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Background Paper

Rwanda: The Impact of Women Legislators on Policy Outcomes Affecting Children and Families

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‘Rwanda: The Impact of Women Legislators on Policy Outcomes Affecting Children and Families’¹

Elizabeth Powley

I. Introduction

The small central African country of Rwanda is perhaps best known for the 1994 genocide that killed nearly a tenth of its population. More recently, however, Rwanda has also become known for another – this time a propitious – statistic. In October 2003, just nine and a half years after the genocide, women won 48.8% of seats in its lower house of parliament, placing Rwanda first among all nations in terms of women’s political representation.²

Theoreticians and practitioners have long argued that women’s ability to make an impact in male-dominated institutions will be limited until they are represented in numbers large enough to have a collective voice, until they reach a “critical mass.” Based on political theory and investigation, most activists have settled on 30% as the minimum necessary for critical mass. The call for women’s participation at the level of 30% was made more than two decades ago in the United Nations Beijing Declaration and Platform for Action and has been embraced rhetorically, if not in practice, by many international and national bodies since. Rwanda’s new Constitution, adopted in 2003, asserts that the representation of women is a fundamental principle and commits to “a state governed by the rule of law, a pluralistic democratic government, equality of all Rwandans and between women and men reflected by ensuring that women are granted at least thirty per cent of posts in decision making organs.”³ What is remarkable is not only that Rwanda’s constitutional mandate of 30% has been respected with regard to parliament, but that in the 2003 elections women candidates met and exceeded that minimum target.

Research demonstrates that, when empowered, women make decisions that positively effect children and families. Scholars in the field of women and development, for instance, have been able to demonstrate for many years that economic investments in women are far more likely to positively impact the lives of children than the same investments in men. Similarly, the data shows that improvements in the health and education of mothers have long-term benefits for the health and education of children. It stands to reason, then, that the inclusion of women in national legislatures would result in positive policy outcomes for children and families. There have been a limited number of opportunities to test this thesis, however, as women constitute only 16.6% of parliaments worldwide.⁴ At this juncture, Rwanda’s parliament provides a unique opportunity to examine the behavior of a national legislature that has nearly equal representation of men and women in its lower house, and to examine the impact on women parliamentarians on policies related to children and families.

This paper provides a brief background on changing gender roles in Rwanda and in women’s parliamentary representation, and highlights several of the factors that led to the election of women in such large numbers in 2003. Further, it examines the affect of gender on parliamentarians’ attitudes, and investigates the impact of women parliamentarians on policies related to children and families, specifically with regard to the development of legislation, oversight of the executive, and influence on the national budget. The research is based on in-depth interviews with male and female parliamentarians, with practitioners working in the field of child welfare, and with representatives of the international community in Rwanda. It also draws on analysis of legislation and policies related to children, content analysis of local newspapers, and participant-observation research by the author, who directs a women’s leadership project in Rwanda.

II. Background

The transformation of women's roles in post-genocide Rwanda

It would be difficult to overestimate the impact of the genocide – a tenth of the population was killed, millions were displaced, the infrastructure and civil service were destroyed, the social fabric of the nation ruptured – on Rwanda's subsequent development or on its political climate. The dramatic gains for women in parliament can be traced in part to the significant changes in gender roles during and immediately after the genocide.

Women were targeted during the genocide based not only upon their ethnicity, but also their gender. They were subjected to sexual assault and torture, including rape, forced incest, and breast oblation. One of the first victims of the genocide, Agathe Uwiringiyimana, was the first female prime minister. In the years leading up to the genocide, she was frequently depicted in extremist literature and political cartoons as sexually promiscuous and a threat to the nation. Anthropologist Christopher Taylor suggests that, as a moderate Hutu, "her death owed as much to the fact that she was a woman, and a particularly articulate and outspoken one, as it did to the fact that she was a prominent member of the democratic opposition."⁵

Women who survived the genocide lost husbands, children, relatives, and communities. They endured systematic rape and torture, witnessed unspeakable cruelty, and lost livelihoods and property. In addition to this violence, women faced displacement, family separation, and food insecurity, all of which resulted in post-conflict psychological trauma. Their social structures were destroyed, their relationships and traditional networks were severed, and they were left to head their households and communities. Rwandans believe that in their victimization and endurance, women bore the brunt of the genocide and therefore deserve a significant and official role in the nation's recovery.⁶

In the immediate aftermath, the population was 70 percent female (women and girls).⁷ Given this demographic imbalance, women immediately assumed roles as heads of household, community leaders and financial providers, meeting the needs of devastated families and communities. They were the ones who picked up the pieces of a literally decimated society and began to rebuild; they buried the dead, found homes for nearly 500,000 orphans,⁸ and built shelters. The genocide forced women to think of themselves differently and in many cases develop skills they would not otherwise have acquired.

