

Building the Foundation for Access to Justice in Rwanda

A Report of the Legal Aid Baseline and Needs Analysis Survey

COLLABORATION BETWEEN

THE STEERING COMMITTEE OF THE LEGAL AID FORUM
AJPRODHO, CAURWA, CESTRAR, HAGURUKA, HUMAN RIGHTS FIRST, THE LEGAL
CLINIC (NUR), THE KIGALI BAR ASSOCIATION, NORWEGIAN PEOPLE'S AID, and THE
DANISH INSTITUTE FOR HUMAN RIGHTS

and

THE MINISTRY OF JUSTICE

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Acronyms

AJPRODHO	:	Association de la Jeunesse pour la Promotion des Droits de l'Homme
BTC	:	Belgian Technical Cooperation
CAURWA	:	Communauté des Autochtones Rwandais
CSOs	:	Civil Society Organisations
DIHR	:	Danish Institute for Human Rights
FGDs	:	Focus Group Discussions
HRF	:	Human Rights First
HURINET	:	Human Rights Network
ILPD	:	Institute for Legal Practice and Development
KII	:	Key Informant Interviews
LAP	:	Legal Aid Providers
LC	:	Legal Clinic
MAJ	:	Maison d'Accès à la Justice – Access to Justice House
MDGs	:	Millennium Development Goals
MINIJUST	:	The Ministry of Justice
NGOs	:	Non Governmental Organisations
NPA	:	Norwegian People's Aid
NUR	:	National University of Rwanda
PMU	:	Programme Management Unit
KBA	:	Kigali Bar Association
SOS	:	Saving Orphans Souls
SPSS	:	Statistical Package for Social Scientist
ULK	:	Université Libre de Kigali
UNDP	:	United Nations Development Funds
UNICEF	:	United Nations for Children Funds

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TABLE OF CONTENTS

ACRONYMS	2
ACKNOWLEDGEMENTS.....	3
EXECUTIVE SUMMARY	7
1 INTRODUCTION AND BACKGROUND.....	10
1.1. INTRODUCTION	10
1.2. BACKGROUND TO THE STUDY	10
1.3. THE JUSTICE SECTOR IN RWANDA	11
1.4. GOAL	12
1.5. OVERALL OBJECTIVE	13
1.6. STUDY MANAGEMENT	13
1.7. ORGANISATION OF THE REPORT	14
2 METHODOLOGY.....	15
2.1. STUDY DESIGN	15
2.2. STUDY AREAS	15
2.3. SAMPLING CRITERIA	15
2.4. PREPARATION FOR FIELDWORK	16
2.5. RECRUITMENT AND TRAINING OF SURVEY TEAM MEMBERS	16
2.6. DEVELOPMENT AND PRE-TESTING OF RESEARCH INSTRUMENTS	17
2.7. METHODS OF DATA COLLECTION	17
2.8. DATA PROCESSING AND ANALYSIS	18
2.9. LIMITATIONS OF THE SURVEY	18
3 FINDINGS OF THE STUDY.....	19
3.1. INTRODUCTION	19
3.2. MEANING OF LEGAL AID	19
3.3. ORGANIZATIONS PROVIDING LEGAL AID SERVICES.....	20
3.4. GOVERNMENT AND UNIVERSITY INITIATIVES	26
3.5. SERVICE DELIVERY CRITERIA, APPROACHES AND STRATEGIES	28
3.6. FUNDING FOR LEGAL AID SERVICES	38
3.7. PRIORITISATION AND ALLOCATION RESOURCES	39
3.8. SERVICE REGULATION AND QUALITY ASSURANCE	41
4 NEEDS ANALYSIS.....	43
4.1. INTRODUCTION	43
4.2. CLIENT PERSPECTIVES.....	43
4.3. PROVIDER PERSPECTIVES	46
4.4. SERVICE REGULATION AND QUALITY ASSURANCE	48
5 RECOMMENDATIONS	50
5.1. INTRODUCTION	50
5.2. RECOMMENDATIONS TO THE MINISTRY OF JUSTICE	50
5.3. RECOMMENDATIONS TO DONOR AGENCIES	52
5.4. RECOMMENDATIONS TO LEGAL AID PROVIDERS.....	53
5.5. RECOMMENDATIONS TO THE KIGALI BAR ASSOCIATION	54

APPENDICES	56
ANNEX A: FUNDING: ORGANS OF THE LEGAL AID BASKET FUND-UGANDA.....	56
ANNEX B: REGULATION OF LEGAL AID IN UGANDA AND SOUTH AFRICA	58
ANNEX C: MODELS OF LEGAL AID	60
ANNEX D: QUESTIONNAIRES	64
ANNEX G: GUIDE FOR LOCAL CONCILIATORS (ABUNZI AND NYOBOZI).....	85
ANNEX H: REFERENCES.....	86
ANNEX I: SURVEY TEAM	87
ANNEX J: MEMBERS OF THE LEGAL AID FORUM	88

LIST OF TABLES

TABLE 1:	PROVINCES AND DISTRICTS COVERED	15
TABLE 2:	RESPONDENT GROUPS (STRUCTURED INTERVIEWS AND KIIs)	16
TABLE 3:	PERCEIVED MEANING OF LEGAL AID	19
TABLE 4:	NGOs PROVIDING LEGAL AID SERVICES AND THE TYPES OF SERVICES PROVIDED	21
TABLE 5:	TYPES OF SERVICES OFFERED BY LAPs	21
TABLE 6:	NUMBER OF CASES HANDLED BY SELECTED LAPs	22
TABLE 7:	NUMBER OF LEGAL AID CASES HANDLED BY PRIVATE PRACTITIONERS	23
TABLE 8:	NATURE OF LEGAL SERVICES PROVIDED BY PRIVATE ADVOCATES	24
TABLE 9:	STAKEHOLDERS’ ENVISAGED NATURE OF COLLABORATION WITH MAJ	28
TABLE 10:	AREAS OF LAW COVERED BY LEGAL AID PROVIDERS	29
TABLE 11:	CLIENTS INFORMATION ABOUT LEGAL AID SERVICES AND PROVIDERS	30
TABLE 12:	PERSONNEL USED BY LEGAL AID PROVIDERS	31
TABLE 13:	FORMS OF COLLABORATION BY LEGAL AID PROVIDERS	32
TABLE 14:	LEGAL AID PROVIDERS’ COLLABORATION WITH DISTRICTS AND MINISTRIES	32
TABLE 15:	DISTRICT REACHED (FULL TIME PRESENCE AND OUTREACH VISITS)	33
TABLE 16:	STRATEGIES FOR FINANCIAL SUSTAINABILITY	35
TABLE 17:	TARGET GROUP FOR LEGAL AID SERVICES	36
TABLE 18:	SOURCE OF FUNDING FOR LEGAL AID SERVICES	38
TABLE 19:	VIEWS OF LEGAL AID PROVIDERS ON REGULATING LEGAL AID	41
TABLE 20:	BARRIERS OF ACCESS TO LEGAL SERVICES	43
TABLE 21:	LEGAL AND POLICY REVIEWS AND RECOMMENDATIONS	48

List of Figures

FIGURE 1:	PERCEIVED MEANING OF LEGAL AID	20
FIGURE 2:	PUBLIC INTEREST LITIGATION	25
FIGURE 3:	AVAILABILITY OF LAPs IN ALL DISTRICTS	34
FIGURE 4:	TARGET GROUPS FOR LAPs	37
FIGURE 5:	UGANDA LEGAL AID BASKET FUND	39
FIGURE 6:	LEGAL AID MODELS	40
FIGURE 7:	REGULATION OF LEGAL AID IN SOUTH AFRICA AND UGANDA	42

Executive Summary

This study was commissioned by the Legal Aid Forum, in collaboration with the Ministry of Justice. It was intended to provide baseline data on the current practices and gaps in service provision, in order to inform the planning, programming, financing and regulation of legal aid services with a view of realising the goal of improved access to justice. The study was funded by UNDP, DIHR and Norwegian People's Aid.

Using qualitative and quantitative research methods data was collected from 130 respondents and forty focus group discussions, across the ten districts covered by the baseline survey. The ten districts were purposively selected from the five Provinces to ensure regional balance and a rural /urban spread. The main units of the study were legal aid providers (NGOs providing legal aid services) and private practitioners. To enrich the study, key informant interviews were conducted with people who were thought to have good knowledge of the coverage of legal aid services as well as the needs of indigent persons. These included prosecutors, judges, heads of NGOs not involved in the provision of legal aid services, prison administrators, local district administrative authorities and police commanders. Focus Group Discussions were held with local leaders and community members to identify legal aid needs across the country. Excel and the Statistical Package for Social Scientist (SPSS) computer programmes were used to enter and analyse quantitative data, while all notes taken from KII and FGDS were analysed using thematic and content analysis approaches.

On the whole the findings of this survey reveal a generally limited understanding of legal aid, specifically from the perspective of the ability to pay for legal services. This was found to affect providers' ability to plan and deliver services that are affordable and accessible by indigent persons. Indeed many indigent persons and local leaders expressed ignorance of the laws and limited knowledge of the availability of legal aid services, even when such services existed in their respective districts. Consequently many would be beneficiaries are unable to access legal aid services because they do not understand the procedure or fear the court system. Participants of Focus Group Discussions across all districts, felt that legal aid services were not accessible for a number of reasons: in rural districts there are no providers; in urban / semi-urban districts a significant number of people are not aware of the existence of services; or the services available are not sufficient in relation to the demand or the large geographic coverage of many districts. Accessibility is also related to social and educational means and whether indigent persons feel they have the capacity to access legal services and understand the process and documentation presented. In addition participants of focus group discussions felt that legal aid services were not affordable by the majority of Rwandans. This was largely due to costs of transport required to reach the courts and the offices of legal aid providers, high court fees and unaffordable professional fees. An associated problem is the fact that most providers do not offer a complete cycle of legal aid services, hence the need for referral to other agencies. These factors combined affect the accessibility and affordability of legal aid services.

The main providers of legal aid services are NGOs, members of the Bar Association and University Law Clinics. Sixteen NGOs were found to be providing one or a combination of legal services, especially legal advice and education. Fewer were offering legal representation, largely due to the limitations of the Law on the Bar. Geographical coverage of legal aid services is limited with services being provided in 5 out of 10 districts covered by the survey with all of legal aid providers located either in the two Kigali districts or in an urban district in one of the provinces.

Thus legal aid services are largely urban biased amidst high need for such services in rural districts.

NGOs providing legal aid services make a significant contribution to the provision of legal services in particular advice and sensitisation, and show a growing interest to expand coverage and improve the quality of their services. They however face acute shortages of staff, and of resources to train staff to ensure quality. This has significantly affected them in a number of ways: their activities are limited to offices with limited service promotion, sensitisation and education. Others implications include inability to access to the “hard to reach” populations in rural districts and other vulnerable groups as well as venturing into new practice areas (such as public interest litigation) that require specialised training and expertise.

Documentation of processes, outcomes, good practices and lessons learnt seemed to be inadequate among LAPs, with an absence of reports covering numbers and status of cases with data desegregated by sex, age etc. The use of information technology such as data packages was minimal. Limited documentation and dissemination of lessons learnt and good practices, was found to be contributing to the challenges facing LAPs in the promotion of access to justice programmes.

The study found that organisations involved in legal aid provision received most of their funding from donor agencies such as the European Union, Belgian Technical Cooperation and USAID or through international organisations such as The Danish Institute for Human Rights, Norwegian People’s Aid and Avocats sans Frontières. This funding was found to be insufficient, with minimal coordination among the institutional donors, resulting in a limited impact of small and disjointed interventions. The study found that this approach impacted negatively on the scale and quality of service provision, hence making legal services inaccessible.

The survey found a strong willingness on the part of the Government (both at the central and decentralised level) to promote legal aid services. Currently, however, Rwanda lacks a comprehensive legal and institutional framework for legal aid; limiting the capacity to address access and quality issues. In addition, important legal provisions relating to legal aid are not implemented and community members expressed frustration with a lack of enforcement of judicial decisions.

Based on these findings the survey recommends that the Government should put in place a comprehensive legal and institutional framework that will address issues of financing, provision and regulation of legal aid services. The survey also recommends amendment of the Law on the Bar to provide for lawyers employed by civil society to represent their indigent clients in court and to build a mechanism to regulate legal aid services in the country.

Efforts to broaden the understanding of legal aid providers and other key stakeholders on the meaning of legal aid from the perspective of affordability (ability to pay) should be made. This should go hand in hand with extending legal aid services to rural districts with a view of getting national coverage. Growth of content coverage to cover such areas as public interest litigation, legal aid for prisoners on remand and other areas should be explored. There is urgency to develop internal mechanisms to ensure proper targeting and quality. The development of a “means” test and minimum package should be given priority over the coming months.

The study found that the Kigali Bar Association is committed to the provision of legal aid services by providing pro-bono services. However, both the numbers handled and the completion rate of cases could be significantly increased. It is recommended that the Bar actively promote pro-bono services, puts in place mechanisms to implement legal aid funds as provided under the law, work with other stakeholders to develop an independent regulatory and funding body and network with Bar Associations in the region with a view to strengthening legal aid provision in the country.

The survey concludes that whilst quality legal services are still not accessible for the majority of Rwandans, recent developments and interest in the legal aid sector promises a brighter and healthy situation. The Legal Aid Forum presents a good opportunity for legal aid providers to jointly work towards improving and expanding service provision and provides a space for dialogue with the Ministry of Justice, donors and other key stakeholders. The implementation of an enabling legal and policy framework and expanded quality service provision, should result in an appreciable contribution to poverty reduction: more timely settlement of disputes; access to rights; knowledge of the legal framework; and more time and knowledge directed towards earning potential are all significant contributory factors towards economic and social development and poverty reduction.

CHAPTER ONE

1 INTRODUCTION AND BACKGROUND

1.1. Introduction

This study was conceived by the Steering Committee of the Legal Aid Forum,¹ in collaboration with the Ministry of Justice and was funded by UNDP, The Danish Institute for Human Rights, and Norwegian People's Aid (through a joint project with Ajprodhho and Haguruka). The report presents the background to the study, study objectives, findings, conclusions and recommendations.

1.2 Background to the study

A functioning, fair and accessible justice system is vital for promoting good governance, the rule of law and eradication of poverty. However the combined impact of genocide, HIV/AIDS, and poverty² on families and communities makes it difficult for many Rwandans to access the justice system. This presents a major impediment in the pursuance and attainment of the country's vision 2020 and the Millennium Development Goals (MDGs). Consequently, the Government of Rwanda, in collaboration with development partners and civil society organisations has been working towards improving access to justice for all Rwandans by implementing measures that enhance access to justice for indigent persons. A review of Legal Aid was carried out in 2004,³ following which the Ministry of Justice in collaboration with UNDP carried out a "Consultation on the Elaboration and Formulation of a Legal Assistance Strategy". Legal Aid was also integrated in the Justice Sector Strategic Plan of the Ministry of Justice. The strategic plan points out that:

'The provision of accessible quality legal services to the public is an important contribution to the promotion of constitutional human rights, the rule of law, good governance and economic development of the country.... The rights to legal representation and the right to equality before the law are rendered meaningless unless the poor and indigent persons who cannot engage a lawyer are afforded free legal services. Nor can justice be done without regard to economic status without free legal aid for the poor⁴

The development of Rwanda's Economic Development and Poverty Reduction Strategy 2007-2011 (EDPRS) commits to ensuring 'universal access to quality justice' as a high level objective for the justice, reconciliation, law and order sector.

The Government, through the Ministry of Justice, has implemented a number of initiatives such as the Gacaca jurisdictions, an independent Judiciary and the Office of the Prosecutor General. A functional and effective Justice Sector Coordination Group has been formed with the aim of harmonizing and coordinating efforts in the Justice sector.

¹ The Steering Committee for 2006-2007 comprises: Ajprodhho, Caurwa, Cestrar, Haguruka, Human Rights First, The Rwandan Bar Association, The Legal Clinic (NUR), Norwegian People's Aid and the Danish Institute for Human Rights.

² 60% of the total population live below the poverty line

³ The Danish Institute for Human Rights, Legal Aid in Rwanda, 2004

⁴ Justice Sector Strategic Plan 2005

1.3 The Justice Sector in Rwanda

The environment within which Legal Aid is provided in Rwanda is characterised by a high population density, with a large rural, semi-literate population. 8.8 million people live in an area of 26 338 square kilometres.⁵ 56.9 % of the population or 5.4 million people live below the poverty line and only 62.5 % of rural men and women consider themselves literate.⁶

The historical context has also put huge pressure on the justice system both in terms of trying genocide suspects and in creating complex legal issues associated with land rights, inheritance rights and family law issues.

1.3.1 The Legislative Framework

The Rwandan Constitution reaffirms Rwanda's commitment to adhere to all key international and regional human rights conventions.⁷ Article 16 states that all human beings are equal before the law. They shall enjoy, without any discrimination, equal protection of the law. Article 19 of the constitution contains the rights to a fair and public hearing with all the necessary guarantees of defence.⁸

The Code of Criminal Procedure creates a right to legal representation and stipulates that those who cannot afford to pay for legal services have the right to seek legal counsel from the Rwandan Bar Association. It is also mandatory for children to be represented before the courts.⁹ However, there are no provisions that relate to civil law cases.

1.3.2 The Legal System

Rwanda has been innovative in the use of alternative dispute mechanisms namely the gacaca system designed to try genocide suspects and the system of community based mediators (Abunzi) for small scale civil and criminal cases.

In 2004 Rwanda undertook a series of legal reforms and in 2006 the structure of the court system was changed to reflect the new administrative structure. There are currently 60 Lower Instance courts, 12 Higher Instance Courts, the High Court and the Supreme Court.¹⁰ Appeals are heard before all the courts apart from the Lower Instance courts. The Rwandan legal system combines aspects from both the civil law and common law legal systems.

1.3.3 Legal Aid Services

The Legal Profession is characterised by a young Bar Association with the majority of legal practitioners practising in urban areas.

⁵ UNDP. Human Development Indicators, 2005

⁶ Preliminary Poverty Update Report (EICVII) 2007. The report states that poverty levels have reduced from 60.4% in 2000/1 to 56.9% in 2005/6. However due to the increase in the size of the population the number of people living in poverty has increased from 4.8 million people to 5.4 million people.

⁷ The Rwandan Constitution, 2003 Point 9 of the preamble. Article 190 establishes that ratified treaties or agreements have greater authority than laws as from their date of publication.

⁸ The Rwandan Constitution, 2003

⁹ Law No. 13/2004 15/5/2004 relating to the Code of Criminal Procedure and amended by Law 20/06 of 22/04/2006 articles 39 and 185.

¹⁰ Organic Law No. 14/2006 22/03/2006 determining the organisation, functioning and jurisdiction of courts The High Court has jurisdiction over the whole territory of Rwanda and has four chambers in Musanze, Nyanza, Rwamagana and Rusizi.

The Kigali Bar Association was created in 1997, granting all registered lawyers the right to practise as an advocate before all jurisdictions.¹¹ The same law established the Corps of Judicial Defenders, who were charged with assisting and representing parties before the lower courts. Given the emergency state of the justice system, judicial defenders, were exempted from holding a law degree.

The Law on the Bar is currently being revised. The draft proposes to abolish the Corps of Judicial Defenders and provides limited transitional provisions to enable the judicial defenders with the requisite academic qualifications to join the Kigali Bar Association. There has also been widespread debate on whether lawyers working for civil society organisations should be eligible to join the Bar whilst remaining in salaried employment with an NGO.¹²

There are currently 94 lawyers and 103 interns registered on the roll of advocates.¹³ In addition there are 77 judicial defenders and 13 interns¹⁴.

Legal Aid is provided for under The Law on the Bar¹⁵ specifically through the establishment of the Office of Consultation and Defence (BCD). The law stipulates that advocates providing legal aid services will be remunerated through a legal aid fund, funded primarily by the Government and then from other contributions. In 1998 a draft presidential decree establishing the fund was prepared but was never adopted.

Many NGOs provide legal aid services to the indigent population primarily providing information and legal advice. Legal assistance provided outside of the courts is currently unregulated in Rwanda. In 2006 legal aid providers came together to form a Legal Aid Forum with the shared vision of “equitable access to justice for all”.¹⁶

In line with the decentralization policy the Government has established a pilot “Maison d’Accès à la Justice” or “Access to Justice House” (MAJ) at the Nyanza Institute for Legal Practice and Development (ILPD). The MAJ aims to improve access to justice for the surrounding population, especially the poor and vulnerable.

