

National Report Template ILAG Ottawa June 2019

It would be much appreciated if you could fill in what you can for your jurisdiction. Please highlight any recent significant changes in your legal aid programme:

1. Country details:

Name: **Rwanda**, Population: **12,1 million (2018)**, GDP: **7,597 billion** (2017, approx. US\$ 9,1 billion), Poverty line **78 %** of population deemed to be living in poverty,¹ number of practising lawyers in the jurisdiction: **1,073 advocates**²

2. **LAO: The Legal Aid Forum**

Name and Status of LAO: Independent Civil Society Organization

Delivery method: LAF uses a mixed delivery mode. We have salaried Lawyers/in-house Lawyers and private contracted Lawyers.

What payment methods are used to recompense any private lawyers in your system (e.g. Contract, fixed fee, hourly rate, part pro bono, etc.)? For Private lawyers, LAF uses service provision agreements and for in-house lawyers, we use employment contracts.

3. **Budget and Spend:**

Please give the budget for Publicly Funded Legal Services / Legal Aid in your jurisdiction for the last two years. If possible show the actual expenditure broken down by civil, criminal, initial advice. Please indicate the proportion of the legal aid budget that is funded by (a) central / Federal Government (b) Local or state government. Is your legal aid budget demand led, capped, uncapped or a mixture? (Please elaborate).

- The expenses relating to publicly funded legal services is estimated to be 739,903,528 approximately 888.536.69 US Dollars per year

4. **Total number of applications and grants for the last two years.** These last two years, we applied for 11 grants and 8 of them were awarded to our organisation.

Scope, Caseload and Eligibility:

What restrictions on scope are there for civil and criminal legal aid and for initial advice in your jurisdiction? There are no restrictions on provision of Legal Aid both in criminal and civil matters. **Proportion of the population eligible for civil legal aid initial Advice**, this varies according to years for instance in the last two years, 2017-2018 LAF was able to assist a total number of **1,347** people , **386** were civil cases while **961** were criminal cases.

¹ MINECOFIN, *Key statistics on Rwanda*, document available at http://www.minecofin.gov.rw/fileadmin/user_upload/Key_statistics_on_Rwanda_Oct_23rd.pdf, accessed on 2nd April 2019.

² See Rwanda Bar Association official website, available at <http://www.rwandabar.org.rw/about/>, accessed on 2nd April 2019.

For cases accomplished by state a total of **3,474** individuals were assisted. They composed of **1,639 minors** and **1,835 indigents**. The majority of them were assisted before courts while others were before the National Prosecution Authority and the Rwanda investigation bureau

In addition to the above, the Ministry of Justice in partnership with other players in the Justice sector like the Legal Aid Forum organises an annual legal Aid week every year where people are sensitized on their rights. This strategy is also used to provide legal advice, legal representation before courts of Law. In the past two years 2017- 2018 a total number of **127** were represented before court while **6857** benefited from general legal assistance such as advice, referral, mediation, drafting court submission,

5. Eligibility limits for criminal legal aid.

We base on Rwanda social categorisation of citizens **'Ubudehe'** which is a Government of Rwanda poverty reduction initiative which provides communities with the skills and support necessary to engage in problem solving and decision making for their development. In our service delivery we focus mainly on category 1 and category 2 as those in this category are considered to be the most vulnerable.

6. Are means tested contributions part of your (a) civil (b) criminal (c) initial advice eligibility requirements?

Rwanda is in the process of developing a comprehensive means test. As of today we are only relying on the social categorization **'Ubudehe'** system, however our national Legal Aid policy recommended a means test in determining delivery of legal Aid services. A legal aid law and a Ministerial order related to legal aid guide laying out principles, guidelines, conditions, rights, obligations and penalties has been drafted waiting for adoption by the public competent authorities.

7. In your jurisdiction, are legal aided litigants who lose their case liable to pay the other side's legal expenses/ costs?

Yes if the lawyers requested for it and the judges agree to it. If the costs were requested for by the lawyer and the litigant, it is the discretion of the judge to order the pay back of legal expenses.

But the legal aided litigants with the certificate of indigence are exonerated from paying court fees when they lose the case.

8. Quality Assurance:

System used: Some feedback surveys are conducted. The main objective of the feedback surveys is to get feedback on the legal aid services and level of satisfaction of the beneficiaries. Sometimes the surveys are conducted through ICT and reports are generated through that technology.

