

ENHANCING STAKEHOLDERS' EFFORTS IN THE PREVENTION AND RESPONSE TO SGBV IN RWANDA

Policy brief

October 2022

Introduction

The Government of Rwanda (GoR) has made commendable strides in the fight against sexual and gender-based violence (SGBV). The GoR has put in place the legal and policy framework as well as the institutional framework to prevent and respond to SGBV. Further, several initiatives have been put in place by the GoR and its different partners in this regard. To begin with, the Constitution of the Republic of Rwanda of 2003, revised in 2015, guarantees the *inviolability of a human being*¹, and protects *everyone's right to physical and mental integrity*². The Constitution also prohibits any kind of discrimination or its propaganda, including that based on sex³. In light with the spirit and aspirations of the Constitution, some of the legal and policy instruments put in place include the National Policy against Gender-Based Violence and the National Gender Policy. Specific measures to prevent GBV are also included in the National Integrated Child Rights Policy, and the National Policy of Persons with Disabilities, among other policies. In addition to the policies put in place, different laws and regulations were also enacted including the law n°59/2008 of 10/09/2008 on prevention and punishment of gender- based violence; law n°68/2018 of 30/08/2018 determining offences and penalties in general, as amended to date; law n° 51/2018 of 13/08/2018 relating to the prevention, suppression and punishment of trafficking in persons and exploitation of others; and Prime Minister's order n°001/03 of 11/01/2012 determining modalities in which government institutions prevent and respond to gender-based violence. Some other laws and regulations also include specific provisions prohibiting SGBV such as the Organic law n°61/2008 of 10/09/2008 on the leadership code of conduct; Law n°66/2018 of 30/08/2018 regulating labor in Rwanda; Presidential order n° 021/01 of 24/02/2021 determining professional ethics for public servants; Ministerial Order N° 002/19.20 of 17/03/2020 establishing the List of Gross Misconduct, among others.

It is also worth noting that the National Policy against GBV puts in place an institutional framework for the implementation of the policy. At the national level, the institutional framework includes a Steering Committee and Two Technical Working Groups co-chaired by the Ministry of Gender and Family Promotion (MIGEPROF) and the Ministry of Health (MINISANTE). At the decentralized level, there are GBV and Child Protection Committees, both at the district and sector levels. Also, 44 Isange One Stop Centers (IOSC) have been established and operationalized across the country; IOSCs provide medical care, psychosocial support, legal services, relief and reintegration support. Further, other grassroots structures/mechanism have been put in place to contribute to the prevention of SGBV in the communities

¹ The Constitution of the Republic of Rwanda of 2003, revised in 2015, *Official Gazette n° Special of 24/12/2015*, art. 13.

² *Ibidem*, art. 14.

³ *Ibidem*, article 16.

such as *Inshuti z'Umuryango* (Friends of the family) and *Umugoroba w'Imiryango* (Families' evening). In addition, Rwanda National Police (RNP) set up an Anti-GBV and Child Protection Unit, Rwanda Investigation Bureau (RIB) created a GBV crime and child protection division, the National Public Prosecution Authority (NPPA) established a GBV Unit, whereas as the Rwanda Defense Forces (RDF) has a Gender Desk.

Different initiatives are also being implemented such as the 16 Days of Activism against GBV and the Gender Accountability Day which are being held every year in different districts across the country.

Despite all these commendable efforts of the Government and its partners, SGBV remains a serious challenge to the Rwandan society, like in many other societies. Data from NPPA indicates that 3,130 cases were received in 2016-2017, 4,592 cases received in 2017-2018, 5,563 cases received in 2018-2019, 7,004 cases received in 2019-2020, whereas 9,414 cases received in 2020-2021⁴. The current policy brief looks at some of the persistent issues/challenges regarding the prevention and response to sexual violence against young girls and teen pregnancy and offers recommendations on how to tackle those issues/challenges.

