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**The effect of women's involvement in the legislative process on the law outcomes**  
**A comparative analysis between the Rwandan and Yemeni Constitutions**

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## **Abstract**

This thesis compares the constitutions of Rwanda and Yemen in order to examine the effects of women's participation in their legislative processes. Women's participation in politics significantly affects legislative outcomes and is a major indicator of a country's commitment to gender equality and human rights. With its progressive gender quotas, Rwanda has a high percentage of women in its parliament, leading to notable legislative successes in social welfare and gender equality. On the other hand, Yemen, despite its constitutional promises, has very few women involved in the legislative process and frequently overlooks gender-related issues. This study explores how legal systems either help or hinder gender equality through a doctrinal analysis of the Constitutions of both countries. The study divides the analysis into six categories: constitutional guarantees, political participation and representation, social security and protection, protection of women, children and other vulnerable groups, education and healthcare, and freedom of association and expression. The results demonstrate the significant association between the level of female participation in the legislative process and the equity and inclusivity of the passed laws. The inclusive legal system in Rwanda is in stark contrast to Yemen's male-dominated system. This thesis emphasises the importance of women's active participation in governance to achieve equal legal systems and more equitable law outcomes, and it argues for the global implementation of inclusive governance approaches that ensure women's representation in all legislative processes.

*Keywords:* Women's Participation, Legislative Process, Gender Equality, Political Representation, Rwanda, Yemen

## **Introduction**

Women's participation in legislative processes has long been seen as a crucial sign of a country's commitment to human rights and gender equality. Women's political involvement significantly changes the legislative landscape and brings varied viewpoints that promote more inclusive and equitable policy-making (UN Women, A). This thesis explores how women's involvement in Rwandan and Yemeni legislative processes affects the laws passed, showing the significant effects of gender inclusion in governance.

Women's political participation in Rwanda and Yemen differs significantly, providing an intriguing comparative study. Rwanda has achieved impressive female representation in parliament due to its progressive gender quotas, resulting in substantial legislative achievements in social welfare and gender equality. On the other hand, Yemen's legislative process shows little female participation, despite constitutional promises. This leads to a legislative atmosphere in which gender-related concerns are frequently overlooked.

The format of this thesis aims to provide an in-depth analysis of the problem at hand. First, the following research question is posed: "How does the level of women's participation in the legislative process influence the outcomes of passed legislation in Rwanda and Yemen?" It highlights the subject's importance and summarises the disparate situations in Yemen and Rwanda.

The theoretical framework aims to give the underlying knowledge required for placing the research within the context of previously published works and theoretical stances. It addresses the specific circumstances of Yemen and Rwanda and the state of women's political representation worldwide. Afterwards, the research's methodology is explained: in order to comprehend how legal frameworks either help or impede gender equality, this research uses a doctrinal analysis method, focusing on the Constitutions of both countries.

This study aims to clarify the complex relationship between women's involvement—or lack thereof—and legislative outcomes.

The comparative analysis results are presented in the results and discussion section and divided into six main categories. The results are interpreted with a focus on the distinctions and similarities between Rwanda and Yemen, and the discussion looks at how these findings may affect legislation and gender equality. The analysis's key findings are summarised in the conclusion, along with their wider importance. It emphasises how crucial women's involvement in the legislative process is and how it impacts the efficacy and inclusivity of laws.

### **Research question**

This research is based on the premise that there are countries with a low female participation rate in the legislative process and countries whose rate lies significantly higher. However, there is little known about the actual effect women have on the legislative outcomes if they were to be involved in the process. This study aims to fill this knowledge gap. To do so, the following research question was formulated:

*“How does the level of women's participation in the legislative process influence the outcomes of passed legislation?”*

Considering the time constraints of this project, the research is narrowed down to two countries. This will make the answer to the research question not conclusive but only applicable to the two countries of this research. However, this will also create the chance for additional studies to be conducted, which could investigate this subject in different countries. The research question is applied to the countries of Yemen and Rwanda. These two countries

were chosen because of their significant difference in the percentage of women involved in the legislative process. According to the "Women in Politics: 2023" map, developed by UN Women and the Inter-Parliamentary Union, Rwanda has the highest percentage of women involved in the legislative process (61.3 per cent). Rwanda is being compared to Yemen, which has the lowest rating in female participation in the legislative process (0 per cent), according to the map. By narrowing down the question to these two specific countries, the research question needs to be reformulated:

*“How does the level of women's participation in the legislative process influence the outcomes of passed legislation in Rwanda and Yemen?”*

By choosing these two contrasting countries, a clear conclusion can be drawn on the effect of female participation in the legislative process on the legislative outcomes. This will then be an answer to the research question.

## Theoretical Framework

Women comprise around half of the world's population, yet they are disproportionately underrepresented in positions of political authority. Even after decades of advocacy and gradual progress, achieving gender parity in politics remains extremely challenging. The underrepresentation of women in political leadership is a complicated issue affecting gender equality, democratic governance, and societal growth (Congressional Research Service, 2023). The "Women in Politics: 2023" map, developed by UN Women and the Inter-Parliamentary Union, provides a startling overview of the position of women in politics today. As of January 1, 2023, only 11.3 per cent of the nations had female presidents of State, and less than 10 per cent had a government with female heads (Inter-Parliamentary Union, 2023). These numbers demonstrate the continued gender imbalance in political leadership roles, and highlight the fact that gender parity in national parliaments is still a long way off (United Nations, 2023). The underrepresentation of women in politics is the result of a wide range of interconnected problems, including discriminatory laws and practices, deeply rooted gender stereotypes, limited access to resources and education, and the overarching impact of poverty on women (Congressional Research Service, 2023).

Nevertheless, some nations are making progress in this area. In several countries, the percentage of female participation surpasses fifty per cent. As of December 2023, women made up 61.3 per cent of the parliament in Rwanda. This results in Rwanda being the nation with the most significant percentage of female lawmakers globally. Cuba has the second-highest rate of female Members of Parliament (53.4 per cent). Andorra has 50 per cent of its parliament members female, making it Europe's greatest nation in female participation (Dyvik, 2024).

Despite the global trend of women becoming more involved in politics, structural barriers impede their advancement in the political sphere (United Nations, 2023). Empirical

researchers, such as Pippa Norris and Joni Lovenduski, have shed light on the intricate processes underlying women's political engagement. Their research demonstrates how women's involvement in political institutions can alter the political landscape by implementing innovative ideas and challenging existing beliefs. It also highlights how crucial substantive representation is, given that women may have contrasting perspectives on gender equality and other facets of identity (Norris & Lovenduski, 2004).

The situations in the chosen countries (Rwanda and Yemen), which are elaborated on below, must be taken into account to get a concise picture of the context in which the laws used for this research must be placed. Women's positions in both countries are essential in this research, highlighted in the sections below.

### **Background situation Rwanda**

Rwanda has lived through one of the most horrible events in modern history, the Rwandan Genocide. It began on April 7, 1994, and ended in mid-July after approximately 100 days. The genocide resulted in a massacre by members of the Hutu majority government of an estimated 800,000 people, of which most were members of the Tutsi minority. The systematic targeting and murder of Tutsi civilians and other genocide opponents make this genocide one of the most horrific examples of human rights crimes of the 20th century (Annan, 2007). Long-standing disparities in ethnicity between the Hutu and Tutsi populations are the source of the genocide. Extreme cruelty, including the widespread sexual abuse of Tutsi women and the use of machetes for murder, were hallmarks of the genocide (Namutebi, 2014). When the Rwandan Patriotic Front seized power and installed a government of national unity in July 1994, the genocide came to an end. Millions of Rwandans were displaced in the wake of the genocide, leaving their nation in ruins and with a great need for justice and recovery. The genocide left a terrible legacy for both Rwanda and the rest of the



globe, acting as a sobering reminder of the dangers of interethnic hate and the necessity of international action to stop such crimes (Human Rights Watch, 1996).

Rwanda has lived in a post-genocide regime after this destruction (Ingelaere, 2010). In trying to rebuild society and shape the countries' future, women have played a significant role. They have proven to be critical social actors, taking on certain positions and roles in conflict and post-conflict situations (Murungi, 2014). The genocide left behind a society in desperate need of healing and reconciliation. Women have played a crucial role in this process by initiating campaigns that promote conversation and communal reconciliation. They have devoted countless hours to advancing harmony and peace through local groups and organisations. Women also played a critical role in resolving the trauma caused by the genocide, leading programs to provide care for orphans and survivors of sexual assault. A cultural movement has occurred in favour of gender equality, questioning established gender norms and advancing an inclusive society that recognises the contributions of women (Sentama, 2009). Rwanda's economic environment has drastically changed, and women have been at the forefront of this transformation. Women now feel more empowered to actively engage in the economy due to the government's emphasis on gender equality. Women are now involved in farming, corporate leadership, and entrepreneurship. Policies and programs have been put out to assist women in gaining economic independence, including rights to property ownership and credit availability. Additionally, Rwanda has achieved remarkable progress in the political representation of women after the end of the genocide. When the Rwandan Constitution was ratified in 2003, it mandated that women represent at least 30% of decision-making bodies. As a result, Rwanda rose to prominence as a global pioneer in gender representation in parliament, frequently surpassing this target and, at times, having more than 60% of its parliamentary members be women. This change has substantially impacted women's leadership in government, as seen by the development and execution of

policies that address gender equality, health, education, and domestic abuse (Rwigema, 2023).

