



**ASSESSMENT OF GAPS IN LAWS
& POLICIES RELATED TO UNPAID
CARE WORK IN RWANDA**

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List of abbreviations/Acronyms

BDF	Business Development Fund
BNR	National Bank of Rwanda
BPfA	Beijing Platform for Action
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
COVID	Corona Virus Disease
CSO	Civil Society Organization
ECD	Early Childhood Development
FBO	Faith-Based Organisation
GDP	Gross domestic product
GMO	Gender Monitoring Office
ILO	International Labour Organization
M&E	Monitoring and Evaluation
MIFOTRA	Ministry of Public Service
MIGEPROF	Ministry of Gender and Family Promotion
MINAFFET	Ministry of Foreign Affairs & International Cooperation
MINAGRI	Ministry of Agriculture and Animal Resources
MINALOC	Ministry of Local Government
MINECOFIN	Ministry of Finance and Economic Planning
MINEDUC	Ministry of Education
MINEMA	Ministry in Charge of Emergency Management
MINICOM	Ministry of Trade and Industry
MINIJUST	Ministry of Justice
MTF	Multi-Tier Framework
NISR	National Institute of Statistics of Rwanda
NST	National Strategy for Transformation
O.G.	Official Gazette
OECD	Organisation for Economic Co-operation and Development
ONG	Non-Governmental Organization
PSF	Private Sector Federation
RTM	Risks that Matter
SNA	System of National Accounts
UCW	Unpaid Care Work
UN	United Nations
UNDP	United Nations Development Programme
UNTS	United Nations Treaty Series
VUP	Vision 2020 Umurenge Programme

EXECUTIVE SUMMARY

From cooking and cleaning, to fetching water and firewood or taking care of children and, the sick and the elderly, women do at least two and a half times more unpaid household and care work than their male counterparts.

As a result, they have less time to engage in paid labour due to working longer hours, combining paid and unpaid labour. Women's unpaid work subsidizes the cost of care that sustains families, supports economies and often fills in for the lack of social services. Yet, it is rarely recognized as "work". Unpaid care and domestic work is valued to be 10 to 39 per cent of the Gross Domestic Product and can contribute more to the economy than the manufacturing, commerce or transportation sectors.

The aim of this legal analysis was to assess the gender compliance of existing laws and policies in Rwanda, identify possible discriminatory provisions and provide evidence for future advocacy and capacity development of relevant stakeholders.

The consultant collected preliminary information by reviewing policies, strategies and laws relevant to the unpaid care work in Rwanda the review also involved an in-depth study of the existing provisions in international laws ratified by Rwanda that should be domesticated through national legislation, or which are ratified but have not fully been domesticated. The consultant also conducted interviews with selected institutions to collect their views, knowledge and recommendations about gaps in laws and policies related to unpaid care work in Rwanda and contribute to recommendations on legal and policy change.

In broad sense, Rwandan laws and policies remain quite silent as far as unpaid care work is concerned. Though there is good policy and legal framework on gender equality, the gender stereotypes and negative masculinity still exist where women are still the majority affected by the unpaid care work compared to their male counterparts.

There are no specific laws or policies regulating unpaid care work in Rwanda. This research recommends that there should not be specific law and policy for UCW, but rather review the relevant policy and legal laws to ensure recognition, redistribution and reduction of the UCW. There is therefore need for advocacy by relevant players to ensure there are legal and policy reforms for UCW.



1

INTRODUCTION

The vast majority of care work-tasks such as caring for family members, collecting fuel and water, cooking meals, harvesting food and maintaining shelter-is performed by women.



Image credit: UN Women Rwanda

Unpaid care and domestic work is valued to be **10-39** percent of the Gross Domestic Product...



While this work is a labour-intensive essential component of daily life that also contributes to the health of a national economy, it is unremunerated, unquantified, and unacknowledged in most cases. In sub-Saharan Africa women dedicate a substantial portion of their time to care work, and this work is increased through insufficient government spending on social services, climate-related resource scarcity, etc.¹

The UNDP estimates that because of women's underused potential due to the burden of Unpaid Care Work, the annual economic losses to sub-Saharan Africa could exceed an equivalent of about 6% of GDP.² Alarming, according to the 2015 African Gender Scorecard, if the current rate of progress continued unchanged, it would take Africa at least another 81 years to achieve gender equality.³ Decision makers in the African Union and in national governments need to urgently re-evaluate their current priorities, policies and approaches. Women's economic empowerment must be understood beyond simply equipping rural women with skills and assets so they can compete in existing markets. Crucially, it must encompass their access to and control over productive and natural resources, control over their own time, being free from violence and abuse, and ensuring that they have voice, choice and control in all spheres of life.⁴

From cooking and cleaning, to fetching water and firewood or taking care of children and, the sick and the elderly, women carry out at least two and a half times more unpaid household and care work than men. As a result, they have less time to engage in paid labour, or work longer hours, combining paid and unpaid labour. Women's unpaid work subsidizes the cost of care that sustains families, supports economies and often fills in for the lack of social services. Yet, it is rarely recognized as "work". Unpaid care and domestic work is valued to be 10 to 39 per cent of the Gross Domestic Product⁵ and can contribute more to the economy than the manufacturing, commerce or transportation sectors. With the onslaught of climate change, women's unpaid work in farming, collecting water and fuel is growing even more.

