

# Intersectionalities of formality of marital status and women's risk and protective factors for intimate partner violence in Rwanda

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## abstract

Indashyikirwa is an intimate partner violence (IPV) prevention programme being implemented by CARE International Rwanda, Rwanda Women's Network and Rwanda Men's Resource Centre in Rwanda. One critical aspect of the programme is a 5-month curriculum to promote equitable, violence-free relationships among formally and informally married heterosexual couples. This article complements existing evidence in Rwanda around how formality of marital status influences women's access to rights, social status, risk and protective factors for IPV, and highlights barriers to formalising marriage – primarily lack of financial means and gendered inequalities. It draws on research of Indashyikirwa, including interviews with 15 male and 15 female partners of formally and informally married couples, 9 community leaders, 3 women's space facilitators, 9 staff members, 12 community activists and 24 focus groups with community members. Interviews and focus groups were conducted in Kinyarwanda, transcribed and translated into English, and analysed thematically. The findings indicate poor legal protection and related limited institutional responses for informally married women who experience IPV. An intersectional lens supports recommendations to address such inequalities, including raising awareness among women in informal marriages about strategies to ensure rights for themselves and their children, and to legally acknowledge informal unions after a certain period of cohabitation.

## keywords

Rwanda, marriage, intersectionalities, violence, rights

## Background

The intersectionality framework appreciates that individuals can experience stigma and discrimination on the basis of multiple identities, and how gender interacts with factors such as age, disability, sexuality, race, and socio-economic status to shape individual experiences (Crenshaw, 1989). The implications of the framework have been questioned (Garry, 2011), including its limitations

to address a variety of coexisting identities and recognise if and which social category is the most salient in a given context, or failure to emphasise how identity categories are manifestations of power in relation to state and society (Anthias, 2012). Yet the framework continues to appeal to feminist scholars for its potential to illuminate or further unpack gendered issues and help develop theories around power inequalities within specific contexts (Davis, 2008; Garry, 2011).

### Agenda 2017

ISSN 1013-0950 print/ISSN 2158-978X online

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<https://doi.org/10.1080/10130950.2017.1349345>

UNISA  
university  
of south africa  
PRESS

Routledge  
Taylor & Francis Group

pp. 1–12



This article provides an in-depth analysis of the interaction of the social category of formal or informal marital status for women in Rwanda. Although formality of marital status is a relatively unexamined phenomenon in intersectionalities literature, there is evidence in Rwanda around how this identity significantly implicates women's access to rights including property, household decision-making, exposure to intimate partner violence (IPV) and social standing (Polavarapu, 2011; Mwendwa Mehta *et al*, 2016; Kaiser Hughes *et al*, 2016). In the Rwandan context informal marriage refers to a union between unmarried men and women who cohabit (Polavarapu, 2011; Kaiser Hughes *et al*, 2016). Such arrangements can be referred to as 'illegal marriages' for representing marriages not protected by or recognised under the current laws in Rwanda, including women's rights to property and custody of their children in the case of divorce or separation from their spouse (Powley, 2007; Mwendwa Mehta *et al*, 2016). The 2014/2015 Rwanda Demographic and Health Survey (DHS) (National Institute of Statistics Rwanda, 2015) found that 35% of women aged 15–49 years are in formal marriages, and 17% of women are in informal unions, which is a significant proportion of women who potentially live in precarious situations.

This social category is critical to appreciate for Indashyikirwa, a 4-year (2014–2018) IPV prevention programme funded by DFID Rwanda and being implemented by CARE International Rwanda, Rwanda Women's Network (RWN) and Rwanda Men's Resource Centre (RWAMREC) across three provinces in Rwanda. A fundamental aspect of the programme is a 5-month curriculum to promote gender-equitable, violence-free relationships among heterosexual couples aged 18–49 years who are either legally married or had lived together for at least 6 months, which used CARE's micro-finance village savings and loans associations as an entry-point.

