REPUBLIC OF RWANDA

MINISTRY OF JUSTICE

Final draft

National Legal Aid Policy

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Foreword

While the constitution and other laws provide for equality of all persons before the law, poverty, limited access to lawyers and lack of knowledge about legal procedures still limit full access to justice. Legal aid through legal information and education, advice, assistance, mediation and representation ensures that free or subsidised services are provided to eligible, indigent individuals.

The benefits of effective legal aid services extend beyond the individual to include societal benefits such as prevention and resolution of disputes before they become real cases and threaten social harmony, elimination of unnecessary detention, speedy processing of cases, fair and impartial trials, and the reduction of prison populations in criminal matters. In civil and administrative matters, legal aid services ensure that justice is fair and accessible.

This policy aims at increasing the level of access to justice for all Rwandans particularly by expanding the legal aid provision, streamlining and improving the alternative dispute resolution system through effective coordination, establishing the legal aid fund and by setting up a stakeholder legal aid committee and Access to Justice Unit to coordinate the day-to-day management of legal aid provision. It also defines the main eligibility criteria for legal aid.

Various stakeholders including government institutions, Development Partners, Private and Civil Society Organisations, made significant contribution in the preparation of this Policy. It is hoped that the full implementation of this Policy will contribute to strengthening the rule of law, protection and promotion of human rights and increasing access to justice for all Rwandans.

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Abbreviations and Acronyms

ADR	Alternative Dispute Resolution
ACHPR	African Charter on Human and Peoples' Rights
CSO	Civil Society Organisation
CRC	Convention on the Rights of the Child
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CERD	Convention on Elimination of All Forms of Discrimination
EDPRS	Economic Development and Poverty Reduction Strategy
GoR	Government of Rwanda
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic Social and Cultural Rights
JRLOS	Justice, Reconciliation, Law and Order Sector
LAF	Legal Aid Fund
LAPs	Legal Aid Providers
MAJ	Maison d'accès à la Justice/Access to Justice Bureau
M&E	Monitoring and Evaluation
MINALOC	Ministry of Local Government
MINIJUST	Ministry of Justice
MINIJUST	National Legal Aid Steering Committee
NPPA	National Public Prosecution Authority
RBA	Rwanda Bar Association
RNP	Rwanda National Police
UDHR	Universal Declaration of Human Rights

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1. Introduction

Through its Vision 2020,Rwanda "is committed to being a capable state, characterised by the rule of law that supports and protects all its citizens without discrimination…and to the protection of human rights in particular" as one of the key prerequisites for good governance.

Significant achievements have been registered as a result of various government laws and policies aimed at helping Rwanda achieve this vision. Access to justice has been greatly enhanced through, inter alia, an efficient court system, provision of legal aid, a strengthened Bar Association, the Bailiffs Association, expansion of the Notary service up to the Sector level, the efficient functioning of *Abunzi* (Mediation Committees), a clear focus on efforts against Gender Based Violence as well as institutionalisation of Access to Justice Coordination at the District Level.

However, Rwanda still faces some challenges in enabling complete access to justice for all its citizens especially the indigent among the vulnerable groups such as children, women and prisoners. Issues such as the insufficient representation of the needy in criminal matters, the scarcity of legal aid providers in rural areas as over 85% of advocates are located in Kigali whereas most potential legal aid recipients are located in rural areas, an open-ended ADR system resulting in people seeking dispute settlement from multiple institutions at the same time, insufficient legal aid funds, and lack of a coordinating body to plan, fund, coordinate, monitor, evaluate and report on the provision of legal aid make it difficult to implement the access to justice policies.

This National Legal Aid Policy presents a new approach to legal aid that will build on the existing strategies to deliver comprehensive access to justice to all Rwandans paying particular emphasis to the poor and other vulnerable groups that have been comparatively disadvantaged.

1.1. Definition of Key Legal Aid Concepts

1.1.1. Legal aid

Legal aid is defined as free or subsidized services to eligible individuals or groups, mainly poor and vulnerable people, provided as a means to strengthen

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their access to justice. According to the Lilongwe Declaration on Accessing Legal Aid in Criminal Justice Systems in Africa of 2004, legal aid is more than representation by a lawyer in a court. The meaning is broadened to include legal advice, assistance, representation, education, and mechanisms for alternative dispute resolution. In addition, legal aid extends equally to civil, administrative as well as criminal matters.

For the purposes of this Policy, legal aid is defined as a system underpinned by universal access to justice which:

i. Provides for or makes accessible, free, quality and sustainable legal information and education, legal advice, mediation and legal representation and other related and incidental services to poor and vulnerable persons, in both criminal and non-criminal matters, subject to certain limitations, through the formal and informal justice institutions;
ii. Is funded wholly or in stipulated instances, partly, out of funds provided by the State, in accordance with its financial means; and
iii. Is administered by a state institution or non-state entity or by a unique and specialised corporate body independent from the State.

Mediation specifically includes *Abunzi* (Mediation Committees), which is a Rwandan Alternative Dispute Resolution (ADR) innovation that has proven to be economical and will be strengthened through this policy in order to ensure the maximisation of their potential and contribution to legal aid provision.

1.1.2. Access to Justice

This is a process leading from grievances to a remedy that requires the following elements: (a) the existence of a legal framework that sets down acceptable substantive and procedural standards, (b) a certain level of awareness within the population that legal rights are meaningful for them, (c) Legally established Alternative Dispute Resolution processes/mechanisms which citizens own and participate in, with capacity and competence to resolve disputes before they become court cases (d) existence of mechanisms of legal assistance in place that help people to translate their problems in legal terms, (e) a system of adjudication of disputes that is fair, (f) court decisions executed

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via an effective enforcement practice, and (g) a system of oversight in place that ensures that good quality justice is delivered in a timely fashion and at reasonable costs. This policy will foster access to justice by reinforcing its vital elements outlined above.

1.1.3. Formal and informal justice systems

Most legal aid policies take the existing formal legal system and the legally trained actors as their point of departure. Everywhere in the world the implementation of these policies is very costly, because lawyers are expensive. Furthermore, the outcomes of adversarial procedures before a judge are not always an effective solution for the problem of the parties. So governments are looking for cheap and effective alternatives to keep cases away from the courts. Therefore mediation and ADR mechanisms are introduced as alternatives to court based solutions.

Against this background there is a growing interest in informal conflict resolutions practices at the international level. Informal justice systems are the resolution of disputes and the regulation of conduct by adjudication or the assistance of a third party that is not part of the judiciary and whose foundation is not primarily based on statutory law.

1.2 The Need for a Legal Aid Policy

Much has been done by the government and other stakeholders to provide legal aid in Rwanda. However these efforts do not derive from a known comprehensive policy, and they are not legally documented to date. Legal aid legislation and the administrative processes involved are scattered over various national and international legislations of Rwanda. The absence of a policy and regulatory framework for legal aid service provision also means that there is no set standard for service delivery and no clear mechanism to manage or control the services provided.

Secondly, although there has been a general expansion of legal aid provision in the country, the related policy aspects remain weak. The result is low levels of regulation and coordination of legal aid services with regard to planning, implementation, funding as well as monitoring and evaluation.