Complaints from our beneficiaries directly to the Executive director. We have a toll free line 1022 used by legal aid seekers and can also be used for lodging complaints.

Complaints can also be from LAO partners and members.

Complaints to the Bar Association: Yes per the rules governing Rwanda Bar Association

CLE: Continuous legal Education mandatory for all lawyers to renew their licenses to practice.

Legal Aid providers this year have developed the Legal Aid Performance Standards to guide them while providing legal aid services in civil and criminal matters. The introduction of the Legal Aid performance standards (LAPS) will ensure greater consistency in the delivery of legal aid services and will ensure that people receive similar services. It will also help us as legal aid providers to track and monitor services provided to our beneficiaries.

A form has been developed to collect clients' views about the services received and measure their satisfaction in order to improve our services and ensure their quality.

Law Society, Client Satisfaction questionnaires / interviews, CLE, Mentoring, Peer Review, Supervisor audit, Observation or video/audio tape etc?

9. What requirements are there (if any) for lawyers and others who wish to provide legal aid, other than membership of the Bar / professional association e.g. registration, experience, special exams, interviews, upper or lower limits on number of cases undertaken annually etc ?

Registration with the Rwanda Bar Association is mandatory for one to be a Legal Aid Lawyer. Not only this, there are interviews, internships, written exams, conducted for Lawyers who wish to provide such services.

10. Public Legal Education:

Initiatives in last two years to increase public awareness of the availability of PFLS/ legal aid in your jurisdiction and how to access it. (Include any particular approach for those in remote areas or those with special legal needs).

In an effort to raise awareness on legal Aid and how to access it, the ministry of Justice, Ministry of Local Government together with the Legal Aid Forum, the Rwanda bar Association came up with an outreach programme they called "Legal Aid Week" whose sole purpose is to educate people to know their rights and actively pursue them. This event is on an annual basis and from 2017-2018 a total of **124** people benefited from legal representation before courts of law while a total of **6,857** benefited from general legal assistance such as mediation, drafting summons, advice to mention a few.

Radio programs: (talk shows) have always been organized on different access to justice and legal aid topics (some jointly with members). Looking at the reach of the radio stations we been using, millions of Rwandans have been able to follow us and lots of them have come to seek assistance based on the information received through these talk shows.

Governance month: An initiative of the Rwanda Governance Board in collaboration with Ministry of Local Government, to provide an enabling environment to good governance in local governments: Citizens are able to demand accountability from their leaders but above all, these public engagements make them aware of their constitutional rights and obligations.

Justice week: Where activities that aim to raise public awareness on the Justice Sector and services delivered by Sector Institutions are organized by Partners and Civil Society Organizations.

11. IT packages introduced to enhance access for the public. In order to increase public awareness on legal aid services

Starting from March 2018 up to February 2021, The Legal Aid Forum is implementing a project titled '*Using ICT to Provide Legal Services to the Rwandan Population - 854*'. With the project, the wide use of mobile technology in Rwanda is allowing LAF to provide legal information and advice to vulnerable populations in Rwanda free of charge. Legal aid information on 845 service is designed to provide various types of information including general procedural information about key laws in force in Rwanda, how to access courts, how to have judgments enforced, or how to file documents with the courts and aid on particular issues that callers may face.

Initially, 55 messages were developed under five (5) thematic groups namely: 1) GBV & CR LAM: Gender Based Violence and Child rights legal aid messages, 2) S&F LAM: matrimonial regimes, succession, donations and family law legal aid messages, 3) L&E LAM: Land and expropriation legal aid messages, 4) LP LAM: Legal procedures messages, 5) CC & A LAM: Competence of courts and Abunzi legal aid messages and recently additional 12 messages related to labour justice (employment) have been added to the ICT platform. All messages are available in both IVR³ and USSD⁴ forms and the project has a call centre attached to it where by call centre lawyers provide legal aid to those requested for by calling them back and there is possibility of deploying a lawyer to callers in needs who used 845 platform.

With almost seven months of its operation⁵, data from the project are enormous. By April 2019, 15th, LAF has registered through 845 platform: 347,610 callers on IVR, 156,106 callers on USSD, 107,809 requests to talk to LAF lawyer at the call centre and 10,908 people have been called back and provide with legal aid including legal representation/assistance by this project so far.

13 Has there been a country wide Needs Assessment study in your jurisdiction in recent years, looking at the distribution of justiciable problems and how the public respond to them?

