

**“At least, it’s not genocide”: Internationalized gender equality standards and the neglect of ethnicity in contemporary Rwandan policies concerning sexual violence**

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## **List of Abbreviations**

AU- African Union

CEDAW- Convention on the Elimination of all Discrimination Against Women

ICGLR- International Conference on the Great Lakes Region

ICTR- International Criminal Tribunal for Rwanda

ICTY- International Criminal Tribunal for the former Yugoslavia

MoG- (Rwandan) Ministry of Gender

OAU- Organization for African Unity

RPF- Rwandan Patriotic Front

UDHR- Universal Declaration of Human Rights

UN- United Nations

UNSC- United Nations Security Council

## Abstract

The horrific genocide in Rwanda in 1994 put international spotlight, for the first time, on the fact that sexual violence during conflict is a war crime and could be, depending on the context of the conflict, a tool of genocide. After the genocide, the Rwandan government sought to reconstruct the physical and social infrastructure of the country. It sought to re-establish itself in the international community and present itself as a stable country. In the aftermath of the war, the government adopted a new constitution that instituted progressive gender equality measures that were in line with the standard international policies and forbid formal recognition of ‘ethnic divisions’.

The government has taken into account the gender aspect of how the violence unfolded during the genocide, highlighting traditional gender roles and a patrilineal kinship system influencing the high rates of sexual violence, but decided to completely omit the implications of ethnic aspect of Rwandan social reality. Despite governmental efforts to prevent sexual violence by adopting internationalized gender equality standards, sexual violence is still a prevalent issue. The omission of ethnicity in the new Rwandan constitution and the lack of recognition of its importance in gender equality policies could be a contributing factor to the prevalence of sexual violence in Rwanda. For this reason it is important to understand the ways in which ethnicity and gender intersect in contemporary Rwanda, outside of the context of the genocide memorialization. Although the recent gender equality policies might be changing gender roles, it is vital for the government to take in to account how ethnicity also plays a role in the local realities of Rwandan women in order to have an effective sexual violence prevention policy.

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## Introduction

In April 1994, tensions peaked between the Hutu and Tutsi in Rwanda and a genocide that lasted one hundred days began. When the Rwandan Patriotic Front (RPF) took over the government in July 1994, they inherited a society with little remaining physical or social infrastructure. Hundreds of thousands of people had been murdered, and many more had fled Rwanda<sup>1</sup>; many women who had survived the genocide were left with physical and psychological scars of sexual violence. The current Rwandan government has sought to create a 'New Rwanda': a society with a new flag, new anthem, and no recognized ethnic divisions. This drastic change is thought to promote harmony by underscoring the common traits amongst Rwandans rather than emphasizing ethnicity, something that the government feels would ignite violent conflict again. The problem is that by omitting these ethnic divisions the government is not addressing an entire group of experiences related to ethnicity that escalated during the war. This means that under the notion of a 'united' Rwandan identity they are creating a façade of stability in order to appeal to the international community. Another aspect of this representation of state stability is done by prioritizing gender equality in national policies.

Recognizing the stress that the United Nations and aid organizations have placed on the need for gender equality as a necessary step in achieving state stability, peace and good governance, the Rwandan government has fervently taken on the task to institutionalize gender equality. The new Rwandan constitution, adopted in 2003, prioritized gender equality with a gender quota and the creation of a governmental ministry dedicated to gender-related issues. The Rwandan government has also prioritized the issue of gender-based and sexual

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<sup>1</sup> Estimates of those who were murdered vary greatly, but estimates are generally between 500,000-800,000 people and some of the Rwandan estimates go up to 1,000,000 people. Generally it is thought that 10% of the population was murdered and another 30% fled the country for their safety (Burnet 2005, 107).

violence, as it has been, and still is, a prevalent issue that affects Rwandan society (National Policy). Through the adoption of a gender-based violence prevention policy, Rwanda has sought to diminish the instances of sexual violence and evoke social change to decrease the stigma against sexual violence victims and survivors. Despite these tremendous efforts taken on by the Rwandan government, the Rwandan Ministry of Gender still recognizes that sexual violence still continues at high rates (National Policy). The fact that the government recognizes sexual violence is a step forward but the problem is that by ignoring the fact that sexual violence was used a form of ethnic related war crimes leaves unaddressed the relation of ethnicity to sexual violence.

The United Nations and aid organizations still continue to applaud Rwanda for its accomplishments in gender equality, but ignore the country's new constitution that outlaws the recognition of ethnicity. Most diplomats ignore the top-down, authoritarian approach to gender equality but instead focus on Rwanda's efforts to promote women's rights with the attitude of 'at least, it's not genocide' (Burnet 2008, 371). Although ethnicity should not be understood as the sole explanation for the genocide or conflated with primordial notions of identity, it is still a significant part of how Rwandans view their past and their present. Secondary literature demonstrates that ethnicity remains a significant part of how Rwandans experience their reality, along with gender. For this reason it is important to acknowledge the intersection of these two identities in the Rwandan national context.

This research expands on the current studies done on the intersection of gender and ethnicity in Rwandan identity. By demonstrating how international standards of gender equality have become intricately linked to perceived levels of democratization and state security, I will put these two bodies of research into conversation. Through a critical reading of the policies that have institutionalized these international standards at the international, African-regional and Rwandan national levels, I will show that internationalized standards



are too broad to be put directly into place at the national level without modification. Without the inclusion of ethnicity in these policies, the government is missing how gender and ethnicity can intersect in the daily lives of Rwandan women. My intent is to offer a way of understanding the puzzle of why these progressive sexual violence prevention policies in Rwanda are not decreasing rates of sexual violence. By ignoring the ethnic aspect of identity, the Rwandan government is making part of the issue invisible. This in turn means that it's gender equality policies, although on paper very progressive, are not solving the problems of sexual violence and gender equality on the ground but rather the government adopts these policies because they are signifiers of stability and good governance that appease to the international community.

## **Situating the Question**

### **Creating the momentum for women's rights as human rights**

This research investigates how internationalized gender equality standards have been applied to Rwanda and the African region as a whole, and also how these standards are continuously linking gender equality with standards of good governance and state security. Additionally, it looks at how these international standards applied at the national level of Rwanda have left out an essential piece of Rwandan identity and interactions, ethnicity. Furthermore, it demonstrates the importance of examining the intersection of gender and ethnicity, not only in how the Rwandan genocide is remembered but also the national policies that are being created in post-conflict Rwanda. In order to understand how these regional and national bodies applied the international standards it is important to give an overview of these standards and the process of their creation.

In the 1990s we can trace a global momentum of the recognition of women's rights as human rights. This momentum was in large part connected to the tensions and wars that escalated in Rwanda and former Yugoslavia. In the 1990s, women's rights became recognized as a crucial human rights issue that needed to be addressed (Reilly, Buss and Manji, Ferree and Trip). Activists brought light to the fact that many human rights instruments did not properly address issues that specifically affected women (Reilly, Squires). Scholars and women's rights advocates found that the existing instruments for women's rights only reinforced the victimization of women instead of being useful tools to empower them (Reilly, Otto, Harrington). By only highlighting the ways in which women can be victimized, without recognizing the ways in which discrimination and gender-based violence are a part of a larger set of social issues, the international policies could not promote

sustainable form of gender equality (Snyder, Kouvo). The escalating conflicts in Rwanda highlighted this claim as sexual violence was used as a tool of genocide. It was thus no longer possible to treat sexual violence and gender inequalities in general as something separate from the larger social and political context.

As a result of an international collective movement of feminist scholars and women's rights activists, new awareness was brought to the need to take women's human rights into account when creating international policies (Reilly, Rai). With the Beijing Declaration and Platform for Action, produced at the Fourth World Conference on Women in 1995, states were given an outline of strategies of how to implement women's rights thereby introducing gender mainstreaming to the international community (Squires). Although not legally binding, the Beijing Declaration represented a step forward in gender equality by outlining how to produce more than words on paper; the Platform for Action sought to produce social change through gender equality policies (Squires).

This recognition of women's rights as human rights drew much international attention especially when the conflicts of Former Yugoslavia and Rwanda occurred in the early 1990s<sup>2</sup>. The decisions produced from both of the international tribunals linked sexual violence and conflict for the first time in international law (Pilch). The United Nations Security Council went one step further in resolution 1325 by connecting conflict sexual violence to lack of democratization and socio-economic development (Rai, Reilly, Squires).

All these international documents combined set the foundation for the connection between gender equality, good governance, peace/security, and development (Ross). Now, countries that adopt these international gender equality standards are perceived to be progressive, democratic and stable (Squires, Reilly, Harrington).

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<sup>2</sup> In the war in Former Yugoslavia, it is also possible to see the intersections of gender and ethnicity (amongst other things) playing a central role in sexual violence in Bosnia and also in the way the media was used to draw ethnic divisions (Žarkov). Though there are comparisons to be made between the two conflicts, my research in this paper will focus on policies coming from Rwanda.

This internationalized approach to gender equality has been criticized for requiring developing states to import Western-based policies in order to be considered candidates for foreign aid (Reilly, Ferree and Tripp, Oloka-Onyango and Tamale). Women's rights activists in Africa believe that their understanding of women's human rights has not necessarily unilinearly developed from Western feminist ideas (Oloka-Onyango and Tamale). Scholars have observed that African states have adopted international standards into their regional and national policies in order to appeal to aid agencies and larger, more powerful states (Oloka-Onyango and Tamale).

The international aspects of these documents leave the strategies and definitions within them very broad, in order to be applicable to many countries. In order to appeal to the international community (mostly aid organizations, in this case), countries are adopting these gender equality policies into their regional bodies and national legislation (Harrington, Oloka-Onyango and Tamale). These broadly defined standards do not fully grasp the specific context in which they are being applied, especially at the national level. The prioritization and focus remains on gender-related issues, rather than how different types of discrimination can intersect with gender.

### **The need for an intersectional approach in the case of Rwanda**

In order to ensure that women's human rights are fully protected, states need to understand how gender-related discrimination can intersect with other aspects of women's identities (Crenshaw 2000). Addressing the intersection is especially significant in the case of sexual violence because "the violence that women experience is often shaped by other

dimensions of their identities” (Crenshaw 1991, 1241). In order to fully address an issue, a state needs to understand that gender is not the only aspect of women’s identities that shape their experience (Crenshaw 1991, 2000). A comprehensive and effective policy on sexual violence prevention would not only address the gender-related issues but also other aspects such as ethnicity-related issues. Specifically in the case of Rwanda, it is especially important to examine the intersection of ethnicity and gender, namely in the context of the 1994 genocide and post-conflict reconstruction (Burnet 2005).

There has been debate about how and why the current Rwandan government is instituting gender equality policies (Burnet 2005, 2008, 2012; Powley). Emphasis has been placed on the achievements that Rwanda has made, in light of the recent violence of the genocide still greatly affecting the population (Burnet 2005, 2008). Although the government is implementing the gender equality and sexual violence prevention policies with a top-down approach, scholars see potential in the opportunities that the policies are creating for women (Burnet 2008, Wallace). The current Rwandan government has also been critiqued for its authoritarian efforts to create ‘national unity’ by disregarding the role that ethnicity has played in its past (Burnet 2005, 2012). This façade of ‘national unity’ and disregard of Rwandans’ ethnic aspect of identity have been examined in association with how women remember the genocide, both publicly and privately (Burnet 2005). Internationalized standards of gender equality and the government-controlled understanding of ethnicity has created a dominant discourse that has evolved to focus on only the gender-related aspect of sexual violence and ignore the intersect of gender and ethnicity in the issue.

In this thesis, I would like to examine how the ignoring of ethnicity in the ‘New Rwanda’ not only disregards many women’s experiences of the genocide but could also ignore women’s experiences in contemporary Rwanda. Because the government does not formally recognize ethnic divisions it does not erase ethnicity from Rwandan women’s

identities. Despite the current policies in place that focus on the prevention of sexual violence, there are still reported high rates in Rwanda (National Policy). The policies seek to decrease the stigma against victims and survivors of sexual violence (both from the genocide and peace time) and increase public awareness of sexual violence as a social issue, but the policies only address the gender-related aspects of sexual violence.

As explored thoroughly by Burnet (2005), ethnicity is a significant part of the way that Rwandan women see themselves and others. I will examine how this intersection of gender and ethnicity is ignored by the Rwandan national government by first exploring how and why they have adopted these particular gender equality policies. By examining how the connection of gender equality and good governance developed, then how these international standards are believed to fit ‘African’ context, I will show that Rwanda is a poster child for gender equality policies being used in a post-conflict society. I will demonstrate how this connection between gender equality and good governance has been made over and over again in international gender equality instruments, then subsequent African-regional instruments, and then finally in Rwandan policies, and how all of these aforementioned documents ignore the intersection of ethnicity and gender. This intersection is especially important due to the historical background of post-genocide in which gender and ethnicity were entangled in the acts of sexual violence. The ways in which gender and ethnicity intersect are still ignored because of the government’s stance on ethnicity and the influence of internationalized standards of gender equality, despite how ethnicity and gender continue to shape Rwandan women’s lives.

My analysis will be based on a close examination of several levels of policy documents. Beginning with the international policies that serve as foundational pieces in gender equality, I will look at the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the Beijing Declaration. Additionally, I will

look two other international documents that linked sexual violence to state security and democracy, the International Criminal Tribunal for Rwanda decision on the Akayesu trial and Security Council Resolution 1325. The next level of policy documents I will look at are regional bodies to which that Rwanda belongs. The first body that I will look at is the African Union (AU), which represents a majority of the African continent. I will look at the AU's Charter that focuses specifically on the rights of women and also the AU's declaration to its member states about the issue of sexual violence. The International Conference of the Great Lakes Region (ICGLR) is a smaller regional body that was established by the AU and the UN. I will be using two different declarations published by ICGLR. Dar-Es-Salaam Declaration will demonstrate the link being made between peace and security measures and gender equality in this region, and the Kampala Declaration discusses the issue of sexual violence, mainly in the context of conflict, in the region. The last level of documents that I will be examining is Rwandan national documents. I will first look at the Rwandan Constitution, adopted in 2003, to demonstrate the institutionalization of gender equality and outlawing of ethnic divisions. Also, I will be looking at an evaluation of Rwanda's gender-based violence policy issued by the government's Ministry of Gender (MoG), and whether this policy has incorporated the internationalized gender equality standards to Rwandan national sexual violence prevention efforts. In addition to others' previous studies on Rwandan society, the national level documents are especially important to my analysis as they will show how the framing adopted has and is shaping the local reality for Rwandans today.