Approximately 25% of the 840 couples that completed the curriculum received further training to become community activists in order to diffuse the positive uses of power and benefits of non-violent relationships within their communities. To support an 'enabling environment' for change the programme also trained and supported opinion leaders (e.g. religious and local

elected leaders, service providers, media personnel) to more effectively prevent and respond to IPV, and established women's spaces to provide a safe space for women to openly discuss experiences of IPV, educate women about their rights, and accompany women who wish to report abuse or seek health or social services.

This article draws on baseline and midline qualitative research conducted to inform and evaluate the Indashyikirwa programme. It does not prioritise experiences of widowed, divorced and single women, although these social categories have been found to implicate women's vulnerability to gender based violence (GBV). For instance, the 2014/2015 Rwanda DHS (National Institute of Statistics Rwanda, 2015) found that divorced, widowed and separated women reported higher rates of physical violence since the age of 15 years (54.2% compared to 39.2% among those who are married and 22.4% among those who have never married) and having ever experienced sexual violence (30.7% compared to 23.2% among the married and 19% among the never married). Since formally and informally married men and women are one of the target beneficiaries of the Indashyikirwa programme, which focuses on preventing IPV, it is appropriate rather to prioritise an analysis of the intersection of formality of marital status for women.

## Rwandan context of formal and informal marriages

In Rwanda, as in many global contexts, formal marriage is a critical route to achieve societal status and adulthood for men and women (Sommers, 2012). This status is further encouraged by the Rwandan Government, which has taken steps to increase formal, civilly registered marriages in relation to the growth of national policies, laws and programmes intended to support women's rights. Notable laws are the 1999 Law on Matrimonial Regimes, Liberalities and Successions, which established women's rights to inherit land for the first time in Rwanda (Powley, 2007) – crucial in a country where the vast majority rely on subsistence agriculture. The Land Law, approved in 2005 and amended in 2013, was established to encourage formally married spouses to share all

common assets in the case of divorce, separation or widowhood (Mwendwa Mechta *et al*, 2016).

The government has conducted mass marriages in various districts to register informal marriages (Brown and Uvuza, 2006), and obliges churches not to perform religious weddings for couples that have not first had a civil marriage (Kaiser Hughes *et al*, 2016). Government agencies, international organisations and NGOs have also implemented awareness programmes to educate women about the rights accompanying civil marriages (Polavarapu, 2011).

Rwandan women remain limited in their ability to participate in land decisions due to patriarchal attitudes and traditional beliefs (Powley, 2007; Polavarapu, 2011; Abbott and Malunda, 2015), lack of awareness of their rights or to avoid family disputes (Mwenda Mechta *et al*, 2016). Nonetheless there is some evidence that formally married women's abilities to control land have improved since adoption of the 1999 Succession Law (Lankhorst, 2012; Kaiser Hughes *et al*, 2016).

While Rwandan women living in informal unions may gain security to land if they register as joint owners, this is hindered by women's poor bargaining power (Mwendwa Mechta *et al*, 2016) and cultural expectations to register land in a man's name. Indeed, a wealth of evidence suggests that the majority of women in informal marriages are not listed on land title certificates (Santos *et al*, 2012; Jones-Casey *et al*, 2014; Kaiser Hughes *et al*, 2016). This puts Rwandan women in informal marriages at risk of being left landless in the event of separation or death of their informal spouse (Vanhees, 2011; Kaiser Hughes *et al*, 2016; Mwendwa Mechta *et al*, 2016).

Article 39 of the 2008 GBV Law<sup>1</sup> denotes that if an individual's informal spouse decides to formally marry another person, that individual has the right to an equal share of the couple's commonly owned belongings, although some research suggests poor awareness by both women and land mediators of this exception (Mwenda Mechta *et al*, 2016). If a father legally acknowledges children of informal marriages, the children can benefit from their share of his property (Polvapar, 2011).