In today's Rwanda, women remain a demographic majority, comprising more than 50 percent of the population and contributing significantly to the productive capacity of the nation. A majority of the adult working population, they head 35 percent of households, are responsible for raising the next generation, and in this largely rural nation, produce the majority of the country's agricultural output. They are the majority constituency and the most productive segment of the Rwandan population. Rwandan women play a vital role, not only in physical reconstruction, but also in the crucial tasks of social healing, reconciliation, and increasingly, governance.

The overwhelming burdens on women and their extraordinary contributions are very much part of public discourse in Rwanda. Their heroic efforts are recognized and lauded at the highest

levels of government, by average Rwandans, on radio, and even in public art. Government officials at all levels talk about women's contributions, their participation, the centrality of gender considerations to their efforts, and also the progress that has yet to be made. In April of 2003, speaking about the upcoming parliamentary elections, President Paul Kagame said, "We shall continue to appeal to women to offer themselves as candidates and also to vote for gender sensitive men who will defend and protect their interests." He continued, "Women's under-representation distances elected representatives from a part of their constituency and, as such, affects the legitimacy of political decisions ... Increased participation of women in politics is, therefore, necessary for improved social, economic and political conditions of their families and the entire country."⁹ However, critics have countered that Kagame is allowing women to take on high-level positions, not out of a genuine commitment to gender equality, but in an attempt to play to the majority constituency. Further they charge that the women in these positions are easy tools for him to manipulate or control. Several of the women parliamentarians interviewed for this study were aware of this criticism and felt an urgency to counter it with examples of their effectiveness and independence.

History of women's representation in Rwanda's Parliament

The number of women parliamentarians noteworthy in the context of Rwanda's recent history. Rwandan women were fully enfranchised and granted the right to stand for election in 1961, at the time of independence from Belgium. The first female parliamentarian began serving in 1965.¹⁰ However, before its civil war in the early 1990s and the genocide in 1994, Rwandan women never held more than 18% of seats in the country's parliament.¹¹ During the nine-year period of post-genocide transitional government, from 1994-2003, women's representation reached 25.7% in the unicameral parliament (by appointment) and a new gender-sensitive constitution was adopted. It was the first post-genocide parliamentary elections of October 2003 that ushered women into the legislature in dramatic numbers.

The upper house of Rwanda's new bicameral legislature, the Senate, has 26 members elected or appointed to eight-year terms. Some members of the Senate are elected by provincial and sectoral councils, others or appointed by the President and other institutions (e.g. the national university). A constitutional guarantee was achieved in 2003 by the appointment of women to 30% of posts.

The lower house is the Chamber of Deputies. There are 80 members serving five-year terms, 53 of whom are directly elected to represent political parties in a proportional representation system. The additional seats are contested in the following manner: 24 members are elected by women from each province and the capital city of Kigali, two are elected by the National Youth Council, and one is elected by the Federation of the Associations of the Disabled. The 24 seats that are reserved for women are contested in women-only elections; that is, only women can stand for election and only women can vote. In addition to the 24 set-asides in the Chamber of Deputies, the 2003 elections saw an additional 15 women elected in openly competed seats for a total of 39 out of 80, or 48.8% of seats.

The dramatic gains for women are a result of specific mechanisms used to increase women's political participation, among them a constitutional guarantee, quota system, and innovative electoral structures. The Rwandan government, specifically the ruling Rwandan Patriotic Front

(RPF), has made women's inclusion a hallmark of its program for post-genocide recovery and reconstruction.¹²

The government's decision to include women in the governance of the nation is based on a number of factors. The policy of inclusion owes much to the RPF's exposure to gender equality issues in Uganda, where many members spent years in exile. Uganda uses a quota system to guarantee women's participation; in its parliament, one seat from each district is reserved for a woman.¹³ Men and women in the RPF were familiar with this system, as they were with the contributions and successes of women in South Africa's African National Congress (ANC), and drew on these models.

Within the RPF's own ranks, too, women played a significant role in the movement's success from the RPF's early days as an exile movement through the years of armed struggle. Such involvement provided them a platform from which to advocate for women's inclusion during the transitional phase and to consolidate those gains in the new constitution. For example, the first Minister of Women's Affairs after the genocide, Aloisea Inyumba, had been the Commission of Finance for the RPF. She is considered by many Rwandans to be the "founding mother" of gender issues in post-genocide Rwanda. Lieutenant Colonel Rose Kabuye, the highest-ranking woman in the Rwandan army and a veteran of the RPF movement, explained the involvement of women this way:

"It started in Uganda, with the beginning of the [RPF's] struggle ... men did not start alone. Because women were part of what was going on, the men started cooperating ... It spread like that ... women took [on] very big responsibilities. After the struggle, men realized women are hard working, they can do [anything]."¹⁴

The RPF's liberation rhetoric was embraced by its own members and was applied to the historic exclusion of women as well as the Tutsi minority; this gender sensitivity is now government policy. As John Mutamba, an official at the Women's Ministry explains, "Men who grew up in exile know the experience of discrimination ... Gender is now part of our political thinking. We appreciate all components of our population across all the social divides, because our country ... [has] seen what it means to exclude a group."¹⁵ RPF members embraced notions of gender equality and this has informed the development of gender-sensitive governance structures in post-genocide Rwanda.

