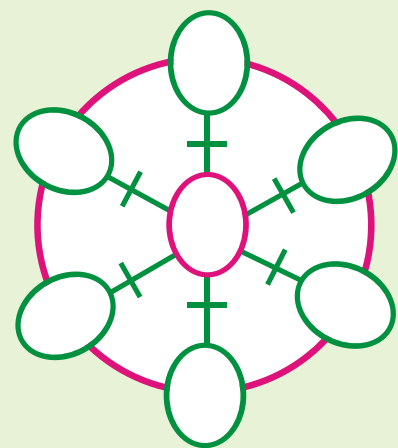


Experiences of Women in Asserting their land Rights: The case of Bugesera District

Research Report
March 2011



Rwanda Women's Network



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Research Report

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EXECUTIVE SUMMARY

The report presents the results of a study titled 'Experiences of Women in asserting their Land Rights: the case Bugesera District, Rwanda'. The objectives of this study were to; identify women experiencing challenges in securing access and control over land, document their experiences in fighting for these rights, identify impediments to fair settlements of land disputes involving women and together with the women, devise strategies to enforce and protect women's rights to land ownership as provided under the statutory law. The research was conducted in two Sectors in Bugesera District in the Eastern Province of Rwanda. Participants were mostly women involved in various land disputes, Mediators (*Abunzi*), members from the courts as well as local leaders of the study area.

The findings indicate that customary practices regarding inheritance are still widely practiced in Rwanda alongside the new legislations that give equal land rights to men and women.

The study employed both qualitative and quantitative methods at different levels. A total of 147 women who had reported cases to the court (77) and *Abunzi* (70) since 2005 were identified from records of these respective institutions using a standard extraction form. Of these, 50 women were traced and interviewed using structured questionnaires and later on four women had their narratives recorded. Land administrators provided supplementary information to that of the women through participating in Key Informant Interviews and Focus Group Discussion Meetings.

The findings indicate that customary practices regarding inheritance are still widely practiced in Rwanda alongside the new legislations that give equal land rights to men and women. Also, most of the disputes involving women are resolved by the *Abunzi* which is outside the traditional oriented councils at the family and village level. Women view the family council and the village / *umudugudu* as biased and are highly susceptible to prejudice.

There are indications of increasing awareness of land rights among women. However, they still suffer a number of challenges in asserting these rights particularly lack of necessary assistance in pursuing these rights. The way forward for Rwanda is for advocacy to focus on points that have greater capacity to affect women's land rights including adequate facilitation of these institutions that must be supported to become more effective in their functions and setting up community land information systems to check unlawful land transactions.



Table of Contents

1	INTRODUCTION.....	1
1.1	Background.....	1
1.1.1	The context of Women's Land Rights in Rwanda.....	2
1.1.2	Women's Land rights under the Legal Framework.....	2
1.1.3	Institutional Framework for Land Administration.....	3
2	RESEARCH METHODOLOGY.....	5
2.1	Scope of Coverage.....	5
2.2	Data Collection Methods and Tools.....	6
2.2.1	Data Extraction.....	6
2.2.2	Household Survey.....	6
2.2.3	Narratives.....	6
2.2.4	Focus Group Discussion Meetings (FGDs).....	6
2.2.5	In-depth Interviews.....	6
2.3	Limitations of the study.....	6
3	PRESENTATION AND DISCUSSION OF RESULTS.....	7
3.1	Nature of land disputes in which women are involved.....	7
3.2	<i>Women's Experiences in the Resolution of Land Disputes</i>	8
3.2.1	<i>Profile of Respondents</i>	8
3.2.2	<i>Particulars of Disputes in which the Women were Involved</i>	8
3.3	Handling of disputes.....	9
3.3.1	<i>Reporting of Dispute</i>	9
3.3.2	<i>Challenges faced by Women in Asserting their Land Rights</i>	11
3.4	<i>Suggestions on strategies to protect of women's land rights</i>	12
3.5	<i>Capacity and Challenges faced by Abunzi (Mediators) Committees</i>	23
4	CONCLUSIONS AND RECOMMENDATIONS.....	14

ANNEXES.....	15
Annex I: Data Extraction Form.....	16
Annex II: Survey Questionnaire.....	17
Annex III: FGD Guide.....	29

List of Tables

Table 1: Scope of Coverage.....	5
Table 2: Nature of Land Disputes involving Women.....	7
Table 3: Marital Status and education level of respondents.....	8
Table 4: Profile of cases followed up.....	9
Table 5: Reasons for reporting first to institution.....	10
Table 6: Reasons for rating outcome.....	10
Table 7: Perceptions of the dispute resolution institutions.....	11

List of Figures

Figure 1: Trend of reporting cases by women.....	8
Figure 2: Challenge that would be faced in resolving disputes.....	11
Figure 3: Suggestions on how to enforce women's land rights.....	12



1 INTRODUCTION

Rwanda has since 1999 put in place a progressive statutory regime that recognizes and protects women's rights to own and inherit land. However there are indications that, what is on paper is not what is practiced on the ground especially at implementation level (IDRC: 2007). In addition, policy makers and the institutions that are supposed to reinforce the implementation of the law do not recognize customary practices; although, this remains the dominant framework which communities continue to use to address land access, control and ownership.

This suggests that there are gaps between laws and policies on the one hand and practices on the other. This defeats the purpose for which the provisions were enacted and implies continuation of un-favorable practices to women that increase their vulnerability. Rwanda Women's Network (RWN) carried out a study to assess the women's experiences in the implementation of laws that protect their rights in Bugesera District. The objectives of this study were to; identify women experiencing challenges in securing access and control over land, document their experiences in fighting for these rights, identify impediments to fair settlements of land disputes involving women and together with the women devise strategies to enforce and protect women's rights to land ownership as provided under the statutory law.

The study was funded under a small grants program titled Securing women's access to land: Linking Research to action¹ under the auspices of IDRC and ILC and coordinated by MISR. This report arising out of the study comprises four sections arranged as follows; first is the introduction whose proceeding sub section presents the context of women's land rights in Rwanda defined by customary practices, statutory law, history (pre and post conflict) and associated discourse. The second section presents the methodology of the study as well as the scope of coverage while the findings are presented and discussed in section three. Section four presents the conclusions and recommendations of the study.

1.1 Background

Rwanda Women Network (RWN) began its program on women's rights to land, housing and inheritance through its outreach to victims of rape and other violent crimes program as well as providing shelter to women survivors of the 1994 genocide and returnees who were homeless. RWN also provides training on new laws that affect women's rights to ownership and control of property through the inheritance law and the land policy and law.

RWN has in place a network of community paralegals trained to train others, assist women and children with different property, inheritance and gender based violence cases, act as community monitors, etc. Nationally, RWN also belongs to different advocacy networks for advocacy purposes for example Profemmes/Twesehamwe (umbrella organization for women's organizations), Landnet-Rwanda, Legal Aid Forum and Rwanda Women Legal Policy Task Force.

Bugesera, the District in which this study was implemented was hard hit by the 1994 genocide and its effects continue to this day with more refugees still returning and being resettled within the District. RWN established a center for women survivors of sexual and gender based violence in the area in 2007. From the different conversations with the women, it is clear that they have limited awareness of their rights, the laws and structures intended to protect them. RWN has also observed that court decisions favoring women tend never to be implemented. In the end it becomes a vicious cycle and women give up in frustration or continue incurring unnecessary costs.

In line with this view, the strategy of this study was to review records of formal land administration institutions in Rwanda including the Court and *Abunzi*¹ with the view of identifying land related cases that had been reported by women. These women would then be followed up to document their experiences in trying to assert their rights of access and control over land. This was of course within the parameters of time, resources (financial and personnel) as well as traceability. Information from members of these two institutions also gave greater insights into the challenges women face from a different view point.