Interventions, whilst significant, have lacked coherence due to a lack of adequate information on the nature and character of current legal aid provision in the country. In order to enhance the effectiveness of the current and planned interventions a national legal aid baseline survey was designed with the following goal and objectives.

1.4 Goal

To establish mechanisms by which fundamental human rights are enhanced and access to justice for indigent Rwandans is improved.

¹¹ Law No. 3/1997 of 19 March 1997

¹² The current law sees an incompatibility between membership of the Bar Association and salaried employment.

¹³ Order of Advocates - 5 August 2006

¹⁴ Table of Judicial Defenders 31 March 2006

¹⁵ Law No. 3/1997 of 19 March 1997 - article 61 -63

¹⁶ Charter of the Legal Aid Forum 2006. The aim of the Forum is to be a space for discussion, and a forum where organisations can learn from each other and collaborate over initiatives that will both strengthen the capacity of members and facilitate advocacy on issues related to legal service provision

1.5 Overall Objective

To establish and document the nature and availability of legal aid services and the framework within which they are provided with the aim of informing and guiding the process of improving legal aid service provision in the country.

1.5.1 The Specific Objectives

- i. To identify the number and type of organizations and institutions involved in providing legal aid services
- ii. To examine the nature of legal services provided
- iii. To determine the areas (districts) being reached and by whom
- iv. To describe when and how particular geographic areas are reached
- v. To establish how legal aid services are being provided: by volunteers, paralegals, qualified lawyers
- vi. To establish the current recipients of legal aid services and those that require legal aid services but are unable to access them (desegregated by age, male/female and specific vulnerable /marginalized groups)
- vii. To examine how legal aid services are being funded
- viii. To document the legal issues being addressed and the needs
- ix. To identify the needs of the service providers
- x. To describe the functioning of the new 'Access to Justice House' in Nyanza

1.6 Study Management

The management and coordination of the study was done through different organs, namely:

Advisory Committee: comprised of the steering committee of the legal aid forum, the newly appointed coordinator of the MAJ in Nyanza and the Ministry of Justice. The Advisory Committee developed the ToR for the survey, mobilized funds for the exercise, and identified and recruited key personnel for the survey. Other responsibilities of the committee include reviewing and providing comments on the draft report.

Coordinators: a team of coordinators comprising a national coordinator and an international consultant designed and were responsible for the overall management of the study. The consultants supported the steering committee in the selection of research assistants, designed research instruments, training of research assistants, pre-testing and updating research instruments as well as data collection, analysis and report writing.

Support team: A support team comprised of research assistants, logistics coordinator and statistician was set up to help with data collection, content analysis and logistical support. The Danish Institute for Human Rights provided technical and logistical support as well as facilitating the process, setting up interviews, and following up with the MINJUST. MINJUST introduced the survey and research team to the mayors, prisons and police administration officials.

1.7 Organisation of the Report

Chapter one presents the introduction and background to the study, goal and objectives as well as management of the study. Chapter two elaborates the methodology used: study design, study areas, sampling criteria, selection and training of survey team members, development and pre-testing of research instruments, methods of data collection and limitations of the study. Chapter three presents and discusses the findings of the study while chapter four highlights the needs of clients and legal aid providers. The report concludes with conclusions and recommendations in chapter five.

CHAPTER TWO

2 METHODOLOGY

2.1 Study design

A cross-sectional and descriptive research design was used. The study adopted both a qualitative and quantitative approach to data collection and analysis, and considered well-known legal aid providers as the main study groups. The study adopted a broad understanding of legal aid as understood through the Legal Aid Triangle representing: access to legal information; legal advice and assistance; and legal representation.

2.2 Study Areas

This was a nationwide survey, covering the five major Provinces of the country: Kigali, North, South, East and West. From these Provinces, a total of ten districts - two districts per Province were selected purposively, mainly based on: (i) location within the Province, (ii) the then available knowledge on the coverage of legal aid service provision and (iii) distance from Kigali as well as rural/urban considerations. This was done to ensure that the study reflected national character and outlook. Within districts, sectors and cells to be covered by the study were randomly selected to avoid bias and associated effects to the study.

The following table summarizes information on the regions covered and the districts, sectors and cells that were selected.

Table 1: Provinces and districts covered

District Characteristics	South	West	North	East	Kigali
Rural Districts	Nyaruguru	Nyamasheke	Burera	Bugesera	Gasabo
Sector	Rusenge	Bushenge	Rusarabuye	Ngeruka	Remera
Cell	Mariba	Karusimbi	Ndago	Murama	Nyabisindu
Urban Districts	Nyanza	Rubavu	Gicumbi	Gatsibo	Nyarugenge
Sector	Ntyazo	Gisenyi	Kageyo	Gitoki	Mageragera
Cell	Cyotamakara	Kivumu	Gihembe	Rubira	Nyarufunzo

2.3 Sampling criteria

The main respondents in this survey were legal aid providers, clients and potential clients of legal aid services, community leaders and mediators (Abunzi and Nyobozi), NGOs, relevant district and sector authorities, police and prison officers, members of the judiciary and prosecution service, members of the Kigali Bar Association and the Corps of Judicial Defenders.

To increase the validity and reliability of data obtained from the baseline and needs analysis survey, the selection of sampling units was carried out purposively. In this case, it was decided that the best information would be obtained from clearly identified respondents, who were deemed to be familiar with legal aid service provision, related policy matters and coverage. Table 2 shows respondent groups and their respective locations (province).

Table 2: Respondent Groups (Structured Interviews and KIIs)

Location of respondents	NGOs/ District Authorities		Legal Aid Providers		Advocates and Judicial Defenders		Police / Prison officials		Judges and Prosecutors		Total	
	Freq	%	Freq	%	Freq	%	Freq	%	Freq	%	Freq	%
Kigali City	14	21.9	9	52.9	4	30.8	3	18.8	4	20	34	26.15
Eastern province	16	25	1	5.8			2	12.5	4	20	23	17.69
Northern province	10	15.6	2	11.7	5	38.5	3	18.8	5	25	25	19.23
Southern province	12	18.8	2	17.6			4	25	5	25	23	17.69
Western province	12	18.8	3	17.6	4	30.8	4	25	2	10	25	19.23
TOTAL	64	100	17	100	13	100	16	100	20	100	130	100

2.4 Preparation for Fieldwork

Preparation for data collection involved among others, planning meetings with the Steering Committee, the Ministry of Justice and the National Statistics Office, training of survey team members, development and pre-testing of research instruments, and establishing contacts with relevant persons in the selected districts for the survey activities. Of particular importance, the Ministry of Justice made contact with and introduced the survey to all mayors of districts to be covered by the survey as well as police and prison commanders. The Ministry of Justice and the Danish Institute for Human Rights wrote introductory letters for each of the survey team members. These actions helped to clarify the survey to the respondents as well as highlighting the importance of the survey to the country.

2.5 Recruitment and training of survey team members

A total of twenty survey team members; ten from legal aid providing organisations and ten independently recruited were selected from several applicants. The aim of involving legal service providers in the field work was to ensure that the skills learnt remain within the sector and that the service providers themselves gained first hand experience of the needs in the selected districts. A training workshop was held for members of the survey team at the SOS Children's Home, Kigali from 28 November - 2 December 2006. The opening of the training was officiated by the Director of Planning in the Ministry of Justice and was co-facilitated by the consultants and the Steering Committee of the Legal Aid Forum. The main objectives of the training workshop were to help the survey team acquire a shared knowledge base for legal aid and to equip them with the necessary skills for the survey activities, namely, data collection, processing, analysis and reporting.

2.6 Development and Pre-testing of Research Instruments

Following consultative meetings with the National Steering Committee, drafts of the necessary survey instruments were developed and translated into Kinyarwanda. The instruments were circulated for comments from the members of the Steering Committee, reviewed during the workshop and pre-tested in Nyarugenge district. Recommended changes were integrated to ensure that the instruments were effective and suitable for the range of issues that were to be investigated.

2.7 Methods of Data Collection

The main methods of data collection were Structured Interviews, Focus Group Discussions (FGDs), Key Informant Interviews and Documentary Reviews. Trained survey assistants conducted structured and key informant interviews while FGDs were carried out by survey assistants in pairs to facilitate questioning and note-taking.

2.7.1 Structured Interviews

These were mainly administered to selected legal aid providers and private legal practitioners who had already been identified by the research team or those identified during field visits in the districts surveyed. This method was very helpful, particularly, in facilitating the analysis of the nature of services provided, the target groups, staffing arrangements, needs of legal aid providers as well as funding for legal aid provision in the country.

2.7.2 Focus Group Discussions (FGDs)

A total of 40 Focus Group Discussions were carried out with clients and potential clients (men, women and young people) and local leaders (abunzi and nyobozi) across the ten districts covered by the survey. The FGDs were very helpful in providing information on legal aid needs and gaps from the perspectives of clients and potential clients (community members). Efforts were made to separate men, women and young people (aged between 18-25 years) during FGDs, thus facilitating the acquisition of information that would allow for the analysis of whether there were variations in legal aid needs on the basis of gender, age or geographical location.

2.7.3 Key Informant Interviews

Key informant interviews targeted relevant district and sector level policy makers and implementers such as mayors, secretaries for social services, legal advisors, executive secretaries and civil matters officers. Other key informants included judges, prosecutors, police officers, prison officers as well as heads of relevant national and international non governmental organizations.

2.7.4 Documentary Reviews

The review of documents was one of the approaches to data collection that started even before fieldwork exercises began and continued up to the analysis and report writing stage. This process enabled the research team to obtain pertinent information on a wide-range of current legal aid practices in Rwanda. Existing reports on legal aid provision in Rwanda and the region were also examined, with a view informing this study on the existing practices and gaps, and how these can inform the future of legal aid in the country. The documents reviewed included

study reports on legal aid in Rwanda and the region, Annual Reports of some of the organizations providing legal aid services and their policy documents, relevant laws, Justice sector documents and civil society position papers, and papers presented on legal aid service provision covering a range of topics and issues. See annex H

2.8 Data Processing and Analysis

2.8.1 Qualitative Data

Qualitative data were primarily collected through Key Informant Interviews and documentation, and analyzed using a thematic approach. Themes were developed in accordance with the objectives of the study and expected outcomes. Data were then grouped according to these themes, as a first step for subsequent interpretations.

2.8.2 Quantitative Data

The analysis of quantitative data was performed using the Statistical Package for Social Scientists (SPSS). Such data were mainly obtained from the identified legal aid service providers and private legal practitioners (lawyers and judicial defenders) using a semi-structured questionnaire. Quantitative data is presented in graphical and tabulation formats. In some cases multiple responses to a particular question were possible; thus in many tables the total number of responses exceeds the number of respondents.

2.9 Limitations of the survey

Failure to get important information regarding cases handled as well as funding from legal aid providers presented major limitations to the study. As a consequence, it was difficult for the survey team to form an opinion on the level of funding as well as on how much work is done with such funding.

In addition the study was not able to assess the functioning of the new access to justice house at Nyanza. This was mainly because the facility has barely started operating with only the recruitment of the coordinator. Nonetheless the study provides some hints on how the different legal aid actors can collaborate with the MAJ.

Delays in the approval of the study, selection of survey assistants and late issuance of letters to district leaderships were other limitations of this study. These resulted in delayed commencement and execution of the project, training of survey team members, data collection, analysis and report writing. In addition the survey was executed at a time when restructuring of district structures had just concluded. Yet service planning and implementation had for long been aligned to the old structure.

3 FINDINGS OF THE STUDY

3.1 Introduction

This chapter presents results on the number and type of organisations involved in providing legal aid services, the nature of legal aid services provided, geographical coverage of services, the actors, when and how particular geographical areas are reached, the legal issues being addressed and the mechanisms within which legal aid services are provided. Other findings relate to the current recipients of legal aid services, people who require legal aid but are currently not being reached, how legal aid services are being funded, the needs of legal aid providers as well as the functioning of the “Access to Justice” House in Nyanza. The results are presented and discussed simultaneously.

3.2 Meaning of Legal Aid

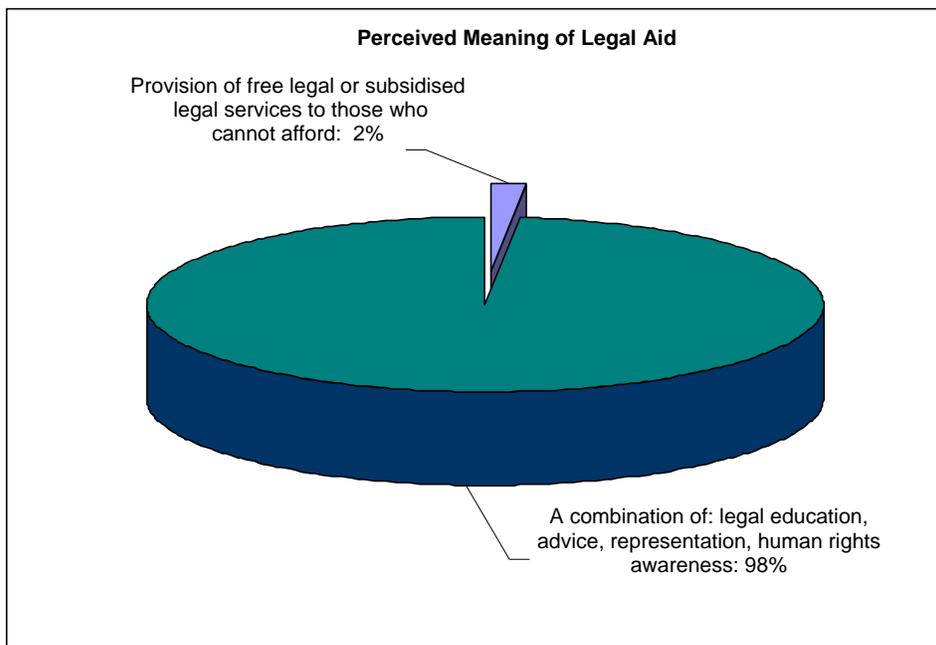
The study sought to explore the respondents’ understanding of legal aid in order to assess how this understanding influences the provision of legal aid services. Interviews with NGOs, legal aid providers, private legal practitioners, police officers and judges revealed that legal aid is largely understood to mean a combination of legal advice, education and representation as can be seen in Table 3 below.

Table 3: Perceived Meaning of Legal Aid

Perceived meaning of legal aid	Target Group								Total	
	NGOs/ Administrative authorities		LAPs	Private legal practitioners		Police/ Prison officials	Judges/ Prosecutors			
	Freq	%	Freq	Freq	%	%	Freq	%	Freq	%
Provision of free or subsidised legal services to those who cannot afford	1	1.6	1						2	1.6
One of a combination of: Legal representation / Legal advice / assistance / Dissemination of legal information / Awareness on human rights	62	96.9	16	13	100	100		100	127	98
Total	63	100	17	13	100	100		100	129	100

The vast majority of respondents (98%) failed to elaborate an accurate understanding of legal aid based on the provision of free or subsidised legal services to those who cannot afford, and rather understood the concept of legal aid from the point of view of service provision (see Figure 1).

Figure 1: Perceived meaning of Legal Aid



All private practitioners interviewed understood legal aid from the perspective of its (legal aid) elements. Only 1.6% and 5.8% of NGOs and legal aid providers respectively understood legal aid from the perspective of ability to pay. This perception by NGOs, prosecutors, judges, private practitioners and legal aid providers is likely to impact negatively on access to justice by excluding groups of people who cannot meet legal fees. Further analysis indicates that respondents could only identify one or two types of legal aid services, rather than a broad range of different but complementary legal aid services. This narrow view of legal aid affects the planning and delivery of legal aid services by focussing on a limited range of services, making the legal aid cycle incomplete.

3.3 Organizations providing legal aid services

One of the objectives of the study was to establish the number and type of organisations providing legal aid services. Interviews with legal aid providers, private advocates, NGOs, judges, prosecutors, prison administrators and police commanders revealed that legal aid was provided by NGOs, private lawyers and university clinics.

3.3.1 Non Governmental Organizations

Non-governmental organisations play an important part in the provision of legal aid services in Rwanda. Sixteen NGOs interviewed were found to be involved in legal aid provision across five of the ten districts covered by the survey. Details of NGOs involved in legal aid provision and services provided are given in Tables 4 and 5.

Table 4: NGOs providing legal aid services and the types of services provided

Organisation	Advice giving	Preparation for self representation	Assistance / writing conclusions	Legal representation	Negotiation	Mediation	Advocacy and campaigning	Strategic/public interest litigation	Rights awareness/sensitisation	Social counselling
AJPRODHO										
ARDHO										
AVEGA										
BENISHYAKA										
CAURWA										
CESTRAR										
CLADHO										
EER										
FACT RWANDA										
HAGURUKA										
HUMAN RIGHTS FIRST										
IBUKA										
JUSTICE & PEACE*										
LEGAL CLINIC, NUR										
LEGAL CLINIC, ULK										
NETWORK Dufatanye**										

* Justice & Peace Commission of the Diocese of Nyundo

** Rwanda Community Law Anti-Discrimination Network Dufatanye

A shaded square indicates that services were provided

Table 5: Types of services offered by LAPs

Main activities provided by organisation	LAP	
	Frequency	%
Advice giving	16	100
Preparation for self representation	9	56.25
Assistance / writing conclusions	10	62.5
Legal representation in court	3	18.75
Negotiation	6	37.5
Mediation	10	62.5
Advocacy and campaigning	12	75
Strategic/public interest litigation	0	0
Rights awareness / sensitisation	16	100
Social counselling	5	31.25
NUMBER OF INTERVIEWS	16	

The survey also highlights that NGOs are predominantly providing legal advice and rights awareness (100% of all organisations provided these services). Due to the restrictions of the Law

on the Bar legal officers engaged by legal aid providers are unable to provide legal representation for their clients. The limited number of organisations offering legal representation corresponds to organisations that are able to engage a private lawyer to take on a number of individual cases, while other organisations prepare clients for self representation or assist clients in writing legal conclusions. No organisations have yet engaged in strategic or public interest litigation.

The majority of Legal Aid Providers were unable to provide the survey with detailed and up to date statistics regarding the number and type of cases they handle per year. This was probably because many of them did not put emphasis of documentation and information management. Table 6 shows number of cases handled by selected LAPs in 2005. The figures are a combination of data provided by the Civil Society Position Paper (2006) and statistics provided to the survey team.

Table 6: Number of Cases Handled By Selected LAPs

Name of LAP	Number of Cases (2005)	Notes
AJPRODHO	142	
CAURWA	70	
CESTRAR	84	
HAGURUKA	7 039	
IBUKA	2 165	
JUSTICE AND PEACE COMMISSION	2 136	
THE LEGAL CLINIC (NUR)	591	
THE LEGAL CLINIC (ULK GISENYI)	76	Only started in 2006
Total	12 303	

These statistics indicate that legal aid provision is heavily dominated by three LAPs that are responsible for 92% of the above cases. The study noted that out of 4 027 of Haguruka's cases requiring legal representation (70% of cases received), they were only able to engage private lawyers to represent 69 cases during 2005; further limiting the accessibility to legal aid services. The implication from the above finding is that for civil society to successfully promote access to justice they would need two things: firstly a legal environment that is flexible enough to allow them to offer direct representation; and secondly further support and training to enable civil society organisations to handle a larger number of cases.

Experiences from elsewhere show that up to 90% of civil cases can be mediated, thus not requiring legal representation in court.¹⁷ Mediation is faster, cheaper, and more flexible and empowers parties to take control of the process. It can be facilitated by well trained personnel and clearly stipulated guidelines and procedures and is ideal in a situation where there is a limited supply of lawyers and a heavy backlog of court cases.

¹⁷ Legal Aid Project Uganda - Annual Report, 2004

3.3.2 Private Practitioners (Advocates and Judicial defenders)

Two approaches are used by members of the Kigali Bar Association to provide legal aid services to indigent persons in Rwanda. These are a pro-bono scheme and cooperation agreements with different donor agencies. The recent cooperation agreement with Belgian Technical Cooperation (BTC) involved recruitment and placement of two advocates in each of the twelve former provinces across the country, specifically to provide legal assistance to minors. This initiative commenced in November 2005 for an initial period of one year.¹⁸ The survey established that other organisations such as Avocats sans Frontières and the Danish Institute also entered cooperation arrangements with the Bar Association and the Corps of Judicial Defenders to provide representation services primarily to accused and civil parties in genocide cases. Both projects had largely ended by the time of data collection.