My original intent for this project was to go to Rwanda to conduct interviews and make observations about the limitations of the policies for myself. The fieldwork would have provided first-hand experience and information that would have added depth to my assertions. Additionally, I sought contact with multiple people that worked in non-

governmental organizations that worked with sexual violence survivors and/or women's empowerment programs and others who were governmental employees. Unfortunately, after multiple attempts no one successfully contacted me back. Not being able to travel to Rwanda or conduct any interviews, I reframed my research to be a policy-based analysis. It was limited, but it has allowed me to flush out framings of policies that are included and excluded although I could not witness what was happening on the ground for myself.

Recognizing the difficulties posed by my inability to conduct interviews or make participant observation, as I was not able to conduct research in Rwanda, I am using sources available to me from abroad to make my observations. Understanding that many sources are available in the other two official languages of Rwanda (French and Kinyarwanda), I was not able to read every policy and/or document made available by the Rwandan government. Furthermore, the information made available by the Rwandan government to the general public is very limited. The information or policies made available by the government were particularly chosen, but most of the Rwandan policies (or evaluation of the policies) were made available by secondary sources. Rather than accept these factors as limitations, I used them to help build a framework with which I could demonstrate the need to examine how Rwanda's contemporary policies are addressing the issue of sexual violence.



## Historical Context

### Women's Rights as Human Rights Movement

At the Second World Conference on Women, in 1979, the UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) was written and signed. CEDAW was “an ambitious attempt to enshrine in international law a global commitment to women’s equality”, and as a first attempt it suffers from major flaws (Reilly 46). This legally-binding convention serves as a precursor to the women’s human rights movement that gained momentum during the 1990s.

Human rights gained recognition as an area of concern in women’s rights at the 1985 UN World Conference on Women held in Nairobi (Staudt 51). Opening a discussion of women’s issues connected to human rights brought issues like violence against women into the mainstream international human rights concerns (Reilly 11). The previously disconnected realms of ‘women’s rights’ and ‘human rights’ were being brought together as feminist scholars highlighted how traditional human rights instruments rendered issues that primarily affected women invisible (i.e. gender-based violence) (Reilly, Bunch).

In 1992, during its 11<sup>th</sup> session, CEDAW added a General Recommendation No. 19, which addressed specifically the issue of violence against women as a violation of human rights. The comment on article 6 explicitly recognized the usage of sexual violence in war time<sup>3</sup>. This addition to CEDAW demonstrates that the questions of sexual violence were gaining more international visibility during the 1990s.

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<sup>3</sup> “Wars, armed conflicts and the occupation of territories often lead to increased prostitution, trafficking in women and sexual assault of women, which require specific protective and punitive measures.” (CEDAW)

The 1993 UN World Conference in Vienna ended with the publication of the Vienna Declaration, which asserted that women's human rights were a major concern of international human rights issues, and therefore should be prioritized by states (Reilly 73). Additionally, the Declaration also discusses the issue of violence against women in both the public and private spheres, indicating that the state has the responsibility to intervene in any situation to protect women's human rights (Reilly 73).

The Fourth World Conference on Women in 1995 produced the Beijing Declaration and Platform for Action. The Beijing Declaration was intended to build upon CEDAW but also incorporate the concerns about gender-based violence and violence against women. The Beijing Platform for Action outlined twelve 'areas of concern', one of them being the human rights of women. Notably, the Beijing Platform for Action is considered a blueprint for contemporary international gender equality policies because it outlines gender mainstreaming strategies (Squires).

At the end of the decade, in 1998, the decisions from trials in both the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) legally recognized rape and other forms of sexual violence committed during conflicts as war crimes and crimes against humanity (Reilly 102). The ICTY and ICTR brought the issue of women's human rights into the international legal realm. Judgments made during these two tribunals also helped to advance activists' efforts to bring women's human rights issues into the mainstream.

This decade of efforts to push women's rights into international human rights discourse helped to set the stage for further development in women's rights. It brought many previously invisible gender-related issues to light, such as sexual violence and domestic violence. This women's rights as human rights movement that occurred in the 1990s

influenced and shaped many of the gender equality and gender-based violence policies that have been created in post-conflict Rwanda.

## **Brief Overview of Rwandan Identity**

Ethnicity in the Great Lakes Region of Africa has played a large role in contemporary politics and conflict, but the importance of ethnicity should not be overemphasized (Burnet 2005, 43). In the pre-colonial period, Hutu, Tutsi and Twa<sup>4</sup>, the three main social categories in Rwanda were not considered to be separate ethnicities, as they all were *Banyarwanda* and shared the same language, religion, traditions and territory<sup>5</sup> (Burnet 2005, 52; Eller 197; Cook 282). The categories were flexible and relied on larger context, such as vocation, wealth and lineage (Burnet 2005, 53; Eller 202-203). Burnet illustrates the fluidity of these categories with an example that discusses the possibility of a man that could be ‘Hutu’ when compared to someone with more wealth, but if this same man was compared to someone with less wealth he could be called ‘Tutsi’ (Burnet 2005, 53).

During the 19<sup>th</sup> century, under the reign of Kigeri Rwabugiri (a warrior-king), the kinship system became more centralized. With this centralization of power along with other infrastructural changes, the elite status of the Tutsi over the other groups of Banyarwanda became emphasized. This ideology of Tutsi superiority was rooted in Tutsi mythology<sup>6</sup> and reflected in their behavior in social interactions and the types of employment that they took (Eller 202). During the warrior-king’s reign, a greater emphasis on the class-based aspect of these divisions between the Hutu, Tutsi and Twa developed. The groups become more

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<sup>4</sup> The Twa are a very small minority in Rwanda (usually estimated to be about 1% or less of the population), as a result they fall out of accounts of the genocide and the aftermath.

<sup>5</sup> These groups shared the language, Kinyarwanda, and are now generally Catholic and Protestant (Klinghoffer 6).

<sup>6</sup> Eller describes a Tutsi myth about the first king of Rwanda in which the king’s three sons, Gatutsi, Gahutu and Gtwa, were told to guard pots of milk overnight. “Only Gatutsi faithfully did so, Gahutu falling asleep and spilling his and Gatwa drinking his; their conduct led to their ultimate social destinies: the ennoblement of the Tutsi, the enserfment of the Hutu and the banishment of the Twa” (Segal 1964, 5 in Eller 202).

delineated and less fluid; a social infrastructure that was similar to a caste system developed that Tutsi, Hutu and Twa separate not only in their occupations but also their social interactions (Van Den Berghe 61, Eller 201). This ranking system place Tutsi as the most favored group, Hutus as dependable workers and Twa as the lowest caste (Eller 201). As exogamy was not encouraged between groups, the divisions became not only based on class differences but also physical differences (Van Den Berghe 61, Eller 202). These beginnings of class differentiation “set up the framework for European perceptions of Rwandan society” (Burnet 2005, 54).

### **Colonial Influence on Ethnic Divisions**

During the period of colonization in the late nineteenth and twentieth centuries, Europeans applied their own form of “racial logic” to the understanding of the complex Rwandan identities (Burnet 2005, 58). Hutu, Tutsi and Twa were ascribed physical and vocational characteristics that distinguished each ‘group’: Hutu were described as short with broad noses and mainly agriculturalists, Tutsi were recognized as the most ‘Caucasian-like’ with tall frames and angular features, and gifted with talents in cattle-herding and ruling, and Twa, the smallest group, were perceived as very short and stout and were mainly hunter-gathers and ironworkers (Burnet 2005, 58; Eller 199-201). The Belgians favored the Tutsi over the other groups because they were perceived to be the most ‘European-like’, not only in their physical features but also in their demeanor (the assumed better ability to direct and rule over the other groups) (Eller, 200). When the Belgians decided to only place Tutsi in administrative positions, they also issued identity cards that showed an individual’s ethnic identity in order to be able to tell from which group someone was (Burnet 2005, 58). The assignment of ethnic categories was sometimes arbitrary, as a requirement to be considered Tutsi was ownership of at least ten cattle and many Hutu leaders were ‘redefined’ as Tutsi on

their cards (Klinghoffer 6-7). The colonial period reified the division between the Hutu and Tutsi by handing the Tutsi “new tools of domination and exploitation” (Eller 216). The preference given to the Tutsi exacerbated the “traditional tendency” of the minority’s ‘superiority’, and added another “layer of domination on an earlier domination” (Eller 217, Kuper 266-267). Consequently as time progressed, “the caste distinctions increasingly acquired ethnic overtones” (Klinghoffer 6).

### **Post-colonial Period and the Strengthening of Divisions**

Before Rwandan was granted independence from Belgium in 1962, the Belgians supported the Tutsi monarchy’s reign over the Hutu majority. In 1961, just as Kigeri V (Tutsi leader) came into power, the Belgians fell to international pressure to support the Hutu social revolution against the ruling-Tutsi monarchy (Klinghoffer 8, Pottier 15). This revolution against the “institutionalized Tutsi rule” had started in 1959; the Hutu attacks against the ruling Tutsi caused many Tutsi to flee Rwanda into neighboring states, as many Tutsi were being killed within the country (Klinghoffer 8). Those in exile began to form small militia groups, and launched incursions into Rwanda (Burnet 2005, 64). Violence targeting Tutsi erupted in Rwanda again in 1963 and 1964 (Burnet 2005, 61). Between 1963 and 1964, it is estimated that 5,000-8,000 Tutsi were killed and this increased rate of massacre sent more Tutsi refugees into exile (Burnet 2005, 65).

After its independence, there were few political parties that came forward to participate in the elections but the parties that gained the most support were the ones that established themselves along ethnic lines (Burnet 2005, 62). Gregoire Kayibanda, a Hutu, was elected as Rwanda’s first president in 1965; with the support of the Belgians, the Hutu were able to take control of the government (Klinhoffer 8). During his presidency, Kayibanda’s governmental employees were mainly from central Rwanda (the same region as

Kayibanda). Rather than ethnicity being a main concern, the regional favoritism causes strife within the Hutu elite (Burnet 2005, 65).

Seeing that the regionalism could cause his regime to lose power, they refocused the negative attention to be on ethnic divisions (Burnet 2005, 66). Kayibanda and his party used the stories of Hutu refugees who escaped from the 1972 Hutu genocide in Burundi to warn fellow Hutu about threats of communal violence being made by Tutsi opposition (Burnet 2005, 66). In 1972 and 1973, Tutsi students and employees were fired and asked to leave their positions (Burnet 2005, 66). Additionally, Tutsi families were requested to leave Rwanda and were forced to watch their homes be burnt to the ground (Burnet 2005, 66).

In 1975, the then minister of defense, Juvénal Habyarimana (another Hutu), took control of the presidency through the military and quickly reinforced the one-party system established by his predecessor (Klinghoffer 8). There was a relative sense of peace between the two groups during Habyarimana's time in power, although discrimination against Tutsi still occurred as identity cards and birth records continued to indicate an individual's ethnicity (Burnet 2005, 67). Overall, Habyarimana was commended for ending emphasis placed on ethnic divisions during Kayibanda's time in power (Pottier 35). This post-colonial period before the genocide further demonstrates that ethnicity (and ethnic differences) was not innate; ethnicity was used as part of a political strategy.

### **Role of Ethnicity during the Genocide**

As discussed above, ethnicity is not a primordial identity in the case of Rwanda and the genocide that occurred in 1994 was not of primordial origin either (Eller 196). Tensions mounted from a struggle for resources "which embattled politicians ethnicized to their advantage" (Pottier 30). Mobilizing based on the ethnic part of identity made it easier for

politicians to point a finger of blame at one group, the Tutsi minority who had been put in place by colonizers (Pottier 30). Rather than ethnicity being the source of conflict, it was part of a political strategy of the Hutu-led party in power to maintain their grasp on the government (Burnet 2005, 43).

A civil war<sup>7</sup> broke out in 1990, when the Rwandan Patriotic Front (RPF), a group of Tutsi refugees, invaded Rwanda from Northern Uganda. The Hutu-led government fought to quell the violence and maintain control of the government. A cease-fire was established in 1993 with the Arusha Accords. On April 6, 1994, President Habyarimana was assassinated. The president's death unleashed terrible violence; Hutu extremists took the assassination as a sign that Tutsi opponents (in the RPF) were trying to take over the country.

Many authors tend to stress that the democratization that had occurred under the moderate President Habyarimana had led to “increased violence by the state and an out-of-control (but regime backed) extremist propaganda machine”, justified by the freedom of speech granted by the liberalization (Burnet 2005, 88; Pottier 33, 37). Hate propaganda began appearing in the early 1990s in newspapers and on radio broadcasts (Burnet 2005, 88). Additionally, in 1993, Rwanda increased its arms trade and distributed weapons and radios to *Interahamwe* militia (Hutu paramilitary group) members, seemingly in preparation for an attack of some kind from Tutsi opposition (Burnet 2005, 88; Cook 282). The genocide was a part of the Hutu regime's plan to maintain its hold on power in Rwanda—the solution was to get rid of the people that would be able to take that power from them (RPF and Tutsi population in general) (Burnet 2005, 88). The Hutu regime capitalized on the growing frustrations over lack of resources and the increasing socio-economic gap between most Tutsi

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<sup>7</sup> This is the term that the majority of literature on Rwanda uses for this conflict that began in 1990 and lasted until 1994.

and Hutu by feeding those frustrations with hate propaganda and giving Hutu citizens tools to carry out their violent plan (Pottier 33).

Over 100 days, from April until July 1994, between 500,000-800,000 people were killed in the Rwandan genocide as the *Interahamwe* systematically targeted Tutsi and moderate Hutu. Over ten percent of the population was murdered in a mere three months and thirty percent more fled the country (Burnet 2005, 107). Out of those hundreds of thousands of deaths, an estimated ninety-seven percent of them were Tutsi (Klinghoffer 3). Of the female survivors, it is estimated that the majority were raped or sexually assaulted during the genocide (Hubbard 101)<sup>8</sup>. The genocide ended when the RPF took control of the government in July.