¹ UNU-WIDER (2014) Is unpaid care work addressed well in World Bank projects? Helsinki: UNU-WIDER.
² UNDP (2016), The African Human Development Report 2016: Accelerating Gender Equality and Women's Empowerment in Africa. <http://www.undp.org/content/undp/en/home/librarypage/hdr/2016-africa-human-development-report.html>
³ African Gender Scorecard, 2015, https://www.au.int/web/sites/default/files/documents/31260-doc-2015_auc_african_gender_scorecard_en.pdf
⁴ Action Aid (Policy Brief 2017): Incorporation of Women's Economic Empowerment and Unpaid Care Work into regional policies: Africa
⁵ <https://www.unwomen.org/en/news/in-focus/csw61/redistribute-unpaid-work#:~:text=Unpaid%20care%20and%20domestic%20work,fuel%20is%20growing%20even%20more.>

Policies that provide services, social protection and basic infrastructure, promote sharing of domestic and care work between men and women, and create more paid jobs in the care economy, are urgently needed to accelerate progress on women's economic empowerment.

Care work is fundamental for human wellbeing as well as essential for a vibrant, sustainable economy with a productive labour force. The centrality of care to sustainable development and its relevance for gender equality are now widely recognized by the global community including as a target under Sustainable Development Goal 5. Care work ensures the complex and life-sustaining web on which our very existence depends. Without it, individuals, families, societies and economies would not be able to survive and thrive. Yet, around the world women and girls shoulder a disproportionate share of care work that is unpaid, unrecognized and undervalued. Prior to the COVID-19 crisis, women already did three times as much unpaid domestic work and care work as men with women on average doing around 4.1 hours per day compared to men who on average do around 1.7 hours.⁶ For women living in rural areas these figures can vary widely, particularly in areas with limited access to regular basic services such as energy, water and sanitation, as women and girls tend to bear the brunt of the unpaid labour to collect and manage these resources and services for daily household consumption.



ECD Day Rwanda- Image credit: UN Women Rwanda

⁶ <https://africa.unwomen.org/en/news-and-events/stories/2020/05/unpaid-care-work-burden-in-the-covid-19-crisis>



According to National report for Women's Economic Empowerment Policy and Programming, 2017; in Rwanda women remain the primary caregivers in families, although spouses and older children also engage in some care tasks. Nuclear families receive little help with care from outside the household. Older children, both boys and girls, help with care tasks, often more than their fathers, although girls tend to help more than their brothers. Women's paid work is important for meeting household needs, and is vital in female headed households; but, whether sole earnings or combined, it is not always enough to meet household needs. The majority of women work primarily in agriculture-related work. Their paid work opportunities are more limited than men's because of gender norms around certain types of work and because they have less time to find out about paid work opportunities due to their involvement in care work. Women may do more than one job, and much paid work is temporary, occasional and irregular, as well as seasonal. Brigitte R. et al., (2017).

The OECD Risks that Matter (RTM) 2020 survey helps to fill a gap in our understanding by combining self-reported employment and caregiving microdata, disaggregated by parenthood status, across 25 OECD countries.

COVID-19 has laid bare the negative consequences of longstanding gender gaps and norms around caregiving. RTM 2020 reveals that when schools and childcare facilities closed, mothers took on the brunt of the additional unpaid care work – and, correspondingly, they experienced labour market penalties and stress.

Mothers were nearly three times as likely as fathers to report that they took on the majority or all of additional unpaid care work related to school or childcare facility:

61.5% of mothers of children under age 12 say they took on the majority or entirety of the extra care work, while **22.4%** of fathers' report that they did (OECD Caregiving in crisis: Gender inequality in paid and unpaid work during COVID-19, 2020).

ECD Day Rwanda- Image credit: UN Women Rwanda

The recent Policy brief on the Impact of COVID-19 on Women provides strategies on how best to support women’s productive and unpaid care and domestic work which has been exacerbated by the pandemic; and to reprioritize public expenditure to allocate more funding to social care infrastructure, among other recommendations. Unlike their male counterparts who each day spend 1.7 hours on unpaid care and domestic work, women on average spend 4.1 hours per day, a painful reflection of an imbalance that has persisted for many years. Although these women significantly contribute to the sustenance of families, communities, economies and countries, the value of their care and domestic work has remained invisible (UN Policy brief on the Impact of COVID-19 on Women, 2020).

The government of Rwanda has made great strides in developing policies, strategies and laws to support women’s empowerment and the advancement of gender equality within the country. Gender equality mechanisms have been instituted to support policy and legal implementation including the gender machineries⁷, gender responsive budgeting, affirmative actions in leadership and education among others. Rwanda has also ratified and domesticated important international instruments on gender equality including CEDAW, Beijing declaration and platform of Action and the major ILO conventions related to work which could be a good basis to address issues of unpaid care work for women. This also shows how Rwanda is on track in implementing the SDG 5 on gender equality as the country deploys much efforts to achieve gender equality and empower all women and girls.

Despite this progress, there still exists inequalities with regard to unpaid care work that have been ingrained in Rwandan culture and society for a long time. The care burden which includes collecting fire wood for cooking, looking after the sick, the children and the elderly are sole responsibility of the women. A recent study conducted in Rwanda by Oxfam in partnership with the University of Rwanda showed that unpaid care work is one of the biggest causes of time poverty for women.

The findings revealed that for every one hour a man spends on domestic chores, thus unpaid care work, a woman spends three hours . Also Rwanda has not ratified major conventions that address the issues of unpaid care work and those that have been ratified have not yet been fully domesticated under the existing national legislations. These include; C190 on Violence and Harassment Convention, C189 on Domestic Workers Convention, C183 on Maternity Protection Convention, C131 on Minimum Wage Fixing Convention, C156 on Workers with Family Responsibilities Convention and Po89- Protocol of 1990 to the Convention concerning Night Work of Women Employed in Industry.



⁷ MIGEPROF, GMO, NWC, FFRP and IOSCs among others

⁸ <https://www.oxfam.org/en/how-pigs-help-fight-womens-unpaid-care-work-rwanda#:~:text=A%20recent%20study%20conducted%20in,a%20woman%20spends%20three%20hours>.accessed on June 05, 2022



Image credit: UN Women Africa

2

DEFINING UNPAID WORK, CARE WORK AND UNPAID CARE WORK

The 1993 United Nations System of National Accounts (SNA) defines unpaid work as non-market work.