Table 7: Number of legal aid cases handled by private practitioners

Year	Number of clients	Pending cases		Completed cases	
		At office	In court	At office	In court
2003	276		1		25
2004	360				0
2005	540		1		18
2006	854	19	138		100
Total	2030	19	140		143

* This information is from 7 out of 13 cabinets/advocates interviewed, 2003-2005 100% of the cases come from one of the cabinets while for 2006 84% are from the same cabinet.

* Most could only remember statistics relating of 2006

As can be seen in table 7 above, the number of clients who sought legal assistance from private practitioners interviewed by the survey increased steadily over the last four years. Further analysis of data shows that one cabinet was responsible for 84% of all cases reported in 2006. However, it is important to note that whereas a large number of clients were seeking help very few were actually provided with legal aid services. Out of the 2030 cases reported, 159 (7.8%) were pending while only 143 (7%) had been completed. It is not clear what happened to the rest of the cases. The study concludes that legal assistance is still not a high priority for private legal practitioners and that documentation of cases handled needs attention.

Many lawyers interviewed stated their commitment to pro-bono work and highlighted that as lawyers they are mandated to provide pro-bono services. The Law on the Bar provides for the provision of legal aid services through the Office of Consultation and Defence (BCD) according to modalities determined by the Bar Association.¹⁹ The survey confirmed that, as yet, the Bar Association has not elaborated guidelines on modalities for the provision of legal aid services by registered advocates. This coupled with limited funding could partly explain why legal aid

¹⁸ In August 2006 the project was temporarily suspended to enable a review

¹⁹ Law No. 3/1997 of 19 March 1997 - article 61 -63

is not widely practised by members of the Bar Association. The survey also revealed a degree of confusion in the understanding of legal aid services (free or subsidised services at the point of delivery) and pro bono services which are also free at the point of delivery but for which an advocate is not remunerated.

The main services rendered by advocates are advice giving, legal representation and writing conclusions while strategic/public interest litigation and advocacy are least provided (see table 8 below).

Table 8: Nature of legal services provided by private advocates

Service provided	Frequency	%	Rank
Legal Advice	13	100	1: 10 (76.9%) 2: 2 (15.4%) 3: 1 (7.7%)
Preparation for self representation	8	61.5	2: 4 (30.8%) 4: 2 (15.4%) 5: 2 (15.4%)
Writing conclusions	10	76.9	3: 7 (53.8%) 4: 1 (7.7%) 5: 2 (15.4%)
Legal representation in court	12	92.3	1: 2 (15.4%) 2: 5 (38.5%) 3: 1 (7.7%) 4: 4 (30.8%)
Negotiation	6	46.2	5: 3 (23.1%) 6: 1 (7.7%) 7: 2 (15.4%)
Mediation	6	46.2	4: 2 (15.4%) 6: 3 (23.1%) 8: 1 (7.7%)
Advocacy and campaigning	4	30.8	6: 2 (15.4%) 7: 1 (7.7%) 9: 1 (7.7%)
Strategic/public interest litigation	0	0	0
Rights awareness/ education /sensitization	5	38.5	4: 1 (7.7%) 5: 1 (7.7%) 7: 1 (7.7%) 8: 2 (15.4%)
Social counselling	6	46.2	1: 1 (7.7%) 2: 1 (7.7%) 3: 1 (7.7%) 4: 2 (15.4%) 8: 1 (7.7%)

A number of advocates noted that they offer social counselling due to the fact that numerous legal problems also present psycho-social issues. The survey observes that whilst responsive to client needs, care should be taken to ensure that counselling is of good quality hence the need for qualified social workers and trained counsellors. Where it is not possible, referrals to

appropriate agencies should be encouraged. Surprisingly legal literacy and awareness ranks low, yet it is important and determines whether people will know and seek services in order to enforce their legal rights. Public interest litigation is not practiced despite the immense potential to change the landscape of legal aid provision.

Figure 2: Public Interest Litigation

Strategic / Public Interest litigation (PIL) is a form of litigation that responds to identified trends where numerous potential litigants face identical or similar legal problems. A successful case brought by a private practitioner or a LAP can result in setting a precedent for future cases. In addition as cases are generally class action cases many clients benefit from one judgment, eliminating the need to invest in numerous individual cases. It has been used as a tool for great social change in many countries including, India, Bangladesh, South Africa and the Philippines on such diverse issues as environment, health and land issues.

Some examples of public interest litigation in Uganda include the Rwanyarare petitions in the Constitutional Court in respect of political rights; Uganda Law Society petitions on the Referendum Act, the death penalty and field court martial under the National Resistance Army Statute 1992; the constitutional petition by FIDA on the Divorce Act; Greenwatch actions (Butamira, access to information, AES, Golf Course, curry powder case), and TEAN actions on smoking in public places and on stronger warning labels for tobacco.

3.4 Government and University Initiatives

3.4.1 The Legal Aid Fund

The Law on the Bar provides for the creation of a Legal Aid Fund in order to enable access to justice for indigent Rwandans. The law envisages contributions from the Government as well as from other sources,²⁰ yet to date the Fund has not been implemented. Whilst on the side of the Government, funds have not been allocated to the Bar Association for Legal Aid, on the side of the Bar Association, a lack of pro-activity in establishing the modalities for the management and operation of a Legal Aid Fund is observed. In addition the majority of legal cabinets were established primarily for commercial purposes; few private practitioners are specialised in legal aid issues, probably largely due to the limited earning potential of legal aid related cases.

3.4.2 University Legal Aid Clinics

The study found two notable initiatives by universities namely, the legal clinics at the National University of Rwanda and the Gisenyi Campus of ULK. The recently established Access to Justice House at Nyanza plans to collaborate with the proposed legal clinic at the Institute for Legal Practice and Development (ILPD). The clinics have a triple mandate: to provide training to law students; to provide a service to the indigent population; and to carry out research related to legal aid. The clinics are staffed with university lecturers who supervise students to provide legal assistance, especially legal advice and education. They provide university students with training opportunities and exposure to legal matters. These initiatives have enabled the legal clinics to reach out to the immediate communities and provide legal services to the indigent population. However, the level of legal aid service provision remains limited, largely due to the need to adapt to the University teaching schedule and the absence of long term plans for sustainability.

3.4.3 Mediation Committees (Abunzi)

The mediation committees or Abunzi were established in 2004, with the aim of providing a framework of obligatory mediation prior to the submission of a case before the first degree courts. The cell, being the jurisdiction of the mediation committee, hears cases relating to both civil and criminal matters, but with limited competence.²¹

The mediators work on a voluntary basis and are elected initially for a period of two years. They must be residents of the Cell, persons of integrity and acknowledged for their mediating skills.

The survey noted that the mediators themselves acknowledged their lack of understanding and appreciation of all areas of the law and also recommended that their competence be limited to civil matters.

²⁰ Law No. 3/1997 of 19 March 1997 article 61-63

²¹ Law No. 31/2006 on the Organization, Jurisdiction, Competence and Functioning of the Mediation Committees. The mediation committees were established under article 159 of the Rwandan Constitution and the modalities for their functioning were first established under Law 17/2004.

“...we usually get problems with the police due to ignorance of the law...and the procedure in relation to detention; we suggest that our competence be limited to civil matters...” FGD with Abunzi and Nobozi, Ndago cell, Burera district

Lack of logistical support was also cited as a limiting factor in particular the fact that many mediation committees lack an official stamp with which to seal binding documents. Key informant interviews with judges, prosecutors and police and prison officials recommended that the competence of the mediation committees be limited to civil matters.

3.4.4 Access to Justice House in Nyanza

One of the objectives of this study was to describe the functioning of the Access to Justice House (MAJ) at Nyanza with a view of informing replication of Access to Justice Houses in other districts across the country. Based within the ILPD, the MAJ was established with the aim of improving the impact and effectiveness of legal assistance. The purpose of the MAJ is to: strengthen coordination of legal assistance initiatives in the district; serve as the first point of orientation; sensitise the population on their rights and the national legal framework; and develop and document best practices for replication.²²

The survey established that the MAJ had barely started functioning with only the recruitment of the coordinator. Students of the ILDP are yet to start providing any service and the population living in the neighbourhood are not aware of the planned services. The clinic envisages receiving clients, evaluating their cases, providing advice and referral to mediation committees (Abunzi), the Rwandan National Police, the National Human Rights Commission, and the Office of the Ombudsman or local authorities. The option of referring the case to private attorneys is available in the event that no satisfactory solution is found.

The study learnt from Legal Aid Providers and key informants that the establishment of the clinic is a welcome development given the high demand for legal aid services in the area. They indicated that they would work closely with the MAJ to ensure that the clinic meets its objectives. NGO officials, Legal Aid Providers, Police, Judges and Prosecutors identified information sharing as the primary envisaged collaboration. In addition to the responses in table 7, referral of clients and joint capacity building were identified as some of the possible areas for collaboration with the MAJ. Key informants also felt that the MAJ should be independent in the performance of its duties. Table 9 below shows respondents' views on the envisaged collaboration with MAJ.

²² Presentation on the MAJ by the co-ordinator of the pilot MAJ, November 2006

Table 9: Stakeholders' envisaged nature of collaboration with MAJ

	NGOs/ District Authorities		Legal Aid Providers		Private Practitioners		Police and Prison Officials		Judges and Prosecutors		Total	
	Freq	%	Freq	%	Freq	%	Freq	%	Freq	%	Freq	%
Information sharing	22	34.4	6	37.5	8	61.5	6	37.5	12	60	54	42
Reports	3	4.7	0	0	1	7.7	0	0	0	0	4	3.1
Planning	5	7.8	5	31.3	2	15.4	5	31.3	2	10	19	15
Meetings	4	6.3	1	6.3	2	15.4	1	6.3	3	15	11	8.5
Joint implementat ion	10	15.6	2	12.5	3	23.1	2	12.5	5	25	22	17
Advise	24	37.5	2	12.5	5	38.5	2	12.5	3	15	36	28
TOTAL											130	

It is encouraging to learn that legal aid providers and private practitioners expressed readiness to work closely with the MAJ. This is important given the limited number of legal aid providers and range of services offered by the different legal aid providers.

3.5 Service Delivery Criteria, Approaches and Strategies

3.5.1 Content coverage

Although the study identified sixteen NGOs and two University legal clinics as legal aid providers, only a few (23%) were established explicitly to provide legal aid services. Others were set up to promote human rights and many were established to support genocide survivors. These organisations tend to provide legal aid as a facilitating activity rather than a core business of their organisation. The most common matters handled relate to land issues, family matters and inheritance issues (59%) almost in equal measure, while refugee law and administrative matters are least handled. It is not clear whether this is because these are the matters that clients report or whether this is due to the specialisation of legal aid providers. For example, organisations that focus on the provision of services to women and children, are likely to offer family matters, gender based violence and juvenile justice as opposed to labour laws and employment relations. This scenario has potential to facilitate cross referral among the different legal aid providers. Table 10 below shows areas of law covered by legal aid providers.

Table 10: Areas of law covered by Legal Aid Providers

Areas of law focus on	Yes	%	Rank
A. Land issues	10	58.8	1: 4 (23,5%) 2: 3 (17,6%) 4: 2 (11,8%)
B. Family	10	58.8	1: 5 (29,4%) 2: 2 (11,8%) 3: 1 (5,9%) 6: 1 (5,9%)
C. Inheritance / succession	10	58.8	1: 3 (17,6%) 2: 3 (17,6%) 3: 2 (11,8%) 4: 1 (5,9%)
D. Criminal	6	35.3	3: 2 (11,8%) 4: 1 (5,9%) 7: 1 (5,9%)
E. Rights of detainees	6	35,3	1: 1 (5,9%) 2: 1 (5,9%) 4: 1 (5,9%) 6: 1 (5,9%) 9: 1 (5,9%)
F. Juvenile justice	7	41.2	2: 1 (5,9%) 3: 2 (11,8%) 5: 2 (11,8%) 9: 1 (5,9%)
G. Employment	6	35.3	1: 2 (11,8%) 4: 1 (5,9%) 7: 1 (5,9%) 9: 1 (5,9%)
H. Landlord and tenant	3	17.6	1: 1 (5,9%) 9: 1 (5,9%)
I. Genocide law/ war crimes	7	41.2	1: 2 (11,8%) 3: 1 (5,9%) 9: 1 (5,9%)
J. Gender based violence	7	41.2	1: 1 (5,9%) 2: 2 (11,8%) 3: 1 (5,9%) 4: 1 (5,9%) 9: 1 (5,9%)
K. Refugee law	2	11.8	5: 1 (5,9%)
L. Administrative issues	4	23.5	2: 1 (5,9%) 3: 1 (5,9%) 9: 1 (5,9%)

There is limited focus on criminal matters with only 6% of the legal aid providers addressing such matters and even then, only one out of seven organisations that handle criminal matters give it high priority. This finding collaborates with views expressed by community members and prison administrators on the absence of legal aid for prisoners on remand. Community members feel that criminal matters other than genocide cases are not given priority.

“...when suspects are arrested and taken to police, they are immediately released. We are told that they only have space for genocide suspects.... we have been left to the mercy of these criminals”.
Women FGD, Mariba cellule, Nyaruguru district

Further analysis shows that almost half (44%) of the legal aid providers were established within the last five years, reflecting growing interest by NGOs in the sector.

3.5.2 Strategies used

Clients come to know about legal aid providers and their services in several ways. These include walk-ins and referrals from satisfied clients, sister NGOs or government agencies. Others include radio programmes and announcements, newspapers, television as well as posters and brochures. Table 11 shows the perceived sources of information about legal aid services.

Table 11: Clients information about legal aid services and providers

Source of information	LAP		Private practitioners		TOTAL	
	Freq	%	Freq	%	Freq	%
Referrals	10	58,8	8	62	18	60
Walk in	12	70,6	6	46	18	60
Radio	8	47,1	4	31	12	40
Newspapers	3	17,6			3	10
Brochures	8	47,1	1	7,7	9	30
Television	1	5,9			1	3,3
TOTAL	17		13		30	

In the case of legal aid providers, it is perceived that the majority (70%) of the clients are walk-ins followed by referrals, indicating that less emphasis is put on promoting and sensitising potential clients about services. Private advocates use the same strategies. Given the high access to radio sets by household members, use of radio and posters would provide the most reliable and cost effective way to reach target audiences.

3.5.3 Staffing Arrangements

Legal aid providers employ full time staff such as legal officers, jurists, paralegals and volunteers to provide legal aid services. They also engage private practitioners on a case-by-case basis to provide legal representation in courts. Among these approaches, the use of volunteer paralegals is the most prominent resource used, followed by the use of full time employed paralegals. Judicial defenders and volunteer lawyers are least used. Table 12 shows the different personnel engaged by legal aid providers.

Table 12: Personnel used by Legal Aid Providers

Personnel used	Total Number		Frequency	
	Full Time	Part Time	Full Time	Part Time
Private lawyer hired to represent clients		10		6
Volunteer lawyer				
Salaried para-legal	63		5	
Volunteer para-legal		620		6
Judicial Defender				
Law student		144		2
Legal officer	24	2	8	2
Other (Lecturers & Social Worker)	1	9	1	3
Total	88	785	14	19

Working with volunteer, community-based paralegals has many advantages, namely the proximity of the volunteers to the communities they serve and their understanding of the key issues facing the community. However the practice of relying so heavily on volunteer paralegals also has serious implications on the availability and quality of services.

Firstly this study revealed that training for paralegals is inadequate, with no standardisation or regulation. Most training lasted less than 7 days. In addition most legal aid providers are severely understaffed and cannot afford qualified lawyers to provide in-house training, coaching and mentoring of paralegals. Apart from university clinics most legal aid providers seemed not to allocate funding towards training and only rely on in-house arrangements that are irregular and uncertain. Secondly, because they are volunteers, many paralegals prioritise paid employment and will cease to provide legal aid services or provide them very sporadically once an opportunity for full-time paid employment materialises.

The engagement of private lawyers on a case-by-case basis is not by choice but a constraint imposed by law. The law does not allow legal officers employed by legal aid providers to represent their clients before the courts. It also prevents lawyers enrolled on the list of advocates from obtaining salaried employment with a Legal Aid Provider. LAPs engaging private practitioners identified the high cost of representation and problems with follow up as a major impediment to effective legal representation. Consequently they are only able to provide representation to a limited number of clients.

3.5.4 Networking and Collaboration

Networking and coalition building is one of the strategies used by legal aid providers to promote and advance the access to justice agenda. The main ways of collaboration among legal aid providers are information sharing and meetings, while joint planning and implementation are less regular. Through the Legal Aid Forum a number of initiatives have been carried out for example, designing the Legal Aid Baseline Survey and informing law reforms through research and position papers. Table 13 below shows the different forms of collaboration used by different legal aid providers.

Table 13: Forms of collaboration by Legal Aid Providers

Nature of Collaboration	Frequency	%
Information sharing	3	17.6
Reports	2	11.8
Planning	1	5.9
Meetings	3	17.6
Joint implementation	2	11.8
Advise	3	17.6

Research shows that networking is most effective when it is valued internally by organisations and resources are allocated to facilitate it.²³ The study was not able to assess this on account of the failure by legal aid providers to avail the research team with financial reports and budgets. However, limited joint planning and implementation, as shown in Table 11, puts to question the sustainability of such networking efforts.

Legal aid providers also collaborate with the Ministries of Justice and Local Government as well as respective district officials where they have operations. Like in the case of collaborating amongst themselves the most common forms are information sharing and meetings. Table 14 below shows the collaboration of LAPs with district and ministry level structures.

Table 14: Legal Aid Providers' collaboration with Districts and Ministries

Nature of collaboration	Ministry		District	
	Frequency	%	Frequency	%
Information sharing	5	29.4	6	35.3
Reports	4	23.5	2	11.8
Planning	1	5.9	0	0
Meetings	5	29.4	1	5.9
Joint implementation	1	5.9	5	29.4
Advise	2	11.8	3	17.6

The findings highlight that whilst at the district level legal providers share information, this does not translate into concrete planning and joint meetings. This is significant given that the local government structures such as districts and sectors are closer to potential clients and will be even more relevant in the planning and resource allocation when decentralisation takes root.

3.5.5 Outreach visits

Outreach visits to districts where legal aid providers do not have a physical presence is one of the strategies used by legal aid providers to reach target groups. The main activities carried out

²³ Sara Chandler, 2004, Establishing Effective Legal Aid Services; Asimwe, 2004, Experiences of Networking in Uganda

through outreach, are legal education and advice. Table 15 below shows the districts reached through outreach activities.

