

INTEGRATING THE INTERESTS OF WOMEN AND CHILDREN IN THE POST GENOCIDAL EFFORTS TO REBUILD RWANDA: WHAT THE STATE SHOULD DO.

The life of Rwandan women i.e. their position in the family and the society, is like their contemporaries in every other African society very much influenced by the tradition and custom of the land. Women are generally deemed to be under the influence and control of men. Their interests and needs were subsumed under the interests and needs of the male members of the society. As daughters, they were under the influence of their fathers, brothers and other male members of their families. And as wives, their husbands and in certain cases, especially in relation to land issues, their grown up sons act as their legal representatives. However, this picture of a passive and pliable African woman, does not capture the entire role and engagement of women in the politics, economy, social and religious lives of the society.

Contrary to this widespread opinion of a passive and pliable African woman, the traditional African society accorded women a seeming equality based on their complimentary roles in the largely agrarian and subsistence economy. Strictly speaking therefore, it was not the African tradition, but its uncontrolled and sudden disruption and destruction that significantly diminished women's influence in Africa. This was quickened by the introduction of the cash-economy which dislodged the subsistence economy in which women's contributions were greatly recognized, the introduction through colonialism of a modern governing apparatus which did not specially provide for women active participation and the alien religion (Christianity and Islam), which provided no visible participation by women in the ritual ceremonies. Because of this unintended divestiture of their influence in every aspect of the society, today, any project aimed at improving the rights and conditions of women in Africa, for example in Rwanda, should not be seen as a privilege accorded them. In a proper perspective, it should in fact be seen as a restoration of their long lost rights. In a sense, no amount of elegant declarations can even give women back or adequately compensate them, for all the rights and privileges they have lost in the course of modern African historical

development. The fight or rather agitation for accordance of women their rights and restoration of their privileges of yore, has been greatly hindered by the distractions faced by the protagonists of this noble ideal. There is confusion and lack of clear focus on how best to approach and improve women's lot between the feminists and womanists. To the feminists, the gender barrier must be torn down in the sense of what a man can do, a woman can also. This overzealousness and activist approach in imitating or copying men to bridge the gender gap, empower and emancipate women, has not improved women's lot generally in the world, and has even found less enthusiasts among African women in general. Commenting on this, Chinwe Uzodike¹ clarified that in their struggle, the African women rejected the Western Eurocentric type of "feminism" and created an Afrocentric form of it known as "womanism" which best dealt with the origins and roots of women suppression in Africa through the advent of Christianity, Islam and colonization and hence the loss of her traditional status in the African society. The African women, according to her, preferred "gender equity" to "gender equality". In sum, the womanist emphasises role recognition and complementarity as the surest and most secure way to achieving recognition and equality. By their nature (physiological and emotional), women handle certain things differently than men. Even in politics, women are generally more pacific, and men more bellicose.

The total disruption of the entire fabric of the Rwandan society by the 1994 genocide offered the country the painful but gainful opportunity of starting anew. Seventy percent of the casualties of the genocide were men. This immediately left majority of the households to be headed by women, and with this came increased responsibilities. Traditionally, women were not breadwinners, but the genocide forced most of them to become one. As widows, they not only looked after themselves, but also the orphans, elderly, and other wounded relatives. The reconstruction of Rwanda after the genocide provided a challenge as well as an opportunity for women to demonstrate their capabilities and regain part of their lost glory. They proved themselves equal to the task by playing pivotal roles in the reconciliation and reconstruction efforts. With this visible

¹ Chinwendu Uzodike, *The Images of Women in The Novels by English Speaking African Writers*, Unpublished Doctorate Thesis of the University of Mainz, Germany, 2005.p.1.

demonstration of their capabilities and preparedness to contribute in the over all development of the society, the government of Rwanda should seize the opportunity and co-opt them into all aspects of national development.²

Methods of integrating the interests of women in the overall national development of Rwanda.

Legal reformation: legislations and the constitution; ratification and implementation of all international conventions and treaties that address women issues, especially the CEDAW; democratization of the polity – enlarging the space for political participation by women; increasing the percentage of women literacy; economic empowerment which includes land redistribution; provision of soft loans for small businesses, social empowerment, which includes building women organizations and NGO's that address women specific issues and combating aids and violent crimes such as rape which impairs women psychologically.

