



The Republic of Rwanda
Justice, Reconciliation, Law & Order Sector Strategic Plan
July 2013 to June 2018

Table of Contents

List of Abbreviations.....	4
Chapter 1: introduction.....	5
CHAPTER 2: Overview of the JRLO Sector.....	6
a. Sector status, achievements, challenges and lessons learnt.....	6
b. Institutional overview of the JRLO Sector.....	10
Chapter 3: Sector Strategic Framework.....	17
a. Conceptual approach for the Sector.....	17
b. Current Sector challenges and proposed solutions to address them.....	18
c. Sector priorities.....	18
d. Sector outcomes.....	18
I. Linkages between sector & thematic outcomes.....	19
II. Foundational issues for the sector.....	19
III. Crosscutting issues.....	19
e. Strategies for achieving outcomes.....	19
e.1 OUTCOME 1: ENHANCED SECTOR CAPACITY & COORDINATION.....	22
e.1.1. Introduction.....	22
e.1.2. Output 1.1: Sector capacity building Strategy developed and implemented.....	23
e.1.3. Output 1.2: Sector Change Management Strategy implemented.....	24
e.1.4. Output 1.3: Sector Management Information System designed and implemented.....	25
e.1.5. Output 1.4: Networking and coordination of activities between JRLOS & other stakeholders strengthened.....	26
e.1.6. Output 1.5: Professional and Practical Legal Skills of both public and private Sector Legal Professionals enhanced.....	27
e.1.6. Output 1.6: Second Phase of ILPD building completed.....	27
e.2. OUTCOME 2: STRENGTHENED UNIVERSAL ACCESS TO quality (i. a. consistency) JUSTICE	28
e.2.1. Introduction.....	28
e.2.2. Output 2.1: Management of civil, criminal and commercial cases improved.....	29
e.2.3. Output 2.2: Period of pre-trial detention confined to the legal maximum.....	30
e.2.4. Output 2.3: Justice delivery at local level reinforced.....	31
e.2.5. Output 2.4: Legal aid policy established and implemented.....	32
e.2.6. Output 2.5: Execution of Court and Gacaca judgments improved.....	33
e.2.7. Output 2.6: Alternative penalties identified and implemented.....	33
e.2.8. Output 2.7: Quality of justice maintained.....	34
e.3. OUTCOME 3: EFFECTIVELY COMBATED IMPUNITY FOR INTERNATIONAL CRIMES, AND GENOCIDE IDEOLOGY, STRENGTHENED TRUTH TELLING AND RECONCILIATION.....	35
e.3.1. Introduction.....	35
e.3.2. Output 3.1: Prosecution and judgements of international crimes including genocide fugitives accelerated.....	36
e.3.3. Output 3.2: Community level dialogue, and awareness raising to combat genocide ideology intensified.....	38

E.4. OUTCOME 4: ENHANCED RULE OF LAW, ACCOUNTABILITY & COMPETITIVENESS	39
e.4.1. Introduction	39
e.4.2. Output 4.1: Improved legal and policy framework affecting the administration of justice	39
e.4.3. Output 4.2: Existing laws modernized, indexed and codified	40
e.4.4. Output 4.3: Mechanisms to fight injustice and corruption strengthened	41
e.4.5. Output 4.4: Rwandan laws are harmonised with EAC instruments and approximated with EAC Partner State's laws.....	42
e.4.6. Output 4.5: Rwandan laws harmonized and/or approximated with other regional and international ratified legal instruments (CEPGL, COMESA, COMMONWEALTH, etc.)	43
e.4.7. Output 4.6: Kigali International Arbitration Centre recognized as a center of excellence for domestic and international arbitration.....	43
e.4.8. Output 4.7: Written laws are consistently and effectively enforced.....	44
e.4.9. Output 4.8: Commercial Court system enhanced.....	45
 E.5. OUTCOME 5: MAINTAINED SAFETY, LAW AND ORDER AND, ENHANCED ADHERENCE TO HUMAN RIGHTS 46	
e.5.1. Introduction:	46
e.5.2. Output 5.1: Community participation and awareness of crime prevention improved	47
e.5.3. Output 5.2: Crime prevention capacity improved	49
e.5.4. Output 5.3: RNP's disaster management capacity improved.....	49
e.5.5. Output 5.4: Criminal investigation capacity enhanced	50
e.5.6. Output 5.5: Criminal records-keeping and statistical analysis improved	50
e.5.7. Output 5.6: Awareness and respect of human rights standards strengthened	52
e.5.8. Output 5.7: Improved detention facilities and conditions	53
e.5.9. Output 5.8: Improved productivity in RCS	54
 E.6. SECTOR PRIORITIES FOR DISTRICTS.....	56
 CHAPTER 4: IMPLEMENTATION of the ssp: ORGANISATION AND MANAGEMENT	58
a. Programme Management structure	58
 Chapter 5: Monitoring and evaluation	59
 CHAPTER 6: Costing and financing of the Sector strategic plan	61
a. Costing under the new Strategy: an explanatory note.....	61
 ANNEXES 62	
ANNEX 1: Sector monitoring matrix	62
ANNEX 2: Sector Priority/Policy Actions matrix	62
ANNEX 3: Institutions consulted.....	62
ANNEX 4: Linkages between sector and thematic outcomes.	63

LIST OF ABBREVIATIONS

ADR	Alternatives Disputes Resolution
CBO	Community Based Organization
CLO	Community Liaison Officer
CNLG	Commission Nationale de la Lutte contre le Génocide
CPC	Community Policing Officer
CSO	Civil Society Organization
DAFs	Directors of Administration and Finance
EDPRS	Economic Development and Poverty Reduction Strategy
ERMS	Electronic Record Management System
EU	European Union
DTS	Document Tracking System
FBO	Faith Based Organization
FY	Financial Year
GAB	Governance Advisory Board
GoR	Government of Rwanda
ICT	Information and Communication technology
ILPD	Institute of Legal Practice and Development
JRLOS	Justice, Reconciliation, Law & Order Sector
JSWG	Joint Sector Working Group
KIAC	Kigali International Arbitration Centre
LAF	Legal Aid Forum
LDU	Local Defence Unit
M&E	Monitoring and Evaluation
MAJ	Maison d'Accès à la Justice/ Access to Justice Bureau
MINALOC	Ministry of Local Government
MINECOFIN	Ministry of Finance and Economic Planning
MINIJUST	Ministry of Justice
MTE	Mid-term evaluation
MTEF	Medium term expenditure framework
NCHR	National Commission for Human Rights
NGO	Non-Governmental Organisation
NLRC	National Law Reform Commission
NPPA	National Public Prosecution Authority
NURC	National Unity and Reconciliation Commission
RBS	Rwanda Bar Association
RCN	Réseau des Citoyens/Citizen Network
RCS	Rwanda Correctional Services
RNP	Rwanda National Police
SE	Self-Evaluation
SG	Secrétaire General/Secretary General
SPE	Strategy Planning Exercise
SWAp	Sector-Wide Approach
SWG	Sector Working Group
TIG	Travaux d'Intérêt Général
TNA	Training Needs Assessment
TWG	Thematic Working Group
UNDP	United National Development Programme
UNICEF	United Nations children's Fund
UPR	Universal Periodic Review
USAID	United States Agency for International Development

CHAPTER 1: INTRODUCTION

The Rwanda Justice, Reconciliation, Law and Order Sector Strategy is a key component of the Government's EDPRS Governance Flagship Programme. The first JRLOS Strategy running from January 2009 to June 2012 has seen major achievements in justice provision in Rwanda. Building on this experience, the new Strategy is to set out the Government's agenda and spending priorities over the five year period from July 2013 to end June 2018.

The JRLOS purpose of strengthening the rule of law to promote accountable governance, a culture of peace, and enhanced poverty reduction contributes to the overarching EDPRS II goal:

This JRLOS purpose builds on five outcomes: 1. Enhanced Sector capacity and coordination, 2. Strengthened universal access to quality (i.a. consistency) justice, 3. Effectively combated impunity for international crimes and genocide ideology; strengthened truth-telling and reconciliation, 4. Enhanced rule of law, accountability and competitiveness, and 5. Maintained safety, law and order, and enhanced adherence to human rights.

The Strategy development process is based on a strategic planning exercise conducted in November–December 2011, involving senior officials from all the JRLOS institutions, civil society and development partners during a three-day retreat and includes the recommendations from the Mid-Term Evaluation carried out in December 2011. The framework for the Strategy was agreed in terms of the outcomes, outputs and key policy actions as well as the organisation and management structure¹. The Strategy reflects the following documents: Vision 2020, 7-Years Government Programme, 3rd JRLOS Peer Review retreat (June 2010), JRLOS EDPRS1 Self Evaluation, JRLOS Strategy 2009-2012, and the 2011 JRLOS Cross-Sector Needs Assessment.

JRLOS II aims to have a strong focus on, but not limited to Accountable Governance with an emphasis on Human Rights. It also mainstreams the cross cutting issues: 1. Capacity Building, 2. Regional Integration, 3. Gender and family, 4. Environment and climate change, 5. Disability and social inclusion, and 6. HIV/AIDS and non-communicable diseases. This is reflected in all outcomes and outputs as well as key policy actions throughout this Strategy.

The JRLOS II Strategy is to be understood as an integrated approach covering the strategic objectives of all JRLOS institutions. Finding solutions to challenges requires policy actions that cut across the Strategy's outcomes and outputs. The integrated causes and effects analysis of one pivotal issue, the delay in the disposal of cases, clarifies the need for inter-linkages to be acted upon, and for the coordination among the outcomes and outputs of different JRLOS institutions. This underlines the importance of an overall holistic approach to the proper implementation of the JRLOS II Strategy.

The Mission of the Sector: The JRLO Sector efficiently provides justice-related services to the people of Rwanda with the aim of transforming Rwanda into a country marked by the rule of law, accountable governance and a culture of peace thus contributing to socio-economic development and poverty reduction.

Overall objectives (purpose and outcomes) of the JRLO Sector:

The purpose of the Sector: Strengthened rule of law to promote accountable governance, a culture of peace, and enhanced poverty reduction.

The five prioritized outcomes of the Sector are:

1. Enhanced Sector capacity and coordination
2. Strengthened universal access to quality justice
3. Effectively combated impunity for international crimes, and genocide ideology; strengthened truth-telling and reconciliation
4. Enhanced rule of law, accountability and competitiveness
5. Maintained safety, law and order, and enhanced adherence to human rights

¹ See Annex IV: agenda for the Strategic Planning Exercise, and Annex V: the list of participants

CHAPTER 2: OVERVIEW OF THE JRLO SECTOR

a. Sector status, achievements, challenges and lessons learnt.

The first JRLOS Strategy and budgeting framework was formulated in November 2008. The Strategy was to guide all actions of the JRLOS institutions from January 2009 to June 2012, later extended to June 2013. The Mid-Term Evaluation summarised its findings in December 2011 as follows:

Phase I of JRLOS has seen major achievements. They include but are not limited to:

- 1. the acceptance by MINECOFIN and by JRLO institutions of JRLOS as a Sector within a scope and budget ceiling that is now clearly defined,*
- 2. an at times difficult but gradually improving transition from project type support on a bilateral basis between DPs and JRLO institutions to budget support, although it is also noted that some off project support still remains,*
- 3. a sound structure for policy direction, oversight, implementation and M&E in place and operating increasingly effectively and efficiently,*
- 4. the appreciation by all JRLO institutions – albeit within varying degrees – of the benefits of increased communication, coordination and co-operation not just as a funding mechanism but as a process through which change is generated,*
- 5. the processes in place lay a solid foundation for further stages of JRLOS.*

In more detail:

- Police report a reduction in number of crimes reported to them from 11.993 in 2009/10 to 11.091 in 2010/11, the number of crimes per 100.000 population has reduced from 115 in 2009/10 to 103 in 2010/11 amounting to a 14% crime reduction rate, the homicide rate has reduced from 3,43 in 2009/10 to 2,70 in 2010/11;*
- Judiciary, a total of 73.000 cases have been processed compared to a target of 63.000. The backlog has reduced by 9.096 through the continuous use of contractual judges;*
- NPPA, the conviction rate is 82% against a target of 80%;*
- RCS, prison occupancy rate has reduced from 121 % as reported in the March 2012 Joint Sector Review to now below 105 % , the total prison population has reduced from 130.000 in 2003-05 to now about 58.000 of which about 75% are genocide convicts;*
- Gacaca, more than 1,200,000 cases have been completed and focus is now on documentation of achievements and finishing some appeal cases.*

Credit for these achievements is based on the enormous effort that has been applied by the institutions involved as well as by the JRLOS Coordination Secretariat, NGOs and donors alike.

However, the relevance, impact and sustainability of JRLOS reforms is placed in perspective by concerns about changes of laws without sufficient consultations and continued project type support that is off budget with the risk of undermining the Sectorwide approach to justice.

Considering the opportunities and challenges defined by the historical and development context of Rwanda, JRLOS is now more important than ever, and it is crucial that all involved choose not only to stay engaged but also to deepen their commitment to the Sector.

Although progress has been reported by the Sector, the justice Sector continues to face numerous challenges including: the persistence of genocide ideology, lack of affordable and accessible justice for many, lack of accessible legal advice/aid/representation, considerable case backlog including a large number of land disputes, the need to build the capacity of personnel, etc. Findings and recommendations of the Mid-Term Evaluation are referred to as relevant in this Strategy.

In general:

- A top down, hierarchical and centralised approach to development and reforms which presents opportunities such as clear direction and commitment from above and improved coordination. However, this approach presents challenges for JRLOS such as poor initiative and ownership by the institutions.*

Access to Justice:

- Although physical access to justice had been strengthened, other aspects of access to justice such*

as knowledge of rights and understanding of procedures still remains a bottleneck not only for the general public but also for JRLOS officials, especially in the rural areas.

Efficiency & Effectiveness:

- Differences were found between institutions as far as organisational and management capacities were concerned. A key achievement was strategic plans for all institutions. However, some institutions still do not have properly staffed Planning Units.

Quality of Justice:

- An overemphasis on quantity over quality. Performance was measured primarily against the number of cases handled (throughput) and less on the fairness of the trial with the risk of creating perverse incentives to violate the right to fair trial, presumption of innocence, etc.

JRLOS at local level:

- A number of decentralised structures were found at district level and below (MAJ offices, *Abunzi*, Sector committees on human rights etc.). However, these decentralised entities were not well coordinated as JRLOS entities.

Relationship with development partners:

- Although there was a very positive and active engagement of development partners for financial and political support to JRLOS, there remained, however, a problem with off-budget project type support. This risked undermining the principle of a Sector wide approach by creating multiple reporting systems, and especially increasing instead of decreasing institutional dependency on projects to carry out institutional operations.

Relationship with NGOs:

- NGOs were very active and committed in phase I of the JRLOS Strategy, actively taking part in meetings of the *Joint Sector Working Group* as well as in *Thematic Working Group* meetings. They were accepted as an equal partner with the necessary space to make their independent and critical views known. However, limited understanding of the role that NGOs can play in relation to change was also found. The role of gap-filler in terms of service delivery was the most easily understood and accepted role of NGOs whereas the advocacy role was not always as welcome.

Management structure:

- Regular reviews and self-evaluation exercises strengthened a sense of partnership as well as the understanding of the concept of JRLOS and the changes required in terms of planning, budgeting, and reporting. However, communication between the various committees, for instance to ensure that decisions of the Steering Committee were addressed and implemented, needs to be strengthened. Likewise, internal communication within JRLOS institutions was also found to need strengthening with insufficient coordination between institutional departments. This was especially so between the core business staff (e.g. judges, prosecutors etc...) and the administrative support staff (e.g. Planners, Finance Officers etc...) within JRLOS institutions.

Financial Management structure:

- Budget discussions with MINECOFIN were conducted on a Sector basis. However, JRLOS institutions were not fully utilising budgetary trade-offs within the ceilings to achieve Sector objectives.
- Serious problems of procurement affected the Sector's capacity in general, while some institutions were more acutely affected than others.
- Budget execution has not been optimal and varied between institutions. Furthermore it did not conform to the program/subprogram/output/activity structure of the institutional action plans.

Based on a review of the key policy documents a detailed *issues analysis* was prepared. Reference is made to Annex II. The issues identified have been clustered under five outcomes that have been agreed as the framework of the new Strategy. In addition, during the strategic planning exercise, a *cause-effect analysis* was carried out in relation to the five core problems that were identified as the basis for the identification of the five outcomes. Reference is made to Annex II where the five core “challenges” are listed as:

- Week Sector capacity
- Limited access to quality justice
- Persistence of genocide ideology and challenges to unity and reconciliation
- Reports on breach of rule of law, inadequate accountability in some areas and abuse of human rights
- Need for improvement in safety, law and order.

These issues are further exacerbated by existing incentive structures, which often reward delay rather than resolution of cases. For example, reluctance of police and prosecutors to screen cases on the basis of merit since their performance is measured more on quantity (of cases registered) than on quality (number of non-deserving cases not pursued or withdrawn). Likewise, an analysis of the causes and effects of the central problem of delay in disposal of cases can also be illustrative. The example below is based on criminal cases but could equally well apply to civil cases: The key insight is that *issues cut across the Strategy outcomes and outputs*. Inter-linkages need to be actively sought and planned for to ensure optimal coherence and coordination among and across the outcomes – as well as among and across outputs. An overall holistic approach is needed to the implementation of the Strategy.

Pivotal problem: delay in disposal of cases

Effects – overcrowded prisons

The above weaknesses cause bottlenecks in the administration of justice and are of particular concern to the Prison Service which finds itself at the receiving end. The prison population is operating at an occupancy rate of 105 % (October 2011 - a detainee population of 59.872 compared to a capacity of 56.900 in the 14 correctional centres throughout the country). The capacity of prisons is overstretched, and some detainees awaiting trial overstay the maximum sentence for the crime they are charged with. This in turn leads to problems such as the following.

Effects- prison conditions that fail to meet international standards

Overcrowding contributes to a general situation of inadequate prison facilities for bathing, cooking, rehabilitation and recreation that fail to meet various standards required by applicable law, including the UN Standard Minimum Rules for the Treatment of Prisoners and recommendations of the Special Rapporteur on Prisons and Conditions of Detention in Africa. Over-crowding can contribute to life-threatening conditions of detention such as by the spread of disease. The issue is of even greater concern when there is breach of the international ban on mingling juveniles with adults in detention.

Effects- higher rates of recidivism

With overcrowded prisons, segregation between different categories of detainee is not possible. Those presumed innocent awaiting trial are mingled with convicted prisoners and recidivism rates tend to be increased. This is because individualized treatment of detainees is impeded and more impressionable prisoners or those that might otherwise be rehabilitated are ‘exposed’ to contact with ‘hardened’ prisoners. The connection between mingling of those on remand with convicted offenders, and increased recidivism is a global one recognised by bodies such as the UN African Institute for the Prevention of Crime and Treatment of Offenders.

Effects- violations of the right to trial within a reasonable time

Delay in the disposal of cases risks widespread violation of the human right to trial within a reasonable time.

Effects- increased opportunities for corruption

Irregular procedures and corrupt practices thrive in a system that is not transparent, where information on case load is not readily available, where the relevant justice agencies are not applying the principles of communication, cooperation, and coordination - and where the processing of cases is slow. The poor and vulnerable suffer the most in such a system since they do not have the means to afford the bribes required. This point relates to corrupt payment - as distinct from the cost of litigating/defending oneself.

Effects - loss of public confidence in the criminal justice system

As a consequence the public starts to lose confidence in the criminal justice system. This obviously has a negative impact. People start taking the law into their own hands, with increased mob justice as one result, ultimately crimes not even being reported – and on the civil side, contracts being effectively unenforceable from market-stall holders through to foreign direct investment.

Effects- Rwanda’s development

This has a wider impact for governance and society in general. These include loss to family incomes due to thousands of bread-winners spending years in arbitrary and/or unlawful detention – through to negative impacts on economic growth by acting as a disincentive for investment in the country. In addition, it has long been acknowledged that human rights violations such as these can contribute to conflict within society.²Thereby it negatively impacts on Rwanda’s efforts to comply with its international human rights obligations, including MDGs, the priorities for the JRLOS that are spelt out in the Vision 2020, the 7-year programme and the EDPRS.

²‘Today’s human rights violations are the causes of tomorrow’s conflicts’ – Mary Robinson, former UN High Commissioner for Human Rights.

These are just some of the visible, measurable effects of delayed disposal of cases, primarily considering the criminal side. Turning to the causes of delay in the disposal of cases, these include the following:

Pivotal problem of delays in disposal of cases – Causes:

Causes - increasing case backlog

Criminal justice agencies are provided with insufficient information on which they can plan, make policy decisions, assign cases, distribute resources, and schedule trials. A monitoring system that provides the relevant information in terms of caseload, categories of cases, breakdown per year of registration of cases, compliance with international and Constitutional standards, and performance by individual officers is critical to administering the criminal justice system. Where information is available, it is not systematically shared between the criminal justice agencies. Control of the movement of police and court files could be improved. Cases of accused who have been on remand for a long time are generally not prioritised. Cause-listing is characterised by bureaucratic procedures without final follow up or supervision. Court sessions are often organised without prior consultation with the other agencies, increasing the number of unnecessary dismissals or adjournments. Decisions about the handling of individual cases are not based on agreed standards for prioritisation in terms of the length of time spent on the case, the vulnerability of the person accused, the type of the case, etc. As a consequence the backlog of cases builds up.

Causes- frequent adjournments

Frequent adjournments cause delays in the disposal of cases. Judges and magistrates do not play a sufficiently proactive role to ensure the rights of the accused to a fair trial – including in a reasonable timeframe. Thus, adjournments proposed by the prosecution are often accepted as a matter of course and little or no justification for the adjournment is given.

