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THE GENDERED NATURE OF LAND AND PROPERTY RIGHTS IN POST-REFORM RWANDA



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EXECUTIVE SUMMARY

While there has been some empirical research on the gendered outcomes of the legislative framework governing land in Rwanda, the breadth of these studies has been limited. This study seeks, through rigorous field research, to inform the further development of policies in Rwanda that can create a gender equitable society, and ensure women and men have adequate control over the land they need to be secure, to flourish and to reach their full human potential.

Rwanda has provided a picture of promising change for improving gender equalities in land rights. After the genocide, many households were headed by women and orphaned children, and the urgent need to protect their rights to remain on and manage the land of their husbands or fathers prompted the development of the Law no. 22/99 of 12/11/1999, the Law of Matrimonial Regimes, Liberalities and Successions, commonly referred to as the 1999 Succession Law.

Knowledge of this law and others is widespread, due to the substantial investments by the Rwandan Government, civil society organizations and international partners in awareness raising. Importantly, these land-related legal interventions and their implementation have also been transforming not only the knowledge, but also the actions and beliefs of both men and women.

The 1999 Succession Law, among others in Rwanda's progressive legal framework, has had a broad impact. Because of the law and because of extensive sensitization on gender equality, more and more women are receiving inheritance and are more often receiving it in equal shares. Daughters are increasingly laying claim to *umunani*, which was almost unheard of before the genocide. Formally married women living under community of property marital regimes are now joint owners of property and have greater decision-making power over it, which according to participants has decreased distress sales and mismanagement of household land resources.

There are many positive changes brought by this legal reform, good governance, and the land tenure regularization process. However, women in Rwanda still experience some challenges in accessing land to farm, and in controlling the land that they do have access to. These challenges include:

- (1) Women who are not formally married have no legal right to land in the case of separation or widowhood. While the numbers of informally married couples appear to be decreasing, informal marriage is still very common. In such marriages not only do women face eviction upon separation or widowhood, but also lack decision-making power within the household regarding the land's use, management and control.
- (2) Despite women's legal right to equal shares of inheritance, and equal opportunity for receiving inter-vivos gifts from their parents (commonly referred to as *umunani* in Rwanda), women still have many difficulties claiming their *umunani* and inheritance. They typically receive smaller or less fertile land as inheritance, and are often prevented by male relatives from inheriting land. Strong social norms and traditions give men the right to

receive umunani land, while women hesitate to ask for it, and face consequences for doing so.

- (3) While formally-married women must provide written consent to any sale or other transfer of jointly-held land, they lack bargaining power regarding other issues within the household (including the management, use and control of land). Additionally, even though many couples say that they make decisions together, women's role in decision-making at the household level is often restricted to "veto" power.
- (4) Women generally experience fair hearings of their land-related disputes at the administrative levels. But before going to the administrative level, they must first bring their case to the "family" or village level to be heard. Women participants say that these hearings are not always fair, and that arbiters can be influenced by other family members or village residents. And, if women attempt to bring their case to the authorities before the family, they can face dire consequences, including physical violence, by their husband and his family.

Informally-Married Women's Insecure Rights to Land

Informally married women's rights to property are particularly vulnerable. While the law protects formally married women's rights to joint property under the community property of marriage regime, women in informal marriages have no such protections. Women in such situations lack bargaining power within their relationships, have little or no say in whether or not the property they use is sold by their spouses, and are typically unable to remain on that property in the case of abandonment, divorce or separation. During the registration process, there was not a systematic approach for documenting the property of these women's families. Some were registered as co-owners (as "partners," or even sometimes as spouses), while others were not registered at all, and are left without the legal protection that offers.

Difficulty Claiming Umunani and Inheritance

As discussed in detail later in this report, while the number of women who receive umunani seems to be increasing, the cases are situation-dependent. Women told the research team that whether or not they receive umunani could depend on their household's economic status, their parents "kindness" or "mindset," the amount of land their parents hold, the number of siblings they have, and the mindset of the community around them. Depending on a variety of factors, including on the region, women often hesitate to claim umunani from their parents because they fear creating conflict, worry that their parents will not have enough land to survive on, and don't want to deprive their brothers of land to live on and cultivate. Women who do claim umunani or inheritance may be refused by their parents, and may face conflict with their brothers. The effect of these kinds of conflicts on women should not be underestimated; women describe situations in which their brothers and sisters-in-law taunt them and torture them for years over similar issues, leading to psychological and emotional distress.

While mindsets are changing regarding women's rights to umunani and inheritance,¹ there is still much work to be done. While many women receive umunani (and most receive inheritance), many parents said they give it to their daughters "because it is the law," suggesting that their beliefs may not have actually changed to perceive these gifts as their daughters' inherent right. Many older men and women told the research team that they would prefer to give larger portions of land to their sons. Young women in Burera informed the team "Men still have bad mindsets. People who train us on gender and land rights only train women, don't train men. We need to be trained together so that we both have a common understanding." There is thus a complex, gradual, ongoing dynamic where the law can have effects on mindsets, either through 'sensitizations,' trainings or the act of including women in land practices from which they had earlier been excluded. The proportion of individuals and families whose 'mindsets had changed' vary according to men and women around the country. Although participants in our focus groups, mindful of being in government offices, may have overstated the extent of this change in attitudes, it is nevertheless clear that there is a social transformation ongoing about gender and land in practice and attitudes.

Weak Bargaining Power within the Household and Control Rights over Land Use and Management

Both formally and informally married women have weaker bargaining power within the household compared to men when it comes to matters related to land use, management or control. And even though formally married women are technically joint owners of household property, they too are sometimes forced to make decisions they do not want to make. When a woman refuses to endorse the sale of a land parcel by her husband, for example, she may face any number of consequences, from being "convinced" or coerced, to suffering physical and/or emotional violence. A survey undertaken by RCN *Justice et Democratie*² found that 30% of women, even those formally married with the right of refusal, did not *actually* consent to the sale of their joint property (RCN *Justice et Democratie* 2013b). Women in informal relationships do not even have the legal "right of refusal." They have very little bargaining power within the household. However, daughters are increasingly requesting umunani from their parents, an exercise of bargaining power within their natal families

Barriers to Fair Dispute Resolution

Women participants told us that women generally experience equal treatment from sector and district level officials. However, they do not feel they receive equal treatment when they bring their disputes to be resolved at the family or village level. For example, their cases may be heard by people who are biased against them (or who have been bribed by another party), the opposing party (like a husband or ex-husband) may gather support to testify against her, or she may be shunned by her family. Importantly, in many cases when women attempted to "jump ahead" in the dispute resolution procedure (i.e. going first to an administrative official rather than to the family), they not only are sent back by local authorities to go through the recommended process, but they may also face other consequences from their

¹ For example, our team heard statements like, "Our daughter is our child too," or "Now our daughters stay a part of our family" (i.e. rather than marrying into a new family).

husbands or families. A husband may be angry that his wife “publicly accused [him],” and in turn beat her or use other forms of violence against her.

It was obvious from our interviews and focus group discussions that we were collecting data during a pivotal point in Rwanda’s history. The recently completed land tenure regularization process has been lauded as “the most ambitious of its kind” (Ali et al 2011), and the country is known to have one of the most progressive succession laws in sub-Saharan Africa. This post-regularization period is an important window of opportunity to realize women’s property rights on the ground as they are granted by law. The following session lays out our recommendations to the government of Rwanda for doing just that.

Rwanda, with its robust and widely implemented legal framework, political will, and widely decentralized governance, is uniquely situated to be the foremost African country in realizing the property rights women have been granted by law. Today, thanks to the Succession Law of 1999, women have rights to equal shares of inheritance. And, formally married women under community of property matrimonial regimes, are joint owners of property, and are the first successors to the share of joint property when their spouses die.

RECOMMENDATIONS

Based on the challenges outlined above, we outline a series of recommendations designed to strengthen women’s ability to improve the tenure security of informally married women, claim their umunani and inheritance, improve women’s bargaining power within the household, and improve women’s access to fair dispute resolution mechanisms.

How to improve the security of informally married, widowed and divorced women’s rights to land.

1. **Include in the new draft Succession Bill a provision recognizing the property rights of informally married couples (those married in a traditional or religious ceremony or those in co-habitation arrangements) on-par with civilly married couples.** Informally married women face extremely serious challenges providing for themselves and their children both within marriage and in cases of divorce, separation or widowhood. Granting the same rights to these women as are given to formally married women will improve their bargaining position within the household, and prevent mismanagement of property by their spouses. Furthermore, granting additional property rights to women in de facto unions would weaken men’s incentives to resist formal marriage in order to retain control of property, and thus perhaps encourage formal civic unions.
2. **Provide rural girls and young women educational opportunities that reduce their economic dependence on men.** When women are economically independent, they are less likely to enter into informal marriage, and would likely have a stronger bargaining position in the household. Economically empowered women would be better able to purchase their own land, further reducing their dependency on men.

How to strengthen women's ability to claim their umunani and inheritance.

1. **Continue to sensitize men on women's legal rights to inheritance and inter-vivos gifts (*umunani*).** Our research showed that Rwandans are in the midst of significant cultural shifts regarding gender norms and gender equity, and women's rights to umunani and inheritance in particular. In order to continue the momentum of these "changing mindsets," continued sensitization of men on these rights, combined with the moral or fairness justification for these legal rights, is needed. Our team observed that there was widespread awareness of the law among both men and women, even in rural areas. However, men are slower to change their mindsets about women's property rights, given what they have to lose. We have confidence that emphasis on understanding the moral and human rights rationale for gender-equal rights rather than mere knowledge of legal rights will not only accelerate the rate of changing practices, but also have a stronger impact on mindsets and values. This sensitization could capitalize on the notable increase in parents who spoke of sons and daughters being equally children, and encourage parents to envision the marriage they would desire for their daughters.
2. **Provide for children to have rights to equitable values of umunani in the Succession Law.** Given the immense pressures on land, there is a trend among Rwandans of thinking of education as kind of umunani. Forcing parents to divide ever-scarcer land umunani equally among all children could be counterproductive by encouraging further subdivision and potentially fueling intra-family disputes. Gender equality can still be promoted by legal norms that mandate fairness in providing gifts to their children, backed by sensitization campaigns that tap into parents' sense of morality in providing equally (even if not identically) for all their children, regardless of sex.
3. **Invest significantly in the creation of rural livelihood opportunities, for both men and women that are not dependent on land.** Reducing Rwandans' dependence on land is essential to decreasing the prevalence of conflicts over umunani and inheritance. Study participants were adamant in expressing how land scarcity and competition over land were creating conflicts in which "brothers were killing brothers," and offered cases they were familiar with of family members who had killed one another over land. While women's position is already weak within families, land scarcity exacerbates this weakness. These investments may focus on providing women and men, and especially youth, with technical and vocational training, leading to more employment and creation of small-scale businesses.

How to advance women's bargaining power within the household.

1. **Sensitize communities on shared decision-making and joint control rights over land between couples.** Women, and especially women in informal marriages, have very limited bargaining power within their households. However, both men and women alike agree that mindsets regarding gender equity and shared decision-making are changing due to a combination of

protective legal frameworks and sensitization. It is important to leverage these shifting attitudes with messages that appeal to people's sense of what is right and also what good for them, such as casting marriage as an equal partnership built on love and respect and engaging male leaders as role models and advocates for these norms. Sensitization efforts could also include educational material guiding couples on how to make decisions together based on shared priorities, household budgeting, and communication skills.

2. **Support skill-based trainings for women on how to communicate effectively, be leaders, present alternatives and prepare budgets.** Respondents often spoke about their strategies for convincing their spouse to make particular decisions about the land (i.e. selling the land, renting it out, building structures, etc.). We saw that men were responsive when their spouses "had good ideas," or gave "good reasons" for disagreeing with them. While it is important to address men's mindsets about women's roles in decision-making within the household, it is also important to ensure that women have the skills and confidence to communicate their preferences, plans and strategies to their spouses. This skill will also serve them in dispute-resolution processes; women participants often told our research team that they were not as talented at presenting their cases as men were. These trainings could address that.
3. **Create opportunities for rural young women to reduce their economic dependence on men, to purchase land if they so desire, and to choose the best time to marry.** Our research found cases where women who were economically independent, particularly those who had their own land, had stronger bargaining positions when dealing with their husbands in conflicts about land and other issues. Furthermore, one of the primary determinants of whether a couple married formally or informally was the age at marriage. Providing young women with alternatives to depending on a man and farming (currently the dominant paradigm) would likely encourage delayed marriage and increase the likelihood of formal marriage, which under the current legal framework strengthens women's control rights over land.

How to improve women's access to fair dispute resolution mechanisms.

1. **Promote women's recruitment, training and instatement as local authorities at the village, cell, and sector levels.** In order for women and girls to receive fair hearings for their cases, women must be meaningfully engaged in positions of power from the lowest to highest levels. Likewise, training both men and women in leadership positions on the law and reforming attitudes through appealing to notions of fairness and human rights are important measures for erasing gender biases that emerge in dispute resolution. Trainings can prepare both women and, importantly, men to be advocates for fair hearings for women in cases of dispute. While there are some women in local authority positions, they are often hired as Gender Focal Points or Social Affairs Representatives. Instead, we recommend that they be trained for a variety of positions, including Executive Secretaries and Agronomists.

2. **Reform the chain of appeals in the dispute resolution process so that women can, if they so choose, go directly to local authorities with their complaints,** rather than to their families and neighbors. Because women reportedly faced significant bias at the family and village levels, we were told often that, “We give up,” instead of continuing through the appeals process until they receive a fair decisions.

INTRODUCTION AND BACKGROUND TO THE STUDY

This report is a summary of findings from an in-depth literature review and field research on the gendered nature of land rights in twenty sites in Rwanda (including sites located in the following districts: Rwamagana, Kirehe, Nyaruguru, Muhanga, Karongi, Rubavu, and Gasabo). It fills an important gap in evidence of women's differential access to and control over land and other productive assets, the kinds of conflicts they experience over those resources, and the ways they attempt to resolve those conflicts. This information is intended to enable the Rwandan Government, INGOs, CSOs, donors and the private sector to develop and adopt policies, procedures and laws that protect women's rights to property, minimize land-related conflicts, and reduce rural Rwanda's dependence on scarce natural resources.

This research was undertaken by the Rwanda LAND Project, and was supported by the United States Agency for International Development (USAID).

Background and Scope of the Study

Concerns about gender inequalities in land rights have received a growing degree of attention in sub-Saharan Africa over the past few decades. Rwanda has provided a picture of promising change.³ After the genocide of 1994 and the disproportionate toll it took on adult male lives, many households were headed by women and orphaned children. The urgent need to protect their rights to remain on and manage land, which had been considered as principally belonging to their husbands or fathers, prompted the drafting and adoption of the Law no. 22/99 of 12/11/1999, the Law of Matrimonial Regimes, Liberalities and Successions, commonly referred to as the 1999 Succession Law. Likewise, the 2003 Constitution, the 2004 National Land Policy and the 2005 Organic Land Law incorporated key provisions of the 1999 Succession Law with the same intent of protecting the land rights of women and orphaned children.

Whereas some empirical research has been carried out to assess the impacts of the Land Tenure Regularization Program to secure the land rights of women (see, for example, Santos et al, 2012⁴; Ayalew et al, 2011), the breadth of these studies has been rather limited, and some were only undertaken in the early phases of the regularization process. Moreover, there is still little research from which to understand the gendered outcomes of the broader legislative framework governing land in Rwanda, and particularly its ability to forge greater gender equality when it comes to access and control over land. Research by Abbot and Alinda (2012)⁵ maintains that, "Rwanda's laws only provide limited protection for legally married women and full protection for legitimate children, leaving many women and children without legal rights to inherit or access." The same study points to greater likelihood of gender imbalances between men and women when it comes to rights over lineage lands. Likewise, a study by Chant (2010)⁶ asserts "despite considerable legislative achievements in women's rights and in addressing gendered inequalities across East

3UNDP. 2005. Taking Action: Achieving gender equality and empowering women. Earthscan, UK and USA.