Legal reformation.

Legal and constitutional changes or reformation however favorable they may seem to women specific issues, do not by themselves alone go far enough in securing for women their desired positions and rights in the society. These legislative or constitutional improvements must be followed up with practical steps. After years of gradual political and economic disempowerment, the constitution should provide affirmatively and in concrete terms certain actions aimed at improving women's lot. This is because the position of women is hardly improved by general provisions of equality between the sexes. The reason for this may be because of the different lifestyles, needs, possibilities and biological nature of men and women and which make the law, even a very fair and gender neutral law work differently or achieve different results for both sexes.

Experience shows that most often, discrimination of women does not flow from the law or the constitution. Discrimination of women could lurk in the culture and tradition, in the

² Mike Crawley, Rwandan Social structure evolves, The Christian Science Monitor – Women making History Today, published, 06/21/2000. This article emphasize that with men the primary victims in the 1994 genocide, women have more responsibilities now. A new law to give them inheritance rights was proposed.

family structure, in the legal system, economic and power structure or establishment of the state, in the bureaucracy and general development pattern. According to Stang-Dahl,

“Injustice occurs in practice, behind the façade of rights and privileges officially guaranteed to every one. It occurs in the form of discrimination in enforcement, such as unfairness in the decision of courts and other administrative authorities, or in the form of social and economic barriers to the fulfillment or rights and privileges. It can occur simply because the different sexes live such different lives that the substance of the rules on the whole rarely functions justly for persons of a particular sex”

There was after the genocide a very strong sentiment within the Rwandan Patriotic Front for social justice, economic progress and national unity. There was also a strong recognition that these lofty goals would not be achieved without bringing every section of the society on board. Equal opportunity for all Rwandans includes, more particularly, equal opportunity between men and women. This mood was captured more concisely by a member of the Chamber of Deputies, Juliana Katengwa, emphasizing that the transitional government (July 1994 – May 2003) embarked on an ambitious reconstruction program, the success of which largely depended on the involvement of every one, men and women alike. Women were called upon in the demanding tasks of physical and social reconstruction of the nation, social healing, unity and reconciliation, repatriation of refugees, peace building in times of insurgence, justice and governance programs. The Rwandan women proved themselves formidable partner in all aspects of the recovery processes of the nation. No noise was made, no eyebrows were raised, but gender roles had changed³.

The legal instruments which provided the basic framework for improving and promoting the social, economic and political rights of women in Rwanda were the numerous international instruments, the constitution and domestic legislations. Specifically, article 9 of the constitution requires the government to build a state governed by the rule of law, pluralistic democratic government, equality of all Rwandans and between women and men reflected by ensuring that women are granted at least thirty percent of posts in

³ Juliana Katengwa,

decision making organs. Articles 54 and 76 specifically incorporate the Beijing Declaration allowing for quotas and reserving seats for women. Article 54 provides, that the political organizations must constantly reflect unity of the people of Rwanda, gender equality and complimentary roles, both in the recruitment of members and allocation of positions. And article 76 set aside twenty four of the eighty seats in the Chamber of Deputies for women, reflecting thirty percent of the entire membership. At present, the Rwandan Parliament has the following composition: out of twenty Senators, six were women {30%}; out of eighty Deputies, thirty nine are women (48.8%). And within the Executive thirty seven percent are women. In the Supreme Court, forty one percent are women.

With the establishment of the Gender Monitoring Office and the National Council of Women in Rwanda, in accordance with articles 185 and 187, institutionalized mechanisms for safeguarding and promoting women's interests in the overall national planning was guaranteed. With this specific inclusion of principles of gender equality and women's human rights, its reflection in the electoral, legal and judicial processes, the Rwandan Constitution of 1999 has earned for itself the position as one of the most gender sensitive constitutions, ranking almost equal to the Swedish constitution in this regard, according to the Inter-Parliamentary Union.

