



Assessment of Barriers to Effective Access to Justice for Girls and Women with Disabilities in Rwanda

A Legal and Policy Analysis



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Beneficiaries of UNABU pose for a group photo after a meeting . The photo was provided to LAF by UNABU with permission for use.



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List of abbreviations and acronyms

ACHPR	: African Charter on Human and Peoples' Rights
CEDAW	: Convention on the Elimination of All Forms of Discrimination Against Women
CRPD	: Convention on the Rights of Persons with Disabilities
CSOs	: Civil Society Organisations
Doc.	: Document
FGD	: Focus Group Discussion
FGD	: Focus Group Discussion
GMO	: Gender Monitoring Office
ICCPR	: International Covenant on Civil and Political Rights
ICT	: Information Communication Technology
IECMS	: Integrated Electronic Case Management System
JRLOS	: Justice, Reconciliation, Law and Orders Sector
KIIs	: Key Informants Interviews
LAF	: Legal Aid Forum
MAJ	: Maison d'Accès a la Justice
MINALOC	: Ministry of Local Government
NCHR	: National Commission for Human Rights
NCPD	: National Council of Persons with Disabilities
N°	: Number
NST	: National Strategy for Transformation

NUDOR	: National Union of the Disability Organizations of Rwanda
OHCHR	: Office of the United Nations High Commissioner for Human Rights
p	: Page
Para	: Paragraph
Pdf	: Portable Document Format
RBA	: Rwanda Bar Association
RIB	: Rwanda Investigation Bureau
SGBV	: Sexual and gender-based violence
UN	: United Nations
UNABU	: Umuryango Nyarwanda w'Abagore Bafite Ubumuga
UNCRPD	: United Nations Convention on the Rights of Persons with Disabilities
UNDP	: United Nations Development Programme
UNFPA	: United Nations Population Fund (formerly United Nations Fund for Population Activities)
UNODC	: United Nations Office on Drugs and Crime
UNWOMEN	: United Nations Entity for Gender Equality and the Empowerment of Women
WWW	: World Wide Web

Executive Summary

The Legal Aid Forum (LAF) in partnership with Umuryango Nyarwanda w'Abagore bafite Ubumuga also known as Rwanda Organisation of Women with Disabilities (UNABU) and HAGURUKA has conducted this legal and policy analysis (“the Assessment”) **in order to identify barriers to effective access to justice by girls and women with disabilities** and make actionable recommendations to improve their access to justice.

This Assessment is based on (1) information gathered through a desk review of laws, policies, conventions and existing publications such as research reports, and (2) qualitative research in the form of interviews with key stakeholders and focus group discussions with women and girls with disabilities.

The findings of the Assessment show that the Government of Rwanda has made significant progress in developing a legal, policy and institutional framework that supports access to justice for the population including through the provision of legal aid to those who are poor and/or vulnerable and cannot afford to pay for legal services.

There are also specific protections in place to protect the rights of people with disabilities and the rights of women and girls and to prevent discrimination on grounds of disability and gender, particularly at the constitutional level.

Notably, Rwanda has ratified key international human rights conventions, including those on the rights of women and persons

with disabilities, which require rights of equal protection, fair trials and access to justice for all persons without discrimination to be respected, protected and fulfilled. Similarly, the Rwandan constitution prohibits discrimination on any grounds including physical or mental disability, guarantees equality before the law, and guarantees the right to due process of law including the right to legal representation.

There is also a clear and ambitious policy framework in place which includes disability as a cross-cutting issue within the National Strategy for Transformation and streamlines legal aid in order to ensure universal and affordable quality justice. The institutional framework in place to protect and fulfil the rights of women and girls with disabilities includes constitutional bodies such as the National Council of Persons with Disabilities and the National Human Rights Commissions well as the Gender Monitoring Office. The Ministry of Justice partners with a num-

ber of state and non-state actors to facilitate access to justice, including Access to Justice Bureaux (MAJ), the Rwanda Bar Association, and a range of Civil Society Organizations (CSOs) providing legal aid services.

While the legal, policy and institutional framework is in place, the Assessment found that there are still significant gaps and barriers which prevent women and girls with disabilities from effectively accessing justice. In some cases, this is due to inappropriate or inadequate laws or policy gaps, and in others, poor implementation of existing laws and policies.

The following key barriers were identified:

- Limited access to information about the justice system and legal rights and obligations as well as communication with justice actors especially for girls and women with hearing, visual and speech impairments;

- Limited physical access to justice premises especially for girls and women with physical impairments;
- Denial of legal capacity/unequal recognition before the law for girls and women with mental and intellectual impairments;
- Lack of information about legal aid services for poor girls and women with disabilities;
- Additional costs to facilitate access to justice in addition to already high costs of pursuing justice, especially for girls and women with physical, speech and visual impairments;
- Lack of knowledge of justice sector actors on disability rights and how to ensure that the requirement to accommodate the needs of women and girls with disabilities is fulfilled and their rights respected in justice processes;
- Insufficient disability mainstreaming of the needs of women and girls into disability policies and the needs of those with disabilities in gender policies.
- In order to address the identified barriers, the Assessment calls for concerted efforts from government institutions (in particular the justice sector); policy makers, Parliament, organisations working with people with disabilities, civil society actors active in the justice sector; development partners and the media, among others, to implement the following recommendations:

Legal and policy reform

- Ratify the Protocol to the African Charter on Human and Peoples' Rights on Persons with Disabilities in Africa which includes detailed protections which ensure access to justice for the rights of persons with disabilities.

- Expedite the ratification of the Protocol to the African Charter on Human and Peoples' Rights of persons with disabilities in Africa;
- Enact and enforce an organic law which recognizes sign language as an official language;
- Repeal Article 7 (2) of Law N° 45/2011 of 25/11/2011 governing contracts which stipulates that a natural person who manifests assent to a contract shall have legal capacity to contract unless he/she is under guardianship a minor or mentally ill/insane, in order to make the law compliant with article 12 (2) of the CRPD (legal capacity);
- Amend Article 63 of the Law N° 15/2004 relating to evidence and its production which stipulates that any person can be allowed to testify as a witness in court, with the exception of those people who have no capacity to be witnesses in court to an article which provides a more nuanced process for deciding whether an individual has the capacity to be an effective witness (see guidance in CRPD General Comment 1 about distinguishing mental capacity and legal capacity) and for supporting those with disabilities to be witnesses;
- Amend the Law N° 01/2007 of 20/01/2007 relating to protection of persons with disabilities in general with the view to making it fully compliant with UNCRPD, in particular they should:
 - Ensure that persons with disabilities are granted exemption from paying court fees in the same way former war combatants with disabilities are exempted;
 - Ensure that persons with disabilities in the first and second category are automatically eligible to free legal aid services including legal assistance and representation;

- Review the National Legal Aid Policy to adequately mainstream disability as one of the eligibility criteria for free legal aid services;
- The Ministry in Charge of Social Affairs (MINALOC) should expedite the adoption by cabinet of the National Disability and Inclusion Policy;
- The Ministry in Charge of ICT and Innovation (MY-ICT) should lead the process of expediting the enactment of a comprehensive strategy on ICT for Disability Inclusion and empowerment and ensure adequate consultation with persons with disabilities especially girls and women;