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Additionally, despite the establishment of Access to Justice Structures and a statutory fund for the poor and needy people administered by MINIJUST, there is need to streamline the organisation of legal aid provision and its funding. Development Partners have also not coordinated their resources in a harmonised manner so as to achieve optimal impact. The result is that there is no clear source of funding for legal aid which makes planning difficult.

The link between human rights, poverty reduction, development, and peace is stressed in the Constitution, Vision 2020, EDPRS 2, and the Seven-Year Government Programme. A policy on legal aid is therefore a meaningful step in the country's quest for justice and dignified life for all.

This policy is therefore an attempt to address the challenges associated with the absence of a comprehensive structure for the provision of legal aid in Rwanda. It draws inspiration and derives from the national priorities as stated in the abovementioned documents. It is hoped that the result will be an effective and well administered legal aid framework for Rwanda that will see an increased level of access to justice for all Rwandans.

2. Vision and Objectives of the Policy

The vision of this policy is:
Rwanda where indigent and vulnerable citizens access quality justice and realise their rights guaranteed by law.

The aim of this vision is to unlock the potential of and give a voice to the poor and vulnerable in society to participate in the development process by enabling them to access quality justice and enforcing their rights.

The Vision and objectives of this policy are meant to contribute to the realisation of Vision 2020. Specifically, the policy aligns itself to the JRLOS Strategy under Outcome No 2, which is about the need for enhanced access to quality justice particularly through the establishment and implementation a comprehensive legal aid policy.

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Mission

The National Legal Aid Policy aligns itself to the JRLOS strategy. The mission of that strategy is as follows:

"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."

The JRLOS seeks to contribute to poverty reduction, thereby linking into EDPRS 2. The purpose of JRLOS is "Strengthened rule of law to promote accountable governance, a culture of peace, and enhanced poverty reduction." Within this purpose, one of the strategy's outcomes "strengthened universal access to quality justice," partly through measures to increased access to justice, such as the provision of legal aid. It is to this outcome that the Legal Aid policy seeks directly to contribute.

Objectives

In order to make this vision a reality, the policy aims at achieving the following short-term and long-term objectives:

Short-Term objective

1. To establish a coordination mechanism to develop policies and procedures for administering legal aid services.
2. To elaborate a funding mechanism for legal aid services.

Long-Term objective

1. To provide an effective and sustainable framework for the provision of accessible and quality legal aid services to the poor and vulnerable which positively impacts on society.
2. To ensure that the poor and the vulnerable in the society are not locked out of the development and poverty reduction process because of their social and financial inability to access justice and enforce their rights.

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3. Framework for the National Legal Aid Policy

3.1. National Legal Framework

At the domestic level, Rwanda has laid a solid foundation for the provision of legal aid with the right to access to justice being clearly codified in the Constitution as well as various other laws and orders.

a) The Constitution

The 2003 Constitution of Rwanda clearly recognises the fundamental human rights which are supported by the principles of rule of law, good governance and due process as enshrined in the major human rights treaties. In particular Article 62 empowers Parliament to enact the laws necessary to implement policies and programs aimed at redressing social, economic or educational imbalances in society among others. In addition, Article 16 states that: "all human beings are equal before the law. They shall enjoy without any discrimination, equal protection of the law," while article 9 enshrines the importance of dialogue as a fundamental principle for arriving at amicable settlement of differences.

b) Other Legislation

i. Organic Law N° 02/2010/OL of 09/06/2010 on organisation, jurisdiction, competence and functioning of the mediation committee.

ii. The Organic Law determining the organisation, functioning and jurisdiction of the Supreme Court adopted in June 2012 makes it mandatory for an appellant and other parties before the Supreme Court to be represented by counsel (art.42). Additionally, where the appellant or other parties to the proceedings cannot afford their legal fees, they can apply to the President of the Supreme Court for free legal assistance.

iii. The new Law establishing the Rwanda Bar Association (RBA) adopted in November 2013 also expresses the government's intention to provide free legal services to indigents and needy people (art.58). The law provides that one of the missions of the Bar is "to help the government in the provision of legal aid" (art.4) and that "the Minister in charge of justice shall prepare and incorporate in the budget of the Ministry an amount of

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money to contribute to the legal and judicial aid to the indigents and needy people" (art.60).

iv. The Code of Criminal Procedure adopted in 2004 provides, in Articles 38 and 39, that any criminal defendant has a right to be informed of the charges against him or her and also creates a right for legal representation including seeking assistance from the Bar Association where he/she cannot afford counsel. In addition, Article 2013 of the same law makes it mandatory for children to have legal counsel while appearing before a court of law.

v. Further legislation such as Law N° 47/2013OF 16/06/2013 Relating to the Transfer of Cases to the Republic of Rwanda deals specifically with accused persons transferred from the International Criminal Tribunal for Rwanda (ICTR) and other States in cases relating to genocide and other international crimes. The law provides that the accused shall be entitled to counsel of his choice in any examination. In case he/she has no means to pay, he/she shall be entitled to a legal representation.

vi. The law relating to the Rights and Protection of the Child against violence also states in its Article 21, that the State, where necessary, shall provide legal assistance to children without a guardian when they are involved in court cases.

vii. Article 8 of the Law relating to people with disabilities states that: "A disabled person shall have the right to legal representation like any other person in courts of law as determined by law. The State shall determine the modalities of providing legal aid to the needy disabled persons who are not able to get legal representation." The law further states that "various organs shall facilitate the disabled persons in acquisition of the required services at any time it is considered necessary."

3.2. International Legal Framework

Rwanda's International Human Rights obligations also obligate the provision of legal aid. Major international and regional conventions to which Rwanda is a State Party such as; the International Convention on Civil and Political Rights, the Convention on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights provide for the right to legal aid.

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Rwanda has also made a commitment to several Declarations and Resolutions. Examples include; the Kampala Declaration on Prison Conditions 1996, the Kadoma Declaration on Community Service Orders in Africa 1997, the Abuja Declaration on Alternatives to Imprisonment 2002 and the Ouagadougou Declaration on Accelerating Prison and Penal Reform in Africa 2002,as well as the Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa 2004.

Rwanda's legal frame work thus illustrates the government's understanding that the provision of adequate Legal aid services is a crucial element for the realisation of fundamental human rights. In particular, the right to a fair hearing as provided in Article 14 of the ICCPR cannot be effectively realised without legal aid.

Rwanda's domestic and International human rights obligations form the basis for the drafting of this policy.

3.3. National Policy Framework

Rwanda's Vision 2020, states that the country "is committed to being a capable state, characterised by the rule of law that supports and protects all its citizens without discrimination …and to the protection of human rights in particular."

The EDPRS II and the JRLOS II Strategy also link access to justice and legal aid to the principle and status of the rule of law and commits to strengthening it in the next 5 years until 2017/18. The JRLOS II particularly sets out to establish and implement a National Legal Aid Policy as one of the main deliverables of the Sector.

The 7YGP commits to strengthening the organs of the justice system, and to expanding access to justice in order to reach all the Districts and grassroots levels in the service of Rwandans.

Lastly, the 11th National Leadership Retreat that took place in March 2014 resolved that Abunzi need to be better empowered to enable them to effectively resolve community disputes and reduce on the number of people going to formal courts to resolve their disputes.

