

WOMEN'S PARTICIPATION IN POLITICAL AND DECISION -MAKING PROCESSES IN RWANDA

REPORT SUBMITTED BY HAGURUKA TO THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

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About Haguruka

Haguruka¹ is a non-governmental organization registered under Rwandan Law. We work towards empowering women and children to claim their rights by improving their access to quality justice across the country. Haguruka was founded in 1991 and has since been at the forefront of the fight for the rights of women and children. Haguruka has its head office in Kigali (the capital city of Rwanda) with regional offices in the Northern, Eastern, Southern, and Western provinces of the country. We see our beneficiaries as right holders who are empowered to claim their fundamental rights from duty bearers following relevant international and national legal instruments applicable in Rwanda. Haguruka has a zero-tolerance approach towards sexual exploitation, abuse, and harassment.

Haguruka implements programs that address the immediate human rights needs of vulnerable women and children while working towards combating Gender-Based Violence (GBV) and promoting gender equality. We apply a rights-based approach and a holistic vision of victims' needs. We Use our shelters in the four provincial centers to provide legal and psychosocial support to women and girls who are victims of sexual violence as part of the response.

Hence and more concretely, our focus is on:

- Legal aid and psychosocial support;
- Capacity development and awareness-raising
- Research and advocacy.

Since 1991, our program scope and geographical coverage have expanded to reach the whole country, providing capacity building and awareness raising, legal aid services ranging from legal advice and orientation to legal representation to more than 2,000 people annually and conducting advocacy for policy improvement and enforcement. Our approach and the quality of our services have positioned Haguruka as one of the leading organizations in women and children's rights in Rwanda.

¹ <https://haguruka.org.rw/>

1. INTRODUCTION

This report is submitted to the African Commission on Human and Peoples' Rights (the Commission) with the main objective of providing information on the status of implementation of article 9 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol) in relation to the right of women to participate in political and decision-making processes.

Although the previous recommendations made by the Commission to the Government of Rwanda did not mention any specific recommendation towards the right of women's participation in political and decision making processes as provided under the Maputo Protocol, HAGURUKA believes that this report provides potential grounds for legal reforms, policy changes and other measures aimed at improving the right of women to participate in political and decision-making processes in Rwanda.

2. METHODOLOGY

The drafting of this report was based on data collected from studies, national reports, national documents including laws, policies, strategic plans, and focus group discussions and a consultative meeting with relevant stakeholders.²

3. SITUATION OF THE RIGHT OF WOMEN'S REPRESENTATION AND PARTICIPATION IN POLITICAL AND DECISION-MAKING PROCESSES IN RWANDA

HAGURUKA positively notes the legislative and policy framework and other measures put in place which supports the participation of women in political and decision-making processes in Rwanda.

3.1. Positive aspects:

- **Progressive legal framework**

As far as the legal framework is concerned, article 27 (1) of the Constitution of Rwanda of 2003 as revised in 2015 provides that "All Rwandans have the right to participate in the Government of the country, either directly or through their freely chosen representatives, in accordance with the law." Similarly, article 2 (2) of the Constitution of 2003 as revised in 2015 recognizes equal rights to vote and to be voted for both women and men.

² Institutions consulted include: civil society organisations, government institutions namely: Ministry of Gender and Family promotion (MIGEPF), Gender Monitoring Office (GMO), and Ministry of Local Government (MINALOC)

Participation in decision making processes is also guaranteed through competitive recruitment processes as article 30 of the Constitution of 2003 as revised in 2015 guarantees the right of everyone to choose freely without any kind of discrimination.

- **Adoption of quota systems in the legal framework**

Rwanda adopted various quota systems including reserved seats for women, legal candidate quotas (constitutional and/or legislative) and political party quota. Regarding, reserved seats for women as a quota system, article 10 (4) of the Constitution of Rwanda of 2003 as revised in 2015 cites among guiding governance principles equality of all Rwandans and between men and women which is affirmed by women occupying at least thirty percent (30%) of positions in decision-making organs.

In addition, the Constitution of Rwanda of 2003 as revised in 2015 provides that 30 % of the Members of the Parliament must be women.³ Furthermore , article 79 (2) of the Law N° 10/2013/OL of 11/07/2013 governing Political Organizations and Politicians obligates political parties running for parliamentary elections to have at least thirty percent (30%) of female candidates on its list.

Regarding local government, we positively note that article 3 of the Organic Law N° 003/2021 OL of 09/10/2021 amending Organic Law N° 001/2019.OL of 29/07/2019 Governing Elections stipulates that female members of the District Council, constituting at least thirty per cent (30%) of District Council members, are elected through indirect and secret ballot by the members of the Bureau of councils of sectors constituting a District and members of the Executive Committee of the National Women Council at the district and sector levels.

