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Abstract Rwanda is among Africa's leaders in providing equal opportunity between women and men in the economy. Progress in achieving this substantial progress towards equality came on the back of tragedy: the civil war that engulfed Rwanda in the early 1990s and resulted in nearly a million lives lost. We document the legal steps towards equality in property rights, labour force participation and social rights and attribute these steps to specific political developments. This case study of gender reform highlights the long and tortuous process towards women's freedom.

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According to the *Global Gender Gap Index 2022*, Rwanda was the 6th most gender-equal country in the world and the most gender-equal country in Africa that year (World Economic Forum 2022). One manifestation of this progress in ensuring women's freedom is political representation: in August 2022 Rwandan women occupied 61.3% of the seats in the Chamber of Deputies and 36% of the seats in the Senate, the highest female share in the world (Parliament of Rwanda 2023).

Being a woman in Rwanda was not always this empowering. Less than three decades ago, women had no property or labour rights: they were looked upon as child bearers and caretakers in a patriarchal society with stereotypical gender roles (Hogg 2010). Women performed most of the agricultural work yet they were denied the right to own land. They were dependent on their fathers or husbands to provide for them; widows were allowed to hold land only until their sons were old enough to take control. Widows without male heirs were left at the mercy of their late spouse's kin (Ali, Deininger, and Goldstein 2014). Physical violence was common and women were raised to accept it as a form of punishment (Bizoza and Havugimana 2013).

Yet there was tremendous change in the legal rights of women in the new millennium. While in 2001 Rwanda's score on the World Bank's *Women Business and the Law* index stood at 44.4, by 2022 the country roughly doubled its score to 83.8 out of 100 (meaning that women have 83.8% of the legal rights of men as measured by the index), above the global average of 77.1 and the African average of 71.5, behind only Mauritius and Cabo Verde among African economies (World Bank 2023).

In this paper we describe the reform process that led to this progress towards gender equality. Rwanda had ratified several international conventions on human rights in the 1980s, including the Convention on the Elimination of Discrimination against Women (1980) and the Discrimination (Employment and Occupation) Convention (1981), among others, but the gender reform process did not begin until after 2001. In other words, domestic economic and social forces following the enormous tragedy in 1994 led to the legal change towards gender equality.

The tragedy that brought about transformative reforms was the violent civil war in 1990-1994 that led to mass genocide. The conflict left Rwanda with many men dead or imprisoned, or fleeing to neighboring countries. Women were depended on to nurse the economy back to health and in doing so they achieved the legal rights that had evaded them for so long (Williamson and Kerekes 2011).

The experience of obtaining legal rights for women in Rwanda bears similarity to the experience of American women during and after World War II (Goldin 1991; Goldin 2006). In both cases, the war resulted in acute labour shortages and the economy needed women to enter the workforce in large numbers. After the war, a significant share of women remained employed and demanded legal protections at work and at home (Goldin and Olivetti 2013).

This progress towards equality under the law is just one necessary step towards economic equality between women and men in Rwanda. Studies show that, especially in developing economies, legislative measures may not necessarily translate into actual empowerment, due mainly to deeply entrenched social norms, which render legal reforms ineffective. Women are more likely than men to be in vulnerable employment in low- and lower-middle-income

economies but less likely than men to be in vulnerable employment in upper-middle- and high-income economies (Hyland et al 2021).

The paper is organized as follows. Section 1 describes the atrocities during the civil war in Rwanda and the change in the labour market that ensued. Section 2 gives an account of the main measurement on the legal rights of women. We use this measurement, produced by the World Bank, to gauge the important legal stepping-stones in supporting the economic and social freedom of women in Rwanda. Section 3 details the progress towards property rights for women under the law. Section 4 performs time-and-motion study of labour rights by Rwandan women. Section 5 documents progress in legal protections of women against discrimination and sexual harassment in the workplace. Section 6 elaborates on reforms that give women further economic and social rights. Section 7 concludes.