Improvement of the Accessibility of Court Documents:

- The Judiciary should ensure that court documents including judgments and summons

can be available in large print and/or braille when required;

- The Judiciary under the guidance of the Supreme Court should upgrade the Integrated Electronic Case Management System (IECMS) by including talking voice and simplicity of warding to enable easy access for women and girls with visual impairment;

Improvement of the Physical Accessibility of Justice Premises

- The Ministry of Justice in partnership with the Ministry of Infrastructure and the National Council of Persons with Disabilities should conduct a mapping exercise to identify challenges related to physical access to justice premises and develop a roadmap on how to address them;

Legal literacy

- For the general public, the National Commission for Human Rights in partnership with the National Council of Persons with Disabilities and other stakeholders should develop a curriculum and conduct outreach and sensitization activities on the rights of persons with disabilities and in particular the rights of girls and women with disabilities. This should include information and communication tools which take into consideration the needs of persons with disabilities;
- The National Commission for Human Rights and the National Council of Persons with Disabilities along with other stakeholders should conduct an outreach programme, specifically targeting women and girls with disabilities to provide information on their legal rights, how to access legal information, advice and repre-

book for judges and lawyers on how to respect the rights of people with disabilities in legal processes, including information and advice on communication, accessibility and accommodation requirements. The guide should be based on human rights standards and international best practice;

Increased planning for legal aid

- Legal Aid service providers should work in partnership with organizations working or advocating for the rights of persons with disabilities especially women and girls for the promotion and mainstreaming of their access to legal aid services.
- Legal aid providers (both state and non-state) should examine how they can ensure that girls and women with disabilities are aware of and able to access legal aid service and should conduct special out-

reach activities to engage with women and girls with disabilities;

- Legal aid providers should develop in partnership with organisations working or advocating for the rights of women and girls with disabilities and NCPD a checklist which guides legal service providers on how to consider and accommodate the needs of women and girls with disabilities in order to ensure their equal and effective access to justice;

Disability mainstreaming data collection

- The Gender Monitoring Office (GMO) together with the National Council of Persons with Disabilities should conduct an audit of the extent to which policies and programmes and gender mainstreaming include the needs of women and girls with disabilities and vice versa and make recommendations

sentation and complaint and redress mechanisms;

- Training and capacity building
- The National Commission for Human Rights in partnership with the National Council of Persons with Disabilities and other stakeholders including the Rwanda Bar Association should train judges, Members of Abunzi Committees, lawyers, prosecutors, MAJ Officers, court bailiffs, investigators and correction officers on the rights of persons with disabilities and how to ensure that they are respected in legal processes. The training should include accessibility, communication and accommodation needs;
- The Ministry of Justice, together with the National Commission on Human Rights and the National Council of Persons with Disabilities should develop a short guide/hand-

for full disability mainstreaming across all sectors including the justice Sector;

- GMO in collaboration with Justice Sector Institutions, NCPD, NHRC and Civil Society Organisations should systematically collect and disseminate disaggregated data on girls and women with disabilities seeking/accessing justice in order to inform the elaboration of adequate policy actions and strategies to enhance increased access to justice for girls and women with disabilities.



1.

INTRODUCTION

1.1 Background

The Government of Rwanda has made significant progress in the realization of the rights of women and girls over the last 25 years. This progress can be observed across a range of sectors but particularly in the areas of education, health and justice. The respect and promotion of the rights of persons with disabilities has also been progressively realized, following the ratification of international and regional human rights instruments¹ and subsequent adoption of a range of laws, policies and programmes.

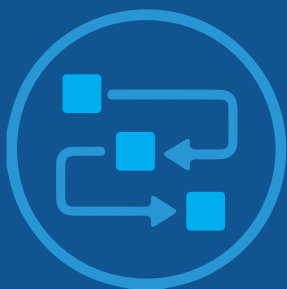
¹ Rwanda ratified the Convention on the Rights of Persons with disabilities on 31/12/2012. Rwanda has also ratified other human rights instruments which contain provisions guaranteeing the rights of persons with disabilities such as the Convention on the Elimination of All Forms of Discrimination Against Women on 15/02/1981; the International Covenant on Civil and Political Rights on 01/03/1975; the Convention on the Rights of the Child on 01/11/1990; the African Charter on Human and Peoples' Rights on 01/07/1983; the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa on 24/6/2004 and the African Youth Charter on 15/06/2007.

However, there has been little assessment of existing laws and policies, either in terms of their normative framework or their implementation, in order to identify any barriers which may prevent or limit the effective access to justice by women and girls with disabilities.

This assessment also considers that women and girls with disabilities may face “double discrimination”: distinct challenges or barriers due to the intersectionality of their disability and gender. Research and analysis conducted by organisations fo-

cused on disability or gender do not always adequately examine these specific barriers faced by women and girls with disabilities.

It is against this background that Legal Aid Forum (LAF) in partnership with UNABU has conducted this assessment to examine the existing level of access to justice for girls and women with disabilities, identify barriers and gaps in law and policy, the role of different organisations and institutions and make recommendations.



2.

METHODOLOGY

The assessment started with a desk review which identified and analysed the applicable legal and policy framework. This was then built on with qualitative research in the form of interviews and Focus Group Discussions in order to understand the lived experiences of women and girls with disabilities and their interactions with the justice system.

2.1 Literature Review

The desk review identified and mapped national laws, policies and programmes which were relevant to access to justice by women and girls with disabilities. These laws, policies and programmes were then analyzed in the context of relevant international and regional human rights standards.

2.2 Focus Group Discussions

Focus Group Discussions (FGDs) with women and girls with disabilities were held in Muhanga District² in order to obtain first-hand information on challenges that they faced in effective access to justice and to assess their awareness of access to justice including national laws and existing mechanisms. Participants were girls and women with disabilities including hearing, speech, visual, mental and physical disabilities.

2.3 Key Informant Interviews

In order to collect more qualitative data, semi-structured interviews with key informants were conducted.

Interviews were based on a pre-prepared question guide which provided specific questions for different groups. The list of interviewed institutions and the question guide are provided as annexes.

² The FGD held was held in Muhanga District but included 12 girls and women with disabilities from across the country. Muhanga is situated in relatively middle of Rwanda and was opted for to facilitate transportation of everybody from The City of Kigali, The Southern and Western Provinces.



3.

GIRLS AND WOMEN WITH DISABILITIES IN THE CONTEXT OF ACCESS TO JUSTICE

3.1 Definition and scope of access to justice

While there is no single international definition of ‘access to justice’, The United Nations Development Programme (UNDP) defines it as “*the ability of people to seek and obtain a remedy through formal or informal institutions of justice, and in conformity with human rights standards*”³.

The Office of the United Nations High Commissioner for Human Rights describes access to justice as “*a core element of the rule of law. It is a fundamental right in itself and an essential prerequisite for the protection and promotion of all other human rights.*”

Access to justice encompasses the right to a fair trial, including equal access to and equality before the courts, and seeking and obtaining just and timely remedies for rights violations.