1.1.1 The context of Women's Land Rights in Rwanda

Land scarcity in Rwanda, is a huge problem mainly due to population density and the fact that the country is more than 80% dependant on agriculture. To make matters worse, the 1994 genocide had profound repercussions on the demographic structure of the country. Today, women constitute approximately 53% percent of the adult population and 50% of these are widows. Women continue to face the impact of genocide; for example 34% of all households in Rwanda today are headed by women. Of the Rwandan population infected with HIV, over 50% are women. The long and protracted conflict since 1959 also caused mass movements of people creating two

1.A dispute mediation body that has its roots in tradition but was formalized by the enactment of Organic Law No. 31 in 2006 which sets out its organization, jurisdiction, competence and functioning. There is however a debate on whether the *Abunzi* is a formal or informal institution. The latter position appears to be Premised on the fact that its rulings must be endorsed by a formal court to be binding.



types of refugees i.e. those from 1959 and 1994. Some of the refugees returned home and found their land was taken over, claimed by others or given out for resettlement by local officials. On the other hand, illiteracy remains relatively high with 36% of the population aged 15 years and more cannot read and write; only 4% women can read (RGPH 2002).

The discourse and indeed advocacy agenda on women's land rights in Rwanda has been greatly affected by a history of conflict (first in 1959 and more recently in 1994) and the post genocide reforms that have followed. These include allocation of land and resettlement, legal and policy reforms².

1.1.2 Women's Land rights under the Legal Framework

In recent years, Rwanda has been undergoing major land use and land management policy reforms. These laws and policies affect women and gender relations in significant ways. For example, in 1999 Rwanda passed the "Inheritance and Succession Law" that compliments the 1960 Civil Code instituting part five regarding "matrimonial regimes, liberalities and successions". The code explicitly grants equal inheritance rights to male and female children and allows a wife to inherit her deceased husband's property. The law defines three different property regimes that are possible in marriage i.e. community of property, limited community of property and separation of property. Upon marrying, a couple must choose between these three regimes.

The aforementioned code has greatly enhanced property rights for women, however, it has weaknesses e.g. it protects monogamous civil marriages yet a big number of women are in cohabitation / consensual unions and polygamous marriages. In addition while the law sees men and women as equals, men are in a more powerful position in terms of interpreting laws, decision-making and inheriting land; the mentality is that land belongs to men³.

By law radical title to land in Rwanda has been vested in the state since 1976, from when land ownership rights were only recognized for the very small proportion of land registered formally under written law⁴. In practice, however, the majority of land in Rwanda has always been managed in accordance with local land tenure practices even though practices have changed over time,

and particularly since the 1994 genocide⁵.

Following a long period of public consultation on land issues after the genocide, Rwanda passed the National Land Policy in February 2004 and in July 2005 the new Organic Land Law determining the use and management of land (Republic of Rwanda 2005). The law greatly enhances the tenure security of ordinary Rwandans, giving them rights of long-term lease (99 years, renewable) to their land and stipulating that all land in Rwanda must be formally registered⁶.

What is important to note here is that the Land law states that women and men have equal rights to land. Land can be transferred by succession, lease, sale and mortgage. Final land rights cannot however be transferred without the prior consent of all family members which include legally married spouses and adult children. Consent is provided by submitting a document signed by the family members which has been before a registrar of civil status or the registrar of land. Registration of land is obligatory. Every landowner is required to obtain a certificate to verify his or her ownership of the land. Registration of land is decentralized. Depending on its classification as either rural or urban land, registration is managed by either a commission of the relevant urban municipality or the relevant rural district.

In November 2005, the "National Land Tenure Reform Program" based in the former Ministry of Land and Settlement (MINITERE), was charged with making the overall strategic preparations for the implementation of the national Land Policy and the Organic Land Law, including the conduct of extensive fieldwork through consultations and subsequent land registration field trials. The office of the Registrar of Land Titles was established in 2006⁷. One Registrar of Land Titles and five Deputy Registrars were appointed, sworn in and began functioning at the start of 2007, and following a major recruitment drive in 2007. Also, the National Land Center began operations at the start of 2008.

Other laws and policies that are relevant to women's land and inheritance rights include the Constitution of 2003, the National Policy on Gender updated regularly since 2001 and the National Policy on Environment of 2005

2. The matrimonial act of 1999, the organic law 2005, inheritance, land policy etc

3.IDRC Scoping Study for East Africa on Women's Access and Rights to Land and Gender Relations in Tenure 2007 Chapter on Rwanda (pg 27)

4.Decree-Law on the purchase and sale of customary rights over land or rights of occupation No 09/76 of 04/03/76, National Land Policy, Jones L. 2000 "The Evolution of Property use in Rwanda".

5.Musahara, H & Huggins C. 2005 "Land reform, land scarcity and post-conflict reconstruction: a case stud of Rwanda"

6.Articles 5, 24, 25, 27, and 30 in the Organic Law No 08/2005 of 14/07/2005 Determining Use and Management of Land in Rwanda, and Presidential Order No 30/01 of 29/06/2007 Determining the Exact Number of Years of Land Lease. Note that the latter is one of over twenty pieces of secondary legislation required for the full implementation of the Organic Land law, most of which have not yet been gazetted, and many of which have not yet even been drafted.

7.Presidential order No 53/01 of 12/10/2006- Determining the Structure, the Powers and the Functioning of the Office of the Registrar of Land Titles.



1.1.3 Institutional Framework for Land Administration

Rwanda is moving towards decentralization and as such a number of functions have been devolved to provincial administration under which are districts, sectors, cells and villages. The center is mainly charged with policy formulation as well as oversight while the lower levels of government are responsible for management and administration of land.

The institutional framework for land administration in Rwanda comprises two tiers: the informal and the formal, with the former being lower than the latter. Land disputes are required to first go through the informal institutions: family court, village court, cell executive committee (*Abunzi*). It should be noted that there is no formal, legally-prescribed process a party must follow for dispute resolution below the *Abunzi*. In practice, however, parties go through certain local processes to resolve land disputes before going to the *Abunzi*.

The land administration institutions provided for under the law include:

- **Family Council:** This is where disputes within the family are first reported and is recognized by the Civil Code and the Succession Law.⁸ The composition and functioning of the Family Council varies by region, following common practice and custom.⁹
- **Umudugudu (Village) Executive Committee:** This is where parties unsatisfied with the decision of the family court can appeal. It is also where interfamily and other disputes out of the family are first reported. A USAID study conducted in Kabushinge and Nyamugali found that “[t]here is a general perception among the population that the *umudugudu* decisions can be biased and influenced by personal relationships with one of the parties or their relatives”.
- **Cell executive committee:** The cell executive committee is a

multi-purpose local governmental body and works closely with the district and sector levels. One of the cell executive committee's main responsibilities is the resolution of disputes.¹⁰ The parties can present their dispute before the cell executive committee once the village committee's (*umudugudu*) report detailing the dispute and its decision has been done.¹¹

- **Abunzi (Mediation) Committee:** After a party has exhausted local land dispute resolution mechanisms, he or she may go to the *Abunzi*, the mediation committee at the cell level.¹² In Bugesera, a party must first seek relief from the *Umudugudu* and cell authorities before bringing his or her claim to the *Abunzi*. The *Abunzi* is the only local dispute resolution mechanism whose formal, statutory mandate¹³ is resolution through mediation.

With respect to land disputes, the *Abunzi* can exercise jurisdiction related to land and other immovable property whose value does not exceed three million Rwanda Francs. It also has jurisdiction over family disputes of an un-civil nature.

Courts: Beyond local dispute resolution mechanisms and the *Abunzi*, parties may access formal courts for resolution of land disputes. They are ordered as follows; from lowest to highest: Lower (First) Instance Courts, Higher Instance Courts, the High Court of the Republic, and the Supreme Court. With the exception of property disputes over a certain value, formal courts will not consider a case over land (and improvements thereon) whose value is less than three million Rwandese Francs unless it has been referred by the *Abunzi*.¹⁴

This study builds on the scoping study by IDRC which focused on women's land rights in Rwanda along with three other countries.¹⁵ The crucial issues for women's land rights as pointed out in the scoping study revolved around the social, cultural and gender issues in the post-genocide era, contradictions between public discourses on legal pluralism and the recognition of customary norms / practices and what is actually taking place on the ground on land tenure and inheritance, gaps in implementation of legislation governing land and inheritance rights, Rwanda's need for strengthening capacity around gender analysis and research on gender and land rights, etc.

8. Cyzia at 4; Law No. 22/1999 of 11/22/99 to Supplement Book I of the Civil Code and to Institute Part 5 regarding Matrimonial Regimes, Liberalities, and Successions, art. 51 (“Succession Law”) (“At the time of succession between the children, the family council shall determine the part of the patrimony to be earmarked for the raising of minors and the part to be shared between all of the children of the *de cujus* [the deceased]”) cited in USAID Rwanda at 7.