### **Background situation Yemen**

The situation in Yemen has been characterised by ongoing conflict, humanitarian crises, and notable setbacks for women's rights and positions. Yemen ranked bottom on the Global Gender Gap Index, making it one of the most challenging environments for women worldwide, even before the conflict intensified in 2015 (World Economic Forum, 2023). However, the war has made women's status even worse, affecting their involvement in public life, safety, and economic prospects (Rohwerder, 2017). The entire population has been significantly impacted by the conflict, which started in 2014–2015 when Houthi rebels took over much of the country, including the capital, Sana'a, and prompted military intervention by a coalition led by Saudi Arabia (Sharp, 2019). Violence, displacement, and the dissolution of institutions have made the Yemeni population vulnerable, particularly women. Women's freedom of movement, access to healthcare, education, and employment possibilities have all been severely limited by the war. Gender-based violence has increased dramatically as a result of the conflict, including forced marriages, sexual assault, and domestic abuse (Ghanem, 2023). Women's access to support services has been restricted, and their legal protection has decreased as a result of the breakdown of law and order (Manea, 2010).

Despite worldwide appeals for inclusion, women's participation in peace processes and public decision-making has been restricted (Badran, 1998). Although women were heavily involved in the 2011 protests and slightly represented in the National Dialogue Conference that followed, they have had minimal impact on the peace negotiations and political conversations that are currently taking place. This exclusion impedes the advancement of gender-sensitive conflict resolutions and societal reconstruction (Inclusive

Peace, 2018). To this day, women still have to advocate for greater participation in political decision-making, emphasising the fact that gender inequality must be addressed if long-term peace and recovery are to be realised in Yemen, and that women must have a say in determining the destiny of their country and their own future (Viñals, 2024).

## **Methodology**

This research is a comparative law study that seeks to find an answer to the proposed research question. The approach used for this research is the doctrinal analysis method. With this methodology, the focus lays on only the laws of the concerned countries, with no attempt to look at the effect of the law or how it is applied, but instead only considering the law as a codified body of principles which can be understood and analysed exclusively via the use of legal sources (UWE, 2017). This methodology strongly emphasises comprehending the law as stated systematically and structured, often disregarding more prominent social, economic, and political factors (Taekema, 2018).

To conduct research like this, a two-part process needs to be followed. First, it is necessary to determine which laws are relevant for this research and locate them (i.e., their official English translations). Afterwards, the second step is to interpret and analyse the laws (Hutchinson & Duncan, 2012) using the abovementioned methodology. Hereafter, a comparison between the laws of both countries can be made, in order to conclude whether or not there is a difference in law outcomes whenever women's involvement influences them in the legislative process. After doing so, an answer can be formulated to the research question.

### **Data collection**

Rwanda is a democratic Republic. The Constitution is the country's supreme law (Constitute Project). Yemen is a Republic, an Independent Sovereign State. The principal source of legislation in the country is the Constitution, which has significant implications for Islamic *Shari's* Law (Maktari & McHugo, 1992). Since both countries have constitutions as the primary source of legislation within their respective legal institutions, this is the data used for this analysis. The constitution is regarded as the country's supreme law in both nations, and all other laws and rules must be in accordance with its provisions. It directs government

officials' actions and the legislative process, acting as the foundation upon which the political and legal systems are constructed.

### ***The Constitute Project***

The constitutions of both countries were retrieved from the [Constitute Project](#), where the complete set of laws from the constitution was generated from excerpts of texts from the repository of the Comparative Constitutions Project (CCP). This source provides access to all of the world's constitutions for analysis and comparison. Through categorised sections and topics, it offers a systematic way to examine constitutional documents, enabling in-depth and comparative study. The project is a trustworthy source for constitutional study because it uses data organised by semantic web standards and is supported by reputable organisations. Some of these organisations are the National Science Foundation (NSF), which has provided funding for the project, supporting its efforts in researching and analysing constitutions from around the world; the United States Institute of Peace (USIP) collaborated with the CCP on projects related to constitution-making processes and conflict resolution in post-conflict nations; the United States Agency for International Development (USAID) supported the project in providing data and analysis on constitutional design and governance; the United Nations Development Programme (UNDP) has partnered with CCP on initiatives focused on promoting democratic governance and constitutional development in multiple countries; the International IDEA (International Institute for Democracy and Electoral Assistance) has supported the project with constitution-building processes and democratic governance. These organisations have excellent reputations in constitutional studies, governance, and democracy promotion, which gives legitimacy to the work of the Comparative Constitutions Project and its related initiatives. Only publicly available data is used for this research; therefore, no ethical approval was necessary.

## **Data distinction**

The latest versions of the Constitutions of both countries were used for the analysis. For Rwanda, this is the Constitution of 2003 with amendments through 2015. For Yemen, the Constitution of 1991 is used, along with amendments through 2015. For this analysis to help answer the research question, the situation of both countries from the years in which the first versions were generated (2003 & 1991) up until 2015, the year in which all the amendments were included, should be consistent with the theoretical framework on which this research is built. Coherent with the theoretical framework, women were significantly involved in the decision-making process in Rwanda in 2003, as well as in 2015, which shows that women were involved in the entire development of the current Constitution. In 2003, women were elected as 48.7 per cent of the representatives, already making Rwanda the country with the highest percentage of women in the national legislature (Wallace, 2008). After the 2013 elections, women held 64 per cent of the seats in the lower house of Parliament (UN Women, 2018). Additionally, women also occupied prominent positions in the executive branch. By 2015, women held 50 per cent of the cabinet positions, highlighting women's influential role in Rwanda's political and decision-making landscape (UN Women, B).

Furthermore, also in accordance with the theoretical background, women's participation in Yemen's decision-making processes was severely restricted in 1991 (Molyneux, 1995), as well as in 2015. In all these years, women were left out of formal political procedures and high-level negotiations, regardless of their engagement in several grassroots and peacebuilding initiatives. There was little representation of women in formal political systems, and many female political leaders were even forced to leave the nation (CIVICUS, 2022).

## **Data categorisation**

Considering the limited time allocated for this project, only laws concerning specific topics were included, in order to narrow down the number of laws applicable to the analysis. After going through both the constitutions, laws concerning equality and human rights were extracted and used for the analysis. To get a clear overview, the articles of the constitutions are categorised into six subsections, which are compared to each other. This allows for a more intelligible analysis, making the comparison more logical and understandable. The subsections are:

1. Constitutional Guarantees
2. Political Participation and Representation
3. Social Security and Protection
4. Protection of Women, Children and Other Vulnerable Groups
5. Education and Healthcare
6. Freedom of Association and Expression

These categories were chosen to provide a thorough and organised evaluation of how each country tackles essential human rights and equality issues. ‘Constitutional Guarantees’ was chosen because the essential legal foundation for every national policy is frequently found in constitutions. This category looks at the specific guarantees the Constitution provides and whether it expressly supports gender equality and guarantees human and women's rights. It is essential to comprehend these constitutional underpinnings because they establish the precedent and legal basis for additional laws and policies.

One of the most critical measures of gender equality is political participation and representation, which is why this is also one of the categories. This category assesses the legal frameworks and possibilities for women to engage in politics and decision-making. A

country's efforts to guarantee that women have a role in determining policy and governance are reflected in the laws and quotas that support women's representation in governance.

The category of 'Social Security and Protection' was chosen because the policies on social security and the protection of social rights, particularly for vulnerable individuals and groups, are a good indicator of a nation's support system for women, especially when it comes to situations involving unemployment, disability, or bereavement. This category also includes labour regulations that guarantee equal pay and safe working conditions for women, protecting them in the workplace.

The category of 'Protection of Women, Children and Other Vulnerable Groups' is essential because it has a direct effect on the measures put in place to prevent discrimination, exploitation, and violence against these groups. Protective laws, which represent the real-world application of constitutional commitments, also symbolise a nation's commitment to maintaining the safety and rights of marginalised groups.

Fundamental rights like access to healthcare and education are essential, which is why this category is also involved in the analysis. Legal assurances of equal access to these services signify a nation's commitment to eradicating gender differences in important domains that impact women's lives and workplace prospects.

The last category, 'Freedom of Association and Expression', examines the legal framework that governs civil society, particularly groups that support women's rights. Promoting gender equality and tackling concerns specific to women require the freedom to organise, communicate, and advocate.

