

Terms of Reference

Assessment of identifying gaps in laws and policies related to unpaid care work in Rwanda

Organization: UN Women

Location: Rwanda

Type of contract: National consultant

Languages required: English, Kinyarwanda

Duration of initial contract: 30 days

1. Background

From cooking and cleaning, to fetching water and firewood or taking care of children and, the sick and the elderly, women carry out at least two and a half times more unpaid household and care work than men. As a result, they have less time to engage in paid labour, or work longer hours, combining paid and unpaid labour. Women's unpaid work subsidizes the cost of care that sustains families, supports economies and often fills in for the lack of social services. Yet, it is rarely recognized as "work". Unpaid care and domestic work is valued to be 10 to 39 per cent of the Gross Domestic Product and can contribute more to the economy than the manufacturing, commerce or transportation sectors¹. With the onslaught of climate change, women's unpaid work in farming, collecting water and fuel is growing even more.

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

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

¹ <https://www.unwomen.org/en/news/in-focus/csw61/redistribute-unpaid-work>

particularly in areas with limited access to regular basic services such as energy, water and sanitation, as women and girls tend to bear the brunt of the unpaid labour to collect and manage these resources and services for daily household consumption.

Agriculture is a major economic sector for Rwanda, employing about 70 percent of the total population and accounting for approximately 31 percent of GDP; and it stands out as one of the most strategic sectors in Rwanda's development, and 75 percent of Rwanda's agricultural production comes from smallholder farmers.² Data shows the enormous contribution of women in Rwanda, as key producers for their families, market and the country in general. In addition to their direct role in agricultural production, women also spend considerable time in post-harvest handling activities such as cleaning, sorting, and drying which they must combine with their domestic care responsibilities.

Unequal access to timesaving, climate-resilient infrastructure and technology remains a considerable impediment to women's economic empowerment in Rwanda. In relation to access to clean water, only 7 percent of female headed households had access to piped water into their dwelling compared to 10 percent of male headed households.³ In rural areas, people are required to walk long distances in order to reach an improved drinking water source, with 16 percent of households living within 0-200 meters and 34 percent living within 0-500 meters. By contrast, 60 percent of households in urban areas are within 0-200 meters and 72 percent are within 0-500 meters to an improved drinking water source. The task of collecting water as well as firewood, which is the most used fuel in rural areas, tends to fall on women and girls, and since the onset of the COVID-19 pandemic, 33 percent of women have seen their time allocated to collecting firewood and fetching water increase by 33 percent compared to 28 percent of men. This increase is due to the high demand for water and sanitation to meet the hygiene standards needed to keep the coronavirus at bay.

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

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

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

² <https://rdb.rw/investment-opportunities/agriculture/> (Accessed on 7 January 2021)

³ [Fifth Integrated Household Living Survey 2017 \(EICV\)](#)

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

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

- Support national and local policy advocacy for greater awareness and capacity building to redress discriminatory social norms and address the 3Rs of unpaid care work in laws, policies and services.
- Develop economically sustainable models of transformative care services and childcare provision.
- Increase access to timesaving, climate-resilient infrastructure for thousands of women through well-established partnerships with women's cooperatives, associates and other organizations.
- Raise awareness in communities, including by engaging men and boys, about discriminatory social norms and the 3Rs of unpaid care work.

2. Justification

Rwanda has made remarkable progress in terms of legal and policy framework that embodies the principle of gender equality. For example, the Constitution prohibits all forms of discrimination including those based on sex.⁴ Equality between men and women is further affirmed by the Constitution through a quota of at least 30% for women in all decision-making organs.⁵ Besides, Rwanda is a State Party to most relevant international human rights instruments, mechanisms and frameworks and commitments embracing gender equality.⁶

More so, over the last 25 years, many laws were either enacted or amended, in a bid to repeal or/and address all gender discriminatory provisions. Specifically, the Committee on the

⁴ Art.6 of the Constitution of the Republic of Rwanda of 2003 as revised in 2015.

⁵ Art.10, *ibid*.

⁶ They include but not limited to; Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) International Convention on the rights of women (CEDAW), the Protocol to the African Charter on the Rights of Women in Africa (the Maputo Protocol), the African Charter on the Rights and Welfare of the Child.

Elimination of Discrimination Against Women (CEDAW) in its Concluding observations on the combined seventh to ninth periodic reports of Rwanda in March 2017(CEDAW/C/RWA/7-9) “welcomed the progress achieved since the consideration in 2009 of the State party’s sixth periodic report (CEDAW/C/RWA/6) in undertaking legislative reforms, in particular the adoption of eight laws enacted as new laws or repealing gender discriminatory provisions”⁷

It should also be underlined that a number of legal reforms recommended by CEDAW Concluding Observations were factored into consideration under the revised new law regulating offences (formerly referred to as the Penal Code) published in 2018.⁸ These include but not limited to; decriminalisation of women in prostitution, expansion of the legal grounds for abortion to include children, and the abolition of a court order to seek legal abortion. Besides, the law punishing human trafficking was adopted.⁹

In line with the above, Rwanda is known as a global leader on many gender equality indicators. For example, according to data released by the Inter-Parliamentary Union as of 1st February 2019, Rwanda has the highest number Women Parliamentarians in the World (with 61.3%).¹⁰ In 2018, Rwanda became the second African Country to attain a gender parity of 50% of women in Cabinet.¹¹ And according to the 2021 World Economic Forum (WEF) Global Gender Gap Report , Rwanda was number seven out of 156 countries globally, and number one in Africa, in terms of narrowing the gender gap.¹²

Conversely, despite the impressive progress alluded to above, there may still be some areas of improvement in terms of legal framework for Rwanda to attain full gender equality compliance. For example, CEDAW Concluding observations on the combined seventh to ninth periodic report

⁷ These are.