4 Santos, Florence, Diana Fletschner and Guiseppe Daconto. 2012. Enhancing Inclusiveness of Rwanda's Land Tenure Regularization Program: Initial Impacts of an Awareness Raising Pilot. Paper prepared for the Annual World Bank Conference on Land and Poverty. Landesa and Care International Rwanda.

5 Abbott, Pamela and Fred Alinda. 2012. The Impact of Land Reforms on Women's Economic Empowerment in Rwanda. Oxfam and Institute of Policy Analysis and Research. May.

6Chant, S. 2010. The International Handbook of Gender and Poverty: Concepts, Research, and Policy. Edward Elgar publishing Limited, UK.

Africa, gendered discrimination remains a potent reality for many women, with major economic, social, and political outcomes.”

In June 2013 a new land law was enacted, while a draft bill governing succession and matrimonial property has been prepared and is currently being debated in Parliament. If passed, it will replace Law No 22/99 of 12/11/1999 Supplementing Book One of the Civil Code and Instituting Part Five regarding Matrimonial Regimes, Liberalities and Successions, otherwise referred to as the 1999 Succession Law. It is therefore an opportune time to evaluate how these and other laws - which seek to promote gender equality in land rights - are actually playing out in practice.

The LAND Project, a five year program supported by the United States Agency for International Development (USAID), has as its primary goal strengthening the resilience of Rwandan citizens, communities and institutions and their ability to adapt to land-related economic, environmental and social changes. By carrying out this assessment on the gendered nature of rights to land and other important livelihood assets in Rwanda, the LAND Project aims to harness critical information that can guide policy makers in meeting Rwanda’s goal of creating a gender equitable society while also helping to ensure that both women and men have adequate control over the resources they need in order to be secure, to flourish and to reach their full potential.

The overriding objective of the assessment is to gather information on the evolution of land rights of women and men in Rwanda, and to understand how the legal framework governing land and programs of land tenure regularization has shaped gendered outcomes. The study examines differences not only between males and females but also different types of men and women: young, middle-aged and old; single; married; widowed and divorced; married under civil law, married under custom only, and informal unions; monogamous and polygamous marriages; legitimate and illegitimate sons and daughters; etc.

This research project was designed to assess the following:

1. The Rwandan legal and policy framework governing the land rights of women and men. This legal assessment will also take into account prescribed differences based on age, marriage, head of household status, vulnerability and other factors.
2. The reality governing women’s and men’s rights to land and other critical livelihood assets, including (a) rights to use and access land and other assets (e.g. inheritance, gift, purchase, rental), (b) rights to use land and other assets, rights to make key decisions on land/other assets (e.g. what to cultivate, investments in land improvements), (c) rights to transact in land/other assets (sell, rent, mortgage, gift, etc.), and (d) the ways that different rights intersect and influence each other.
3. The extent to which the reality governing gendered rights to land and other livelihood assets has changed, particularly since 1999, when one of the first key pieces of legislation designed to strengthen women’s land rights was enacted.

4. The relative influence of the legal framework governing land and the Land Tenure Regularization on gendered land rights in practice, drawing on the perspectives of ordinary citizens, local authorities and mediation committees, civil society and other non-governmental organizations, and policy makers.
5. Other influences beyond law or complementary to law that have shaped gendered land rights in practice.
6. The existing gap between the law and practice when it comes to gendered land rights, the potential reasons for remaining gaps, and recommended measures to bring the two closer together in a way that can effectively forge greater gender justice.

RESEARCH METHODOLOGY

Data Gathering Methods

Data for this study was gathered using qualitative research methodologies, specifically a literature review, key informant interviews, focus group discussions and semi-structured interviews. The team leader wrote the literature review in early 2013 and conducted key informant interviews in January 2014. The field research component of the project was carried out from late February until late March 2014 by a team of four researchers and two Kinyarwanda-English interpreters.

The literature review provided a foundation for the research project, and helped the team understand the policy and socio-cultural environments that influence women's control over productive assets in Rwanda. The literature review was a "between-study" literature analysis that compared and contrasted published literature on the gendered nature of land rights in Rwanda. The first half of this report delineates the findings from this literature review, and the latter half contrasts these findings with the team's findings from the field.

The team used in-depth interviews with key informants in Kigali— experts in government institutions, NGOs; thought leaders and researchers; and local administrative authorities – to collect their insights on the nature of barriers that women experience in accessing and controlling land, and their recommendations for addressing those barriers. In addition to interviews with key informants in Kigali, the team also interviewed local authorities at the cell, sector and/or district levels in each different location visited and community-based organizations for the field research component of the study (for a complete list of key informants, see Appendix A).

Focus group discussions (FGDs) were a central part of the research methodology. Four separate FGDs were conducted in each site; participants were divided into groups of "older women" (over 40 years old), "younger women" (under 40 years old), "older men" (over 40 years old), and "younger men" (under 40 years old). Each group was composed of between 5 and 7 persons. Focus group discussions were chosen because they are particularly useful for understanding shared perceptions and ideas of a group, exploring challenging, sensitive or controversial subjects, and providing

space for participants to feed off of the energy of the group and respond to ideas that are triggered in the conversation.⁷

And lastly, the team used in-depth interviews with women to gain insight into particular issues that were exposed during focus group discussions. For example, the team interviewed women who had experienced difficulty asking for and receiving their umunani, widows, and abandoned and/or informally married women. These interviews provided more detail and depth about the specific challenges women experience in those particular situations, which was otherwise difficult to identify during focus group discussions. In addition, when the subject matter was particularly sensitive, interviews provided a safe space for women to share their personal stories without peer pressure or an unwelcome audience.

Site Selection

The research team collected data in twenty different sites in Rwanda for this study: two sectors from two districts from all five provinces (including Kigali City) in the country (see Table 1). The ten districts were selected randomly from within each region (two per province), and the twenty sectors were selected randomly from within those districts (two per district). The team used random selection because the country's ecology and livelihoods did not vary significantly enough *within* each province to warrant purposive selection of districts or sectors, and there was not enough evidence in the literature to suggest that differences in ecology, culture or livelihoods would point to differences in the gendered nature of land rights.

Table 1: Selected Sites and Corresponding Livelihoods

Province	District	Sector	Livelihood Zones	Livelihood Zone #	Population		
					Male	Female	Total
Eastern	Rwamagana	Karenge	Southeastern Plateau Banana Zone	10	11,127	11,720	22,847
		Fumbwe	Eastern Plateau Mixed Agriculture Zone	9	10,541	11,233	21,774
	Kirehe	Musaza	Southeastern Plateau Banana Zone	10	12,049	13,233	25,282
		Kirehe	Southeastern Plateau Banana Zone	10	11,452	12,259	23,711
South	Nyaruguru	Kivu	West Congo-Nile Crest Tea Zone	2	8,456	9,298	17,754
		Ngera	Central Plateau Cassava and Coffee Zone	5	10,326	12,075	22,401
	Muhanga	Rugendabari	Northern Highland Beans and Wheat Zone	6	7,931	9,020	16,951
		Nyamabuye	Central Plateau Cassava and Coffee Zone	5	21,635	23,196	44,831
West	Karongi	Mutuntu	East Congo-Nile Highland Subsistence Farming Zone	4	10,773	12,281	23,054
		Ruganda	East Congo-Nile Highland Subsistence Farming Zone	4	8,300	9,239	17,539
	Rubavu District	Kanama	Northwest Volcanic Irish Potato Zone	3	13,627	15,597	29,224
		Gisenyi	Northwest Volcanic Irish Potato Zone	3	27,279	26,854	54,133
North	Musanze	Nkotsi	Northwest Volcanic Irish Potato Zone	3	6,256	7,338	13,594
		Kinigi	Northwest Volcanic Irish Potato Zone	3	12,987	14,525	27,512
	Burera	Butaro Sector	Northern Highland Beans and Wheat Zone	6	14,975	16,565	31,540

Source: FEWSNET (2011). Livelihoods Zoning "Plus". A Special Report by the Famine Early Warning Systems Network, Kigali, Rwanda. NISR (2012). 2012 Population and Housing Census. Report on provisional Results. NISR, Kigali, Rwanda.

⁷ As a part of our interviewing methods, we asked participants to use a bean counting activity to express proportions. For example, when we asked "What proportion of men in this community are in polygamous unions?" respondents allocated beans into two categories: those who were in polygamous unions, and those who were not.

Research Limitations

The research team relied heavily on local authorities (primarily Gender Focal Points at the district and sector levels) to select participants. And while the team provided those local authorities with a set of criteria for their selection (younger and older, representative of marital statuses in the community, representative of economic statuses in the community, etc.), there is some uncertainty about whether or not participant selection was actually done according to those guidelines. In some cases, local authorities failed to organize participants, and team members had no option but to recruit participants using local social networks and community leaders. Participant selection was therefore not uniform for all sites.

The research team used Kinyarwanda-English interpreters for focus group discussions and interviews. Because the research team was broken into two smaller teams for each site visit, one interpreter served each team. Interpretation is always just that - an interpretation of what is actually said. Therefore, the English-only speaking researchers may have lost some context and nuance of participants' responses. Also, despite the interpreters' good communication and sharing of vocabulary, it is possible that each interpreter used different phrases to decipher ideas expressed in Kinyarwanda.

Qualitative research is used to understand the workings of complex social phenomena, and it not meant to produce results that are representative. However this project was designed to capture information from as many different areas of the country as possible in order to better understand the wide variety of social norms, cultural practices and land tenure regimes that exist in Rwanda. It should not be assumed that the practices and environments that are described in this report exist in all communities in Rwanda.

The most impactful limitations of the study were related to staffing, logistics and the timeline. In many cases the sites were very far (up to three hours) from available lodging, so time that had been allocated to research was used in driving to and from the sites. In those cases we had to cut interviews short or eliminate them altogether (for example, we did not interview local authorities at District level in Karongi and Rubavu). Driving times between provinces were also unexpectedly long, which affected the overall schedule. And finally, some team members were unable to complete their responsibilities for a number of reasons, and as a result the data is somewhat incomplete.

A REVIEW OF THE LITERATURE ON THE GENDERED NATURE OF LAND RIGHTS IN RWANDA

The following section of the report provides a synthesis of the literature on women's rights to land and other productive assets in Rwanda. It is compared and contrasted with our findings from the field about how those rights are exercised in practice in the latter half of the report.

Introduction

The lingering impacts of Rwanda's 1994 genocide, rapid population growth, and an already high population density, have all posed serious challenges for women in remaining on and managing the land they use to provide for themselves and their families. While the research on this subject is sparse, a review and synthesis of existing literature on the social norms and institutions governing women's land rights, shows that women's customary rights to land (especially widowed women, divorced women, and women in informal marriages) are very vulnerable, and becoming increasingly so as pressures on land increase, and customary practices that traditionally benefitted women falter. However, the legal framework put in place since 1999 and land tenure regularization appear to be improving the rights to land of legally married women and their children.

Rwanda's economy is heavily dependent on agriculture. Although Rwanda's service and industry sectors are growing, agriculture is still the largest source of employment in Rwanda, and nearly 90% of laborers in the agricultural sector are subsistence farmers. Agriculture makes up almost 32% of Rwanda's GDP (World Bank). Due to the country's population density (431 people per square kilometer of land area in 2010) and resulting land scarcity, the average land holding in 2001 was less than 0.5 hectares, down from 0.7 in the early 1990s and 2 hectares in 1960 (Isaksson 2011). Almost half of all agricultural households in Rwanda are food insecure, even though most Rwandans are farmers (Feed the Future 2011). Women are an important part of this agricultural economy, producing food both for their families and for the market. 86.3 percent of women in Rwanda work in the agricultural sector as farmers and as unpaid family farm labor and wage farmers (Diao et al 2009).

Women's roles and responsibilities within the agricultural sector and within the household have undergone dramatic changes since the genocide and its immediate aftermath. Men were disproportionately targeted during the genocide, leaving many women widows and their children orphaned or fatherless (Slegh 2013; Isaksson 2011). Due to this, and to divorce, death and abandonment, nearly one third of all households in Rwanda are now *de jure* female-headed (de Franchis 2012), which does not even take into account the many *de facto* female-headed households where men have migrated, typically to earn an income.

In fact, nearly 67% of all rural-urban migrants are men, and the majority of the rural population is female, indicating that men are leaving rural areas in search of alternative employment, while women are staying behind on the family's land. Interestingly, 61.6% of female-headed households have members who have migrated to urban areas compared to 45.5% of male-headed households. Most female-headed households are engaged in subsistence agriculture, and poverty often compels their

members to migrate in search of cash earning opportunities (Schutten 2011). Female-headed households are also more likely to be food insecure than male-headed households, perhaps because they have fewer human resources to draw upon in their households, less education, and less livestock (Nzayisenga, nd). Women are also more likely than men to be poor, to derive their livelihoods from agriculture, and to engage *only* in subsistence agriculture (Feed the Future 2011).

Women's Rights to Land

It is impossible to fully know – and to appreciate the complexity of – the rules and institutions that governed women's rights to land in the pre-colonial period in Rwanda. Tenure regimes were not documented in writing, they varied from one region to another, and they were (and continue to be) constantly changing. Anthropological research suggests that customs provided women with certain rights to land, but, “Colonialism eroded the remaining institutions which gave women access to resources and intensified the development of institutions in which women's labor in household production subsided men's labor in other sectors” (Jefremovas 1991). More recent customary practices are described in literature on the changing nature of land governance in Rwanda. Joireman (2008) draws on research to describe three customary practices in Rwanda that impact women's land rights: the inheritance of land, the gifting of land, and land dispute resolution. It should be noted that studies on gender and land rights in Rwanda are largely confined to agricultural land in rural areas.

Women's Inheritance Rights & “Gifts”

Despite laws in place since 1999 prescribing equal inheritance for male and female children from their parents, women continue to access land primarily through their husbands, while men receive land mainly from their fathers, consistent with long-held customary practices (Lankhorst 2012). Male children receive a portion of their father's land when they come of age, a time that is generally considered the time of marriage. This gift is called *umunani* (Ibid). Customary laws also entitled women to receive gifts of land from their parents. Studies by Musahara (2006), Brown (2006) and Koster (2009) suggest that women and girls were once allowed by custom to be gifted land when they married (*intekeshwa*) or gave birth to sons (*inkuri*), though the practice rarely happens now, or land gifts have been replaced by other mediums such as cattle or cash. Those gifts were considered the woman's own property, and her sons could inherit it. As some accounts of customary land tenure describe, in times past some families also gave land to recently separated daughters (or to daughters who never married or bore children) for them to use for subsistence growing. According to those researchers, these practices are in steep decline, or completely extinct, as land scarcity worsens (Musahara 2006) However, today daughters, along with their male siblings, are increasingly being given parcels of land at the time of the eldest son's marriage (Daley et al 2010).

Under custom, any family land that has not been given as a gift to one's children is divided among the male children upon the father's death. This is called *ingarigari* (Lankhorst 2012). A study by Rose (2005) asserts, “According to prewar Rwanda customary legal practice, a woman usually did not inherit land from her father.” However now, according to the Succession Law, girl children are entitled to shares of inheritance that are equal to those of their brothers.

Married Women's Rights

Despite the fact that some women in Rwanda are now securing land rights from deceased parents, most continue to primarily access land through their husbands. Though formally married women have been granted joint legal ownership rights with their husbands during the land tenure regularization program, informally married women's rights to land obtained from their husbands are usufruct rights. These women may have varying degrees of control over the decisions they make about that land (i.e. what to grow, when to plant, etc.) and about how to allocate and use the proceeds or produce they derive from that land (Brown 2006; Koster 2009). Prior to the genocide, women had very little control over the cash earned from what they produced (Jefremovas 1991). More recent research indicates that women's rights to control land generally have remained weak, especially when it comes to decisions over land transfers (e.g. renting and selling) or making investments, although there is some evidence that women's ability to control land has improved since the adoption of the 1999 Succession Law (Veldman & Lankhorst 2011; Lankhorst 2012; Brown 2006).

