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# Substantive Representation of Women and its Consequences: The Passage of a Gender-Based-Violence Law in Rwanda

Joan Marshall

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SUBSTANTIVE REPRESENTATION OF WOMEN AND ITS CONSEQUENCES:  
THE PASSAGE OF A GENDER-BASED-VIOLENCE LAW IN RWANDA

A Thesis

Submitted to the McAnulty College and  
Graduate School of Liberal Arts

Duquesne University

In partial fulfillment of the requirements for  
the degree of Master of Arts

By

Joan Marshall

December 2009



SUBSTANTIVE REPRESENTATION OF WOMEN AND ITS CONSEQUENCES:  
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By

Joan Marshall

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## ABSTRACT

### SUBSTANTIVE REPRESENTATION OF WOMEN AND ITS CONSEQUENCES: THE PASSAGE OF A GENDER-BASED-VIOLENCE LAW IN RWANDA

By

Joan Marshall

December 2009

Thesis supervised by Daniel Lieberfeld, Ph.D.

How can the increased political participation of traditionally excluded groups, particularly women, impact policymaking on issues that affect those groups? Using the passage of legislation on gender-based violence (GBV) in Rwanda as a case study, this thesis examines how increased women's "descriptive representation" can lead to "substantive representation" in the context of a political and social environment supportive of women's political inclusion. In addition to the increased political presence of women in parliament as a result of the gender-quota laws, the support of an executive government committed to the political inclusion of women and expansion of women's rights and an active, women-centered element of civil society contributed to the formulation and eventual passage of the GBV legislation. In this thesis, I argue that in Rwanda, the substantive representation of women was achieved not only through

increased descriptive representation but also because women in parliament were working in a political and social climate that gave incentives to address issues that concern women, such as gender-based violence.

## DEDICATION

In memory of my father, Celestino Marshall, who was a beautiful, kind man born on the other side of privilege. He was of the indigenous Filipino minority and he, in his own way, fought injustice inflicted by the political elite. His journey in life remains my ultimate inspiration.

This work is also dedicated to the mothers and daughters of the land of a thousand hills whose courage, beauty, and spirit illuminate Rwanda.

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A very special thanks goes out to the individuals in Rwanda who were interviewed for this thesis. They took precious time out of their busy schedules to talk with me and their words strengthened the truth in my work. *Murakoze!*

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## LIST OF ABBREVIATIONS

<b>AVEGA-AGAHOZO</b>	Association of Genocide Widows
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination Against Women (1980)
<b>FAWE</b>	Forum for African Women Educationalists
<b>FFRP</b>	<i>Forum des Femmes Rwandaises Parlementaires</i> (Forum of Rwandan Women Parliamentarians)
<b>GBV</b>	Gender-Based Violence
<b>KIE</b>	Kigali Institute of Education
<b>ICTR</b>	International Criminal Tribunal for Rwanda
<b>IDEA</b>	International Institute for Democracy and Electoral Assistance
<b>IRC</b>	International Rescue Committee
<b>MIGEPROF</b>	Ministry of Gender and Family Promotion (Rwanda)
<b>MP</b>	Member of Parliament
<b>NGO</b>	Nongovernmental Organization
<b>PFA</b>	Platform for Action
<b>RPF</b>	Rwandan Patriotic Front ( <i>Front Patriotique Rwandais</i> , FPR)
<b>UNDP</b>	United Nations Development Program
<b>UNIFEM</b>	United Nations Development Fund for Women
<b>USAID</b>	United States Agency for International Development
<b>WIT</b>	Women in Transition

# Chapter 1: Introduction

## *1.1 Research Overview*

How can the increased political participation of traditionally excluded groups, particularly women, impact policymaking on issues that affect those groups? Using legislation combating gender-based violence (GBV) in Rwanda as a case study, this thesis examines how the link between women's descriptive and substantive representations involves both the activities of an increased number of female parliamentarians and the intervention of other committed actors, such as a government devoted to achieving gender-sensitivity and an active women's movement in civil society.

In Rwanda, women's increased political participation through the gender-quota laws made possible the success of the GBV legislation. This study will examine passage of this legislation and how the political and social climate that female politicians were working in, an essentially supportive new democratic government that support gender-sensitivity and an influential civil society, helped "descriptive representation" (a traditionally disenfranchised group's participation in politics) of women lead to "substantive representation" (the promotion of that group's interests). In particular, this analysis of the Rwandan case is constructed with an eye to understanding how descriptive representation and substantive representation connect in practice to produce policy outcomes (GBV legislation) that benefit those represented.

*Descriptive representation*, according to Hanna Fenichel Pitkin (1967), is when candidates in democratic governments are elected to represent ethnic, gender and other minority constituencies. Furthermore, as described in *The Concept of Representation*,

Pitkin contends that descriptive representatives of marginalized groups should act in that particular group's interests "in a manner responsive to them" (1967, p. 209). Pitkin and subsequent scholars of government study define this kind of representation as *substantive representation* when the interests and concerns of the represented group are introduced into the parliamentary agenda and/or passed as law (Celis, 2009). While the significant increase in the number of female parliamentarians in Rwanda propelled the success of the GBV legislation, this thesis also analyzes the context in which the women legislators acted in the interest of their constituency.

First, the female politicians worked in a climate where women were active in civil society. Women-focused non-governmental organizations (NGOs) are influential because of their leading role in reconstructing Rwanda in the aftermath of the 1994 genocide, in which more than 800,000 people died, millions were displaced and the country's infrastructure destroyed. According to political scientist Timothy Longman (2005), not only did women's groups help genocide survivors find shelter and provide income-generating activities but they also led the political task of providing organization, civic training, and defending women's rights. Therefore, according to Longman, women's organizations helped to promote women's political participation by promoting the "legitimacy and importance of women holding office" (2005, p. 218) and encouraging the population to support female candidates mainly through educational programs.

Additionally, according to research by Elizabeth Pearson (2008), most of the female politicians were active members of women's-rights-focused civil society organizations before entering the Rwandan Parliament. Pearson finds that women's participation in civil society and exposure to the issues and problems of gender-based

violence influenced the development of the GBV bill (2008) through their advocacy and lobbying activities. Women's social and political roles will be discussed further in the next chapter but it is important to note that women-focused NGOs put pressure on the legislators they helped elect to address issues that would benefit women such as combating violence based on gender. Or, as political scientists Susan Franceschet and Jennifer Piscopo (2008) explain, women politicians perceive an obligation to legislate for women's interests, which they term the "mandate effect." Secondly, the post-genocide political leaderships (both the current one under President Paul Kagame and the transitional Government for National Unity which was in power from 1994 to 2003) encouraged gender equality and motivated women in office to legislate for the promotion of women's interests.

The conceptual framework frequently utilized by scholars of politics and gender in analyzing the link between the descriptive and substantive representation of marginalized groups is the popular but disputed notion of "critical mass" theory. Originating from the works of management scholar Rosabeth Moss Kanter and political scientist Drude Dahlerup, "critical mass" theory posits that when there is an increased presence of the members of a minority group in a lawmaking structure, the more likely policies that concern them will be addressed by their representatives (in Norris & Lovenduski, 2001, p. 2-3; Beckwith, 2007). Specifically, according to Dahlerup, 30 percent is the threshold at which minority members are able to make a transformative impact, in terms of changing policy outcomes, within a larger group. If minority members comprise less than 30 percent of the group, they will "find it difficult to form coalitions, craft alliances or affect the dominant culture" (in Pearson, 2008, p. 12). Political

scientists Pipa Norris and Joni Lovenduski explain that once a group reaches the “critical mass,” there will be a “qualitative change in the nature of group interactions as the minority starts to assert itself and thereby transform the institutional culture, norms, and values” (2001, pp. 2-3). Thus, when representatives of a traditionally disadvantaged group compose at least 30 percent of a certain decision-making structure, they achieve “critical mass” and can influence the political agenda.

Moreover, the concept of “critical mass” influenced women’s rights activists to lobby governments around the world to establish gender quotas on the grounds that “greater numbers of women in politics are required before individual female legislators can begin to ‘make a difference’ in gendered policy debates” (Childs & Krook, 2008, p. 734). According to the Global Database of Quotas for Women, a joint project of the International Institute for Democracy and Electoral Assistance (IDEA) and Stockholm University, there are 101 countries that have gender quota laws including Argentina (the first country to have one in 1991), Sweden, Iceland, and South Africa. In the case of Rwanda, Elizabeth Powley (2005, 2007) and Pearson (2007, 2008), who both conducted extensive study on women’s political participation there, confirm through their reports that as the numbers of female members of parliament increase, women are able to work together more effectively to promote policymaking that is responsive to the particular concerns of many or most women.

The April 2009 publication of the GBV legislation in *The Official Gazette of the Republic of Rwanda* marked the culmination of a five-year undertaking by members of the Forum of Rwandan Women Parliamentarians (FFRP in its French acronym), a legislative caucus created in the mid-1990s, to combat violence perpetrated on the basis

of gender. This law is remarkable not only because it is the first comprehensive legal framework in Rwanda's history to address GBV, which according to the 1993 United Nations Declaration on the Elimination of Violence against Women means "any act of gender-based violence that results in, or is likely to result in physical, sexual and psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life" (in Pearson, 2008, p. 9), but also because the law was passed through the political leadership of women, a traditionally marginalized group. In Rwanda, as in other developing rural societies, women's role was traditionally seen to be subservient to men. Because of constraints and discrimination stemming from patriarchal values, Rwandan women were discouraged from political participation and other decision-making processes (Wallace et al., 2009).

However, the restructuring of the Rwandan Constitution in 2003 to guarantee women 30 percent of seats in decision-making bodies, partly a result of lobbying by women's groups and partly the administration's gender-equality stance, led to a dramatic increase in women's political presence (Powley, 2005). During the elections in October 2008, women won 56 percent of seats in the lower house of Parliament, the Chamber of Deputies, making Rwanda the country with the highest number of elected female parliamentarians in the world (McGreal, 2008). Meanwhile, women in the Senate, the upper house of Parliament, fill 35 percent of the seats. According to the Constitution of the Republic of Rwanda (2003), both chambers deliberate on and pass laws as well as legislate and oversee executive action. While members of the lower house are elected by universal suffrage through a secret ballot using a system of proportional representation,

members of the Senate are nominated by local and national councils of authority and must meet particular criteria that the Supreme Court must first review before approving their nomination. Candidates for the Senate must be citizens of “impeccable character possessing the qualities of *inararibonye* (“The Constitution of the Republic of Rwanda,” 2003, Article 83), which means Senate candidates must be “highly skilled in the fields of science, law, economics, politics, sociology culture or be persons who have held senior positions in the public or private sectors” (Article 83).

According to my interviews with members of Parliament and leaders of nongovernmental organizations (NGOs) in Kigali, as well as to research by gender and politics scholars Powley and Pearson, the GBV law would not have been developed if not for the increased presence of women in Parliament. While it is important to acknowledge that the increased political presence of a traditionally marginalized group does make an impact in terms of having more votes to support a certain piece of legislation, this thesis looks beyond numbers to show how the descriptive representation of women leads to substantive representation by examining other factors – pressure from women-focused NGOs, support from a gender-sensitive government, and a perceived obligation to act for women (the “mandate effect”) – that led to the successful legislation combating GBV.

Furthermore, the passage of the GBV law demonstrates that, given the opportunity, previously marginalized groups will use their new power to bring to the table issues of interest to the group that would otherwise be disregarded. As GBV has long been a pervasive and largely accepted practice in Rwandan society (Wallace et al. 2009), the recent passage of a law that punishes perpetrators of gender-based violence suggests a commitment by lawmakers to address human security issues and the protection

of all individuals, especially women. Though it is still too early to discern its impact on the population, the criminalization of GBV is a forward step towards gender-sensitive governance. Moreover, the GBV legislation also demonstrates how female politicians, to a greater extent than male politicians, represent women's interests. My interviews with female members of Parliament (MPs) and leaders of women-focused organizations suggest that the GBV issue would have been disregarded in a male-dominated Parliament and that it was because of the increased presence of female legislators that the issue was addressed.