Prior to 1993 the SNA excluded measurement of much of this non market work which is primarily undertaken by women. Available literature, refer to domestic work⁹ or housework as unpaid or unwaged or unremunerated work.¹⁰

The International Classification of Activities for Time-Use Surveys distinguishes between three subcategories of unpaid care work:



Household maintenance;
.....



Care of persons in one's own household; and
.....

Services and help to households in the community (*Budlender 2008, op cit*).



The unpaid domestic work tasks performed by women for their households and families include preparation of meals, cleaning, clothing care, gardening, home maintenance and management, care for children and adults, and in some instances the provision of unpaid help to other households. It also includes shopping or obtaining services, and unpaid work in family businesses. It is important to underline that each category of work performed includes a subset of tasks, for example, unpaid subsistence activity is another kind of unpaid work, performed predominantly by women, and includes activities such as cultivation of vegetables, fetching wood and water and the care of livestock animals.¹¹

Another category of unpaid work is volunteering, which is often performed for persons that are not family members. It involves both work performed for formal non-profit organizations and care provided in an informal way by individuals for other individuals. Volunteer work is varied and

extensive. It includes caring for neighbours, forming community groups and institutions, advocacy, helping out in political campaigns, working with people in or leaving prison, agriculture work community gardens, international producing theatre and arts, counselling and education.

The International Classification of Activities for Time-Use Surveys distinguishes between three subcategories of unpaid care work: household maintenance; care of persons in one's own household; and services and help to households in the community.¹²

Unpaid care work is a critical –yet largely invisible– dimension of human well-being that provides essential domestic services within households, for other households and its community members. Unpaid means that the person doing the activity does not receive a wage for that work, because it falls outside the production boundary in the System of National Accounts, is not counted in Gross Domestic Product calculations.

⁹ The concept of domestic work has been variously referred to as housework and/or domestic labour and these terms are used interchangeably in this paper to refer to work in the domestic economy, also referred to as the care economy or reproductive work.

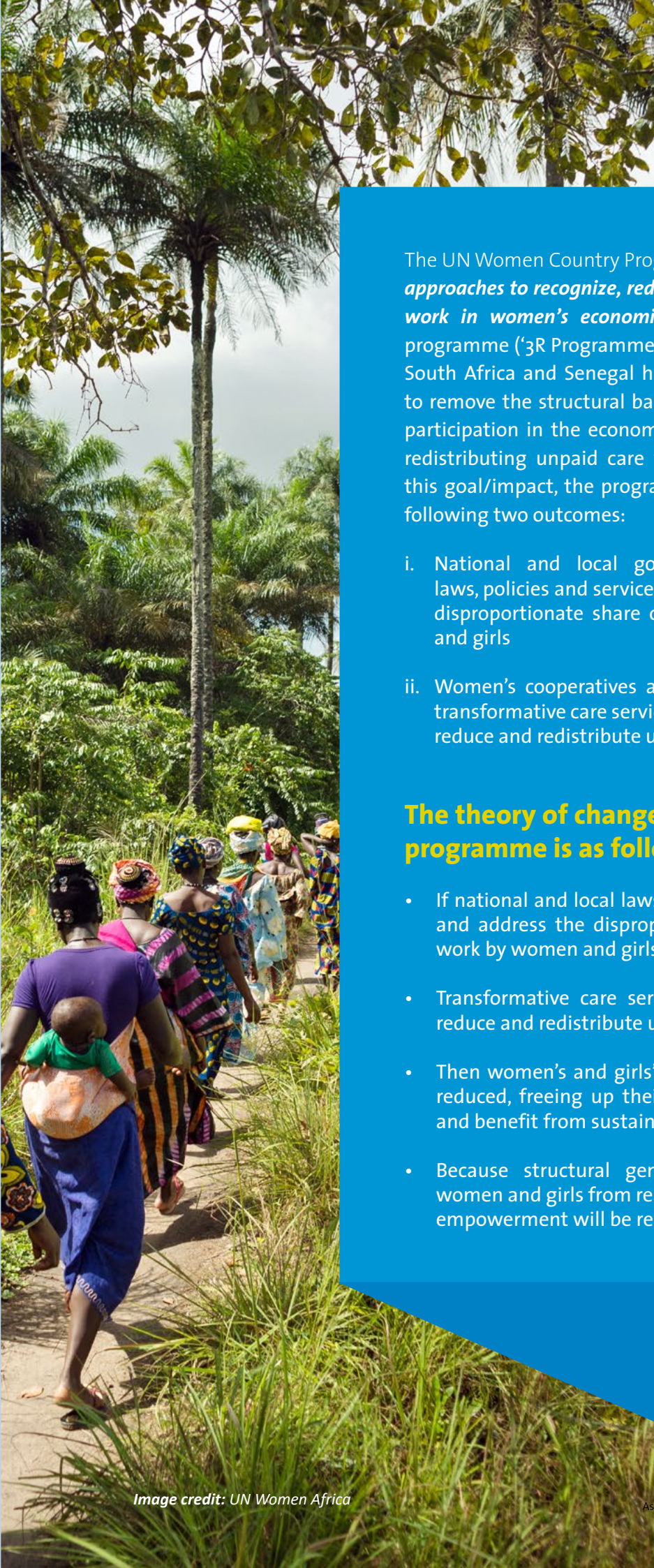
¹⁰ It is argued that the time devoted to housework limits women's opportunities to earn wages or salaries in the formal labour market.

¹¹ Source: Shara Razavi, "The Political and Social Economy of Care in a Development Context: Conceptual Issues, Research Questions and Policy Options", United Nations Research Institute for Social Development, June 2007.