During the transitional period, before quotas were established in Rwanda, the RPF consistently appointed women to nearly 50% of the seats that it controlled in parliament. Other political parties in the transitional government lagged behind in their appointment of women, and therefore women never constituted more than 25.7% of parliament from 1994-2003.¹⁶

The RPF dominated the transitional government, and consolidated its power in the August 2003 post-transition election of President Paul Kagame and the installation of a new parliament in October 2003. The RPF, together with its coalition, controls 73.8% of the openly contested seats in the Chamber of Deputies. The quota seats, or women's seats, were not contested by political parties, but observers charge that a majority of the women in those reserved seats are also sympathetic to the RPF. Freedom House, in its most recent survey of nations, ranked Rwanda as "not free," with concern about political rights and civil liberties.¹⁷ This puts Rwandan women

and the women's movement in a precarious position, as they owe their ability to participate in the parliament to a single political party and cannot be truly independent of the state.

Forum of Women Parliamentarians

In 1996, during the transitional period, women in Rwanda's parliament formed a cross-party caucus, the Forum of Women Parliamentarians, known by its French acronym, the FFRP. All female members of Parliament – from both the upper and lower houses, those who represent political parties and those who were elected on the “women's ballot” – are members. They work together across party lines on issues of common importance to women; Member of Parliament Connie Bwiza Sekamana explained, “When it comes to the Forum, we unite as women, irrespective of political parties. So we don't think of our parties, [we think of] the challenges that surround us as women.”¹⁸ The FFRP was the first cross-party political caucus in the Rwandan National Assembly (the transitional period's Parliament) and, now celebrating its tenth anniversary, continues to be a model in cross-party cooperation. Subsequent to its establishment, two other forums were instituted: the Amani Forum, which is a regional peace organization, and a Rwandan forum on population issues.

In the first years of its existence, the FFRP focused on advocating on behalf of Rwandan women and on building the capacity of its members. Members of the FFRP viewed their work as a contribution to, in the words of Bwiza Sekamana, “changing the concept and thinking of the Rwandese society” and combating the “mentality whereby ... to be a woman in our society meant to be a nobody.”¹⁹ In recent years, the FFRP has become increasingly focused on legislative responsibilities and constituent service. It reviews existing laws and introduces amendments to change discriminatory statutes, examines proposed laws with an eye toward gender sensitivity, and conducts meetings and trainings with women's groups to sensitize and advise the population about legal issues.

One of the hallmarks of the FFRP's work has been its use of consultative processes – both internally and externally with constituents. This finding is in line with research that shows that relating to constituencies is a strength of women legislators internationally. In particular, the FFRP frequently employs site visits as a methodology to inform their work and conduct research. Member of Parliament Liberate Kayitesi explains, “Recently we conducted some field tours and we went in different centers for vulnerable children and orphanages. The aim was to see with our eyes what those centers were doing and find out ways and means to support them in their work.”²⁰

In 2005, under the leadership of its president, Member of Parliament Judith Kanakuze, the FFRP adopted a five year Strategic Plan to guide its activities through 2009 and reach its goal of developing “policies, laws, programs, and practices [that ensure] equality between men and women and gender equity.”²¹ Based on an internal needs assessment and a lengthy, widely consultative drafting process, the Strategic Plan was developed to address four priority areas or “axes”: building the institutional and organizational capacity of the FFRP itself; enhancing gender equality within the institution of Parliament; initiating gender-sensitive laws; and improving gender-based governmental oversight.²²

III. Current Situation of Children and families in Rwanda

Life is difficult and dangerous for Rwandan children. Rwanda is currently ranked number 159 out of 177 countries on UNDP's Human Development Index²³ and more than half of its population is under the age of 18.²⁴ It is a poor country that faced enormous development challenges before its war and 1994 genocide. That crisis, however, exacerbated the situation and created new problems, especially for Rwanda's children. Millions of Rwandans were killed or displaced, leaving behind parentless and traumatized children. UNICEF statistics indicate that the situation for Rwandan children in 2004 was worse than in 1990. Both the infant mortality rate and the under-five mortality rate increased during that period (which included the war and genocide) from 103 to 118 per 1,000 live births and 173 to 203 per 1,000 live births, respectively.²⁵

A 1999 UNICEF study found that 96 percent of Rwandan children had witnessed the 1994 massacres and 80 percent had lost at least one family member; hundreds of thousands were orphaned. Since the genocide, many more have been orphaned by HIV/AIDS. Many orphaned children are themselves heads of households, struggling to care for younger siblings and "foster" other orphans. There are an estimated 101,000 children heading 42,000 households, one of the largest proportions in the world of children raising other children.²⁶ Many orphans, and those children whose families cannot support them because of extreme poverty, end up as street children in Rwanda's few urban centers where they are extremely vulnerable to physical and sexual violence, forced prostitution, and exploitation.