It is important to note that the violence did not stop when the RPF took over the government. The Hutu that remained in the country after the Tutsi-led government has taken control were left vulnerable to retaliation; it was reported that 3,000 Hutu civilians were killed by the RPF in weeks after the genocide and civil war had officially ended (Klinghoffer 64). Additionally, the Hutu soldiers and civilians that had escaped to refugees camps in the neighboring Zaire were also in danger. The RPF issued an announcement to neighboring countries with Hutu refugees: “As we have always done, we are appealing to all those government soldiers who wish to distance themselves from those perpetrators of genocide...”, calling for the return of believed *génocidaires* (as quoted by Klinghoffer 59). Displacement camps (within Rwanda) and refugee camps were attacked, and many Hutu were murdered in the months following the genocide (Klinghoffer 64). An Agency for International Aid employee estimated that 30,000 Hutu were killed from July 1994 to September 1994, a troubling statistic when the conflict had officially been declared over

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<sup>8</sup> Human rights groups that have collected data based on survivor testimonies give estimates that say that between seventy-five and one hundred percent of female survivors were victim of rape during the genocide (Hubbard 101).



(Klinghoffer 63). The RPF takeover did not end the killing, rather violence and terror continued to “[form] the backdrop to Rwandans’ daily lives” in post-genocide period (1994-2001) (Burnet 2005, 77).

### **Post-Genocide Rwanda**

After the genocide had ended, ICTR was established in Arusha, Tanzania. The purpose of this ad hoc tribunal was to try those who had organized the genocide, as there were far too many people who participated in the violence to try all of them in Arusha. Subsequently, the Rwandan national government (now headed by the RPF) established a national level court system to try the lower level criminals. This national court system, the Gacaca Courts, was modified and formalized by adapting a local form of dispute resolution (Waldorf 115). These two forms of courts were a major part of RPF’s post-conflict reconciliation; keeping those they felt responsible for the violence accountable. At the same time, the RPF advertised their efforts to promote unity and peace amongst the Rwandan people (Burnet 2008, 365).

This ‘transition’ period was extended in 1998 when the RPF was determined to not have followed through with its promises, instead there were still massacres and strange ‘disappearances’ of Hutu politicians who felt brave enough to remain in Rwanda (Burnet 2008, 365). During the elections held in 2001 and 2003, the RPF carefully selected their candidates; if someone was not aligned with the RPF’s platform, they were threatened and frightened away from running for office (Burnet 2008, 365).

It is clear that the RPF wanted to maintain tight control over the government. When the new constitution was approved in 2003, it outlawed the formal recognition of ‘ethnic divisions’ with the reasoning that those ethnic identities were created by the European colonizers and had subsequently destroyed relationships between Rwandans (Pottier 111,

113). The new constitution was attempting to establish an idyllic Rwanda where *Rwandan* identity is stressed rather than Hutu, Tutsi or Twa. In addition to rebuilding the physical infrastructure of the country, the government focused on building social cohesion and ‘Rwandan harmony’. The 2003 constitution also institutionalized measures for gender mainstreaming, such as a gender quota and establishment of a governmental ministry for gender. These changes have occurred in a top-down manner, the Rwandan government has been heralded for its reconstruction efforts.

As fifty to seventy-five percent of Rwanda’s national budget since 1998 has been derived from foreign aid, critics have charged the government for instating these policies to appease the international community (namely the United Nations, World Bank, International Monetary Fund, etc.) rather than adopting the policies because the government cared about gender equality (Hron 277). In order to appear as a reputable candidate for aid, some scholars believe that the RPF-led government has promoted progressive policies, like gender quotas and sexual violence prevention, in “democratic clothing” (Burnet 2008, 366). In this same vein, candidates who are elected into office are criticized for voting for already-decided issues and toeing the RPF line in order to stay in office (Burnet 2008, 381).

This historical context is important to take into account when researching contemporary Rwanda in any field because of the ways that historical events have shaped and continue to influence ideas and perceptions of Rwandans today. To be able to understand local realities and the framing that the government has chosen for its current policies, one must consider how the aforementioned context shaped the role of ethnicity and the stress placed on gender equality. Additionally, it is important to recognize that Rwanda is not a completely unique case in which ethnic and/or national identities are based on historically developed assumptions; similar examples can be seen in other contexts like the conflict in former Yugoslavia. This provided context is also not intended to illustrate the ethnic

divisions as clear-cut, either. In actuality, the divisions are more blurred but the dyad continues to be emphasized through dominant discourse of the genocide (Burnet 2005). It is now important to look further into how these international policies have linked gender equality to issues of conflict and good governance, and subsequently have been adopted by the Rwandan government.

## Internationalization of Gender Equality Standards

In the 1990s, awareness about the issue of gender inequality increased at the international level (namely within most agencies of the United Nations). In addition to the major media exposure of the gender-based violence during the conflict in former Yugoslavia and Rwanda, the advocates of the women's rights as human rights movement pushed international diplomats to acknowledge the influential role that gender roles and women's vulnerabilities had in exacerbating ethnically-based violence. Additionally, UN institutions acknowledged that connecting development and women's human rights would build more sustainable and comprehensive results in post-conflict and developing states. Social development was assumed to go hand-in-hand with economic, civil and political development because states would need social equality in order to sustain development (and in turn, that development would promote a more egalitarian society), as I will show is the case. International treaties that establish the gender equality standards have now been "widely deployed" to 'improve' regional and national institutions and policies by insuring that they conform to those internationalized standards (Squires 6).

In this chapter, I will discuss the connections made in international documents (and subsequently African-regional documents) between gender equality and good governance (read: democracy) and peace and security in order to demonstrate that during the 'women's rights as human rights' movement there was a prioritization placed on gender mainstreaming by the international community<sup>9</sup> as a means to measure a state's dedication to good governance. Additionally, I will also complicate the notion of human rights that is simply

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<sup>9</sup> My use of 'international community' is meant to reflect the interrelatedness and connectedness of the United Nations and its associated agencies and Courts (i.e. World Health Organization, World Bank, Security Council, International Criminal Court).

stated as a universal fact in these documents and explore whether or not the women's human rights being used at the international level are being used in the same way in African-regional and Rwandan domestic levels. Lastly, I will discuss how the topic of sexual violence fits into the international standards of gender equality, and how the issue is perceived to be a part of women's human rights.

### **Gender equality as an indicator of good governance/democracy**

There was assumption made that such a society would be a product of a justice-minded state that understood equality and freedom<sup>10</sup> to be a building block of stability because gender equality is seen as “a necessary but not sufficient condition for people's freedom and well-being” (Snyder 48). This movement also made the important link between women's human rights and the issues of gender equality and development; democracies were seen as governments that would be able to offer more protection to women's human rights (Chinkin et al., 25). By acknowledging sexual violence (and other forms of gender-based violence) as violations of bodily integrity, and therefore a violation of women's human rights, sexual violence could be perceived as human rights issue (Reilly 65).

Following the ideas set out by international gender equality documents, the existence of gender equality in a state would indicate that other social, economic and political issues had been overcome by the means of ‘justice’ achieved through the exercise of human rights (because it would be imagined that everyone would be seen and treated as equal). States and/or governmental bodies that mainstream gender equality are also, in turn, protecting women's human rights. Mainstreaming brings issues of the marginalized to the forefront of society; positive change will be inspired by recognizing issues that especially affect women

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<sup>10</sup> Although used liberally in various ways throughout others' discussion of this topic, here, I mean these terms to refer a.) the equality of all people, namely concentrating on the equality between gender, and b.) the assumption that freedom is the ability to fully exercise one's human rights, as laid out in the Universal Declaration of Human Rights and women-specific documents such as CEDAW.

(Kouvo 249). Implied in this ‘positive change’ is that gender equality will indicate a high level of social justice and freedom, and this justice and freedom will be a result of a functioning democratic state (Squires 1). This is seen as possible because of the link made between liberal democracies and the promotion of freedom, whereas ‘uncivilized’ societies (e.g. ones affected by conflict) would not be able to successfully protect and respect the human rights (Reilly 121, Chinkin et al., 24-25). Consequently through these type of associations made in the discourse surrounding gender equality, gender equality is viewed as a form of protecting and promoting human rights by a democratic and stable state.

### **Litmus test for state legitimacy**

As gender equality is associated with democracy and human rights, gender equality could be used as a means to test a society’s level of good governance and peace. In this line of thought, equality is not only in the inherent interest of the individual but for the whole of society; a well-balanced society will maintain a stable state. The security of a democratic state will be ‘society-centered’, such as efforts to uphold “economic well-being for all, social cohesion [and] political liberty” (Chenoy and Vanaik 123). Conflict can be seen as a result of social cohesion breaking down (Chenoy and Vanaik 129). Therefore if a state promotes equality, they are upholding a social cohesion that is produced by a fair and democratic state, and with social cohesion comes internal security within a state.

As the approach to development and gender equality became more rights-based in the 1990s, the eligibility for aid and “readiness for membership in international organizations” was based on a high level of dedication to ‘good governance’ (read: gender equality) (Harrington 135-136). Consequently, the discourse surrounding gender equality became intertwined with democracy building, human rights, along with the issues of peace, security and conflict resolution (Harrington 121). The perception of these issues as interrelated

became more widely recognized in the 1990's while the world was watching two very violent conflicts unfold. Media coverage continued with the aftermath of the conflicts in Yugoslavia and Rwanda, and thusly conflict resolution and peacekeeping came to the forefront along with the issue of gender equality.

It is in the interest of the state to be seen as legitimate because this means recognition by the international community as qualified to receive aid and the responsibly use it to further to promote democracy, human rights and forms of social justice, such as gender equality. Seemingly if a state or a regional body were to adopt and adhere to internationalized standards of gender equality, they would prevent conflict (or further conflict), build democracy, maintain peace and security of the state, protect human rights, and promote social cohesion and equality. In turn, the level of democracy and freedom would continue to uphold the respect for human rights and therefore an understanding of equality between genders. Peaceful societies are democratic societies are gender equal societies.

### **Gender Equality as a Panacea for Social Issues**

With such positive results expected from gender equality policies, it would seem to be a panacea for most of the inequalities and oppression that lead to conflict and violence. But, Sari Kouvo warns that the mainstreaming of gender equality policies can be seen as “‘the solution’ rather than as one part of a broader political response to a complex of social problems” (Kouvo 251). Although gender equality policies are intended to give women the space to “reconfigure power relations”, if it is looked at as an answer to all social problems then other issues can be disregarded and ignored (Snyder 25). Placing so much focus on the issue of gender causes states and other bodies depending on gender equality to lose site of other problems that could be negatively affecting their citizens (i.e. poverty, racism, ethnic

tensions, etc.); unequal gender relations and sexism are not the only aspects of a society that facilitate oppression and marginalization.

This reliance on gender equality policies to promote democracy and security has led to the adoption of formal empirical indicators of gender equality in order to prove how ‘gender equal’ a state has or has not become (Squires). The ability to measure the level of gender equality can show states the ‘before’ and ‘after’ that these types of policies create (i.e. ‘conflict-ridden and unequal’ to ‘democratic, equal and peaceful’). With statistics and ‘gender impact assessments’, a state or region can prove to the international community that they have or are attempting to achieve gender equality and therefore are trying to promote good governance.

Quantifiable efforts demonstrate the qualitative changes occurring in societal attitudes and relations at the local level. One common way to do so is to include gender quotas for female representatives in decision-making organs in gender equality policies (and also commonly used in peacekeeping and conflict resolution efforts). The idea is that the more women that are included in political decision-making, the better that the issues that specifically affect them will be represented. As of 2006, more than eighty countries around the world have adopted some form of gender quotas at the national level (Tripp 65). This would indicate that over eighty countries are now working to promote social change by including more women in their governments. This ‘add women and stir’ strategy returns us to the issue of gender equality not being a panacea; social change and equality does not come about by only focusing on gender. The increased representation of women does not necessarily mean that women’s issues will be more likely to be heard or that policies will become more gender friendly (Squires 11). Additionally, this approach assumes that all women are aware of gender inequality and/or seek to change them. Women are therefore



constructed as progressive change-seekers and men as the source of marginalization and oppression, which also essentializes women and simplifies their experiences.

## **‘Women’s rights as human rights’ movement and its implementation in Africa**

As the concept of ‘women’s rights as human rights’ grew in recognition, so did the criticism of the movement. There is a general critique of the concept of human rights; on one hand, human rights are considered to be a Western notion by some scholars and activists. On the other, some academics and women’s rights activists see human rights to be a universal concept that should apply to all people. The issue of women’s human rights (and what exactly can be categorized as such) adds to the tension between these two views. If human rights are a Western concept, certainly women’s human rights are as well. If they are a universal concept, could there be some exceptions to what rights apply to women? These opposing perspectives are the poles of a continuum of human rights (e.g. cultural relativism and universalism). These issues and tensions have been discussed at length in a number of other works (Charlesworth, Donnelly, Engle, Okin). In this chapter, I would like to briefly explore how applicable women’s human rights are thought to be at the African regional level.

### **A liberal concept enforced by the West?**

#### *Are women’s human rights a Western concept?*

Some view the concept of human rights as a product of Western thought; typically, the human rights that are discussed are inherently individualistic and abstract (Donnelly 411, Brems 145-146). These attributes are “not shared by Non-Westerns”<sup>11</sup>, instead things like

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<sup>11</sup> Non-Westerns is a term that is used to refer to various groups throughout literature on feminist thought. Here, I mean to refer to individuals, groups, communities or states that have previously been considered to be ‘third

community and reciprocal responsibilities are emphasized (Brems 145). Oloka-Onyango and Tamale argue in their work that this perspective relating to women's human rights has partially grown from post-colonial approaches; Western feminist thought is seen to come from a bourgeois, white, paternalistic perspective (Oloka-Onyango and Tamale 698). This suggests that with this perspective, Western women are viewed to distance themselves from the realities of other women's situations that experience things like poverty and racism. Instead, the Western perspective essentializes the experiences of 'Third World Woman'; there is a focus placed on the unity of women as one group, rather than recognizing differences in beliefs, attitudes, traditions and experiences that might cause variety within the group. The "romanticized sisterhood" assumes that all women suffer in the same way from the same types of oppression caused by patriarchy (Oloka-Onyango and Tamale 698).

Most authors state that there is a tendency for Western theorists and advocates in women's human rights to 'orientalize' the non-Western world (Oloka-Onyango and Tamale, 693). From this perspective, 'Western' is viewed as the understood standard for modernization whereas other states are seen to be 'uncivilized' because modernization is viewed as a unilateral process with 'westernization' as the end goal (Otto 122). 'Non-Western' states are considered uncivilized because they consider human rights to be "foreign" (Brems 142). This assumed backwardness is thought to leave no room for women to exercise resistance or agency (Otto 122). For these reasons, products of 'the West' are viewed with disdain. A general trend in literature on this topic claims that because women's rights are seen as a symbol of 'Western values' and are a product of Western feminist domination in international relations (over non-Western feminists), they are approached with caution (Okin 37).

