



The Legal Aid Forum

Working Together For Equitable Access to Justice



FINAL SURVEY REPORT

April 2017

ICT FOR JUSTICE: CITIZEN FEEDBACK ON JUSTICE AND LEGAL SERVICES IN RWANDA THROUGH ICT PLATFORMS



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FOREWORD

The project under which the data for this report was collected, “Citizen Monitoring of the Justice Sector in Rwanda: Making justice institutions more responsive to the concerns of citizens”, is an innovation aimed at collecting citizen feedback in relation to their satisfaction with the delivery of justice services. The survey was a collaborative effort between the Legal Aid Forum, its member organizations, and Oxfam in Rwanda, with the financial support of DFID’s Security and Justice Innovation Fund.

The survey findings affirm the progress realized towards promoting access to quality justice for all. For example, the data showed that 79% of respondents who requested services from LAPs (both state and non-state) were able to receive them. The survey also showed that 84.9% of respondents were satisfied with the ability of Abunzi to settle disputes, which concurred with previous studies conducted on the performance of Abunzi.

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

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

The survey concludes with actionable recommendations to both policy makers and actors in the justice sector. It is our hope that the findings of the study will contribute towards improved policy and action interventions by all justice sector stakeholders –government, donors and the civil society aimed at improving the delivery of justice services for the benefit of all. LAF and its member organizations shall remain committed to fulfilling our role of contributing towards increased access to justice, especially through the provision of legal aid for indigent and vulnerable persons.

Beyond the survey findings, LAF is now equipped with reliable ICT infrastructure and knowledge that can be used in future justice monitoring initiatives and can safely testify that the dividends are high and worthy of being adopted by other justice sector stakeholders.

Andrews Kananga

Executive Director



ACKNOWLEDGEMENTS

The Citizen Monitoring of the Justice Sector in Rwanda initiative is an innovation made possible by collaboration between a number of partners, without all of whom this report would not be possible.

We are especially grateful to the Ministry of Justice for welcoming the idea of evaluating the justice sector and which has been gracious in assisting us in formulating questions for the questionnaire and providing useful feedback along the way in carrying out the survey. We are also grateful to the Ministry in charge of Local Government and in particular, Cell, Sector and District officials in the 30 districts of Rwanda in which the survey was carried out. The support offered by these officials helped to make this survey a success. The National institute of Statistics is particularly worthy acknowledgement for the endorsement of the research methodology and tools.

Many thanks go to the Justice Sector stakeholders and LAF member Organizations which assisted in the identification of issues and the creation of the questionnaire. Special thanks to our 10 implementing member organizations who assisted with this study, for identifying clients who would be willing and able to provide detailed feedback on their experiences with the justice sector. We are also thankful to the individuals who shared their stories with our survey team for sharing experiences and opinions on the legal aid they received, and to the paralegals who worked tirelessly in the field to collect this valuable information.

Special thanks also go to LAF secretariat, in particular the Executive Director, program staff and volunteers for successfully steering forward the completion of the survey.

Last but not least, special thanks to the staff of Oxfam and DFID for both financial and technical support throughout the development and implementation of the project and this report.

Me. Rene MUNYAMAHORO

Chairperson

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EXECUTIVE SUMMARY

The Government of Rwanda has placed good governance and the rule of law at the center of its Vision 2020 and Economic Development and Poverty Reduction Strategy (EDPRS I & II) development goals. As a part of civil society, the Legal Aid Forum (LAF) and its member organizations are committed to assisting the government in reaching this goal through the improvement of the justice sector, specifically, citizen interaction with the justice sector.

The “Citizen Monitoring of the Justice Sector in Rwanda” project was developed to increase the responsiveness of Rwanda’s justice services towards the concerns of citizens, especially women, regarding the provision of justice services.

The study aimed to assess the current framework of interaction between justice institutions and citizens, and suggest possible actions for improvement in relation to selected priority issues, namely, the availability and accessibility of legal services, mechanisms for the settlement of disputes out of court vis-à-vis the formal court system, enforcement of judgments and citizens’ awareness of frequently used laws and accrued rights.

This project was highly innovative in its use of Information and Communication Technology (ICT) to assist in data collection and management. This project began with the presumption that ICT enables greater access to rural and underserved communities who are difficult to access. This project focused on three major ICT components: software, voice technology, and tablets. Enumerators used data-enabled tablets loaded with survey software to collect data from around the country and stored it in secure servers at the LAF Secretariat. Client data was also stored in an online database to allow for more complete records and to facilitate contacting justice services users in the future.

Enumerators interviewed 5,503 men and women from all 30 districts in Rwanda. The sample was composed of individuals who had sought legal aid services in the past three years to assess their current satisfaction levels in relation to priority issues, namely, the availability and accessibility of legal services, citizens’ awareness of their rights and laws, and mechanisms for the settlement of disputes out of court vis-à-vis the formal court system. Access to Justice Bureaus (MAJ), Abunzi, non-state Legal Aid Providers, the Courts, and Local Authorities were the primary focus of this study, as these entities deal the most closely with citizens and have the most direct impact on access to justice.

Generally, the results of this study show that citizens are largely appreciative of the legal aid services they receive from the courts, non-state LAPs, MAJ and local authorities. The data suggests that citizen access to justice would be increased with added efforts to sensitize them about the laws that affect them, their rights, and the services offered by different LAPs, as well as decentralizing services to make them more accessible, and providing more funding and resources to legal aid providers to allow them to serve citizens more effectively.

Specifically, some of the key findings of the survey in relation to each theme are summarized below:

Availability and accessibility of legal aid services.

The findings show that that legal assistance is fairly accessible.

- 79% of respondents who requested services from LAPs were able to receive them.
- 58% of respondent traveled less than 1 hour to go to the nearest legal aid provider
- Respondents spent approximately 264,073 RWF pursuing civil cases and 219,498 RWF pursuing penal cases.
- Respondents waited 454 days on average for a case to be resolved.

Dispute settlement (in-court and out of –court)

- 84.9% of respondents satisfied with the ability of Abunzi to settle disputes.
- 38.5% of who had a case in front of Abunzi were satisfied with the decision reached by Abunzi. Reasons for dissatisfaction included: bias (62%), the facts of the case were not properly considered (11%), the absence of conciliation because the other party did not appear (6%), Abunzi misunderstood the case (5%), Abunzi incompetence (5%), corruption (3%), and that Abunzi did not hear from witnesses (3%).
- 84% of respondents were satisfied with dispute resolution abilities of the courts.
- 95% of respondents were satisfied with the way in which MAJ settles disputes.
- 45% of respondents were satisfied with the dispute settlement abilities of local authorities. Reasons for the dissatisfaction included: bias (41%) and misunderstanding of the facts of the case (23%).

Enforcement of judgments

- Respondents had to wait an average of 8 months for a judgment to be enforced by a professional or non-professional bailiff. Citizens identified the following causes for delays in enforcement: the unavailability of enforcement agents (10%), uncooperative defendants (10%), corruption (7%), and excessive legal requirements (7%).

Awareness of laws and accruing rights.

- Respondents were largely unaware of land rights, succession rights, and pre-trial detention rights.

- On average, only 4% of respondents rate their understanding of the law as being “High”.
- A majority of citizens do not know how they would rate their knowledge of the law (51%) or rate it as “Low” (45%).
- Nationally, 36% of respondents were not familiar enough with land laws to list at least two things they knew about land law.
- Approximately 83% of respondents were not aware that there are any rights of pretrial detention; when asked to list specific laws on succession, 25% of the answers respondents gave were that they did not know anything about succession law.
- Approximately 29% of respondents knew where they could find books or journals on the laws used in Rwanda.

The survey ends with key recommendations addressed to key justice stakeholders from the government and civil society aimed at closing the identified gaps.



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ABBREVIATIONS AND ACRONYMS

ACHPRS	African Charter on Human and People’s Rights
CRM	Contact Record Management
EDPRS	Economic Development and Poverty Reduction Strategy
GBV	Gender-based violence
GDP	Gross Domestic Product
ICPPR	International Covenant on Civil and Political Rights
ICT	Information and communication technology
JRLOS	The Justice, Reconciliation, Law & Order Sector
LAF	Legal Aid Forum
LAPs	Legal Aid Providers
MAJ	Maison d’accès à la Justice/Access to Justice Bureau
MDS	Mobile Data Studio
MINIJUST	Ministry of Justice
NGO	Non-governmental organization
PRIMATURE	Office of the Prime Minister
RBA	Rwanda Bar Association
SMPP	Short message peer-to-peer
VUP	Vision2020 Umurenge Program

I. INTRODUCTION

The survey report is composed of four major parts, namely: the general introduction, which sets the context of the survey; the second part, which covers the methodology used with a special focus on the use of ICT as an innovation in collecting real time data and citizen's feedback; part three, which focuses on the key findings of the survey; and lastly, part four, which captures the key recommendations. The report also includes a concise executive summary which provides a quick synopsis of the key findings.

I.1. Background and rationale of the survey

I.1.1. Background

Access to rapid, affordable and fair justice is a crucial factor in combating poverty, promoting good governance and the rule of law. It is also a method to guarantee human rights respect and an essential tool for conflict resolution¹.

The justice sector in Rwanda continues to show progress in its goal to promote good governance and the rule of law, a large part of which requires ensuring access to justice. The progress achieved is remarkable: laws and policies have been enacted and adopted to facilitate the provision of legal aid services to indigent and vulnerable people. Legal aid services have been decentralized, MAJ offices have been installed in all districts, and civil society organizations provide legal aid services to citizens in all districts of the country.

While there have been significant improvements in the justice sector, there is a need to assess where the justice institutions currently stand. Services offered by justice institutions and other partners to facilitate citizen access to justice are mainly comprised of mediation, dispute resolution in and out of courts, legal advice, legal representation, legal education, and the execution of court judgments. Some barriers such as high costs associated with pursuing justice, limited access to legal aid services provided by both state and non-state legal aid providers, ignorance of laws and rights by justice seekers, limited capacity of some government staff and personnel involved in the justice service delivery chain, etc., persist in hindering access to justice. Relatively little concrete empirical data currently exists on the level of citizen satisfaction with regard to access to justice systems and institutions. It was in response to this situation that this study was commissioned.

Rwandan citizens who interact with justice sector actors and use legal services are well-equipped to evaluate the services they have received and offer feedback on their experiences. This feedback collected and disseminated to the relevant parties, can prove useful in assisting service providers to target specific areas of weakness.

¹ Ministry of Justice, National Legal Aid Policy, 2014, Kigali, p.6.

The uptake of Information Communications Technologies (ICT) in Rwanda has offered an opportunity for the use of technology to collect this citizen feedback. The use of ICT ensures that the data collected can be quickly disseminated to enable responsive, evidence-based policy making without the lag associated with traditional survey models. Real-time data collection software, short-codes that provide citizens with toll-free access to our data collectors, client information collection systems (CRM), text messaging(SMS), and direct voice calling each provided opportunities to quickly and efficiently collect data. Through the use of this ICT infrastructure, LAF was able to collect information from citizens around the country and instantly store and analyze it from one central location. The data collected will inform evidence-based advocacy in seeking solutions to the identified gaps. LAF will extend the use of the ICT platform established to monitor the delivery of justice services in the future.

I.1.2. Rationale of the survey

The overall aim of the study is to increase the responsiveness of Rwanda's justice service providers to the concerns expressed by citizens, especially women and vulnerable persons, regarding the provision of justice services.

The survey had the following specific objectives:

- to empower citizens, especially indigent and vulnerable women, and support their agency by providing them with an opportunity to share their concerns regarding the accessibility and effectiveness of the justice system in Rwanda;
- to increase the opportunities and capabilities of civil society, specifically of LAF and its members, to access, analyze and communicate aggregated citizen feedback about the justice system and use it to influence policy makers and the public debate through communication and advocacy; and,
- to increase the willingness of Rwandan justice institutions to listen to the expressed concerns of citizens, especially vulnerable groups such as women, and act upon it by reforming policies and practices around justice services accordingly and create a feedback loop so that citizens feel empowered that the information they have provided is capable of making a difference.

The main topics assessed by the survey are:

- i) the availability and accessibility of legal services;
- ii) the settlement of disputes out of court vis-à-vis the formal court system;
- iii) enforcement of court judgments; and,
- iv) the level of citizen awareness of laws and rights, with special attention on the land law, GBV law, pre-detention legal provisions and rights as well as the right to participate in governance.

I.2. The Legal, Policy, Institutional, and Socio-Economic Framework Underpinning Access to Justice in Rwanda.

The following sections provide an overview of Rwanda’s legal, policy, institutional framework, and the socio-economic context underpinning the way in which people in Rwanda access justice, especially women and vulnerable persons.

I.2.1. The legal and policy framework

The Rwandan Constitution sets a firm foundation for an enabling a legal and policy framework for access to justice. In its preamble, it explicitly asserts a commitment to building a state based on the fundamental respect for human rights and the rule of law, and the equal rights of women, men and all Rwandans². The Constitution also places an emphasis on the resolution of issues through dialogue³. Article 29 of the Constitution guarantees the right to due process of law which includes the right to appear before a competent court and to be informed of the nature and cause of any charges laid and the right to defense and legal representation.

The Constitution of Rwanda also created a judicial system formed by formal courts that participate in providing justice to citizens⁴. The mission of the Judiciary is to “dispense justice with equity and integrity with a view to serving litigants, thus contributing to the reinforcement of the rule of law, particularly in respect to fundamental liberties and human rights.”⁵

The country has instituted laws to protect the rights of all citizens as well as laws that focus specifically on protecting the rights of women and children. Laws specifically addressing Gender Based Violence (GBV), matrimonial conventions, succession, and land ownership reflect a commitment to ensuring the equal rights of both men and women.

Moreover, the government has assumed the responsibility to ensure that indigent and vulnerable people have access to legal aid. The National Legal Aid Policy adopted in 2014 contributes to increasing access to justice, specifically by regulating the provision of legal aid to indigent and vulnerable people.⁶ Article 58 of the law establishing the Rwanda Bar Association (RBA) states that it is “the responsibility of the Government to provide legal and judicial aid to the indigents and needy people”.⁷

² Gender Monitoring Office of the Government of Rwanda, Annual Report 2013-2014, 2014, Kigali, p. 9.

³ Ibid.

⁴ Organic law no 51/2008 of 09/09/2008 determining the organization, functioning and jurisdiction of the courts as modified to date

⁵ Mission of the Judiciary of Rwanda

⁶ Ministry of Justice, National Legal Aid Policy, October 2014.

⁷ Law N°83/2013 of 11/09/2013 establishing the Bar Association in Rwanda and determining its organization and functioning; Official Gazette n° 44 of 04/11/2013.

This law creates an obligation on the part of the government to provide legal aid to those who cannot afford to pay for legal services. As a part of this obligation, lawyers working in Access to Justice Bureaus (MAJ) which provide free legal aid services to the indigent and vulnerable, are granted the authority to assist, counsel, represent and plead, before all courts, for indigents.⁸

Rwanda has passed laws which protect the rights of citizens, such as Law N° 21/2012 of 14/06/2012 relating to the civil, commercial, labor and administrative procedure which sets a time limit of six months for courts to try cases. In addition to the domestic laws protecting the rights of the citizens, the Rwanda has adopted and is party to a variety of international treaties and instruments such as the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and People's Rights (ACHPRS), both of which require criminal cases to be adjudicated without undue delay.⁹

In relation to the policy framework, Rwanda's long term development strategy dubbed vision 2020, unequivocally commits Rwanda as a nation founded on the rule of law and good governance. The commitment is equally mirrored in the countries medium term economic development and poverty reduction strategies (EDPRS I & II). For example, within the broader framework of EDPRS, the Justice, Reconciliation, Law and Order Sector (JRLLOS) whose Secretariat coordinates the work of state and non-state actors¹⁰ in the courts, government, military, civil society and the private sector to reach common objectives.¹¹ Beyond the coordination role, the Justice Sector aims to provide universal access to justice, ensure the eradication of genocide ideology and reinforce reconciliation mechanisms, ensure the rule of law and accountability, promote human rights, and ensure that law and order are maintained and enhanced.¹² The JRLLOS strategy specifically aims to promote the rule of law, human rights and legal aid.¹³

I.2.2. The Institutional Framework

Rwanda has made significant strides in terms of putting in place an innovative and responsive institutional framework to deliver justice especially in favor of the most vulnerable sections of the population. Alongside the formal adjudication of justice through classic courts, Rwanda has innovated and is currently championing several forms of informal dispute resolution mechanisms.

⁸ Ibid, Article 68.

⁹ Article 9(3) International Covenant on Civil and Political Rights (ICCPR). Rwanda law has adopted Article 13 of the civil procedure law which specifies time limits for adjudicating a case.

¹⁰ Members of the justice sector include: The Judiciary, the Ministry of Justice, the Ministry of Internal Security, the Rwanda National Police, the National Prosecution Authority, the Office of the Ombudsman, the Military courts, the Military Prosecution, the National Human Rights Commission, the National Unity and Reconciliation Commission, the Rwanda Correctional Services, the Institute of Legal Practice and Development, The National Commission for the fight against Genocide (CNLG), the Legal Aid Forum, the Rwanda Governance Board, the Professional Bailiff Body and the National Law Reform Commission.

¹¹ Article 2, Official Gazette n° 43 of 25/10/2010, Law establishing the Justice Sector and determining its mandate, structure and functions.

¹² Supra, note 15, Article 5 & 6.

¹³ Government of Rwanda, Economic Development and Poverty Reduction Strategy I (2009-2012), p. 14.

Further, Rwanda runs a two-tier system of legal aid service providers; state and non-state legal aid providers as discussed in the proceeding sections below.

1.2.2.1. State and non-state actors in the justice system

a) State Actors

Judicial authority in Rwanda is vested with the Judiciary, composed of ordinary and specialized courts.¹⁴ The Supreme Court is the highest court in Rwanda. It is followed by the High Court of the Republic, the Intermediate Courts and the Primary Courts. The Commercial High Courts, the Commercial Courts, and the Military Courts are specialized courts supervised by the Supreme Court. All active judges have earned degrees in law and have received trainings on the areas of the law relevant to the courts in which they sit.¹⁵

State actors in the justice sector operate at all administrative levels. Rwanda is divided into 30 administrative districts (*Uturere*), containing 416 Sectors (*Imirenge*), 2,148 Cells (*Utugari*) and 14,842 villages (*Imidugudu*). The districts are divided into the Southern Province, Western Province, Eastern Province, Northern Province and Kigali City.¹⁶ The Supreme Court¹⁷ and High Courts¹⁸ sit in the capital city of Kigali and have jurisdiction over cases arising in any district. The seat of each Intermediate Court is decided after consultation with District Councils.¹⁹ The seat of each Primary Court is decided after consultation with Sector Councils. No courts sit at the village level.

The Ministry of Justice provides direct legal services in each district through the Access to Justice Bureaus or *Maison d'Accès à la Justice* (MAJ). MAJ staff are permanent legal staff assigned by the Ministry of Justice to all 30 districts to provide free legal services for the indigent and offer them assistance in accessing the courts. Each district hosts three officers who are tasked with responding to the legal needs of the indigent and vulnerable. The Ministry of Justice reports that MAJ staff handled 20,748 cases in the districts in 2014.²⁰ The Rwanda Bar Association (RBA) also coordinates the government's legal aid services through an agreement with the Ministry of Justice. Provisions to create the framework

¹⁴ The Constitution of Rwanda of 2003 revised in 2015, article 148

¹⁵ Supreme Court of Rwanda, Report on the Achievements of Judiciary of Rwanda for The Past Ten Years (July 2004- June 2014), 2014, Kigali, p. 9. Available at: http://www.judiciary.gov.rw/fileadmin/Publications/Reports/Achievements_2004_-_2014_Supreme_Court.pdf.

¹⁶ National Institute of Statistics of Rwanda, District Baseline Survey 2006. Available at: www.statistics.gov.rw/survey/districts-baseline-survey last accessed on 2 February 2016.

¹⁷ Article 1, Law N° 03/2012/OL of 13/06/2012 Organic Law determining the organization, functioning and jurisdiction of the Supreme Court.

¹⁸ Article 15, Law N° 51/2008 of 09/09/2008 Organic Law determining the organization, functioning and jurisdiction of Courts

¹⁹ Ibid at Article 8.

²⁰ Ministry of Justice, Rwanda's Second Universal Periodic Review, p.10, Available at: http://www.minijust.gov.rw/fileadmin/Documents/International_Reports/Rwanda_UPR_Report_June_2015.pdf, last accessed on 2 February 2016.

through which legal services provided by members of the Rwanda Bar Association will be subsidized by a Legal Aid Fund are outlined in the 2014 Legal Aid Policy.²¹

Lastly, local authorities at the Sector, Cell, and village level also act in the provision of justice. Executive Secretaries of the Cells and Sectors provide assistance with various administrative functions including coordinating mediations between citizens and mediation committees and enforcing court judgments.²²

b) Non-state Actors

Various non-state actors as well as the state actors discussed above provide legal aid services in Rwanda. Non-state actors such as the Legal Aid Forum members, NGOs, and professional organizations such as the Bar Association conduct studies, provide training to state and non-state actors in the justice sector, and conduct evidence-based advocacy and awareness campaigns.

In addition to advocacy and awareness campaigns, non-state actors provide access to legal aid services. Citizens can access legal aid services from more than 37 non-state Legal Aid Providers throughout Rwanda through national and international NGOs, professional organizations, legal aid clinics and faith-based organizations.

1.2.2.2. Alternative Dispute Resolution

Mediation and alternative disputes resolutions mechanisms have been introduced as alternatives to court-based solutions in order to facilitate access to justice and ensure the satisfaction of the general public by keeping disputes and cases away from the courts. Dispute resolution in Rwanda is partly reliant on alternative dispute resolution (ADR) systems outside of the formal justice system in the form of *Abunzi* committees. It is one of the “home grown” solutions being utilized to propel development. These mediation committees are active at the Cell and Sector levels in each of the provinces to provide decentralized access to justice.

Abunzi committees are responsible for mediating disputes regarding enumerated topics determined by law before a party is able to file suit in a court of first instance.²³ *Abunzi* are responsible for conciliating parties involved in disputes under their jurisdiction.²⁴ Mediation is mandatory in these cases, but parties may agree to mediate cases that

²¹ National Legal Aid Policy, *supra* note 6, p. 27.

²² Law N° 37/2016 of 08/09/2016 determining the organization, jurisdiction, competence and functioning of an *Abunzi* committee, replacing Law N° 02/2010/OL of 09/06/2010 on organization, jurisdiction, competence and functioning of the mediation committee (Amended on other grounds in 2015).

²³ *Abunzi* were authorized to mediate civil and criminal matters under the law in place during the study period (2013-2016) under Article 3, Law N°02/2015/OL. of 16/07/2015 Organic Law modifying and complementing Organic Law n° 02/2010/OL. of 09/06/2010 on the organization, jurisdiction, competence and functioning of the Mediation Committee. However, following the study period, the law on *Abunzi* was amended to limit the jurisdiction of *Abunzi* to civil cases under Law N°37/2016 of 08/09/2016.

²⁴ Article 4, Law N°37/2016 of 08/09/2016 determining the organization, jurisdiction, competence and functioning of an *Abunzi* committee

fall outside of the jurisdiction of Abunzi upon mutual consent. Cases under Abunzi committee jurisdiction have to be settled by them before they are transferred to courts.²⁵ At Cell and Sector level, Abunzi are composed of 7-person panels trained to mediate conflicts and reduce the number of cases that require adjudication in a formal court. In addition, mediation serves to consolidate national unity and peaceful co-existence. Mediators may settle disputes where the amount in controversy does not exceed three million Rwandan Francs.²⁶ Mediation serves as a prerequisite for bringing a matter to the courts: any decision by Abunzi may be appealed (referred) to the court.

Each Abunzi committee is comprised of members of local communities who are highly regarded as being skilled at mediation and are of high integrity. Abunzi work on a voluntary basis and receive no remuneration.²⁷ There are currently 17,948 Abunzi in Rwanda.²⁸ In the 2012/2013 year, Abunzi mediated 57, 473 cases.²⁹ In the 2014/2015 year, Abunzi handled 40,111 cases and that number increased to 47,966 in 2015/2016.³⁰ These committees are hailed for providing convenient access to justice as they operate at Cell and Sector level and are significantly easier for Rwandans and those residing in Rwanda to access than the formal courts which are only located at the district and Sector level.³¹

I.2.3. The socio-economic context.

Rwanda has a population estimated at 11.4 million people.³² Women account for 52% of the population.³³ Outside of the capital city of Kigali, the majority of the population lives in rural areas.³⁴ The rural nature of the country makes access to basic services difficult. As of 2014, the average distance most people have to walk to reach basic services such as food and medical services is one hour.³⁵

Literacy in Rwanda is limited. The national literacy rate for people in Rwanda aged 15 and above is 68.3%. Urban areas have higher literacy rates than rural areas, with Kigali having some of the highest literacy rates at 89% of the population aged 15 and above.³⁶ However, literacy rates do vary by gender. The national literacy rate for women is 68% compared to that of men at 77%.

²⁵ Article 1, Organic law N°01/2015 of 05/05/2015 complementing organic law no 51/2008 of 09/09/2008 determining the organization, functioning and jurisdiction of courts

²⁶ Law N°37/2016 of 08/09/2016 determining the organization, jurisdiction, competence and functioning of an Abunzi committee. However, under the previous law, Abunzi were authorized to mediate cases with amounts in controversy in excess of five million Rwandan francs.

²⁷ Ibid at Article 4.

²⁸ National Electoral Commission, AMATORA Y'ABUNZI ARANGIYE HATOWE ABUNZI BOSE HAMWE 17.948. Available at: nec.gov.rw/details/?tx_ttnews%5Btt_news%5D=188&cHash=00eeff67fba1557e7498935b05101f9e.

²⁹ Ibid.

³⁰ Ministry of Justice Website, Rwanda Home Grown Solution: Mediation Committee (Abunzi), available at: <http://www.minijust.gov.rw/services/abunzi/abunzi-achievements/>.

³¹ Chemonics International for USAID, Abunzi Capacity Assessment Report, Oct. 2012, Kigali.

³² National Institute of Statistics of Rwanda (NISR), Rwandan Integrated Household Living Conditions Survey – 2013/14, Main Indicators Report, August 2015, p. 1.

³³ Ibid.

³⁴ Ibid, p. 4.

³⁵ Ibid, p. 77

³⁶ Supra note 30, p. 45

Literacy rates are generally lower in groups with overall lower incomes.³⁷

Rwanda still struggles heavily with poverty. Long-term development plans such as the Vision 2020 and Economic Development and Poverty Reduction Strategy (EDPRS) have been focused on development and poverty reduction. As of 2014, 39.1% of the total population was living below the poverty line of 159,375RWF per person per year.³⁸ Those below the poverty line are described as being unable to afford a basket of basic food and non-food items.

Most Rwandans rely on agriculture as a primary source of income. Approximately 70% of the working age (16 years and above) population is employed in the agricultural sector. The economy of Rwanda is largely based on agriculture in the form of crop and livestock production activity. In fact, one third of Rwanda's gross domestic product (GDP) is derived from agriculture.³⁹

II. METHODOLOGY

II.1. The innovation of using ICT in data collection

Information and Communication Technology (ICT) was an important focus of this project as it began with the presumption that ICT enables greater access to rural and underserved communities who are difficult to access. The survey focused on three major ICT components: software, voice technology, and tablets. Paralegals operating as enumerators in the field conducted survey questionnaires face-to-face, instead of using the traditional survey model of pen-and-paper interviews. Paralegals logged respondents' responses into mobile software installed on internet-powered tablets that were connected to the LAF server. In a similar manner, call center operators working from the LAF offices in Kigali called respondents to interview them using the same questionnaire as the one used in the field. Call center operators logged respondent replies via computer hardware and data collection software. The answers from the call center and the field were instantaneously uploaded onto our central server for review, storage, and analysis using data management software.

The use of ICT was vital in facilitating access to respondents in both rural and urban areas. Respondents were contacted either in person by a field enumerator or via telephone by enumerators in the call center. Each respondent was informed of how we obtained their information, the purpose of the survey, and how information would be used.

The purpose of the data collection exercise was explained, and they were asked to give their consent to submit their information before proceeding with the interview.

³⁷ Ibid

³⁸ Ibid, at p. 149

³⁹ Supra, note 30, p. 103.

An ICT software developer was enlisted to design and create a Contact Record Management (CRM) system using JAVASCRIPT, HTML and PHP. The software was developed specifically to be used on this project and was customized to be able to accommodate data collection forms that could be uploaded and adjusted when necessary. The software is hosted on a dedicated MTN server which is password protected and only available to LAF. This CRM system is used to maintain a database of the clients who have been served by LAF and its 10 implementing members.