Causes- poor case management

The criminal justice institutions are provided with limited information on their caseload, let alone a breakdown of the caseload in terms of categories of cases and year of registration of the case. With little information on caseload, nobody in the chain of the justice process has an overview of the pending cases and the backlog of cases that is building up and it becomes very difficult to prioritise cases. Likewise, it becomes very difficult to distribute cases evenly. And there is little or no attempt to introduce a system of specialised functions and divisions that could improve efficiency. The focus therefore tends to be on the case that happens to be in front of you rather than a systematic and prioritised approach to dealing with the total caseload.

Causes - poor communication, cooperation, and coordination among justice agencies

Many of the problems facing the justice Sector relate to the uncoordinated efforts and practices of the justice agencies, which, directly or indirectly, lead to delays in the disposal of cases.

Causes - inadequate case preparation by parties involved

The lack of communication, cooperation, and coordination in the administration of justice makes it more time consuming for justice agencies to effectively play their respective roles. The process of administration of justice is delayed and this in itself leads to increased workload and less time for the parties involved to be adequately prepared.

Causes - inadequate defence of accused persons

The justice system in Rwanda is operating within severe constraints in terms of funding and human resources. Ineffective and uncoordinated distribution of these limited resources further exacerbates this problem. The inadequate provision of an effective defence of accused persons is one of many inadequacies caused by these constraints. This problem is exacerbated when it comes to minors in conflict with the law. As the case cannot proceed without the assistance of a legal counsel, they are sometimes made to spend extended periods of time on remand.

Causes - lengthy procedures

Procedures applied within the justice Sector are often cumbersome, impractical and thereby fail to meet applicable international law fair trial standards. Some key procedures are old and have not been reviewed and updated for a modern environment.

Causes - non-appearance of witnesses and/or accused

Justice delayed is justice denied. This popular saying is highly relevant in relation to the role of witnesses. If the case is delayed, witnesses can lose interest and motivation to appear in court, and without the contribution of relevant witnesses the case will either collapse or be determined on a skewed basis. Delays in the appearance of witnesses result in delays in the disposal of cases.

Causes - Sector investment plan and JRLO SectorStrategy

In addition to the issues raised above there are logistical and infrastructure problems and problems related to insufficient staffing of justice agencies: police officers, prosecutors, judicial officers, prison officers. These constraints of numbers, capacity, and staff performance incentives need to be addressed as part of this integrated Strategy. This can be advanced based on prioritisation on the base of the existing overall needs assessment. However, in the future it should be possible through a more effective and efficient use of funds allocated towards the delivery of justice to address more of these concerns. A justice Sector that is better coordinated in terms of planning and budgeting will be in a much better position to argue a case for increased funding to support real needs – where they have been identified through Sector-wide analysis and prioritisation. The alternative is a situation where justice Sector institutions are competing for limited resources and simply asking for more of the same to address their individual institutional needs. A request from the Judiciary asking for more judges to address the problem of the backlog of cases or from prisons asking for more prisons to address the problem of overcrowded prisons is not very convincing unless it is supported by strategies and policies identified by the justice Sector to address the inter-linked causes and effects of delays in the disposal of cases.

The present Strategy, designed for 2013/14 – 2018, reflects these challenges and proposes key policy actions needed to respond to them in an effective and efficient manner.

b. Institutional overview of the JRLO Sector

The justice Sector is complex and brings together many actors. They include Government institutions, civil society organisations, development partners, and the private Sector.

The following is a list of Government member institutions of the JRLOS:

JRLOS Institution	Mandate
ILPD	<p>LAW N°22/2006 of 28/04/2006 ESTABLISHING THE INSTITUTE OF LEGAL PRACTICE AND DEVELOPMENT</p> <p>Article 3: The main responsibilities of ILPD are as follows:</p> <ol style="list-style-type: none"> 1. to provide legal professional education to those persons holding at least a Bachelor's Degree in Law; 2. to provide training to the personnel dealing with justice and thereto related activities; 3. to promote and widespread the research related to law; 4. to collaborate with other higher learning and research institutions within and outside Rwanda in as to 5. academic research fields aimed at promoting law and justice; 6. to support any other initiative aimed at promoting justice and law.
JUDICIARY	<p>THE CONSTITUTION OF THE REPUBLIC OF RWANDA OF 4 JUNE 2003 AS AMENDED TODAY</p> <p>(Amendment of 13/8/2008)</p> <p>Article 140:</p> <p>Judicial Power is exercised by the Supreme Court and other courts established by the Constitution and other laws.</p> <p>The Judiciary is independent and separate from the legislative and executive branches of government.</p> <p>[...]</p> <p>Justice is rendered in the name of the people and nobody may be a judge in his or her own cause.</p> <p>[...]</p> <p>Article 143:</p> <p>There are hereby established ordinary and specialized courts.</p> <p>Ordinary courts include the Supreme Court, the High Court, Intermediate Courts and Primary Courts.</p> <p>Specialized courts include Gacaca courts, Military Courts, Commercial courts and any other as may be determined by an organic law.</p> <p>An organic law may establish other courts or remove them.</p>
KIAC	<p>LAW N°51/2010 of 10/01/2010 ESTABLISHING THE KIGALI INTERNATIONAL ARBITRATION CENTRE AND DETERMINING ITS ORGANISATION, FUNCTIONING AND COMPETENCE</p> <p>CHAPTER III: ATTRIBUTIONS AND COMPETENCE OF THE CENTRE</p> <p>Article 4: Attributions of the Centre</p> <p>The Centre shall have the following attributions :</p> <ol style="list-style-type: none"> 1^o to provide a forum for the resolution of disputes through arbitration and other alternative dispute resolution; 2^o to promote the resolution of disputes by arbitration and alternative dispute resolution;

JRLOS Institution	Mandate
	<p>3^o to promote opportunities for educating the public through the media, delivering of lectures, holding of seminars on the subject of arbitration and alternative dispute resolution;</p> <p>4^o to publish or assist in the publication of proceedings of the Centre, of books, articles and papers on arbitration and alternative dispute resolution;</p> <p>5^o to sponsor study and research in arbitration and alternative dispute resolution and provide fellowships, grants to deserving applications;</p> <p>6^o to affiliate and co-operate with other centres, or organizations which have similar mission;</p> <p>7^o to provide accreditation for members of the Centre to act as arbitrators or mediators in resolving domestic and international disputes;</p> <p>8^o to promote the country regionally and internationally as a centre for international commercial arbitration;</p> <p>9^o to provide facilities and assistance necessary for the conduct of domestic and international arbitration;</p> <p>10^o to encourage domestic arbitration as a means of settling commercial and business disputes;</p> <p>11^o to advise the government on matters related to arbitration;</p> <p>12^o to maintain adequate, accurate and timely records of proceedings made in arbitration and to keep safely such records;</p> <p>13^o to perform such other function as the Centre may determine in furtherance of the Centre's mission.</p> <p>Article 5: Competence of the Centre</p> <p>The Centre is the only competent agency for arbitration on matters related to trade in Rwanda and other matters related to it as stipulated in this Law.</p>
<p>MILITARY JUSTICE</p>	<p>THE CONSTITUTION OF THE REPUBLIC OF RWANDA OF 4 JUNE 2003 AS AMENDED TODAY</p> <p>(Amendment of 13/8/2008)</p> <p>Article 143: Court Classification</p> <p>There are hereby established ordinary and specialized courts.</p> <p>[...]</p> <p>Specialized Courts include Gacaca courts, Military courts, Commercial courts and any other as may be determined by an organic law.</p> <p>[...]</p> <p>Article 153: Military Courts</p> <p>Military Courts comprise of <i>[sic]</i> the Military Tribunal and the Military High Court.</p> <p>An organic law determines the organization, jurisdiction and functioning of Military Courts.</p> <p>Article 154: The Military Tribunal</p> <p>Without prejudice to the provisions of Article 155 paragraph one, the Military Court tries in the first instance all offences committed by military personnel irrespective of their rank.</p> <p>Article 155: The Military High Court</p> <p>The Military High Court shall try in the first instance, all offences which constitute a threat to national security and murder committed by soldiers irrespective of rank.</p> <p>The Military High Court is an appellate court in respect of decisions rendered by the Military Tribunal.</p> <p>The Supreme Court shall hear appeals against decisions of the Military High Court in accordance with the provisions of the law.</p>

JRLOS Institution	Mandate
	<p>Article 163: The Military Prosecution Department</p> <p>There is hereby established the Military Prosecution Department responsible for the prosecution of offences committed by persons subject to the jurisdiction of military courts. It investigates and prosecutes offences before military courts.</p>
<p>MINIJUST</p>	<p>PRIME MINISTER'S ORDER No91/03 OF 25/08/2011 DETERMINING THE MISSION, FUNCTIONS, ORGANISATIONAL STRUCTURE AND SUMMARY OF JOB POSITIONS OF THE MINISTRY OF JUSTICE</p> <p>Article 2: Mission and functions</p> <p>The general mission of the Ministry of Justice shall be to organise and to oversee the promotion of the rule of law and justice for all. Specifically, the Ministry of Justice shall be responsible for:</p> <ol style="list-style-type: none"> 1. Developing, disseminating and coordinating the implementation of policies, strategies and programmes through: <ol style="list-style-type: none"> a. conception, elaboration and dissemination of national policies, strategies and programmes to promote the rule of law and justice for all; b. promotion of support mechanisms to the community programmes to enhance education of the population about laws and human rights, and to promote access to justice; c. promotion of cooperation between regional and international judicial institutions to improve the functioning of national judicial services. 2. Organising and coordinating national legislation through: <ol style="list-style-type: none"> a. elaboration of measures governing the administration of justice and the compliance with the Constitution; b. putting in place measures aimed at guaranteeing the quality of the national judicial system regarding national reconciliation, fight against Genocide ideology, access to justice for all, fight against corruption and promotion of human rights; c. harmonization of national laws and regulations with the international laws, acceded to and/or ratified by Rwanda and ensure the quality and consistency of their translation into national official languages. 3. Providing legal advice and representation of the Government and its institutions through: <ol style="list-style-type: none"> a. acting as chief Government technical adviser by providing requisite advice to Government and its institutions on legal matters; b. representing the Government in disputes of any kind to which it is party at the national and international levels. 4. Ensuring the institutional capacity development of the Justice Sector to improve their organisation and functioning. 5. Monitoring and evaluating the implementation of policies, strategies and programmes of Justice Sector and allied entities through: <ol style="list-style-type: none"> a. establishment and implementation of indicators to monitor and evaluate the impact of the Justice Sector policies, strategies and programmes on development and access to justice; b. consolidation of the data provided by the Justice Sector and decentralised institutions on justice matters; c. periodical and annual reports to the Government on the impact of the policies, strategies, programs and projects on the rule of law in Rwanda; d. mobilization of resources for the development of the Justice Sector and related programmes.
<p>MININTER</p>	<p>PRIME MINISTER'S ORDER N° 95-03 OF 25/08/2011 DETERMINING THE MISSION, FUNCTIONS, ORGANISATIONAL STRUCTURE AND SUMMARY OF JOB POSITIONS OF THE MINISTRY OF INTERNAL SECURITY</p> <p>Article 2: Mission and functions</p> <p>The general mission of the Ministry of Internal Security shall be to organise and oversee policing and security of people and of their property under the ambit of the Constitution and international law.</p> <p>Specifically, the Ministry of Internal Security shall be responsible for:</p> <ol style="list-style-type: none"> 1. Conceiving, disseminating and coordinating the implementation of policies, strategies and programs aimed at ensuring security of people and their property; 2. Regulating the security Sector and related subSectors through: <ol style="list-style-type: none"> a. elaboration of regulations governing the correctional system and the rules and regulation

JRLOS Institution	Mandate
	<p>framework of the Rwanda National Police;</p> <ol style="list-style-type: none"> b. implementation and dissemination of standards and norms applicable to the police and correctional environments. <ol style="list-style-type: none"> 3. Developing institutional and human resources capacities in the security Sector through: <ol style="list-style-type: none"> a. improving the institutional framework and the functioning of the institutions under its supervision; b. promotion of cooperation between regional and international institutions in charge of public order with the aim of fighting crimes and improving the functioning of the national services through exchange of expertise. 4. Monitoring and evaluating the implementation of policies, strategies and programs of security in the country through: <ol style="list-style-type: none"> a. establishing monitoring mechanisms to be implemented at the level of the institutions under supervision; b. monitoring and assessment of national policies, strategies and programs aiming at security of the people and of their property; c. making periodical and annual reports to Cabinet regarding the impact of the policies, strategies, programs and projects on internal security. 5. Overseeing the institutions under supervision through: <ol style="list-style-type: none"> a. orientation on specific programs to be realised by the institutions under supervision; b. supervision of the functioning and management of institutions under supervision of the Ministry for a better management of funds and finding solutions to common problems. 6. Mobilizing resources for the development of the security Sector and related programs through: <ol style="list-style-type: none"> a. mobilization of resources for the programmes of the Ministry and of its institutions and supervision of actions to ensure their rational utilization; b. promotion of partnership with private Sector to improve the prisons production and its marketing.
<p>NATIONAL POLICE</p>	<p>THE CONSTITUTION OF THE REPUBLIC OF RWANDA OF 4 JUNE 2003 AS AMENDED TODATE</p> <p>(Amendment of 13/8/2008)</p> <p><u>Article 169:</u></p> <p>The State has the following security organs:</p> <ol style="list-style-type: none"> 1. The National Police; 2. The National Security Service; 3. The Rwanda Defence Forces. <p>A law may determine other security organs.</p> <p><u>Article 170:</u></p> <p>The National Police exercises its authority over the entire national territory.</p> <p>It must serve the people particularly on the basis of the following principles:</p> <ol style="list-style-type: none"> 1. safeguarding the fundamental rights guaranteed by the Constitution and the law; 2. harmonious collaboration between the National Police and the Community which it serves; 3. the accountability of the National Police to the Community; 4. informing the population on how the Police is fulfilling its mission. <p><u>Article 171:</u></p> <p>The National Police has the following functions:</p> <ol style="list-style-type: none"> 1. ensuring compliance with the law; 2. maintenance of internal public order; 3. ensuring security of person and property; 4. providing urgent humanitarian assistance in case of disasters, calamities and accidents; 5. ensuring respect for the law relating to air space, borders and waters; 6. combating terrorism; 7. participating in international peacekeeping missions, humanitarian assistance and training. <p>The law determines the organization, functioning and powers of the National Police.</p>

JRLOS Institution	Mandate
<p style="text-align: center;">NCFG</p>	<p>LAW N° 09/2007 OF 16/02/2007 ON THE ATTRIBUTIONS, ORGANISATION AND FUNCTIONING OF THE NATIONAL COMMISSION FOR THE FIGHT AGAINST GENOCIDE</p> <p><u>Article 4:</u></p> <p>The Commission’s mission shall be as follows:</p> <ol style="list-style-type: none"> 1. to put in place a permanent framework for the exchange of ideas on genocide, its consequences and the strategies for its prevention and eradication; 2. to initiate the creation of a national research and documentation centre on genocide; 3. to advocate for the cause of genocide survivors both within the country or abroad; 4. to plan and coordinate all activities aimed at commemorating the 1994 genocide; 5. to elaborate and put in place strategies that are meant for fighting genocide and its ideology; 6. to seek for assistance for genocide survivors and pursue advocacy as to the issue of compensation; 7. to elaborate and put in place strategies that are meant for fighting revisionism, negationism and trivialization; 8. to elaborate and put in place strategies meant to solve genocide consequences such as trauma and other diseases which resulted from genocide; 9. to cooperate with other national or international organs with similar mission.
<p style="text-align: center;">NCHR</p>	<p>LAW N° 30/2007 OF 06/07/2007 DETERMINING THE ORGANIZATION AND FUNCTIONING OF THE NATIONAL COMMISSION FOR HUMAN RIGHTS</p> <p><u>Article 4: Responsibilities of the Commission</u></p> <p>The Commission has the general responsibility of promoting and defending human rights.</p> <p>Its special responsibilities include the following:</p> <ol style="list-style-type: none"> 1. educating and mobilizing the population on matters relating to human rights; 2. examining the violations of human rights committed within the territory of the Republic of Rwanda by State organs, public officials using their duties as cover, organizations and individuals; 3. carrying out investigations of human rights abuses in Rwanda and filing complaints with competent courts; 4. collaborating with other organs in designing strategies to prevent violations of human rights; 5. reacting to reports on human rights in Rwanda subject to the independence of the Commission; 6. preparing and disseminating reports on human rights conditions in Rwanda on a yearly basis and any time as deemed necessary ; 7. providing views on bills relating to human rights upon request or at its own initiative; 8. sensitizing relevant Government Institutions as regards ratification of International Conventions relating to human rights and integrating them in existing internal laws; 9. 10° carrying out visits to places of detention to check whether the rights of detainees are being respected; 10. providing relevant Government Institutions with suggestions as to action which may be taken in case of human rights violations for their rectification and punishment in accordance with the law; 11. collaborating with Human Rights Commissions of other countries, national associations and International Organizations as regards activities aiming at respecting and promoting human rights; 12. sensitizing relevant Government Institutions as regards submission on time the reports relating to International Conventions on Human Rights ratified by Rwanda.
<p style="text-align: center;">NLRC</p>	<p>ORGANIC LAW N° 01/2010/OL OF 09/6/2010 ESTABLISHING THE NATIONAL LAW REFORM COMMISSION</p> <p><u>Article 5: Mission of the Commission</u></p> <p>The Commission shall be generally and permanently responsible for following up the development of laws and their reform.</p> <p>Specifically, the Commission shall be responsible for:</p>

JRLOS Institution	Mandate
	<ol style="list-style-type: none"> 1. analysing the laws of Rwanda with the view of providing recommendations to competent authorities for improvement, modernization and reform of those laws in order to: <ol style="list-style-type: none"> a. abrogate obsolete or incompatible, inconsistent provisions of laws; b. propose new methods and new concepts of laws that suit with the changing needs of the Rwandan society ; c. support and improve the effective administration of justice; 2. conducting a study aimed at evaluating existing laws in the country in order to determine those that are not implemented and to advise appropriately; 3. advising the Government and the Parliament on reform of laws in order to make them consistent with the Constitution; 4. preparing draft laws relating to legislation that requires reform; 5. identifying laws provided for by the Constitution and drafting them; 6. receiving and considering any proposals for reform of the laws that are submitted by an institution or any interested person; 7. harmonizing applicable national laws with those of the state members of international organizations to which Rwanda is a member and international instruments which Rwanda has ratified; 8. providing to the public institutions legal advice on a draft law or any other legal issue; 9. collaborating with other public and private institutions, whether national or international, as well as national or international non-governmental organizations with regards to legal issues.
<p style="text-align: center;">NPPA</p>	<p>THE CONSTITUTION OF THE REPUBLIC OF RWANDA OF 4 JUNE 2003 AS AMENDED TODAY (Amendment of 13/8/2008)</p> <p>Article 160:</p> <p>There is hereby established a National Public Prosecution Authority responsible, inter alia, for investigation and prosecution of crimes committed in whole country.</p> <p>The National Public Prosecution Authority shall enjoy administrative and financial autonomy.</p> <p>Article 161:</p> <p>The National Public Prosecution Authority is a single institution. It shall comprise the Office of the Prosecutor General, public prosecution at the intermediate level and public prosecution at the primary level.</p> <p>[...]</p> <p>An organic law shall determine the organization, powers and functioning of the National Public Prosecution Authority.</p> <p>The statute of prosecutors and other personnel of the National Public Prosecution Authority shall be governed by a specific law.</p> <p>Article 162:</p> <p>The National Public Prosecution Authority shall be under the authority of the Minister in charge of justice.</p> <p>In matters relating to prosecution of offences, the Minister in charge of justice shall determine general policy and may, for public interest, issue written instructions to the Prosecutor General to undertake or refrain from investigating and prosecuting of an offence.</p> <p>He/she may also, in cases of urgency and in public interest, issue written instructions to any prosecutor to investigate and prosecute or refrain from investigating and prosecuting an offence and inform the Prosecutor General of such instructions.</p> <p>Prosecutors shall be independent from parties to judicial proceedings and judges.</p>
<p style="text-align: center;">NURC</p>	<p>THE CONSTITUTION OF THE REPUBLIC OF RWANDA OF 4 JUNE 2003 AS AMENDED TODAY (Amendment of 13/8/2008)</p> <p>Article 46: NATIONAL UNITY AND RECONCILIATION COMMISSION</p> <p>Article 178 of the Constitution of the Republic of Rwanda of June 4, 2003 as amended to date is amended as follows:</p> <p>“The National Unity and Reconciliation Commission is an independent national institution. Its responsibilities shall include the following in particular:</p> <ol style="list-style-type: none"> 1. preparing and coordinating the national programme for the promotion of national unity and