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world'. With this usage, I do not mean to homogenize women who would fall under this category but rather use the world as the literature (both in positive and negative ways) has used it.

Although human rights may be shaped by Western thought, I claim that the inclusion of non-Western women in the discussion and policy-making around women's human rights is essential. If all view points are not included within the discourse about women's human rights, a comprehensive solution cannot be achieved; partial answers to the issue of women's human rights violations will only further the marginalization and oppression of women (Oloka-Onyango and Tamale 703). The question that remains, is how non-Western women can be fully integrated into discourse and policies on women's human rights without essentializing women's experiences or neglecting to incorporate a group of women? Either way, as Oloka-Onyango and Tamale have stated: "the process of defining...women's human rights at the international level will take place with or without the involvement of third world women" (Oloka-Onyango and Tamale 698-699). If 'third world women' remain too critical of the women's human rights movement as a Western-centered idea, they will miss the opportunity to try and upset the dominant perspective in the movement. Whether they participate in the debate on women's rights or not, policies will continue to be made; if they disregard the movement as a whole, there will be no possibly for third world women's voices to be heard.

***Are Women's Human Rights universal?***

On the other side of the continuum, human rights are viewed as a universal concept. Human rights are inalienable and inherent in one's existence as a human being; being human entitles you to certain indivisible rights (Donnelly 410). Generally, these rights should be held equally by each individual and can be used as a "defensible mechanism to protect [his or her] human dignity" (Donnelly 405). Although human dignity is seen to differ depending on the cultural perception, it is seen to be a universal base, whatever it is understood to be, for respecting human rights. Based on these assumptions, if human rights apply to *all* humans,

what human rights especially apply to women? What rights are women entitled to that take their unique hardships and experiences into account?

In addition to the Universal Declaration of Human Rights, and subsequent human rights instruments, feminist advocates saw a need for a human rights document that discussed the rights to which women were specifically entitled. Focusing on women's human rights would make issues that specifically or disproportionately affected women visible, as previous human rights documents addressed the concept from a patriarchal, male-centered view. Okin argues that addressing the issue of women's human rights from a woman's perspective would expose the emphasis placed on the division between the public and the private, which allows issues many gender-based issues, such as domestic violence and unequal share of labor, to go unaddressed by states (Okin 36). A primary assumption that underlies this perspective is although women may come from different cultures, religions, races or ethnicities, there are universal problems that negatively affect women in every society (Okin 44). Other scholars add that gender-based issues, such as domestic violence, sexual assault and labor gaps are assumed to affect all women in similar ways, and all of the plights that affect women are a result of one universal problem: patriarchy (whether it is patriarchal traditions, male-centered governments, traditional gender roles or male sexual domination) (Ferree 8). Consequently, women's human rights are considered universal because all women need to stand in unison against patriarchy, the one issue from which all other oppressions stem.

Rather than focusing on the "false hierarchical divide between 'the West and the rest'", women should focus on the benefits of being united as women and acknowledging the accomplishments of the international women's human rights movements (Reilly 36). Reilly argues that the internationalization of the women's rights as human rights movement apparently exposed the falseness of the homogenized non-West but also the homogenized and 'civilized' West (Reilly 36). Although universalization will generalize the issues that affect

women, difference can still be ‘respected’ and unity maintained because a united front makes for a successful social movement (Oloka-Onyango and Tamale 697). Scholars generally agree that this global movement has provided a platform from which women can speak about their lives; their stories have created “general truths” that demonstrate the worldwide issue of women’s oppression (Okin 45). These women not only told the world about their experiences and struggles, but their stories acted as a political tool to push states to listen to the concerns of their women despite their location. Most authors concur that by allowing these stories to be shared by women from every part of the globe, the women’s human rights movement (especially within the UN framework) has been made “multidirectional” (Tripp 51-52).

The result of a universal approach to women’s human rights, one that considers the experiences of non-western women, results in an extremely broad framework of rights. The assumptions discussed above suggest that although there is recognition of ‘universal’ problems and also problems that might affect certain groups of women, the statutes of the instrument would not be able to specifically address each issue from every perspective in which it can be experienced. This would lead to an exponential amount of proposed solutions leading to a dense and ineffectual document. Furthermore, I conclude that the question of who these women are, the ones who are working on these documents, needs to be addressed. If educated, wealthy, white, Western women dominated the realm of international women’s human rights before, how can we determine that the women that are designing them now represent the local realities of say, rural Rwandan communities? How can an international women’s human rights instrument represent all women?

*How does this all apply to African women’s rights?*

As previously stated, the member states of the African Union have affirmed their commitment to international human rights instruments like UDHR, CEDAW and the Beijing Platform for Action in their Charter on Human and People Rights and the subsequent Protocol that focuses on women. ICGLR, a regional body that is more local to Rwanda, has affirmed similar commitments to international standards and asserted its dedication to gender issues. With the different perspective on women's human rights discussed above, how do these international standards fit into African-regional perceptions of women's human rights?

With my following use of the term 'African women', I do not intend to homogenize the women in Africa or imply that they are a single, unitary group. I am using the terminology that has been used in literature when discussing the women's rights movement in reference to Africa, including African scholars. I'm using the term 'African women' to help represent the dominant discourse about 'Western' and 'African' women's rights.

African women have been especially involved in peacekeeping and conflict resolution discussion, focusing on women's necessary involvement in these issues, inspired by the region's great number of conflicts (Tripp 68). Furthermore, activists from Africa have asserted that they have not blindly absorbed the international women's human rights standards, but they have also contributed to them and shaped them (Tripp 67). Rather than viewing human rights as a static concept, the view is that human rights are dynamic and constantly evolving; women's human rights has not necessarily unilinearly developed from Western feminist ideas, they can also be inspired and changed by local women who take advantage of their large networks of kin and communities (Oloka-Onyango and Tamale 709). Oloka-Onyango and Tamale state that for African women, the focus in women's human rights lies on the local rather than the global. By taking advantage of the prioritization of community, local networks can be used to mobilize positive change for women's rights.

This prioritization is complicated by the interrelated and overlapping influences and pressures from the international community: the United Nations and related agencies and their treaties, international courts, aid and loan organizations like the World Bank, and the International Monetary Fund. Rather than follow international human rights standards, there is a question of how appealing to international standards benefits the local or regional (Oloka-Onyango and Tamale 702). Taking advantage of the generalization that Africa and African nations are ‘in need’ [of humanitarian aid], states meet the international standards of human rights established by the international community and appear to be adequate candidates to receive the aid that they ‘need’ (Oloka-Onyango and Tamale 726). Some activists think that this tactic is used in the area of women’s human rights. Even if women have not previously been empowered, African state will adopt international standards into their regional and national policies in order to appeal to aid agencies and larger, more powerful states. In this way, African women’s human rights and their successful implementation depend on “the nature and character of the international political economy” (Oloka-Onyango and Tamale 728).

### **Where does sexual violence fit into the women’s human rights debate?**

Women’s human rights instruments have grown and evolved since the creation of CEDAW to include cover of more rights by addressing more contemporary issues and also sensitive issues, such as gender violence. The purpose of stating the human rights that women were entitled to as women was to empower women and make gender based issues more visible to international, regional and national bodies. Women’s human rights grants a woman bodily security, a right which allows her to choose how her body interacts with the rest of society including who has permission to come in contact with her and how they may do so. Logically, this would include the right to not have sexual violence (or any other type

of violence) enacted upon one's body. Emphasis on the false division of the public and private in addition to the states' responsibility to protect this human right would make documents meant to address women's human rights more reflective of the realities that women experience in their daily lives (Cockburn, Ross).

The challenge of how to address issues like sexual violence is to avoid reifying the conventional image of the woman victim, and thereby disempowering women and placing them back in a helpless position. Including sexual violence in women's human rights does not necessarily challenge the structures or beliefs that make sexual violence an issue of women's human rights (Chinkin et al. 28). Merely stating that women are entitled to not be sexually violated will not change the circumstances or contexts that perpetuate sexual violence; provisions need to be made within these documents, conventions, treaties and policies that also address the need to alter the norms that endorse behavior that violates women's human rights. In other words, there needs to be action facilitated by legal norms in these instruments or they will only remain words that will turn into 'action plans' or statistics of 'impact assessments'.

Sexual violence is usually seen as an issue concerned with conflict (during and after), perhaps because international awareness of the widespread issue rose during the media coverage of the conflicts and trials for former Yugoslavia and Rwanda (Harrington 124). Experiences of rape and other forms of sexual violence were told in individuals' testimonies in the tribunals for the aforementioned conflicts. In the judgments that outlined sexual violence as a war crime (and a form of genocide), the prosecution demonstrated the physical and psychological trauma that sexual violence has on its victims. Testimonies compiled with human rights research that connected distress and psychological suffering created a scientific discourse that clearly demonstrated why states and individuals should be held accountable for sexual violence (Harrington 97). With the ability to quantify sexual violence (by measuring



the trauma it causes), the absence of trauma could be “conflated with the absence of violence” (Harrington 118). Through this approach, which has amounted to medicalization, victims and their post-conflict psychological conditions could be quantified and turned into statistics to demonstrate states’ responsibility to protect women from sexual violence (Harrington 124). Again, this logic leads back to the reification of the woman victim and that duty of the paternal state to save her.

The paternalistic state can be expanded to be the paternal West and/or United Nations when the group that needs saving is women of an ‘uncivilized’ non-Western countries, whether this rescue is due to violent conflict or general barbaric traditions. By focusing on the issue of gender and sexual violence experienced by non-Western women, this group is oriented as more victimized than Western women (Otto 122). This draws attention away from the sexual violence that occurs in developed, Western countries and privileges the culture of the Western woman as the golden standard, so non-Western women’s experiences of sexual violence are excluded from the dialogue unless it is related to conflict sexual violence (Otto 122, Harrington 2). Additionally, this focus on sexual violence that occurs in conflicts to women from developing countries also shifts focus away from sexual violence that occurs during ‘peacetime’ or non-conflict sexual violence.

## **Conclusion**

The intent of this chapter was to outline some of the discourse underlying the concept of women’s human rights, a major aspect of gender equality and sexual violence. Understanding the tensions within the discussion of women’s human rights helps to outline some of the greater tensions that I am trying to address with this work as a whole: What is included in women’s human rights? What women are entitled to women’s human rights? Is it

applicable (from an external and internal perspective) to Africa and Rwanda? How is sexual violence perceived to a part of women's human rights and gender equality?

## **Gender Equality in Policies**

Using the historical context and prominent themes of gender equality and gender mainstreaming policies established in previous chapters, in this chapter I will examine documents that have been published at the international, regional (African, East African, Great Lakes Region) and national levels to demonstrate how the issue of sexual violence is treated and linked to gender equality. Additionally, I will be looking at how each document includes or excludes the issue of ethnicity. I will begin with two fundamental international women's rights documents, the Convention on the Elimination of all Discrimination Against Women (CEDAW) and the Beijing Declaration and Platform for Action. Secondly, I will discuss the importance of the judgment of the Akayesu trial of the International Criminal Tribunal for Rwanda and the Security Council Resolution 1325. Then I will look at African-regional level documents, from the African Union and the International Conference on the Great Lakes region, respectively. Lastly, I will examine the Rwandan Constitution, and an evaluation of the Rwandan Gender Based Violence Policy issued by the national Ministry of Gender. I will demonstrate the connectedness of these documents, and the common themes and ideas surrounding the idea of gender equality that exclude the intersection of gender and ethnicity.

### **International Gender Equality/Women's Rights Documents**

#### **Convention on the Elimination of all Discrimination Against Women**

The Convention on the Elimination of all Discrimination Against Women (CEDAW), published in 1979, was written before the 'women's rights as human rights' movement, but has served as a foundational piece for the gender equality policies that began to be produced

in the 1990s. The intention was to make a human rights document that built upon the Universal Declaration of Human Rights and the International Covenants on Human Rights (both the Economic and Social, and Political and Civil rights); specifically focusing on women's position within those human rights issues (Reilly 45). In order to achieve full gender equality, CEDAW set out to outline a set of international women's human rights and a set of guidelines for states to take action ("Introduction").

In order to make progress in the advancement and empowerment of women, the Convention highlighted the discrimination that nearly half of the world's population experiences "made on the basis of sex...in the political, economic, social, cultural, civil or any other field." (Convention, Article 1). This broad definition has left a great deal of room for interpretation of what specific actions can be labeled as discrimination against women (Otto 117, Reilly 60). The generality of the definition has left room for the concept of discrimination and women's rights to grow and evolve since CEDAW's ratification.

It is important to note that the original CEDAW did not mention the issue of violence against women, gender-based violence or violence generally<sup>12</sup>. The issue of safety is only referred to in terms of economic status and maternal/reproductive health. Women are granted the right to employment, property and reproduction but safety and security of their bodies (unless in reference to their role as mothers) is not mentioned in CEDAW (Otto 120, Kouvo 240-241). This is significant because CEDAW sought to cite issues that women specifically experienced, and no violence issues were included in the thirty Articles of the Convention (Harrington 95).

As is well recognized today, gender-based violence is a prominent issue in all countries and communities (Merry 1). Without the issue of such a pertinent topic to the full fulfillment of women's rights, the non-inclusion of violence is a major flaw for this

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<sup>12</sup> These issues were additionally raised and added after the 11<sup>th</sup> session in 1991.

foundational international document that was intended to serve as an action plan for states to be able to achieve full gender equality (Kouvo 240, Harrington 95).

### **The Beijing Declaration and Platform of Action**

Another significant document in women's rights and gender equality is the Beijing Declaration and Platform for Action, which was adopted at the Fourth World Conference on Women in 1995 ("Beijing Declaration" 2007). Noting the need to formally include the issue of gender-based violence, UN delegates at the Conference sought to confirm the "inalienable, integral and indivisible part of universal human rights" set out in CEDAW and address the previously unstated issue of violence against women (Beijing Declaration 1995, Annex I; Paragraphs 8, 14 and 29; Kouvo 249). This conference produced a document that is now cited along with CEDAW in gender equality policies for regional governmental bodies and national-level legislation.

Among the twelve "critical areas of concern" that delegates felt were the most crucial for states to address is the issue of violence against women. The Declaration defines violence against women to be "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life" (Beijing Declaration 1995, Annex II; Paragraph 113). This definition of violence against women is very broad in order to accommodate a variety of circumstances in which violence against women can occur (both in conflict and in peacetime) and the types of actions that can be included under this definition of violence against women. It is significant that sexual gender-based violence is included in the definition, and listed along with other types of interpersonal gender-based violence because physical, psychological and sexual violence are often interrelated (Merry 4).