9. Cyzia at 4 cited in USAID Rwanda at 7.

10. Order on Village, Cell and Sector, art. 31(7) cited in USAID Rwanda at 8-9.

11. USAID Rwanda at 9.

12. While the Organic Land Law provides for mediation committees at the sector level, not the cell level, the *Abunzi* Law, mandating mediation committees at the cell level, abrogates all legal provisions contrary to it. Compare Organic Law No. 08/2005 of 14/07/2005 Determining the Use and Management of Land in Rwanda, art. 53 with Organic Law No. 31/2006 of 14/08/2006 on Organization, Jurisdiction, Competence, and Functioning of the Mediation Committee, arts. 2 & 32 (hereinafter “*Abunzi* Law”) cited in USAID Rwanda at 9, note 27.

13. See Const. of the Republic of Rwanda, art. 159; Amend. No. 02 of 08/12/2005 of the Const. of the Republic of Rwanda of June 4, 2003, as amended to date, art. 17; See also *Abunzi* Law, art. 3 cited in USAID Rwanda at 9.

14. See *Abunzi* Law, art. 3 (describing the *abunzi* as “an organ meant for providing a framework of obligatory mediation prior to submission of a case before the first degree courts hearing cases referred to in articles 8 and 9 of the organic law”) cited in USAID Rwanda at 9.

15. Ethiopia, Kenya, Rwanda and Uganda



2 RESEARCH METHODOLOGY

This study applied both quantitative and qualitative methods. The study was conducted in two sectors of Bugesera district namely Nyamata and Gashora. Bugesera is located 40 kilometers from Kigali the capital of Rwanda in the Eastern Province close to the Burundian boarder. It is comprised of 15 sectors and has an estimated population of 58,313 people (Rwanda National Census Commission: 2002).

The sectors of Nyamata and Gashora have recently seen an unprecedented appreciation in the value of land due to improved infrastructure. The two sectors also registered relatively high incidence rates of land disputes. It is however not clear whether the two phenomena are related.

Bugesera is classified as a rural area with agriculture being the main activity though it has the potential to become more urbanized with the recently constructed national highway and planned regional airport. On the other hand, Nyamata is relatively more urbanized and is the main urban center in Bugesera district.

2.1 Scope of Coverage

The study targeted women that had been involved in land disputes in the two sectors of Gashora and Nyamata in Bugesera District. This required a procedure for identifying such women from which a sample would be drawn as we shall see shortly. In addition, local leaders including District and Sector officials, women councilors as well as the land commission office were consulted for orientation and sharing their own perspectives on women's access and control over land within the existing legal framework.

The first stage in sampling was the construction of a sampling frame which was derived from records of land related cases at; the Nyamata District court (which serves 8 Sectors; Nyamata and Gashora inclusive) as well as *Abunzi* courts of Nyamata, Mwendo and Maranyundo cells in Nyamata Sector and Biryogo, Kayumba and Kabuye in Gashora. This yielded a total of 147 women. The table below presents details of coverage of the different methods of data collection used in the study which are discussed in detail under the next section.

From these, villages were arranged in descending order of the number of land disputes recorded at the two institutions i.e. Court and *Abunzi*. A total of 50¹⁶ women were traced in 15 villages. Note that the issue of who was covered in the survey was determined by traceability in Gashora and Nyamata¹⁷ Sectors and in proceeding sectors in order of decreasing number of women. This was done to limit the resources required in tracing the women given that higher number of cases was associated with greater traceability.

Furthermore, four women were selected basing on their cases for in-depth interviews to provide greater insights into their experiences and challenges in the struggle for their rights. The table below presents a summary of the sampling frame and sample.

Members of the *Abunzi* in 10 Cells were specifically targeted for their experiences in dealing with land disputes involving women as well as to understand their role and challenges related to such disputes.

Table 1 : Scope of Coverage

Method of Data Collection	Target	Number of persons covered
Data Extraction	<i>Abunzi</i> and Court Records	147 Women
Survey	Women who had reported cases to the <i>Abunzi</i> and/or court between 2005 and 2007	50 Women
Narratives	Cases that epitomize the circumstances under which women's rights are violated	4 women
In dept h Interviews	Land Administrators at national level	4 women and 2men
Focus Group Discussions	Members of the <i>Abunzi</i> in 10 Cells	18 women and 12 men

Source: RWN study 2009 (Court and *Abunzi* Records, Survey and FGD register)

16. 34% of women identified from the *Abunzi* and Court records cases

17. Which recorded the highest number of women from extraction



2.2 Data Collection Methods and Tools

A number of data collection methods were used and this called for application of different tools for data capture. They include;

2.2.1 Data Extraction

Information on the particulars of land related cases reported to the *Abunzi* and Court was extracted from records of these two institutions using a pre designed form. A total of 147 women were identified from the records; 70 from the *Abunzi*¹⁸ and 77 from the court.

2.2.2 Household Survey

The survey covered 50 women¹⁹ who were traced and interviewed using a semi structured questionnaire. The questionnaire focused on; personal information of the respondent, ownership of land in dispute, type of land disputes, challenges faced in resolving disputes, knowledge on the existing laws as well as strategies and recommendations.

2.2.3 Narratives

During the interviews, eight women were selected for capturing of narratives in relation to the land disputes reported as well as their experiences with the land administration institutions to which the dispute was reported. However, only four women accepted to give their testimonies. The idea was to get greater insights beyond the responses to questions in the interviews.

2.2.4 Focus Group Discussion Meetings (FGDs)

A total of 30 members of the *Abunzi*, (eighteen women) participated in the FGDs. (50% of total membership) took part in two FGD meetings. The discussions during the meetings was followed a theme guide with the following broad themes; types of land related cases handled by the informal mediation committees, parties involved, tools available to the committees, challenges faced by women and how they can be overcome, challenges faced by the committees and how they can be overcome as well as rating the fairness of the arbitration institutions before this level.

2.2.5 In-depth Interviews

In depth interviews with eight land administrators at the national level were carried out. The administrators include; the Registrar of Land Titles (Office of the Registrar of Land Titles), Attorney working with Rural Development Institute, Land Commission Representative Bugesera District, President of the Nyamata Lower Instance Court, National Women Council Representative Bugesera District, Agronomer Bugesera District and the Executive Secretaries of Nyamata and Gashora Sectors. Their insights and knowledge at national level and on the Bugesera District area assisted the research team in deciding on which of the 15 sectors in the district were suitable for the objectives of the study.

2.3 Limitations of the study

The limitations of this study are threefold; first is the time frame of the assignment which was too short. This made some of the planned activities un-tenable, for instance it was not possible to sit and observe *Abunzi* proceedings or court sessions due to the fact that there is no pattern of handling cases involving women. No such cases were handled during the period earmarked for data collection.

Second was tracing the identified victims with land disputes; some had moved / shifted from areas indicated in the records consulted, some had died, etc. Furthermore, some women when traced were not willing to share their experiences because they thought local authorities were somehow implicated in their cases

The third limitation is that due to the 'small' coverage in terms of geographic area and population, the findings of this research cannot be taken to show a general picture of Rwanda as a country. Though the study shades some light on the protection of women's rights using the existing legal framework, it is restricted to a small area because the findings are specific to mainly two Sectors in Bugesera District.

A total of 147 women were identified from the records; 70 from the *Abunzi* and 77 from the court

18. From Nyamata, Mwendo and Maranyundo cells in Nyamata Sector and Biryogo, Kayumba and Kabuye cells in Gashora Sector

19. From Gashora, Kabuye, Mayange, Mwogo, Ntarama and Nyamata



3. PRESENTATION AND DISCUSSION OF RESULTS

This section presents and discusses the findings of the study. The findings from the different sources of information are synthesized under three broad themes, namely; Nature of land disputes in which women are involved, women's experiences in the resolution of these disputes and views on how women's rights can be reinforced.

Information presented was from different sources; while the survey respondents were selected from a list of cases extracted from the Courts and *Abunzi*, narratives were from individual women. The views of members of the land administration institutions over the same precincts were also captured in FGD meetings and are mainly related to the challenges that they face in dealing with land related disputes involving women as well as the challenges faced by the women from the view point of implementers. The approach was to first establish the number and nature of cases reported by women at the land administration institutions.