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4. Analysis of Legal Aid Provision in Rwanda

4.1. Institutions Providing Legal Aid

There are currently seven (7) main categories of legal aid providers in Rwanda comprising of both State and Non-State Actors (NSA). There are a total of 74 identified legal aid providers including 2 by the Ministry of Justice through MAJ and Abunzi, 30 NGOs, 4 Universities and 40 private practitioners. Legal aid thus involves different actors with different means of funding and management. Legal representation, advice, mediation, negotiation, advocacy and campaigns as well as preparation for self-representation and rights awareness are the main legal aid services provided. The NGOs, MAJ, University Legal Aid Clinics and the Bar Association are the main categories of providers.

This section discusses different legal aid providers, their role in the legal aid provision, areas of legal aid provision and recommends improvements to strengthen the available institutions and make them more responsive and effective.

4.1.1. State Institutions

a) Access to Justice Bureaus

Through the Ministry of Justice, the government initiated Access to Justice Bureaus/*Maisons d'Accès à la Justice* (MAJ) in 2007. Now established in all 30 districts of Rwanda, MAJ serves as the first point of orientation with legal aid service for Rwandans. MAJ mainly provides legal information/education as well as legal advice/mediation.

The RBA law grants MAJ staff powers to provide legal and judicial aid to indigents and needy people (articles 58 & 68). They may assist, counsel, represent and plead, before all courts, for indigents. They are also able to analyse cases, offer legal advice and mediation to parties, sensitize the population on their legal rights, assist prisoners and provide legal training to Abunzi.

The newly established Access to Justice Coordination Office at the District level will henceforth coordinate legal aid provided by Abunzi as well as what has hitherto been known as MAJ.

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It is envisaged that the Access to Justice Office (MAJ) will be supported to progressively become the vanguard to state legal aid provision.

Challenges faced

i. Limited training;
ii. Absence of logistical support in the form of specialized offices and research facilities to improve their work;
iii. Conflicts with the district dispute resolution committees over various decisions;

Although coordination of the MAJ has improved over the years, MAJ will benefit from stronger national coordination in a manner which complements their work with other legal aid providers.

Proposed policy actions

i. Properly define the MAJ coordination roles at the District level;
ii. Develop and implement a comprehensive training and capacity building programme for MAJ;
iii. Strengthen and improve the current training model for Abunzi by MAJ;
iv. Provide each MAJ district office with a hotline (SMS and telephone) for clients to access MAJ personnel and ensure that each office is always accessible during office hours;
v. Develop effective operational and administrative management of MAJ staff including a coordination framework with the Ministry of Local Government to enable districts to cooperate with MINIJUST in their administrative management;
vi. Expand legal aid provision in areas of weak coverage
vii. Set up and provide for referrals/appeals system for Alternative Dispute Resolution;
viii. Provide transport facilitation to MAJ and Abunzi coordination.

b) Mediation Committees (Abunzi)

Abunzi are voluntary mediators operating in Administrative cells. They are mandated by law to solve well defined minor conflicts involving both civil and criminal liability usually through mediation. They don't have formal legal

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education and offer their services free of charge. Abunzi expedite the resolution of cases, reducing the workload of the formal justice system.

They are elected initially for a period of two years and must be residents of the same Cell as the people whose conflicts they seek to resolve. They are required to be people of integrity and should be widely acknowledged for their mediating skills.

Abunzi are thus an excellent foundation for a legal aid system and provide a uniquely Rwandan method of dispute resolution which both empowers people to resolve their own disputes and is extremely economical to maintain. The system still needs to be strengthened, particularly, in order to ensure that their decisions are acceptable to all the parties in the dispute and that decisions are not unnecessarily challenged on appeal to the courts.

Challenges faced

i. The number (12) of people on the Abunzi Committees is too big. Presently there are over 30,000 of them in the whole country. This compromises efforts to provide them with facilitation.
ii. They are not compensated for their service, causing them in some cases to be less motivated;
iii. They have sometimes been criticized for acting like judges and not mediators;
iv. There have been allegations of bias in decision-making, with mediators sometimes handling cases for their own family members;
v. The law limits their jurisdiction to civil cases not exceeding 3 million Rwandan Francs yet most of their performance is in civil matters;
vi. The current law states that a Mediator who has been chosen to handle a case cannot be rejected by another party;
vii. They are criticised for poor and improper record keeping.

Proposed Policy actions

i. Amend the *Abunzi* (Mediation Committee) law to reduce the committee members from 12 to 7.This would allow parties to agree upon a neutral mediator in case of potential conflict, and extend the jurisdiction of Abunzi beyond the cell to the Sector level (administrative territory);
ii. Develop and implement a strategic policy vision and strategy for Abunzi;

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iii. Enhance communication between Abunzi and the public and other legal aid providers to improve efficiency and effectiveness. This will involve establishing a systematic ADR referral/appeals system to discourage duplication and overlaps in ADR services provision;
iv. Strengthened Abunzi supervision and coordination at the District level;
v. Provide Abunzi with incentives such as transport facilitation and opportunities for income generation;
vi. Provide materials and resources to Abunzi to improve their operational capacity and record keeping.

c) Non-Professional Bailiffs

These are public servants who are executive secretaries of Cells, Sectors and Districts. In addition to their routine administrative tasks, they facilitate the execution of court judgments with various legal powers.

Challenges faced

i. They are normally occupied with routine administrative tasks that prevent them from allocating enough time for judgment execution;
ii. The services and tasks related to judgment execution are not budgeted;
iii. They are not trained in execution of court judgments and are often ignorant of execution procedures.

Proposed policy actions

i. Including the execution of judgments as a task in their duties;
ii. Allocating government funding to facilitate the task of judgment execution;
iii. Developing and implementing a training, communication and coordination strategy on judgments execution by non-professional bailiffs.

4.1.2. Non- State Institutions

a) University Legal Aid Clinics

There are currently 4 universities providing legal aid clinics including; University of Rwanda, the ULK Gisenyi Campus and INILAK. The clinics have a triple mandate; to provide training to law students; to provide services to the indigent

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population and to carry out research related to legal aid. The clinics are staffed with university lecturers who supervise students that provide legal assistance, especially legal advice and education.

This is an excellent opportunity for young lawyers build practical skills in the provision of legal services. The clinics are flexible in the services that they provide and operate on a small budget with no need for heavy external funding. University Clinics also often visit the prisons and detention facilities to bring legal aid services to the people there. The strengthening of these clinics will fill some gaps within the legal aid system.

Challenges faced

i. The level of legal aid service provision remains limited, largely due to the need to adapt to the university teaching schedules and the absence of long term plans for sustainability;
ii. Lack of appropriate funding;
iii. The large number of students provides organisational challenges particularly in terms of case allocation and supervision.

Proposed policy actions

i. Encourage universities to expand their public service programmes for law students and find new ways to identify and instil the public service culture in the students as a core value of legal education;
ii. Encourage universities to open up new partnerships with legal aid providers to give students other opportunities to earn credit while helping the poor and vulnerable to settle their legal cases.

b) Rwanda Bar Association

RBA is a professional legal body which authorises all registered lawyers to practice as advocates in Rwanda. The RBA is also currently working to establish itself as a strong organization of independent private advocates. There are currently a little over 1,000 registered advocates. RBA provides legal aid to indigents through their pro bono services.

