



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
12 February 2009

Original: English

Committee on the Elimination of Discrimination against Women

Forty-third session

19 January-6 February 2009

Draft concluding observations of the Committee on the Elimination of Discrimination against Women: Rwanda

1. The Committee considered the combined fourth, fifth and sixth periodic report of Rwanda (CEDAW/C/RWA/6) at its 883rd and 884th meetings, on 4 February (see CEDAW/C/SR.883 and 884). The Committee's list of issues and questions with regard to the consideration of periodic reports is contained in CEDAW/C/RWA/Q/6 and the responses of the Government of Rwanda are contained in CEDAW/C/RWA/Q/6/Add.1.

Introduction

2. The Committee expresses its appreciation to the State party for its combined fourth, fifth and sixth periodic report which followed the Committee guidelines for the preparation of reports, but was long overdue when submitted. The Committee also expresses its appreciation to the State party for the written replies to the list of issues and questions raised by the pre-session working group, while regretting that the written submission was very late. The Committee further expresses its appreciation to the State party for its oral presentation and for the further clarifications given. The Committee notes that a number of changes in laws, policies and programmes with positive impact on the rights of women have occurred since the end of the period covered by the State party's report.

3. The Committee commends the State party for the high-level delegation headed by the Minister of Gender and Family Promotion. The Committee expresses its appreciation to the State party for the oral presentation, which provided an overview of recent advances and challenges to the achievement of gender equality in Rwanda, and for the clarification to the questions posed by the Committee during the constructive dialogue.

4. The Committee notes with satisfaction that the report includes references to the State party's efforts to accomplish the strategic objectives of the Beijing Declaration and Platform for Action adopted at the Fourth World Conference on



Women, as well as information on progress towards the achievement of the Millennium Development Goals.

5. The Committee is fully aware that the civil war, which culminated in the genocide in 1994, led to the death of more than one million people, a flow of refugees and internally displaced persons, a collapsed State and economy, and destroyed infrastructure. It commends the State party for the strong political will and commitment it has manifested since the end of the civil war and for the policies and measures taken to eliminate discrimination against women in all fields covered by the Convention and for the progress already achieved in such a short period of time.

Positive aspects

6. The Committee commends the State party for the adoption in 2003 of its Constitution, which enshrines the gender non-discrimination norm and principle of gender equality and which triggered extensive legal reforms aimed at removing discriminatory provisions.

7. The Committee commends the State party for its successful use of quotas in political and public life. It particularly congratulates the State party for having the highest representation of women in Parliament worldwide.

8. The Committee congratulates the State party for having outlawed polygamy.

9. The Committee commends the State party for the recent decline of HIV/AIDS and malaria incidence and for the increased coverage of treatment for both diseases.

10. The Committee congratulates the State party on its accession, on 15 December 2008, to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

Principal areas of concern and recommendations

11. The Committee recalls the State party's obligation to implement, systematically and continuously, all the provisions of the Convention, and views the concerns and recommendations identified in the present concluding observations as requiring the State party's priority attention between now and the time of submission of its next periodic report. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. It calls upon the State party to submit the present concluding observations to all relevant ministries, to the Parliament and to the judiciary, so as to ensure their full implementation.

Parliament

12. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the State party's obligations under the Convention, the Committee, stressing that the Convention is binding on all branches of Government, invites the State party to encourage its national parliament, in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of these concluding

observations and the Government's next reporting process under the Convention.

Legal status and visibility of the Convention and the Optional Protocol

13. While noting with satisfaction that international treaties that are ratified become part of domestic law and that article 190 of the Constitution gives precedence to such treaties over domestic laws, the Committee is concerned about the general lack of awareness of the Convention and of its Optional Protocol in society in general, in particular among the judiciary and other law enforcement officials. It is concerned that women themselves are not aware of their rights under the Convention and of the complaints procedure under its Optional Protocol, thus lacking the capacity to claim them. The Committee also notes with concern that the State party was not able to provide information on cases where the provisions of the Convention had been directly invoked in courts.