A telecommunication system was also developed specifically for the project. The project was initially designed to use both incoming and outgoing voice-calling and SMS communication. We had envisioned that clients would be able to call a single toll-free number that would allow them to reach the call center using a phone number from any provider (MTN, Tigo, Airtel). A call center staffed by trained call center operators would contact recipients of legal aid services using outgoing voice-calling and respond to messages received through the no-charge SMS system.

Challenges with implementation delayed the commencement of the incoming voice and SMS systems, and led to those systems becoming operational after the data collection period had ended. Major challenges included convincing the telecommunication companies to allocate resources to allow us to set up an incoming call-center, and an SMS short-code that would work on a small scale. We also faced challenges in finding software that would accommodate our questionnaire and were forced to use one system on the tablets and major challenges setting up a dedicated server with the telecom company to ensure that our data would be confidential and secure. However, despite the challenges, the outgoing voice calling from the call center was very effective.

The call center was set-up using LAN connected phones, laptop computers, and wired headsets. Call center operators manually entered the survey responses into the Mobile Data Studio (MDS) software and download the data as an excel spreadsheet. LAF installed a firewalled server at the Secretariat offices onto which the client data was stored. The data is secure and confidential, and backed up on the servers on a regular basis. LAF also set up a power backup to ensure that the information was always accessible and secure.

Samsung tablets were purchased to be used by the enumerators in the field. The MDS software was initially installed on the tablets but was incompatible and caused the tablets to freeze. Consequently, the MDS software on the tablets was replaced with Survey CTO. Data from the field enumerators was collected using Survey CTO and stored on a secure cloud server. The soft copies of the client data were downloaded and stored at LAF.

This methodology was highly appropriate as it factored into consideration illiteracy among the respondents and ensured that an enumerator was able to explain any questions respondent(s) did not understand.

Additionally, the enumerators in all 30 districts were trained in all relevant functions and applications of the tablets, including: how to run the questionnaire on the tablet; how to navigate through the questionnaire; how to correct responses; how to save incomplete questionnaires; how to resume incomplete questionnaires; and, how to upload results, whether immediately or later if an internet connection could not be immediately obtained. The enumerators were also trained in basic troubleshooting for the tablets and survey technology so that they could mitigate any problems arising in the field. Enumerators at the call center in Kigali were trained in all relevant functions and applications of the MDS software. Dedicated staff at LAF office in Kigali supervised the enumerators and checked each completed questionnaire for accuracy. The staff was also able to view all data submitted from the field in real-time, and assess and correct errors immediately and electronically, where possible.

The project faced significant ICT challenges. Data collection was initially intended to also rely on short message peer-to-peer (SMPP) technology.⁴⁰ The system had been designed to allow citizens to text or call the short code 1022 and be connected to the LAF enumerators in the call center. The text messages would go directly to a database which enumerators would use to contact the citizens and calls would be either received directly by an enumerator or sent to voicemail to be called at a later time. Due to challenges coordinating with the three telecom operators (Airtel, MTN, and Tigo) and numerous delays in implementing the reverse-billing system that would make using the short code free for citizens, the system did not become operational until after data collection had been completed.

In addition, data collection faced problems as there was not enough available technology to allow for the call center to accommodate outgoing and incoming calls. Rwanda has limited fiber-lines and this limited the ability of the call center to receive incoming calls. We also encountered difficulty coordinating the telecommunication companies to map a single incoming number to LAF. We struggled with convincing the telecom companies to dedicate resources to mapping numbers for this project because we were working on such a small scale.

While we faced some challenges establishing the necessary ICT for this project, LAF has now established a reliable and innovative data collection system. This model could be replicated in a number of countries whose rural areas are difficult to access.

II.2. Sampling procedures

II.2.1. Targeted Population, Observation Units and Geographical Coverage.

Purposive sampling was used to identify sample units based on a particular experience. Purposive sampling is effective when only limited numbers of people can serve as primary data sources due to the nature of research design, and its aims and objectives.

⁴⁰ SMPP technology allows for the sending or receiving of high volumes of SMS messages using a standard internet connection. This technology can use a short code, in this case 1022, in place of a 10-digit telephone number to receive texts.

The targeted population was composed of Rwandan citizens who sought legal aid services over the previous three years. The study focused on people who sought legal aid services from state and non-state Legal Aid Providers, people who received justice services or/and legal aid services from MAJ, non-state legal aid providers, and courts, and those who engaged with Abunzi and local authorities. The study was carried out in all 30 districts in Rwanda, distributed in the four provinces and the City of Kigali.

We did not use probability sampling because that sampling method is random and would have led to the inclusion in the study of people who have not had any experience with the justice sector, or, people who had experiences with the justice sector such a long time ago that their responses would not be relevant to the current state of the justice sector in Rwanda.

II.2.2. Sample selection

The sample size for this report is 5,503 respondents. As mentioned above, the sample is composed of individuals who sought services from courts and legal aid providers, and individuals who sought dispute resolution services from Abunzi committees and local authorities. Our sample size was limited to individuals we could contact and who were willing to discuss their experiences.

Contact information for the sample was collected from gatekeepers (non-state LAPs and community leaders) and chain-sampling was used to further identify members of the sample. LAF collected contact information for citizens who had received legal aid services within the last three years from NGOs, MAJ, and local authorities. LAF and its 10 implementing member organizations for the project⁴¹ also maintained client data through our physical databases and the client database software (CRM) which stored data online and provided up-to-date client contact information to LAF.

Once we had identified citizens who met the criteria for inclusion in the study, chain sampling techniques were employed where enumerators asked for recommendations of others who could potentially meet the criteria. In our study, we were not likely to be able to find a comprehensive list of legal aid beneficiaries within a specific geographical area.

However, by going to the area and identifying one or two people who fit the study criteria, we were able to find people that knew other legal aid beneficiaries in their areas and informed us of how to find them.

⁴¹ The 10 implementing organizations are: AJPRODHO, MPEDH, HAGURUKA, LAWYERS OF HOPE, ADEPE, COPORWA, LIPRODHOR, HRFRA, ARDHO, and UR-CLAM.

II.2.3. Supplementary Data

The initial phase of this survey yielded questions that required expanding the questionnaire and additional questions were asked to an additional sample of 898 respondents to address gaps in the original questionnaire. The sample size of 4,605 was augmented to 5,503. As the questionnaire relied on statistical data, the additional sub-group data was incorporated into the original questionnaire and additional data was successfully incorporated as the same form of data collection was used. The original data set was successfully merged with the supplementary data set and additional questions were analyzed separately.

II.3. Methods of data collection

Both qualitative and quantitative methods were used to collect data. The research methodology combined a literature review and analysis, a questionnaire, which focused on quantitative and qualitative data, and focus group discussions.

II.3.1. Qualitative methods

The survey used qualitative methods in two ways. First, qualitative research preceded the survey in order to better understand the state of access to and delivery of justice in Rwanda. This consisted of a comprehensive review of existing laws, policies, strategies, reports, and procedures, especially those pertaining to the focus areas of the survey namely: access to and availability of legal aid services, settlement of disputes out of court vis-à-vis the formal court system, citizen awareness of laws and rights, and enforcement of judgments. The review provided the survey team with insights which helped them to improve the survey tools and in data analysis.

Secondly, qualitative methods were used to follow-up on the quantitative data collected. This was done in two ways; first, within the survey as open-ended follow-up questions which asked respondents to elaborate on an answer to a previous question and secondly through Focus Group Discussions (FGDs). Two sets of Focus Group Discussions (FGDs) were organized to collect qualitative data from Non-State Legal Aid Providers, Executive Secretaries of the Cell, Civil Status officers at Sector level, presidents of *Abunzi* committees at Cell and Sector level, representatives from the Ministry of Justice, specifically from Access to Justice Bureaus (MAJ), and the officer in charge of good governance in the district. Focus group participants were engaged in a discussion to collect their views on the survey results specifically relating to the performance of their own organizations/institutions. Their responses were included in relevant sections of the report.

II.3.2. Quantitative methods

The use of quantitative methods consisted of administering a questionnaire to the targeted group using survey software with feedback submitted in real time. The questionnaire focused

on 1) the availability and accessibility of legal aid services, 2) the settlement of disputes out of court vis-à-vis the formal court system and 3) awareness of rights with a focus on land rights, a right to participation, and the enforcement of court judgments. The questionnaire used closed-ended questions wherever possible.

II.4. Training of enumerators and pre-test of the questionnaire

Enumerators were trained on the methodology, data collection methods, and tools of the study. The training was carefully conducted to limit the effect of enumerator bias on the data collected through the survey process. All staff were trained on the proper introductions to use with respondents to ensure they were comfortable to give their answers. In all cases, citizens were comfortable sharing their experiences, perhaps because they had previous experience with a non-state legal aid provider or were referred by a person they knew.

The questionnaire was pre-tested to ensure that the participants understood the questions and were able to interpret them correctly. The pre-test also verified that the questionnaire would yield verifiable data and that there was no statistical bias to any question. Moreover, the pre-test allowed enumerators to be sure that the questionnaire did not require an inordinate amount of time to administer. The pre-test of the questionnaire resulted in a more reliable questionnaire that was used in the field.

II.5. Limitations of the Data Collection

All efforts were made to ensure that the data collection was as accurate as possible, but challenges related to our reliance on electronic systems did arise. The call center faced difficulty attempting to reach clients whose contact numbers were no longer up-to-date; some phone numbers were no longer in service. The enumerators also faced problems with the initial introduction of the ICT, including the tablets. While internet coverage in Rwanda is quite good, enumerators were not always able to charge their tablets due to shortages in electricity. This caused some delays in completing questionnaires. As we were unable to address the issue of reliable electricity, every paralegal was provided with a portable power-bank to ensure that they are able to charge their tablets while in the field.

LAF also faced problems developing the infrastructure necessary to complete the surveys throughout the country, including contracting with the mobile data service provider, and contracting with the local telecommunications providers to ensure that our call center was able to contact clients subscribed to any phone company in Rwanda. We were able to address these issues: our tablets have reliable access to data and our call center is able to make calls to respondents on any phone network.

III: PRESENTATION OF SURVEY FINDINGS

This report analyzes the final results of surveys conducted between September 2015 and July 2016 to gauge citizen experiences with the justice sector and justice sector actors in Rwanda. The survey was carried out with a sample size of 5,503 beneficiaries of legal aid services from state and non—state legal aid providers (LAPs) in the last three years. 4,605 beneficiaries answered one version of a questionnaire, and 898 beneficiaries answered the same questionnaire with additional questions included to clarify questions raised during the first phase of data collection and after feedback from an initial report which had prior analyzed 1,005 surveys.

III.1. Profile of the respondents

This section covers the major demographics of the survey respondents. As stated above, the sample is composed of individuals who sought legal aid services, sought resolution of a legal matter in the courts, and individuals who sought dispute resolution services from Abunzi committees and local authorities in the last three years. The figures and tables below profiles the respondents in relation to their geographical mapping, gender, age, occupations, occupation and the nature of cases commonly faced.

III.1.1: Distribution of respondents by province.

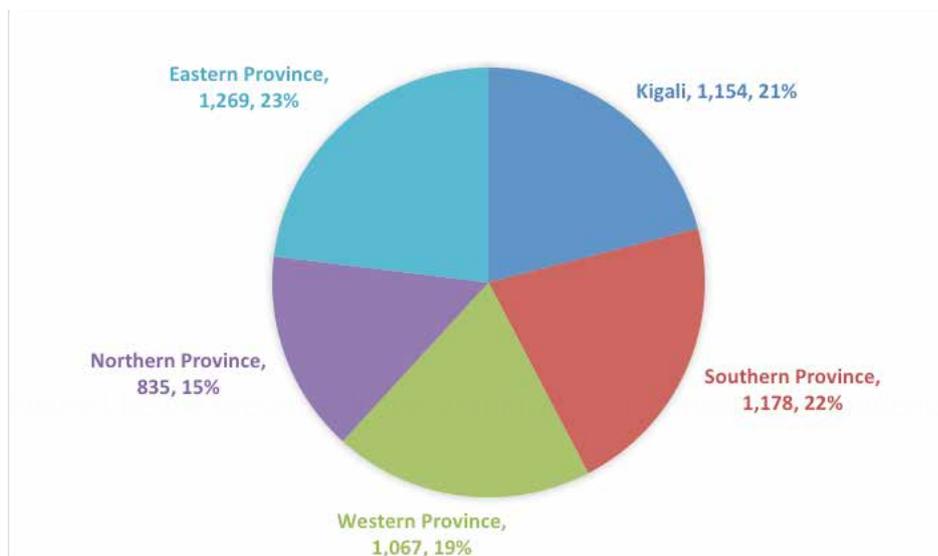


Figure 1: Distribution of respondents by Province

Out of 5,503 respondents, 23% are from the Eastern Province, 22% are from the Southern Province, 21% from Kigali City, 19% came from the Western Province, and 15% came from the Northern Province. This represents a fairly equal distribution of respondents from each of the provinces and Kigali City and consequently, the data collected from our samples is representative of opinions and experiences from the entire country.

III.1.2. Gender of respondents

Figure 2 below, represents the disaggregation of respondents based on gender and province.

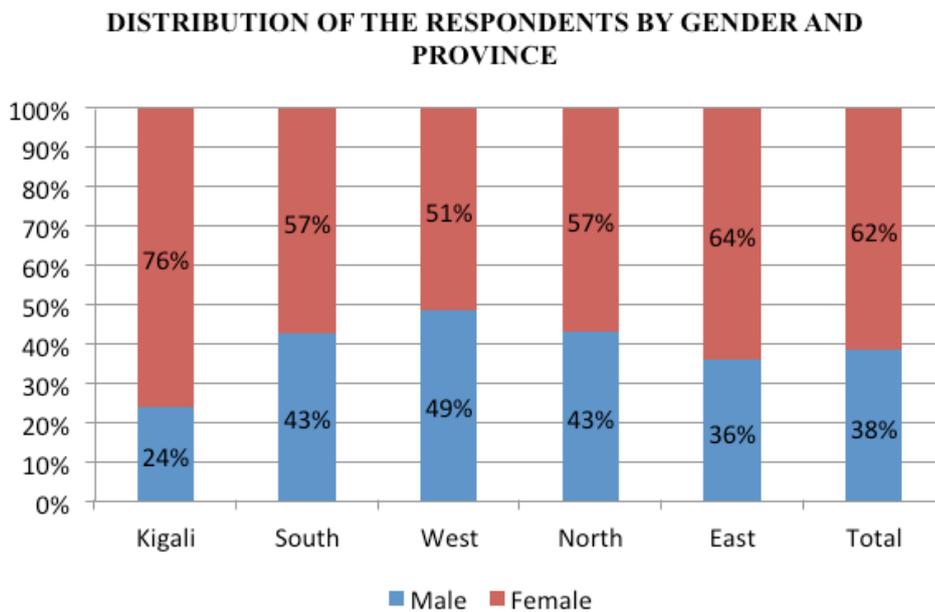


Figure 2: Distribution of respondents by gender and province

In total, 62% of respondents were female and 38% were male. These figures are commensurate with the survey's targets that 60% of respondents would be women and girls. The highest number of female respondents (76%) was recorded in the City of Kigali, whereas the numbers of female beneficiaries of legal aid services in other provinces are more proportionate with males and range from 57% to 64%.

**62% OF RESPONDENTS WERE FEMALE;
38% WERE MALE.**

While women make up a little more than half of the entire population, they also constitute the highest portion of people seeking legal aid in Rwanda. Through its Vision 2020 plan, Rwanda identified women, children, and prisoners as vulnerable groups and as those in need of increased access to justice.⁴² Women are often the victims of GBV and are the most vulnerable portion of the population because of their subjugated position in society. According to the Gender Monitoring Office (GMO), women brought up approximately 92% of GBV cases opened in 2013.⁴³

⁴² Ministry of Justice, National Legal Aid Policy, 2014, Kigali, p.6.

⁴³ Gender Monitoring Office of the Government of Rwanda, Annual Report 2013-2014, 2014, Kigali, p. 9.

The report showed that the majority of reported GBV cases were rooted in economic violence as women were blocked from asserting their rights, especially in situations related to land and property.

The data below will show that many of the cases brought by our respondents were related to land and property.⁴⁴ The high number of cases brought by women is partially due to their vulnerability and also likely related to the success of sensitization campaigns aimed at empowering women to claim and defend their rights.

In focus group discussions conducted with Executive Secretaries of the Cell, Civil Status officers at Sector level, presidents of *Abunzi* committees at Cell and Sector level, representatives from the Ministry of Justice's Access to Justice Houses (MAJ), the officers in-charge of good governance in ten selected districts⁴⁵, and representatives from non-state legal aid providers, participants also noted that women made up the majority of clients they received. According to the findings of the FGDs, this was partly because women had been denied their rights in the past and are now very much aware of them, and partly because women are mostly responsible for raising their children and often have to claim their rights on their behalf. In addition, women who are the heads of their households assert the rights of their family members. This results in many alimony and child support cases, and many cases related to the ownership of property and land.

III.1.3. Age variations of respondents

The age variations of the respondents disaggregated by gender is summarized in table 1 below:

Table 1: Distribution of the respondents by age and gender

		Male		Female		Total	
	Age	Count	% of total	Count	% of total	Count	% of total
Age of the respondent	<=25	77	1.4%	151	2.7%	228	4%
	25-34	510	9.3%	829	15.1%	1,339	24%
	35-44	506	9.2%	937	17%	1,443	26%
	45-54	484	8.8%	747	13.6%	1,231	22%
	55-64	343	6.2%	491	8.9%	834	15%
	A b o v e 65	195	3.5%	229	4.2%	424	8%
	Total	2,115	38%	3,384	62%	5,499 ¹	100%

Approximately 73% of the survey respondents were between 25 and 54 years of age as illustrated in Table 1 above.

⁴⁴ Ibid.

⁴⁵ Gasabo, Kayonza, Gicumbi, Nyamagabe, Ngororero, Kicukiro, Karongi, Muhanga, Musanza, and Bugesera Districts.

⁴⁶ Four respondents did not report their age.

The majority of the respondents were women aged 25 to 54 (45.7%). Men aged 25-54 made up only 27.3% of respondents. Approximately 8% of the respondents were over the age of 65: elderly women (above 65) make up 4.2% of respondents, while elderly males make up 3.5%.

This is reflective of the general population of Rwanda in which approximately 82% of the population is under 40 years of age and less than 3% of the population is 65 years old or older.⁴⁷

The gender and age distributions of respondents to the survey were consistent with what we would expect, as indicated by data from the National Institute of Statistics of Rwanda, which showed that the recipients of Vision2020 Umurenge Program (VUP) for those most affected by poverty are most often female, elderly, and those affected with a disability.⁴⁸

III.1.4. Occupation of respondents

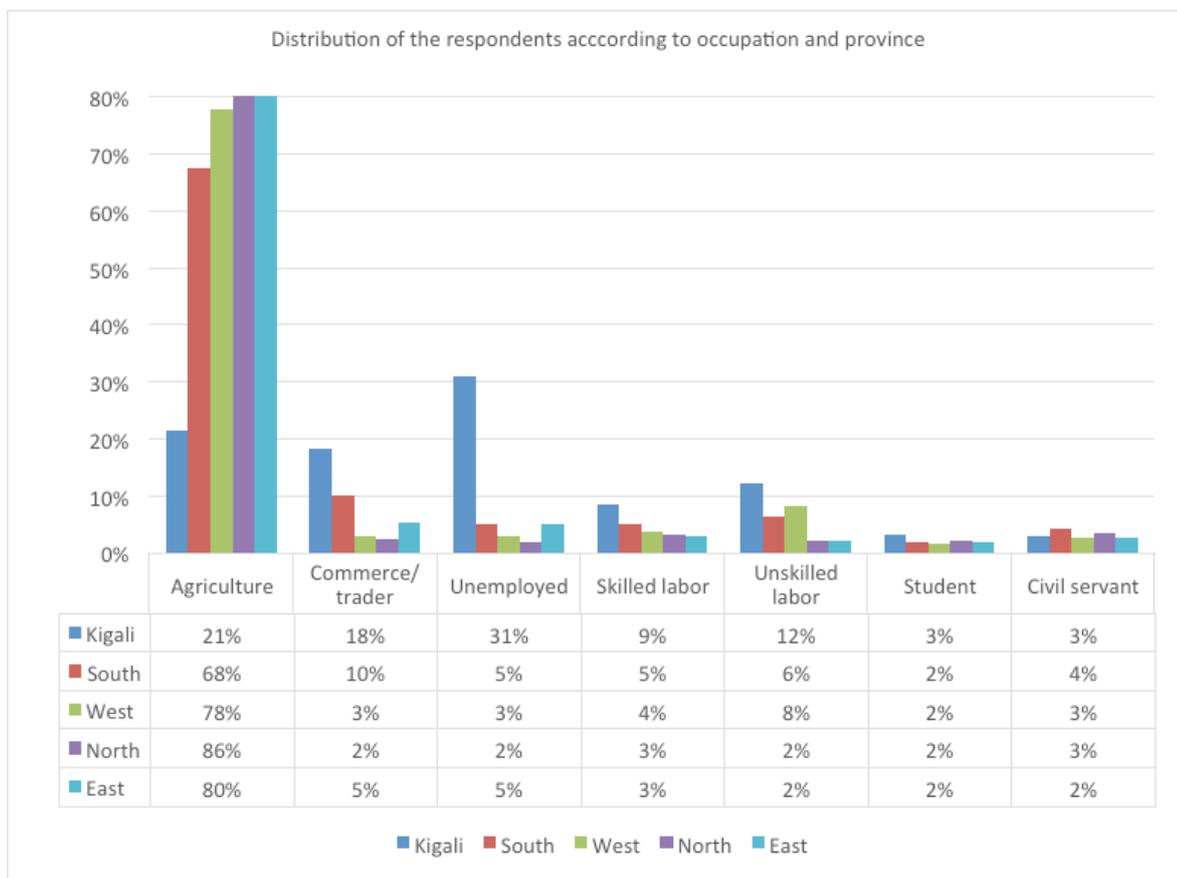


Figure 3: Distribution of respondents according to occupation and province

As represented in Figure 3 above, the majority of the respondents interviewed work in the agriculture sector (66%). The agriculture sector is the largest employer of respondents in the Northern (86%), Eastern (80%), Western (78%) and Southern (68%) Provinces. Respondents in these provinces were also largely employed in the informal sector or not employed at all.

⁴⁷ EICV 4 Main Indicators Report.

⁴⁸ EICV 4 Main Indicators Report.

Figure 3 also shows that the occupations of those in Kigali differ greatly from those in the other provinces. A large proportion of respondents in Kigali were unemployed (31%) and more people were employed in the informal sector (30%) than the agriculture sector (21%).

Respondents from Kigali are not as reliant on agriculture for employment as citizens in other provinces. Because so many respondents were employed in the informal commercial sector and as skilled and unskilled laborers, the conflicts arising for respondents in Kigali differed from those of citizens in the provinces, as discussed in the following section on the nature of the cases in which respondents were involved.

66% OF RESPONDENTS WORKED IN THE AGRICULTURE SECTOR.

III.1.5. Nature of the cases in which respondents were involved.

The respondents interviewed were involved in cases that are currently pending and cases that have been resolved. Of the 4,955 respondents who had received decisions on their cases, even if they are currently awaiting a pending decision on an appeal, 51% of them won their cases; 49% did not win.⁴⁹

Table 2: Nature of cases disaggregated by province.

	Province of residence					
	Kigali City	Southern Province	Western Province	Northern Province	Eastern Province	National Average
CIVIL						
Divorce	12%	5%	4%	4%	8%	7%
Land disputes	8%	23%	20%	19%	26%	19%
Property disputes	19%	10%	7%	9%	13%	12%
Paternity determination/ spousal or child support	15%	6%	6%	7%	6%	8%
Succession	6%	10%	9%	7%	7%	8%
Other civil cases	29%	27%	34%	38%	24%	30%
CRIMINAL						
GBV/Rape	4%	3%	4%	55	3%	4%
Other criminal cases	6%	16%	17%	11%	12%	12%

The study includes responses from citizens who were involved in both civil and criminal matters.

⁴⁹ See Annex Table 3 for full analysis of cases won and lost.

Civil cases made up a majority of the cases (approximately 84%) and involved family matters including divorce, property, land disputes, and paternity determinations or spousal/child support.

The criminal cases were largely related to GBV/rape or murder, robbery, assault, and battery or violent crimes.

The most prevalent civil cases are related to land disputes (19%) and property disputes (12%). Land is a source of conflict because a large portion of the respondents are employed in the agriculture sector; their livelihood depends on land. Property, especially was also identified as a source of conflict as it relates to succession, spouses, children, as well as divorce.

Divorce cases and paternity determinations/ spousal or child support cases are also quite prevalent. Conflicts related to paternity determinations and support cases often arise when parties who were informally married separate. While the rights of a child that results from a formally recognized marriage are clear, children who are born out of wedlock or as a result of informal marriages and have not been registered are not automatically assumed to be the offspring of the person a woman may claim is the father. In this situation, a woman must prove paternity or the father must accept paternity.

Approximately 30% of civil cases fall into the “other” category. This category is broad and encompasses dozens of cases including breach of contract cases, adoption cases, and unlawful dismissal. Besides, approximately 12% of the criminal cases also fall under the “other” category which included cases involving extortion, embezzlement, and *Gacaca* cases.

III.2: Availability of Legal Aid Services

In 2014, the Ministry of Justice identified the lack of legal representation in areas outside of Kigali as an issue impacting access to justice. Data showed that 85% of advocates were located in Kigali while a majority of legal aid recipients are in more rural areas.⁵⁰ The following section assesses the availability of and accessibility to legal and justice services in Kigali and the four provinces.

III.2.1. Availability of Legal Aid Service Providers

The Ministry of Justice identified 74 legal aid providers in Rwanda. These include staff appointed by the Ministry of Justice (MAJ), 30 NGOs, 4 university legal clinics, and private attorneys.⁵¹ Figure 4 below shows entities to which respondents turned in search of legal help.⁵² The figure shows that respondents most frequently approached non-state LAPs (38%) and local authorities (21%).

⁵⁰ Ministry of Justice, National Legal Aid Policy, September 2014.

⁵¹ Ibid.

⁵² Most non-state legal aid providers operate in Kigali, where the majority of our respondents reside.

The survey revealed that respondents were mistaken to consider the police and Abunzi as legal aid providers. This is illustrated by the fact that respondents went in search for legal assistance from Abunzi (15%) with more frequency than MAJ (11%). Moreover, 5% sought legal aid from the police. Respondents are also confused about the role of Abunzi and police: they do not recognize that police are tasked with working as mediators and providing assistance, but not as legal aid providers. This may be attributed to lack of awareness of the service offered by different justice actors, limited information of the legal aid providers offering services for which they qualify, or that those providers are not readily available.

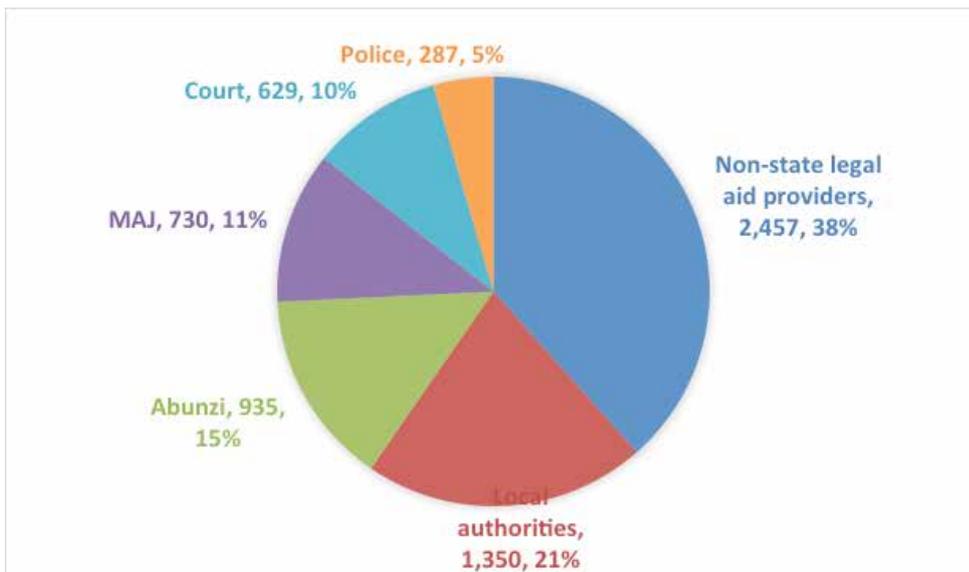


Figure 4: Entities contacted by respondents in search of legal aid.

III.2.2. General Satisfaction with provision of legal aid from state and non-state Legal Aid Providers.