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Challenges faced

i. Advocates tend to give priority to paying clients;
ii. There is limited funding to support pro bono work;
iii. There is a concentration of advocates in towns with over 85 percent of advocates being located in Kigali alone, whereas most potential legal aid recipients are located in rural areas;

Proposed policy actions

i. Encourage RBA to create a mechanism for enforcing and properly monitoring the provision of pro bono services by Advocates and interns;
ii. Encourage better coordination of legal aid services between the RBA and other legal aid providers that are mutually supportive and complementary;
iii. Support the mobilisation of resources to support the work of the Bar Association and ensure proper quality control and monitoring;
iv. Encourage indigent and other citizens to resolve their disputes and conflicts using, Citizen Assemblies, Abunzi, MAJ and local government mechanisms and go to court only as a last resort.

c) Professional Bailiffs

Professional Bailiffs are organized under a statutory body which has the power to admit and accredit members to practice. These bailiffs normally provide fee-based services for executing judgments and the communication of summons among others. Like private advocates, professional bailiffs are largely inaccessible to indigents since they are concentrated in Kigali and charge fees for their services.

Challenges faced

i. They are concentrated in Kigali;
ii. They are not mandated to provide pro bono services;
iii. The reporting practice needs improvement;
iv. They do not collaborate with legal aid providers.

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Proposed policy actions

i. Amend the Bailiffs Law in order to require mandatory provision of pro bono services as a social responsibility;
ii. Develop and implement an effective reporting system on enforcement of judgments.

d) Civil Society Organisations (CSOs)

CSOs have been working towards improving access to justice for all Rwandans through legal aid provision to indigent persons. In 2006, legal aid providers came together to form a Legal Aid Forum (LAF) with the shared vision of equitable access to justice for all. LAF represents 37 member organisations and is a role player in complementing state provided legal aid services. It represents the development of a viable public-private partnership in the provision of legal aid.

Although CSOs do not have official agreements with the state to provide legal aid, except on an *ad hoc* basis, the collaboration between the LAF and the government around the legal aid week is seen as a resounding success and this is an indication of further potential to work together.

Challenges faced

i. CSO members are overwhelmingly dependent on donor funding which makes consistency in their activities difficult;
ii. Advocates working for CSOs are unable to represent clients in courts and CSOs are thus often forced to contract private advocates for litigation;
iii. CSOs are not formalised as legal aid providers by the state, except on an ad hoc basis;

Proposed policy actions

i. Require CSOs to adopt membership conditions complying with applicable quality control regulations in the provision of legal aid;
ii. Assist CSOs to acquire financial and other resources to enhance their provision of legal aid.

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4.2. Legal Aid Delivery Models

There are a number of models for delivering legal aid throughout the world, all of which are operating in some form or another in Rwanda. The models include; MAJ (known as Justice Centre in most countries), Judicare[1], pro bono work by lawyers, University law clinics, Paralegals, cooperation agreements with non-state legal aid providers and mixed delivery systems. Rwanda has a diverse formal and informal system of legal aid provision.

While there has been no national coordination of legal aid services between the various state and non-state legal aid providers, the state provides a core set of services in strategic locations around the country. CSOs in particular have served to fill gaps in the provision of legal aid in areas where state actors are not present. There is also a need for legal aid providers to maximise the use of the Ombudsman Office and the National Commission for Human Rights to complement legal aid provision, particularly on legal information/education and legal advice/mediation.

Experience from a number of countries such as Kenya, South Africa, Uganda and Sierra Leone, suggests that a mixed delivery approach is the most suitable. It enables a national legal aid scheme to grow from and build on those already existing schemes supported by both state and non-state actors. In so doing, it harnesses the work of accredited non-state service providers through cooperation agreements and by coordinating these services with those provided by state-funded legal aid offices (MAJ). Therefore, this policy, adopts a mixed model of legal aid delivery.

4.3. Legal Aid Governance Models

In order for the mixed delivery model to enhance and maximise the impact of legal aid provision across the country, a national coordination structure is necessary to effectively implement this policy. Such a coordination structure will oversee the overall strategic planning and administrative management of the legal aid programme. The following governance models were compared as options to achieve this goal:

[1]Judicare is where lawyers in private practice agree with government to represent accused at a set fee rate.

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i. Coordination may be undertaken by the Ministry of Justice. This can be done under the Access to Justice Coordination Unit. Given that MAJ are currently coordinated by the Ministry of Justice, this model has practical appeal and would be easy to put in place. This is also undoubtedly the least expensive model.

   Under this model a Legal Aid Committee (LAC) would be set up under the Ministry of Justice. The Committee would be made up of representation from relevant government and non-government stakeholders who would be responsible for the coordination of legal aid services and accountable to the Minister of Justice. The Access to Justice Unit would be mandated to run the day to day coordination of national legal aid provision or would use existing departmental financial, human and capital resources to be modified and adjusted as necessary.

ii. A second option entails the coordination of the legal aid services by RBA. However, this is also not the most accountable manner for coordination in light of the various other stakeholders who would not be represented in the management structure.

iii. A third option is to establish a specialized and independent coordination and governance institution which separates policy making by the government from policy execution by the board of directors of that institution.

An assessment of the strengths and weaknesses of the above governance models as well as the best regional (EAC) and international practice reveals that the ideal management model for a national legal aid scheme is one managed through an independent authority. However, this is an expensive model and one which would take some time to establish, yet most of legal aid is State-sponsored. In South Africa for example, an independent Legal Aid Board exists but for most of its life the Board remained bankrupt, despite the apparent wealth of the country in comparison to Rwanda. The recent success of that board can be attributed to the mixed delivery system and a reduction of dependence on Judicare. In New Zealand as well, a legal services Act was

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recently repealed (2011) and the Legal Services Agency was dissolved in favour of a small structure based in the Ministry of Justice. Realities in each case were used to determine the following as the most preferred model for Rwanda.

The preferred option

In light of these examples, Unit or Department within the Ministry of Justice supported by a multi-stakeholder Legal Aid Committee (LAC) is the most preferred option as a governance model for legal aid provision appropriate for Rwanda. The next chapter sets out concrete strategies for this National Legal Aid Policy.

5. Strategies for the National Legal Aid Policy

5.1. *Strategy 1:* Types of Legal Aid Provision

Under the current legal aid policy the following forms of legal aid services are envisioned:

i. **Legal information:** This basic form of legal aid provides general information to Rwandans about their legal position and their rights in relation to access to justice. This will help them to exercise their rights and possibly solve their problems without recourse to a legal expert.

ii. **Legal education:** This form of legal aid educates people to know and actively pursue their rights. It can take the form of outreach programmes aimed at empowering local communities or activities raising awareness such as the legal aid week.

iii. **Legal advice:** Legal advice is giving information to a client on how s/he can solve a concrete legal problem.

iv. **Mediation/Conciliation:** Under this form of legal service delivery, a mediator(s) brings two parties in a conflict together and tries to help them to find a solution that is acceptable for both of them without recourse to courts as a means for dispute resolution and maintaining social harmony.

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v. **Negotiation:** In this form of legal aid, the service provider acts as the representative of the client and tries to find an out of court solution via direct negotiation (bargaining) with the other party.

vi. **Collective legal action:** Organising groups of individual clients to act collectively in and out of court against a powerful public or private opponent that violates their rights.

vii. **Legal assistance:** Advising a client before a case is brought before the court.

viii. **Representation:** Defending the position of a client in a formal court procedure.

