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**Women's land rights after land titling: Successes
and challenges in Rwanda**

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WOMEN'S LAND RIGHTS AFTER LAND TITLING: SUCCESSES AND CHALLENGES IN RWANDA.

- Originally, Rwanda like many African countries, rights of women over land was not acknowledged.
- The right to land was by default men's right.
- In post genocide Rwanda, there was many women headed families and thus, legal challenges regarding succession, since land succession at the time was prerogative rights of men
- There was a political will to solve this problem and a new law that grants equal succession rights was passed in 1999 (Repealed by new law family law 2016)

CONT'N

- From 2004, Rwanda started an ambitious plan of land reform
- Land policy was adopted, that paved way for land law which was the first of its kind that Rwanda had had.
- These laws provided ways through which land will be managed and administered
- Land registration became mandatory
- Rwandans have right to own land without any form of discrimination
- Civil monogamous marriage between a man and a woman is the only recognized

PROBLEM STATEMENT

- clearly prescribes the respect and recognition of land rights for men, women, and heirs without any discrimination based on sex
- All forms of discrimination, such as that based on sex or origin, in relation to access to land and the enjoyment of real rights shall be prohibited
- The right to land for a man and a woman lawfully married shall depend on the matrimonial regime they opted for
- Family law grants equal inheritance rights to male and female children of the deceased's property.

PROBLEM STATEMENT CONT'N

- Notwithstanding the above legal instruments that provides right to equal access and use of land without any discrimination based on sex, given the fact that land in Rwanda is registered and people both women and men have their land titles, still there has been on-going cries of women on mistreatment and harassment based on land. A study to see how women enjoy their land rights after land titling was necessary

METHODOLOGY

- The data collection applied the combination of both primary and secondary data source collected during fieldwork. Primary data were collected through interviews and Focus group discussion (FGD). Secondary data were collected from public and semi-public institutions like sectors, districts, mediation committees
- collecting primary data was carried out in Eastern Province and Northern Province
 - * In Eastern Province where there is still large pieces of land privately owned compared to other parts of the country, and this meant many transactions due to immigrants – selling and buying.
 - * Northern Province was chosen simply because the place is well known for practicing polygamous marriage than other parts of the country

RESULTS

- With regards to different clauses regarding the protection and recognition of widow and female children's rights over land as stipulated in the new land law, land policy, inheritance law, and the national constitution, there is optimism that its implementation should increase the security of tenure for those people.
- LTRP gave women/wives rights to be registered on land certificates with the equal percentages of rights with men/their husbands
- Land rights cannot be transferred without the prior consent of the wife in the family

RESULTS CONT'N

- LTRP has executed what is provided for by the law by safeguarding the Equality and equity in access to and use of land
- LTR programme also provide a total Security of tenure (the recognition of women and female orphans' rights by the community and the freedom of widows and female orphans in the using and transferring their rights over land through donation or sale)

RESULTS CHALLENGES

- However much, the benefits of LTR programme, there are still different challenges as regards to the LTRP provisions in particular for women in Rwanda. These challenges vary from societal perspectives and legal provisions as explained below.
- **Socio-cultural beliefs**
- **Cohabitation families**
- **Polygamous marriages**
- **Lack of Information and Ignorance to rural women**

SOCIO-CULTURAL BELIEFS

- Legally speaking, both wives and husbands has equal rights over land especially when its registered in their names, but it's only the husband that takes a decision regarding use and dispossession of that right

Example 1. Mr. Murinzi is married to Kabanyana under community of property as a matrimonial regime, they are blessed with four children, and they own two different parcels of land. One is 10 hectors and its land use is livestock and the second is 1.5 hector and its land use is Agriculture. Murinzi decided to sell the later claiming it to be far away from his farm and thus, limits him from taking care of his cattle. Kabanyana protested this claiming that the land in question was near the school where their children would access education with ease and thus refused to sign. Murinzi reacted furiously and decided to chase Kabanyana from his house. The matter was later resolved by land bureau staff after Kabanyana's relative brought up the issue.