14. The Committee urges the State party to take the necessary steps to ensure the adequate dissemination and clear understanding of the Convention, the Optional Protocol and the Committee's general recommendations, including through awareness-raising campaigns and training for the judiciary, lawyers, the police and other law enforcement officials. It invites the State party to enhance women's awareness of their rights through, for example, legal literacy programmes and legal assistance. The Committee recommends that the Optional Protocol be translated into Kinyarwanda.

Constitutional and domestic legislation

15. While welcoming the fact that the 2003 Constitution enshrines the principle of gender equality and non-discrimination, as well as the fact that a number of laws have been revised to repeal discriminatory provisions, the Committee is concerned that there are still discriminatory provisions in force. While noting that the law review process continues with respect to the Criminal Code, the Family Code, the Commercial Code, etc., the Committee is concerned by the lengthy legal procedure for the adoption of new laws and amendments. The Committee is further concerned that there is no explicit prohibition of discrimination against women, in line with article 1 of the Convention, which addresses direct and indirect discrimination, in either the Constitution or other legislation.

16. The Committee urges the State party to accelerate its law review process and to work effectively with Parliament to ensure that all discriminatory provisions in the Criminal Code, the Family Code, the Commercial Code, etc., are repealed so as to bring legislation into compliance with the Convention and the Committee's general recommendations. It encourages the State party to set a clear time frame for such reforms. The Committee also recommends that the State party incorporate into its Constitution or other appropriate legislation a prohibition of discrimination against women, encompassing both direct and indirect discrimination, in line with articles 1 and 2 (b) of the Convention.

National machinery for the advancement of women

17. While welcoming the work of the National Ministry for Gender and Family Promotion in pursuing women's human rights, as well as the establishment of a number of gender-related mechanisms such as the national structure for the follow-

up to the Beijing Conference, the National Council of Women and the Gender Observatory, the Committee is concerned at the lack of clarity with respect to the coordination among the mandates and responsibilities of the various components of the national machinery. The Committee appreciates the numerous projects and programmes taken for the advancement of women and the fact that gender is a cross-cutting issue of Vision 2020 and of other national policies and programmes, but it notes the absence of a comprehensive approach addressing all aspects of discrimination against women.

18. The Committee recommends that the State party further strengthen its national machinery for the advancement of women, by clearly defining the mandate and responsibilities of its various components, and enhancing coordination among them. It calls upon the State party to develop a comprehensive strategy, with clear goals, timetables and monitoring mechanisms, for the advancement of women and the elimination of discrimination in all areas covered by the Convention and the Beijing Platform for Action, and to inform the Committee in its next report of the progress achieved and obstacles encountered in its implementation.

Temporary special measures

19. While noting with satisfaction the successful use of quotas provided for in the Constitution and electoral laws for the representation of women in the Parliament and in decision-making posts, the Committee notes that no information was provided on the use of temporary special measures for ensuring de facto equality of women with men in other important areas, such as education and employment.

20. The Committee encourages the State party to continue to use quotas, in particular for strengthening women's representation in leadership roles in academia and in decision-making posts in economic life. It also encourages the State party to use other temporary special measures to enhance de facto equality of women with men in all areas covered by the Convention, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25.

Stereotypes

21. The Committee is concerned about the persistence of deeply rooted, traditional patriarchal stereotypes regarding the role and responsibilities of women and men in the family and in the wider community, which result in violence against women and are reflected, in particular, in women's limited educational opportunities and their disadvantaged situation in the labour market.

22. The Committee calls upon the State party to implement comprehensive measures directed to change the widely accepted attitudes and practices of women's subordination and the stereotypical roles applied to both sexes. Such measures should include awareness-raising and educational campaigns addressing women and men, girls and boys, religious and community leaders, parents, teachers and officials, in accordance with the obligations under articles 2 (f) and 5 (a) of the Convention. The Committee also recommends that the State party encourage the media to discuss and promote non-stereotypical and positive images of women, and promote the value of gender equality to society as a whole.