5.2. *Strategy 2:* Expansion of Legal Aid Provision

i. Under this policy the following institutions shall be recognised as legal aid providers subject to relevant accreditation and regulation. These are: Access to Justice Bureaus, Abunzi (Mediation Committees), Non-Professional Bailiffs, Professional Bailiffs, Rwanda Bar Association, University Legal Aid Clinics, Civil Society Organisations, and nongovernmental organisations.

ii. To expand legal aid provision, one extra lawyer will be added to each MAJ to be in charge of coordinating Abunzi (Mediation Committees) activities so that the number of MAJ lawyers per District shall increase from two to three. This shall be intended to strengthen the Abunzi system as a formal institution capable of solving many legal cases through effective mediation outside the court system. To further streamline the functioning of the legal aid system, the Abunzi and MAJ coordination structures at the national and district levels will be merged into one Access to Justice Unit.

iii. Certain services provided by other state institutions such as the Office of the Ombudsman and the National Human Rights Commission, and others shall be recognised as legal aid. Consequently, such institutions will also be categorised as legal aid providers. Legal aid providers shall enhance cooperation with Citizen Assemblies (Inteko z'Abaturage) as mechanism to enhance citizen dispute resolution.

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5.3. *Strategy 3:* Establishment of a referral system

The third policy strategy will be to establish a systematic referral/appeal system among ADR institutions such as the Office of the Ombudsman, the National Human Rights Commission, MAJ, Abunzi, Community Assemblies (*Inteko z'Abaturage*) etc. A coordination system will be established to provide suitable mechanisms for the collaboration, enhance communication among all the legal aid providers, improve efficiency and effectiveness, and prevent duplication and overlaps in handling community complaints and cases. This will involve establishing a systematic ADR referral/appeal system which could use appropriate mechanisms including electronic systems.

5.4. *Strategy 4:* Legal Aid Delivery Methods

This policy particularly envisions the provision of free legal information/education, legal advice, mediation and assistance in criminal, civil and administrative cases to all Rwandans. It also provides for free legal representation for proven indigent people. The methods of delivery of legal services shall include:

5.4.1. Legal Information and Education

All legal aid providers shall, in so far as their resources allow, provide free legal information and education on citizen's legal rights and duties to all persons or target groups of persons, except in such instances as may be provided for under relevant legislation and regulations. In order to meet the needs of illiterate and poor citizens, information about their rights and duties under the law will be made available via the following methods:

i. Providing information by means of radio and TV programmes, theatre plays, via internet and social media, leaflets, and educational posters with images and cartoons that clarify legal issues of ordinary Rwandans;

ii. Running legal information kiosks and justice portals;

iii. Conducting public awareness events such as meetings, workshops and conferences;

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iv. Educating the public particularly on the merits of alternative dispute resolution mechanisms such as negotiation, mediation, conciliation and arbitration over the court process, and orienting them to appropriate ADR providers.

v. Conducting research, advocacy, lobbying, legal awareness and training in order to empower indigent persons to access justice and legal services.

5.4.2. Legal Advice, Assistance and Mediation

Legal aid, assistance and mediation shall be provided in civil, administrative and criminal cases by approved or accredited legal aid service providers and their services shall include:

i. Providing information about the relevant laws, the rights and duties of persons under the law and the different methods of enforcing and exercising rights under the law;
ii. Advice on legal issues;
iii. Assistance with drafting petitions and other documents;
iv. Mobilising people to know the benefits of ADR institutions in providing appropriate alternative dispute resolution;
v. Mediating conflicts, disputes and legal cases through Abunzi and other providers;
vi. Referring people to relevant state institutions and private organisations for assistance;
vii. Referring people to legal aid providers qualified to provide legal representation.

5.4.3. Legal representation

Legal representation shall be provided particularly to minors and indigent suspects awaiting trial, including genocide suspects transferred to Rwanda and to other indigent persons. Legal representation shall be provided subject to the process and methods of mediation being exhausted or where no mediation applies, an indigent person has passed the means test or where a vulnerable person automatically qualifies or if it is in the interest of justice.

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Subject to definitions that relevant legislation may confer, the interest of justice referred to in this section shall include situations where: the case involves issues of national or public interest, the indigent person will be likely to lose their liberty; the court is of the opinion that the person before it cannot have a fair trial unless he or she receives legal representation. Legal representation shall include:

i. Counselling clients;
ii. Representing or defending clients in criminal cases during pre-trial, trial and post-trial proceedings;
iii. Representing or defending clients in legal cases according to the law.

5.5. *Strategy 5:* Establishment of a Coordination Structure

The policy coordination structure will comprise of a National Legal Aid Steering Committee (MINIJUST) and a Unit in MINIJUST in charge of Access to Justice.

5.5.1. Legal Aid Steering Committee

Under this policy, a MINIJUST shall be established to provide comprehensive policy guidance, strategic planning and coordination, regulation and quality control, mobilisation and utilisation of the legal aid funds as well as monitoring and evaluation of legal aid service provision. The Committee shall be accountable to and chaired by the Ministry of Justice.

Composition of the Committee

The MINIJUST shall be composed of nine members – at least one representative from the following government and non-government stakeholders:

1. The Ministry of Justice;
2. Development Partners;
3. The Judiciary;
4. Ministry of Internal Security;
5. Rwanda Correctional Service;
6. Office of the Ombudsman;
7. National Human Rights Commission;
8. National Commission for the Fight Against Genocide
9. Rwanda Bar Association
10. The Bailiffs Association;

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11. Civil Society and Non-governmental organisations;
12. University Legal Aid Clinics.

The Committee may decide on additional members or the withdrawal of members if deemed necessary.

5.5.2. The Access to Justice Unit

A Unit within the Ministry of Justice shall provide full-time technical support to the MINIJUST and to run the day-to-day coordination and management of national legal aid provision. The Unit shall have the responsibility of:

1. Providing quality technical support with respect to coordination of legal aid provision, strategic and operational planning;
2. Developing tools and mechanisms for funds mobilisation, quality control standards and certification requirements;
3. Administering the legal aid provision through allocation of the legal aid Fund;
4. Developing and implementing legal aid capacity building strategies;
5. Putting in place mechanisms for regular monitoring and evaluation to ensure quality of service delivery in legal aid provision.
6. Ensuring regular data collection and reporting on the performance of legal aid provision
7. Any other responsibility that appropriate legislation may so determine.

5.6. *Strategy 6:* Establishment of a Legal Aid Fund

A Legal Aid Fund shall be established under the budget of the Ministry of Justice. This fund will hold all monies allocated by the government or received from donors as well as any contributions received from beneficiaries of government funded legal aid.

The MINIJUST shall ensure that the Legal Aid Fund is allocated to the actual delivery of legal aid services and that it is used in the most effective and efficient manner.

Procurement of goods and services paid for by the legal aid Fund shall be made according to the procurement law of the Government of Rwanda, and the Fund

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management shall be audited by the Auditor-General each year to ensure transparency and accountability.