### ***1.2 Thesis Structure***

This thesis is divided into five chapters. This chapter provides an overview of the thesis, outlines the research methodology, and states this study's contribution to research. Chapter two reviews the literature on descriptive and substantive representation and the debate by scholars on "critical mass" theory and gender-quota laws. Chapter three presents an overview of Rwanda's social and political context. Chapter four takes a closer look at how government leadership and civil society activism influenced the development of the GBV bill. Chapter five analyzes lessons learned from Rwandan women's political experience in drafting the GBV law, discusses the study's limitations, and provides recommendations for further study.

### ***1.3 Thesis Hypothesis and Purpose of Research***

In this thesis, I argue that in Rwanda, the substantive representation by women was achieved not only with the increased descriptive representation but also because female politicians were working in a political and social climate supportive of their efforts to address issues pertinent to women, such as gender-based violence, that would

otherwise be overlooked by the traditional power holders. The passage of the GBV law demonstrates the ability of female lawmakers to create policies that would benefit women, particularly in the crucial area of physical security, given the opportunity to be included in the policymaking process.

Highlighting the increased political participation of women and the process in which the GBV was created, the purpose of this thesis is to build upon existing studies concerning the political inclusion of historically disadvantaged groups, such as women, and the policy changes they achieve and the factors that influence those achievements. In addition to providing a closer look at a case on how the substantive representation of women occurs, this thesis also frames theories about women's political inclusion in Western societies in a developing-nation context. Hence, this thesis also aims to contribute to research that tests the validity of previous findings in Europe and the United States on the effects of women's political representation.

#### ***1.4 Thesis Methodology***

Using the case study of Rwandan women's political participation as a qualitative research tool, this thesis analyzes how the descriptive representation of a historically disadvantaged group achieves substantive representation in the right environment – that is, with support from political and social actors. For this research study, 20 semi-structured interviews were conducted in the Rwandan capital, Kigali, in 2009. The respondents included eight members of Parliament, two Senators, an official from the government's Gender Monitoring Office, and nine leaders of NGOs such as Pro-Femmes, Haguruka and Women for Women International. They were selected based on their involvement in developing the GBV bill as a politician and as a member of civil society.

While in Kigali, the method of “snowball sampling” was used wherein initial interview subjects recommended other possible respondents. The interviews were conducted in English and in French. Inductive content analysis was used to identify the pertinent themes that emerged from the interviews. These themes include the increased political participation of women due to the gender-quota laws and how it compelled legislators to address issues that concern women, how the GBV bill was an issue that would have been overlooked if not for the significant political presence of women and lobbying efforts from women activists, and that the GBV law was the first piece of legislation that originated from the members of the women-led caucus, FFRP.

The interviews provide primary data that supports the main argument of this thesis: women’s increased political participation due to the gender-quota laws, along with the support of a gender-sensitive government and women-focused civil society groups, resulted in legislation that punishes perpetrators of violence committed mainly against women and girls. From a theoretical perspective, the successful GBV legislation in Rwanda demonstrates how women’s increased descriptive representation can lead to substantive representation in that women politicians, to a greater extent than men, prioritize issues pertinent to women’s social and physical well-being.

## Chapter 2: Literature Review

### 2.1 Chapter Overview

The increased participation of Rwandan women in legislative settings is discussed in this thesis within the concepts of descriptive and substantive representation. This literature review will look at the current discussion on these concepts. Scholars suggest that the political inclusion of traditionally marginalized groups demonstrates an element of a true democratic society. But fair representation spawns debate on *who* should represent, *what* should representatives do once they are in office, and at which point does a group of representatives make an impact in policymaking. According to scholars, it is when a group achieves a “critical mass,” originally a business management concept where the minority group must comprise of 30 percent (based on the studies of business expert Rosabeth Moss Kanter and political scientist Drude Dahlerup) within the bigger group in order to affect policymaking. Scholars attribute the rise of gender quota laws across the globe to the “critical mass” concept. In their efforts to overhaul the under-representation of women in legislative settings, governments have implemented electoral quota laws to guarantee the election into office of a minimum number of women.

Achieving substantive representation (when representatives work on legislation that focuses on the specific needs of their constituents) may be the result of an increased presence of descriptive representatives but, according to scholars, it depends on the context in which the legislators are working in. In the case of Rwanda, women legislators are working in a post-genocide setting where the leadership is committed to gender equality and women in civil society have a significant influence on what issues female legislators must act on.

## ***2.2 The Inclusion of Traditionally Marginalized Groups in a Democratic Society***

Suzanne Dovi (2002) writes that democratic political institutions are often evaluated by the gender, ethnicity and race of elected representatives and that democratic nations that do not have representatives from all groups of society, especially from historically disadvantaged groups, are unjust. According to Anne Stevens (2009), in a true democracy, there must be a system of representation that implicates all adult citizens in society's decision-making arena and historically marginalized groups must be able to find their place in it.

Another scholar of democracy, Mahendra Lawoti (2007) adds that if certain groups are deprived of an equal voice in a democratic society's decision-making process, the purpose of democracy may become less meaningful to them and their continued alienation might drive members to support antidemocratic practices. Furthermore, according to Lawoti, political institutions risk creating policies that may result in "insensitive and harmful policies" (Lawoti, 2007, p. 57) towards excluded groups.

Additionally, according to Hanna Fenichel Pitkin (1967), representation in political life is relevant because of all the deliberation and bargaining involved in discussing public policy issues. If there are no value commitments, decisions, or judgments involved in policy deliberation and we expect "scientifically true answers" (Pitkin, 1967, p. 212), then representation would be irrelevant. In addition, Pitkin posits that representation is impossible where

a totally arbitrary choice is called for, where deliberation and reason are irrelevant. We need representation precisely where we are not content to leave matters to the expert; we can have substantive representation only where interest is involved, that is, where decisions are not merely arbitrary choices (Pitkin, 1967, p. 212).

Pitkin adds that representation means “acting in the interests of the represented, in a manner responsive to them” (p. 209). Political representation is the activity of making citizens’ voices, opinions, and perspectives present in the public policy-making processes, and occurs when political actors speak, advocate, symbolize, and act on the behalf of others in the political arena (Pitkin, 1967). But who should act as representatives and how should they represent their constituents? The next section discusses Pitkin’s concept of “descriptive” and “substantive” representation and how it applies to representing women in the public policy arena.

### ***2.3 Does Increased Descriptive Representation Improve Substantive Representation?***

In *The Concept of Representation* (1967), Pitkin illustrates the distinction between descriptive and substantive representation of historically disadvantaged groups. Descriptive representation is essentially symbolic in which representatives stand for a traditionally disadvantaged group, speaking for that group on existing issues that concern society at large but not necessarily developing or passing legislation that addresses that group’s specific needs (Pitkin, 1967). Or as social scientist Paul Chaney puts it, descriptive representation refers to a situation where “women represent women, disabled people represent disabled people and so on” (2006, p. 691) but the representatives may not automatically address issues that most affect their constituents. Additionally, as sociologist Melanie Hughes (2008) points out, descriptive representation suggests a “mirror representation” because legislators reflect the “demographic characteristic and experiences of the constituents they represent” (2008, p. 5) but may not act for the interests of the constituents.

Meanwhile, substantive representation refers to the ability of representatives to act

for their constituents (Pitkin, 1967; Phillips, 1998; Celis, 2009; Childs & Krook, 2008; Swers, 2005), that is, when female politicians vote, introduce, and support women-centered bills, speak for women, broaden agenda to focus on issues prioritized by women, engender debates and policy content, and provide feminist analysis and feedback (Celis, 2009) during debates. Pitkin adds that “there need not be a constant activity of responding” on the part of the representatives but there must be “a constant condition of responsiveness, of potential readiness to respond” (1967, p. 233).

To Pitkin, the ultimate goal of representatives is to be responsible in delivering policy results that would be advantageous to historically disenfranchised people they are representing (in Phillips, 1998). Pitkin asserts that what matters more is *what* representatives do in their efforts to address the concerns of their constituents and not *who* and how many the representatives might be. The representatives may and probably will differ from those they act for in their understanding of where the true interests of their constituents lie. In the case of representing women, Pitkin implies that anyone, including men, may effectively represent women as long as they advance policy that benefit them, such as salary equity, elimination of gender discrimination, improved reproductive rights, and other social welfare issues (1967).

According to Dovi, scholars of representation “unambiguously acknowledge that despite the importance of descriptive representation, some descriptive representatives fail to further, and can even undermine, the best interests of historically disadvantaged groups” (2002, p. 730). Though just the mere presence of representatives from traditionally marginalized groups is necessary, it is sometimes insufficient for a fair representation for all the members if the representatives do not actually address the issues

that concern their constituents.

While Pitkin discounts the need for descriptive representatives to achieve substantive representation of constituent interests (in Swers, 2005), other scholars, such as Phillips, argue otherwise. According to Phillips, female politicians must represent women because women have a distinct and separate interest that cannot be adequately represented by men and that only the election of women can ensure its representation (1998). Phillips argues that since female politicians presumably share the same life experiences with female citizens, their presence increases the likelihood that women's needs and interests will be represented (1998). She argues that increasing the descriptive representation is an essential step in achieving substantive representation of women's interests because the more there are women in legislative settings, the more likely higher priority will be given to issues that are important to them. Phillips draws from the general political experience that male or mostly male assemblies "will be poor judges of women's interests, and priorities and concerns, and that trying to shore up this judgment by pre-agreed programs has only limited effect" (1998, p. 235).

Furthermore, Phillips argues that because women "occupy a distinct position within society," that of having lower-paid jobs and carrying the primary responsibility for the unpaid work of caring for others, there are particular needs, interests, and concerns that arise from women's different life experience, and these will be "inadequately addressed" if women themselves were not present in legislative debate (1998, p. 233). Moreover, another feminist scholar, Sue Thomas (1994), argues that not only are female politicians needed to act on issues that are of concern to women, but also because their "outsider" status can be a bonus in that disillusioned voters look for outsiders to "fix a

broken system” (Thomas, 1994, p. 157). Thomas points out that because “it is clear to everyone that women do not hold the reins of power,” they are spared from the responsibility of political predicaments and therefore are “able to reverse its downward progression” (1994, p. 158).

Additionally, Chaney provides empirical evidence to support recent claims by feminist scholars such as Phillips and Thomas that the substantive representation of women depends not only on the numbers of women elected representatives in national legislatures, but also of who they are (p. 691). In his analysis of the gender dynamics during more than 300 plenary debates in the first term of the National Assembly for Wales where 42 percent of elected members (1999 – 2003) were composed of women, Chaney finds that more than 47 percent of the time is taken up by discussions on women’s issues. Further, for more than half the plenary debates included references to equality (Chaney, 2006). Based on this data, Chaney claims that women “effected a qualitative change in the nature of political debate.” In addition, Chaney finds that women parliamentarians are more likely than their male colleagues to initiate political debate on women’s issues “in order to further the substantive representation of women” (Chaney, 2006, p. 709).

Franceschet and Piscopo, from their studies in the U.S., Latin America (particularly Argentina) and Africa, also find that female legislators are more likely than their male counterparts to introduce and cosponsor legislation that deals with women’s rights and children and families. However, Franceschet and Piscopo acknowledge that bill introduction is only part of the process and it does not necessarily reveal how female politicians produce policy outcomes (2008). Therefore, Franceschet and Piscopo point

out that before assessing the achievement of substantive representation, scholars must first define whether substantive representation is a “process,” meaning women acting for women, or an “outcome,” that is, women changing policy (2008).

According to Franceschet and Piscopo, process-focused studies look to “whether gender differences in legislators’ attitudes and activities change the issues represented in the chamber” while outcome-focused studies look “either to changes in political practice (for example, decreasing gender discrimination in politics) or to changes in public policies (adopting women-friendly legislation)” (p. 398). Scholars focusing on “outcomes” often find that “women’s presence has neither empowered women as political actors nor dramatically transformed public policy” (p. 398). Therefore, Franceschet and Piscopo suggest that a focus on women’s legislative behavior sometimes offers more optimistic conclusions than focusing on the outcome of women’s legislative activities.