Evidence from the literature suggests that widowed and divorced women's land rights are often insecure, but are also changing. While women customarily were allowed to remain on and use the land given by their husbands after they died, that appears to have changed in more recent years. A UNHCR study published in 1998 described a widowed woman's circumstances as dependent on her in-laws, who may decide at any time to send her back to her natal family. The study asserted that a woman who returns to her natal village (because of widowhood, abandonment, or divorce) may be turned away by her parents or brothers and their families and forced to look for other means to support herself and her children (UNHCR 1998).

The UNHCR study is corroborated by recent research by Lankhorst (2011) which notes, "Over the past decades, the scope for [returning women] making such claims [to family land] has gradually narrowed in rural areas." However, results of a recent study by Daley et al (2010) are more encouraging, saying "our findings indicate that a woman is now more likely to receive full rights and entitlements over a small parcel of land from her parents, including the right to sell it, should she return home." Yet, Daley et al also notes that siblings often resist the gift giving to the widowed or divorced daughter by their parents.

Female-Headed Households

Another study by Isaksson (2011) found that female-headed households have smaller land holdings than male-headed households, regardless of whether the female heads were unmarried or widows. A complementary study by Koster (2008) had similar findings, however, the author noted, "I found that the difference between widow- and divorcee-headed households is significant, implying that widow-headed households tend to have much larger land-holdings than do divorcee-headed households." According to her work, of female-headed households, divorcees appear to be the most vulnerable. For example, in the same study, Koster found that nearly one third of divorcees in her sample were landless, while no widows were landless. Even among women who were all "near landless" but owned some land, widows were better off.

Informal Marriages

It is important to also consider the rights of women who are in so-called “informal” or “illegal” marriages with men, which refers to couples who are not married under civil law. In Rwanda many men have such wives in addition to the wife they are married to under civil law, commonly referred to as the “legal” wife (Rose 2005). While Rwanda has outlawed polygyny, according to Abbott, “Nearly a third of married women live in informal marriages (whether polygamous or monogamous) or cohabitante.” Women in such *de facto* unions and their children do not have recognized rights to their spouse’s property, although the husband can recognize his children as “legitimate” if he chooses (Abbott & Alinda 2012).

Dispute-Resolution & Women’s Rights to Land

According to ICARRD (2006), more than 80% of all disputes in Rwanda are land-related. It is common for women to experience disputes over their land, and because of increased competition for land and women’s relatively weaker economic and social positions vis a vis those of men, women’s interests are far more vulnerable. Most local land-related disputes involve conflict over inheritance, “illegal” marriages “illegitimate” children, and parcel boundary disputes. Land-related disputes are typically first dealt with through meetings between family members, and/or between families before being brought before the village leader. If the village head deems the dispute too complex, they may send the dispute to a “mediation committee,” which operates at the cell and sector level and are legally sanctioned to mediate civil disputes. It has been noted that these committees often act more as “judges” than in their traditional role as mediators (Lankhorst 2012; Jefremovas 1991).

A recent study by Uwayezu & Mugiraneza (2011) examined the impacts of land policy reform on women’s land rights, and specifically on their ability to claim those rights. 94% of the female orphans surveyed in their study reported being able to reclaim the land that was grabbed from them by male relatives after the institution of the new land and succession laws, though only 6% of those whose land was grabbed reported that their rights were “recognized by the mediation committee and low courts.” Widows surveyed as part of the same study complained similarly of land grabbing by male relatives and about policies that required them to share land with returning refugees. The extent to which women actually bring land-related grievances to mediation committees or even assert rights granted to them under law is unclear, though it appears that social norms may dissuade many from doing so. A report by Lankhorst (2012) states that, “cases where a daughter claims [family land] remain rare and highly contested.”

Women’s Land Rights after the Genocide

Rwanda’s 1994 genocide took the lives of more than 500,000 people, and displaced 2 million more (Wikipedia 2013; ReliefWeb 2003). The impact of the genocide on women’s land rights, and on land tenure security more generally, was immense (Musahara 2006).

During the genocide many Tutsis fled to Uganda, and Hutus moved on to the land that they left behind. After the genocide, Hutus fled the country in large numbers, fearing persecution for crimes committed during the genocide. Government and donor programs attempted to resettle returning refugees and internally displaced persons (IDPs) on “temporarily unoccupied land” (land that was abandoned by those who had

fled from their homes), and to have landowners share land with returnees (Rose 2005; Koster 2009). The genocide and its aftermath deeply impacted Rwandans' land-based livelihoods. The livelihoods of women survivors were particularly impacted, many having lost both male relatives and their land (Isaksson 2011). Even years after the genocide, households that were displaced during the genocide generally had weaker rights to land (ICARRD 2006; Rose 2005).

Government policies to deal with displacement did not necessarily benefit women (Koster 2009). Land sharing negatively impacted some women although many female-headed landless families benefitted from it because it enabled them to access land to cultivate when few other means existed. These policies privileged certain women over others: Tutsi widows over Hutu women, for example. Women used many other survival strategies after the genocide; some joined women's cooperatives, some returned to their families for security, and others attempted to benefit from state-sponsored land improvement projects, though the most vulnerable women were unlikely to afford the necessary membership dues (Koster 2009).

Not only did the genocide fragment families, it also broke up and reorganized communities. Customary and social institutions that depend on kinship and reciprocal friendships for social legitimacy, struggled to adapt to the changing circumstances. A study by Laurel Rose (2005) stated that "the postwar transition in Rwanda had created an open space in which, by urgent necessity, these rules and practices had to be radically reinvented." The genocide, coupled with limitations on customary law imposed by the Constitution of 1991, weakened customary law. Nevertheless, studies conducted more than a decade after the genocide and passage of the Constitution indicate that customary law remains a stronger enforcer of land-related rules and norms than statutory institutions in rural areas (Musahara 2006).

The Impact of Post-Genocide Land Policies and Land Formalization on Women in Rwanda

Two important laws governing land and property rights were introduced after the genocide, both of which sought to strengthen women's land rights. These were the Law No 22/99 of 12/11/1999 on Matrimonial Regimes, Liberalities and Successions, herein referred as the 1999 Succession Law, and the Organic Land Law of 2005.

Passed just five years after the genocide, the 1999 Succession Law grants many important property rights to women. It provides for surviving spouses to remain on and manage the land that had belonged to their deceased spouses. The law allows women, as daughters and as wives, to inherit land on par with their male counterparts. Considering that women were not recognized as full citizens until the 1991 Constitution, the law represents a major step towards the legal protection of women's rights (Joireman 2008). The law also provides three different options for matrimonial property regimes with the default regime giving both spouses equal rights to property acquired prior to and during the marriage. However, the law protects neither the rights of women who are married only under customary law or in consensual unions, nor the rights of unrecognized children born from these unions (Koster 2009).

There is still little research from which to understand the gendered outcomes of the broader legislative framework governing land in Rwanda, and particularly its ability

to forge greater gender equity when it comes to access and control over land. In 2010 Elizabeth Daley, Rachel Dore-Weeks and Claudine Umuhozac reviewed the “new body of land policy and law” for its impact on Rwandan women. Fieldwork they undertook for the review uncovered that, “a majority of young women in Rwanda are now receiving a parcel of land from their family at the time of succession.” They found that while that land is of inferior quality (infertile and/or remote), this practice is a new development since the passing of the 1999 Succession Law (Daley et al 2010).

A mixed-methods field study presented by Uwayezu and Mugiraneza (2011) at an FIG conference found that in the areas where their study was conducted, the Land Law had been applied to protect widow’s land rights and to reclaim land orphans lost in land-grabbing by family members. However, they observed that, “Current laws clearly protect and enforce the rights of widow[s] and female orphans, but it is not the case for women illegally married, especially in the case of death of their husband” (Uwayezu & Mugiraneza 2011).

Land Tenure Regularization, implemented between 2008 and 2012, was a nationwide effort to adjudicate and demarcate all privately held land parcels in Rwanda and issue certificates of “emphyteutic lease” mostly of 99 year durations to their established holders. Whereas some empirical research has been carried out to assess the impacts of the Land Tenure Regularization Programme to secure the land rights of women, the breadth of these studies has been rather limited, and some were only undertaken in the early phases of the regularization process.

What limited evidence exists suggests that women benefited, though not uniformly, from the regularization process. Ali et al (2011) studied the short-term (2.5 year) impacts of the program pilot in four areas. The land tenure regularization program included sensitization activities, adjudication and demarcation of claims by para-surveyors, issuance of documentation of claims, a period for asserting objections to claims made, and finally registration and delivery of a land rights certificate. The study used econometric analysis to determine the program’s success in improving land tenure security and increasing women’s rights to land (among other things). Findings from the study show that legally-married women benefited from improved land access because of the program, and that female-headed households invested more in their land and in soil conservation after their claims had been documented. The study also observed that, “Holders of secondary land rights such as women and migrants often lost out as some of the positive aspects of traditional systems, e.g., their flexibility and accessibility were reduced without bringing commensurate benefits and possibly exacerbating pre-existing conflicts” (Ali et al 2011). Uwayezu & Mugiraneza (2011) found that women were encouraged to participate in the land adjudication and demarcation process by local leaders, but did not examine their capacity to secure rights through the program or associated livelihood outcomes.

A later study by Santos et al (2012) assessed the gendered effects of the regularization process. It sought to understand whether a pilot intervention implemented by CARE to ensure that the process formalized land rights in a “participatory and socially-inclusive manner” actually gave rise to more gender equitable outcomes. The CARE pilot was found to have led to an increase in beneficiaries’ awareness of their legal land rights, and also to have had a “gender- and wealth-equalizing impact” on

participants. Nevertheless, the regularization process itself seemed to work against cohabiting women not formally married, who were found to have been far less likely to have their names recorded with their partners on the issued titles than women in civil unions (Santos et al 2012).

Abbott and Alinda's 2012 study examined the impact of land tenure reforms on women's economic empowerment. The study determined that "Rwanda's laws only provide limited protection for legally married women and full protection for legitimate children, leaving many women and children without legal rights to inherit or access." It also states that widows of non-civil unions, including polygamous relationships, have no use rights over their husband's lineage lands after his death. According to Abbott and Alinda, only 57% of women living with a male partner have joint property rights with him, and the remaining 43% have no rights to property should they divorce or separate (Abbott & Alinda 2012). Given the fact that this study was undertaken after the Land Tenure Regularization Programme had been initiated, Abbott and Alinda's findings along with the findings by Santos et al (2012) and Ali et al (2011) raise concerns about the extent to which women in non-legal marriages and consensual unions were able to have their names recorded on land certificates as joint right holders with their husbands and partners. More recent research by RCN *Justice et Démocratie* found little improvement in these vulnerable women's situations, with 62% of women in polygamous relationships reporting that their name did not appear on the land certificate (2013b).

Finally, the most recent study of the gendered outcomes of the broader legislative framework governing land in Rwanda, is a paper entitled, "Women's Access to Land in Rwanda: Toward Equity?" Published by the NGO RCN *Justice et Démocratie*, it is a summary of the organization's experience in implementing the project "Beyond Raising Awareness: shifting the social power balance to enable women to access land in Rwanda." The project administered surveys in June and July of 2013 (and planned to do the same in December 2013) in 60 villages in 15 districts of the project's intervention. The main findings of the study were: (1) while the percentage of women who have received *umunani* has increased from the previous generation, sons and daughters are still not treated equally and many daughters are still excluded from *umunani*; (2) women are still disadvantaged in the inheritance of land from parents (although 47% of women stated that they received a share of inheritance equal to that of their brothers), and (3) the rights of women in de facto unions are not recognized, leaving them vulnerable in both land management and in land ownership (RCN 2013a; RCN 2013b).

Conclusions from the Literature

A review of the literature on women's rights to land in Rwanda presents a mixed and highly dynamic picture. On the one hand, it suggests that women's *customary* rights to land are becoming increasingly insecure as practices of parents bestowing gifts of land to daughters in circumstances of marriage, birth or separation have largely faded or disappeared. Tenure security of divorced, abandoned, and separated women appears to have remained precarious despite reforms in the law designed to protect their interests. Land rights of women who are not married under civil law and their children would seem to be particularly vulnerable.

At the same time, studies conducted since Rwanda enacted legislation to protect women's rights to land and carried out a nationwide program to formalize land rights show that these reforms appear to have resulted in more secure land rights for legally married women and increased the prospects for girl children of civil unions to inherit from their parents. Sleggh (2013) nevertheless notes that despite these reforms, "comparatively less appears to have changed in popular attitudes to gender roles and power relations."

Although a fair amount of research has been carried out on women's land rights in Rwanda, recent studies that examine the extent of the gap between law and practice on a comprehensive set of rights for different types of women has not been carried out. This is important to understand whether current reforms have been effective as well as if additional reforms are needed. Evidence of the impacts of the Land Tenure Regularization program on women's land rights is thin and somewhat outdated. Research is needed that not only documents the program's ability to record women's land rights on paper, but also the extent to which it has made a difference in women's rights to exercise decision-making power and control over land, essential measures of self-determination.

While reforms to policies and programs are important, unless societal attitudes evolve to broadly embrace beliefs in gender justice when it comes to land and property rights, gaps between law and practice are likely to persist and women's tenure security will continue to be undermined. Beyond making progressive reforms to legislation, if real change is to be secured, Rwanda's policy makers and civil society organizations will also need to devise creative strategies to overcome a culture of bias against women exercising equal land rights with men.

The following next half of the report describes our findings from the field about how women's rights are enacted in practice in rural and peri-urban areas of Rwanda.

FINDINGS FROM THE FIELD

Land Use and Livelihoods in Rural and Peri-Urban Rwanda

This section presents the different strategies used by households to earn the income and grow the food necessary to provide for their families' needs (which include food, school fees, community-based health insurance fees, and clothing), and the gendered dimensions of these livelihood strategies. The section also describes what kind of crops people grow, and the types of decisions made by men and women about these crops.

Interviews and focus group discussions with men and women showed that agriculture and raising livestock are still the major livelihood strategies individuals and households use to secure both food and income needed to procure other household items. More specifically, respondents indicated that they earn their living through selling their surplus agricultural production (after good growing seasons), and selling the offspring of their livestock (primarily cows, goat, pigs and rabbits). People depend on agriculture both for food and for income.

Other sources of income include renting agricultural land, renting houses and house plots, and cultivating for others (primarily wealthy individuals and households, including teachers and other public employees) in exchange for food or cash. Those who do the latter are typically landless or land-poor.

Off-farm employment opportunities are scarce, and the majority of those employed in the sector sell non-food items in kiosks near their residences or in open markets. Additional sources of off-farm employment include transport (i.e. carrying baggage by foot, bike, car or motorbike), carpentry, making and selling handicrafts, maintenance or cleaning jobs in institutions, mining, making and selling roof tiles, and construction of houses (a task no longer reserved for men). A small number of people also teach at primary schools or hold other public positions (like Executive Secretaries) at decentralized administrative entities, namely the cell and the sector level.

There is no significant difference in livelihood options across the country's regions. However, some of the sampled sectors have certain particularities, especially those constituting urban areas and those in the lake or border regions. . For example, respondents in Gisenyi Sector contend that about 95% of the population there earns their living through small scale cross-border trading (done mostly by women) and construction in both Rwanda and the Democratic Republic of Congo (done mostly by men). Incomes from small businesses and from fishing are more common in areas bordering Lake Kivu and other countries. Respondents in all sites visited by the research team except peri-urban Kigali said that for most people, income earned from off-farm employment is insufficient to fulfill their very basic needs, and therefore are only supplements for their agricultural activities.

Importantly, many respondents shared that, "life is getting harder." They attributed this to a variety of reasons, but primarily increasing land scarcity and people's resulting inability to cultivate enough to feed themselves and their families. Not only is land increasingly scarce, but there are also problems with land infertility, which requires investments in fertilizer (both natural and chemical), soil erosion controls (like terracing), and other measures to protect against increasingly extreme weather conditions like heavy rain and drought. Such investments are beyond most farmers' financial capacity. Many respondents told the team, "These days people must work harder to gain life [compared to] before when land was abundant." Table 1 on page 13 gives an overview of various livelihood options across the sample sectors.