1. The 1994 Genocide and Its Aftermath

In 1990, a rebel group composed mostly of Tutsi refugees invaded northern Rwanda from its base in Uganda, initiating skirmishes that grew into a civil war. Over the course of the next three years, neither side was able to gain a decisive advantage. In an effort to bring the war to a peaceful end, the Rwandan government led by Hutu president Juvénal Habyarimana signed the Arusha Accords in August 1993. An unstable truce prevailed for some months, broken after Habyarimana's assassination on 6 April 1994. The ensuing months witnessed the bloodiest period the country has ever seen (Yanagizawa-Drott 2014).

Between April and July 1994, around a million people were killed, most of them members of the Tutsi minority group (Meierhenrich 2020; Reydam 2020). Men were killed in large numbers, especially in urban areas (de Walque and Verwimp 2010). Women and children were not spared either (Des Forges 1999). Using a small sample from Northern Rwanda, André and Platteau (1998) found that land issues, land endowment and more general wealth and social status played an important role in the genocidal dynamic at the local level. Kalyvas (2006) demonstrates that local participants in violence during this period more often than not had property-related agendas - grabbing land - than the ideological narrative that was driving the civil conflict.

At the end of a prolonged period of atrocity and political instability, a new government led by Paul Kagame took over the reins of a country that was economically devastated and traumatized by the heinous crimes committed against its own people. Many women found themselves widowed or abandoned, solely responsible for bringing up their children (Kinzer 2008). Sexual exploitation during the war left many socially ostracized, with their husband's families unwilling to take them in, while their own families were too ashamed to acknowledge their existence (Newbury and Baldwin 2000). Women also took in children left orphans by the war. The full burden of caring, providing food, clothing, and education to all these children fell upon these women.

In the absence of husbands or other male relatives, women had to take up work traditionally done by men, such as looking after cattle, building and repairing houses and tracking household finances. The more destitute women who were left without land or property took up jobs at construction sites. The income from these jobs, however, was often not enough to save these

women-headed households from poverty (Mamdani 2001). Introducing legal reforms with respect to land ownership and labour rights was necessary to ensure the survival of families and to fuel the recovery of the Rwandan economy.

In the aftermath of the 1994 genocide, Rwanda was left with a skewed demographic structure comprised of two-thirds women (Kumar et al 1996). After the return of those exiled from neighbouring countries, in 1996, a government-conducted demographic survey estimated 34% of all households as being headed by women, out of which 60% were headed by widows (Newbury and Baldwin 2000). With male relatives dead or in prison, women had no choice but to take household economic matters into their own hands. Women who traditionally kept the house clean and prepared food now also had to build or repair the house. Women who had never stepped into a bank before now had to keep track of their finances and approach credit institutions for loans. In the words of President Paul Kagame, "...[women] rolled up their sleeves and got to work in a way that the men were not able to do" (Hunt 2008).

The need for women in the labour force necessitated increased visibility in politics as well. In 2003, the Constitution of Rwanda established a quota of at least 30% for women elected to the Parliament. In the same year, close to 50% of the seats were occupied by women (UN Women 2018).

2. Measuring the Legal Rights of Women

The drivers for higher women's labour force participation may initially lie outside legal reform, but such reform does prepare the ground for sustained increases in women at work. For example, the Vietnam War led to a sharp decline in the male population relative to the size of the female population in Vietnam, especially in the prime-age group (Acemoglu, Autor and Lyle 2004; Banerji et al 2018). As the economy started to grow following the launch of the Doi Moi reforms in 1986, the available supply of labour was predominantly female, and it was the women who stepped into the labour force in greater numbers.