Thus, is it more important *who* the representatives are or is it more valuable to look at *what* they do and if they are indeed addressing the priority issues that concern their constituents? On the one hand, some scholars of representative democracy say it should matter more *what* they do - whether they can introduce, vote on, or promote policy that deal with issues specific to that group. On the other hand, others say it matters more *who* the descriptive representatives are, especially concerning women because, as Phillips suggests, women have distinct and separate interests that cannot be adequately represented by men and that only the election of women can ensure (1998).

It remains to be empirically tested whether increased descriptive representation improves substantive representation, but in any case, as Hughes emphasizes, having a

descriptive representation of historically disenfranchised people helps enhance the legitimacy of a government simply because it improves the representation of minority interests by “facilitating communication between legislators and constituents, by increasing the electoral participation of marginalized groups, and by enhancing the quality of legislative deliberation” (p. 6).

#### ***2.4 “Critical Mass” Theory: Increasing Descriptive Representation to Achieve***

##### ***Substantive Representation***

Feminist scholars such as Phillips (1998), Sara Childs and Mona Lena Krook (2008), Powley (2005, 2007), and Celis (2006, 2009) have argued that increasing the descriptive representation of women in decision-making structures is necessary to achieve the substantive representation of women, meaning there would be more legislation that would benefit women if there were more women present in the political realm.

As was mentioned earlier, the conceptual framework frequently utilized by scholars of politics and gender in analyzing the link between the descriptive and substantive representation of marginalized groups is the notion of “critical mass” theory. Originating from the works of Kanter and Dahlerup, the “critical mass” theory posits that when there is an increased presence of the members of a minority group in a decision-making structure, then more likely policies that concern them will be addressed (in Norris & Lovenduski, 2001, p. 2-3; Beckwith, 2007; Celis, 2009).

In addition, according to Childs and Krook (2008), “critical mass” is the central concept in research on women’s political representation. The critical mass theory

is frequently invoked to explain why women do not always appear to represent women once they are in political office. Gender and politics

scholars and activists suggest that this pattern is due not to the inclinations of female office holders, but rather to the fact that there are fewer women than men in almost all elected assemblies. They argue that women are not likely to have a major impact on legislative outcomes until they grow from a few token individuals into a considerable minority of all legislators: only as their numbers increase will women be able to work more effectively together to promote women-friendly policy change and to influence their male colleagues to accept and approve legislation promoting women's concerns (2008, p. 725).

Specifically, according to Dahlerup, 30 percent is the threshold at which minority members are able to make a transformative impact, in terms of changing policy outcomes, within a larger group. If minority members compose less than 30 percent of the group, they will find it difficult to organize and affect the decisions being made in the dominant culture (in Pearson, 2008).

Furthermore, one of the original hypotheses of the effect of "critical mass" was that it would "encourage and legitimize the presence of women in legislatures, leading to even more women being chosen" (Studlar & McAllister, 2002, p. 234). This hypothesis suggests then that once "critical mass" is reached, women's representation in legislatures should quickly gather momentum (Studlar & McAllister, 2002).

However, there are several limitations to this concept. Further analyses by political scholars, including Childs and Krook, show that achieving critical mass does not necessarily translate to achieving substantive representation of marginalized groups, meaning their concerns will not necessarily be addressed (Pearson, 2008; Beckwith & Cowell-Meyers, 2007), nor does "critical mass" necessarily accelerate increased representation for women.

In their research concerning women legislators, Childs and Krook find that, sometimes, numbers do not actually matter because there are instances where women can

make a difference even when they form a very small minority in a legislative body or that the increased presence of women in legislatures does not always mean they will work for women-friendly policy outcomes (2008). This is reflected by Karen Beckwith and Kimberly Cowell-Meyers (2007) whose studies suggest that “no threshold number has been established that marks the boundaries between numbers of women too small to have an impact on legislation and numbers large enough” (p. 553) to secure policymaking that is responsive to the particular concerns of many or most women. Furthermore, Pearson theorizes that even when there is a significant female presence in a decision-making body, factors such as political inexperience and continued social stereotypes can limit their ability to effect policy outcomes (2008).

After analyzing election patterns in 20 democratic countries, political scientists Donley Studlar and Ian McAllister find that the process in which women gain more seats is incremental “rather than an accelerated one dependent on a critical mass.” Studlar and McAllister (2002) find that having a “critical mass” of female politicians adds marginally to female representation levels and that the best way to increase women’s representation is through the party list (PR) electoral system as well as an egalitarian political culture.

Studlar and McAllister claim that in non-U.S. contexts, the “critical mass” argument is “even more suspect because of the overwhelming influence of party loyalty on agenda setting and voting” that the voices of women in legislatures are “muffled by the roar of party machine” (2002, p. 248). Though women’s legislative style sometimes differ from men’s, especially on social welfare issues, as long as the political party is the dominant force in legislatures, Studlar and McAllister claim it will be “difficult to generate women’s unity” (p. 248).

Though studies show that achieving the “critical mass” does not consistently connect descriptive representation to the substantive representation of women, the concept of “critical mass” became a reason for governments around the world to establish gender quotas “on the grounds that greater numbers of women in politics are required before individual female legislators can begin to ‘make a difference’ in gendered policy debates” (Childs & Krook, 2008, p. 734).

### ***2.5 Gender Quota: Does it Fix Women’s Under-representation in Politics?***

What are gender quotas and how can quotas contribute to the political empowerment of women? This section discusses studies done by scholars such as Dahlerup and Aili Mari Tripp and Alice Kang (2008) on gender quotas. This discussion attempts to provide a reason why governments (including Rwanda’s leadership) decide to include quotas in their electoral systems. According to Dahlerup (2006), writing for the Global Database of Quotas for Women, quota laws are in place to increase women’s representation and fix the under-representation of women in legislative settings. Though, as Tripp and Kang find, the increasing number of countries since the mid-1990s has “helped overcome constraints on women’s representation posed by economic underdevelopment, cultural influences, and even electoral systems” (p. 338), quotas continue to raise questions and resistance among politicians, political analysts and scholars.

On the one hand, quota laws are fast-track measures that aim to attain more equitable representation (Tripp & Kang, 2008) in parliaments and legislative bodies. Gender quota laws are in place in more than one hundred countries in the world. As Dahlerup explains, most quotas are established to increase women's political

representation because their under-representation is usually the problem that governments aim to fix in the first place, particularly since women usually constitute 50 percent of the population in any given country. Dahlerup explains that gender quotas may apply to the number of women candidates proposed by a party for election, or may take the form of reserved seats in the legislature (2006). In most cases, quota systems “aim at ensuring that women constitute at least a ‘critical minority’ of 20, 30 or 40 percent, or even to ensure true gender balance of 50-50 percent” (Dahlerup, 2006). Though in many countries, quotas are applied as a temporary measure “until the barriers for women's entry into politics are removed,” most countries have not set a time limit to their use of quotas (Dahlerup, 2006). Currently, there are 101 countries that have quota laws including Argentina, Sweden, Iceland, South Africa and Rwanda.

On the other hand, the use of quotas is criticized for many reasons. As an anonymous author posed in a 2008 article in *The Economist*, “why should voters’ choices be limited by artificial categories?” The author argues that quotas risk “diluting the quality of decision-making: if women candidates are good, voters will choose them anyway; if they are not good, why do they deserve to be elected?” (“Women rising: quotas,” 2008). The author goes on to say that even without the help of quota laws, many women have done well without them, citing Angela Merkel in Germany and Tzipi Livni in Israel as examples. Even Dahlerup acknowledges the controversy pointing out that quotas can be seen as going against the principle of equal opportunity for all, since women are given preference over men. In addition, quotas imply that politicians are elected because of their gender, not their qualifications, pushing aside more qualified candidates and making many women, as Dahlerup points out, feel they do not want to get

elected just because they are women (2006).

Despite these objections against quotas, Dahlerup argues that there are more pros than cons in establishing quota laws on the basis that quotas for women do not actually discriminate but compensate for “actual barriers that prevent women from their fair share of the political seats” (2006). Qualified women could win positions but they are traditionally hindered from taking office due to cultural and traditional beliefs that undervalue women’s political leadership and encourage men to dominate the political arena (Tripp & Kang, 2008).

Dahlerup maintains that quotas do not violate voters’ rights because it is in fact the political parties that control the nominations; therefore, voters do not necessarily decide who gets elected. As such, Dahlerup argues that elections are about representation, not educational qualifications. So even when women’s qualifications are “downgraded and minimized in a male-dominated political system,” quotas ensure women’s right to equal representation.

Moreover, according to Tripp and Kang, many women’s rights advocates argue that most legislatures in the world are still male-dominated indicating a preferential treatment for men “that will not change on its own” (2008, p. 340). Therefore, some measures, such as quota laws, need to be adopted “lest societies wait an eternity for change” (2008, p. 340).

## ***2.6 How Quotas Affect Substantive Representation***

Seeing as gender quota laws are in effect in more than a hundred countries worldwide, how then are quotas affecting the work of female politicians? Franceschet and Piscopo, basing their analysis of the Argentine Congress, find that gender quotas

affect women's substantive representation in contradictory ways. They find that quotas only improve women's political participation in terms of introducing and/or voting for bills that address women's issues. Studies show that women are more likely than men to introduce and cosponsor legislation that deals with women's social interests (i.e. women's rights, children and family issues) yet bill introduction only "captures the procedural aspects of substantive representation and reveals nothing about policy outcomes" (p. 399). Insofar as women's having an effect on policy outcome is concerned, Franceschet and Piscopo find that quota laws "do not change the institutional features and gender bias in the legislative environment, and therefore do not enhance women's ability to transform policy outcomes" (p. 396).

In addition, Franceschet and Piscopo find in Argentina that quotas created a "mandate effect" whereby female legislators "perceived an obligation to act on behalf women" (2008, pp. 394-395) and a "label effect" whereby women elected under quota are seen as undeserving or unqualified. Though that may not be necessarily correct, the "label effect" generates stereotypes about "quota women" that puts them in a negative light (Franceschet & Piscopo, 2008).

### ***2.7 Limitations on the Politics of Presence***

Despite general agreement that the representation of women and minority groups is a crucial element of the democratic process, arguments regarding representation are still flawed in that, as Hughes finds, group-based representation may promote essentialism, the assumption that "group members have a fundamental common identity that cannot be shared by individuals who are not a part of that group" (2008, p. 6). In addition, as political scholar Edward Koning suggests, most studies assume that female

voters “have significantly different views from those of the male electorate without testing this explicitly.” Koning, based on his studies of women’s political participation in the Netherlands, argues that many scholars presume women are more interested in social welfare issues such as family and children, education and health. However, scholars do not actually offer any empirical proof.

Koning suggests there is a flaw in assuming that women think alike and even if women are more interested in “women’s policies” than men, “it is not self-evident that all women would have the same ideas about what those policies should look like” (2009, p. 174). Franceschet and Piscopo suggest such is the case in Argentina. They find that when women are elected under quota, they have a perception that they are needed in the legislature because of their “distinctly feminine perspectives” (p. 402) even if not all women have feminist views on gender issues. In some cases, such as in the Netherlands, female voters “have actually been more conservative than men” (Koning, 2009, p. 175).

## ***2.8 Conclusion and Further Study on Substantive Representation***

Overall, there has been no scholarly consensus on the link between descriptive and substantive representation. Political scholars such as Childs and Krook (2008) recommend other ways to study the descriptive and substantive representation of women, such as further research on the role of “critical actors” in improving women’s substantive representation. Whether they are female or male politicians, Childs and Krook impart that “critical actors” are those who “initiate policy proposals on their own and often – but not necessarily – embolden others to take steps” to promote policies for their constituents regardless of the number of representatives present in a governing institution (p.734). Childs and Krook argue that attention to these actors create an avenue for further study

on the legislative behavior of women – and men – who mobilize towards the improved substantive representation of women’s concerns (2008).

Franceschet and Piscopo argue that scholars have reached different conclusions about the link between women’s descriptive and substantive representation because researchers often conflate the definition of substantive representation. Franceschet and Piscopo define the concept for us this way: substantive representation as a process, wherein legislators change the legislative agenda, and substantive representation as outcome, wherein women’s rights laws are adopted (2008).