The breadth of this definition allows this declaration to be applied to a number of actions, but unfortunately the interpretation and application of the Platform for Action is left to the states (Kouvo 239, Squires 38). Although the Declaration attempts to be cognizant of cultural and traditional practices that might not locally be perceived as violence against women, and also encourages gender-sensitive training for all levels of community (citizens and authorities alike), the Beijing Declaration is not legally binding (Squires 38)<sup>13</sup>. The strategies and guidelines are set out to act as mere suggestions for states. The significance of the Akayesu judgment made by the ICTR court and Security Council Resolution 1325 lies in the fact that they made similar connections between sexual violence, women's rights and gender equality as *legal* documents, documents that can officially hold perpetrators of such acts accountable.

Another notable aspect of the Platform for Action is that it not only mentions the sexual aspect of gender-based violence but also makes a strong connection between conflict and the occurrence of sexual violence. Sexual violence during conflict is linked to the defamation of human rights for women, and should be considered by the international legal system to be a criminal offense for which individuals should be prosecuted (Beijing 1995, Annex II; Paragraphs 131-132). Additionally, the Platform also focuses on the important role that women play in conflict resolution and peacekeeping; women should be represented at all levels of decision-making in order to best represent the needs of other women that have been affected by conflict (Beijing Declaration 1995, Annex II; Paragraphs 134, 139). In these ways, the Platform serves as a prelude to the Akayesu judgment and Security Council Resolution 1325, mentioned in depth later in this chapter.

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<sup>13</sup> Rwanda is a signatory of both CEDAW and the Beijing Declaration. The Rwandan Ministry of Gender releases annual evaluations of Rwanda's national commitment to both the Convention and to the provision outlined in the Beijing Declaration.

With the inclusion of sexual violence that occurs during conflict, the Beijing Platform emphasizes the connection between gender equality and political stability, democracy and state security (Squires 37). As stated in paragraph 45 of the Platform for Action (Annex II): “The objectives and actions are interlinked, of high priority and mutually reinforcing”. Violence against women would be considered a sign of not only an unequal society, but also one that is lacking in economic and social development and suffering from lack of security and stability (Beijing Declaration 1995, Annex II; Paragraphs 112, 117).

As international gender equality instruments, both CEDAW and the Beijing Declaration do not address how or if states should include the issue of ethnicity in their strategy to promote women’s human rights. Both documents do generally state the need to respect the cultural context in which women live in terms of non-discrimination, but do not include specific descriptions of what cultural characteristics of cultures should be respected or if the intersection of ethnicity and gender needs to be addressed. As ideas that need to be applied to (hopefully) every state, the definitions and requirements that are outlined in CEDAW and the Beijing Declaration need to be very broad. More specificity makes them less generalizable instruments, which would render them useless to the international community. The content is left broad to be able to include a variety of issues that fall under the umbrella of gender equality.

### **The Akayesu Decision**

In 1998, an important milestone was reached in international law during the ICTR trial of Jean-Paul Akayesu. The judgment of his case recognized that sexual violence was an integral tool used by Akayesu and his soldiers in the acts of genocide and crimes against humanity for which he was prosecuted (Pilch 171). This connection between sexual violence

and genocide/crimes against humanity established that sexual violence (in this particular case, rape) is an internationally recognized war crime. The recognition of sexual violence does not come as a surprise given the momentum of the women's rights as human rights movement at the time; the Beijing Platform enabled the ICTR to place women's human rights as a primary focus on the trials. Additionally, the Akayesu decision included another landmark: a legal definition of sexual violence and rape, where there previously was no internationally recognized legal classification of what actions and motives could be considered sexual violence (Pilch 172).

The definition that was developed for the judgment was very broad in order to encompass acts that did not necessarily fall under the strict concept of rape that only includes physical penetration and situations where consent of the victim could be proven to be ambiguous. Comparatively, the Court's definition, "any act of a sexual nature committed on a person under circumstances which are coercive", could be used to include acts of a psychological nature without any physical contact (Pilch 172). With this broad definition, Akayesu could be held responsible for sexual violence that he encouraged the soldiers to do under his charge; although he did not perpetrate the rape and other acts himself, he facilitated the crimes by encouraging the acts to happen and/or failing to stop his soldiers from raping their victims.

The broad definition of sexual violence established during the Akayesu trial and the fundamental connection made between sexual violence and conflict added a new facet to the issue of women's rights that states needed to be held responsible for protecting. With the issue of sexual violence being brought to the forefront of the legal fight for the full spectrum of women's rights with this judgment, the issue began to be seen as a significant issue in the struggle for gender equality.



It is especially important to note that within the paragraphs that describe the crimes and the legal findings of the Akayesu trial, ethnicity plays a large role in acts of sexual violence that were committed. The majority of the witness testimonies included in the judgment are from Tutsi women describing their personal experiences and/or observations of *Interahamwe* targeting women because they were Tutsi (Buss 151, 152). In many of the testimonies in which the witness spoke about being raped, the soldiers told the witnesses statements like they wanted “to see what a vagina of a Tutsi women feels like” (*The Prosecutor v. Jean-Paul Akayesu*, 5.5 437). In other cases, witnesses claimed that they were not sexually assaulted because the *Interahamwe* could not determine their ethnicity (*The Prosecutor v. Jean-Paul Akayesu*, 5.5 438). The testimonies from witness affirm that the hypersexualized stereotype of Tutsi women was used as reasoning for the Hutu *Interahamwe* to sexually assault or humiliate them. This legal decision demonstrates the inseparable link between sexual violence during the Rwandan genocide and ethnicity, but simplifies categories to Hutu-perpetrator and Tutsi-victim (Buss 155). Additionally, the recognition of sexual violence as a weapon of conflict was crucial in the recognition of the gender aspect of violence in the women’s right as human rights movement (Buss 151).

### **Security Council Resolution 1325**

Through the witness testimonies during both the ICTR and the ICTY, and other world events during the 1990s, the General Assembly of the United Nations recognized that there was a changing pattern of how conflicts were being fought; contemporary conflicts included civilians as targets as well as militaries (UNSC 1325, “What is U.N.”, Kaldor 1-2). The United Nations Security Council (UNSC) took this observation into account when they issued

Resolution 1325 on October 31, 2000. The resolution built upon the previously issued resolutions (1261, 1265, 1296 and 1314) and standards of gender equality and anti-discrimination created by CEDAW and the Beijing Platform (UNSC 1325).

Through this resolution, the UNSC recognized the great impact that conflict had on women, namely civilian women (Bell and O' Rourke 942). By providing a gendered perspective of the conflict, states can perhaps provide solutions that fit the needs of women and address violations to their human rights (Articles 6, 8, 15; UNSC 1325). UNSC Resolution 1325 demonstrated the link between violence during conflict and the need for women's human rights by explicitly calling on states to take measures to "protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse..."; states were to be held responsible for the acts of sexual violence enacted upon victims during conflict (Article 10 and 11, UNSC 1325).

In addition to security issues, UNSC Resolution 1325 called for increased representation of women in decision-making positions with the idea that with more women represented the greater chance that the issues that specifically affected women's lives could be addressed appropriately (UNSC 1325). This resolution emphasizes multiple times the importance of the presence and participation of women, especially ones pertaining to conflict resolution and peacekeeping (UNSC 1325, Preamble and Articles 1-3). As sexual violence (and other types of gender-based violence) affects women disproportionately, it would be assumed that this issue would be one that would more likely be addressed with greater numbers of women being called for in decision-making and/or peacekeeping positions (Bell and O' Rourke 944).

The Akayesu decision, Resolution 1325, ICTY judgments and later UNSC Resolutions, have shaped the way in which bodies have applied the international standards established in CEDAW and Beijing Declaration to their own societies (with particular issues,

cultures and histories of their own). Both of these documents have made the important link between sexual violence, gender equality, democratization and conflict/peacekeeping. When following documents combine ideas from documents like CEDAW and the guidelines set out in the Akayesu judgment and Security Council Resolution 1325, sexual violence prevention (and protection/rehabilitation for victims of sexual violence) is set as a part of the standards of gender equality and fulfillment of states' duties to protect women's human rights.

## **Documents of African Regional Bodies**

### **African Union:**

In July 2003, members of the African Union (AU) adopted The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, also known as the Maputo Protocol. The original charter, the African Charter on Human and Peoples' Rights (hereafter Banjul Charter), was adopted in 1981 by the Organization of African Unity (OAU), the organization that preceded the AU. The Banjul Charter is a human rights document that outlines the specific rights of peoples' that African states are responsible to protect.

In order to elaborate on the rights and freedoms of African women and "to ensure the protection of the rights of women as stipulated in international declarations and conventions", the Protocol was adopted by the OAU and then subsequently by the AU (Protocol, Preamble; Viljoen 3-4; Ocran 147). The Protocol cites CEDAW, Beijing Platform for Action and Security Council Resolution 1325, and "all other international...conventions and covenants relating to the rights of women as being inalienable, interdependent and indivisible human rights" as the base from which the rights of African women are established (Protocol, Preamble).

The Protocol includes a definition of violence against women that is similar to the one written in the Beijing Declaration: “all acts perpetrated against women which...could cause them physical, sexual, psychological, and economic harm...or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts or of war” (Protocol, Article 1j). This definition is also broad to include a variety of types of actions under ‘violence against women’, but also respect the cultures and traditions of the many peoples’ of Africa (excluding ‘harmful practices’ such as female genital mutilation and early marriage) (Viljoen 5).

The context of both peacetime and conflict are mentioned, showing that the members of the African Union acknowledge that violence against women does occur in any society despite the political situation (Ocran 149). Additionally, there is no division between the public and private spheres recognized in the definition so states are still held accountable for gender-based violence that occurs within homes and might be more likely to be accepted within the community as the norm (Viljoen 5). Along with this definition, states are required to “adopt and implement appropriate measures” to protect women against gender-based violence (Protocol, Article 3.4). Beyond this statement, states are not given more specific means to fulfill their responsibilities as signatories of this protocol, which leaves the interpretation of what constitutes ‘protection’ against violence open to the state.

Under Article 4, which discusses women’s rights to life, integrity and security of their person, it states that sexual violence is amongst other types of violence against women as an example of “inhuman or degrading...treatment” that could violate a woman’s right (Protocol, Article 4.1). It is interesting to note that sexual violence is mentioned here as an issue of personal security rather than an issue of national security, like previously mentioned documents, in addition to the fact that sexual violence is cited in particular (whereas other parts of the article only mention ‘violence against women in general’). The issue of the

violation of personal integrity and security being tied to sexual violence in conflict or non-conflict context shows that the perception of the problem of sexual violence has evolved since the Akayesu decision in 1998.

Interestingly, under Article 11, which addresses states' responsibility to protect women during armed conflict, sexual violence is mentioned only in reference to asylum-seeking women, refugees and the internally displaced. Genocide and war crimes are cited as actions that endanger women, but despite previously published international documents and judgments that connect sexual violence to these types of crimes, Article 11 does not mention how sexual violence could affect civilian women during the conflict. Although civilian women are mentioned in previous subsections in the article, the issue of sexual violence is not connected to part of the reason of why states need to protect them during conflicts.

Similar to previously mentioned documents, the Protocol connects the presence of gender equality to democracy and development, and links the prevention of sexual violence to gender equality and/or peace and security. Throughout the articles of the Protocol there is an emphasis placed on social development and a promotion of "positive African values" in order to facilitate positive social change in traditional attitudes and beliefs about gender roles (Protocol, Preamble; Viljoen 5). The Preamble described these "positive African values" to be "based on the principles of equality, peace, freedom, dignity, justice, solidarity and democracy" (Protocol, Preamble). Beyond this, there is little indication of what these "positive" African values might be, but women are considered to be a crucial part of preserving them (Ocran 150). Perhaps the inclusion of phrases like "African values" make this document seem less like a carbon copy of international women's rights documents, and more tailored to African ideas and beliefs. Building off of Ocran's argument, merely including the vaguely described "Africanness" would make the Protocol more appealing to

the member states of the AU because the document would seem modified to fit the African community (Ocran 171).

The solution highlighted multiple times to promote a “positive cultural context” is to require more women to be representatives/leaders in decision-making bodies at the regional and national levels. Again this points to the idea that the greater inclusion of women equals greater representation of women and promotion of gender equality, as established by international gender mainstreaming documents like the Beijing Declaration.

In 2005, members of the African Union adopted the Solemn Declaration on Gender Equality in Africa, a document that builds upon the rights established in the Maputo Protocol and reaffirms the African Union’s commitment to CEDAW, the Beijing Platform for Action, and UNSC Resolution 1325. The Solemn Declaration recognizes violence against women as one of the many issues that negatively impacts the status of women and gender equality (Solemn Declaration, Preamble). Despite this, gender-based violence is only mentioned in reference to the establishment of legal mechanisms at the national level of member states in order to criminalize gender-based violence and “alter the attitude and behavior of African society” that promote traditional gender roles (Solemn Declaration, Article 4). There is no further description of what African society is imagined to be now, or how it should be imagined as improved.

Overall, there is an emphasis placed on the requirement of gender equality in order to achieve development and democracy. The need for more women to be placed in leadership positions is advertised as one of the main tools to achieve gender equality. Sexual violence is not mentioned in the Solemn Declaration (even in reference to the concerns stated about conflict), a document meant to encourage AU member states to implement the Maputo Protocol. If sexual violence is not continued to be mentioned as an area of concern, especially outside of conflict because the context of sexual violence during conflict is

emphasized here, AU members might not continue to think that it is part of promoting “positive African values” (Viljoen 10). Without the inclusion of discussion of sexual violence during conflict, it downplays the importance of addressing needs of survivors.

The African Union is a collection of over 50 member states with diverse culture, languages, resources, traditions, and religions. With the inclusion of general phrases like “African values” and “African culture”, the AU can be inclusive of all of its members and still meet international standards of gender equality while altering its policies to be African. Addressing the specific intersection of ethnicity and gender would risk inflammation of past conflicts, instead of focusing on maintaining the political, economic and social cohesion of the continent (Laakso 490). Priority is placed on maintaining regional cooperation because peace is considered to be a byproduct of “shared values and material interests between states” (Laakso 490). Rather than recognizing the role that ethnicity might play in gender equality, it is more beneficial for a regional body that encompasses many different conflicts to focus on conflict resolution, peace-building and regional harmony. By using broader terms like “African values”, the African Union is attempting to keep the continent functioning as an economic and political body, and also recognizing the need to promote gender equality. As mentioned in the previous chapter, it is also a part of appealing to international standards set out by CEDAW and the Beijing Platform but the label of “African values” implies that these values are also in the core African identity.