JRLOS Institution	Mandate
	<p>reconciliation;</p> <ol style="list-style-type: none"> 2. putting in place and developing ways and means to restore and consolidate unity and reconciliation among Rwandans; 3. educating and mobilizing the population on matters relating to national unity and reconciliation; 4. carrying out research, organizing debates, disseminating ideas and making publications relating to peace, national unity and reconciliation; 5. making proposals on measures able to eradicating divisions among Rwandans and reinforcing national unity and reconciliation; 6. denouncing and fighting against acts, writings and utterances which are intended to promote any kind of discrimination, intolerance and xenophobia; 7. issuing reports annually and anytime whenever it is deemed necessary on the situation of national unity and reconciliation. <p>The National Unity and Reconciliation Commission shall submit each year its program and activity report to the President of the Republic and the Senate and provide a copy thereof to other State organs as determined by the law.</p> <p>A law shall determine the organization and functioning of the Commission”</p>
<p>OMBUDSMAN</p>	<p>LAW N° 17/2005 OF 18/08/2005 MODIFYING AND COMPLEMENTING</p> <p>LAW N°25/2003 OF 15/08/ /2003 ESTABLISHING THE ORGANISATION AND THE FUNCTIONING OF THE OFFICE OF THE OMBUDSMAN</p> <p>Article 3:</p> <p>Article 7 of Law n° 25/2003 of 15/08/2003 establishing the organization and functioning of the Office of the Ombudsman is modified and complemented as follows:</p> <p>The responsibilities of the Office of the Ombudsman are as follows:</p> <ol style="list-style-type: none"> 1. to act as a link between the citizen and public and private institutions; 2. to prevent and fight against injustice, corruption and other related offences in public and private administration; 3. to receive and examine, in the context mentioned above, complaints from individuals and independent associations relating to acts of civil servants, state organs, and private institutions and to mobilise such civil servants and institutions in order to find solutions to such complaints if it finds they are well founded; 4. to receive annually and the faithful declaration of the assets from the following persons: <ol style="list-style-type: none"> a. the President of the Republic; b. the President of the Senate; c. the Speaker of the Chamber of Deputies; d. the President of the Supreme Court; e. the Prime Minister f. Members of Cabinet; g. Senators and Deputies; h. Generals and high ranking Officers of the Rwanda Defence Forces ; i. Commissioners and high ranking officers of the National Police; j. Leaders of the National Security Service; k. Prefects of provinces and the Mayor of the City of Kigali; l. District, Town or Municipality Mayors; m. Career Judges, Career Prosecutors and Judicial Police Officers; n. those in charge of receiving, managing and controlling the public finance and property, those responsible for public tenders in administration, commissions, and specialised public institutions, local administration, parastatals, public institutions with private management, institutions in which the government holds shares, state-owned projects and officials of those institutions; o. those in charge of taxes and revenues; p. other employees as mentioned in the annex to this law; 5. to advise Cabinet and other concerned institutions as regards strengthening and improving their policy of preventing, fighting and punishing corruption and other related offences; 6. to make a follow up of how policy of preventing and fighting against injustice, corruption and related offences is implemented by public and private institutions; 7. to make a follow up on the respect of laws relating to conduct politicians and other leaders; 8. to sensitize the population to refrain from corruption and other related crimes in general and to

JRLOS Institution	Mandate
	<p>train service employees either in public and private institutions or non-government organisations;</p> <p>9. to identify and make public the list of persons definitively convicted for corruption and other related offences and the sentences they received;</p> <p>10. to contribute to strengthening of good governance in all institutions by drawing the attention of such institutions where their functioning and inter relations are weak due to their contradiction with the law, with their respective attributions, with the State general policy or because they have negative impact to the population;</p> <p>11. to sensitize the population on working together with public and private institutions to build the country and not fearing to denounce bad practices based on injustice, corruption and related offences;</p> <p>12. to advise the public and private institutions as to improvement of the quality of services delivered to the population;</p> <p>13. to submit annually its plan of action and activity report to the President of the Republic and the parliament and reserve copies to other state organs mentioned in Article 23 of law n° 25/2003 of 15/08/2003 establishing the organization and functioning of the Office of the Ombudsman.</p>
RCS	<p>LAW N°34/2010 OF 12.11.2010 ON THE ESTABLISHMENT, FUNCTIONING AND ORGANISATION OF RWANDA CORRECTIONAL SERVICE (RCS)</p> <p>Article 4: Responsibilities of RCS</p> <p>The main responsibilities of RCS are as follows:</p> <ol style="list-style-type: none"> to implement the general policy for the management of detainees and prisoners; to respect the rights of detainees and prisoners in accordance with the law; to ensure the security of every detainee and prisoner until the completion of his/her sentence; to respect the life, physical and moral integrity and well-being of detainees and prisoners; to implement effective strategies to enable detainees and prisoners to repent and change their mentality; to ensure effective management of prisons and persons serving TIG penalty; to oversee the functioning of the administration of prisons and TIG; to promote productivity and its effective management in prisons and TIG; to develop professional skills and build capacity of RCS employees; to develop the skills of detainees and prisoners, and plan sports and leisure activities for them; to increase the assets of RCS; sensitisation of RCS activities.

The table below notes the partners of the Sector:

Development Partners	Civil Society Organizations	Partner Organisations
Delegation of the European Union	International Justice Mission	Rwanda Bar Association
Embassy of Sweden	Legal Aid Forum	Kigali International Arbitration Centre
Embassy of The Netherlands	RCN Justice & Democracy	Independent Bailiffs Body
UNDP	RISD	
UNICEF	OXFAM	
USAID	SURF	

CHAPTER 3:SECTOR STRATEGIC FRAMEWORK.

a. Conceptual approach for the Sector

The JRLOS II Strategy is the continuation of the JRLOS I Strategy covering the period 2009 to June 2013. Both strategies are an integral part of the Economic Development and Poverty Reduction Strategies which define the path to the achievement of the objectives of the Vision 2020. More specifically this present Strategy is aligned with the EDPRS II contributing to the realization of the enhanced targets of the Vision 2020.

JRLOS was officially established by the Prime Minister's Order No. 123/03 of 13/10/2010. Prior to the Prime Minister's Order, multiple efforts and initiatives had been undertaken since 2003 when the MINECOFIN introduced a policy of Sector Wide Approaches. This present Strategy shall be the cornerstone in the elaboration of individual JRLOS institutional strategies i.e. all institutional programs will be clearly linked to the outcomes of this Strategy.

Furthermore, Rwanda's 2003 Constitution provides that it is a monist state. A treaty therefore automatically becomes part of domestic law upon ratification and requires no extra steps for it to be relied upon before its courts for example. In Rwanda, international law is automatically superior to national law.³ For JRLOS this provides a direct source of detailed performance standards and indicators for this Strategy.

The JRLO Sector is part of the EDPRS II Governance Flagship Programme. The Sector's purpose and five outcomes show the contribution that the Sector will make to strengthen accountable governance in Rwanda. Ultimately, this will contribute to achieving the EDPRS II goal **ADD GOAL**.

New priorities and innovations proposed:

- A coordinated approach based on the NICI-III plan which leads to the implementation of an integrated Sector-wide ICT Strategy substantiated by a Sector management information system and a case management system shared by all Sector institutions covering all central and decentralized entities.
- Use of soft factors for development as there are human resource development with an emphasis on change management and increase of Sector efficiency by introduction of organizational changes.
- The Sector focuses on ensuring the development of regional legal systems to benefit the people of Rwanda.
- The operationalization of the decentralized JRLOS committees on District level.

b. Current Sector challenges and proposed solutions to address them

The Strategic planning exercise conducted with the representatives of the sector institutions jointly with the development partners and representatives of the NGOs revealed that the Justice Sector continues to face numerous challenges including: the persistence of genocide ideology, lack of affordable and accessible justice for many, lack of accessible legal advice/aid/representation, considerable case backlog including a large number of land disputes, the need to build the capacity of personnel and many others. This led to the setting of the priorities of the Sector resulting in the development of 5 priority outcomes for the JRLOS II strategy

c. Sector priorities

The five sector wide priorities for the JRLOS II are:

1. To enhance the sector wide capacity and coordination
2. To strengthen the universal access to quality (i. a. consistency) justice
3. To effectively combat impunity for international crimes and genocide ideology; and to strengthen truth-telling and reconciliation
4. To enhanced rule of law, accountability and competitiveness
5. To maintained safety, law and order, and enhance adherence to Human Rights

d. Sector outcomes

The five prioritized outcomes of the Sector are:

1. Enhanced Sector capacity and coordination
2. Strengthened universal access to quality justice
3. Effectively combated impunity for international crimes, and genocide ideology; strengthened truth-telling and reconciliation
4. Enhanced rule of law, accountability and competitiveness
5. Maintained safety, law and order, and enhanced adherence to human rights

³Article 190 of the Constitution of Rwanda provides for the monist approach: "Upon their publication in the official gazette, international treaties and agreements which have been conclusively adopted in accordance with the provisions of law shall be more binding than organic laws and ordinary laws except in the case of noncompliance by one of parties."

I. Linkages between sector & thematic outcomes

The Sector carried out an in depth analysis on the linkages between the outcomes of JRLOS II and the EDPRS thematic areas with the aim to distinguish between direct and indirect linkages. The JRLOS outcomes clearly contribute and are directly linked to the thematic area of “Accountable Governance” of the EDPRS 2. However, the five identified priorities/outcomes are all in some way or another indirectly linked to all Thematic Areas of the EDPRS II as shown the table Annex XX:

II. Foundational issues for the sector.

The Foundational issues in JRLOS are:

1. Security;
2. Safety;
3. Human Rights.

III. Crosscutting issues

Strategies on cross-cutting issues such as Capacity Building, Gender and Family, HIV/AIDS and Non-Communicable Diseases, Environment and Climate change, Disability and Social Inclusion and Regional Integration are awaiting practical guidance from MINECOFIN. There are, however, benefits to be gained from being more proactive and from developing JRLOS specific policies on key cross cutting issues. These are in any event obligations based on international and regional treaties Rwanda has signed and ratified.

The situation in relation to gender and equality can illustrate this: The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the Beijing Platform for Action form the international background against which gender issues are addressed in Rwanda and within the JRLOS Institutions. Likewise, at the regional level, gender equality is recognised as a fundamental right. The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (known as the Maputo Protocol) highlights the disparities between men and women in legal rights, power sharing, decision-making, access to and control of productive resources. It highlights the status and recognises women as the majority poor. The need to mainstream gender in a coordinated and comprehensive manner is also noted.

Article 8 is of particular relevance to JRLOS institutions as it refers to Access to Justice and Equal Protection before the Law. It states that: “women and men are equal before the law and shall have the right to equal protection and benefit of the law. States Parties shall take all appropriate measures to ensure:

- a) *effective access by women to judicial and legal services, including legal aid;*
- b) *support to local, national, regional and continental initiatives directed at providing women access to legal services, including legal aid;*
- c) *the establishment of adequate educational and other appropriate structures with particular attention to women and to sensitise everyone to the rights of women;*
- d) *that law enforcement organs at all levels are equipped to effectively interpret and enforce gender equality rights;*
- e) *that women are represented equally in the judiciary and law enforcement organs;*
- f) *reform of existing discriminatory laws and practices in order to promote and protect the rights of women.”*

In becoming party to this treaty, these provisions are part of the minimum standards Rwanda has set for JRLOS to respect, protect and fulfil.

e. Strategies for achieving outcomes

The following five chapters (chapter e.1 – e..5) provide a narrative description of the five outcomes and their

respective outputs and key policy actions that must be taken to achieve them.⁴For each intended outcome there is a brief summary of the cause – effect analysis of the core problem underlying it that justified the inclusion of the outcome in the Strategy. The narrative then describes the key issues that will be considered under that outcome as well as some of the key policy actions that are necessary to achieve it

The Sector's goal is **Strengthened rule of law to promote accountable governance, a culture of peace, and enhanced poverty reduction**. This means strengthening the consolidation of the norm (established in International Law and in the Constitution of Rwanda) that the law must apply equally to everyone. Everyone in Rwanda should have equal access to the protection the law affords, and should be equally bound by the responsibilities the law imposes. Each of the five JRLO Strategy outcomes contributes directly to strengthening this vital principle of good governance, and leading to enhanced poverty reduction.

Access to justice is a fundamental right, as well as a key means to defend other rights. It is essential for poverty eradication and human development as well as a means to address inequalities in power, an important precondition to achieve MDGs, etc...

The five outcomes and their outputs and key policy actions that form the framework for the Strategy for the JRLO Sector over the five year planning period are summarised below.

Outcome 1: Enhanced Sector capacity and coordination

- Output 1.1: Sector Capacity Building Strategy developed and implemented
- Output 1.2: Sector Change Management Strategy implemented
- Output 1.3: Sector Management Information System designed and implemented
- Output 1.4: Networking and coordination of activities between the JRLOS institutions and other stakeholders strengthened.
- Output 1.5: Professional and practical legal skills of both public and private Sector lawyers enhanced.
- Output 1.6: Second phase of ILPD building completed

Outcome 2: Strengthened universal access to quality (i. a. consistency) justice

- Output 2.1: Management of civil, criminal and commercial cases improved
- Output 2.2: Period of pre-trial detention confined to the legal maximum.
- Output 2.3: Justice delivery at local level reinforced
- Output 2.4: Legal aid policy established and implemented
- Output 2.5: Execution of Courts and Gacaca judgments improved
- Output 2.6: Alternative penalties identified and implemented
- Output 2.7: Quality of judgments maintained

Outcome 3: Effectively combated impunity for international crimes and genocide ideology; Strengthened truth-telling and reconciliation

- Output 3.1: Prosecution and enforcement of judgements in international crimes, including genocide, accelerated
- Output 3.2: Dialogues and awareness raising for promotion of unity fostered and genocide ideology combated

Outcome 4: Enhanced rule of law, accountability and competitiveness

- Output 4.1: Improved legal and policy framework affecting the administration of justice
- Output 4.2: Existing laws modernized, indexed and codified
- Output 4.3: Anti-injustice and anti-corruption mechanisms strengthened
- Output 4.4: Rwandan laws are harmonized with EAC instruments and approximated with EAC Partner State's laws
- Output 4.5: Rwandan laws are harmonized and/or approximated with other regional and international ratified legal instruments (CEPGL, COMESA, Commonwealth etc...)
- Output 4.6: Kigali International Arbitration Centre established as a centre of domestic and international

⁴The draft Strategy outlines *what* is to be achieved (objectives) and *why*. Key policy actions spell out *how* the Strategy is to be implemented. They are the main actions that are necessary to achieve the objective (output) to which they relate (they tend to be long-term). Each key policy action will need to be sub-divided into smaller, step-by-step activities spelling out the planning and implementation needed. Identifying these step-by-step activities enables the identification of what *inputs* – financial, human, and material resources – are needed to implement the key policy actions and achieve the objectives (outputs). Sample activities are mentioned and a more comprehensive identification of activities is intended to be developed as part of the annual budget and work-plan.

arbitration

- Output 4.7: Written laws are consistently and effectively enforced.
- Output 4.8: Commercial Court system enhanced

Outcome 5: Maintained safety, law and order, and enhanced adherence to Human Rights

- Output 5.1: Community participation, crime awareness and crime prevention improved
- Output 5.2: Crime prevention capacity improved
- Output 5.3: RNP's disaster management capacity improved
- Output 5.4: Criminal investigation capacity enhanced
- Output 5.5: Criminal record-keeping and statistical analysis improved
- Output 5.6: Awareness and respect of human rights standards strengthened
- Output 5.7: Improved detention facilities and conditions
- Output 5.8: Improved productivity in RCS

e.1 OUTCOME 1: ENHANCED SECTOR CAPACITY & COORDINATION

The six outputs under outcome 1 are:

- Output 1: Sector capacity building Strategy developed and implemented
- Output 2: Sector change management Strategy implemented
- Output 3: Sector Management Information System designed and implemented
- Output 4: Networking and coordination of activities between the JRLOS institutions and other stakeholders strengthened.
- Output 5: Professional and practical legal skills of both public and private Sector lawyers enhanced.
- Output 6: Second phase of ILPD building completed.

e.1.1. Introduction

The thirteen institutions of JRLOS have jointly agreed to work together to deliver a single Sector Strategy. However, a wide range of interactions are needed between Sector institutions which need to be well managed if the SWAp is to be advanced. Following the previous Sector Strategy (January 2009 – June 2012), the Sector agreed on coordination and management structures (as presented in chapter 7) to better coordinate and implement decisions in the Sector. Among these structures, the Secretariat, though hampered by a lack of staff, has played a crucial role to maintain and further develop JRLO as a Sector. Of the other structures created within JRLOS (Leadership Group, Steering Committee, Joint Sector Working Group and Thematic Working Groups) only the Steering Committee and the Joint Sector Working Group have been really active although considerable progress has been made to strengthen the roles and commitment of the other committees including the restructuring of the TWGs. Enhanced coordination and capacity are the driving forces for the Sector.

The justification for including this outcome in the Strategy is based on an analysis of causes and effects in relation to the problem of weak capacity and poor coordination in the Sector. The list of causes and effects is based on the analysis conducted during the strategic planning exercise:

Causes of limited capacity and of coordination in the Sector:

- Lack of a Sector capacity building Strategy.
- Lack of a change management system.
- Gaps in communication vertical and horizontal or within institutions.
- Absence of a staff retention Strategy.
- Limited information sharing and management

Effects of limited capacity and coordination in the Sector:

- Poor Sector capacity and coordination
- Lack of communication, cooperation and coordination among justice Sector institutions and other stakeholders
- High staff turnover
- Poor service delivery
- Inefficiencies and waste of resources

Four outputs are intended to address the causes and the effects of the limited capacity and coordination in the Sector in order to broaden the impact of JRLOS as a whole and thereby contribute to achieving the JRLOS goal. Each of them is necessary and relevant to achieve the outcome. Each output includes a number of key policy actions. Each policy action can then be broken down into one or more activities to be implemented during the five-year Strategy. In this way, results (targets) can be identified which will be reviewed and amended annually during the Joint JRLO Sector Review. Possible annual targets are included under each output.

Expected result after five years: SWAp to broaden policy dialogue and develop a single Sector policy fully operational.

e.1.2. Output 1.1: Sector capacity building Strategy developed and implemented

A Sector capacity building Strategy will be designed and implemented. This is to achieve a high level of coordination between institutions on the one hand; and between institutions and development partners on the other. Regarding the former, communication between the various JRLOS committees - to ensure that decisions of the Steering Committee are addressed and implemented - is in need of strengthening. To this end, JRLOS has restructured the TWGs. TWG I will deal with all elements of the budget cycle, including Sector and institutional planning, budgeting and reporting; TWG II on ICT is charged with coordinating all investments and usage of all ICT resources (human resources, hardware, software), including the development and installation of the JRLOS Management Information System; TWG III deals with policy issues; TWG IV is responsible for the internal and external communication of the key policy actions endorsed by the Steering Committee.

In addition, it is also necessary to strengthen co-ordination between JRLOS and development partners. In some cases, project type support has undermined the principle of Sector budget support (SBS). With the new Strategy, development partners will need to strengthen their internal communication and coordination to facilitate collection and consolidation of data by the Sector Secretariat. A strong lead DP is needed as the counterpart to the lead ministry (MINIJUST) and the Sector Coordinator in the JRLOS Secretariat.

A key policy action in order to achieve better results in terms of capacity building, the Sector coordination and management structures is to develop and implement a strategic plan for it. Examples of activities for this key policy action include the following:

- a) outline ToR for a Sector capacity building Strategy development process;
- b) identify consultants to support the development of the capacity building Strategy
- c) strengthen the Secretariat staff in order to enforce its pivotal role;
- d) reduce project type support by development partners;
- e) strengthen the Steering Committee through the participation on a regular basis of all inspectorate units in the Sector (to report on the achievements and challenges from their institutions);
- f) improve the efficiency of TWGs through the appointment of qualified permanent officials to them from all the institutions;

Moreover, the Sector as a whole lacks an integrated human resource Strategy and is facing serious problems of procurement. These deficiencies can be addressed through a series of activities such as:

- a) Design and develop together with MIFOTRA a comprehensive Sector Human Resource Strategy. The new Strategy will be structured around a policy on rewards and compensation, recruitment, selection, induction, mentoring, professional development and performance management to better motivate the Sector employees and to support career development needs of employees;
- b) Train staff on the new Sector human resource Strategy to increase their management capacity, motivation and skills under the new roles as identified by the Strategy.
- c) Follow up on the recommendations of the Sector Needs Assessment of June 2011
- d) Strengthen the capacity of procurement staff to increase their skills and competence levels to efficiently and effectively manage procurement processes.

Annual expected results within this output are as follows:

Year 1:

- Secretariat understaffing problem resolved;
- Participation process of Inspectorate units in SC completed;
- Appointment of qualified permanent members to TWG from all the institutions completed;
- Sector capacity building Strategy approved and adopted;
- Training of staff on the new Sector human resource Strategy initiated (activity to be carried over the 5 years of this Strategy);

Year 2:

- Strengthen the capacity of procurement staff initiated (activity to be carried out from the second to fifth year of this Strategy);
- Organisational structure assessments completed for five JRLOS institutions

Year 3:

- Organisational structure assessments completed for ten JRLOS institutions
- Recommendations from organisational structure assessment implemented for five JRLOS institutions
- 40% of recommendations of the capacity building Strategy implemented

Year 4:

- Organisational structure assessments completed for all JRLOS institutions
- Recommendations from organisational structure assessment implemented for ten JRLOS institutions
- 75% of recommendations of the capacity building Strategy implemented

Year 5:

- 100% of recommendations of the capacity building Strategy implemented
- Recommendations from organisational structure assessment implemented for all JRLOS institutions

e.1.3. Output 1.2: Sector Change Management Strategy implemented

Notwithstanding the positive developments during the implementation of phase I of this Strategy, the Mid-Term Evaluation found that a major weakness has been poor leadership and ineffective management. There was insufficient appropriation of the Sector strategic vision at management level both on the support and core business side. The job profiles both at management and technical level were not amended towards the needs of a Sector wide approach which led to the wrong perception that Sector related activities are disconnected from institutional activities.

The new Strategy will address these deficiencies through the development and implementation of a Sector Change Management Strategy. Examples of activities that will be undertaken in support of this key policy action include the following.

