

A BOOKLET SUMMARIZING WOMEN'S LAND RIGHTS AND MOST EFFECTIVE USE OF LAND RESOURCES



This booklet was designed in collaboration with Imbuto Foundation and UN Women, with funding from Joint Project - Rural women Economic Empowerment (RWEE)



Kigali, March 2021

FOREWORD

When a man and a woman get married or prepare to marry, each individual is entitled to possess a certain property from different sources such as work, donation from parents or friends, inheritance, a will, etc.

Once a wife and husband have pronounced their marriage oath, some questions are raised on the property; what becomes of the previously owned property by either two parties, or that which was obtained after marriage? Who becomes the owner? Who manages it? Which role do either of the spouses play on the property; how to use it, to manage it or to determine it?

These questions were identified to be among the sources of conflict frequently observed in the Rwandan household. Answers to these questions are found in laws governing land, laws governing matrimonial regimes, donation and successions, based on the contract the spouses would have freely predetermined.

This booklet was prepared to serve as a didactic material for RWEE project stakeholders and facilitators including local government leaders, opinion leaders and other Rwandans in general, with the aim to improve their knowledge and capacity in regards to rights to land and its use, especially for women and girls.

Dear women, girls; we are committed to sustain our efforts to ensure that your rights are respected but the biggest task lies in your hands. Continue using this booklet to raise the awareness within your communities; empower your fellow women and girls, your partners and your children. Explain to them that the first step in observing land laws is that all couples should be legally married.

Umutoni Sandrine

Director General, Imbuto Foundation

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INTRODUCTION

With the funding from Joint Project-Rural Women Economic Empowerment (RWEE), Imbuto Foundation in partnership with UN Women have designed a booklet on Women's Land Rights and most effective use of land resources with a focus on women's rights to land, inheritance and property, especially land resources.

In particular, this booklet focuses on the provision of laws related to women's and girls' rights to land, property and inheritance; with an objective to contribute to sustainable development based on effective management and use of land and related resources, taking into consideration equal rights among family members.

This booklet is composed of three major parts as follows:

- **Part One** discusses the state of the problem related to women's rights to land, effective use of land resources and inheritance. It also highlights historical background with key documents and dates related to the long journey made in the framework of women's rights to land, inheritance and property.
- **Part Two** contains various laws related to women's rights to land, inheritance and property. In this part, this project's stakeholders and beneficiaries are given the opportunity to share their level of knowledge and testimonies about these laws. It further highlights the link between these laws and GBV and most sought organs in case of conflicts related to the implementation of these laws.
- **Part Three** seeks to highlight persisting challenges related to women's rights to land, inheritance and property, and suggests possible solutions.

I. STATE OF ISSUES RELATED TO WOMEN'S RIGHTS TO LAND, MOST EFFECTIVE USE OF LAND RESOURCES AND INHERITANCE

One of Imbuto Foundation and partners' objectives is to raise awareness to women and all those who will use this booklet, on their rights to land, inheritance and property, with the aim to ensure beneficiaries master them and fight for their rights, so as to develop themselves and their families.



Before going into the detailed content of laws related to women's rights to land, inheritance and property in Rwanda, it is important to recall that in history, women have been marginalized, and were denied a number of rights in many ways.

This has been observed worldwide, before the gender revolution which aimed to provide equal rights to men and women as well as boys and girls. Rwanda was not left behind in this struggle, whereby relevant laws were established as well as various tangible strategies aiming at promoting gender principle and strengthening equal rights between the two sexes.

I.1. ORIGINS OF REVOLUTION OF GENDER EQUALITY AND EQUITY BETWEEN MEN AND WOMEN

At international level, women's rights advocates in general started their journey after the end of World War II, when the international community envisioned a world where everyone has equal rights as human beings, and should be treated equally before the law. In the year 1948 the human rights convention was established. By human rights, people must understand that there should not be any sort of discrimination, be it based on sex, on ethnicity, on region, or on religion.

At national level, efforts in promoting women's rights were mostly deployed after the Genocide against the Tutsi, whereby it was realized that, among other consequences, many widowers and orphans were left with responsibilities to secure socio-economic development of their households and the country in general.

Experts and practitioners in this field observe that laws related to women's rights that we witness today have their roots in the broad ideology of national freedom fighters, in the 90s. These revolutionary ideas emphasize that no Rwandan should be discriminated against. There should be no discrimination based on ethnic belongingness, age, religion or sex.