3.1 Nature of land disputes in which women are involved

Information on the details of the cases extracted from the courts and *Abunzi* indicates that the most common disputes involving women are inheritance disputes (34%)²⁰ with males (71%)

usually brothers and in-laws in this particular case. The second most common type of dispute reported by women is *umunani* (22%). The table below presents details of the cases reported to the two institutions.

The parties to the disputes range include siblings, parents²² and in-laws. However the bigger number of cases did not disclose the nature of relationship with woman complainant. The fact that close to 70% of the disputes had been concluded by the two institutions is a good indicator that the institutions are working. Results show that the ruling were in favor of the women (complainants) in over 40% of the cases.

These findings are in congruence with those of a similar study by USAID (2008) which identified inheritance as the most common type of land dispute in Rwanda. It has been argued that the new land law (2005) and succession law (1999) as well as the sensitization campaign that followed have greatly encouraged women to report instances of violation of their rights (USAID: 2008). This notion is given credence by the trend of reporting of cases by women as depicted in the figure below. It is important to note that the role of the *Abunzi* in resolving of land disputes was first formalized in 2005 by the land law (Organic Law No. 08/2005). However, the requirement that the *Abunzi* prepare minutes for all cases handled came with the *Abunzi* Law (Organic Law No. 31 of 2006) may explain why few cases were registered earlier than 2005.

Table 2: Nature of Land Disputes involving Women

Aspect of Disputes	Institution		Overall
	Court **	Abunzi	
Dispute about			
Inheritance	39 (51%)	11 (16%)	50 (34%)
Umunani	16 (21%)	16 (23%)	32 (22%)
Ownership	7 (9%)	7 (10%)	14 (10%)
Un -consented to transaction	5 (7%)	12 (17%)	17 (12%)
Land transaction	4 (5%)	11 (16%)	15 (10%)
Other	6 (7%)	13 (18%)	20 (12%)
Relationship with other Disputants			
Not clear	27 (35%)	33 (47%)	60 (41%)
Spouse	7 (9%)	12 (17%)	19 (13%)
Siblings	13 (17%)	10 (14%)	23 (16%)
Other relatives	10 (13%)	5 (7%)	15 (10%)
In laws	9 (12%)	2 (3%)	11 (7%)
Other	11 (14%)	8 (12%)	19 (13%)
Status of the case			
Pending	14(18%)	15(21%)	29 (20%)
Concluded	63(82%)	48(69%)	111 (76%)
Not clear	1(2%)	7(10%)	10 (8%)

Source: RWN study 2009 (Court and Abunzi Records) ** It is possible that the same case was reported at ²¹.

20. This is not far from *Umunani* which is allocation of land by parents when one comes of age- ready to start a family marked by taking of a wife for males. It is however not clear what the rites of passage are for females in relation to the same.

21. This was the case for 6 cases.

22. Largely related to *umunani*



3.2 Women's Experiences in the Resolution of Land Disputes

This section dwells on the experiences of women in the resolution of the land disputes. It begins with two important aspects; first is the profile of the women who were followed up which is aimed at locating these women in the social strata. The second aspect is the profile of the disputes in which these women were involved. This is largely intended to dispel ambiguities that may arise from interpretation of information (extracted from Court and *Abunzi* records) by the researchers. It provides an opportunity for the respondents to give their account of the dispute.

3.2.1 Profile of Respondents

A total of 50 women were traced and interviewed. The age of the women ranged from 24 to 78 years with a mean and median of 48 years. Up to 27 of the respondents indicated to be married while 20 were widows. Only three indicated to be single never married or separated/divorced. The table below presents details of these marital unions (or what they used to be for those separated/divorced) as well as other characteristics of the women.

It is noted that the prevalence of traditional marriage among the women who were followed up was 46% (23)²³ which is at variance with the view that customary practices including marriage, have been replaced by statutory law. The implication of existence of traditional marriage propagates the customary practices in relation to land. The fact that some women entered into marital unions before the era of legal reforms implies that there can not be drastic change from customary practices to statutory by merely enacting laws.

This transition requires time as well as mechanisms to ensure that those that do not fit the new configuration are not for instance those already in traditional/customary marriages.

Twenty women (40%) confessed their inability to read in any of the official languages- French and Kinyarwanda. This makes access to relevant information difficult for women and gives impetus to audio and pictorial / video based modes of mass media. Never the less, the fact that these women had pursued their land rights in formal institutions confirm to positive trend in Rwanda.

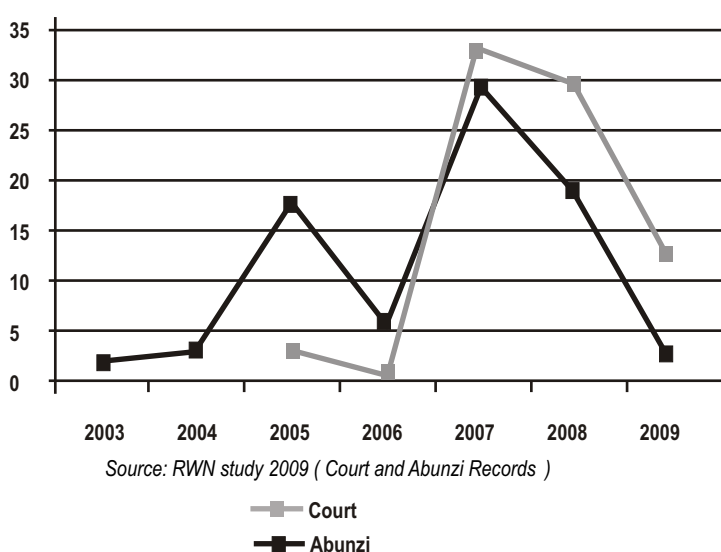
3.2.2 Particulars of Disputes in which the Women were Involved

This section presents details of the disputes in which the women were involved and goes beyond the object of the disputes and parties to aspects such as the ownership of the land under dispute, the nature of land use, nature of claim/right held by the woman and their contribution to the land.

The land disputes were largely about inheritance (16), ownership (13) and trespass (12). The parties to the disputes on the other hand included neighbors (15), spouses (10), siblings (9) and in-laws (6) among others. The fact the majority of the perpetrators were connected to the woman complainant is an indication of the continuities of customary practices and perceptions regarding women's land rights.

Table 3: Marital Status and education level of respondents

Figure 1: Trend of Reporting cases by Women



Characteristic	Count
Age	
Mean	48
Median	48
Maximum	78
Marital status	
Married -Civil	17
Widowed - Traditional/Customary	13
Married -Traditional	10
Widowed -civil	7
Not married/ Separated/Divorced	3
Total	50
Education level	
None/ did not finish primary school	39
Primary/ did not finish secondary school	10
Finished secondary schooling	1
Total	50

Source: RWN study 2009 (Household interviews)

23. Including widows and those still married at the time of the interviews

The table below presents information on the nature of dispute and the parties to the disputes.

Table 4 : Profile of cases followed up

Aspect	Count	Aspect	Count
Dispute about		Derivation of claim	
Inheritance	4(8%)	Marriage	21 (47%)
<i>Umunani</i> (inheritance in waiting or birth right)	12 (24%)	<i>Umunani</i>	11 (22%)
Boundary	1(2%)	Inheritance	9(18%)
Illegal sale (without consent)	6(12%)	Purchase	5(10%)
Ownership	13 (26%)	Allocated	4 (8%)
Trespass	12 (24%)	Total	50 (100%)
Land given away without consent	2(4%)		
Total	50 (100%)		
Dispute with		Contribution to the land	
Siblings (sister/brother)	9(18%)	Work/Labour	48 (96%)
In-laws	6(12%)	Money	22 (44%)
Spouse	10 (20%)	Nothing	7(14%)
Neighbor	15 (30%)		
Children	3(6%)		
Other relatives	7(14%)		
Total	50 (100%)		

Source: RWN study 2009 (Household interviews)

Sixteen (16) women claimed to own the land, 10 reported to be joint owners with their spouses while 8 were joint owners with some one else. Another 16 were claiming rights over land owned by either spouse (8), parents (6) and other relatives (2).