Table 15: District reached (Full time presence and outreach visits)

Organisation	Office	Outreach activity in District
AJPRODHO	Gatsibo	Gisagara
	Gasabo (Kigali)	Rutsiro
		Ngorere
		Kayonza
		Nyagatare
AVEGA AGAHOZO	Gasabo	All districts
HUMAN RIGHTS FIRST	Gasabo	
BENISHYAKA	Gasabo	Bugesera
		Nyagatare
		Kirehe
		Muhanga
CAURWA	Nyarugenge	Districts where branch offices exist
EER	Gicumbi	Rulindo
		Gatsibo
		Nyagatare
CESTRAR	Nyarugenge	All districts
	Rubavu	
	Gicumbi	
CLADHO	Nyarugenge	All districts
JUSTICE AND PEACE COMMISSION OF THE DIOCESE OF NYUNDO	Rubavu	Nyabihu
		Rutsiro
		Ngororero
		Karongi
		Nyamasheke
HAGURUKA	Gasabo (Kigali)	All districts
IBUKA	Gasabo	All districts
	Rubavu	
	Gicumbi	
FACT	Gasabo	
ARDHO	Nyarugenge	
LEGAL CLINIC, NUR	Huye (Nyanza in collaboration with the MAJ)	All districts in particular: Nyanza
		Gisagara
		Nyaruguru
		Nyamagabe
LEGAL CLINIC, ULK GISENYI	Rubavu	
Rwanda Community Law Anti Discrimination Network	Nyarugenge	All district (network of 48 organisations working on HIV/AIDS)

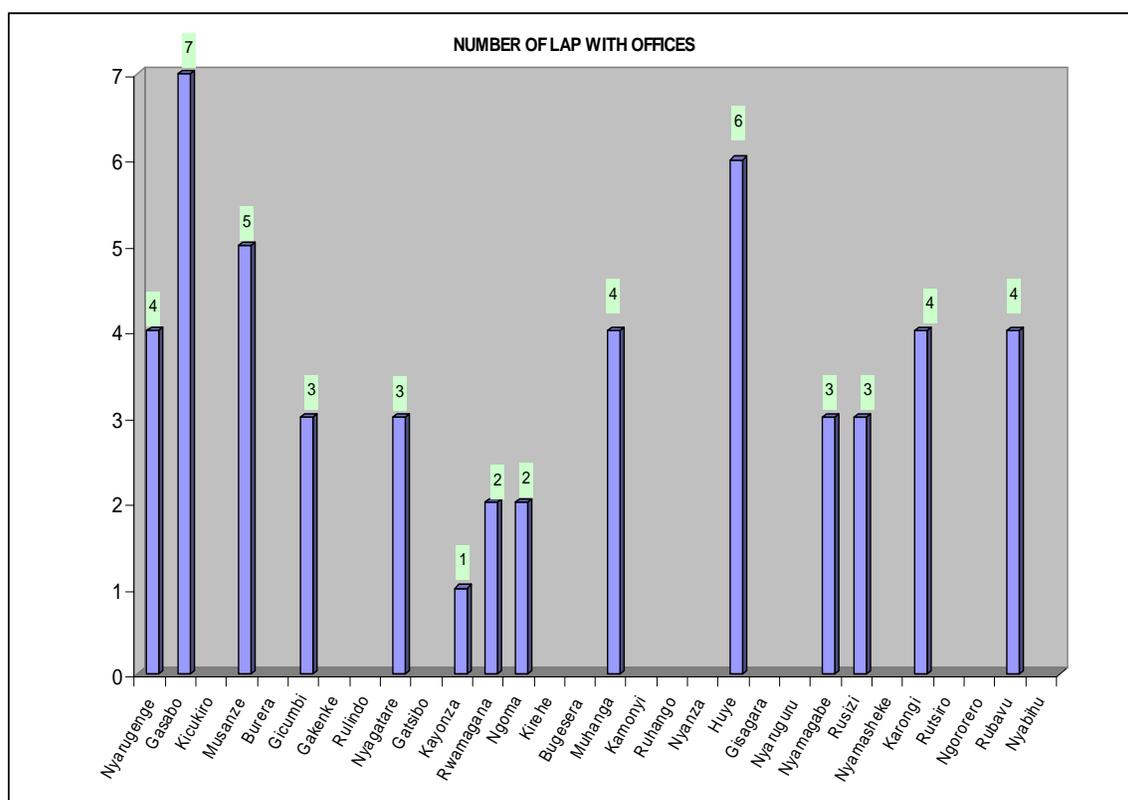
Although a number of providers reported carrying out outreach visits to all districts, interviews with community members and local leaders revealed that people are not aware of these activities. This could partly be explained by the impact of approaches used, whereby attempting to cover all districts, legal aid providers are spread too thinly, minimising the

impact of their activities. In addition, the study learnt that outreach activities are not scheduled, making it difficult for people with legal aid needs to utilise them.

3.5.6 Establishing Offices/Clinics in Districts

Opening of legal aid clinics (offices) and setting up legal aid services on a full time basis was one of the strategies used by LAPs. This approach seemed to be preferred by community members and community leadership given the ease of access in case need arises. Figure 3 below shows the availability of permanent LAPs in all districts based on information provided by LAPs with branch offices in other districts. It is observed that many LAPs still focus their activities on the old administrative structure:

Figure 3: Availability of LAPs in All Districts



3.5.7 Geographical_Coverage

The study sought to establish the number of districts reached by legal aid providers across the country. The study found that legal aid providers had physical full time presence in fewer districts across the country. For example, the survey found that the sixteen legal aid providers identified during the survey had full time presence in only five (Nyarugenge, Gasabo, Gicumbi, Gatsibo and Rubavu) out of the ten districts covered by the survey (see Table 13). Further analysis shows that legal aid providers are more likely to be in larger urban areas than rural ones, putting rural populations in the shadow of access to justice. In addition, the study shows that urban districts are more likely to have more than one legal aid provider. Most commonly services provided in districts outside Kigali and large urban towns are limited to legal advice

and education due to a limited presence of lawyers in rural districts. Therefore the presence of a legal aid provider in a particular district does not necessarily mean that a full package (advice, education and representation) of legal aid services is offered.

3.5.8 Financial sustainability

A stable flow of adequate finances and financial sustainability are essential for the sustenance of service delivery. As such a number of legal aid providers have adopted different measures to sustain service delivery. Table 16 below shows different approaches adopted by Legal Aid Providers and Private Practitioners.

Table 16: Strategies for financial sustainability

Strategy used	LAP		Private legal practitioners		Total	
	Frequency	%	Frequency	%	Frequency	%
Long term strategic plan	2	15.4	2	15.4	4	13
Fundraising strategies	3	23.1	3	23.1	6	20
Engaging private sector	0	0	0	0	0	0
Engaging government	1	7.7	1	7.7	2	6.7
Improving internal management systems	0	0	0	0	0	0
Contribution from members	1	7.7	1	7.7	2	6.7
Collaboration with other actors/providers	0	0	0	0	0	0
Users fees/Contribution from clients	0	0	0	0	0	0
TOTAL	13		17		30	

Apart from fundraising very few organisations have developed and implemented other strategies. Consequently, the focus of activities tends to shift with availability of funds. It is worth noting that private advocates, whose core business is not providing legal aid, use similar approaches to legal aid providers. Efforts for financial sustainability among legal aid providers are further undermined by limited documentation and dissemination of financial and non-financial information, and inadequate strategic resource planning and mobilisation. This may in turn be due to limited staffing and a lack of sufficient training in strategic planning, resource mobilisation, process documentation and information management. Less than one half of the respondents answered this question, implying that financial sustainability is not given detailed consideration.

3.5.9 Targeting criteria and mechanisms

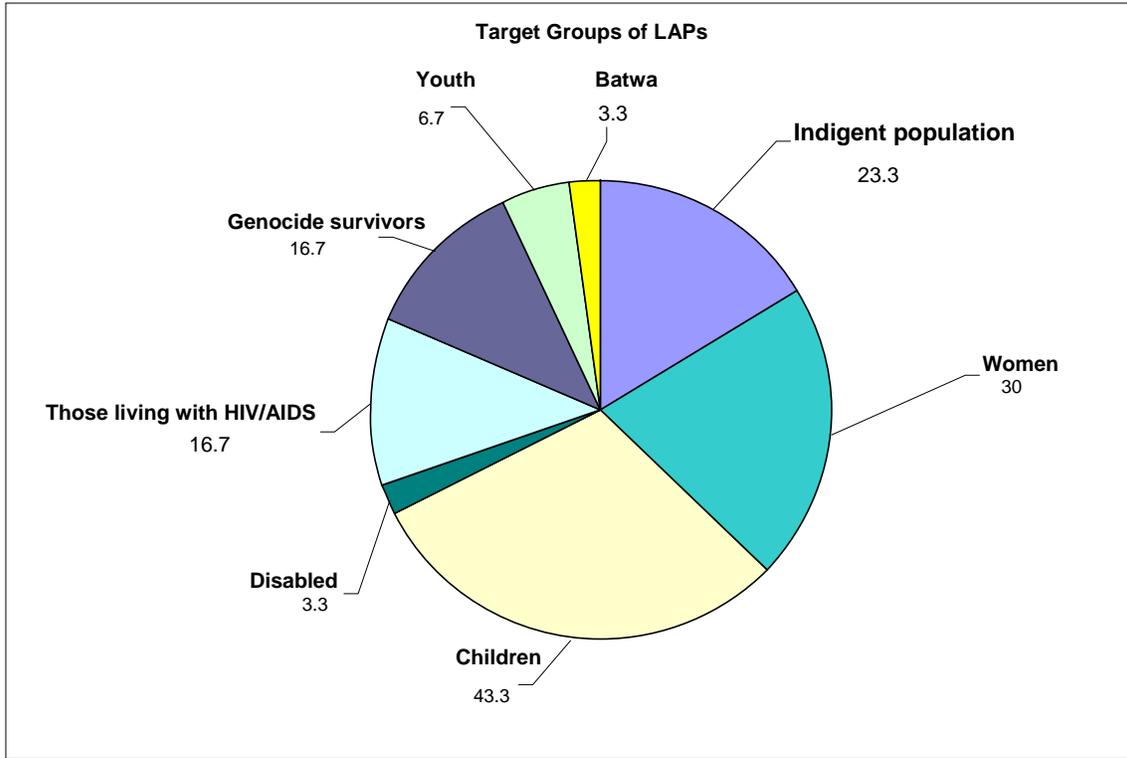
Proper targeting of audiences is not only a good practice but also a means to ensure efficient use of scarce resources. The main target groups for legal aid services provided by LAPs and private practitioners include children (43%), women (30%) and indigent persons in general (23%). Table 17 shows the different target group for legal aid services.

Table 17: Target Group for Legal Aid Services

Target Group	LAPs		Private legal practitioners		TOTAL	
	Freq	%	Freq	%	Freq	%
Indigent population	3	17.6	4	30.8	7	23.3
Women	4	23.5	5	38.5	9	30
Children	7	41.2	6	46.2	13	43.3
Disabled	1	5.9			1	3.3
Those living with HIV/AIDS	5	29.4			5	16.7
Genocide survivors	5	29.4			5	16.7
Youth	2	11.8			2	6.7
Prisoners						
Batwa	1	5.9			1	3.3
TOTAL	17		13		30	

Whereas it was observed that prisoners on remand have special legal aid needs the study found that no provider gives them attention. This should be considered in line with the Kampala Declaration, 1996 and the Lilongwe Declaration, 2004 that called for prioritisation of the legal aid needs of prisoners on remand.

Figure 4: Target groups for LAPs



The main criteria used to determine eligibility for legal aid services is by social group and the presentation of a certificate of indigence. However, only 23% of the providers covered by the survey use some criteria. The rest attend to whoever comes in, risking spending the meagre resources on people who may not deserve free or subsidised legal assistance. The use of certificates of indigence issued by local leaders is in itself not without problems. The measure of indigence is not standard across the country while some people believe the system is sometimes abused as was observed below:

“...sometimes people who deserve are not given the opportunity...it all depends on how one relates with the local leaders...”Legal Aid Provider, Gasabo

It is therefore necessary, in the absence of a regulatory framework, for respective legal aid providers to develop some form of “means” test against which to assess whether one qualifies for legal assistance or not.

3.6 Funding for Legal Aid services

3.6.1 Source of Funding

The study found that the main sources of funding are donor agencies. In general, donors fund either LAPs or Private legal practitioners as can be seen in table 18 below.

Table 18: Source of Funding for Legal Aid Services

What are your organisation's sources of funding?	LAP		Private legal practitioners	
	Freq	%	Freq	%
EU	3	17.6		
BTC	1	5.9	4	30.8
Dutch				
GTZ				
NPA	2	11.8		
DED	1	5.9		
NOVIB	1	5.9		
11.11.11	2	11.8		
DIHR	2	11.8	1	7.7
ASF			1	7.7
Government of Rwanda			2	15.4
USAID	1	5.9		
Member contributions			4	30.8

Other organisations that fund legal aid activities include UNICEF, UNDP, CECI, Swiss Cooperation, and Christian Aid. As seen from the table above, there is a general lack of participation of major institutional donor agencies, despite the potential contribution of legal aid to the attainment of MDGs and Vision 2020.

The study also established that each of the donor agencies funds activities independently of other donors. This is partly because the country lacks a comprehensive framework and strategy for legal aid that brings together all the key actors at the funding as well as the provision level. The situation is not helped by the lack of coordination among the different legal aid providers at the planning and implementation level as already shown in table 11. Lack of coordination at funding level has affected the growth and expansion of legal aid services across the country as well as the improvement in quality and delivery that would come with coordination at these strategic levels.

No organisation cited contributions from clients as a source of funding for legal aid and many felt that this would be against their mandate as a non-profit organisation. Small, even token, contributions from clients can support the value placed on the necessity and quality of the

service. As long as funds are ploughed back into the organisation client contributions do not conflict with an organisations non-profit status.

It should be noted however, that the survey team was neither able to establish the level of funding nor how much funding is dedicated to legal aid, due to the failure of legal aid providers to provide the survey team with financial information.

Figure 5: Uganda Legal Aid Basket Fund

Prior to the establishment of the Legal Aid Fund, Uganda had similar challenges as those of legal aid in Rwanda: Funding for legal aid was perpetually inadequate; there was a lot of duplicity and lack of a common funding strategy for legal aid.

Following the establishment of the Legal Aid Fund coordination among donor agencies and legal aid providers was improved, leading to improved priority setting; funding is now more stable and legal aid providers now focus on provision rather than fundraising. The different stakeholders such as the donor agencies, Law Council, the Bar Association and civil society are recognized partners, all contributing to the same goal.

The situation of legal aid is definitely much different today than it was in 2004 before the Legal Aid Fund was established. Details of the Functioning of the Legal Aid Basket Fund are given in Annex A

3.7 Prioritisation and Allocation Resources

As earlier mentioned legal aid providers carry out different activities in the promotion of access to justice. Prioritisation and allocation of resources to the different legal aid services (advice, education and representation) is vital given that the needs for these activities are hierarchical in the legal aid triangle and one impacts on the other. It was not possible to assess how resources are prioritised to the different legal aid activities and services.

In prioritising the allocation of resources a model needs to be developed to suit the current and projected situation of legal aid and ensure that high cost, limited human resources (such as qualified advocates), are utilised in the most efficient way. Figure 7 highlights some of the considerations and different models of legal aid service provision.

Figure 6: Legal Aid Models

In designing a model legal aid system a number of factors need to be balanced: the needs and geographic location of the indigent population; the available skills and human capacity; the financial means; the independence of the legal profession and the need for monitoring and quality assurance.

A number of key questions arise:

- 1) What should be the scope of government funded legal aid services?
- 2) Is there a need for an independent body to manage legal aid?
- 3) What measures will be put in place to ensure quality control?

Governments have a responsibility to facilitate and fund the provision of legal aid services. At the same time there is a strong need to strike a balance between the independence of the legal profession and the need for quality control. Thus many governments have established an intermediate body, closely linked but formally independent of government. The advantage of such an arrangement is that it helps to preserve the independence of decision-making in individual cases and distances government from political attack in cases that are controversial²⁴

Different solutions and adaptations of traditional approaches have evolved both within the region and beyond: South Africa for example has pioneered an approach where law graduates work together with public defenders as part of an internship scheme. Collaboration between the Ministry of Justice, legal professionals and NGOs in Lithuania has resulted in a model public defender project that has proved to be more efficient and cost effective than the old 'ex officio / judiciaire' legal aid scheme.²⁵ In Sierra Leone para-legals are bridging a gap between expensive lawyer-focused approaches and empowerment through legal education and in Malawi, Benin, Kenya and Uganda prison based paralegals are working in collaboration with the government making a significant contribution to the rights of prisoners on remand and the efficiency of the prison services.²⁶

David McQuoid-Mason, Professor of Law at the University of KwaZulu-Natal in South Africa, has analysed the key characteristics and the potential advantages and disadvantages of different methods of legal aid delivery. This analysis can be found at annex C

²⁴ Smith, Roger (Director of Justice UK) Legal Aid: Models of Organisation

²⁵ Open Society Justice Initiative, Justice Initiatives, 2004

²⁶ Open Society Justice Initiative, Between Law and Society, Paralegals and the provision of primary justice services in Sierra Leone, 2006 and Paralegal Advisory Service Malawi, Benin, Uganda and Kenya in collaboration with Penal Reform International.

3.8 Service Regulation and Quality Assurance

A good regulatory framework facilitates improvement of quality, coordination of different initiatives and promotes the growth of a particular sector²⁷. The study explores mechanisms for ensuring quality at different levels: the individual organisation level; across different organisational level (country); and practices within the region.

3.8.1 Internal (self) Regulation

The study found that there was nearly a complete absence of measures to ensure quality among legal aid providers save for isolated initiatives of one organisation with regard to sign posting, client feedback forms and external evaluation. Even then, these efforts were disjointed and irregular, and external evaluations often relate to general programming rather than the quality of legal aid services and client care. The survey sought to identify baseline information and was not an evaluative study; however, observations and the lack of quality instruments, indicate that legal aid providers need to pay attention to quality improvement. Absence of key documentation on service delivery by LAPs and private practitioners, in particular case statistics and financial and technical progress reports, point to inadequacy in the quality of services. Documentation of organisational practises and experiences, would provide opportunities to benchmark, and provide baseline information against which to plan and assess progress.

3.8.2 External/National Regulation

The study confirmed the absence of a national regulatory body and framework for legal aid services in Rwanda. Consequently, there is no standard for quality as far as legal aid services are concerned. Examination of the Law on the Bar revealed that regulation and quality assurance in relation to private practise rests with the Kigali Bar Association. In subsequent sections, this report recommends the establishment of an independent regulatory body for all legal services, whether provided by NGOs or private lawyers. Despite the lack of internal measures for quality control most (65%) legal aid providers are against the establishment of an independent national regulatory body. It is the view of the consultants that such a body is not only necessary but urgently required to guide service provision and quality assurance. Table 19 below shows the views of respondents in respect of the establishment of an independent regulator.

Table 19: Views of Legal Aid Providers on Regulating Legal Aid

Should legal aid services be regulated?	Frequency	%
Yes	6	35.3
No	11	64.7
TOTAL	17	100

The absence of a regulator was evident in the lack of standardisation of client information, office requirements, information documentation and dissemination. It was one of the reasons why the survey team did not access important information. More importantly, without a regulator,

²⁷ Uganda Legal Aid Regulations, 2005

clients risk losing genuine cases due to poor handling by providers. It also risks dividing quality of service on the basis of ability to pay where paying clients get better quality services as compared to their non-paying, indigent counterparts. In the absence of such measures, paying clients are advantaged, to the disadvantage of indigent persons, especially where the two are involved in a legal dispute.

Figure 7: Regulation of Legal Aid in South Africa and Uganda

The South African Legal Aid Board is a constitutional body mandated to provide free legal services to indigent persons in South Africa. The Board manages over 50 Justice Centres across the country and employs over 1300 advocates within these Centres who provide representation to indigent clients. The Board has developed strong internal mechanisms for the regulation of legal aid outlined in the Legal Aid Guide.

Regulation of Legal Aid in Uganda is carried out by the same body that regulates the services of private legal practitioners. However, the regulation of the legal aid services did not pick up until the conclusion of the Legal Aid Survey that was designed and implemented by legal aid providers themselves. This approach is also appropriate for the country given that legal aid like private practice is carried out by different organizations/practitioners, necessitating an independent regulatory body.

Following the finalisation of the Baseline survey, the Law Council received financial support from the European Commission and technical and logistical support from the Bar Association to develop legal aid regulations. The process was strongly supported by legal aid providers and a timeframe for compliance was also agreed. New entrants are equally encouraged to work towards meeting the required standards. .

The regulations specify among others, requirements of a legal aid provider, staffing, reporting, financial discipline, monitoring and evaluation. A detailed note on regulation of legal services is given in Annex B.

CHAPTER 4

4 NEEDS ANALYSIS

4.1 Introduction

This chapter presents the analysis of needs from both the demand and supply perspectives i.e. clients on the one hand and legal aid providers on the other. The needs from the clients' perspective were identified from focus group discussions with clients, potential clients, local leaders (abunzi and nyobozi) as well as key informant interviews with NGOs, LAPs, judges, police commanders and prison administrators. The needs of legal aid providers were largely determined through interviews with legal aid service providers as well as analysis of information provided by them on the planning and management of legal aid services. The needs are outlined in the following sub sections.

4.2 Client perspectives

4.2.1 Geographical coverage

As already pointed out in section 3.4 above, coverage of legal aid services is limited to approximately one third of the country, leaving two thirds of districts without legal aid coverage. The implication is that the vast proportion of the indigent population does not have access to legal aid services. Different reasons were given for lack of access to legal services across the country as shown in table 20 below.

Table 20: Barriers of Access to Legal Services

Perceived barriers of access to legal services	NGOs / Local Authorities		LAPs		Private legal practitioners		Police/ prison officials		Judges and Prosecutors		Total	
	Freq	%	Freq	%	Freq	%	Freq	%	Freq	%	Freq	%
Poverty	27	42.2	11	64.7	12	92	11	68.8	10	50	71	54.6
Limited legal services	15	23.4	6	35.3	2	15	2	12.5	5	25	30	23.1
Limited number of lawyers	18	28.1	2	11.8	2	15	1	6.3	2	10	25	19.2
Legal Framework			6	35.3	2	15			5	25	13	10
Ignorance	56	87.5	14	82.4	10	77	11	68.8	12	60	103	79.2
TOTAL											130	

Several factors are responsible for the difficulty in accessing legal services in the country. NGOs, legal aid providers, advocates, police and judges identified peoples' ignorance of the law, indigence, and the limited number of lawyers as well as the lack of legal aid services. Although supply factors such as a limited number of lawyers were mentioned less, this does not mean that these factors are not significant. The impact of ignorance of the law and legal procedure was collaborated during FGDs with communities.