¹² Sheila Stuart (2014), Situation of unpaid work and gender in the Caribbean The measurement of unpaid work through time-use studies

3

ABOUT THE UN WOMEN PROGRAMME TO RECOGNIZE, REDUCE, AND REDISTRIBUTE UNPAID CARE WORK



The UN Women Country Programme dubbed ‘*Transformative approaches to recognize, reduce, and redistribute unpaid care work in women’s economic empowerment programming*’ programme (‘3R Programme’) to be implemented in Rwanda, South Africa and Senegal has an overarching goal which is to remove the structural barriers to women’s full and equal participation in the economy by recognizing, reducing, and redistributing unpaid care work. In order to contribute to this goal/impact, the programme aims to contribute to the following two outcomes:

- i. National and local governments develop/strengthen laws, policies and services that **recognize** and address the disproportionate share of unpaid care work by women and girls
- ii. Women’s cooperatives and other organizations provide transformative care services in rural and/or urban areas to reduce and redistribute unpaid care work; and

The theory of change that frames the programme is as follows:

- If national and local laws, policies and services recognize and address the disproportionate share of unpaid care work by women and girls; and
- Transformative care services in rural and urban areas reduce and redistribute unpaid care work.
- Then women’s and girls’ unpaid care work in Rwanda is reduced, freeing up their time to equally contribute to and benefit from sustainable livelihoods.
- Because structural gender inequalities that prevent women and girls from realizing their economic rights and empowerment will be removed.

The 3R programme responds to the need for more programmatic interventions on recognizing, reducing and redistributing (3Rs) women’s unpaid care and domestic work as well as overall time poverty. With support from Global Affairs Canada, the 3R Programme will integrate a standalone care component into existing UN Women programmes on climate-resilient agriculture and rural women’s economic empowerment in Rwanda and will:



- **Support national and local policy advocacy for greater awareness and capacity building to redress discriminatory social norms and address the 3Rs of unpaid care work in laws, policies and services.**

- **Develop economically sustainable models of transformative care services and childcare provision.**



- **Increase access to timesaving, climate-resilient infrastructure for thousands of women through well-established partnerships with women’s cooperatives, associates and other organizations.**

- **Raise awareness in communities, including by engaging men and boys, about discriminatory social norms and the 3Rs of unpaid care work.**





Image credit: UN Women Africa

4

RESEARCH OBJECTIVES

4.1. GENERAL OBJECTIVE

The main of this research is to conduct a comprehensive legal analysis of gender compliance under Rwandan laws related to unpaid care work.



Visit to Kotibanya & Kobinya cooperatives in Rubavu district 12 July 2022. Image credit: UN Women

4.2. SPECIFIC OBJECTIVES

The aim of this legal analysis is to assess the gender compliance of existing laws and policies in Rwanda, identify possible discriminatory provisions and provide evidence for future advocacy and capacity development of relevant stakeholders.

The research has the following specific objectives:

- Identify laws and policies related to unpaid care work in Rwanda
- Identify discriminatory provisions in laws and policies in terms of gender equality and specifically the different roles and responsibilities of men and women across different domains of laws with regards to unpaid care work (the normative framework);
- Identify loopholes that might exist in the implementation of laws related to unpaid care work in terms of ensuring gender equality.
- Assess the extent to which Rwanda's commitments to global, regional and sub-regional unpaid care work frameworks which advance gender equality are translated into domestic laws.
- Formulate recommendations to address the identified gaps in terms of discriminatory provision, implementation gaps of laws and capacity building of relevant stakeholders.
- Develop an advocacy strategy and pathways for legal reforms and policy actions to address any gaps identified.

5

METHOD- OLOGY

5.1. SECONDARY DATA - DESK REVIEW

The consultant collected preliminary information by reviewing policies, strategies and laws relevant to the unpaid care work in Rwanda the review also involved an in-depth study of the existing provisions in international laws ratified by Rwanda that should be domesticated through national legislation, or which are ratified but have not fully been domesticated.

5.2. PRIMARY DATA-INTERVIEWS AND FOCUS GROUP DISCUSSIONS

To enrich the data from desk review, the consultant conducted series of interviews with selected institutions to collect their views, knowledge and recommendations about gaps in laws and policies related to unpaid care work in Rwanda and contribute to recommendations on legal and policy change. The interview guide is attached as annex 2 whereas the list of interviewed institutions is attached as annex 1.

Visit to Kotibanya & Kobinya cooperatives in Rubavu district 12 July 2022. Image credit: UN Women



6

FINDINGS

This section presents the results of analysis of the policies and laws that were analysed during this study. The presentation starts with policies, followed by laws and the recommendations and actions to be taken to address key issues related to unpaid care work.

6.1. POLICIES AND LAWS RELATED TO UNPAID CARE WORK IN RWANDA

6.1.1. Policies related to unpaid care work in Rwanda and identified gaps

a. National Gender Policy (2020)

The policy recognises and defines the unpaid Care work. It stipulates that unpaid care work refers to all unpaid services provided within a household for its members, including care of persons, housework and voluntary community.

The Policy issue 2.4 reads as follows: Participation of women in entrepreneurship and business development remains low due to lack of business-related specific skills and capacities, inadequate access to finance and start-up capital as well as heavy involvement of women in domestic activities including unpaid care work, limited use of alternative sources of energy for cooking restraining women to devote more of their time into other productive activities.

Point 2.4.4 (of the same policy issue) provides that there is need to devise mechanisms and programs to ensure shared responsibility between men and women over domestic work/unpaid work as well as use of time and energy saving investments by securing alternative energy sources for cooking. These programs should target educating both men and women at community level for mind-set change with regards to the benefits of shared responsibilities.