- a) Outline ToR for a Sector Change Management Strategy development process; identify consultants to support the development of the Change Management Strategy
- b) Influence management ownership and its strategic mission. Then strengthen management capacity to effectively manage new roles and responsibilities in all Sector institutional processes. Improve the leadership and management capacity of staff (training, mentoring and skills development in order to encourage flexibility). Reform the leadership culture and improve procedures for delegation of tasks, decision making and staff supervision and accountability;
- c) Develop and implement organisation-wide, aligned, robust, relevant, efficient, clear, transparent, simple and feedback oriented Sector performance management systems, including SWAp oriented job profiles.
- d) Where necessary automate institutional processes; effective management information systems in priority departments to increase efficiency;
- e) Build-up Planning Units (PUs) at the institutional level; strengthen the relationship with and coordination between the planning and inspectorate functions – as well as the finance departments;
- f) Re-design budget performance systems to reflect “value for money”;
- g) Build and strengthen the capacity of planning and budgeting departments in specific institutions in order to achieve the alignment of institutional action plans to overall objectives of JRLOS.

Annual expected results within this output are as follows:

Year 1:

- Sector change management Strategy – to include a performance management system - approved;
- Planning Units operating according to agreed standards in five JRLOS institutions;
- Coordination between inspectorate and finance departments/units improved ;
- Alignment of institutional action plans to overall objectives of JRLOS in five JRLOS institutions effectively operating;

Year 2:

- Training of the staff on the new Sector change management Strategy initiated (activity to be carried out from year 2 to 5 of the five-year implementation Strategy);

- PUs operating according to agreed standards in ten JRLOS institutions and coordination between inspectorate and finance departments/units improved accordingly;
- Alignment of institutional action plans to overall objectives of JRLOS operating effectively in ten JRLOS institutions;
- Re-design of budget performance systems to reflect “value for money” completed;

Year 3:

- PUs operating according to agreed standards in all JRLOS institutions and coordination between inspectorate and finance departments/units improved accordingly
- Alignment of institutional action plans to overall objectives of JRLOS operating affectively in all JRLOS institutions;
- 40 % of recommendations of the change management Strategy implemented

Year 4:

- 75 % of recommendations of the change management Strategy implemented

Year 5:

- 100 % of recommendations of the change management Strategy implemented

e.1.4. Output 1.3: Sector Management Information System designed and implemented

The management of information needs to be strengthened to achieve JRLOS purposes and objectives. Databases, which are available, need to be upgraded to become institutional management information systems which also link registries for improved communication and coordination. A management information system is not intended simply as a means of providing computers to the institutions. It is to make information sharing and coordination in the Sector more effective and efficient to avoid gaps or duplication in activities and to provide informed decision-making processes. The Sector aims to address deficiencies and improve the prioritisation of data collection and the reporting processes within and between all the Justice Sector institutions.

The new Strategy will address these deficiencies through the development and implementation of a Management Information System. This initiative is included in the NICI-III plan (National Information and Communication Infrastructure) and includes the development of the JRLOS MIS. Examples of activities that could be undertaken in support of this key policy action include the following.

- a) Implement the Sector MIS according to the enterprise architecture produced by RDB
- b) Introduce mechanisms to strengthen the M&E and the ICT departments staff capacity; as well as supporting the Secretariat and JRLOS member institutions to upscale their skills and competencies;

Annual expected results within this output:

Year 1:

- JRLOS MIS approved;
- MIS staffing capacity completed;

Year 2:

- Training the staff on the basis of the recommendations from the MIS Strategy (RDB enterprise architecture blueprint) initiated (to continue between year two and five of the Strategy);
- MIS equipment installed and operating according to recommendations in five JRLOS institutions;

Year 3:

- Information sharing within and between institutions strengthened and protocols completed;
- MIS equipment installed and operating according to recommendations in five more JRLOS institutions
- Institutional processes automated and effective MIS operating in five JRLOS institutions;
- 40 % of recommendations of the MIS implemented

Year 4:

- MIS equipment installed and operating according to recommendations in all JRLOS institutions;
- Institutional processes automated and effective MIS operating in ten JRLOS institutions;
- 75 % of recommendations of the MIS implemented

Year 5:

- 100 % of recommendations of the MIS implemented
- Institutional processes automated and effective MIS operating in all JRLOS institutions;

e.1.5. Output 1.4: Networking and coordination of activities between JRLOS & other stakeholders strengthened

NGOs have played an important role in providing baseline information and initiating pilot schemes based on the chain of justice (backlog project) as well as supporting legal service provision. One of the main commitments of the Government of Rwanda for this Strategy is decentralisation, with the establishment of district JRLOS committees. There are therefore new opportunities for improving the collaboration with NGOs at both national and district level. This is an opportunity to further support their roles and functions and to develop best practices such as the adoption of key policy actions designed to strengthen Sector accountability from the bottom-up.

There is also a need to strengthen coordination with institutions and agencies responsible for cross cutting issues.

This key policy action is intended to be initiated within this output.

Examples of activities that could be undertaken in support of key policy actions include the following.

- a) JRLOS strengthens coordination with NGOs in terms of research and reporting as a means to independently verify a situation, and advocate regarding progress on human rights including access to justice. This will be tested on a pilot basis in areas where the new justice Sector district committees are being established (phase I). Roles and functions of NGOs will be clarified between JRLOS and MINALOC. Activities which respect the independence of NGOs as a means to strengthen decentralization of justice delivery will be developed (phase II). Roll out could then take place based on the experience generated (phase III).
- b) Best practice guidelines derived from NGO activities will be developed and made operational.

Expected annual targets within this output are as follows:

Year 1:

- Roles, functions and scope of the pilot project for improved coordination with NGOs agreed;
- Strengthened cooperation between JRLOS and relevant institutions and agencies responsible for cross cutting issue

Year 2:

- Best practice guidelines regarding NGOs activities in JRLOS approved;
- Roll out based on the experience generated from the pilot project to five districts;

Year 3:

- Roll out based on the experience generated from the pilot project to ten districts;
- Best practice guidelines from NGOs activities made operational and implemented as part of roll out of pilot project;

Year 4:

- Roll out based on the experience generated from the pilot project to 20 districts;

Year 5:

- Roll out based on the experience generated from the pilot project to all districts;

e.1.6. Output 1.5: Professional and Practical Legal Skills of both public and private Sector Legal Professionals enhanced

ILPD is the Sector institution with the mandate and responsibility for training and skills development in the JRLOS. The Prime Minister's Skills Gap Paper provides ILPD with a major opportunity to improve the level of professional skills in the Sector. The development of basic professional skills by ending the backlog of practising judges and prosecutors who do not have the Diploma in Legal Practice is also a high priority. This should be achieved by 2015-6. If Rwanda is to maintain a competitive position in the EAC legal market and improve its level of skills, the rate of training of private Sector lawyers must also increase.

ILPD will also extend the range of its training services to other institutions in the Sector beyond its traditional stakeholders the Judiciary, the NPPA and the KBA. It will offer new certificate level courses to professionalise legal services to both the public and private Sectors. It will expand the range of its short courses.

ILPD is the research centre of JRLOS for the development of policy. It will complete its first three research papers in 2013 and embark on a further research programme.

The major threats to the achievement of this output are the failure to complete the ILPD building programme and changes in funding.

Annual expected results:

Year 1. Diploma in Legal Practice

2013	150 students graduate
2014	270 students graduate
2015	304 students graduate
2016	310 students graduate
2017	310 students graduate

BACKLOG OF PUBLIC SECTOR CLEARED-priority shifts to Private Sector

Year 2. Diploma in Legislative Drafting

2013	56 students graduate
2014	56 students graduate
2015	56 students graduate
2016	56 students graduate
2017	56 students graduate

BACKLOG OF PUBLIC SECTOR CLEARED priority shifts to EAC market

Year 3. Continuing Legal Education

- a) Certificate courses 2 new ones per year 2013-17
- b) Short courses 5% increase per year in numbers trained 2013-17

e.1.6. Output 1.6: Second Phase of ILPD building completed.

The construction of the ILPD Administrative and teaching building started in 2008. The first phase of the building was completed in mid-2010. The construction work remained pending because of financial constraints. The lack of adequate facilities affects the performance of the Institute since it remains with the option of conducting trainings in hotels outside its premises which makes the courses to be expensive.

The construction work of the second building is expected to start in FY 2013/2014 and shall be extended on three financial years.

Annual respected results

- Year 1: Construction work done up to 40%
- Year 2: Construction work done up to 90%
- Year 3: Construction of the second fully completed

e.2. OUTCOME 2: STRENGTHENED UNIVERSAL ACCESS TO quality (i. a. consistency) JUSTICE

The seven outputs under outcome 2 are:

Outputs:

- Output 2.1: Management of civil, commercial and criminal cases improved
- Output 2.2: Period of pre-trial detention confined to the legal maximum.
- Output 2.3: Justice delivery at local level reinforced
- Output 2.4: Legal aid policy established and implemented
- Output 2.5: Execution of Court and Gacaca judgements improved
- Output 2.6: Alternative penalties identified and implemented
- Output 2.7: Quality of justice delivery maintained

e.2.1. Introduction

Government and the JRLOS I Strategy (January 2009 – June 2013) have taken substantial steps and initiatives to make justice more accessible to the people of Rwanda. The most important initiatives have included: moves towards a national system of accessible legal advice and representation through the establishment of MAJ offices in all districts; and the development of the Abunzi (mediation committees) at the community level, as well as the organisation of the annual legal aid week.

It is one of the prime duties of the State to provide accessible justice for all. A Constitution setting out guaranteed rights, and even good laws made under it is not enough. Laws must be enforced, justice made accessible country wide. Justice must be 'decentralised' and include regulated informal approaches in order to achieve genuine access for all. Civil society has a key role to play, but the responsibility for justice delivery (and for funding justice delivery) lies solely with the State.

An analysis of causes and effects in relation to the problem of limited access to quality justice has justified the inclusion of this outcome in the Strategy. The following list of causes and effects is based on the analysis conducted during the Strategic Planning Exercise:

Causes and effects of limited access to justice:

- Poor record keeping both at pre-trial and post-trial levels causing prolonged stay in detention without trial and delays in the processing of cases
- Lack of screening at the level of RNP and NPPA means too many minor criminal cases enter the formal justice system.
- Alternative Dispute Resolution and arbitration systems exist at the higher levels of the justice system. However, these are insufficient so that many civil litigants have no option but to bring their case to the formal justice system.
- Cases and complaints that enter the justice system are often ill defined (a factor fuelled by very low court fees at the lowest levels)
- Abunzi tend to misinterpret their role and mandate as mediators
- There are limited funds for legal aid – both civil and criminal. There are also concerns about ensuring fair distribution of the limited funds that are meant to focus on the poor and vulnerable
- Judgements are often not sufficiently reasoned
- There is a limited understanding of the mediation role of Abunzi
- There is lack of awareness of rules and procedures
- It takes a long time to process cases
- Delays and backlogs on all court levels
- Low confidence in the justice Sector (both cause and effect)
- Extended pre-trial remand for vulnerable people including children

It is noted that Rwanda accepted all of the 2011 Universal Periodic Review recommendations made within the context of justice. Of particular relevance to this context, is Rwanda's undertaking to "Continue the legal reform process, including the incorporation of a plan of action to ensure access to justice by poor people and vulnerable groups, in particular women and children."⁵

⁵<http://www.upr-info.org/-Rwanda-.html>

Expected result of this outcome after five years: Justice delivered in a reasonable time in all cases (civil and criminal) with legal advice and representation universally accessible.

e.2.2. Output 2.1: Management of civil, criminal and commercial cases improved.

The key actors within the criminal and civil justice chain are the RNP, NPPA, RBA, MINIJUST, Judiciary, RCS and the Bailiffs. Processing a case through the criminal/civil justice system involves complex interactions between these different actors. There are weaknesses in the chains – both in individual institutions and in interactions between them. A weakness in one institution will impact on the performance of another. For example court cases can be delayed by the Prison Service failing to transport a prisoner to court for a hearing, or by the Prosecutor failing to prepare the case for trial. Files and documents can be lost or delayed between institutions. The institutions are currently working with individual document management systems (ERMS for the Judiciary, GloboDocs for NPPA, DTS for MINIJUST etc...) which are not integrated, causing duplication and inefficiency.

ILPD has currently commissioned an end-to-end process map of the criminal and civil justice system study. The recommendations of this study need to be implemented and need to be integrated during the implementation of the systems proposed under the enterprise architecture that shall be drawn from RDB. All institutions involved in the adjudication of justice (criminal/civil) must be trained on all adjusted procedures and tools.

Mechanisms, at the level of RNP and NPPA, will also be identified and implemented for a better screening of case files to ensure that only meritorious cases (adequate evidence to support a prosecution) are allowed to enter the system. This is essential to the State's obligation to prevent human rights violations such as arbitrary or unlawful detention. In addition, the introduction of pre-trial conferences will facilitate the preparation of a case for trial and allow for the identification of the relevant evidence including witnesses to be heard.

The Kigali International Arbitration Centre will contribute to the reduction of case backlog in commercial courts.

The NPPA and the RCS will monitor closely the legality of any pre-trial detention of children and suggest release on parole for those who are (or about to be) detained illegally, in line with Art. 60, 61, 62, and 63 of the Law Nr 54/2011, related to the rights and protection of the child.

In order to avoid what has been revealed by the baseline carried out by the ministry of justice on the situation of minors in conflict with the law⁶, the judge to whom a minor related case is referred will assess if the appointed lawyer is acquainted enough with the case of his/her young client. If not, the judge will adjourn the proceedings and fix another date for the hearing in order to allow the counsel to get well prepared to provide sound legal counsel to the child, according to Article 185 of the Code of Criminal Procedures.

The key policy actions are the development of the integrated Sector wide Management Information System, based on the assessment of the institutional assessment of the existing process architecture, as well as the operationalization of the Kigali International Arbitration Centre to reduce the number of cases entering the commercial court system.

Expected annual results within this output are as follows:

Year 1:

- Manuals on improved record keeping reflecting the adjusted procedures developed and adopted

Year 2:

- Training in case management as well as court and prosecution administration delivered
- Recommendations from manual on improved record keeping implemented in five JRLOS institutions
- Handbook on best practice guidelines for the criminal and civil justice process developed and approved
- Customer care manual developed and approved

Year 3:

⁶..MINIJUST, *The situation of minors in conflict with the law in Rwanda, Comprehensive report, August 2011, p.23*

- Recommendations from manual on improved record keeping implemented in ten JRLOS institutions
- Recommendations from customer care manual adjusted and implemented in five JRLOS institutions
- Level of satisfaction regarding the formal court system improved by 10% (see Annex VIII B regarding disaggregation of such data and guidance for the implementation of effective surveys of public confidence)
- Case processing time of selected priority case types reduced by 10 %
- Case backlog in formal courts and prosecution reduced by 20 %

Year 4

- Recommendations from manual on improved record keeping implemented in all JRLOS institutions
- Recommendations from customer care manual adjusted and implemented in ten JRLOS institutions
- Level of satisfaction of the formal court system improved by 15%
- Case processing time of selected priority case types reduced by 15%
- Case backlog in formal courts and prosecution reduced by 30 %

Year 5:

- Recommendations from customer care manual adjusted and implemented in all JRLOS institutions
- Level of satisfaction of the formal court system improved by 20%
- Case processing time of selected priority case types reduced by 20 %
- Case backlog in formal courts and prosecution reduced by 50%

e.2.3. Output 2.2: Period of pre-trial detention confined to the legal maximum

The time taken to process a case from arrest to sentence will in most cases have an effect on the time spent in pre-trial detention. Measures to improve case management undertaken under output 1 will assist in reducing that time.

Initiatives specifically aimed at reducing pre-trial detention will be introduced under output 2. These measures are intended to be applied in light of the detailed legal framework applicable, in this case to pre-trial detention in Rwanda.

These measures include more frequent inspections of places of detention including both police cells and prisons.

In addition, a review of long-term cases of detention will facilitate the identification of prisoners in need of special attention.

The activities that will be undertaken in support of key policy actions within this output are the following:

- To support the identification of anomalies in places of detention (accused persons overstaying the constitutional time limit, juveniles in detention, inappropriate lack of segregation of accused persons, accused persons overstaying on remand, situation analysis of the operation of the right to bail etc.)
- More frequent inspections by the NPPA
- Institute judicial control of detention
- Establish a mechanism for quality control of legal counsel provided to children
- Institute power to prisons to release at end of the authorized detention.

Expected annual results within this output are as follows:

Year 1:

- Regular inspections of places of detention and reporting on recommendations carried out
- Cases of anomalies identified and corrective measures taken
- Strengthen the quality control mechanisms of legal counsel provided to children in conflict with the law
- Development of manuals on standards and procedures for the management of rehabilitation centres for convicted minors

Year 2:

- Regular inspections of places of detention and reporting on recommendations carried out
- Cases of anomalies identified and corrective measures taken
- Pre-trial detention is compliant with the law for 50% of the minors in conflict with the law
- Mechanism is set for follow up of former detained minors reinsertion in the community

Year 3:

- Time taken to process criminal cases from arrest to sentencing reduced by 10 %
- Average duration of pre-trial detention reduced by 10 %
- Pre-trial detention is compliant with the law for 70% of the minors in conflict with the law

Year 4

- Time taken to process criminal cases from arrest to sentencing reduced by 15 %
- Average duration of pre-trial detention reduced by 15 %
- Pre-trial detention is compliant with the law for 90% of the minors in conflict with the law

Year 5:

- Time taken to process criminal cases from arrest to sentencing reduced by 20 %
- Average duration of pre-trial detention reduced by 20 %

e.2.4. Output 2.3: Justice delivery at local level reinforced

To implement universal access to justice, the Government of Rwanda has recognised the importance of promoting dispute resolution at the community level. The focus of Government efforts is to strengthen the *Abunzi* (community mediation committees) which operate at the cell level. *Abunzi* deal with disputes of relatively low value and relatively minor criminal cases. In practice, they typically deal with cases related to land, succession, family, paternity, marriage, domestic abuse, common assault and theft.

The *Abunzi* was intended as a community mediation/dispute resolution service. It is designed to decentralise justice, making it affordable (it is free) and accessible. The focus on mediation has the potential to resolve conflicts and improve relationships, which the more formal court system is less suited to do. However, in practice it is treated as a required step for any case falling within its jurisdiction – so that parties cannot go directly to the formal court system.

Abunzi are being trained by MINIJUST through the MAJ. NPPA has conducted a training programme for *Abunzi*, judicial police officers, prosecutors and local authorities on the functioning and collaboration of these organs in order to improve their services. The *Abunzi* system has reduced the number of cases going to the formal court system.

Further sensitisation and training is needed to clarify the functions of *Abunzi*. Greater awareness of the role of the *Abunzi* is needed given concerns about exceeding their role as mediators and functioning as courts. A particularly critical area is training and monitoring regarding human rights. International experience suggests that community-based justice can – without proper training, awareness-raising, and accountability mechanisms - be discriminatory (based on gender, ethnicity, political opinion etc.). Furthermore, the jurisdiction of the *Abunzi* will be expanded to mediate conflicts between people living in different cells but within the same Sector.

Expected annual results within this output are as follows:

Year 1:

- Policy direction to make Alternative Dispute Resolution mechanism compulsory before court procedures are initiated
- Justice Sector district committees operational in ten districts

Year 2:

- Justice Sector district committees operational in twenty districts

Year 3:

- Justice Sector district committees operational in all districts
- User perception of *Abunzi* justice increased by 10%

Year 4:

- User perception of *Abunzi* justice increased by 10%

Year 5:

- User perception of Abunzi justice increased by 10%

e.2.5. Output 2.4: Legal aid policy established and implemented

Rwanda has undertaken to respect the human right to legal advice and representation in a range of situations, and this must be provided by the State where individuals are unable to pay for it themselves. In criminal cases the requirement covers *“any case where the interests of justice so require, and without payment by him in any case if he does not have sufficient means to pay for it”*. The right to legal aid has been extended to civil cases through judicial interpretation by international bodies. It is central to the right to an effective remedy, such as for those seeking to protect their socio-economic rights.

Thus legal aid may be necessary in a dispute between neighbours over land; or a case of denial of inheritance rights; to protect free expression; if a person has been subject to gender based violence etc. In most instances these disputes will not end up in a court – but a clear understanding of the legal rights and responsibilities of the parties involved, and of how to enforce them, can facilitate fair dispute resolution.

Legal advice at local level is mainly provided by MAJ. The functioning of the MAJ will be strengthened and more staff needs to be recruited. In strengthening the MAJ special attention must be paid to their capacity to provide legal advice to vulnerable groups especially women and minors.

In the minority of cases that do go to court (for example because a serious criminal offence is alleged to have been committed) more specific support is required. It is vital that defendants in criminal trials (particularly those accused of serious crimes carrying severe penalties) are given their human and constitutional right to proper legal representation. Currently the majority of defendants in criminal trials are unrepresented and without access to legal advice – which should be available from the point of arrest.

Other than that, it has been civil society organisations that have led the way in fulfilling the State’s duty to provide legal advice and assistance at the community level. Their services tend to be focused on particular groups e.g. women and children, and land, succession and family cases. In addition, lawyers organised within the Rwanda Bar Association continue to provide free representation to juvenile defendants in criminal cases.

Despite these initiatives many weaknesses remain in the provision of legal advice and representation. They include a highly fragmented and uncoordinated service provision with limited awareness about the availability of legal services, limited awareness that this is to be expected as a human right; limited funding and limited outreach to vulnerable groups such as prisoners, women, children and orphans beyond the urban areas. In this regard, the Bar and the Judiciary need to establish quality control mechanisms of legal counsel provided to minors in conflict with the law, women and orphans in order to meet their right to be provided with sound legal counsel.