The legal aid Fund shall be utilised for the following legal aid deliverables:

1. Employing salaried lawyers to provide legal services;
2. Entering into agreements or contracts with individual lawyers, groups of lawyers, a professional body of lawyers, or law firms for the provision of legal services depending on the type of legal service provided;
3. Availing interpreters/translators;
4. Facilitating the provision of legal aid services by non-lawyers;
5. Providing community legal aid services.
6. Procuring relevant materials and systems to enhance efficiency and effectiveness of legal aid provision;
7. Organising public awareness and educational events and publishing related materials;
8. Providing facilitation for court proceedings with the aims of quality and fair trial for indigent;
9. Other methods and for such purposes as legislation may so determine.

5.7. *Strategy 7:* Determination of Eligibility for Legal Aid

It is crucial for the legitimacy of public funding and subsidies that its beneficiaries are well defined. For this reason three methods shall be used to determine eligibility for legal aid:

5.7.1. Automatic Qualification

Through the Ministry of Local Government (MINALOC), government has established categories of the poor through legislation. Under this legal aid policy, it is considered that certain categories will automatically qualify for legal aid. However, the issuance of a certificate of indigence will be streamlined in collaboration with all the relevant stakeholders in such a way that it becomes a credible document for the means test in legal aid provision. The legal aid governing structure may also develop other relevant criteria.

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5.7.2. Introduction of a Means Test

The MINIJUST shall set a standard national means test to determine indigence. Given the limited financial resources available for legal aid, the financial position of the citizen must be the only deciding factor whether he or she is eligible for state subsidized legal aid or not. The means test will make an assessment of the financial standing of the person requesting legal representation. This will be done by inquiring whether or not the applicant is married, whether or not s/he has any children and whether s/he owns any property. An assessment will also be made on whether the earnings of the applicant satisfy the income limit set in the test. To satisfy the means test, the officer will take into account both the income and capital of the applicant as well as the income and assets of the applicant's next of kin.

If the applicant is found not to satisfy the set conditions in the means test, the case stops there and the applicant is informed that legal aid is refused to him/her as she/he does not satisfy the means test. But if the person satisfies the conditions set in the law, the Committee will then refer the applicant to the relevant legal aid provider.

In addition, a system for client contribution to government paid services of a lawyer and for appropriate debt recovery shall be developed.

5.7.3. Introduction of a merit test

The merit shall apply alongside a means test in order to discourage and prevent frivolous claims. Questions like 'Is there any chance that this case can be won?' 'Is the addressed court competent' or 'Are there alternative routes to handle the case' shall have to be answered before a case is eligible for legal aid. Under relevant legislation and/or regulations, a comprehensive legal aid guide laying out principles, guidelines, conditions, rights, obligations and penalties will be developed.

6. Stakeholders' Views

The development of this policy was characterised by numerous consultations and studies that were undertaken by the Ministry of Justice in collaboration with Justice Sector Institutions, development partners, non-governmental and civil society organisations in the Justice Sector.

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The policy is specifically based on the results of the 2012 legal aid baseline survey. The policy was approved by the Steering Committee composed of Chief Budget Managers from 14 JRLOS institutions and the Joint Sector Working Group made up of Chief Budget Managers, Development Partners, Private Sector and Civil Society Organisations. Other institutions that were consulted include the Office of the Prime Minister, MINECOFIN, MINALOC and RGB. The consultations provided valuable information and comments/observations that were incorporated in this policy document.

In so far as governance structure is concerned, it is recorded that some stakeholders favoured the establishment of a fully-fledged independent legal aid Board, but this view was later dropped in view of recommendations from two studies indicating that the option would have very expensive financial implications given the experience from other countries with a similar structure.

As a result, the establishment of a Legal Aid Steering Committee and a Unit in charge of Access to Justice will function the Ministry of Justice utilising most of the existing human, material and financial resources was seen as the most viable option.

7. Legal Implications

The implementation of this policy will lead to some changes in the existing legislation or cause the need to enact new laws to give it effect. Accordingly the key overarching legal implications shall among others be:

i. Law on mediation detailing an appeals procedure and coordination framework for all alternative dispute resolution institutions.

ii. New law on Legal Aid Services.

iii. Amendment of the organic law on the organisation, jurisdiction, competence and functioning of mediation committees to allow downsizing of the Abunzi Committee from 12 to at least 7 members, and parties to rescind a mediator in event of potential conflict.

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iv. Amendment of the law on professional bailiffs to include execution of judgment as mandatory pro bono services for bailiffs as their social responsibility contribution.

v. Amendments to any other laws that may be deemed necessary for effective implementation of this policy.

8. Financial Implications

a. The success of the national legal aid scheme lies in the availability of the necessary resources. This policy recognises that the State bears the main responsibility of securing funds for legal aid. However, it also acknowledges alternative sources of funds that include donations and contributions from donors.

b. In this respect, in order to supplement what the government currently pays from the ordinary budget for defense lawyers for indigent genocide suspects who are transferred from outside the country and must appear before the Transfer Court, negotiations for financial contributions from countries extraditing genocide suspects shall be carried out. This is because many suspects could be extradited in the near future.

c. Further, to militate against rising costs, particularly of legal representation, the policy proposes the resolution of appropriate matters through the *Abunzi* (Mediation Committee) and ADR in general.

d. This policy is financially feasible. The total budget for implementing the policy is RWF **9,497,212,095** over a period of four years from 2014/15 to 2017/18. The policy proposes an implementation governance structure that mainly hinges on the already existing structure of the Ministry of Justice. As a result, **55.5%** (Rfr 5,272,348,123) of the total budget has already been committed by government under the MINIJUST budget.

e. The budget sought as new funding is Rfr **4,224,863,972** equivalent to **44.5%** of the total budget. Government and development partners will cooperate in raising the required funds to implement the policy.

A detailed budget is found on **annex 1** of this document.

9. Impact on Equality, Unity and Reconciliation

This policy is underpinned by notions of equality of all before the law. As such, legal aid is inexorably linked to enhancing equality, unity and reconciliation. Particularly, legal aid policy shall:

i. Help those with least resources to access justice and thereby creating equality for all Rwandans irrespective of economic status;
ii. Promote greater use of alternative dispute resolution, which shall enable people to solve their own problems with better opportunities for unity and reconciliation;
iii. Enhance social cohesion and unity as parties will be encouraged to use mediation for settlement of their differences through mediation committees;
iv. Extend beyond individual benefits to include such societal benefits as reduction of length of time suspects are held in police stations and detention centres;
v. Play an important role in facilitating preference of the use of community-based sanctions and measures, including non-custodial measures; promoting greater community involvement in the management of criminal justice and allowing equal arms and access to justice for all.

10. Communication Strategy

Upon adoption by the cabinet, the policy will be disseminated to key stakeholders, legal aid providers and beneficiaries who are the Rwandan people through the following methods:

i. Organisation of national workshops where the policy will be presented to the stakeholders;
ii. Sensitisation workshops for stakeholders in the policy, the LAPs in particular after the approval;
iii. Dissemination of the policy to central and local government officials;
iv. Publication of the policy on MINIJUST website;
v. Dissemination of salient aspects of the policy in seminars and workshops with different stakeholders;
vi. Dissemination campaigns in media programs (radio and television) and newspapers to reach as many people as possible – both those living in the rural and semi-rural areas.