The policy recommends a need to explore possibilities of measuring/valuing unpaid work in the overall national GDP; and to Scale up Early Childhood Development (ECD) Centers up to village' level to ensure that women have time to dedicate to economic activities.



The policy indicates low involvement of women in VUP Public Works very limited due to their full involvement in unpaid care work (Policy issue 3.6).

The gender national policy implementation plan requests MINECOFIN (in collaboration with the MIGEPROF, GMO, NISR, BNR) to Explore possibility of measuring/valuing unpaid work in the overall national GDP (this has to be done during the fiscal year 2022/23).

While the policy recognises the existence of unpaid domestic work which is a burden to women (sections 3.1.2), but does not provide ways on how to address this issue. Also the policy does not provide to policy actions that target reduction of the care burden on women and does not assign such responsibilities to any specific institutions.

b. National Early Childhood Development Policy (2016)

The National Early Child Development Policy identifies unpaid care work as one of the hindrances for women economic empowerment and actions to address them, along with their cost implications. However, there is an opportunity to contribute to addressing these barriers, by strengthening implementation and M&E of the revised policy.

c. The National Employment Policy (2019)

On page 23-24, under Employment for women, the policy stipulates a measure to encourage gender-friendly strategies and appropriate technology to reduce the unnecessary hard work of women's domestic and economic activity and thus enhance their productivity and incomes.

It is recommended that a particular section on unpaid care work is included in the section on the employment policy as the policy only addresses the paid employment and leaves out unpaid care work that affects mostly women.

On page 25, the policy requires MINAGRI to develop appropriate systems of transfer of production technologies, processing, storage and transformation of agricultural products which will tackle the bottleneck of seasonality of employment, time-related underutilization and subsistence agriculture especially among women. This statement addresses only issues related to agriculture but leaves behind the extra work done by women in the communities and the household levels. The policy should be revised to align the care work and the additional productive work in and outside agriculture. In summary the policy does not provide guideline of recognising the UCW.

*Field visit to Burera District
Image credit: UN Women*



d. Gender Monitoring Office (Strategic Plan 2017-22)

Under section 1.3, the GMO strategic plan indicates that despite remarkable achievements on gender equality, it is still evident that some challenges persist in different aspects. Some of these challenges include but not limited to low levels of women participation in different development programs and decision-making processes at grassroots levels due to unpaid care work and lack of self-confidence to compete for strategic decision-making positions. The strategic plan does not provide actions under implementations plans to alleviate the gaps mentioned above.

e. Energy sector strategic plan (2018/19 - 2023/24)

Under section 2.7.3.; the strategic plan stipulates that the Government programme should support the use of improved cooking technologies to relieve women sometime to do productive work. Private sector led efforts are also distributing cook stoves that are up to three times more efficient than the traditional 3- stone stove to reduce biomass consumption between 68-94%. This will free up the time spent by women and children in collecting firewood, giving them more time to study and undertake more productive commercial activities.

Under section 3.3.3. This strategic plan emphasises the biggest gender issue within energy sector is the time women and girls spend collecting firewood and plant residues necessary for household activities. This reduces the time available for other purposes, including income generation and education. Absenteeism, especially for girls, at school age is another consequence resulting from the time used for firewood collection.

On page 75, this strategic plan indicates that the Multi-Tier Framework (MTF) Survey conducted between November and December 2016 found that women spend more time collecting and preparing fuel for cooking spending between 42 and 80 minutes per day collecting firewood in

urban and rural areas, respectively. Data results also show that women spend twice as much time as men preparing fuel for cooking. Reducing the use of firewood, will have a significant positive impact on the lives of women and girls across Rwanda.

The strategic plan provides efforts to reduce the UCW but remains silent on guidelines to ensure redistribution and sensitisation of the communities on the negative gender stereotypes that relegate women to unpaid care work.

*Handover of Energy Kits in Rubavu district
Image credit: UN Women*



f. National Strategy for Transformation (NST1)

The NST 1 does not specifically recognise UCW. It however has some provisions to empower women in productive works. Under the priority one, the NST 1 it assigns MIFOTRA, MIGEPROF, MINICOM, MINEDUC, MINALOC, BDF, PSF and MINEMA to support and empower youth and women to create businesses through entrepreneurship and access to finance.

Under Cross-Cutting Areas, the NST 1 stipulates that there is need for a continuation to facilitate women to access finance (sub section 5.12). The key challenge is that the strategy does not recognise the UCW and does not provide any recommendations on how to address such issues as a way of achieving national transformation.

g. National Policy on Cooperatives in Rwanda (2018)

The National Cooperative Policy guides the legalization and operation of cooperatives in Rwanda. It emphasizes inclusive cooperative membership to extend benefits such as mutual support, joint and collective investment, and access to loans at lower interest rates to women, youth, and people with disabilities but does not address the issues of unpaid care work.

Handover of Energy Kits in Rubavu district
Image credit: UN Women





6.1.2. Laws related to unpaid care work and identified gaps

6.1.2.1. The National Constitution of the Republic of Rwanda of 2003, as revised in 2015, O.G. N° Special of 24/12/2015)

.....

The National Constitution commits to building a State governed by the rule of law, based on the respect for human rights, freedom and on the principle of equality of all Rwandans before the law as well as equality between men and women.

.....

Article 10.4 on fundamental principles, the Constitution commits to build a State governed by the rule of law, a pluralistic democratic Government, equality of all Rwandans and between men and women which is affirmed by women occupying at least thirty percent (30%) of positions in decision-making organs.