Key policy actions to address these concerns include the formulation and implementation of a legal aid policy as support to the introduction of the relevant regulatory framework and sensitization of the population including local authorities of the law and their legal rights. The Rwanda Bar Association has a public mandate to provide pro bono legal assistance in cases involving minors. Consideration should be given to supporting RBA’s effort to provide professional lawyers at all stages for minors in conflict with the law. In addition, the establishment of a database to facilitate the management and prioritization of such cases should be supported.

Examples of activities that could be undertaken in support of key policy actions include the following.

The law governing the legal profession will be amended to include the implications resulting from the legal aid policy. The legal aid fund will be replenished

Expected annual results within this output are as follows:

Year 1:

- Legal aid policy implemented
- Increased MAJ staff

Year 2:

- Legal aid fund established and operational

Year 3:

- Proportion of accused persons legally represented at one or more court appearances in their cases increased by 20 %
 - Uptake on legal aid fund increased by 50 %
- Year 4:
- Proportion of accused persons legally represented at one or more court appearances in their cases increased by 25 %
 - Uptake on legal aid fund increased by 75 %
- Year 5:
- Proportion of accused persons legally represented at one or more court appearances in their cases increased by 30 %
 - Access to legal advice and representation universally available at cell level

e.2.6. Output 2.5: Execution of Court and Gacaca judgments improved

Justice is not delivered if judgements are not executed and confidence in rule of law is also undermined. The Mid-Term Evaluation recommended that initiatives to further strengthen the understanding of the linkages and synergies in the “river of justice” should be undertaken. A review of the system for the enforcement of civil and criminal judgements is needed together with a review of the role and regulation of professional and non-professional bailiffs. Reform of the system is intended to follow, taking into account international best practice and implementing recommendations on a pilot basis.

Examples of activity that could be undertaken in support of this key policy action include the following. The recommended handbook on Best Practice Guidelines for the criminal and civil justice process using human rights based performance standards (this is referred to in output 1 above) will include performance standards for the enforcement of judgements.

Expected annual results within this output are as follows:

- Year 1:
- Study analysing bailiffs system and general enforcement mechanisms conducted
 - Strengthened minimum standards for the recruitment and supervision of bailiffs approved
 - Training for bailiffs and other enforcers delivered
- Year 2:
- Recommendations from study on bailiffs system and general enforcement mechanisms implemented in selected pilot areas
 - Strengthened minimum standards for the recruitment and supervision of bailiffs implemented
- Year 3:
- Average time taken from delivery of a judgment to its enforcement reduced by 10 % in selected pilot areas
 - Number of complaints against professional bailiffs reduced by 20 %
- Year 4:
- Average time taken from delivery of a judgment to its enforcement reduced by 15 % in selected pilot areas
 - Number of complaints against professional bailiffs reduced by 25 %
- Year 5:
- Average time taken from delivery of a judgment to its enforcement reduced by 20 % in selected pilot areas
 - Number of complaints against professional bailiffs reduced by 30 %

e.2.7. Output 2.6: Alternative penalties identified and implemented

Prisons are reported to be currently operating at a capacity of 105 % with a jail capacity of 56,900 and an

actual occupation of 59.872 prisoners. This is much improved compared to just a few years earlier.⁷ Whether or not there is over-crowding as an additional justification, human rights standards require that in appropriate cases alternatives to imprisonment be applied; as well as requiring that the system be designed to rehabilitate offenders.

Community service (TIG) has been introduced for genocide convicts and measures to expand this scheme should be considered. The new penal code has expanded alternative sentencing to a number of crimes but not all. Alternative measures are critical in the case of other vulnerable groups such as expectant and breastfeeding mothers, chronically ill and people living with disabilities. The Organic Law Nr. 01/2012/OL of 20/15/2012 instituting the Penal Code provides for three alternative penalties: payment of a fine, community service as alternative to imprisonment and suspension of a sentence.

Other measures that could be tested include diversion programmes for juveniles and petty offenders; the introduction of parole for prisoners who have served part of their sentence based on criteria to be agreed upon. Such reductions in the prison population would also strengthen opportunities for rehabilitation. These include implementation of prisoner classification schemes and steps to pave the way for re-insertion into society upon release from prison.

Key Policy Actions under this output will be to implement proposals for alternatives to imprisonment and to strengthen the mechanisms to manage TIG

Examples of activities that could be undertaken in support of such key policy actions include the following. To develop sentencing guidelines with regard to alternatives to imprisonment, training of correctional officers and training of judges on the application of alternative sentencing. Any activities developed should be in line with international and regional best practice.

Expected annual results within this output are as follows:

Year 1:

- Mechanisms for the expansion of Community Service to cover more case types implemented

Year 2:

- Number of convicts qualifying for alternative punishment who are given non-custodial sentences increased by 15 %

Year 3:

- Number of convicts qualifying for alternative punishment who are given non-custodial sentences increased by 15 %

Year 4:

- Number of convicts qualifying for alternative punishment who are given non-custodial sentences increased by 20 %

Year 5:

- Number of convicts qualifying for alternative punishment who are given non-custodial sentences increased by 25 %

e.2.8. Output 2.7: Quality of justice maintained

After the 1994 genocide perpetrated against Tutsi, Rwanda has experienced tremendous progress in all vital sectors of the country, including the overall governance sector and justice in particular.

Indeed, good governance is one of the six pillars of the Vision 2020, in which the Government lays out its commitment to ensure real and effective rule of law and strict respect for human rights with the aim to reach sustainable development.

Similarly, in the framework of the Economic Development and Poverty Reduction Strategy ('EDPRS'), it is stated that Rwanda cannot achieve effective poverty reduction, without promoting peace, security and unity and reconciliation. Also, easy access to rapid, cheaper and fair justice is a crucial factor in combating poverty and promoting good governance and the rule of law. It is also a way to human rights and an essential tool for

⁷ Report of the Rwanda Correctional Services, October 2011.

conflict resolution. Thus, the reform of the justice system is clearly a means to access it.

Generally, the Judiciary has made significant progress in organization and functioning of courts, staff empowerment with consequences of reduction of backlog cases, clearing news cases and online case register system.

The policy action for the coming EDPRSII will be oriented to strengthening ICT based systems to support case management and continue to empower courts staff, quality assurance systems to ensure the reduction of backlog cases and deliver quality justice.

The activities in support of these policy actions include the following:

- Reinforce the case management systems and connect all courts to the fibre optic network,
- Develop manuals and standards that will help judges to have easy, continuous knowledge acquisition.
- Conduct inspection of Court activities;
- Develop case law management books;
- Acquisition of new magazines, legal text and subscription to international libraries;
- Increase the public awareness of courts activities and decisions.
- Staff empowerment through organisation of training and study tours
- Harmonise the EAC court systems with national courts systems.

Expected annual results within this output are as follows:

- Mechanisms to improve case management of civil and criminal cases including screening and reduction of case backlog implemented;
- Manuals and standards availed
- Cases management books, magazine and legal books availed
- Legal aid policy established and implemented;
- National Court systems harmonised with EAC systems.
- Execution of judgments improved;
- Improving the regional access to quality justice by harmonizing EAC court systems and strengthening the EAC legal institutions such as the EALA and EACJ

e.3. OUTCOME 3: EFFECTIVELY COMBATED IMPUNITY FOR INTERNATIONAL CRIMES, AND GENOCIDE IDEOLOGY, STRENGTHENED TRUTH TELLING AND RECONCILIATION.

e.3.1. Introduction

The two outputs under outcome 3 are:

Output 3.1: Prosecution and enforcement of judgements for genocide and other grave crimes accelerated

Output 3.2: Dialogues and awareness raising for promotion of unity fostered and genocide ideology combated

The NURC has defined unity and reconciliation as “*a consensus practice of citizens who have common nationality, who share the same culture and have equal rights; citizens characterised by trust, tolerance, mutual respect, equality, complementary roles/interdependence, truth, and healing of one another’s wounds inflicted by our history, with the objective of laying a foundation for sustainable development.*”⁸The reconciliation process in Rwanda focuses on reconstructing the Rwandan identity, consolidating civic education, promoting peace education as well as conflict prevention and management.

NURC reports progress and Rwanda Reconciliation Barometer 2010 has indicated that social cohesion has increased. However, the reconciliation process faces a range of challenges. These include the persistence of genocide ideology, misrepresentation of Rwandan history, the challenges of healing the physical and

⁸ As quoted in Rwanda Reconciliation Barometer (RRB) 2010.

psychological wounds of individuals, groups and society; a past marked by multifaceted violent conflicts that culminated in genocide and armed conflict - and impunity and delay in execution of restitution judgements.

All of these challenges impact upon JRLOS in one way or another and its history demonstrate that impunity for such grave crimes fuels future conflict. The present Strategy considers that key policy actions are needed to combat impunity and encourage productive and solution-oriented discussion of Rwanda's history of genocide and conflict in order to ensure the security of genocide survivors, and other vulnerable and marginalised groups. Such dialogue is needed at grassroots level to increase a human rights based understanding of Rwandaness as the national identity, rather than one formed from an exclusionary view based on ethnicity.

Analysing the causes and effects in relation to the problem of persistence of genocide ideology includes the following based on the analysis conducted during the Strategic Planning Exercise:

Causes of the persistence of genocide ideology and challenges to unity and reconciliation process:

- Lack of clear policy on compensation to the genocide victims
- Process of judgement of genocide cases still on-going
- History of bad governance
- Political manipulation of ethnic groups
- Distortion and manipulation of Rwandan history (mind-set)
- Poverty and ignorance
- Generation mind-set change
- Delays in execution of judgments (restitution)

Effects of the persistence of genocide ideology and challenges to unity and reconciliation

- Slow compensation of victims
- Existence of psychological trauma
- Considerable number of vulnerable groups (orphans, widows, family of perpetrators)
- Negativism and revisionism regarding the genocide
- Distortion of social cohesion (loss of social values)

Considering the country's past, JRLOS efforts are considered essential. Three outputs are recommended under this outcome to pave the way towards the JRLOS goal. For reconciliation to be effective, it needs to be based on justice for victims of acts of genocide as well as other international crimes. In addition, combating impunity for any crime, but especially these most grave ones, by bringing suspects before the courts and compensating victims are sine qua non conditions for an effective criminal justice system. Through this outcome 3, the Sector will continue making efforts to prosecute alleged perpetrators and to seek ways and means to provide redress, including compensation for victims, in accordance with the UN Basic Principles and Guidelines.⁹

Expected result of this outcome after five years: Impunity for international crimes, and genocide ideology, effectively combated; with truth-telling and reconciliation strengthened and restorative justice for victims of the 1994 genocide delivered.

e.3.2. Output 3.1: Prosecution and judgement of international crimes including genocide fugitives accelerated

Rwanda has decisively worked to combat impunity for international crimes and all states are obliged to proactively assist it in this endeavour. It is intended under this Strategy that Rwanda will play a prominent role in raising regional and international awareness regarding discriminatory practices and the combating of impunity for international crimes including genocide.

A key activity of the present Strategy is to establish a list of those accused of international crimes such as genocide (for whom there are outstanding warrants). The information is intended to be widely disseminated, nationally as well as internationally, including media outlets. Efforts will be made to sensitise local and

⁹Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. <http://www2.ohchr.org/english/law/remedy.htm>

international media on the purpose of publishing the list. This will be designed to bring accused before the Rwandan courts, but without jeopardising their right to a fair trial, presumption of innocence etc. by the manner in which this is done.

A further action under this output will be to disseminate and raise awareness regarding the law to punish acts of genocide and genocide ideology, which is under revision. Of particular relevance to this output, Rwanda has undertaken to implement as part of its 2011 Universal Periodic Review to revise the 2008 Genocide Ideology Law and other related laws to bring them in line with international standards.¹⁰

Policy actions under this Output will be to strengthen the genocide fugitives tracking unit in the NPPA and to secure the extradition of genocide suspects.

During the five-year period of the Strategy, it is intended that the Sector will increase efforts to bring the remaining suspects before Rwandese courts. The efforts will include establishing and publicising a database of suspects for whom there are outstanding warrants. The role of the Rwandan diaspora in this process will be reinforced. To facilitate research to protect historical accuracy; a documentation centre on genocide judgements is intended to be established.

Examples of possible annual targets are as follows.

Year 1:

- Policy on the human right to redress, including compensation for victims of genocide, developed and adopted by Cabinet
- National conference on the execution of Gacaca judgements as they apply in different districts organised
- Database of outstanding judgments created
- List of suspects established based on protocols regarding minimum standard of evidence against them to merit prosecution; length of time warrant outstanding etc. and published in all national media outlets
- Effective mechanism to involve Rwandan Diaspora in facilitating the apprehension of suspects created
- Law punishing crime of genocide revised in line with human rights standards (Universal Periodic Review) and disseminated through the media

Year 2:

- A list of suspects published in at least 20 countries (where most of genocide suspects are thought to reside)
- Law punishing crime of genocide disseminated through the media, and in schools, workplaces and communities: at least 100 sites in each province will be reached.
- Individual income of convicted and their capability to pay restitution assessed.
- A documentation centre for court judgements concerning international crimes including genocide established

Year 3:

- An international conference on redress (including compensation) convened
- Law punishing crime of genocide disseminated through the media, in schools, workplaces and communities: at least 200 sites in each province will be reached.

Year 4:

¹⁰ Rwanda has accepted all the UPR recommendations related to justice. In this context, they include its acceptance to “Review the 2008 Genocide Ideology Law and other related laws to bring them in line with international standards through a more precise and restrictive definition of the crime, including a clear statement of intent to commit, assist or incite genocide. Accelerate the revision of the Genocide Ideology Law by precisely defining the crime in line with international standards, and ensuring that intention, assistance and incitement to genocide are clearly stated in the definition. Ensure the law relating to the punishment of the crime of “genocide ideology” is not manipulated or interpreted in a manner that restricts the responsible exercise of the freedom of opinion, expression or association. Review the definition of “genocide ideology” in the homonymous 2008 law so that it allows for diversity of opinion. Specify the definition and legal scope of the term “divisionism” and revise Law 18/2008 punishing the crime of “genocide ideology” in order to prevent its abuse for political or partisan purpose. Continue the review of genocide ideology and related laws, and rigorously apply the provisions of article 20 of ICCPR by taking strictly necessary and proportionate measures.” <http://www.upr-info.org/-Rwanda-.html>

- Law punishing crime of genocide disseminated through the media, in schools, workplaces and communities: at least 400 sites in each province will be reached.
- Arts competition on the law punishing crime of genocide (from Sector to national levels) organised

Year 5:

e.3.3. Output 3.2: Community level dialogue, and awareness raising to combat genocide ideology intensified

Reconciliation is a difficult and complex process that can take considerable time over generations. To restore relationships and rebuild trust among Rwandans, dialogue at grassroots level fits particularly well in the Rwandan context where people usually share the same culture, language and history, and are highly inter-woven communities.

Since 1994, different paths towards sustainable reconciliation have been identified. The Strategy will use dialogue at community level to enhance reconciliation and increase trust and, as a consequence; reduce genocide ideology. Different gatherings will be organised at local and national levels on awareness-raising about “Rwandaness”. This will include camps, meetings, symposia, conventions, trainings, seminars, conferences, as well as community level dialogues. Efforts will be made to reach as many Rwandans as possible inside and outside the country. Radio and television will also be used to reinforce a shared understanding of Rwandan identity that is inclusive and tolerant of differences. Likewise, rehabilitation/education programmes inside places of detention; and JRLOS to identify ways to reinforce the work of the Education Sector in integrating this in school curricula, from primary to tertiary level.

Other activities in support of these key policy actions are intended to address the importance of preserving memories of genocide. National as well as international writers will continue to be encouraged to record and publish accounts of Rwandan history and genocide. Creating support funds to encourage such research/publication are intended practical actions to be undertaken with the overall objective of building a peaceful, sustainable and reconciled Rwandan society. Existing efforts to sustain the process of reconciliation (e.g. conducting a reconciliation barometer, developing reconciliation forums, organizing a national summit on reconciliation, etc.) are intended to be strengthened and new initiatives encouraged.

Expected annual results within this output are as follows:

Year 1:

- Existing writing on Rwandan history in all universities in the country and libraries recorded
- Five days dialogue on Rwandan history conducted in 15 districts
- Rwanda Reconciliation Barometer II conducted
- A practical guide for community dialogue facilitators developed and adopted
- A study on” the role of district forums in sustaining the process of reconciliation: trends, success, challenges and prospects conducted
- National reconciliation summit held

Year 2

- A fund for writing on Rwandan History and Genocide established
- At least one hundred writings on genocide published
- Five days dialogue on Rwandan history conducted in remaining 15 districts
- Trainings of trainers (10 per district) on facilitating community dialogue for reconciliation conducted
- Capacities of reconciliation forums (at national and district level) strengthened through 2 day workshops in all districts
- In collaboration with the Ministry of Education, a school curriculum that foster unity, reconciliation and peace developed and piloted in two secondary schools per province

Year 3

- Exhibition of writing on genocide conducted
- In collaboration with Ministry of Education, a school curriculum that fosters unity, reconciliation and peace implemented in 15 schools per province
- A “reconciliation travellers’ guide I - mapping organisational interventions (presenting their objectives, approaches, areas of interventions - at Sector level - impact through documenting successful/best stories of reconciliation) - written and being utilised
- Five community dialogue facilitators per cell trained
- Rwanda Reconciliation Barometer III conducted

Year 4

- Civic education and reconciliation dialogue plans implemented at cell levels, monitored and reported in all districts

Year 5

- Rwanda Reconciliation Barometer IV conducted
- A “reconciliation travellers’ guide II written and availed to users.
- National Reconciliation summit held

E.4.OUTCOME 4: ENHANCED RULE OF LAW, ACCOUNTABILITY &COMPETITIVENESS

The eight outputs under outcome 4 are:

- Output 4.1: Improved legal and policy framework affecting the administration of justice
- Output 4.2: Existing laws modernized, indexed and codified
- Output 4.3: Anti-injustice and anti-corruption mechanisms strengthened
- Output 4.4: Rwandan laws are harmonized with EAC instruments
- Output 4.5: Rwandan laws harmonized and/or approximated with other regional and international ratified legal instruments (CEPGL, COMESA, COMMONWEALTH, etc.)
- Output 4.6: Kigali International Arbitration Centre established as a centre of domestic and international arbitration
- Output 4.7: Written laws are consistently and effectively enforced.
- Output 4.8: Commercial Court system enhanced

e.4.1. Introduction

An analysis of causes and effects in relation to the problems of rule of law, accountability and competitiveness in the administration of justice reveals the following.

Causes of lack of respect for rule of law, accountability and competitiveness:

- Lack of awareness of the principles of rule of law
- Legacies of armed conflict and genocide
- Limited legal drafting capacity and skills
- Inadequate accountability in some areas
- Problems of consultation and coordination in legislative drafting process
- Inefficiency of courts

Effects of lack of respect for rule of law, accountability and competitiveness

- Limited awareness of laws
- Poorly drafted laws
- Unintentional breach of law
- Undermined confidence of the public towards public institutions
- Inconsistency of national laws with international instruments
- Poor conversion of policies into laws

As a consequence, six outputs are recommended. The six recommended outputs aim to strengthen human rights in the administration of justice process, enhancing the legislative process, and strengthening anti-corruption mechanisms. The latter has been considered by the Government as a priority in the 7-year Government Programme. Each output includes key policy actions. Each key policy action can then be broken down into one or more activities to be implemented during the five-year Strategy. Examples of annual targets are included under each output.

Expected result of this outcome after five years: Reporting and accountability to performance standards by JRLOS officials at all levels implemented; legal framework improved.

e.4.2. Output 4.1: Improved legal and policy framework affecting the administration of justice

Sound laws, which are clear and predictable, are a key aspect of the rule of law. It is important that laws that have potentially far reaching effects on people’s lives are technically correct, precisely drafted and

consistently enforced. During the last decade, Rwanda has embarked on massive efforts to modernise and reform its legal framework. Challenges remain, however, to put law-making on a steady and sustainable footing. These include limited legal drafting capacity and skills together with sound socio-economic research. It is important to enhance engagement and coordination with civil society and raise awareness of existing laws.

Output 4.1 aims to improve the legislative process and the policy framework affecting the administration of justice through three key policy actions.

Key policy action 1 - Strengthen the legislative process based on the results and recommendations of the study “Map legislative process and develop clear procedures for efficiency and quality control”.

Key policy action 2 – Review the regulation of the legal profession. This was first envisaged by the Strategic plan (2009-2012). The better regulation of the legal profession should be designed with the objective of increasing the accessibility of justice; one of the Government of Rwanda’s core legal obligations, a priority and one of the outcomes intended within this Strategy (see Outcome 2).

An example of possible activities that could be undertaken in support of key policy actions include:

- a) Clarify roles and functions in relation to the legislative process between key players such as MINIJUST, The National Law Reform Commission, other line ministries, and interest groups as well as NGOs. Strengthen linkages between JRLS, stakeholders and relevant Parliamentary committees during the legislative process;

Expected annual results within this output are as follows:

Year 1:

- Roles and functions in relation to the legislative process clarified
- Regulation of the legal profession reviewed

Year 2:

- Linkages between legislative drafting units, stakeholders and relevant Parliamentary committees during the legislative process strengthened and applied

Year 3:

- Implementation of the new regulation

e.4.3. Output 4.2: Existing laws modernized, indexed and codified

To ensure the legal system serves the country’s changing development needs, it is crucial to have a continuous law reform to keep the Rwandan law modern, alive and serving the interests of the Rwandans.

For sustainable development, it is important that the population be sensitized on laws applicable in the country, and the only way to achieve this, is by making them accessible. This is more effective when it is done by concerned institutions in a coordinated way and may reduce Government expenditures on this issue.

This output 4.2 aims at the modernisation of existing laws and creation awareness of laws.

Key policy action 1 –Improvement of laws based on societal needs

Key policy action 2 –Set up a framework for evaluating laws in relation to intended policy objectives.