The Gendered Dimensions of Livelihood Activities

Social norms distinguishing crops cultivated by men and those cultivated by women appear to be weakening; now there seems to be less difference in the crops they grow. Men generally still grow, control and benefit from cash crops, while women are responsible for growing subsistence crops that they and their families consume at the household level. For example, men primarily cultivate banana, coffee, cassava, maize, Irish potatoes, beans, and pyrethrum, while women primarily cultivate sweet potatoes, soya, beans, sorghum, and vegetables. Participants explained that, "Men are interested in household financial security or stability," while women are more concerned with household food security.

In most sites participants emphasized that farming activities and farming decisions are shared by spouses at the household level. For example, a husband and wife typically decide together what crops will be planted on what parcel of land (especially if those crops are maize, beans, or sorghum). But importantly, cropping choices are also guided by the Crop Intensification Program promoted by the Ministry of Agriculture and the Rwanda Agricultural Board. Respondents told the team that they adapt their cropping choices to the crops and land uses prescribed by this program, which has been scaled up throughout Rwanda since 2007.

There were no striking dissimilarities on the kinds of off-farm employment men and women engage in to earn an income. According to participants, gender mainstreaming has had a significant impact on the social acceptability of women doing jobs that were once done exclusively by men. For example, one respondent said, “Before, no women could construct a house but [because of] gender promotion, women do construct houses as men do.”⁸ Still, it was much more common for women to say that they made and sold handicrafts, did tailoring, conducted small businesses that are food-based (like trading fruits and vegetables), hair dressing, and cleaning. And, men were more likely to say they did construction, carpentry, transport, electrician work, and, in some areas such as in Rugendabari Sector in Muhanga District, mining.

Self-help savings and credit groups (*ibimina*) appeared to be widely used by both men and women, who use them to save and access money to pay for school fees, develop property for agriculture or to rent, and to pay for community-based medical insurance.

The Many Ways Men and Women Access Land in Rwanda

In Rwanda, the majority of married men and women both cultivate the land the husband received from his parents as *umunani* or inheritance. However, because of increasing land scarcity and population density, more and more households are purchasing or renting additional property in order to produce enough food for their families and to sell in the market to earn a cash income.

In Rwanda there are a variety of formal and customary avenues through which men and women may access land. Formal avenues include buying and renting land. Customary modes of access include inheriting land from one’s parents, receiving *umunani* from one’s parents or guardian, receiving a gift of land from a friend, receiving a gift of land from one’s family for burying one’s parent, and receiving a gift of land for caring for one’s grandparent. There are other customary avenues, but according to participants, these appear to be the most common.

The research revealed some differences in land access strategies between the sites that we visited. For example, in more urban sites or in rural sites with more in-migration, people tended to purchase or rent land. In Nyarugenge District, a site in peri-urban Kigali, the team spoke with a focus group of young migrant men who had left their rural home communities to “look for life” in the city. These men told us that while some migrant men have received land as *umunani* or inheritance and left it behind for their wives and children to cultivate, many others were forced to come to the city

⁸ There is a Kinyarwanda saying (*nta mugore wurira igisenge cy’ inzu*) that means, “no woman can climb onto the house’s roof.” Not surprisingly, construction was often used as an example of a kind of work women can now do that they could not do in the past. However, many respondents also said that women do not do construction work; it seemed to depend on the site.

because they had not received land. They said that this is increasingly common, because men their age (younger than 40 years old) were born into families with many children, and there was simply not enough land to divide between them.

In the Eastern Province, many people had received land or shared land through implementation of the policy on land sharing. Some participants said that they had “received land from the government” when they returned home after the genocide while others shared cultivated land with other community members through government-administered land-sharing programs. According to one woman in Kirehe District, “This region once had forests, so after the genocide [returnees] came to clear the forest. They came, found places, and worked the land. Then there was land sharing. No one owns the land alone. Everyone deserves to live, so the government told us to share. No one could have more than five hectares. You had to choose a portion, give your married children one hectare [for umunani] and the rest you had to share.”

According to participants in all sites, the customary gifting of land is on the decline, and this is because of land scarcity. As one young man in Rwamagana District succinctly told us, “People no longer have enough land, so they do not practice [traditional] customs.” While these customs are still practiced, they much less frequently involve land transactions. For example, those who bury their parents are now frequently given money or livestock. It is clear that families and communities are adapting important cultural practices to the realities presented by the changing environment.

Accessing Land Through Umunani

Umunani is one cultural practice in Rwanda that is undergoing significant changes. Umunani is one of several Kinyarwanda words used to describe gifts of land from a parent to their adult child – traditionally male children – upon the child’s marriage. It was emphasized by participants that this gift of land has its origins in parents providing land to their male children on which those children could build homes for themselves and their new wives, cultivate food to provide for their family’s needs, and become self-sufficient.⁹

In most of the sites that we visited, except for those in peri-urban Kigali and urban Rubavu, practically all men receive umunani, though the size and fertility of that umunani depend on the wealth of his family and the number of siblings he has. However, older men and women complained frequently about the increasing scarcity of land being an impediment to giving their children umunani, and to giving their children equal shares of umunani. A study by Polavarapu (2011) confirms that daughters are the ones often left out or who receive lesser shares. Younger men and women appeared to already be adapting to the challenge of receiving smaller portions of land (or no land at all). Many women (and some men) told us that they were not going to ask their parents for umunani so as not to burden the parents unnecessarily; they thought their parents would need to continue cultivating the land themselves. This finding resonates with the results of RCN’s recent survey, where 86% of female respondents who did not receive umunani did not defend their rights to it, and 41% of women who did not claim umunani from their parents explained that the reason was

⁹ In Rwanda marriages are predominantly patrilocal, meaning that when a couple marries, the couple settle’s in the husband’s home community.

to avoid conflict (2013b). As a result of decreasing allocations of land umunani, many young households are having to find new ways to supplement their subsistence cultivation through wage labor and small businesses “because [their] land is not sufficient.”

In most provinces participants told us that they are increasingly providing their children with an education in lieu of land, and that they considered education to be “a kind of umunani.” In fact, many parents are making significant sacrifices, including selling their small pieces of land, in order to pay for their children’s educations. Both men and women said that education could be seen as a substitute for giving land as umunani. One male participant from Muhanga said, “From what I see, the land that I have is small, and giving umunani won’t be easy. I think now a good umunani to give [a child] is education so you will give [them] another way of living.”¹⁰ In the same focus group another person responded, “We have eight acres. It is very little, so it would be very difficult to use [after it is divided among the children]. So we send them to school so they have other ways of living, not off the land.” This sentiment was repeated throughout our data collection process. Importantly, it was clear that parents rarely discriminated against girl children when it came to education as umunani, providing it equally to boys and girls. This was commonly attributed to sensitization and people’s “changed mindsets” about providing education to their girl children.

Women’s Rights to Umunani

Women are increasingly being given umunani, in part because of Rwandans’ misinterpretations about what the law says regarding women’s rights to umunani and inheritance. According to the 1999 Succession Law, inheritance must be shared equally between all children, regardless of their sex. The law also stipulates that all children have the rights to receive umunani. However, it does not state that all children must receive equal shares of umunani. Our research showed that people understood that the law requires giving equal shares of umunani to all children, and therefore parents are increasingly giving umunani to their female children.

In general (though there was variation between the different sites), when women receive inheritance, it is in shares equal to those of their brothers. However, that is not the case with umunani. While women are increasingly being given umunani, not all women receive it, and when they do it is rarely in equal shares.

These changes in the practice of granting umunani – giving umunani to female children, and giving education instead of umunani – are causing some confusion and conflict within families. In a focus group of young women in Kirehe District, one participant said, “Sometimes brothers do not understand this [equal sharing of umunani], and they do not accept it whole-heartedly.

Best Practice:

Education is considered a gift to children, and there is some interchangeability between gifts of land and gifts of education. Although there was debate around giving land umunani to girls, education was more commonly framed as a ‘right’ for both genders. As land scarcity intensifies, the more parents turn to education as a substitute for land umunani, the more likely such gifts may be given equally to female and male children.

¹⁰ The original quotation was transcribed as, “From what I see, the small land I have – giving umunani won’t be easy. I think now a good umunani to give [a child] is education so you will give another way of living.”

But the law is there, and they cannot do anything about it. Some brothers also become upset because their parents paid for their sisters to go to school. They ask, ‘How can we both get equal shares of umunani, when she went to school and I did not?’” It is clear that education is considered a gift to children, and that there is some interchangeability between gifts of land and gifts of education. Interestingly, although there was at times intense debate around giving umunani to girls, education was more commonly framed as a ‘right’ for both genders. Perhaps with increasing land scarcity, if parents turn to education as a substitute for umunani, the parental gifts to children will actually become more equal. This is contrary to the prevalent prediction among land stakeholders, that increasing scarcity will result in proportionally less land being given to female children than their brothers.¹¹

There are many reasons why parents give female children umunani less frequently than male children, and why those female children often receive smaller or less desirable parcels of land. Because umunani is culturally seen as a means to help men become self-sufficient and start their own families, many people question why women should receive umunani at all “when she will leave her family for another;” This sentiment is echoed by a female respondent in the study by Polavarapu (2011) who stated, “The sons are the true children of the household. The daughters go elsewhere.” This is particularly true of young men, whose portion of umunani will presumably be smaller if his sisters receive umunani. There is, however, a complex and dynamic relationship between this gift of umunani and the perception of children as members of the family (or lineage). Although daughters historically did not get umunani, because they would leave the family to join another one, and this explanation was proffered by some focus groups as to why daughters should not receive it now, others mentioned that women increasingly are perceived to remain a part of their natal family after marriage precisely because she had received umunani: older men in Muhanga explained, in the context of women receiving umunani from their families, “you’re all equal and you feel like you’re all siblings. Before men were favored and would despise the others saying you’re not like me but now they’re all siblings and equal,” and many focus groups castigated previous generations for not conceiving of women as members of their own family, usually when asked about women receiving umunani. This highlights the intricacies of social change, as well as the potential for transformation of broader gender and social relations through seemingly limited changes.

When men receive umunani, it is typically in two portions: a house plot and a plot for cultivation. Because women are expected to marry and relocate to their husband’s home community, they receive only a plot for cultivation and not a house plot. This was the primary reason given by participants for why women receive smaller portions of umunani. These differences were also rationalized as due to the non-land marital gifts given to girls upon their marriages. Young men in Karongi District said, “When a girl gets married, she takes some material goods as gifts. And receives some from her family, even cows or smaller livestock to have manure in her new home. They will give her a piece of land she can use, but not have. But parents without means cannot even give that to her.” Some spoke of parents selling a plot of land in order to purchase these household goods for their daughters, so they equated this gift explicitly with the umunani given to sons.

11 RCN Justice & Democratie, National Forum on Women’s Land Rights: “scarcity of land and prohibition to subdivide land less [than] or equal to one hectare contributes to an unequal treatment between daughters and sons.”

Our team also observed that families do not automatically recognize women's rights to umunani-type gifts of land. In the Eastern Province, for example, women's rights to umunani were more widely accepted and granted. However, in other regions, like Nyuraguru District, it was almost unheard of for women to receive umunani.

Young women in Muhanga District reflected that "sharing unequally is way more common than equally, but now mindsets are changing." Unequal gifts of umunani or other forms of marital gifts were consistently described in terms of parents' mindsets. And even those parents who desired to give their daughters equal shares of land often faced resistance from their sons, who "sometimes... do not understand this [equal sharing of umunani], and they do not accept it whole-heartedly. But the law is there, and they cannot do anything about it," as young women in Kirehe District explained. These same women went on to clarify that now brothers are seeing the benefits of their wives receiving umunani from their parents, so they do not resist their own sisters receiving umunani as strongly.

Women take many different approaches to claiming their umunani, depending on the region. In Gasabo District both men and women initiate a ceremony with their parents called *kujyana ubuteka*, in which the child and their spouse bring beer to share with their parents, their extended family and friends. It is during this ceremony that parents give their child and child-in-law land. However, in other places, and especially in the Eastern Province, women said that they "went to ask for" or "went to claim" their umunani.

Rwandans are clearly undergoing major shifts in their thinking about giving women umunani. While our team discerned some patterns in a woman's likelihood to receive umunani depending on the region where she lives, it is important to note that different families and parents – even within the same community – had completely different approaches to the issue. Many women who acknowledged that they had rights to umunani, told us that still they would either (1) wait for their parents to call them home to come receive their gift of umunani, or (2) leave their umunani for either their parents or brothers to use until their parents died or until they were in need of it. In the latter case, women's motivations were not always clear. Some respondents – both men and women – said that women did this because they were fearful of causing conflict within their families, while some men said that their wives did this, "because they care more about their [parents] than their husbands." Others implied that women strategically left their umunani with their natal families as a safety net to return to in case their marriage failed and they needed land to cultivate and feed their families.

It should be noted that men never mentioned having to ask their families for umunani. Instead, it is considered an automatic right that they expect to receive upon a certain age.¹² Men and women from all regions we visited emphasized that men *always* receive umunani, except if they are orphans who do not know where their extended families live, or if they come from the poorest of families who do not have enough land (or enough fertile land) to give. Even if the land is small, or if they receive something else in its place, men nearly always receive umunani. This reflects the

¹² Although this age appears to vary from place to place. In some sites we were told that parents distribute their property to all children at the same point in time (typically when the first child marries), while in other sites parents tended to give umunani to each individual child upon the occasion of their own marriage.

broad understanding of *umunani* as an entitlement for boys and as a less secure right for girls.

Accessing Land Through Inheritance

The 1999 Succession Law was created in large part as a response to the impact of the genocide on orphaned girl children and widowed women. The law entitles male and female children to equal portions of inheritance and entitles surviving spouses (i.e. widows or widowers who have died intestate) under the community of property marriage regime to administer “the entire patrimony.” The adoption and implementation of the law radically altered the way families divide property upon the death of parents, as property was traditionally succeeded from father to son.

It was clear from our research that this law has been widely implemented, that both women and men are aware of their rights under the law, and that the law is being enacted as a tool by women of all ages to secure their rights to property.

Based on our interviews with men and women, generally women across the country are receiving inheritance from their parents, and receiving shares of inheritance that are equal to those of their brothers. Though women also told us of cases when they did not receive inheritance or equal shares of inheritance, they felt as though they could take their case to local authorities and receive a satisfactory result. This finding differs from the trend of the surveys conducted by RCN, which found that only 40% of women had received equal shares of inheritance, and 38% of women explained they had not claimed their share of inheritance upon the death of a parent (2013b). The discrepancy can perhaps be understood as a result of our focus groups, largely selected by sector officials, being better-informed than the average population and thus more likely to claim their rights.

After parents’ death, it is common for families to elect a leader or representative, most often from among the father’s brothers,¹³ who is responsible for allocating the property among the children. However, these representatives reportedly can be biased or give preferential treatment to male children. To prevent this, respondents told us that they were planning to call their children and extended family together to “show them” their future inheritance and divide the property in order to prevent conflicts between their children after they themselves had died. Younger participants described having been called to participate in these “pre-inheritance” ceremonies; this new tradition appears to provide a degree of security for children regarding their inheritance.

When asked why female and male children are given equal shares of inheritance, the response was unequivocally “because it is the law.”¹⁴ According to participants across the country, only between one third and one half of parents have what was commonly referred to as “changed mindsets,” or changed attitudes about gender equity generally and women’s rights to inherit property specifically. This means that many parents give inheritance (and in some cases, *umunani*) equally to boys and girls, despite their own opposition to the idea, because of the law. It is important to note that participants also frequently told us that, “Mindsets are changing.” It appears that this legal

¹³ Though this representative is sometimes a village leader, or an older son or daughter who is well respected by all family members.

¹⁴ This was also true of *umunani*.

intervention has not only changed behaviors (i.e. adherence to the law), but also changed attitudes about gender.

As will be discussed later in the “Land Conflict and Dispute Resolution” section, inheritance and umunani are two of the biggest sources of conflict in Rwanda. These conflicts often erupt between children of different mothers, between female and male children, between female children and their paternal uncles, and between brothers.