Human Rights Watch, in a report from 2003, asserted that too little is being done for the most vulnerable in Rwandan society. "Perhaps the most devastating legacy of the genocide and war is the sheer number of children left on their own, and the government's failure to protect them from abuse and exploitation. On Rwanda's green hills, up to 400,000 children – 10 percent of Rwandan children – struggle to survive without one or both parents. Children who were orphaned in the genocide or in war, children orphaned by AIDS, and children whose parents are in prison on charges of genocide, alike, are in desperate need of protection ... Government officials have done little to protect these children's rights, instead trusting that extended families will care for them. But traditional societal networks have been severely eroded by poverty, the HIV/AIDS epidemic, and, not least, the consequences of the genocide and war."²⁷ For women parliamentarians, who have prioritized the care of children, and brought the issue to the fore in policy circles, there is enormous work to do.

IV. Gender issues and the attitudes of Parliamentarians

Motherhood as motivation and qualification

Women parliamentarians from a variety of backgrounds – former teachers, doctors, businesswomen – claim that their experiences as mothers was their biggest motivation for joining politics. As Member of Parliament Speciose Mukandutiye explained, "In normal family life, you will find that [women's] first priority is children. When one of my children is sick, I am suffering too. So when we are fighting for women's right, we are fighting also indirectly for children's

rights. When we are fighting for equality, it is not for us, but we are doing it for that little girl. There were things that we couldn't have, just because we were girls, so now we don't want that to happen to our children, our girls"²⁸

Both male and female parliamentarians cited women's experience as mothers as central to not just their motivation, but also their *performance* as parliamentarians. As Member of Parliament Thacienne Dusabeyezu put it, "we are mothers ... and mothers are characterized by tenderness, love, care towards their children." She further argued that women in the parliament act according to this "nature" and that because of this, "the more women that are in the parliament, the better it is for children."²⁹ One of her male colleagues posited that motherhood prepared women parliamentarians to better understand, analyze, and act on the problems of children. Member of Parliament Nathaniel Mugenzi, who serves on the Social Welfare Committee said, "I would like to see women involved at all levels of decision-making, not only in Parliament ... so that the problems related to education [could be addressed]. Women understand children's issues better than men. In our society, men tend to be providers for their families, but women are more attached to their children and more sensitive to their problems."³⁰

Across the board, Rwandan interviewees for this paper – male and female, parliamentarian and practitioner – argued that women have a "natural" tendency to care for children, and that this is an asset for legislators. The conflating of *women's* experience with *mothers'* experience is understandable in this country, where so few women are childless.³¹ And as foreign (or even regressive) as this "essentializing" of women's experience may be to many Western feminists, it is an authentic voice in Rwanda. It is non-threatening, based in the reality of most women's experiences, and has been successfully used as an argument for women seeking to gain entrance to decision-making positions and to influence policy.

Importance of female-role models

In interviews for this paper, both male and female parliamentarians emphasized that the increased number of women in parliament is providing an important model for future generations. As Member of Parliament Evariste Kalisa explained, "Rwandan society [formerly] regarded women as good for nothing else than caring for children and households, but now since we have them at the top, it is encouraging future generations to be ambitious and to follow in the footprints of their mothers. They are role models to children, to girls. When we will have these young girls studying in order to have a breakthrough as their mothers did, their living standards will be raised and those of the community in general."³² His colleague, Member of Parliament Liberate Kayitesi concurred, "There is a change in people's thinking since women are becoming more active in decision-making [positions]. In our society women were not considered to be able to lead, but now with women playing an active role in leadership, people are starting to accept women as capable, which I believe to be a positive influence to children – especially to girls. Before, boys used to think [they were] superior to their sisters, but now that it is no longer the case since we have women demonstrating that they are as capable as men, and in some cases more capable than men."³³

At this time, women parliamentarians are perhaps more valued in Rwanda for their general leadership abilities and their function as role models, than for their perceived or actual role in policy formulation. This commonly held view is understandable, given that the women now serving in parliament are the first generation to break-through to leadership positions en masse,

but it is ultimately limiting. Women parliamentarians want to be known for more than having achieved high office; they want to be known for their achievements in those offices. This was evidenced in a recent planning session of the Forum of Women Parliamentarians. A member of the FFRP executive committee stressed the importance of communicating with their constituents, of being more than “just” role models. We have to discuss “our activities, our priorities, our work” with them, she pointed out, not just be held up as “examples for examples’ sake.”³⁴

Working with gender-sensitive men

Women parliamentarians in Rwanda face a double burden, particularly those that were elected on the “women’s ballot” and through the quota system. They must fulfill the same obligations as their male colleagues – participate in the same committee meetings, review the same legislation, and attend the same sessions of Parliament – but they also feel a pressure to examine everything with a “gender lens” as well. The five year Strategic Plan of the Forum of Women Parliamentarians reflects this; one of its core objectives is to review existing and proposed legislation with an eye to gender issues and to remove discriminatory elements. “Now that women are in big number in the parliament you find that all the laws before being voted, we make sure that are gender-sensitive ... There were some discriminatory laws that we fought to have revised in favor of women and children ... And there is a new law against violence committed against women and children that we will introduce to the parliament.”³⁵