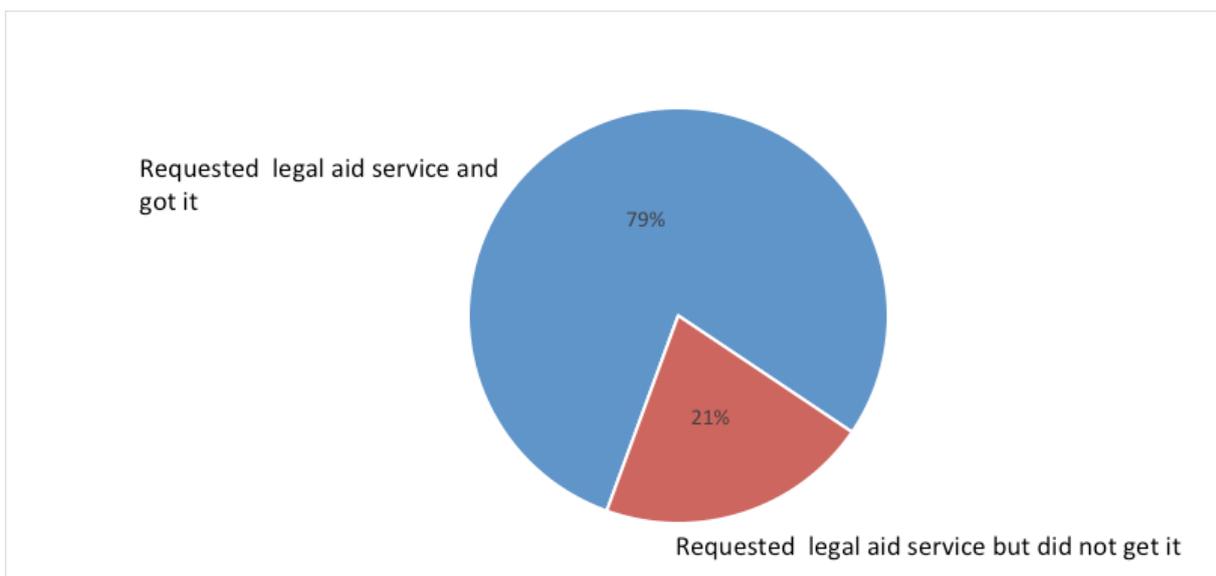


Figure 5: Distribution of the respondent's response in relation to their request for legal aid services.

Figure 5 above shows that 79% of respondents who sought legal aid from MAJ, local authorities,

non-state legal aid providers and other such organizations, received the legal aid services requested.

However, 21% of the respondents reported that they were unable to receive legal aid. During focus group discussions, this was attributed to numerous reasons including:

- Inability of clients to produce indigence certificates and other supporting documents: when clients are sent back to gather missing information such as a certificate of indigence, a copy of a judgment, or other such evidence, some never return;
- Clients having a case that did not meet the merit standard to warrant legal services: some respondents were ignorant of the law and requested legal assistance for cases that had no legal basis or had cases which had already been decided and were outside the period for appeal;
- Limited resources of non-state LAPs to provide the requested services, especially legal representation and enforcement of judgments;
- Referral to *Abunzi* for mandatory mediation.: Some cases by law, require mandatory mediation by *Abunzi* before seizing courts.

Another key finding from FGDs is that women had become overzealous in trying to seek a legal resolution to any problem they encountered and that some of the cases they brought did not have merit. They stated that women have been sensitized about their rights and are eager to claim them. This suggests that women have a positive perception of legal action as a way in which to resolve disputes. The high degree with which women are engaged in legal action could imply a positive trend in women relying on formal institutions to assert any rights they may believe they have. While this does increase the likelihood that some of the cases will have no merit, it will also increase the likelihood of women in need of legal assistance receiving that assistance.

Table 3: Respondents recourse in case they were unable to receive legal aid.

	Province of residence											
	Kigali City		Southern Province		Western Province		Northern Province		Eastern Province		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
I abandoned my case because I had no choice	218	65%	65	53%	50	42%	42	57%	94	56%	469	58%
I sold some off my properties in order to follow up my legal case.	63	19%	27	22%	25	21%	15	20%	28	17%	158	19%
Relatives and friends helped me in that matter.	63	19%	32	26%	63	53%	23	31%	53	32%	234	29%
Total	333	100%	122	100%	118	100%	74	100%	168	100%	815	100%

Table 3 shows respondents' inability to access to legal aid services severely affected the ability of the majority of clients to pursue their cases. 58% of the respondents abandoned their cases.

Approximately 48% of respondents were able to find other ways to pay for assistance. These respondents sold personal belongings or requested assistance from relatives or friends to afford legal assistance. Approximately 58% of respondents did not return to a legal aid provider once they were denied legal aid services.

Disaggregated by province, more than 42%-65% of respondents from the Western Province to the Kigali who were denied legal aid abandoned their cases.

Those who could not raise or borrow money to pay for legal services found other ways to pursue their cases on their own, including self-representation. Approximately 21% of those who were denied legal aid proceeded to court without an attorney. Approximately 96% of respondents who proceeded without a lawyer could not afford to hire an attorney.

The data above suggests that legal aid providers require additional support to provide legal aid services to more citizens. While many of the cases were denied for lack of merit, some of the respondents were denied access to legal aid due to a lack of financial resources, especially in providing lawyers to all beneficiaries in need.

III.2.3. Citizen Perception of Non-State Legal Aid Providers

III.2.3.1 Availability of Non-State Legal Aid Providers

Citizens have access to legal aid services through a network of non-state legal aid providers composed of NGOs, professional bodies, university legal aid clinics, etc.

Table 4 below shows the network of non-state LAPs available to citizens and their geographical outreach.

Table 4: Availability and outreach of non-state Legal Aid Providers⁵³

Organization	Number of offices	Kigali City and Provinces covered
ADEPE	1	Western
ADL	1	Kigali
AJPRODHO	3	Kigali, Eastern
ARDHO	1	Kigali
AVEGA	6	Kigali, Eastern, Western, Northern, Southern
ARPCDH	1	Western
BENISHYAKA	5	Kigali, Eastern
CESTRAR	1	Kigali
CLADHO	1	Kigali

⁵³ Accurate as of October 2016

COPORWA	6	Kigali, Northern, Southern, Eastern, Western
COSYLI	1	Kigali
HAGURUKA	5	Kigali, Northern, Southern, Western Eastern
HUMAN RIGHTS FIRST	3	Kigali, Southern
INALAS	1	Kigali
LAF	1	Kigali
LAWYERS OF HOPE	3	Kigali, Northern, Southern
LDGL	1	Kigali
LIPRODHOR	7	Kigali, Northern, Southern, Western, Eastern
MAISON DE DROIT	5	Kigali
RWANDA WOMEN NETWORK	4	Kigali, Eastern
THE BAR ASSOCIATION	1	Kigali and all provinces
INILAK – Legal Clinic	1	Kigali
UR – CLAM	1	Southern
ULK – Legal Clinic	5	Kigali, Northern, Western
ULK Gisenyi – Legal Clinic	1	Western
NORWEGIAN PEOPLES' AID	1	Kigali
RCN JUSTICE & DEMOCRATIE	1	Kigali
MPEDH	1	Kigali
Transparency International Rwanda	1	Kigali
SJI (Social Justice Initiative)	2	Kigali, Western
Non-Crime Rwanda	1	Kigali
AJA-Rwanda	1	Kigali
ARPAD	1	Kigali
GIMI Rwanda (Gateway Int'l Missions)	1	Northern
IRC	2	Kigali, Eastern
IBUKA	2	Kigali, Southern
SURF	1	Kigali

As illustrated in Table 4 above, there are 37 legal aid providers registered with LAF, offering legal advice and services. These agencies make up NGOs, professional organizations, legal clinics, and trade unions offering legal advice and services in Rwanda. The majority of legal aid services are centered in Kigali; however, some organizations have satellite offices in various parts of the country, and some non-state LAPs focus their activities specifically in rural areas. Citizens in Kigali have access to 32 legal aid services offices registered with LAF. Those in the Western, Southern, and Eastern Provinces have access to eight, seven, and seven, respectively; citizens in the Northern Province have access to the fewest non-state legal aid providers at six. However, the availability of legal aid services from these offices is often dependent on funding; many offices close for long or short periods depending on whether or not there is funding available to support their activities.

III.2.3.2. Ways through which respondents became aware of non-state legal aid providers.

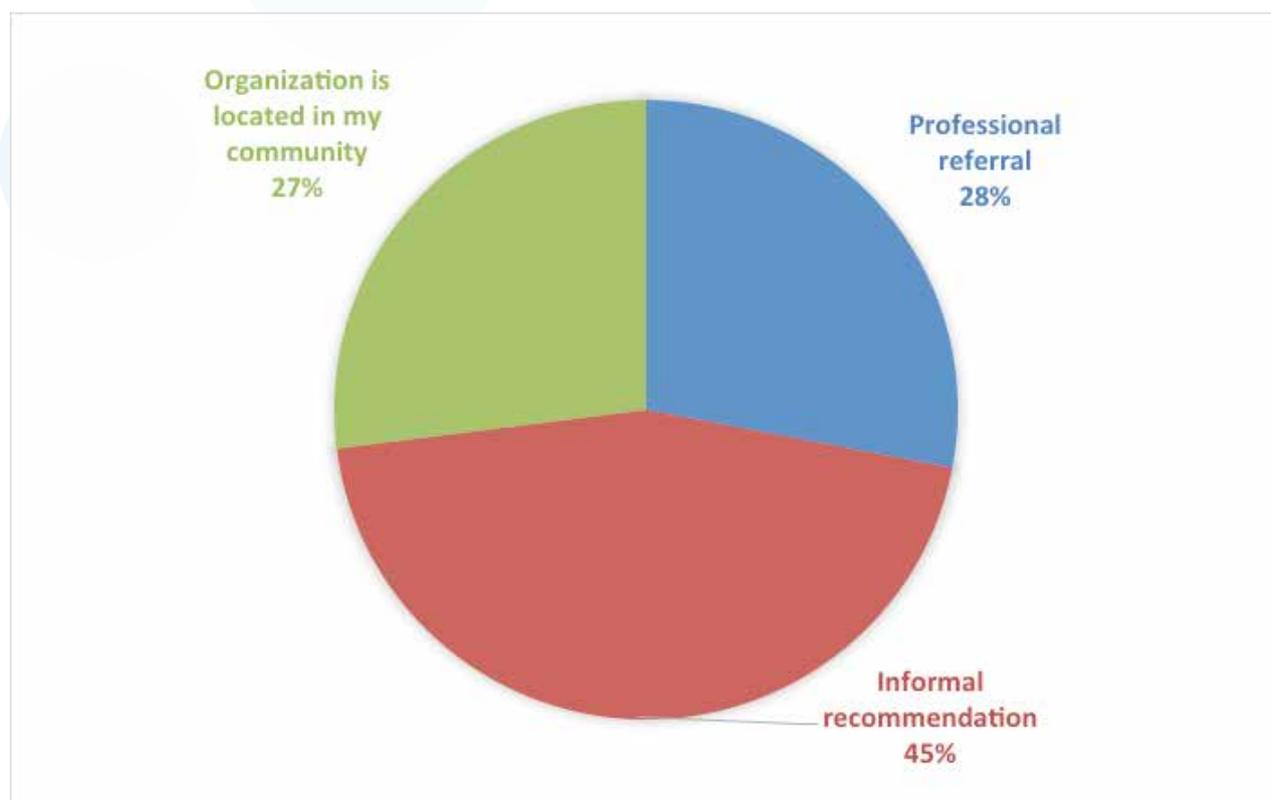


Figure 6: Methods through which respondents became aware of non-state legal aid providers.

Figure 6 above shows that a majority of respondents (45%) became aware of the non-state legal aid providers and the services they offer through informal recommendations, much in the same way as they became aware of legal aid services offered by MAJ (discussed below). However, 28% of respondents became aware of non-state LAPs from professional referrals by other legal aid providers and social services providers. Approximately 27% of respondents became aware of a non-state LAPs through an organization located in their communities.

As discussed above, many non-state LAPs in Rwanda have offices in Kigali, and in one or more additional provinces. This effort to decentralize legal aid services has greatly contributed towards bringing legal aid services nearer to the beneficiaries. However, the sustainability of maintaining decentralized offices remain a challenge due to unreliable donor funding.

III.2.4. Assessment of State Legal Aid Providers: A special focus on Access to Justice Bureaus (MAJ).

Access to Justice Houses/ *Maison d'aces à la Justice* (MAJ) were established by the Ministry of Justice in 2006 and expanded in 2010 as state legal aid providers. Their mandate includes; 1) disseminating laws and regulations, 2) advising Abunzi on law and procedures and monitoring and following-up on the activities of Abunzi, 3) coordinating the execution of court judgments and executing court judgments for poor and vulnerable people, 4) providing legal assistance

and representation in courts to poor and vulnerable people, 5) handling all disputes related to GBV, and 6) assisting people in conflict resolution through mediation.⁵⁴ MAJ provide legal aid services in all 30 districts; each district bureau is staffed with three lawyers. MAJ do not have offices at the Cell or Sector levels; however, a part of their mandate is to carry out outreach campaigns to make people more aware of the services they offer.⁵⁵

III.2.4.1. Awareness of MAJ by gender and province.

Figure 7, below, illustrates data on respondent awareness of MAJ, disaggregated by gender and province. Approximately 68% of respondents have heard of MAJ, while 32% declared that they had never heard of MAJ. These figures are significantly higher than the 27% awareness rate reported in the 2012 perception survey on accessibility of justice commissioned by the Ministry of Justice.⁵⁶ However, given the amount of time that MAJ have been in operation, and that all respondents had sought legal aid services, the numbers are still quite low.

68% OF RESPONDENTS HAVE HEARD OF MAJ; 32% HAD NOT HEARD OF MAJ.

Awareness of MAJ varies drastically across the provinces and Kigali. According to the province-specific data in Figure 7 below, only 57% of people in the Western Province have heard of MAJ. That represents the lowest percentage of awareness in the country. Awareness of MAJ in the other provinces ranges from a low of 58% in Kigali city to a high of 80% in the Southern Province.

The higher awareness of the existence of MAJ in the Eastern, Southern and Northern Provinces than in Kigali City could be because of the fewer legal resources available in those provinces. As stated earlier, 85% of advocates serve the Kigali area.

Thanks to a plethora of available legal resources, citizens in Kigali may be more reliant on the services of private advocates and non-profit legal organizations than on the services of MAJ.

The low awareness of MAJ in Kigali may be based on a perceived need to focus on the provinces. It may also be attributed to the urban life style where city dwellers dedicate less time to sensitization campaigns on different government programs in lieu of their daily busy schedules.

⁵⁴ Ministry of Justice website, MAJ (Maison d'Accès à la Justice), available at: <http://www.minijust.gov.rw/services/maj/maj-description/>

⁵⁵ Justice Sector User Perception and Victimization Study, p. 52.

⁵⁶ Ibid.

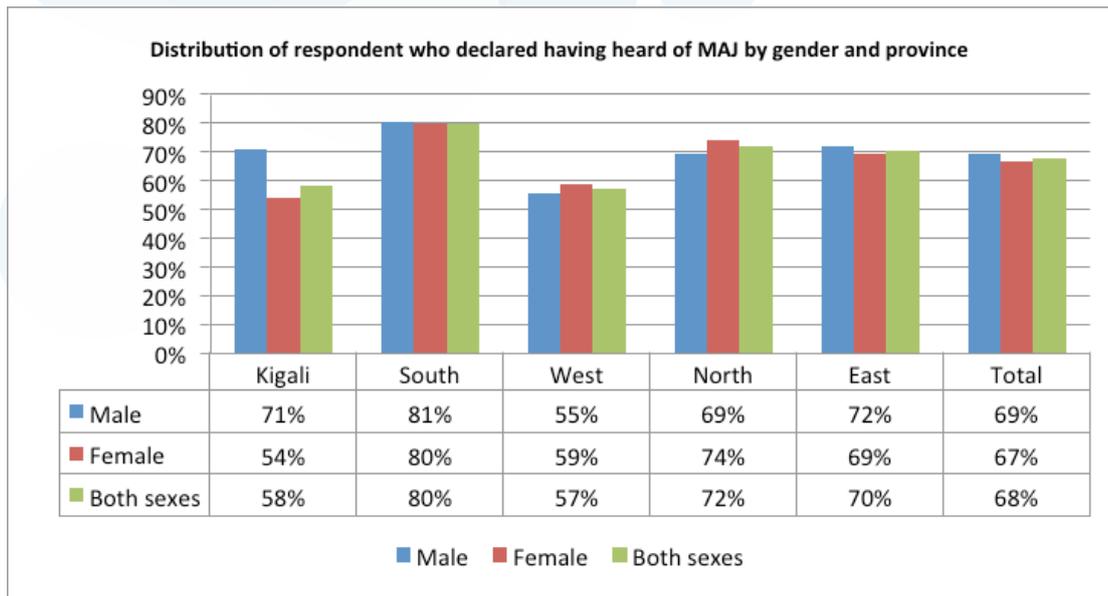


Figure 7: Distribution of respondent who declared having heard of MAJ by gender and province

Awareness of MAJ amongst males and females differs depending on province. Figure 7 shows that a higher percentage of men are aware of MAJ than women in Kigali, the Southern Province, and the Eastern Province. However, a higher percentage of women are aware of MAJ in the Western and Northern Provinces. Nationally however, more women (60%) are aware of MAJ than men (40%).

The discrepancy between levels of awareness for men and women is most likely linked to the fact that women are more active in bringing cases than men. As discussed below, more women are likely to find out about legal aid providers through referrals. Consequently, women are more likely to be referred to MAJ when searching for assistance with a legal service. Men are not as likely to initiate a case and are therefore less likely to be referred to MAJ. In addition, Cells and Sectors often hold meetings where citizens meet to discuss various issues and government programs. The meetings are usually attended by women and are used to disseminate information about programs like MAJ. Notwithstanding the cause, the data shows that MAJ has so far not succeeded in making themselves known to the communities of indigent citizens which need their services most.

III.2.4.2. Ways in which citizens became aware of MAJ.

The low rates of awareness of MAJ raised the question of whether the outreach methods used are serving the purpose of educating citizens about the services offered by MAJ. Figure 8 below illustrates the effectiveness of various methods of informing people about MAJ. Some individuals were informed about MAJ through more than one channel.

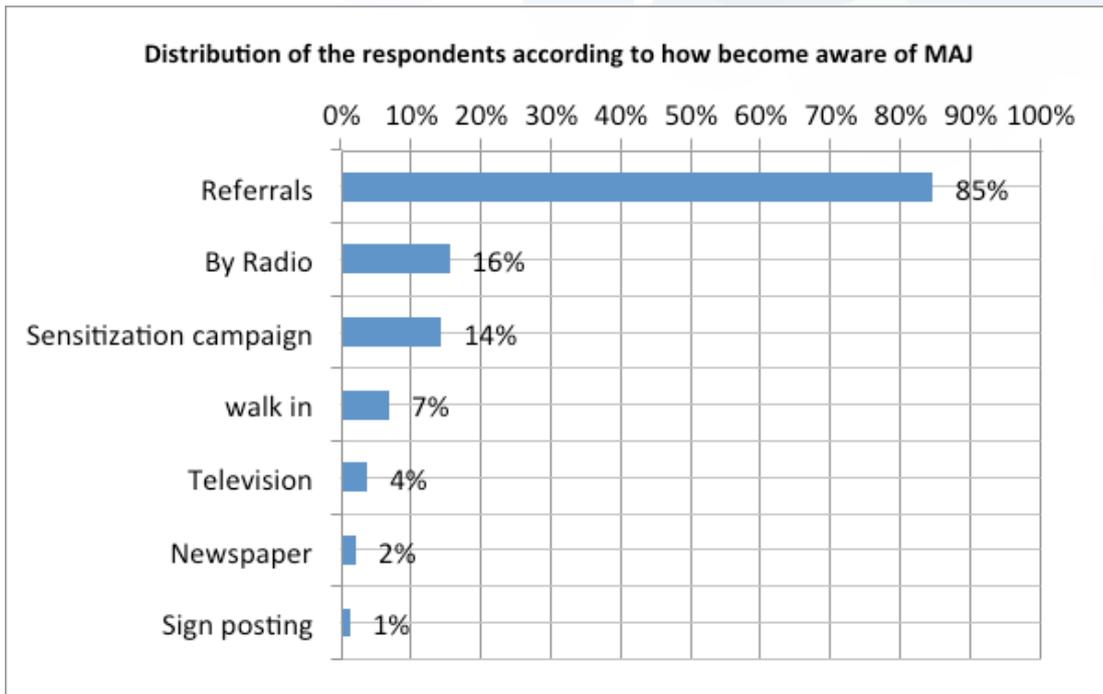


Figure 8: Distribution of the respondents according to how become aware of MAJ

The majority of the 3,678 people who responded that they were aware of MAJ heard about it through several channels, including: referrals, walking-in, and print and media adverts. As demonstrated in Figure 8 above, 85% of people became aware of MAJ through referrals: far more than through any other method. Respondents were often referred by neighbors, local authorities and/or non-state legal aid providers operating locally. This is the most effective way in which information about MAJ is distributed.

**85% OF PEOPLE BECAME AWARE OF
MAJ THROUGH REFERRALS**

Approximately 16% and 4% of the respondents became aware of MAJ through the radio and television, respectively, and approximately 14% of respondents became aware of MAJ through sensitization campaigns. According to the Rwandan Household Living Condition Survey conducted in 2013/14, 59.8% of households in Rwanda owned a radio and 9.9% owned a TV set.⁵⁷ Given the access and ownership of personal radios and availability of TVs, the number of people who were informed about MAJ through State radio, TV, and sensitizations campaigns are significantly lower than would be expected.

The minimal effectiveness of radio and TV outreach may be because people are more likely to listen to private radio stations than to the national radio on which public institutions conduct sensitization campaigns on national programs. MAJ frequently disseminate information through the radio, especially to discuss laws during the national Legal Aid Week program.

⁵⁷ Rwandan Household Living Condition Survey-2013/14, p.81.

According to the Media High Council (MHC) of Rwanda, in 2011, the country boasted more than 24 radio stations, only 6 of which were state-owned.⁵⁸ Rwandans had so many listening options that any outreach campaign would have had to stretch across more than just the national radio to be effective.

Approximately 3% of the population learned about MAJ through posted notifications ((1% and newspapers (2%)), while about 4% learned about MAJ by walking-in to a District office/ Sector/legal aid provider's office and asking for help. These numbers are extremely low when considering the high national literacy rate of 72% as estimated by the Fourth Rwandan Households Living Condition Survey-2013/14. While a majority of the population can read, it is not likely that they will take notice of information printed in the newspaper or on signs around them. They are more likely to note information that is presented orally than posted passively on a wall. This shows that MAJ should diversify the channels used to promote its services.

In addition, MAJ staff acknowledges that there is no specific mobilization effort to make MAJ visible. MAJ staff also acknowledged that because they are stationed at the district head offices, those in distant rural areas may be less likely to attend meetings where they would be sensitized about MAJ. Overall, the staff felt that they could have more of an impact if they were provided with transportation or other means to widen their abilities to reach communities.

We recommend the government increase efforts to make citizens more aware of the free legal aid services MAJ staff can provide to the indigent and needy. The government must raise awareness about MAJ through means in addition to referrals to ensure that citizens receive complete and accurate information. As demonstrated above, written outreach campaigns about MAJ services have not been as effective as oral referrals. Because TV, radio, and print outreach have not been largely effective; the government should focus its efforts on in-person outreach campaigns as well as increasing its use of these channels. As will be discussed below, many respondents were unaware of the services offered by MAJ most likely because of this lack of outreach.

III.2.4.3. How often MAJ conducts outreach visits.

Table 5 below shows that most respondents only remembered an average of two MAJ visits. In the Western and Eastern provinces, respondents remembered receiving one visit from MAJ, while respondents from each of the other provinces only remembered seeing them twice. As discussed above, approximately 32% of respondents were not aware of MAJ. The fact that a large segment of the population has never heard of MAJ is a clear indication of the limited outreach it has performed since being introduced.

⁵⁸ Media High Council, New list of licensed media organs in Rwanda, 2011. Available at: www.mhc.gov.rw/news-details/article/new-list-of-licensed-media-organs-in-rwanda.html.

The fact that a majority of respondents have not seen or do not remember seeing MAJ more than two times reinforces the idea that the lack of outreach and visibility by MAJ contributes to the lack of awareness about their existence.

Table 5: The last time MAJ staff made a visit in person and the number of visits they have made.

	When did you last see MAJ?				Number of times MAJ has been seen
	Three months ago	Six months ago	One year ago	I don't know	
	%	%	%	%	
Kigali	5%	4%	15%	77%	2
Southern	13%	30%	26%	30%	2
Western	41%	27%	20%	12%	1
Northern	21%	20%	17%	41%	2
Eastern	13%	23%	36%	27%	1
Total	14%	18%	23%	45%	2

MAJ have been unable to perform the physical visits that would allow them to engage with citizens and educate them about services that could provide them with access to justice or about their rights through applicable laws. While a lack out of outreach is a problem, unfortunately, the data in Table 5 above implies that MAJ is also reducing its outreach efforts instead of expanding them. Approximately 45% of respondents could not remember the last time, if ever, a MAJ representative visited their community, while 23% had not seen anyone from MAJ for at least one year. The data clearly indicates that the majority of the population is unaware of the services MAJ offers because of limited outreach activities.

When asked about their presence in their communities in FGDs, MAJ staff explained that they face the challenge of limited means to do outreach. There is no facilitation for MAJ to do outreach. MAJ staff attempt to participate in specific outreach programs such as the annual governance months and the Legal Aid Week, which have budgets dedicated to outreach. However, MAJ staff are generally not able to make visits to local communities unless they are able to attach themselves to visits from other District staff. Their ability to visit the population on their own is limited by a lack of transportation. In all districts in which the focus groups were held, MAJ staff lamented the lack of transportation. In two districts, the only form of transportation available to MAJ staff is a motorcycle, which is used to assist in the execution of judgments.

III.2.4.4. Awareness of Legal Aid Services Provided by MAJ.

MAJ was introduced with the purpose of making justice more accessible to the citizens of Rwanda.⁵⁹ Our survey aimed find out if the targeted beneficiaries of legal aid were aware of the different legal aid services provided by MAJ.

⁵⁹ JRLOS, supra note 10, p.28.

Figure 9 below shows that a majority of people are not aware of the services provided by MAJ. Approximately 39% of the respondents believe MAJ provides legal representation, 38% and 30%, respectively, believe they enforce court judgments and follow-up of legal matters in courts or other instances. Surprisingly, almost a third of people interviewed (27%) believe that MAJ does not provide legal advice/legal assistance and 41% believe that MAJ does not provide written conclusions.

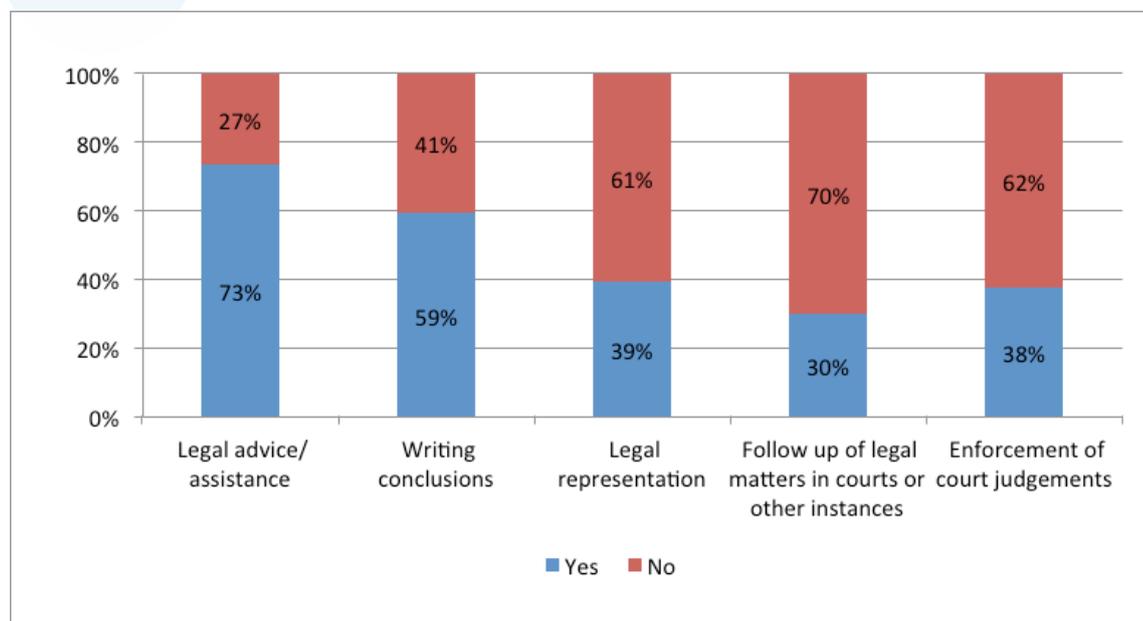


Figure 9: Legal aid services provided by MAJ

In fact, MAJ staff have very broad mandate. MAJ staff are authorized under Articles 58 and 68 of Law No.83/2013 establishing the Rwanda Bar Association, to assist, counsel, represent, and plead for those who cannot afford an attorney, in all courts and administrative organs.⁶⁰To facilitate these duties, they are able to provide legal representation and assistance in courts of law to beneficiaries. Legally, MAJ staff are able to provide most, if not all, legal services most citizens may require.