In Vietnam, the Doi Moi reforms were accompanied by a major push toward improving education. The first education plan (1993–2000) emphasized gender equality for all levels of education, including by passing a revised Labour Code with significant rights for women (figure 1). These efforts paid dividends by ensuring that the postwar increase in female labour force participation was not short-lived. The relative success in bringing high-skilled women to the workforce is a function of generous family-friendly laws regarding childcare and maternity in Vietnam. In 2008 and again in 2012, the government also strengthened its legal framework to guarantee equality and gender nondiscrimination (Banerji et al 2018).

Figure 1: Vietnam's changes in the World Bank's WBL index



Source: wbl.worldbank.org, accessed March 12, 2023.

This progress is captured in measurements of the legal rights of women globally. An earlier paper (Hyland, Djankov, and Goldberg 2020) introduced the World Bank's Women, Business and the Law (WBL) index as a measure of legal equality between men and women. The WBL index charts the inequality in legislation that a woman faces as she navigates her working life, from the time she can enter the labour force through retirement. Scores range from 0 to 100, where a score of 100 implies that there are no legal inequalities between men and women in the areas covered by the index. The most recent data show that the global average WBL score in 2022 is 77.1 (World Bank 2023), implying that, on average, women around the world have about three-quarters the rights of men when it comes to laws affecting their economic opportunity.

Hyland, Djankov, and Goldberg (2021) list several reasons to be skeptical about the relation between a de jure measure of gender equality and actual experience, especially in developing countries. A common finding in the literature is that deeply entrenched social norms render legal reforms ineffective. Holden and Chaudhary (2013) and Ahmad, Batool, and Dziegielewski (2016) find that despite a legal change, women in Pakistan were not able to claim their entitled inheritances, because of factors such as lack of education and forced marriage. Gedzi (2012) highlights a similar result in Ghana, where reforms to inheritance laws led to few positive changes in terms of women's inheritance.

An issue that comes up frequently when studying legal reform of property rights in Africa is legal pluralism (Djurfeldt 2020). Ali, Deininger, and Goldstein (2014) note that the coexistence of different types of customary and formal laws can lead to a situation in which formal laws are disregarded if informal codes are less costly to execute, as is often the case. Reversion to informal courts, headed by village elders, leads to resolutions that favor men. Women's

reluctance to resort to formal courts is also the subject of several studies. Vatuk (2013) notes that victims of domestic violence and other kinds of marital dissonance may not even consider turning to the state for support.

On the other side of the argument, the discussion of whether formal laws matter neglects the issue of interdependencies. Williamson and Kerekes (2011) find that the law provides a useful backstop mechanism. Aldashev et al. (2012) discuss how changes to formal laws have a reformatory effect on informal laws—by, for example, strengthening land claims in India (Rao 2007) and Sub-Saharan Africa (Hillhorst 2000) and granting women divorce rights in Sahel countries (Kevane 2004).

On balance, there is sufficient evidence directly linking specific laws to better outcomes for women. Agarwal (2003) documents a link between women's land rights and their possibility of leaving a violent spouse. Deininger, Goyal, and Nagarajan (2013) show that reform of India's Hindu Succession Act increased daughters' likelihood of inheriting land. Reforms to the Succession Law in Rwanda made it more likely for women to leave their marriages while still receiving permanent rights to land and increased their ability to resist the customary practice of polygamy (Daley, Dore-Weeks, and Umuhoza 2010). Ali, Deininger, and Goldstein (2014) find that formalization of land rights in Rwanda increased women's investment in soil conservation.

3. Revising Property Rights

Prior to 1999, Rwanda did not have properly defined land rights. Most land regulations dated back to the colonial period before 1962, apart from a law enacted in 1976 that rescinded some previous rules but did not replace them with new ones (Bayisenge, Höjer and Espling 2015). These laws were traditional, with the state retaining the title of the land, allocating the land to clans or families for their use, and the families owning the crops grown and the structures erected on their allocated piece of land (Jones 2000). Consequently, at the start of the 21st century, women in Rwanda had no right to inherit or own land of their own (Djurfeldt 2020). A daughter could not inherit land from her father; she lived on her father's farm till marriage, after which she would live and be provided for on land belonging to her husband. A widow had the right to use her husband's land until her sons came of age, but a widow without children had no rights to her husband's land unless she married one of his brothers (Polavarapu 2011).