From the above it is clear that the Constitution provides enough guidelines to establish laws and policies ensuring equality of men and women particularly in governance which it has achieved through different strategies that have been put in place including the legal and institutional. All discriminative laws have been repealed and new laws providing for equal treatment of men and women have been put in place including the laws on access and control over land for couples in legal marriage unions, the law related to inheritance and

education among others. However, the National Constitution remains silent on unpaid care work as one of the key areas that affect national development and achievement of gender equality

Prior to 1994 Rwandan laws stipulated that women were under their male relatives' custody (husbands, fathers, and brothers) . Likewise, women could not inherit or own land, and their participation in economic and political decisions was restricted. Further, Rwandan women remained illiterate in the post-independence years; the only women-oriented programme was an initiative that trained hundreds of young women as midwives. There has been great transformation when it comes to laws on gender equality in Rwanda, discriminative provisions have been repealed and new laws enacted that promote gender equality.

Image credit: UN Women



For instance, the 2016 law on persons and family publicly stipulated that both husband and wife should share responsibilities in household management:



“spouses jointly provide management of the household including moral and material support to the household as well as its maintenance.”

This is a major advance in challenging intra-household gender roles, considering the 1992 Family Code that stipulated that men were the head of households and economically responsible for their family. However, the gender stereotypes and negative masculinity still exist where women are still the majority affected by the unpaid care work compared to their male counterparts.

6.1.2.2. National level laws related to unpaid care work in Rwanda and identified gaps



a. Law N° 66/2018 of 30/08/2018 regulating labour in Rwanda

Rwandan labour law, amended in 2018, provides in Article 56: Maternity leave to a female employee who have given birth is entitled to a maternity leave of at least twelve (12) consecutive weeks.

This law applies to employment relations based on an employment contract between an employee and an employer in the private sector. It applies also to contractual staff in Public Sector unless otherwise provided by the law establishing the general statutes for public service. The repealed law was applied to informal sector only for issues relating to social security, trade union organizations and health and safety at workplace.

This law prohibits discrimination based on gender. It provides for equal remuneration without any kind of discrimination. This matches with the ILO Convention 100 on Equal Remuneration adopted in 1951. However, these provisions only benefit women in formal employment, leaving out the majority who work in the informal sector.

However, the law is silent as regard to unpaid care work and equal opportunity to maternity leave for male parents.



b. Presidential Order n° 31/01 of 25/08/2003 establishing the method of paying compensation for physical suffering from vehicle accidents.

Article 13 of this order recognises the ‘unpaid care work’ in compensating for physical suffering from vehicle accidents but does not determine basis for calculating that compensation in terms of value of the UCW.



c. Law N° 27/2016 of 08/07/2016 governing matrimonial regimes, donations and Successions

This law provides for the management of properties within the marriage Contract but says nothing about the management of care work within the families.



d. Law N° 32/2016 of 28/08/2016 Governing Persons and Family

This Law governs natural persons and family as well as relations between persons but is silent on the work and how it is regulated within families.



e. Law N° 003/2016 of 30/03/2016 Establishing and Governing Maternity Leave Benefits Scheme

This Law establishes and governs maternity leave benefits scheme. Article 2 (6), the female employee is entitled to a maternity leave because she is pregnant or she has given birth. The scheme covers only women, there is nothing mentioned for husbands (men) when they are also parents. Also when it comes to maternity leave, it is only accorded to women which means that men pay limited contribution in the care of the new born baby.

Image credit: UN Women Rwanda



6.2. INTERNATIONAL TREATIES

6.2.1. Ratification of international treaties and perceived national position as regards to UCW

Rwanda Has ratified most of the international gender equality instruments without reservation including the Convention on the Elimination of All Forms of Discrimination against Women of 1979, the Sustainable Development Goals of 2015, the International Convention on Economic, Social and Cultural Rights of 1966, Beijing Declaration and Platform for Action of 1995 and the Resolution 1325 (2000) Adopted by the Security Council on 31 October 2000 among others. The Ratifications are very positive and the steps taken already in implementation are very impressive particularly in the areas of decision making, education and economic empowerment of women among others.

However, dealing with unpaid care work for women remains a challenge. The Country focuses more on the creation of employment as a way of reducing unemployment while paying limited attention on unpaid care work.

Those unable to join the structured employment, the country has created Vision 2020 Umurenge Programme (VUP) programs - an Integrated Local Development Program to Accelerate Poverty Eradication, Rural Growth, and Social Protection. While these programs have contributed immense reduction of unemployment and poverty reduction, little has been done to reduce unpaid care work for women as limited work has been done to address the social and cultural patterns that push more women to unpaid care work compared to their male counterparts.

Furthermore, there is initiatives under VUP called E-Public Works³¹ mostly performed by women who are unable to participate in classic VUP-Public work program due caring responsibilities such as caring for young kids, elders and people with disabilities .

In CEDAW in Article 5 (a)
urges member states

“to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.



Article 5(b)

of the same Conventions urges member states

“To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases”.

The National gender policy (2021) which domesticates the above convention covers unpaid care work in one of its policy actions as *“Explore possibilities of measuring/ valuing unpaid work in the overall national GDP”*, but nothing mentioned in the policy objectives which could lead to its evaporation during policy implementation.

Also within the Beijing declaration of Action 1995, provisions 25 and 26 encourage member states to provide “Equal rights, opportunities and access to resources, equal sharing of responsibilities for the family by men and women, and a harmonious partnership between them which are critical to their well-being and that of their families as well as to the consolidation of democracy, encourage men to participate fully in all actions towards equality and to promote women’s economic independence, including employment, and eradicate the persistent and increasing burden of poverty

on women by addressing the structural causes of poverty through changes in economic structures, ensuring equal access for all women, including those in rural areas, as vital development agents, to productive resources, opportunities and public services.

The guiding principles of BPfA have been very crucial in influencing the current positive environment for gender equality in Rwanda, however in the area of unpaid care work, sensitisation not only on its quantification but there needs to be lots of sensitisation as this is deeply rooted in culture where women are taken as the care takers and men the providers but in actual sense women do both providing and caretaking with no remedy or recognition. For the Country to completely implement the international commitments mentioned above, there is need to put in place a policy and legislation on unpaid care work so that it is valued and quantified.

