushima na S	M	Journalist	ORINFOR	08409431	Ppbora10@yahoo.fr
74.Ndagijimana Jean	M	Journalist	ORINFOR	08617570	Ndagijean2003@yahoo.fr
75.Havugimana Jean de Dieu	M	Journalist	ORINFOR		
76.Lyn Beth Neylon	F	Legal & Gender Specialist	WLR		LNeylon@chemonics.com
77.Mukantaban a Rose	F	Coordinator	WLR-Rwanda	08304886	rmukantabana@chemonics.com mukarose01@yahoo.fr
78.Rachael Pierotti	F	Project Manager	WLR		Rpierotti@chemonics.com

79. Ben Allen	M	Team Leader/Democracy & Governance	USAID/Rwanda	570940	Ballen@usaid.gov
80. Uwinganji Angèle	F	Program Manager/Democracy & Governance	USAID/Rwanda	08303019	auwinganji@usaid.gov
81. Mutumwinka Aretha	F	Translator	WLR-Rwanda	08422390	
82. Kanakuze Jeanne d'Arc	F	Consultant	WLR-Rwanda	08510206	jeannecap@yahoo.fr