“...can you imagine...you win at all local levels but when the matter goes higher things change...sometimes they tell you to go to court on a particular day, but when you tell them that you want to come later when your husband is around, they go ahead and make a ruling against you...” FGD, Kafunzo cell, Nyarugenge district

“...people here are confused on legal aid because they win trials but there is no execution of court decisions...” FGD Mariba Cell, Nyaruguru district.

Insufficient knowledge and access to legal aid services results in indigent people losing what they believe are genuine and straightforward cases. It is quite often hard for them to believe that they can lose such a case at a higher court when they have consistently won in the lower administrative courts, hence complaints of corruption within the judiciary. It is therefore of necessity that legal education is promoted as a strategy to promote community members' confidence in the judicial system.

Attempts by legal aid providers to overcome challenges of lack of full time physical presence in all districts through outreach visits, has impacted negatively on the quality of services provided as per the observation relating to a legal aid provider.

*“...they have spread too thinly by attempting to cover several districts....their impact is not felt”
Key informant, Gatsibo district*

Even where attempts have been made to assign lawyers to rural districts, quite often such lawyers do not have a full time physical presence in the districts. During the data collection it was common for lawyers allocated to a particular district to request that the interviews take place in Kigali. Under such circumstances it is possible that many clients will not access their services.

4.2.2 Targeting and Reach

Legal aid providers and key informants revealed that the majority of people who require legal aid, but do not receive legal aid services, are indigent persons (38.5%), women (33.8%) and prisoners. Community members in focus groups discussions specified women, orphans, widows, genocide survivors, genocide suspects and indigent people as the categories of people not reached. This finding was collaborated by findings from FGDS with local leaders who also mentioned HIV/AIDS affected families. The survey found that there was no variation of perceived needs on the basis of gender, age and geographical location of the respondent i.e. the responses of men, women and youth across the districts were largely similar.

These results show that some of the groups not being reached are at the same time the target groups for LAPs. This indicates that either communities are not aware of the services provided by LAPs or the quantity of services is insufficient.

4.2.3 Areas of law

Local leaders identified land issues, family and criminal matters as the most common legal problems faced by communities across the country. FGDs with community members identified land, land grabbing, child abuse, rape, theft and failure to execute judgements as the most common legal problems. Some problems seem to cause a spiral of other problems as pointed out below.

“...land is a major problem in this area. Almost on a daily basis there is a land related issue...even within the family, if you analyse the underlying causes of conflict you will find that the root cause is land”. FGD, Kafunzo cell, Nyarugenge district

another adds,

*“...domestic violence is on the increase...people also fear to report such cases”
Women FGD, Karusimbi cell, Nyamasheke District.*

The study observed significant levels of frustration among community members and local leaders, arising from the failure to enforce court decisions. It was observed that decisions made in administrative and judicial courts are not respected especially when the matter involves parties that are unequal socially and economically. This problem was mentioned in almost two thirds of the districts visited. Some of the views of community members are expressed below.

“...it is has lost meaning to courts...court decisions are never enforced. Like in the case of land, people win but the losers continue occupying the land...we are helpless” FGD Mariba Cell, Nyaruguru District.

Another adds,

“...rich people appeal and appeal until they reach high levels where one is not in position to follow up due to funds involved...can you imagine you win at all levels but when the matter goes to higher levels you loose because you did not attend court due to failure to get transport?” FGD Karusimbi cell, Nyamasheke district.

Community members felt unfairness of the marriage law and the rights of children and parties in such a relationship as described below.

“I was married and got wedded to my husband in church in DRC. We have three children, the eldest aged nine years and the youngest four years. My husband was employed by Government and his duty station was DRC until I last heard from him in 2003. I live here with his family but they do not have the means to look after me and my children. I have heard that church marriage is not recognised and there are no benefits for the children...where does this leave us...children need to study, eat, clothe...” Woman Karusimbi cell, Nyamasheke district

Legal aid providers, private practitioners, judges and other key informants also raised the need to amend the family law as indicated in Table 19.

Community members felt the local mediation committees were among the most accessible and effective justice centres and that decision making was based on in-depth local knowledge. There was, however, a general concern that they lack financial support and facilitation that could affect their effectiveness and potentially lead to corruption. Limited knowledge of many laws and the fact that their competence includes criminal cases were also cited as concerns.

It is important to note that the mediation committees are not directly providing legal aid. Their mediation decisions are not the result of mutual agreement; rather they are binding and can be

appealed through a judicial process. In some instances parties may require legal advice prior to a mediation process.

Focus group discussions highlighted the lack of awareness of the law amongst the indigent population and limited knowledge of how to access legal assistance. It was generally felt that legal aid services were not accessible. There was high level mistrust in the system and a general felt lack of responsiveness to communities' needs.

4.3 Provider perspectives

As earlier pointed out legal aid providers have internal and external needs that constrain their ability to provide their clients with high quality, accessible and user-friendly services. The needs are logistical, financial, and legal as well as internal capacity and programming issues.

4.3.1 Staffing

The study found that almost all legal aid providers were constrained as far as staffing was concerned. This was both in terms of numbers as well as skills mix. For example despite the high demand for qualified lawyers most legal aid providers interviewed did not employ lawyers on a full time basis. For most of the time they rely on part time lawyers and students. Significantly, the study found that the use of volunteer and paid paralegals was the most common means for rendering legal aid services by legal aid providers.

Whilst community based paralegals can help provide innovative solutions to legal aid, the study observed that most paralegals are not adequately trained to equip them with the appropriate skills and attitude to handle clients. They lack knowledge on the law as well as knowledge of legal procedure. Training for paralegals is not standardised and most legal aid providers have no manual or curriculum for paralegal training. While inadequate, initial and continuous training is singled out for paralegals, the study revealed that capacity development for all staff is generally not given priority by the different legal aid providers.

Legal aid providers need training in programme design and management as well as advocacy. The inadequacy of skills in these areas has made it difficult to sufficiently infuse the legal aid agenda in the national development process. It is evident that national NGOs require support and strengthening in order for them to adequately contribute to legal reforms and other access to justice reform processes. The lack of needs analysis and programming skills results in the provision of services that are not always responsive to client needs. Organisations are not assessing whether their efforts have a significant impact and consequently are not exploring different approaches and routes that may lead to improved and more cost-effective results. One such area is public interest litigation that has not taken root despite the immense advantage it offers to the advancement of access to justice.

4.3.2 Information management

Collection, management and use of information are vital for the planning and delivery of services. However, the study found that information management among legal aid providers generally needs urgent attention. Many do not generate and disseminate progress reports nor do they store important client information/statistics in an accessible format. Information is generally only used in relation to the case at hand rather than being processed and used to

enhance programming and advocacy. For example, due to a lack of sound information management systems, LAPs lack accurate information on: the number and nature of cases handled; the average length of time to finalise cases; the type of clients received; recurring legal problems resulting from specific laws; and emerging trends and early warning signs. This results in duplication of work and limited responsiveness to emerging needs.

Most legal aid providers (94%) maintain data generated in hard copy format. They do not have electronic databases and related software that would make it possible to easily process and generate reports to support different interventions.

4.3.3 Financing

Inadequate funding was mentioned as the single main constraint faced by almost all legal aid providers across the country. Most legal aid providers ranked it number one at 70% among the constraints faced. The lack of funds has limited the expansion of services as well as limiting the use of public legal education through the media and outreach. Experiences from elsewhere show that legal education empowers the population to enforce their rights thus creating demand for services. Without knowledge of the law few people attempt to seek justice whenever they are confronted with legal matters.

The study revealed that there are few donor agencies supporting legal aid activities in Rwanda. While the survey team did not access financial reports to assess the level of funding and the activities funded, it was clear that the funding is piecemeal, disjointed and inadequate.

The study found major concerns with respect to financial and programme reporting. Most providers were not willing to share information regarding financing which together with lack of reporting and documentation seriously undermines efforts to mobilise funds. Therefore, efforts to address the inadequacy of funds for legal aid issues should go hand in hand with measures to improve accountability, reporting and transparency.

4.3.4 Legal framework

Legal aid providers, judges, advocates and NGOs frequently mentioned the need to amend existing laws or put in place a policy framework to enhance access to justice. Apart from private advocates, other respondents and key informants showed that there is a need to amend the Law on the Bar to allow lawyers employed by legal aid providers to represent their clients in court. Respondents also felt that there is need to revise the family law, develop policies in relation to legal aid and combat the culture of impunity. Table 21 shows respondents' views on the necessary legal and policy reforms to promote access to justice in Rwanda.

Table 21: Legal and Policy Reviews and Recommendations by LAPs and Key Informants

Legislative and policy reforms recommended to improve access to justice	LAP		Judges and Prosecutors		Private practitioners		NGOs/ Admin Auth.		Total	
	Freq	%	Freq	%	Freq	%	Freq	%	Freq	%
Revision to law on the Bar	7	41.2	3	15			2	3.1	12	9.2
Revision family / succession laws	1	5.9	1	5	2	15.4	5	7.8	9	6.9
Revision of jurisdiction of Abunzi on criminal matters	1	5.9							1	0.8
Develop and Implement legal aid policy	1	5.9	5	25	2	15.4	18	28	26	20
Revision land laws							4	6.3	4	3.1
Protection of witnesses										
Combat culture of impunity	1	5.9	1	5			3	4.7	5	3.8
Access to Justice Houses			1	5					1	0.8
Improve access to justice for vulnerable groups			6	30			16	25	22	17
TOTAL									130	100

4.4 Service regulation and quality assurance

The study revealed that there are insufficient internal and national mechanisms to ensure quality of legal aid service provision. However, ensuring accessible and high quality legal services to the public is one of the cardinal points emphasised in the Justice Sector Strategic Plan.

The lack of quality measures was evident at all levels of legal aid provision including: signposting services,²⁸ monitoring, documentation and information sharing. Efforts to enhance internal and external regulation of legal aid services are urgently needed.

4.4.1 Access to Justice Houses (MAJ)

As already observed, one of the objectives of this survey was to describe the functioning of the MAJ and draw lessons for future replication. The idea of the MAJ presents an opportunity to widen the boundaries of legal aid especially with respect to legal advice and education to the

²⁸ Signposting refers to the provision of information about legal aid services for example details of opening hours, information on what the client can expect from the LAP and clear referral of cases where the LAP does not have the technical expertise in-house.

population living in the areas neighbouring the ILPD. This initiative also offers added advantage of introducing and shaping young lawyers to legal aid issues, which is not only good for access to justice but also important for sustaining legal aid provision to indigent Rwandans.

However, a number of issues need to be considered for the effectiveness of the MAJ and serving the wider cause of justice in an expeditious and sustainable manner.

First, auxiliary functions of the mediation committees, the Office of Ombudsman etc. have to be working effectively, while the services of private advocates have to be available free of charge or at an affordable cost. This study found that pro-bono services are not yet institutionalised; hence reliance on pro-bono as an essential pillar of the MAJ should be done with caution, at least in the short to medium term.

In terms of future replication of MAJ to other districts across the country, the use of students as means of availing legal assistance works effectively in areas that are in good proximity to legal aid clinics. However legal clinics are not located in all districts or even provinces, and students are also only available during term time.

Further, the MAJ seems to be premised on providing advise and coordinating the different legal aid initiatives in the district. Whilst coordination is essential, this focus needs to be reviewed, to ensure that a full range of legal services are available and indigent clients are not de-motivated by referral from one provider to another. The possibility to engage lawyers²⁹ and paralegals, in combination with the availability of judiciaire legal aid services, should be explored in order to ensure a good flow of legal aid services.

Respondents recommended that the MAJ should be independent of the Ministry of Justice or Local Government. This might be a fair recommendation in view of decentralization that makes the ministry of justice largely a policymaking and monitoring body rather than a body involved in direct service delivery. It also promises the separation of powers among the different arms of government. Irrespective of institutional arrangements to be adopted, the principle of extending a full package of legal aid services to at least every district in the country should be upheld and promoted. Focus should not be on who is providing the service but rather the availability of the service. Legal Aid Providers whilst keen to engage with the MAJ also expressed the importance of maintaining their own independence in terms of legal service provision.

²⁹ On the assumption that the Law on the Bar will be amended to allow such representation

CHAPTER FIVE

5 RECOMMENDATIONS

5.1 Introduction

The recommendations drawn from the findings of this study aim to be useful in guiding the different actors, namely the Government of Rwanda, donor agencies, Legal Aid Providers and the Rwandan Bar Association to design appropriate interventions to promote accessible, high quality legal aid services in the context of vision 2020, the Millennium Development Goals (MDGs) and the high level objectives of EDPRS. The recommendations are partly drawn from the views of respondents and key informants that participated in the study, and partly from the consultants' analysis of needs. For clarity, recommendations are grouped according to the different actor groups.

5.2 Recommendations to the Ministry of Justice

The survey found a strong willingness on the part of the Government (both at the central and decentralised level) to promote legal aid services. Currently however, Rwanda lacks a comprehensive legal and institutional framework for legal aid. In addition, important legal provisions relating to legal aid are not implemented, while community members expressed frustration with a lack of enforcement of judicial decisions. In view of these finding the following recommendations are made to the Government of Rwanda:

1. The study found that the Law on the Bar provides for the establishment of a Legal Aid Fund supported by Government funds and other contributions. These provisions have yet to be implemented.
 - *Establish a mechanism for the realisation of a Legal Aid Fund. The study recommends a structure where a Government Fund for Legal Aid is managed by an independent body.*
 - *Call round table discussions involving key actors to share information on how such mechanisms will work and how they can be institutionally set up.*
2. In relation to the Law on the Bar, the study established that the law prevents lawyers employed by legal aid providers from providing legal representation, irrespective of their level of training and experience.
 - *In line with the practice in the region, amend the Law on the Bar to enable legal aid lawyers to represent their clients in court. Professional standards would be maintained as lawyers working for NGOs would also be obliged to meet the requirements of the Kigali Bar Association, be awarded a practising certificate and thus comply with all current professional requirements and regulations of the Bar Association.³⁰*
3. Quality of services is an important aspect not just for the legal aid sector but also for a growing private sector. The Justice Sector Strategic Plan insists on the provision of, "...accessible, quality legal services to the public..." However, there are neither internal nor national mechanisms among legal aid providers to promote this aspiration. Experience

³⁰ This is the regional practise as for example stipulated by the Code of Professional Conduct of the Kenyan and Uganda Law Societies

shows that it is important to regulate a service rather than an individual provider. In addition there is no clear policy on legal aid that articulates the short, medium and long-term needs and identifies complementary systems of legal aid provision that suit the emerging needs.

- *Develop, in consultation with the Rwandan Bar Association, key LAPs and the Legal Aid Forum a regulatory framework where the regulatory body is independent of the Legal Aid Providers. This will help to address and maintain the standards of legal services (including legal aid), streamline coverage by avoiding duplication and replication and ensure proper coordination among access to justice institutions.*
 - *Using the results of the baseline survey, analyse the different models of legal service provision and elaborate a policy that will facilitate service provision by different providers*
 - *Ensure that the principles of the Lilongwe Declaration on accessing legal aid in the criminal justice system and those of the Dakar Declaration on the Right to a Fair Trial,³¹ as well as regional and international human rights standards, are taken into account when developing policies and laws.*
 - *Put in place a task force comprising Government, the Bar Association and The Legal Aid Forum to work on the above recommendations.*
4. The study revealed problems regarding the execution of judgements and the enforcement of decisions made by organs such as the mediation committees.

Strengthen enforcement mechanisms of judicial decisions at all levels throughout the country. It is recommended that further analysis is carried out to identify the institutions responsible and exactly why judicial decisions are not being enforced: this would include the police, the judicial and administrative authorities and the bailiffs.

5. Respondents and FGDs appreciated the initiative of the Abunzi but the issue of inadequate capacity, training and knowledge of the law came out prominently amongst all focus group discussions; with Abunzi themselves and with community members. Associated with this was the issue of logistics, such as the availability of stamps to authenticate judgments for admission by higher courts.
- *Prioritise longer, in-depth training for mediation committees and address the logistical issues that are currently curtailing the effectiveness of their work.*
 - *Analyse and revise the competence of the mediation committees, particularly in relation to criminal matters.*
6. Focus Group Discussions highlighted problems regarding the system of certificates of indigence.

³¹ Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa, 2004 as adopted by the African Commission on Human and People's Rights, Banjul, 2006 and the Dakar Declaration on the Right to a Fair Trial, 1999.

- *Review the system of certificates of indigence with a specific view to a means test that is adapted to legal aid provision to indigent Rwandans and identified vulnerable groups.*
7. The study found strong willingness to collaborate with the MAJ by all stakeholders and the need for increased legal service provision. However, the independence of the MAJ from the Government was raised as a concern. Whilst willing to collaborate, LAPs stressed the need to maintain their own independence in legal service provision. In addition the mandate of the MAJ as a coordinating body implies an additional step in the legal aid cycle and potentially an additional port of call for clients.
- *Following the pilot phase, for further MAJs to be established within the framework of an independent regulatory and funding body (refer to Recommendation 3).*
 - *Evaluate the focus of the MAJ to ensure efficient service delivery in collaboration with other LAPs. Consideration should be given to the client perspective where there is a strong preference for delivery of services at the first point of entry. In rural areas this is particularly important as the majority of clients will have travelled significant distances to reach a legal service provider.*
 - *Different approaches to collaboration between new MAJ and existing LAPs should be explored. Attention should be paid to the importance of ensuring that LAPs are able to maintain their own independence (refer to recommendation 3).*

5.3 Recommendations to Donor Agencies

The study found that funding for legal aid was generally low, uncoordinated and adhoc. Donor agencies are also not communicating sufficiently on priorities necessary for the growth of legal aid provisioning in the country. The following recommendations are advised to promote a strong and common strategy for legal aid provisioning in the country.

1. *Increase funding for legal aid activities to cover legal advice, awareness and representation in all districts across the country. While the study revealed that the need for legal aid is overwhelming, special attention should go towards reaching the population groups that are perceived to lack access to legal aid services such as prisoners on remand, children, Batwa communities, people living with HIV/AIDS, widows and women.*
2. *Allocate funding to support the development and establishment of a comprehensive legal aid framework in Rwanda including an independent regulatory body and a Legal Aid Fund.*
3. *Directly support Legal Aid Providers and Private Practitioners in their efforts to provide legal aid services to the population. Particular attention should be focussed on activities that strengthen capacity and mechanisms for information management, planning, monitoring and evaluation. Funding should also be allocated to key strategic areas such as public interest litigation.*
4. *Support LAPs to develop and implement long term strategic plans that both consolidate and improve on their current efforts and geographically expand to districts where there are no or limited legal aid services.*
5. *Collaborate with other donors to create a Legal Aid Basket Fund, specifically for legal aid activities.*

6. *Support the positive developments observed with regard to the Legal Aid Forum.*

5.4 Recommendations to Legal Aid Providers

Legal Aid Providers play a significant role in the provision of legal aid services. The survey found, however, that legal aid services are urban biased and potential clients are often not aware of the existence of services. Information management is limited; collaboration and information sharing needs to grow further, and the quality of services should be improved. This survey recommends the following actions for legal aid providers:

1. Many indigent persons are not aware about the law and the availability of legal aid services. This was evident in areas as close as Nyarufunzo cell, Nyarugenge district where despite its proximity to Kigali (where there is the largest presence of legal aid providers), communities were unaware of the services available. Experiences elsewhere have shown that knowledge of the law and service availability influences people's decision to seek legal assistance.
 - *Evaluate methods of sensitisation, and develop more targeted approaches to sensitise the population on their rights as well as on where they can receive legal assistance.*
 - *Explore the use of the mass media to widen the impact of sensitisation and awareness raising activities.*
 - *Improve signposting and maintain regular and frequent opening hours for legal clinics.*
2. The study noted significant groups of people who require legal aid services but are not reached due to one reason or the other. Prisoners, children, widows, orphans, women and HIV/AIDS affected families, were thought not be reached.
 - *Improve targeting mechanisms and programming to reach all groups of indigent persons who require legal aid.*
3. Legal aid services are lacking in almost two-thirds of the districts covered by the survey. The study noted that most rural districts are less likely to have a presence of legal aid services yet in such districts needs are overwhelming.
 - *Develop long term strategic plans to balance consolidation and improvement of services with expansion to targeted districts where there are currently no legal aid services.*
 - *Strengthen information sharing and joint planning at the level of Legal Aid Forum to assist in ensuring that legal aid services are not congested in a limited number of districts.*
4. The study noted the absence of selection criteria for target beneficiaries of legal aid services. This potentially results in organisations spending limited resources on people who would otherwise afford to meet legal fees.
 - *Design a standardised simple "means test" to determine eligibility criteria to supplement indigence certificates that are issued by local leaders.*

- *Investigate the possibility of clients making a small or voluntary contribution towards the cost of legal service provision.*
5. Interviews with mayors and legal aid providers themselves revealed that collaboration is greater at the central Government/Ministry level than at the district and sector level. Yet apart from being near indigent persons, districts and sectors are envisaged to play a vital role in service planning and delivery.
 - *Promote authentic collaboration with district and sector authorities in order to ensure effectiveness of programmes and activities.*
 6. Information is power. Good data management enhances better programming and informs interventions especially in policy advocacy. However the study found that information by legal aid providers is rarely used beyond the case in question and all providers lacked a systematic information management system.
 - *Prioritise the creation of improved information management systems including the creation of electronic client databases to facilitate timely decision making and targeted programming.*
 7. Training, continuous professional development and monitoring and evaluation were found to be insufficient.
 - *Using the mechanism of the Legal Aid Forum, share existing materials and work together to develop standard training manuals. This is of particular importance for paralegals where it was noted that the majority of paralegals receive insufficient training.*
 - *Develop mechanisms for regular client feedback, monitoring and evaluation.*

5.5 Recommendations to the Kigali Bar Association

1. The study found that the Kigali Bar Association is engaged in a number of legal aid activities and shows a commitment to the promotion and provision of pro-bono services. The implementation of the following recommendations would strengthen the sustainability and reach of pro-bono/legal aid services.
 - *Initiate and develop a set of regulations governing the provision of pro-bono services and establish a pilot scheme to be implemented by members of the Bar Association*
 - *Build on existing initiatives to establish legal aid services along the lines of the Uganda Law Society (ULS) whose Legal Aid Project (LAP)³² has since its establishment in 1992 grown to become the biggest legal assistance organisation with a clientele of over 10,000 clients per year.*
2. Currently the majority of lawyers are working in Kigali and many of the lawyers that are supported to establish cabinets in the rural areas are not permanently or regularly based there.