³ See UN Women, UNDP, UNODC and OHCHR. *A Practitioner’s Toolkit on Women’s Access to Justice Programming*, 2018, p17 available at https://www.unodc.org/pdf/criminal_justice/WA2J_Consolidated.pdf. Accessed on 19 October 2019

Guaranteeing access to justice is indispensable to democratic governance and the rule of law as well as to combat social and economic marginalization.”

It is therefore understood that access to justice, is more than just improving an individual's access to courts or guaranteeing legal representation but also requires ensuring legal and judicial outcomes which are just and equitable.⁴

3.2 Girls and Women with disabilities and access to justice: Global perspective

When assessing access to justice for girls and women with disabilities, it is important to consider that they may face distinct challenges that relate to the intersection of their gender and

disability, which can be different from discrimination faced by women without disabilities or by men with disabilities. In accordance with Article 6(1) of the Convention on the Rights of Persons with Disabilities (CRPD) *“States Parties recognize that women and girls with disabilities are subjected to multiple forms of discrimination, and in this regard shall take measures to ensure their full and equal enjoyment of all human rights and fundamental freedoms”*.

The Committee on the Rights of Persons with Disabilities has observed that *“[w]omen with disabilities face barriers to accessing justice including with regard to exploitation, violence and abuse, due to harmful stereotypes, discrimination and lack of procedural and reasonable accommodations, which can lead to their credibility being doubted and their accusations being dismissed.*

4 UNDP “Access to Justice: Practice note” Retrieved from << https://www.undp.org/content/dam/aplaws/publication/en/publications/democratic-governance/dg-publications-for-website/access-to-justice-practice-note/Justice_PN_En.pdf>>. Accessed on 5 June 2019

*Procedures or enforcement attitudes may intimidate victims or discourage them from pursuing justice. These can include: complicated or degrading reporting procedures; referral of victims to social services rather than legal remedies; dismissive attitudes by police or other enforcement agencies. This can lead to impunity and invisibility of the issue, resulting in violence lasting for extended periods of time. Women with disabilities may also fear reporting violence, exploitation or abuse because they are concerned they may lose their support requirements from caregivers”.*⁵

The United Nations Entity for Gender Equality and the Empowerment of Women (commonly known as UNWOMEN) has highlighted that girls and women with disabilities suffer from systemic marginalization and discrimination, including barriers to access to justice.⁶

⁵ CRPD Committee, General Comment No. 3: Article 6: Women and girls with disabilities, 52, U.N. Doc. CRPD/C/GC/3 (2016) [hereinafter CRPD Committee, Gen. Comment No. 3].

⁶ UNWOMEN *The empowerment of women and*

Several studies have demonstrated that women and girls with disabilities are doubly marginalized on account of their disability and gender and that women and girls with disabilities may be at greater risk of sexual and physical violence and abuse due to their vulnerability to poverty and social exclusion.⁷

Lastly, the Committee on Elimination of Discrimination against Women has recognised in its General Recommendation N°. 33 on access to justice that women may face particular barriers to accessing justice because of “*gender stereotypes, stigma, harmful and patriarchal cultural norms and gender-based violence, which affects women in particular.*”

girls with disabilities: Towards full and effective participation and gender equality Available at <<<http://www.unwomen.org/en/digital-library/publications/2018/12/the-empowerment-of-women-and-girls-with-disabilities>>>. Accessed on 03 July 2019.

⁷ International Online Source on disability and inclusion *Gender and Disability*. Available at <<<https://asksource.info/topics/social-inclusion/gender-and-disability>>> Accessed on 6 June 2019.

*These barriers to accessing justice are compounded for women with disabilities”.*⁸

This general comment also called on states to pay special attention to access to justice systems for women with disabilities. These intersecting factors may make it more difficult for girls and women with disabilities to gain access to justice.⁹

International research shows a strong correlation between disability and poverty with poverty leading to higher rates of disabil-

ity and disability increasing the risk of poverty.¹⁰

Research also shows that women and girls with disabilities are more vulnerable to poverty compared to other persons.¹¹ As a result, it is more likely that when requiring legal assistance or advice or when engaged with the justice system, girls and women with disabilities will need the support of legal aid services.

3.3 Girls and Women with disabilities in the Rwandan Context

Overall, the assessment identified that there is paucity of and conflicting disaggregated data on which to base an analysis of access to justice by women and

8 CEDAW Committee, *General Recommendation No. 33 on women's access to justice*, 8, U.N. Doc. CE-DAW/C/GC/33 (2015).

9 United Nations Committee on the Elimination of Discrimination against Women *General recommendation No. 35 on gender-based violence against women, updating general recommendation N° 19* (Published on 26 July 2017). For further reading on challenges faced by women and girls with disabilities on terms of access, read UNFPA *Young persons with disabilities: Global study on ending gender-based violence, and realising sexual and reproductive health and rights*. Retrieved from <<https://www.unfpa.org/sites/default/files/pub-pdf/Final_Global_Study_English_3_Oct.pdf>> Accessed on 2 June 2019; Human Rights Watch *Invisible victims of sexual violence: Access to Justice for Women and Girls with Disabilities in India*. Retrieved from <<https://www.hrw.org/sites/default/files/report_pdf/india0418_web.pdf>> Accessed on 5 June 2019 and Filip Waszczuk *No blame for being vulnerable: access to justice of disabled girls in Uganda on the example of sexual violence*. Retrieved from <<https://defenceforchildren.org/wp-content/uploads/2017/11/FilipWaszczuk_NoBlameforbeingvulnerable.JusticeforChildrenOctober2017.pdf>> Accessed on 6 June 2019.

10 UNDP *Livelihood opportunities for people with disabilities*. Retrieved from <<<http://www.undp.org/content/dam/india/docs/pub-povertyreduction/livelihood-opportunities-for-persons-with-disabilities.pdf>>>. Accessed on 04 June 2019.

11 Read Veronica Ngum Ndi *Causes and Effects of Poverty among women with disabilities*. Retrieved from <<<https://www.empowerwomen.org/en/community/discussions/2017/04/causes-and-effects-of-poverty-among-women-with-disabilities>>>. Accessed on 24 June 2019.

girls with disabilities and to conduct quantitative research. However, the information and data that is available can provide a broad overview on the situation of girls and women with disabilities in Rwanda.

In 2016, the National Council of Persons with Disabilities (NCPD) released a report on categorization of persons with disabilities in Rwanda which indicated that the total number of Persons with Disabilities are 154,236 (53% female and 47% male).¹²

However, official statistics from the 2012 population census records 446,453 persons with disabilities (50.5% female and 49.5% male).¹³

The higher number of women with disabilities compared to that of men is also reflected in terms of more women seeking justice services compared to men¹⁴.

In terms of education, the report indicates that 48.6% of Persons with Disabilities have never attended school and 37.3% have only attended primary school¹⁵. As a result there are high illiteracy rate among persons with disabilities requiring additional support including legal aid services to navigate complex legal processes to access justice.

Research carried out by other organizations in Rwanda show that women come into contact with the justice system predominantly as victims or witnesses and to a lesser extent as suspects.

12 National Council of Persons with Disabilities "Report on categorization of Persons with Disabilities in Rwanda" (January 2016).

13 National Institute of Statistics, Fourth Population and Housing Census, Rwanda 2012, Thematic Report: Socio-Economic characteristics of persons with disabilities, p.9.