The non-discriminatory ideology is one of the backbones of the Constitution of the Republic of Rwanda of 2003 revised in 2015, which has various principles that Rwandans decided to abide by, as stipulated in its Article 10 (4). This article stipulates that "The State of Rwanda commits itself to upholding equality of all Rwandans and between men and women, among other principles". Whereby a principle means that it is not time bound and that it should be observed by every one, on the national territory.

I.2. KEY DOCUMENTS AND DATES RELATED TO WOMEN'S RIGHTS

KEY DOCUMENTS AND DATES RELATED TO WOMEN'S RIGHTS

AT INTERNATIONAL LEVEL

- **The Universal Declaration of Human Rights**

This declaration was signed in Paris, France on 20 December 1948, through the United Nations General Assembly Resolution 217 A. This declaration is considered as a milestone document in the history of human rights, especially women's rights.

- **Convention on the elimination of all forms of discrimination against women**

Heads of States and Governments gathered to sign this convention on 18 December 1979, before entering into force on 3rd September 1981. This declaration reiterated the willingness of Member States of the United Nations to promote women's rights, as it was clear that they were discriminated against but should instead be treated with dignity as human beings.

- **Beijing Declaration and Platform for Action**

This declaration was issued in a meeting held in Beijing, People's Republic of China from 04-15 September 1995, whereby Heads of States and Governments as well as advocates for women's rights and development were gathered. This declaration and platforms for actions were adopted by the United Nations through its Ordinary National Assembly held on 15 September 1995.

AT CONTINENTAL/AFRICA LEVEL

- **Maputo Declaration**

Also better known as Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, Maputo protocol was signed by Heads of States and Governments on 11 July 2003, focusing mostly on women's rights in Africa, because it reiterated the commitment of many Members States to continue promoting women's rights to sustainable development and inheritance.

AT NATIONAL LEVEL

- **The Constitution of the Republic of Rwanda of 2003 revised in 2015**

This national supreme law provides guidance in regards to gender principles and women's rights. It is important to recall that important policies and laws were enacted after the Genocide against the Tutsi with the aim to provide and protect women's rights to land, inheritance and property. These legal instruments are discussed in subsequent sections of this booklet.

- **National Gender Policy and strategic plan**

In order to implement articles available in the constitution related to gender equality and equity as well as related laws, Rwanda designed the National Gender Policy and its strategic plan. The National Gender Policy designed in 2010 aims at promoting gender equality and equity in Rwanda through a clearly defined process for mainstreaming gender needs and concerns across all sectors of development. Strategies to implement this policy have been formulated to address identified priority issues in a comprehensive manner given the cross-cutting aspect of the policy and the proposed approaches for its implementation.

I.3. WOMEN'S LAND RIGHTS

I.3.1. LAWS SECURING WOMEN'S LAND RIGHTS

Article 35 of the Constitution of the Republic of Rwanda of 2003 revised in 2025, the supreme law in Rwanda, states that "private ownership of land and other rights related to land are granted by the State".

It is important to hereby emphasize that the principle about gender equality is respected in the above-mentioned constitutional articles, whereby they do not contain any discriminatory statement. This means that the constitutional land and property rights are equally guaranteed for both men and women as well as boys and girls.

In order to strengthen women's land rights, the Government of Rwanda instituted the **Law No 43/2013 of 16/06/2013 governing land in Rwanda** which provides equal rights to land. Article 4 of this law clearly states that "all forms of discrimination, such as that based on sex or origin, in relation to access to land and the enjoyment of real rights shall be prohibited". It further explains that "the right to land for a man and a woman lawfully married shall depend on the matrimonial regime they opted for". Although this will be discussed in the section on persisting obstacles, it is better to hereby state that this article concerns only couples that are lawfully married, therefore against rights of a wife with no legal marriage status in numerous ways.



I.3.2. TESTIMONIES RELATED TO WOMEN'S LAND RIGHTS

The first step to fight for women's rights to land, inheritance and property is to be aware of laws that guarantee those rights and master them such that these women are able to know when their rights have been violated and which specific articles to refer to.

Knowledge about the law governing land in Rwanda

Uwimbabazi Christine
Murama Sector, Ngoma District.

On land law, we know that the husband and wife have equal rights to land. One has 50% and the other 50%; they therefore have equal rights to land".

Uwizeyimana Isabelle,
Ngera Sector, Nyaruguru District.