The nature of claims²⁴ to the land mentioned include; marriage (21), inheritance²⁵ (20), bought (5) and allocation by government (4). This information put together indicates that there is an awareness of derivation of land rights for women but most importantly marriage and inheritance regardless of the type of marriage. In the same vein there are indications of cognition of women's rights to inherit land (both as children and widows) and claims to marital land.²⁶ The women's rights to the land in dispute were mostly derived from marriage (47%), *umunani* (22%), and inheritance (18%). The derivation of rights is further augmented by the contribution made by women on the land in dispute. Such contribution includes; work/labor (96%) and Money (44%). Fourteen percent of the women confessed to having contributed nothing the land in dispute.

The FGDs with key stakeholders further clarified the type of land disputes in which women are involved. Expectedly, members of the *Abunzi* attributed higher rates of reporting of cases by women to the enactment of the statutory laws that give equal rights to women and men. The *umunani* cases arose out of unfair allocation to male beneficiaries. Cases involving couples arose out of un-consented to land sales.

It was further established that 40% of the women complainants did not live on the disputed land. The main use of the land under dispute was agriculture (82%) which accentuates the importance of this land in the livelihoods of these women.

3.3 Handling of disputes

This section presents results of the study in relation to the experiences of women in dispute resolution. The discussions focus on where women reported the disputes, the status of the cases reported, rating of the outcome and the challenges they faced in the process.

24. This is was meant to connote the derivation of rights to the land in dispute

25. Includes *umunani* and inheritance

26. As indicted by contestation of un consented to land sales by spouses



3.3.1 Reporting of Dispute

As indicated in the introduction, at community level a party goes through different mechanisms and processes to resolve land disputes. These include; the family council, the village committee, the cell executive committee, *Abunzi*/mediator committee, the lower instance court, etc. However, there is no legally prescribed process below the *Abunzi* which makes it interesting to see the routes taken by women and the reasons for their choice. Most of the women (33) indicated to have first reported the disputes to the Cell leaders/committee (*Umudugudu*), 13 first reported to the family council while 4 went straight to the *Abunzi*/cell executive committee.

The reasons for first reporting disputes on any specific institution were trust (21), proximity (19) and rejection of family court by one of the disputants. There are indications of mistrust of the family court in resolution of disputes. This may be linked to domination of customary practices at this level which are deemed as un-fair to women.

Other institutions to which the disputes were reported (after first instance) include; *Abunzi* (47), village leaders/committee-*Umudugudu* (25) and court (24). However, of the cases that had been resolved (32), 22 were reportedly resolved by the Cell executive committee/*Abunzi* while 10 were resolved by courts. This highlights the importance of the *Abunzi* in resolution of land disputes.

It is important to note that there were mixed feelings on the rating of the outcome of the deliberations of the different institutions; 18 women felt that the outcome was satisfactory (of these 6 felt it was very satisfactory), 8 were indifferent while 15 felt the outcome was unsatisfactory (of these 11 felt it was very unsatisfactory).

The figure below presents reasons for reporting to each of the institutions.

Table 5: Reasons for reporting first to institution

Reason	Institution			Total
	Family council	Village committee (Umudugudu)	Cell committee/Abunzi	
It was the nearest authority	6	12	1	19
Belief in the body (trust)	7	11	3	21
Rejection of the family court/council by disputant(s)	-	10	-	10
Total	13	33	4	50

Source: RWN study 2009 (Household Interviews)

27. It is important to note that there was a lag of up to 11 years between the on set of disputes and reporting.

28. It was deemed to be lacking in capacity

A total of 18 women won and retained the land and therefore it was favourable. The 14 women that lost were largely unsatisfied with the outcome. The other reason for dissatisfaction with the outcome was non enforcement of the ruling/resolution. This is of particular concern for women's land rights as it not only negates the dispute resolution processes but also reduces the legal provisions of the law (in this case those that endow women land rights) to no more than the paper on which they are written.

There was also dissatisfaction due to delays in the resolution of disputes as depicted by the average time taken to resolve disputes which was over a year.²⁷ This is usually associated with loss of interest in the case by women who have numerous responsibilities in the household.

A general appraisal of the outcome of the concluded cases does not give a clear picture on how women perceive the different dispute resolution institutions. The responses in relation to this indicate that the *Umudugudu* which is near and accessible to the women was viewed as being inadequate in handling land disputes²⁸ due to limited legal knowledge.

The *Abunzi* which was indicated to have resolved most of the disputes was judged to be biased by 21 women while 17 viewed it as being just. On the other hand the courts were pointed out for taking long in resolving disputes. These views taken together suggest that women have limited confidence in these institutions.

The reasons for rating the outcome given are related to three major aspects including the ruling, duration and compliance with the ruling as depicted by the figure below.

Table 6: Reasons for rating outcome

Rating	Case delayed	Favorable ruling (retained/regained land)	Ruling not just lost case	Defendant not compliant to the ruling	Total
Very unsatisfactory	2		7	2	11
Somewhat unsatisfactory	1		2	1	4
Neutral	1		5	2	8
Satisfactory		12			12
Very satisfactory		6			6
Total	4	18	14	5	41

Source: RWN study report 2009 (Household interview)



The views of the women on the different institutions is presented in the table below.

Table 7: Perceptions of the dispute resolution institutions

Reason	Institution			
	Family council	Village committee (Umudugudu)	Cell committee/ Abunzi	Court
Biased and sentimental	6	9	21	3
Were just	5	9	17	8
Lacked legal capacity to handle the case	2	23	4	
Case delayed/ Case still pending	1	1	1	13
Play their role	2	5	4	1
Ruling not complied with	1	1	3	1

Source: RWN study report 2009 (Household interview)

The other challenges of specific importance is fear of physical violence/hostility (25) and limited knowledge of the laws (21). The latter is augmented by the levels of knowledge on laws depicted by the respondents where 24 women confessed to knowing no specific aspect of the most relevant laws.³⁰ The table below shows the various challenges faced by women in resolution of disputes otherwise asserting their land rights.

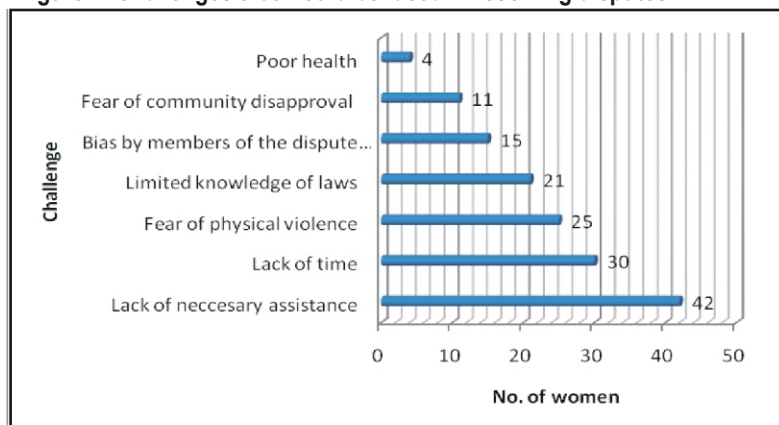
3.3.2 Challenges faced by Women in Asserting their Land Rights

Women face different problems and obstacles in asserting their rights to access and control of land using the existing legal framework. These can be at individual, family and community or society levels. The most common challenge faced by women was lack of necessary assistance (42). The implications of this are compounded by the fact that most women represent themselves in court where proceedings are highly formal²⁹ yet their literacy levels are low.

Time input into dispute resolution was indicated as a challenge to women. This is again particularly important given the multiple responsibilities of women at the household level which leaves less time to follow-up their cases. The slow process of land arbitration usually in the formal courts leads to loss of interest from the women because they cannot afford the time to continue as one woman put it

"I have spent 8 years following up this case; it seems the court has neglected it"

Figure 2: Challenges that would be faced in resolving disputes



Source: RWN study report 2009 (Household interview)

The complexity of the women's situation is highlighted more when the following different problems that came out of the focus group discussions with Abunzi are considered in addition to the above. These include the following;

- Lack of confidence; most women are not confident to fight for their rights due to different reasons including lack of Knowledge and capacity to represent themselves, limited education, poverty, etc.
- A legal framework that does not protect women in other types of marriages apart from the civil marriage while a big number of these consensual relationships still exist within the communities.
- Another challenge raised was interference and favoritism especially among local leaders when they intervene in favor of the other parties due to the relationship they have. This can be evidenced by one of the respondents who said that,

"What I have observed is the relationship between the executive secretary and the other party who moved my case to another Cell yet the piece of land is not located there, I notice that my rights are being violated"

- Distance to the formal courts is another challenge that came out of the focus group discussions. Women had to cover slightly long distances to the formal court of Nyamata hence some women wind up quitting the case.