Aside from constitutional and legislative improvement, conscious effort should also be made to boost women education so as to enable them to participate on their own initiative and effort in the available economic opportunities in the country. Education, at least the most elementary form of it, which is learning how to read and write is in today's world a tool for personal development, social or economic. In addition to acquiring the necessary skills (vocational or professional), one is also prepared to be able to interpret her environment, and harmoniously adapt to the changes taking place. Without education, ones progress is deeply restricted. "Illiteracy is generally considered to be a major impediment to understanding one's world and to securing a good place in it. In today's rapidly advancing technological society, the written world has become the dominant mode of complex communications; those without the ability to read and write will be

condemned to assume the lowest roles in society”⁴ With the cultural notion that women will eventually be married out, most families with minimal resources prefer investing it on the male members of the family. This trend has led to women being in the greater number of the population that cannot read or write in Africa. Rwanda is not an exception. Women illiteracy is the major factor for their under representation in politics, economy and administration. The higher a position is, the greater the educational requirement becomes. The higher dropout rate of women from school helped men to explain the lower representation of women in higher positions. In fact a general empowerment of women through education will benefit overwhelmingly not just the immediate families but the society at large. Education, apart from enabling the woman to learn how to read, write or make calculations, provides her with the necessary tools to make decisions concerning her own life, take care of herself, support her children and get better jobs. In fact according to the UNO publication over the state of the world’s population in 1990, “a one percent increase in women’s literacy rate is three times more effective in reducing infant mortality than one percent increase in the number of doctors. As women’s level of education rises, the number of malnourished children declines”.⁵ Also children whose mothers are educated have more chances of going to school themselves, being better fed and receiving better personal instruction for personal development. Bearing this in mind, the government of Rwanda will be taking a wise and beneficial decision to broaden the chances and avenues for women’s education. Schools should be made to be responsive to women’s needs, teaching them the skills they need to meaningfully participate in the entire development activities of the nation.

Rwanda is signatory to both the African Charta on Human and People’s Rights, 1981 and the Convention on the Elimination of Discrimination against Women, 1979. While the former outlaws all types of discrimination and made only general provisions for equality of all, the requirement in article 17 (3) that acceptable African customs and tradition practiced in any locality, and which serve the needs of the community for harmonious existence be preserved, diluted the impact of any non discriminatory measure. The

⁴ Nelly P. Stromquist, Women and Literacy, Promises and Constraints; in epd Entwicklungspolitik (Deveelopment Politic), Frankfurt/M, 13/14/ July 1990.

⁵ Ballara, M, Women and Literacy, London/New Jersey, 1992, 14. UNESCO sources Nr. 5, june 1989.

government of Rwanda, like most African countries has leaned on this provision and tolerated the fort existence of practices that hinder women's claim to equality and active partnership in the political and economic life of the nation. Because in Africa, some customary and traditional practices fall under grey areas, and do not easily lend themselves to sharp and precise interpretation, the dominant forces in the society, men and elders, seize this opportunity and appeal to tradition to ensure that there is no diminution of their privilege, position and control over women. This recognition of equality of all and the outlawing of discrimination on one hand, and the acceptance of certain traditional African practices, render the African Banjul Charta almost an impotent tool in addressing women rights, unless a progressive judge is involved in the case.

In a sense, the CEDAW is more direct, precise and progressive in its support, promotion and protection of women rights. It is both a protective and promoting document and allows a time and space limited discrimination in form of affirmative action to redress incidences of past discrimination against women. Article 4 requires that whatever interim measure used to address past wrongs should be lifted after the goal is achieved and women attain a certain desirable position. Equality here does not mean exact and same treatment, but the provision of opportunities and creation of enabling environment for everyone, man and woman to be, and unhindered, realize his or her true potentials and reap the fruits there from.

Rwanda has the largest population density in Africa. The absence of any industrial base and scarcity of rich mineral deposits for export purposes, made both the government and the entire population to depend on cultivation of land both for cash crops for export purposes and for mere subsistence of the rural dwellers. There is a huge pressure on and demand for land, triggering off an acute land problem. The initial ancestral rights which determined land tenure accepted immemorial occupation as a valid claim to title and allowed for patrilineal succession to land, thus foreclosing women's claim or rights over parcels of land. Because land cultivation is very central to economic well being of Rwandans, lack of easy access to it diminishes a person's active participation in economic life of the society. Women as a group suffer this handicap. With the absence of or diminished access to land – a vital economic resource, women in Rwanda suffer

extreme poverty which reduces their participation in the process of human development. The absence of appropriate legislations in the past complicated this problem of access to land and its tenure. Access to land therefore being the most determinant economic and social factor, should come under strict government legislative scrutiny so as to have an ordered and socially equitable re-distribution and optimum use of land, even as some claim that because of overpopulation, all that could be distributed has already been, and all that could be cultivated has been also.