COHABITATION FAMILIES

- These are instances where a woman is not legally married but is living together with the man and they have children. During land registration some women managed to register themselves on the parcel and thus, got their land rights.
- However, there many instances where men prohibited their illegal wives from being registered on their land and thus, the land were registered under the husband as the sole proprietor. In such state of affairs, the wife may find herself landless because the husband has the right to sell the land without consulting his wife.

Example 2. Mr. Bernard has been living together with Marie Claire as a wife and husband though not legally married as was narrated by their neighbors and local authority in Kabura cell, Kabarondo sector, Kayonza district in Eastern Province. They are blessed with two children. They own two houses, the one they live in and the other they have been renting, though all are registered in the names of Bernard. He recently mortgaged one house in the bank and later failed to honor the debt. Due to the nature of the debt and failure to honor payment, there was auction and Marie Claire tried to stand against it but she was legally challenged by the bank, since she was not a legal wife of Bernard and thus was not supposed to be a party to the contract between the bank and Bernard. So, the two houses were both auctioned.

This case of cohabitation also has negative effects on a woman in case of separation because; she normally has no legal rights to claim any portion of land in case it's registered in the names of the man only.

POLYGAMOUS MARRIAGES

As stated above, the Rwandan law only recognizes monogamous (one man one woman) as the sole legal marriage. However, experience has proved that polygamous marriage is still common and the law does not provide any solution regarding the protection of women who may find themselves under this marriage

Example 3: Hishamunda is a 45 man who migrated to Kayonza district from Musanze district Northern Province. During mass mobilization targeting people who not legally married to legalize their marriages, he decided also to legalize his. He was cohabitating with three wives, two were still in Northern Province and he lived with one who seemed to the young one in Kayonza, and thus, decided to enter into matrimonial regime of community of property with the young one. The remaining two wives protested against it, because they claimed having a share in the property Hishamunda had. And that was three parcels of land in Musanze two houses and a parcel in Kayonza district. In trying to mediate the parties, all land was registered differently, Hishamunda himself had shared the land to his wives and he registered himself with each wife on each parcel. Meaning he appeared to each parcel, he gave to each wife. Now the question remained what will happen if he legalizes his marriage with one wife under community of property as he wished? This will bring conflict into the family because it legally gives the legal wife automatic rights to the land owned by other wives of Hishamunda.

with regard to this example of Mishrajiunda, it's true that other wives had contributed to the family wealth and this can be evidenced by the fact that he even allowed them to be registered on the property as the co-owners, but his intention to legalize the marriage with one wife, will bring another challenge of giving that land rights to another woman by virtue of marriage. This will be problematic during succession where all children will be required to succeed his father

- Notwithstanding the provisions of law regarding the rights to a legal married woman, Rwanda is also “committed to ensuring equal rights between Rwandans and between women and men without prejudice to the principles of gender equality and complementarity in national development”. Thus, irrespective of the illegal marriage they contracted, they need to be protected by the law
- For example, the issue of polygamy is a socio-cultural issue that was practiced in Rwandan society pre-colonial, colonial and post-colonial area even after the introduction of Christianity. But the law does not provide for fate and protection of those who was under polygamy before it was illegalized.

LACK OF INFORMATION AND IGNORANCE TO RURAL WOMEN

- There are some cases where rights of illiterate widows and female orphans are still denied by their relatives, because those widows and female orphans are not aware about what is the status of the current laws in terms of their rights with regards to succession and inheritance.
- Many women think that they can have rights over land if their relatives provide them such rights, and do not have any information about the way to claim and defend their interest in land.

CONCLUSION

- Rwandan government has established legal systems which protect women against land grabbing, has constituted a substantial component towards the recognition of their rights over land
- There is a need to empower women and female for them to have more capability to defend themselves against the practices of land grabbing and/or land deprivation by giving them more trainings on their land rights as enshrined in the land laws

CONCLUSION

- ~~Putting into consideration, different laws and policies by~~
Rwandan government to ensure gender equality in access to and use of land, having registered the land and women got right to land through land titling, different challenges still hinder women from total enjoyment of their rights. Most of these challenges are related to the social, cultural, beliefs and norms within Rwandan communities.
- Women's access to land and enjoyment of these rights is attached to their relationship with their husband.