#### **International Conference on the Great Lakes Region:**

In November 2004, the International Conference on the Great Lakes Region (ICGRL) created the Dar-Es-Salaam Declaration on Peace, Security, Democracy and Development in The Great Lake Region during its First Summit of Heads of State and Government. This declaration acknowledges the help and support provided by the United Nations and the

African Union to establish this regional body that focuses on post-conflict reconstruction, and affirms the member states commitment to UN and AU charters and UN Security Council Resolutions (including 1325) (Laakso 499, Norwegian Agency 4). The declaration is split into sections that address different issues that would affect the political, economic and social stability of the region: peace and security, democracy and good governance, economic development and regional integration, and humanitarian and social issues.

Gender equality is part of the required commitment to good governance for members of ICGRL. As stated by Article 35, states must adopt policies on gender equality according to international policies and conventions, such as SC Resolution 1325, CEDAW, Maputo Protocol and the Beijing Platform for Action. Members would ideally use the rights, definitions, and strategies mentioned above in order to establish their own gender equality policies so that they can be recognized as a democratic state trying to achieve political and social stability (Laakso 499). Sexual violence is mentioned in reference to an issue of conflict, rather than an issue that affects the states generally (Dar-Es-Salaam, Paragraphs 6 and 27). Understanding that ICGRL is a body promoting post-conflict reconstruction, it is logical that issues would be framed within the context of conflict. While ICGLR is trying to promote stability and security after conflict, the role that sexual violence prevention plays in the establishment of gender equality and peace-building effort is neglected.

The Dar-Es-Salaam Declaration also mentions the promotion of positive “shared African cultural values” but these values on which states are intended to capitalize are not elaborated upon beyond it being part of the effort to strive towards gender equality (Dar-Es-Salaam, Paragraph 31). It is notable that although sexual violence is mentioned as a part of armed conflict, there is a demand for the establishment of regional mechanisms that provide psychosocial support and legal assistance to rape victims without mentioning that conflict is a necessary circumstance to establish these victim support mechanisms (Dar-Es-Salaam,



Paragraph 67). Perhaps without the explicit mention of the need for conflict to establish these mechanisms, states can work to create these psychosocial assistance facilities as a part of the efforts to achieve gender equality during conflict or in peacetime.

At the Fourth Ordinary Summit of the ICGLR in 2011, a special session was held on sexual and gender-based violence to address the “alarmingly high” rate of sexual violence within the region despite member states’ efforts to combat the issue (Kampala Declaration, Preamble). During the session, member states issued a declaration on sexual gender-based violence commonly known as the Kampala Declaration. In the preamble, ICGLR member states reaffirm their commitment to other international documents that address gender-based issues, like CEDAW and SC Resolution 1325.

As a regional body that concentrates on conflict and post-conflict situations, sexual violence is viewed as a threat to the “security and development of the Great Lakes Region” (Kampala Declaration, Preamble, Page 2). The Declaration mentions sexual violence as an issue of conflict that states need to address, but it considers sexual violence to be an issue that threatens the security of the state during peacetime as well. In order to achieve regional security and stability, sexual and gender-based violence must be prevented. In order to do so, the Declaration suggests that member states integrate sexual violence prevention policies and gender sensitive training into all ministries at the national level (Kampala Declaration, Articles 5-6). Although the document is about *gender-based* violence, the Kampala Declaration only focuses on female victims (and thusly continuously links violence to a lack of gender equality and state stability).

The Kampala Declaration also declares that states should put an electronic and print media campaign in place at the national and regional levels that would work to help people of communities to understand what is considered to be sexual violence (Kampala Declaration, Article 15). With this effort put forth to start social change on the topic of sexual violence,

these campaigns would hopefully eliminate stigma against victims. Although the media campaigns seem like a good idea to change the traditional attitudes towards sexual violence, how will the electronic campaigns reach the individuals without internet or electricity and how will the print campaigns affect those who are not literate?

The Kampala Declaration also addresses providing assistance to victims of sexual violence (Kampala Declaration, Article 10). One of the recommended ways for states to provide assistance to victims is through ‘Recovery Centers’, facilities that would provide a comprehensive set of free services to victims of sexual violence by specially trained medical, psychological and legal staff (Kampala Declaration, Article 11). In reference to the Dar-Es-Salaam Declaration, these ‘Recovery Centers’ are a concrete recommendation of appropriate regional and national mechanisms for member states to establish.

Unlike the previously mentioned documents, the Kampala declaration emphasizes the need for member states to criminalize sexual violence both during conflict and during peacetime. By declaring a “zero tolerance” on sexual violence, it was hoped that member states would promote local levels of accountability for sexual violence within communities (Kampala Declaration, Article 7). The accountability of individual member states for the prosecution of perpetrators is also emphasized by stating the need for national laws to include prosecution procedures and court procedures that specifically address how police and the judiciary should handle cases about sexual violence (Kampala Declaration, Articles 4, 8-9). This aspect of the Kampala Declaration makes this document one of the more comprehensive; it focuses on multiple factors that could facilitate sexual violence but also the variety of actors that are involved in making sexual violence prevention a sustainable practice in the region.

As a smaller regional body and membership based on a specific geographical location (rather than the entire continent of Africa), ICGLR would seem to be able to better

understand the particular issues that affect its eleven member states and how to arrive at more coherent and sustainable solutions for any conflicts that might arise (Norwegian Agency 6). Here in the discussion of gender equality and sexual violence, the intersection of ethnicity and gender is overlooked in favor of strategies and policies that focus on conflict resolution and state security (Norwegian Agency 6). Rather than broach the emotive subject of ethnicity, security and peace are given priority in order to quell conflict and armament before it begins and the focus is placed on “common African values”, rather than differences. Is it acceptable that ICGLR ignores ethnicity as a source of important issues to address alongside gender equality and sexual violence prevention efforts? The example that is set by the body that is supposed to represent member states with more in common (land, culture, resources) is one that concerns itself with maintaining tense but peaceful relations (Norwegian Agency 6). The ideas about gender equality’s role in peace and security established by international documents are reiterated, as well. Instead of setting a Great Lakes regional standard of how to incorporate the intersection of ethnicity and gender into gender equality policies, this connection is left to be made by national governments.

### **Rwandan National Policies**

After a period of political reconstruction, the Rwandan government approved a new constitution in 2003 that reflected the new goals of post-genocide Rwanda. The constitution enshrined equality amongst all people before the law and included many provisions for gender equality (Constitution, Article 16). The constitution also establishes a Ministry of Gender (MoG) underneath the executive office of the Prime Minister (Constitution, Article 185).

Notably, the constitution established a gender quota of at least thirty percent women in decision-making organs (Constitution, Article 9). The level and types of positions that

women are allocated is not specified, leaving the possibility that women could be allocated seats at local level bodies that do not make an impact at the national level (Burnet 2008, 369). This would mean the continuation of the under-representation of women in positions that would actually give them a place where they could make positive changes towards gender equality; increased numbers of women in government is a “necessary but insufficient condition” for gender equality (Wallace et al. 114). The same year, in which the constitution was passed, national elections were held. The results showed that 48.75 percent of the representatives elected to the lower house of parliament with women; these results meant that the Rwandan parliament bypassed Sweden in having the highest proportion of female deputies in the world (Wallace et al. 111; Burnet 2008, 362). This is an incredible feat, but a greater quantity of women does not necessarily produce changes in traditional attitudes about gender roles and women’s rights.

Along with these major steps towards gender equality, the updated Rwandan constitution also emphasizes the promotion of *Rwandan* values and traditions by outlawing ethnicities and/or racial distinctions (Constitution, Article 9). Rather than reemphasizing continent-wide “African values”, a type of local value system is being promoted. The constitution advocates for the promotion of “positive values based on cultural traditions and practices” without specifying what types of values that are included in this (Constitution, Article 51). Rather, the emphasis is placed on the idea that Rwandans share these ‘values’. These are characteristics that unite Rwandans, rather than divide them into Hutu, Tutsi and Twa. The shared “centuries-old” history, common culture and common language are characteristics that “lead to a common vision of [Rwandan] destiny” (Constitution, Preamble).

This new constitution is the foundation from which the RPF is building a ‘New Rwanda’, a united nation who “[refuse] the genocidal ideology of the past” (Burnet 2008,

365). By eradicating “ethnic, regional, and other divisions” that would threaten the façade of harmony that the RPF is building (Constitution, Article 9.2 and 33). By including this, the Constitution neglects an important aspect of reconciliation. Instead of acknowledging the contention of ethnicity, the RPF has determined it unimportant to its state reconstruction project and the “existence and flourishing of [Rwanda]” (Constitution, Preamble). It seems that the “positive values” are the glue that the RPF hopes will hold post-genocide Rwanda together. Their unity project hinges on Rwandans disregarding how ethnicity has shaped their lives and how they remember their history, and favoring the language, religion and government-endorsed history instead.

After the National Policy Against Gender-Based Violence was put into effect in 2008, the Rwandan Ministry of Gender (MoG) published an overall evaluation of the issue in Rwanda and the effectiveness of the national policy in 2011. Gender-based violence is considered a pervasive issue in contemporary Rwanda, despite the gender equality efforts outlined in the constitution (Wallace et al. 122, Gahongayire 433). The evaluation by the MoG reconfirms Rwanda’s commitment to CEDAW, the Beijing Platform, the Maputo Protocol, and other similar agreements. Additionally, the MoG includes adopted definitions of violence against women and gender-based violence from CEDAW and the Beijing Declaration.

Using both broad definitions of similar issues allows for the Rwandan government to include a variety of different contexts and actions under the issue of gender-based violence. The document also gives specific definition for sexual violence. This broad definition of sexual violence could include a number of different acts that could occur under a variety of circumstances, as it does not specify what could be understood as “sexual behavior against her or his will” or the context in which the violence would occur (Nation Policy, 1.1). Giving a separate definition for sexual violence allows for more efficient prosecution of perpetrators

and better training for medical, psychological and legal staff assisting the specific needs of victims of sexual violence. Additionally, it is significant that both men and women are recognized to be possible victims of sexual violence. This progressive definition is contrary to the official stories of who experienced sexual violence during the genocide (Tutsi women). Moreover, much of the sexual violence medical care and other assistance for victims is made available through the maternal care sections of Rwandan hospitals (Gahongayire 425). It seems that although definition on paper includes both sexes, the understanding and practice perceive women to be the victims of gender-based violence and sexual violence.

In this policy evaluation, the MoG also emphasizes the promotion of “positive cultural values”. Similarly to the Constitution, “positive cultural values” are viewed to be “a set of shared beliefs...that guide the behavior of individuals” (National Policy 1.2). Rather than focus on traditions that the government sees to be harmful or negative, it emphasizes the dynamic characteristic of culture. This MoG document emphasizes not only previously existing ‘Rwandan’ values but also highlights the fact that Rwandan culture is “undergoing changes” (National Policy 1.2). These cultural changes are leading to traditional attitudes being altered and allowing positive Rwandan values like “unity, respect, empowerment of women and non-violence” to grow (National Policy 1.2).

Although gender equality and the enjoyment of human rights are stressed and there is recognition of some of the social aspects that facilitated the 1994 conflict, there is a deliberate disregard of ethnicity. Gender equality and sexual violence are both addressed, but without addressing how ethnicity could play a role in either of those issues in Rwanda. By definition, ethnicity was a large part of the genocide, during which traditional ethnic gender stereotypes were played upon to endorse acts of sexual violence. Traditional roles of women (as passive subjects under the authority of male figures) were reasoning for soldiers on both sides to take advantage of women’s vulnerable situation during the genocide. These two aspects of

Rwandan women's identities have shaped the way that they remember these historical events and shape their realities today.

## **Conclusion**

These policies showcase common themes in gender equality that were created at the international level and implemented at the regional and national levels of policy; the link being made between good governance and gender equality is clear at each level. The context of the ICTR and UNSC Resolution 1325 has linked the issue of sexual violence as an important aspect to consider in gender equality policies at all levels of legislation. The international and regional documents are instruments used to be applied to very large amount of very diverse states, so it is understandable that these bodies have excluded the topic of ethnicity and how it might intersect with issues of gender equality and gender-based violence. These policies, strategies and protocols need to remain broad in order to stay applicable to the greatest amount of states, and thusly emphasize the important of gender equality and sexual violence prevention to all states. With these standards set by these international and regional documents, on which Rwanda has based its revised constitution and gender-based violence policy, ethnicity needs to be taken into account. As discussed in more detailed in the following chapter, ethnicity remains an important aspect of identity in contemporary Rwanda and continues to shape not only how Rwandans remember their past but how they understand their present. It is a bold decision to forbid ethnicity in the constitution without addressing how it influences Rwandans' lives.

## The Intersection of Gender and Ethnicity in Rwandan Identity

Although the progressive gender equality efforts in Rwanda are notable, especially in light of the violent conflict that destroyed the country's infrastructure and diminished its population only nineteen years ago, Wallace et al. argue that it is "not evident" that the policies have had an effect on Rwandan women's lives (Wallace et al. 115). From their findings, they conclude that the achievements in policy, like the gender-based violence policy, have not had a "significant impact on the lives of the majority of Rwandan women" (Wallace et al. 115). They use statistics from various surveys (on attitudes towards gender equality) and statistics about the types of people who are making these policy decisions to make this claim.

Perhaps a contributing factor to this is an aspect of the issues that affect women's lives in Rwanda today that is being overlooked. The conclusions made by Wallace et al. do not include this, rather their study finds that the top-down approach that the Rwandan government is using to implement gender equality policies to play larger role in the disconnect between the policies and local reality. Women in Rwanda do not only define themselves by their gender; instead many facets of their identity are constantly negotiating and renegotiating the boundaries of how they understand and represent themselves. Identity is constantly being influenced by others and situational contexts. As Jennie Burnet discussed:

Any single individual's identity...represents the coalescence of webs of power and networks of relationships. None of these identities operates in isolation. Instead, several aspects of identity combine to mediate social interaction. By examining the intersection of ethnicity and gender and the social and historical construction of these identities...the complexity of social experience for individuals and groups becomes apparent. (Burnet 2005, 43)

By concentrating efforts of reconciliation on only gender and neglecting to address the tension surrounding ethnicity in Rwanda, the government is overlooking an important aspect



of Rwandan people's identity. In this chapter, I will first discuss the gender aspect of Rwandan women's identity based on traditional attitudes towards gender roles, and how gender roles have changed in the aftermath of the genocide. Then I will explore how the gender equality policies in Rwanda have not been effective in the local lives of the majority of Rwandan women. Thirdly, I will examine whether and how ethnicity shapes Rwandan identity today. Lastly, I will examine how these two aspects of identity intersect and why it is important to consider them both when creating policies about gender equality and sexual violence in contemporary Rwanda.

