



The LAT analyses national legal frameworks across 30 legal indicators to provide prompt, targeted and effective policy support to Member Countries to achieve gender-equitable land tenure. The list of indicators below reflect to what extent a country has incorporated the indicator in their national legal framework. The results are shown in different colour ranges on a scale from 0 (absence of the indicator in the legal framework) to 4 (the indicator appears in multiple legal instruments).

Le LAT analyse les cadres juridiques nationaux à travers 30 indicateurs dans le but de formuler des recommandations rapides, ciblées et efficaces aux pays membres, pour des régimes fonciers équitables entre les sexes. La liste d'indicateurs reflète le stade d'un pays à l'égard de l'indicateur et son incorporation dans le cadre politique et juridique national. Les résultats sont présentés dans différentes couleurs et sur une échelle de 0 (absence de l'indicateur dans le cadre juridique) à 4 (l'indicateur a été intégré dans plusieurs instruments juridiques).

La herramienta LAT analiza el marco legal de los países a través de 30 indicadores legales con el fin de dar asesoría rápida, focalizada y oportuna a los Países Miembros de la FAO. El objetivo de este ejercicio es el de avanzar la tenencia equitativa de la tierra en cuanto al género. La lista de indicadores muestra la etapa en la que se encuentra el país en cuanto a la integración de este indicador en el marco legal nacional. Los resultados se muestran en diferentes colores y en una escala que va de 0 (ausencia del indicador en el marco legal) a 4 (el indicador está integrado en diversos instrumentos jurídicos).

Rwanda

Key element 1: Ratification of human rights instruments		Yes/No	Basis
1	The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is ratified.	Yes	N/A
2	The African Charter on Human and Peoples' Rights (ACHPR) is ratified.	Yes	N/A
3	The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) is ratified.	Yes	N/A



Key element 2: Elimination of gender-based discrimination in the Constitution		Stage	Basis
4	The Constitution prohibits gender-based discrimination.	3	The Constitution, 2003 Article 16
5	The Constitution recognises customary law but states that gender-based discrimination in customary law is superseded by the principle of non-discrimination in the Constitution.	3	The Constitution, 2003 Article 201
6	The Constitution recognises religious law but states that gender-based discrimination in religious law is superseded by the principle of non-discrimination in the Constitution.	N/A	N/A
7	The Constitution promotes the adoption of special measures for the advancement of women.	3	The Constitution, 2003 Articles 9, 76 and 82
Key element 3: Recognition of women's legal capacity		Stage	Basis
8	Men and women have the ability to conclude contracts under the same basic conditions, rights and obligations.	4	Loi No. 42/1988. Titre Préliminaire et Livre Premier du Code Civil, Article 212 *** Organic Law No. 08/2005 of 14/07/2005 determining the use and management of land in Rwanda, Article 4



Key element 4: Gender-equality of rights with respect to nationality		Stage	Basis
9	Men and women are able to apply for identity documents under the same conditions.	4	Presidential Order N° 21/01 of 27/05/2009 establishing the Procedure for the application and acquisition of Rwandan Nationality
10	A female national can confer citizenship to her non-national spouse under the same conditions as a male national.	4	Organic Law No. 30/2008 of 25/07/2008 relating to Rwandan Nationality, Article 11 And implementing decrees
11	Women can confer citizenship to their children under the same conditions as men.	4	Organic Law No. 30/2008 of 25/07/2008 relating to Rwandan Nationality, Article 6 And implementing decrees
Key element 5: Gender equality in property rights		Stage	Basis



12	The law recognises gender equality in the right to own or control property regardless of the type of marriage.	4	The Constitution, 2003 Article 29 *** Organic Law No. 08/2005 of 14/07/2005 determining the use and management of land in Rwanda, Article 4 *** Law No.43/2013 of 16/06/2013 governing land in Rwanda, Article 4
13	The law recognises full or partial community of property as the default marital property regime.	3	Law No. 22/1999 of 12/11/1999 regarding matrimonial regimes, liberalities and successions, Article 2
14	Spousal consent is mandatory for any transaction involving matrimonial property.	3	Organic Law No. 08/2005 of 14/07/2005 determining the use and management of land in Rwanda, Articles 35 and 38



15	The law establishes a presumption of joint ownership of property in consensual unions.	2	Draft Law governing persons and family Article 159
16	The legal framework includes special measures to guarantee women’s equal rights to land ownership and control.	3	Ministerial Order N°002/2008 OF 01/4/2008 determining modalities of land registration, Article 3
Key element 6: Gender equality in inheritance		Stage	Basis
17	The surviving spouse is granted user rights to the matrimonial house for life.	2	Draft Law regarding matrimonial regimes, family donations and successions, Article 89 But conditional upon the surviving spouse having had children with the deceased But granted under the 1999 law on successions
18	Under the law of succession, the surviving spouse is entitled to a minimum share of matrimonial property.	2	Draft Law regarding matrimonial regimes, family donations and successions, Article 69



19	The law allows partners living in consensual union to inherit from each other.	2	Draft Law governing persons and family, Article 159
20	Brothers and sisters have an equal right to inherit.	2	<p>Law No. 22/1999 of 12/11/1999 regarding matrimonial regimes, liberalities and successions, Article 50</p> <p><i>Caveat for illegitimate children</i> ***</p> <p>Draft Law regarding matrimonial regimes, family donations and successions, Article 45</p> <p><i>Removes the distinction between legitimate and illegitimate children</i></p>
21	Brothers and sisters receive an equal share of inheritance	2	Draft Law regarding matrimonial regimes, family donations and successions, Article 45
22	A right to compensation of other siblings giving up their claims on the family property exists.	2	Draft Law regarding matrimonial regimes, family donations and successions, Article 88



Key element 7: Gender-equitable implementation, dispute mechanisms and access to justice		Stage	Basis
23	Decentralisation of land administration services is effected through recognised customary land institutions.	3	Organic Law No. 02/2010/OL of 09/06/2010 on organisation, jurisdiction, competence and functioning of the mediation committee, Articles 8 and 9
24	Decentralisation of land administration services is effected through formal land institutions.	3	Law No. 87/2013 of 11/09/2013 determining the organisation and functioning of decentralized administrative entities, Article 133
25	The law guarantees equality before the law.	3	The Constitution, 2003 Article 16
26	The law guarantees equal access to judicial systems and statutory or customary dispute resolution mechanisms to resolve disputes over tenure rights.	3	The Constitution, 2003 Article 16
27	The law makes provision for legal support in civil procedures.	3	Law No. 3/97 of 19/3/1997



28	A human rights commission or gender-specific institution is in place.	4	<p>Law No. 37/2003 of 31/12/2002 establishing the National Human Rights Commission ***</p> <p>Law No. 27/2003 of 18/08/2003 determining the organization, attributions and functions of the National Women's Council</p>
Key element 8: Women's participation in national and local institutions enforcing land legislation		Stage	Basis
29	The law sets quotas for the appointment of women in land management and administration committees.	3	<p>The Constitution, 2003 Article 9 <i>But not uniformly integrated in the legal framework</i> ***</p> <p>Supported by the National Gender Policy, 2010</p>



30	The law sets quotas for the appointment of women in land dispute resolution committees.	3	<p>The Constitution, 2003 Article 9 <i>But not mainstreamed in the Draft Organic Law modifying and complementing Organic law No. 02/2010 of 09/06/2010 on organisation, jurisdiction, competence and functioning of the mediation committee</i> *** Supported by the National Gender Policy, 2010</p>
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