After the civil war, many widows found themselves landless because their husbands' families refused to recognise and provide for them. Those known to be survivors of rape and sexual exploitation were often shamed and turned away by their own or their husband's family (Newbury and Baldwin 2000). In a society where women traditionally relied on family support to survive, social stigma rendered them helpless (Bizoza and Havugimana 2013).

It became critical to secure land rights for women not only on humanitarian grounds but also for kickstarting economic reconstruction in the devastated country. The strategy for land reform was shaped by the Ministry of Gender and Promotion of Women. Originally set up in 1992 as the Ministry in charge of family and women protection, it was reorganised in 1999 with the intention of focusing on women's empowerment and mainstreaming gender equality in other government ministries. The Ministry also backed the Forum for Rwandan Women

Parliamentarians (FFRP) that initiated the dialogue on women's issues, particularly in the context of inheritance and succession.

The FFRP was successful in garnering international legal expertise and visibility for their legal reform efforts. In particular, the forum hosted a workshop in 1997, organised jointly with the United Nations (Farha 1997). The workshop enabled the FFRP to connect with female parliamentarians from all over the world and learn about their experiences on what problems women face during conflict and reconstruction, which initiatives and reforms empower women in countries afflicted by civil war. Drawing lessons from this experience and observing the legal challenges surrounding women, the Ministry of Justice drafted a new Succession Law striking down the various discriminatory provisions existent in previous legal texts (Polavarapu 2011). Law No. 22/99 on matrimonial regimes, bounties and successions was passed on November 12, 1999, establishing equal ownership of men and women over land and property, accorded to daughters equal inheritance rights as sons, and gave both husbands and wives the right to inherit the assets belonging to their late spouse.

With these reforms, the WBL score for Rwanda under the Assets sub-index increased from 40 to 100, signifying no legal discrimination in the ownership and administration of assets on the basis of gender (figure 2).

4. Revising the Labour Code

In the aftermath of the genocide, many occupations that men had traditionally undertaken were left vacant. The labour force participation rate fell from 46.4% in 1991 to 39.9% in 2002 (Fourth Population and Housing Census of Rwanda 2012). The census also highlighted a more alarming statistic: the dependency ratio (the number of inactive and unemployed persons for every 100 of those employed) increased by almost 50%, from 104 in 1978 to 153 in 2002. Women, who until then were confined to do household work and were prohibited from undertaking certain forms of manual labour or industrial jobs, had to step in and take up formal work to provide for their families. Because it was no longer a matter of choosing whom to hire, labour reforms promoting gender equality were necessary to fill vacancies. More generally, since gender inequality is considered to be a significant factor contributing to a country's poor performance, removing gender-based barriers in employment was also needed for the economic reconstruction of Rwanda (Blackden et al. 2007).