By choosing these categories, insights can be gained into how the degree of women's involvement in the legislative process affects the Constitutions in Yemen and Rwanda, especially concerning gender equality and the protection of women's and human rights. Every category presents a different facet of the social and legal environment that affects women and



equality in general, providing critical perspectives on the advantages and disadvantages of the Constitutions of each country. This methodical categorisation makes comprehending how laws interact with cultural norms and practise easier, highlighting areas that require change or improvement to attain complete gender equality.

## Results and Discussion

The following section contains the results of the analysis of both Constitutions per the above mentioned categories. These results are followed by a discussion that compares the results from both Constitutions. The articles from the Constitutions used for this analysis can be found in the appendix.

### Results

#### 1. Constitutional Guarantees

- Rwanda:

All Rwandans are born and remain equal in rights and freedoms (Article 16).

Concluding from Rwanda's founding principle: "Government of Rwandans, by Rwandans and for Rwandans" (Article 4), the envisioned type of government in Rwanda includes a general guarantee of equality in which all persons are equal to the law, and everyone is entitled to equal protection from the law (Article 15); promotion of human rights (Article 42); and protection of rights and freedoms (Article 43). Ensuring the promotion and protection of these rights is the responsibility of the State and all of its organs, which should be in accordance with the Constitution and other laws. Every individual is free to exercise their rights and freedoms, as long as this is within the limitations of the law, aimed at ensuring recognition and respect of other people's rights and freedoms (Article 41). The Constitution obligates the State to implement development strategies for the country and its citizens (Article 48). Rwanda's Constitution recognises its history of genocide, committing itself to upholding fundamental principles and ensuring respect considering the prevention and punishment of the crime of genocide, fighting against its denial and revisionism, as well as eradicating the ideology of

genocide and all its manifestations (Article 10.1). Also, the welfare of needy survivors of the genocide is assured in the Constitution, obliging the State to undertake special action aimed at the welfare of the survivors of the genocide against Tutsi (Article 50). In order to help resolve critical issues like this, the country has founded the National Commission for the Fight against Genocide, entrusted with the responsibility of reconciliation (Article 139). Fundamental principles included in the Constitution are the eradication of discrimination and divisionism, as well as the promotion of national unity (Article 10.2); a promised equitable power sharing (Article 10.3); a guarantee of general equality and equality regardless of gender (Articles 10.4, 10.5, 30). Rwanda formed a Committee responsible for conciliation between conflicting parties, intending to consolidate national unity. This Abunzi Committee ensures peaceful coexistence between Rwandans (Article 141). The law ensuring equal access to public services (Article 27) also aims at contributing to this peaceful coexistence. A last constitutional guarantee of the Rwandan Constitution is the right to a country and nationality, which promises that no one can be deprived of their Rwandan nationality of origin (Article 25).

- Yemen:

In Yemen, all citizens have equal rights and duties (Article 41). Every citizen has the right to participate in political, economic, social and cultural fields (Article 42), in which the State needs to guarantee equal opportunities (Article 24), as well as the realisation of equal and just treatment in all sectors (Article 7). According to the law, Yemeni society is based on social solidarity, justice, freedom, and equality (Article 25). No Yemeni citizen can be deprived of their nationality (Article 44).

## 2. Political Participation and Representation

- Rwanda:

In Rwanda, all power is derived from the citizens (Article 1), and suffrage is universal and equal for all Rwandans (Article 2). Additionally, every citizen of the Rwandan population has the right to participate in the Government of the country, directly or indirectly, through their freely chosen representatives (Article 27).

- Yemen:

The Yemeni people are the possessor and the source of power, which they exercise directly through public referendums and elections or indirectly through the legislative, executive and judicial authorities, as well as through elected local councils (Article 4). Every citizen has the right to elect and nominate themselves as a candidate in an election and demonstrate their opinion in a referendum (Article 43). These elections are ensured to be secret, free and equal, voted directly by the people (Article 63). Also, the right to form political parties is guaranteed (Articles 5, 58).

## 3. Social Security and Protection

- Rwanda:

The Rwandan Constitution contains multiple articles that consider human rights and freedoms, assuring social security and the protection of their citizens. One of the fundamental principles ensures that the State is committed to promoting social welfare and establishing appropriate mechanisms for equal opportunity to social justice (Article 10.5). The right to life is ensured by the Constitution, considering the laws on how no one shall be arbitrarily deprived of life (Article 12) and how a human being is sacred and inviolable, and should be respected, protected and defended by the State (Article 13). Additionally, the right to physical and mental

integrity is guaranteed (Article 14), as well as the right to privacy and human dignity (Article 23). The State also guarantees a person's liberty and security (Article 24). More social security rights and protection of the Rwandans are assured by the right to freedom of movement and residence (Article 26), the right to seek asylum to protect the stateless persons (Article 28), the right to private property (Article 34), and the right to private ownership of land (Article 35). The Rwandan Constitution guarantees multiple freedoms to its citizens: the right to free choice of employment (Article 30), the right to freedom of religion (Article 37), and the freedom of press and access to information (Article 38). More protective laws the Rwandans can appeal to are the prohibition of discrimination of any kind (Articles 16, 46), the prohibition of marriage without consent (Article 17), the right to due process of law, which ensures the right to counsel; the presumption of innocence in trials; the principle of no punishment without law; and the protection from ex post facto laws (Article 29). The Constitution references fraternity/solidarity, stating that every Rwandan has to maintain good relations with others in order to safeguard, promote and reinforce mutual respect, solidarity and tolerance (Article 46). The National Commission for Human Rights was founded to help resolve issues concerning human rights facing the country (Article 139). The State of Rwanda also has the following defence and security organs: the Rwanda Defence Force, the Rwanda National Police, and the National Intelligence and Security Service (Article 158).

- Yemen:

In Yemen, social security and protection are guaranteed by the Constitution through multiple laws regarding the rights and freedoms of the citizens. The rights of the Yemeni people included in the Constitution are the right to privacy and confidentiality of mail, telephone, telegram and all other means of communication

(Article 53), as well as the right to work and freely choose one's occupation (Article 29). Additionally, the following rights are assured for people on trial: the presumption of innocence, protection from ex post facto laws, the principle of no punishment without law (Article 47), as well as protection from unjustified restraint, cruel treatment and torture, self-incrimination, false imprisonment (Article 48), and the right to counsel (Article 49). The freedoms assured by the Constitution are freedom of movement (Article 57), freedom of telecommunication (Article 53), and freedom of the press (Article 125). All Yemeni citizens are guaranteed freedom, dignity, and security (Article 48). Confiscation and slavery are prohibited by the Constitution (Articles 20, 29), and human dignity is assured (Article 48). The Yemeni police are the force that performs its duties for the service of the people and guarantees their security and protection (Article 39). The armed forces and security forces, including the police, are established by the State. Such forces belong to all the people; they protect the Republic and safeguard its territories and security (Article 36).

#### 4. Protection of Women, Children and Other Vulnerable Groups

- Rwanda:

In Rwanda, there is a general guarantee of equality (Article 10.4). Equality between men and women is affirmed by women occupying at least thirty per cent (30%) of positions in decision-making organs (Articles 10.4, 75). Additionally, twenty-four (24) women should be elected by specific electoral colleges in accordance with the national administrative entities (Article 75.2) in order to reach the representation quotas in the First Chamber. The Second Chamber continues this representation quota, obliging at least thirty per cent (30%) of elected and appointed Senators to be women (Article 80). The organs responsible for the Senators' nominations should

consider national unity and the principle of gender equality while proposing new candidates in the decision-making organs (Article 80). This gender equality can be recognised in the Constitution's claims and rights for women. Both men and women have suffrage (Article 2) and are responsible for raising their children (Article 18), not solely the mother. The State places appropriate legislation and organs for protecting the family, particularly the child and mother, to ensure the family flourishes (Article 18). Specific rights of children are incorporated in the Constitution, guaranteeing the right for children to specific mechanisms of protection by his or her family, other Rwandans and the State (Article 19). Also, the welfare of persons with disabilities and other needy persons is guaranteed by the Constitution. The State has to undertake special actions aimed at the well-being of persons with disabilities, the indigent, the elderly and other vulnerable groups (Article 51). In order to help address the issues facing the country regarding the protection of women, children and other vulnerable groups, Rwanda established specific National Councils: the National Women Council, the National Youth Council, and the National Council of Persons with Disabilities (Article 139).

- Yemen:

The Yemeni Constitution includes women's rights, as women are said to be the sisters of men, who have rights and duties guaranteed and assigned by law (Article 31). State support is offered for children, protection is guaranteed for mothers and children, and the youth and the young are sponsored (Article 30). The State is obligated to give special attention to young people, protect them against perversions, and provide them with religious, mental and physical education and the appropriate environment to develop their aptitude in all fields (Article 54). Additionally, social security is guaranteed for all citizens in cases of illness, disability, unemployment,

old age or the loss of support. The State shall especially guarantee this for the families of those killed in war (Article 56).