14 National Council of Persons with Disabilities "Report on categorization of Persons with Disabilities in Rwanda" (January 2016).

15 Report on categorization of Persons with Disabilities in Rwanda, *Ibid*, p.36.

The main legal issues faced by women and girls include sexual and gender-based violence (SGBV) including rape and defilement, domestic violence, denial of property rights, denial of inheritance rights and denial of parental custody and care over children.

Findings from existing literature indicate that *girls and women with disabilities face four times higher risk of SGBV than their peers without disabilities especially at younger ages.*¹⁶

It should also be underlined that, while girls and women with disabilities in general encounter numerous barriers in accessing justice, the most vulnerable girls and women with disabilities are those with hearing and speech impairments, those with mental or intellectual or psycho-social disabilities as well as those with physical disabilities.

16 National Union of the Disability Organisations in Rwanda (NUDOR), Rwanda Alternative Report on the implementation of the Convention on the Rights of Persons with Disabilities, submitted to the Committee on the Rights of Disabilities persons (2018).



4.

POLICY AND INSTITUTIONAL ANALYSIS

The Government of Rwanda has instituted a range of legal, policy and institutional reforms which protect the rights of women and girls with disabilities and impact their ability to access justice.

4.1 Legal framework in the context of access to justice

The legal framework within which women and girls with disabilities access justice has been analyzed in terms of the Rwanda's international legal obligations, the Rwandan Constitution and relevant national laws.

4.1.1 The Constitution and International Human Rights Instruments

Relevant Constitutional Provisions

Key human rights principles which are pre-requisites for effective access to justice namely non-discrimination, equality be-

fore the law and equal protection of the law are fully guaranteed under Rwanda's Constitution.

Article 16 (2) of the Constitution of 2003 as revised in 2015 prohibits discrimination as follows:



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

However, while Article 16 of the Constitution prohibits discrimination on any grounds including sex and physical or mental disability, the general law on protection for disabled persons¹⁷ is not fully aligned with international standards, including on what amounts to prohibited disability discrimination, for example, on the denial of reasonable accommodation as a form of disability-based discrimination (see below on national legal provisions).

Article 15 of the Constitution guarantees equality before the law and equal protection of the law for all persons. Article 29 guarantees the right to due process of law which includes the right to legal representation and Article 38 makes a general provision for the right to seek and receive information which may be interpreted to include legal information.

¹⁷ Law N°. 01/2007 of 20 January 2007.

These rights must be respected without discrimination.

International Human Rights Obligations

Rwanda has ratified a number of International human rights instruments which guarantee the right of access to justice for girls and women with disabilities and is therefore obliged to respect, protect, promote and fulfil these rights. In accordance with the Rwandan Constitution¹⁸: international conventions ratified and published in the official gazette have the force of law as national legislation and are furthermore superior to ordinary laws. This means that the conventions referenced below and the rights therein form part of national law and can be invoked before the courts.

The relevant international conventions ratified by the Government of Rwanda including the Convention on the Rights of Persons with Disabilities (UNCRPD) and its Optional Protocol, the International Convention on Civil and Political Rights (ICCPR), The Convention on the Elimination of all Forms of Discrimination Against

Women (CEDAW), the African Charter on Human and People's Rights (ACHPR) and the African Charter on the Rights of Women in Africa (Maputo Protocol) all of which protect rights relevant to access to justice by girls and women with disabilities.

Article 13 of the UNCRPD provides the most specific protection, stipulating that:

¹⁸ Articles 95 and 167 of the Constitution of Rwanda of 2003 as revised in 2015.

States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

This provision builds on other rights in international human rights law such as those contained in the International Covenant on Civil and Political Rights on the right to an effective remedy, the right to a fair trial and the right to be heard (see below).

Also relevant is Article 12 of the UNCRPD which reaffirms that persons with disabilities have the right to recognition everywhere as persons before the law and enjoy legal capacity on an equal basis with others in all aspects of life.

While this article recognizes that some measures may be taken to protect people with disabilities from abuse, these measures must *inter alia* respect the rights, will and preferences of the person, be proportional and tailored to the person's circumstances, apply for the shortest time possible and be subject to regular review by a competent, independent and impartial authority or judicial body.

In addition, Article 8 (a) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) mandates States Parties to ensure effective access by women to judicial and legal services including legal aid

While Article 8 (a) of the Maputo Protocol broadly refers to women, “women” is defined in Article 1 of the Protocol as persons of female gender including girls. Of particular relevance, Article 23 of the Maputo Protocol obliges States Parties to ensure that women with disabilities are granted special protection that takes into consideration their physical, social and economic needs.

Other international human rights treaties protect rights which are constituent elements of the right of access to justice, namely the guarantees to a fair trial including the right to legal assistance, the right to a counsel, the right to be tried in a language one understands.

For example, with regard to criminal cases, the International Covenant on Civil and Political Rights (ICCPR) and African Charter on Human and Peoples’ Rights protect the right of every

individual to defend his or her case, including the right to be defended by counsel of his or her choice¹⁹.

The ICCPR also obliges States to guarantee the right to any individual to have legal assistance assigned to him or her and without payment by him or her in any such case if he does not have sufficient means to pay for it and to have the free assistance of an interpreter if he or she cannot understand or speak the language used in court²⁰. This should include sign language interpretation where required. These fair trial rights must be protected without discrimination.

Rwanda is yet to ratify the Protocol to the African Charter on Human and Peoples’ Rights on Persons with Disabilities in Africa which includes detailed protections which ensure access to justice for the rights of persons with disabilities.

19 Article 14 (3) (d) ICCPR and Article 7 of the African Charter on Human and Peoples’ Rights.

20 Article 14(3)(f) ICCPR.

4.1.2 National Legal Provisions

By ratifying relevant international human rights conventions, the Government of Rwanda has committed to ensure that national laws and policies comply with the rights contained therein.

The ability of women and girls with disabilities to access justice is based on a range of national legal provisions including criminal and civil law and procedure, family law and laws on evidence and contracts, all of which should respect the rights of women and girls with disabilities by enabling effective legal redress without discrimination and by providing for reasonable accommodation when required. The UN Committee on the Rights of Persons with Disability had recommended that the Government of Rwanda “*ensure that domestic legislation adheres to the Convention, taking measures to fulfil all its obligations under*

*the Convention and ensuring the human rights-based approach to disability*²¹”.

Certain laws relating to the administration of justice provide specific protections which are applicable for women and girls with disabilities. For example, Law N°68/2018 of 30/08/2018 determining Offences and Penalties criminalizes discrimination based inter alia on disability and also makes the disability status of the victim an aggravating circumstance.

Law N°71/2018 of 31/08/2018 relating to the protection of the child obliges the Government to provide legal assistance to a child who has no guardian when he/she is tried before courts; and Law N°83/2013 of 11/09/2013 establishing the Bar Association in Rwanda obliges the Government to provide legal aid to in

²¹ UN Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Rwanda, 3 May 2019, CRPD/C/RWA/CO/1, para 6.

digents and needy people who cannot afford to pay the services of the advocates.