"We have come to know that if as a family you have got a piece of land, your husband cannot misuse it, as it used to be the case whereby he would sell it arguing that it is inherited from his father, or that he bought it himself. We are aware now and know that women are not to be discriminated against anymore".

Respect of women's land rights

Uwineza Utumwa Zipora
Kigarama Sector, Kirehe District.

"In my household, when we decide to use the land for another developmental activity, I also contribute to the decision-making process. I give my husband my approval before we take the final decision".

Tuyishimire Clementine
Kigarama Sector, Kirehe District.

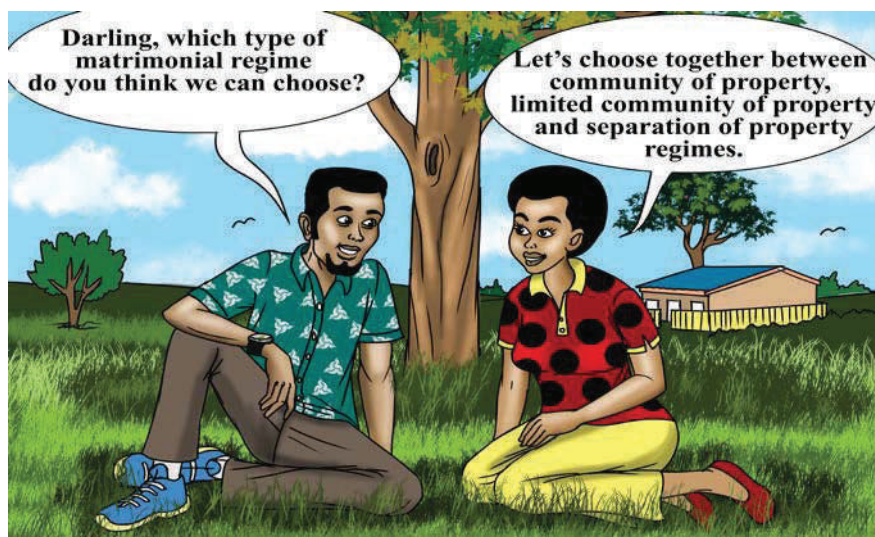
"A man once sold land without informing his wife, and she later went to cultivate the land, and was later told that she no longer had the right to cultivate it because it had been sold. The issue was taken to village leaders, up to the Cell level at which it was resolved. It is obvious that the State grants us our right to land".

I.4. WOMEN'S RIGHTS TO LAND RESOURCES

I.4.1. LAWS SECURING WOMEN'S RIGHTS TO LAND RESOURCES

Generally, land related resources are part of the family property. In regards to property rights, Rwandan laws provide equal rights between men and women. The **Constitution of the Republic of Rwanda of 2003 revised in 2015**, in its article 34, states that “everyone has the right to private property, whether individually or collectively owned”. It further explains that “private property, whether owned individually or collectively, is inviolable”.

In particular, the property of lawfully married couples is managed depending on the type of matrimonial regime they opted for while pronouncing their marriage oath. This means that when they decide to live together, they also decide how to manage their property acquired either before marriage or after they live together as husband and wife lawfully married. **The Law N° 27/2016 of 08/07/2016 governing matrimonial regimes, donations and successions**, provides three types of matrimonial regimes, i.e., *community property regime*, *limited community of property regime*, and *separation of property regime*.



THREE TYPES OF MATRIMONIAL REGIMES

Type 1: Community Property Regime

Article 5 of this law reveals that “the community of property regime is a contract by which the spouses opt for joint ownership of all their property”. Article 6 supplements this by stating that “spouses under the community of property regime manage the property together and have the same right to recover the property if taken, and act as legal representative of the property”. This article also explains that “any property registered in one spouse’s name is part of the property belonging to spouses under the community of property regime”. It is worth recalling that, under this regime, as provided for by article 7 of this law, “spouses are jointly liable for debts contracted before and after their marriage”.

Type 2: Limited community of property regime

As provided for by Art. 9 of this law, limited community of property regime is “a contract by which spouses agree to pool their respective properties owned from the day of marriage celebration, as well as the property acquired during marriage by a common or separate activity, donation or succession”. Article 10 states that “at the moment of the making of the marriage contract, there is, basing on the prospective spouses’ compromise, a created inventory of property of each spouse, and any property, if any, each spouse has set apart for the basis of their household”. It also states that “anything that is not listed as the basis of their household is considered personal property.”. In contrast with the community property regime, article 11 provides that “each spouse has the powers of administration, enjoyment and free disposal of his/her personal property. Any fruits and revenues produced by the spouse’s personal property is part of his/her property”. In addition, as provided for in article 12, “loans and debts contracted by one of the spouses under limited community of property regime, for the benefit of the household are borne by the community property”.