29. Use documents and follow specific procedure

30. In the context of this study these were limited to the Organic Law on Land, Family law and Marital property and Succession Law.



3.4 Suggestions on strategies to protect women's land rights

The study aimed at also identifying some strategies and recommendations to deal with the problems and challenges faced by women. Most of the women (28) suggestions were geared towards changing attitudes towards women land rights in the community through sensitization on the subject. This would also improve the level of knowledge among women on the legal provisions as well as the institutions. The other suggestions focused on gender equality in the law which suggests that there is appreciation of laws as tools for the promotion of women's rights and well being. Below are the strategies suggested from the study respondents.

The suggestions on the subject from members of the *Abunzi* include;

- Organize sensitization and awareness sessions on the existing laws for all the population so that they are aware of the laws that protect them especially women
- Sensitize youths to marry legally since the law protects only people in legal marriages in case of marital land disputes. The respondents also suggested that, the youth who are not married should avoid having children before marriage for the sake of avoiding complications of children born outside wedlock.
- Sensitize society towards gender equity; by especially organizing training sessions on gender issues for men who still have discriminatory traditional beliefs and values. One of the respondents from the focus group discussions pointed out that

"As men, we should also value women as we value ourselves".

- Encourage rule of law instead of impunity in the society
- Advocate for *Abunzi* committees to be facilitated in what they do
- Organize trainings to specifically train *Abunzi* (Mediators) committees on the existing laws.

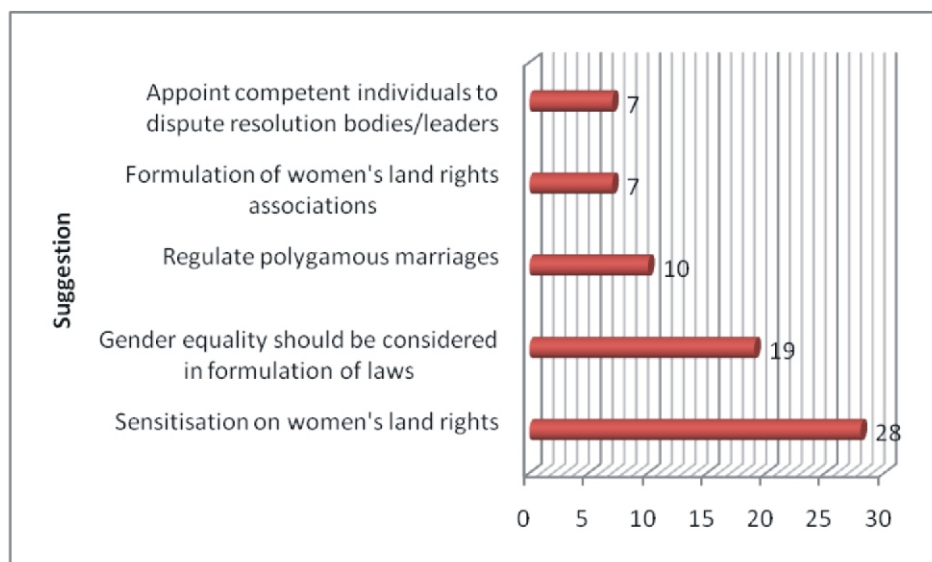
3.5 Capacity and Challenges faced by *Abunzi* (Mediators) Committees

As mentioned in the introduction *Abunzi* (Mediators) is an organ established in each cell for a period of 2 years and is meant to provide a framework of obligatory mediation prior to submission of a civil case to a formal court. As a body that is involved in land arbitration at community level, the study wanted to find out the tools that are available and used by *Abunzi*. This was to help the researchers in analyzing whether *Abunzi* had the capacity to deal with land cases with a gender lens.

The tools used include the following;

- Laws and by-laws (mainly the booklet on the operations of *Abunzi* committees)
- Case statement / documents from the family councils/village leaders
- Conclusion documents from the above mentioned levels
- Registers where they record the parties and the cases
- Convening forms

Figure 3: Suggestions on how to enforce women's land rights



Source: RWN study report 2009 (Household interview)



In their daily activities, *Abunzi* face problems/challenges that affect their work negatively. Some of the obstacles they encounter in the process of solving disputes;

- Limited time: Though they are volunteers and are supposed to meet once in a week; in reality they sometimes find themselves investing more time especially when they have to visit sites in order to reach a decision.
- Lack of facilitation: The mediation process is voluntary work and hence a challenge to the members because they are not facilitated in terms of transport provision and communication fees; yet most of them are not gainfully employed hence delays and poor services.
- Lack of office supplies and materials: *Abunzi* committee are expected to document their proceedings and the cases received; sometimes lack of office supplies such as; tables, chairs, ream of papers, book shelves, files, etc. for documenting and storing their work for reference purposes affects their service delivery.
- Length for the dispute to be solved: The participants also pointed out that many cases take too long to be solved due to the limited number of members to fill the necessary quorum of the *Abunzi* committee to take a decision.

- Lack of copies of laws and by-laws leading to limited knowledge on the existing laws and policies: Even though *Abunzi* use mediation as a means of solving problems among community members, they are supposed to use, refer and base their decisions on the existing laws, however; the research shows that these committees lack copies of laws as well as by-laws as one of the *Abunzi* members testified

"The Abunzi booklet indicates that the law is supposed to be complimented by by-laws or regulations to be released soon but up to now these by-laws have not been passed or they are there but we have not been given the copies meaning that we might even be working illegally"

- Interference from local leaders: Some members of the *Abunzi* committee also revealed that, there are some local leaders who interfere in their work whereby you find that a committee may make a final decision on a certain case and a leader denies implementation without tangible reasons. One of them said that,

"Sometimes local leaders interfere with our work and order for certain cases to be reheard when we have already concluded".



4 CONCLUSIONS AND RECOMMENDATIONS

This project had three objectives of identifying women experiencing challenges in securing access and control over land, documenting their experiences in fighting for these rights and identifying impediments to fair settlements of land disputes and together with the women, devise strategies to enforce and protect women's land rights as provided under the statutory law.

A total of 50 women shared their experiences while many more participated in various capacities. The results of this study have dispelled the dismissal of legal dualism particularly the practice of customary law alongside statutory law. It is evident that customary practices regarding inheritance are still widely practiced in Rwanda alongside the new legislations that give equal land rights to men and women. This is highlighted by the dominance of inheritance cases involving relatives in the semi-rural district of Bugesera. It was striking to find that disputants include 'own children' implying that greater vulnerability of aging women.

Although the Rwanda law tends to follow a traditional hierarchy of involving family councils to resolve disputes, it was found that most of the disputes involving women are resolved outside these councils by the *Abunzi*. This was attributed to the biasness of family councils. Hence the *Abunzi* plays a key role in the protection of women's land rights in Rwanda. In addition, Rwanda is the only country that has explicitly legislated for equal ownership of property between husband and wife. This further explains why women are encouraged to pursue these rights through the institutions provided for.

There are indications of increasing awareness of land rights among women. However, they still suffer a number of challenges in asserting these rights particularly lack of necessary assistance in pursuing these rights. It is believed that vigilante groups at the grassroots level can help in furthering

and deepening awareness of land rights among women as well as hold land administration institutions accountable for their actions. Also, women face the challenge of stigma and fear of societal repercussions. Such repercussions include disapproval by the family or community, loss of dignity and at worst, fear of physical violence.

Furthermore, there is mistrust of lower level land administration institutions. Women believe that the family council and the Umudugudu are biased and are highly susceptible to prejudice. They have no capacity to enforce decisions (those in favor of women) in the face of resistance. There is greater trust in the *Abunzi* on the other hand particularly because it follows the law during deliberations which is not the case with lower institutions.