Accessing Land Through Other Customary Means

Outside of gifts of umunani and inheritance, there are several other customary avenues through which men and women access land, including other intra-family gifts of land, gifts from friends, burial rights, and ceremonies.

Ingarigari—As will be discussed later in this report, traditionally – and even to this day – some parents reserved a piece of land called *ingarigari*, and daughters whose marriages had failed could return to farm that land. While it is not clear if this was done specifically to prepare for a daughter’s possible divorce, or if the land was simply part of the land kept by parents to farm until their death, it was often referenced by participants as a customary resource for separated women.

Gifts—Umunani is considered a specific kind of gift of land given by parents to their children. But there are many other types of gifts that were cited by participants. For example, if a parent was particularly pleased with a child, or if that child (typically a lastborn) stayed to help them, they might receive a gift of land. Similarly, it used to be common for parents to send children to take care of their grandparents (fetch water, herd cattle, or cultivate). In such cases grandparents could give those children a gift of land. Friends can also give one another gifts of land. An older woman in Kirehe District said, “Land can also come to you as a gift. If you love someone you can give them land or a cow. Gifts are not as common as they used to be, because there is no more land for gifting.”

Burial Rights and Other Ceremonies—There are several traditional ceremonies in which participants are given land. The first is *kurarwobo*, or burial ceremonies. When a parent dies, typically one child is selected to “bury them.” While this duty is ceremonial rather than practical today (i.e. placing dirt on the casket, or holding a cross during the ceremony), it continues to be practiced. The child who buries their parent is usually selected by that parent before the parent’s death, and they are given a gift of land after the ceremony.

Kujyana urugoli is a ceremony in which a woman takes her first child to present the child to her parents and her parents-in-law. In that ceremony the parents and parents-in-law usually give a gift of land or a cow to that child. The child’s mother acts as a kind of custodian of that land until the child is of age. Until the child is able to use it on their own, she cultivates that land. It is given permanently and cannot be sold by the mother or taken by either side of the family.

Women in Nyamabuye Sector described another ceremony called *gukuraho amasunzu*, “or hair cutting ceremony.” According to participants, the day after a woman is married, the husband cuts her hair to demonstrate that she is now no longer a girl but a woman. The woman’s aunt and godmother attend the ceremony with her, and the husband’s parents are also present. After the ceremony the husband’s father

gives a gift to the woman; this gift could be livestock, land or banana trees and is said to be given to her “to stop her crying.” The land is a permanent gift that no one can take from her.

As was suggested by the earlier quotation from a woman in Kirehe, gifts of land are decreasing because of land scarcity. While some ceremonies are still practiced, gifts of land are often replaced by money or livestock. In a focus group discussion of older women in Rwamagana, a woman said, “A long time ago – when the land was abundant and people would give land as a gift – [a wife could] give someone a portion of the land to cultivate, or advocate for the husband to give a portion of the land.” Participants also suggested gifts of land might be decreasing because of land registration, which puts the name of both spouses on the land certificate. Women in particular noted that men can no longer give away land as gifts to their friends without their wife’s permission.

Women’s Access to Customary Gifts of Land—Customary gifts and ceremonies were rarely spoken of by participants in terms of gender equity or fairness. Instead they were described as either very personal or ceremonial. Some gifts appear to be very personal, like a man in Nyarugenge District described, “If your friend helps you pay your child’s school fees and gives you up to 100,000 RWF, when your child finally finishes school you feel so grateful [that] you give him a cow.” Ceremonial gifts are given according to customary rules. For example, land is given to either male or female firstborn children (or both) in the *kujyana urugoli* ceremony, and only women receive property during the *gukuraho amasunz* ceremony. Male children seem to be selected more often to bury their parents, though participants emphasized frequently that this is changing with time.

Women’s Rights to Land within Marriage

Women’s right to land within marriage are complex and overlapping. Households make many different kinds of decisions about land on a daily, seasonal and annual basis. They decide how to use the land (i.e. size of the land, cash versus subsistence cropping, building a home, renting, etc.), land management (what to grow when, upkeep of the property, investment, etc.), and alienation of that land (in most cases, selling).

In general, women and men commonly said that they “made land use decisions together.” It would appear that that there has been sensitization done on this issue, given how widespread this particular response was, and given that some reported that they “had been told” to make decisions together. However, in focus group discussions participants often said that they made decisions together, but later recognized that the husband often had the final word, that not *all* decisions are shared decisions, and that a wife’s role in such discussions is often to provide advice (rather than the couple coming to a joint agreement or finding a compromise). This finding confirms Polavarapu’s (2011) assertion that in most couples the husband makes decisions that the wife is unable to contradict, and that the locus of household decision-making power rests with the husband. The ways in which households control land and the

proceeds that they earn from it seem to vary significantly by household, by region, and even by the age of the couple.¹⁵

Women tend to have the freedom to make decisions about what was referred to as “small issues,” like whether or not to sell a small amount of beans in the market to buy soap for the household. But only men are able to make decisions about big issues like whether or not to sell or buy livestock, whether or not to sell large quantities of agricultural production (and how much of it to sell, and for what price) and what to use the money for (school fees, investment in a business, refurbishing their home). Men clearly have ultimate decision-making authority, and could veto even women’s small decisions, if they so chose. Typically women made those small decisions because men saw household management chores to fall among the woman’s responsibilities. Women rarely spoke of their being able to make large decisions about land, such as buying or selling land or even making long-term land use decisions, such as planting forest or banana trees.

Men appear to consult their wives on a variety of land-related decisions, though it is important to note that despite couples saying “they decide together,” in reality men’s and women’s interpretation of “deciding together” varies. For example, in some cases men will bring an idea (for example, building a second home to rent out, and using the proceeds to purchase another plot of agricultural land) to their wives for feedback, but will make the ultimate decision themselves. In other cases, while a woman may not be able to make these decisions alone, nor have an equal say in finding solutions to the household’s financial needs, she may have veto power over the ideas the husband brings.

Couple’s decision-making processes over whether or not to sell the land are different. According to the law, couples who are formally married must both sign documents to transfer a land certificate in order to sell a piece of property. Participants often said that they decided together to sell their land “because it was the law,” or because “one cannot sell without the wife’s signature.” A common refrain was, as younger women in Kigali said, “Men cannot sell land without the consent of the wife.” Younger women in the Southern Province explained, “Even if he does [sell the land] without you knowing, you can reverse it because you did not know. Those who do not know [about the law], they are taken advantage of, but more know.” So, while women appear to have stronger rights over land transfers since the land registration process compared to before, this is because of enforcement of the law and not due to a change in people’s mindsets about women’s right to own or alienate land.

Best Practice:

The law provides that signatures of both spouses are needed to sell joint property. Women describe this as a very positive change that has prevented men from mismanaging land and resources. Local authorities can encourage responsible land management by ensuring both spouses give written consent to land transfers.

According to findings from a study undertaken by RCN *Justice et Democratie*, 30% of women participants in the study had their land sold without their consent, and 73% of those women did not defend their rights (RCN 2013a). During our fieldwork

¹⁵ Some older participants said that younger couples were less likely to decide together because of their bad values, and some younger participants said that older couples were less likely to decide together because of their “old mindsets.”

women said that women can – and do – refuse to sell their land. However, they emphasized that these women are most often those facing serious food insecurity and/or poverty who recognize that without land they will suffer. When women do disagree with their husbands' reasons for selling the land and refuse to sign, they may face serious consequences for doing so. Men told us that if women refuse to sign the paperwork, they will “use strategies to convince her,” which women described as ranging from being nice to her in order to win her approval, to beating her, withholding his agricultural labor, or forcing her to sleep outside.

Men needing women's signatures to sell land is a significant change for couples that was introduced by the land registration process. Women describe it as a very positive change that has prevented men from mismanaging land and resources (e.g., not selling the land to pay off drinking debts). When asked if men are considered to be landowners, both women's and men's responses were unequivocally, “yes.” When the same question was asked about women, there was always some hesitation or debate. Participants frequently commented that women's status as landowners is changing, but that women in formal marriages in the community of property marriage regime were the only married women who truly own land.

One changing aspect of women's bargaining power within the household is the declining prevalence of women returning home to their natal families during periods of conflict with their husbands. Young women in Muhanga District discussed this strategy, explaining “Before, when he beats her [his wife] she would go home to her family for a week but now she will say, ‘no, I'm not leaving.’” They cast this change in a positive light, that now women no longer consider their marital home as belonging only to their husband, so they are willing to fight for it. However, they did admit that often women faced domestic violence from their husbands when staying, and that returning to a woman's own family for refuge gave her bargaining power in disputes with her husband. This is of interest primarily because of the context in which these women brought the issue up: they were discussing how women now get *umunani* from their own families, which has largely replaced parents keeping *ingarigari* for their daughters' use during these short-term and longer-term disputes with spouses. Thus although these women understood these as positive changes, it could be that they are making the best of a situation with limited options open to women, again underscoring the complexity of the intersection of changing gender norms and land rights.

Marriage Customs and Property Rights in Rwanda

In many ways, marital gifts of land were tied to bridewealth and bridewealth rituals¹⁶, where grooms would present a significant gift (generally cows or an equivalent amount of money) to the parents of the bride in order to formalize the marriage. Many participants made comments like this one, “People used to say if you got married to another family, you're no longer of our blood, you belong to another family.” While this attitude is shifting somewhat (perhaps even because daughters now receive *umunani* from their own families), it was still repeated throughout our fieldwork. Often this bridewealth was paid in part by the family of the groom, and when necessary, it was paid for by selling a portion of land. Younger men near Kigali

¹⁶ The accurate term for the wealth or property transferred by the groom or his family to the bride's parents is “bridewealth” though participants often used the Kinyarwanda word for dowry: *inkwano*. Henceforth in this report, we will use the term bridewealth, except for in direct quotations from participants.

elaborated by saying, “When it’s a father who has enough, they will not consider what they have done for him, but when there is poverty, sometimes the girl’s family will ask for a big dowry and the parents of the boy will tell him they do not have enough, the boy can have an agreement with the parents: what you were going to give me [as umunani] I will sell part,” (meaning that the land the young man was going to receive as umunani would be sold – at least in part – to pay the bridewealth). Within the same focus group discussion another participant demurred, saying “in these times, many boys pay their own dowry because their families are not able to. But when a father accepts to pay, it doesn’t have anything to do with umunani.”

Only a few individuals explicitly linked the payment of bridewealth to marital gifts of land, such as one older woman in Burera who said, “My parents have a bad mindset. When I got married, it was informally. My father was a rich man, and he said that he wouldn’t give me *intekeshwa* [the local word for land given at marriage] until he had received a dowry from my husband.” Another woman in the east echoed this when she said “I will ask umunani from my parents, and I will get it. Because I am legally married and my husband has paid the dowry, parents normally give the same back.” This reciprocity, though, is relatively new; older men in the east explained, “Women have been victims of customary law since a long time ago. For example, [regarding] dowry. The cows could be used for the dowry of her brothers. It’s unfair that brothers could get umunani and a girl couldn’t, even though her father got dowry.” Dowry was often mentioned as one additional cost required for formal marriage that prevented men from marrying formally, instead choosing informal marriage as a cheaper alternative.

Formal and Informal Marriage

Best Practice:

The proportion of women in informal marriages is declining, in part due to efforts by local authorities to encourage couples to marry formally.

By far the biggest variable in a woman’s ability to own, access and control land is her marital status, i.e. whether or not she is formally married.

According to Rwanda’s legal framework, only “monogamous marriages consummated by a civil authority” are recognized by the State, and couples in those types of marriage (referred to here as “formally married” couples) have specific

rights to land granted to them, depending on the type of matrimonial regime they select. The 1999 Succession Law recognizes three types of marital property regimes: community of property (joint ownership of all property), limited community of acquests (which includes a contract specifying which property shall be owned jointly), and separation of property. The default matrimonial regime is community of property regime (Ndangiza 2013)

While formally married women’s rights to property are strongly protected under the law, the proportion of married women in formal marriages varied significantly from site to site and region to region.¹⁷ This number is increasing, due at least in part to government investment in sensitization of young couples by local authorities, and free communal civil ceremonies (in which up to hundreds of couples can be married simultaneously). An official in the Western Province said, “We don’t have much informal marriage; we are sensitizing even young couples.” A focus group of older

¹⁷ For example, in Rugendabari Sector participants said “five percent of all couples” were formally married, compared to nearly one hundred percent of married women in one sector in Kigali.

women in the south agreed, saying, “It is not that common now because the local authorities are against that... in this sector, it’s something that the government has focused on... it’s disappearing because of women’s councils. We encourage them to formalize [their marriage] so there won’t be children deprived of rights.”

In most sites that our team visited (excluding very remote sites like Kivu Sector in Nyaruguru District), participants emphasized that while there are still couples in informal marriages (the number varied from “some” to “many,” depending on the site), fewer and fewer couples are deciding to *not* marry formally. However, there was some resistance to formally marrying on the part of men, because of the joint ownership rights implications of marrying under the default marital property regimes.

Benefits of Formal Marriage

Formal marriage was described explicitly by women as means for women to secure rights to their husband’s property. Older women in Rubavu explained, “Yes, your husband may mismanage the property but you know you have a right to the property. Being legally married, it’s protection,” and one young woman in the east said, “I want to get married legally because it has importance. First for the kids – it’s for their protection, their rights to property... for myself, it’s also protection. If my husband gets divorced, I get property,” although her acknowledgement of her own protection was only upon prompting. It was for this reason that many women agitated to get formally married, and as will be discussed below, also contributed to men resisting formal marriage.

Within formally married couples, the property regime chosen had significant effects on property rights. Legal awareness of these three possible regimes varied, and the most common regime around the country seemed to be default community of property. Most respondents also seemed to have a greater understanding of this option’s ramifications. In fact, when participants spoke about the legal provisions for marital property, it was assumed that one would be in a community of property regime. For example, one participant said, “The marriage contract says you share property so you cannot decide alone.” Sometimes participants did mention the other regimes. But, according to a Kirehe district official (and others), trainings before civic marriages, “mostly focus on the common property regime, but people choose it without really knowing what it means.” One particularly well-informed group of older women in the west (mainly National Women’s Council representatives) cautioned “couples now have to be careful, [and] know really what kind of regime they are marrying under and choose a regime that will not cause them problems. They are informed about those three cases but most of the time they choose community of property.” In the majority of cases, where women enter marriage with less property than their husbands, this assumption of the common property regime is to women’s benefit; more widespread awareness of alternatives could be to the detriment of women facing unequal bargaining power in negotiating with a potential spouse.

Among some groups, participants were more informed about the various marital regimes in Rwanda, and several focus groups held lively debates about the relative merits of each. They discussed why particular couples chose the marital regimes, and reasons ranged from the relationship between the couple to the property that each brought into the marriage. Older men in Kigali posited, “Before you do that [choose

the common property regime], you need to think – the person you’re marrying, who is that person? A girl you’re getting married to, she’s like you. Whatever you have is also hers. You cannot say this is only mine. Even if she does not have umunani, you bring her and share because you love her.” Few participants seemed to truly grasp – at least in their own personal circumstances – that the choice they make about marital regime could drastically affect their rights within marriage, as well as in case of divorce. Rarely did we hear men advocating for men to marry under regimes other than the community of property in order to protect their assets. However, some participants did say that some men chose to marry informally because of their ‘selfishness’ about their property. For less informed segments of the population, formal marriage was largely conflated with the prevalent community of property regime.

Reasons Women Remain in Informal Marriages

It should be noted that in all of our 150 plus interviews, we only met one woman who had deliberately entered into an informal marriage; women generally wanted to be in formal marriages. The vast majority have much to gain and little to lose in being formally married. One group of women described why women prefer formal to informal marriage: “Women are the ones pushing for formal marriage because when you’re legally married, you are the owner of the property. But when you’re informally married you don’t have any right and he can push you away – it [formal marriage] is protection.” In this same conversation, these young women told us that the number of informally married couples is in decline precisely because of the additional rights formal marriage gives to the couple over land (including husband’s rights to a woman’s umunani or inheritance).

