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RWANDA

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Gender inequality in access to land and its consequences for rural populations in Rwanda



1. Introduction

The right to property is acknowledged to be one of the fundamental human rights. It is enshrined in Article 29 of the Rwandan Constitution of 4 June 2003, which includes various revisions made following Rwanda's ratification of different international agreements on human rights, notably the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

The characteristics of property law include *usus*, *fructus* and *abusus*. *Usus* means the right to manage a property, *fructus* refers to the right to use what is produced on a property and *abusus* is the right to dispose of a property.

2. Gender inequality in land access

In Rwanda, it used to be the case that when a man died, his widow would become the usufructuary of all property acquired by the couple. Since law 22/99 governing prenuptial agreements, gifts and inheritance came into force in November 1999, when a man dies, his legal wife's entitlement to conjugal property depends on whether the couple's prenuptial agreement established a system where all property was jointly owned, a system where all acquisitions were jointly owned or a system where all property was kept separate.

These are some of the causes or sources of inequality in land access:

a) Ignorance of human rights

In Rwanda, we are faced with the problem of ignorance of laws and human rights by the majority of the population and by local-level authorities responsible for handling the population's problems. This is despite the principle that "everyone should be familiar with the law".

This widespread ignorance of the law was highlighted in a study conducted by the Association HAGURUKA, a member organisation of the Collectif Pro-Femmes/Twese Hamwe. The study evaluated the application and impact of law no. 22/99 governing prenuptial agreements, gifts and inheritance and recommended that repackaging and dissemination campaigns for this law should be continued.

In this connection, the resigned attitude of the people, who do not demand their rights – women in particular – should also be mentioned.

b) Laws not being implemented in practice

In addition to the Rwandan Constitution of 4 June 2003, which comprises all the revisions made to date and, in Article 190, recognises the supremacy of the international conventions on human rights ratified by Rwanda over organic and ordinary laws, the following laws have been adopted:

- The 2005 organic law on the Rwandan property ownership system;
- Law no. 42/88 establishing the preliminary title and book one of the civil code (family code);
- Law no. 22/99 completing law no. 42/88, creating a fifth part relating to prenuptial agreements, gifts and inheritance.

However, based on statistics for support cases handled by the Association HAGURUKA, 8,993 women did not have access to property and 5,636 did not have access to an inheritance.

The failure to implement these laws in practice often results from resistance to change by people who remain attached to customs and tradition, despite the existence of written laws on the subject.

c) Unfair division of land and lack of land

The unfair division of land in some areas of the country is also a serious problem, as it restricts a number of people's

access to the land. This problem is exacerbated by the general lack of land – Rwanda has an area of 26,338 km², yet 95% of the population (some 9 million people) depend on farming for their livelihood.

Furthermore, inequality in access to land stems from the way the land is acquired. As mentioned earlier, there is still inequality in terms of access to land through inheritance, primarily because of the patriarchal system that views women as second-class citizens. The situation regarding division of property between spouses is similar, particularly if the husband dies. As for acquiring land as a gift, both men and women are allowed to give and receive gifts in Rwanda. In reality, however, very few women receive land as a gift. Land can also be acquired through purchase, but given the phenomenon of the feminisation of poverty and the current cost of land, there are very few female land-owners.

3. The consequences for rural populations in Rwanda and for women in particular

There are a great many consequences linked to access to land, notably:

- Poverty of individuals, families and the country as a whole;
- Inability to meet basic needs: food, healthcare, education etc.;
- Hunger;
- Conflict at family level, country level or even regional level.

Consequences for women:

- No access to loans due to lack of guarantee or mortgage;
- Poverty;
- No access to education;
- Disrespect by spouse and family members;
- Heavy financial dependence on spouse or parents;

- Resignation to the situation as no-one is heard to condemn violence against women;
- Breakdown of families: divorce, disownment.

4. Existing or potential information and communication strategies for fighting gender inequality

Information and communication strategies for fighting gender inequality include:

- Adopting non-discriminatory laws and policies;
- Repackaging and disseminating these laws through the media, e.g. via the radio (especially community radio stations), popular newspapers, the television, and so on;
- Organising awareness-raising campaigns to change the population's behaviour, using traditional chiefs, community volunteers (such as legal assistants), women's organisations, youth organisations, religious structures, youth movements (e.g. scouts, guides) and so on as relay points;
- Organising awareness-raising activities in the form of plays, dance shows, concerts, sports, and so forth;
- Raise the population's awareness using posters, leaflets and legal guides, among other methods;
- Include classes on gender and human rights on the curriculum at primary, secondary and university level;
- Emphasise gender equality in political speeches;
- Organise mobile legal clinics;
- Advocate equal involvement of men and women in decision-making bodies, based on the results of research on gender inequality.

5. Conclusion

If we wish to achieve sustainable development, it is important to respect the principle that all people are equal – with no exceptions – in all areas of life and particularly as regards access to property.