Type 3: Separation of property regime

As we can read from article 14 of this law, “separation of property regime is a contract by which spouses agree to contribute to the expenses of the household in proportion to their respective abilities while retaining the right of administration, enjoyment and free disposal of their personal property”. Also, article 16 of this law explains that “each spouse is liable for personal debts contracted before or after marriage, unless he/she has contracted such debts for the benefit of the household”. It further adds that “the joint debt is repaid by each spouse from his/her own property according to modalities they agreed upon while contracting that debt.”.

Apart from articles related to property management of lawfully married couples, this law also contains various articles related to women’s rights to inheritance. It is important to recall that this law enacted in 2016 replaced the Law N° 22/99 of 12/11/1999 to supplement book one of the civil code and to institute part five regarding matrimonial regimes, liberalities and successions. Previous laws related to inheritance granted these rights only to men and boys, while women and girls were denied their rights to properties, whether from their families of origin or those they have founded or will form.

I.4.2. TESTIMONIES RELATED TO RIGHTS TO LAND RELATED RESOURCES

Uwanyirigira Marie Grace Kirehe Sector, Kirehe District	<i>“If a husband decides to sell a forest, this is a source of conflict at home, because men have not yet been able to understand that women have also the rights to property. The wife cannot be empowered, provided that she has no rights to produced crops”.</i>
Nyandwi Anastasie Nyagisozi Sector, Nyaruguru District	<i>“For us in our household, my husband does not take a decision to sell the crops before informing me. We have to make a joint decision”</i>

I.5. WOMEN’S AND GIRLS’ RIGHTS TO INHERITANCE

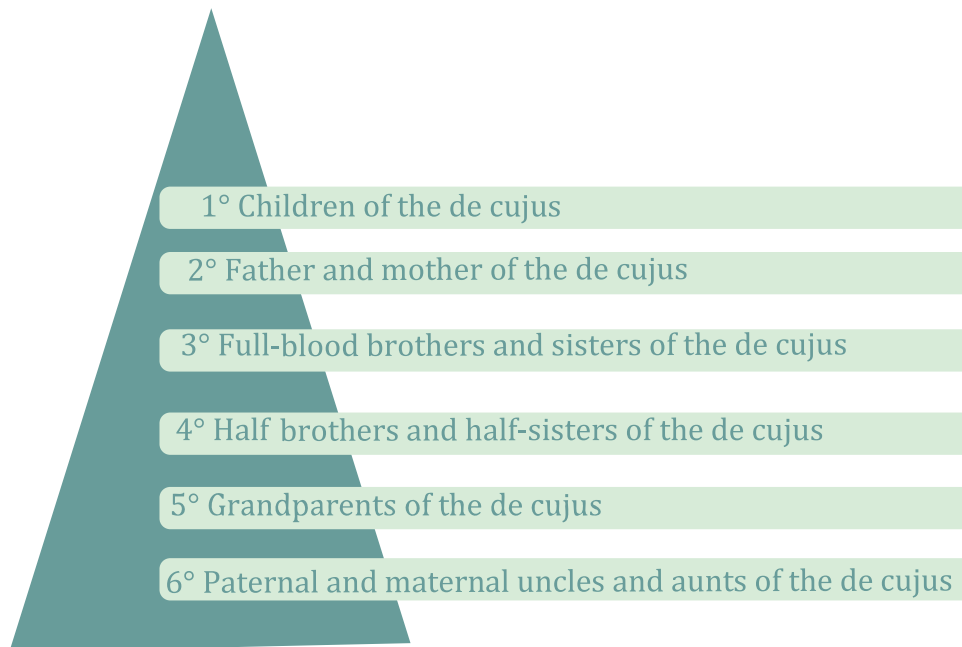
I.5.1. LAWS SECURING WOMEN’S AND GIRLS’ RIGHTS TO INHERITANCE

The law No 27/2016 of 08/07/2016 governing matrimonial regimes, donations and successions, provides the definition of succession and when this occurs.