That said, there are many reasons that couples enter into informal marriages. The first reason focus groups typically gave was that couples often marry before the legal age of consent, so they are not able to marry formally. Importantly, many of these couples do eventually marry formally, even after spending years in informal marriages. According to a focus group of women in Burera District, “Girls here like to marry young!” Similarly, older men in the east told us “we want to change the law to protect young women, to lower the age to get married to avoid these informal marriages. It’s a kind of violence.”

The cost of marriage ceremonies and celebrations was also frequently debated as a legitimate deterrent to couples marrying formally. Couples in the past paid significant sums to marry, though the government has deliberately lowered the cost of the ceremony itself in order to promote formal marriage. However, couples still pay for the celebration after the civil or church ceremony, which is considered to be the more burdensome cost. For example, young men in the west told us, “You cannot go to have a civil marriage without inviting your friends. But if you invite your friends you have to give them something to eat and drink, so some people refuse because of money to celebrate marriage. The money to pay at the sector level [that is, the fees], you cannot lack that money. It’s the money to celebrate that’s the impediment.” However, most focus groups comments like this sparked debate about whether or not the cost of formal marriage really prevented couples from taking that step. A participant from a group of young men in the west, said, “I think that’s not really a reason – if you really want to get married legally, you can forget about celebrating or

just invite a few people. People who don't want to get married legally, it's [because of] a bad mindset. For me the big challenge is the mindset, not the money."

Male and female participants also said that "dowry" was a cost barrier, pointing out that registering a civil marriage requires listing the bridewealth amount on the official paperwork, suggesting that if a man could not pay the bridewealth he wouldn't be able to get formally married. While bridewealth and marriage are traditional customs, the ways that they have been incorporated into formal systems (legal marriage, listing dowry on the marriage paperwork, etc.) has caused some confusion among Rwandans in rural areas. Some, but not all, men in informal marriages pay a bridewealth to their wives' families. One older man in Kirehe District explained, "For me, dowry is compared to getting married legally so kids feel like they have a right to my property." Young men in the east argued that marriage "[is] free, you can do it without even paying dowry, you just negotiate with the family."

Importantly, some men deliberately avoid formal marriage, and refuse to formally marry their wives, even when their wives want to marry formally. Men commonly wish to "protect" their property, which they see as under threat in case they divorce a woman whom they married under the community of property matrimonial regime. One younger woman in Kirehe District lamented, "I [said most people are in informal marriages] because many men don't want to get married legally – they are selfish, they don't want to share whose name is on the land." The wife of a young man in Kigali expressed similar sentiments; "He says he does not want to get married to any of his wives, HIV positive or no, because they can take his property." A woman in Kigali explained her husband's fears to us, saying, "I tried to convince my husband to marry me legally, but he says 'I know you women and what you want. You just want rights to my property. You don't marry for love.'" Polavarapu (2011) stresses that the unequal bargaining power of potential spouses means that many of the awareness raising strategies employed to stop informal marriages will have limited impact unless these fundamental power relations are addressed.

A small number of women articulated the ways informal marriage can be used as a strategy for protecting their own property. For example, a group of seemingly well-educated and informed older women in urban Gisenyi (many of whom were National Women's Council representatives), exclaimed, "Those in informal marriage are lucky, because when they have land, it's their own property and they don't have to share it!" They told a story about a woman who had inherited land from her parents who had died during the genocide. Now that woman is trying to protect that land by refusing to get married legally to her informal husband. However, these types of cases appear to be rare and would seemingly only benefit women who owned sufficient property of their own coming into the marriage.

Men and women also said that some men refuse to formally marry because they want to preserve the power dynamics of informal relations. These men argue that by entering formal marriage, their wives would gain rights to the detriment of their rights as husbands. Young men in Kigali City were animated as they described this strategy, "Other people look how those in formal marriage are suffering because the wife has all the rights. The husband is suffering. Those who are not yet married say why should I rush into that? Because she has all the rights she can treat him [any way that she wants]." A focus group of young women in Rubuvu District complained, "They

don't want to be responsible. They want to dominate their wives all the time. When informally married, the woman will all the time respect the husband... husbands want to dominate wives and don't want to be responsible." Although male focus group participants rarely claimed to have avoided formal marriage for these reasons, this was described as a strategy generally used throughout the country.

So why then would women accept marrying a man informally? Men and women gave many reasons for doing so, but the most prevalent was that many women get married informally expecting – or at least hoping – that they will eventually marry their spouses legally. Some women framed this in terms of their eventual ability to *convince* their husbands to marry them, while other respondents said that couples marry when they finally have the means to do so. Others said that women might feel as if they do not have a choice, and that if they want to be married, they may have to sacrifice their rights to property, which seems to point to women's continued economic dependency on men.

When asked why women accept marrying their spouse informally, participants throughout the country repeated these reasons to us:

- “[Couples] get married when they are still young, before the legal age – that is the main reason. They live together before the legal age, they will come when they have the legal age and get married.” (Younger men in Nyarugenge District, Kigali Sector).
- “You marry them informally because they say they cannot pay the dowry, hoping they will pay it eventually. But if they have the chance to meet a richer girl they will marry her and move away from here.” (Interview in Burera District, Kagogo Sector).
- Informally married women with whom we spoke generally agreed that, “In Rwandan culture, you feel proud when you have a husband. Also there are girls who get pregnant and then just go like that because it's not good for a young girl to get pregnant and stay at her parents' place.” (Older women in the Rubavu Gisenyi).
- “[Women] accept it because they know it's very difficult to get a man so they just want to get married.” (Younger men in Kirehe District).

The Limitations of Informally Married Women's Rights to Land and Property

There is currently only one law on the books that protects informally-married women's rights to land and property in Rwanda, and that is Law N°59/2008 of 10/09/2008 on Prevention and Punishment of Gender-Based Violence (or “GBV Law of 2009”). That law states that if a spouse in an informal marriage decides to formally marry another person, that person's previous spouse “has a right to an equal share of the couple's commonly owned belongings” (Ndangiza 2013).

Outside this rarely-invoked right granted by the GBV Law of 2009, informally married women have no real claim to their husband's property in the case of separation or divorce, or in the case of their spouse's death. In these circumstances, women are said to simply leave their husband's land and home. Participants often glibly said women in these situations, “just go home,” meaning that they must return to live in her parents' home. One such woman told us, “I didn't take anything when we separated. I was pregnant with the second child, I was crying because my husband

didn't want to give me my firstborn so I went with just my child and nothing else." If she does not "go home," a woman is left with few choices; she must either remarry, or find a way to support herself, often without land of her own.

Traditionally and to this day, some parents reserve a piece of land called *ingarigari*.¹⁸ Daughters whose marriages had failed can return to farm that land and it is seen as a kind of safety net for them. Some families now also build their daughters their own homes, but it was emphasized by participants that parents only do this for "bad" daughters, i.e. women who continue to have relations with other men while they are living with their parents, have children out of wedlock, and act in ways that shame their parents.

The practice of keeping *ingarigari* seems to be decreasing. It seems to be at least in part due to increasing land scarcity, and to parents instead giving their daughters *umunani* at the same time as their brothers. This is a significant cultural shift for Rwandan women. Participants in our focus group discussions told us that it has changed how women perceive their *umunani*. For example, a group of young women said, "You cannot sell [your] *umunani* because when you're in informal [marriage], [your] parents think you can get separated so you will need it to survive. So they won't accept you selling it to protect you." And an older man in Kivu Sector said, "These days women try to be in good relations with their husband, because they have nowhere to go."

According to participants, some men voluntarily give their former spouses *impamba* (loosely translated as 'something to take away'), which can take the form of cash or livestock, as recognition that she has contributed to the accumulation of property within the household (though no one we interviewed mentioned receiving it in practice). And in some cases of

Best Practice:
Authorities in some areas negotiated with separating couples in order to help informally married women secure access to property, particularly if she had children.

informal couples separating, if a woman brings her case to the authorities, those authorities may attempt to negotiate with the man to give his former spouse *impamba*. A participant in a focus group of older men in Karongi District said, "It depends on the man, he can give something to his wife. If you go to the court, and you were in informal marriage for a long time, the court helps you to have rights." Many interviews and focus group discussions confirmed that authorities "will try to help women," even if they are not always successful. And even if women have support, it does not mean that it is easy for them to claim these rights in the first place. Describing her situation, one separated woman (who had been formally married, although not divorced) in Muhanga District told us, "I have rights to his land but I saw that [claiming them] causes conflict so I didn't follow up."

¹⁸ In our research we found that there are actually several different types of land that are all referred to as *ingarigari*. The first was described above. The second is the piece of land that the parents continue to use after giving *umunani* to all their children. This will be inherited by their children after the parents pass away. And the third type of land that is called *ingarigari* is a piece of land that a man with more than one wife keeps after dividing the rest of his land between his wives (the wives live separately from one another on that land). The production the husband harvests from this land, he is not obliged to share with his wives and children.

One strategy divorced, separated and widowed women from informal marriages use is to plead to retain a degree of access to their former spouse's land, in order to cultivate that land to feed her children. Because all recognized children have a right to their father's property, local authorities typically negotiate this. As men in Rwamagana explained, "Kids are the linkage between husband and wife in informal [marriage]. Women can access land through their children." This is a controversial strategy, however. It is fair to say that generally men were frustrated that women try to claim land in this manner. A participant in a focus group of men in the Southern Province lamented, "[An informally married woman] doesn't have a right to that land, the family at large can even chase her away because she is not one of them, she doesn't have value in that family."

There is some evidence that women end up in informal marriages because they are ignorant of their options. A district official in the Eastern Province argued (and other participants later confirmed) that, "Those in formal marriage, they know that they share [property] and that the law most of the time supports them, but for informally married...the woman leaves without anything, and the children don't know their rights. They also don't know they have the right to their mother's property."

Although some informally married women do not claim property when they separate from their husbands out of ignorance or fear of causing conflict, others do. In several sites, there was a discussion of whether a woman who has been able to keep her children (rather than give them up to the father) had a stronger claim to the household property, although this level of legal awareness was mostly found in more urban areas such as Remera Sector. In Remera Sector a participant in a focus group of younger women said, "He claims for the children because he wants to keep the property." In Rubavu District older women advocated for allowing women to remain in the house because they generally take the children to take care for. However, in more rural areas this level of adjudication seemed beyond the awareness of most focus group members and indeed government officials. And in practice, it appears that informally married women do try to claim their rights to share property with their husbands, whether they have children together or not and whether or not they have legal rights to that property.

One form of informal marriage that was often brought up is polygamous marriage. Although polygamous marriages are not recognized in Rwanda, many couples continue to live in polygamous unions, though that number is reported to be in steep decline, even in the Northern Province. An oft-repeated refrain from participants was, "They are not many [polygamous couples]. You no longer see that. Before they had enough land to have more than one wife and the laws did not prohibit [it]."

Besides polygamous unions being more rare now than they were in the past, there also seem to be some changes in the way Rwandans define and practice polygamy. For example, many men have several women that they provide for and with whom they have children. These are generally publicly recognized relationships. However, many married men also have "women on the side," girlfriends with whom they have relations and with whom they may or may not maintain a household. In one very rural site in the Southern Province, older women estimated the proportion of men in polygamous families to be more than three-fourths, with the remaining one-fourth "having other women" to whom they were not married.

Attitudes towards polygamous families, particularly among women, varied, ranging from condemnation to resigned acceptance. One woman in the Southern Province described to us how she felt about her husband taking another wife: “It depends on the heart of the first wife. I didn’t have a problem myself because before he married his second wife he slept around with many women. Now I praise God that at least I know he is just with her.” Other women explained that formal marriage was a strategy women use to protect themselves against polygamy, hinting at an aversion for the practice.

And finally, in addition to women who have separated from or divorced their husbands, or whose husbands have died, there are women who have been abandoned completely. These cases are very common. In practice, it may be easier for abandoned women to claim rights to joint property, either through legal channels, or through sympathetic families-in-law. A woman in the Southern Province told the research team that during the land registration process, “They said that ‘the husband is not around, he is a drinker in bars. She has all the children so she should get the land so the kids have it.’” Older women in Karongi District generalized, “Those who are abandoned, they stay on the land of the husband.” Younger women in the same sector explained, “Nowadays, many men are abandoning their wives because they don’t want poverty, [they have] many kids – men get tired and want to leave you in your hard situation. All those women who are here – most of the time they are single. We are just here in a bad situation.”

Even formally married women are vulnerable in the case of abandonment. And during an in-depth interview with one older woman, she recounted “My husband (I hear) lives in Kigali, and when he returns, he goes to his other wife during the night. I’m lucky because relatives of my husband are helping me. We were formally married – when you’re not, the family could chase me away. Instead I’m living on my husband’s umunani.” Abandoned women, even those who had been formally married, are dependent on the goodwill of others for their livelihoods and live in extremely precarious situations.

Informally married women have significantly less bargaining power within their households, have less secure claims to household property while married, and have no legal protection after their divorce. Formal marriage is generally seen as protecting women (though most participants were not aware of the differences in formal marriage regimes), but couples continue to live in informal marriages for the reasons described above.

The Land Registration Process & Perceptions of Land Ownership

The Impacts of Land Tenure Regularization

As was mentioned earlier in this report, the Land Tenure Regularization program in Rwanda was implemented between 2008 and 2012, as a nationwide effort to adjudicate and demarcate all privately held land parcels in Rwanda and issue certificates of “emphyteutic lease” (mostly of 99 year durations) to their established holders. The program registered practically all privately held land in the country. According to the Deputy Director General of the Rwanda Natural Resource Authority,

from 2009 to 2013, 10.3 million parcels were registered. Of those, 8.7 million are fully adjudicated, 8.4 million have printed certificates, and only 11,800 are disputed.

Best Practice:

Land registration has reduced conflicts over land and made conflicts easier to resolve, encouraged more shared control between jointly registered spouses, increased perceptions of tenure security, and facilitated access to credit.

The program's penetration was clear even in rural areas of Rwanda. A land official in the Southern Province estimated that 99% of the land in his district had been registered; this was echoed all over the country. In Kigali a focus group of men said, "[All] those who have houses, they have land certificates." The remarkable extent of this reform means that the vast

majority of Rwandans have been impacted, and according to our research appeared to have significantly secured the rights of both men and women to land.

The program demarcated land and formalized boundaries between parcels, and documented ownership and "persons of interest" (typically children expected to inherit the land). Not surprisingly, when asked about the impact of land registration (and sometimes with no prompting at all), participants' most common response was that land registration had reduced conflicts and made conflicts easier to resolve. Land registration has also shifted men's control over household property toward more shared control with their spouses, increased certificate holders' perceptions of their own tenure security, and allowed rural people to access credit by mortgaging their property. It also changed the definition of land ownership, which will be discussed in the following section.

According to our research, boundary disputes, which were remembered by participants as being preponderant prior to registration, are now in decline. One participant told us, "Now it's very clear because it's already been demarcated... so now if you bring a case about boundaries, we say you don't have any right." Our team was surprised to find that boundary conflicts were still the first kind of conflict listed by participants when asked what kinds of disputes exist related to land. Participants said that people still try to move boundary markers like rocks or trees to increase their property, but because the land parcels have been measured, solving these conflicts is relatively straightforward.

Women constantly pointed to land registration having allowed them to access credit when they could not before by using their land as collateral. Most participants throughout the country agreed with what women in the Southern Province said: "Now people can go and ask loans [from] banks. Before you could never give land as a guarantee in the bank. But now we can say we have registered this land. If you want to do activities you can give it as a security. There is nothing better than that." However, even if the bank accepts land as collateral, that does not mean that women do not face other barriers in doing so. Older women in the Western Province said, "It is very hard for a man to allow you to bring the land certificate to the bank as a mortgage – [you] have to negotiate with him a lot. In the mindset of the men, they feel they have the decision to make. Most of the time he'll say if I sign for you you're going to give me money from that loan." This comment points to another consistent finding: that even though men consider wives co-owners of the land (because of their ability to veto land sales), they still see themselves as the ultimate owners of and

decision-makers about the land. It should be noted that some sector officials cautioned that many individuals were taking out loans against their land unwisely, although none of the focus groups or interviews mentioned bank repossession of land in cases of default.