## 5. Education and Healthcare

- Rwanda:

Every Rwandan has the right to education and the freedom of learning and teaching (Article 20). The education of persons with disabilities is facilitated by special measures established by the State (Article 51). Primary education in public schools is free and compulsory (Article 20). All Rwandans have the right to good health (Article 21) and the right to live in a clean and healthy environment (Article 22). The promotion of activities aimed at good health is promoted by the State, which has to mobilise the population for these activities and assist them in their realisation. Every Rwandan has the duty to participate in activities aimed at good health (Article 46).

- Yemen:

In Yemen, the fundamental pillars for building and developing the society are education, healthcare and social services (Article 32). Therefore, education is a right for all citizens. The State shall guarantee education through building various schools and other cultural and educational institutions. Primary education is obligatory. The State shall do its best to obliterate illiteracy and give special care to expanding technical and vocational education. The State is obligated to give special attention to young people, protect them against perversions, and provide them with religious, mental and physical education and the appropriate environment to develop their aptitude in all fields (Article 54). Additionally, the right to academic freedom is guaranteed to Yemeni citizens (Article 27). Furthermore, access to healthcare is a right for all citizens, which the State guarantees by building various hospitals and health establishments while expanding their care. The State also organises the



medical profession and the expansion of free health services and health education among the citizens (Article 55). Protection of the environment is guaranteed since it is a collective responsibility of the State and the community at large. Each individual shall have a religious and national duty to protect the environment (Article 35).

## 6. Freedom of Association and Expression

- Rwanda:

Freedom of association and expression is guaranteed in the Rwandan Constitution. This can be found in the laws regarding direct freedom of association (Article 39) and freedom of expression (Article 38) and in the laws indirectly implying these freedoms. Laws like these consider the right to form and join trade unions for the defence and promotion of legitimate professional interest (Article 31), as well as the right of trade unions and employees to collective bargaining (Article 32) and the right to strike (Article 33). Also, the right to freedom of peaceful and unarmed assembly is guaranteed (Article 40). Furthermore, the Constitution ensures freedom of thought, conscience, religion, worship and public manifestation (Article 37).

- Yemen:

The Yemeni citizens have the freedom of both association and expression. Freedom of thought and expression of opinion in speech, writing and photography are guaranteed by the State (Article 42), as well as freedom in assembling political, trading, cultural, scientific and social organisations, ensuring the right to freedom of association (Article 58). Additionally, the right to petition is guaranteed, and the citizens can recourse to the courts to protect their rights and lawful interests and submit their complaints, criticism, and suggestions to the various government bodies directly or indirectly (Article 51).

## Discussion

The results will first be discussed per category to get a concise picture of the comparison between the analysed Constitutions. Afterwards, the discussion will be broadened to the Constitution as a whole, combining all categories.

### 1. Constitutional Guarantees

In both countries, equality is of great importance and is ensured by the Constitution through multiple articles. All persons are considered to be equal in rights and freedoms according to both Constitutions. In Rwanda, all persons are equal to the law and protected against it. The State is responsible for promoting and protecting the rights and freedoms of the people. In Yemen, the foundation of social solidarity on which the society is based ensures justice, freedom and equality according to the law. In Rwanda, there are limitations to people's rights and freedoms, which ensure recognition and respect for other people's rights and freedoms. Therefore, this serves as a protection mechanism against misuse of power by other individuals. Also, Rwanda's history of genocide is significantly included in their Constitution, highlighting their awareness of their past, implying that they are now focused on ensuring incidents this horrible will never happen again. Rwanda founded fundamental principles to ensure gender equality, national unity, equitable power sharing, and eradication of discrimination based on ethnicity, region, or any other ground. Equality of treatment and equal opportunities are values which are also significantly highlighted in the Yemeni Constitution. The social solidarity also assures the Yemeni people of no sudden and unjust revocation of their Yemeni citizenship and identity, which shows the social security net the country is based on. This is also the case in Rwanda, which also guarantees that no one can be deprived of their Rwandan nationality of origin.

## 2. Political Participation and Representation

In both countries, all the power lies with the people, which is ensured by both Constitutions. The election processes in both countries proceed in an equal and accessible manner. In Rwanda, everyone can join these elections and participate in the legislative process, either directly or indirectly. In the Yemeni Constitution, it is also written that everyone has the right to join. However, when analysing the relevant article for this topic, it is noted that in this law, the citizen is referred to as ‘himself’ and ‘his’. Article 43 goes as follows: “The citizen has the right to elect and nominate *himself* as a candidate in an election, as well as to demonstrate *his* opinion in a referendum. The law shall regulate the provisions regarding the practice of this right.” The way this article is formulated implies that mostly men participate in the legislative process in Yemen. Although this article does not notably prohibit women from participating, it suggests a preference for men to make use of it. Additionally, the articles regarding the organisation of the State authorities also imply only an opportunity for men to join and establish political organisations and participate in the legislative field. By again solely using the words ‘he’ and ‘him’ in referring to citizens, the articles regarding the selection process and tasks of the First Branch seem to be only accessible to men (Articles 107, 109, 110, 114, 115, 117, 118, 124, 128). Also, in the Second Branche, women seem excluded from the procedure (Articles 130, 131, 132, 135, 138, 139, 141, 142, 144). Within the Third Branch and the Judicial Authority, no distinction between men and women can be traced back to the formulation of the relevant articles.

## 3. Social Security and Protection

In both Constitutions, social security and protection are guaranteed by rights and freedoms given to the people. In Rwanda, the right to life, respect, and integrity are

secured, and in Yemen, the focus lies on personal freedom and dignity. Both countries assure their citizens of freedom of movement, protection of one's property, the right to choose their occupation freely, and the right to counsel and due process of law. In Yemen, the right to free, private and confidential telecommunication and freedom of the press is guaranteed in addition to these rights and freedoms. Also, in Rwanda, freedom of the press and access to information is assured. More rights for the Rwandan people are the right to seek asylum, protection from marriage without consent, and protection from discrimination. Rwanda's Constitution is focused on fraternity and solidarity, which is why they founded the Commission for Human Rights, guaranteeing mutual respect, solidarity and tolerance. Freedom of religion is assured in Rwanda, whereas the Yemen Constitution does not explicitly guarantee this. While it is not prohibited in the Constitution, the statement that 'Islam is the religion of the State' (Article 2) does not leave much room for other religions. Both Constitutions have security forces organised by the State, guaranteeing the safety of the people and protecting their rights and freedoms.

#### 4. Protection of Women, Children, and Other Vulnerable Groups

Both Constitutions promise equality between men and women and the protection of women, children, and other vulnerable groups. However, this promise can be traced back more to the Rwandan Constitution's laws than to those in the Yemeni Constitution. Rwanda assures representation quotas for women in the legislative process. It has established 3 National Councils for protecting women, children and other groups, whereas the Yemeni Constitution does not include such commitments. This shows the distinction between both countries in their manner of treating women (which is also related to the restriction on women's political participation, mentioned in subsection 2)

and in how much they value the protection of women, children, and other vulnerable groups.

#### 5. Education and Healthcare

Education and healthcare are essential issues in both Constitutions. In both countries, adequate education for all people is assured, and the State has the duty to provide the necessary means. Academic freedom is also guaranteed, promising free learning and teaching. Good health, access to sufficient healthcare, and the right to a clean environment are all essential values in both Constitutions. The State and the people from both countries are obligated to help realise these conditions of good, accessible education and health.

#### 6. Freedom of Association and Expression

Both Constitutions guarantee the right to freedom of association and freedom of expression in Rwanda and Yemen. This is reflected in laws concerning the freedom to join trade unions, freedom of thought and conscience, and the right to petition, in which concerns and complaints can be expressed against the legislative organs of the countries.

## General Discussion

In both Constitutions, equality is emphasised as a fundamental principle. Rwanda, still suffering from the effects of the genocide, recognises the need to safeguard all people, regardless of their race or origin, and has incorporated a solid commitment to equality into the structure of its Constitution. On the other hand, Yemen strongly emphasises social solidarity as the basis for equality and justice. However, some of the used language in the Yemeni Constitution may imply bias against women, suggesting a possible disconnect between the ideals of the Constitution and the actual implementation of laws regarding gender equality in the Constitution.

Both nations consider political participation and representation essential to democratic governance. Both States recognise the sovereignty of their population. While free and fair elections are guaranteed in both Yemen and Rwanda, differences arise in the degree of inclusivity, especially concerning gender. Although Yemen's Constitution does not explicitly prohibit women from participating, the used language mainly referring to male citizens may unintentionally discourage women from participating. In contrast, Rwanda actively encourages gender equality through quotas and specialised councils.

