

ADVOCACY PAPER

ON

**“ COMMUNITY-LED POLICY AND LEGAL FRAMEWORK
EFFECTIVENESS**

**IN PREVENTING AND RESPONDING TO DOMESTIC VIOLENCE
IN RWANDA”**

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**ADVOCACY PAPER ON “COMMUNITY-LED ANALYSIS OF THE POLICY AND LEGAL
FRAMEWORK EFFECTIVENESS IN PREVENTING AND RESPONDING TO DOMESTIC
VIOLENCE IN RWANDA”**

1. INTRODUCTION

The advocacy paper on “Community-Led Policy and Legal framework Effectiveness in Preventing and Responding to Domestic Violence in Rwanda” is an advocacy activity that is looking for promoting a community driven legal and policy framework towards eradicating domestic violence in Rwanda.

The literature review of the existing laws, policies and strategies demonstrate the considerable efforts made by the Government of Rwanda in addressing domestic violence. The Legal and Policy framework provides respectively a channel of opportunity for the improvement on efforts to address domestic violence in Rwanda. Domestic violence refers to a pattern of abusive behavior used by one partner to gain or maintain power and control over another within an intimate or familial relationship. It encompasses physical, sexual, psychological, and emotional abuse, as well as economic abuse and coercive control. Domestic violence can occur between current or former partners, as well as among other family members, and is characterized by repeated acts that create an environment of fear and dependency.

2. BACKGROUND

Founded in 2008, as a non-governmental organization, under the mission of “to ensure that children, women and youth enjoy a human rights based holistic and sustainable socioeconomic development”; the Better Life Achievement Organization (BLAO) have been performing the advocacy activities that aim at eradicating domestic violence in Rwanda.

One of these activities is the conducted Research on “ Collective Analysis of the Community-Led Policy and Legal framework Effectiveness in Preventing and Responding to Domestic Violence in Rwanda” conducted recently in Gasabo, Gisagara, Huye, Nyabihu and Nyagatare districts of the republic of

Rwanda; the analysis was conducted in collaboration with different Civil Society Organizations (CSOs) including Community Based Organizations (CBOs) interested in Community Led Development and Gender equality in Rwanda .

Furthermore, different duty bearers, representatives from Public Institutions, Civil Society Organizations and development partner organizations have been consulted during the research implementation to gather relevant information about current legal and policy framework effectiveness in eradicating domestic violence in Rwanda. Through this analysis data collection, and the organized dialogue to discuss and validate the research findings, different recommendations to promote a Community-Led Policy and Legal framework Effectiveness and eradicate domestic violence in Rwanda such as legal and policy framework improvement, Community capacity building, engagement and participation, rehabilitation of victims of domestic violence, periodically conducting wide researches and updating data have been developed.

It is in this frame that BLAO in collaboration with other Civil Society Organizations(CSOs) including Community Based Organizations(CBOs) working to promote Community Led Development(CLD) and Gender equality in Rwanda: Better Life Achievement Organization (BLAO), Rwanda NGOs Network for Governance(RNNG), Rwanda Justice and Development(RJD), Flame for Rights and Governance in Africa (FRGA), Rights to Education and Development Organization(REDO),and Communauté des Potiers au Rwanda (COPORWA) developed this Advocacy paper on “Community-Led Policy and Legal framework Effectiveness in Preventing and Responding to Domestic Violence in Rwanda” in order to submit it to the relevant duty bearers so that the gaps in legal and policy framework be addressed to promoting Community Driven Policy and Legal framework Effectiveness in Preventing and Responding to Domestic Violence in Rwanda.

3. EFFORTS UNDERTAKEN BY THE GOVERNMENT OF RWANDA

This advocacy paper acknowledges various efforts undertaken by the Government of Rwanda in addressing domestic violence in general and specifically Gender based Violence (GBV) and child rights violence. The following legal and policy framework, programs and initiatives are commendable.

3.1. Legislative framework

This paper notes the explicit prevention and response by the Law n°59/2008 of 10/09/2008 on prevention and punishment of gender-based violence under

whose article 2(1o) there is a clear definition of GBV and its four types which are economic, psychological, physical and sexual violence. The Prime Minister's Order N°001/03 of 11/01/2012 determining modalities in which Government Institutions Prevent and Respond to Gender-Based Violence gives responsibility to all Government institutions for GBV prevention and Response and Reporting. Law N°71/2018 of 31/08/2018 Relating to the Protection of the Child.