(a) Law No. 32/2016 of 28 August 2016 governing persons and the family, which repeals several provisions discriminatory against women.

(b) Law No. 27/2016 of 08 July 2016 governing matrimonial regimes, donations and successions, which explicitly prohibits discrimination between male and female children in successions.

(c) Organic Law No. 12/2013/OL of 12 September 2013 on State finances and property, which enforces accountability measures for gender-sensitive resource allocation across all sectors, programmes and projects through gender budget statements.

(d) Organic Law No. 10/20/2013/OL of 11 July 2013 governing political parties and politicians, which prohibits any form of discrimination based on gender, sex, race and religion in political parties.

(e) Law No. 43/2013 of 16 June 2013 governing land in Rwanda, which prohibits discrimination based on sex in relation to access to land.

(f) Organic Law No. 01/2012/OL of 2 May 2012 instituting the Penal Code, which prohibits the sale of children, child prostitution and child pornography.

(g) Law No. 54/2011 of 14 December 2011 relating to the rights and the protection of the child, which provides for the same responsibilities for child protection by both parents.

(h) Organic Law No. 02/2011/OL of 27 July 2011 governing the organization of education, which provides that the education of the citizen shall not be characterized by any form of discrimination.

⁸ Law N°68/2018 of 30/08/2018 determining offences and penalties in general, published in Official Gazette no. Special of 27/09/2018.

⁹ Law no. 5/2018 of 13/08/2018 relating to the prevention, suppression and punishment of trafficking in persons and exploitation of others, published in Official Gazette no. 39 of 24/09/2018.

¹⁰ See, <http://archive.ipu.org/wmn-e/classif.htm>

¹¹ <https://www.independent.co.uk/news/world/africa/rwanda-cabinet-women-gender-balance-government-africa-ethiopia-a8592461.html>

¹² Global Gender Gap Report (2021), p. 10. The report can be accessed on: https://www3.weforum.org/docs/WEF_GGGR_2021.pdf

cited above, recommended that Rwanda repeals all remaining legal provisions that are discriminatory towards women. It further recommended that Rwanda adopts a comprehensive anti-discrimination legislation that prohibits discrimination on all grounds and encompasses direct and indirect discrimination in both the public and private spheres, as well as intersecting forms of discrimination against women, in line with article 1 of the Convention and general recommendation No. 28. Specifically the Committee recommended the following legal reforms: amend Law No. 59/2008 on the prevention and punishment of gender-based violence to decriminalize the victims' refusal to testify against perpetrators; partly adopt legal provisions to eliminate intersecting forms of discrimination against women and girls with disabilities; and to create a regulatory framework for the informal sector to provide women in that sector with access to social protection and monitor their working conditions and in particular legalise Street vending.

The Committee further noted that enforcement of some laws remains weak

Besides, Rwanda as a party to the implementation of the *Equality in Law for Women and Girls by 2030: A Multi-stakeholder Strategy for Accelerated Action*, a global initiative launched on the margins of the 63rd CSW session in New York in March 2019 is duty bound to take immediate action to fast-track the repeal or revision of discriminatory laws by 2023, across all different domains; constitutional, civil, criminal, labor and administrative- that discriminate against women and girls.¹³

More so, Rwanda has neither ratified key ILO conventions in relation to advancing gender equality nor fully domesticated fully their provisions under the existing national legislations. These include; C190 on Violence and Harassment Convention, C189 on Domestic Workers Convention, C183 on Maternity Protection Convention, C131 on Minimum Wage Fixing Convention, C156 on Workers with Family Responsibilities Convention and P089- Protocol of 1990 to the Convention concerning Night Work of Women Employed in Industry

It is against this backdrop UN Women is commissioning a study to conduct a Comprehensive Legal Analysis of Gender Compliance under Rwandan Laws related to unpaid care work.

3. Research Objectives

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

The research has the following specific objectives:

- (i) Identify laws and policies related to unpaid care work in Rwanda
- (ii) Identify discriminatory provisions in laws and policies in terms of gender equality and specifically the different roles and responsibilities of men and women across different domains of laws with regards to unpaid care work (the normative framework);
- (iii) Identify loopholes that might exist in the implementation of laws related to unpaid care work in terms of ensuring gender equality

13 For the full report of the Strategy see, <http://www.unwomen.org/en/digital-library/publications/2019/03/equality-in-law-for-women-and-girls-by-2030>

- (iv) Assess the extent to which Rwanda’s commitments to global, regional and sub-regional unpaid care work frameworks which advance gender equality are translated into domestic laws.
- (v) Formulate recommendations to address the identified gaps in terms of discriminatory provision, implementation gaps of laws and capacity building of relevant stakeholders.
- (vi) Develop an advocacy strategy and pathways for legal reforms and policy actions to address any gaps identified.