As will be discussed in more depth in the “Household Decision Making” section, joint land registration in the name of husbands and wives (most typically formally-married, but sometimes informally married couples) has considerably moderated men’s dominant control over land. With few exceptions, formally married couple’s names are both listed on their land certificate. Widespread awareness of the program and rights afforded by land registration were confirmed by such statements such as, “The government registered the land in the name of the husband and wife’s name (50% for husband, 50% for wife). To buy they need [a] contract with both husband and wife. No one can buy with one individual” (Focus Group Discussion in Rubavu District, Kanama Sector). Women sometimes spoke of becoming landowners by receiving these certificates, though most often it was characterized as, “preventing men’s mismanagement of land and money.” This reported preponderance of husbands and wives being registered together though departs from RCN’s survey results, where 39% of women said their husbands had registered the land alone (2013b). Like previous dissonances, this could be the result of various factors, including selection bias in our focus groups.

Most importantly, participants told us that land certificates gave them a sense of security that “no one can take the land from you,” and that with land certificates they felt as though they were owners.

Land Registration and Perceptions of Land Ownership in Rwanda

While certificates do not grant holders freehold ownership in Rwanda (they are certificates of emphyteutic lease, usually for 99 years duration), they gave participants a greater sense of security and perception of ownership. For example, a group of older men in an urban sector of Kigali told us, “When they registered [the land] they gave you the right to it. Even if you pay taxes or leasing for that land, it’s yours.” Certification was widely associated with ownership in all regions that were visited for this study.

Understandings of Land Ownership

When asked about what land ownership means to Rwandans, participants listed the many kinds of land rights they associate with ownership, ranging from rights of alienation to control:

- Ownership as having the ability to pass land to one’s children;
- Ownership as having rights to control the land’s use;
- Ownership as having rights to control the production of the land;
- Ownership as being able to exclude others from using the land;
- Ownership as the ability to alienate the land through its sale, bequeathal or gifting.
- Ownership as having a certificate to that land.

Perceptions of land ownership varied from understanding ownership as a legal ownership right to equating ownership with other control rights over land (for example, blocking decisions to sell the land, or to making decisions about whether or not to build a structure). While land certificates seem to have increased certificate-holders' perceptions of their own tenure security, lacking a land certificate does not *necessarily* mean those landholders are perceived to also lack ownership rights. For example, one woman in the east told us "I have land ownership. Even though I have no land certificate, I still use the land." This ambiguity about the importance of land certificates is perhaps in part due to their relative novelty, and thus they have not yet consistently influenced how people understand land rights and ownership in practice.

When probed on the issue, some participants acknowledged that *lacking* a certificate did increase their tenure insecurity. One older man in the East suggested that, "When you don't have [a] certificate, anyone can come and take your land..." On the other hand, several participants also worried that the government was promoting demarcation and certification as a means to appropriate their land. For example, a focus group discussion of older men in Southern Province said, "The government can say we are going to do this and this, [and] you will not oppose that but in exchange they will give you money you can use to buy land elsewhere." A few participants were aware of the difference between land ownership and the lease rights that were granted during the registration process, and expressed uncertainty about whether or not their family could continue to bequeath the land to future generations.

Best Practice:
Both formally-married spouses are listed on the certificate, and there is widespread awareness that "both spouses have 50%"

The Land Certificates

The way in which the certificates were written seems to have influenced Rwandans' perceptions of their own ownership rights. For example, officials explained, "We registered the land under the name of the family – man, wife, and kids, so now they feel they're the owners," and many focus groups said, "It doesn't matter if the man [s name] comes first or second, [because] it depends on who was there when they were surveying... but both have 50%; that's what matters." Yet despite these professions of equality, several focus groups engaged in a lively debate about the order of names on the certificate and the perceived implication of being listed first on the certificate. Older women in Rubavu complained, "Why, when going to get the land certificate – why does the husband's name always come first even though it's 50-50? It has an effect on the mindset of the husband – [he thinks] I'm the first so I'm the boss." Another chimed in, "the mindset of the man is I'm the first so I'm also the one with more decision."

Given how important participants said being listed on land certificates was to them, surprisingly few knew who was, in fact, listed on the certificates. Many explained that their children were listed as successors, and discussed this in the context of their children's rights to that land, particularly rights to veto land transfers. A young woman in the Eastern Province, though, expressed a familiar sentiment when she said, "Our land is in the name of my parents, and I don't remember if our names are listed because the man is the representative of the family." Others averred that, "Children do not appear but they have a right to that certificate because they are represented."

Oftentimes with informal or sequential marriages,¹⁹ women make strategic choices to register land in their children's names alone rather than in their name and their spouse's name in order to protect their children's rights to the land in the event the marriage breaks down. For example, an older woman in the east explained her personal situation, "Out of three kids, the first was born during the genocide not from the husband. I registered that land in her name to protect her if the husband had a problem," and women in the Southern Province described similar cases as quite common.

Required Consent to Sell

The legal requirement that all owners (those listed on the certificate) consent to a sale has greatly increased women's control rights over the land. As discussed elsewhere in this report, in the past, making major decisions such as selling land were reserved solely for men. Women in the Western Province specified, "Even though women have 50% of property, they can't wake up and say I'm going to cut trees in this forest – they don't have control. I think it's our culture. Those big issues, the decision is made by men, except maybe those who are intellectuals. But I don't think they can really take that decision alone without consulting – they may bring the idea but they have to consult. [Even] intellectuals are not free to take the decision on such big issues as cutting trees in forest, selling land. Those are some challenges we still have." Even today, however, RCN's survey found that 30% of women reported not having given their consent to a land sale after the implementation of the law, and 73% of women who were not consulted before a sale didn't pursue their claims (RCN 2013a).

Women's control rights over land are often limited in practice by their extended families or by their in-laws. While extended family members may not be listed on the land certificate, many individuals expressed that they may be prevented from selling land by their extended families for a variety of reasons. For example, when parents try to sell the patrimony of their children, "You may have siblings who aren't okay if I sell it, and they may refuse to sell it to protect peace in the family." An older woman in the south told the team, "My relatives cannot allow me to sell the lands. Sometimes they can allow me to sell the land, but I would not do it given that I have kids. Why should I sell when I have children? You cannot have 3 children and sell land – the siblings could block it." And another woman said, "It is difficult to sell land – I can only sell the cow, not the land," and another, "You can't sell it unless there's a very big need, because it's for your children." Although these extended family members are not listed as owners on the certificate, Rwandan law makes allowances for blocking the alienation of the 'patrimony',²⁰ which is what these individuals were referring to.

The last quotation articulated a strong theme throughout the research: although selling land is a strategy used by rural Rwandans in order to meet particular financial needs (like paying school fees or dowry), it is one undertaken with reluctance due to the land's value and importance for sustaining life.

¹⁹ Sequential marriages refer to when one or more marriages have ended and a person remarries.

²⁰ Ndangiza, Madina; Dr. Masengo, Fidele; Murekatete, Christine; Knox, Anna .2013. Rwanda: *Assessment of the Legal Framework Governing Gender and Property Rights in Rwanda*- Kigali, Rwanda: USAID |LAND Project.

Impact on Informally Married Women's Rights

Best Practice:

Some informally married couples were listed as joint owners of land during the registration process, granting women greater rights to the land than those listed as 'partners' or unlisted.

The impact of land registration is mixed for informally married women. Technically, and what many cases around the country appear to confirm, “If they’re not married, it’s the husband’s land,” (if it is land the husband brought into the marriage), as younger men in the Southern Province said. However, in practice couples have different strategies for

registering land that they believe protect their interests. For example, they might ask to be listed as husband and wife on the certificate (as if they are formally married, as a way of securing the woman’s right to the land), as “partners” (with one listed as the owner and the other listed as the primary heir), or with one as the owner and the children as heirs.²¹ In the West, the ‘default’ option appears to be registering land under the name of one spouse and the children as heirs.

Strategies for registering the land of informally married couples vary widely from location to location. For example, while the default option we observed in our sites in the Western Province is to register the land with one spouse as the owner and the children as heirs, the pattern is less obvious in other locations. For example, several participants in the east mentioned that registering as ‘partners’ was the most common choice of informally married couples.

Which variation is implemented in a particular case is a result not only of the ‘default’ option preferred by the local land registration committee, but also of the preference of the couple. Older women in the Eastern Province explained, “During registration, couples in informal marriage in good relationships that had two plots would for one write the man as the owner and the woman as someone who could succeed, and the other would have the woman as the owner and the man to succeed.” This shows that a couple’s “relations” (i.e. whether or not they get along well, didn’t argue, and work towards the same goals) plays a big role in how land was registered.

Younger women in the south suggested that age also determines in part whether the wife appears on the certificate. They said that older couples are more likely to have both spouses’ names listed, although this is not a pattern we noted throughout the country. At times, the spouse who “brought the land into the marriage” is the one who determines whose names appear on the certificate. This is particularly true for women who receive land from their own families. In such cases, informally married women have the right to decide if she would register the land solely in her name, or whether the husband’s name would also be included.

Older women in the south debated this. One said that informally married women “Can have *umunani* from their father and have it registered in her name,” while another interjected, “How can she have *umunani*? It’s [normally] written in her family’s name because they know she can come back but she can’t rely on her husband.” Indeed, this theme of informal couples ‘not trusting each other’ was relatively common, and used both to explain why men did not register their wives on their land, *and* why women who had land from their own families retained sole ownership over that land.

²¹ Importantly, being listed as an heir does not incur any legal obligation or bestow any legal rights to the heirs.

Issues with the Land Registration Process

Although as discussed above, the vast majority of households received land certificates, certain categories of land and people have not received their certificates. For example, many people who cultivate land in marshes or land designated as village land, have not received their certificates. An older woman in Kigali said, “I registered [the land that I cultivate], but it’s in the marshland so we didn’t get the certificate – all marshland belongs to the government... They told us that they would give us [the land] certificate but they have not yet. Even our neighbors don’t have it yet.” Others spoke of tenure insecurity with the marshland, pointing out that if they did not cultivate it, the government would allocate it to others, and officials mentioned this as one of the greatest challenges for land registration, because the same land was then recorded as belonging to multiple people.²²

Village plots (part of the *imidugudu* program²³), was explained to us by young men in the Western Province. “There are 3 cases: those who are poor, they had a thatch roof on their house – these were destroyed and they [the government] built a village house without the contribution of the family. Others survived the genocide, the government through organizations built complete houses for them. And others bought a village plot, and used community work to build the house – only these last are the owner. The first two cases don’t have certificate – the kids can’t inherit, but also they don’t pay rent to the government – because they don’t have land certificates. Even though they don’t have certificates, they have standard measures. It’s just a small plot.” These participants later explained that all were anticipating receiving certificates in the future, which was confirmed by local authorities. Around the country, concerns were expressed about the lack of certificates for land located in village sites, although there seemed to be varying degrees of awareness about the future status of this land.

There were also certain groups of people who had yet to receive land certificates. Primary among these were households with a member in prison as a genocidaire. One older woman near Kigali said, “If a woman is living alone and her husband is in jail, she needs his ID number to register the land,” and those convicted of genocide were not issued IDs.²⁴ These households’ perceptions of their own land tenure security related to a lack of registration varied.

There were also individual households who had not yet received certificates for a variety of personal reasons. Older women in the south pointed to the fee for the certificate as an obstacle, although another then argued, “those who have not gotten [their certificate] are those that do not understand. The very poor can get [their certificates] for free. But those who do not understand why [do not pick up their certificates].” District Land Officers echoed concerns about the population who “haven’t understood” the benefits of land registration. One Land Officer in Nyaruguru

22 Although marshland belongs to the government, individuals who cultivated this land explained that they could approach the sector officials to be allocated (as an individual, rather than as a family) a plot for cultivation, with the allocation mechanism remaining opaque. The crop was chosen by the sector officials, and if the individual did not put in the required labor, the land could then be allocated to another individual. However, if records were not kept up-to-date, confusion could ensue about who was entitled to the use of that land.

23 Whereby the government encourages families to move to ‘village sites,’ generally located along a main road, which then have more infrastructure than widely dispersed homesteads. Individuals often received land in these village sites through land swaps with the original owners, or through government provision of land to the needy.

24 According to key informants in Kigali, they do have ID numbers, but were not given their physical ID cards. Because of that, their family members must go through extra steps to receive the number, and register the land.

District said that approximating 30% of households have not yet received their documents. Older women in the east described the situation thus, “During the registration process, some families didn’t register land not because it was in conflict but because they were worried that... the government would take it back. But now they are regretting this because they see how valuable the certificate is. However, now it’s more complicated because you have to pay for surveyors to come out while it used to be free.”

Other problems arose during the registration process with ramifications being felt today. According to participants, conflicts that prevented registration are in the final stages of being resolved, so many discussed those cases during focus groups and interviews. A large proportion of these involved one family member registering land for the whole family, either in order to appropriate it for themselves or as a way of avoiding fees for multiple parcels. In several cases, orphans had had their land rights appropriated by extended family members during the registration process, and when they came of age were contesting those claims. These cases will be further explored in the discussion of land conflicts and dispute resolution, but they are important to note in the context of the impact of land registration.

Women’s Experience of Land Conflicts & Dispute Resolution

The vast majority of conflicts in Rwanda are land conflicts,²⁵ and the majority of land-related conflicts are inter-personal conflicts that take place within families (immediate and extended families). These land conflicts are generally ownership conflicts related to inheritance and *umunani*, and land use and control conflicts between spouses (or between extended families). Participants told us that conflicts arise for a number of reasons, but primarily because of increasing land scarcity and competition over land.

It is important to understand the specific conflicts that women experience, the ways in which those conflicts manifest, and how women seek their resolution. While formally married women have significant protections under the law, according to our research they continue to experience conflicts, which often result in violence, and which have a significant impact on their livelihoods and well being.

Conflicts over inheritance and *umunani* were by far the most common type of conflict described by participants. In general these conflicts fell within the typology of inheritance conflicts delineated by Lankhorst & Veldman (2009):

- Between brothers and sisters of the same mother and father;
- Between half brothers and/or half sisters;
- Between children and their father, mother, grandparent(s), uncle(s), aunt(s), cousin(s), nephew(s) and/or niece(s);
- Between children and the mistress or other wife of their father in a polygamous union;
- Between women in informal marriages and their ex-husband/boyfriend and/or members of his family.

²⁵ In our research methodology we asked participants to use a bean counting exercise to describe the proportion of conflicts in their communities. Across the country participants told us that land conflicts make up upwards of two-thirds and all conflicts in their communities.

As was mentioned earlier in this report, some parents gather their children together in their old age, in order to clarify who will inherit their property upon their death. In cases where this is not done (or in cases where other family members ignore these requests), there is often violence. Uncles may want to claim their brother's land for themselves, instead of dividing the land among their brother's children. Brothers may want to claim land instead of dividing it equally with their sisters, and other relatives may not want female children to inherit at all because it potentially takes the land out of the patrilineal family if she bequeaths it to her children.

Women in polygamous unions (or whose husbands' have mistresses) may also experience conflict, either with other wives or with their children. For example, we heard cases of women who when their husband took a second wife, he attempted to divide the first wife's property with the second wife. Several focus groups had similar stories: "[When a man brings a second wife] even in the house the children will fight and say that the land and the house are for my mother! They want the father to build separate houses and buy land for both wives." In other cases, children of a man's mistress or second – but legally married – wife come to claim land from his informally married widow. The iterations of the kinds of conflicts women experience over land are endless.

Most Rwandans use customary means for resolving their disputes, and women are no exception. The first institution that cases are typically brought to is the *inama y'umuryango*, or "family meeting." This is a meeting of the extended family that is led by a family head, and that is used to decide a variety of family and community matters, not all related to land. Appeals from the *inama y'umuryango* are taken to the *umudugudu* (village) and then to the cell executive secretary. After these steps are taken, cases can be elevated to the *abunzi* committees that exist at local levels to deal with disputes before they reach the court (Veldman & Lankhorst 2011).