Given this pressure, women parliamentarians feel an urgency to bring their male colleagues “on board” and convince them that gender-sensitivity benefits the whole country. In interviews for this study, women parliamentarians repeatedly emphasized how closely they work with their male colleagues. And when they organized trips to the field to collect information on gender-based violence, for example, the Forum of Women Parliamentarians included male parliamentarians among their number. Their efforts to work in concert with men are motivated by both a desire to be inclusive – they don’t see their movement as separate from their society or as anti-male – and by a sense of expediency. And they are emboldened by what they see as a commitment to women’s inclusion in the highest levels of government, consistently referring to the prevailing “political will” and the efforts of President Kagame’s government to promote women in decision-making positions. Rwandan researcher Peace Uwineza has explained, “Unlike other societies both in the developing and developed world, in Rwanda the struggle for gender equality has been championed not just by the women but also by some men, with remarkable collaboration at all levels and in all the activities undertaken to ensure that women get included into the mainstream political life of the country.”³⁶

Senator Wellars Gasamagera, who himself won the gender-sensitivity award for governors in 1998 when he was governor of one of Rwanda’s then-twelve provinces, explained why men must work in collaboration with women. When he traveled with members of the Forum of Women Parliamentarians on a nation-wide field tour to monitor gender issues, he saw how important it was to have men as well as women confronting the challenges. “I was in charge of delivering this particular message [on gender-sensitivity] and at the end of the meetings. Local leaders, local *male* leaders, were shaken up. Hearing the message from a man was an added value, [they were] more convinced, more able to take the message seriously. But if the message had come from a woman you [would have] found them saying, ‘Oh, yes we know the story,’ but they [wouldn’t have] given

it much weight. They tend to be more concerned with gender issues when a man delivers the message. That is one of the things we found in the field.”³⁷

Women held to a different standard

Rwanda has become known throughout the world for its high percentage of women in parliament. Women parliamentarians are among a pioneer generation, challenging traditional gender roles, taking on new responsibility, embracing high profile positions, and advocating for their rights. Like pioneers in other fields, their contributions and achievements are met with heightened scrutiny. For example, an opinion editorial published in the local English-language newspaper on the two year anniversary of the new parliament singled out women for criticism: “Ever since 2003 when the combined houses of Parliament were sworn in, no new legislation that improved the well-being of women in this country has been passed, despite the large female voting block.”³⁸ The author, while admittedly “castigating the ladies” makes no mention of the fact that male members of parliament – still a slim majority – had not introduced legislation in the same two-year period. Nor did he acknowledge that the women parliamentarians were in the process of drafting a law to combat gender-based violence, or that one of the Forum of Women Parliamentarians’ stated objectives is to engender legislation in all sectors, and that they have include protections for women within other laws.

Women parliamentarians hold themselves to a high standard as well. One parliamentarian interviewed for this study was critical of her own approach to children’s welfare. “We believe that when women’s lives are improved, so are the lives of children ... There are a lot of programs and debates going on for women’s issues, but not [specifically] for children ... I don’t think we have done enough for children ... we [should] also have some special programs and advocacy for children.”³⁹

Some of this criticism – external and internal – is warranted and reflects the desire to have a larger impact on society, but it masks the fact that women’s participation in Rwanda’s parliament is nascent and that legislation is only the first step in a long process that requires commitment from all branches of government and all sectors of society. Senator Wellars’ analysis of the situation makes it clear that though it may be too early to fully measure the impact of women parliamentarians on the broader society, they have already had a dramatic impact on the institution of parliament itself and on its agenda. He explains, “The diversity [having both men and women in parliament] adds value to the quality of the process. I wish you could attend our Plenary Sessions, you would find women are out-performing men. We are there just speaking about our ideas, but women are fighting and sticking to their points ... women are very determined and it is really an added value.”⁴⁰

V. Women Parliamentarians and Policy Outcomes Related to Children

Legislation and policy priorities

The primary function of any legislative body is to draft, introduce, and pass legislation. The Parliament of Rwanda’s capacity to do this, however, is limited. The vast majority of bills are

initiated by Rwanda's executive branch and move from the Cabinet to the Parliament. An early analysis of Parliament asserted that the body was forced into a "largely reactive mode" in the first six-month period after the 2003 elections and the constituting of the new, bicameral body.⁴¹ This reactionary behavior, however, has continued beyond that initial period. As one parliamentarian interviewed for this paper explained, "For the past two years, we were busy with all these laws [from the executive] just falling on our heads ... we were in reaction mode, we were not proactive ... The critics are right, so far there has only been one law initiated in the lower chamber [of Parliament] ... We are always dealing with laws that are popping in from the executive."⁴²

The limitations of Parliament can be explained by the dominance of the executive branch in Rwanda, restrictions on the real powers of the Parliament, and especially, limited resources. In 2003, the Parliament's budget amounted to only 0.762% of the total operating budget of the Government of Rwanda.⁴³ Members of Rwanda's lower house, the Chamber of Deputies, which has the Constitutional mandate to initiate legislation, do not have expertise in drafting legislation and do not have individual staff members assigned to them.