⁶⁰ Law N°83/2013 of 11/09/2013 establishing the Bar Association in Rwanda and determining its organization and functioning; Official Gazette n° 44 of 04/11/2013.

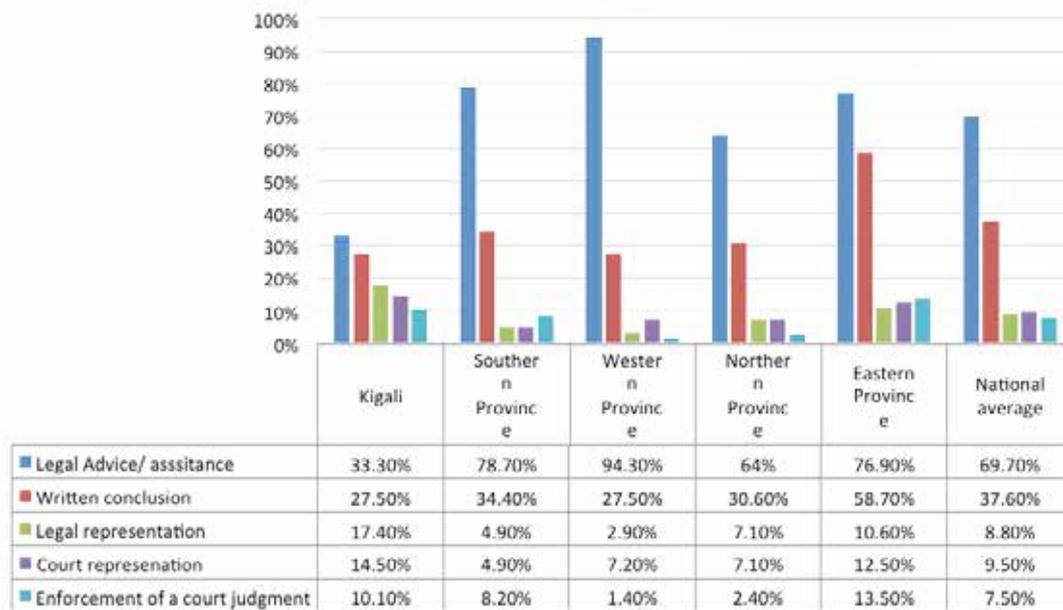


Figure 10: Legal aid services received from MAJ, by province.

However, as illustrated under table 10 above, a majority of the services respondents received from MAJ involved receiving legal advice or written conclusions. Of the respondents who received services from MAJ, the majority received legal advice or assistance (69.7%). While MAJ are able to offer a broad variety of legal services, only 7.5% of respondents received help with the enforcement of a court judgment and only 8.80% received legal representation in courts of law.

Focus group participants from the Western Province explained that MAJ are only able to offer legal representation to a limited number of clients because many of the MAJ staff are yet to complete studies at the Institute of Legal Practice and Development (ILPD) which will equip them with improved professional skills and knowledge to be able to more effectively represent clients in court. They also said that MAJ staff are working closely with the Executive Secretaries of the Sectors and Districts in order to be facilitated in accomplishment of their mandate to enforce judgments.

III.3. Accessibility of Legal Aid Services.

State and non-state legal aid providers share responsibility in providing legal aid to the citizens of Rwanda. In fact, Article 58 of the law establishing the Rwanda Bar Association states that it is “the responsibility of the Government to provide legal and judicial aid to the indigents and needy people” of Rwanda.⁶¹

However, the existence of free legal aid services quickly becomes moot if citizens are unable to access them.

⁶¹ Law N°83/2013 of 11/09/2013 establishing the Bar Association in Rwanda and determining its organization and functioning.

In this section, we discuss the possible barriers to access to legal aid services such as certificates of indigence, the distance citizens have to travel to reach legal aid providers, and the amount of time citizens have to wait to receive legal services they have requested.

III.3.1. Access to Certificates of Indigence.

The certificate of indigence is the criteria used by LAPs in assessing requests for legal aid from potential clients. Indigent persons have the right to access free justice services, including legal representation and exemption from court fees.⁶² The certificate of indigence is used to verify that a person is indigent and eligible for free legal aid.

Whether or not a person qualifies as an indigent person is decided by “ubudehe” categorization. *Ubudehe* categorization places individuals into four categories based on their socio-economic status and any property holdings they may have.⁶³ Category 1 (very poor) and Category 2 (poor) are reserved for those who have trouble meeting the basic needs of survival; people in this category are granted certificates of indigence which entitle them to social services, including access to legal aid. Persons who fall under category 3 and 4 of *Ubudehe* categories do not qualify to obtain a certificate of indigence and consequently cannot access free legal aid services. This section highlights the challenges associated with the certificate of indigence.

Table 6: Distribution of approved applications for certificate of indigence by province.

	Encountered challenges in obtaining a certificate of indigence			
	Number	% of respondents who requested certificates of indigence	Number	%
Kigali	635	60%	104	16%
Southern Province	451	39%	87	19%
Western Province	342	34%	90	26%
Northern Province	174	21%	29	17%
Eastern Province	370	31%	66	18%
Total	1,972	38%	376	19%

⁶² Article 10, Ministerial Order n°002/08.11 of 11/02/2014 on court fees in civil, commercial, social and administrative matters, and Article 4, Ministerial Order n°001/08.11 of 11/02/2014 on court fees for criminal matters.

⁶³ The government used the six social categories to determine socio-economic standing until February 2015 at which point a move was made to a four Category system. The first two categories under both systems are considered vulnerable and are eligible for aid. The six Category system is still widely used and is divided as follows: 1. umutindi nyakujya (those in abject poverty), 2. umutindi (the very poor), 3. umukene (the poor), 4. umukenewifashije (the resourceful poor), 5. umukungu (with abundant food), 6. umukire (the rich).

As indicated in Table 6 above, the 38% of respondents (1,972) who applied for certificates of indigence, approximately 19% encountered problems obtaining them.

Respondents from the Western Province were the most likely to have difficulty obtaining a certificate of indigence (26%), while respondents in the Kigali had the least difficulty (16%).

Categorization in indigence category 1 or 2 is a prerequisite for receiving legal aid from most of the organizations referred to in this report. Approximately 58% of the supplementary sample fell in Category 1 and 2 of *ubudehe*. However, 42% were classified under Category 3. Under *ubudehe* rules, any citizen above Category 2 is not eligible for a certificate of indigence, even if they believe they have been placed in the wrong category. Table 5 above indicates that large numbers of respondents not in Category 1 and 2 believed they were in the wrong category and needed to apply for certificates of indigence to be able to access legal aid services. In Kigali, 60% of respondents applied for certificates of indigence. In the Southern Province 39% of respondents applied for certificates of indigence. This indicates that respondents who were in need of legal aid and could not afford it faced the additional challenge of first requesting a certificate of indigence before being able to request legal aid from state or non-state legal aid providers.

Respondents attributed the challenges in obtaining the certificate of indigence to the following causes:

- **Bureaucracy:** respondents explained that the unavailability of the Sector Executive Secretary who is in charge of issuing the certificate cause serious delays in reviewing and issuing of the certificate of indigence.
- **Corruption:** at the local level, authorities are sometimes unwilling to do their job and request “ink for the pen” (incentives) to complete certain tasks. Respondents suggested that sensitizing against asking for *akantu* (compensation), beer, or *umuti w’ikarumu* (ink for the pen) would improve the way in which certificates of indigence are issued and increase the likelihood of those in need receiving them.

When asked why citizens had trouble receiving certificates of indigence, local authorities in FGDs stated that they follow Ministry of Local Government (MINALOC) instructions and only approve certificates for convincing reasons, such as going to court. They explained that certificates can also be issued to people in higher categories if the Cell has recommended it.⁶⁴ Exceptions can be made depending on the needs of the person requesting a certificate of indigence to allow him or her to access justice.⁶⁵

⁶⁴ Although the *ubudehe* system transitioned from a six-category system to a four-category system in 2015, many local authorities are still evaluating applicants using the six-category system. This enables people to be placed in six possible categories.

⁶⁵ For example, focus group participants said that they will often approve certificates in cases involving divorce as those types of cases are especially complicated. They explained that in the case of a divorce, a woman might be in the third category based on joint income with her husband, but have no financial means on her own to access legal assistance. An exception would be made to allow the woman to receive the certificate of indigence.

If a person believes they have been placed in the wrong category, a certificate of indigence may be issued while that person waits to be moved to a lower category. An example of a situation requiring an exception would be when people are erroneously placed in a higher category than they belong. These errors occur because of typing errors and people overstating their wealth. In order to correct this, the party must launch an appeal of their categorization from the village level, which must then be approved at the District level. However, local authorities did point out that many citizens are not aware that they are able to change their categorization.

Bureaucracy is a major area of concern recognized by the focus group participants as a reason for delays in approvals or denials of certificates of indigence. They explained that the Sector Executive Secretary is usually in charge of issuing the certificate, and delays may occur when he or she is not available. This can cause serious delays in reviewing and issuing certificates of indigence.

Conversely, focus group participants noted that citizens will often understate their wealth to be able to benefit from free social services which makes them wary about issuing certificates of indigence. Ubudehe categorization provides access to social services in addition to free legal aid services. Consequently, while the majority of first and secondary categories are eligible for free services, some people are motivated to understate their wealth to gain access to ubudehe social protection programs, in addition to legal aid services.

Access to legal aid is important and any obstacles to that access should be removed. We recommend that those who require legal aid services be issued certificates of indigence for this limited purpose, regardless of their ubudehe classification. Executive Secretaries should be authorized to issue certificates of indigence to be used only to receive legal aid services.⁶⁶ This authority should reflect the awareness of conditions that may make a citizen eligible for free legal aid services even though their ubudehe category may be above category one or two. This certificate will not be valid for any use other than receiving legal aid services. This would ensure that people are in need of legal assistance are not prohibited by a classification that may not accurately represent their ability to pay for legal services.

III.3.2. Accessibility of legal aid providers for respondents travelling on foot.

Indigent Rwandans rely on public transportation and walking to reach desired destinations. The most common forms of transportation in Kigali, besides walking, are motorcycle taxis and public buses. The most common form of transportation in the provinces is walking. The following section and its sub-sections examine how accessible legal aid providers are to those who must reach them on foot.

⁶⁶ Executive Secretaries are already tasked with monitoring the ubudehe system.

III.3.2.1. Approximate amount of time respondents traveled on foot to reach their requested legal aid provider.

LAPs are fairly accessible to citizens travelling on foot, but the distances citizens have to travel to access legal aid services are quite long. Respondents were asked how far they would have to walk to reach the legal aid provider they specifically requested. The findings are summarized in Figure 11 below.

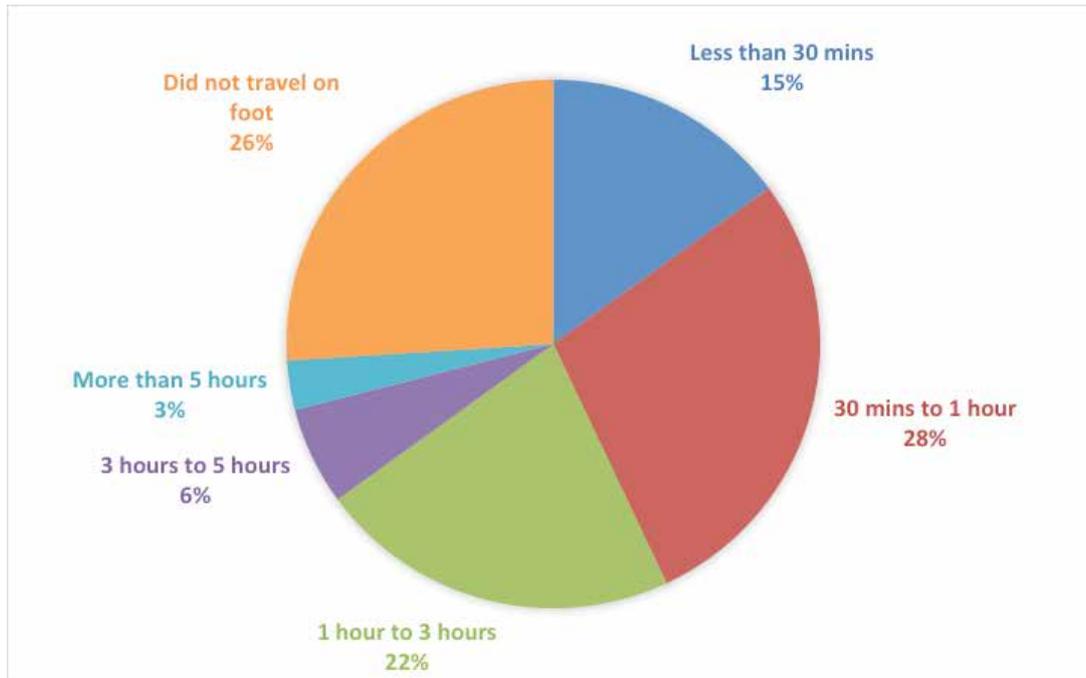


Figure 11: Approximate amount of time respondents traveled on foot to reach their requested legal aid provider.

Respondents were asked how far they would have to walk to reach the legal aid provider they specifically requested (Figure 11) and to reach the legal aid provider nearest to them (Figure 12). Figure 11 above shows that 31% of respondents had to travel one hour to five hours or more to reach a LAP they specifically requested. Approximately 43% of respondents travel one hour or less on foot to reach their *requested* legal aid provider. In the Rwandan context, one hour of walking does not represent an unreasonable amount of time to reach services since most citizens in Rwanda travel approximately one hour to reach basic services. However, walking one to five hours or more does constitute a significant hardship.

III.3.2.2. Approximate time respondents travel on foot to reach the nearest legal aid provider for legal services.

Respondents were asked about the approximate time they had to travel on foot to reach the nearest legal aid provider for legal services.

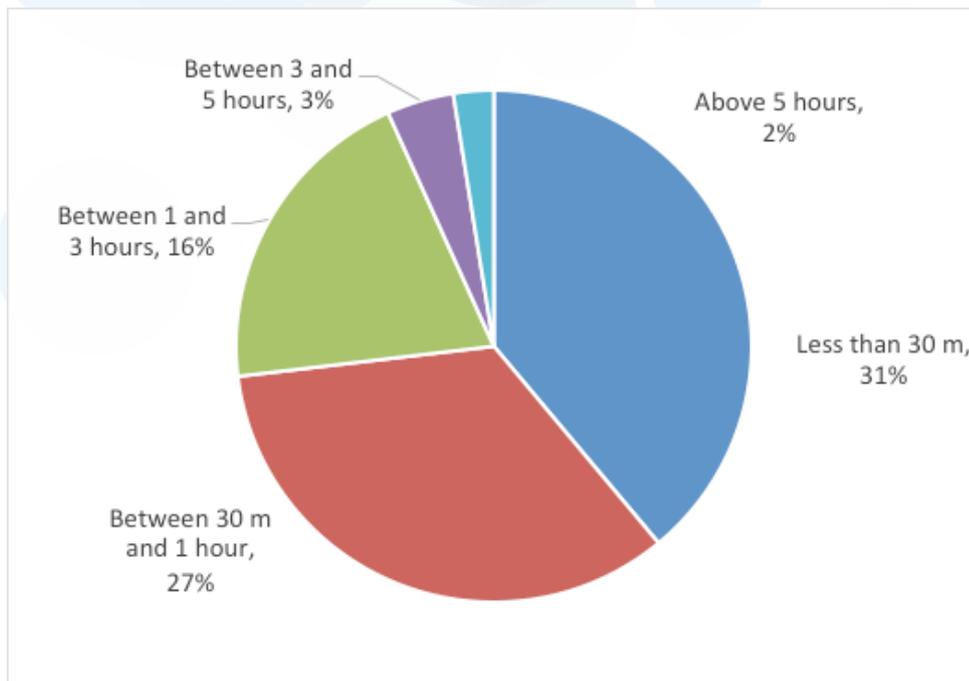


Figure 12: Approximate time respondents travel on foot to reach the nearest legal aid provider for legal services.

Figure 12 above shows that 21% of respondents had to travel one to five hours, or more to reach the LAP *nearest* to them. Approximately 58% of respondents were less than an hour's walk away from their nearest legal aid provider. This is interesting as approximately 31% of respondents were the same distance away from their requested LAP. This indicates that respondents walk farther distances to reach their *requested* legal aid providers than to reach their *nearest* legal aid providers. This is further supported by data showing that 31% of respondents are able to reach their *nearest* legal aid provider in less than 30 minutes, while only 15% of respondents can reach their *requested* legal aid provider in the same amount of time. Respondents are willing to travel farther to reach a LAP to which they have been referred or with which they are familiar. However, this may also indicate that respondents walk longer distances because they may not be aware of the services offered by their nearest legal aid providers.

A significant portion of respondents were more than 5 hours walk away from the nearest LAP (2%) and their requested LAP (3%). Similarly, 3% and 6% of respondents were between three and five hours away from their nearest LAP and requested LAP, respectively. Some respondents were not able to travel to their legal services providers on foot. This may be because the respondents are not physically able to make the trip or the distance is too long for them to travel on foot. Some traveled via bicycle, motorcycle taxi, or car.

The explanation for this data is that respondents are referred to specific legal services providers that are a farther distance away than the nearest legal services provider. People are willing to travel farther to access an organization with which they are familiar and feel they can trust than one with which they are not familiar. The distances clients travel to reach legal

aid services could be significantly reduced by educating citizens about the available legal aid resources within shorter walking distances to their communities as well as by improving the quality of services provided by legal aid providers.

In addition, clients are referred to specific legal aid providers based on capacity and/or on their specializations. For example, some organizations specialize in specific categories such as on women and children, or genocide widowers. In addition, legal aid providers are often inundated with clients and are limited in providing all of them with appropriate legal aid services due to financial and resource constraints. This inability to accept cases may force clients to travel significantly larger distances to reach legal assistance than would be necessary if the agencies were better staffed or had a higher number of locations. In fact, the most common recommendations from respondents was that non-state legal aid providers should set up offices in the Sectors to avoid requiring clients to walk long distances and to increase staffing to ensure they are provided with services in a timely way.

Notwithstanding the reason, the data indicates that requiring respondents to walk long distances acts as a barrier to access to justice. Respondents consistently requested that LAPs be more available in their communities to limit the long distances they had to walk to reach them.

III.3.2.3. Amount of time citizens travel on foot to reach their requested legal aid providers, disaggregated by province.

There are distinct differences between the average distance respondents walk to reach legal assistance from the legal aid providers of their choice in Kigali and the Southern, Western, Northern, and Eastern provinces. As illustrated in Figure 13 below, respondents from the Western (42%) and Northern (43%) provinces traveled shorter distances; between 30 minutes and one hour, to reach a legal aid provider compared to respondents from any other province. Respondents in the Northern (29%), Southern (24%), Western (23%), Eastern (18%) provinces and Kigali (18%) traveled between one to three hours to reach a LAP.

RESPONDENTS WERE ABLE TO RECEIVE THE LEGAL AID SERVICE THEY REQUESTED IN AN AVERAGE OF 89 DAYS

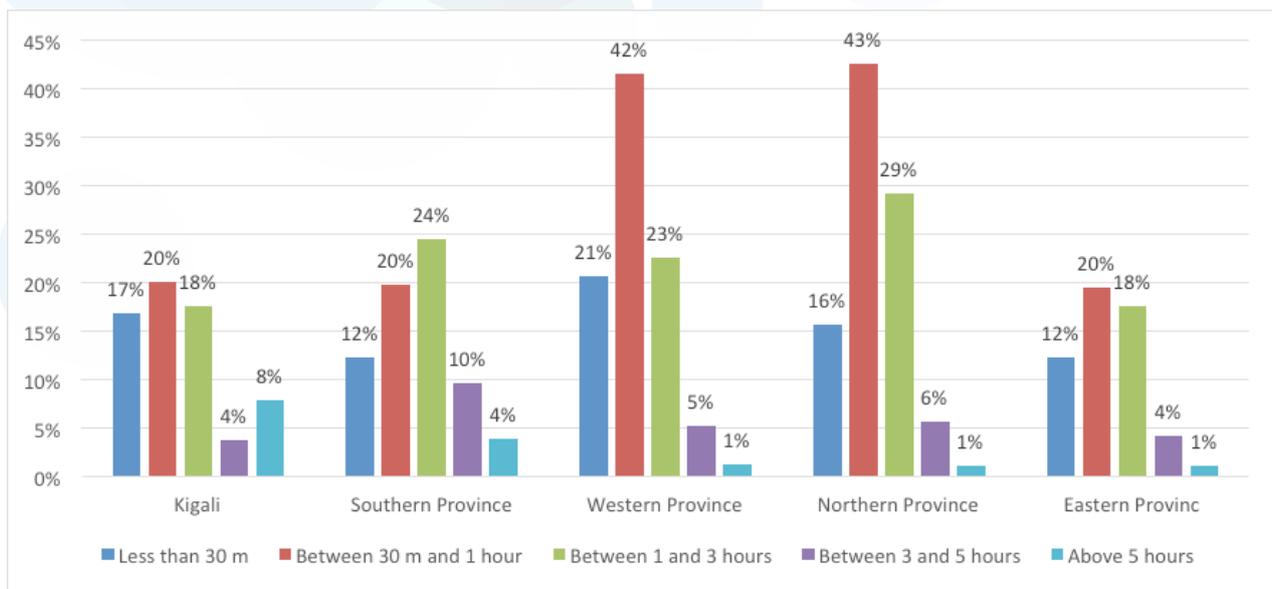


Figure 13: Approximate time respondents traveled on foot to reach their requested legal aid provider for legal aid services.

Surprisingly, even though Kigali is the most urban area, 8% of respondents still have to travel five hours or more on foot to reach legal assistance. Kigali has an area of 730km² and is approximately 70% urban.⁶⁷

As most of the legal aid providers are located in centralized parts of Kigali City, it is possible for those not able to afford other forms of transportation to walk five hours or more to reach the legal aid provider. This indicates that respondents in Kigali and the four provinces face a challenge in accessing legal assistance because of the distance they have to travel to find legal aid.

As explained in sections 3.2.2 and 3.2.3 above, clients walk significant distances to find both referred to or nearest LAPs. If Rwandans especially women, indigent persons and other vulnerable groups are unable to reach LAPs, they will be unable to claim their rights through the judicial process. Moreover, requiring respondents to travel hours to and from a legal provider will require them to forego earning income on the day of travel, while simultaneously requiring them to spend money related to the trip: most likely on transportation or food and drinks. Providing decentralized legal aid services at the village, Cell or Sector level could reduce the distances the respondents are forced to walk.

⁶⁷ Website of the City of Kigali, Available at: www.kigalicity.gov.rw/spip.php?article2.

III.3.2.4. Length of time respondents wait to receive legal service.

a) Length of time respondents waited to meet with a LAP staff member.

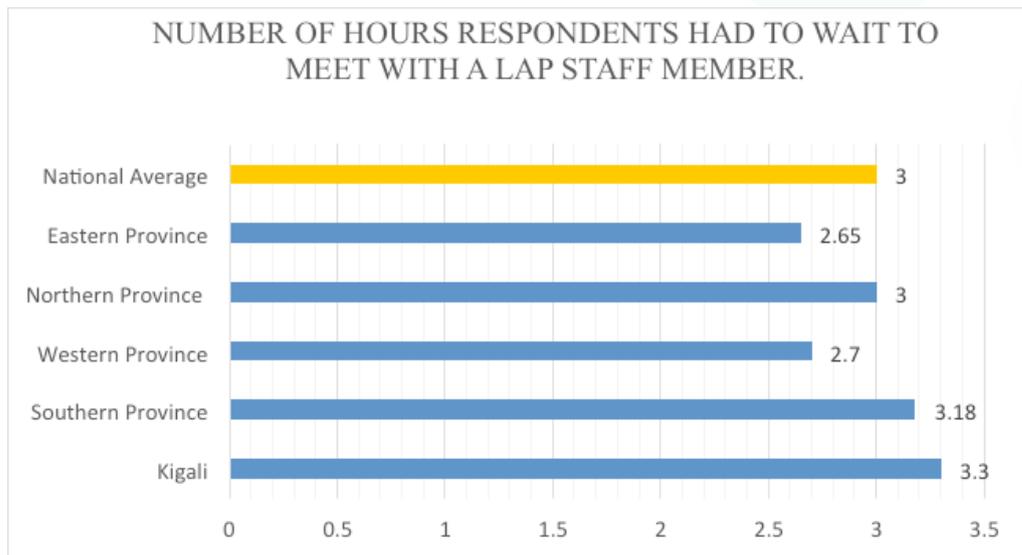


Figure 14: Number of hours respondents had to wait to meet with a LAP staff member.

Access to non-state legal aid providers varies widely depending on a citizens' province of residence. Figure 14 shows that, nationally, respondents had to wait an average of 3 hours to meet with a staff member at a legal aid organization. Respondents in Kigali were likely to be able to meet with someone within 3.3 hours of asking for help. Kigali has the highest number of legal aid providers in the country, but is still limited in how quickly respondents can meet with a legal aid services provider. Respondents in the Southern Province and the Northern Province waited an average of 3.18 hours and 3 hours, respectively. Respondents in the Eastern Province had the shortest wait, on average, at 2.65 hours. The Northern, Eastern, and Western provinces have limited numbers of legal aid providers that focus specifically on those areas and are able to see clients more quickly, on average, than legal aid providers in Kigali.

One of the reasons for the amount of time a client has to wait depends on how busy the legal aid provider may be on that day. Moreover, the length of time respondents in Kigali wait is likely related to the fact that many citizens will walk or travel hours to reach a legal aid provider to whom they have been referred and many of them are in Kigali. In addition, LAP offices in Kigali accommodate citizens from all over the country which places a greater burden on the LAPs in Kigali. This creates longer wait times at offices in Kigali than in other provinces.

Non-state LAPs are currently accessible within a matter of hours, which shows that an effort has been made to provide citizens with efficient service. However, additional staffing would assist in reducing the amount of time respondents have to wait to meet with an advocate.

b) *Number of days respondents waited to receive legal aid services.*

Respondents received a number of legal aid services from state and non-state LAPs. Approximately 48% of respondents requested and received legal advice or assistance from state and non-state LAPs. This was easily the most commonly requested and offered service. 39% of respondents were simply referred to other institutions, 26% received summary of pleadings (conclusions), 22% were assisted with mediations, 18% received legal representation and 12% of respondents were assisted through advocacy.

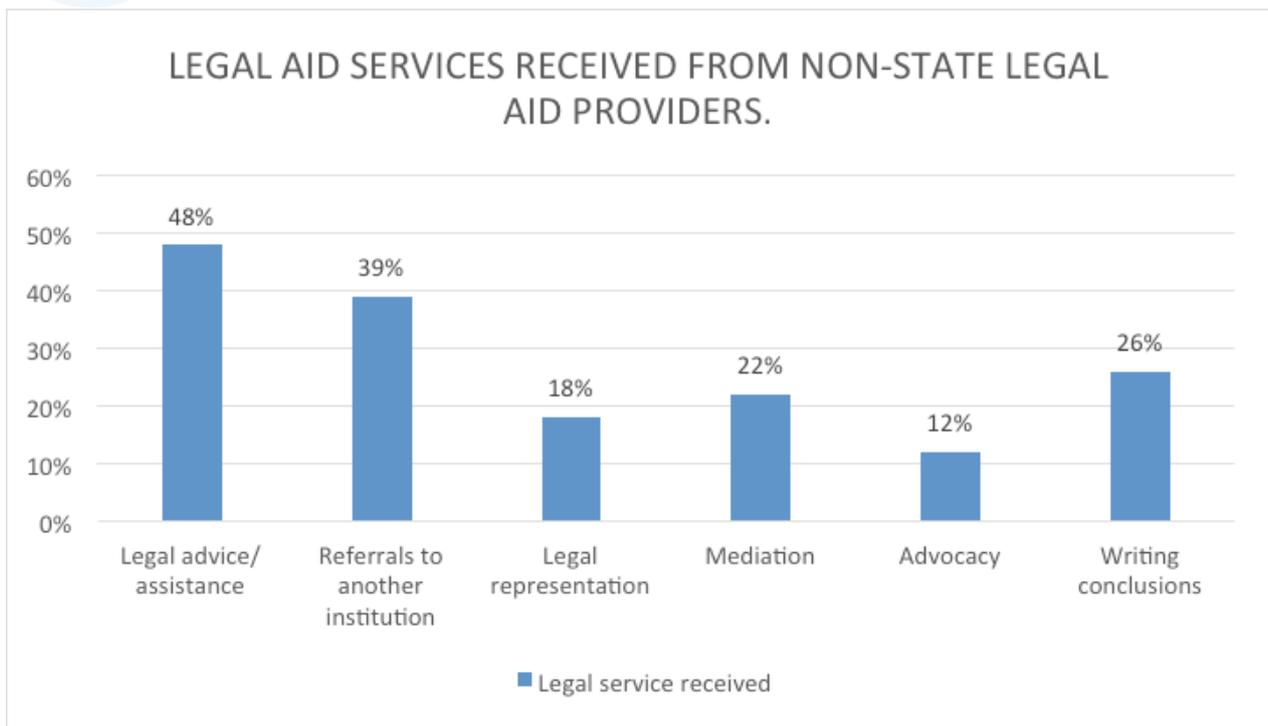


Figure 15: Legal aid services received from non-state legal aid providers.