1. Loopholes in the legal framework on the prevention and punishment of SGBV: There are some loopholes in the existing legal framework on the prevention and punishment of SGBV which need to be addressed. For example, the law n°68/2018 of 30/08/2018 determining offences and penalties in general, in article 149 (paragraph 1), defines sexual harassment as *repeated* remarks or behaviour of sexual overtones towards a person that either undermine, violate his/her dignity because of their degrading or humiliating character which create against him/her an intimidating, hostile or unpleasant situation". The word *repeated* in the definition seems to suggest that a sexual harassment act or behaviour is *only* punished when it is *repeated*. This needs to be amended to align it with the internationally recognized definition of sexual harassment, which indicates that while sexual harassment typically involves a pattern of behaviour, it can as well be a single incident⁵. In other words, sexual harassment can be a one-off incident or a series of incidents. The GoR is also yet to ratify the ILO Convention on Eliminating Violence and Harassment in the World of Work No. 190, Recommendation No. 206, and the accompanying Resolution which is the main international legal instrument which promotes a world of work that is free from violence and harassment, and based on dignity and respect. Also, there is need to revision/update the National Policy against Gender-Based Violence (2011) so that it adequately responds and adapts to the current trends and developments in the GBV prevention and response. Some of the improvements that would need to be made on the current policy include updating the definition of psychological violence/abuse in the policy⁶ to make it comprehensive enough by including elements of *forced isolation, threats or intimidation, and other damages to self-worth or self-esteem*. Further, developments in the prevention and response framework against GBV since the adoption of the National Policy against Gender-Based Violence in 2011 call for the revision/updating of the policy. Some of these developments

⁴ Annual reports of the National Public Prosecution Authority (NPPA), <https://nppa.gov.rw/index.php?id=118>
Though reporting has been increasing, it is also worth noting that not all cases are reported.

⁵ See the UN Secretary General's Bulletin on Prohibition of Discrimination, Harassment, including sexual harassment, and abuse of authority (2008), and the ILO Convention on Eliminating Violence and Harassment in the World of Work No. 190, Recommendation No. 206, and the accompanying Resolution.

⁶ See definition of psychological violence on page 4 of the National Policy against Gender-Based Violence (2011).

include the community level structures and platforms that were put in place such as *Inshuti z'Umuryango* and *Umugoriba w'Umuryango*, but also the revised National Policy against Gender-Based Violence would help to streamline the coordination and collaboration of different existing structures and intervenors in the GBV prevention and response work.

Recommendations: MINIJUST, MIGEPROF, GMO, Rwanda Law Reform Commission (RLRC), and the Ministry of Public Services and Labour (MIFOTRA) should work together to ensure the implementation of following recommendations:

- Amend article 149 of the law n°68/2018 of 30/08/2018 determining offences and penalties in general to align the definition of sexual harassment with the internationally recognized definition;
- Ratify the ILO Convention on Eliminating Violence and Harassment in the World of Work No. 190, Recommendation No. 206, and the accompanying Resolution;
- Update the existing National Policy against Gender-Based Violence (2011).

2. Domestication of GBV-related commitments in the local administration's plans: RCS commends the Government's efforts to ensure the domestication of GBV commitments in the national, sectorial, institutional, and districts' plans and budgets, through for example the preparation of the Gender Budget Statements (GBS) and the introduction of the Gender Accountability Days in districts. However, more efforts need to be done to ensure the effective domestication and mainstreaming of GBV prevention and response commitments within the districts plans and budgets. Reports indicate that districts usually stop at the identification of GBV issues, but there is no comprehensive gender analysis conducted to inform better planning of the GBV interventions⁷. Due to this lack of a comprehensive (gender) analysis, little budget is usually allocated to GBV prevention and response activities/initiatives.

Recommendations: MINALOC, RGB, District authorities, GMO, the National Institute of Statistics of Rwanda (NISR) and CSOs should support in the implementation of the following recommendations:

- Districts should conduct gender analysis to inform better planning and budgeting;
- Make GBV specific indicators part of sector and district performance evaluation (IMIHIGO);
- Strengthen the capacities of districts staff to conduct gender analysis and effectively integrate GBV commitments into the districts plans and budget;
- Build the capacities of members of the cell, sector and district advisory councils on Gender and GBV prevention and response to ensure they effectively conduct their oversight role at their relevant administrative level for effective implementation of the national GBV commitments.

3. The culture of silence, negative solidarity, and cyberbullying: Though the GoR and its partners have invested commendable efforts in awareness raising on the GBV scourge, which has, among other things, contributed to the increased report of GBV cases. However, reports have also continued to indicate that

⁷ Women for Women International, United Towards a Rwanda Free from Gender-Based Violence: Analysis of GBV policy implementation gaps, p.10, 2018.

the culture of silence and cover up on GBV is still there in the community⁸. The major factors that contribute to the persistence of this culture of silence are the economic dependence of the victim on the perpetrator and the fear of stigma⁹. As noted by the MIGEPROF report, due to the culture of silence, families prefer to resolve GBV cases within and among themselves, which compromises reporting, service seeking, and justice for survivors¹⁰. Negative solidarity, sometimes involving authorities (especially at the local level)¹¹, as well as cyberbullying for the victims and/or reporters/denouncer of GBV behaviors or cases¹² have also been observed which hinder the effectiveness of GBV prevention and response efforts.