Furthermore, this paper welcomes the elaboration and adoption by the government of Rwanda of the laws against domestic violence including Law No 22/1999 of 12th November 1999, to supplement Book one of the Civil Code and to institute Part Five regarding Matrimonial Regimes, Liberalities and Successions; Organic Law No 08/2005 of 14th July 2005, Determining the Use and Management of Land in Rwanda; Law No 13/2009 of 27th May 2009, Regulating Labor in Rwanda.

3.2. Policy framework

This paper acknowledges various policies which address either directly or indirectly Domestic Violence in Rwanda. The in-depth analysis of their implementation is beyond the scope of this paper. The paper notes the existence of the National Gender Policy (2010): This policy outlines the government's commitment to gender equality and the eradication of GBV, providing a strategic framework for interventions.

The Integrated Child Rights Policy states that *“the Government will enforce the implementation of ministerial decree on worst forms of labour for children and moreover that specific time bound programs will be rolled out for rehabilitating children engaged in the worst forms of child labour as priority and extend to other forms of labour”*.¹

The Integrated Child Rights Policy states also that *“the Government will undertake specific preventive interventions and social protection measures, including intense mobilization for enrolment and retention of children into schools and support to them/ their families as a compensation for their loss of income. Finally, the paper appreciates the suggestion made by the National Employment Policy of having programs to fight against all forms of Child abuse”*.²

¹ ICRP, Section 5, Paragraph 5.3

² ICRP, Section 5, Paragraph 5.3.1

These above legal provisions contribute meaningfully to eradication of domestic violence among children

3.3. Strategies

This paper welcomes the adoption of Gender and Family promotion Strategic Plan 2017/24 . some of the priorities of this Strategic Plan are (1) Family Promotion and child protection, through this priority ; the following challenges were highlighted: Family conflict and division of labour that sustain inequalities among spouses and instability in families; Gender inequality norms that are promoted through construction sites such as culture and religion; Early childhood development (ECD) that should cover all children of all categories under the age of 6 years but which is still to be disseminated as a concept prior to addressing implementation challenges; Delinquency that is covering a range of issues (sex work, drug abuse, begging and street vending, homelessness, using drugs or selling drugs, vagrancy, street children, prostitution and theft), Teenage pregnancy and Human trafficking. Based on the above key challenges the following outcomes have been formulated: Outcome 1: Family welfare strengthened. Outcome 2: Life conditions of most vulnerable children improved, outcome 3: Access to quality ECD services increased; (2) Gender based violence is faced with key challenges both under prevention and response including: cultural belief and religious norms that sustain gender-based violence; limited awareness on GBV, human trafficking, limited awareness on laws, policies and mechanisms directly or indirectly addressing GBV; long distance to cover by GBV victim to reach needed assistance; lack of forensic laboratory to provide needed evidence and limited coordination of GBV related interventions. The following has been proposed as an outcome in line with the above challenges: Outcome 1: Gender based violence and child abuse managed. This paper also notes with satisfaction the adoption of the NST 2.

3.4. Programs and initiatives

e) This paper continues to acknowledge the efforts of the Government of Rwanda for achieving tangible results in addressing domestic violence as it was reported that “

Isange One Stop Centre was established to provide services to victims of domestic violence. The centre has a toll-free hotline for domestic violence victims' support, protection from further violence, investigation of crimes, medical and psychosocial support and collection of clear and tangible evidence (RNP,2016). It is noted that so far 43 centres have been instituted countrywide, which, are, too, helping in addressing family issues especially those related to violence and rape.”

. This paper welcomes the *“Integration of Domestic Violence in Local Government Performance Contracts (Imihigo): The Government of Rwanda, in its view, to strengthen the mechanisms of fighting domestic violence, found it fit to integrate the issue into its local government performance contracts. According to the report by GMO in its report of 2013-2014 for accountability and transparency purposes, as a response to domestic violence, it became necessary for it to be included in performance contracts (Imihigo) as one of the criteria to be used in the evaluation criteria.”*

This paper appreciates the running of various campaigns across the country with the aim of eradicating domestic violence in general.