What is succession?	When does succession opens?
Its article 51 explains that succession is “the transfer of rights and obligations on the assets and liabilities of the deceased”	Article 52 stipulates that “succession opens upon the death of a person, at his/her domicile or residence”.

At this point, it is imperative to know that the uniqueness of this law is that it provides equal inheritance rights to lawful spouses (depending on matrimonial regimes they opted for) and children, irrespective of their sex. As regards to children, article 54 specifies that “legitimate children of the deceased succeed in equal portions without any discrimination between male and female children”.

This law also, in its article 73, provides the order of regular heirs, as follows:



As discussed earlier, regarding spouses, when one of them dies, the widow (er) can inherit the property but this depends on the matrimonial regimes they opted for, i.e., whether they have chosen community property regime, limited community of property regime and separation of property regime.

The **law No 32/2016 of 28/08/2016 governing persons and family** is more or less related to women's rights, especially rights to property and inheritance.

First and foremost, Article 23 discusses administration of property of absentee presumed to be alive, whereby it explains that "if the absentee presumed to be alive is married, the other spouse administers his/her property regardless of the chosen matrimonial property regime unless otherwise ordered by the court". It further explains that "when the absentee presumed to be alive is not married and did not appoint an authorized representative, the Family Council appoints the administrator of the absentee's property. As far as possible, such an administrator is chosen from among the presumptive heirs of the absentee".

In addition, article 33 says that "the declaration of death of the disappeared person or the absentee entails the opening of succession". It further stipulates that "the existing heirs on the day fixed as the date of death of the disappeared person or absentee have the right to share the disappeared person's or absentee's estate in accordance with relevant laws".

These articles clearly show that there is no sex discrimination based on the administration of family property in case one of the spouses is absent but presumed to be alive.

The law governing persons and family also discusses rights of family members in case they divorce. During the process provided for by the law towards the final divorce decision but they are required to live in two separate places in the meantime, article 227 stipulates that "where the court orders separate residence, except in case where spouses are married under the regime of separation of property, movable and immovable assets are provisionally shared, after the inventory signed by both parties, in consideration of interest of children and the profession of spouses."

When parents totally divorce, article 246 orders that "children retain the usufruct right over half (1/2) of each spouse's property which is administered by the parent to whom the court grants custody of the children".

This article also adds that “when children reach the age of majority, the part of property over which they have the usufruct right is recovered by the parent who granted it and he/she continues to exercise his/her responsibility for the custody of these children in accordance with the law”.

1.5.2. TESTIMONIES RELATED TO WOMEN’S AND GIRLS’ RIGHTS TO INHERITANCE

Women’s and girls’ knowledge about the law that grants them rights to inherit their families’ property is quite advanced, despite culture-related mindsets, both on the side of men and on the side of women alike.



Women’s knowledge on the law on inheritance is showcased in the following testimony:

Mukamanzi Cecile,
Sake Sector, Ngoma
District

“Today every person has the right that enables them to inherit their parents or families that do not exist anymore; it happens that a person remains alone in the extended family and the closest possible on the order of heirs is a woman, a man farther down on the list cannot claim to be the heir before you”.

1.6. HOW LAWS RELATED TO WOMEN’S LAND RIGHTS PREVENT GENDER-BASED VIOLENCE (GBV)

The Law N° 59/2008 of 10/09/2008 on prevention and punishment of gender-based violence, in its article 2, defines gender-based violence as “any act that results in a bodily, psychological, sexual and economic harm to somebody just because they are female or male. Such an act results in the deprivation of freedom and negative consequences. This violence may be exercised within or outside households”. One would wonder whether different laws we discussed earlier that grant women rights to land, inheritance and property were established to address which type of GBV, since the culture has mainly denied these rights to women and all Rwandans have obediently followed it. What type of GBV is committed once a woman is denied her rights to land, inheritance and property? To answer this question, we sought opinion and views from various practitioners and experts in women’s rights and empowerment.