Lastly, Article 24 of the Law N° 22/2019 of 29/07/2019 governing the City of Kigali stipulates that the Executive Committee of the City of Kigali shall be comprised of three (3) members elected from members of the Council of the City of Kigali, including at least one woman while article 40 of the same law provides that the Executive Organ of the District shall be composed of two members including at least one woman.

³ Article 75 of the Revised Constitution of 2003 as revised in 2015 provides that at least thirty percent (30%) of Deputies (members of the Lower of House of the Parliament) must be women and Article 80 of the Revised Constitution provides that At least thirty percent (30%) of elected and appointed Senators must be women.

- **Increased /High number of Women in Lower House of Parliament**

HAGURUKA positively observes the high number of women representatives in the Lower House of Parliament known in Rwanda as the Chamber of Deputies for almost 20 years. Women currently stand at 61.3 % in the Lower House of Parliament.⁴ The high number of women in the Lower House of Parliament has been observed since 2008. Prior to the adoption of the Constitution of 2003, the number of women representatives in the Parliament was below 50 %. On this, it is also important to note that Rwanda is the first country in the world with female majority in parliament.

- **Increased number of women in the Cabinet: Beyond parity between Men and Women.**

Data from the Office of the Prime Minister indicates that women represent 55% of cabinet positions while Men make 45%.⁵ This is a clear increase of women representation in the cabinet compared to previous cabinet compositions. In 2018, women's representation in the cabinet was 50% in 2018 while in 2014, their representation stood at 63.2%.⁶

- **Equal representation between men and women in appointed decision making positions**

HAGURUKA positively notes gender parity achieved at 50-50 in some areas in terms of representation at decision making processes as 2 out of 4 province Governors are women and also 2 out of 4 Province Executive Secretaries are women. HAGURUKA also notes that in the City of Kigali 2 out of 3 District Executive Administrators are female.

- **Establishment of Women Council Committees from the decentralized level up to the National level.**

HAGURUKA welcomes the establishment of National Women Council Committees as structured from the decentralized level up to the National level in order to reinforce the representation of Women in leadership positions, strengthen the framework for women empowerment, advocacy, social mobilization and capacity building. Members of the National Women Council Committee are elected by their peers.

⁴ Information available at <<https://www.parliament.gov.rw/women-representation>> Retrieved on 30 June 2022

⁵ Information available at the website of the Office of the Prime Minister. Available at << www.gov.rw/cabinet-information >> Retrieved on 30 June 2022

⁶ National Institute of Statistics of Rwanda *National Gender Statistics Report -2019*

HAGURUKA positively notes that the National Women Council is governed by the Law N°02/2011 of 10/02/2011 determining the responsibilities, organization and functioning of the national women's council.

- **Women empowerment initiatives.**

HAGURUKA welcomes various initiatives including mentorship programmes aiming at increasing women participation in elective decision-making processes.

3.2. Areas of Concern

Despite the progressive steps taken by the Government of Rwanda, there are some areas of concern which need to be addressed.

- **No gender legal requirement on appointing members of the Council of the City of Kigali**

HAGURUKA is concerned with the silence about gender requirement in the appointment of members of the Council of the City of Kigali as article 11 (2) of the Law N° 22/2019 of 29/07/2019 governing the City of Kigali provides that 5 members of the Council of the City of Kigali are appointed by the Presidential Order after being approved by the Cabinet but the law does not specify any among the appointed the number of women.

- **Lack of measurable targets**

The implementation plan of the revised National Gender Policy has identified among its priorities strengthening mechanisms for promoting women's participation in leadership and decision-making positions⁷, however it does not set numerical targets to be achieved.

The Revised National Gender Policy suggests among its action plan to ensure the voice of women and girls is heard and their participation in the national development process effective but does not provide any measurable indicator.

⁷ Ministry of Gender and Family Promotion *Revised National Gender Policy : Accelerating the Effectiveness of Gender Mainstreaming and Accountability for National Transformation* (February 2021), available at: https://www.migeprof.gov.rw/fileadmin/user_upload/Migeprof/Publications/Guidelines/Revised_National_Gender_Policy-2021.pdf

- **Unequal representation of women in some elected decision-making positions**

HAGURUKA is concerned with the unequal representation of women in the Senate which currently stands at 38%⁸ as per article 9 of the Maputo Protocol which provides for “equal” representation.