Post-genocide reconstruction and prosecution of perpetrators

23. While commending the State party for its efforts to reconstruct the country and eliminate the grave consequences of the 1994 genocide, by fostering an environment of peace, unity and reconciliation, the Committee is concerned that women's participation and involvement in the post-conflict reconstruction and social-economic development may not be fully realized owing to deeply entrenched stereotypes and gender-based violence, as well as other forms of discrimination against women. Aware that many women and girls were victims of sexual violence, including rape and sexual torture, during the genocide, the Committee also expresses concern that equal access to justice and appropriate protection and support may not be guaranteed for all women and girl victims within the framework of the comprehensive process of prosecution of perpetrators that is ongoing at international and national levels.

24. The Committee calls upon the State party to take all necessary measures, as emphasized in United Nations Security Council resolutions 1325 (2000) and 1820 (2008), and in conformity with the Convention and the Beijing Platform for Action, in order to ensure women's equal participation and full involvement in the reconstruction and socio-economic development of the country. The Committee also urges the State party to continue to ensure appropriate protection, support and equal access to justice for the women victims of sexual violence during the genocide.

Violence against women

25. While commending the efforts made by the State party to address violence against women, including the establishment of gender-based violence committees and gender desks within the police, awareness-raising efforts and support services provided to women victims of violence, the Committee remains concerned at the prevalence of different forms of violence against women, in particular sexual violence and domestic violence, and the lack of information on the extent of the phenomenon. The Committee is also concerned about the absence of a comprehensive strategy to combat all forms of violence against women, including domestic violence. The Committee welcomes the Bill on prevention and punishment of gender-based violence approved by the Parliament and awaiting promulgation, but expresses concern that some of its provisions, such as those criminalizing adultery, concubinage and punishing a person found guilty of intentionally transmitting a terminal disease by life imprisonment may generate direct or indirect discrimination against women.

26. The Committee recommends that the State party intensify its efforts to prevent and address all forms of violence against women, in particular sexual violence and domestic violence in accordance with Committee general recommendation No. 19, including by utilizing the Secretary-General's in-depth study on all forms of violence against women (A/61/122/Add.1 and Corr.1). It calls upon the State party to put in place a comprehensive strategy and action plan to prevent and eliminate all forms of violence against women, including in refugee camps, as well as an effective institutional mechanism to coordinate, monitor and assess the effectiveness of measures taken. The Committee encourages the State party to intensify its awareness-raising efforts with regard to all forms of violence against women, which represent violations of women's

human rights. The Committee invites the State party to intensify its efforts to provide support services and a sufficient number of shelters for women victims of violence, staffed by expert personnel and provided with adequate financial resources for their effective functioning. The Committee requests the State party to ensure the systematic collection and publication of data, disaggregated by type of violence and by the relationship of the perpetrator to the victim, and to use such data as the basis for monitoring the implementation of current and future policy and support measures. With respect to the Bill on prevention and punishment of gender-based violence, the Committee requests the State party to urgently review the provisions likely to generate direct or indirect discrimination against women.

Trafficking and exploitation of prostitution

27. While welcoming the State party's ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and the draft of a bill dealing with these issues, the Committee is concerned at the lack of awareness of the scope of this phenomenon and the absence of effective measures to address all its dimensions, including its root causes and protection for victims of trafficking. It regrets the lack of information and statistical data provided by the State party on trafficking in women and girls and on the extent of prostitution. The Committee is further concerned at the criminalization of women and girls involved in prostitution, while the demand is not being addressed.

28. **The Committee urges the speedy enactment of the Bill on suppressing, prosecuting and punishing trafficking in human beings, and the introduction of effective prevention measures, timely prosecution and punishment of traffickers and the provisions of protection and support to victims. It recommends that information and training on the new bill, when adopted, be provided to the judiciary, lawyers and law enforcement officials, including border police, as well as public officials, social workers and community development officers. It further recommends that the State party adopt comprehensive measures to address trafficking and the exploitation of prostitution, and ensure the allocation of sufficient human and financial resources for their effective implementation, including collection of sex-disaggregated data. It also recommends that the State party address the root causes of trafficking and the exploitation of prostitution of women and girls and take measures for the rehabilitation and social integration of women and girls who have been victims of such activity.**

Political participation and participation in public life

29. While commending the State party for the high participation of women in political and public life at the national level, the Committee expresses concern that women are still underrepresented in local public administration and in senior managerial posts in the private sector.