Mr. Dusabe Shadrack, UN
Women

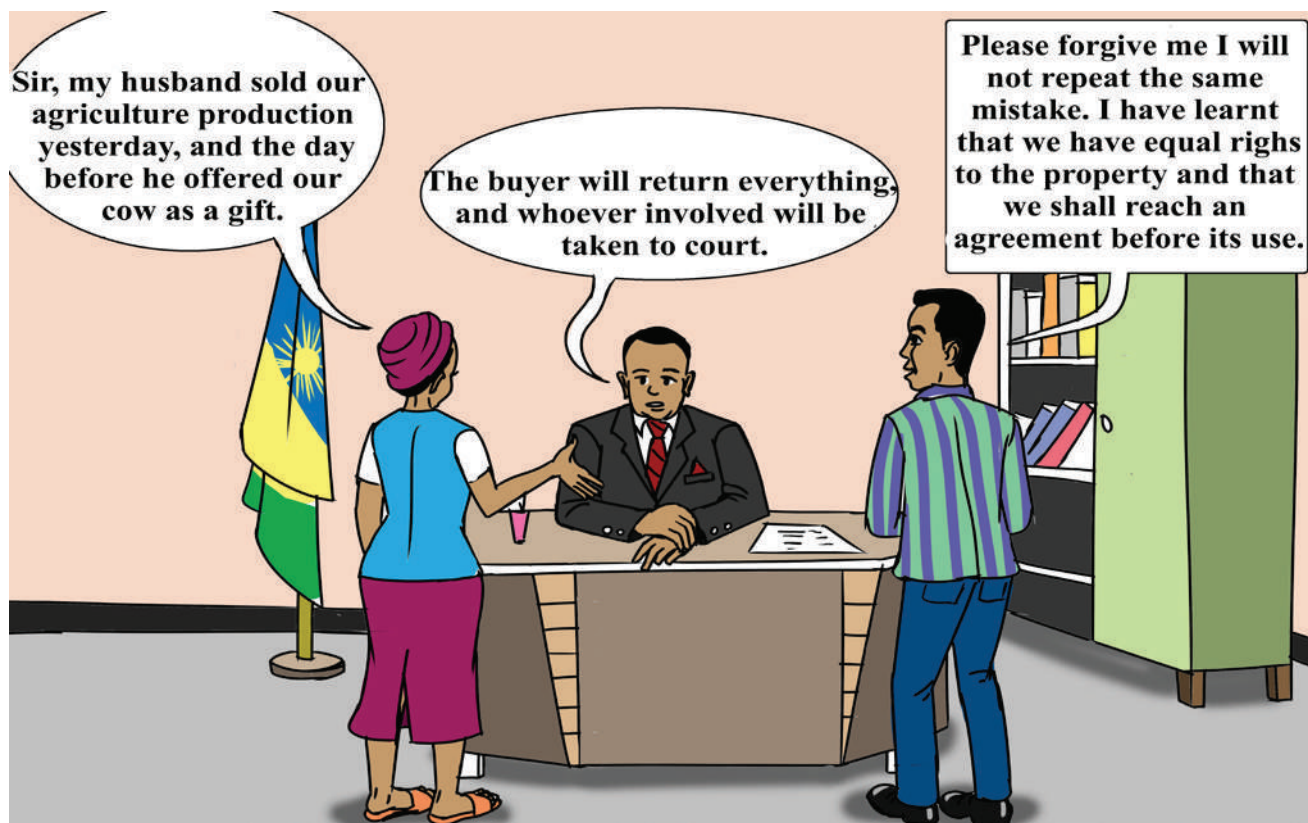
“Whenever a woman is denied full rights, this is the beginning of GBV. Any person who is denied rights that they are entitled to; this marks the starting point of violence”.

Mrs. Abatoni Penina,
RwandaWomen Network

“If you look at those laws, they all aim at fighting against violence. The first violence is that which is committed on property. When you do not have rights to your family’s land you contributed to or which you will purchase, your rights are violated”

I.7. MOST SOUGHT CONFLICT RESOLUTION ORGANS IN CASE OF ABUSE OF WOMEN'S RIGHTS TO LAND, INHERITANCE AND PROPERTY

The existence of laws that protect women's rights to land, inheritance and property in Rwanda is a significant milestone since this helps rural women to achieve sustainable development. It is equally important that these laws should be implemented, such that the defaulter should be punished according to what is provided by these laws.



In Rwanda, there are various mechanisms and organs that are in place to which women can refer to in case their rights to land, inheritance and property are violated. The following are some of them:

- **Local Government**, from the lowest level at Isibo, to Village, to Cell, to Sector and to the District level.
- **Women councils** such as National Women Council, commonly known as CNF;
- **Friends of the family** operating at lowest administrative entities;
- **Government Institutions** such as the Gender Monitoring Office, National Police, etc.;
- **Non-Governmental Organizations** which advocate for women's rights such as the Umbrella organization Pro-Femmes Twese Hamwe and its member organizations.