In 2017, The Legal Aid Forum has published a report conducted under the project name: "*Citizen Monitoring of the Justice Sector in Rwanda: Making justice institutions more responsive to the concerns of citizens*". This was an innovation aimed at collecting citizen feedback in relation to their satisfaction with the delivery of justice services.

The survey findings affirm the progress realized towards promoting access to quality justice for all in Rwanda. For example, the data showed that 79% of respondents

³ **IVR:** Interactive Voice Response

⁴ **USSD:** Unstructured Supplementary Service Data

⁵ The IVR system of the legal aid messages started on 17 September 2018.

who requested services from Legal Aid Providers (both state and non-state) were able to receive them. The survey also showed that 84.9% of respondents were satisfied with the ability of Abunzi⁶ to settle disputes, which concurred with previous studies conducted on the performance of Abunzi.

At the same time, the findings point to a number of areas in need of improvement. For example, respondents waited 454 days on average for a case to be resolved. Specifically, the findings indicate that respondents had to wait for an average of 8 months for a judgment to be enforced by a professional or non-professional bailiff. This is contrary to the common adage that justice delayed is justice denied.

The survey also found that only 38.5% of the respondents who had a case in front of Abunzi were satisfied with the Abunzi decision. Reasons of dissatisfaction included bias, misunderstanding of the facts of the case, and incompetence in terms of legal knowledge and mediation skills. And disturbingly, the survey revealed that fewer than 4% of respondents rate their understanding of the law and their rights as being “High”, hence negatively impacting their ability to assert their rights.

The survey concludes with actionable recommendations to both policy makers and actors in the justice sector. One of the recommendations was to find a way in which to provide individuals with access to legal information and advice without requiring them to travel long distances as requiring respondents to travel hours to and from a legal aid service provider will require them to forego earning income on the day of travel, while simultaneously requiring them to spend money related to the trip, most likely on transportation or food and drinks. This recommendation has resulted into formulation of the Project entitled: “Using ICT to provide legal aid to Rwandan Population” that LAF is implementing now.

The Citizen report card published by the Rwanda Governance Board (RGB) in 2018, indicates that in the Justice Service delivery, citizens’ satisfaction is 76.44% while their dissatisfaction was 13.04%. On the other hand, the 2018 Rwanda Governance Scorecard showcased: Performance of the Judiciary was 78.48%, Access to Justice 77.00% and Use of ICT in Judiciary 91.40% among other indicators.

14. Alternative Sources of legal services: What are the other principal sources of legal help for disadvantaged citizens in your jurisdiction, and how many clients do they assist annually (e.g. legal expenses insurance, trade unions, claims companies, community law clinics, university law clinics etc.)

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 Abunzis, 30 NGOs, 4 Universities and 40 private practitioners.

⁶ Abunzi Committee is an organ responsible for conciliating parties involved in disputes under its jurisdiction. They are basis at cell and sector level and they are vested with some jurisdiction in civil matter before seizing the court.

Legal aid thus involves different actors with different means of funding and management.
For NGO's providing legal Aid services the umbrella organization/Network for all these actors is the LEGAL AID FORUM

15. Holistic legal services:

Is your jurisdiction exploring link ups between legal services providers and non-lawyer professionals e.g. health / justice partnerships, social work / justice collaboration, or other forms of "one stop shop.

The Government of Rwanda has initiated different centres where citizens can access different services they need offered by diverse partners.

Isange One stop centres (IOSC) indicate the Rwanda holistic approach to fighting gender based violence and child abuse. In IOSC services of investigation, prosecution, and legal aid service, medical and counselling are offered to those who approach the centres for aid.

There are also the One Stop Centre (OSC) at the district level where citizens can access land related services at one place.

Some Legal Aid providers also run centres where they provide legal aid services and counselling to their beneficiaries.

16. UN SDG Standard 16.3

Please identify any steps being taken to articulate and elaborate Sustainable Development Goal 16.3 in your jurisdiction.

Rwanda hosts the SDG centre for Africa which has a mission of supporting governments, civil society, business and academic institutions to accelerate progress towards SDGs. This shows how our government is committed to advancing SDGs.

Rwanda is one of the NVRs (National Voluntary Reviews and a report on how the Country is achieving SDGs is being prepared

A National Roadmap has been prepared for the domestication of SDGs.

The SDGs have been translated into Kinyarwanda to help within the implementation.