In addition to insecure access to land and property, Rwandan women in informal marriages have been found to have less say in household decision-making (Jones-Casey *et al*, 2014; Mwendwa Mechta *et al*, 2016), less ability to access other resources including food, poorer self-esteem, greater vulnerability to poverty, and poorer health than formally married women (Daley *et al*, 2013). Legally married women have been found to be more likely to be community leaders (Mwendwa Mechta *et al*, 2016), assume public office, and have greater opportunities to acquire bank loans (Kaiser Hughes *et al*, 2016).

There is a wealth of evidence indicating the stigmatisation of informally married Rwandan women, including their being considered 'prostitutes' (Vanhees, 2014; Mwendwa Mechta *et al*, 2016; Kaiser Hughes *et al*, 2016). Church messaging that informal marriages are sinful can also contribute to the social stigma of such unions (Kaiser Hughes *et al*, 2016). Rwandan women in informal marriages who do not bear children have been found to be more vulnerable to being 'chased away' by their partners or having their land grabbed by their partners' families, as children add legitimacy to informal marriages (Kaiser Hughes *et al*, 2016). Women in informal marriages can be more at risk of IPV for lacking legal protection and societal respect (Daley *et al*, 2013; Mwendwa Mechta *et al*, 2016; Kaiser Hughes *et al*, 2016).

Mannell and Dadswell's (2017:11) case study of the Rwandan Government's GBV committees, which have been set up to address GBV at the village level, found that if cases of IPV cannot be resolved by the community, a married couple is typically referred to a higher level of government, or for severe cases to the police or court for divorce rulings. However, they found that:

unmarried women who experience IPV are rarely reported to higher levels of government because divorce proceedings are not relevant in these cases and IPV is otherwise not perceived as a legal issue.

In this context GBV Committees often advised unmarried women experiencing IPV to marry their abusive partner in order to improve relationship stability and

support their legal protection to limit further abuse.

A wealth of barriers to Rwandan women entering formal marriages have also been identified. A study conducted by Haguruka in 2003 found the most common cause of informal marriage to be poverty (cited by 81.7% of individuals), including lacking funds for registration, a marriage ceremony and giving expensive gifts (Polavarapu, 2011). While the marriage registration fee is relatively low in some districts, payment of bridewealth, whereby a man pays a woman's family with cows or money (Uwineza and Pearson, 2009), is typically the greatest expense related to marriage (Kaiser Hughes *et al*, 2016). Although informal marriages can include couples that cohabit without observing traditional practices, unions where bridewealth has been paid are reportedly more respected by families and in communities (Kaiser Hughes *et al*, 2016).

Women are typically expected to have domestic items such as kitchen utensils, while men are expected to build a house, and if either party cannot fulfil these requirements they might rather marry informally (Kaiser Hughes *et al*, 2016). Dysfunctional families or abuse at home can prompt women to marry informally, and orphans and illegitimate children are more likely to marry informally due to poverty and lack of land inheritance (Kaiser Hughes *et al*, 2016). Unmarried pregnant women are prone to community rejection and stigma and informal marriages can alleviate some of this social and economic vulnerability (Polavarapu, 2011; Kaiser Hughes *et al*, 2016). In some cases women who are pregnant out of wedlock are forced by their parents to live with the father (Kaiser Hughes *et al*, 2016). Cultural expectations that widowed women do not remarry means that those who do are often stigmatised, and many widowed women thus hide their relationships and informally remarry (Kaiser Hughes *et al*, 2016).

The 1998 family law introduced the minimum age of legal marriage as 21 years, intended to prevent school drop-out and minimise the likelihood of divorce and family conflict. Thus, women under the age of 21 years may enter into informal unions because they cannot legally marry (Kaiser Hughes *et al*, 2016). Moreover, Rwandan

women who are not married by their late twenties are often severely pressured by their families and communities to marry and may marry informally to relieve this pressure (Sommers, 2012; Kaiser Hughes *et al*, 2016). According to the 2014/2015 Rwanda DHS (National Institute of Statistics Rwanda, 2015) the median age at first marriage among women is 22 years compared to 26 years for men, and 73% of women are married by age 25. Several studies have also found that some men prefer to informally marry to avoid the rights and obligations that accompany formal marriages, in order to preserve the traditional male-headed household dynamic (Brown and Uvuza, 2006; Polavarapu, 2011; Kaiser Hughes *et al*, 2016).