The internecine struggle for supremacy and domination carried out both through political manipulation and physical confrontation and which roots lay in the distant past of the Hutus and Tutsis led in the 1950s and 1960s to hostility that forced many Tutsis to flee the country. But after the 1994 genocide and the seizure of power by the Tutsi dominated army and government of the Rwandan Patriotic Front, many Hutu fled, enabling the Tutsis who left the country in the 1960s to return and took over the land abandoned by the Hutus. Following the Arusha Peace Accord in which the right of return, peaceful coexistence and property rights were guaranteed, many Hutus who fled after the 1994 genocide returned. This situation created a huge legal, social and economic problem as those who occupied parcels of land originally abandoned refused to vacate them when their rightful owners reappeared. In pursuit of government's policy of promoting social harmony, national reconciliation, peace, order and economic progress and in accordance with, (The Protocol on Repatriation of Refugees and Reinstallation of Displaced People enshrined in the Arusha Peace Accord) a provision was made that, the refugees that have left the country for more than 10 years should not claim back their properties already occupied by other people. In compensating them, the government will put land at their disposal and if the land was occupied by the government, then the returnee will be entitled to just compensation which could be merely monetary. The intention behind this provision, i.e, to avoid unnecessary disputes over land, and also quicken the return of refugees while valid, the limitation of the period to ten years is in consideration of the fear pervading many people's minds, short⁶. The United Nations High Commission for

⁶ UNHR Protection Report for December 1996 – January 1997, p.7. See also Women's Property Rights and the Land Question in Rwanda, published by The UN High Commission for Refugees – Kigali Office,

Refugees, Tanzania, Democratic Republic of Congo and Burundi ensured that the Rwandan Government undertakes to allow the different refugees return to their original region, protect their property rights and enjoy social and economic rights as recognized under national and international law, and also to set up efficient mechanism for effective resolution of land disputes.

This overall need to start afresh, has enabled certain progressive laws especially the one relating to property and land inheritance. Recognizing that lack of access to land in a country where majority of the population depend on farming for subsistence, subjects one to extreme poverty, the Ministry for Women introduced a draft bill 1996 on inheritance and marriage settlement, enabling women to inherit and own land on their own capacity. This bill passed into law in 2000. Since majority of them were forced by circumstance to become house heads and bread winners, this bill was extremely necessary to enable them cope with their sudden increased responsibilities.

While the modest efforts by the government is commended, continued attention should be paid to the implementation of such far reaching but sensitive issues as inheritance and marriage settlement, gender equality and women's rights to land. This is inspite of the fact that a legislation has addressed this issues. Law in the book might be different from law in action. The effects of this legislation must be monitored to ensure that the desired people are impacted in the desired way. Also, civil societies such as women organizations like Haguruka (Stand Up), a women's and children's rights group, that are active in these areas should be encouraged. Legal aid should be provided to serve the poor and illiterate ones who cannot by their own effort benefit from these new developments, social counseling and organization of workshops for capacity building and skill development should be effectively sponsored. A massive campaign also should be launched to sensitize men to accepting and treating women as partners for effective and meaningful development of the Rwandan society, and to recognize that women's role and contribution in national development is welcome, beneficial and indispensable. Sensitization of the society should be all encompassing. Judges and magistrates, most of

who are men deeply steeped in the patrilineal culture and tradition, policy makers and implementers, local chiefs, councilors and more particularly the rural population tucked away from the administrative centers which are metropolitan, more progressive and receptive to change. Enlargement of space for women participation in the law, politics, economy, administration and social life should be the norm, and not seen as such a special privilege to be dolled out to them on good behavior. If Rwanda is to progress, what of course it needs so direly after the destruction, then men and women alike must join hands as partners to rebuild it. The government through its policies should actively encourage this. To exclude women is to lose half the energy required to pull Rwanda up again. On a happy and welcome note however, part of these suggestions, especially with regards to political participation has been formalized in the constitution.⁷