II. PERSISTING CHALLENGES HAMPERING WOMEN'S FULL RIGHTS TO LAND, INHERITANCE AND PROPERTY

Laws under discussion in this booklet and other aspects related to their implementation have greatly contributed to socio-economic development of women in rural areas. However, as revealed by different opinions, there is still a long way to go due to various challenges that prevent achieving planned targets despite efforts deployed in this regard. Challenges have been identified as well as their potential solutions have been displayed in the following table.

Frequently asked questions on land management

Credible information

Lack of equal rights to land resources between men and women, mainly due to poor mindset on both sides (by both men and women)

There is a need for wide sensitization campaign targeting men, with the objective of explaining to them that women's rights go beyond registering their names on land titles, and that in addition they possess equal rights on land related resources.

In a more sustainable manner, it would be more important to focus on girls and boys who will tomorrow's young men and women. This will help prevent conflicts observed in various families, given that those young men and women who will then get married would have understood every one's rights and obligations.

Land rights and land related properties for women in unlawful marriage are not respected.

Women living with husbands without legal oath are encouraged to remind their husbands that it is important to approach competent authorities for a marriage oath.

This will help women in these conditions to have as equal rights as their husbands on family properties, including land.

In some families the right to inheritance is not equal between sons and daughters, or children of unmarried parents, whether living together or not.

All children should be aware about their right to inheritance so that they can claim it once they are violated. The law stipulates that all children have equal rights to the property of their parents, regardless of their gender, that is, a son or a daughter. Children also have equal rights, regardless of the way in which they were born, i.e. whether they are descended from legally or unlawful married parents; whether they live together or not.

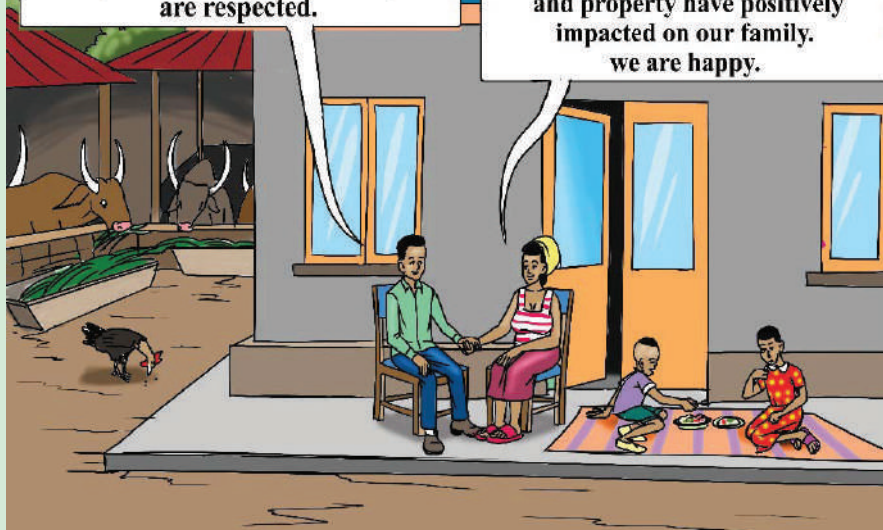
Generally, knowledge of existing laws is still low.

There is a need to organize extensive training sessions on these laws. Particular, these sessions should target women in rural areas, especially women who do not hold any leadership position, be it in local government, special organs (women, youth or people with disability) or cooperatives.

Strive for the rights of women and girls on land, inheritance and property, so that we can live in a safe and prosperous family.

It is so amazing to live in a conflictless family where every person's rights are respected.

Mobilization and tranings on women's rights on rand, inheritance and property have positively impacted on our family. we are happy.



CONCLUSION

Even though there is still a long way to go for women's rights to land, inheritance and property to be fully achieved, there have been tremendous accomplishments commended by many, whether beneficiaries or stakeholders of Imbuto Foundation and UN Women.

In addition to these laws that ensure family members have equal rights, that people are the same, awareness campaigns about development have helped them embrace hard work. Furthermore, mobilization on women's role in the development of the family and the country as a whole improved men's understanding on women's rights to land, property and inheritance; therefore, resulting in enhanced family cohesion.

Various stakeholders in this journey are therefore encouraged to deploy more efforts and pursue their goal to promote women's rights; thus continuing to support them towards sustainable development through various modern agriculture projects.

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Supported by RWEE Project