## Methods

The article draws on qualitative formative and evaluation research conducted in three Indashyikirwa intervention sectors (Rurembo Sector, Western Province; Gishari Sector, Eastern Province; and Gacaca Sector, Northern Province), which were purposefully selected to represent a diversity of environments including rural, urban and peri-urban locations. As part of the formative research 24 focus groups (8 per sector) were completed with 6–8 community members per group. In each sector focus groups were conducted with unmarried women under 25; married women over 25; unmarried men under 30; and married men over 30, to tease out variations in perceptions of gender norms related to IPV according to age, marital status and sex. As noted above, according to the recent Rwandan DHS (National Institute of Statistics Rwanda, 2015) the median age of marriage for women is a few years younger than for men, hence the different age selection criteria for the focus groups.

A female Rwandan researcher (JM) facilitated the focus groups with women and a male Rwandan researcher facilitated the focus groups with men. RWN staff purposefully recruited community members who met age, marital and sex criteria. Focus groups were held at sector or cell level offices, and each group was interviewed twice. For the first round, a social vignette was used with participants to discuss typical gendered attitudes, behaviours and

social norms in their communities. Follow-up discussions explored how men and women should behave in marriage, including division of labour in the home and household decision-making. Common causes of conflict between couples, community attitudes towards men and women who have children out of wedlock, and what typically happens when a woman's husband dies (including whether she inherits the property or gets custody of the children) were also assessed.

As part of the evaluation research, 30 baseline interviews were conducted with couples enrolled in but not yet having begun the Indashyikirwa couples' curriculum. In each sector, 5 male and 5 female partners of couples were interviewed separately by same-sex interviewers, including the second author (Justine Mirembe). RWAMREC staff purposefully recruited couples, ensuring a diversity of formally and informally married couples. Couples were asked about their expectations of each other, how they resolve issues around common trigger-points of conflict, their communication skills and joint decision making. Twenty-eight midline interviews were conducted with couples immediately after their completion of the curriculum (due to one couple being lost to follow-up) to assess their impressions of and the impact of the curriculum personally and in their relationships. Nine RWAMREC field officers and supervisors who facilitated the trainings with couples were also interviewed immediately after the couples' curriculum to assess their impressions of the curriculum.

Nine baseline interviews (three per sector) were conducted with opinion leaders enrolled in and before completing the Indashyikirwa opinion leader module. A diversity of opinion leaders were purposefully recruited by RWN staff members to include government leaders, members of anti-GBV committees or the National Women's Council<sup>2</sup> and religious leaders. Interviews assessed whether opinion leaders have come into contact with couples having problems in their relationships, and the most common reasons couples have conflict. Opinion leaders were also asked about gendered decision-making roles in families, how common IPV is in their communities and circumstances (if any) where they personally or community members believe this

is justified. Six midline interviews were conducted after 12 months, as three opinion leaders were lost to follow-up due to leaving the programme or being replaced after local re-elections. These interviews assessed their impressions of Indashyikirwa and whether their involvement has influenced their work in IPV prevention and response. Three interviews were also conducted with women's space facilitators (one per sector) to assess when and why women visit the women's spaces, what activities they engage in, what support they receive, and the perceived impact of the spaces.

Twelve baseline interviews were conducted with two male and two female community activists per sector. Community activists were purposefully selected not to be drawn from the couples' sample, to have successfully completed the Indashyikirwa community activist training as well as at least one month of activist activities. Community activists were asked about their impressions of the activism training, their motivations to continue as activists, any challenges they had faced so far in conducting activism, and the perceived influence of their activism efforts on their relationship and community.