Given these limitations, and the fact that only one piece of legislation has been initiated by the new Parliament since its inception in 2003, the Forum of Women Parliamentarians' is poised to make a major contribution to the strength of parliament as a whole with the introduction of a bill on gender-based violence. The draft law defines gender-based violence, and addresses crimes committed during the genocide as well as the current situation. It identifies various types of gender-based violence perpetrated against women and children and in rare cases, men. It specifically highlights polygamy as a cause of violence and for the first time under Rwandan law, it will provide a legal definition of the rape of an adult woman and proscribe punishment. The draft is based on extensive research in Rwanda, consultation with grassroots women about the type of violence they and their children face, and draws on statutes from other African countries. At the time of writing, it had yet to be introduced in parliament, but is set to be discussed in 2006.

When introduced, the draft law will be a contribution not only in terms of protecting women and children from gender-based violence, but also a strong example of bill initiation behavior. As a representative of the international community explained, Parliament needs to increase its capacity to introduce legislation if it wants to be more than "a rubber stamp," and introduction of the gender-based violence legislation "by female parliamentarians would be a good model for parliament."⁴⁴

Two other pieces of legislation – which date from the transitional, or pre-2003 parliament – deserve attention here, both in terms of their impact on children and because of women parliamentarians' roles in shaping them.

A significant legislative achievement was the 1999 Law on Matrimonial Regimes, Liberalities, and Successions, commonly referred to as the law on succession or the law on inheritance.⁴⁵ This law established, for the first time, women's right to inherit land. Patricie Hajabakiga, currently Minister of State in the Ministry of Lands, Human Resettlement, and Environmental Protection, was a member of parliament in 1999 during the debate on inheritance. She describes the efforts of women parliamentarians this way:

We had a long, long sensitization campaign ... this was a very big debate. We were asking [male parliamentarians], ‘Ok, fine, you think only men can inherit, not girls. But as a man, you have a mother who might lose the property from your father because [your uncles] will take everything away from your mother. Would you like that?’ Then we said, ‘you are a man ... you have children, you have a daughter who owns property with her husband. Would you like to see that daughter of yours, [if] her husband dies, everything is taken away.’ When you personalize things, they tend to understand. When [the issues] remain just in the abstract ... women and men become two distinct people, but the moment you personalize it, they do understand.⁴⁶

The success of women parliamentarians – working in close concert with the Women’s Ministry and women’s civil society organizations – in advocating for women’s right to inherit cannot be understated. Particularly in light of the genocide, which destroyed and scattered families, women’s right to inherit land was critical – not just as a matter of women’s rights, but because it had a direct impact on issues such as food production and security, the environment, settlement patterns, and the livelihoods of families and children left behind.

A second piece of legislation from the transitional period that women played a significant role in advancing is the 2001 Law on Rights and Protection of the Child Against Violence.⁴⁷ This law defines a child as anyone under the age of 18 and lays out both the rights and responsibilities of children. It criminalizes murder, rape, the use of children for “dehumanizing acts,” exploitation, neglect and abandonment, and forced or premature (before the age of 21) marriage.

Women parliamentarians are acutely aware that these advances in legislation have not immediately translated into gains for average Rwandans (see below for a discussion on the challenges of implementation), and their consultations with constituents have also revealed gaps in the law that they intend to address. Among the policy priorities⁴⁸ frequently mentioned by women parliamentarians with regard to children and families are:

- discriminatory elements in the law on nationality that affect children born of Rwandan mothers and foreign fathers;
- a decree that says when a child below eighteen years of age is the victim of an accident, he or she is not compensated by the insurance companies as an adult victim of the same kind of accident would be;
- the inability of the law to recognize “illegitimate” children born of non-formal unions;
- and the need for enforcement of laws against men who frequent prostitutes, not just the women who are prostitutes;
- the problem of polygamy, because the children of “second wives” struggle psychologically and economically, are often neglected, and are unable to inherit property, which precludes productive employment and economic security; and
- an ongoing problem with hospitals that hold new mothers and their babies “hostage,” refusing to release them if they are unable to pay for the treatment.

The Forum of Women Parliamentarians individual women parliamentarians have pushed these issues to the forefront, introduced them into debate in the Parliament, and is formulating plans to

address these issues (and others). Given the desperate needs of children in Rwanda, and despite their best efforts, women parliamentarians bemoan the delays and a lack of progress to date.

Legislation versus implementation

The long-term measure of the effectiveness of women parliamentarians' impact on children and family policy will be improvement in the lives of ordinary Rwandans. This report, while highlighting the successful interventions of women parliamentarians, does not posit that their presence has yet transformed the society. Persistent poverty and a low literacy rate, traditional cultural attitudes about the position of women, and ignorance about the rights of children, among other challenges, prevent the implementation of even that legislation that the women parliamentarians champion.