Whereas Franceschet and Piscopo find that quotas do not guarantee improvements in substantive representation, other scholars, such as Phillips, argue that increasing the descriptive representation, whether using quotas in national elections or in political party lists, is an essential step to achieving substantive representation. The bottom line for most scholars of gender and politics is the more there are women present in legislative settings, the more likely that issues important to women will be addressed.

In addition, as Dovi (2002) argues, the greater presence of women might lead, over time, to a greater acceptance of women’s changing social roles. Finding the link between the descriptive and substantive representation can be conceived as “involving both the actions in debate of a substantial portion of female parliamentarians constituting a ‘critical mass’ and the interventions of equity champions who through feminist conviction, professional experience and gender equality knowledge, act to promote substantive outcomes” (Dovi, 2002, p. 709).

In using quotas, an institution might achieve the “critical mass” of women and making an impact in policymaking becomes feasible. However, the “critical mass”

theory's effectiveness depends on the context of legislation. In Rwanda, the aftermath of the 1994 genocide installed new leadership that was committed to expanding women's rights. The post-war situation also motivated women in civil society to mobilize and address the immediate needs of the genocide survivors. Pressure from feminist organizations domestically and internationally inspired the government to impose a quota law that would guarantee women 30 percent of seats at all levels of decision-making settings, thus ensuring that women will achieve a "critical mass." However, it is women's activism as politicians and as members of civil society working in and with a supportive leadership that truly makes a difference in Rwanda.

## **Chapter 3: Post-genocide Political Restructuring and Social**

### **Mobilization in Rwanda**

#### ***3.1 Chapter Overview***

In order to understand how substantive representation (regarding the successful GBV legislation) occurred in Rwanda, it is necessary to look at the context in which women's implication into politics transpired. This chapter looks at how the legislative structure guarantees 30 percent of seats to women, and discusses how, in the aftermath of the 1994 genocide, women became leaders of their communities by picking up the pieces of their shattered country. Women, who comprised 70 percent of the genocide survivors, banded together in associations to address the immediate needs of the population, including providing shelter, healthcare, psychotherapy, vocational training, and assistance with income-generating activities. In the process, their activism opened up the space for women to enter politics and for the government to pay attention to women's plight (Newbury & Baldwin, 2001b; Longman, 2005; Burnet, 2008).

Thus, from a broader perspective, the GBV bill could not have been developed in a more supportive environment than the one where it was created in Rwanda – an increased political presence of legislators who wanted to address women's issues, a government that guaranteed women's participation in policymaking, and an active civil society that was well-organized and backed by international and national donors.

#### ***3.2 Overview of the Governmental Framework***

To have a better understanding of the distribution of political power in Rwanda, let us look briefly at the governmental framework. A 12-member team that included three women drafted the Rwandan Constitution, which was adopted in 2003. According to

Deputy Judith Kanakuze, one of three women in the Constitution committee, the group used a consultative approach in writing the Constitution. Kanakuze describes the Constitution as “society’s project” (Interview, May 28, 2009) because the committee laboriously consulted the population, specifically members of local civil society organizations as well as regional and international political experts, on how to design the law that would ensure equal rights to all citizens. According to Kanakuze, one of the main goals in restructuring the Constitution was to find a space for women to be involved in the decision-making process at all levels of government. The 30 percent quota was an idea that came from consultations with women activists in civil society, from analyses by political experts, from models of other African countries with quota laws such as Uganda and South Africa, and specifically from the Platform for Action, or PFA, that was drafted by participants of the UN-sponsored Fourth World Conference on Woman held in Beijing in 1995 (Interview with Kanakuze, May 28, 2009).

The PFA called for the increased involvement of women in the decision-making process especially in post-conflict countries on the basis of gender equality and argued that women may have more natural skills as peacemakers than men (Hunt & Rosa, 2001; Anderlini, 2007; Benard et al., 2008). Kanakuze said the quota in Rwanda was based on the principle of equality: “We thought women must be a part of the Constitutional process and this was time for that” (Interview, May 28, 2009).

In addition, part of the Constitution’s preamble adheres to the principles of the 1980 Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and commits to “ensuring equal rights between Rwandans and between women and men without prejudice to the principles of gender equality and

‘complementarity’ in national development” (“The Constitution of the Republic of Rwanda,” 2003).<sup>1</sup>

### ***3.3 Overview of Women’s Traditional Role in Rwanda***

The long road Rwandan women have walked against gender-based oppression took a dramatic turn after the 1994 genocide. Let us first look at the traditional social role of women in pre- and post-colonial Rwanda to gain insight as to how the leadership of women was built over time.

Though Rwandan women have traditionally been subservient to men in terms of social roles (Longman, 2005; Newbury & Baldwin, 2001b; Burnet, 2008; Schwartz, 2005), pre-colonial Rwanda did see some women assuming powerful positions as religious leaders and village chiefs representing the king. But the onset of colonialism in Rwanda in the second half of the 19<sup>th</sup> century undermined women’s social, economic, and political power (Longman, 2005) leaving the men to decide on all aspects of public life. Colonialism diminished women’s chances of holding authoritative positions as it centralized the political system and “eliminated chieftaincies that had helped distribute

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<sup>1</sup> According to the Rwandan Constitution, the Parliament is composed of the Chamber of Deputies and the Senate. Among the 80 members of the Chamber of Deputies, the lower house, 53 are elected by popular vote while 24 (30 percent of 80) are elected on women-only ballots. The last three seats are reserved for the National Youth Council (two representatives) and the Federation of the Associations of the Disabled (one representative). All members, who have the title of “deputy,” hold a five-year-term renewable once (2003). There are currently 45 female deputies including the president of the lower house, Rose Mukantabana.

In the upper house of Parliament, the Senate is composed of 26 members and at least eight are women. They serve for an eight-year non-renewable term and must meet particular criteria in that they must be “highly skilled in the fields of science, law, economics, politics, sociology culture or be persons who have held senior positions in the public or private sectors” (Article 83). Of the 26 senators, 12 are elected by provincial or sectoral councils, two from the institutions of higher learning, four elected by the Forum of Political Organizations, and eight appointed by the President “who shall ensure the representation of historically marginalized communities” and take into account the “principle of national unity among Rwandans” (Articles 76 and 85).

According to the Constitution, both chambers deliberate on and pass laws as well as legislate and oversee executive action. The President of the Republic, meanwhile, is elected for a term of seven years renewable only once. The next presidential election year is scheduled for 2010.

power” (Longman, 2005, p. 211). Thus, under colonialism, any opportunities for women to have authority over a community weakened. Even when Rwanda won independence from Belgium in 1962, the new regime was not interested in empowering women and did nothing to liberate women from social, economic and political oppression (Longman, 2005).

In addition, it was difficult, if not impossible, for women to own land and property in their own rights because of legal and societal constraints (Newbury & Baldwin, 2001a), causing women to become fully dependent on men in terms of income. Moreover, according to political scientists Catharine Newbury and Hannah Baldwin, a woman was dissuaded from expressing her knowledge and abilities, thus she remained silent and acted as if she knew little in the presence of men (2001a).

However, according to Newbury and Baldwin, when women were with other women, there was plenty to discuss and there was plenty of voices being heard. Collaboration and cooperation among women in Rwanda have deep historical roots and it was in these kinds of gatherings that women expressed their ideas and found an audience amongst each other (2001a).

### ***3.4 Women’s Post-war Social Activism***

By the 1980’s, the situation of Rwandan women in the public arena began to change when women started collaborating on a grassroots level as they sought to combat poverty through strategies in gaining independent access to income. Civil society gave women an arena to address their concerns and needs. Through these organizational activities, women started taking “a more assertive stance” (Newbury & Baldwin, 2001a, p. 112).

After the genocide in 1994, in which hard-line Hutus massacred more than 800,000 Tutsis and moderate Hutus in a span of 100 days, women were the main survivors, counting for 70 percent of the post-genocidal population (Schwartz, 2005; Pearson, 2008). They survived the slaughter but they were living in shattered communities and desperately searching for ways to survive each day.

During the genocide, women's bodies became objects of rape and sexual torture but in the longer term, the events of the genocide also "ironically helped change the situation of women for the better" (Wallace et al., 2009, pp. 112-113) since they helped prompt radical changes in governmental attention to gender issues. Seeking solace and support from each other, women started to rebuild the women-led grassroots organizations, such as Pro-Femmes, an umbrella group of women-focused associations, and human rights NGO Haguruka, that were active before 1994. Other organizations, such as AVEGA-AGAHOZO (Association of Genocide Widows), were created as a consequence of the genocide. AVEGA, created by widows, aimed to offer a place for survivors to heal physically and mentally. With the help of national and international donors such as USAID, AVEGA continues to offer psychosocial counseling, HIV/AIDS treatment program and advocacy training for widows, orphans, the elderly, and children who have become heads of households resulting from the genocide (Interview with AVEGA counselor, June 11, 2009).

According to Newbury and Baldwin, it was organizations like AVEGA that took a leading role in reconstructing the country through emergency material assistance, counseling, vocational training and assistance in income-earning activities (2001b). Not only did women take the lead in grassroots-level reconstruction but women from both the

Hutu and Tutsi ethnic lines also started collaborating having recognized the need to live together. Newbury and Baldwin said the ethnic groups “sought to overcome the mistrust spawned by the war and genocide” (p. 98) thus naturally starting the process of post-genocide reconciliation.

Furthermore, Longman found that women’s groups enjoyed growing public influence, which they “translated into a degree of political power” (2005, p. 217). For example, according to political scientist Jennie Burnet, Pro-Femmes worked with FFRP to successfully push for the adoption of a law banning discrimination against women as well as the instrumental 1999 amendment of the Inheritance Law. The change in the law made it legal for women to inherit property and gave them “full legal rights to enter into contracts, seek paid employment, own property in their own names and separately from their husbands and open bank accounts without the authorization of their husbands or fathers” (Burnet, 2008, p. 376).

One of Pro-Femmes’ first projects was the drafting of “Campaign for Peace,” a document that proposed strategies on how women can lead efforts in promoting post-war reconstruction and reducing social tensions (Newbury & Baldwin, 2001b). The campaign addressed other post-genocide social and economic problems and focused particularly on the critical needs of women and children in Rwanda (Newbury & Baldwin, 2001b, p. 104). The Pro-Femmes Campaign for Peace emphasized four main goals: encourage a culture of peace, combat gender discrimination, promote socioeconomic reconstruction, and reinforce the institutional capacity of Pro-Femmes and its member associations.

According to Newbury and Baldwin (2001b), another reason for the reemergence of women’s organizations in Rwanda after 1994 was support from the international

community. Rwanda received a substantial amount of emergency aid after the genocide and this aid had a major impact, especially in establishing a supportive context for the renewed growth of women's organizations at the grass-roots level and their lobbying efforts at the national level (Newbury & Baldwin, 2001b).

Another reason women's organizations rejuvenated their activities after the genocide was because of the government's encouragement (Newbury & Baldwin, 2001b). The Ministry of Gender and Family Promotion (MIGEPROF) supported women's groups by establishing a ministry representative in each prefecture and commune; these officials (who were usually, but not always, women) worked alongside and pressured local government authorities to bring attention to women's concerns (Newbury & Baldwin, 2001b).

In addition, the international community paid attention to the situation of women in Rwanda and provided millions of dollars of funding to programs and organizations that focus on women's issues. According to Burnet, between 1995 and 1999, a USAID program called Women in Transition (WIT) made over 1,800 grants to women's groups in eleven of the twelve prefectures of Rwanda. Many international NGOs, such as Oxfam, Women Waging Peace, and the Hunt Alternatives Fund, developed and supported gender-training programs for government officials and leadership training for women elected to office (Burnet, 2008) further cultivating an environment that encouraged women's political participation.

In addition, Rwandan women leaders were invited to attend international conferences, such as the 1995 World Conference on Women in Beijing, and these events inspired participants who then returned to Rwanda energized to promote women's causes.