30. **The Committee recommends that the State party further strengthen its efforts to increase participation of women in decision-making posts, in particular at the local level, and in senior managerial positions in the private sector, including through the use of temporary special measures in accordance**

with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25.

Education

31. While appreciating the State party's efforts in reducing female illiteracy, achieving parity in primary education, and introducing free and compulsory nine-year public school education, the Committee is concerned at the low enrolment rate of girls in secondary and higher education and at the high dropout rate of girls. The Committee is further concerned that traditional attitudes and early pregnancies are among the causes of girls dropping out of education and that pregnant girls who leave school as a result of the measure of suspension encounter difficulties in resuming their studies. It is also concerned about the low number of female teachers, especially in secondary and higher education and in leadership positions.

32. The Committee recommends that the State party take steps to ensure de facto equal access of girls and young women to all levels of education, overcome traditional attitudes hampering women and girls from fully enjoying their right to education, retain girls in schools and implement re-entry policies enabling young women to return to school after pregnancy. The Committee further urges the State party to take measures to increase the enrolment of girls at all levels, and recommends the introduction of temporary special measures, in accordance with its general recommendation No. 25. It also encourages the State party to take measures to increase the number of female teachers, especially at secondary and university levels and in leadership positions.

Employment

33. The Committee is concerned at the higher unemployment and underemployment rates of women in both the private and public sector in comparison with men, and the concentration of women in low paid jobs, particularly in agriculture. It is also concerned that women are affected by horizontal and vertical segregation in the labour market and are predominantly employed in the informal sector, resulting in their exclusion from formal social security programmes. It is further concerned that three quarters of the newly created non-farm jobs, 60 per cent of the newly created jobs in small business, have been taken by men, thereby indicating that women are not benefiting from these new job opportunities on an equal footing with men. The Committee notes the absence of legislation and measures to address sexual harassment.

34. The Committee urges the State party to ensure equal opportunities for women and men in the labour market, including through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25. It recommends that the State party pay particular attention to the conditions of women workers in the informal sector, in particular in agriculture, with a view to ensuring their access to social benefits. The Committee also urges the State party to speedily enact legislation prohibiting sexual harassment in the workplace, including sanctions, civil remedies and compensation for victims. The Committee further urges the State party to establish an effective monitoring and regulatory mechanism on employment issues and practices in the private sector.

Health

35. While appreciating the measures taken to improve women and girls' access to health-care services, such as the introduction of community insurance schemes ("mutuelles" health insurance), and to curb the incidence of HIV/AIDS and malaria, the Committee remains concerned that women, in particular those living in rural areas and elderly women, are still not enjoying their right to health in accordance with article 12 of the Convention. The Committee also notes that, despite the reduction in the maternal mortality rate, the number nevertheless remains high, at 750 deaths per 100,000 live births, owing primarily to lack of access to obstetric services. The Committee is also concerned that many women, in particular in rural areas, give birth at home. Taking account of the fact that illegal and unsafe abortions are a cause of maternal mortality, the Committee is concerned that abortion is a punishable offence under Rwandan law. The Committee is also concerned at the lack of information and statistical data on women's mental health provided by the State party.

36. The Committee calls on the State party to take concrete measures to enhance women's access to health care, in particular for women living in rural areas and elderly women, in accordance with article 12 of the Convention and the Committee's general recommendation No. 24, on women and health. The Committee recommends that the obstacles to accessing obstetric services be monitored and steps be taken for their removal and that a strategic plan to reduce maternal mortality be put in place. It further requests the State party to take measures to prevent unwanted pregnancies, including by making contraceptives and family planning methods more widely available and by increasing awareness about family planning among women and men. The Committee recommends that the State party review its legislation relating to abortion with a view to removing punitive provisions imposed on women who undergo abortion in accordance with the Committee's general recommendation No. 24, on women and health, and the Beijing Platform for Action. The Committee also calls upon the State party to provide adequate information and statistical data about women's mental health in its next periodic report.