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11. Implementation Plan

As indicated in section 12 below, comprehensive action plans shall be prepared annually. However, the following plan will facilitate initial implementation of some of the major policy strategies upon adoption by Cabinet:

N°	Roles/activities	Target	Lead institution	Partners
1	Establishment of a National Legal Aid Steering Committee (MINIJUST)	August 2014	MINIJUST	-
2	Ensuring that all relevant legislations under this policy are drafted	From August 2014 to June 2016	MINIJUST	RLRC, Judiciary, Parliament
3	Establishment of a Legal Aid Fund and allocation of budget to the Fund	June 2015	MINIJUST	Development Partners MINIJUST
4	Development of a comprehensive Legal Aid Guide	May 2015	MINIJUST	MINIJUST
5	Setting up Operational and Quality Standards for Legal Aid Provision	May 2015	MINIJUST	MINIJUST
6	Enacting the Legal Aid Services Law Setting up Criteria for a Means Test and a Merit Test	May 2015	MINIJUST	MINALOC MINIJUST
7	Developing a Training and Capacity Development Strategy	February 2015	MINIJUST	MINIJUST NCBS
8	Development of comprehensive annual action plans	November to February of each year	MINIJUST	MINIJUST
9	Monitoring and reporting on legal aid provision	Ongoing as per the M&E framework	MINIJUST	MINIJUST

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12. Monitoring and Evaluation Framework

The monitoring and evaluation (M&E) framework will guide preparation of annual action plans to ensure effective implementation of the policy. The M&E framework also sets out performance indicators, annual targets and major policy actions that from which annual activities shall be drawn. The framework will be periodically reviewed and updated by the National Legal Aid Steering Committee.

A detailed monitoring and evaluation framework is on **Annex 2** (page 39) of this document.

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13. Annexes

13.1. Annex 1: Budget for the Legal Aid Policy

Budget for the National Legal Aid Policy

	ACTIVITIES	NUMBER	Annual Salary/Unit Cost	BUDGET				TOTAL BUDGET
				2014/15	2015/16	2016/17	2017/18	
1	Salary for Access to Justice Coordinator s	2	10,715,538	21,431,077	21,431,077	21,431,077	21,431,077	**85,724,307**
2	Transport cost Coordinators	2	9,216,828	18,433,656	18,433,656	18,433,656	18,433,656	**73,734,624**
3	Communication cost coordinators	2	840,000	1,680,000	1,680,000	1,680,000	1,680,000	**6,720,000**
4	Salary for Access to Justice staff	3	7,761,678	23,285,035	23,285,035	23,285,035	23,285,035	**93,140,140**
5	Transport cost for Access to Justice Staff	3	3,578,244	10,734,732	10,734,732	10,734,732	10,734,732	**42,938,928**
6	Communication for Access to Justice staff	3	1,560,000	4,680,000	4,680,000	4,680,000	4,680,000	**18,720,000**
7	Salary for other Access to Justice staff (MAJ)	90	6,123,990	551,159,100	551,159,100	551,159,100	551,159,100	**2,204,636,400**
8	Communication cost Access to Justice staff	90	10,000	900,000	900,000	900,000	900,000	**3,600,000**

9	Hiring RBA lawyers for Minors	12	12,166,667	146,000,000	146,000,000	146,000,000	146,000,000	**584,000,000**
10	Hiring RBA lawyers for the indigent persons in Supreme Court	480	250,000	120,000,000	120,000,000	120,000,000	120,000,000	**480,000,000**
11	Hiring RBA lawyers for indigent persons in other courts including for international genocide cases	400	250,000	100,000,000	100,000,000	100,000,000	100,000,000	**400,000,000**
12	Procure Advocates management system	1	18,600,000	18,600,000	18,600,000	18,600,000	18,600,000	**74,400,000**
13	Monitoring of all legal aid providers	12	2,500,000	30,000,000	30,000,000	30,000,000	30,000,000	**120,000,000**
14	Dissemination and awareness campaigns	12	1,784,614	21,415,368	21,415,368	21,415,368	21,415,368	**85,661,472**
15	Annual legal aid week	18	795,742	14,323,356	14,323,356	14,323,356	14,323,356	**57,293,424**
16	Procure Motorcycles for MAJ/Abunzi Staff at District level	30	3,000,000	90,000,000	-	-	-	**90,000,000**
17	Motorcycle fuel and maintenance	30	1,800,000	54,000,000	54,000,000	54,000,000	54,000,000	**216,000,000**
18	Government contribution to Abunzi Health Insurance	1	464,520,000	464,520,000	464,520,000	464,520,000	464,520,000	**1,858,080,000**
19	Provide Abunzi with incentives for income generation	1		325,000,000	325,000,000	325,000,000	325,000,000	**1,300,000,000**

20	Provide materials to Abunzi (Registers, pens, duty scarfs, and storage suitcases)	1	62,000,000	62,000,000	62,000,000	62,000,000	62,000,000	**248,000,000**
21	Develop and implement a Management Information System for Abunzi /ADR institutions to track complaints and cases			-	107,237,400	53,618,700	53,618,700	**214,474,800**
22	Purchase Laptops for Abunzi at Sector Level	416	300,000	31,200,000	31,200,000	31,200,000	31,200,000	**124,800,000**
23	Subscription for internet connectivity	416	21,000	104,832,000	104,832,000	104,832,000	104,832,000	**419,328,000**
24	Office furniture (desk, chair and filing cabinet)	416	280,000	29,120,000	29,120,000	29,120,000	29,120,000	**116,480,000**
25	Conduct Abunzi training	17,948	2,500	44,870,000	44,870,000	44,870,000	44,870,000	**179,480,000**
26	Conduct training for other legal aid providers	1	60,000,000	60,000,000	60,000,000	60,000,000	60,000,000	**240,000,000**
27	Commission studies and surveys	2	20,000,000	40,000,000	40,000,000	40,000,000	40,000,000	**160,000,000**
	TOTAL			**2,388,184,324**	**2,405,421,724**	**2,351,803,024**	**2,351,803,024**	**9,497,212,095**

13.2. Annex 2: Monitoring and Evaluation Framework

Performance Indicators	Baseline	Data source /MoV	Annual targets				Lead responsibility
			2014/15	2015/16	2016/17	2017/18	
Outcome: Strengthened universal access to justice and respect for human rights							
% of the public expressing confidence that universal access to quality justice is provided	N/A	RGB	1	1	1	1	RGB
Output 1: Governance and management structures for legal aid provision established and strengthened							MINIJUST MINIJUST
The level of coordination among legal aid stakeholders	-		Very high	Very high	Very high	Very high	
Other indicators: 1. The National Legal Aid Steering Committee established and operational 2. The Legal Aid Fund established 3. Amount of money allocated to the Legal Aid Fund 4. Number of coordination events held			***Policy actions:*** 1. Establish the National Legal Aid Steering Committee 2. Establish the Legal Aid Fund and allocate budget to it 3. Improve coordination among legal aid providers to avoid duplication and harness their resources				