The way forward for Rwanda is for advocacy to focus on points that have greater capacity to affect women's land rights. The results of this study point to the centrality of the land administration institutions particularly the *Abunzi* in resolution of land disputes involving women. It is the adequate facilitation of these institutions that must be supported so that they are more effective in their functions.

A combination of the size, favorable law of joint marital property and a strong political will, makes it pertinent to set up community land information systems to record both primary and secondary rights over land aimed at forestalling false transactions and claims over land.

Lastly, awareness raising campaigns on women's land rights need to go beyond the provisions of the law to give the intent of the provisions and their justification with the objective of changing negative attitudes towards women's land rights.

It is believed that vigilante groups at the grassroots level can help in furthering and deepening awareness of land rights among women as well as hold land administration institutions accountable for their actions



REFERENCES

A. Cyzia, Family Law and Matrimonial Property, at 4 (2002) “*An assessment of Local Resolution of Land Disputes*”.

ARD INC of Burlington, “Women and Vulnerable Groups in Land Dispute Management: A Plan to ensure that they Fully Participate and Benefit”. Publication for review by USAID, 2008.

Bringing Equality Home. Promoting and Protecting the inheritance rights of women. Center for Housing Rights and Evictions, 2004.

Constitution of the Republic of Rwanda, art. 159; Amend. No. 02 of 08/12/2005 of the Const. of the Republic of Rwanda of June 4, 2003.

Decree-Law on the purchase and sale of customary rights over land or rights of occupation No 09/76 of 04/03/76, National Land Policy, Jones L. 2000 “*The Evolution of Property use in Rwanda*”.

Earmarked for the raising of minors and the part to be shared between all of the children of the de cujus [the deceased]”) cited in USAID Rwanda

Forum on the Achievements and Lessons of the Rwanda Land Dispute Management Project. USAID, 2008.

IDRC *Scoping Study for East Africa on Women's Access and Rights to Land and Gender Relations in Tenure 2007* Chapter on Rwanda

International Justice Mission Rwanda. Jali Baseline Study Report, April 2008.

Musahara, H & Huggins C. 2005 “*Land reform, land scarcity and post-conflict reconstruction: a case study of Rwanda*”

Organic Law No 08/2005 of 14/07/2005. *Determining Use and Management of Land in Rwanda*.

Organic Law No. 07/2004 Determining the Organization, Functioning and Jurisdiction of Courts

Presidential Order No 30/01 of 29/06/2007. *Determining the Exact Number of Years of Land Lease*.

Presidential order No 53/01 of 12/10/2006. *Determining the Structure, the Powers and the Functioning of the Office of the Registrar of Land Titles*. Rwanda General Population and Housing Census (RGPH) - 2002



Annexes

Annex I: Data Extraction Form

Date of Extraction: _____ Data Extracted From: _____

Case Identification	Names of Complainant(s) and Address (Sector, cell & village)	Names of defendant(s) and relationship to the complainant (Specify if Owner, spouse or child)	Particulars of the Case (the information required here is on the marital status for couples, a summary of the issue, the date of reporting of the case, classification of the case by the court/Abunzi, the status of the case and ruling if it was concluded)

Name of Extractor: _____

Contact: _____



RWANDA WOMEN'S NETWORK

Assessing Gender Gaps in the Implementation of Existing Laws

Serial No _____

Name of interviewer : _____

Date: _____

Sector: _____ Cell: _____

Village: _____

A. Personal information of respondent:

1. Name?													
2. Age <i>(record in complete years)</i>													
3. Marital status?	<input type="checkbox"/> Not married <input type="checkbox"/> Married <input type="checkbox"/> Civil <input type="checkbox"/> Traditional only <input type="checkbox"/> Widowed												
4. Number of children	<table border="1"> <thead> <tr> <th data-bbox="842 1081 954 1140">Age</th> <th data-bbox="954 1081 1145 1140"># Male</th> <th data-bbox="1145 1081 1468 1140"># Female</th> </tr> </thead> <tbody> <tr> <td data-bbox="842 1140 954 1211">Below 5</td> <td data-bbox="954 1140 1145 1211"></td> <td data-bbox="1145 1140 1468 1211"></td> </tr> <tr> <td data-bbox="842 1211 954 1283">5 - 18</td> <td data-bbox="954 1211 1145 1283"></td> <td data-bbox="1145 1211 1468 1283"></td> </tr> <tr> <td data-bbox="842 1283 954 1386">Above 18</td> <td data-bbox="954 1283 1145 1386"></td> <td data-bbox="1145 1283 1468 1386"></td> </tr> </tbody> </table>	Age	# Male	# Female	Below 5			5 - 18			Above 18		
Age	# Male	# Female											
Below 5													
5 - 18													
Above 18													
5. Members in the household? (tick appropriate option(s)) <i>Multiple response</i>	<input type="checkbox"/> Husband <input type="checkbox"/> Parents <input type="checkbox"/> Parents-in-law <input type="checkbox"/> Children <input type="checkbox"/> Children's spouse <input type="checkbox"/> Grandchildren <input type="checkbox"/> Other _____												



<p>6. Education level (choose one)</p>	<p><input type="checkbox"/> None</p> <p><input type="checkbox"/> Started but did not finish primary schooling</p> <p><input type="checkbox"/> Finished primary but did not go to secondary schooling</p> <p><input type="checkbox"/> Started but did not finish secondary schooling</p> <p><input type="checkbox"/> Finished secondary schooling</p> <p><input type="checkbox"/> Continued with tertiary schooling (tertiary schooling includes vocational training, university)</p>
<p>7. Language (spoken) (tick appropriate option(s)) <i>Multiple response</i></p>	<p><input type="checkbox"/> Kinyarwanda</p> <p><input type="checkbox"/> French</p> <p><input type="checkbox"/> Swahili</p> <p><input type="checkbox"/> English</p>
<p>8. Language (reading) (tick appropriate option(s)) <i>Multiple response</i></p>	<p><input type="checkbox"/> Kinyarwanda</p> <p><input type="checkbox"/> French</p> <p><input type="checkbox"/> Swahili</p> <p><input type="checkbox"/> English</p>
<p>9. Language (written) (tick appropriate option(s))</p>	<p><input type="checkbox"/> Kinyarwanda</p> <p><input type="checkbox"/> French</p> <p><input type="checkbox"/> Swahili</p> <p><input type="checkbox"/> English</p>



A. Ownership of land in dispute:

<p>1. <i>Who owns the land?</i></p>	<p><input type="checkbox"/> <i>Yourself</i></p> <p><input type="checkbox"/> <i>Spouse</i></p> <p><input type="checkbox"/> <i>Jointly owned</i></p> <p style="text-align: center;"><i>With who? _____</i></p> <p><input type="checkbox"/> <i>Parent(s)</i></p> <p><input type="checkbox"/> <i>Other _____</i></p> <p style="text-align: center;">_____</p>
<p>2. <i>Nature of Claim to the land</i></p>	<p><input type="checkbox"/> <i>Inheritance</i></p> <p style="text-align: center;"><i>From _____</i></p> <p><input type="checkbox"/> <i>Umunani</i></p> <p style="text-align: center;"><i>From _____</i></p> <p><input type="checkbox"/> <i>By way of marriage</i></p> <p><input type="checkbox"/> <i>Acquired (bought)</i></p> <p><input type="checkbox"/> <i>Allocated</i></p> <p><input type="checkbox"/> <i>Other</i></p> <p>_____</p> <p>_____</p>
<p>3. Do you live on the land?</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
<p>4. Is/was the land used for / used also for other purposes, please provide <i>Multiple response</i></p> <p>a. What is/was your contribution to the land <i>Multiple response</i></p>	<p><input type="checkbox"/> Agriculture</p> <p><input type="checkbox"/> Commercial</p> <p><input type="checkbox"/> Other</p> <p>_____</p> <p><input type="checkbox"/> Money</p> <p><input type="checkbox"/> Work/labor</p> <p><input type="checkbox"/> Other</p> <p>_____</p>