There is an enormous gap between legislation and implementation in Rwanda. Though the inheritance law was passed nearly seven years ago, for example, many rural Rwandan women have not been able to access their rights. An estimated 60% of Rwandan women enter into non-formal partnerships⁴⁹ and, without a legal marriage, have no claim on their husband's land for themselves or their children. Even among those that are married, some don't know what they are entitled to, others are blocked by male relatives or prevailing cultural norms, and still others do not have the resources to pursue their rights in court or with the local authorities.

Practitioners feel the gap between legislation and implementation acutely. The director of an orphanage in Rwanda's capital city conceded that there were some laws that "women parliamentarians played a big role in adopting. Like the law protecting children and women, the inheritance law and others." But he expressed a need for more contact with elected representatives. "We want to work with [parliamentarians] closely. We would like them [women parliamentarians] to be mothers to all Rwandan children while initiating laws and voting on laws. We would like to be meeting them now and then, we are the ones working with children and I believe we can be helpful to them in the responsibility as member of parliaments. It is unfair when they decide on policies without consultations with practitioners. Last year we had a short visit of some members of parliament, we would like to see more visits from them."⁵⁰

The director of a center for street children echoed the concerns of the orphanage director. "Since we have a good number of women in parliament, I can't really state that children's lives improved; of course there are some new laws that protect children were adopted but in the field we haven't seen anything tangible. We have to make a clear difference between having a law and putting it in action. Laws are there, but still people to abide by them."⁵¹ In addition to challenges with implementation, there are basic challenges with communication and information. For example, when interviewed, the director of this center for street children did not know that the Parliament had established an Ad Hoc Committee to address the problem of street children (discussed below) despite the fact that he works on this issue daily.

Neither the gap between policy and practice nor the gaps in communication between parliamentarians and grassroots practitioners are solely the responsibility of women parliamentarians. But women parliamentarians feel this discrepancy acutely and, in the eyes of many, are increasingly under pressure to account for it.

Executive oversight and control of national policy

Some observers of Rwanda have labeled President Paul Kagame's government authoritarian, while others claim that though the executive is overly strong, Rwanda can be classified as a nascent or developing democracy. Regardless of one's perspective on this question, there is no doubt that the legislative branch is significantly weaker than the executive. This makes parliament's constitutional responsibility to oversee the executive and control national policy a challenging, if not risky, duty. On two occasions in the last year, however, the parliament has aggressively questioned national policy with regard to women and children, and women parliamentarians have led the questioning of government officials in both instances.

In 2005, Christine Nyatanyi, the State Minister in the Ministry of Local Government was called to the Parliament to explain national policy regarding the problem of street children. "During the debate on the issue of street children, women were more participatory [than men] in giving their views, [and making clear] that they were not satisfied with the current policy or strategies to solve the problem of street children."⁵² Because of their dissatisfaction with current policy and the status of the problem, the Parliament voted to form an Ad Hoc Committee to investigate the living conditions of these children. The formation of such an Ad Hoc Committee is the parliament's strongest rebuke. The committee conducts investigation, develops a report and delivers it to a plenary session of Parliament at which the relevant Cabinet Minister's presence is required. At the time of writing, the committee is traveling throughout the country, looking into the challenges that face street children, and developing recommendations.

In February 2006, the Minister of Gender and Family Promotion in the Office of the Prime Minister, Valerie Nyirahabineza, was called before the Senate and Chamber of Deputies to provide an explanation of government policy with regard to a host of issues.⁵³ Women parliamentarians, in particular, pressed her on maternal and infant mortality rates, and "the ongoing problem of keeping women and their newborns in hospitals if the women fail to pay for the treatment."⁵⁴ A UN official who has closely followed parliamentarians' activism in terms of government oversight claims that "the most vocal [parliamentary] critics of Ministers and government plans – e.g. the proposed public sector reforms, scrutiny of the budget, [and] publicizing the lack of sanction of government officials noted in the ombudsman's report, etc. – are women."⁵⁵

Women parliamentarians see a clear advocacy role for themselves within their own government and feel a responsibility to hold the executive accountable on issues of importance to women and children. Recently, for example, the Forum of Women Parliamentarians intervened on the situation of Rwandans expelled from Tanzania who have recently returned to eastern Rwanda. Representatives of the FFRP traveled to the region, met with representatives of the displaced persons, investigated the living conditions of women and children, provided some humanitarian support, and are planning an advocacy strategy. They intend to raise the issues of gender-based violence, the separation of Rwandan wives from their Tanzanian husbands and children, and the disruption of education and health services for children, with the Rwandan government, the United Nations, and international organizations. Ongoing discussions between Rwanda and Tanzania are sensitive, and the international community disputes the categorization of these people as "refugees." The women parliamentarians are working, however, to ensure that in the negotiations about the status and living conditions of these people, the needs and rights of women and children are not forgotten.