Output 2: Legal aid through Public awareness and education on laws and human rights strengthened							
% increase in the level of public awareness on the role of legal aid service providers	N/A[2]	RGB/ MINIJUST	Baseline established	3	5	5	RGB
Other indicators: 1. Number of public awareness and education events organised 2. Number of key laws/most often used laws simplified; 3. Number of information and awareness tools, methods and materials developed and used 4. Number of studies and surveys conducted 5. Type of information delivered to the public (which areas of law, procedures etc.)			***Policy actions:*** 1. Providing information by means of radio and TV programmes, theatre plays, via social media, leaflets, and educational posters with images and cartoons; 2. Simplify key laws and Conduct public awareness events such as meetings, workshops and conferences; 3. Running legal information kiosks and internet legal aid portals; 4. Educating the public on the merits of alternative dispute resolution mechanisms such as negotiation, mediation, conciliation and arbitration.				MINIJUST MINIJUST
Output 3: Provision of legal advice and assistance improved							
% increase in the number of people receiving legal advice and assistance	N/A	MINIJUST	Baseline established	5	5	5	MINIJUST

[2]The baseline for Abunzi is 77.2% and over 76% for MAJ (Transparency International-Rwanda)

Other indicators: 1. Number of people provided with legal advice and assistance verbally 2. Number of people provided with written legal advice and assistance 3. Number of the poor/indigents' people's judgments executed 4. Number of people receiving legal aid and assistance to be disaggregated according to sex, age, type of legal advice and assistance sought and provided.		***Policy actions:*** 1. Providing information on the relevant laws, the rights and duties of persons and the different avenues for enforcing and exercising rights under the law; 2. Providing advice on legal issues; 3. Assisting with drafting petitions and other documents; 4. Including the execution of judgments in all non-professional bailiffs job descriptions 5. Dissuading people from the formal justice system to informal justice institutions for appropriate mediation; 6. Referring people to relevant state and non-state institutions for assistance; 7. Referring people to legal aid providers qualified to provide legal representation; 8. Encouraging Universities to expand and strengthen their Legal Aid Clinics; 9. Encourage RBA to broaden the scope of pro bono services they provide beyond interest litigation; 10. Amend the Bailiffs Law in order to require mandatory, monitored and sanctioned pro bono services, with penalties for non-compliance. 11. Setting up legal aid desks in relevant government and non-government institutions.						MINIJUST All legal aid providers
Output 4: An ADR referral system established and capacity of descentralised institutions to provide legal aid strengthened							
% reduction in the number of new cases filed to courts	N/A	MINIJUST/Judiciary	20%	20%	20%	20%	MINIJUST

Other indicators: 1. Abunzi committee downsized from 12 to 7 members; 2. Number and type of incentives provided, and Number of Abunzi that received incentives; 3. Abunzi Coordination and Monitoring officer at the District level appointed; 4. Number of materials provided, systems introduced/improved 5. Number of Abunzi receiving materials	***Policy actions:*** 1. Establish suitable an ADR coordination and referral mechanisms among Abunzi, MAJ, the office of the Ombudsman, the NHRC and all other legal aid providers 2. Amend the Abunzi (Mediators) law to downsize its committee from 12 to 7 members and to allow parties to agree upon a neutral mediator in case of potential conflict; 3. Appointing an Abunzi Coordination and Monitoring officer at the District level; 4. Development and implementation of Abunzi Information Management System (MIS) 5. Develop and implement an electronic system to track complaints and cases among ADR institutions 6. Provide office and computer materials and facilities to Abunzi to improve their operational capacity and record keeping. 7. Provide Abunzi with incentives such as health insurance contribution, transport facilitation, opportunities for income generation etc.	Judiciary

Output 5: Provision of legal representation expanded and improved							
% increase in the number of the poor/indigent and needy genocide suspects represented in Court	N/A	MINIJUST, RBA MINIJUST	Baseline set	50	10	10	MINIJUST
Other indicators: 1. MAJ Lawyers are representing the indigents in pre, trial, and post-trial cases; 2. Number of people receiving legal representation to be disaggregated according to sex, age and type of legal cases involved. 3. Number of countries making financial contributions for extradited genocide suspects to Rwanda			***Policy actions:*** 1. Representing or defending clients in criminal cases during pre-trial, trial and post-trial proceedings; 2. Representing or defending clients in civil cases and public administrative organs. 3. Initiate negotiations for financial contributions from countries extraditing genocide suspects to Rwanda				RBA

Output 6: Legal aid in instances of miscarriage of Justice strengthened							
% increase in overall score in the Rule of Law	67.71%[3]	RGB	72%	76%	80%	84%	RGB
Other indicators: 1. Proportion of human rights cases processed to those received 2. Number of cases for which review by the Supreme Court is requested on grounds of injustice 3. Number of injustice cases resolved by other institutions other than legal aid providers			***Policy actions:*** 1. Strengthen coordination between the office of the Ombudsman and the NHRC with other legal aid providers 2. Examining injustice and human rights cases and making appropriate recommendations; 3. Enhancing community awareness of legitimate human rights and the operation of the legal system				MINIJUST NHRC Office of the Ombudsman Judiciary
Output 7: The capacities of legal aid providers strengthened and improved							
Progress in developing and implementing a training and capacity building programme for legal aid providers	N/A	MINIJUST	Training programme developed	40% implementation	65% implementation	90% implementation	MINIJUST

[3]RGS 2010, Rwanda Governance Board

Other indicator: 1. Number of legal aid providers trained 2. Number of institutional and operational improvements made 3. Number of ICT systems developed and used; 4. Improvement in the quality of services provided (linked with output 8 below).			***Policy actions:*** 1. Develop and implement a comprehensive and relevant training and capacity building programme for legal aid providers; 2. Strengthening and improving the current model where MAJ trains Abunzi; 3. Provide each MAJ district office with a hotline (SMS and telephone) for clients to access MAJ personnel; 4. Strengthen institutional and operational systems for legal aid providers; 5. Develop and operationalise ICT systems. 6. Assist non-state entities to acquire financial and other resources to enhance their legal aid provision.				NCBS
Output 8: Quality control system for legal aid provision developed and implemented							
% increase in the quality of legal aid services delivery	N/A	MINIJUST, Expert Survey	Baseline established	5%	10%	8%	MINIJUST

Other indicators: 1. Legal aid guidelines for all legal aid providers developed and updated; 2. Operational and Quality Standards system operational; 3. A co-management framework between MINIJUST and MINALOC for MAJ staff operational; 4. A RBA mechanism for enforcing and monitoring the requirements for pro bono service provision operational 5. A professional Organisation for established; 6. Effective Monitoring and Evaluation system and reporting tools developed and implemented; 7. Number of inspection visits conducted; 8. Number of official reports prepared and published; 9. Improvement in the overall quality the quality of services provided	***Policy actions:*** 1. Develop and update a legal aid guidelines document; 2. Setting up Operational and Quality Standards for Legal Aid Provision; 3. Developing effective co-management framework between MINIJUST and MINALOC for MAJ staff; 4. Encourage RBA to create a mechanism for enforcing and properly monitoring the requirements for pro bono service provision 5. Encourage indigent and other citizens to resolve their disputes and conflicts using, Citizen Assemblies, Abunzi, MAJ and local government mechanisms and go to court only as a last resort. 6. Develop and implement an effective Monitoring and Evaluation system and reporting tools on legal aid provision; 7. Conduct inspection visits both in the field and in courts; 8. Prepare and publish official reports on legal aid provision.	MINIJUST All legal aid providers

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