They networked with feminists from Europe, North America and Australia who had the resources to provide continuing assistance to Rwandan women's organizations (Burnet, 2008; interview with Kanakuze, May 28, 2009).

In post-conflict Rwanda, the transition period from war to normalcy gave women opportunities to become and be recognized as leaders by community members. The activism of women at the grass-roots level, as well as government and donor encouragement for women's organizations, has opened political space for women's participation in public arenas (Newbury & Baldwin, 2001b, p. 117).

Alphonsine Muharugema, an MP from the district of Kamonyi, described her journey to being a politician from being a primary-school teacher before the genocide:

During the genocide, my family was internally displaced. My husband was killed but I survived. After the war, I returned to our village with my children and we saw that everything was destroyed. We lived for a while in a wrecked one-room house. It was then I saw the misery of women all around me. They survived but they were barely living. There was nowhere to stay, nothing to eat, nothing to feed their children. Their husbands, brothers and fathers - whom they relied on economically - were either dead, in hiding or in prison. The situation of women pierced my heart. I survived and it was because of the grace of God. I believed He gave me a mission to help my sisters. We were lucky, more than lucky, to have survived and we just had to do something to keep surviving (Interview with MP Muharugema, June 5, 2009).

So Muharugema started meeting with women from all parts of the countryside. When she heard of an organization called AVEGA starting up in Kigali with programs to support widows, she contacted the group and referred the women there. At about the same time, the schools were re-opening and she was made school director since, according to her, there were not many teachers left to choose from. In 1999, after much hesitation on her part because she felt the field of education was where she belonged, she

entered the local political arena when the community members voted her as their *burgomestre* (mayor).

Muharugema said they saw her efforts to organize women and they saw her work with their children at the school as outstanding. “The community felt I was a good leader,” she said (Interview, June 5, 2009). In 2003, during the first national elections after the Constitution was redesigned, she was nominated and elected as an MP. In 2008, she was re-elected for another five-year term in the Chamber of Deputies.

Muharugema’s story of how she became a legislator illustrates how women, for the most part, make their way from the margins of politics to the hubbub of the decision-making arena. Muharugema said it was FFRP, alongside UNIFEM and other political consultants, that trained her and others in the technical skills of legislating, diplomacy, and other official parliamentary procedures.

According to social scientist Anu Pillay (2001), conflict, war and shifting social orders provide women with opportunities to “break out of stereotypes and stifling societal patterns” (p. 44). Wars upset traditional norms, such as male leadership, while at the same time presenting new potentials for other members of the community to initiate action for change. For women in a patriarchal environment, war and conflict may be a way to break out of the grasp of oppression. The challenge, eventually, is to “protect the seeds of transformation sown during the upheaval and to use them to grow in the transitional period of reconstruction” (Pillay, 2001, p. 44).

For the women of Rwanda, the aftermath of the 1994 genocide was an environment rife with changes favorable to them. Women were encouraged to step inside the political arena by a new government supportive of women’s causes, by a community

of women activists more politically influential than before, and by the international community who funded programs that enabled political training.

Before discussing the effects of women's involvement in politics, it is important to note that it was mainly because of their experience in civil society that many women became politicians. MP Kanakuze said that it was during her time as a local coordinator for the humanitarian NGO Catholic Relief Services (among several organizations she was involved in) that permitted her to be in contact with community members' needs.

Kanakuze said, "It was through my involvement in civil society that I discovered women must participate in all aspects of life, in the economic process, in the political process, for example, and have a say in the decisions being made for the country. I realized then that I also had to get involved in the political process to make the changes that I wanted to make" (Interview, May 28, 2009).

In the aftermath of the 1994 genocide, women's organizations took the initiative in providing shelter, physical and mental healthcare, and income-generating activities for the survivors. The international community also paid attention to women's plight to reconstruct their society by providing financial aid and leadership training to women's organizations. In due course, the Rwandan women's post-war experience of having society-wide leadership roles provided them a foothold into the political arena.

### ***3.5 A Gender-Sensitive Government***

Eventually, according to political scientists Claire Wallace, Christian Haerpfer, and Pamela Abbott (2009), women's social movements pressured the transitional government, the Government of National Unity, which was in power from 1994 to 2003 when the new constitution was ratified, to pay more attention to women's rights and

gender equality. The government, led by the Rwandan Patriotic Front (RPF) which was created in the 1980s by Rwandan Tutsi refugees in Uganda, saw the advantages of making gender equality a political issue not only because this matter appealed to foreign donors (Wallace et al., 2009) but also because members saw how women played a critical role during the RPF's early years as an exile movement in Uganda (Powley, 2005).

According to Powley, women were side by side with men in the RPF's armed struggle and this experience "provided them with a platform from which to advocate for women's inclusion during the transitional phase and consolidate their gains in the new constitution" (2005, p. 159). In addition, the Ugandan origins of the RPF influenced its policies towards women's rights and inclusion. Longman writes that the RPF closely followed the model of Yoweri Museveni's National Resistance Movement (NRM) in Uganda by not only giving women positions within its own ranks but also establishing quota systems for women once it took power in government (2005).<sup>2</sup>

Since 1994, under the majority leadership of the RPF and even before the gender quota was established, the Government of National Unity has placed women in influential positions at all levels of government (Longman, 2005) including serving as ministers in the ministries of Justice; Lands, Resettlement and Environment; Health; Gender and Family Promotion; and others. Currently, out of 21 ministers in the government, eight are women. Out of the five state ministers, two are women.

The initiative of the Rwandan government to become gender-sensitive culminated in the revision of the constitution in 2003, which guaranteed women 30 percent of the

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<sup>2</sup> The Ugandan Parliament has been reviewing for the past several years the Draft Domestic Violence Bill that prohibits violence between persons in a domestic relationship. The bill, similar to Rwanda's GBV law, is intended to protect sufferers of domestic violence, punish perpetrators and set guidelines for courts on the protection and compensation of abused women (Kiapi, 2009).

seats in all governmental decision-making organs. In addition to allotting women a guaranteed number of seats in all decision-making bodies, the government also set up a Ministry of Gender, as the first of its kind in Africa, and amended the Inheritance Law, which was under discussion since 1998 giving women access to their own property. The amended Inheritance Law, a result of the collaboration of women in civil society and the government, also enabled women to conduct business and enter into contracts in their own right, implying fundamental restructuring of the rights of women (Wallace et al., 2009).

### ***3.6 Conclusion: The Post-war Recognition of Female Leaders***

The repercussions of the 1994 genocide and women's activism during the reconstruction promoted "a great deal of change in cultural and social conceptions of gender roles" (Burnet, 2008, p. 386). With 56 percent of seats in the lower house of Parliament held by women, the rise in women's political participation cannot be attributed to quotas alone. Longman says the RPF-led government is to be credited for the advancement of women in politics. Women's presence in authoritative positions has "normalized the involvement of women in politics" to most Rwandans (Longman, 2005, p. 223) that during *gacaca* trials (community-based courts designed to promote truth-telling and reconciliation), Longman observed, women dominated the proceedings in several communities (2005). In addition to the government's commitment to equal rights between men and women, the commanding presence of women activists in civil society also push policymakers to address issues pertinent to women's lives.

The substantive representation of women in Rwanda is thus the result of an environment conducive to women's legislative leadership. Women in Rwanda have been

traditionally oppressed and politically marginalized but the post-genocide mobilization of women's organizations made them stand out as leaders in their communities. Comprising of more than half of the post-genocidal population, women were compelled to take the leading role in Rwanda's reconstruction because, as mothers and widows, they had to find strategies in providing the genocide survivors, including themselves, with temporary shelters, a place to go for physical and mental healing, and programs to gain access to income.

The post-genocide RPF-led government recognized the women's efforts during the transitional period and allowed women's rights activists to influence the way the Constitution was framed (Wallace et al., 2009). Women-focused international NGOs, such as U.S.-based associations Women for Women International and the Hunt Alternatives Fund, also recognized the Rwandan women's crusade for gender equality by providing program funding and leadership training. For some women, their publicly recognized leadership role opened the doors to the political arena wide open.

## Chapter 4: Combating Gender-Based Violence

### *4.1 Chapter Overview*

The passage of a law combating gender-based violence in Rwanda demonstrated that an increased descriptive representation of women in the Rwandan Parliament led to substantive representation. According to interviews with MPs and civil society leaders, the GBV law would never have been developed if not for the increased political presence of women because, as a female MP said, men would never have paid attention to the issue of gender-based violence.

GBV was an issue that women in the Rwandan Parliament committed to tackle because of its alarming prominence in the Rwandan culture. Violence against women has so many repercussions for the development of a nation and especially for the well-being of women that for the female legislators, it was an issue that had to be seriously addressed especially since women's presence in Parliament (at that time, women held 43 percent of seats in the lower house) was at a point where they could affect the final vote in passing legislation, specifically creating a law that would punish perpetrators and protect potential victims of GBV.

Gender-based violence is defined in Article 1 of the 1993 United Nations Declaration on the Elimination of Violence against Women as “any act that results in a bodily, psychological, sexual and economic harm to somebody just because they are female or male. Such act results in the deprivation of freedom and negative consequences. This violence may be exercised within or outside households” (as cited in Pearson, 2008, p. 9). Examples of GBV acts include rape, conjugal rape, “forcible abduction for the purpose of marital union,” “sexual slavery aimed at self-satisfaction,”

and intentional transmission of a terminal disease through a sexual act (“Law on Punishment and Prevention of Gender-Based Violence,” 2003).

The April 2009 publication of the law aiming to prevent acts and punish perpetrators of gender-based violence in the *Official Gazette of the Republic of Rwanda* capped the five-year mission of the Forum of Rwandan Women Parliamentarians (FFRP in its French acronym) to produce not only the first piece of legislation drafted and introduced by its members but the first comprehensive legal framework in Rwanda’s history that addresses the issue of violence committed on the basis of gender (Pearson, 2008). It is also notable that the law is the first legislation that did not originate from the executive branch of the government since the ratification of Rwanda’s new constitution in 2003 (Interview with Kanakuze, May 28, 2009).

In this case, “critical mass” mattered because the GBV law would not have been developed if there were not a substantial number of women who supported the bill and accompanied it through to its adoption. Members of Parliament (MPs) and leaders of NGOs who were interviewed for this study said that if men were the majority in Parliament, the issue of GBV would not have been addressed in this manner.

Out of the 20 respondents, 17 said that the increased political presence of women led to the passage of the GBV bill. The other three respondents (two women, one man) did not oppose this claim and said the leadership of women accelerated the legislative process but that the GBV law would have been developed in the future. A male senator said, “Having such a large number [of women] contributed to the pace on which actions were taken, but in my opinion, even if they had not been there, this [GBV] having been

identified as a crucial issue in this country, for sure, and something would have been done.” (Interview with a senator, June 11, 2009).

Moreover, a female senator pointed out that though women’s role in the GBV legislation was important, other legislation that favored women (i.e., the amendment in the Inheritance Law that made it legal for women to own land) were passed even without an increased number of women in Parliament (Interview with a senator, June 16, 2009).

What is more important to see is that the creation of the GBV law is a testament to the capability of traditionally excluded groups to make a transformative impact in policymaking. From the perspective that the law was designed, drafted and pushed forward to its completion by female politicians demonstrates that increased descriptive representation does lead to substantive representation.

#### ***4.2 Why Create a GBV Law?***

Gender-based violence had to be addressed, a Rwandan senator said in an interview, because it is a problem that involves not just women, but also the whole family, as well as the whole society (Interview, June 16, 2009). She reasoned:

To build a nation, you have to build the family first. When there is violence in the family, the family is not stable. The socio-economic activities then will not prosper and will not advance. We have to have peace, understanding and harmony within the family first before the whole society can move forward (Interview, June 16, 2009).

“Why create this law?” a female MP posed. “Because particularly in our culture, it is perceived that women are not as important as men. When a man gives his cows (a form of dowry), he thinks he is now your master, he is your chief. So he can be violent towards you and it’s normal” (Interview, June 2, 2009). The MP said an element of the

GBV law would encourage a woman to feel she can take charge of herself and realize that she is actually partner, not an object, of her husband.