4. GAPS

Despite the above positive steps taken by the Government of Rwanda, there are some gaps in laws, policies and strategies. These gaps need really to be addressed with the view of ensuring that those mentioned laws and policies contribute effectively to the total elimination of domestic violence in Rwanda.

4.1. Legal framework

1. Law No. 59/2008 of 10/09/2008 on Prevention and Punishment of Gender-Based Violence

The 2008 law has got good provisions on protection and criminalization of GBV. For example, Article 2 defines Gender-Based Violence (GBV) as "any act that results in bodily, psychological, sexual, and economic harm to someone just because they are male or female, while Article 5 criminalizes spousal abuse and other forms of domestic violence. Article 3 prohibits all forms of GBV in Rwanda, Article 11 provides penalties for physical violence against a spouse, ranging from six months to life imprisonment, depending on severity, Article 14 protects victims and allows courts to issue restraining orders against perpetrators and Article 15 requires free medical care for victims of GBV.

However, the law presents some gaps that need to be addressed by policy makers:

- Marital rape is not explicitly criminalized, leaving room for legal ambiguity.
- The law does not clearly define economic and emotional abuse, making prosecution difficult.

2. Law No. 68/2018 (Penal Code) and Law No. 59/2008 on GBV often require survivors to present a medical certificate as evidence in court. Article 44 of Law No. 59/2008 states that “a person who has suffered violence shall be given a medical certificate to prove the violence.” Law on general offenses and penalties (Law No. 68/2018), (Law No. 68/2018), Article 121: Criminalizes rape, with severe penalties, Article 122: Provides aggravated penalties if rape is committed by a spouse, but does not explicitly criminalize marital rape, Article 133: Criminalizes battery and assault, including within domestic settings, Article 136: Punishes psychological violence, but it lacks clear enforcement mechanisms.

However, Marital rape is not fully addressed, as the law only increases penalties for spousal rape but does not explicitly define it as a crime. Burden of

proof: Survivors need medical certificates as evidence, which can be costly and difficult to obtain.

While medical reports are useful, making them the only valid evidence leads to serious justice barriers.

The requirement of a medical certificate as the primary form of evidence in domestic violence cases in Rwanda presents significant barriers to justice for survivors

Challenges with the Medical Certificate Requirement:

- Financial Barriers – Medical certificates often require fees, which many survivors cannot afford.
- Limited Access to Health Services – In rural areas, survivors may not have immediate access to hospitals or certified medical practitioners.
- Delayed Reporting Issues – Some survivors report violence days or weeks later, making medical evidence less conclusive.
- Narrow Definition of Evidence – Domestic violence includes emotional, psychological, and economic abuse, which cannot be proven through a medical certificate.

Eliminating the medical certificate requirement as the sole evidence will improve access to justice for survivors and align Rwanda's legal framework with international human rights standards.

3. Law N°71/2018 of 31/08/2018 Relating to the Protection of the Child

Article 28 prohibits any form of violence against children, including domestic abuse but does not explicitly protect children witnessing domestic violence.

4. Law n° 71/2024 of 26/06/2024 governing persons and family

Article 205 recognizes spousal equality in marriage but lacks explicit provisions for domestic violence prevention within marriage

5. Rwanda's International Obligations

- Rwanda has ratified the Maputo Protocol, which explicitly calls for the criminalization of marital rape (Article 4(2)(a)).
- CEDAW (Ratified 1981): Requires state parties to prevent and eliminate domestic violence.
- The UN Convention on the Rights of Persons with Disabilities (CRPD), which emphasizes protection against domestic violence for persons with disabilities.

4.2. Policy Strategies

- Lack of Human trafficking policy
- Limited National budget allocation dedicated to combating domestic violence.
- Public policy design, implementation, monitoring and evaluation process is not community-led which affect the policy implementation effectiveness

5. WEAK MONITORING MECHANISMS:

- Limited availability of data on domestic violence: annual statistics from the Ministry of Gender and family Promotion do not provide information of violence in home settings.
- The National Gender and Family promotion strategy does not have specific target in regularly assessing its impact on domestic violence within home settings.