Before each interview and focus group discussion (FGD) participants were given information on the aims, risks and benefits of the research and gave informed written consent. Participants were compensated with 2000 Rwandan francs per interview or FGD. Interviews were conducted at locations deemed private and appropriate for participants. The study was approved by the Rwandan National Ethics Committee (Ref. 340/RNEC/2015), the National Institute of Statistics Rwanda (Ref. 0738/2015/10/NISR), the South African Medical Research Council (Ref. EC033-10/2015), and the London School of Hygiene and Tropical Medicine.

Interviews with staff were conducted in English by the first author and detailed notes were taken of each interview. All other FGDs and interviews were conducted in Kinyarwanda and audio-recorded. Using the audio files the data were transcribed and translated verbatim into English. The transcripts were then analysed by the first author using a thematic coding framework with the assistance of NVivo 11 software. Thematic analysis was conducted to uncover predominant themes in order to



provide a rich, detailed and holistic account of the data (Braun and Clarke, 2006). The authors arrived at a focus on formality of marital status through a grounded theory approach (Charmaz, 2006). Formality of marital status was not the a priori focus of the study but emerged as a theme in terms of women's access to rights, social status, household decision making, risk and protective factors for IPV – all highly relevant to the Indashyikirwa programme and evaluation. The first author regularly workshopped the emerging findings with senior Indashyikirwa programme staff, who played critical roles in verifying the analysis and interpretation of the data.

## Findings

### *Perceptions of formal and informal marriages*

The data indicate the widespread perception among all participants of formal, registered marriages as the most secure and respected form of intimate partnership between men and women. Informal marriages were regularly identified as "illegal marriages" for not being registered or accepted by the law:

*"There is a type of relationship which is legally accepted and the one where people live together illegally. The first cases are the ones accepted by society, and illegal marriage is not accepted by law." (< 25 years unmarried women FGD, Northern Province)*

There was wide consensus on the social stigma of informal marriages, particularly for women:

*"If they are illegally married, the woman is called a prostitute." (<25 years, unmarried women FGD, Western Province)*

Several male and female partners of couples lamented how limited financial means hindered their ability to marry formally:

*"Most of the times it is due to poverty. For example, I was an orphan and no one could help me with the wedding." (Male partner of formally married couple, Northern Province, baseline)*

A few male partners of couples discussed the shame of being unable to formally marry and pay for bridewealth due to lack of economic means, especially given the salient expectation of men as financial providers. There was general consensus from male and female partners of couples that formal marriages are generally more legitimised and endorsed by churches than informal marriages. One female partner of a couple lamented how she is stigmatised in her church community for being informally married, and related her regular prayers and desire to formally marry to "be recognised as spouses by the church" (female of informally married couple, Eastern Province, baseline).

A few opinion leaders, couples and FGD participants noted how formal marriage minimises the likelihood of men having extramarital affairs or formally marrying other women:

*"When you have couples that are not legally married in your church it is not good because at one point a man marries another woman, and the first woman is considered as someone who never existed even though she has given her energy and support to build her family." (Opinion leader, Western Province, midline)*

One male partner of a couple shared his concern that formal marriage undermines men's decision-making authority and rights, including to property:

*"When a man has a legal marriage with his wife it is not very good. In that case you are tying yourself to her, you no longer have a word at home. You are giving yourself to her and in that case you are giving her your possessions and you cannot sell anything unless it is sold by your wife." (Male partner of informally married couple, Western Province, baseline)*

A field officer in Northern Province similarly noted men's perceptions of and related resistance to formal marriages:

*"Some men said it is not necessary to have a civil marriage. They thought to have a civil marriage meant to put a chain on their neck."*

An unexpected outcome of the Indashyikirwa couples' curriculum was that more than two dozen trained couples formalised their marriages as a sign of commitment, to ensure protection of women's and children's rights, and/or from learning how to have harmonious marriages. As one field officer in Western Province noted:

