



“QUOTAS IN PRACTICE: THE CHALLENGE OF IMPLEMENTATION AND ENFORCEMENT IN RWANDA”

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Introduction

We would like to thank the organizers of the Pretoria workshop on quotas in Africa for having included Rwanda in this very interesting and useful debate. We hope that the experience we are going to share in this document will be useful to other countries, and that we will also be able to benefit from the great possibilities emerging in Africa in relation to quotas.

We are most hopeful that the gender approach will be integrated at all governing levels of the different institutions of the world and of Africa in particular.

It is a matter of right, equity, and social justice.

The Implementation of Quotas in Rwanda for Women

Rwanda has signed up to many international resolutions, conventions, recommendations, and provisions on the social, economic, and political rights of women, in particular the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Nonetheless, very recently, in Rwanda, the actual situation continued to lag behind the legal provisions that confer the same rights on men and women.

Women were still under-represented in the strategic decision-making institutions, such as the legislature, the central government, local administrations, trade unions, cooperatives, professional organizations, and grassroots bodies. At these different levels, Rwanda was far from attaining 30 percent of women in decision-making positions.

This was validated by the Study on the Participation of Women in Decision-making Positions, undertaken and released in 1999 by Réseau des Femmes Oeuvrant pour le Développement Rural (Network of Women Working for Rural Development) – a civil society organization – in collaboration with the Ministry of Gender and Women’s Promotion. The release of the results of this study marked the beginning of the debate, and strategies have subsequently been decided upon with respect to quotas. The low level of female representation in decision-making positions made the situation very pressing in Rwanda.

As the resolution on implementing quotas included in the Beijing Platform for Action had also foreseen, it was urgent to find a formula whereby women could hold at least 30 percent of decision-making positions. As of 31 August 2002, women accounted for 52.3 percent of the total population, according to the General Population and Housing Census (54.6 percent just after the April 1994 genocide). This population should not continue to be marginalized. It is a potential resource of society, and should be recognized and valued as such.

The Transition Government – in office between July 1994 and May 2003 – had the political will to facilitate the progressive establishment of institutional mechanisms to promote gender equality and to bolster the capacities of women. This process has unfolded with a view to implementing gender quotas.

We can note the pressure brought to bear by the movement of civil society organizations, especially women’s organizations grouped in the Collectifs Pro-femmes Twese Hamwe and the women’s networks, as well as the Forum of Rwandan Women Legislators, who are from different political parties, along with the eminent role of the Minister of Gender and Women’s Promotion.

These strategies developed into a crosscutting approach that involved fostering awareness, conducting training, carrying out research to evaluate the indicators of equality and equity, and strengthening the advocacy and lobbying skills of women. The aim was gender mainstreaming.

In Rwanda, the major watershed came with the process of drawing up a new constitution, which was characterized by consensus building with the grassroots, and culminated in the 26 May 2003 referendum.

This workshop to share experiences on implementing gender quotas is being held just as the democratic transition in Rwanda is proceeding with full force. The referendum on the new constitution (adopted in May 2003) was followed by a presidential poll on 25 August 2003, and elections to the National Assembly in September 2003. The National Assembly is a new, bicameral (Chamber of Deputies and Senate) political institution that is preparing to eradicate the different barriers that prevent women from participating in decision-making.

Introducing Quotas in the Electoral System in Rwanda: Accomplishments and Challenges

Current opportunities

The Rwandan Constitution fully incorporates gender equality in its 203 provisions. Accordingly, this fundamental instrument provides a strategic opportunity to implement quotas in the three branches of government, and to allow citizens to enjoy their rights and to fulfil their duties.

We highlight, for example, Article 9, which spells out the fundamental principles of the constitution. This provision stipulates that: ‘The Rwandan State undertakes to conform to the following principles and to uphold them:

1. the struggle against the ideology of genocide and all its manifestations;
2. the eradication of ethnic, regional, and other divisions, and the promotion of national unity;
3. the equitable sharing of power;
4. building a State under the rule of law and a pluralist democratic regime, the equality of all Rwandans, and equality between women and men reflected by ensuring that women hold at least 30% of the positions in decision-making bodies;
5. building a State devoted to the well-being of the population and to social justice;
6. permanently seeking dialogue and consensus-building.’

Articles 54 and 76 of the constitution are also telling examples that enshrine the principle of quotas:

‘Article 54: The political organizations must at all times reflect, in the recruitment of their followers, the composition of their governing bodies, and all their operations and activities, national unity and the promotion of gender.’

‘Article 76: The Chamber of Deputies is composed of eighty (80) members, as follows:

1. Fifty-three (53) elected under Article 77 of this Constitution;
2. Twenty-four (24) female members, two per province and the city of Kigali, elected by the District Councils, City Councils, and the Kigali City Council, to which are added the Executive Committees of the women’s structures in the provinces, the city of Kigali, the cities, the districts, and the sectors.’

The challenges that must be addressed

It is important to look at the indicators to take account of the steps taken to improve women’s participation in decision-making. Even so, there are still a number of challenges that need to be addressed, including the following.

Gender inequality: Gender inequalities are apparent in relation to access to basic services and resources, and in regard to political participation and decision-making. This situation appears to be common to most African countries. Some of its characteristics in Rwanda are set out below.

Education: Women have limited access to education. Accordingly, 25 percent of women, as compared to 17 percent of men, have never been to school or to a literacy centre. Only 47.8 percent

of women are literate, compared to 58.1 percent of men. In terms of access to primary school, there are no major distortions. Nonetheless, the rates for being held back and dropping out continue to be higher for girls than for boys. The drop-out rate for girls is 15.2 percent, compared to 7.9 percent for boys. These imbalances are even more pronounced in rural areas. A small proportion of girls and women reach university, and the academic performance of girls is far below that of boys, especially in the areas of the sciences and technology.