One notable gap in the general law on protection for disabled persons²² is the failure to include denial of reasonable accommodation as a form of disability discrimination as required by the UNCRPD.

The UNCRPD defines reasonable accommodation” as necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.²³ This is particularly important with regard to access to justice, as women and girls with disabilities may require a range of accommodations in order to effectively access justice, for ex-

ample with regard to access to provision of information, access to premises and communication. These include the ability to have their complaint heard and give evidence but also to seek and receive information about their rights, the remedies available to them, and available sources of assistance.

Specifically, in relation to legal capacity and its effect on access to justice, the UN Committee on the Rights of Persons with Disabilities has stated that “States parties must holistically examine all areas of law to ensure that the right of persons with disabilities to legal capacity is not restricted on an unequal basis with others²⁴”.

As identified below, certain laws include blanket prohibitions on those with mental or intellectual disabilities accessing justice which do not comply with the UNCRPD.

²² Law No. 01/2007 of 20 January 2007.

²³ Article 2 of the Convention on the Rights of Persons with Disabilities

²⁴ UN Committee on the Rights of Persons with Disabilities, General Comment 1 (2014) on Article 12: Equality before the law, para 7.

4.2 Policy and Strategic framework in the context of access to justice

The Government of Rwanda has a number of policy initiatives and strategies in place which seek to advance development across a range of sectors. Within the overarching 7 Year Government Programme: National Strategy for Transformation (NST 1), 2017-2024, disability is one of the cross-cutting issues. Under the transformational governance pillar, priority 4 seeks to strengthen justice, law and order including by improving access to quality justice and streamlining legal aid provision in order to ensure universal and affordable quality justice.

Other national policies impact the ability of girls and women with disabilities to access justice.

The National Legal Aid Policy²⁵ defines legal aid as a system underpinned by universal access to justice which 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. The vision of the National Legal Aid Policy is ensure that indigent and vulnerable citizens access quality justice and realise their rights guaranteed by law.

However the Policy does not further define what is meant by “vulnerability” and does not explicitly mention disability as a ground for eligibility for free legal aid services despite the fact

²⁵ Ministry of Justice National Legal Aid Policy (2014), available at https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/RWA/INT_CAT_AIS_RWA_29583_E.pdf

that women and girls with disabilities are more likely to be poor and/or vulnerable and are consequently a group which is often in particular need of legal aid services in order to access justice.

The Justice for Children Policy²⁶ recognises the need to improve the justice interests of children with disabilities and specifically suggests specialised training among service providers to facilitate communication during preliminary investigations and court proceedings.²⁷ However, the policy does not include the need for specialized training for lawyers, registrars and corrections officers on the needs of children with disabilities. Nor does it suggest any activity related to child-friendly legal information that takes into considerations all relevant needs of the children including their disabilities.

26 Republic of Rwanda Justice for Children Policy (2014), available at: http://www.minijust.gov.rw/fileadmin/Documents/MoJ_Document/Last_children_policy_-_IMCC_RECOMM_-_INCOP.pdf
27 Republic of Rwanda Justice for Children Policy (2014).

The lack of a comprehensive national policy on disability and inclusion is a major gap in government policy. While the Government of Rwanda committed at the Global Disability Summit in 2018 to finalize and adopt by the end of 2018 a new National Policy on Disability and Inclusion, grounded on UNCRPD and the principle of equity,²⁸ this has not yet been finalized. The draft National Policy on Disability and Inclusion developed by the Ministry of Local Government (MINALOC) recognises that children and women with disabilities face multiple barriers and extended exclusion.

The Draft policy states that one of its objectives is to provide comprehensive and accessible services across all sectors, however it fails to clearly mention the justice sector among the listed sectors.

28 Commitments made by the Government of Rwanda at the Global Disability summit held in London in July 2018, <https://www.nudor.org/index.php/resources/publications/>

In terms of disability mainstreaming, the National Council for Persons with Disabilities has issued national guidelines for disability mainstreaming across different sectors including the justice sector.²⁹ The Ministry of Justice has also produced a gender mainstreaming strategy for the Justice, Reconciliation, Law and Order Sector (JRLOS) institutions which has the ultimate goal of addressing persisting gender disparities and inequalities.³⁰

Despite the existence of these policies and strategies, the needs of women and girls with disabilities have not been properly mainstreamed in the justice sector. It is also difficult to properly assess needs and impact as there is a lack of disaggregated data across all justice institutions in relation to disability in general, and women and girls with disabilities in particular.

29 See Disability Mainstreaming Guidelines(2014), www.ncpd.gov.rw

30 Ministry of Justice Gender Mainstreaming Strategy for JRLOS Institutions in Rwanda (2018-2022).

4.3 The Institutional framework applicable to access to justice by girls and women with disabilities

In terms of the relevant institutional framework, there are two main institutions which are responsible for monitoring the respect and protection of the rights of persons with disabilities in Rwanda.

The National Commission for Human Rights (NCHR) as part of its general human rights monitoring mandate is responsible for monitoring the protection of the rights of persons with disabilities³¹. The mandate of the National Council of Persons with Disabilities (NCPD) includes monitoring the respect of laws

31 Article 10 of the law relating to disabled persons (see comment above) and Article 6 (4) of the Law N°19/2013 of 25/03/2013 determining missions, organization and functioning of the National Commission for Human Rights which mandates the Commission to particularly monitor respect for the rights of persons with disabilities.

which protect persons with disabilities³². Indeed one of the initiatives implemented by NCPD is the facilitation of access to legal representation of persons with disabilities including women and girls through a standing Memorandum of Understanding with the Rwanda Bar Association. It also provides a professional sign language interpretation when required. Other institutional initiatives adopted by the Government of Rwanda have either a direct or indirect impact on access to justice by women and girls with disabilities.

The Government of Rwanda has established access to justice bureaux (commonly known as MAJ from the French term *Maison d'Acces a la Justice*) mandated to provide legal aid related services including information, advice and legal representation before the courts to indigent and vulnerable persons on pro bono basis. The Government has also

established the “Abunzi committees” a mechanism of alternative dispute resolution³³ and, through the Ministry of Justice, regularly organizes an annual “legal aid week”, working with Civil Society Organizations to provide free legal services to the population including legal assistance, legal representation, legal advice and enforcement of court decisions..

Interviews with key informants revealed that MAJ officers and mediators serving in Abunzi committees are not aware of the reasonable accommodation requirements for facilitating access to justice by people with disabilities. They do not have sign language interpretation available to facilitate communication with women and girls with speech and hearing impairments.

Similarly, Legal Aid Week also does not provide for accommodation needs of persons with hearing impairments.

32 Article 6 (8) of the law n°03/2011 of 10/02/2011 determining the responsibilities, organization and functioning of the National Council of Persons with Disabilities.

33 Law No37/2016 of 08/09/2016 determining organization, jurisdiction, competence and functioning of an Abunzi Committee.



5.