Studies, particularly by feminist researcher Roxanna Carrillo (1993), show that violence against women hinders their full participation in the development of a community. UNIFEM has increasingly identified violence as “a problem that limits women’s participation in development projects or their capacity to benefit from them” (Carrillo, 1993, p. 100). Carrillo argues that goals by international organizations to improve the social and economic development of the Third World are undermined by female-focused violence. Development problems, such as high fertility and hunger, cannot be solved without the participation of women. And how can women fully get involved in the development process of her community when she is “burdened with the physical and psychological scars of violence?” (Carrillo, 1993, p. 108).

In 2004, the Ministry of Gender and Family Promotion (MIGEPROF), in partnership with the International Rescue Committee (IRC), published the results of a 2003 study on gender-based violence in Rwanda. According to the study, during the last five preceding years, one in every three women suffered physical or psychological abuse committed in community and one in every two women were physically or psychologically violated at home. The study concluded that domestic violence is “strongly associated with alcohol abuse and family quarrels related to spending and children’s needs” (Study by MIGEPROF and IRC, 2004). John Mutamba, UNIFEM gender expert, pointed out that increased poverty results in increased conflict at home. When a woman suffers from poverty, she becomes dependent and more accepting, thus making it easier for the man to be violent towards her (Interview, June 10, 2009).

At around the same time this study was released, the NGO Pro-Femmes was also lobbying for GBV legislation (Longman, 2005). Their advocacy did not fall on deaf ears as FFRP members listened and decided to actively address the issue of GBV. As Mutamba remarked, GBV is an issue “close to women’s hearts” because every woman is a potential victim, including the Parliamentarians themselves (Interview, June 10, 2009). Kanakuze, who served as FFRP president in the past, described her reaction to the MIGEPROF/IRC study this way:

The MIGEPROF/IRC study showed that most violence committed on the basis of sex was done at home. There were recommendations that they formulated so we took the responsibility to follow through, to develop something, to at least organize a program where we can gather ideas. And we did, we met up with members of our society. Also, the fact that this kind of violence was used as a weapon of genocide – we realized that we must make a law against it (Interview, May 28, 2009).

In addition, according to Kanakuze, the members of FFRP wanted to address GBV because they felt it was their obligation to create women-friendly legislation (Interview, May 28, 2009). Another female MP who ran in 2008 on the women-only electoral list said,

I am proud to have been elected *by* women so I am in Parliament *for* women. I am in the Commission of Gender and Family to continue working, and truly contribute, to the promotion of women’s rights. I am proud to be here for them and I will do my best. With all legislation, we analyze them and we make sure that gender aspects are respected (Interview, May 29, 2009).

In a region where women have traditionally taken a backseat in politics and public discourse and may not be trained politicians or diplomats, the achievement of the women in Rwanda’s Parliament proves that there is power in numbers. As one female MP said in an interview,

The number of women in Parliament, that we hold more than half the seats of the lower house of Parliament – it means we have a louder voice than men’s. You know, when I negotiate as one person, it is difficult. But when we are many, when we want something to pass in Parliament, it will be passed faster (Interview, June 2, 2009).

#### ***4.3 Mobilizing Public Opinion Concerning GBV Legislation***

Beyond the amplified voice, respondents credit the support of the government and the pressure from their civil society constituents as factors that influenced them to act for women. One female MP declared that the women in Parliament “are lucky that we have this political support that includes women in the process, that our issues are taken into account” (Interview, June 2, 2009).

Already working in a political climate attuned to gender issues and committed to promoting the physical and social security of women and girls, the members of FFRP, in partnership with the United Nations Development Fund for Women (UNIFEM) and the United Nations Development Program (UNDP), organized a two-day national conference in October 2005 in Kigali attended by politicians and representatives from women-focused NGOs to examine issues and deliberate on the state of GBV (Interview with MP, May 28, 2009). Shortly afterwards, FFRP members organized a series of visits to their home districts (which they termed *les descents sur le terrain*) wherein they held town-hall meetings discussing the possibility of a law that would combat violence perpetrated based on gender. Throughout the two years before the bill was introduced on the floor of Parliament in August 2006, FFRP members continuously met with women-focused NGOs and other individuals advocating for women’s rights.

The respondents interviewed for this study all agree that public consultation strengthened the bill. FFRP also consulted with other members of government such as the Minister of Justice and MIGEPROF. Powley and Pearson (2007) reason that because

GBV is traditionally a taboo subject, involving the public would be effective in its implementation later on. Kanakuze said that the more people who are aware of the development of the law, the easier it will be to disseminate the law and make it commonplace (Interview, May 28, 2009). Another female MP added that communities live with this kind of violence every day and therefore parliamentarians wanted to ensure that everyone would understand what the law entailed (Interview, June 16, 2009).

#### ***4.4 Men's Resistance to the GBV Bill***

According to Immaculee Ingabire, a gender expert working for Pro-Femmes, it was not easy to make everyone understand why there needed to be a law. "Men were resistant," she said. "It's true there was support from the political leadership, there was support from civil society, but men – even some politicians – there was a lot of resistance from them" (Interview, June 11, 2009).

A female MP said certain violations of women's rights just become "normal" for everyone to the point that they become accepted. "If women do not have access to independent income, that's normal," she said. "If a girl does not go to school but her brother does, that's normal. If a woman is beaten up by her boyfriend or husband or relative, that's normal. We had to do a lot of work so that our men will become more conscious of these acts of injustice" (Interview with MP, June 19, 2009).

So, Ingabire said, the female politicians and civil society activists used a strategy to tug at the hearts of Rwandan men. "We continued talking with men, listening to their reasons. Then we started asking them, 'What if your daughter was the victim of violence? What if your mother was a victim?'" (Interview, June 11, 2009). Ingabire said when daughters or mothers are mentioned as examples, men usually emotionally connect with

those individuals in their lives. So what about citing sisters and wives as examples? Ingabire said men usually see their sisters as their competition in family inheritance while with their wives, it is usually less powerful a connection than with their daughters and/or mothers (Interview, June 11, 2009).

Haguruka lawyer Eli Nizeyimana said it was complicated for men because the GBV bill “was like a law that went against the Rwandan culture that they’ve always known” (Interview, June 12, 2009). Nizeyimana emphasized that men saw the draft bill as going against certain practices that were “very negative” but nonetheless seen as normal. For him personally, he was content that a law was developed to reaffirm society that committing GBV acts was the same as violating human rights, not just women’s rights. Nizeyimana said this law “is one way to change things” (Interview, June 12, 2009).

A male senator said that some of his male constituents were worried that the law was a law against them. “I told them, no, it’s not against you. It simply gives you your right place and give women their place,” the senator said (Interview, June 11, 2009). “As politicians, it is our duty to keep sensitizing everyone about this issue.”

#### ***4.5 The Bill’s Introduction in Parliament***

Despite some resistance from the male population, FFRP members pressed on, and, with the help of their civil society constituents and domestic and international gender expert consultants, they formed a consultative committee in late 2005 to draft the law (Interview with Kanakuze, May 28, 2009). Before the draft bill was introduced in Parliament in August of 2006, members of FFRP approached their male colleagues not only to “enlist equal numbers of men and women sponsors” (Powley & Pearson, 2007, p.

18) but to assure the public that the bill came from both men and women parliamentarians (Interview with MP, June 10, 2009). Eight individuals eventually became primary bill sponsors consisting of four women and four men. According to Kanakuze, teaming up with their male colleagues strengthened the bill and helped close the gender divide in Parliament (Interview, May 28, 2009). In addition, Pearson observed that this participatory method of lawmaking is “conceivably the most complete model of consultation in Rwanda’s short history of democracy” (2008, p. 41).

Upon introduction to Parliament in 2006, interview respondents differ on how the draft bill was viewed. A male MP said there was no considerable opposition in the Senate since, according to him, the MPs have been “at the forefront of fighting GBV and putting it into law seemed like the normal outcome to our fight” (Interview, June 11, 2009). He said the draft bill did not meet considerable opposition except that the stipulations for the penalties had to be streamlined to be consistent with the existing penal code (Interview with male senator, June 11, 2009).

However, according to UNIFEM observers, the parliamentary debate on the law became heated over the issues of polygamy and the inclusion of marital rape as a gender-based violence crime. The law indicates that persons convicted of adultery, concubinage, or polygamy are liable to imprisonment up to five years and a fine up to 500,000 Rwandan francs (about 880 U.S. dollars) (“Law on the Punishment and Prevention of Gender-Based Violence,” 2009). It is mainly with these issues, which have been traditionally accepted in Rwanda, that men had trouble understanding (Interview with male senator, June 11, 2009). To calm the debate, the head of the FFRP at that time

challenged the Chamber to “safeguard Rwanda’s reputation as a committed promoter of women’s rights and to pass the bill” (Devlin & Elgie, 2008, p. 250).

#### ***4.6 How Women Were Victimized During the 1994 Genocide***

Many of the interview subjects often referred to the victimization of women during the 1994 genocide as the crescendo of violence perpetrated on the basis of gender in Rwanda. It is important to understand the depth of brutality women suffered during the genocide to comprehend why criminalizing GBV was the first piece of legislation the members of FFRP initiated. This section of the chapter will look further into what happened to women during the genocide that inspired women to create legislation combating GBV.

Gender-based violence has long pervaded the Rwandan landscape but during the 1994 genocide, sexual atrocities against women were so systematic and widespread that the UN-established International Criminal Tribunal for Rwanda (ICTR) established rape as a weapon of genocide (Pearson, 2008) and not merely war’s side effect.

As researched by Newbury and Baldwin (2001a), consultants for the United States Agency for International Development (USAID), more than 200,000 Rwandan women were victims of some form of sexual violence during the genocide. It is difficult to establish rape statistics during the genocide, but according to one study by Weitsman (2008), an estimated 90 percent of Tutsi women and girls who survived the genocide were sexually violated in a systematic manner, in most instances by the *Interahamwe* (Hutu militia).

All women were at risk, but the perpetrators of the genocide targeted Tutsi women and subjected them to particularly brutal treatment (Newbury & Baldwin, 2001a).

Binaifer Nowrojee and Regan Ralph (2000) said that sexual violence, sometimes done as a prelude to murder, was encouraged by political leaders at the time to further their goal of destroying the Tutsi as a group. Soldiers of the Rwandan Armed Forces, members of the *Interahamwe*, and even civilians participated in the widespread brutality. Women were individually raped, gang-raped, and penetrated with tools of all sorts – spears, gun barrels, broken bottles, or the stamens of banana trees; their sex organs were mutilated with machetes, boiling water, and acid, and their breasts were cut off (Nowrojee & Ralph, 2000; Weitsman, 2008).

Tutsi women were not the only ones being victimized, however. According to Newbury and Baldwin (2001a), some Hutu women were beaten, raped, or humiliated by RPF soldiers who entered Rwanda from Uganda to end the genocide. Even after the arrival of the RPF, women continued to be brutalized. Tutsi women who had survived the genocide were targeted in attacks carried out by the *Interahamwe* who had come in from the Congo with the aims to eliminate witnesses, according to Newbury and Baldwin. In addition, a report on the growing incidence of prostitution in Rwanda during the period after the genocide points out “the particular vulnerability of women who experienced sexual violence” (Newbury & Baldwin, 2001a, p. 31). Additionally, in the post-genocide government, certain local officials even pressured such women into sexual liaisons “on the grounds that they were already social outcasts because of their experiences” (p. 31).

According to feminist writer Sanam Naraghi Anderlini (2007), as the lines of warfare have “become blurred and civilians become the primary targets, more women are emerging from grassroots and rural communities to resist the violence” (p. 9). Wallace, Haerper, and Abbott (2009) wrote that Rwandan women’s bodies became genocidal

weapons but the violence, ironically, helped change the situation of women for the better. Because of the brutality women suffered during the genocide, there was a feeling among Rwandan women to demand accountability and injustice. And to have a chance, because of the increased number of women in office, to address gender-based violence after the war, was a powerful symbol of systematic change.

