

Training on women's rights concerning access to civil rights and other resources related to land, by COCOF in the perspective of the N2Africa project

Introduction

Rwandese women have, since long, been victim of a series of social injustices generated by the law, resulting from customary laws as well as from statutory laws that placed them on an inferior position compared to men. Although, on the level of jurisdiction, some changes have been achieved with the aim to allow the Rwandese woman to enjoy the same rights as men, one can only observe that many women, until now, do not know of these developments. Most of the women living in rural areas in Rwanda are not able to read and to understand legal texts. As a result they suffer the disadvantages resulting from social injustice.

COCOF, in its quality as organization that is fighting for women's rights in the area of economic and social development has shown to be indispensable in informing and training women on their rights to access to civil rights and other resources related to land.

Thanks to budget received from the N2Africa project, two sessions of training for 80 women in total, were trained by a consultant lawyer that was recruited by COCOF. The first session of this training took place from 25-27 October 2010 and the second one was organized from 17-19 November 2010. The participants came from sectors of Musambira, Nyarubaka and Nyamiyaga of Kamonyi district, which are the action sites where the N2Africa project is active.



Training on Land Rights for women from COCOF, 27 October 2010

The objectives aimed at in this training are:

Overall objective:

Make the women benefitting from COCOF in the perspective of the N2Africa project, aware of their right concerning access to civil rights and other resources related to land, with a view to better use their capacities to benefit more from the positive impact of the N2Africa project.

Specific objectives:

- To give special attention to and explain certain customer laws that don't allow Rwandese women to optimally use their right concerning access to civil rights and other resources related to land;
- Explain the current law that grants Rwandese women the same rights as men concerning access to civil rights and other resources related to land.

The current report will essentially focus on two issues: the themes discussed and continuation of the education as well as production of teaching material.

1. The themes discussed and continuation of the teaching

The injustice with respect to women started from the basis of the household. That is why the issue of marriage is part of the teaching. Three versions of marriage have been discussed and made it possible to show the evolution of the women's right within marriage.

- *Traditional*

This is the marriage based on customary laws. It does not result from free consent of the spouse, but most of the time the parents of the girl and those of the boy that negotiate the marriage contract on their behalf. It was characterized by polygamy and was the usual form of marriage before and during the colonial era. It was preferred, because it was seen as source of wealth: having more wives made it possible to have a lot of children and indirectly a large number of workers for cultivating the soil and producing a lot. It also gave the opportunity to establish a large family, and in such a way, power.

A woman married under the conditions of this regime of customary law could not inherit any of the possessions of her husband, nor from his parents. Besides that, the woman was not allowed to take part in the family's affairs while the family treated her as outsider. It therefore would be unacceptable to think of land management. Their rights are still not recognized.

- *Religious marriage*

The resolution of July 5th 1948 recognized the marriage of specific/certain religions. This form of marriage was recognized in the constitution of 1962. This qualified the religious marriage the same status as the monogamous civil marriage. So one man marrying a single woman. However, from 20/12/1978, the Rwandese law does not recognize the marriages based on custom and the religious marriages anymore.

- *Monogamous civil marriage*

With the monogamous marriage, the clear wish of the state to place women in a comfortable position within the family is demonstrated. In spite of this, there are still impediments to economic, social and cultural development. Also contribution of the state has proven to be necessary to tackle the problem of access to civil rights and other resources related to land.

Although the constitution had approved the marriage of one man with one woman, it still did not make clear how it should be interpreted/should be acted.

The family code explains it clearly: «*the marriage is celebrated before the officer of the Register Office of the place of residence of one of the fiancées or of the place of residence of the future spouses*» (art 170, al 2) and article 169 states precisely that only the civil marriage is recognized by the law.

The forms of marriage seen before tried to integrate the woman in the family. The overall picture is that it was not easy to speed up this process. The civil marriage aims at the new phrase: «*the spouses have the same rights during the marriage and at the moment of divorce*». This will allow them this time to enter in the management.

- Something new in the monogamous civil marriage

Women are protected by article 24 of law no.°22/99 of 12/11/1999 that stipulates that spouses equally share costs and profits.

All human beings are equal in the eyes of the law. They have right, without any exception, to equal protection (art. 16 of the constitution).

Women should make themselves familiar with the meaning of article 11 of the constitution that prescribes that «all born and living free in Rwanda have the same rights and the same obligations».

2. Production of teaching material

It is well emphasized, that the training given was a training of trainers and that implies to get teaching materials at their disposal. Likewise articles containing law texts which had been discussed during the training, were photocopied and given to the participants as a tool for further training to other women in their respective sectors.

Conclusion

In the written Rwandese law, rules exist that permit women to have the same rights as men. The participants have taken knowledge of that and are glad about that. Article 26 of the constitution that

was in the centre of attention of the participants, gives Rwandese women access to civil rights and other resources related to land.

Recommendations formulated by the participants

It would be better to invite the husbands as well for further training sessions to make sure men and women have the same vision and understanding of laws protecting the women. The remarks and observations written down with respect to men could be profitable and wholesome to households.

Prepared by Semugaza Tharcisse, coordinator of COCOF