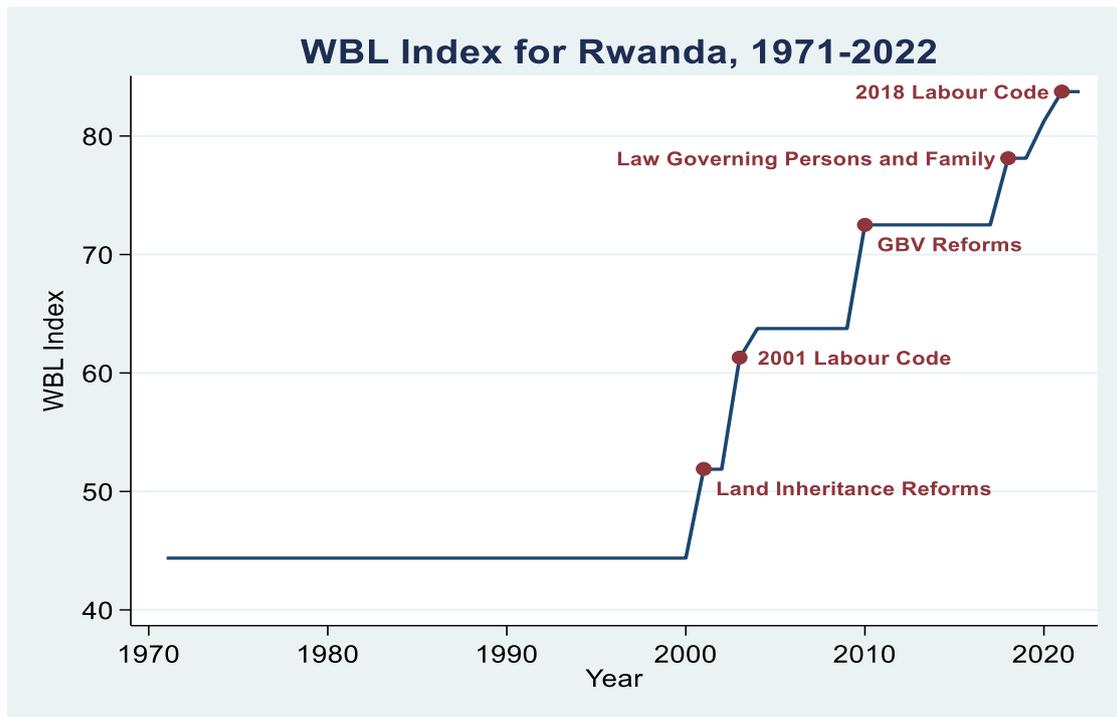
Law No. 51/2001 established a new Labour Code that equalized the rights of women in many ways. It prohibited all forms of discrimination in employment opportunities, recruitment, treatment, redressal of grievances, and dismissal on the grounds of gender. Furthermore, it repealed previous provisions regarding the inability of women to work in industrial or dangerous jobs, thereby opening a new range of jobs for them to take up (United Nations 2009).

These reforms increased the WBL score for Rwanda from 51.9 to 61.3 in 2003, once the necessary secondary legislation was adopted (figure 2).

The skewed demographic features characterising post-genocide Rwanda started to become more balanced since the enactment of reforms. Labour force participation increased to 41.4% in 2012, although can be partly attributed to the fact that some of the people born after 1994

would have entered the labour market by 2012. The economic dependency ratio dropped to 150 in 2012, and the credit for this can be given to the government’s measures for employment promotion (Fourth Population and Housing Census of Rwanda 2012). Tellingly, according to a 2017 Labour Force Survey conducted by the Rwanda National Institute for Statistics, women’s share in the employed labour force exceeded that of men by 7 percentage points.

Figure 2: Change in the WBL Index over Time



Source: WBL data, accessed March 12, 2023.