³² LAP was registered by ULS under NGO Act (1989) and employs lawyers who provide court representation

- *Establish frameworks within which lawyers are supported to provide legal aid services and decentralise services outside of Kigali. This might include placements for trainee lawyers and public defender schemes. In order for such proposals to be possible and cost effective it will be necessary for lawyers to be able to engage in salaried employment. It is recommended that the Bar Association analyse how this can be achieved whilst at the same time maintaining professional standards.*
 - *Work together with the Government / the Ministry of Justice to support the development of an independent regulator and regulatory framework*
3. Many of the observations relating to Legal Aid Providers also relate to the Kigali Bar Association particularly in terms of information management, continuous professional development and monitoring and evaluation.
 - *Develop a management information system including the creation of electronic client databases specifically for legal aid cases.*
 4. Initiate a compulsory module on legal aid and legal service provision within the continuing professional development scheme of the Kigali Bar Association.
 - *Invest in public interest litigation as a means of providing legal assistance and improving the law. Financial and technical assistance for public interest litigation matters could be sought from the organizations such as the International Commission for Jurists.*
 - *Strengthen networks among professional bodies and peers in particular in relation to exchanging information on Legal Aid with other Bar Associations in the region.*
 5. Continue play an active role in the development of the Legal Aid Forum.

APPENDICES

Annex A: Funding: Organs of the Legal Aid Basket Fund-Uganda

The Legal Aid Basket Fund was established as part of the implementation of the recommendations of the National Legal Aid Baseline survey, 2004. The Fund aims at providing funding for the different legal aid activities, streamlining the coordination of financing for legal aid, enhancing the effectiveness of the different actors: civil society, other justice agencies and the regulatory body (the Law Council) as well as promoting of coordination among the different justice agencies. The Uganda Legal Aid Basket Fund operates through the following organs.

The Donor Group

This comprises all donor agencies contributing to the Legal Aid Basket Fund and is the highest policy making body for the Legal Aid Basket Fund. It ensures that the activities of the Legal Aid basket Fund are implemented, outputs achieved and funds managed efficiently and effectively. It also leads the process of giving strategic direction to the Fund, and provides guidance to the management of the Fund. The Donor Group has the overall responsibility to monitor programme activities and output and its mandate includes the approval of all planning documents including strategy and budgets. It benefits from advice from the Advisory Group, on new potential areas of collaboration with CSOs in the area of legal aid, and ensures that activities of the Fund are focussed on achieving priority strategic outputs and results.

The specific tasks of the Donor Group comprise:

- a. Ensuring that there is sufficient funding for implementation of the strategy.
- b. Approval of budgets.
- c. Monitoring of overall progress of the programme with special focus on bottlenecks and potential new areas for operation through periodic progress and financial reports.
- d. Making considerations towards seeking permanent solutions to constraints facing the provision of legal aid, and plan for long term sustenance of legal aid work.
- e. Stepping up efforts to promote the harmonization of donor support procedures in the area of legal aid as a step towards coherence.
- f. Monitoring programme activities to ensure that they are in line with the strategy.
- g. Endorsing review reports and plan on follow up actions.
- h. Lead the process of continuously strengthening the strategic direction of the Fund that promotes provision of legal aid in Uganda.

The Advisory Group

The Advisory Group was formed to oversee work related to legal aid in the context of access to justice as managed by the Legal Aid Basket Fund. Members of the Advisory Group include

representatives from service providers, The Law Council, The Uganda Law Society, The Law Development Centre, the wider Justice Law and Order Sector, as well as representatives from donor agencies contributing to the Fund or expressing interest in the operation of the fund

The group has a non-formal role in providing advice and expertise to guide the provision of legal aid and access to justice services in Uganda, in the framework of the Legal Aid Basket Fund. The objectives of the Advisory Group include the following.

1. Ensuring close co-operation amongst relevant stakeholders in order to promote the coherent provision of legal aid in the country.
2. Operate in conjunction with the Legal Aid Basket Fund to:
 - a. Promote transparency in the management of legal aid basket funds.
 - b. Achieve a consistent application of legal aid basket funds.
 - c. Ensure that full information is available to all interested parties, on the scope and criteria of application for legal aid basket funds.
3. To provide on-going advice to the Legal Aid basket Fund, the Donor Group and the RDE on the administration and management of the basket fund.
4. To function as a think-tank identifying potential innovative approaches to legal aid service provision in Uganda.
5. To coordinate efforts and collaborate with partners in the long term in ensuring that the Government works towards achieving its obligation in provision of legal aid, and to supplement efforts related to quality and performance of legal aid services in the country.

The Basket Fund Coordination Unit

This comprises a Technical Advisor, Coordinator and Accountant. The main task of the Unit is to oversee the day-to-day activities of the Fund and to work as a Secretariat for both the Advisory Group and the Donor Group both of which sit twice a year. The Unit is also responsible for the day-to-day management and administration of Grants.

It should be noted that following the establishment of the Legal Aid Fund, legal aid is fast developing into a sector with development of new focus areas such as public interest litigation, legal aid for prisoners on remand, special interest groups such as refugees as well as a movement to expand geographical coverage to “hard to reach” communities. Significantly, the level of funding has increased due to greater advocacy and mobilisation by justice sector donor agencies. The focus of legal aid providers is now service delivery rather than fundraising. In addition, the sector recognises the importance of quality and has set up specific strategies to fund the Law Council (regulator of legal services) as well as support to networks whose aim is to facilitate referral and quality assurance.

Annex B: Regulation of Legal Aid in Uganda and South Africa

A good regulatory system enhances the quality of service and ensures proper coordination among the different players in a sector. A lack of a good regulatory framework breeds duplication and poor quality service provision. The survey reviewed regulatory initiatives in Uganda and South Africa to inform debate on regulatory reforms for legal aid in Rwanda.

Regulation of Legal Services in Uganda

The regulation of legal services (including legal aid) in Uganda falls within the mandate of the Uganda Law Council. The Law Council was established by an Act of Parliament, the Advocates Act 1970, Cap 267, as amended by the Advocates Act (Amendment) Act 2002. The Council is chaired by a Judge of the Supreme Court and has as members: the President of the Bar, two other representatives of the Bar, a representative of the judiciary, a representative of the Community, a representative of the Attorney General and the Director of the Law Development Centre (equivalent of ILDP). It has a fulltime secretariat with three functional staff, headed by a senior advocate. The main function of the secretariat is to provide support functions to the Council. The Council is mandated among others to regulate legal aid, discipline errant advocates and promote continuous legal and professional development in the country. Each of the above focus areas forms a committee through which the Council discharges its functions. In the area of legal aid, the Council has developed two important regulations that provide a framework for the provision of legal aid services in the country.

With support from the European Commission, the Law Society of England and Wales, The Legal Aid Board of South Africa and the Uganda Law Society, the Law Council developed and gazetted a regulatory framework for legal aid services in Uganda³³. The framework aims at improving the quality of legal aid through standardization, coordination and continuous improvement. The framework sets out requirements for approval to provide legal aid, procedures and benchmarks for continuous assessment. It also defines and outlines the role and functions of legal aid practitioners such as lawyers and paralegals and sets out responsibilities and obligations of legal aid providers. It should be noted that anyone wishing to obtain a practicing certificate from the Law Council must be a member of the Bar Association.

The Ugandan Advocates Act requires advocates in private practice to provide pro-bono services as a condition for renewal of an advocates annual practicing certificate. Accordingly, the Council has drafted pro-bono regulations to operationalise this requirement. The regulations³⁴ set the minimum number of indigent persons to be represented, the functioning of the scheme as well as penalties for defaulters. When passed, pro-bono regulations will go along way in strengthening the operations of the scheme, by clarifying expectations of the regulator and streamlining the operation of the scheme.

The advantage with this model is that it provides a mechanism for improving the quality of services for all clients, indigent or otherwise. It also enables the regulation of an individual advocate as a provider of legal aid services as well as an advocate in private practise. It allows advocates the choice to practice either in private practice or with an approved legal aid provider (NGO) as long as they meet the requirements for rights of audience before the courts. From the

³³ ULS-LAP Final Evaluation Report of the Capacity Strengthening Programme, 2006

³⁴ Draft Probono Regulations 2005

strategic point of view, an independent regulator helps to build investor confidence, given that lawyers transact matters involving large sums of money on behalf of clients, who may not trust the fairness of internal regulation by the Bar Association in discharging justice in the event of misunderstanding between the two parties: upholding the principle that justice should not only be done but must be seen to be done at all times.

Regulation of Legal Aid Services in South Africa

The Legal Aid Board is a constitutional body mandated to provide free legal services to indigent persons in South Africa. The Board runs over fifty legal aid clinics (justice centres) across the country and employs over 1300 advocates within these centres who provide representation services to indigent clients. The establishment of justice centres was occasioned by failure to deliver the Board's constitutional mandate through private lawyers (judicare scheme). The main areas of concern in relation to the use of private lawyers were fraud, high cost and limited delivery on instructions³⁵. Introduction of justice centres led to significant reduction in costs of handling cases, the number of cases handled doubled while cases brought against the Legal Aid Board by private attorneys reduced considerably.

Unlike the Ugandan case where different organizations provide legal aid services at a relatively small scale, the Legal Aid Board is by far the largest provider of legal aid services. As such the Legal Aid Board has developed strong internal procedures for quality assurance and control. Instruments for quality such as the Legal Aid Guide, quality assessment reviews, self control assessment (audit) and staff performance review.

From the two examples given above, it is clear that regulation is necessary to support the growth and development of legal aid in different settings. What is important is for a country to adopt a mechanism that will suit her conditions while at the same time pursuing the noble objectives of expanding quantity and improving the quality of legal services, both in private and voluntary sectors, to afford all clients irrespective of their social status, quality legal services.

³⁵ Legal Aid Board of South Africa Annual Report 2003

Annex C: Models Of Legal Aid

Legal Aid: Traditional and Non- Traditional Methods of Delivery³⁶

By David Mcquoid-Mason³⁷

1. Pro Bono Legal Aid Services

- traditionally done by many private lawyers
- should be a supplement not a substitute for state aid
- may be mandatory

Advantages

- cheap supplement to legal aid
- can cover all areas where lawyers operate
- encourages public service by lawyers

Disadvantages

- unpaid lawyers render less efficient service
- state avoids carrying out its legal obligations
- even if mandatory lawyers may 'buy out' time

2. Judicare Referrals To Private Lawyers

Judicare is the traditional method when countries first begin to establish Legal Aid schemes

Advantages:

- independent and can be set up without legal aid body

Disadvantages:

- difficult to control without a proper infrastructure
- too much reliance on bar, prosecutors and investigating officers for referrals
- difficult to control budget
- fragmented if different levels of government involved in providing services and funding
- breaks down as volumes increase
- more expensive than public defenders if operating on large scale

3. Public Defenders

Public defenders are salaried lawyers whose payment is not dependent on the number of cases handled but guidelines for case loads may be set

³⁶ This handout was prepared for the 2nd European Forum on Access to Justice, held on February 24-26, 2005. It is published here without additional editing, for information purposes only. The views and opinions of the author do not necessarily state or reflect those of the Open Society Justice Initiative or of the Public Interest Law Initiative.

³⁷ James Scott Wylie Professor of Law, University of KwaZulu-Natal, South Africa.

Advantages:

- build up expertise that may include civil cases
- easy to budget for fixed salaries and administration costs
- high volume of cases achieved
- cheaper than private bar for high case volumes

Disadvantages:

- danger of loss of independence if no legal aid body
- start up costs expensive

4. Law Intern Public Defenders

South African innovation by legal aid board to use law graduate interns as Public Defenders combined with Public Defenders in Justice Centres

Advantages:

- law graduates get specialist training
- law graduates cheap to employ
- can complete high volumes in district courts

Disadvantages:

- targets and case loads too high
- regular training programmes needed

5. Justice Centres

- legal aid board justice centres are 'one stop legal aid shops' that provide indigent clients with all the services usually found in a law firm
- they combine the public defender and intern public defender models
- judicare is only used as a last resort

Advantages:

- provides a comprehensive service to clients
- cheaper than individual referral and public defender models as only one

Administration body

Disadvantages:

- high start-up costs
- only sustainable if a high volume of cases

6. Impact litigation

- legal aid board objective is to set precedents to benefit large numbers of indigent people
- special fund to uphold constitutional rights
- case examples are collapsing soccer stands and environmental issues involving pollution

- may use judicare or cooperation partners

Advantages:

- benefit large numbers of poor people

Disadvantages:

- very time-consuming
- may have to employ expensive specialists

7. Cooperation agreements

The legal aid board enters into legal services agreements with public interest NGOs, legal aid clinics or private law firms – mainly for civil work

Advantages:

- cheaper than individual referrals to private lawyers
- can contract with specialist law firms or NGOs
- provides access in areas where no legal aid body
- easy to control budget

Disadvantages:

- cooperation partner may not have sufficient work
- cooperation partner may have too much work

8. Law Interns in Rural Law Firms

- law graduates work as interns for law firms in rural areas
- can be used for bail applications and district court cases

Advantages:

- work in law firm with a target for legal aid cases
- provides legal aid in areas where legal aid body not viable

Disadvantages:

- may be exploited by unscrupulous law firms

9. Public Interest Law Firms / NGOs

Public interest law firms take precedent-setting cases affecting large numbers of people e.g.: Legal Resources Centre (LRC) helped millions of black South Africans during apartheid – now focuses on constitutional socio-economic rights

Advantages:

- build up expertise in specific areas of the law

Disadvantages:

- may not specialize in types of cases required by litigants
- usually depend on donor funding because they do not charge clients fees

10. Independent University Law Clinics

Independent law clinics provide legal aid services using law students under the supervision of lawyers. Most South African Universities have law clinics - some specialise in Constitutional matters but most do civil law general practice.

Advantages:

- law clinics may choose their clients and are not strictly limited by Legal Aid Board criteria for legal assistance
- law clinics have the capacity to service clusters of paralegal advice offices

Disadvantages:

- Law clinics usually depend on donor funding
- Most law clinics are not mainstreamed into the legal aid system

11. Paralegal Advice Offices

- Paralegal advice offices are community-based.
- Paralegals may be paid professionals or unpaid volunteers.
- They may be formally or informally trained.
- They educate communities about their legal rights and provide legal advice.

Advantages:

- Paralegal offices are located at the grassroots in their neighbourhoods
- Paralegals are in touch with the problems in their neighbourhoods

Disadvantages:

- Paralegal offices usually depend on donor funding
- Paralegal offices are not mainstreamed into the legal aid system

Annex D: Questionnaires

Questionnaire for Legal Aid Providers

No	Questions	Modalities																																																				
Q1	Name of organization																																																				
Q2	Name of Respondent																																																				
Q3	Job Title of Respondent																																																				
Q4	Name of Interviewer																																																				
Q5	Date of Interview																																																				
Q6	District	Nyarugenge Gasabo Burera Gicumbi Gatsibo Bugesera Nyanza Nyaruguru Nyamasheke Rubavu																																																				
LEGAL AID																																																						
Q1.	What in your view is legal aid	<ol style="list-style-type: none"> 1. Provision of free/subsidised legal services to those who cannot afford 2. Legal representation / Legal advice / assistance / Dissemination of legal information / Awareness on human rights 3. Irrelevant 																																																				
B. ORGANISATION SERVICES AND APPROACH																																																						
Q2	What are the main activities/ services provided by your organisation?	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> <th>Rank</th> </tr> </thead> <tbody> <tr> <td>Legal Advice</td> <td>1</td> <td>0</td> <td>1-9</td> </tr> <tr> <td>Preparation for self representation</td> <td>1</td> <td>0</td> <td>1-9</td> </tr> <tr> <td>Assistance / writing conclusions</td> <td>1</td> <td>0</td> <td>1-9</td> </tr> <tr> <td>Legal representation in court</td> <td>1</td> <td>0</td> <td>1-9</td> </tr> <tr> <td>Negotiation</td> <td>1</td> <td>0</td> <td>1-9</td> </tr> <tr> <td>Mediation</td> <td>1</td> <td>0</td> <td>1-9</td> </tr> <tr> <td>Advocacy and campaigning</td> <td>1</td> <td>0</td> <td>1-9</td> </tr> <tr> <td>Strategic/public interest litigation</td> <td>1</td> <td>0</td> <td>1-9</td> </tr> <tr> <td>Rights awareness/ legal literacy/ education/ sensitisation</td> <td>1</td> <td>0</td> <td>1-9</td> </tr> <tr> <td>Social counselling</td> <td>1</td> <td>0</td> <td>1-9</td> </tr> <tr> <td>Irrelevant</td> <td>1</td> <td>0</td> <td>1-9</td> </tr> <tr> <td>Other (specify)</td> <td>1</td> <td>0</td> <td>1-9</td> </tr> </tbody> </table>		Yes	No	Rank	Legal Advice	1	0	1-9	Preparation for self representation	1	0	1-9	Assistance / writing conclusions	1	0	1-9	Legal representation in court	1	0	1-9	Negotiation	1	0	1-9	Mediation	1	0	1-9	Advocacy and campaigning	1	0	1-9	Strategic/public interest litigation	1	0	1-9	Rights awareness/ legal literacy/ education/ sensitisation	1	0	1-9	Social counselling	1	0	1-9	Irrelevant	1	0	1-9	Other (specify)	1	0	1-9
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		Land issues	1	0	1-9
		Family	1	0	1-9
		Inheritance / succession	1	0	1-9
		Criminal	1	0	1-9
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		Refugee law	1	0	1-9
		Administrative issues	1	0	1-9
		Others (specify)			
Q5a	What areas of law are not covered within the district and why		Yes	No	
		Land issues	1	0	
		Family	1	0	
		Inheritance / succession	1	0	
		Criminal	1	0	
		Rights of detainees	1	0	
		Juvenile justice	1	0	
		Employment	1	0	
		Landlord and tenant	1	0	
		Genocide law/war crimes	1	0	
		Gender based violence	1	0	
		Refugee law	1	0	
		Administrative issues	1	0	
		Others (specify)			
Q6	How do clients get to know about your services?		Yes	No	Rank
		Referrals	1	0	1-7
		Walk in	1	0	1-7
		Radio	1	0	1-7
		Newspapers	1	0	1-7
		Brochures	1	0	1-7
		Television	1	0	1-7
		Others (specify)	1	0	1-7
		Irrelevant	1	0	1-7
OFFICE					
Q7	Explain who provides the various services in your organization and which services they provide?		FT	PT	
		Lawyers employed by provider			
		Private lawyer hired to represent clients			
		Volunteers Lawyers			
		Salaried Paralegals			
		Volunteer paralegals			
		Judicial Defenders			
		Law students			
		Jurist/Legal officers			
		Others (specify)			
Q8	How do you update your staff on new laws and procedures?		Yes	No	
		Internal trainings	1	0	