*"So the man thought if it does not work he can get another wife. Now they know they are a team that should work together and it is possible to live together in harmony."*

One female partner of a couple expressed her happiness about having a formal marriage as a result of the curriculum, yet also indicated how this was ultimately her husband's decision:

*"We were not legally married but now he registered at the sector office and we will marry in April. It made me happy. He finally understood that I have to be his wife. I think before he thought that we should not be legally married but he took a decision and said: 'Let us have a civil wedding!'"* (Female partner of formally married couple, Northern Province, midline)

### **Intersectionalities of gender and formal marital status**

There was general consensus from male and female partners of couples, FGD participants, opinion leaders and women's space facilitators that in the case of divorce, joint ownership of property and custody of children with mandated support from one's ex-husband is only secured for legally married women:

*"What can be done if she divorces legally, they divide the property and the property is used to take good care of children, because it is authorities who settle cases and the husband will be obliged to give some portion of the property to the mother to take care of children."* (< 25 years unmarried women FGD, Eastern Province)

One women's space facilitator in the Western Province noted how some women manage to negotiate custody of their

children even if they are not formally married, despite having no economic support from the informal spouse for doing this. A few FGD participants discussed how an increasing awareness of children's rights is propelling families to allow informally married women to retain some property in the best interests of the children:

*"For the illegally married women, if she loses her husband, the family-in-law may ask her to leave the house. But today children's rights are respected and they allow her to take care of children from their property."* (> 25 years married women FGD, Western Province)

However, one opinion leader discussed how women increasingly desire to marry legally to have their rights protected, especially those related to property:

*"A man tells his wife she doesn't have any right to the property and you can see a man who sells livestock or gives out land and his wife keeps quiet. But now women are getting to know their rights, women who are not legally married are getting legally married so they can be covered by the law."* (Opinion leader, Eastern Province, baseline)

Access to land and property was regularly given as one of the most salient causes of conflict and IPV among couples. In one FGD, participants discussed how women in informal marriages who have their own or family properties are vulnerable to violence from their informal spouses, as their partners are not guaranteed access to this wealth in such circumstances:

*"Something else that may cause a man to beat his wife; sometimes when a couple is not legally married and if the family of the wife has many lands he can beat her, asking her to get the plot of land from her parents. He can beat her to ask her to get the wealth from her family."* (< 30 years unmarried men FGD, Northern Province)

A few opinion leaders related sensitising community members to have legal marriages to protect the rights of women and their children, including this religious opinion leader:

*"We tell them: 'As a Christian you should be legally married with your wife.' By so doing, you are setting free that couple's children because they have their rights."* (Opinion leader, Western Province, midline)

One women's space facilitator in the Northern Province remarked on the limited household decision-making power of informally married women:

*"If he says: 'It is an order that I give now', so you understand that if they are illegally married, the wife cannot refuse her husband's demands."*

One male partner of a couple noted how formally marrying a woman who has children from another man entails taking on responsibility for those children. However, he perceived this not to be the case among informal marriages:

*"One can bring a wife who is pregnant from another man and if you are already legally married it requires you to go in the court to solve that problem, whereas when you are not legally married you can tell her 'Go back to your parents and bring back the baby to the real father'; when you are married she can tell you that the baby is yours."* (Male partner of formally married couple, Northern Province, baseline)

In one FGD participants discussed how informally married women who report IPV to the police are not treated with the same legitimacy as legally married women:

*"Some people live together without legal marriage. So when the wife reports to police, they really don't consider the case to be serious, most of the time they refuse to intervene. They are not given any value in that situation."* (< 30 years unmarried men FGD, Eastern Province)

In this FGD participants further reflected that police may not come to the house if a case of IPV is reported by an informally married couple:

*"They ask the status of your union, when you say you are not legally married they [the police] simply don't come."*

One opinion leader emphasised how cases of IPV and/or property disputes among informally married couples are difficult to resolve without any legal protection:

*"In most cases we leaders fail to resolve cases reported by women in informal unions because we don't have laws to base this on. All laws, the constitution, family law and succession law guarantee property rights of couples who registered their marriages."* (Opinion leader, Eastern Province, midline)

Similarly, a community activist reported how community leaders felt incapable of resolving the situation of an informally married woman who was chased away by her spouse and could not claim back any of her possessions:

*"Because they were not legally married, that man told her 'I am chasing you away!' So later on when she came back to claim some of the things she had brought, that is when I went to the village leader who was saying: 'That is too much! She faced a terrible violence but since she was not legally married, there is nothing else we can do for her.'"* (Female activist, Western Province)

This reflection on behalf of a local leader having 'nothing' to do illustrates the institutional constraints and barriers faced by informally married women in trying to access their rights.

## Discussion and recommendations

This article asserts the value of an intersectional lens so that such influential social categories regarding women's risk and protective factors to IPV are foregrounded. The findings complement existing evidence in Rwanda on the inadequate legal protection, stigma and discrimination faced by informally married women from husbands, community members and even service providers (Kaiser Hughes *et al*, 2016). Given the salience of this social category for women in this context, in future the Rwanda DHS should differentiate between women who are married and those who are living together, which are currently together under one category. An intersectional



approach appreciates the structural barriers to achieving preferred social categories; in this context being formal marriages. Significant barriers to formal marriage were identified in this study, most notably the high cost of civil registration and traditional weddings. To address this barrier it has previously been suggested that a fee waiver be implemented for those who cannot afford registration (Polavarapu, 2011). The government's mass marriage ceremonies also seek to reduce the costs of marriage (Polavarapu, 2011). However, given the expensive traditions of Rwandan weddings, we further support Kaiser Hughes *et al's* (2016) suggestion of encouraging couples to firstly register their marriages and then save money for a traditional wedding, and shifting expectations around marriage practices to reduce the costs.

Another barrier to formal marriages identified in the data is women's limited decision-making power to enter formal marriages, even if they understand the benefits. The study also found that such benefits may deter men from formalising their unions, as has been documented elsewhere (Polavaprau, 2011; Vanhees, 2014; Mwendwa Mehta *et al*, 2016). The current emphasis in Rwanda on sensitising couples on the benefits of legalising their unions is severely limited by not acknowledging these unequal gendered relations (Polavarapu, 2011).

A key solution proposed by some women's groups and NGOs is to advocate for the government to legally acknowledge informal unions after a certain period of cohabitation, an approach adopted in Tanzania (Brown and Uvuza, 2006; Polavarapu, 2011; Mwendwa Mehta *et al*, 2016), or those married in traditional or religious ceremonies (Kaiser Hughes *et al*, 2016). This would guarantee similar rights for women in such relationships, and may weaken men's incentives to resist formal marriages (Kaiser Hughes *et al*, 2016).

In using an intersectionality lens it is important to caveat that the precarious nature of informal marital status is likely more pronounced for women from poorer socio-economic backgrounds and in rural areas, given the dependency on land in such settings. The perspectives in this study are primarily from women and men in rural areas or who are dependent on subsistence farming, and from lower socio-

economic backgrounds, a criterion for couples to be eligible for village savings and loans association membership. It is a limitation that we do not have perspectives from women residing in more urban environments or from higher socio-economic backgrounds to further unpack how these categories intersect with formality of marital status for women. This is an area worthy of further exploration in Rwanda.

Although the data suggest that men in informal marriages could also be afforded less social status, particularly in religious communities, and/or for failing to have the economic means to formally marry, the related stigma and discrimination were reportedly more pronounced for women than men. Moreover, the areas of pronounced vulnerability for informally married women – access to decision making, land, property, custody of children – have traditionally been more guaranteed for Rwandan men than women.