Social security and protection are the cornerstones of citizen welfare in both countries. Fundamental rights like the right to life, property, and freedom of movement are protected in both nations. The extent of protection provided varies as well, with Rwanda explicitly emphasising solidarity and non-discrimination, as evidenced by the establishment of the Commission for Human Rights. On the other hand, Yemen's Constitution does not offer comparable protections for underprivileged groups, despite the fact that it guarantees personal freedoms and security.

The dedication of both nations to inclusive and equitable communities is proven by their protection of women, children, and other vulnerable groups. Rwanda's Constitution

proactively addresses past injustices by implementing representation quotas and creating specialised councils to safeguard them. Yemen's constitution, on the other hand, promises equality but does not include the necessary safeguards in their Constitution to protect these groups' rights, which could make them more vulnerable in comparison to Rwanda.

Both Constitutions identify education and healthcare as priority matters, emphasising how important these fields are to society's growth and well-being. Rwanda and Yemen assert that the State must guarantee their citizens access to high-quality healthcare and education. Furthermore, the right to a clean environment and intellectual freedom are protected, highlighting the extensive dedication to citizen welfare.

The fundamental freedoms of expression and association are protected by both Constitutions, highlighting the significance of public liberties in democracies. Rwanda and Yemen safeguard people's freedoms to organise into groups, express their opinions, and allow them to file complaints. This dedication to freedom emphasises the values of pluralism and democratic participation.

In conclusion, while the objectives of both Constitutions are similar in that they both seek to advance social security, equality, political participation, protection of vulnerable groups, and advancement of healthcare and education, their different approaches emphasise particular historical contexts and cultural values. The disparities in legislative outcomes between the two countries ultimately highlight the importance of women's participation in the legislative process. The practical effects of gender-inclusive policies in Rwanda show how women's participation can result in more inclusive and equal laws. Yemen's challenges in achieving the gender equality they promise, however, highlight the difficulties and possible consequences that arise when women's voices are underrepresented. To truly promote and defend gender equality and the rights of all people, laws must be made with women's participation in the legislative process.

### **Limitations and Further Research**

This research came with some limitations, which are elaborated on below.

The doctrinal analysis approach used for this research is discrete (Hutchinson & Duncan, 2012), and comes with certain limitations. Firstly, the doctrinal methodology is said to be disconnected from reality. Since the focus lies on legal sources only, it does not challenge or question the application of these sources but only analyses the laws regarding internal consistency (UWE, 2017). This limitation primarily applies to Rwanda, where it is known that, in practice, there is a gap between the rights that are ensured by the law and the actual state of women's rights (Ruganintwali, 2023). Secondly, the method is often criticised for being too theoretical and conservative; therefore, the outcome will not expose the implications of the law over the social system (Pradeep, 2020). The problem of this method being too disconnected from reality and too theoretical will not be solved within this research. This could be done by conducting non-doctrinal studies exploring the topic and combining this with the doctrinal approach. This is not the aim of this research; therefore, this is only a suggestion for further research.

Another limitation of this research is the language barrier. Since the laws were originally written in the vernacular of the concerned countries, encountering a language barrier was inevitable. Within this research, the only possibility was to rely on the translations of the United Nations. Despite these being official constitutional translations, the language barrier remains a limitation to the research. This is because it can lead to an incomplete understanding of the content, since it may cause nuances, cultural references, and subtleties of meaning to get lost in translation.

Considering the time constraints of this project, the research had to be narrowed down. Only two countries were included, which therefore makes the answer to the research question not conclusive. This limits the research's generalizability and restricts the results'



broader applicability. Exclusively focusing on two countries can overlook significant cultural differences affecting the results. This also applies to contextual factors, such as socio-economic, political, and environmental, since these differ significantly across countries. Overall, since this research is focused on only two countries, it may give an inadequate picture of the complicated phenomena, since many global topics necessitate a thorough understanding that can only be attained by researching them in various contexts and nations. This is a limitation which could not be addressed within this research, due to the time constraints. Consequently, applying this research to multiple countries is merely a recommendation for further research.

## Conclusion

This thesis utilised a comparative study of the Constitutions of Rwanda and Yemen to illustrate the significant influence that women's participation in legislative processes has. Examining the subtle differences between the two legal systems reveals how political, historical, and cultural factors influence these nations' approaches to equality and human rights and the laws that result from them.

Rwanda's historical context of post-genocide recovery and reconciliation is directly responsible for the country's constitutional structure, which shows a dedication to gender equality and women empowerment. This dedication is demonstrated by the country's striking number of women in parliament, who represent and actively support the advancement of social reforms and gender-sensitive policies. The legislative protections for women's participation guarantee that their opinions are essential in forming laws considering prevalent societal issues, ranging from access to education and healthcare to social security and protection.

In contrast, Yemen's Constitution highlights the shortcomings in its approach to gender inclusivity, even though it upholds the principles of justice and equality. Significant obstacles to attaining full gender equality are highlighted by the continued use of male-centric language in legislative terms and the absence of clear measures for women's active participation in the legislative process. This has consequences for women's participation in public and political life, which are made worse by ongoing conflicts and sociopolitical instability.

In conclusion, the comparative constitutional analysis of Yemen and Rwanda shows how women's legislative participation significantly impacts the level and reach of lawmaking. This thesis supports the premise that more women participating in the legislative process results in more inclusive and equitable legal systems, which is essential for a country's

long-term growth and welfare. Going forward, it is critical that nations everywhere embrace and practise more inclusive governance approaches that actively include women in all facets of legislative processes and represent them. This research advocates for a future in which gender equality within policy-making positions is desirable and a fundamental principle of government.

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## Appendices

### Appendix 1: Rwandan laws used for this analysis

#### Article 1. Source of National Sovereignty

All power derives from Rwandans and is exercised in accordance with this Constitution.

No individual or section of people can arrogate to themselves the exercise of power.

National sovereignty belongs to Rwandans who exercise it directly by means of referendum, elections, or through their representatives.

#### Article 2. Suffrage

Suffrage is universal and equal for all Rwandans.

All Rwandans, both men and women, fulfilling the requirements provided for by law, have the right to vote and to be elected.

Suffrage is direct or indirect and secret, unless this Constitution or any other law provides otherwise.

An organic law governing elections determines conditions and modalities for conducting elections.

#### Article 4. The Republic

The Rwandan State is an independent, sovereign, democratic, social and secular Republic.

The founding principle of the Republic of Rwanda is: "Government of Rwandans, by Rwandans and for Rwandans".

#### Article 10. Fundamental principles

The State of Rwanda commits itself to upholding the following fundamental principles and ensuring their respect:

- 1°. prevention and punishment of the crime of genocide, fighting against denial and revisionism of genocide as well as eradication of genocide ideology and all its manifestations;
- 2°. eradication of discrimination and divisionism based on ethnicity, region or on any other ground as well as promotion of national unity;
- 3°. equitable power sharing;
- 4°. building a State governed by the rule of law, a pluralistic democratic Government, equality of all Rwandans and between men and women which is affirmed by women occupying at least thirty percent (30%) of positions in decision-making organs;
- 5°. building a State committed to promoting social welfare and establishing appropriate mechanisms for equal opportunity to social justice;
- 6°. constant quest for solutions through dialogue and consensus.

**Article 12. Right to life**

Everyone has the right to life.

No one shall be arbitrarily deprived of life.

**Article 13. Inviolability of a human being**

A human being is sacred and inviolable.

The State has an obligation to respect, protect and defend the human being.

**Article 14. Right to physical and mental integrity**

Everyone has the right to physical and mental integrity.

No one shall be subjected to torture or physical abuse, or cruel, inhuman or degrading treatment.

No one shall be subjected to experimentation without his or her informed consent.

Modalities of the consent and experiments are determined by law.

**Article 15. Equality before the law**

All persons are equal before the law. They are entitled to equal protection of the law.

**Article 16. Protection from discrimination**

All Rwandans are born and remain equal in rights and freedoms.

Discrimination of any kind or its propaganda based on, inter alia, ethnic origin, family or ancestry, clan, skin color or race, sex, region, economic categories, religion or faith, opinion, fortune, cultural differences, language, economic status, physical or mental disability or any other form of discrimination are prohibited and punishable by law.

**Article 17. Right to marry and found a family**

The right to marry and found a family is guaranteed by the law.

A civil monogamous marriage between a man and a woman is the only recognised marital union.

However, a monogamous marriage between a man and a woman contracted outside Rwanda in accordance with the law of the country of celebration of that marriage is recognised.

No one can be married without his or her free and full consent.

Spouses are entitled to equal rights and obligations at the time of marriage, during the marriage and at the time of divorce. A law determines conditions, formalities and consequences of marriage.

**Article 18. Protection of the family**

The family, being the natural foundation of the Rwandan society, is protected by the State.

Both parents have the right and responsibility to raise their children.

The State puts in place appropriate legislation and organs for the protection of the family, particularly the child and mother, in order to ensure that the family flourishes.

**Article 19. Child's right to protection**

Every child has the right to specific mechanisms of protection by his or her family, other Rwandans and the State, depending on his or her age and living conditions, as provided for by national and international law.