Respondents were able to receive the legal aid service they requested in an average of 89 days. This data represents the number of days respondents had to wait to receive the legal aid service they requested from state and/or non-state legal aid providers. Respondents in the Northern Province were able to receive their requested legal aid service in an average of 40 days. This was significantly faster than in any other province. Respondents in the Western Province had to wait the longest number of days at an average of 123 days. The results from the Western province are consistently poorer than those from the other provinces.

RESPONDENTS WERE ABLE TO RECEIVE THE LEGAL AID SERVICE THEY REQUESTED IN AN AVERAGE OF 89 DAYS

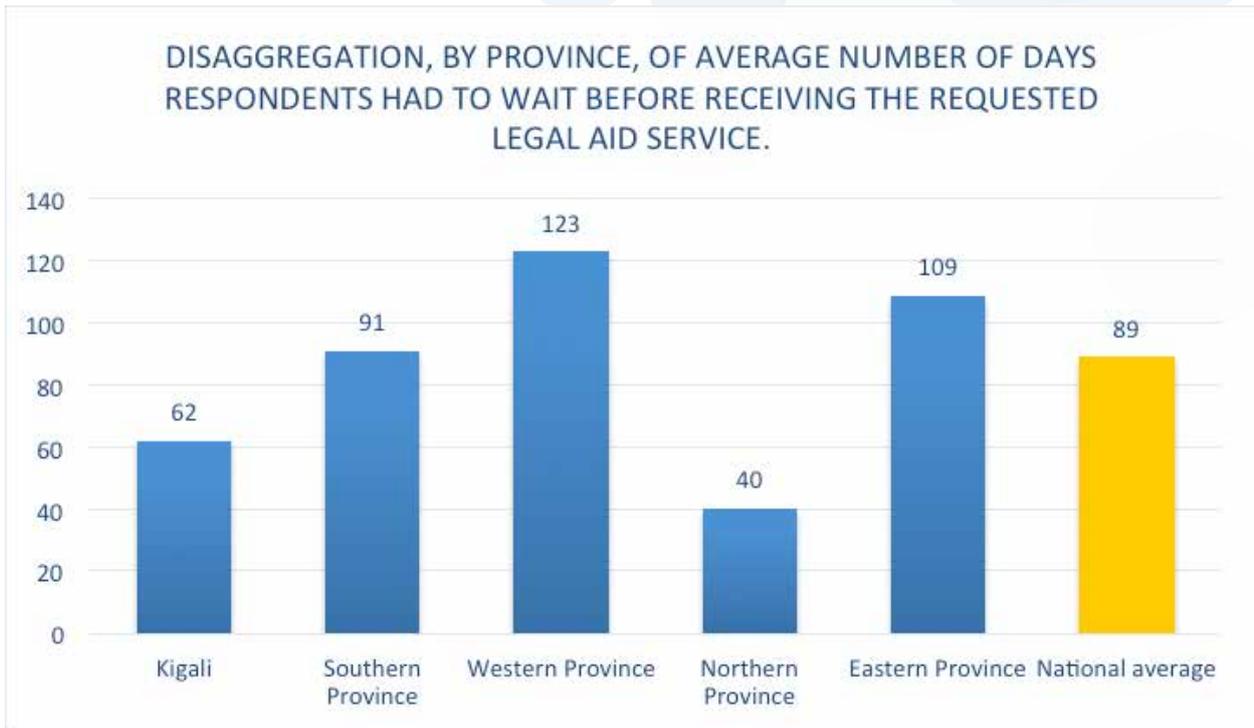


Figure 16: Disaggregation, by province, of average number of days respondents had to wait before receiving the requested legal aid service.

Those who requested legal aid services in the Southern Province, Kigali, and the Eastern Province received them in 91 days, 62 days, and 109 days, respectively. These numbers represent the average number of days respondents had to wait, indicating that some clients may have had to wait significantly longer or shorter periods of time. However, this average does imply that clients had to wait a long time to receive the legal aid service they requested, especially when most services provided included legal advice (48%), referrals (39%), writing conclusions (26%) and mediation (22%). As would be expected, the length of time respondents had seemed to have an effect on respondents' satisfaction with the legal aid services they received.

GEOGRAPHICAL DISTRIBUTION OF LEVELS OF CITIZEN SATISFACTION WITH LEGAL SERVICES RECEIVED COMPARED TO LENGTH OF TIME IT TOOK TO COMPLETE THE SERVICE.

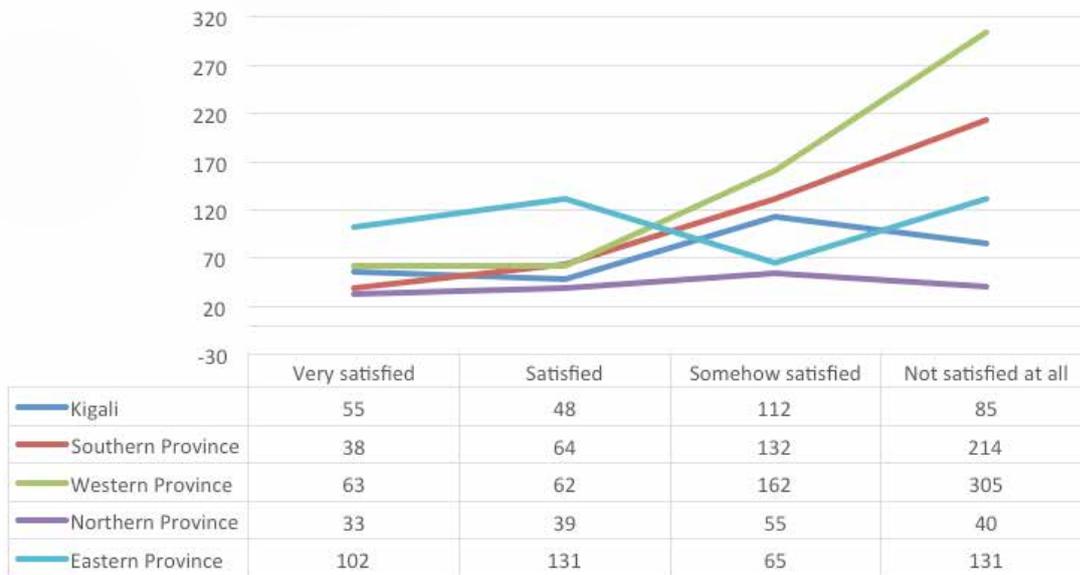


Figure 17: Geographical distribution of levels of citizen satisfaction with legal services received compared to length of time it took to complete the service.

In most provinces, respondents' levels of satisfaction correlated to the number of days they had to wait for the services they requested. In general, respondents' levels of satisfaction declined the longer they had to wait for a legal service. Figure 17 shows that respondents in the Western Province were generally satisfied when services were completed within an average of 62 days, but not satisfied when services were completed after an average of 305 days. However, some respondents in the Eastern Province who waited 131 days for a service to be completed were satisfied, while others who waited the same amount of time were not satisfied at all. Figure 17 also shows that in some instances, the length of time respondents had to wait for a service to be completed did not affect satisfaction. Respondents in the Northern Province who received legal aid services in 40 days were not satisfied while respondents who received legal aid services in an average of 102 days were still satisfied.

The lack of correlation between wait-times and levels of satisfaction with the services provided could be correlated to the fact that indigent and vulnerable citizens are so grateful to receive free legal aid services that they are not troubled by the long waiting periods. Consequently, respondents remained satisfied and somewhat satisfied with the services they received even though the services took a long time to deliver.

III.4. Length of time respondents had to wait until a case was resolved or have been waiting for a case to be resolved

The section below discusses the amounts of time respondents have to pursue their cases until they are resolved as this is an area which can present an obstacle to access to justice.

If respondents are able to access assistance from a state or non-state legal aid provider but not able to resolve their cases in a reasonable amount of time, they are still restricted from accessing justice.

III.4.1. Mean number of days respondents waited to have their cases resolved, by province.

The findings indicate that cases were resolved after an average of 454 days. Figure 18 below, shows that cases in Kigali took the longest to resolve at an average of 617 days and cases in the Northern Province were resolved the most quickly at an average of 345 days.

RESPONDENTS WERE ABLE TO RECEIVE THE LEGAL AID SERVICE THEY REQUESTED IN AN AVERAGE OF 89 DAYS

However, it is important to note that this is an average and some cases took much longer to resolve or were resolved after a much shorter time, and some cases are ongoing and have not yet been resolved.

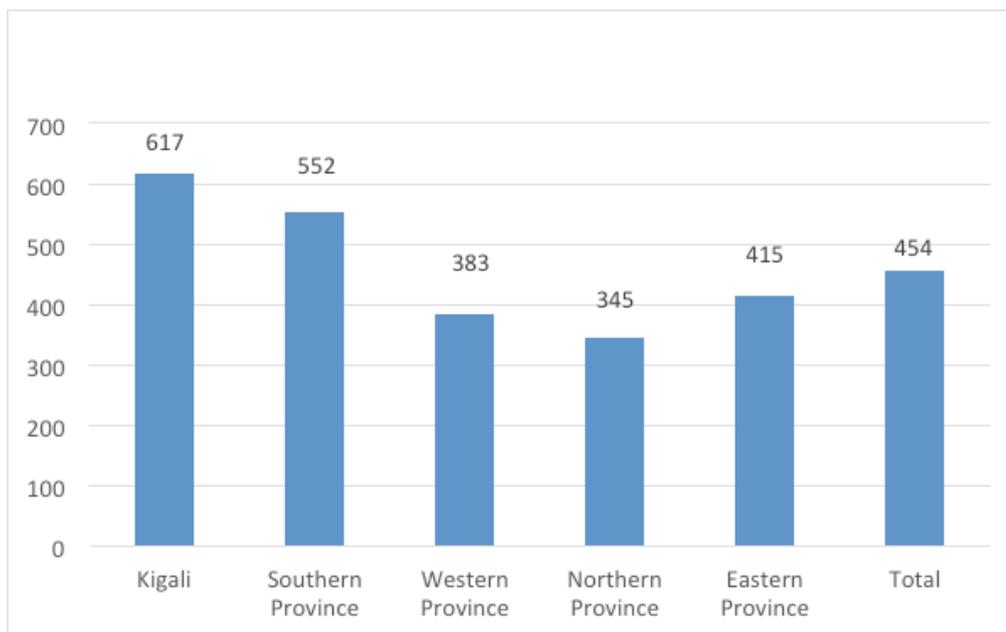


Figure 18: Mean number of days respondents waited to have their cases resolved, by province.

Other findings indicate that cases which were handled and resolved by local authorities took an average time of 266 days to be resolved. Cases which were handled by Abunzi took an average time of 288 days to be resolved.

Cases which were adjudicated by and resolved at primary court level took an average time of 867 days. More so, the data indicates that the amount of time respondents had to wait to resolve a case was increased in cases that involve appeals due to backlogs in the courts.

According to the Supreme Court report on the progress of courts in Rwanda between 2004 and 2014, the Court identified the average processing time in most courts as being five months (150 days).⁶⁸

While the respondents whose cases ended with local authorities or *Abunzi* ended their cases in an average of 266 and 288 days, respectively; those in the courts ended after an average of 867 days. Approximately, 75% of cases begin at the local authority level while 16% end there; these cases take an average of 266 days. 6% of cases begin at the Primary Court level, while 30% end at the Primary Court level; these cases are resolved after an average of 867 days. And, 9% of cases begin with *Abunzi* while 32% of cases ended at the *Abunzi* level; these cases took an average of 228 days to resolve. Consequently, while most cases begin at the local authority level, most cases end at the court level, which requires more time to resolution than cases that end at the local authority or *Abunzi* level.

Other findings of the survey indicate that on average, respondents in the Southern Province and Kigali had to wait up to 1,392 days and 1,179 days,⁶⁹ respectively, for a case to be resolved in the courts, while those in the Eastern Province (739 days), Northern Province (729), Western Province (561 days) waited significantly fewer days.

According to respondents, delays in resolving cases were caused by 1) court delays or bureaucracy at the judicial level, 2) legal services providers responding very slowly, 3) appeals taking a long period of time, and 4) a significant back-log in the courts. The long delays in resolving cases implies that the justice sector is currently unable to provide citizens with swift dispensation of justice, especially by higher courts. Consequently, the judiciary should continue its efforts to expedite court adjudication process in order to help reduce the length of time parties have to wait to have cases resolved.

III.4.2. Effect of case type on length of time needed to resolve case.

The data indicated a difference in the amount of time required to resolve a case based on case type.

⁶⁸ Supreme Court of Rwanda, Report on the Achievements of Judiciary of Rwanda for The Past Ten Years (July 2004- June 2014), 2014, Kigali, p. 7. Available at www.judiciary.gov.rw/fileadmin/Publications/Reports/Achievements_2004_-_2014_Supreme_Court.pdf.

⁶⁹ See Table 2 of the list of Annex.

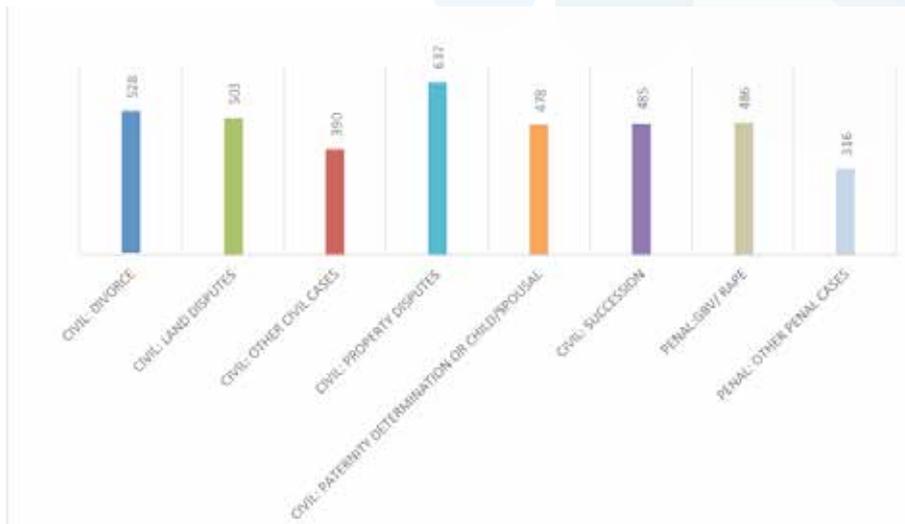


Figure 19: Average number of days respondents waited to have their cases resolved, by case type.

Figure 19 above shows that, in general, civil and criminal cases took similar amounts of time to complete. On the other hand, civil cases involving property disputes took the longest to resolve at an average of 637 days.

Table 7 below shows the length of time respondents waited for the resolution of criminal and civil matters, disaggregated by province.

Table 7: Disaggregation, by province, of average number of days respondents waited to have their cases resolved.

	Province of residence					
	Kigali	Southern Province	Western Province	Northern Province	Eastern Province	National
CIVIL						
Divorce	561	530	538	336	548	528
Land disputes	530	621	491	394	467	501
Property disputes	775	497	701	619	556	633
Paternity, spousal/child support	502	643	349	346	494	473
Succession	492	559	595	230	443	482
Other civil cases	641	612	305	227	372	399
CRIMINAL						
GBV/Rape	395	746	387	638	153	497
Other criminal cases	780	377	215	279	163	302

The data shows that land disputes took between 394 days (Northern Province) and 621 days (Southern Province) to resolve. Paternity determinations and child/spousal support cases took between 346 days (Northern Province) and 643 days (Southern Province) to resolve.

Property disputes in Kigali and the Western Province took the longest to resolve at 775 and 701 days, respectively.

Criminal cases involving GBV/ rape took longer on average to complete (497days) than other criminal cases (302 days). Table 7 above shows that while respondents in the Eastern Province were able to have GBV/rape cases resolved in an average of 153 days, respondents in the Southern Province had to wait for 746 days to resolve GBV/rape cases. This is significantly longer than the average number of days respondents in the Kigali (395 days) and the Western Province (387 days) waited to resolve the same types of cases.

Criminal cases involving GBV/rape often take longer to complete because survivors often follow a criminal conviction with a civil suit for damages. Thus, survivors must wait for the criminal proceedings to end to initiate civil proceedings for damages related to the rape conviction.⁷⁰ The process is often delayed by defendants appealing their criminal convictions in the High Courts. The period of time most respondents waited was the cumulative period including the initial case, the appeal, and the case for damages. The data indicates that this takes longer in Southern Province and the Northern Province than in any other province.

The difference in the average amount of time respondents have had to wait to resolve cases involving GBV/ rape in the provinces is problematic. It is also indicative of a possible problem in the prosecution of GBV/rape cases in the Northern and Southern Provinces. We suggest that the criminal procedures regarding GBV/rape cases in the Northern and Southern Provinces that have been pending for more than 400 days to be reviewed to determine if any possible issues could be addressed to help reduce the delays in resolving these cases in these provinces. This review could highlight underlying issues in these provinces that could cause GBV/rape cases to take longer to resolve.

III.4.3. Length of time men and women had to wait to resolve their cases, by province.

The project baseline study identified indigent women as a vulnerable group whose vulnerability would make them more susceptible to the devastating effects of a lack of access to justice, especially when related to asserting their rights to property and succession rights. Consequently, a specific area of focus for this survey was to examine the way in which men and women interact with the justice sector.

⁷⁰ Survivors can initiate a civil case before the rape/GBV case proceeds to criminal court, but the proceeding is then suspended until the end of the criminal case. Article 161, Law N° 51/2008 of 09/09/2008 Organic Law determining the organization, functioning and jurisdiction of Courts.

Table 8: Number of days to resolve a case by gender.

Length of time, in days, respondent had to wait to have a case resolved by gender			
	Male	Female	Difference
Kigali	615	617	2
Southern Province	495	595	100
Western Province	339	427	88
Northern Province	315	370	55
Eastern Province	369	449	80
Total	401	494	93

As demonstrated in Table 8 above, cases involving women take a longer time, on average, to resolve than those involving men. Cases involving women were resolved after an average of 494 days, while cases involving men were resolved in an average of 401 days. This trend is most noticeable in the Southern province (100-days difference), Western province (88-days difference), and Eastern provinces (80-days difference). However, the average difference is minimal in Kigali (2-day difference).

Cases affecting women take longer to resolve, even though women, as a vulnerable group, sometimes benefit from targeted legal aid services specifically targeting them from some legal aid providers. The focus group participants generally shared the opinion that women often caused delays in their own cases, and that cases brought by women took longer to complete than those brought by men. Focus group participants felt that hearings took extended periods of time because the women were ignorant of how to behave in a legal setting. They explained that they treated women and men in the exact same way, but that women were often more traumatized and emotional during proceedings. They felt that women were more deeply affected by the cases in which they were involved, and this led to them taking a very long time to express themselves as they were often in tears. They also felt that women were largely unaware of the procedures for pursuing their cases, including the roles authorities hold or the finality of decisions. Many focus group participants noted that women were easily influenced by advice they received from friends and family, and often continued to try to pursue cases, even after the cases had been concluded.

Thus, while the average number of days women have to wait for the resolution of a case is higher than the number of days men have to wait, the difference would likely be greater without the intervention and assistance of legal aid providers.

III.5. Costs of pursuing a legal matter.

Nationally, respondents spent approximately between 219,498 RWF and 264,073 RWF pursuing criminal and civil cases, respectively. These figures are high when considered against the annual per capita income of 279,553 RWF, as reported in the 2013/2014 Integrated Household Living Conditions Survey.⁷¹ Assuming that this self-reported data is fairly accurate, most respondents spent more than an average person's annual income paying for the costs related to resolving their cases. These figures are troubling because most of the recipients of free legal services earn far less than the per capita income amount. As discussed above, in 2014, 39.1% of the total population was living below the poverty line of 159,375RWF per person per year.⁷²

RESPONDENTS SPENT BETWEEN 219,498 RWF AND 264,073 RWF PURSUING CRIMINAL AND CIVIL CASES

The extended amount of time it takes citizens to pursue the resolution of a case, the distances citizens have to travel, and the incidental costs of pursuing cases, require indigent citizens to spend substantial amounts of money. As illustrated in Figure 20 below, civil cases involving property disputes, paternity determination and spousal support, succession, and land disputes are the most common types of cases and the most expensive for respondents to pursue. Nationally, respondents spent an average of 270,721 RWF on land disputes (19% of cases), an average of 209,045 RWF pursuing property disputes (12% of cases), 458,796 RWF pursuing paternity determination and spousal support cases (8% of cases), and 172,378 on succession cases (8% of cases).

Cases in the Northern Province move the most slowly but cost the least, on average, to resolve. Respondents in the Northern Province spent approximately 80,029 RWF on property disputes. This is despite respondents' claims that they take approximately 619 days to complete. Conversely, property cases in the Kigali and the Western Province were resolved after 775 and 701 days, respectively but cost 374,042 RWF in Kigali and 233,931 RWF in the Western Province. Moreover, respondents in Kigali spent an average of 684,477 RWF and those in the Western Province spent 582,170 RWF on paternity determination and spousal support cases over a period of 502 days and 349 days, respectively. Respondents in the Northern Province spent an average of 287,819RWF over an average period of 346 days.

⁷¹ National Institute of Statistics of Rwanda (NISR), The 2013/14 Integrated Household Living Conditions Survey, EICV4 (Enquête Intégrale sur les Conditions de Vie des Ménages), Rwanda Poverty Profile Report, 2015, p.41.

⁷² Ibid, at p. 149

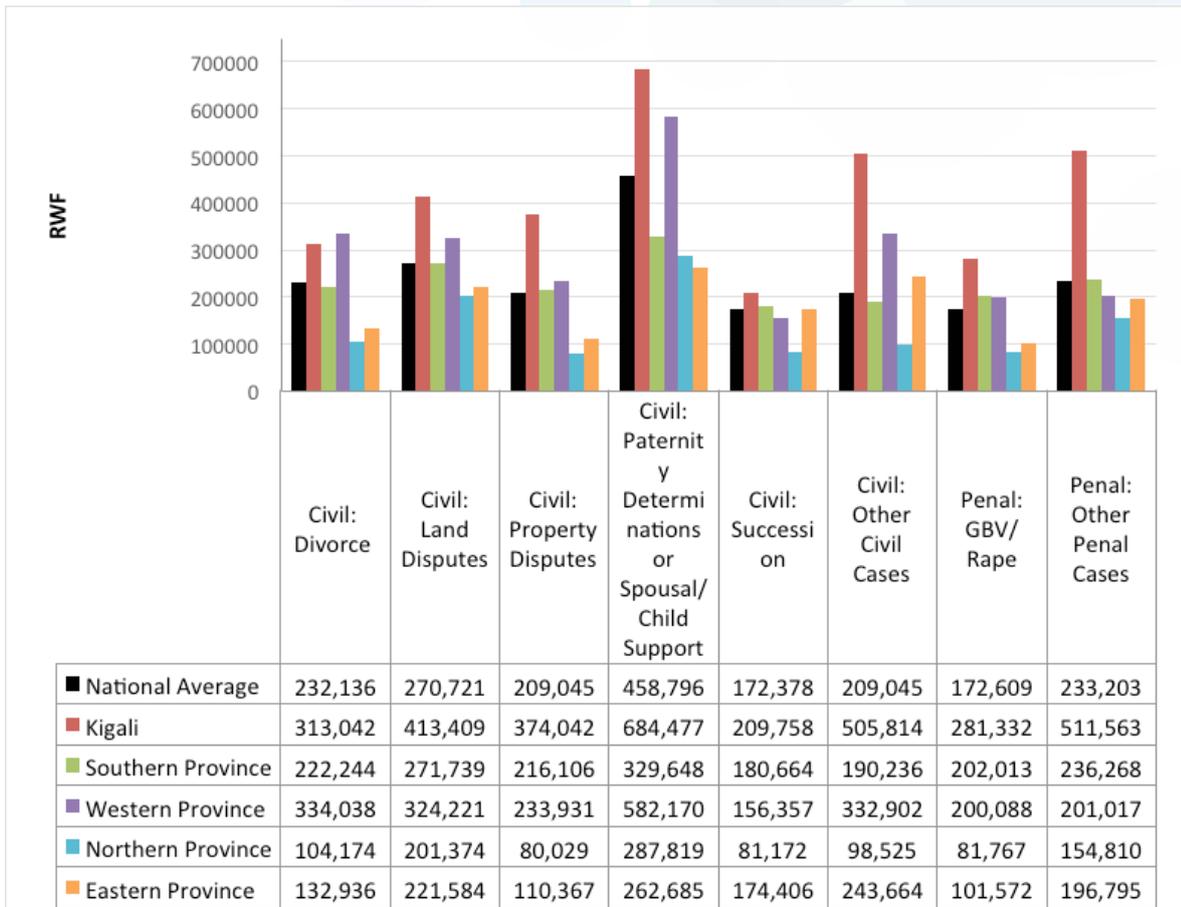


Figure 20: Disaggregation by nature of case of amount of money respondents spent on their cases (transport costs, costs related to witnesses, photocopying, lunch, etc.), by province.

Certain inefficiencies within the justice system, including bureaucracy and court delays, force indigent respondents to spend significant amounts of money to see a case resolved. Most people spend more than one and a half years and tens of thousands of francs trying to resolve a single legal matter. The data essentially implies that those who are unable to afford to see a case through to completion will not be able to afford justice. The length of time and amounts of money citizens spend pursuing legal cases should be addressed if the government wants to realize the goal of ensuring that the most vulnerable members of society have equitable and quality access to justice.

III.6. Settlement of disputes in the formal court system and through complementary systems: Perceptions and experiences

This section analyses citizen’s perception and experience with different out of court dispute settlement mechanisms that complement the formal court system. Besides courts, dispute settlement mechanisms involve: Abunzi, local authorities, legal aid providers (both State and Non-State), and the Office of Ombudsman.

III.6.1. Rating of Institutions/Actors in relation to their ability to settle disputes

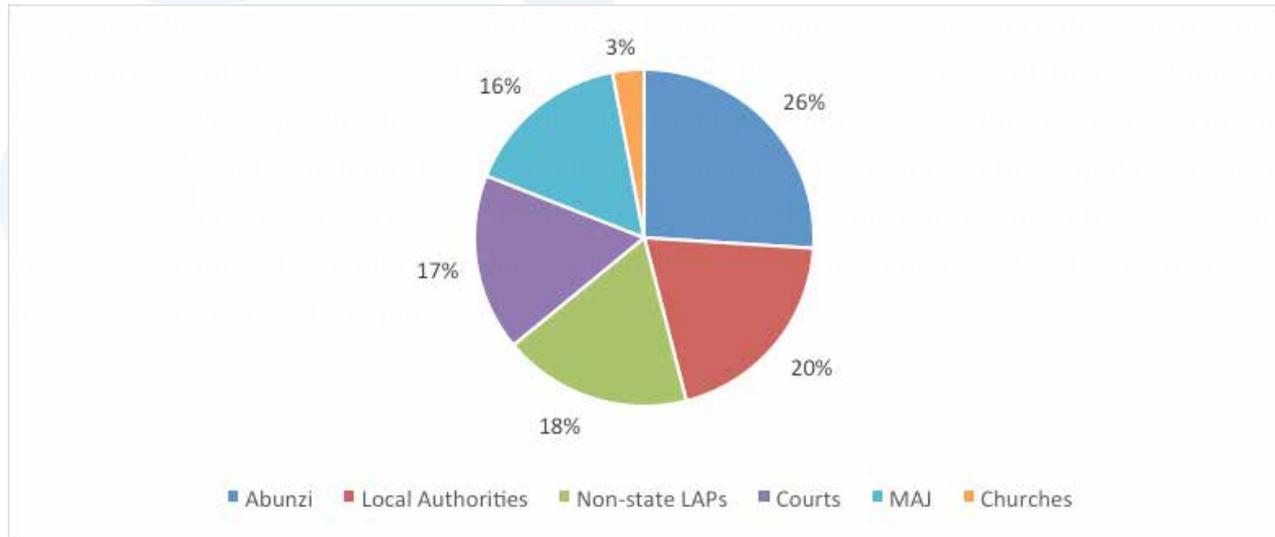


Figure 21: Rating of Institutions/actors in relation to their ability to settle disputes.