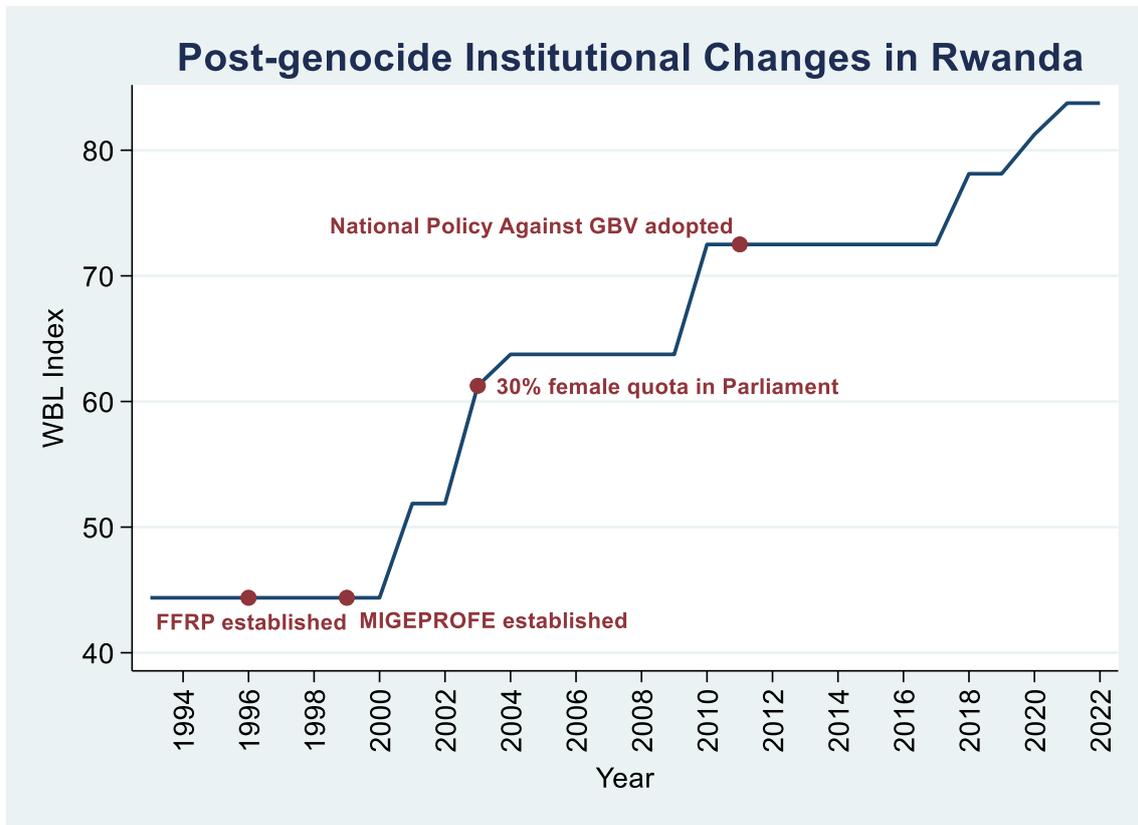
5. Adopting New Laws on Violence against Women

Concerns about violence against women was at the forefront of policy concerns in the years immediately following the civil war. The Ministry of Gender and Family Promotion focused on providing psychological relief to the victims of sexual violence. As a means of voicing women’s concerns at all government levels, the Ministry established a system of women’s councils at the sector, district, provincial, and national levels.

FFRP’s lobbying with the government to improve legal protections of women led to signing the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol) in 2003. The next significant achievement of the FFRP was the “Draft Law on the Prevention, Protection and Punishment of Any Gender Based Violence” in August 2006. The law was created after conducting surveys on gender-based violence (Pearson 2008). These discussions and interviews of a sample of 720 women brought to light the continuing instances of violence against women: over 50% of those interviewed had suffered from assault at the hands of their male partners for not preparing meals on time, and over 50%

on suspicion of adultery (UNIFEM 2006). The FFRP initiated a series of field visits to discuss gender-based violence in Rwanda’s 12 districts and finally compiling a set of proposed legal changes.

Figure 3: Institutional Changes in Rwanda underlying Reforms



Note: FFRP stands for the Forum for Rwandan Women Parliamentarians; MIGEPROFE is the abbreviation of the Ministry of Gender and Family Promotion.

Source: WBL data, accessed March 12, 2023.

The FFRP used these findings to emphasise the urgent need to address gender-based violence. The proposed law defined gender-based violence as “a heinous crime punished by law” and outlined civil remedies or criminal penalties for committing such crimes. Notably, the law states domestic violence against the spouse is a form of gender-based violence. After two years of parliamentary debate, Law No. 59/2008 on Prevention and Punishment of Gender-Based Violence came into place.