**Article 20. Right to education**

Every Rwandan has the right to education.

Freedom of learning and teaching is guaranteed in accordance with conditions determined by law.

Primary education is compulsory and free in public schools.

Conditions for free primary education in schools subsidized by the Government are determined by law.

A law also determines the organization of education.

**Article 21. Right to good health**

All Rwandans have the right to good health.

**Article 22. Right to a clean environment**

Everyone has the right to live in a clean and healthy environment.

**Article 23. Respect for privacy of a person and of family**

The privacy of a person, his or her family, home or correspondence shall not be subjected to interference in a manner inconsistent with the law; the person's honor and dignity shall be respected.

A person's home is inviolable. No search or entry into a home shall be carried out without the consent of the owner, except in circumstances and in accordance with procedures determined by the law.

Confidentiality of correspondence and communication shall not be waived except in circumstances and in accordance with procedures determined by the law.

**Article 24. Right to liberty and security of person**

A person's liberty and security are guaranteed by the State.

No one shall be subjected to prosecution, arrest, detention or punishment unless provided for by laws in force at the time the offense was committed.

No one shall be subjected to security measures except as provided for by law and for reasons of public order or State security.

**Article 25. Right to a country and nationality**

Every Rwandan has the right to his or her country. No Rwandan can be banished from his or her country.

Every Rwandan has the right to Rwandan nationality.

Dual nationality is permitted.

No one can be deprived of Rwandan nationality of origin.

All persons of Rwandan origin and their descendants are, upon request, entitled to Rwandan nationality.

An organic law governs Rwandan nationality.

**Article 26. Right to freedom of movement and residence**

Every Rwandan has the right to move freely and to reside anywhere in Rwanda.

Every Rwandan has the right to leave Rwanda and to return.

These rights may only be restricted by law for reasons of public order and of national security, in order to avert a public threat or to protect persons in danger.

**Article 27. Right to participate in Government and public services**

All Rwandans have the right to participate in the Government of the country, either directly or through their freely chosen representatives, in accordance with the law.

All Rwandans have the right of equal access to the public service in accordance with their competence and abilities.

**Article 28. Right to seek asylum**

The right to seek asylum is recognised under conditions determined by law.

**Article 29. Right to due process of law**

Everyone has the right to due process of law, which includes the right:

- 1°. to be informed of the nature and cause of charges and the right to defense and legal representation;
- 2°. to be presumed innocent until proved guilty by a competent Court;
- 3°. to appear before a competent Court;
- 4°. not to be subjected to prosecution, arrest, detention or punishment on account of any act or omission which did not constitute an offense under national or international law at the time it was committed. Offenses and their penalties are determined by law;
- 5°. not to be held liable for an offense he or she did not commit. Criminal liability is personal;
- 6°. not to be punished for an offense with a penalty that is severer than the penalty provided for by the law at the time that offense was committed;

7°. not to be imprisoned merely on the ground of inability to full a contractual obligation;

8°. not to be prosecuted or punished for a crime which has reached its statute of limitations. However, the crime of genocide, crimes against humanity and war crimes are not subject to statute of limitations. A law may determine other crimes which are not subject to statute of limitations.

Rwanda cannot extradite any Rwandan to another country.

Extradition of foreigners is authorized only if it is in accordance with the law or international agreements to which Rwanda is a party.

**Article 30. Right to free choice of employment**

Everyone has the right to free choice of employment.

All individuals, without any form of discrimination, have the right to equal pay for equal work.

**Article 31. Right to form trade unions and employers' associations**

The right to form trade unions for the defense and promotion of legitimate professional interests is recognised.

Every worker may defend his or her rights through a trade union in accordance with the law.

Every employer has the right to join an employers association.

**Article 32. Right to collective bargaining**

Trade unions and employers associations have the right to engage in collective bargaining and may enter into general or specific agreements regulating their working relations. Modalities for making these agreements are determined by law.

**Article 33. Right to strike**

The right of workers to strike is permitted and is exercised within the limits provided for by the law. This right shall not be exercised in a manner that infringes upon somebody else's freedom at work, which is guaranteed to everyone.

**Article 34. Right to private property**

Everyone has the right to private property, whether individually or collectively owned.

Private property, whether owned individually or collectively, is inviolable.

The right to property shall not be encroached upon except in public interest and in accordance with the provisions of the law.

**Article 35. Right to private ownership of land**

Private ownership of land and other rights related to land are granted by the State.

A law determines modalities of concession, transfer and use of land.

**Article 37. Freedom of conscience and religion**

Freedom of thought, conscience, religion, worship and public manifestation thereof is guaranteed by the State in accordance with the law.

Propagation of ethnic, regional, racial discrimination or any other form of division is punished by law.

**Article 38. Freedom of press, of expression and of access to information**

Freedom of press, of expression and of access to information are recognised and guaranteed by the State.

Freedom of expression and freedom of access to information shall not prejudice public order, good morals, the protection of the youth and children, the right of every citizen to honour and dignity and protection of personal and family privacy.

Conditions for exercising and respect for these freedoms are determined by law.

**Article 39. Right to freedom of association**

The right to freedom of association is guaranteed and does not require prior authorisation.

This right is exercised under conditions determined by law.

**Article 40. Right to freedom of assembly**

The right to freedom of peaceful and unarmed assembly is guaranteed.

This right is exercised in accordance with the law.

This right does not require prior authorisation, except when provided for by the law.

**Article 41. Limitation of rights and freedoms**

In exercising rights and freedoms, everyone is subject only to limitations provided for by the law aimed at ensuring recognition and respect of other people's rights and freedoms, as well as public morals, public order and social welfare, which generally characterise a democratic society.

**Article 42. Promotion of human rights**

The promotion of human rights is a responsibility of the State. This responsibility is particularly exercised by the National Commission for Human Rights. This Commission is independent.

**Article 43. Protection of rights and freedoms**

The Judiciary is the guardian of human rights and freedoms. This duty is exercised in accordance with this Constitution and other laws.

**Article 45. Promotion of activities aimed at good health**

The State has the duty to mobilize the population for activities aimed at good health and to assist them in the realization of those activities.

Every Rwandan has the duty to take part in activities aimed at good health.

**Article 46. Maintaining of good relations with others**

Every Rwandan has the duty to respect and consider his or her fellow beings without discrimination, and to maintain relations aimed at safeguarding, promoting and reinforcing mutual respect, solidarity and tolerance.

**Article 48. Participation in the development of the country**

The State has the duty to put in place development strategies for its citizens.

All Rwandans have the duty to participate in the development of the country through their dedication to work, safeguarding peace, democracy, equality, and social justice, as well as participating in the defense of their country.

A law governs the organization of national service.

**Article 50. Welfare of needy survivors of the genocide against Tutsi**

The State, within the limits of its means and in accordance with the law, has the duty to undertake special actions aimed at the welfare of the needy survivors of the genocide against Tutsi.

**Article 51. Welfare of persons with disabilities and other needy persons**

The State has the duty to establish special measures facilitating the education of persons with disabilities.

The State also has the duty, within its means, to undertake special actions aimed at the welfare of persons with disabilities.

The State has also the duty, within the limits of its means, to undertake special actions aimed at the welfare of the indigent, the elderly and other vulnerable groups.

**Article 75. Composition of the Chamber of Deputies and election of its members**

The Chamber of Deputies is composed of eighty (80) Deputies. They originate and are elected from the following categories:

- 1°. fifty-three (53) Deputies elected from a fixed list of names of candidates proposed by political organizations or independent candidates elected by direct universal suffrage based on proportional representation;
- 2°. twenty- four (24) women elected by specific electoral colleges in accordance with the national administrative entities;
- 3°. two (2) Deputies elected by the National Youth Council;
- 4°. one (1) Deputy elected by the National Council of Persons with Disabilities.

The organic law governing elections may increase or decrease the number of Deputies or the categories mentioned in the first paragraph of this Article.

At least thirty percent (30%) of Deputies must be women.

**Article 80. Composition of the Senate**

The Senate is composed of twenty-six (26) Senators elected or appointed as follows:

- 1°. twelve (12) Senators elected by specific electoral colleges in accordance with national administrative entities;
- 2°. eight (8) Senators appointed by the President of the Republic, giving particular consideration to the principles of national unity, the representation of historically marginalized groups, and any other national interests;
- 3°. four (4) Senators designated by the National Consultative Forum of Political Organisations;
- 4°. one (1) academician or researcher from public universities and institutions of higher learning, holding at least the rank of Associate Professor, elected by the academic and research staff of the same universities and institutions;
- 5°. one (1) academician or researcher from private universities and institutions of higher learning, holding at least the rank of Associate Professor, elected by the academic and research staff of the same universities and institutions.

In addition to the Senators referred to in the first paragraph of this Article, former Heads of State who successfully completed their term of office or resigned voluntarily, may become members of the Senate upon their request to the President of the Senate and approved by the Bureau of the Senate within thirty (30) days.