6. RECOMMENDATIONS

Following the gaps identified and thoroughly described above, this paper makes the following recommendations to the Government of Rwanda, and specific Government institutions thereto:

6.1. Legal reform:

1. Amend Law No. 59/2008 to explicitly include marital rape, emotional and economic abuse (MINIJUST).
2. Amend the law on general offenses and penalties (**Law No. 68/2018**), to explicitly criminalize marital rape as an offense (MINIJUST).
3. Remove ambiguity by clearly defining non-consensual sex within marriage as rape (MINIJUST).
4. Strengthen enforcement mechanisms for existing laws by training law enforcement officers and judicial personnel (MINIJUST).
5. Amend article 44 of the GBV Law and the law on general offenses and penalties to remove the medical certificate as the only required evidence.
6. Amend the 2008 GBV law to add other forms of evidence, such as:
 - Witness testimonies (family, neighbours, community leaders)
 - Digital evidence (text messages, calls, social media threats)
 - Psychological reports for emotional and psychological abuse
 - Police reports and prior complaints (MINIJUST).
7. Amend Law N°71/2018 of 31/08/2018 relating to the Protection of the Child to explicitly protect children witnessing domestic violence (MINIJUST, NCDA).
8. Amend Law n° 71/2024 of 26/06/2024 governing persons and family to explicitly include provisions for domestic violence prevention within marriage (MINIJUST, MIGEPROF).
9. Ensure GBV law, law on general offenses and penalties, child protection law, law governing persons and family align with the international instruments Rwanda duly signed and ratified including CEDAW and the Maputo Protocol (MINIJUST).

6.2. Policy reform:

- Align policy framework with community-led values and principles.
- Review existing poverty reduction policies and programs aimed at addressing poverty and other vulnerabilities that influence domestic violence (MINALOC).

- Initiate and adopt the National Human trafficking policy
- Harmonize the Gender policy with the amended GVB law

6.3. Strategies and Programs:

- Assess regularly the impact of policies and programs on eradicating domestic violence including Gender Based Violence (GBV) and child rights violence and ensure that they are community-Led (MIGEPROF, GMO & NCDA).

6.4. Initiatives:

- Building capacities of communities to enable them to take the lead towards fighting against domestic violence within their communities and effectively engage with policy design, implementation, monitoring and evaluation in Rwanda.(MINALOC)
- Enhance coordination efforts to facilitate comprehensive community campaigns aimed at dispelling myths, reducing stigma, and correcting misconceptions surrounding domestic violence (MIGEPROF).
- Strengthen collaboration between local governments, NGOs, community leaders, and other stakeholders to jointly fight against Domestic Violence; ensuring they provide holistic, relevant and culturally appropriated educational resources that are accessible to all segments of society. Such efforts would be crucial especially in reaching marginalized or underserved communities, ultimately enhancing the effectiveness of the campaigns and ensuring widespread understanding and support. (MIGEPROF)
- Provide more specialized training for judges and court staff on the nuances of domestic violence should be strengthened to ensure that cases are handled with the appropriate level of expertise and sensitivity. (MINIJUST)
- Ensure that healthcare facilities are adequately equipped with resources and trained personnel to effectively address domestic violence-related for many as possible cases.(MINISANTE)
- Support survivors of domestic violence by offering specialized services such as counseling, legal assistance, and emergency shelter, focusing on providing accessible and confidential counseling services that address the emotional, psychological, and physical trauma experienced by victims. (MIGEPROF, CSOs)
- Invest more efforts to challenge harmful cultural norms and educate the public on the impact of substance abuse on domestic violence.(CSOs)

- Invest more efforts to raise awareness about the intersection of disability and domestic violence, ensuring that individuals with disabilities are included in domestic violence prevention and response initiatives.(CSOs)
- Promote a MenEngage as a key strategy in preventing domestic violence by actively involving men and boys in challenging harmful gender norms, promoting positive masculinity, and fostering respectful and non-violent relationships. (CSOs)

7. CONCLUSION

The present advocacy paper on “ Community-Led Policy and Legal framework Effectiveness in Preventing and Responding to Domestic Violence in Rwanda” seeks to suggest potential recommendations on improving the legal and policy framework with an aim of promoting Community-led values and principles mainstreamed legal and policy frameworks and eradicating domestic violence including Gender Based Violence and child abuse in Rwanda.

The authors of this paper would welcome any further opportunity to discuss the gaps identified above and the recommendations thereto. The authors also remain available to provide further details on the literature review of the existing laws, policies and strategies made to demonstrate the considerable efforts made by the Government of Rwanda in addressing domestic violence.

END

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