4. Key Deliverables

Reporting to UN Women’s Project Coordinator, the Consultant will provide the following key deliverables:

- i) Research inception report:
- ii) List of different laws on unpaid care work to be reviewed: A list of proposed laws to be reviewed, categorized under different domains to be elaborated and endorsed in partnership with key stakeholders.
- iii) Stakeholder’s consultations report: The report should document relevant feedback from Key Stakeholders invited to provide their feedback/inputs on the overall research methodology and on the list of laws to be reviewed.
- iv) Draft research report: The consultant shall elaborate and share the initial comprehensive draft report of the assessment and share it with the Steering Committee for feedback and pre-validation.
- v) Final research Report: Following the feedback from the pre-validation workshop, relevant inputs shall be incorporated into the draft and a final research report submitted.
- vi) Advocacy strategy and pathways for legal reforms and policy actions. A concise advocacy strategy document shall be elaborated to stipulate different advocacy pathways, to ensure the implementation of different recommendations outlined in the report.

Outputs/Deliverables	Activities	Timing
Inception Report	Brief meeting with UN Women and other concerned institutions, prepare and present a comprehensive inception report which includes among others the outline in details of the research methodology/approach, interview guide questions, detailed sequencing of planned research activities, key partners to be consulted, etc.	5 days
Stakeholder’s consultations report	The report should document relevant feedback from Key Stakeholders invited to provide their feedback/inputs on the overall research	10 days

	methodology and on the list of laws to be reviewed.	
Draft research report	The consultant to share the initial comprehensive draft report of the assessment and share it with the technical team for feedback and pre-validation.	10 days
Final research Report:	Following the feedback from the pre-validation workshop, a final research report to be submitted incorporating the given feedback.	5 days
Advocacy strategy and pathways for legal reforms and policy actions.	A concise advocacy strategy document shall be elaborated to stipulate different advocacy pathways, to ensure the implementation of different recommendations outlined in the report	5 days

5. The Scope of the Research

Since Independence, Rwanda has enacted different laws in different domains including constitutional, human rights, civil, criminal, labour, Insurance, social security, health laws Economic and Commercial laws, Immigration and Emigration, and administrative matters. For the purpose of this research, the scope of assessment shall be limited to laws and policies correlated to gender compliance in unpaid care work. Specifically the scope of analysis will be framed in accordance with UN's *Equality in Law for Women and Girls by 2030: A Multi-stakeholder Strategy for Accelerated Action* referred to above.¹⁴

The Strategy calls for the immediate repeal of:

- Laws Governing persons that deny women equal rights as spouses by restricting their ability to exercise agency in the management and distribution of marital property, choice of residence, parental rights and responsibilities, and the right to inherit equally with men and boys.
- Discriminatory civil laws that deny women the ability to apply for a passport or any other civil registration without the permission of their husbands or transfer their nationality to their child or foreign spouse and place restrictions on physical mobility, employment, decisions on where to live and sexual and reproductive autonomy.
- Labour and social security laws that perpetuate discriminatory pay structures, divisions of labour and pension schemes, while at the same time failing to recognize the restrictive and unpaid burden of care that women carry at home, or to make parental leave available to both women and men; and
- Criminal laws that limit access to justice for women and girls by, for example, placing a higher burden of proof on them, reducing the value of their testimony and allowing perpetrators of rape to marry survivors or invoke “honour” or “provocation” to escape criminal responsibility etc
- Other Laws that might limit women, girls, men or boys’ access to certain opportunities including economic opportunities on the basis of gender discrimination.

¹⁴ Supra note 10.

An indicative list of laws to be reviewed is annexed to this project as annex 3. It shall be updated and approved by the steering committee after consultation with different stakeholders.

6. Partnership

The consultant would need to consult with UN Women team as per an agreed upon consultation work plan to finalize the assessment.

7. Timeframe: start date and end date for completion of required services/results

The consultant is expected to conduct the assessment for a period not exceeding **35 days from the signing of contract day**. Interested consultants are called to submit their technical proposal, detailing their methods, outlining their timeline, and suggesting a budget based on the methodology agreed upon, with consideration to COVID-19 pandemic, and considering the immediateness of the findings required for it to be relevant.

8. Qualification and Experience

- Advanced degree in Law.
- Experience on power relations, gender, women's rights programmes, ideally including women's economic empowerment.
- Extensive experience in conducting assessments and research relating to law
- Proven at least 10 years' experience in conducting participatory approaches and interviews as data collection approaches.
- Excellent facilitation skills.
- Fluency in Kinyarwanda, English and/or French.
- Ability to engage people in conversation and record answers clearly and accurately.
- Organizational and team engagement skills.

Mode of application

Interested candidates are requested to submit their detailed CVs and intent letter to rwanda.offers@unwomen.org not later than **13 March 2022**. Only pre-selected candidates will be notified.