#### ***4.7 Conclusion: Women's Leadership in Combating GBV***

Feminist and social scientist Anu Pillay (2001) wrote that after a meeting of women war survivors in Dakar, Senegal, in 1998, three powerful themes emerged from the discussion, directed toward developing a strategy to deal with violence against women: the need for society to perceive violence against women as a whole system, the importance of dealing with the material conditions and economic basis of violence against women, and the need to align the women's movement against violence "with a powerful, positive male alternative to the current macho masculine models" (Pillay, 2001, p. 44).

The legislators of Rwanda were able to learn these lessons in developing the GBV law. The female politicians and their civil society constituents understood that violence against women was a systemic cultural disease that needed to be eradicated in order to allow women's full participation in the development of Rwanda. Women's economic empowerment is another subject that is being addressed currently in Rwanda, through governmental and nongovernmental programs, alongside the GBV law as a way to empower women. The strategy to include male legislators in introducing the GBV bill worked as an advantage because it showed a united front. The collaboration and consultation with civil society also helped the passage of the law. The FFRP members

made sure that the GBV law will not be known as a law created by women for women, but that it was a law created to protect all citizens of Rwanda from violence based on gender.

In a society recovering from a genocide that brutally victimized more than two hundred thousand women, Rwanda is improving the physical security of its citizens. Through the leadership of women parliamentarians, the government has taken a stand against gender-based violence by creating a law that punishes perpetrators of this crime. Though it is still too early to study the results of the GBV law's implementation, its publication into law signifies the triumphant collaboration of women in Parliament and women from local and international civil society. The GBV legislation also demonstrates that when there are more women present in Parliament, the more likely bills they favor would be developed and passed.

## Chapter 5: Conclusions

### *5.1 Limitations of the Study*

The implementation plans for the GBV law are an important part of the legislative process that the scope of this thesis will not be able to cover in depth. However, I will now discuss respondents' perceptions of obstacles to implementation. The main challenges in implementation appear to be cultural. One possible challenge would be men in authority who protect themselves and their friends from being punished for acts such as hitting one's wife, since that is not an obvious a crime. One female MP said, "Men just do not understand sometimes and you will find that there are many men who do not want to punish other men for beating their wives" (Interview with MP, June 10, 2009).

Only time will tell if every citizen will come to terms with this law, to understand and accept that they will be punished for committing GBV acts, something that went unpunished before.

Some respondents raised the issue of GBV cases not being reported because victims or witnesses are fearful of retaliation. A female MP pointed out since many GBV violations are occurring at home, reporting that a father, an uncle, or a relative committed violence in some way is taboo and thus people keep quiet (Interview with female MP, June 10, 2009). One way to facilitate reporting or coming forward is the establishment of gender desks in every police station in the country. Gender desks are managed by female police officers and are designed to respond uniquely to GBV calls, reports and tips.

Of course, GBV is not the only problem that women are facing. Most women, especially those living in the countryside, still do not have independent access to income and must rely on the male members of their family for economic means. Girls are still

disenfranchised when it comes to education because boys are chosen over them. As explained by the country coordinator of the Forum of African Women Educationalist (FAWE):

It's a patriarchal culture. Boys are always favored. If there is poverty at home, the spare money would be spent on the boy child without considering who would perform better. What criteria do you have to put boys in school and leave girls at home? It's because of the perception that boys will become head of the family. They will be fathers and husbands. But we want to tell parents that girls can also become head of the family. A girl can also become a breadwinner (Interview, June 1, 2009).

Other members of civil society also stress the issue that the GBV law is not the only way Rwanda is combating gender-based violence. According to the country director of Women for Women International:

We cannot succeed fighting against GBV just by passing this law or without empowering women financially and economically. Education is important, power and leadership are important, and money. Money is power. If we are relying on men all the time, we won't be able to sit at the same table with them and start airing out our views and think they are going to listen to us when the next minute we are begging them for money (Interview, June 4, 2009).

These issues are not explored within the scope of this thesis but are important points to be examined further because implementing the GBV legislation must happen along with many other women-empowerment strategies to make a difference in women's lives in Rwanda. For example, FAWE and the Ministry of Education have launched initiatives to give scholarship awards as well as guidance counseling to keep girls in school. Local and international NGOs such as Women for Women International provide microfinance and vocational training programs designed to lead women out of poverty and into self-sufficiency. The country director explained:

In our microfinance program, women are put into groups and they open a group bank account. Before joining us, these women thought banks were for the rich, for the educated, those that always have money. But with this program, they now understand that they too can have bank services. In fact, by the end of the 12-month period, many of them open their own bank account. We also provide vocational skill training so that they can have access to income and employment. Examples of skills taught would be jewelry-making, or for women in rural areas, agro-business skills. This is all so that they can have access to employment, income, to become entrepreneurs, to be active in the economic field, to be financially independent (Interview, June 4, 2009).

Yet, on the one hand, with all these efforts to economically empower women as a way to fight GBV, the society at large must be careful not to exclude men, else there might be backlash. As a UNIFEM official remarked, “You end up giving women an opportunity that men never had which actually creates more violence” (Interview, June 1, 2009). On the other hand, as the country director of FAWE reflected, Rwanda is a young nation and there is an opportunity “to learn from the experiences of other countries,” to make sure Rwandans bridge the gap between boys and girls and ensure equal opportunities in education for both (Interview, June 1, 2009).

Another limitation of the thesis concerns the experiences of the female politicians in Rwanda and their constituents. According to Pearson, Newbury and Baldwin, women in Rwanda, including female parliamentarians, are differentiated by social and economic factors as well as ethnicity. It would not be accurate to claim that, because of their sex, women representatives can or should act for a “hypothetical set of concerns that all women necessarily share” (Pearson, 2008, p. 11). Women in rural areas, as a UNIFEM official observed, might not have the same views about women’s empowerment as expressed by Parliamentarians or civil society activists (Interview, June 1, 2009).

Not particularly unique to Rwanda, the supposed women's shared life experience, as expressed by Phillips, is not always accurate because women who run for office are often from the upper class. What does a female politician who grew up in Kigali (or in other exile places such as Burundi and Uganda) know of the issues faced by women farming in the countryside? And do these women farmers, despite plans to widely propagate the law by the government and civil society, understand why a law against GBV was developed? Pro-Femmes' Ingabire said one of the problems her group has faced while raising awareness on GBV in rural areas was that women were afraid this kind of talk would create more problems within the home (Interview, June 11, 2009). The social and educational divide can sometimes be very vast in that women, or men for that matter, who are far-removed from the activities in Kigali would not even know what Parliament is, let alone that there are women politicians making decisions addressing women's presumed needs.

And particularly in post-war Rwanda, there is disunity between politicians who were in the country during the genocide, those who had been exiled and returned after the slaughter, those whose family members were killed, and those whose family members are on trial or in prison for war crimes. This issue was a sensitive topic to be discussed in-depth with the respondents but it is something worth examining further nonetheless in terms of who exactly are making political decisions in Rwanda despite the leadership's efforts in reconciling all ethnic factions. Concerning women politicians, Newbury and Baldwin observed that they have "displayed remarkable capacity to transcend differences and work together" yet "distinctions based on ethnicity, class religion, place of origin and life experiences remain salient" (2001b, pp. 113-114). As Rwanda still struggles with

post-genocide peace and reconciliation, the citizens and the leaders must keep in mind that the legitimacy of the government lies in the freedom of all people, no matter what their background is, to participate in their country's decision-making process.

### ***5.2 Rwanda's Paradox: Emerging Democratic or Authoritarian State?***

Before concluding this thesis, I would like to briefly discuss criticism regarding Rwanda's government because the legitimacy of the political leadership has a direct correlation to the legitimacy itself of the increased presence of women politicians. This is a relevant issue that affects this study because the validity of women's representation might be undermined if the government encourages the expansion of women's rights but at the same time be accused of authoritarian practices. Political scientists, such as Timothy Longman and Jennie Burnet, have warned about the authoritarian tendency that the RPF has demonstrated since they took power post-genocide. Though this study does not have any conclusions about this subject, it is worth discussing now and researching further.

Starting in mid-1995, according to Longman, five of the most prominent Hutu ministers resigned in protest over their "lack of real power, complaining that RPF officers below them in their ministries actually made decisions for the government" (2005, p. 227). Longman researched that real power in government has, over time, accumulated in the hands of former Tutsi refugees and members of the RPF. Longman gives anecdotal examples to back up his claim such as when, in 2000, the speaker of the national assembly was forced out of office and the prime minister resigned for unknown reasons. A month later, President Pasteur Bizimungu, a Hutu who was an RPF member, also

resigned. Kagame, who was the vice-president, became the new president and the other open positions were filled by “someone more closely allied with Kagame” (2005, p. 228).

Longman further claims that the entrance of women into a parliament that “serves more as an instrument of legitimizing and preserving RPF power” (p. 230) then is questionable. Powley, additionally, reports that during the elections in 2003, the RPF held more than half of the openly contested seats with the majority of the women who won sympathetic to the RPF (2005). While Powley does not label Rwanda an authoritarian single-party state, Longman and Burnet (2008) do. Burnet claims Rwanda is becoming increasingly authoritarian “under the guise of democratization” (p. 363).

Furthermore, in 2003, the U.S.-based National Democratic Institute (NDI) assessed the political environment of Rwanda and noted that though the political elite champion the concept of multiparty democracy, the concept is “poorly understood at the grassroots level and therefore prone to misinterpretation” (NDI, 2003, p. 5). The NDI team determined that at the grassroots level, the concept of multiparty politics is linked to “the violent, ethnic-based competition unleashed when the Habyarimana regime authorized the formation of political parties in 1991” (p. 5). NDI also blamed the RPF-led government for its lack of effort in dispelling this false view.

Powley notes that a low ranking of Rwanda on the democratic scale puts Rwandan women and the women’s movement in “a precarious position, as they owe their ability to participate in democratic institutions to a political party that is less than fully democratic” (2005, p. 160). The paradox therefore, according to Longman and Burnet, is that women are making gains in terms of political participation, yet, the “nature of representation is quite limited in a highly authoritarian state” (Longman, 2005, p. 232).

Even so, the regime is still very committed to improving women's participation and opportunities but Longman and Burnet are wary about its actual impact on women's lives in Rwanda in the long-term, whether more policy concerning women's rights will always be a part of the legislative agenda or not.

### ***5.3 Lessons Learned About Achieving Substantive Representation***

In Rwanda, the link between descriptive and substantive representation of women is not only because of the quota laws but also mostly because of the political and social landscape the female Parliamentarians are working in. The passage of the GBV bill, which is an example of substantive representation as outcome, was successful not just from the increased political presence of women but also because of the strategies of a government committed to gender equality and an active women's movement in civil society.

As Phillips and other scholars suggest, the more there are women present in legislative settings, the more likely that issues important to women will be addressed. In Rwanda, according to respondents, if not for the increased number of women in Parliament, a male-dominated legislature would not have addressed the GBV issue because it was not, culturally and traditionally, in their interest to address it.

For scholars like Dovi, finding the link between the descriptive and substantive representation can be conceived as "involving both the actions in debate of a substantial portion of female parliamentarians constituting a 'critical mass' and the interventions of equity champions who through feminist conviction, professional experience and gender equality knowledge, act to promote substantive outcomes" (2002, p. 709). In Rwanda, the fact that women in Parliament surpassed the 30 percent threshold during the elections in

2003 when the quotas were first put to use can be credited to the strategies by the RPF-led unity government to place women in decision-making roles even before 2003.

In so doing, the population was able to experience the leadership of women. In addition, and probably more significantly, the activism of women-led organizations in the aftermath of the genocide elevated women's public profiles. The quota law in Rwanda increased descriptive representation of woman, but the commitment of the government to gender sensitivity and the activism of local and international civil society in collaborating with the female politicians also contributed immensely to the achievement of substantive representation of women.