The passage of this law increased the WBL index for Rwanda in 2010 from 63.8 to 72.5, indicating favourable reforms with respect to sexual harassment at the workplace and domestic violence, providing additional legal rights for women (figure 2).

In addition to the law, the government adopted the National Policy against Gender-Based Violence in 2011 to promote an environment focused on preventing gender-based violence, helping vulnerable groups, improving accountability and eliminating impunity. The Strategic Plan for fighting against gender-based violence (2011-2016) and an anti- Gender-Based

Violence action plan aimed at trauma management were also put in place the same year (United Nations 2021).

6. Legislation on Heads of Household

Despite much work done in terms of legislative changes that give more economic and social freedom to women, there have been concerns about how much women have benefited from these reforms. An often-heard critique is that legislative changes promoting gender equality, such as the Succession Law of 1999, have led to intra-family conflicts since Rwandan men refuse to acknowledge the position of women as heads of households (Freeman 2016). Also, these legal reforms were not sufficient policy levers to address the societal practices which are embedded in gender inequalities (Debusscher and Ansoms 2013).

In response to concerns raised regarding progress in changing family practices, the government passed Law No. 32/2016 Governing Persons and Family (United Nations, 2022). The law gave women equal rights as men to be heads of households. Moreover, women were no longer forced to stay in their husband's house; they now had the freedom to choose where to live. Rwanda's WBL index increased from 72.5 to 78.1 in 2018 as a result of this law (figure 2).

Although the Labour Code of 2001 removed several discriminatory provisions in the field of employment, one remaining issue was the absence of a provision mandating equal remuneration for work of equal value to all workers irrespective of gender (United Nations, 2017). This gap became all the more important due to studies showing that women in poor countries tend to work longer hours than their male counterparts but earn less money (Verick 2014) and that inequality on the basis of gender contributes to poor growth outcomes in African countries (Blackden et al. 2007).

In response to this concern, Rwanda passed the Law No. 66/2018 that mandates all employers to pay their employees equally for work of equal value without any discrimination (Mwangi, 2019; United Nations, 2021). This raised the WBL index for Rwanda from 78.1 to 81.3 in 2020.

7. Conclusions

Rwanda is cited as an example for successful legal reform towards gender equality, being one of the fastest growing economies in Africa over the past two decades. Its progress becomes more impressive when one considers its neighbours, such as South Sudan and Congo, where women's legal rights are still nascent. The role of strong female leadership in the reconstruction of the ravaged nation forms a compelling narrative of women in politics and in business advocating for greater economic empowerment for all Rwandan women.

The circumstances that led to women achieving legal equality in economic and social issues are tragic. That tragedy motivates decisive policy action is documented in other episodes of economic history. The circumstances of Rwanda's progress towards gender equality are so extreme that they can hardly be used as an example for other nations. The useful part of Rwanda's narrative of reform is that once legal rights for women were put into place the economy did move towards a more sustainable development path.

Rwanda's example is also telling in how reform takes place in that the change was entirely driven by local actors – the women's association FFRP who promoted laws enabling women's freedom. The period of extraordinary politics after the civil war was captured by women and their political representatives in the Parliament.

Various parts of the United Nations system did help with advice, which proved pivotal at times of reform. In contrast, reform towards gender equality in Rwanda does not seem to have been part of projects by regional or international development institutions. This structure of legal reform support both demonstrates the primary value of domestic political will, but also the failures of the aid community to recognize essential parts of Rwanda's growth story.

The study of Rwanda's progress towards the equal legal rights of women sheds light on one actor that motivated such reform: a powerful political movement, spearheaded by a women's association (the FFRP), that demanded societal change. The basis for this change was laid in the law, notwithstanding the reticence of many development experts who considered legal change insufficient to drive change in practice. In the case of Rwanda, the combination of legal amendments and significant women's representation in the ranks of politicians and public servants ensured implementation of the law.

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