Key policy action 3 - Dissemination of laws applicable in Rwanda and sensitization of the population.

Examples of activities that will be undertaken in support of key policy actions include:

- Updating the inventory of national laws and creating an inventory of international legal instruments applicable in Rwanda
- Identifying implementing legal instruments not in force and ensure their drafting
- Identifying, prioritizing, analysing and drafting laws needing reform
- Indexing and codifying laws applicable in Rwanda(National laws, regional and international ratified legal instruments)

- Establishment of communication strategy.

Expected annual results within this output are as follows:

Year 1

- Inventory of laws updated
- Laws needing reform analysed and drafted
- Implementing legal instruments provided for by laws published in 2013/2014 identified and drafted
- At least other 30% of implementing legal instruments among the prioritized ones in year 1 are drafted
- The impact of some laws in force well assessed

Year 2, year 3, year 4 and year 5, the analysis and drafting of laws needing reform and ensuring drafting of implementing legal instrument will be continuous and remain the on-going activity of the NLRC.

e.4.4. Output 4.3: Mechanisms to fight injustice and corruption strengthened

The fight against corruption is a priority of the Government of Rwanda 7-year programme. As part of the Universal Periodic Review in November 2010, Rwanda undertook to “pursue justice-system reforms, in particular with regard to strengthening the independence of the judiciary with focus on eliminating corruption and political interference”. In this context, Rwanda has made a steady annual improvement in ranking in Transparency International’s Corruption Perception Index.

Corrupt activities can range from taking advantage of the power inherent in a government office to advancing personal or political interests. Abuses include bribery and extortion (payment for favourable official decisions) or embezzlement of state funds. A State where corruption is rampant is also a state where public accountability is low. Specific human rights anti-corruption standards apply to protecting the independence and impartiality of judges, prosecutors, lawyers.¹¹

Output 4.3 addresses these issues through the following key policy actions and activities. The establishment of Anti-corruption Consultative Councils at Sector and Cell levels; the reinforcement of mechanisms to accelerate investigation and prosecution of alleged corruption; and the development of effective complaints mechanisms – recognising the role of the Ombudsman office. The office of the Ombudsman is not confined to reporting on unlawful acts and discrimination but is also mandated to initiate prosecutions against corrupt practices. These key policy actions and activities are intended to enhance public confidence in government institutions and enhance accountability to the public.

The latter key policy action is to reinforce the legal framework for the declaration of assets. The law currently requires a declaration of assets by all public servants. The declaration must be made on an annual basis to the Office of the Ombudsman. Key policy action 3 intends to review the current applicable legal framework, and if necessary to strengthen it, especially in relation to the powers of the Ombudsman.

Other activities in support of these key policy actions include the following.

- Develop and implement referral mechanisms between complaints handling institutions (RNP, NPPA, NCHR and Ombudsman)
- Strengthen the NPPA specialised unit pursuing economic and financial crimes (logistics and training);
- Strengthen the Office of the Ombudsman (logistics and training).

Expected annual results within this output are as follows:

Year 1:

- Mechanisms to accelerate prosecution and investigation of corruption cases identified
- Referral mechanisms between complaints handling institutions developed (RNP, NPPA, NHRC and Ombudsman)
- NPPA specialized unit pursuing economic and financial crimes strengthened
- Ombudsman office strengthened (logistic and training)

Year 2:

11

Such standards are outlined in for example <http://www.ohchr.org/Documents/Publications/training9chapter4en.pdf>
JRLOS Strategy 2013/14 to 2017/18

- Mechanisms to accelerate prosecution and investigation of corruption cases applied
 - Referral mechanisms between complaints handling institutions implemented (RNP, NPPA, NHRC and Ombudsman)
- Year 3:
- Number of prosecutions for corruption resulting in conviction after fair trial increased by 10%
 - Number of cases successfully completed by Ombudsman increased by 10 %
- Year 4:
- Number of prosecutions for corruption resulting in conviction after fair trial increased by 15%
 - Number of cases successfully completed by Ombudsman increased by 15 %
- Year 5:
- Number of prosecutions for corruption resulting in conviction after fair trial increased by 20%
 - Number of cases successfully completed by Ombudsman increased by 20 %

e.4.5. Output 4.4: Rwandan laws are harmonised with EAC instruments and approximated with EAC Partner State's laws

Regional integration as a cross-cutting issue and the creation of the National Law Reform Commission provides opportunity for greater coordination, management and oversight of the EAC legal reform process.

With the deepening integration in EAC, access to quality justice is now not only a national matter. The JRLOS will focus on ensuring the development of the regional legal systems is carried out in such a way to benefit Rwanda. This output has two components:

1. Alignment of national laws with EAC legal instruments; i.e. protocols and acts of the Community and;
2. Approximation of national laws with EAC Partner State laws; i.e. by ensuring that there are no major divergences among EAC Partner States' laws.

The EAC legal reforms will focus on the alignment of all relevant laws including the amendment of business and competition laws as well as laws protecting consumers. The legal reform process will examine all EAC Areas of Cooperation, encompassing economic, political, social, environment, and so forth. Whilst the alignment process can be carried out at the national level, the approximation process cannot be done in isolation. The approximation process will require Rwanda to work with the other Partner States, EAC Secretariat and other EAC organs. This is because all Partner States have to agree on the guiding principles to be embedded in Partner States' laws.

Output 4.4 addresses two EAC legal components:

First, the alignment of national laws with EAC legal instruments. The following activities will be carried out over the next five years by the National Law Reform Commission (NLRC) with support from MINEAC:

- Identifying the EAC legal instruments
- Identify national laws not conforming with EAC legal instruments
- Prioritisation of laws to be aligned
- Amendments / Drafting of laws

Secondly, the approximation of national laws with Partner State laws. The activities in support of these policy actions will be carried out by the NLRC with support from MINEAC and include the following:

- Identification of national laws in need of approximation
- Identification of principles for approximation
- Prioritisation of laws to be approximated
- Amendment / Drafting of laws

Expected annual results within this output are as follows:

Year 1:

- Laws identified and prioritised
- Laws are made accessible to the public
- Laws are approximated/aligned

Year 2 to year 5 according to the strategic plan which is to be prepared. However the EAC harmonisation process will be a continuous exercise as the EAC instruments and laws are developed. Therefore the activities to align and approximate laws will be an on-going job for the NLRC, MINIJUST and MINEAC.

e.4.6. Output 4.5: Rwandan laws harmonized and/or approximated with other regional and international ratified legal instruments (CEPGL, COMESA, COMMONWEALTH, etc.)

Key policy action: - harmonization based on informed and well researched parameters

Examples of activities that will be undertaken in support of the key policy action include:

- Inventory of all international legal instruments ratified by Rwanda
- Identification of national laws in need of approximation
- Prioritization of laws to be approximated
- Drafting of laws

Expected annual results within this output are as follows:

Year 1:

- Inventory of international instruments ratified by Rwanda
- Laws harmonised and/or approximated

Year 2 to year 5 according to the strategic plan which is to be prepared. However the harmonisation process will be a continuous exercise. Therefore, the activities to align and approximate laws will be an on-going job for the NLRC, MINIJUST

e.4.7. Output 4.6: Kigali International Arbitration Centre recognized as a center of excellence for domestic and international arbitration

The Kigali International Arbitration Centre(KIAC) was established by an act of parliament in February 2011(law number 51/2010 of 10th January 2010). The Centre was launched on 31st May 2012. The operationalization of the Centre will consolidate the first generation of commercial justice reforms, improve contract enforcement and ultimately, increase investors' confidence and will contribute to reduce the backlog in court.

The vision of the centre is formulated as "the regional choice for commercial dispute resolution". The Centre has among others the mission of promoting Kigali as a seat of arbitration & developing partnership with other International Arbitration Centres.

The well-functioning of the arbitration centre together with a reviewed arbitration legal framework will contribute to make Rwanda as a venue of international arbitration in Africa and beyond. Furthermore, it will increase the trust of the international business community leading to further acceleration of foreign direct investment.

The cabinet of Minister of 18 April 2012 resolved to support the operationalization of the KIAC centre as well as the support in physical infrastructure of the Centre for Rwanda to be the hub of arbitration.

Output 4.6 addresses these issues through the following policy action: PROMOTE AND establish the KIAC as an international centre of excellence for domestic and international arbitration.

The activities in support of this policy action include the following:

- Review of arbitration legal framework including but not limited to the 2008 arbitration law
- Development of arbitration policy
- Establish suitable infrastructure for the centre (facilities for arbitration & ADR)
- Carry out a regional and international awareness campaign
- Capacity building (training and certification of professionals in arbitration) and knowledge sharing

Expected annual results within this output are as follows:

Year 1:

- Lawyers and technical professionals (architects, engineers, chartered accountants, etc.) trained and certified in arbitration to level one and two
- 2008 arbitration law reviewed and published
- Arbitration policy developed

- Carry out the awareness campaign at national & EAC level
- Architectural plans for the construction of the new centre approved and construction permit obtained

Year 2-4

- Lawyers and technical professionals (architects, engineers, chartered accountants, etc.) trained and certified in arbitration to level three
- KIAC Physical infrastructure meeting international standards availed
- Carry out international awareness campaign
- Domestic Cases administered by KIAC

Year 5

- Rwanda viewed as a Hub(choice) of international arbitration in the region
- International cases administered by KIAC
- Agreements signed with other international Arbitration Centres and bodies
- KIAC facilities used by Other international centres

e.4.8. Output 4.7: Written laws are consistently and effectively enforced

Strengthening the rule of law through the public justice system's reliable delivery of accessible, consistent, timely and predictable law enforcement is the bedrock of a healthy, inclusive and developed society. Effective and accessible law enforcement is the platform of stability and safety upon which every other system of society depends. As global development experts agree, "a well-functioning law enforcement apparatus is necessary to provide individuals with a stable and orderly living environment and to protect them from violence and exploitation."ⁱ Indeed, effective and legitimate law enforcement "makes development and poverty reduction possible."ⁱⁱ

The Government of Rwanda recognizes that the poor are uniquely and disproportionately vulnerable to and affected by violence and exploitation and that such violence and exploitation is a major obstacle to their being lifted from poverty. The Government, likewise, recognizes that the poor cannot afford private means of restraining and deterring violence that may be available to the more affluent in our society. Effective law enforcement from our public justice institutions, therefore, is indispensable to delivering to the poor the promises of protection contained in the laws of Rwanda. In this connection, the history and development of modern law enforcement demonstrates that effective law enforcement dramatically reduces the rate of crime over time. Moreover, history demonstrates that the effective enforcement of laws can actually increase the pace of important shifts from hurtful, disintegrating cultural norms to those norms that promote a healthy, inclusive and equitable society.

For these reasons, the Government of Rwanda, with assistance from civil society, is committed over the next five years to investing in the strengthened capacity of its justice institutions to enforce and deliver the promises and protections of the law. The Government is likewise committed to monitoring and evaluating the efficacy of these investments in consistently and effectively enforcing the law as written.

Output 4.7 addresses these issues through the following policy action: establish a mechanism to follow up and monitor the consistent and effective enforcement of Rwanda's written laws.

The activities in support of this policy action include the following:

- Train judges, prosecutors and law enforcement personnel in rule of law principles/importance of consistent and effective enforcement of written laws
- Strengthen the capacities of the inspectorates in the Judiciary and NPPA to monitor and evaluate their members' performance in consistently and effectively enforcing written laws
- Monitor performance of judges, prosecutors and law enforcement personnel in their consistency and effectiveness in enforcing written laws

Expected annual results within this output are as follows:

Year 1:

- Through the Institute of Legal Practice and Development, 25% of all judges, prosecutors and law enforcement personnel have been trained in rule of law principles/importance of consistent and effective enforcement of written laws.
- The inspectorates in the Judiciary and NPPA are trained on monitoring and evaluation of their

members on the consistent and effective enforcement of written laws and procedures.

- Judiciary inspectorate conducts a baseline study on what percentage of court proceedings and judgments follow the written laws.
- NPPA inspectorate conducts a baseline study on what percentage of prosecutors' actions and charges follow the written laws.

Year 2:

- Through the Institute for Legal Practice and Development, 50% of all judges and prosecutors have been trained in rule of law principles/importance of consistent and effective enforcement of written laws.
- Inspectorate reports show a 15% increase from baseline in prosecutors' actions and charges and judges' court proceedings and judgments consistency in following the written law.

Year 3:

- Through the Institute for Legal Practice and Development, 75% of all judges and prosecutors have been trained in rule of law principles/importance of consistent and effective enforcement of written laws.
- Inspectorate reports show a 30% increase from baseline in prosecutors' actions and charges and judges' court proceedings and judgments consistency in following the written law.

Year 4:

- Through the Institute for Legal Practice and Development, 100% of all judges and prosecutors are trained in rule of law principles/importance of consistent and effective enforcement of written laws.
- Inspectorate reports show a 50% increase from baseline in prosecutors' actions and charges and judges' court proceedings and judgments consistency in following the written law.

Year 5:

- Inspectorate reports show that 98% of prosecutors' actions and charges and judges' court proceedings and judgments consistently follow the written law.

e.4.9. Output 4.8: Commercial Court system enhanced

The Commercial Court system is the key pillar for business environment and investment climate. As Rwanda's vision is to build a strong economy where private business is a driving force, the well-functioning commercial justice is the guarantee for investors in Rwandan economy. So far, Rwanda continues to make considerable improvements to its business environment and investment climate. Rwanda is ranked 45th out of 183 economies in the ease of doing business survey (2012) by the World Bank Group; up from 158th in 2008. Rwanda is the 3rd easiest place to do business in Africa and 2nd top reformer over the past five years. The business reforms are part of the government's extensive efforts to promote Rwanda as an attractive business and investment destination in order to drive the growth of the private sector and generate wealth.

This was achieved by the effort of the Government to put in place all mechanism that can facilitate investing in the country. Right from 2008, specialized commercial justice was established and it is one of the major reforms that the country has undergone contributing a lot in the improvement of business and investment climate.

However, there are still major challenges to be addressed during the EDPRSII:

1. Due to the growth of business in the country and people become more aware of commercial justice, the backlog could potentially increase;
2. The court processes remain lengthy;
3. The total cost of enforcing a contract remains high;
4. Quality of judgments at risk;
5. Alternative Dispute Resolution (ADR) mechanisms need to be fully utilized;
6. ICT court systems need to be integrated and upgraded to fully meet the current and emerging needs of the Judiciary and various private and public stakeholders as there is a disconnect of information flow between those who generate data and those who need it for decision making and judgment execution;
7. Optimization and re-organization of the commercial justice system is needed;
8. The increased sensitization of stakeholders has lead to an increase in the quality of service demanded from the judiciary.

With the aim of addressing these issues, and ultimately with the aim of increasing investor's confidence

in the commercial justice system in Rwanda, during the EDPRSII , the Sector effort will focus on consolidation of the commercial justice gains achieved so far by reducing further the court backlog, the process time and improving the quality and enforcement of judgments.

The activities in support of this policy action include the following:

1. Streamlining of business processes;
2. Developing a comprehensive industry standard Electronic Case and Records Management System to respond to the needs of stakeholders as well as ensuring security of commercial litigation records;
3. Continuous professional development of commercial justice staff as well as engagement, sensitization and training of key stakeholders such as the legal fraternity and the private sector and knowledge exchange with other Judiciaries;
4. Reinforce the commercial court's staff and developing a pool of real time court reporters;
5. Developing a Bench Book and Law Reports;
6. Creating synergies between the Judiciary and the newly established Kigali International Arbitration Center through joint Steering Committees, communications, perception surveys and making the electronic Case and Records Management System available to Kigali International Arbitration Center so to reduce their IT system costs and ease information sharing and facilitating court orders for arbitration awards under KIAC.

Expected result of this outcome:

- fully cleared the commercial litigation backlog;
- reduced procedures and time for a more efficient and transparent court process;
- reduced cost of commercial litigation;
- improved quality of judgments delivered;
- increased quality of commercial justice information available to court management for decision making as well as to various stakeholders;
- Ultimately increased investors' confidence in the commercial justice system.

E.5. OUTCOME 5: MAINTAINED SAFETY, LAW AND ORDER AND, ENHANCED ADHERENCE TO HUMAN RIGHTS

The eight outputs under outcome 5 are:

- Output 5.1: Community participation and awareness of crime prevention improved
- Output 5.2: Crime prevention capacity improved
- Output 5.3: RNP's disaster management capacity improved
- Output 5.4: Criminal investigation capacity enhanced
- Output 5.5: Criminal record-keeping and statistical analysis improved
- Output 5.6: Awareness and respect of human rights standards strengthened
- Output 5.7: Improved detention facilities and conditions
- Output 5.8: Improved productivity in RCS

e.5.1. Introduction:

Outcome 5 addresses a range of human rights issues which straddle the entire JRLO Sector: from upholding the rule of law; ensuring accountability to strengthening other human rights. All the actors in the system need to integrate these norms at the heart of their activities.

The vision of the Rwanda National Police (RNP) is a human rights one: to make people living in Rwanda feel safe, involved and reassured. The RNP is a critical part of the Justice Sector in Rwanda and the Government of Rwanda's initiatives to develop a more prosperous, safe and secure country. RNP is also a key stakeholder for the achievement of this outcome. However, the RNP cannot provide best practice policing services to the community in isolation from other State institutions, key stakeholders in all Sectors of Rwanda and, most importantly, the community itself. The RNP needs assistance in its efforts to provide a safe and secure Rwanda. Cooperation between the RNP and other stakeholders, including other JRLOS Institutions, will be guided by this Strategy as it identifies particular issues that the RNP will focus on. This cooperation is crucial as safety and security and maintaining of law and order is important to building Rwanda not only as a nation, but also as a key role-player in the East African Community, the African continent and the international community.

RNP, consisting currently of 9,731 officers, is responsible for Rwanda's internal safety, law and order, together with the Local Defence (some 90,000 volunteers) at the community level. The Local Defence was set up soon after the genocide for community protection and is now under the authority of MINALOC, but overseen by RNP from an operational and technical perspective. There are plans in the near future to replace the Local Defence with a new Administration Police.

In the Rwanda Governance Score Card, the indicator on safety and security scores best. Respondents expressed high levels of trust in RNP and the RDF but expressed a relatively low level of confidence in the Local Defence Units (LDU). Such scores may, however, be subject to problems with regard to low expectations/awareness (reference is made to Annex VIII B regarding using surveys as an M&E tool).

An analysis of causes and effects in relation to the need for improvements in safety, law and order has revealed the following:

Causes of need for improvement in safety, law and order:

- Poverty and economy related crimes
- Latent and structural conflict in society
- Violent nature of post conflict society
- Human criminal tendencies
- Access to drugs/drug abuse
- Need for targeted interventions to prevent crime
- Need to strengthen rehabilitation and diversion measures
- Inadequate mechanisms for prevention of crime (technological, media campaigns, insufficient equipment, etc.)
- Distorted crime statistics
- Existence of crime and fear of crime
- Lack of awareness of human rights
- Insufficient engagement and coordination of, and with, civil society

Effects of need for improvement in safety law and order:

- No improved human security
- Lack of fair and timely justice
- Retarded development/lack of sustainable development
- Repeat offenders
- Limited active engagement of the public
- Limitations on complementary role of civil society
- Submissive attitudes which might lead to further abuse (low expectations of rights holders vis-a vis duty bearers)
- Trivialized use of violence (impunity for violence in the Sector or society generally)

As a consequence 8 outputs are recommended under this outcome. Each of them is necessary and relevant to achieve the outcome - to address the causes and the effects of weaknesses in safety, law and order and thereby contribute to achieving the JRLOS goal. Each output includes key policy actions. Each key policy action is then broken down into one or more activities to be implemented during the five-year Strategy. The aim is that of achieving results (targets) to be reviewed and amended annually during the Joint JRLO Sector Review. Examples of possible annual targets are included under each output.

Expected result of this outcome after five years: Strong positive public perception of the safety of persons and property (*reference is made to Annex VIII A regarding disaggregation and perception surveys*).

e.5.2. Output 5.1: Community participation and awareness of crime prevention improved

In the RNP strategic plan for 2009 to 2013, the two first operational (as compared to administrative) strategic priorities and objectives of the RNP are:

- Community Policing with the aim
 - To prevent and reduce crime through partnership with the community, and
- Crime Prevention, Public Order and Safety with the aim
 - To reduce the incidence of all crime, focusing on priority crime

- To maintain law and order, including the policing of major events and gatherings
- To effectively manage firearms

Community policing emphasises the establishment of the police-community partnership and a problem-solving approach that is responsive to the needs of the community. It is based on the assumption that the objectives of the RNP can only be achieved through the collaborative efforts of the RNP, other government institutions and individual members of the public.

The Constitution of Rwanda also requires harmonious collaboration between the RNP and the community. The institutionalisation of community policing as an approach to policing in Rwanda will assist in achieving this directive. The RNP has made significant gains in this regard with policy and procedure on community policing now established; while strengthening the capacity of RNP personnel to apply community policing is a key area of focus within training of the RNP.

Crime prevention and reduction will also benefit from partnerships with the community and thereby contribute to the maintenance of law and order.