Recommendations:

- The GoR should intensify its poverty alleviation efforts to enable the population escape consequences that come with poverty. Considering that majority of the victims of SGBV are women and girls, targeted interventions from GoR and its partners aimed at reducing women's dependence on men/husbands, and empowering girls should be increased.
- MINIJUST, RIB, NPPA, NCSA, RURA, and non-governmental organizations should enhance their efforts in raising awareness of the internet users, especially social media users, on the cybercrimes, as provided for by the law, in the framework of prevention, and on the rights of the victims of such crimes, including reporting for prosecution purposes.
- Gender machinery institutions, local authorities, and non-governmental organizations should intensify their efforts in sensitizing community members on the legal obligation and importance of reporting GBV crimes, both to the victim and the society in general. Awareness should also be done around existing reporting mechanisms, services provided to victims, and how those services can be accessed. Also, those caught in the cover up should be punished, according to the law, so that it acts as a deterrence to others.

4. Limited GBV-related services and support: Though the government, through RIB and NPPA, prosecutes the perpetrators of the GBV crimes, there is no legal support provided to the GBV victim to follow up on the civil damages¹³. Also, despite calls to expand the scope of article 3 of the Ministerial Order n°133/MOJ/AG/18 of 04/06/2018 on court fees in civil, commercial, social and administrative matters, which exempted some GBV cases from paying Court fees, to cover all GBV cases¹⁴, the said article (3) was repealed, with no replacement, in the new Ministerial Order N° 17/MOJ/AG/20 of 30/10/2020

⁸ See Ministry of Gender and Family Promotion (MIGEPROF), Study on Knowledge, Attitude and Practices on GBV, Perceived GBV root causes and IOSC service delivery, 2019. See also, Republic of Rwanda, BEIJING +25 Rwanda Country Report, 2019.

⁹ Ministry of Gender and Family Promotion (MIGEPROF), Study on Knowledge, Attitude and Practices on GBV, Perceived GBV root causes and IOSC service delivery, 2019, P.54 and 93.

¹⁰ *Idem*, p. 11, 54, 64, 65, 90, 93. See also, Republic of Rwanda, BEIJING +25 Rwanda Country Report, 2019, p.18.

¹¹ Rwanda Civil Society Platform (RCSP), Analysis of the Implementation of National Policy against Gender-Based Violence Policy/Prevention Section in Rwanda: Case Study of Gakenke, Nyamagabe, Nyanza, Nyaruguru & Rulindo Districts, 2018, p.34.

¹² <https://taarifa.rw/miss-rwanda-proprietor-charged-with-rape-sexual-harassment/> See also Paradigm Initiative, Rwanda Digital Rights and Inclusion Report, 2022.

¹³ Haguruka, Preliminary Assessment of Justice Chains and Attention Routes dealing with GBV, 2019, p.44.

¹⁴ Haguruka, Preliminary Assessment of Justice Chains and Attention Routes dealing with GBV, 2019, p.44.

determining court fees in civil, commercial, labour, administrative and criminal matters. Further, there is still an issue of the centralized nature of the financial support meant for victims of GBV. This support is still managed managed and controlled at central government level, where by the district has to always make a request to the Ministry of Finance and Economic Planning (MINECOFIN) in order to assist the victim of GBV¹⁵, which delays the urgently much needed support by GBV victims. Further, reports indicate that there is limited information sharing and provision of feedback to the victim once the case gets into the hands of RIB, which is against the right of the victim to be informed of the her/his medical results from IOSC and the progress of her/his case from RIB, and NPPA¹⁶. It has also been noted that the reintegration of both victims and perpetrators in the society is still wanting mainly due to a weak follow up mechanisms which leads to stigmatization, social exclusion, depression and recidivism mainly for the perpetrators¹⁷.

Recommendations: MNIJUST, RIB, NPPA, and the District Authorities (which oversee IOSCs) should:

- Ensure *pro bono* legal representation for GBV victims, even in civil cases;
- Streamline information sharing and ensure the provision of feedback to the GBV victim at all levels of their case;
- Reinstate and expand the provision related to the waiver of Court fees in GBV cases (to cover all GBV cases).

¹⁵ *Ibidem*

¹⁶ Haguruka, Analysis of the Effectiveness of the Implementation of the Rwandan Key Gender Equality Related Laws

¹⁷ MIGEPROF, Revised National Gender Policy: Accelerating the Effectiveness of Gender Mainstreaming and Accountability for National Transformation, 2021, p.40-41.