HAGURUKA also notes the low representation of women in the Local Government’s elective leadership positions as currently 8 out of 27 district mayors are women.⁹ Put it differently, 29.63% of District Mayors are women. Though there has been a slight increase of women District mayors compared to previous terms where between 2016 and 2021 women stood at 26.7% and between 2014 and 2018 the figure was at 6.7%.¹⁰ The current membership of the Council of the City of Kigali is made of 5 women and 6 men which can be translated into 45.45 % for women in terms of percentage.¹¹

It should also be noted that 4 out of 27 Vice District Mayors in charge of Economic Affairs, in terms of percentage 14.81%, are women.¹² The number of women District Mayors and their deputies in charge of economic affairs falls short of the constitutional threshold of 30 % and also does not comply with article 9 of the Maputo Protocol as far as equal representation between men and women is concerned.

Also of particular concern is the lower number of women elected in District Council Bureaus as 10 out of 30 District Councils are women and more worrying 6 out of 30 Vice Chairpersons of District Council are women.¹³ Similarly, 218 out of 459 elected members of the combined 27 district councils are women which equal to 47.49 %.¹⁴

- **Single reserved seat for persons with disability in the Parliament**

As far as reserved seats for special groups are concerned in the Constitution, article 75 of the Constitution of 2003 as revised in 2015 makes a single representation for persons with

⁸ Republic of Rwanda *Beijing +25 Rwanda Country Report* May 2019, available at: <https://www.migeprof.gov.rw/index.php?eID=dumpFile&t=f&f=7686&token=54344c4bdc30a9353999a12f00f215694a9ce2fc>

⁹ Komisiyo y’Igihugu y’Amatora *Urutonde rw’abagize Biro ya komite nyobozi n’abyanama b’Uturere batowe muri 2021*

¹⁰ National Statistics Institute of Rwanda *National Gender Statistics Report-2019*

¹¹ The Council of the City of Kigali. Retrieved from <<https://www.kigalicity.gov.rw/about/council-of-the-city-of-kigali>>Accessed on 28 August 2022

¹² Komisiyo y’Igihugu y’Amatora *Urutonde rw’abagize Biro ya komite nyobozi n’abyanama b’Uturere batowe muri 2021*

¹³ Idem

¹⁴ Idem

disabilities whereas for women and the youth it provides for 24 and 2 respectively in the Lower Chamber of Parliament, commonly known in Rwanda as Chamber of Deputies.

This reduces the likelihood of representation of women with disabilities in the Parliament as in the current legislature as well previous legislatures; persons with disabilities were represented by male person elected from this specific constituency.

- **Decrease /decline in women's appointments and competitive recruitment in some decision-making positions**

Data from the National Institute of Statistics indicated that the number of women holding the position of Director Generals in Ministries declined as women held these positions accounted for 40 % in 2014 and in 2018 this number declined as it stood at 34.4%.¹⁵

Some of administrative leadership positions at the Local Government level are of concern. Indeed, Women Sector Executive Secretaries stood at 17 % in 2018 compared to 11% in 2016 and 9.1% in 2014.¹⁶ The number of women holding the position of Executive Secretary of the Sector falls short of the constitutional threshold of at least 30 %.

Regarding women representation at Cell leadership positions, they stood at 36 % in 2018 compared to 35 % in 2016 and 37.7% in 2014.¹⁷

- **Lack of representation of women in some constituencies**

According to article 80 of the Constitution of 2003 as revised in 2015, the composition of the Senate is made of 26 Senators and among these senators, 2 are elected by their peers in the academia with one from the public university or higher learning institution and the other the private university or higher learning institution. However, HAGURUKA notes that there was no single female candidate from either the private or public university during the Senatorial elections in 2019 though there is no law or regulation that prohibits women in the academia meeting all the criteria to do so.¹⁸

¹⁵ National Institute of Statistics *National Gender Statistics 2019*

¹⁶ National Institute of Statistics *National Gender Statistics 2019*

¹⁷ National Institute of Statistics *National Gender Statistics 2019*

¹⁸ Komisiyo Y'Igihugu y'Amatora *Raporo y'ibikorwa bya Komisiyo y'igihugu y'Amatora mu mwaka wa 2019-2020*. retrieved

from<https://nec.gov.rw/fileadmin/user_upload/Reports/Raporo_y_Ibikorwa_bya_Komisiyo_y_Igihugu_y_Amatora_2019-2020.pdf>> Accessed on 12 July 2022

- **Gender stereotypes on some elective positions in local government**

Findings from the study conducted by HAGURUKA pointed out the patriarchal mindset as one of the factors leading to the under-representation of women in local government entities.¹⁹

Participants in a focus group discussion and also those in the consultative meeting indicated that there is an assumption among the general population that women are fit to run for some elected positions in the local government such as those dealing with social affairs as well as secretariat while appointed or elective leadership positions especially those dealing with economic affairs **to** be more appropriate for males.