As illustrated in Figure 21 above, Abunzi (26%) and local authorities (20%) were ranked as the most important entities for the settlement of disputes. This is likely due to the fact that these two entities interact the most closely with citizens on a regular basis. As we will discuss below, Abunzi and local authorities are both perceived to be biased, but their proximity to the communities and free services provided are both appreciated.

Non-state LAPs (18%) are the third most valued entities for dispute settlement. Non-state LAPs are non-governmental organizations that are trusted and respected for their abilities to settle disputes. The Church (3%) is also valued as a dispute resolution forum. Respondents in the Southern Province, especially, found the Church to be a more effective in dispute resolution than Abunzi, MAJ, local authorities, the courts or non-state LAPs.

Besides churches, which are not justice entities, MAJ (16%) and the Courts (17%) are considered the least important to dispute settlement. The courts are not generally considered to be as important for the settlement of disputes which is likely due, in part, to the fact that courts are far removed from the communities and are often seen as being unable to make decisions that are as fully informed as those of Abunzi who are able to visit the sites of disputes. Moreover, getting a resolution from the court is a long and complicated process and many people have to wait long periods of time to have court judgments enforced. MAJ are probably not as highly appreciated for dispute resolution because most respondents are not aware that MAJ staff provide mediation services, and are not in as much contact with communities as local authorities or Abunzi.

Lastly, local authorities and Abunzi are both highly appreciated by citizens, but they recognize that they need more support to do their jobs well. Focus group participants said they need transportation to be able to do field visits (bicycles or a larger budget to facilitate judgment

execution), better training and training manuals, more equipment (pens, paper, phones, photocopiers), and legal books. Many Abunzi felt that they could be more effective if they received more financial support, such as travel allowances, as many currently use their own money to be able to do their jobs.

IV.6.1.2. Citizen's general perception of the ability of different institutions/actors in dispute settlement.

In general, respondents were satisfied with the ability of the legal entities and service providers to settle disputes. However, respondents cited delays in having the dispute resolved, long walking distances, bias, high costs, bureaucracy, and misunderstanding cases as their main reasons for dissatisfaction with different institutions/actors in relation to dispute settlement.

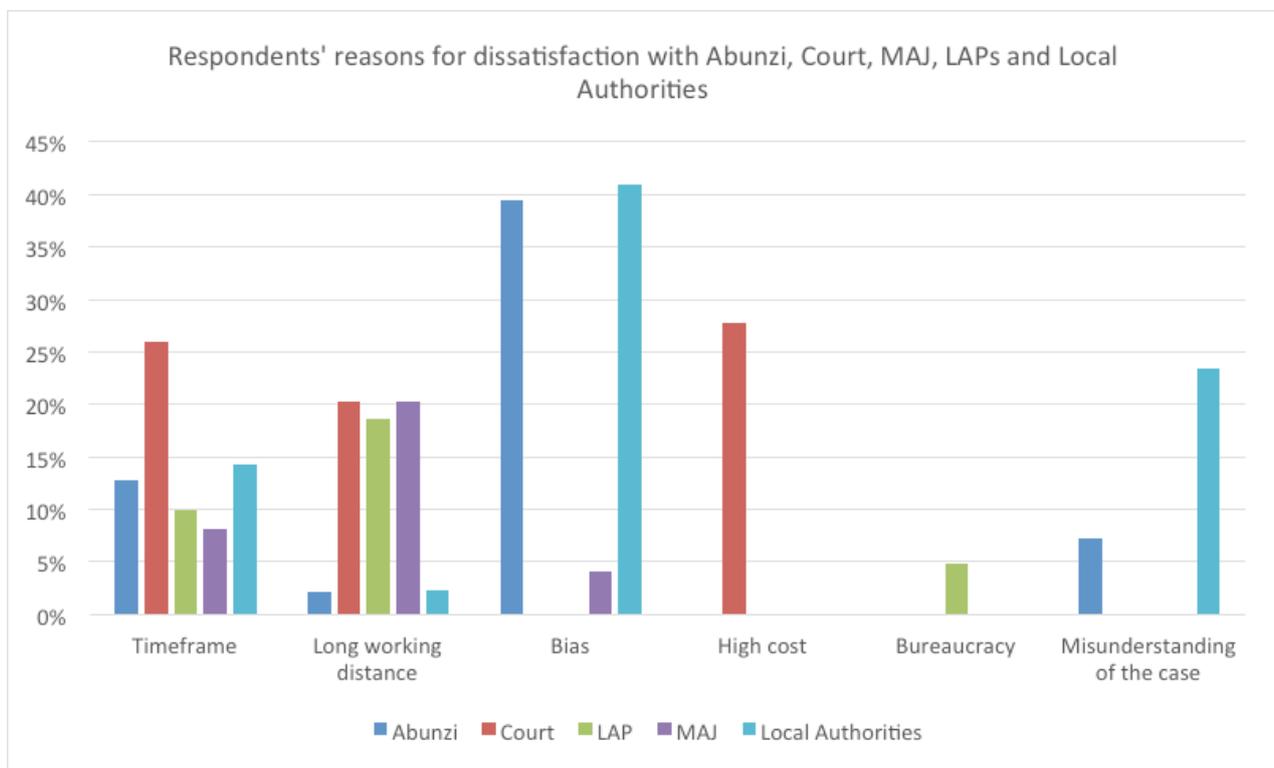


Figure 22: Respondents' reasons for dissatisfaction with Abunzi, Court, MAJ, LAPs and Local Authorities.

In general, respondents were satisfied with the ability of the legal entities and service providers to settle disputes. Figure 22 above, illustrates the reasons respondents gave for being dissatisfied with Abunzi, the courts, MAJ, LAPs and local authorities. In general, respondents are dissatisfied with the length of time necessary to resolve a dispute and the distance they must travel to access services from the different entities. Levels of dissatisfaction with Abunzi and local authorities' distance from respondents are not as high as with the other entities, as they are more closely located to communities than the other three entities. Bias is a serious concern with Abunzi and local authorities and to a much lesser extent with MAJ, as will be discussed below.

High costs (court fees, transportation, etc.) are a concern with the courts.⁷³ Misunderstanding of the case is a concern with local authorities.

III.6.2. Assessment of the performance of *Abunzi* in relation to dispute resolution.

Abunzi committees are mediation organs before which respondents brought civil cases and minor criminal cases with an amount in question not exceeding 3 million Rwandan Francs.⁷⁴ Following a review of the law in 2016, *Abunzi* committees now only handle civil cases with an amount in question not exceeding 3 million RWF.⁷⁵ During the period for this survey, mediation was a mandatory prerequisite for specifically enumerated cases such as land, livestock, and family issues before seizing a competent court.⁷⁶ *Abunzi* are comprised of a panel of seven citizen-volunteers who are known persons of integrity and with conciliation skills. They must also be residents of the Cell or Sector in which they will mediate cases.⁷⁷ According to the Rwanda Governance Board, *Abunzi* are the most cost effective form of justice because they are easily accessible and because citizens are not required to pay court fees to access them.⁷⁸ They are often lauded as an affordable, accessible, and faster alternative form of dispute resolution compared to classic courts of law. *Abunzi* are generally seen as a grass roots solution to help improve access to justice at the Cell and Sector level. 52% of cases that were handled by *Abunzi* were resolved through mediation, while 48% were resolved by a judgment issued by the *Abunzi* committee.

III.6.2.1. Citizen perception of the ability of *Abunzi* to settle disputes.

Citizens generally have a positive perception of the overall *Abunzi* process and the way in which *Abunzi* settle disputes. Figure 23 below shows that 84.9% of respondents who had a case in front of *Abunzi* were satisfied with the process through which *Abunzi* settle disputes. Only 15.1% of respondents were not at all satisfied.

⁷³ Respondents were not asked about bias in the courts as bias in the courts has not been identified as a significant reason for citizen dissatisfaction with the court system.

⁷⁴ *Abunzi* were originally limited to reviewing cases with an amount in controversy not exceeding 3 million RWF, but this amount was raised to 5 million RWF in 2015 and was reduced to 3 million RWF in 2016.

⁷⁵ Law N° 37/2016 of 08/09/2016 determining the organization, jurisdiction, competence and functioning of an *Abunzi* committee.

⁷⁶ Article 1, N°02/2015/OL. of 16/07/2015 Organic Law modifying and complementing Organic Law n° 02/2010/OL. of 09/06/2010 on the organization, jurisdiction, competence and functioning of the Mediation Committee. (Repealed)

⁷⁷ Law N° 37/2016 of 08/09/2016 determining the organization, jurisdiction, competence and functioning of *Abunzi* committees.

⁷⁸ Rwanda Governance Board, Survey on the Performance of Mediation Committees, conducted by Transparency International Rwanda Final Report, Kigali, Feb. 2012.

⁷⁹ This data is consistent with data from the Rwanda Governance Scorecard 2016 which states that 79% of respondents appreciated the work done by *Abunzi*, an increase from 76% in 2014. Rwanda Governance Board, Rwanda Governance Scorecard 2016: The State of Governance in Rwanda, p. 22.

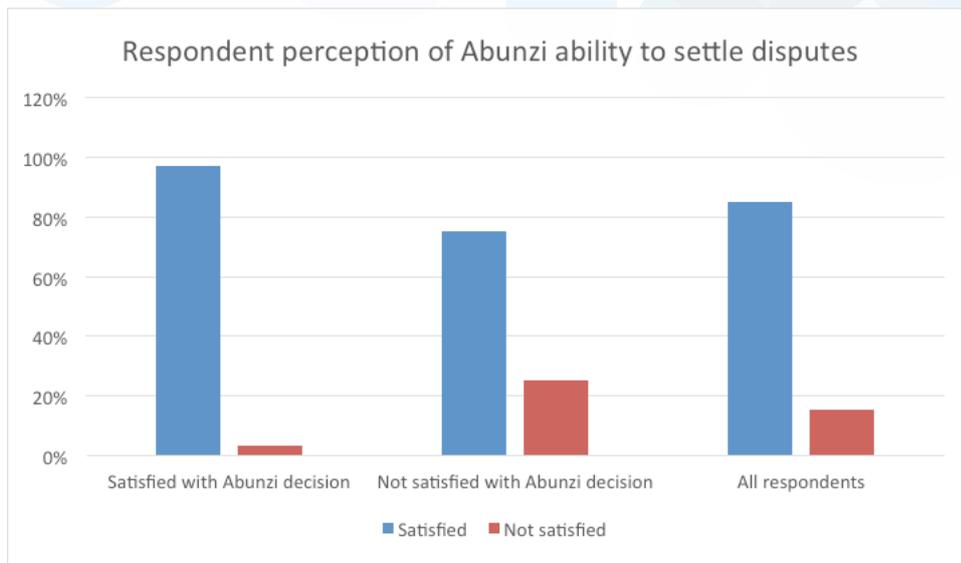


Figure 23: Respondent perception of Abunzi ability to settle disputes.

The findings of the survey revealed that dissatisfaction was mainly due to bias, time needed to settle a dispute, distance travelled by parties seeking to have their case resolved, and Abunzi misunderstanding of the facts of the case. Each of these factors were rated differently across provinces and Kigali as presented in Figure 24 below.

The findings show that 40% of respondents who went through mediation were not satisfied with the way in which Abunzi settled disputes because of bias. Approximately 55% of respondents in the Western Province cited bias as their primary reason for dissatisfaction with Abunzi. Approximately 45% of respondents in the Northern Province, 42% of respondents in the Southern Province, 34% of respondents in the Eastern Province and 25% of respondents in Kigali also cited bias as a reason for dissatisfaction.

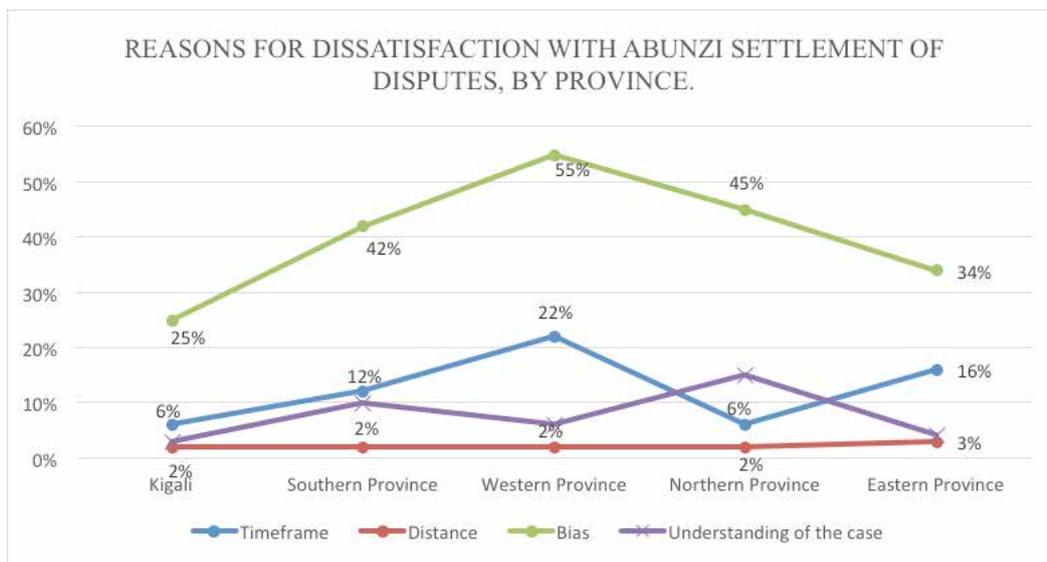


Figure 24: Reasons for dissatisfaction with Abunzi settlement of disputes, by province

Citizens were also dissatisfied with the length of time it took Abunzi to mediate cases (13%) and Abunzi misunderstanding of cases (7%). Abunzi not having a proper understanding of the

case was highlighted as an issue in the Western Province where 22% of respondents cited this as a reason for dissatisfaction. The distance respondents had to travel to access mediators was also a reason for dissatisfaction, but with a negligible number of respondents at 2%.

FGD response on the perception of bias

While citizens are generally satisfied with the way in which Abunzi settle disputes, the primary reason they give for being dissatisfied is based on the *perception* of bias, as demonstrated above. FGD participants explained that the public perceive Abunzi as being biased because Abunzi members may have interactions or be familiar with citizens bringing matters forward for mediation. The proximity of Abunzi members to the communities serves the purpose of providing a grassroots dispute resolution mechanism, but also has the disadvantage of Abunzi committee members being perceived as being biased when mediating cases of their fellow community members, whether or not any bias actually exists.

Interestingly, when the focus group participants were presented with this data about bias, some participants explained that they believed that corruption and bias were not likely to occur in Abunzi committees because of the way they are structured, as is explained below:

First, cases are mediated in halls which are open to the general public. Under Article 17 of the law on Abunzi, mediations must be open to the public except for those which the Abunzi decide are sensitive enough to be held behind closed doors.⁸⁰ FGD participants argued that having mediations in public makes the change of bias less likely.

Second, the parties select the three members of the bench on the day of mediation thereby making it impossible for a person to know who will mediate their case. Under Article 15 of the law on Abunzi, if the parties do not agree to three Abunzi who will mediate their dispute, each party chooses one and they choose the third together. This three-person mediation committee includes a chairperson and a secretary. According to some focus groups participants, this eliminates the possibility of bias as citizens cannot predict who the other party will select to be on the committee.

Lastly, Abunzi give the parties an opportunity to resolve the issue on their own. Under Article 17 of the law on Abunzi, parties are supposed to reach a compromise with the assistance of Abunzi; Abunzi only intervene to make a decision consistent with the law once the parties have failed to reach a resolution on their own.⁸¹ This eliminates bias because there is no guarantee that an Abunzi committee will ever hear the case.

In FGDs, some Abunzi members recognized that corruption and bias do occur as Abunzi are human and fallible.

⁸⁰ Law N° 37/2016 of 08/09/2016 determining the organization, jurisdiction, competence and functioning of an Abunzi committee.

⁸¹ Ibid, Article 17.

They stated that those who are identified as corrupt are immediately removed from serving as mediators. However, they also believe that citizens may think they are corrupt because Abunzi members often ask parties for money for transportation to complete field visits.⁸²

Nonetheless, focus group participants believe that respondents perceived bias even where mediators only socialized with people and then mediated their cases. When Abunzi take a decision in favor of one party over another, the assumption is that it has to do with their personal relationships.⁸³ The focus group participants did concede that Abunzi are unpaid and that this financial strain could easily encourage them to accept bribes. However, they argue that while one or two Abunzi may ask for or accept a bribe in a decision, it would be impossible to convince all of the mediators on the panel to reach the same decision on a case. And, any party has the right to reject a mediator, so there would be no way of ensuring that a bribed mediator would actually sit on a person's case.

Moreover, Abunzi are comprised of volunteers from the community who receive training in mediation and in the laws. Their position outside of the formal justice system may cause citizens to perceive them as not having the level of education or knowledge of the law that would satisfy citizens that their cases were handled correctly. People may begrudge being required to present their case before mediators they feel do not have the capacity to mediate their cases.

When presented with the data about citizen dissatisfaction with Abunzi, the focus group discussion participants explained that they were not surprised that the length of the process was not a source of dissatisfaction because Abunzi work efficiently. Mediators meet once a week and handle cases in the order in which they were received. At the Sector level, a case that does not require a field visit can be resolved within two weeks. When a field visit is required, a case can be resolved in less than 45 days.

The focus group participants explained that delays in Abunzi mediations are usually caused by those who have been summoned to attend a mediation not being able to come. If a person misses a hearing date, they have to wait at least a week before they receive another summons; this can take at least seven days. The wait times become especially long during particularly busy times when the mediators become backlogged.

III.6.2.2. Citizen perception of the decisions made by Abunzi during dispute settlement

Despite the fact that the general perception of Abunzi ability to settle disputes is positive, as highlighted by previous research and corroborated by the current survey, findings of the latter point out disturbing figures in relation to citizen perception of actual decisions made by

⁸² Abunzi are not allowed to ask parties to pay their transport fees, but some of them do citizens for money. This shows how Abunzi need to be facilitated within transportation means.

⁸³ No mediator is allowed to settle a case involving a relative.

Abunzi during dispute resolution. Figure 25 below shows that 61.5% of respondents were not satisfied with the decisions reached by Abunzi. Specifically, in Kigali, the Southern Province, the Eastern Province, and the Northern Province, respectively, approximately 80%, 60%, 59%, and 54% of respondents were dissatisfied with the decisions reached by Abunzi committees.

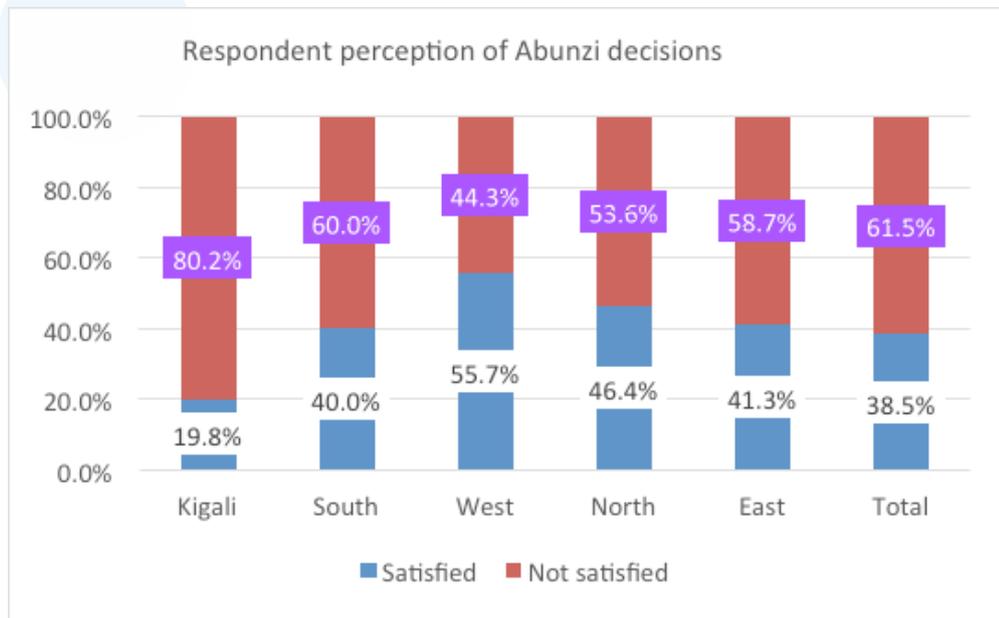


Figure 25: Respondent perception of Abunzi decisions.

The dissatisfaction with Abunzi decisions was attributed to various reasons as illustrated in Figure 26 below.

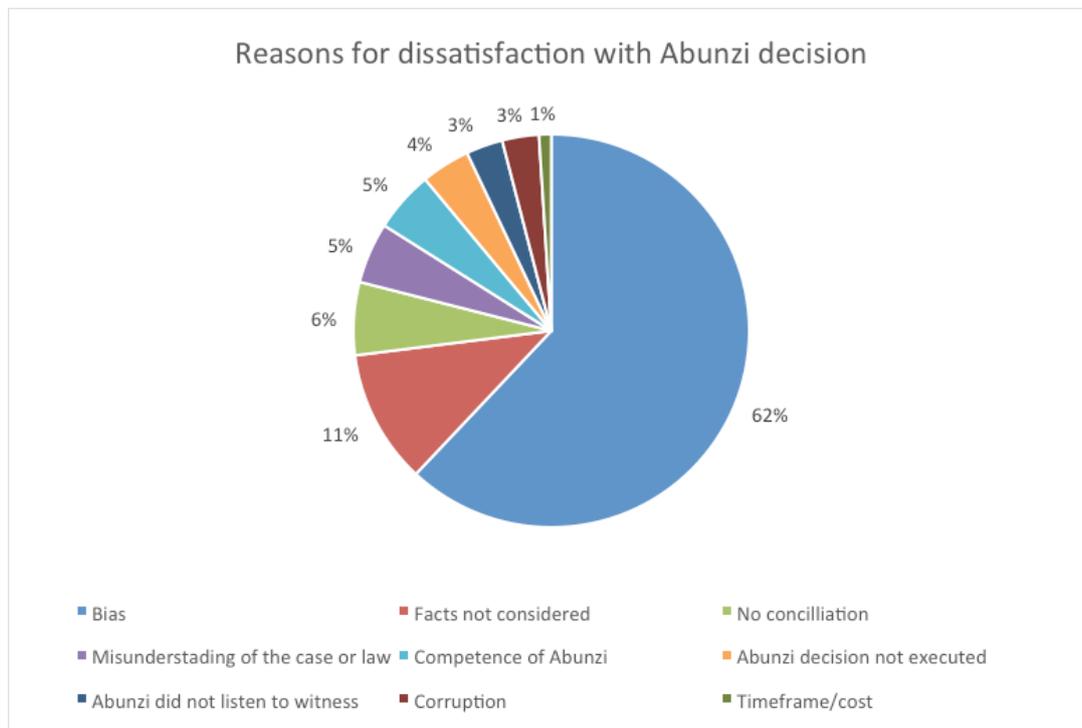


Figure 26: Reasons for dissatisfaction with Abunzi decisions.

Approximately 62% of respondents cited bias as the reason for their dissatisfaction with the outcome of cases brought before Abunzi. Respondents were also dissatisfied with the decisions reached by Abunzi because they felt that the facts of their cases were not properly considered (11%), the other party did not appear to allow for conciliation (6%), Abunzi misunderstood the cases or did not have a good grasp of the law (5%), and that Abunzi were not competent (5%). Approximately 3% of respondents were not satisfied because Abunzi did not listen to witnesses they brought to the mediation and 3% felt that Abunzi committee members were corrupt.

To a lesser extent, respondents were also not satisfied because the Abunzi decision was not executed (4%) which is not a reflection of the decision or the conciliation process. However, the issue of judgment enforcement is discussed further in section III.7.

III.6.2.3. The effect on winning or losing on citizen perception of Abunzi ability to resolve disputes.

The data shows that respondents' opinions of Abunzi ability to settle disputes were correlated to whether or not the Abunzi decision was in their favor. Overall, 67.9% of respondents who were satisfied with the Abunzi decision in their cases were *satisfied* with the dispute settlement abilities of Abunzi; 32.1% of respondents who were not satisfied with the Abunzi decision were also *satisfied* with the dispute resolution abilities of Abunzi. The positive outcome of a respondent's case affected their view of the dispute settlement abilities of Abunzi: 91.7% of respondents who were happy with the Abunzi decision were satisfied with the dispute settlement abilities of Abunzi whereas 8.3% of those who were not happy with the outcome of their cases were not satisfied with Abunzi dispute settlement abilities. The trend is consistent. However, 17.4% of those who were happy with the decision reached by Abunzi were not satisfied with the way Abunzi settle disputes.

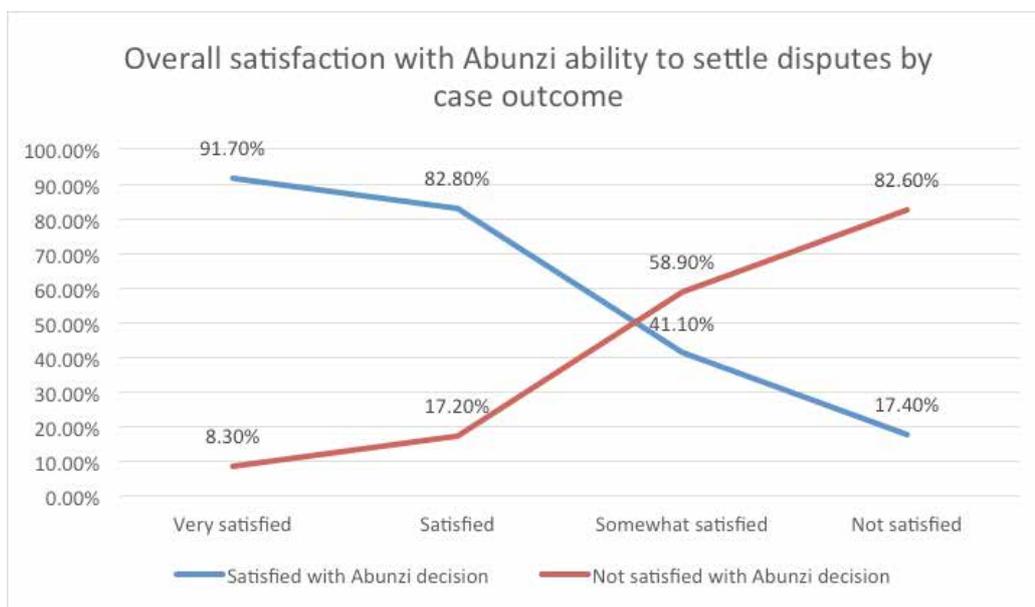


Figure 27: Overall satisfaction with Abunzi by case outcome

The data produced from this survey is consistent with the findings of other studies on Abunzi. In a study completed in 2015 by Search for Common Ground, 34% and 44% of people interviewed declared that they have a “very good” and a “good” appreciation of the work Abunzi mediators do, respectively.⁸⁴ When combined, 78% of the respondents polled in Search for Common Ground had a good appreciation for Abunzi mediation work. Researchers found that 80% of respondents believed that there is no disadvantage to asking for Abunzi mediation, as Abunzi mediators are appreciated for their ability to preserve harmony in the community.⁸⁵ According to the Universal Periodic Review completed by the Ministry of Justice in June 2015, citizens are usually satisfied with Abunzi decisions because Abunzi are highly regarded members of the community. That study showed that between 2014-2015, 97.57% of parties were satisfied with the outcomes of their cases and did not appeal the decision to the courts.⁸⁶

III.6.2.4. Abunzi Decision vs. Decisions of the Courts

Abunzi decisions are subject to appeal. Cell level decisions can be appealed at the Sector level.⁸⁷ Sector level decisions can in turn be appealed to the Primary Courts if submitted within 30 days of the parties receiving the Abunzi decision.⁸⁸ However, appeals may only be heard on the specific points on which a party has raised an objection.