An intersectional lens highlighted accounts on behalf of or in reference to those with authority, including opinion leaders and the police, who were nonetheless unable to challenge the inequitable legal frameworks that only protect formally married women. References to such leadership included being unresponsive or able to do 'nothing' on behalf of informally married women who experienced IPV, were denied access to property, or chased away from their homes. Mannell and Dadswell (2017) similarly found that community members rarely mentioned the risks associated with the strategy of GBV committee members advising unmarried women to marry their abusers. The authors assert that alternative responses were inhibited, given the greater value given to legally married partners, and since the laws protect formally married women's rights and sanction acts of violence committed by their husbands, but leave unmarried women at risk. Despite the authority and mandate given to opinion leaders, police, and GBV committees to address IPV, their responses are hindered and shaped by institutional inequalities that disadvantage informally married women.

The intersectional approach of this study supports critical recommendations for the Indashyikirwa programme, which has both formally and informally married



Indashyikirwa community activists host participatory discussions with community members using the programme power posters. Photo: Franz Stapelberg. © What Works to Prevent Violence against Women and Girls.

beneficiaries. Indashyikirwa should raise awareness among women in informal marriages about strategies to secure land rights for women and their children, specifically to register their children on the property, and to be familiar with the GBV Law Article 39, which allows a woman to claim rights to property if an informal spouse intends to formally marry someone else. Local leaders who mediate separation of

informal couples also require greater awareness of this exception (Mwendwa Mehta *et al*, 2016).

The findings support the need to promote the value of informal marriages and to discourage communities from describing such unions as 'illegal', or referring to women in informal marriages as 'prostitutes', which may prevent authorities



from assisting such couples, dissuade couples from claiming their rights (Mwendwa Mehta *et al*, 2016), or legitimate men and community members treating them as undeserving of rights and respect (Kaiser Hughes *et al*, 2016). The couples' curriculum and community advocacy support couples and promote the value of making joint decisions based on shared priorities and communication, which appears to be especially relevant for informally married women. Indashyikirwa should promote awareness of the revised Family Law Article 206, which for the first time in Rwanda promotes joint headship of households, and could denaturalise the notion of men as primary authorities and breadwinners in the family. Actively engaging men in such discourses and promoting the benefits of equitable partnerships, including protecting men's informal spouses and children, may be critical to mitigate men's resistance to marrying formally.

This study corroborates other findings which indicate that informally married women do not typically enjoy the promising rights offered in Rwanda to the same degree as formally married women. Informally married women are disadvantaged in a range of areas, including access to property and custody of children, decision-making, social status, and institutional responses to their experiences of IPV. The elevation of formal marital status is so much the case that a proposed solution for informally married women who experience IPV can be to marry their abuser (Mannell and Dads-well, 2017) in order to be in a relationship that is protective of their rights. Appreciating the intersection of gender and formality of marital status is urgently needed in Rwanda, and may be a critical phenomenon to better understand and address in other settings across Africa and globally.

### Acknowledgements

We would like to acknowledge the Indashyikirwa partners of CARE International Rwanda, RWAMREC and RWN who provided generous and valuable input into validating and interpreting the findings. Thanks to Leigh Stefanik, a GBV Programme Advisor at CARE USA, for providing feedback on the article. We also wish to thank all of the participants for sharing their stories with us.

This piece of research was funded by DFID UK as part of the Global What Works to Prevent Violence against Women and Girls Programme.

### Notes

1. In 2008 Rwanda adopted a law on the Prevention and Punishment of GBV which defines terms related to GBV, and specifies the penalties for committing certain crimes. The minimum penalty is a prison sentence of 6 months. Certain crimes listed in the law, including sexual torture, rape that results in death or terminal illness, and killing of one's spouse, receive a sentence of life imprisonment.
2. The National Women's Council in Rwanda, which was established in 1996, is a social forum where girls and women pool their ideas to solve their own problems and participate in the development of the country. The council has structures from grassroots up to national level, and provides for women's participation in local governance at all administrative levels.

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