		External trainings Provision of documentation/laws/information Other	1 of 1	0 0
	Do you work with paralegals	Yes No.....	1 0	
	How long does the training last?	< 7 days 8-30 days..... >1 month to 6 months..... > 6 months.....	1 2 3 4	
	Do you use a manual for training activities?	Yes No.....	1 0	
	How do you keep client information?	Hard copies/files..... Ms Word..... Excel..... Access..... Other specify.....	1 2 3 4 5	
	How is this information used?	Reporting / Statistics Planning Policy Advocacy Other	Yes 1 1 1	No 0 0 0
	What specific challenges/needs does your organisation face in the provision of legal aid services?	Funds Skilled human resources / staff Equipment Technical expertise Systems of Information management Information dissemination/education Systems of monitoring Legal representation Legal environment Client's attitude Other	Yes 1 1 1 1 1 1 1 1 1 1	No 0 0 0 0 0 0 0 0 0 0
SERVICE COVERAGE AND TIMING				
	When did your organisation start service activities in this district?/...../.....		
	Why was your organisation/organization established?	Provision of legal aid services..... Others.....	1 2	
	Type/legal status of organisation	NGO..... Government Department..... University legal clinic..... Private..... Other specify.....	1 2 3 4 5	
	What is the target group for your services?	Indigent population Women Children Disabled Those living with HIV/AIDS Genocide survivors Other	Yes 1 1 1 1 1 1	No 0 0 0 0 0 0

What are the criteria for selecting your clients/beneficiaries?	Certificate of Indigence.....1 Vulnerable group.....2 No criteria.....3 Other.....4												
Is the number of clients/users of your services increasing?	Yes.....1 No.....0												
Number of clients in 2003	/_____/												
Number of clients in 2004	/_____/												
Number of clients in 2005	/_____/												
Number of clients in 2006	/_____/												
How many cases pending in court in 2006	/_____/												
How many cases pending in court in 2005	/_____/												
How many cases pending in court in 2004	/_____/												
How many cases pending in court in 2003	/_____/												
How many cases pending at office in 2006	/_____/												
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How many cases completed in court 2006	/_____/												
How many cases completed in court 2005	/_____/												
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In what districts does your organisation provide outreach/field visits	Nyarugenge Gasabo Nyamirambo Burera Gicumbi Gatsibo Bugesera Nyanza Gisagara Nyaruguru Nyamasheke Rubavu												
What activity does your organization provide outreach/field visits/follow-ups?	<table border="0"> <tr> <td></td> <td>Yes</td> <td>No</td> </tr> <tr> <td>Advice/assistance.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>Legal education/sensitization.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>Representation.....</td> <td>1</td> <td>0</td> </tr> </table>		Yes	No	Advice/assistance.....	1	0	Legal education/sensitization.....	1	0	Representation.....	1	0
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How often your organization does outreach	Daily..... 1 Weekly.....2												

		Monthly.....3 Annually.....4																																													
	What do you think are the barriers of access to legal services	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>Poverty</td> <td>1</td> <td>0</td> </tr> <tr> <td>Limited legal services</td> <td>1</td> <td>0</td> </tr> <tr> <td>Limited number of lawyers</td> <td>1</td> <td>0</td> </tr> <tr> <td>Legal Framework</td> <td>1</td> <td>0</td> </tr> <tr> <td>Ignorance</td> <td>1</td> <td>0</td> </tr> <tr> <td>Other</td> <td>1</td> <td>0</td> </tr> </tbody> </table>		Yes	No	Poverty	1	0	Limited legal services	1	0	Limited number of lawyers	1	0	Legal Framework	1	0	Ignorance	1	0	Other	1	0																								
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	Who, in your view would require legal aid but is currently not being reached and why	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>Indigents</td> <td>1</td> <td>0</td> </tr> <tr> <td>Genocide survivors</td> <td>1</td> <td>0</td> </tr> <tr> <td>Prisoners</td> <td>1</td> <td>0</td> </tr> <tr> <td>Historically marginalized</td> <td>1</td> <td>0</td> </tr> <tr> <td>Women</td> <td>1</td> <td>0</td> </tr> <tr> <td>Other</td> <td>1</td> <td>0</td> </tr> </tbody> </table>		Yes	No	Indigents	1	0	Genocide survivors	1	0	Prisoners	1	0	Historically marginalized	1	0	Women	1	0	Other	1	0																								
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	What are your organisation's sources of funding?	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>EU</td> <td>1</td> <td>0</td> </tr> <tr> <td>BTC</td> <td>1</td> <td>0</td> </tr> <tr> <td>Dutch</td> <td>1</td> <td>0</td> </tr> <tr> <td>GTZ</td> <td>1</td> <td>0</td> </tr> <tr> <td>NPA</td> <td>1</td> <td>0</td> </tr> <tr> <td>DED</td> <td>1</td> <td>0</td> </tr> <tr> <td>NOVIB</td> <td>1</td> <td>0</td> </tr> <tr> <td>SUISSE</td> <td>1</td> <td>0</td> </tr> <tr> <td>111111</td> <td>1</td> <td>0</td> </tr> <tr> <td>DIHR</td> <td>1</td> <td>0</td> </tr> <tr> <td>ASF</td> <td>1</td> <td>0</td> </tr> <tr> <td>Government of Rwanda</td> <td>1</td> <td>0</td> </tr> <tr> <td>USAID</td> <td>1</td> <td>0</td> </tr> <tr> <td>Others (Specify)</td> <td>1</td> <td>0</td> </tr> </tbody> </table>		Yes	No	EU	1	0	BTC	1	0	Dutch	1	0	GTZ	1	0	NPA	1	0	DED	1	0	NOVIB	1	0	SUISSE	1	0	111111	1	0	DIHR	1	0	ASF	1	0	Government of Rwanda	1	0	USAID	1	0	Others (Specify)	1	0
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	Do your clients contribute to the cost of legal aid services	Yes.....1 No.....0																																													
	If they do not contribute, why not?	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>Vulnerable / Poverty</td> <td>1</td> <td>0</td> </tr> <tr> <td>Organization not profit oriented</td> <td>1</td> <td>0</td> </tr> <tr> <td>Other</td> <td></td> <td></td> </tr> </tbody> </table>		Yes	No	Vulnerable / Poverty	1	0	Organization not profit oriented	1	0	Other																																			
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	What has not been done by your organization because of budget constraints	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>Representation before the courts</td> <td>1</td> <td>0</td> </tr> <tr> <td>Permanent training programme</td> <td>1</td> <td>0</td> </tr> <tr> <td>Raising awareness using media</td> <td>1</td> <td>0</td> </tr> <tr> <td>Monitoring</td> <td>1</td> <td>0</td> </tr> <tr> <td>Geographic expansion</td> <td>1</td> <td>0</td> </tr> <tr> <td>Service expansion</td> <td>1</td> <td>0</td> </tr> <tr> <td>Service promotion</td> <td></td> <td></td> </tr> <tr> <td>Image building/Marketing</td> <td></td> <td></td> </tr> <tr> <td>Other (specify)</td> <td>1</td> <td>0</td> </tr> </tbody> </table>		Yes	No	Representation before the courts	1	0	Permanent training programme	1	0	Raising awareness using media	1	0	Monitoring	1	0	Geographic expansion	1	0	Service expansion	1	0	Service promotion			Image building/Marketing			Other (specify)	1	0															
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Other (specify)	1	0																																													

	What are your organisation's plans for financial sustainability?		Yes	No
		Long term strategic plan	1	0
		Fundraising strategies	1	0
		Engaging private sector	1	0
		Engaging government	1	0
		Improving internal management system	1	0
		Contribution from members	1	0
		Collaboration with other actors/providers	1	0
		Users fees/Contribution from clients	1	0
		Others (Specify)	1	0
LINKAGE WITH GOVERNMENT AND DISTRICTS				
	How do you relate / interact with Government Authority?		Yes	No
		Information sharing	1	0
		Reports	1	0
		Planning	1	0
		Meetings	1	0
		Joint implementation	1	0
		Advise	1	0
	How do you relate / interact with District/Sector?		Yes	No
	Information sharing		1	0
	Reports		1	0
	Planning		1	0
	Meetings		1	0
	Joint implementation		1	0
	Advise		1	0
	How do you relate / interact with others?		Yes	No
	Information sharing		1	0
	Reports		1	0
	Planning		1	0
	Meetings		1	0
	Joint implementation		1	0
	Advise		1	0
	How best can legal aid services be supported by District authority/ministries		Yes	No
	Co-ordination		1	0
	Basket fund		1	0
	Joint trainings		1	0
	Other		1	0
	How do you see your organisation's future collaboration with Access to Justice Houses to be set up in districts?		Yes	No
	Information sharing		1	0
	Reports		1	0
	Planning		1	0
	Meetings		1	0
	Joint implementation		1	0
	Advise		1	0
REGULATION				
	What internal mechanisms/tools does		Yes	No
	Interview Check list		1	0

	your organisation use to ensure quality?	Sign posting (Clear information provided to clients on service provision) 1 0 Referral system 1 0 Indicators for monitoring 1 0 Client feedback 1 0 External evaluation 1 0 Training (Continuous refresh training) 1 0 Handbook 1 0 Others (Specify) 1 0
	Do you think it is necessary to have a Regulator?	Yes.....1 No.....0
GENERAL		
	Do you know other legal aid providers in the area?	Yes.....1 No.....0
	Who are other legal aid providers in your area	
	How do you relate with these?	Yes No Information sharing 1 0 Reports 1 0 Resources Planning / sharing strategies 1 0 Meetings 1 0 Joint implementation / training 1 0 Other (Specify) 1 0
	What legislative and policy reforms would you recommend to improve access to justice?	Yes No Revision to law on the Bar 1 0 Revision family / succession laws 1 0 Revision of jurisdiction of Abunzi on criminal matters Develop and Implement legal aid policy 1 0 Revision land laws 1 0 Protection of witnesses 1 0 Combat culture of impunity 1 0 Access to Justice Houses 1 0 Improve access to justice for vulnerable groups 1 0 Other (Specify) 1 0
	Do you have any further comments / advice that could be useful for the survey?	

Thanks for your cooperation

1) Questionnaire for Private Legal Practitioners (Avocats/Judicial Defenders)

No	Questions	Modalities																																																
Q1	Name of organization																																																
Q2	Name of Respondent																																																
Q3	Job Title of Respondent																																																
Q4	Name of Interviewer																																																
Q5	Date of Interview																																																
Q6	District	Nyarugenge Gasabo Burera Gicumbi Gatsibo Bugesera Nyanza Nyaruguru Nyamasheke Rubavu																																																
LEGAL AID																																																		
Q1.	What in your view is legal aid	Provision of free/subsidised legal services to those who cannot afford ¹ Legal representation / Legal advice / assistance / Dissemination of legal information / Awareness on human rights ² Irrelevant																																																
	Do you provide free legal aid services funded by donor/ government? Why/why not?	Yes..... ¹ No..... ⁰																																																
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	Do you provide probono services? (Services provided freely by you)																																																	
B: Cabinet services and approach																																																		
Q2	What are the main pro-bono activities/ services provided by your cabinet?	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> <th>Rank</th> </tr> </thead> <tbody> <tr> <td>Legal Advice</td> <td>1</td> <td>0</td> <td>1-9</td> </tr> <tr> <td>Preparation for self representation</td> <td>1</td> <td>0</td> <td>1-9</td> </tr> <tr> <td>Writing conclusions</td> <td>1</td> <td>0</td> <td>1-9</td> </tr> <tr> <td>Legal representation in court</td> <td>1</td> <td>0</td> <td>1-9</td> </tr> <tr> <td>Negotiation</td> <td>1</td> <td>0</td> <td>1-9</td> </tr> <tr> <td>Mediation</td> <td>1</td> <td>0</td> <td>1-9</td> </tr> <tr> <td>Advocacy and campaigning</td> <td>1</td> <td>0</td> <td>1-9</td> </tr> <tr> <td>Strategic/public interest litigation</td> <td>1</td> <td>0</td> <td>1-9</td> </tr> <tr> <td>Rights awareness/ legal literacy/ education/ sensitization</td> <td>1</td> <td>0</td> <td>1-9</td> </tr> <tr> <td>Social counseling</td> <td>1</td> <td>0</td> <td>1-9</td> </tr> <tr> <td>Other (specify)</td> <td>1</td> <td>0</td> <td>1-9</td> </tr> </tbody> </table>		Yes	No	Rank	Legal Advice	1	0	1-9	Preparation for self representation	1	0	1-9	Writing conclusions	1	0	1-9	Legal representation in court	1	0	1-9	Negotiation	1	0	1-9	Mediation	1	0	1-9	Advocacy and campaigning	1	0	1-9	Strategic/public interest litigation	1	0	1-9	Rights awareness/ legal literacy/ education/ sensitization	1	0	1-9	Social counseling	1	0	1-9	Other (specify)	1	0	1-9
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Q3	What legal aid services / activities are not covered/ provided within the district?		Yes	No	
		Legal Advice	1	0	
		Preparation for self representation	1	0	
		Assistance / writing conclusions	1	0	
		Legal representation in court	1	0	
		Negotiation	1	0	
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Q4	What areas of law do you focus on?		Yes	No	Rank
		Land issues	1	0	1-9
		Family	1	0	1-9
		Inheritance / succession	1	0	1-9
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		Administrative issues	1	0	1-9
		Others (specify)			
Q5a	What areas of law are not covered within the district and why		Yes	No	
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		Family	1	0	
		Inheritance / succession	1	0	
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		Administrative issues	1	0	
		Others (specify)			
Q6	How do clients get to know about your free legal aid (pro-bono) services?		Yes	No	Rank
		Referrals	1	0	1-7
		Walk in	1	0	1-7
		Radio	1	0	1-7
		Newspapers	1	0	1-7
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		Irrelevant	1	0	1-7
OFFICE					
Q7	Explain who provides the various services in your organization and which services they provide?		Full Time	Part Time	
		Lawyers employed by provider			
		Private lawyer hired to represent			

		clients Volunteers Lawyers Salaried Paralegals Volunteer paralegals Judicial Defenders Law students Jurist/Legal officers Others (specify)																																				
	How do you keep client information?	Hard copies/files..... 1 Ms Word..... 2 Excel..... 3 Access..... 4 Other specify..... 5																																				
	How is this information used?	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>Reporting / Statistics</td> <td>1</td> <td>0</td> </tr> <tr> <td>Planning</td> <td>1</td> <td>0</td> </tr> <tr> <td>Policy Advocacy</td> <td>1</td> <td>0</td> </tr> <tr> <td>Other</td> <td></td> <td></td> </tr> </tbody> </table>		Yes	No	Reporting / Statistics	1	0	Planning	1	0	Policy Advocacy	1	0	Other																							
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	What specific challenges/needs does your cabinet face when providing pro-bono services?	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>Funds</td> <td>1</td> <td>0</td> </tr> <tr> <td>Skilled human resources / staff</td> <td>1</td> <td>0</td> </tr> <tr> <td>Equipment</td> <td>1</td> <td>0</td> </tr> <tr> <td>Technical expertise</td> <td>1</td> <td>0</td> </tr> <tr> <td>Systems of Information management</td> <td>1</td> <td>0</td> </tr> <tr> <td>Information dissemination/education</td> <td>1</td> <td>0</td> </tr> <tr> <td>Systems of monitoring</td> <td>1</td> <td>0</td> </tr> <tr> <td>Legal representation</td> <td>1</td> <td>0</td> </tr> <tr> <td>Legal environment</td> <td>1</td> <td>0</td> </tr> <tr> <td>Client's attitude</td> <td>1</td> <td>0</td> </tr> <tr> <td>Other</td> <td>1</td> <td>0</td> </tr> </tbody> </table>		Yes	No	Funds	1	0	Skilled human resources / staff	1	0	Equipment	1	0	Technical expertise	1	0	Systems of Information management	1	0	Information dissemination/education	1	0	Systems of monitoring	1	0	Legal representation	1	0	Legal environment	1	0	Client's attitude	1	0	Other	1	0
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SERVICE COVERAGE AND TIMING																																						
	When did your cabinet start free legal aid (pro-bono) services in this district?/...../																																				
	Why was your cabinet established here?	Provision of legal aid services.....1 Others..... 2																																				
	What is the target group for your services?	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>Indigent population</td> <td>1</td> <td>0</td> </tr> <tr> <td>Women</td> <td>1</td> <td>0</td> </tr> <tr> <td>Prisoners on remand</td> <td>1</td> <td>0</td> </tr> <tr> <td>Elderly</td> <td>1</td> <td>0</td> </tr> <tr> <td>Children</td> <td>1</td> <td>0</td> </tr> <tr> <td>Disabled</td> <td>1</td> <td>0</td> </tr> <tr> <td>Those living with HIV/AIDS</td> <td>1</td> <td>0</td> </tr> <tr> <td>Genocide survivors</td> <td>1</td> <td>0</td> </tr> <tr> <td>Other</td> <td>1</td> <td>0</td> </tr> </tbody> </table>		Yes	No	Indigent population	1	0	Women	1	0	Prisoners on remand	1	0	Elderly	1	0	Children	1	0	Disabled	1	0	Those living with HIV/AIDS	1	0	Genocide survivors	1	0	Other	1	0						
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Genocide survivors	1	0																																				
Other	1	0																																				
	What are the criteria for selecting your clients/beneficiaries?	Certificate of Indigence.....1 Vulnerable group.....2 No criteria.....3 Other.....4																																				
	Number of clients in 2003	/_____/																																				
	Number of clients in 2004	/_____/																																				

	Number of clients in 2005	/ _____/																		
	Number of clients in 2006	/ _____/																		
	How many cases pending in court in 2006	/ _____/																		
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	How many cases pending in court in 2003	/ _____/																		
	How many cases pending at office in 2006	/ _____/																		
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	How many cases completed in court 2006	/ _____/																		
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	How many cases completed at office 2005	/ _____/																		
	How many cases completed at office 2004	/ _____/																		
	How many cases completed at office 2003	/ _____/																		
	In what districts does your <i>Cabinet</i> provide outreach/field visits	Nyarugenge Gasabo Nyamirambo Burera Gicumbi Gatsibo Bugesera Nyanza Gisagara Nyaruguru Nyamasheke Rubavu																		
	What activity does your <i>Cabinet</i> provide outreach/field visits/follow-ups?	<table style="width: 100%; border: none;"> <tr> <td></td> <td style="text-align: right;">Yes</td> <td style="text-align: right;">No</td> </tr> <tr> <td>Advice/assistance.....</td> <td style="text-align: right;">1</td> <td style="text-align: right;">0</td> </tr> <tr> <td>Legal education/sensitization.....</td> <td style="text-align: right;">1</td> <td style="text-align: right;">0</td> </tr> <tr> <td>Representation.....</td> <td style="text-align: right;">1</td> <td style="text-align: right;">0</td> </tr> </table>		Yes	No	Advice/assistance.....	1	0	Legal education/sensitization.....	1	0	Representation.....	1	0						
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	How often your <i>Cabinet</i> does outreach pro-bono services undertaken?(Refer to question 2 for activities)	Daily.....1 Weekly.....2 Monthly.....3 Annually.....4																		
	Where (in terms of place/location) do you offer free legal aid (pro bono) services?	<table style="width: 100%; border: none;"> <tr> <td></td> <td style="text-align: right;">Yes</td> <td style="text-align: right;">No</td> </tr> <tr> <td>Prison</td> <td style="text-align: right;">1</td> <td style="text-align: right;">0</td> </tr> <tr> <td>Office</td> <td style="text-align: right;">1</td> <td style="text-align: right;">0</td> </tr> <tr> <td>Outreach/Field</td> <td style="text-align: right;">1</td> <td style="text-align: right;">0</td> </tr> <tr> <td>Court/Jurisdiction</td> <td style="text-align: right;">1</td> <td style="text-align: right;">0</td> </tr> <tr> <td>Others (Specify)</td> <td></td> <td></td> </tr> </table>		Yes	No	Prison	1	0	Office	1	0	Outreach/Field	1	0	Court/Jurisdiction	1	0	Others (Specify)		
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	What do you think are the barriers of access to	<table style="width: 100%; border: none;"> <tr> <td></td> <td style="text-align: right;">Yes</td> <td style="text-align: right;">No</td> </tr> </table>		Yes	No															
	Yes	No																		

	legal services	Poverty	1	0
		Limited legal services	1	0
		Limited number of lawyers	1	0
		Legal Framework	1	0
		Ignorance	1	0
		Other	1	0
	Who, in your view would require legal aid but is currently not being reached and why		Yes	No
		Indigents	1	0
		Genocide survivors	1	0
		Prisoners	1	0
		Historically marginalized	1	0
		Women	1	0
		Other	1	0
FUNDING				
	What are your Cabinet's sources of funding?		Yes	No
		EU	1	0
		BTC	1	0
		Dutch	1	0
		GTZ	1	0
		NPA	1	0
		DED	1	0
		NOVIB	1	0
		SUISSE	1	0
		11111	1	0
		DIHR	1	0
		ASF	1	0
		Government of Rwanda	1	0
		USAID	1	0
		Members contribution	1	0
		Others (Specify)	1	0
	Do your clients contribute to the cost of legal aid services	Yes.....1		
		No.....0		
	If they do not contribute, why not?		Yes	No
		Vulnerable / Poverty	1	0
		Organization not profit oriented	1	0
		Other		
	What has not been done by your <i>Cabinet</i> because of budget constraints		Yes	No
		Representation before the courts	1	0
		Permanent training programme	1	0
		Raising awareness using media	1	0
		Monitoring	1	0
		Geographic expansion	1	0
		Service expansion	1	0
		Service promotion		
		Image building/Marketing		
		Other (specify)	1	0
	What are your Cabinet's plans for financial sustainability?		Yes	No
		Long term strategic plan	1	0
		Fundraising strategies	1	0
		Engaging private sector	1	0