## **Gender**

### **Traditional Gender Roles**

According to Burnet, Rwandan women were favored by society when they were “reserved, submissive, modest, silent, maternal” (Burnet 2005, 47). Additionally, gossip between women was discouraged and being overly emotional or physically weak was looked down upon, making a woman a less favorable choice as a wife (Burnet 2005, 47). Virginity (or at least the appearance of virginity) was also important for women and girls to maintain until marriage or they risked social ostracization; it confirmed immodesty and lack of self-control (Burnet 2012, 105). On the other hand, men were praised for being strong, dominant, confident and brave. Because they were seen to hold these characteristics, they were the ones who represented the household in public (Burnet 2005, 47). Women's social identity was constructed in relation to who her father, husband or brothers were in the community; pre-colonial Rwanda was a patrilineal society (Burnet 2012, 100). A Rwandan proverb, ‘wives have no identity’ (‘Abagore ntibafite ubwoko’) demonstrates the idea that unmarried girls were subsumed under their father or brother's identity and, when they married, they were

subsumed under their husbands' (Burnet 2012, 100). This patrilineal kinship system intricately linked the status of male family members and marital status to women's place in society; this social structure has shaped the modern notion of Rwandan social identity. Remnants of these ideas remain in how women perceive their social position in their communities.

As the economy became monetized during the colonial period, the patriarchal nature was reinforced as men went into the cash economy and women's customary rights were weakened (Burnet 2012, 101). In practice, women were excluded from nonagricultural work as the economy of Rwanda expanded, so they were also excluded from much of the paid labor, which only reinforced their social subordination to men (Burnet 2012, 101). In some cases, women were allowed to work but only if they had been granted permission by the household's head male figure (Burnet 2008, 384). If they were allowed to work, their success was still attributed to their husbands or fathers because many men collected their wife's/daughter's salary (Burnet 2005, 125; 2008, 384). Although women in Rwanda were legally autonomous (from their fathers/husbands) before the genocide, women were still treated as dependents in practice (Burnet 2012, 102). These ideas have influenced how Rwandan people tend to perceive women's expected role in society.

Even before the genocide occurred in 1994, sexual and gender-based violence (both intrapersonal and structural violence) was prevalent in Rwanda (Burnet 2012, 100; Wallace et al. 122). Gender violence and other forms of discrimination were accepted as the norm; they were used as a tool against women to maintain the patrilineal social system. As a form of domination and control over women, sexual violence was a "common feature of [the] social landscape" in Rwanda (Burnet 2012, 106)<sup>14</sup>. Also, as virginity was held as a standard that

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<sup>14</sup> In a similar case of the South African Apartheid, women were traditionally viewed as passive beings and men were taught to be assertive and aggressive (Maitse 200). Though the Apartheid was a struggle for national liberation, not genocide, women's bodies were treated in a similar manner as in Rwanda. The rape, humiliation

women needed to uphold, rape was a means to take the social possibility of marriage away from women. After the genocide, gender-based and sexual violence became a major concern; attitudes towards sexual violence shifted, as it was one of the main tools used (Wallace et al. 122). The genocide did not only shift attitudes towards gender-based violence, but the rupture in Rwanda's social infrastructure created the possibility to change the perception of women's roles in society.

### **Shift in post-genocide roles**

The mass violence of the genocide in 1994 left Rwandan society with a large gender imbalance. Many of the men had been killed or fled the country, leaving the Rwandan population to be about 70 percent female (Wallace et al. 113; Burnet 2008, 383). With women making up the majority of the population, the traditional social structure was overturned and the gender aspect of Rwandan identity began to change. Women took on 'typical' male roles as heads of households, economic providers, and dominant actors in the public sphere (Wallace et al. 113; Burnet 2008, 384; Powley 158). Some women took on these roles out of necessity and others saw it as an opportunity to break out of the traditional gender roles. This drastic change allowed for women to acquire skills that they would have not been able to gain otherwise, and this is part of the shift in how women and their role in society are perceived today (Powley 158).

Despite the positive change, the new roles that women are taking on add to the burden that they already carry. Women are now in charge of households, but with this increased responsibility comes double the social burden. Women, especially widows of the genocide, are not only responsible for domestic duties (i.e. maintaining the household, raising children)

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and torture that many (predominantly African) women endured during and after the Apartheid are associated with the need to "overpower and control without too many negative social consequences" (Maitse 212). Additionally, although there was reconciliation and political changes made after the Apartheid, the 'new' South Africa "[did] not mean peace for women" (Maitse 212).

but they must also economically provide for their family (Burnet 2005, 126). This has especially impacted women in rural farming communities; without husbands or fathers to help on the fields, there is more work and lower crop yields (Burnet 2008, 385). Middle and upper class women, although not poverty-stricken, suffer socially. The most difficult burden for many women, whether farmers or successful businesswomen, has been solitude (Burnet 2008, 385). Communities have been ‘too busy’ to help with the extra work or the woman is considered to be unmarriageable (either because she was already married or because it is assumed she was sexually assaulted during the genocide). National research conducted in 2004 reported that two-thirds of Rwandans still believe that a wife “owes unconditional obedience to her husband” and that marriage is understood to be consent to a sexual relationship (Wallace et al. 122). Although the dramatic shift in demographics has created opportunities, patriarchal attitudes still influence women’s social identities. Gender relations are still “reiterated in conservative ways”, maintaining the traditional attitudes towards gender roles and a norm of sexual violence, despite women’s decreased dependency on men (Buss 146).

### **Rwanda’s Gender-Sensitive Government**

After the new constitution was approved and the gender quota went into effect in 2003, Rwanda had made notable progress in regards to gender equality. The international community has heralded the Rwandan government as a poster child for gender equality (Burnet 2008, 362). Before 1994, women never held more than 18 percent of seats in governmental bodies, whereas Rwanda now has the highest proportion of female representatives in the world (Powley 154). The new constitution prioritizes gender equality in Rwandan society. As previously stated, in this ‘new age’ of Rwandan politics, a Ministry of Gender and Family Promotion was created, women’s councils were organized, and the

gender quota system was implemented. Though these quantifiable markers of gender equality demonstrate improvement from 1994 (and before), these changes have not necessarily impacted the local realities of Rwandan women.

Although the judiciary, medical staff and police have made a commitment (on paper, at least) to prioritize gender-based violence, female victims still reportedly are met with insensitivity when they report their cases (Wallace et al. 122). Despite the instituted gender-sensitivity training and the anti-stigma media campaigns organized by the government, there is still stigma against rape and gender-based violence victims. This can be concluded based on results from a Rwandan national survey that reported 45 percent of female gender-based violence victims did not report their case to authorities (Wallace et al. 122). If gender equality is not prioritized and sexual violence is understood as a norm, it is possible that sexual violence prevention is not prioritized by the majority of Rwandans because sexual violence is associated with the genocide and conflict, rather than with concerns of everyday life. Perhaps, sexual violence is still a major issue because the social change that the policies are intended to make is not addressing the whole problem that allows sexual violence to continue. By only taking the gender aspect into account, perhaps the policies are missing an important intersection of discrimination (like the one that occurred during the genocide). There have been notable strides in gender equality and gender violence prevention by the Rwandan government, but the decisions were made by a small group of people that do not necessarily represent the majority of the citizens.

### **The Issue of Elite Representation**

At first glance, the large number of female representatives currently in office seems to be a positive source of cultural transformation and empowerment for Rwandan women. In reality, the policies have been implemented in a top-down fashion, so Rwandan political

institutions appear “more egalitarian than popular opinion” (Wallace et al. 115-116). It appears that this disparity between the local attitudes and the policies that the government creates is due not only to the government’s priority to appease the international community (as discussed in previous chapters), but also partially due to the types of individuals that are being elected into decision-making positions.

Many of the women who are elected are a part of the “thin upper layer of Rwandan society”; they are wealthy, live in an urban area, and have been educated abroad (Wallace et al. 115-116). In contrast, a majority of the Rwandan population is poor, illiterate and lives in rural areas (Wallace et al. 115, 117). In addition to having to align themselves with the RPF party standards in order to stay in power, the lived realities of these two general groups of women are very different (Burnet 2008, 381). Ultimately, the focus of their major concerns differs from the concerns of the average Rwandan woman. These small groups of women from the higher rungs of the Rwandan social hierarchy tend to be more ‘concerned’ with the issue of gender equality than the majority that they are intended to represent (Wallace et al. 118). These RPF-endorsed ideas are not necessarily ideas that the majority of Rwandans would have thought of as an issue of concern. Although gender equality and a concern about the prevalence of sexual violence exists on paper in Rwanda, these are not priorities for the majority of the Rwandan population (Wallace et al.).

In the local reality, illiberal attitudes towards gender equality are widespread in Rwanda (Wallace et al. 119). The traditional ideas about women’s social identity are still present. For example, in Burnet’s description of most rural Rwandans’ attitude towards gender equality, most replied: “‘Equality in what?’ ‘Everyone’ or at least ‘every Rwandan’ know that [husbands] are ‘superior’ to [wives] both in body and in mind’” (Burnet 2005, 48). This demonstrates that equality in the public sphere for men and women is considered nonsensical and in a similar fashion, gender-based violence is common and not viewed as a

social issue. The RPF ideas about gender equality and the concept of sexual violence prevention do not seem to line up with the local ideas of where priorities should be placed. Rwandan women do not necessarily view themselves as unequal to men; rather that their gender has dictated a different set of expectations.

Despite the minute effectiveness of the gender equality measures in the short term, the drastic changes are opening the possibility for greater social change in the long run. The greater inclusion of women in decision-making positions has helped to start a change in the expected roles that women should play in the public sphere; women can be more vocal whether or not they are in a leadership position (Burnet 2008, 382). Understanding that women can belong in powerful positions, an alternative model of femininity can be built that will still represent local reality (Wallace et al. 124). These measures represent potential for the transformation of the gender aspect of Rwandan identity in the long term (Burnet 2008, 381). Although there are flaws in the current top-down approach, there is some potential for social transformation that should be recognized. In the aftermath of the genocide, the new roles that women have had to take on, in combination with the government's stress on gender equality, there is promise for long-term social change. This is not meant to be critical of top-down social change in general, but critical of the RPF's motives for their top-down method. Rather than reflecting the various interacting aspects within Rwandan identity, the policies that are being adopted are reflecting the broad international standards of gender equality and sexual violence prevention that assume a universal solidarity of women and gender standards in order to provide a more appealing location for foreign aid. My research showcases how, because of this the Rwandan push for gender equality fails to recognize cultural attitudes, which stem from the multitude of aspects that mediate relationships and interactions that facilitate sexual violence as a norm.

## Ethnicity

### During the Genocide

As discussed in the section on historical context, ethnicity is not the causal explanation for the Rwandan genocide in 1994; it was a political tool used to maintain the control of the country. However, this does not mean that ethnicity should be considered unimportant in how the violence in the genocide unfolded. ‘The manipulation of ethnicity’ shaped how and whom individuals decided to kill, rape, or torture (Clark 143).

Although both Tutsi and Hutu women were victims of sexual violence during the genocide, the systematic targeting of Tutsi women is the most widely recognized through survivor accounts (Burnet 2012, 108). Hutu *Interahamwe* decided which women were Tutsi based on physical markers that would differentiate them from Hutu women. These ‘markers’ were based on ethnic gender stereotypes that had developed before the genocide, possibly accentuated by claims from European colonizers (Burnet 2012, 102). Beauty was the main characteristic for determining women’s Tutsi-ness; additionally, Tutsi women were assumed to have ‘cow’s eyes’<sup>15</sup>, straight teeth, a ‘shapely physique’ and meek disposition (Burnet 2012, 109; 2005, 71). On the other hand, one could ‘tell’ a Hutu woman’s ethnicity because she would be ‘ugly’ with a broad nose, stout stature and “course mannerisms” (Burnet 2005, 71). State-issued identity cards that stated an individual’s ethnicity were used to determine someone’s ethnicity if the *Interahamwe* were not sure (Burnet 2008, 58; Buss 157). If a woman’s features were believed to not match the ethnicity on her identity card, a soldier could choose to not believe her card (Buss 157). Some *Interahamwe* believed that Tutsi women tried to falsify their ethnicity in order to avoid being murdered or rape, or so that they

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<sup>15</sup> In Burnet’s dissertation (2005), she states that to have ‘cow’s eyes’ (round, large eyes) is a compliment in Rwandan culture, and considered a mark of beauty (71).



could try to be Hutu (Buss 157). Soldiers were left to decide the ‘truthfulness’ of someone’s ethnicity on their own and tended to rely on ethnic stereotypes (Buss 158).

The stereotyped beauty of Tutsi women quickly became the center of Hutu extremist rhetoric before and during the genocide (Burnet 2012, 109). Hutu men were warned of the seductive qualities of Tutsi women’s beauty because they were spies for Tutsi men (Weitsman 573; Human Rights Watch 8). The propaganda also stated that Tutsi women looked down on Hutu men for being from a lower class and less attractive (Weitsman 573). As a result, much of the violence targeted Tutsi women. Violence inflicted upon Tutsi women reflected the attitudes endorsed by the Hutu hate propaganda. Reportedly, these ideas were so strongly believed that ‘beautiful’ Hutu women were raped and/or killed because they were mistaken for Tutsi (Burnet 2012, 109).

Many of the perpetrators mutilated parts that demarcated the woman’s ‘Tutsi-ness’, like long fingers or thin noses (Burnet 2012, 108). Rape and other forms of sexual violence were used to punish Tutsi women for their assumed arrogance. This is demonstrated in testimonies, female Tutsi survivors reported that *Interahamwe* commented on their ethnicity before or while soldiers raped them with statements like: they wanted “to see if Tutsi women were like Hutu women”, “we want to see how sweet Tutsi women are”, “you Tutsi women are too proud” (Burnet 2012, 109; Weisman 575). Statements like these, in conjunction with the demonization of Tutsi women broadcasted over the radio, demonstrate the intimate connection between ethnicity and gender and how these two aspects of Rwandan identity played a significant role in the mass sexual violence that occurred during the genocide (Weitsman 575).