KEY FINDINGS

The assessment undertaken identified a number of barriers which inhibit access to justice by girls and women with disabilities. These can be attributed in some areas to an inadequate legal, and policy framework and in others due to weak implementation arrangements. The key barriers identified are:

- Limited access to information about the justice system and legal rights and obligations as well as communication with justice actors especially for girls and women with hearing, visual and speech impairments;
- Limited physical access to justice premises especially for girls and women with physical impairments;
- Denial of legal capacity/unequal recognition before the law for girls and women with mental and intellectual impairments;

- Lack of information about legal aid services for poor girls and women with disabilities;
- Additional costs to facilitate access to justice in addition to already high costs of pursuing justice, especially for girls and women with physical, hearing and speaking and visual impairments;
- Lack of knowledge of justice sector actors on disability rights and how to ensure that the requirement to accommodate the needs of women and girls with disabilities is fulfilled and their rights respected in justice processes;
- Insufficient disability mainstreaming of the needs of women and girls into disability policies and the needs of those with disabilities in gender policies.

5.1 Limited Access to information and Communication barriers

Girls and Women with disabilities, especially those with hearing, visual and intellectual disabilities often face barriers in accessing adequate information about complex judicial procedures (both criminal and civil) and are unable to effectively communicate with judicial and legal personnel. These barriers result from:

- The lack of a clear legal requirement or policy directive which ensures that public information on justice matters involving people with disabilities is provided in accessible formats for persons with disabilities, for example by providing information from the Integrated Electronic Case Management System (IECMS) or on court judgments in braille or large format;

- Public information disseminated through electronic and print media and e-platforms is not fully accessible to persons with different disabilities especially girls and women
- Non-recognition of sign-language as an official language which makes it harder to advocate for sign-language interpretation,
- Limited availability of professional sign-language interpretation services among justice actors namely; investigators, prosecutors, judges, legal aid service providers;

As a result of these barriers to communication and access to information, girls and women with disabilities have limited knowledge and understanding of their legal rights and obligations and consequently, they are inhibited from reporting human rights abuses or their complaints may be inadequately investigated.

When they are involved in legal or judicial processes, it is harder for them to have ‘equality of arms’ in a civil case, or to defend themselves in a criminal case.

5.2 Limited physical access to Justice Premises

Girls and women with physical impairments face barriers in their physical access to justice premises. While the Building Code of 2015 contains accessibility standards for persons with disabilities, some Court premises, Isange One Stop Center facilities, Rwanda Investigation Bureau (RIB) Premises, Prosecution offices and office premises of different legal aid providers do not have facilities such as ramps to facilitate easy access for women or girls in wheelchairs or other mobility needs. In this regard the requirements of the building code are not being implemented.

5.3 Denial of Legal Capacity/Unequal recognition before the law

There are a number of legal provisions which discriminate against women or girls with mental disabilities in their access to justice and equality before the law and may be incompatible with the right to equal recognition before the law under Article 12 of the UNCRPD.

While some of these laws may have been enacted with the intention to protect people with disabilities from exploitation and abuse, they must nonetheless respect the individual rights of persons with disabilities including their legal capacity. The UNCRPD requires States Parties to ensure that “*all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal*

*capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person’s circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person’s rights and interests*³⁴”.

It is important to note that women and girls with disabilities are likely to face attempts to limit their capacity as well as additional barriers to accessing information about and support to enforce their rights due to paternalistic attitudes.

Under the law governing persons and family a person with a mental impairment can be placed under forced guardianship³⁵. The UN Committee on the Rights of Persons with Disabilities has noted that States parties must

³⁴ UNCRPD Article 12(4).

³⁵ Article 150 of Law N°.32/2016.

“review the laws allowing for guardianship and trusteeship, and take action to develop laws and policies to replace regimes of substitute decision-making by supported decision-making, which respects the person’s autonomy, will and preferences³⁶”. The law on guardianship should therefore be reviewed and replaced with a system that instead supports people with disabilities to make decisions, in particular addressing any additional barriers faced by women and girls.

Under the law governing contracts a person with a mental impairment may be denied to enter a contract³⁷. This broad law also denies the legal capacity of persons with disabilities and should be replaced with a more nuanced provision which instead supports the rights of people with disabilities to exercise their legal capacity, but which contains safeguards against exploitation and abuse.

Under the law relating to evidence and its production a person with

a mental impairment may not be eligible to be a witness in court³⁸. As with the other provisions, women and girls may face additional attitudinal barriers with regard to the assessment of judges and justice professionals about their capacity to be a witness. In accordance with UNCRPD Article 12 these provisions should support people with mental impairments to exercise their legal capacity, while also respecting the right to a fair trial.

The UN Committee on the Rights of Persons with Disabilities has recommended Rwanda to repeal all discriminatory legal provisions and end all practices that limit the legal capacity of persons with disabilities and enact legislation recognizing the full legal capacity of persons with disabilities, including a supported decision-making regime that respects the autonomy, wishes and preferences of persons with disabilities³⁹.

36 UN Committee on the Rights of Persons with Disabilities, General Comment 1 (2014) para 26.

37 Article 4 (2) of Law N°. 45/2011.

38 Article 63 of the Law N° 15/2004.

39 UN Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Rwanda, 3 May 2019, CRPD/C/RWA/CO/1, para 24.

5.4 Limited Access to Legal aid Services for the poor girls and women with disabilities in general

Girls and women with disabilities are disproportionately more likely to live in poverty than other categories of the population and as a result are less likely to be able to afford to pay a lawyer for legal services, advice or representation.

This includes representation in civil and criminal cases but also general information and advice about their legal rights and assistance in matters such as land or inheritance disputes.

Despite the increased likelihood of poverty, and the additional support needs that many people with disabilities have for accessing justice, disability is not listed as a criterion in itself for eligibility for legal aid under the legal aid policy.

As a result, girls and women with disabilities who are vulnerable but who may not fall within the relevant income-based categories can find it more difficult to access legal aid and free legal assistance.

Secondly, women with girls and disabilities face barriers to accessing information about legal aid service providers and where to seek advice and assistance (see above on access to information) and those legal aid service providers are not easily accessible.

5.5 Extra cost of pursuing justice especially for girl and women with physical, speech and visual impairments

Girls and women with disabilities may incur a number of additional expenses which may amount to barriers to them seeking justice and legal services.

This can include additional travel costs for private transport for women and girls with physical disabilities because most public transport facilities are not accessible, in particular for wheelchair users.

Women and girls with speech and hearing impairments may have to bear the cost of sign language interpretation services as free interpretation is not provided for under current legal provisions. The additional cost of interpretation combined with other costs such as lawyers and court fees, act as a barrier to access to justice for women and girls with disabilities who are often financially vulnerable.

5.6 Insufficient disability mainstreaming of special needs of girls and women in general and Those seeking justice in particular

There is general absence of reliable disaggregated data that would enable a better understanding of the situation and needs of women and girls with disabilities seeking justice and subsequently inform improved programming.

Data collected by the Gender Monitoring Office (GMO) does not consider disability or take into account the additional barriers and needs faced by women and girls with disabilities. In addition, the justice sector gender mainstreaming strategy does not address the particular needs of women and girls with disabilities.

In general, while attention is paid to gender mainstreaming, there is insufficient mainstreaming of disability concerns and needs within the justice sector, including among court staff, judges, prosecutors, magistrates, lawyers and law enforcement officials and as a result, the needs of women with girls with disabilities are not adequately considered or addressed. Additionally, most legal aid pro-

viders have not effectively mainstreamed disability needs and concerns specifically for girls and women seeking justice in their programs.