Modalities by which the Supreme Court approves the list of candidates to the position of Senators, their requirements and their election are determined by the organic law governing elections.

The organic law governing elections may also increase or reduce the number and categories referred to in the first paragraph of this Article.

Senators appointed by the President of the Republic are not subject to approval by the Supreme Court and their appointment follows the election and designation of Senators from other organs.

The organs responsible for the nomination of Senators take into account national unity and the principle of gender equality. At least thirty percent (30%) of elected and appointed Senators must be women.

Disputes arising from the application of this Article are adjudicated by a competent Court.

### **Article 139. National commissions, specialized organs, national councils and public institutions**

The national commissions, specialized organs and national councils entrusted with the responsibility to help in resolving important issues facing the country are the following:

- 1°. National commissions:
  - a. National Commission for Human Rights;
  - b. National Unity and Reconciliation Commission;
  - c. National Commission for the Fight against Genocide;
  - d. National Electoral Commission;
  - e. National Public Service Commission.
- 2°. Specialized organs:
  - a. Office of the Ombudsman;
  - b. Office of the Auditor General of State Finances;



- c. Gender Monitoring Office;
- d. Chancellery for Heroes, National Orders and Decorations of Honour;
- e. Rwanda Academy of Language and Culture.

**3º. National Councils:**

- a. National Women Council;
- b. National Youth Council;
- c. National Council of Persons with Disabilities.

Specific laws determine the mission, organization and functioning of these institutions.

A law may establish other national commissions, specialized organs and national councils when necessary. That law also determines their mission, organization and functioning.

When deemed necessary, a law may also remove national commissions, specialized organs or national councils.

An organic law establishes general provisions governing public institutions.

**Article 140. National Umushyikirano Council**

The National Umushyikirano Council brings together the President of the Republic and citizens representatives.

The National Umushyikirano Council meets at least once (1) a year. It debates issues relating to the state of the Nation and national unity.

The President of the Republic convenes and presides over the National Umushyikirano Council and determines those who participate.

Resolutions of this Council are submitted to the relevant institutions to enable them to improve their service delivery to the population.

A presidential order may provide for other matters for the National Umushyikirano Council.

**Article 141. Abunzi Committee**

The Abunzi Committee is responsible for conciliating parties in conflict with the aim of consolidating national unity and peaceful coexistence among Rwandans.

The Abunzi Committee is comprised of persons of integrity who are recognised for their conciliation skills.

A law determines the organization, territorial jurisdiction, competence and functioning of the Abunzi Committee.

**Article 158. National defense and security organs**

The State has the following defense and security organs:

- 1º. Rwanda Defence Force;
- 2º. Rwanda National Police;

**3°.** National Intelligence and Security Service.

A law may determine other security organs.

National defense and security organs collaborate and coordinate their activities in fulfillment of their responsibilities.

A presidential order determines the manner in which these organs collaborate and coordinate their activities.

## **Appendix 2: Yemeni laws used for the analysis**

### **Article 2**

Islam is the religion of the state, and Arabic is its official Language.

### **Article 4**

The people of Yemen are the possessor and the source of power, which they exercise directly through public referendums and elections, or indirectly through the legislative, executive and judicial authorities, as well as through elected local councils.

### **Article 5**

The political system of the Republic of Yemen is based on political and partisan pluralism in order to achieve a peaceful transformation of power. The Law stipulates rules and procedures required for the formation of political organizations and parties, and the exercise of political activity. Misuse of Governmental posts and public funds for the special interest of a specific party or Political organization is not permitted.

### **Article 7**

The national economy is based on freedom of economic activity which benefits both the individual and society and which enhances national independence. The national economy should be founded on the following principles:

- a. Islamic social justice in economic relations which aims at developing and promoting production, achieving social integration and equilibrium, providing equal opportunities and promoting higher living standards in society.
- b. Lawful competition between the public, private, cooperative and mixed economic sectors, and realization of equal and just treatment in all sectors.
- c. Protection and respect for private ownership, which cannot be conscated unless necessary in the public interest, in lieu of fair consideration and in accordance with law

### **Article 20**

General confiscation of property is prohibited, private conscation is not allowed without a legal judgment.

### **Article 24**

The state shall guarantee equal opportunities for all citizens in the elds of political, economic, social and cultural activities and shall enact the necessary laws for the realization thereof.

### **Article 25**

Yemeni society is based on social solidarity, which is based on justice, freedom and equality according to the law.

**Article 27**

The state shall guarantee freedom of scientific research and achievements in the fields of literature, arts, and culture, which conform to the spirit and objectives of the Constitution. The state shall provide means conducive to such achievements and shall provide support and encouragement for scientific and technical invention, and artistic creation and shall protect achievements thereof.

**Article 29**

Work is a right, an honor, and a necessity for society's progress. Every citizen has the right to choose the appropriate work for himself within the law. No citizen can be compelled to do any work except within the law, and in which case it is to serve the common interest and be in return for a fair wage. The law shall regulate union activities and professional work, and the relationship between workers and employers.

**Article 30**

The state shall protect mothers and children, and shall sponsor the youth and the young.

**Article 31**

Women are the sisters of men. They have rights and duties, which are guaranteed and assigned by Shari'ah and stipulated by law.

**Article 32**

Education, health and social services are the basic pillars for building and developing the society. Society shall with the state take part in providing them.

**Article 33**

In cooperation with society, the state bears responsibility for consequences resulting from natural disasters and public crises.

**Article 35**

Environmental protection is the collective responsibility of the state and the community at large. Each individual shall have a religious and national duty to protect the environment.

**Article 36**

The state is the authority to establish the armed forces, the police, the security forces and any such bodies. Such forces belong to all the people and their function is to protect the republic and safeguard its territories and security. No organization, individual, group, political party or organization may establish forces or paramilitary groups for whatever purpose or under any name. The law stipulates the conditions for military service, promotion and disciplinary procedures in the military, police and security forces.

**Article 39**

The police is a civilian and Regular force which performs its duties for the service of the people and guarantees peace and security for the people. It shall preserve the law, keep public order, maintain common decency, implement the orders of the judicial authority and execute duties dictated to it by the Country's laws, and regulations.

**Article 41**

Citizens are all equal in rights and duties.

**Article 42**

Every citizen has the right to participate in the political, economic, cultural life of the country. The state shall guarantee freedom of thought and expression of opinion in speech, writing and photography within the limits of the law.

**Article 43**

The citizen has the right to elect and nominate himself as a candidate in an election, as well as the right to demonstrate his opinion in a referendum. The law shall regulate the provisions regarding the practice of this right.

**Article 44**

The law shall regulate Yemeni nationality. Any Yemeni shall not be deprived of his nationality. Once Yemeni nationality is acquired it may not be withdrawn except in accordance with the law.

**Article 47**

Criminal liability is personal. No crime or punishment shall be undertaken without a provision in the Shari'ah or the law. The accused is innocent until proven guilty by a final judicial sentence, and no law may be enacted to put a person to trial for acts committed retroactively.

**Article 48**

**a.** The state shall guarantee to its citizens their personal freedom, preserve their dignity and their security. The law shall define the cases in which citizens' freedom may be restricted. Personal freedom cannot be restricted without the decision of a competent court of law.

**b.** No individual can be arrested, searched or detained unless caught in the act (in flagrant delicto) or served with a summons from a judge or the Public Prosecutor, which is necessary for the progress of an investigation or the maintenance of security. No person can be put under surveillance unless in accordance with the law. Any person whose freedom is restricted in any way must have his dignity protected. Physical and psychological torture is prohibited. Forcing confessions during investigations is forbidden. The person whose freedom is restricted has the right not to answer any questions in the absence of his lawyer. No person may be imprisoned or detained in places other than those designated as such and governed by the law of prisons. Physical punishment and inhumane treatment during arrest, detention or imprisonment are prohibited.

**c.** Any person temporarily apprehended on suspicion of committing a crime shall be presented in front of a court within a maximum of 24 hours from the time of his detention. The judge or Public Prosecutor shall inform the detained individual of the reason for his detention and questioning and shall enable the accused to state his defense and rebuttals. The court then gives a justied order for the release of the accused or for the extension of his detention. In any cases, the Prosecutor is not entitled to continue detention of the accused individual more than several days except with a judicial order. The law shall define the maximum period of custody.

**d.** Upon arrest, for whatever reason, a person may immediately contact someone of his choice. The same notification shall be repeated whenever a court orders the continuation of the detention. If the nominated person can not be notified, the detainee's relative or concerned persons shall be notified.

**e.** The law shall determine the punishment for whosoever violates any of the stipulations of this Article and it shall also determine the appropriate compensation for any harm the person suffers as a result of such a violation. Physical or psychological torture at the time of arrest, detention or jail is a crime that cannot be prescribable. All those who practice, order, or participate in executing, physical or psychological torture shall be punished.