Findings from the Mid-Term Evaluation relevant to this output include the following:

- All district CLO's are operational and equipped with transport and communication
- Road accidents have reduced from 4,664 in 2009/10 to 4,144 in 2010/11. The community has been sensitised on road rules through meetings and radio programs. A national traffic week was organised from 6-12 June 2011. The RNP is increasing its vehicle inspection capacity, three lines are operational and 31,816 vehicles were inspected (against 27,446 in 2009/10).
- Policies in relation to categories of people who are "commonly" vulnerable such as women and children have been adopted. The Ministry of Justice has adopted a gender based recruitment policy. MINIJUST together with UNICEF has assigned one legal officer in each "Access to Justice Bureau" (MAJ) who is in charge of assistance to minors in conflict with the law, and the treatment of gender based violence. Short courses at the ILPD have been provided. Training and sensitisation of police officers on gender-based violence has continued, etc.
- Community policing (as described in the RNP's Strategic Plan 2009-2013) is a collaborative approach to policing which involves establishing partnerships with the local community, intended to enable the police to act responsively to community needs. The RNP is progressively institutionalising this approach to policing, including setting up Community Policing Committees, Anti-Crime Clubs and community based crime prevention measures.

The above measures will be supported and reinforced under this output. Examples of possible areas of emphasis and key policy actions include road safety and violence against the person.

Under this output maintaining safety on Rwanda's roads and as part of this reducing the number of fatal accidents based on a percentage reduction to be determined annually. Activities in support of this key policy action include, but are not limited to, sensitisation and awareness campaigns on 'rules of the road', the enforcement of standards for the roadworthiness of vehicles, campaigns and inspections regarding drinking and driving as well as in relation to the enforcement of speed limits.

Likewise, a focus on child, domestic, sexual and gender-based violence will require strengthening police human resource capacity building, the introduction of a partnership-based approach, improved equipment and community awareness.

Expected annual results are as follows.

Year 1:

- 1200 CPC members will be trained
- 60 more anti-crime clubs will be created
- Capacity-building initiatives for improved community participation and crime prevention supported

Year 2:

- 1200 CPC members will be trained
- 60 more anti-crime clubs will be created
- CLO and CPC offices better equipped

Year 3:

- 1500 CPC members will be trained

- 60 more anti-crime clubs will be created
 - CLO and CPC offices better equipped
- Year 4:
- 1500 CPC members will be trained
 - 60 more anti-crime clubs will be created
 - CLO and CPC offices better equipped
- Year 5:
- 2000 CPC members will be trained
 - 60 more anti-crime clubs will be created
 - CLO and CPC offices better equipped

e.5.3. Output 5.2: Crime prevention capacity improved

Crime levels in Rwanda matter to communities. Poor and vulnerable people tend to be overwhelmingly the victims of certain types of crime. Personal safety and safety of property are both central to the human rights requirement that a justice system function effectively. They are also vital for local and foreign investors. Although international comparisons are difficult, judging by comparative statistics for homicide rates, crime levels in Rwanda would appear to be within international norms for comparable countries.

It is important to note that official crime rate statistics reflect reported crimes only. International experience suggests that many crimes go unreported, especially those involving domestic violence. Rwanda's community based mediation system which deals with criminal as well as civil matters may result in many relatively minor crimes never being reported to the RNP or entering the official crime statistics. It could therefore be useful to conduct a mapping survey of crimes and combine this with a perception survey of crimes. A comparative analysis between the two could provide useful recommendations for targeted interventions for crime prevention and awareness-raising.

It is encouraging that the RNP have earned the widespread respect of the Rwandan people, with over 85% questioned expressing a *great deal* or *quite a lot of confidence in the Police*. Several workshops about crime prevention have been conducted. Police to population ratio decreased from 1/1190 in 2009 to 1/1092 in 2010-2011. The ratio of Local Defence to population is high at approximately 1:100. It is very important that this large and highly decentralised force of volunteers should be subject to effective and professional supervision by RNP, with appropriate regulatory controls.

Activities that will be undertaken in support of key policy actions include the following. Priority crimes will be identified for crime prevention as a result of their reported incidence and impact on the community, without neglecting other crimes. Priority crimes are determined as crimes that are perpetrated against women and children, as they are a particularly vulnerable. Activities will include awareness campaigns and expedited processing of those crimes for quick results as a potential deterrent.

Expected annual results within this output are as follows:

- Year 1:
- Targeted interventions to improve crime prevention capacity approved
 - Priority crimes for crime prevention strategies agreed
- Year 2:
- Technical equipment and transport procured
 - Recruitment and human resource development process in line with crime prevention strategies adopted
- Year 3:
- Perception of the population on priority crimes reduced by 10 %
- Year 4:
- Perception of the population on priority crimes reduced by 15 %
- Year 5:
- Perception of the population on priority crimes reduced by 20 %

e.5.4. Output 5.3: RNP's disaster management capacity improved

The key policy action under this output is to improve the disaster management by the Rwanda National

 JRLOS Strategy 2013/14 to 2017/18

Police. This will be achieved by the following activities: the procurement of specialized technical equipment and transport; and by training in disaster management.

e.5.5. Output 5.4: Criminal investigation capacity enhanced

Weaknesses in the detection and investigation capacity of the police are a key blockage in the criminal justice “chain”. Many cases submitted for prosecution end up being rejected because of inadequate preparation by the police and judicial investigators. Likewise, many minor offences or cases with limited evidence end up going through the justice chain. Lack of proper merit-based analysis thereby contributes to build up the number of pending cases and eventually also the backlog of cases; raising the risk of unlawful and/or arbitrary detention. In its Universal Periodic Review in November 2010, Rwanda undertook to “urgently investigate cases of arbitrary arrest and detention, including those which may constitute enforced disappearances”¹².

Measures taken to strengthen crime detection and investigation include the intensive cooperation with the Community Policing Committees, increase of the number of police officers, and continuous training on crime prevention, detection, and investigation. These measures will be reinforced together with the provision of specialised equipment and improved coordination with the NPPA. Programmes of skills training will be developed for the police investigators and the forensic capacity will be improved.

Activities that will be undertaken in support of key policy actions include the following.

Continuing the focus on priority crimes, mechanisms will be introduced to specifically strengthen the detection and investigation of those crimes. Activities will include support to the management of crime intelligence and provision of technical support for investigation to relevant units within the RNP. Support to strengthening bilateral communication and coordination between investigation functions within the RNP on the one hand and prosecution functions within the NPPA on the other –will also facilitate an effective processing of cases based on merit.

The proposed annual targets within this output are as follows:

Year 1:

- Targeted interventions to improve crime detection and investigation capacity approved
- Referral and coordination mechanisms with NPPA for improved investigation and prosecution adopted

Year 2:

- Approved interventions to improve crime detection and investigation capacity implemented
- Adopted referral and coordination mechanisms with NPPA for improved investigation and prosecution implemented

Year 3:

- Proportion of reported crime investigated by RNP increased by 10 %
- Proportion of cases withdrawn for lack of merit after registration reduced by 10 %

Year 4:

- Proportion of reported crime investigated by RNP increased by 15 %
- Proportion of cases withdrawn for lack of merit after registration reduced by 15 %

Year 5:

- Proportion of reported crime investigated by RNP increased by 20 %
- Proportion of cases withdrawn for lack of merit after registration reduced by 20 %

e.5.6. Output 5.5: Criminal records-keeping and statistical analysis improved

Management of the criminal justice agencies, including the police, is provided with little information with which they can plan, make policy decisions, assign cases, distribute resources, schedule trials, etc. A monitoring system that provides relevant information in terms of caseload, categories of cases, breakdown per year of registration of cases, compliance with applicable international law and constitutional standards (where the latter are higher)¹³, and performance by individual officers is critical to administering the criminal justice system. Likewise, if information is available, it is not systematically shared between the criminal justice agencies.

¹² <http://www.upr-info.org/-Rwanda-.html>

¹³ See Article 190 of the Rwanda Constitution.

Control of the movement of police and court files is poor. Cases of accused who have been on remand for a long time are not prioritised. Decisions about the handling of individual cases are not made from an informed position with regard to priority and agreed standards in terms of the length of time spent on the case, the vulnerability of the person accused, the type of case, etc. There is no common reporting framework, making it difficult to compare records on an interagency level and to follow cases through the criminal justice process.

There is a need to design and implement efficient manual systems that can thereafter be automated to support the criminal justice agencies including RNP in their decision making process. The intention is therefore to improve the availability of information and evidence that is routinely available to inform decision-making at a strategic and operational level. In general there are four levels being targeted for the generation of data:

- for Strategy and Policy development (e.g. for the Steering Committee and senior management teams in individual institutions)
- for the assessment of performance of individuals and activities and internal accountability
- for operational effectiveness
- for external accountability (e.g. information available to the public)

One of the guiding principles behind the programme's approach is that information gathering should be driven by actual relevance to avoid the generation of unnecessary and under-utilised information. Success will depend on working with the Sector and institutional leadership to identify clearly what specific information is relevant to perform their management functions effectively. Additionally, the ultimate intention is that essential information is generated routinely and internally, to avoid reliance on costly external methods of data gathering, where possible. A particular problem that needs to be addressed relates to the mechanisms in place to ensure that data from outlying areas is communicated to the centre in a timely and efficient manner.

Therefore, the improvement of criminal records and statistical analysis within the police needs to be coordinated with on-going work with the NPPA and the Supreme Court. This is to ensure cost effectiveness and optimal case flow management across the JRLOS institutions.

Examples of possible activities that could be undertaken in support of key policy actions include the following.

For efforts within this area to be effective it is important to introduce mechanisms that will strengthen the transfer of information between all levels within the RNP as well as allow sharing of information between the key justice Sector institutions. An automated case flow management system will be introduced – as a minimum - linking the registries of the RNP, NPPA, the Judiciary and RCS. Coordination with JRLOS' general efforts to strengthen ICT will therefore be put in place. Protocols for information sharing will be developed; as well as an assessment of the most appropriate equipment to be purchased as well as provision for training and capacity building in the use of the new systems.

Examples of possible annual targets are as follows.

Year 1:

- Mechanisms to strengthen transfer of information between all levels within the RNP approved
- Automated case flow management system linking the registries of the RNP, RCS, NPPA and the Judiciary designed and adopted

Year 2:

- Mechanisms to strengthen transfer of information between all levels within the RNP implemented
- Automated case flow management system linking the registries of the RNP, RCS, NPPA and the Judiciary implemented

Year 3:

- Monthly verified criminal records and statistical analysis from outlying police stations to RNP HQ increased by 20 %
- Number of management decisions informed by reports generated from the strengthened database increased by 15 %

Year 4:

- Monthly verified criminal records and statistical analysis from outlying police stations to RNP HQ increased by 25 %
- Number of management decisions informed by reports generated from developed database increased by 20 %

Year 5:

- Monthly verified criminal records and statistical analysis from outlying police stations to RNP HQ

- increased by 20 %
- Number of management decisions informed by reports generated from developed database increased by 25 %

e.5.7. Output 5.6: Awareness and respect of human rights standards strengthened

Government of Rwanda has re-affirmed its commitment to implementing its human rights obligations including justice Sector reform in its 7-Year Programme, adopted in 2010. That Programme makes clear that decentralisation should contribute to this and that education and awareness-raising regarding human rights is one of its pillars. It is noted that Rwanda accepted all of the 2011 Universal Periodic Review recommendations made within the context of justice.¹⁴

Although it is encouraging that according to the Rwanda Reconciliation Barometer more than 70% of the respondents were satisfied with the justice they received, access to justice remains an issue of concern. According to the Rwanda Governance Advisory Council, indeed, access to legal aid, which should largely be provided at local level, scored 42%. This low level of satisfaction may mask a worse picture as there are acknowledged problems of low public expectations regarding human rights in the administration of justice.

Thus, the Mid-Term Evaluation found that while physical access to justice has been strengthened other aspects of access to justice such as knowledge of rights and understanding of procedures still remains a bottleneck not only for the general public but also for JRLOS officials, especially in the rural areas. It also found that there seems to be an overemphasis on quantity over quality. Performance is measured primarily against the number of cases handled and less on the outcome of the case processed. This could create perverse incentives to violate human rights such as right to fair trial, presumption of innocence, etc. Great efforts have been made to strengthen JRLOS officials' attitudes and behaviour. However, there is limited monitoring of performance in this regard. Insufficient coordinated complaints mechanism and no systematic follow up on input from independent advocacy NGOs gathering data.

Key policy actions deriving from Mid-Term Evaluation recommendations in this area include JRLOS reinforcing its outreach programmes in terms of awareness raising and sensitization. Performance standards that also measure quality – the fairness of the trial and outcome of the case, whether the case is overturned on appeal, the number of cases with legal aid representation, etc. – should be developed – including both national and local level performance standards.

There is a need to strengthen human rights based training of JRLOS institutional staff, set baselines, targets and standards to measure changing attitudes and behaviour.

Within this output, two key policy actions are intended: a systematic sensitisation and awareness programme on human rights including access to justice issues developed and implemented at all levels, especially local level. Key policy action 2 is to accompany this by the development and implementation of human rights based performance standards and mechanisms that monitor and measure quality and changing attitudes and behaviour within JRLOS institutions.

Examples of possible activities in support of these key policy actions include the following. In relation to key policy action 1: develop human rights training programmes adapted to the Rwanda context, and local level issues (linked to human rights based civic education). Identify priority target groups at local level (e.g. women) for specific awareness-raising regarding human rights to expect at district level (e.g. priority target group RNP for awareness); then develop pilot awareness-raising processes. Ensure careful design of baseline surveys regarding access to justice before, and after, such capacity-building. This strengthening of the 'demand-side' of human rights should take place in parallel with awareness-raising among JRLOS officials (starting with police). The aim is to strengthen the capacity of such duty-bearers to deliver quality human rights based services. The result should be a common understanding at local level by rights-holders and duty-bearers of the human rights based performance standards.

Expected annual results within this output are as follows:

Year 1:

- Human rights (including access to justice) awareness-raising designed for pilot-testing at local level, including establishment of baselines.

14

<http://www.upr-info.org/-Rwanda-.html>

- Priority target groups identified and awareness-raising processes delivered.
 - Performance standards based on Handbook(s) on Best Practice Guidelines for the criminal and civil justice processes developed; and contextualised through awareness-raising process at local level with rights-holders and duty-bearers
- Year 2:
- Lessons identified from the year 1 awareness-raising processes harvested, and 6 new pilot districts identified for roll-out of awareness-raising process
 - Specific focus on police officers sensitised on agreed performance standards and mechanisms (25% sensitised)
- Year 3:
- Lessons identified from the year 2 pilot awareness-raising processes harvested, and 10 new districts identified for roll-out of awareness-raising process
 - Specific focus on -police officers sensitised on agreed performance standards and mechanisms (50% sensitised)
- Year 4:
- Lessons identified from the year 3 pilot awareness-raising processes harvested, and next 10 districts identified for roll-out of awareness-raising process
 - Specific focus on police officers sensitised on agreed performance standards and mechanisms (75% sensitised)
- Year 5:
- Lessons identified from the year 4 pilot awareness-raising processes harvested (into JRLOS performance standards), and remaining 2 districts identified for roll-out of awareness-raising process (100%)
 - Specific focus on -police officers sensitised on agreed performance standards and mechanisms (100% sensitised)

e.5.8. Output 5.7: Improved detention facilities and conditions

Rwanda's Correctional Services still face important challenges. There are currently about 60,000 inmates in Rwanda's prisons. Of these about 8,000 are on remand (awaiting trial), an important reduction compared to the 17,000 in 2009, which testifies to the significant efforts the Government of Rwanda has put in place to improve over-crowding. Indeed, the prison population that peaked in 2007 at about 98,000 has been reduced thanks to the release programme enabling genocide offenders to be assigned to TIG work camps as an alternative to imprisonment.

Despite the release programme, Rwanda's prisons are operating at about 105% of the designed capacity. There is currently no provision for alternatives to imprisonment (i.e. community service) other than TIG for those convicted of genocide crimes, and there are very limited possibilities for rehabilitation of prisoners should be noted in this regard that the draft penal code aims at expanding alternative sentencing to a number of crimes but not all.

This output aims to tackle a number of challenges by identifying and implementing measures to improve prison conditions and prisoner rehabilitation. The aim is to enhance inmate conditions to reach minimum human rights standards including a focus on rehabilitation to benefit the families of inmates and the entire community. CSOs and NGOs are expected to play a crucial role in this regard.

Key policy actions in this area were accepted by Rwanda to be implemented during its Universal Periodic Review at the end of 2010.¹⁵ These include low-cost policy actions such as improving the treatment of prisoners including an end to the practice of sentencing prisoners to solitary confinement. Itself a human rights compliance issue, this may also assist over-crowding by freeing up more space. Similarly, in the Universal periodic Review Rwanda re-confirmed that it would ensure that those sentenced to life imprisonment benefit from the *United Nations Standard Minimum Rules for the Treatment of Prisoners*, and adopt urgent and new measures against overcrowding – including separating convicted offenders from pre-trial detainees. Rwanda also undertook to “strengthen measures taken within the reform policies to make the prison system more humane, in particular through training of personnel and improved prison administration”.

To advance implementation of these key policy actions, examples of possible activities include:

- A situation and gap analysis of the prison workshops and prison farms will be undertaken based on the specific standards in the international framework including *the UN Standard Minimum Rules*. The analysis' recommendations implemented. This includes improving skills training and rehabilitation of prisoners to help prepare prisoners for a return to a life outside prison. Matters of human rights, it is also an income generating opportunity and/or in the case of prison farms, a cost efficiency mechanism;
- Physical infrastructure situation and gap analysis;
- Identify and support mechanisms for social reintegration of prisoners completing detention.
- Implement health care programs in prisons and TIG-camps
- Sensitize inmates and TIGists on contagious diseases, HIV/Aids and health care education
- Organize coordination meetings with relevant stakeholders
- Improve on literacy and skills development programs for inmates and TIGists
- Provide general medical care at any time and without delays in cases of urgency

Expected annual targets are as follows:

Year 1:

- Situation and gap analysis of the prison workshops and prison farms undertaken
- Physical infrastructure needs assessment completed
- Mechanisms for social reintegration of prisoners completing detention identified

Year 2:

- Situation and gap analysis of the prison workshops and prison farms recommendations implemented
- Recommendations from physical infrastructure needs assessment implemented (by 25%)
- Mechanisms for social reintegration of prisoners completing detention implemented (by 25%)

Year 3:

- Recommendations from physical infrastructures needs assessment implemented (by 50%)
- Mechanisms for social reintegration of prisoners completing detention implemented (by 50%)

Year 4:

- Recommendations from physical infrastructures needs assessment implemented (by 75%)
- Mechanisms for social reintegration of prisoners completing detention implemented (by 75%)

Year 5:

- All recommendations from physical infrastructures needs assessment implemented
- Mechanisms for social reintegration of prisoners completing detention implemented (by 100%)

e.5.9. Output 5.8: Improved productivity in RCS

Justice strategies aim at enhancing Human rights access to justice, correction, observance and awareness, inculcating the best practice among staff, preventing human rights violations, empowering inmates through provision of legal aid services and professionalization of life skills, Promoting use of alternative sentences such as Community Service, and Stronger linkages with partners in the justice Sector (JRLOS) and other international bilateral and multilateral Agencies to enhance best international minimum standard of prison practices.

Envisaged under correction strategies are the provision of comprehensive psycho social counseling for the prisoners, talent identification, life skills building session, medical care, education, referral of beneficiaries and vocational services. The long term correctional service is a complex process that requires psychological, educational and vocational skills competencies. A key element in this process is to change the prisoner behavior and mind set. The correction plan must include measures that are sustainable and match both the reconciliation and integration of the inmates back in society. Correction strategies aim at fostering an enhanced role of the society in prevention of crime deterrence and rehabilitation of offenders- "corrections as a societal responsibility";

The production strategies aim at increasing RCS resources through developing the production factors available in all prisons and rehabilitation centres in order to fill the gap between needs and the budget allocated by the government, achieve self-sufficiency in the management of prisoners and improve their living conditions. The successful implementation of production strategies will require partnering with all stakeholders operating in the country especially local authorities, private Sector institutions, civil society organizations, regional and international actors, employers' and workers' organizations, and other non-governmental organizations. It also requires the creation of Wide Production Centres and production mechanism.

The key policy action is to development and implementation of the RCS production business plan.

The expected result of this output is that the funding gap between the actual needs of RCS and the budget allocated by the government is filled.RCS Production Strategy operational, Productivity and its effective management in prisons and TIG promoted,RCS Marketing Strategy implemented and Self-sufficiency in the management of prisoners and their living conditions improved.