Economic empowerment of women

37. While noting with satisfaction the State party's efforts to develop strategies for poverty reduction, as well as to promote women's autonomy through the promotion of income-generating activities and access to microcredit, the Committee is concerned at widespread poverty among women, in particular among women heads of households. The Committee is especially concerned about the situation of rural women, most of whom are poor and work in agriculture in precarious living conditions, and with reduced access to justice, health care, education, economic opportunities and community services.

38. The Committee urges the State party to ensure that the promotion of gender equality is an explicit component of its national and local development plans and programmes, in particular those aimed at poverty reduction and sustainable development. The Committee also urges the State party to pay special attention to the needs of rural women and women heads of households, ensuring that they participate in decision-making processes and have full access to credit facilities. The Committee further urges the State party to take

proactive measures to ensure that rural women have access to health services, education, clean water, electricity, land and income-generating projects. It recommends that the State party strengthen its efforts to design and implement gender-sensitive rural development strategies and programmes, ensuring the full participation of rural women in their formulation and implementation.

Refugee women and women returnees

39. The Committee expresses concern at the situation of refugee women and women returnees, including women with disabilities, displaced by violence and conflict, in particular in view of their precarious living conditions in camps where they are at risk of sexual and other forms of violence and lack access to health care, education and economic opportunities.

40. **The Committee requests the State party to pay particular attention to the needs of refugee women and women returnees, including those with disabilities, through the adoption of a national policy in line with Security Council resolutions 1325 (2000) and 1820 (2008), and the formulation and implementation of gender-sensitive plans and programmes for social reintegration, capacity-building and training of refugee women and women returnees. The Committee requests the State party to ensure the protection of refugee women and women returnees from violence and their access to immediate means of redress.**

Family relations

41. While commending the State party for recognizing only monogamous marriage in accordance with article 26 of the Constitution and for the ongoing revision of the Family Code, the Committee is concerned that the discriminatory provisions under this law are still in force.

42. **The Committee urges the State party to speed up as a matter of priority the enactment of the legislation amending the Family Code, with a view to repealing the discriminatory provisions, and to take necessary steps to make them widely known in the public and the judiciary and by the administrative authorities.**

Beijing Declaration and Platform of Action

43. **The Committee urges the State party to continue to utilize, in implementing its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

Millennium Development Goals

44. **The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals and requests the State party to include information thereon in its next periodic report.**

Ratification of other treaties

45. The Committee notes that States' adherence to the nine major international human rights instruments¹ would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Government of Rwanda to consider ratifying the instruments to which it is not yet a party, namely, the International Convention on the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.

Dissemination

46. The Committee requests the wide dissemination in Rwanda of the present concluding observations in order to make the people, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women and the further steps that are required in that regard. The Committee requests the State party to strengthen the dissemination, in particular to women's and human rights organizations, of the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

Technical assistance

47. The Committee recommends that the State party avail itself of technical assistance in the development and implementation of a comprehensive programme aimed at the implementation of the above recommendations and the Convention as a whole. The Committee expresses its willingness to continue the dialogue with the State party, including through a country visit by Committee members to provide further guidance on the implementation of the above recommendations and the State party's obligations under the Convention. The Committee also calls upon the State party to strengthen further its cooperation with specialized agencies and programmes of the United Nations system, including the United Nations Development Programme, the United Nations Development Fund for Women, the United Nations Children's Fund, the United Nations Population Fund, the World Health Organization, the Office of the United Nations High Commissioner for Human Rights, the Statistics Division and the Division for the Advancement of Women in the Department of Economic and Social Affairs of the Secretariat.

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.

Follow-up to concluding observations

48. The Committee requests the State party to provide, within two years, detailed written information on the implementation of the recommendations contained in paragraphs 26 and 36 of these concluding observations. The Committee also requests the State party to consider seeking technical cooperation and assistance, including advisory services, if necessary and when appropriate for the implementation of the above recommendations.

Date of next report

49. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its combined seventh, eighth and ninth periodic report in September 2014.