Best Practice:

Women often receive fairer treatment when they take land disputes to sector and district officials, rather than their families. Allowing women to by-pass forums that may be biased against them is key to securing their land rights and giving them access to justice.

In our interviews with women it was clear that they thought the *inama y'umuryango* could be at times biased. It, of course, depended on the family. Women's cases may be heard by people who are biased against them (or who have been bribed by another party), the opposing party (like a husband or ex-husband) may gather support to testify against her, or her family may shun her. Importantly, in many cases when women attempted to "jump ahead" in the dispute resolution procedure, they not only are sent back by local authorities to go through the proper process, but they may also face other consequences from their husbands or families. Husbands may be angry that their wives "publicly accused them," and beat her or use other forms of violence against her.

Women participants told us that women generally experience equal treatment from sector and district level officials. However, they do not feel they receive equal treatment when they bring their disputes to be resolved at the family or village level.

DISCUSSION

Rwanda, with its robust and widely implemented legal framework, political will, and widely decentralized governance, is uniquely situated to be among the foremost African countries in realizing the property rights women have been granted by law. Today, thanks to the Succession Law of 1999, women have rights to equal shares of inheritance. And, formally married women under community of property matrimonial regimes, are joint owners of property, and are the first successors to the share of joint property when their spouse die.

Our research revealed that women's inheritance of land and umunani is increasing, and that Rwandan's perceptions of women's rights to land are changing. Whereas before the genocide, women were seen as dependent on men for land to farm, now women can be considered property owners in their own right. Parents are increasingly giving their daughters inheritance and umunani, though they are less likely to give daughters equal shares of umunani as their sons. Women in formal marriages under the community of property marriage regime were registered as joint owners of property during Rwanda's land regularization process, which has resulting in their ability to prevent unwanted sales of their jointly-held land by their spouses.

Despite all of these positives changes, however, women still experience a number of challenges in accessing land to farm, and in controlling the land that they do have access to. These include: (1) informally married women's insecure right to land, (2) difficulty claiming umunani and inheritance, (3) weak bargaining power within the household, and control rights over land use and management, and (4) barriers to using fair dispute resolution mechanisms.

Informally-Married Women's Insecure Rights to Land

Informally married women's rights to property are particularly vulnerable. While the law protects formally married women's rights to joint property under the community property of marriage regime, women in informal marriages have no such protections. Women in such situations lack bargaining power within their relationships, have no say in whether or not the property they use is sold by their spouses, and are typically unable to remain on that property in the case of abandonment, divorce or separation. During the registration process, there was not a systematic approach for documenting the property of these women's families. Some were registered as co-owners (as "partners," or even sometimes as spouses), while others were not registered at all, and are left without the legal protection that offers.

Difficulty Claiming Umunani and Inheritance

As discussed in detail earlier in this report, while the number of women who receive umunani seems to be increasing, the cases are situation-dependent. Women told our research team that whether or not they receive umunani could depend on their household's economic status, their parents "kindness" or "mindset," the amount of land their parents hold, the number of siblings they have, and the mindset of the community around them. Women often hesitate to claim umunani from their parents because they fear creating conflict, worry that their parents will not have enough land

to survive on, and don't want to deprive their brothers of land to live on and cultivate. Women who do claim umunani or inheritance may be refused by their parents, and may face conflict with their brothers. The effect of these kinds of conflicts on women should not be underestimated; women described situations in which their brothers and sisters-in-law taunted them and tortured them for years over similar issues, leading to psychological and emotional distress.

While mindsets are changing regarding women's rights to umunani and inheritance,²⁶

Best Practice:

Sensitizing women alone on gendered land rights is not sufficient. If men's mindsets are going to change, sensitization efforts need to extend to men and seek to cultivate common understandings and respect between women and men.

there is still much work to be done. While many women receive umunani (and most receive inheritance), most parents give it to them "because it is the law," not necessarily because their mindsets have changed or because they believe that it is a woman's inherent right. Many older men and women told us that they would prefer to give larger portions of land to their sons. Young women in Burera informed the team "Men still have bad mindsets. People who train us on gender and land rights only train women, don't train men. We need

to be trained together so that we both have a common understanding." There is thus a complex, ongoing dynamic where the law can have effects on mindsets, either through 'sensitizations,' trainings or the act of including women in land practices from which they had earlier been excluded. The proportion of individuals and families whose 'mindsets had changed' vary according to men and women around the country. Although participants in our focus groups, mindful of being in government offices, may have overstated the extent of this change in attitudes, it is nevertheless clear that there is a social transformation ongoing about gender and land in practice and attitudes.

Weak Bargaining Power within the Household and Control Rights over Land Use and Management

Both formally and informally married women have weaker bargaining power within the household compared to men when it comes to matters related to land use, management or control. And even though formally married women are technically joint owners of household property, they too are often forced to make decisions they do not want to make. When women refuse to endorse the sale of a land parcel by their husband, for example, they may face any number of consequences, from being "convinced" or coerced, to suffering physical and emotional violence, and RCN's survey found that 30% of women, even those formally married with the rights of refusal, did not consent to the sale of their joint property. Women in informal relationships do not even have the legal "right of refusal." They have very little bargaining power within the household.

One changing aspect of women's access to land, which reflects her bargaining power within the household, is the declining prevalence of women returning home to her natal family during periods of conflict with her husband. Young women in Muhanga District discussed this strategy, explaining that "before, when he beats her she would

²⁶ For example, our team heard statements like, "Our daughter is our child too," or "Now our daughters stay a part of our family" (i.e. rather than marrying into a new family).

go home to her family for a week but now she will say, ‘no, I’m not leaving.’” They cast this change in a positive light, that now women don’t consider their marital home as belonging only to their husband, so they’re willing to fight for it. However, they did admit that often they faced serious domestic violence from their husbands when staying, and that returning to a woman’s own family for refuge gave her bargaining power in disputes with her husband. This is of interest primarily because of the context in which these women brought it up: they were discussing how women now get *umunani* from their own families, which has largely replaced parents keeping *ingarigari* for their daughters’ use during these short-term and longer-term disputes with spouses. Thus although these women understood these as positive changes, it could be that they are making the best of a situation with limited options open to women, again underscoring the complexity of the intersection of changing gender norms and land rights.

Barriers to Fair Dispute Resolution

Women participants told us that women generally experience equal treatment from sector and district level officials. However, they do not feel they receive equal treatment when they bring their disputes to be resolved at the family or village level. For example, their cases may be heard by people who are biased against them (or who have been bribed by another party), the opposing party (like a husband or ex-husband) may gather support to testify against her, or she may be shunned by her family. Importantly, in many cases when women attempted to “jump ahead” in the dispute resolution procedure (i.e. going first to an administrative official rather than to the family), they not only are sent back by local authorities to go through the recommended process, but they may also face other consequences from their husbands or families. A husband may be angry that his wife “publicly accused [him],” and in turn beat her or use other forms of violence against her.

It was obvious from our interviews and focus group discussions that we were collecting data during a pivotal point in Rwanda’s history. The recently completed land tenure regularization process has been lauded as “the most ambitious of its kind” (Ali et al 2011), and the country is known to have one of the most progressive succession laws in sub-Saharan Africa. This post-regularization period is an important window of opportunity to realize women’s property rights on the ground as they are granted by law. The following session lays out our recommendations to the government of Rwanda for doing just that.

Rwanda, with its robust and widely implemented legal framework, political will, and widely decentralized governance, is uniquely situated to be the foremost African country in realizing the property rights women have been granted by law. Today, thanks to the Succession Law of 1999, women have rights to equal shares of inheritance. And, formally married women under community of property matrimonial regimes, are joint owners of property, and are the first successors to the share of joint property when their spouses die.

RECOMMENDATIONS

In summary, while significant progress has been made in women being able to secure land rights in practice, they still experience a number of challenges in accessing land to farm and in controlling the land they are able to access. These challenges include: (1) informally married (and widowed and divorced) women's insecure right to land, (2) difficulty claiming *umunani* and inheritance, (3) weak bargaining power within the household, and control rights over land use and management, and (4) barriers to using fair dispute resolution mechanisms. The following are recommendations to the Rwandan Government, development practitioners, and donor partners for strengthening women's ability to claim their *umunani* and inheritance, improve women's bargaining power within the household, and improve women's access to fair dispute resolution mechanisms.

How to improve the security of informally married, widowed and divorced women's rights to land.

1. **Include in the new draft Succession Bill a provision recognizing the property rights of informally married couples (or those in co-habitation arrangements) as on-par with civilly married couples. that have been married in a traditional or religious ceremony.** Informally married women face extremely serious challenges providing for themselves and their children both within marriage and in the case of divorce, separation or widowhood. Granting the same rights to these women as are given to formally married women will improve their bargaining position within the household, and prevent mismanagement of property by their spouses. Furthermore, granting additional property rights to women in *de facto* unions would weaken men's incentives to resist formal marriage in order to retain control of property, and thus perhaps encourage formal civic unions.
2. **Provide rural girls and young women educational opportunities that reduce their economic dependence on men.** When women are economically independent, they are less likely to enter into informal marriage, and would likely have a stronger bargaining position in the household. Economically empowered women would be better able to purchase their own land, further reducing their dependency on men.

How to strengthen women's ability to claim their *umunani* and inheritance.

1. **Continue to sensitize men on women's legal rights to inheritance and inter-vivos gifts (*umunani*).** Our research showed that Rwandans are in the midst of significant cultural shifts regarding gender norms and gender equity, and women's rights to *umunani* and inheritance in particular. In order to continue the momentum of these "changing mindsets," continued sensitization of men on these rights combining this with the moral or fairness justification for these legal rights. Our team observed that there was widespread awareness of the law among both men and women, even in legal areas. However, men are slower to change their mindsets about women's property rights, given what they have to lose. We have confidence that emphasis on understanding the moral and human rights rationale for gender-equal rights rather than mere

knowledge of legal rights will not only accelerate the rate of changing practices, but also have a stronger impact on mindsets and values. This sensitization could capitalize on the notable increase in parents who spoke of sons and daughters being equally children, and encourage parents to envision the marriage they would desire for their daughters.

2. **Provide for children to have rights to equitable values of umunani in the Succession Law.** Given the immense pressures on land, there is a trend among Rwandans of thinking of education as kind of umunani. Forcing parents to divide ever-scarcer land umunani equally among all children could be counterproductive by encouraging further subdivision and potentially fueling intra-family disputes. Gender equality can still be promoted by legal norms that mandate fairness in providing gifts to their children, backed by sensitization campaigns that tap into parents' sense of morality in providing equally (even if not the same) for all their children, regardless of sex.
3. **Invest significantly in the creation of rural livelihood opportunities, for both men and women, that are not dependent on land,** Reducing Rwandans' dependence on land is essential to decreasing the prevalence of conflicts over umunani and inheritance. Study participants were adamant in expressing how land scarcity and competition over land were creating conflicts in which "brothers were killing brothers," and offered cases they were familiar with of family members who had killed one another over land. While women's position is already weak within families, land scarcity exacerbates this weakness. These investments may focus on providing women and men, and especially youth, with technical and vocational training, leading to more employment and creation of small-scale businesses.

How to advance women's bargaining power within the household.

1. **Sensitize communities on shared decision-making and joint control rights over land between couples.** Women, and especially women in informal marriages, have very limited bargaining power within their households. However, both men and women alike agree that mindsets regarding gender equity and shared decision-making are changing due to a combination of protective legal frameworks and sensitization. It is important to leverage these shifting attitudes with messages that appeal to people's sense of what is right and also what good for them, such as casting marriage as an equal partnership built on love and respect and engaging male leaders as role models and advocates for these norms. Sensitization efforts could also include educational material guiding couples on how to make decisions together based on shared priorities, household budgeting, and communication skills.
2. **Support skill-based trainings for women on how to communicate effectively, be leaders, present alternatives and prepare budgets.** Respondents often spoke about their strategies for convincing their spouse to make particular decisions about the land (i.e. selling the land, renting it out, building structures, etc.). We saw that men were responsive when their spouses "had good ideas," or gave "good reasons" for disagreeing with them. While it's important to address men's mindsets about women's roles in

decision-making within the household, it is also important to ensure that women have the skills and confidence to communicate their preferences, plans and strategies to their spouses. This skill will also serve them in dispute-resolution processes; women participants often told our research team that they were not as talented at presenting their cases as men were. These trainings could address that.

3. **Create opportunities for rural young women to reduce their economic dependence on men, to purchase land if they so desire, and to choose the best time to marry.** Our research found cases where women who were economically independent, particularly those who had their own land, had stronger bargaining positions when dealing with their husbands in conflicts about land and other issues. Furthermore, one of the primary determinants of whether a couple married formally or informally was the age at marriage, so providing young women with alternatives to depending on a man and farming (currently the dominant paradigm) would encourage delayed marriage and thus increase the likelihood of formal marriage, which under the current legal framework strengthens women's control rights over land.

How to improve women's access to fair dispute resolution mechanisms.

1. **Promote women's recruitment, training and instatement as local authorities at the village, cell, and sector levels.** In order for women and girls to receive fair hearings for their cases, women must be meaningfully engaged in positions of power from the lowest to highest levels. Likewise, training both men and women in leadership positions on the law and reforming attitudes through appealing to notions fairness and human rights are important measures for erasing gender biases that emerge in dispute resolution. Trainings can prepare both women and, importantly, men to be advocates for fair hearings for women in cases of dispute. While there are some women in local authority positions, they are often hired as Gender Focal Points or Social Affairs Representatives. Instead, we recommend that they be trained for a variety of positions, including Executive Secretaries and Agronomists.
2. **Reform the chain of appeals in the dispute resolution process so that women can, if they so choose, go directly to local authorities with their complaints,** rather than to their families and neighbors. Because women reportedly faced significant bias at the family and village levels, we were told often that, "We give up," instead of continuing through the appeals process until they receive a fair decisions.

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APPENDIX A

Key Informants

	Kigali Key Informant Interviews		
	Key Informant's Position	Organization	
	Responsible de Projet	RCN Justice & Démocratie	
	Gender Expert	Institute of Policy Analysis & Research (IPAR)	
	Coordinator	CRAFT	
	National Secretary	National Women's Council (NWC)	
	Gender Technical Advisor	MIGEPROF	
		Gender Monitoring Office	
	Country Director	Girl Hub Rwanda	
	Deputy Director General	Rwanda Natural Resource Authority (RNRA)	
	National Executive Secretary	Haguruka	
	Land Lawyer	Kicukiro District	
	Executive Secretary	Pro-Femmes Twese Hamwe	
	Legislative Drafter	Ministry of Justice	
	Field Key Informant Interviews		
	District	Sector	Informant
	Rwamagana District	(District)	District Land Officer
			District Gender Focal Point
		Karenge Sector	Sector Social Affairs Officer
	Kirehe District	(District)	District Gender Focal Point
			District Land Focal Point
		Musaza Sector	Sector Gender Focal Point
		Kirehe Sector	Sector Executive Secretary
	Nyaruguru District	(District)	District Gender Focal Point
			District Land Focal Point
		Kivu Sector	Sector Health Worker
			Cell Social Affiars Officer
	Muhanga District	(District)	District Land Focal Point
			District Gender Focal Point
	Karongi District	Mutuntu Sector	Sector Land Officer
			Sector Social Affairs Officer
			Sector Agronomist
		Ruganda Sector	Interview - Sector Agronomist
			Interview - Sector Social Affairs Officer
	Rubavu District	Kanama Sector	Sector Gender Focal Point
		Gisenyi Sector	Community Organizer
	Musanze District	(District)	District Land Officer
			District Gender Focal Point
	Burera Distrct	(District)	District Land Officer
		Kagogo Sector	Sector Executive Secretary
	Nyarugenge District	(District)	District Land Offier
			District Focal Point?
	Gasabo District	(District)	District Land Focal Point
		Gikomero Sector	Sector Agronomist