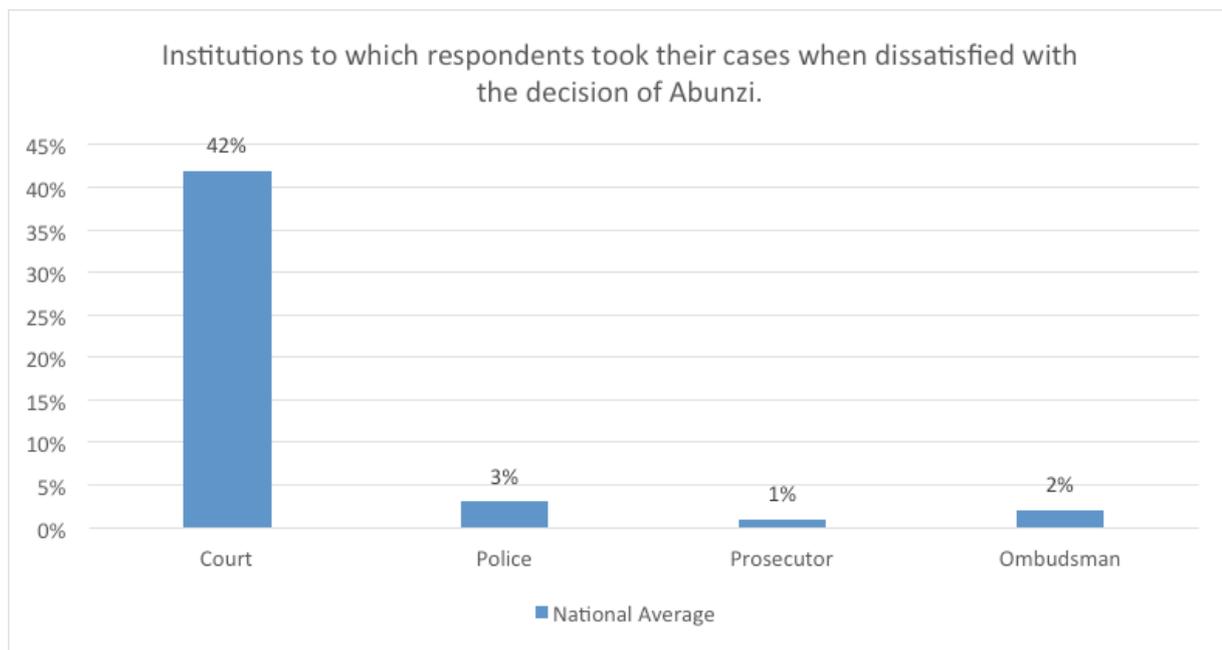


Figure 28: Institutions to which respondents took their cases when dissatisfied with the decision of Abunzi.

⁸⁴ Search for Common Ground, Legacy for Tomorrow Final Evaluation Report, 2015, Kigali, p. 6.

⁸⁵ Ibid.

⁸⁶ UPR Report, p. 12.

⁸⁷ Article 17, N°02/2015/OL. of 16/07/2015 Organic Law modifying and complementing Organic Law n° 02/2010/OL. of 09/06/2010 on the organization, jurisdiction, competence and functioning of the Mediation Committee.

⁸⁸ Ibid, Article 18.

People who were not satisfied with the Abunzi mediation process took their cases either to the Courts, the Police, the Prosecutor, or the Ombudsman. Figure 28 above shows that 2,287(61.5%) respondents were dissatisfied with the decisions of the Abunzi, but on average, only 42% of them appealed Abunzi decisions to the court. Almost half of respondents did not continue with their cases. A significant number did not appeal their cases in a competent jurisdiction.

Approximately 6% of respondents did not appeal an Abunzi decision because of high court costs, 9% did not appeal because they believed the court would not reach a different conclusion, and 2% did not appeal because of the distance they would have to travel to reach the Court. At the provincial level, respondents in the Western Province were least likely to appeal a decision because of court costs (11%), and because they believed the court would not reach a different decision (16%).

When the focus group participants were asked why they believed people did not appeal against Abunzi decisions, their answers varied. Many answered that it was likely because the cost of filing a court case increased and most people are not able to afford the filing fees. Others stated that people are willing to bring smaller matters to Abunzi which are free of charge, but are discouraged by the potential cost of appealing a small case, the benefit of which may not be that great.

In a 2015 survey on the impact of increased court fees on access to justice, AJPRODHO found out that the decision to go to court was heavily influenced by financial concerns and an assessment of the risks and benefits of going to court, weighed against the costs.⁸⁹ The participants also explained that people are discouraged by the distance they have to travel to access the courts. They also noted that many people are ignorant of procedures and do not realize that there is a legal prescription for appealing until they they realise that they have exceeded the deadline for appeal.

Interestingly, many of the focus group participants believe citizens often do not appeal Abunzi decisions because they are aware that the mediation decision was fair, and because they know they will lose in the courts. Most cases do not begin with the Abunzi, but with community meeting commonly known as *inteko za'abutarage*⁹⁰. Complainants take their issues to those meetings and a decision is reached. If the complainant is not happy with that decision, he or she can then proceed to the Abunzi. This process is not mandatory, but most matters go through the local leadership before going to Abunzi. The focus group participants asserted that when a person receives an adverse decision at the Abunzi level, which reinforces the decision reached by the *inteko y'abutarage* it discourages them from continuing with their cases to the courts.

⁸⁹ AJPRODHO-JIJUKIRWA, National Perception Survey on the increase of Court Fees and its Effect on Access to Justice in Rwanda, Kigali – February 2015

⁹⁰ General meetings at the village level.

Remarkably, the serious concerns about Abunzi bias are not reflected in the decisions of the court on appeal. As we will discuss below, two-thirds of the decisions appealed from the Abunzi reach the same decision as that reached by Abunzi.

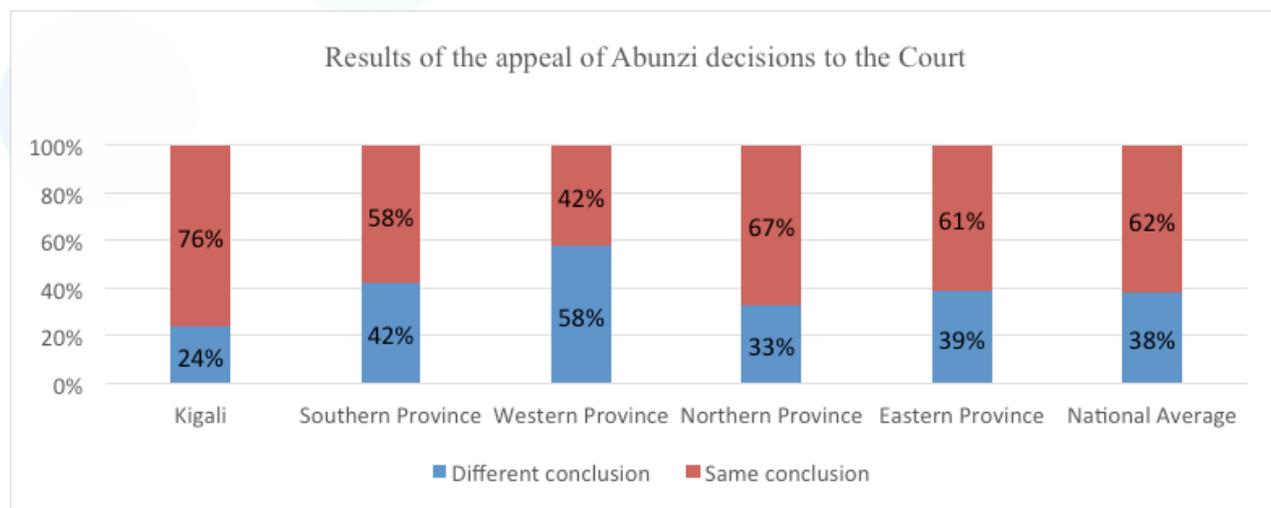


Figure 29: Results of the appeal of Abunzi decisions to the Court

Decisions by Abunzi are not likely to be overturned, as illustrated in Figure 29 above. On average, only 38% of the Abunzi decisions that were appealed reached a different outcome when presented to a court.

In all provinces except the Western Province, courts consistently reach the same conclusion on appeal that the Abunzi reached when originally deciding on the matter. These statistics were consistent across Kigali (76%), the Northern Province (67%), the Eastern Province (61%), and the Southern Province (58%). Appeals in the Western Province reach the same conclusion in only 42% of instances. However, delays in reaching conclusions means that 57% of cases appealed from Abunzi are still under consideration. This data implies that even though respondents believe that Abunzi decisions are biased, this perceived bias does not have an impact on the legal accuracy of decisions as the majority of decisions reach the same conclusion.

The rate at which appealed Abunzi decisions reach a different conclusion, 38%, is data unique to Rwanda as no other country operates a grass-roots mediation system to which the appeal and reversal rates can be compared. The number of Abunzi decisions changed on appeal to the courts could be low because Abunzi decisions are largely consistent with the law. Focus group participants explained that many people believe Abunzi will make gross errors in the law because they are not a part of the formal justice system. However, a 2012 study by Transparency International found that between September 2010 and September 2011, the Primary Court reversed 22 out of 39 (44%) decisions from Cell Abunzi.⁹¹

⁹¹ Chemonics International for USAID, Abunzi Capacity Assessment Report, Oct. 2012, Kigali, p.12.⁹⁰ General meetings at the village level.

The findings of the present survey possibly represent a positive progression towards more capable and better trained Abunzi.

The low rates of reversal at the court level could indicate that Abunzi committees are becoming better trained in the law and are able to more successfully take decisions that are based on the law. Different stakeholders have undertaken the task of providing trainings to Abunzi to ensure they are better able to mediate disputes, interpret the law, and hand down fair decisions, when necessary. These trainings could have assisted in empowering Abunzi to provide efficient and effective access to justice to citizens at the Cell and Sector level.

The focus group participants believe that the rate at which courts reach the same conclusion as Abunzi is an indication that the Abunzi decision was, in fact, the correct one. They stated that Abunzi are highly effective and are underestimated because they live in the same communities as the parties to the mediation. They explained that some community members have a negative mentality towards Abunzi and still do not fully trust them. Some citizens believe that anything decided in mediation cannot be enforced and are quick to dismiss any decision not in their favor. Some citizens believe that any adverse decision is the result of a bribe. However, the focus group participants argue that Abunzi decisions are extremely transparent and corruption free. Abunzi committees are able to visit the locations of disputes and call witnesses until they are satisfied that they understand all the issues in a case. Abunzi also apply the law to dispute settlement and most people are not aware of the law.

This indicates that citizens need to be sensitized about the role of Abunzi in order to change their negative mindset regarding Abunzi committees.

III.6.3. Citizen Satisfaction with Local Authorities.

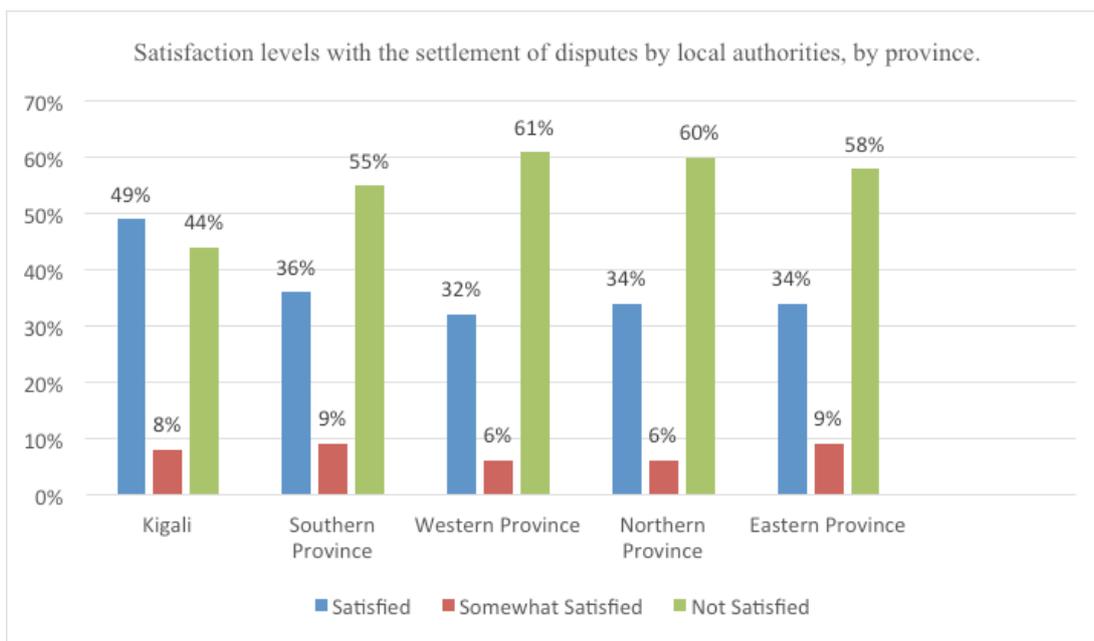


Figure 30: Satisfaction levels with the settlement of disputes by local authorities, by province.

Approximately 45% of respondents were satisfied with the dispute settlement abilities of local authorities. Satisfaction was the highest in Kigali where 57% of respondents were satisfied with dispute settlement abilities of local authorities. However, people in the Western, Northern, Eastern, and Southern provinces rated themselves as dissatisfied in 61%, 60%, 58%, and 55% of instances, respectively. In general, the levels of satisfaction with the dispute settlement capabilities of the local authorities are lower than with those of the courts, MAJ, and non-state LAPs.

Respondents largely identified local authorities' misunderstanding of the case and bias as reasons for their dissatisfaction with the way in which local authorities handled their cases.

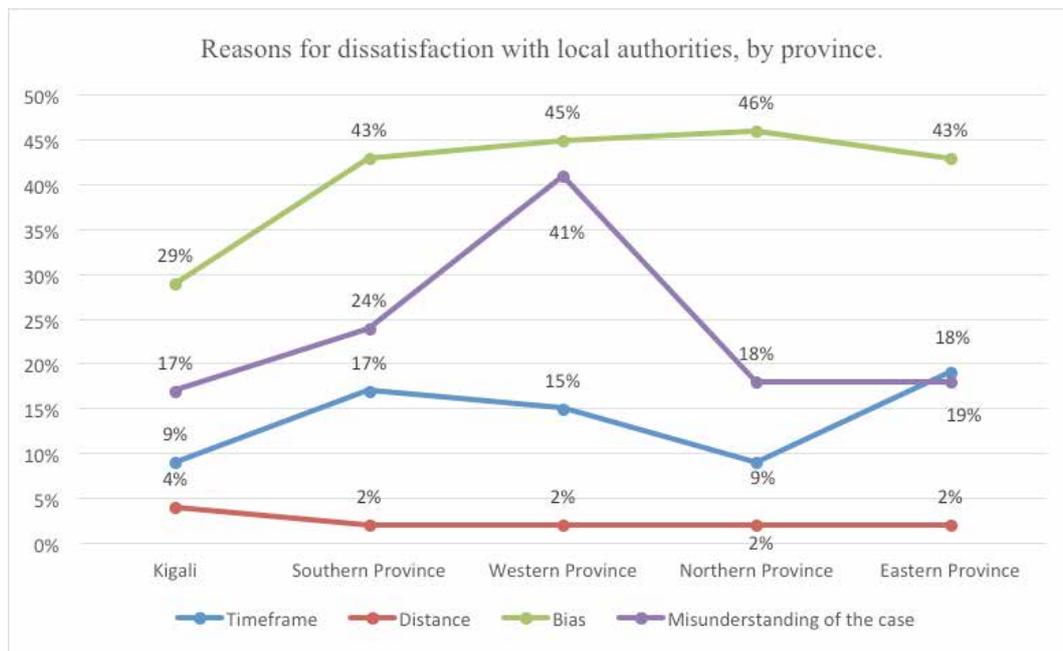


Figure 31: Reasons for dissatisfaction with local authorities, by province.

Figure 31 above shows that local authorities are perceived as being very biased in Kigali City and each of the provinces. Approximately 46% of respondents in the Northern Province felt that the local authorities were biased; the same was true for 45% of respondents in the Western Province, 43% in the Southern and Eastern Provinces, and 29% of respondents in Kigali. This bias affects citizen perception of local authorities more meaningfully than the length of time it took to conclude a case or the distance travelled to pursue a matter.

Citizens were also dissatisfied with local authorities' understanding of their cases (23% nationally). Disaggregated by province, the highest levels of dissatisfaction for this reason were in the Western Province at 41% followed by the Southern Province (24%), the Northern Province (18%), the Eastern Province (18%), and in Kigali (17%).

While respondents were unhappy with the distances they had to travel to reach other LAPs and the amount of time they had to spend waiting for cases to be resolved, these reasons were not the main reasons for their dissatisfaction with the work of local authorities.

Local authorities participating in FGDs responded that they meet many challenges in fulfilling their duties. Not least of these challenges is a lack of transportation: local authorities are hindered by obstacles such as short-staffing and a lack of transportation that hamper their ability to continue to improve services. They believe that providing transportation to allow authorities do more work in the Cells and Sectors, diversifying their individual duties, and hiring more staff would allow them to provide citizens with better services. Conversely, local authorities believe that educating the population on the laws would regularize expectations about what the local authorities can and cannot do.

Local authorities have improved their services and this is reflected in the fact that 45% of respondents are satisfied with the way in which they handle disputes. However, the perception of bias and the perception that local authorities do not understand cases brought before them must be addressed through education of the public and by building the capacity of local authorities.

III.6.4. Citizen's Perception of the Office of the Ombudsman in relation to dispute settlement

The Ombudsman (*Umuvunyi*) is an official usually appointed by Presidential Order to investigate individual complaints against an organisation or a company and to act as a link between citizens and other institutions.⁹² The function of the Office of the Ombudsman is to investigate and prosecute injustice, corruption and other related offences in public and private entities. In order to do so, the Ombudsman receives and examines complaints from individuals or associations to resolve them. The Ombudsman also focuses on advocacy, and raises awareness about ways to refrain from corruption and other related offences in order to contribute to strengthening good governance in all institutions.⁹³

The Ombudsman has in its authority, the power to carry out investigations on actions of government institutions, public, private, or international organisations in which the population finds injustice.⁹⁴ They also hold the power to request sanctions where the complaints are founded, and to prosecute or recover assets.

The mission of the Office of the Ombudsman is to act as a link between citizens and other institutions and to fight injustice, but this cannot be achieved if citizens are unaware of its existence. Figure 32 below show that only 44% of the respondents knew the Office of the Ombudsman.

44% OF RESPONDENTS WERE AWARE OF THE OFFICE OF THE OMBUDSMAN.

⁹² Article 4, 21 of Law No 76/9/2013 Determining the mission, powers, organisation and functioning of the Office of the Ombudsman.

⁹³ Law No 76/9/2013 Determining the mission, powers, organisation and functioning of the Office of the Ombudsman.

⁹⁴ Ibid, Chapter III: Powers of the Office

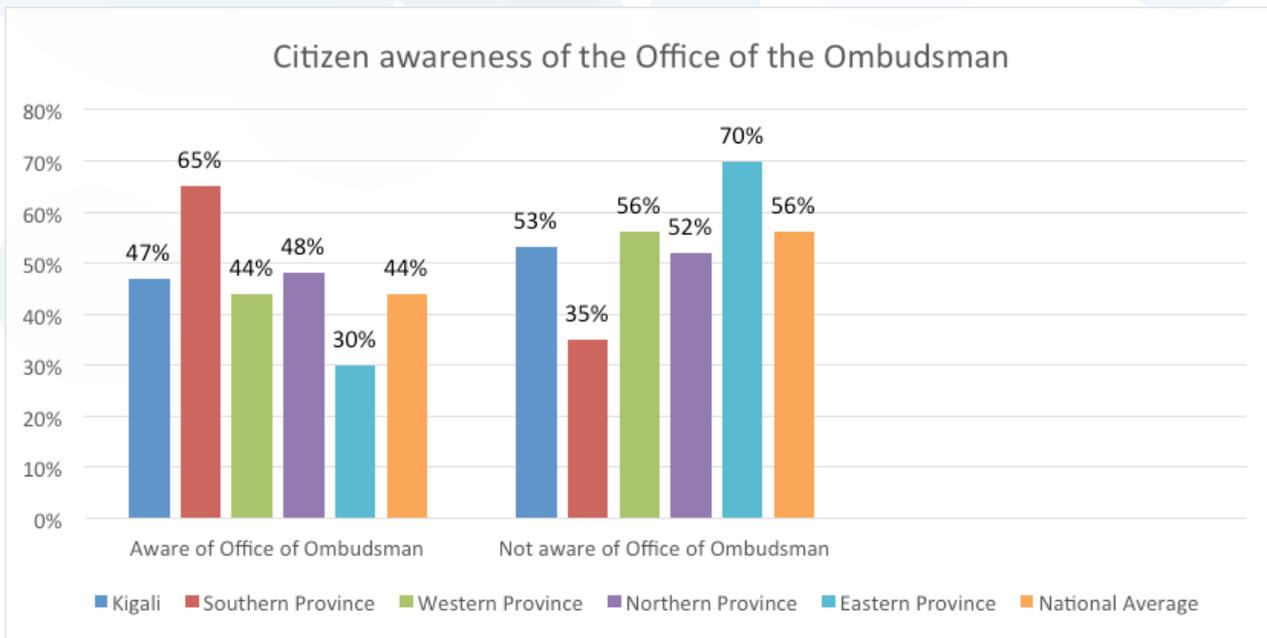


Figure 32: Citizen awareness of the Office of the Ombudsman.

As illustrated in Figure 28, the highest level of awareness was in the Southern Province where approximately 65% of respondents were aware of the Office of the Ombudsman. This was significantly higher than the national average of 44% of citizens, but still low considering the important role of the Office. Consequently, an increased effort should be placed on sensitization and awareness campaigns to ensure that citizens are able to access the services available to them through the Office of the Ombudsman.

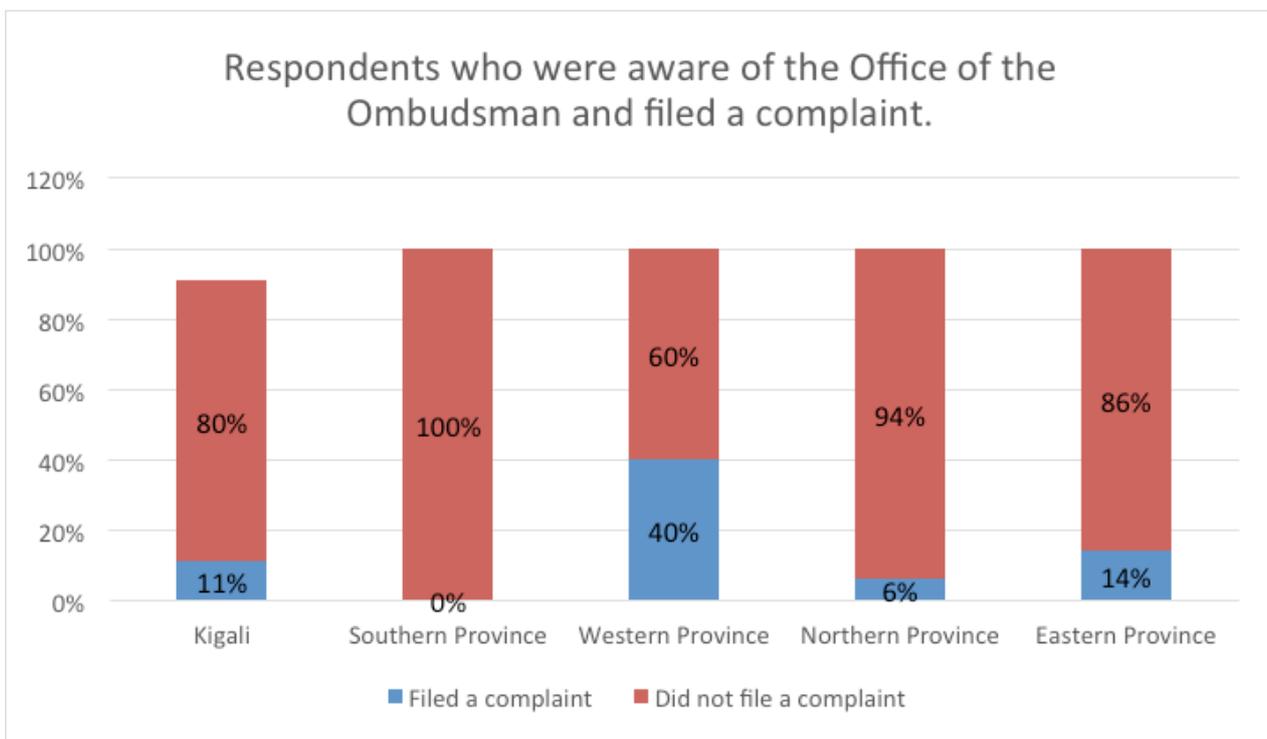


Figure 33: Respondents who were aware of the Office of the Ombudsman and filed a complaint.

Only 13% of the respondents who were aware of the role of the Office of the Ombudsman and its functions, filed a complaint with them. This indicates that citizens may still be unaware of the services offered by the Ombudsman. This could also imply that there is a presumption that complaints at the Ombudsman's office fall short of citizens' expectations. No respondents in the Southern Province, which had the highest level of awareness of the Ombudsman, had ever filed a complaint with the Ombudsman's office, while the percentage of respondents who had filed complaints in the provinces ranged from 40% in the Western Province to 6% in the Northern Province.

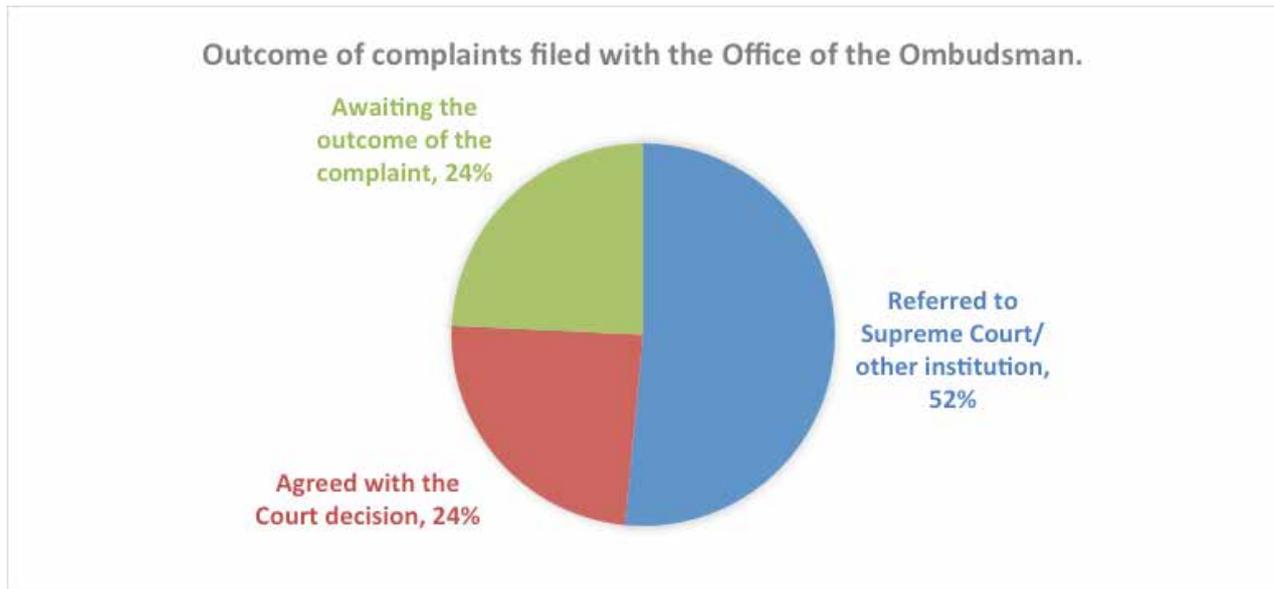


Figure 34: Outcome of complaints filed with the Office of the Ombudsman.

Interestingly, any presumption that the Office of the Ombudsman is ineffective would appear to be false. Approximately 52% of cases brought to the Office resulted in a referral to the Supreme Court or to another institution. The Ombudsman agreed with the decision of the Court in only 24% of cases. The data indicates that the Ombudsman is active in addressing citizen concerns. This implies that increased awareness of the Office of the Ombudsman could lead to more citizens taking their cases to the Ombudsman and receiving additional review of their cases.

III.6.5. Citizen satisfaction with Maison d'Accès à la Justice (MAJ) in relation to dispute resolution

While awareness of MAJ is low (See section III.2.4.), satisfaction levels with the way in which they settle disputes is high, with 70-92% of the respondents in Kigali and the four provinces claiming to be satisfied.⁹⁵

Approximately 95% of respondents were all satisfied with the way in which MAJ settle disputes.