Understanding the value that women had in the community, as sources of pride and honor of the men to they belonged, the mass rape during the genocide represented communication between groups of men. Traditional patriarchal attitudes established a

societal structure that could be destroyed by taking away the value of the community; raping Tutsi women was a means of physically and socially destroying the Tutsi community.

Ethnicity was the marker of difference during the genocide: as Tutsi women were marked as threats to Hutu soldiers, they bore the brunt of the violence.

### **RPF-shaped reconstruction**

After taking control of the government, RPF-led government placed priority on the physical and social reconstruction of Rwanda. To achieve state stability and social cohesion, or at least a façade, the RPF stated that their goal was to build a united ‘New Rwanda’. The focus became national unity based on ‘Rwandanness’ because this would lead to further “ethnic divisionism” (Hron 276). Because the RPF viewed these social divisions as something that had previously led to violent conflicts, they created a constitution that prohibited the recognition of ethnic categories (Newbury 9). By focusing on commonalities, the government hoped to unite Rwandans and reconcile the severe damage that had been done previously.

Despite the constitution forbidding the formal use of ethnicities, during the national month of mourning<sup>16</sup> the government depicts a particular history of the genocide. By controlling the way in which ethnicity can be discussed, the government has limited when individuals can publicly talk about the genocide (because it is linked to ethnicity). National mourning gives Rwandans a chance to speak about the genocide but because the government organizes the events, survivors must be careful about how they speak about it. The government-endorsed narrative clearly delineates the perpetrators (Hutu) from the victims (Tutsi); this is emphasized not only during memorials held during April but also at genocide memorial sites throughout the country (Burnet 2005, 144).

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<sup>16</sup> National month of mourning is a series of genocidal memorial events held every April, and organized by the current government.

It can be concluded that this categorization of Hutu and Tutsi in the national history has not helped to reconcile communities; rather it has created an undercurrent of resentment and anger based on these government-endorsed stereotypes. A moral discourse based on ethnicity has been created: all Tutsis are victims and all Hutus are *génocidaires* (Burnet 2005, 27). These categories are shaping the way in which individuals view themselves and others in society. By disregarding ethnic differences and endorsing one main narrative of the genocide (where one party is clearly in the wrong and the other is completely innocent), the Rwandan government is furthering the ethnic divisions. The ‘unity’ that they are creating is a false and superficial one, which will not provide a sustainable or comprehensive form of reconciliation for the Rwandan people (Clark 144).

By controlling the ways in which ethnicity is represented, the main narrative excludes individuals’ experiences that do not fall in with the dominant discourse (Burnet 2005, 145). The stories that do not fit the “Hutu-perpetrator/Tutsi-victim dyad” that the RPF pushed to the mainstream remain unacknowledged or untold; this stress on the Hutu rape of Tutsi women has silenced an unknown number of women’s experiences (Burnet 2012, 111). The emphasis placed on the guilt of the Hutu simplifies the mass sexual violence that occurred during the genocide, so that the rape victims (Tutsi women) are clearly separated from the perpetrators (Hutu men, and in very few cases, women) (Burnet 2012, 112). National ‘unity’ is being used to create one dominant discourse of the genocide and consequently, excludes survivors’ stories that do not align with this mainstream version.

Reconciliation is a privilege for those who fit the paradigm and even then, prosecution is saved for Hutu and retribution is reserved for Tutsi<sup>17</sup> (Clark 145; Burnet 2005, 234).

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<sup>17</sup> Examples from Burnet’s dissertation: “In many communities that released prisoners were coerced into ‘thanking’ neighbors with beer and money to avoid being thrown back into prison...they explained that they feared what might happen if they stopped’ thanking’ the neighbors who asked to be ‘thanked’” and a Hutu man discussed the environment when Hutu men visited the local bar: “If you go to have a beer, they [the Tutsi

Although recognition of ethnic differences has been outlawed, it is clear that ethnicity still plays a major role in current interactions. Those who do not fit into the fixed ethnic categories of Hutu-perpetrator or Tutsi-victim/survivor are excluded from reconciliation, and these ethnically-based issues will remain unacknowledged by the ‘ethnically-blind’ government. Ethnicity still determines social status in the community, although these ideas have shifted from those before the genocide slightly, ethnicity is still the factor that influences social interactions.

### **Social identity in contemporary Rwanda**

By neglecting to include the ethnic aspect of social identity, the government is ignoring how this part of Rwandans’ lives affects their daily experiences. Traditional Rwandan notions of identity focus on the person as a whole; every part of a person’s identity impact and shape who that person is to themselves and their community (Burnet 2005, 45). Gender and ethnicity are both important in understanding how to create policies that will produce sustainable and effective social change. Neither one nor the other “operate[s] as a sole determining factor” in an individual’s identity (Burnet 2005, 6).

Gender and ethnicity are equally important in remembering the past; the way that these two parts of identity intersected during the genocide is especially important to consider (not only for Tutsi survivors, but also for Hutu survivors or others whose stories do not fit the dominant discourse). The way that the genocide is officially being remembered and how the Rwandan past is being constructed are shaping the ‘new Rwandan’ identity today. I find a

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genocide survivors] bother you. They insist that you buy them beers. If you don’t they’ll cause you problems. Maybe they’ll follow you home and beat you or maybe they’ll go to the commune and accuse you [of genocide]. Its best just to stay at home.” (Burnet 2005, 234, 233)

quote from Susanne Buckley-Zistler especially relevant to the way in which the remembering of the genocide is constructing identities and perceptions in Rwanda today:

People draw on their experience to shape narratives about their lives, but equally, their identities are shaped by their narratives. They are therefore at the same time products of their stories about themselves as much as their stories emerge from their lives. After violent conflict, in particular, through remembering the past in a particular way people try to render their lives more meaningful. (Buckley-Zistler 48)

Ethnicity is not only shaped by how the genocide remembered and how others categorize an individual, but the way that individuals experience their reality shapes the way that ethnic categories are understood in post-genocide Rwanda today.

### **Disconnect: ethnicity, gender and implementation of sexual violence policies**

Based on other scholar's conclusions about how ethnicity and gender have intersected in memory politics of the genocide and how ethnicity has historically shaped the experience of Rwandans (especially women), the Rwandan policies that are currently in place have implications for whom and how their policies concerning sexual violence are implemented. With ethnic divisions formally outlawed by the Rwandan constitution, empirical evidence about how the policies are being enacted on the ground is extremely difficult to find (if they in fact exist at all). But using others' work based on their time spent in Rwanda, along with the national-level policies themselves, we can observe several implications that the policies might have.

Noting the large role that ethnicity played in the genocide along with the observations made by Burnet (2005) in her work on memory politics in post-genocide Rwanda, it logical to conclude that ethnicity still determines how Rwandans experience daily life; their ethnic identity was determined by their identity cards before the genocide, and now it is determined by the legacy of their ethnicity left by genocide (whether as a Hutu-perpetrator or a Tutsi-

victim). This aspect of Rwandan identity is apparent in daily interactions and behaviors of individuals (Burnet 2005). Ethnicity is continuing to be a factor in social interactions, how you view others and how they perceive you.

On the surface, the outlaw of the recognition of ethnicity in the Rwandan constitution seems to try to promote social cohesion and reconciliation in order to build a united Rwanda. Understanding that ethnicity still impacts Rwandans' interactions, one can deduce that although it is not legal to recognize ethnicity it still plays a part in how sexual violence prevention policies are implemented in actuality.

As demonstrated by Burnet (2005), ethnicity is still shaping the way that people are living their lives. Therefore if these policies are ignoring ethnicity, they also overlook the ways in which these interactions shape the ways that sexual violence survivors (genocide and post-genocide) are treated. Violence has continued in different forms in Rwanda; the way in which dominant (government-endorsed) discourse discusses the genocide has enforced a Hutu-perpetrator Tutsi-victim dyad that influences structural violence that maintains this perception (Burnet 2005, 110).

The understanding that all Hutu are a part of the guilty *génocidaire* group and that all Tutsis are victims, influences the way that individuals interact in everyday situations. This perception also shapes the way that bureaucrats and other employees that are a part of policy implementation (in the office and on the ground) make choices about where resources should be allocated and who these policies are supposed to target. Logically, the view, enforced by national memorialization, that Tutsi women are the recognized sexual violence victim group from the genocide will shape whom a social worker or police officer will understand to be a victim/survivor and who will be a perpetrator today. These choices, left up to the individual workers to decide, are influenced by the discourses on the genocide and the policies that the government is adopting. Their personal view of an individual will be influenced by how the

rest of society views them, taking their gender and ethnicity into account. Daily interactions and also how policies are implemented in actuality will influence and shape future policies adopted at the national level in Rwanda. The dominant discourse of memory politics shapes the larger scheme of how individuals are viewed by others and therefore, how they experience daily life. Understanding how Burnet's (2005) claim that ethnicity continues to shape Rwandans' perceptions of one another, it is logical to conclude that the decisions of how workers implement these policies is shaped by the way that Rwandans imagine the problem and tensions 'created' by ethnicity. One can deduce that this formal disregard of the role that ethnicity plays at the individual level only reinforces the ethnic divisions because Rwandans rely on the way the collective memory of the genocide associated ethnicity and gender with other aspects of others' identity.

Framing the 'New Rwanda' based on the internationalized gender equality norms; the government is only examining one part of the local reality of Rwandan women's experience. With the inclusion of gender into Rwandan policies, the international community recognizes the 'democratic' progress that the country has made since the genocide occurred. The Rwandan government is framing the issue of sexual violence as an only gender-related (unless is reference to the genocide), which is reinforced by the article in the new constitution that outlaws the recognition of ethnic divisions. This implies that ethnicity is not important, but the 'New Rwanda's' progress should be focused on a type of social cohesions that includes women. Concluding from other scholar's fieldwork done in contemporary Rwanda, people's movements and social interactions and access to institutions are mediated through their ethnic categorization as well as their own view of who they are (which is also partly produced reinforced by the war violence). The social barriers between ethnic groups became more rigid after the violence in 1994, and are continuously reinforced with the way in which the Rwandan state memorializes the genocide. The contemporary policies are supposed to be

addressing the problem of sexual violence and helping survivors. My research demonstrates that by not recognizing how gender and ethnicity intersect in Rwandans' daily experiences, the sexual violence prevention policies are not helping as many people as they could and they are reinforcing the hierarchies without tackling the underlying issue.



## A Few Concluding Words

The Rwandan government has instituted gender equality in order to demonstrate their dedication to social progress, democratization and state stability. The standards that they have used were outlined by international instruments and subsequently adopted by regional bodies. Contained within these internationalized standards are broad definitions that are meant to be a one-size-fits-all strategy. The failure to act at the national level of Rwanda has been due to adopting international and regional frameworks that do not include ethnicity. When Rwanda looked to rebuild Rwandan society after the genocide (and appeal to international aid organizations), they maintained the instruments' blindness to how ethnicity intersects with gender. Examining how ethnicity and gender have consistently played equally significant roles in Rwandan identity throughout history, not only in the genocide, one can see that the government's attempts to disregard ethnicity as a creation of colonialism as an ineffective strategy.

The gender equality efforts in Rwanda should be acknowledged, but not without understanding that these policies are not addressing the full issue. Understanding that not only unequal gender relations facilitated the mass sexual violence during the genocide is disregarding an essential determinant for how targets were distinguished. Without the inclusions of ethnicity, the realities of some women are rendered invisible because the impact that ethnicity has on their lives is disregarded. Given that sexual violence was a major tool used during the genocide and how closely it was linked to both gender and ethnicity, it would seem that the contemporary policies concerning sexual violence neglect an important aspect of identity that continues to shape Rwandan women's lives. The policies concentrate on addressing the gender-related aspect of sexual violence, such as traditional gender roles.

However, they miss how ethnicity remains a significant part of how men and women interact. Rather than treat ethnicity as unimportant, the Rwandan government should address whether it is still a significant part of Rwandan identity. In understanding that ethnicity did not disappear with the adoption of the new constitution, a sexual violence prevention policy with comprehensive programs and solutions can be created.

The intersection of ethnicity and gender in post-genocide Rwanda has not been addressed outside of the context of the genocide. It is an importance issue to examine because it allows the RPF to make the government its policies more representative of the reality that their citizens' experiences. In the case of sexual violence, a comprehensive solution is necessary in order to have a sustainable effect. But in order to do this, the RPF must also address an important aspect of Rwandan identity, ethnicity, as well as gender-based issues. Ignoring ethnicity is not a realistic or feasible policy to reduce sexual violence without taking into account ethnic gender-based stereotypes and the relationship these stereotypes have with the portrayal of perpetrators and victims in the history of the genocide but also in contemporary Rwandan society. Taking the facet of ethnicity into account and stressing ethnic divisions are two different things, but there is a thin line that lies between them. Neglecting to address how ethnicity affects women's' lives and how they experience sexual violence is not understanding the full picture of the lived reality for these individuals; it is continuing to not fully reconcile the past with the present. Until the government does this, sexual violence in contemporary Rwanda will continue to be a problem. These Rwandan policies are not necessarily *bad policies*, but they would be improved if the implications of excluding ethnicity were taken in account in the process of creating them. It is significant that these policies are ignoring ethnicity because it has an effect on how women's lives unfold.

By adopting standards established by international documents, the Rwandan government is reproducing the framings of the women's human rights movement and only focuses on the gender part of issue of sexual violence. The constitution and the national gender-based policy leave ethnicity out because the government frames it only as an issue of the genocide, and a creation of colonization. From my research, it is logical to conclude that this perception is not taking actual experiences of Rwandans into account so the effectiveness of the policies created on this belief are bound to not be as effective as they could be if the intersection of gender and ethnicity is recognized as significant.

This research is a step in understanding how the policies are implemented and how this affects their success for Rwandans. Based on what I found, future research should focus on field work done in Rwanda to understand the unwritten rules of policies and how implementation is colored by the people who are responsible for putting them into practice. Fieldwork would allow for interviews and observations of what is really happening on the ground from multiple perspectives, and it would allow the questions of my original project to be answered. Additionally, my research here could open a framework for analyzing other conflicts that have parallels to the post-conflict situation in Rwanda like the situation in contemporary Bosnia given its current negotiations to enter the European Union.

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## Appendix

### Thesis Concept Map