To advance implementation of these key policy actions, examples of activities include:

- Review the production Strategy
- Acquire sufficient factors of production(sufficient and professional) for prisons
- Acquire modern productions implements;
- Build capacities for production officers at all levels
- Develop specialization and commercial production
- Engage prisoners and inmates and "Tigistes" according to their talents
- Ensure the regionalization of economic activities according to the environmental potentialities
- Diversify income generating activities in prisons and TIG Camps
- Review the marketing Strategy
- Create production activities that are competitive on the market
- Use existing manpower in most production chains
- Initiate and improve various products for home consumption
- Build the infrastructure for prisons and for customers

Expected annual targets are as follows:

Year 1:

- Review the production Strategy
- Acquire sufficient factors of production(sufficient and professional) for prisons
- Acquire modern productions implements;
- Build capacities for production officers at all levels
- Develop specialization and commercial production
- Engage prisoners and inmates and "Tigistes" according to their talents
- Ensure the regionalization of economic activities according to the environmental potentialities
- Diversify income generating activities in prisons and TIG Camps
- Review the marketing Strategy
- Create production activities that are competitive on the market
- Use existing manpower in most production chains
- Initiate and improve various products for home consumption
- Build the infrastructure for prisons and for customers

Year 2:

- Review the production Strategy
- Acquire sufficient factors of production(sufficient and professional) for prisons
- Acquire modern productions implements;
- Build capacities for production officers at all levels
- Engage prisoners and inmates and "Tigistes" according to their talents
- Ensure the regionalization of economic activities according to the environmental potentialities
- Diversify income generating activities in prisons and TIG Camps
- Review the marketing Strategy
- Create production activities that are competitive on the market
- Use existing manpower in most production chains
- Initiate and improve various products for home consumption
- Build the infrastructure for prisons and for customers

Year 3:

- Review the production Strategy
- Acquire sufficient factors of production(sufficient and professional) for prisons
- Acquire modern productions implements;
- Build capacities for production officers at all levels
- Engage prisoners and inmates and "Tigistes" according to their talents

- Ensure the regionalization of economic activities according to the environmental potentialities
- Diversify income generating activities in prisons and TIG Camps
- Review the marketing Strategy
- Create production activities that are competitive on the market
- Use existing manpower in most production chains
- Initiate and improve various products for home consumption
- Build the infrastructure for prisons and for customers

Year 4:

- Review the production Strategy
- Acquire sufficient factors of production(sufficient and professional) for prisons
- Acquire modern productions implements;
- Build capacities for production officers at all levels
- Engage prisoners and inmates and "Tigistes" according to their talents
- Ensure the regionalization of economic activities according to the environmental potentialities
- Diversify income generating activities in prisons and TIG Camps
- Review the marketing Strategy
- Create production activities that are competitive on the market
- Use existing manpower in most production chains
- Initiate and improve various products for home consumption
- Build the infrastructure for prisons and for customers

Year 5:

- Review the production Strategy
- Acquire sufficient factors of production(sufficient and professional) for prisons
- Acquire modern productions implements;
- Build capacities for production officers at all levels
- Engage prisoners and inmates and "Tigistes" according to their talents
- Ensure the regionalization of economic activities according to the environmental potentialities
- Diversify income generating activities in prisons and TIG Camps
- Review the marketing Strategy
- Create production activities that are competitive on the market
- Use existing manpower in most production chains
- Initiate and improve various products for home consumption
- Build the infrastructure for prisons and for customers

E.6. SECTOR PRIORITIES FOR DISTRICTS

In order to facilitate strategic planning at District level it is important to have harmonized set of indicators at District level within sectors. Different indicators might be observed at output level among Districts but overall consistency is expected at outcome level targets for Districts based on certain rationale;

1. The Districts contribute to an overall national/sector target
2. The aggregate of district targets should achieve the sector targets

District	Sector Outcome	Output Indicator at District level	Baseline 2011 or 2012	Target 2017/18	Source of data
Bugesera BureraGakenke Gasabo Gatsibo Gicumbi Gisagara	OUTCOME 2. Strengthened Universal Access to Justice	2.3.1.Number of cases (Disaggregated by types, age, sex and location) closed at Mediation committees (Abunzi)		90% of cases received are settled by Abunzi	National secretariat of Abunzi; Supreme courts

District	Sector Outcome	Output Indicator at District level	Baseline 2011 or 2012	Target 2017/18	Source of data
Huye Kamonyi Karongi Kayonza Kicukiro Kirehe Muhanga Musanze Ngoma Ngororero Nyabihu Nyagatare Nyamagabe Nyamasheke Nyanza Nyarugenge Nyaruguru Rubavu Ruhango Rulindo Rusizi Rutsiro Rwamagana	OUTCOME 3. Effectively combated impunity for international crimes and genocide ideology; strengthened truth-telling and reconciliation	3.2.1. The number of dialogues held (disaggregated by subject matter, stakeholders involved and number of districts, cells and Sectors) 3.3.1 Number of 1994 Genocide victims compensated		Operationalise strategic dialogues in Villages TBD ¹⁶	Rwanda reconciliation Barometer (NURC reports) MINIJUST
	OUTCOME 4: Enhanced rule of Law, Accountability & competitiveness	4.3.1 % change in number of corruption cases processed successfully by the Prosecution		TBD	RGC ¹⁷
	OUTCOME 5: Maintained safety, law & order and enhanced adherence to Human Rights.	5.1.1 Number of community programs undertaken		Road accident fatalities will be reduced by 25 % Gender Based Violence will be reduced by 10 % Reported and perceived crime levels will be reduced by 15 % 50 CLO's offices will be better equipped 48 Security meetings with local authorities will be conducted 20 Anti-crime clubs will be established	RNP Reports

Note:

- All Indicators at District level are output indicators (Most of JRLOS outcome indicators at measured at output level);
- Indicators are similar to all Districts;
- Baselines are to be set when 2011/12 year reports are finalized.

¹⁶To Be Determined.

¹⁷Rwanda Governance Scorecard

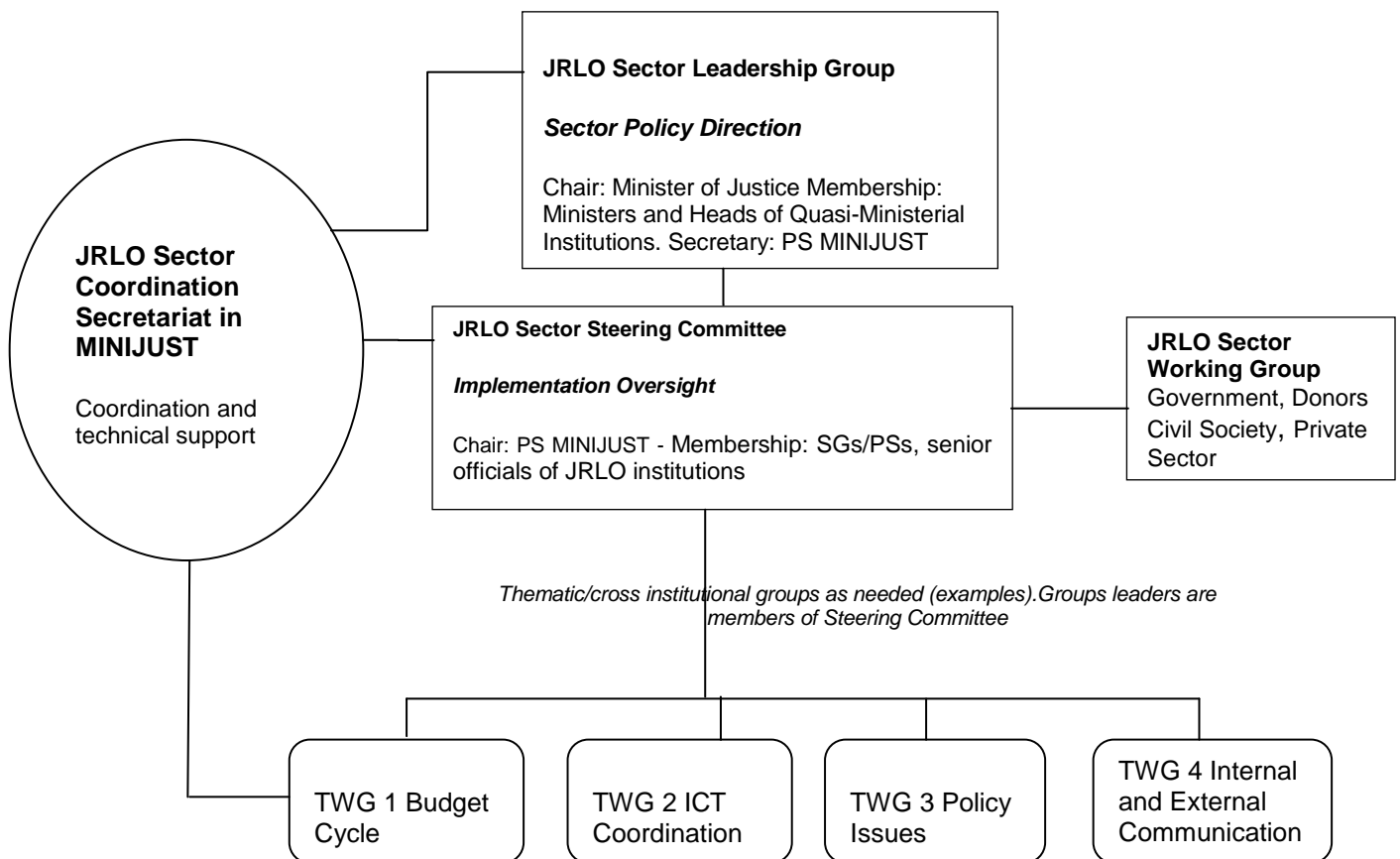
CHAPTER 4: IMPLEMENTATION OF THE SSP: ORGANISATION AND MANAGEMENT

a. Programme Management structure

A Coordination Secretariat that works out of MINIJUST and currently has the following composition

- A Coordinator
- A communication specialist
- A planning specialist
- A Public Finance Management Specialist
- A Monitoring and Evaluation Specialist
- An Information Communication Technology specialist
- EDPRS Focal Point on secondment from MINECOFIN
- An Administrator
- A Secretary

The JRLOS Secretariat coordinates the following management structure:



The various committees in the agreed structure have the following roles and composition.

The Leadership Group is responsible for Sector policy direction and overall political responsibility for delivering the JRLOS Strategy and outputs. The Minister of Justice chairs the Leadership Group and the membership comprises Ministers and Heads of quasi-ministerial institutions. The Permanent Secretary of MINIJUST is the Secretary of the Leadership Group.

The Steering Committee is responsible for implementation and oversight of the JRLOS Strategy. The Permanent Secretary (PS) of MINIJUST chairs the Steering Committee and the membership comprises SGs/PSs and senior officials of JRLO institutions. The Steering Committee reports to the Leadership Group and the JRLOS Coordination Secretariat functions as the Secretary.

The Joint Sector Working Group is mandated under the EDPRS to provide coordination, policy advice and M&E of Sector activities. The JSWG brings together non-state actors (mainly NGOs) as well as development partners and Government of Rwanda officials from the Steering Committee and/or as delegated by the Steering Committee members. The JSWG is chaired by the PS MINIJUST and co-chaired by a development partner. The JRLOS Secretariat functions as the Secretary.

In addition, Thematic Working Groups, reporting to the Steering Committee, chaired by a member of the Steering Committee, and co-chaired by a development partner, have been established. These deal with practical implementation work. Some groups will focus on key processes underpinning the SWAp, in particular Sectorplanning and budgeting and ensuring alignment of institutional budgets with the Strategy. Other TWGs focus on delivery of outputs, or sets of priority activities within outputs. Composition of the TWGs will depend on interest and specialisation as determined by the Steering Committee. There are currently four TWGs established to work within the following areas:

- TWG 1, responsible for planning and budgeting and reporting within the budget cycle outlined by MINECOFIN. It is composed of the institutional Directors of Finance and Administration (DAFs), the heads of the planning and M&E units, and the heads of the inspectorates.
- TWG 2, responsible for the planning and coordination of ICT activities. The membership of this TWG will go beyond the technical level to cover all ICT managerial aspects.
- TWG 3, responsible for policy compliance and Sector priorities as well as the formulation of recommendations on amendments and improvements. Membership is made up of representatives from JRLOS institutions' management committees.
- TWG 4, responsible for Sector-wide communication within JRLOS institutions and with the public in general. Members are the institutional communications officers.

At the district level the judge in charge of the most decentralised entity of the primary courts should chair the justice Sector committees. These district committees will report to the Steering Committee, which is to coordinate their activities, and follow-up on action required as recommended.

The Coordination Secretariat has played and will continue to play a key role in terms of the coordination, planning, and budgeting including supervising as well as monitoring and evaluating the implementation of the JRLOS Strategy on a day-to-day basis. As the implementation of the JRLOS Strategy is gradually strengthened and momentum increases, the JRLOS institutions increasingly look to the Coordination Secretariat to carry out its role. This has helped reinforce the mandate of the Coordination Secretariat to propose, initiate and catalyse debate as well as provide quality assurance and M&E. However, for the sustainability of the Secretariat, it is important that well-qualified and motivated national staff fills its positions. This is important since international and national technical advisors as well as two national contractual staff occupy the current positions within the Coordination Secretariat. However finding the qualified staff has proved difficult due to the lack of financial incentives and the low ranking status of the Secretariat as a unit within MINIJUST compared to the Secretariat's highly important mission and responsibilities. There are two key functional areas that are currently lacking in the Secretariat and for which priority should be given in the recruitment of additional staff. These are the functions of a planner and a public finance management specialist.

Of the other structures created within JRLOS (Leadership Group, Steering Committee, Joint Sector Working Group and Thematic Working Groups) the Joint Sector Working Group has been the most active during JRLOS I. Considerable progress has, however, been made to strengthen the roles and commitment of the other committees including twice restructuring the TWGs.

Internal communication within JRLOS institutions is vital as is coordination between institutional departments and especially between the "professionals" and the "technicians" within JRLOS institutions.

CHAPTER 5: MONITORING AND EVALUATION

To support implementation and reporting on progress as well as coordination, communication and co-operation, JRLOS has put in place the following mechanisms:

- *Joint Sector Review, Backward Looking* held in September/October. This meeting assesses progress and looks at achievements during the past FY year. Three have been held to date bringing together the JSWG.

- *Joint Sector Review, Forward Looking* held in March/April. Based on an assessment of progress of the on-going financial year. This meeting is also used to modify indicators, targets, etc. for the next Financial Year.
- *Annual Peer Review Retreats* held over two days. This is a mechanism aiming at providing a forum for a free debate on critical issues that affect the whole Sector. It is an opportunity to create the conditions for a genuine self-evaluation of the strengths and weaknesses of the JRLOS institutions in the presence of their peers. It brings together representatives from the highest levels of the JRLOS structure. Peer review meetings have been held in 2007, 2008 and 2010. The retreat agrees on recommendations in relation to challenges identified as well as guidelines for the follow-up on the recommendations made.
- *Self-evaluation of the EDPRS*. This process was conducted from October to December 2011. The process made key findings, identified challenges and lessons as well as agreeing on recommendations. Key among them is the need to develop a comprehensive JRLOS policy framework to include a clear definition of the Sector, the role of each institution, its obligations and responsibilities.

The new *JRLOS Comprehensive Strategy Monitoring & Evaluation Framework* (see annex) is the basis for monitoring progress of the implementation of the JRLOS II Strategy. The M&E framework constitutes a single set of indicators. Both outcome and output indicators are envisaged. These have been identified as a means through which all Sector institutions and the Sector as a whole can be held accountable and their contribution assessed. The M&E framework includes a logical framework that links outcomes and outputs and related key policy actions to the JRLOS and EDPRS goals. Means of verification will need to be fine-tuned as part of the follow-up discussion process. Targets have been agreed and baselines will be established.

Indicators are geared towards tracking progress across all human rights issues in the Sector – both civil and criminal – even where the reform is focused only on criminal. This is to avoid achieving gains (such as increased efficiency) on the (measured) criminal side, at the expense of greater case backlog on the (unmeasured) civil side. The risk is currently that, as the Mid-Term Evaluation points out, an incomplete picture can mean that improvements are made at the cost of unmeasured regression in other areas. The Existing incentive structures often reward delay rather than resolution of cases. For example, outcome 1 mentioned the reluctance of police and prosecutors to screen cases on the basis of merit since their performance is measured more on quantity (of cases registered) than on quality (number of non-deserving cases not pursued or withdrawn). Thus, indicators, if badly selected, can have perverse effects – creating incentives that undermine the JRLOS intended outcomes and goal.

CHAPTER 6: COSTING AND FINANCING OF THE SECTOR STRATEGIC PLAN

a. Costing under the new Strategy: an explanatory note

The costing of key policy actions as agreed during the strategic planning exercise (Strategic Planning Exercise) is presented in Annex and is indicative only (no indicative budget ceilings which cover the entire period under consideration have so far been delivered by MINECOFIN). Costing therefore mainly consists of lump sums and indicative estimates based on experience from the implementation of previous activities and divided between the five fiscal years (FYs) starting from FY 2013/14. Key policy actions in column 1 are grouped by outcomes. Under some of the identified key policy actions some key activities or tasks have also been included.

Column 2 identifies the institutions, which should lead the responsibility to guide the action/activities, while column 3 identifies the key partners involved in the implementation of the action/activities. The next 5 columns describe the costing under the different FYs considered (from 2013/14 to 2017/18 plus the total). Column 10 is intended as an explanatory note which gives comments on how the costing has been obtained and the last column presents the funding gaps (i.e. the difference between the funds needed under the key policy actions and the presumed available funds based on the indicative budget ceilings for FYs 2012/13 up to 2014/15). It is up to the Sector to identify and therefore prioritise the key policy actions to be developed at the beginning considering the available financial resources and possibly to postpone other key policy actions which are less important.

An estimated required total budget of about 63.37 million USD (1 USD= 606 Frw) for the Sector for the key policy actions during the five FYs considered is envisaged. This means that there will be an average of 12.674 million USD available per year. Such sums, which do not include wages and salaries, should be covered mostly under the recurrent non-wages expenditures while construction of infrastructure, which has also not been considered, should be covered by capital expenditures (both domestically and externally financed).

A table of recurrent non-wages ceilings for the most important institutions for the FY 2014/15 follows. The table is based on the current budget. Ceilings for FY 2014/15 are therefore indicative and based on an increase of around 10% from FY 2013/14, which are also estimates. According to the table no funding gap for the Sector as a whole is envisaged and the key policy actions as agreed are perfectly sustainable. However, if the focus is on specific institutions responsible for the different policy actions a different picture arises. For instance, outcome 5, which alone will cost about 5,78 million USD and is under the responsibility of the RNP is above the ceilings estimated for the RNP (see table below) unless the funding gap is covered by a different distribution of sums between institutions, budgetary trade-offs, or financed by external capital funds. The same applies for Outcome 2 – key policy action “strengthen legal aid” –, which is expensive, and above the actual ceiling for MINIJUST.

INDICATIVE BUDGET CEILINGS FOR FY 2014/15 (only Recurrent non wages)

Institution	USD millions
NURC	1.45
Ombudsman	2.21
Supreme Court	2.20
RNP	4.93
RCS	8.30
MINIJUST	1.86
NCHR	1.06
ILPD	1.01
NPPA	1.09
Total	24.11

ANNEXES

ANNEX 1: Sector monitoring matrix

See separate file: **13 02 05 EDPRS2 JRLOS Monitoring Matrix**

ANNEX 2: Sector Priority/Policy Actions matrix

See Separate file: **13 02 05 JRLOS Priority Output Policy Actions**

ANNEX 3: Institutions consulted

Sector Institutions	MINIJUST
	ILPD
	NLRC
	NCHR
	ABUNZI SECRETARIAT
	JUDICIARY
	NPPA
	MILITARY COURTS
	MILITARY PROSECUTION
	MININTER
	RNP
	RCS
	NURC
	OFFICE OF THE OMBUDSMAN
	JSCS
Partner Institutions	KIAC
	KBA
	MINECOFIN
	MINEAC
	RGB
	RDB
Development Partners	NETHERLANDS
	EU
	BELGIUM
	GERMANY
	SWEDEN
	UNICEF
	PNUD
Civil Society	LAF
	RCN-J&D
	OXFAM
	IBUKA
	AJPRODHO
	LOH
	SURF
	THE LEAVITT INSTITUTE
	IJM
	LWB
	IBJ

ANNEX 4: Linkages between sector and thematic outcomes.

Accountable Governance JRLOS	Outcome 1: Improved citizens' scores on the provision of services in all Sectors	Outcome 2: Increased access to timely and fair justice	Outcome3: Increased rate of conclusion of court cases	Outcome 4: Improved progressive development/ performance towards achievement of a corruption free environment
Outcome 1: Sector capacity and coordination enhanced	- Networking and coordination of activities between the JRLOS institutions and other stakeholders strengthened			
Outcome 2: Universal access to justice strengthened		<ul style="list-style-type: none"> - Mechanisms to improve case management of civil and criminal cases including screening and reduction of case backlog implemented - Period of pre-trial detention reduced - Justice delivery at local level reinforced - Legal aid policy established and implemented - Execution of judgments improved - Improving the regional access to quality justice by harmonizing EAC court systems and strengthening the EAC legal institutions such as the EALA and EACJ. 	- Execution of judgments improved	
Outcome 3: Impunity for international crimes, and genocide ideology, effectively combated; truth-telling and reconciliation strengthened		<ul style="list-style-type: none"> - Prosecution and enforcement of judgments for genocide and other grave crimes accelerated - Community level dialogue, civic education and awareness raising to combat genocide ideology intensified 		

<p>Outcome 4: Rule of law, accountability and competitiveness promoted</p>	<ul style="list-style-type: none"> - Criminal record-keeping and statistical analysis improved 	<ul style="list-style-type: none"> - Improved legal and policy framework affecting the administration of justice - Awareness and application of JRLOS human rights based performance standards strengthened - Improved detention facilities and conditions - Community participation and awareness of crime prevention improved - Crime prevention capacity improved - Criminal investigation capacity enhanced 		<ul style="list-style-type: none"> - Anti-corruption mechanisms strengthened
<p>Rural Development JRLOS</p>	<p>Outcome 1: Improved Productivity of farmers in crops and livestock to generate greater income gains for the rural households</p>	<p>Outcome 2: Raised number of rural communities through provision of incentives to move to grouped settlements (Imidugudu) in order to access services and optimize land use through improved investments in basic services and sensitization around human settlement</p>	<p>Outcome3:</p>	<p>Outcome 4:</p>
<p>Outcome 2: Universal access to justice strengthened</p>	<ul style="list-style-type: none"> - Use of TiGists in rural areas - Diversified income generating activities in prisons and TIG camps 	<ul style="list-style-type: none"> - Resolve land disputes 		
<p>Outcome 3: Impunity for international crimes, and genocide ideology, effectively combated; truth-telling and reconciliation strengthened</p>				
<p>Outcome 4: Rule of law, accountability and competitiveness promoted</p>				

ⁱMaking Work the Law Work for Everyone, Volume II, Working Group Reports (UNDP 2008),at 47.

ⁱⁱ Stone, Crime, Justice Systems and Development Assistance, in World Bank Legal Review, Law, Equity & Development, Volume II (2006),at 217.