		Engaging government	1	0
		Improving internal management system	1	0
		Contribution from members	1	0
		Collaboration with other actors/providers	1	0
		Users fees/Contribution from clients	1	0
		Others (Specify)	1	0

LINKAGE WITH GOVERNMENT AND DISTRICTS

	How do you relate / interact with Government Authority?		Yes	No
		Information sharing	1	0
		Reports	1	0
		Planning	1	0
		Meetings	1	0
		Joint implementation	1	0
		Advise	1	0

	How do you relate / interact with District/Sector?		Yes	No
		Information sharing	1	0
		Reports	1	0
		Planning	1	0
		Meetings	1	0
		Joint implementation	1	0
		Advise	1	0

	How do you relate / interact with others?		Yes	No
		Information sharing	1	0
		Reports	1	0
		Planning	1	0
		Meetings	1	0
		Joint implementation	1	0
		Advise	1	0

	How best can legal aid services be supported by District authority/ministries		Yes	No
		Co-ordination	1	0
		Basket fund	1	0
		Joint trainings	1	0
		Other	1	0

	How do you see your Cabinet's future collaboration with Access to Justice Houses to be set up in districts?		Yes	No
		Information sharing	1	0
		Reports	1	0
		Planning	1	0
		Meetings	1	0
		Joint implementation	1	0
		Advise	1	0

GENERAL			
	Do you know other legal aid providers in the area?	Yes.....1 No.....0	
	Who are other legal aid providers in your area		
	How do you relate with these?		Yes No
		Information sharing	1 0
		Reports	1 0
		Resources	
		Planning / sharing strategies	1 0
		Meetings	1 0
		Joint implementation /training	1 0
		Other (Specify)	1 0
	What legislative and policy reforms would you recommend to improve access to justice?		Yes No
		Revision to law on the Bar	1 0
		Revision family / succession laws	1 0
		Revision of jurisdiction of Abunzi on criminal matters	
		Develop and Implement legal aid policy	1 0
		Revision land laws	1 0
		Protection of witnesses	1 0
		Combat culture of impunity	1 0
		Access to Justice Houses	1 0
		Improve access to justice for vulnerable groups	1 0
		Other (Specify)	1 0
	Do you have any further comments / advice that could be useful for the survey?		

Thanks for your cooperation

2) *A Guide to Key Informant Interviews with Judges/Prosecutors*

No	Questions	Modalities																					
Q1	Name of court/Tribunal/Parquet																					
Q2	Name of Respondent																					
Q3	Job Title of Respondent																					
Q4	Name of Interviewer																					
Q5	Date of Interview																					
Q6	District	Nyarugenge Gasabo Burera Gicumbi Gatsibo Bugesera Nyanza Nyaruguru Nyamasheke Rubavu																					
LEGAL AID																							
Q1.	What in your view is legal aid	Provision of free /subsidised legal services to those who cannot afford ¹ Legal representation / Legal advice / assistance / Dissemination of legal information / Awareness on human rights ² Irrelevant ³																					
	Why do you think legal aid is important?	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>Access justice</td> <td>1</td> <td>0</td> </tr> <tr> <td>Legal advice</td> <td>1</td> <td>0</td> </tr> <tr> <td>Ensure fair trial</td> <td>1</td> <td>0</td> </tr> <tr> <td>Educate about procedure</td> <td>1</td> <td>0</td> </tr> <tr> <td>Informing people their right to bail</td> <td>1</td> <td>0</td> </tr> </tbody> </table>		Yes	No	Access justice	1	0	Legal advice	1	0	Ensure fair trial	1	0	Educate about procedure	1	0	Informing people their right to bail	1	0			
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	What kind of legal services are provided in your district	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>Advice/Assistance</td> <td>1</td> <td>0</td> </tr> <tr> <td>Education/Sensitization</td> <td>1</td> <td>0</td> </tr> <tr> <td>Legal representation</td> <td>1</td> <td>0</td> </tr> </tbody> </table>		Yes	No	Advice/Assistance	1	0	Education/Sensitization	1	0	Legal representation	1	0									
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	What do you think are the barriers of access to legal services	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>Poverty</td> <td>1</td> <td>0</td> </tr> <tr> <td>Limited legal services</td> <td>1</td> <td>0</td> </tr> <tr> <td>Limited number of lawyers</td> <td>1</td> <td>0</td> </tr> <tr> <td>Legal Framework</td> <td>1</td> <td>0</td> </tr> <tr> <td>Ignorance</td> <td>1</td> <td>0</td> </tr> <tr> <td>Other</td> <td>1</td> <td>0</td> </tr> </tbody> </table>		Yes	No	Poverty	1	0	Limited legal services	1	0	Limited number of lawyers	1	0	Legal Framework	1	0	Ignorance	1	0	Other	1	0
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	Who, in your view would require legal aid but is currently not being reached and why	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>Indigents</td> <td>1</td> <td>0</td> </tr> <tr> <td>Genocide survivors</td> <td>1</td> <td>0</td> </tr> <tr> <td>Prisoners</td> <td>1</td> <td>0</td> </tr> <tr> <td>Historically marginalized</td> <td>1</td> <td>0</td> </tr> <tr> <td>Women</td> <td>1</td> <td>0</td> </tr> <tr> <td>Other</td> <td>1</td> <td>0</td> </tr> </tbody> </table>		Yes	No	Indigents	1	0	Genocide survivors	1	0	Prisoners	1	0	Historically marginalized	1	0	Women	1	0	Other	1	0
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	With whom do you relate to coordinate legal services	NGOs (Eg. AJEPRODHO, Haguruka, etc).....1 Kigali Bar Association.....2 Corps of judicial defenders..... 3 National Human Right Commission..... 4 Legal Clinic.....5 Others (Specify).....		
	How do you relate / interact with existing organisations/cabinets providing legal aid services in this area?		Yes	No
		Information sharing	1	0
		Reports	1	0
		Planning	1	0
		Meetings	1	0
		Joint implementation	1	0
		Advise	1	0
	How best can legal aid services be supported by administrative authorities/states		Yes	No
		Co-ordination	1	0
		Basket fund	1	0
		Joint trainings	1	0
		Other (Specify)	1	0
	How do you see your Cabinet's future collaboration with Access to Justice Houses to be set up in districts?		Yes	No
		Information sharing	1	0
		Reports	1	0
		Planning	1	0
		Meetings	1	0
		Joint implementation	1	0
		Advise	1	0
	What legislative and policy reforms would you recommend to improve access to justice?		Yes	No
		Revision to law on the Bar	1	0
		Revision family / succession laws	1	0
		Revision of jurisdiction of Abunzi on criminal matters		
		Develop and Implement legal aid policy	1	0
		Revision land laws	1	0
		Protection of witnesses	1	0
		Combat culture of impunity	1	0
		Access to Justice Houses	1	0
		Improve access to justice for vulnerable groups	1	0
		Other (Specify)	1	0
	Do you have any further comments / advice that could be useful for the survey?			

Thanks for your cooperation

3) *Guide to Key Informant Interviews with the Administrative Authorities/Human Rights Commission/Other NGOs*

No	Questions	Modalities																											
Q1	Name of district																											
Q2	Name of Respondent																											
Q3	Job Title of Respondent																											
Q4	Name of Interviewer																											
Q5	Date of Interview																											
Q6	District	Nyarugenge Gasabo Burera Gicumbi Gatsibo Bugesera Nyanza Nyaruguru Nyamasheke Rubavu																											
LEGAL AID																													
Q1.	What in your view is legal aid	Provision of free/subsidised legal services to those who cannot afford1 Legal representation / Legal advice / assistance / Dissemination of legal information / Awareness on human rights 2 Irrelevant 3																											
	What do you think are the barriers of access to legal services	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>Poverty</td> <td>1</td> <td>0</td> </tr> <tr> <td>Limited legal services</td> <td>1</td> <td>0</td> </tr> <tr> <td>Limited number of lawyers</td> <td>1</td> <td>0</td> </tr> <tr> <td>Legal Framework</td> <td>1</td> <td>0</td> </tr> <tr> <td>Ignorance</td> <td>1</td> <td>0</td> </tr> <tr> <td>Other</td> <td>1</td> <td>0</td> </tr> </tbody> </table>		Yes	No	Poverty	1	0	Limited legal services	1	0	Limited number of lawyers	1	0	Legal Framework	1	0	Ignorance	1	0	Other	1	0						
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	Who, in your view would require legal aid but is currently not being reached and why	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>Indigents</td> <td>1</td> <td>0</td> </tr> <tr> <td>Genocide survivors</td> <td>1</td> <td>0</td> </tr> <tr> <td>Prisoners</td> <td>1</td> <td>0</td> </tr> <tr> <td>Historically marginalized</td> <td>1</td> <td>0</td> </tr> <tr> <td>Women</td> <td>1</td> <td>0</td> </tr> <tr> <td>Other</td> <td>1</td> <td>0</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Yes	No	Indigents	1	0	Genocide survivors	1	0	Prisoners	1	0	Historically marginalized	1	0	Women	1	0	Other	1	0						
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Other	1	0																											
	Do you know other legal aid providers in the area?	Yes.....1 No.....0																											
	Who are other legal aid providers in your area																												
	How do legal aid providers relate / interact with your organisation	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>Information sharing</td> <td>1</td> <td>0</td> </tr> <tr> <td>Reports</td> <td>1</td> <td>0</td> </tr> <tr> <td>Planning</td> <td>1</td> <td>0</td> </tr> </tbody> </table>		Yes	No	Information sharing	1	0	Reports	1	0	Planning	1	0															
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		Meetings	1	0
		Joint implementation	1	0
		Advise	1	0
How best can legal aid services be supported by your organization/District authority/NGOs			Yes	No
		Co-ordination	1	0
		Basket fund	1	0
		Joint trainings	1	0
		Other	1	0
How do you see your future collaboration with Access to Justice Houses to be set up in districts?			Yes	No
		Information sharing	1	0
		Reports	1	0
		Planning	1	0
		Meetings	1	0
		Joint implementation	1	0
		Advise	1	0
What legislative and policy reforms would you recommend to improve access to justice?			Yes	No
		Revision to law on the Bar	1	0
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		Protection of witnesses	1	0
		Combat culture of impunity	1	0
		Access to Justice Houses	1	0
		Improve access to justice for vulnerable groups	1	0
		Other (Specify)	1	0
Do you have any further comments / advice that could be useful for the survey?				

Thanks for your cooperation

4) *A Guide to Key Informant Interview with the Police and Prison Officials*

No	Questions	Modalities																		
Q1	Name of Police Station/Prison																		
Q2	Name of Respondent																		
Q3	Job Title of Respondent																		
Q4	Name of Interviewer																		
Q5	Date of Interview																		
Q6	District	1. Nyarugenge 2. Gasabo 3. Burera 4. Gicumbi 5. Gatsibo 6. Bugesera 7. Nyanza 8. Nyaruguru 9. Nyamasheke 10. Rubavu																		
LEGAL AID																				
Q1.	What in your view is legal aid	Provision of free/subsidised legal services to those who cannot afford1 Legal representation / Legal advice / assistance / Dissemination of legal information / Awareness on human rights 2 Irrelevant 3																		
	How important do you think legal aid is in the context of prisons/police services?	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>Access justice</td> <td>1</td> <td>0</td> </tr> <tr> <td>Legal advice</td> <td>1</td> <td>0</td> </tr> <tr> <td>Ensure fair trial</td> <td>1</td> <td>0</td> </tr> <tr> <td>Educate about procedure</td> <td>1</td> <td>0</td> </tr> <tr> <td>Informing people their right to bail</td> <td>1</td> <td>0</td> </tr> </tbody> </table>		Yes	No	Access justice	1	0	Legal advice	1	0	Ensure fair trial	1	0	Educate about procedure	1	0	Informing people their right to bail	1	0
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Educate about procedure	1	0																		
Informing people their right to bail	1	0																		
	Is legal aid provided at prison/police stations in your district?	Yes.....1 No.....0																		
Q2	What services are provided	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>Advice/Assistance</td> <td>1</td> <td>0</td> </tr> <tr> <td>Education/Awareness/sensitization</td> <td>1</td> <td>0</td> </tr> <tr> <td>Legal Representation</td> <td>1</td> <td>0</td> </tr> <tr> <td>Other (specify)</td> <td>1</td> <td>0</td> </tr> </tbody> </table>		Yes	No	Advice/Assistance	1	0	Education/Awareness/sensitization	1	0	Legal Representation	1	0	Other (specify)	1	0			
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Advice/Assistance	1	0																		
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Other (specify)	1	0																		
	Service Providers	1. NGOs (Eg. AJEPRODHO, Haguruka, etc).....1 2. Kigali Bar Association.....2 3. Corps of judicial defenders..... 3 4. National Human Right Commission..... 4 5. Legal Clinic.....5 6. Others (Specify).....																		
	In the last three years, how many cases have been handled by legal aid providers at prison/police station in the district? (indicate whether approximate or exact)																			
	Who, in your view would require legal aid but is currently not being reached and why	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>Indigents</td> <td>1</td> <td>0</td> </tr> </tbody> </table>		Yes	No	Indigents	1	0												
	Yes	No																		
Indigents	1	0																		

		Genocide survivors	1	0
		Prisoners	1	0
		Historically marginalized	1	0
		Women	1	0
		Other	1	0
	What in your view, are the cases that attract least attention of legal aid providers and why? <i>(interviewer to request statistics from the prison/police officer)</i>		Yes	No
		Land issues	1	0
		Family	1	0
		Inheritance / succession	1	0
		Criminal	1	0
		Rights of detainees	1	0
		Juvenile justice	1	0
		Employment	1	0
		Landlord and tenant	1	0
		Genocide law/war crimes	1	0
		Gender based violence	1	0
		Refugee law	1	0
		Administrative issues	1	0
		Others (specify)		
	What do you think are the barriers of access to legal services		Yes	No
		Poverty	1	0
		Limited legal services	1	0
		Limited number of lawyers	1	0
		Legal Framework	1	0
		Ignorance	1	0
		Other	1	0
	How do you see your future collaboration with Access to Justice Houses to be set up in districts?		Yes	No
		Information sharing	1	0
		Reports	1	0
		Planning	1	0
		Meetings	1	0
		Joint implementation	1	0
		Advise	1	0
	What are your suggestions to improve the delivery of legal aid services at district, province and national level?		Yes	No
		Human right awareness	1	0
		Training/Capacity building of providers	1	0
		Decentralizing legal services	1	0
		Decentralization of lawyers	1	0
		Education/Sensitization/Raise awareness	1	0
	Do you have any further comments / advice that could be useful for the survey?			

Thanks for your cooperation

Guide for clients/potential clients of Legal Aid Providers FGD Guide

Name of village

Name of District.....

Description of FGD.....

Name of Interviewer.....

Date of Interview.....

- 1) Has anyone in this community ever had a legal problem? (if no proceed to question 7)
- 2) What kind of problem was it?
- 3) Did they receive help from anyone?
- 4) If not, why not?
- 5) If yes, from whom did they get help?
- 6) What kind of assistance did they get? (Guidance, advice, paperwork, representing in court, paying money, education, referral, talk with police, accompaniment...)
- 7) If people have legal problems, whom do they approach first?
- 8) What is your opinion/feeling about how legal problems/cases are solved here in this area
- 9) What are the most common legal problems people face in this area?
- 10) Are there specific problems in accessing legal aid, what are they?
- 11) Who are the people that have difficulty in accessing legal aid services in this area and what happens to them / where do they go ?
- 12) How many Legal Aid Providers do you know in this area? Please name them
- 13) Are these permanently established with an office in the area?

Thanks for your cooperation

Annex G: Guide for Local Conciliators (Abunzi and Nyobozi)

Name of Cell.....

Composition of FGD.....

Name of interviewer.....

Name of Note Taker.....

Date.....

1. What are the most common legal problems people face in this area?
2. What is your opinion/feeling about how legal cases are solved here in this area
3. Who are the people that have difficulty in accessing legal aid services in this area and what happens to them / where do they go ?
4. What are the main legal cases that are handled by your committee?
5. What remedies does your committee give/provide to litigants?
6. What challenges do you face in discharging your duties?
7. How can these challenges be addressed?
8. How many Legal Aid Providers do you know in this area and what service do they provide?
9. Are these permanently established with an office in the area?

Thanks for your cooperation

Annex H: References

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Annex I: SURVEY TEAM

COORDINATORS

- Sendugwa Gilbert
- Havugiyaremye Aimable

SURVEY ASSISTANTS

- BAHIZI Alex
- GASHUMBA Nadia
- KANYANKORE Bruce
- KARUGU Sandra
- KAZAIRE Judith
- MBUYU Théoneste
- MUCYESHA David
- MUNYANKINDI Fidèle
- NAGASENGE Immaculée
- NSHIMAYEZU Max
- NYIRINGABO Théoneste
- NZARERA Sandrine
- RUDASINGWA Laurette
- RUTAGENGWA Hélène
- RWIBASIRA Justin
- SEBAKARA John
- UMUBYEYI Sandrine
- UMURERWA Jeanne
- UMPAFUSONI Blandine
- UWANTEGE Spéciose

SUPPORT TEAM

- Logistics : KANEZA Francine
- Data Analysis : KABERUKA Teddy

TECHNICAL SUPPORT

- Advisory Committee - Comprised of The Ministry of Justice, The MAJ and the Steering Committee of the Legal Aid Forum
- DIHR

Annex J: Members Of The Legal Aid Forum

STEERING COMMITTEE

- Ajprodho
- Caurwa
- Cestrar
- Haguruka
- Human Rights First
- The Kigali Bar Association
- The National University of Rwanda - Legal Clinic
- The Danish Institute for Human Rights
- Norwegian People's Aid

MEMBERS

- Adepe
 - ADL
 - ARDHO
 - Avega
 - AVP
 - Benishyaka
 - Cladho
 - Cosyli
 - FACT-Rwanda
 - LDGL
 - Liprodhor
 - Pro-Femmes
 - The Justice & Peace Commission – The Diocese of Nyundo
 - The Corps of Judicial Defenders
 - ULK Gisenyi – Legal Clinic
 - ULK – Faculty of Law
 - INES Ruhengeri
 - Avocats sans Frontières
 - Care International
 - RCN Justice & Democracy
 - Penal Reform International
 - Trocaire
 - Rwanda Community Law Anti Discrimination Network - Dufatanye
-
- Hope After Rape
 - Abizeyimana
 - Life-Guard
 - Intambwe y'Ubuzima
 - Ihumure
 - ANSP +
 - AJADI
 - Inshutinziza
 - Dufatanye
 - Hugukirwa
 - Urunana Trait d'union
 - Horamwana
 - Abashyize Hamwe PVV +