Budget

The parliament has responsibility for debating, amending, and approving or rejecting the government budget, as submitted each year by the executive. Women parliamentarians see themselves as critical to this process and as the guardians of women's and children's priorities. As Senator Odette Nyirimilimo put it, "Every September or October, every time we discuss the budget, we are asking 'How will women benefit from this budget, and how will children benefit from this budget?'"⁵⁶

Women parliamentarians have been credited with, in particular, advocating for increased spending in the areas of education and health. During debates on the education budget for example, women pushed to ensure that "there was support for the children of poor families"⁵⁷ and advocated for "special consideration to be given to children with disabilities."⁵⁸ And women are turning their attention to the issue of early education. "We are trying to advocate for early education, in order to give other women opportunities in the society. Many women are still having problems with the way their children are cared for while they are at work ... In last year's budget we managed to raise the amount of money allocated to early education to support private institutions which are involved in that field, and some public ones. We will keep on pushing for the increase of money for early education. Because it is crucial. Children, families, government, and private companies all benefit from it."⁵⁹

With regard to the health, women have been lobbying for significant increases in the percentage of the national budget that is spent on healthcare.⁶⁰ Women are advocating for "building hospitals and health centers, out in the country, near the population," the health budget is up from 3% before 1998 to 12% in 2006, and "women are the ones who are pushing to have 15% in line with the Millennium Development Goals."⁶¹

All of the women parliamentarians interviewed for this study pointed out that their advocacy has been successful in part because a woman, who herself is sensitive to these issues, chairs the parliamentary Budget Commission. One parliamentarian commented, "we are lucky because a woman chairs the Budget Commission; our budget is really gender-sensitive."⁶² Luck, however, has little to do with it. Budget Committee Chair Constance Rwaka is an example of a well-placed advocate working on behalf of women and children, winning the respect of her male colleagues, and having considerable impact on policy outcomes. As she puts it, "Having me in this position, is not just luck, it is strategic and it has a clear explanation. Women played a big role in the reconstruction process of this country after the 1994 genocide ... when we were given responsibilities, we were successful and we fought not to disappoint, we knew very well that if we failed, other women would not be given responsibilities. Even now, are continuing to develop our capacities [to lead]."⁶³ Representatives of the international community have remarked on Rwaka's influence as well. An official with a leading United Nations agency points out that she is one of the most responsible parliamentarians in terms of "scrutiny of the budget" and the stewardship of funds.⁶⁴

Rwaka is working to formalize the watchdog role she has played on the Budget Committee by introducing gender budgeting, which is the analysis and development of budgets that better target resources and serve the needs of all sectors of the society, men and women. "We are just at the beginning of gender budgeting and next year some of our institutions will be adopting it. We are

organizing seminars, one for parliamentary staff, and one for parliamentarians to help them understand gender policy and gender budgeting.”⁶⁵ This strategy, she claims, will help the parliament ensure that the needs of “all groups – women, children, the elderly, widows – will receive attention” in the budget process.⁶⁶

VI. Conclusion

This report has highlighted women parliamentarians’ achievements for children and families in terms of legislation, budgeting, and government oversight, while recognizing that parliament is a weak institution that as yet has limited reach. Rwanda’s parliamentary elections were held in October 2003; women parliamentarians have only been represented in large numbers for two and a half years. Moreover, the new bicameral legislature has only been operational for that same period. Given their short tenure and the institution’s youth, it is difficult to yet thoroughly assess the impact of women parliamentarians on policy outcomes or to systematically evaluate their effectiveness.

Furthermore, the constraints that Parliament faces – a lack of funding and of trained staff, and an overly strong executive controlled by one political party – hampers its ability to create change. In a chapter titled “Achieving Equality or Serving an Authoritarian State,” scholar Timothy Longman highlights this contradiction. Though he states that the participation of women is “not entirely without meaning,” and that “the larger number of women in parliament today may make it even easier to adopt legislation to benefit women,” this can only happen “when it is consistent with the agenda of the RPF leadership.”⁶⁷

The ultimate measure of the impact of women parliamentarians on children and families will be the improvement in the lives of Rwandans, and this will not be immediate. Keita Bintou, the UNICEF Representative in Rwanda pointed to these challenges in July 2005: “The country’s successes cannot disguise the huge magnitude of the problems facing the most vulnerable amongst all Rwandans, yet those on whom the greatest hopes for a better future are deposited. Children are the most innocent victims of all. They deserve all of our concerted attention. The problems they face are complex, multi-faceted and must be tackled in a holistic manner.”⁶⁸

Despite the constraints on their effectiveness, and the enormity of the problems facing children and families in Rwanda, women in parliament have emerged as strong advocates. Consistently, in the day-to-day work of parliament, it women legislators who have taken the lead on a host of issues related to children. Women parliamentarians have initiated pro-child legislation, challenged key ministers to deliver, and prioritized the needs of children in the budget. As individuals and as members of the Forum of Women Parliamentarians, these legislators are using their positions to positively impact the lives of children and families in Rwanda and have begun to realize significant policy outcomes.

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- ¹ This paper draws heavily on research originally conducted for Hunt Alternatives Fund and the Rwanda Project of its Initiative for Inclusive Security. Though the analysis is the author's alone, it would not have been possible without the research assistance and translation of Elvis Gakuba.
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