The UN Committee on the Rights of Persons with Disabilities has noted with concern the lack of disaggregated data on the situation of women and girls with disabilities and the failure to include a disability lens to gender equality programmes and policies and vice versa. It has also noted the inadequacy of policies and programmes for the advancement, development and empowerment of girls and women with disabilities and recommended that the Government of Rwanda rectify these deficiencies⁴⁰.

40 Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Rwanda, 3 May 2019, CRPD/C/RWA/CO/1, paras 11-12.



6.

CONCLUSION AND RECOMMENDATIONS

Rwanda has a legal and policy framework which directly incorporates ratified international human rights standards on disability, women's rights and access to justice and has constitutional protections which prohibit discrimination and guarantee equal protection of the law. There is also an institutional framework in place to progress women's rights, disability rights and access to justice. Despite these, there are still some legal and policy gaps which need to be addressed. In this regard, the following recommendations to improve access to justice by women and girls with disabilities are suggested:

6.1 Legal and Policy reform

- The Ministry of Justice should spearhead the process of:
 - Ratification of the Protocol to the African Charter on Human and Peoples' Rights on Persons with Disabilities

in Africa which includes detailed protections which ensure access to justice for the rights of persons with disabilities.

- Expediting the ratification of the Protocol to the African Charter on Human and Peoples' Rights of persons with disabilities in Africa.
- Enacting and enforcing an organic law which recognizes sign language as an official language.
- Amending Article 63 of the Law N° 15/2004 relating to evidence and its production which stipulates that any person can be allowed to testify as a witness in court, with the exception of those people who have no capacity to be witness in court to the law which provides a more nuanced process for deciding whether an individual has the

capacity to be an effective witness (see guidance in CRPD General Comment 1 about distinguishing mental capacity and legal capacity) and for supporting those with disabilities to be witnesses.

- Repealing Article 7 (2) of Law N° 45/2011 of 25/11/2011 governing contracts which stipulates that natural person who manifests assent to a contract shall have legal capacity to contract unless he/she is under guardianship; a minor or mentally ill, in order to make the law compliant with article 12 (2) of the CRPD (legal capacity).
- Amending the Law N° 01/2007 of 20/01/2007 relating to protection of disabled persons in general with the view to making it fully compliant with UNCRPD, in particular they should:

- Ensure that persons with disabilities in the first and second category are granted exemption from paying court fees in the same way as disabled former war combatants are currently protected⁴¹.
- Ensure that persons with disabilities in the first and second category are automatically eligible to free legal aid services including legal assistance and representation.
 - Reviewing the National Legal Aid Policy to adequately mainstream disability as one of the eligibility criteria for free legal aid services.
- The Ministry in Charge of Social Affairs (MINALOC) should expedite the adoption by cabinet of the National Disability and Inclusion Policy.
- The Ministry in Charge of ICT and Innovation should lead the process of expediting the enactment of comprehensive strategy on ICT for Disability Inclusion and empowerment and ensure adequate consultation with persons with disabilities especially girls and women.

6.2 Improvement of the accessibility of court documents

- The Judiciary should ensure that court documents including judgments and summons can be available in large print and/or braille when required
- The Judiciary under the guidance of the Supreme Court should upgrade the Integrated Electronic Case Management System (IECMS) by including talking voice and simplicity of warding to enable easy access for women and girls with visual impairment

⁴¹ Article 13 of the Law N°02/2007 of 20/01/2007 relating to the protection of disabled former war combatants.

6.3 Improvement of the physical accessibility of justice premises

- The Ministry of Justice in partnership with the Ministry of Infrastructure and the National Council of Persons with Disabilities should conduct a mapping exercise to identify challenges related to physical access to justice premises and develop a roadmap on how to address them.

6.4 Legal literacy

- For the general public, the National Commission for Human Rights in partnership with the National Council of Persons with Disabilities and other stakeholders should develop a curriculum and conduct outreach and sensitization activities on the rights of persons with disabilities and in particular the rights of girls and women with disabilities.

This should include information and communication tools which take into consideration the needs of persons with disabilities;

- The National Commission for Human Rights and the National Council of Persons with Disabilities along with other stakeholders should conduct an outreach programme, specifically targeting women and girls with disabilities to provide information on their legal rights, how to access legal information, advice and representation and complaint and redress mechanisms.

6.5 Training and Capacity building

- The National Commission for Human Rights in partnership with the National Council of Persons with Disabilities and other stakeholders including the Rwanda Bar Association should train judges, Members of Abun-

zi Committees, lawyers, prosecutors, MAJ Officers, court bailiffs, investigators, correction officers and persons with disabilities on the rights of persons with disabilities and how to ensure that they are respected in legal processes. The training should include accessibility, communication and accommodation needs.

- The Ministry of Justice, together with the National Commission on Human Rights and the National Council of Persons with Disabilities should develop a short guide/handbook for judges and lawyers on how to respect the rights of people with disabilities in legal processes, including information and advice on communication, accessibility and accommodation requirements. The guide should be based on human rights standards and international best practice.

6.6 Increased Planning for legal aid

- Legal Aid service providers should work in partnership with organizations working or advocating for the rights of persons with disabilities especially women and girls for the promotion and mainstreaming of their access to legal aid services.
- Legal aid providers (both state and non-state) should examine how they can ensure that girls and women with disabilities are aware of and able to access their service and should conduct special outreach activities to engage with women and girls with disabilities.
- Legal aid providers shall develop in partnership with organizations working or advocating for the rights of women and girls

with disabilities and NCPD a checklist which guides legal service providers on how to consider and accommodate the needs of women and girls with disabilities in order to ensure their equal and effective access to justice.

6.7 Disability mainstreaming Data collection

- The Gender Monitoring Office (GMO) together with the National Council of Persons with Disabilities should conduct an audit of the extent to which policies and programmes and gender mainstreaming include the needs of women and girls with disabilities and vice versa and make recommendations for full disability mainstreaming across all sectors including the justice Sector.
- GMO in collaboration with Justice Sector Institutions, NCPD, NHRC and Civil Society Organizations should systematically collect and disseminate disaggregated data on girls and women with disabilities seeking/accessing justice in order to inform the elaboration of adequate policy actions and strategies to enhance increased access to justice for girls and women with disabilities.



7.

REFERENCES

A. International human rights instruments

1. Convention on the Elimination of All Forms of Discrimination against Women.
2. Convention on the Rights of Persons with Disabilities.
3. International Covenant on Civil and Political Rights.

B. Regional human rights instruments

1. African Charter on Human and Peoples' Rights.
2. Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

C. Laws, decrees and orders

1. Constitution of 2003 as revised in 2015.

2. Law N° 30/2013 of 24/05/2013 relating to the code of criminal procedure provides that a suspect shall be interrogated in the language he/she understands well.
3. Law N°19/2013 of 25/03/2013 determining missions, organisation and functioning of the National Commission for Human Rights.
4. Law N°03/2011 of 10/02/2011 determining the responsibilities, organization and functioning of the national council of persons with disabilities.
5. Law N° 01/2007 of 20/01/2007 relating to protection of disabled persons in general Law N°02/2007 of 20/01/2007 relating to the protection of disabled former war combatants.
6. Law N°71/2018 of 31/08/2018 relating to the protection of the child.
7. Law N°68/2018 of 30/08/2018 determining Offenses and Penalties in general.
8. Law N°83/2013 of 11/09/2013 establishing the Bar Association in Rwanda.
9. Law No 22/2018 of 29/04/2018 relating to the civil, commercial, labour and administrative procedure.
10. Law N°71/2018 of 31/08/2018 relating to the protection of the child.
11. Law N°68/2018 of 30/08/2018 determining Offenses and Penalties in general.