#### ***5.4 Conclusion: The Epoch of Women***

Women in post-genocide Rwanda are still facing many challenges including limited access to employment and education but as long as there is a "critical mass" of female representatives, it is probable that more women-centered issues will be addressed by Parliament. According to political scientists Henderson and Jeydel (2007), women's involvement in politics at all levels does matter and even "where women legislators are not focused on women's issues, their presence is important" because it signals to society that women belong in the political, public realm (2007, p. 33). Many of the interview subjects are hoping that this rising trend of women leaders during this "epoch of women," as Pro-Femmes' Ingabire termed it, will not just be a trend but a permanent part of Rwandan life. As the country director of Women for Women International said:

Women leaders will keep rising. We don't want to look back. Experience is the best teacher and war has been a good teacher to us. We don't want to see our children dying the way it has happened in the past. We don't want to see our children killing each other. All the traditions that keep us backward, we are no longer in support of them (Interview, June 4, 2009).

The political inclusion of women is an important part of a democratic process and a successful demonstration of the quota system in that it resulted in policymaking that advantages women's rights. The increased political presence of women and the success of the GBV legislation are also testaments of the efforts of a gender-sensitive government and an influential women-centered movement by local and international civil society actors.

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## Appendix 1: Map of Rwanda



Source: <http://www.lonelyplanet.com/maps/africa/rwanda/>

## Appendix 2: The Ten Countries with the Highest Representatives of Women due to Various Quota Types

Country	Quota Type(s)	Results last election	% of women in parliament
Rwanda	Constitutional Quota for National Parliaments; Election Law Quota Regulation, National Parliament ; Constitutional or Legislative Quota, Sub-National Level	45 of 80	56.3%
Sweden	Political Party Quota for Electoral Candidates	165 of 349	47.3%
South Africa	Constitutional or Legislative Quota, Sub-National Level; Political Party Quota for Electoral Candidates	172 of 400	43.0%
Iceland	Political Party Quota for Electoral Candidates	27 of 63	42.9%
Argentina	Constitutional Quota for National Parliaments; Election Law Quota Regulation, National Parliament ; Constitutional or Legislative Quota, Sub-National Level ; Political Party Quota for Electoral Candidates	107 of 257	41.6%
Costa Rica	Election Law Quota Regulation, National Parliament; Constitutional or Legislative Quota, Sub-National Level; Political Party Quota for Electoral Candidates	22 of 57	38.6%
Norway	Political Party Quota for Electoral Candidates	64 of 169	37.9%
Denmark	Quotas existed previously or quota legislation has been proposed	67 of 179	37.4%
Angola	Election Law Quota Regulation, National Parliament	82 of 220	37.3%
Belgium	Election Law Quota Regulation, National Parliament; Constitutional or Legislative Quota, Sub-National Level ; Political Party Quota for Electoral Candidates	55 of 150	36.7%

Source: Global Database of Quotas for Women, International IDEA and Stockholm University

## **Appendix 3: Highlights from “The Law on Prevention and Punishment of Gender-Based Violence”**

Approved by the Chamber of Deputies on July 23, 2008 and the Senate on July 15, 2008.

### Chapter 2 – Prevention and Protection Against Gender-Based Violence

#### Article 3: Threatening by way of deprivation of certain rights.

It is forbidden to use threat of depriving someone of certain rights for the purpose of having them indulge in an act of gender-based violence.

#### Article 4: Distorting tranquility of one’s spouse.

It is forbidden to distort tranquility of one’s spouse due to polygamy, concubinage, or adultery. It is forbidden to distort tranquility of one’s spouse because of dowry, reproduction and his/her natural physiognomy. It is forbidden to harass to deprive one’s spouse of the right to property and to employment.

#### Article 5: Conjugal rape.

Both spouses have equal rights as to sexual intercourse, reproductive health and family planning. It is forbidden to make sex with one’s spouse without one’s consent.

#### Article 6: Violence as the cause of divorce.

Gender-based violence will be one of the causes of divorce. At the time divorce is being decided, the rights of children from the spouses shall be taken into account in accordance with the law.

#### Article 7: Protecting a child against gender-based violence.

The parent, trustee or any other person responsible for a child shall protect the latter against any gender-based violence. It shall be forbidden not to cater for a child under one’s trusteeship just because of whether the child is male or female.

#### Article 8: Maternity leave.

Upon delivery, a woman shall have the right to a maternity leave of three months and one hour per working day, agreed with the employer, to breast feed for a period of 12 months after maternity leave.

Without prejudice to other legal provisions with regard to leaves, a woman who gives birth to child and consequently the child dies before one month shall be entitled to four weeks of leave after delivery.

#### Article 9: Rights of a pregnant woman or of a woman who delivers.

It is forbidden to fire a woman just because she is pregnant or on maternity leave. Pregnancy and delivery shall not constitute cause for depriving a student of her right to education.

#### Article 10: Preventing violence and catering for the victims of violence.

It is forbidden to use drugs, films, signs, language and other means with the intention of exercising gender-based violence. Any person must prevent gender-based violence, rescue and call for rescue the victims of this violence.

A Prime Minister’s Order shall determine modalities in which government institutions prevent gender-based violence and for receiving, relieving, defending, medicating and assisting the victim for the purpose of rehabilitating his/her health.

Source: *Official Gazette of the Republic of Rwanda* 48(14): 81-105

## Appendix 4: Groups at Risk and Forms of Violence in Rwanda

Groups at risk:	Forms of violence
Young girls up to the age of 5	<ul style="list-style-type: none"> <li>- rape by family members or by strangers</li> <li>- ill-treatment by housekeepers</li> <li>- parents refusing to show affection</li> <li>- witnessing scenes of violence in the family</li> <li>- molestation, beating and injury</li> </ul>
Girls of school age (6-12)	<ul style="list-style-type: none"> <li>- sexual and economic exploitation</li> <li>- ill-treatment by teachers and older colleagues</li> <li>- rape by domestic employees, members of the family or strangers</li> </ul>
Adolescents (on the street, in secondary schools, in orphanages, in foster families), domestic help, child mothers, prostitutes, employees	<ul style="list-style-type: none"> <li>- rape and genital mutilation</li> <li>- sexual harassment</li> <li>- ill-treatment by their “protectors”, teachers or others</li> <li>- sexual abuse by family members and strangers</li> <li>- intimidation</li> <li>- early and/or forced marriage</li> <li>- forced prostitution, sexual trade, prostitution</li> <li>- economic exploitation, slavery</li> </ul>
Single women	<ul style="list-style-type: none"> <li>- sexual harassment at work, exploitation, prostitution</li> <li>- rape and genital mutilation</li> <li>- unwanted or forced pregnancy (as a result of sexual abuse)</li> <li>- rejection by the family and by the man responsible</li> </ul>
Married women	<ul style="list-style-type: none"> <li>- Conjugal rape</li> <li>- Psychological abuse and humiliation</li> <li>- Sexual harassment in the community</li> <li>- Battered wives</li> <li>- Unwanted, forced pregnancy (as a result of sexual abuse)</li> <li>- Moral and physical torture</li> </ul>
Widows	<ul style="list-style-type: none"> <li>- Rape and genital mutilation</li> <li>- Ostracism, shame in society (e.g. when the husband dies as a result of HIV infection)</li> <li>- Social humiliation</li> <li>- Unwanted, forced pregnancy (as a result of sexual abuse)</li> <li>- Social abandonment by the family</li> <li>- Torture, beating and injury</li> </ul>
Elderly women	<ul style="list-style-type: none"> <li>- Sexual abuse of defenseless aged women</li> <li>- Torture, beating and injury</li> <li>- Social abandonment by the family</li> </ul>
All ages	<ul style="list-style-type: none"> <li>- Individual and organized mass rape</li> <li>- Torture, mutilation, beating and injury</li> </ul>

Source: “Management and Care of Women Victims of Violence.” (1997). Workshop hosted by the Ministry of Gender and Family Promotion, Ministry of Health, and World Health Organization. Kigali, Rwanda

## **Appendix 5: Preamble to the Constitution of the Republic of Rwanda**

### **We, the People of Rwanda,**

- 1° In the wake of the genocide that was organized and supervised by unworthy leaders and other perpetrators and that decimated more than a million sons and daughters of Rwanda;
- 2° Resolved to fight the ideology of genocide and all its manifestations and to eradicate ethnic, regional and any other form of divisions;
- 3° Determined to fight dictatorship by putting in place democratic institutions and leaders freely elected by ourselves;
- 4° Emphasizing the necessity to strengthen and promote national unity and reconciliation which were seriously shaken by the genocide and its consequences;
- 5° Conscious that peace and unity of Rwandans constitute the essential basis for national economic development and social progress;
- 6° Resolved to build a State governed by the rule of law, based on respect for fundamental human rights, pluralistic democracy, equitable power sharing, tolerance and resolution of issues through dialogue;
- 7° Considering that we enjoy the privilege of having one country, a common language, a common culture and a long shared history which ought to lead to a common vision of our destiny;
- 8° Considering that it is necessary to draw from our centuries-old history the positive values which characterized our ancestors that must be the basis for the existence and flourishing of our Nation;
- 9° Reaffirming our adherence to the principles of human rights enshrined in the United Nations Charter of 26 June 1945, the Convention on the Prevention and Punishment of the crime of Genocide of 9 December 1948, the Universal Declaration of Human Rights of 10 December 1948, the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965, the International Convention on Civil and Political Rights of 19 December 1966, the International Covenant on Economic, Social and Cultural Rights of 19 December 1966, the Convention on the Elimination of all Forms of Discrimination against Women of 1 May 1980, the African Charter of Human and Peoples' Rights of 27 June 1981 and the Convention on the Rights of the Child of 20 November 1989 ;
- 10° Committed to ensuring equal rights between Rwandans and between women and men without prejudice to the principles of gender equality and complementarity in national development;
- 11° Determined to develop human resources, to fight ignorance, to promote technological advancement and the social welfare of the people of Rwanda;
- 12° Considering that after the Transition period, Rwanda shall be governed by a Constitution comprising ideas expressed by Rwandans themselves;

Now hereby adopt, by referendum, this Constitution as the supreme law of the Republic of Rwanda.

Source: [www.cjcr.gov.rw/eng/constitution\\_eng.doc](http://www.cjcr.gov.rw/eng/constitution_eng.doc)

## Appendix 6: Interview Schedule in Kigali

DATE	RESPONDENT	ORGANIZATION	PLACE
May 28, 2009	Hon. Judith Kanakuze	Chamber of Deputies	Parliament
May 29, 2009	Hon. Nura Nikuze	Chamber of Deputies	Parliament
June 1, 2009	Nora Kokanova	Communication Officer, UNIFEM	Downtown Kigali
June 1, 2009	Odette Mukazi Mutanguha	Country Director, FAWE	Ministry of Education, Kacyiru
June 2, 2009	Hon. Esperance Mwiza	Chamber of Deputies	Parliament
June 2, 2009	Hon. Samuel Musabyimana	Chamber of Deputies	Parliament
June 4, 2009	Oda Gasinzigwa	Chief Gender Monitor, Gender Monitoring Office	Ministry of Public Service & Labor, Kacyiru
June 4, 2009	Berra Kabarungi	Country Director, Women for Women International	Nyarutarama
June 5, 2009	Hon. Alphonsine Mukarugema	Chamber of Deputies	Parliament
June 8, 2009	Dr. Shirley Randell	Founder, KIE Research Center for Gender, Culture & Development	KIE, Remera
June 10, 2009	Hon. Faith Mukakalisa	Chamber of Deputies	Parliament
June 10, 2009	John Mutamba	Gender Expert, UNIFEM	UNIFEM Office, downtown Kigali
June 11, 2009	Hon. Wellars Gasamagera	Senate	Parliament
June 11, 2009	Immaculee Ingabire	Gender Expert, Pro- Femmes	Pro-Femmes office, Nyamirambo
June 11, 2009	Jan Mukamusoni	Counselor, AVEGA	AVEGA clinic, Remera
June 12, 2009	Elie Nizeyimana	Lawyer, Haguruka	Haguruka office, Remera
June 16, 2009	Female Senator	Senate	Parliament
June 18, 2009	Hon. Ignatienne Nyirarukundo	Chamber of Deputies	Parliament
June 19, 2009	Hon. Speciose Mukandutiye	Chamber of Deputies	Parliament
June 24, 2009	Chris Plutte	Country Director, Search for Common Ground	SFCG Office, Kacyiru