Africa has a rich granary of taboos, customs and traditions which sometimes impose limitations and inhibit integration and upward movement on some on account of their social status and circumstances of birth. Rwanda, a country steeped in social stratification uses every opportunity to stigmatize and barricade or limit certain people's progress. One of the painful legacies of the genocide and the internecine between the Hutu and Tutsi was the massive rape of women and the birth of thousands of babies regarded as children of bad memory. On account that these children were the procreation of a forced and painful union between two hostile groups, they are rejected by both groups. Though themselves victims, the women mostly Tutsi who gave birth to these children have been treated as outcasts in their different communities and castigated as the wives of the "Interhamwe", the Hutu militias who committed the atrocities and raped them. Mother and Child rejected by the society now depend on the all powerful national government to craft a social, economic and legal condition for their re-integration in their various societies. In implementing this, the relevant provision on nondiscrimination should be effectively implemented. Opportunities for capacity building and economic

⁷ Jodi Edna, Women Take Lead in Reconstruction of Rwanda, Global Policy Forum, (Women's e-News) November, 16, 2003.

empowerment especially for the women should be created so that they would be able to give the children the meaningful future they deserve as legitimate citizens of Rwanda .⁸

Vision 2020 has as part of its goal to increase per capita income from \$230 to \$900, reduce the number of people living on less than a dollar a day from 55 percent to 25 percent; and improve the population's literacy rate from 40 percent to 90 percent. Given the limited resources of the country, such ambitious programme cannot be realized without external financial and technical support as the Swedish gesture indicates. In 2005, the Swedish government gave Rwanda US \$7 million grant to help finance the country's budget deficit, support the decentralization programme, deepen the structure for good governance and strengthen its poverty reduction strategies.⁹ As part of its policy to monitor the effective utilization of the aids resources, the Swedish foreign ministry ensured that no part of the grant was spent on military facilities, especially as the grant came at a time Rwanda was belligerently amassing troops near its border with DRC.

In every situation of heightened tension or open armed conflict the weaker segment of the society suffer the impact most, the trauma more lasting, difficult and expensive to heal. Traditionally women, children and the elderly are grouped together in this regard. As a group who are still in the process of integration or initiation into the mainstream of the society, they are the most vulnerable when traditional supportive structures that would aid them are decimated. Long after the genocide children still suffer the harshest fallout because the traditional protective structures such as the family, the educational and judicial systems all of which combine to form a controlling and guiding network were destroyed. The genocide targeted not only men, "the big fish" but also children, "the small fish". This negative result was informed by the altruistic philosophy that children are the future of any nation or group. To destroy them is to destroy the future of the group. Destroying children does not only mean killing them. To rob them of a meaningful

⁸ Henry J Steiner, Philip Alston, International Human Rights in Context – Law Politics Morals, 2nd. Ed. New York, 2000, p. 8. James McKingley, New York Times, September 23, 1996, P.A1

⁹ Sweden finally gives an extra \$7 million to fight poverty, IRIN-News Org. (UN Office for the Coordination of humanitarian Affairs), March 8, 2005.

future is to destroy them. Among the nearly one million victims of the genocide are also a sizeable number of children. The impact of the genocide on children plays out more on the survivors who remain the living casualties. By the end of the genocide about 95,000 children were orphaned. Many witnessed horrific violence and were themselves forced to participate and committed atrocities in exchange for their lives or in order to escape torture. This sort of trauma often lasts a life time. In addition to this scenario is the sudden explosion of children headed families who at the age of twelve or thirteen are forced to start taking care of their younger brothers or sisters. Their parents are not there because they have either been killed during the genocide or imprisoned because of their participation in the tragic even, or died as a result of AIDS. With limited resources the government could hardly finance some of the basic supportive infrastructures such as the health care and educational systems. Many end up as street children and are further exposed to exploitation and sexual abuse. The situation of Rwandan children represents a huge social issue that requires a well designed and targeted programme to confront. Aside from resuscitation of the health sector to improve the health of the children, schools and rehabilitation centers to teach them skills and prepare them to participate meaningfully in the society is most urgent. If the government fails in this the impact of the genocide will last longer than imagined, no matter the progress made in other sectors of the society.¹⁰

¹⁰ Ten Years After Genocide, Rwandan Children suffer lasting impact, UNICEF Press Release, April 6, 2004. Sara Rakita, Children of Rwanda: Legacy of the Genocide, The Future of Rwanda, <http://www.pambazuka.org/index>