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17. Organic Law N°02/2017/OL of 20/04/2017 establishing Kiswahili as an official language.
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3. Republic of Rwanda *Justice for Children Policy* (2014).

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1. African Commission on Human and Peoples' Rights *Guidelines on Combating Sexual Violence and its Consequences in Africa* (2017).
2. Ministry of Justice *Gender Mainstreaming Strategy for JRLOS Institutions in Rwanda* (2018-2022).
3. National Council of Persons with Disabilities *Disability Mainstreaming Guidelines* (2014).

F. Reports

1. National Council of Persons with Disabilities *Report on categorization of Persons with Disabilities in Rwanda* (January 2016).
2. National Institute of Statistics of Rwanda (NISR),

G. Other publications

1. Filip Waszczuk *No blame for being vulnerable: access to justice of disabled girls in Uganda on the example of sexual violence*. Retrieved from <<https://defenceforchildren.org/wp-content/uploads/2017/11/Filip-Waszczuk_NoBlame-forbeingvulnerable.JusticeforChildrenOctober2017.pdf>> Accessed on 6 June 2019.
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8.

ANNEXES

1. List of institutions Which Provided Interviewees

Public Institutions

1. Supreme Court (Inspector of Courts)
2. Ministry of Justice (Head of Access to Justice)
3. Ministry of Gender and Family Promotion (Family and Child Protection Officer)
4. National Commission for Human Rights (Focal Person in charge of Persons with Disabilities Rights)
5. National Council of Persons with Disabilities (Director of Economic and Social Empowerment)
6. National Public Prosecution Authority (Inspector)
7. Rwanda Investigation Bureau (Officer in charge of specialized crimes)

Professional Body

1. Rwanda Bar Association (In Charge of Legal Aid Services)

NGOs providing Legal Aid Services

1. HAGURUKA (Lawyer)
2. Human Rights First (Programmes Coordinator)
3. Legal Aid Forum (Legal Air Attorney)

NGOs working with persons with disabilities

1. NUDOR (Legal Advisor)
2. UNABU (Executive Director)
3. Humanity and Inclusion (Community-Based Mobiliser).

2. QUESTIONNAIRE GUIDES

2.1 Key informants In interviews (KIIs)

Judiciary (Supreme Court)

- a) How do girls and women with disabilities especially those with vision impairment (blind) read court judgment?
- b) Have court officials (registrars especially) received any training on how to deal with girls and women with disabilities in terms of providing information on court proceedings?
- c) Have judges received any training on the rights of persons with disabilities? If yes, how many?

- d) Does the IECMS take into consideration the needs of persons with vision impairment (blind) to file a complaint?
 - e) Does the IECMS provide for access for persons with vision impairment?
 - f) How do persons with vision impairment get access to court documents such as summon and judgments)?
 - g) What would you recommend for better access of justice for women and girls with disabilities in Rwanda?
- c) Does the Ministry of Justice have a communication strategy aiming at informing how the justice system works and what the rights and responsibilities of persons with disabilities are within the justice system?
 - d) How many cases have MAJ Officers and ABUNZI handled involving girls and women with disabilities? If there are no cases reported to MAJ by women and girls with disabilities, according to you, what might be the reason women and girls with disabilities don't report cases to MAJ and ABUNZI?
 - e) What would you recommend for better access to justice for women and girls with disabilities in Rwanda?

Ministry of Justice

- a) What are the measures put on place by your institution to enable women and girls with disabilities access to justice?
- b) Have MAJ Coordinators and Abunzi received any training on sign language? If not how do they handle

Ministry of Gender and Family Promotion (MIGEPROF)

- a) What are the types of services provided to women and girls with disabilities in relation to access to justice?
- b) What are the challenges faced by women and girls with disabilities in relation to access to justice?
- c) What would you recommend for better access of justice for women and girls with disabilities in Rwanda?

National Public Prosecution Authority

- a) How many complaints from women and girls with disabilities has your office received?
- b) What are the most commonly reported complaints from women and girls with disabilities your

institution have received?

- c) Are prosecutors trained on handling cases involving persons with disabilities as suspects or victims?
- d) What would you recommend for better access of justice for women and girls with disabilities in Rwanda?

National Commission for Human Rights

- a) What are the measures your institution put on place by your institution to ensure that women and girls with disabilities have access to justice?
- b) How many cases have the National Human Rights Commission handled affecting the right to access to justice of women and girls with disabilities?
- c) Does the Commission have training materials targeting women and girls with disabilities specifically those

with visual and speech and hearing impairments? If not, how this category of women and girls with disabilities benefit from the human rights trainings organized by the Human Rights Commission?

- d) What are the challenges faced by women and girls with disabilities in relation to access to justice?
- e) What would you recommend for better access to justice for women and girls with disabilities?

Rwanda Investigation Board

- a) How many complaints has your office received from women and girls with disabilities?
- b) What are the most commonly reported complaints from women and girls with disabilities has your institution received?
- c) Are investigators trained

on handling cases involving persons with disabilities as either suspects or victims?

- d) What would you recommend for better access to justice for women and girls with disabilities in Rwanda?

Rwanda Bar Association

- a) On which criteria, does the Rwanda Bar Association provide legal aid to women and girls with disabilities?
- b) Which type of legal aid does the Rwanda Bar Association provide to women and girls with disabilities?
- c) Does the Rwanda Bar Association provide any training on sign languages to its members (lawyers) to assist women and girls with disabilities?
- d) What would you recommend for better access to justice for persons with disabilities in Rwanda?

NGOs providing Legal Aid Services

- a) On which criteria, do you provide legal aid to women and girls with disabilities?
- b) Which type of legal aid does your organization provide to women and girls with disabilities?
- c) Do you provide any training on sign languages to its members (lawyers) to assist women and girls with disabilities?
- d) What challenges do you encounter when providing legal aid services to women and girls with disabilities?
- e) What would you recommend for better access to justice for women and girls with disabilities in Rwanda?

Organization of Persons of Disabilities

- a) What kind of services do women and girls receive in relation to access to justice?
- b) What are the challenges women and girls face in accessing justice?
- c) What would you recommend for better access to justice for women and girls with disabilities in Rwanda?

2.2. Focused Group Discussions with persons with disabilities

- a) What type of support do you receive when you report a complaint as a victim?
- b) What type of support do you receive when you are accused of a crime or something else prohibited by the law?

- c) Do you know where to report a complaint? If yes, how did you know?
- d) What challenges do you face when you report a case or complaint before the police, Abunzi, MAJ, the courts?
- e) What would you recommend for better access to justice for women and girls with disabilities?