For instance, minimum wage needs to be determined so that those who are unable to negotiate like women are protected by law.

Also Rwanda has not fully domesticated some key international agreements and conventions related to Unpaid care (UCW) and/or domestic work including:

- **C189 - Domestic Workers Convention, 2011 (No. 189):**

This convention protects the rights of domestic workers' majority of whom are women. It defines the terms of work of the domestic workers, issues of the right of association, the right to be protected by law and the minimum wage among others. By not domesticating this law, the burden of the domestic workers and their exposure to exploitation remains a key concern and their absorption in the unpaid care work remains a big challenge.

- **C156 - Workers with Family Responsibilities Convention, 1981 (No. 156):**

This convention requires member's states to take account of the needs of workers with family responsibilities in community planning; and (b) to develop or promote community services, public or private, such as child-care and family services and facilities in the work places among others. Rwanda has done a lot in this area through Gender Certification program in Collaboration with UNDP, UN Women and GMO but the ratification of this convention will create obligation on all institutions to take the works with family responsibility more seriously.



6.2.2. Gap on translation of global, conventions/ treaties related to work into domestic laws

No	International conventions not yet ratified	Summary	Recommendations
1	ILO Convention No. 190 (or C190 in short)	<p>This is the first international treaty that recognizes the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment.</p> <p>The Convention was adopted in June 2019, by the International Labour Conference of the International Labour Organization (ILO), and came into force on 25 June 2021.</p>	<p>Rwanda should ratify this convention and put in place the necessary laws and policy measures to prevent and address violence and harassment in the world of work</p>
2	ILO Convention Concerning Decent Work for Domestic Workers (Domestic Workers Convention, No. 189).	<p>On June 16, 2011, ILO members (governments, trade unions, and employers' associations) voted this convention. This ground-breaking treaty establishes the first global standards for domestic workers. Under the Convention, domestic workers are entitled to the same basic rights as those available to other workers in their country, including weekly days off, limits to hours of work, minimum wage coverage, over-time compensation, social security, and clear information on the terms and conditions of employment.</p> <p>The new standards oblige governments that ratify to protect domestic workers from violence and abuse, to regulate private employment agencies that recruit and employ domestic workers, and to prevent child labour in domestic work.</p> <p>ILO C189 on Domestic Workers Convention, which that domestic work continues to be undervalued and invisible and is mainly carried out by women and girls, many of whom are migrants or members of disadvantaged communities and who are particularly vulnerable to discrimination in respect of conditions of employment and of work, and to other abuses of human rights</p>	<p>Rwanda should ratify and take action to strengthen protections for domestic workers</p>

No	International conventions not yet ratified	Summary	Recommendations
3	Maternity Protection Convention, 2000 (No. 183)	<p>Under Convention No. 183, all employed women, including those in atypical forms of dependent work, should be covered for pregnancy, child birth and their consequences. In particular, persons protected should be entitled to maternity benefits for a minimum period of 14 weeks (including six weeks of compulsory leave after childbirth) at not less than two-thirds of their previous earnings. The medical benefits provided to protected persons must include prenatal, childbirth and post-natal care. Convention No. 183 also lays down the right to work breaks for breastfeeding, as well as provisions relating to health protection, employment protection and non-discrimination.</p>	<p>Rwanda allows 12 weeks for maternal leave, this should be extended to 14 weeks to comply with the C183</p>
4	Minimum Wage Fixing Convention 1970 (no 131)	<p>Minimum wages shall have the force of law and shall not be subject to abatement, and failure to apply them shall make the person or persons concerned liable to appropriate penal or other sanctions.</p> <p>The freedom of collective bargaining shall be fully respected.</p>	<p>Rwanda should ratify the C131 and establish a system of minimum wages which covers all groups of wage earners whose terms of employment are such that coverage would be appropriate.</p> <p>The current minimum wage has been claimed to be outdated.</p>
5	Convention concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities (Entry into force: 11 Aug 1983)	<p>This Convention applies to men and women workers with responsibilities in relation to their dependent children, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.</p> <p>The provisions of this Convention shall also be applied to men and women workers with responsibilities in relation to other members of their immediate family who clearly need their care or support, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.</p>	<p>Rwanda should ratify to enhance Equal Opportunities and Equal Treatment for Men and Women Workers</p>

No	International conventions not yet ratified	Summary	Recommendations
6	ILO C156 on Workers with Family Responsibilities Convention and Po89,	The Convention recognises that the problems of workers with family responsibilities are aspects of wider issues regarding the family and society which should be taken into account in national policies	Rwanda should rectify problems of workers with family responsibilities and provide guidelines to address
8	International Convention on the Elimination of all forms of Discrimination against Women, 18 December 1979 (entered into force on 3 September 1981).	Article 11, 2,c; which requests States to encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;	It is ratified but some articles are no very clear in national laws and polices (11.2c).
9	The International Covenant on Economic, Social and Cultural Rights, 16 December 1966, UNTS 993.	Article 7, d; recognised that employees is entitled to rest and leisure right.	This should be domesticated and be merged with the UCVW which take over the rest from most women.



ECD Day Rwanda- *Image credit: UN Women Rwanda*



Visit to Kotibanya & Kobinya cooperatives in Rubavu. Image credit: UN Women

7 CONCLU- SION

The recognition and valuing of care work, both paid and unpaid, is fundamental to achieving gender equality for women and girls. The recognition, reduction and redistribution of unpaid care work is still affected by cultural norms, limited role models, limited availability of credible and representative data on unpaid care work and access to needed infrastructures in Rwanda. Mostly, women do all the unpaid care work because they know/ think that it is their primary responsibility that should be done at all cost and sometimes believe punishment for non-compliance is acceptable and legal. During consultations, the study indicated that UCW refrains girls and women to progress in productive work and it contributes to delay of schooling period for girls.