<p>5. Is ownership documented?</p>	<p><input type="checkbox"/> Yes</p> <p>Describe the type of documentation</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>If ownership of land is shared, how is the shared ownership documented?</p> <p>_____</p> <p>_____</p> <p><input type="checkbox"/> No</p> <p>Reason it is not documented:</p> <p>_____</p> <p>_____</p> <p>_____</p>
<p>6. Have you tried to register the land under the new registered land system?</p>	<p><input type="checkbox"/> Yes</p> <p>Which office? (Sector, District)</p> <p>_____</p> <p>_____</p> <p>Why did you try to get the land registered?</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Please provide a brief description of experience in having the land registered</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Is the land registration completed?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> Yes but conditional / provisional</p> <p><input type="checkbox"/> No</p> <p>Why?</p> <p>_____</p> <p>_____</p>



C. Land disputes

<p>1. Details of dispute reported to Abunzi/court</p>	<p>When did the dispute arise (year)</p> <p>_____</p> <p>When did you report the dispute (year)</p> <p>_____</p> <p>Nature of dispute / What was the dispute about</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Who was the dispute with _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Where was the dispute first reported</p> <ul style="list-style-type: none"><input type="checkbox"/> Family Council<input type="checkbox"/> Village leaders (Umudugudu leader/executive committee)<input type="checkbox"/> Cell executive committee/Abunzi <p>Why it was first reported there?</p> <p>_____</p> <p>Where was the dispute first reported</p> <ul style="list-style-type: none"><input type="checkbox"/> Family Council<input type="checkbox"/> Village leaders (Umudugudu leader/executive committee)<input type="checkbox"/> Cell executive committee/Abunzi <p>Why it was first reported there?</p> <p>_____</p> <p>Where else was the dispute reported (click as many as appropriate)</p> <p>Multiple response</p> <ul style="list-style-type: none"><input type="checkbox"/> Family Council<input type="checkbox"/> Village leaders (Umudugudu leader/executive committee)<input type="checkbox"/> Cell executive committee/Abunzi
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- Court
 - Lower instance court
 - Higher instance court
 - High court
 - Supreme Court
- Specialized institutions\
- Other _____

Has the dispute been resolved?

Yes

No

When the dispute was resolved (year)?

Who finally resolved the dispute

- Cell executive committee/Abunzi
- Court
 - Lower instance court
 - Higher instance court
 - High court
 - Supreme Court
- Specialized institutions\
- Other _____

What was the ruling (details of outcome of dispute resolution)?

How would you rate the outcome?

- Very unsatisfactory
- Somewhat unsatisfactory
- Neutral
- Satisfactory
- Very satisfactory





	<p>Please give reasons for the rating above?</p> <hr/> <hr/> <hr/> <hr/>
	<p>For those who reported to court, who represented you?</p> <p><input type="checkbox"/> Lawyer</p> <p><input type="checkbox"/> Myself</p> <p><input type="checkbox"/> Other</p> <hr/>
	<p>What are your thoughts on each of the dispute resolution institutions you used:</p> <p><input type="checkbox"/> Family Council</p> <hr/> <hr/> <hr/> <hr/>
	<p><input type="checkbox"/> Village leaders (Umutugudu leader/executive committee)</p> <hr/> <hr/> <hr/> <hr/>
	<p><input type="checkbox"/> Cell executive committee/Abunzi</p> <hr/> <hr/> <hr/> <hr/>





	<p><input type="checkbox"/> Court</p> <p style="padding-left: 20px;"><input type="checkbox"/> Lower instance court</p> <hr/> <hr/> <hr/> <p><input type="checkbox"/> Higher instance court</p> <hr/> <hr/> <hr/> <p style="padding-left: 40px;"><input type="checkbox"/> High court</p> <hr/> <hr/> <hr/> <p style="padding-left: 40px;"><input type="checkbox"/> Supreme Court</p> <hr/> <hr/> <hr/> <p><input type="checkbox"/> Specialized institutions</p> <hr/> <hr/> <hr/> <p><input type="checkbox"/> Other</p> <hr/> <hr/> <hr/>
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<p>2. Tick the challenges that you feel you would face / challenges you did face while you were resolving dispute regarding land <i>Multiple response</i></p>	<p><input type="checkbox"/> Lack of knowledge / capacity</p> <p><input type="checkbox"/> Fear of family / community disapproval</p> <p><input type="checkbox"/> Fear of physical violence</p> <p><input type="checkbox"/> Perception of bias</p> <p><input type="checkbox"/> Lack of help</p> <p><input type="checkbox"/> Lack of time</p> <p><input type="checkbox"/> Communication / presenting their case</p> <p><input type="checkbox"/> Others</p> <p>_____</p> <p>_____</p> <p>_____</p>
<p>3. How much did it cost you to resolve the dispute (monetary terms)?</p>	<p>_____</p>
<p>4. Have you ever been involved in any other land dispute?</p>	<p><input type="checkbox"/> Yes</p> <p>With whom? _____</p> <p>_____</p> <p>Brief description of dispute</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><input type="checkbox"/> No</p>
<p>5. Are you able to access independent external advice / help?</p>	<p><input type="checkbox"/> Yes</p> <p>From whom? _____</p> <p>_____</p> <p><input type="checkbox"/> No</p>



A. Knowledge of laws

<p>1. Do you know about the Family Law and if so, how well</p>	<p><input type="checkbox"/> Yes</p> <p>What aspects of this law do you know?</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><input type="checkbox"/> No</p>
<p>2. Do you know about Organic Land Law and if so, how well</p>	<p><input type="checkbox"/> Yes</p> <p>What aspects of this law do you know?</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><input type="checkbox"/> No</p>
<p>3. Do you know about the Marital Property and Succession Law and if so, how well</p>	<p><input type="checkbox"/> Yes</p> <p>What aspects of this law do you know?</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><input type="checkbox"/> No</p>
<p>4. Do you know about the new land registration system?</p>	<p><input type="checkbox"/> Yes</p> <p>What aspects of this system do you know?</p> <p>_____</p> <p>_____</p> <p>_____</p>



How did you learn about it initially?

- Family
- Friend
- Government education programme or other formal education programmes
- Community leaders
- Other _____

Have you tried to find out more information?

- Yes
- No

If so, from whom?

- Family
- Friend
- Government education programme
- Community leaders
- Presentations by non-government organization workers
- Other _____

Would you be interested in finding about information?

- Yes
- No
- Not sure

What would be the best way of information being given to you about land law and how it may affect your rights?

- No



<p>5. What is the most common means by which you obtain general information?</p>	<ul style="list-style-type: none"><input type="checkbox"/> Radio<input type="checkbox"/> Friends/Family<input type="checkbox"/> Local leaders<input type="checkbox"/> TV<input type="checkbox"/> Newspapers<input type="checkbox"/> Other <hr/>
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Please provide any thoughts or recommendations on how (a) the law could better provide woman with legal rights to own land and enforce such rights and (b) how woman can better be made aware of such rights

Please provide some thoughts and feedback on the interview and any suggestions you may have for improvements



Annex III: FGD Guide

Name of Moderator: _____

Note taker: _____

Venue: _____

Date: _____

Check list:

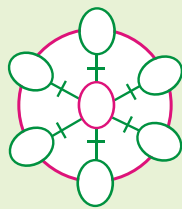
- ? **List of participants**
- ? **Ensuring the recorder is OK**
- ? **Tape recording the whole conversation**
- ? **Note taker to be in position**
- ? **The entire session could be taped on audio transcribed and translated for future reference**

Introduction

- ? **Introduce yourself and create a conducive environment to conduct the interview (physically, emotionally etc)**
- ? **Let everybody introduce themselves**
- ? **State the objects of the research/ why we are doing the research**
- ? **Explain the duration the interview may last.**
- ? **Define/ explain key words/concepts in local language so that the participants understand**
- 1. **What types of land related cases are usually handled by the Abunzi and who are the parties involved?**
- 2. **Which tools are available to (used by) the Abunzi to guide them in their day to day activities [such as copies of the laws, policies and other relevant documents]?**
- 3. **What are the challenges faced by women in asserting their land rights?**
- 4. **How can the challenges faced by women be overcome?**
- 5. **What are the challenges faced by the Abunzi while intervening in land related cases particularly those reported by women?**
- 6. **How can the challenges faced by the Abunzi be overcome?**
- 7. **How would you rate the fairness of the following institutions while handling land related cases reported by women;**
 - ? **The family courts**
 - ? **The Umudugudu**
- 8. **How can the biases and their impact on women's land rights be alleviated?**

THANK THE PARTICIPANTS





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