Health: The Demographic and Health Survey of 2000 shows that the total fertility rate is high: approximately 5.8 children per woman. Maternal mortality is estimated at approximately 1,070 per 100,000 births, and infant mortality at 110 per 1,000 live births. These high rates of mortality are associated with limited access to healthcare. In effect, only 31 percent of births take place in modern healthcare facilities. The health situation is marked by a prevalence of HIV/AIDS, estimated at 11.2 percent nationwide, and 10.8 percent in rural areas. Prevalence is 11.3 percent for women, compared to 10.8 percent for men.

Employment and economic opportunities: The employment situation is characterized by profound disparities. Women hold only 34.6 percent of jobs in the public sector (compared to 65.4 percent for men). In the para-public sector, women hold 31.9 percent of jobs (compared to 68.1 percent for men).

Women are mainly concentrated in agriculture and in the informal sector, bearing a considerable extra burden. Approximately 90 percent of farmers are female, but, as a result of gender discrimination, it is more difficult for them to own land, and to get access to, and/or control of, certain inputs, such as fertilizer, seed, pesticides, loans, and agricultural extension services. Often they are less competitive in the job market, or do not even have information about it.

The feminization of poverty is still a major challenge and Rwanda's primary concern in the context of Vision 2020, which is focused on poverty reduction and good governance. Rwanda is ranked 158th in the human development index, which compares the member states of the United Nations (UN).

Human rights: Cultural traditions and customary law maintain prejudices favourable to certain forms of violence in the home. In addition, despite efforts to raise the awareness of the population so as to eradicate different forms of violence against women, especially in relation to the right to physical integrity, certain practices continue, especially in rural areas. Gender-based violence remains a persistent problem. Furthermore, the consequences of the violence inflicted on women during the genocide must be addressed – these are physical, physiological, and social in nature.

Women's Representation Before and After Quotas

Before the introduction of quotas

In regard to the 2001 local government elections, the electoral law emphasized that at least one-third of elected committee members should be women. The following is additional information provided in the Gender Profile report on Rwanda, which was prepared in 2002 by the Ministry of Gender Issues and the Ministry of Finance and Planning. In preparing the report, progress was detected in relation to equality and equity, although a long road still lies ahead. Some facts are set out below.

- Five women ministers and secretaries of state out of a total of 26 – that is, about 19 percent.
- Four women secretaries-general out of a total of 16 (25 percent).
- Four women mayors of districts and towns, out of a total of 106 (approximately three percent).
- Two of six presidents of the departments of the Supreme Court are women.
- More than 35 percent of the members of the Gacaca courts are women.
- The Court of Appeals has four presidents and four vice-presidents, all of whom are men; three of 157 appellate judges are women (two percent).
- The National Assembly was composed of 75 percent men and 25 percent women.
- At the local level, 76 percent of the members of the Provincial Executive Committees are male.
- Men account for 75 percent of Rwanda's diplomatic personnel abroad.

After the introduction of quotas

The quotas were first implemented in the 2003 parliamentary elections. Rwanda emerged in first place regarding women in national legislatures worldwide, according to the classification by the Inter-Parliamentary Union (IPU). With 48.8% of the members of the Parliament women, Rwanda is now the country closest to male/female parity in politics; before these elections, 25.7% of the members of the Rwandan legislature were women.

Twenty-four seats (30 percent) were reserved for women in 12 provinces, including the city of Kigali. This guaranteed the participation of women at the grassroots or local level. In addition, elections were held in the provincial district, where women accounted for more than two-thirds of voters.

The Constitution of Rwanda is clear about quotas: the same formula is only to be applied in regard to members of the government. In terms of the other central or decentralized institutions, the choice is clear - an office has been established within the gender observatory that will monitor respect for quotas at every level (Article 185).

Debates on Quotas in Rwanda

Rwandans are convinced that the country's sons and daughters should be responsible for its sustainable development. And it is a matter of social justice to support equal access for men and women in regard to participation, resources, control, and decision-making. The factors that give rise to debate are inherent to the patriarchal system and culture. Transformations will occur gradually, as gender is integrated at every level (including in projects, programmes, budgets, conduct and culture).

The lessons to be drawn from the Rwandan case

Rwanda's positive experience is based on the following factors:

- Good governance, which gives rise to the political will to achieve gender equity and equality.
- The state's partnership with civil society.
- Training executive and managerial personnel so that they are capable of listening to the

- population, and persons trained in advocacy based on the results of studies and research.
- Strengthening the capacity of women through specific mechanisms.
 - Female solidarity, and partnerships with men in regard to gender issues.
 - Institutionalizing budgets that integrate gender.
 - Reviewing laws that enshrine inequalities or any form of discrimination against women.
 - Those countries preparing new constitutions, or revising them, should respect the clauses of CEDAW during the constitutional process. Moreover, they should accord priority to the participatory and inclusionary approach, by creating a specific space for women.
 - Sensitizing the population to the equality of men and women (girls and boys should be provided with the same education, for example).
 - Strengthening the capacity of women involved in decision-making and continuing to project a positive image of women.
 - Continuing the education of leaders and planners in relation to gender issues (concepts, tools for gender analysis, gender audit, etc.).
 - The gender approach should be a planning tool.
 - Drawing up a national gender policy.
 - Creating a permanent network for sharing experiences of the new style of leadership built on a partnership between women and men.

We are open to any comments in order to build on these lessons. We are convinced that we must continue to learn so as to get the best results from the integration of a gender approach, which is also a vision for sustainable development.