There are no specific laws or policies regulating unpaid care work in Rwanda. Interviewees recommended that there should not be specific law and policy for UCW, but rather review the relevant policy and legal laws to ensure recognition, redistribution and reduction of the UCW.

Regarding the international conventions which are not yet ratified or not fully domesticated by Rwanda, there should be an explicit study to explore reasons, explore best practices from other countries; and formulate specific recommendations.

8

KEY ACTIONS TO GUIDE ADVOCACY STRATEGY

This research revealed that Rwanda has made tremendous legal and policy framework to ensure gender equality, but there is still gap on ensuring laws and policies provide guidance on recognition, redistribution and reduction of the UCW. There is therefore need for advocacy by relevant players to ensure there are legal and policy reforms for UCW.

ADVOCACY ACTORS:



CSOs/NGO



FBOs/Churches



Schools



Gender and women empowerment movements



Media



ECD Day Rwanda- Image credit: UN Women Rwanda



International Rural Women's Day Celebration
Image credit: UN Women

ACTIONS TO ADVOCATE FOR:

No	Issue	Proposed action	Responsible
1	Silent laws and policies on UCW	Rwanda should revise relevant policies and legal laws to ensure recognition, redistribution and reduction of the UCW (family related laws/policies, labour laws/policies).	MINIJUST, MIGEPROF, MIFOTRA, GMO
2	International treaties related to UCW which are not ratified	<p>Prioritise and fully implement all international and African Union commitments on addressing women's Unpaid Care Work, fulfilling their economic rights.</p> <p>Need of an explicit study to explore reasons, explore best practices from other countries; and formulate specific recommendations</p>	MINAFFET, MINIJUST, MIGEPROF, MIFOTRA, GMO
3	UCW is not included in national accounts and in the calculation of GDP	<p>Ensure gender responsive budgeting processes and invest in sex-disaggregated data collection to measure time and gender division of labour regarding Unpaid Care Work. Include Unpaid Care Work in national accounts and in the calculation of GDP.</p>	MINECOFIN, GMO, MINALOC, DISTRICTS, NISR and BNR
4	Limited infrastructures needed at household level to reduce UCW	<p>Men or families in general should increase investment in time-saving infrastructures needed at household level. Those include running water, water tanks, gas cooking devices, electricity and where possible going further to washing machines, cooking devices that would significantly reduce women time on UCW. There is need to enhance the use of technology to reduce the UCW on women</p>	MININFRA RISA

No	Issue	Proposed action	Responsible
5	Leave days allocated to fathers are less; care centres are limited	Paternal leave for fathers would allow men to be more involved in connecting and taking care of their children. Child friendly centre to help women who work or leave the children when they go to do business should be established at village level.	MIFOTRA, MIGEPROF
6	Fathers not much involved in parents' evening (<i>umugoroba w'umuryango</i>).	Strengthen existing platforms e.g <i>Umugoroba w'Umuryango</i> to discuss about UCW, and encourage more fathers/men to attend and participate in the care work at home and community levels.	MINALOC. MIGEPROF
7	UCW not mentioned during teaching of new families by legal government structures and FBOs during matrimonial ceremonies	Teaching new families around involving both boys and girls in UCW as well as both parents (males and females). MIGEPROF has a curriculum on families: UCW should be well articulated that same curriculum	MINALOC, MIGEPROF, MINIYOUTH DISTRICTS/ SECTORS, FBOs/ Churches coalition,
8	Men-engage program is not yet strengthened	Men who are willing to challenge traditional gender roles by caring for family members are often derided and ridiculed by both other men and by women. It is important to challenge the gender stereo-types that prevent men from contributing to unpaid care work. A critical task is to ensure that policy supports an enabling environment for men to share care burdens.	MIGEPROF, MINALOC, FBOs
9	Unpaid care work not addressed right from education system	Girl and boys should be mobilised and taught about equitable tasks sharing with no any discrimination right from families but also from schools. There is need to focus on curriculum development to ensure on what they education system is giving our young Rwandans	REB

ANNEXES

Annex 1: List of interviewed institutions



Republic of Rwanda
National Women's Council



Republic of Rwanda
Ministry of Agriculture
& Animal Resources



Republic of Rwanda
Ministry of Trade & Industry



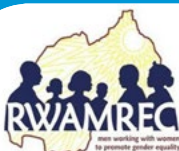
OXFAM



The Legal Aid Forum
Working together for equitable access to justice in Rwanda



PRO-FEMMES
TWESE HAMWE



RWAMREC
Rwanda Women's Movement
We're working with women
to promote gender equality



RICH
RWANDA INTERSECTORAL COUNCIL ON HEALTH



EPRN
Economic Policy
Research Network
R W A N D A

Annex 2: Interview guide

- 1) From your own perspective, is unpaid care work a problem in Rwanda? if yes, who does it affect most?
- 2) Is it an economic or social problem? If yes, in your opinion who should resolve it?
- 3) Which laws and policy do you know are in place regulating or have provisions related to unpaid care work in Rwanda
- 4) If you mentioned some laws and policy, are there any provisions which are not fully explored or implemented?
- 5) Are there any provisions which should be amended? If Yes, why?
- 6) Where do you see gaps in the existing laws and policies?
- 7) Which new policies and/or law would you suggest to be enacted to regulate unpaid care work?
- 8) Do you know any best practices which Rwanda should learn from in regards to policy and legal framework relating to the unpaid care work?
- 9) From your knowledge and experience which key challenges affecting recognition, reduction, reward and redistribution of unpaid care work





Assessment Of Gaps In Laws & Policies
Related to Unpaid Care Work In Rwanda

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