**Article 49**

The right to defend oneself in person or by representation is guaranteed during all periods of investigation and in front of all courts, in accordance with the rules of the law. The state shall guarantee judicial assistance to those who cannot afford it, according to the law.

**Article 51**

Citizens have the right of recourse to the courts to protect their rights and lawful interests. They also have the right to submit their complaints, criticisms, and suggestions to the various government bodies directly or indirectly.

**Article 53**

The state shall guarantee the freedom and confidentiality of mail, telephone, telegram and all other means of communication, none of which may be censored, searched, exposed, delayed or confiscated except in cases specified by law and according to a court order.

**Article 54**

Education is a right for all citizens. The state shall guarantee education in accordance with the law through building various schools and cultural and educational institutions. Basic education is obligatory. The state shall do its best to obliterate illiteracy and give special care to expanding technical and vocational education. The state shall give special attention to young people and protect them against perversions, provide them with religious, mental and physical education, and the appropriate environment to develop their aptitude in all elds.

**Article 55**

Health care is a right for all citizens. The state shall guarantee this by building various hospitals and health establishments and expanding their care. The law shall organize the medical profession. The expansion of free health services and health education among the citizens.

**Article 56**

The state shall guarantee social security for all citizens in cases of illness, disability, unemployment, old age or the loss of support. The state shall especially guarantee this, according to the Law, for the families of those killed in war.

**Article 57**

Freedom of movement from one place to another within the country is guaranteed for all citizens, and may not be restricted except by law and for reasons necessitated by the security and safety of the people. The law shall regulate entry and exit from Yemen. No citizen may be deported from or denied return to Yemen.

**Article 58**

In as much as it is not contrary to the Constitution, the citizens may organize themselves along political, professional and union lines. They have the right to form associations in scientific, cultural, social and national unions in a way that serves the goals of the Constitution. The state shall guarantee these rights, and shall take the necessary measures to enable citizens to exercise them. The state shall guarantee freedom for the political, trade, cultural, scientific and social organizations.

**Article 63**

The House of Representatives consists of 301 members, who shall be elected in a secret, free and equal vote directly by the people. The Republic shall be divided into constituencies equal in number of population with a variation of not more than 5% plus or minus. Each constituency shall elect a member to the House of Representatives.

**Article 107**

Every Yemeni who meets the following specified conditions may become a candidate for the post of the President of the Republic:

- To be at least forty years old.
- To be a descendant of Yemeni parents.
- To be at Liberty to practice his political and civil rights.
- To be of good character, practices his Islamic duties and has no dishonorable criminal record and if so, he has been reprieved.
- Not to be married to a foreign spouse or to enter into such a marriage during his term of office.

**Article 109**

The President of the Republic must perform the constitutional oath in front of the House of Representatives before assuming his responsibilities.

**Article 110**

The President of the Republic shall materialize the will of the people, respect the Constitution and law, protect national unity and principles and objective of the revolution. He shall adhere to the principle of a peaceful transition of power, supervise the sovereign tasks concerning the defense of the Republic and foreign policy, and exercise his authority according to the Constitution.

**Article 114**

Within ninety days prior to the expiry of the term of the President, procedures must be initiated to elect the new President. The election thereof must be completed at least one week before the expiry date. If such elections cannot take place for any reason, the former President continues his functions for a maximum of ninety days based on an authorization from the House of Representatives. The prolongation of the term for more than ninety days can only take place if the country is in a state of war or suffering a natural disaster or another emergency situation, under which electing the President becomes impossible.

**Article 115**

The President may submit his resignation, stating his reasons, to the House of Representatives which may accept it by an absolute majority vote of all its members. If the resignation is not accepted, the President may submit a further resignation within three months, and this time the House of Representatives is obliged to accept it.

**Article 117**

The law determines the salaries and appropriations of the President of the Republic, and he is not entitled to any other emolument or remuneration.

**Article 118**

The President of the Republic may not during his term, directly or indirectly, engage in any private business of any kind whether commercial, financial, or industrial. He is not allowed to buy or rent government property, not even through an open auction and he is not allowed to lease, sell, or barter any of his property to the State.

**Article 124**

The Vice President assists the President in his duties. The President may delegate some functions of his to the Vice President.

**Article 125**

A Consultative Council shall be formed by power of a Presidential Decree. Council members shall be drawn from a corpus of qualified individuals with professional expertise and from social dignitaries in order to widen the base of political participation and make use of national experts in the decision-making process. The Consultative Council shall have constitutional powers to:

1. Commission studies and forward proposals and recommendations to inform government agencies on issues such as development strategies and to contribute to institutional capacity-building of state agencies. The studies cited above shall aim at addressing social issues and thus consolidating national unity and social cohesion.
2. Give opinion and counsel to the President of the Republic at request.
3. Offer counseling and present informed opinion on the State's national strategies particularly in political, economic, social, military and security matters to assist state agencies in realizing these strategies at the local and national levels.
4. Provide counseling and offer informed opinion on the government's administrative reform programs and on modernization and institutional capacity- building issues.
5. Hold joint sessions in conjunction with the House of Representatives to second nominations for the office of the President of the Republic, approve socio- economic development plans and ratify agreements and treaties of defense, alliance, conciliation, peace and border concerns. In addition, members of the Consultative Council shall have the right to offer counseling and present informed opinion on matters forwarded by the President to the joint sessions.
6. Promote freedom of the press, cultivate the development of civil societies and sponsor studies aiming at improving the performance of these institutions.
7. Advance the cause of local authority through assessment studies with an eye on the promotion and cultivation of this democratic experience.
8. Assess the government's economic, financial, fiscal and investment policies and programs on an annual basis.
9. Review periodic reports issued by the Audit and Control Bureau and forward a summary report of these to the President of the Republic.

**Article 128**

The President of the Republic may be charged with grand treason, violation of the Constitution, or any other action that prejudices the independence and sovereignty of the country. Such a charge requires the petitioning of half of the House of Representatives. The indictment decision on this matter requires the support of two thirds of the House of Representatives and the Law stipulates the procedures of the trial. If the charge is directed at the President and his deputy, then the Presidency Board of the House of Representatives temporarily assumes the duties of the President and until the giving of the



court's verdict on the charge brought against the President. The House of Representatives shall pass the above mentioned law in the first regular round of its sessions once this Constitution takes effect. If the court's verdict finds either of the two guilty, then he is relieved of his post by the Constitution, and is then subject to the normal penalties of the law. In all cases, prescription shall not be applied to crimes stipulated in this article.

#### **Article 130**

The government is composed of the Prime Minister and his deputies and Ministers who together shall form the Council of Ministers. The law defines the general basis for organizing ministries and the various bodies of the State.

#### **Article 131**

The Prime Minister, his deputies and the Ministers shall meet the same conditions as must be met by a member of the House of Representatives, in addition, his age must not be less than thirty years, excepting the Prime Minister who must not be less than forty years old.

#### **Article 132**

In consultation with the President of the Republic, the Prime Minister chooses the members of his cabinet, and seeks the condence of the House of Representative on the basis of a program he submits to the House.

#### **Article 135**

The Law stipulates the salaries of the Prime Minister, his deputies, the ministers and vice-ministers.

#### **Article 138**

The Prime Minister shall manage the affairs of the Council of Ministers and shall head its meetings. He shall represent the Council in the implementation of the state's general policies and shall supervise the execution of Council decisions and overall state policies in a unified and coordinated manner. He may demand from any member of the cabinet reports on any matter pertaining to their ministries and the duties assigned to them, and they must comply with such demands.

#### **Article 139**

1. The President of the Republic and the House of Representatives has the right to place the Prime Minister, or his deputies or ministers under investigation and trial for any crimes committed by them in discharging their duties or as a consequence thereof. A decision of the House of Representatives to take such a measure shall be based on a proposal presented by at least one fifth of its members. The accusation may not be issued without the support of two thirds of the House.
2. Those accused according to paragraph 1 mentioned above shall be suspended from work until judgment is passed. Their dismissal may not stop the charge against them or the course of the charge.
3. The investigation and trial of the Chairman of the Council of Ministers, his deputies and ministers and the trial procedures and guarantee (of fairness) shall be as stipulated by Law.
4. The roles of the previous items are applicable to vice ministers.

**Article 141**

The Prime Minister, if it becomes clear that his cooperation with one of the members of the cabinet has become impossible, may request from the President the dismissal of the said member.

**Article 142**

If the Prime Minister becomes unable to carry out his responsibilities, or if the House of Representatives bars withdrawal of confidence from the Council of Ministers, or a general election for the House of Representatives is undertaken, the Prime Minister is obliged to tender the resignation of his government to the President of the Republic.

**Article 144**

Each minister is in charge of the supervision and direction of his ministry and its branches throughout the Republic. He is responsible for the execution of the government's overall policies in his ministry. The law specifies the resolutions and regulations that the Minister may issue to implement the law.