Statistics tend to confirm the above assumption as 21 out of 27 deputy district mayors in charge of social affairs are women (**77.78%**) whereas 4 out of 17 deputy district mayors in charge of economic affairs are women (14.81%).²⁰ In addition, 21 out 30 (70%) District Council Secretaries are women.²¹

- **Limited spousal and community support**

It was reported during a consultative meeting convened by HAGURUKA that women are less likely to receive spousal support for their career in terms of participation in decision-making processes than their male colleagues. Indeed, it was reported that some men do not support their spouses to run for elective positions as they fear that once elected they could be more powerful at home and this could have a negative impact on their marital and family relationships.

Participants reported during the consultative meeting and focus group discussion that women need to seek their spouse's authorization prior to running for an elective position whereas men do not need prior authorization from their spouses when they want to run for an elective position.

¹⁹ HAGURUKA *Women participation in decision-making positions–Report* (2019), available at: <https://haguruka.org.rw/wp-content/uploads/2022/07/Understanding-Factors-Leading-to-under-Representation-of-Women-in-Decision-Making-at-Local-Level-Designed-Covers-3.pdf>

²⁰ Komisiyo Y'Igihugu y'Amatora *Urutonde rw'abagize Biro ya komite nyobozi n'abyanama b'Uturere batowe muri 2021*, available at: https://nec.gov.rw/fileadmin/user_upload/Publications/1Raporo_y_amatora_y_Inzego_z_Ibanze_2021.pdf

²¹ Idem

- **Gender roles and unpaid care work**

Combining family and job responsibilities is the most difficult task even if it's feasible (shared the participants of the Focus Group Discussions with Women). These heavy responsibilities of women originate mainly from the unbalanced traditional roles of women compared to men in the traditional division of labor at the household. Throughout the Focus Group Discussions, the findings revealed that women spend a lot of time on family responsibilities including, taking care of children, cooking, washing, etc., therefore, decide to restrain from their ambitions to participate in decision-making positions.

- **Gender gap in adult literacy**

Participants in the consultative meetings and focus group discussions attributed the low level of women representation in some decision-making positions to their level of education and literacy in general. According to statistics, adult illiteracy rate stood at 22.5% and 30.6% for male and female respectively in 2019.²²

- **Lack of self-confidence**

Participants in the consultative meeting as well as the focus group discussion attributed the low representation of women in some decision making positions to the lack of self-confidence by women to participate in the decision making process in some areas.

- **Misunderstanding of the quota systems**

The 30 % quota threshold has been interpreted as a glass ceiling and may prevent women from increasing their numbers above the specified quota requirement. The 30% which is supposed to be the minimum has been wrongly interpreted as the maximum.

The misunderstanding of quota system consisting of reserved seats for women has discouraged some potential women candidates from participating in competitive election. This was revealed by Participants in the focus group discussion who reported that in some areas of the country during the election women tend to desist from competing against men as they know that they have their reserved seats in a given entity.

²² Gender Monitoring Office *The State of Gender Equality in Rwanda: From Transition to Transformation* March 2019 (Page 34), available at: https://gmo.gov.rw/fileadmin/user_upload/Researches%20and%20Assessments/State%20of%20Gender%20Equality%20in%20Rwanda.pdf

4. CONCLUSIONS AND RECOMMENDATIONS

HAGURUKA calls upon the Commission to recommend to the Government of Rwanda:

- To amend article 75 of the Constitution with the view of increasing the number of reserved seat for persons with disabilities and more importantly specifying that among those to be elected one of them must be a woman.
- To amend article 11(2) of the Law N° 22/2019 of 29/07/2019 governing the City of Kigali by specifically stating that at least 2 out of 5 of appointed members of the Council of the City of Kigali must be women.
- To set numerical targets in the implementation plan of the National Gender Policy in order to promote women's participation in elective leadership and decision-making positions.
- To strengthen the mechanism in place addressing root causes including but not limited to patriarchal attitudes and stereotypes that discriminate against women which hold back women's participation in decision-making process at all levels including national and local Government level and thus increase the number of women in elected decision-making positions.
- Put in place and implement strategies with measurable indicators to attract female academicians from higher learning institutions (Universities) to compete in the senatorial elections among others.