⁹⁵ This is in keeping with the 2016 Rwanda Governance Scorecard which found that 72.1% of citizens expressed their satisfaction with MAJ. Rwanda Governance Board, Rwanda Governance Scorecard 2016: The State of Governance in Rwanda, p. 22

Figure 35 shows that fewer than 10% of respondents in all provinces responded that they were dissatisfied with MAJ ability to resolve disputes. Kigali and the Eastern Province had the highest levels of dissatisfaction at 9%.

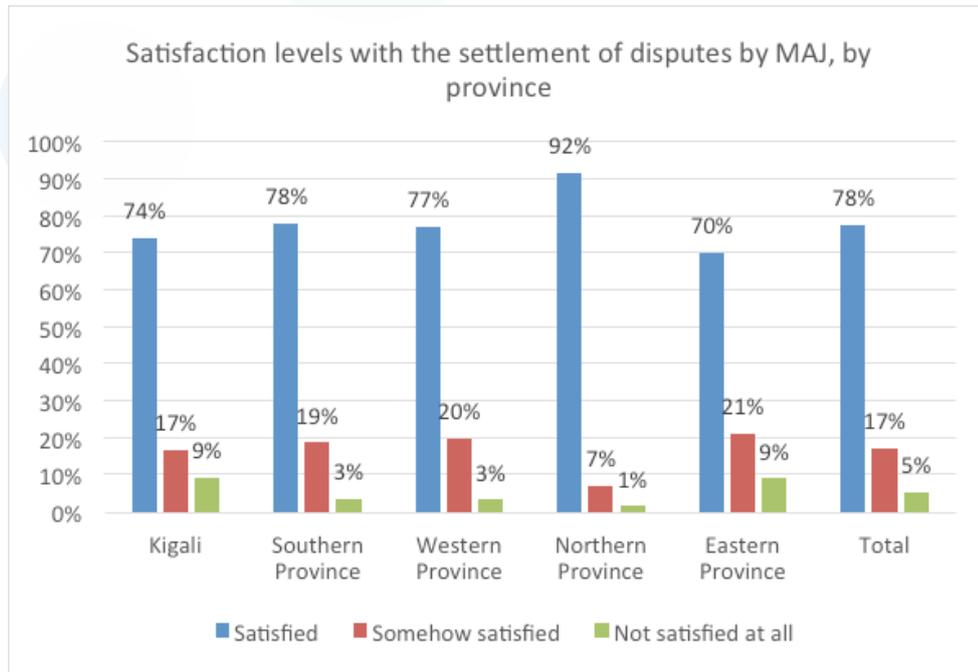


Figure 35: Satisfaction levels with the settlement of disputes by MAJ, by province

The focus group participants explained that respondent satisfaction levels were high because citizens were happy about the expanded services MAJ now offer. In the past, MAJ only provided legal advice, guidance, and legal information. Clients had to be referred to other entities to receive representation or help executing judgments. MAJ staff are now also able to advise the population, provide court representation, and execute judgments. Respondents are likely satisfied with the ability of MAJ staff to offer a wide range of services for free.

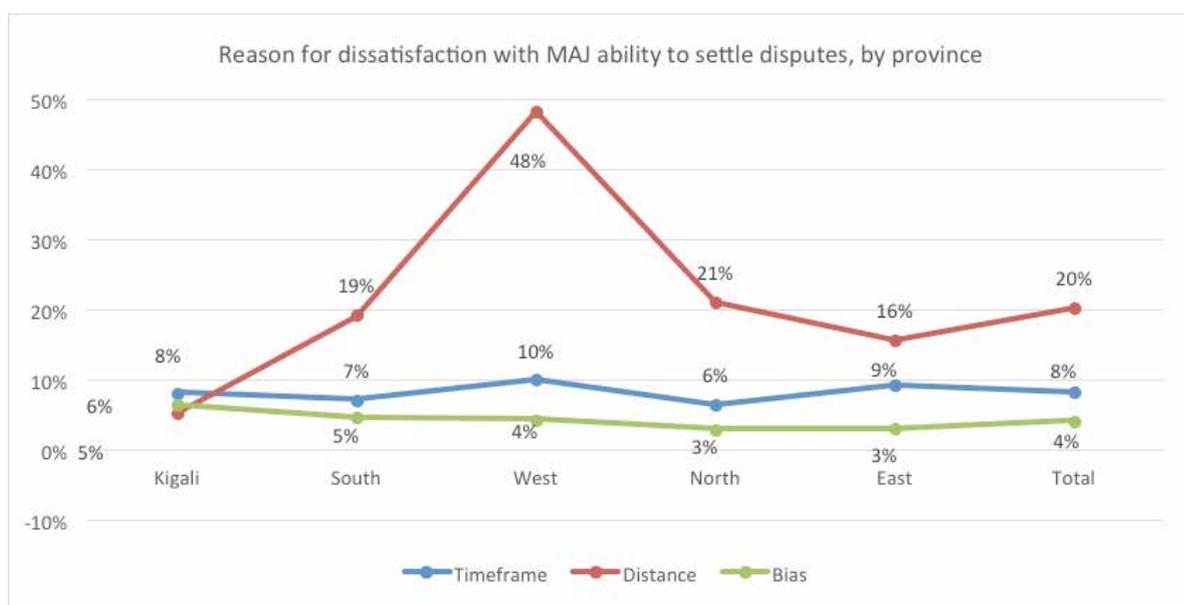


Figure 36: Reason for dissatisfaction with MAJ, by province

Figure 36 above shows that citizens were more concerned with the distances they had to travel to reach MAJ in District offices than with bias. Respondents from the Western (48%), Northern (21%), and Southern (19%) provinces, especially, were dissatisfied with the long distances they had to travel to reach MAJ. The long delays in settling cases were also a reason for dissatisfaction, as 6-10% of respondents identified this as a concern.

The focus group participants were asked about their views on respondents' dissatisfaction with the distances they had to travel, bias, and the long delays in settling cases. They responded that the long delays in settling cases are dependent on the type of service requested. In most cases, however, delays were caused by parties not having all their required documentation. Drafting a court submission requires the parties to collect documents and can take a long period of time to complete, especially if there are missing documents. MAJ staff will often tell clients to come back once they have collected all the documentation they need and this raises complaints about MAJ delaying the case.

MAJ staff also attributed claims of bias to their policy of prioritizing clients who travel from farther away. MAJ staff explained that they do not always serve clients in order of arrival. They acknowledge that they always have a long waiting line and that occasionally, people coming from farther away are served first. This preference for those who have traveled from farther distances creates a longer waiting time for other potential clients.

Regardless of the distance respondents have to travel to reach the district offices, the perceived bias and the length of time respondents have to wait for services, most respondents are satisfied with the way in which MAJ settle disputes.

Consequently, notwithstanding the fact that many people are unaware that MAJ offers legal aid services and are not aware of the services MAJ offers, MAJ services are well-appreciated by those who receive them. The high levels of satisfaction imply that MAJ would be able to provide access to justice to a more significant portion of the population if they were aware that they could receive services from MAJ.

III.6.6. Citizen satisfaction with non-state Legal Aid Providers in relation to dispute resolution.

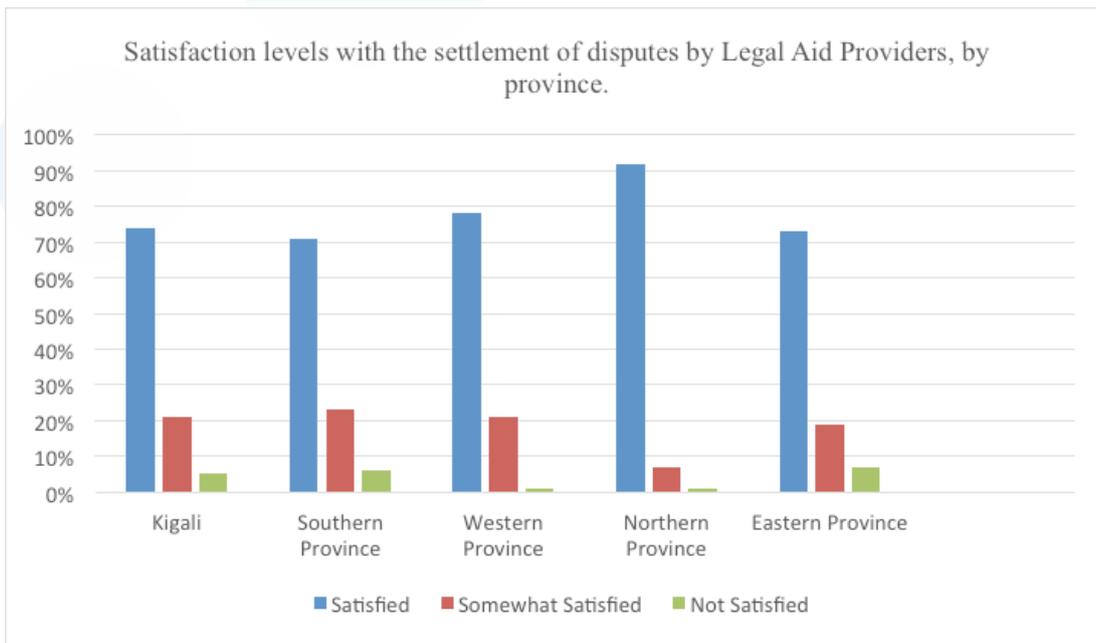


Figure 37: Satisfaction levels with the settlement of disputes by Legal Aid Providers, by province.

Citizens are also generally satisfied with non-state LAPs and the way in which they handle disputes, with 96% of respondents reporting that they were satisfied. Figure 37 above shows that the Western and Northern provinces had the highest levels of satisfaction with non-state LAPs with 99% of people stating they were satisfied and somewhat satisfied with the services they received. Satisfaction levels in the other provinces ranged from 92-95%.

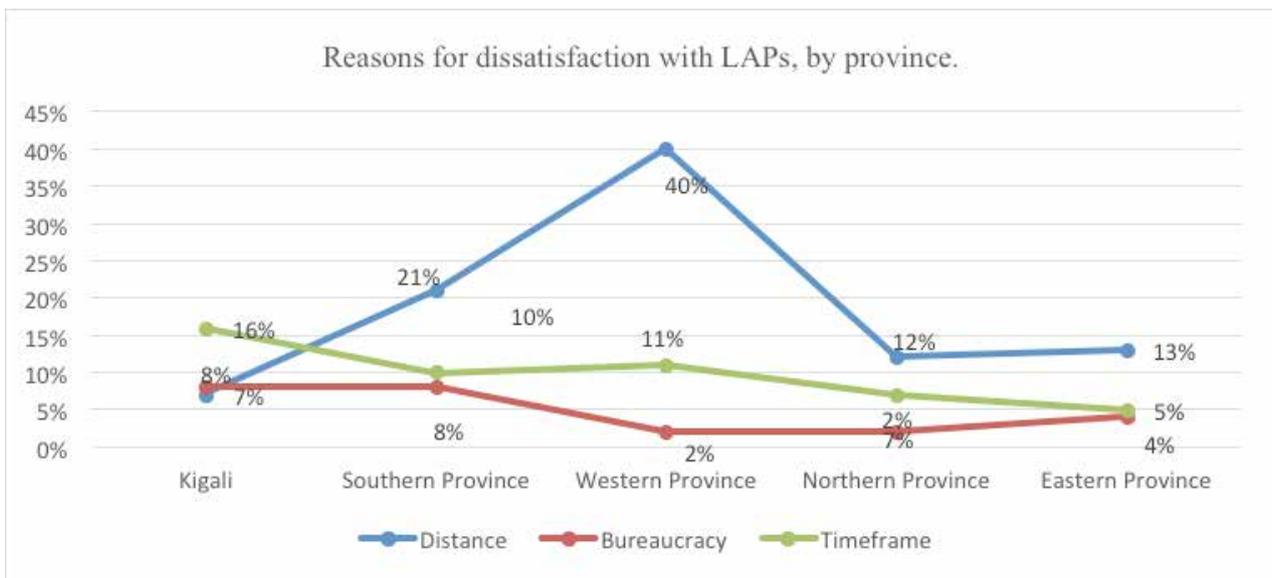


Figure 38: Reasons for dissatisfaction with non-state LAPs, by province.

Figure 38 above shows that levels of dissatisfaction were fairly low in general (less than 8%), but especially in the Western Province at less than 1%. The reasons respondents were dissatisfied with non-state LAPs related to the distance respondents had to travel to receive services, the amount of time they had to wait, and the bureaucracy they encountered in trying to resolve their cases.

Respondents who were dissatisfied with non-state LAPs were most often dissatisfied with the long distances they had to travel to reach them (19%). The Western and Southern provinces both had high rates of dissatisfaction based on distance (40% and 21%, respectively). Dissatisfaction with the distances respondents had to travel may be a result of the fact that some people had to travel farther to receive assistance from non-state LAPs that were not near their homes. Most non-state LAPs have their offices in Kigali as do most niche LAPs that provide specific services or focus on specific groups such as women and children or those living with HIV/AIDS. This concentration of services in Kigali means clients are forced to travel long distances to be able to see the non-state LAPs in Kigali.

Focus group participants recognize the need for more decentralized services to allow citizens to reach them more easily, but lack the funding to address the issue. Lack of funding also accounts for the amount of time clients have to wait to receive legal aid. Some clients come to intake meetings and spend three or four hours explaining their cases. Non-state attorneys spend the required amount of time listening to clients to clearly understand their cases and this process cannot be rushed. Focus group participants say it is common to meet with only three or four people in one day while a line of others waits and are potentially not seen on that day.

Interestingly, citizens' rates of satisfaction with the way in which LAPs settle disputes is higher than those of the courts, MAJ or local authorities. This is in spite of the long distances respondents had to travel to reach legal aid services from LAPs. However, respondents have recommended that non-state LAPs clarify or standardize the criteria for providing legal aid services to vulnerable people. Respondents suggested that while some non-state LAPs had rules which made it easier for them to receive legal aid services, others did not, and the inconsistency could be confusing.

III.6.7. Citizen Perception of the Courts in relation to dispute resolution

The courts are the universal symbol of justice. In Rwanda, citizen interaction with the courts is reduced through the use of grass-roots solutions to conflicts. However, many cases are still resolved by the court. In fact, 46% of respondents' cases ended at the court level.

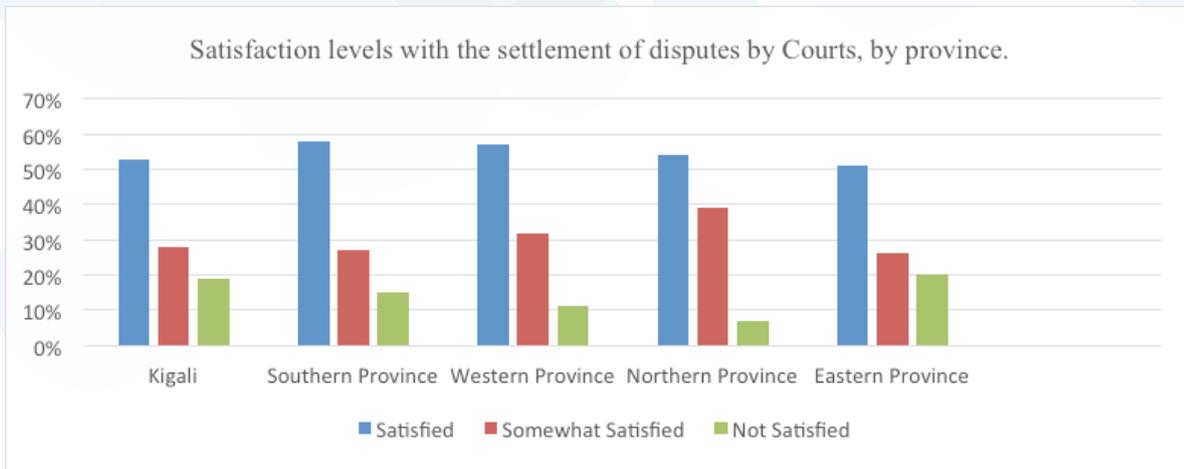


Figure 39: Satisfaction levels with the settlement of disputes by Courts, by province.

Nationally, 84% of respondents were satisfied with the ability of courts to settle disputes. As illustrated in Figure 39 above, the Northern Province had the highest percentage of respondents who were generally satisfied with the courts (93%). Satisfaction levels in the other provinces were also high and ranged from 77% in the Eastern Province to 89% in the Western Province. The highest levels of dissatisfaction were in the Eastern Province at 23%. These satisfaction levels imply that people are generally happy with the way in which courts handle disputes.

Figure 40 below shows that people who lost their cases before a court were slightly less satisfied with the court than those who had won their cases. However, those who lost their cases were also quite satisfied with the performance of the courts. 98.3% of respondents who won their cases were satisfied with the performance of the courts (14.4% were very satisfied, 69.5% were satisfied, and 14.4% were somewhat satisfied); 81.4% of those who lost their cases were also satisfied with the performance of the courts (2.3% very satisfied, 30.2% satisfied, 48.8% somewhat satisfied). Approximately 2.3% of respondents who lost their cases were still very satisfied with the performance of the courts, while only 18.6% were not satisfied at all with the performance of the courts.

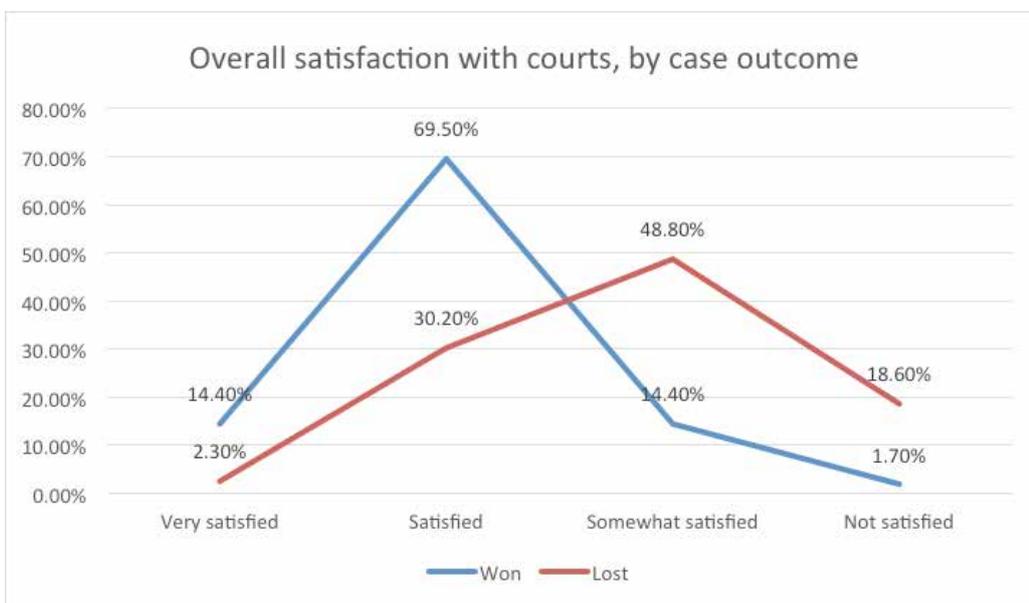


Figure 40: Overall Satisfaction with Courts by Case Outcome

This trend towards overall levels of satisfaction is largely in keeping with the data collected through comparable studies. According to the findings of a Transparency International study on the Professionalism and Accountability of the Courts, 71.5% of citizens were satisfied with court decisions while 15.7% were not satisfied.⁹⁶ The reasons for dissatisfaction highlighted in that study included the perceived partiality of judges, judges voluntarily breaching the law, corruption, and the judges' poor knowledge of the laws.⁹⁷ The study also found large backlogs as a reason for their respondents being dissatisfied with the courts.

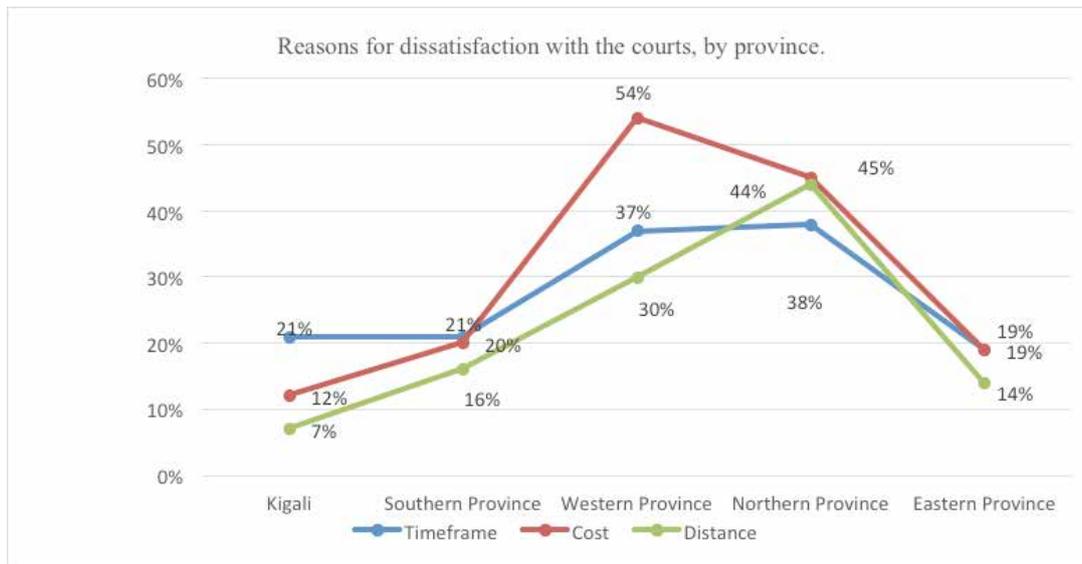


Figure 41: Reasons for dissatisfaction with the courts, by province

Most respondents were dissatisfied with the high cost of resolving court matters and the long delays in resolving cases. Figure 41 shows that citizens were also dissatisfied with the distances they have to travel to gain access to the courts. Citizens in the Northern Province, in particular, were equally dissatisfied with the long delays, high costs, and distances they have to travel. Citizens in the Western Province were particularly dissatisfied with the costs of accessing the courts.

The high costs of resolving court matters manifest as many costs, but specifically as transportation costs to and from the courts, and court filing fees. Court fees were increased in 2013 to pay for the proceedings⁹⁸, but it had the added benefit of discouraging frivolous filings. For example, citizens without certificates of indigence must now pay 25,000RWF to access the primary courts. The incidental costs associated with preparing a case, including witness incentives, copying costs, and meals, also add to the overall cost of resolving matters through the courts.

⁹⁶ Transparency International Rwanda, Situational Analysis of Professionalism and Accountability of Courts for A Sound Rule of Law in Rwanda (Year II), 2015, Kigali, p. 19. Available at: www.tirwanda.org/images/stories/courtsmonitoringrwanda.pdf.

⁹⁷ Ibid, p. 22.

⁹⁸ Law N°002/08.11 of 11/02/2014 Ministerial Order on court fees in civil, commercial, social and administrative matters

Another reason for dissatisfaction with the courts is the distance respondents must travel to reach the courts. Moreover, respondents often have to travel farther as their matters escalate in the court. While locations of Primary Courts are decided at the Sector level, and the locations of Intermediate Courts are decided at the District level, the Supreme Court are in Kigali, and High Courts are in Kigali with chamber in all of the provinces. No courts sit at the village level. The higher the court to which a case is assigned, the more likely it is that the petitioner will have to travel to Kigali, and the farther the petitioner will have to travel to access that court. According to a 2009 Legal Aid Forum study monitoring EDPRS indicators in the justice sector, approximately 40% of respondents lived more than 12km away from the nearest court.⁹⁹

The government seems to be aware of these problems and has made an effort to reduce this timeframe and costs of dealing with the courts. According to the Ministry of Justice Periodic Review, the courts have introduced an electronic filing system which is serving to reduce travel costs to and from the courts and other costs that would be associated with paper filing. The Ministry avers that this system is available in 803 courts across the country.¹⁰⁰ This system is designed to reduce the cost of travel to and from the court, but may not do so significantly. The electronic filing system will not be available to many respondents who will not be able to file documents themselves. The added cost of finding someone to assist with the electronic filing may reduce the benefits of the system.

Overall, respondents indicated that they are generally satisfied with the ability of courts to settle disputes. However, access to the courts is limited by the high costs and the long distances respondents must travel to reach them.

Citizens recommended that Internet access be made more readily available throughout the country to allow more people to easily access the electronic court system.

III.7. Enforcement of court judgments.

The timely execution of court judgments is important to maintaining citizen confidence in the justice system and providing access to justice. To this end, Rwandan law sets time limits to ensure the swift execution of court judgments and Abunzi decisions. The Civil Procedure Law dictates that any final court judgment must be executed within a period not exceeding three months of the winning party's request, or from the date on which judgment with enforcement formula affixed is received.¹⁰¹ If a party to an Abunzi decisions refuses to comply with an adverse decision, the aggrieved party may request that the Primary Court append the mediation decision with an order of enforcement.¹⁰²

⁹⁹ Legal Aid Forum, Monitoring of EDPRS indicators in the justice sector August 2009 –Summary report.

¹⁰⁰ UPR Report, p. 11.

¹⁰¹ Article 202, Law N° 21/2012 of 14/06/2012 the civil, commercial, labor and administrative procedure.

¹⁰² Article 15, N°02/2015/OL. of 16/07/2015 Organic Law modifying and complementing Article 24 of Organic Law n° 02/2010/OL. of 09/06/2010 on the organization, jurisdiction, competence and functioning of the Mediation Committee. (Article 29 of Law N° 37/2016 of 08/09/2016 determining the organization, jurisdiction, competence and functioning of an Abunzi committee., reinforces this provision of the previous law.)

A losing party may voluntarily comply with an adverse court judgment. However, if they fail to do so, the winning party may legally request that a court bailiff or administrative authority enforces the judgment.¹⁰³ Once enforcement has been requested, the judgment must be executed in no more than three months of the date of the court judgment. Enforcement agents are liable for fines ranging from 20,000RWF to 100,000RWF in damages if they fail to execute a judgment within the prescribed timeframe.¹⁰⁴

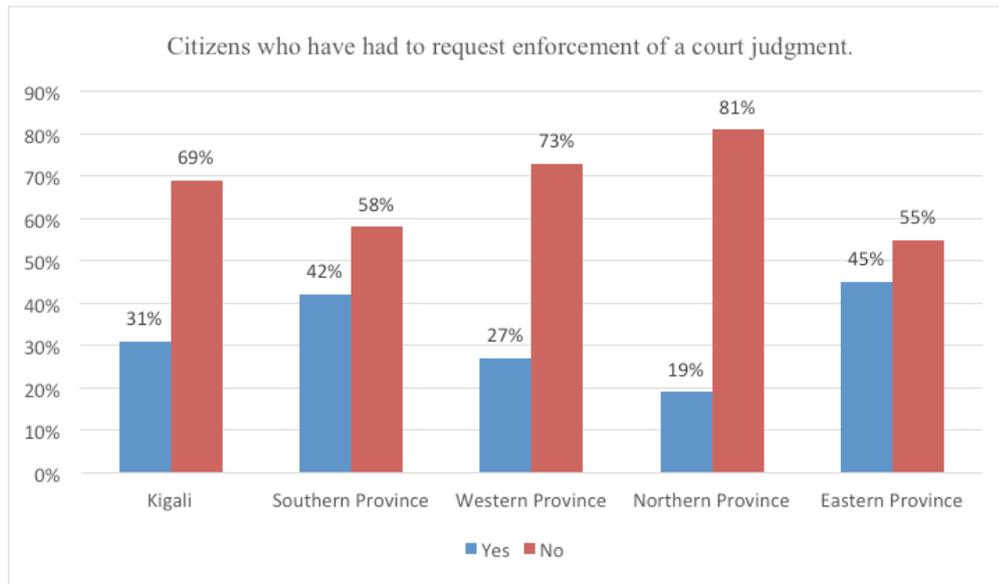


Figure 42: Citizens who have had to request enforcement of a court judgment.

Respondents were likely to have had to rely on the assistance of a professional bailiff or an administrative authority (non-professional bailiff) to have a judgment enforced as many of those who lost a case were not likely to voluntarily comply with an adverse judgment. Figure 42 shows that the unwillingness of losing parties to voluntarily comply with judgments meant that approximately 34% of respondents had to request the compulsory enforcement of a court judgment. The Northern Province had the lowest proportion of respondents who had to request the compulsory enforcement of a judgment (19%) while the Eastern Province had the highest (45%).

III.7.1. Average time respondents waited for enforcement of judgments.

Notwithstanding the three-month time limit on the enforcement of judgments, most respondents must wait more than three months after they have requested enforcement to have their judgments enforced. Respondents had to wait an average of eight months for a judgment to be enforced by a professional or non-professional bailiff.

¹⁰³ Article 196, Law N° 21/2012 of 14/06/2012 the civil, commercial, labor and administrative procedure.

¹⁰⁴ Ibid, Article 202.

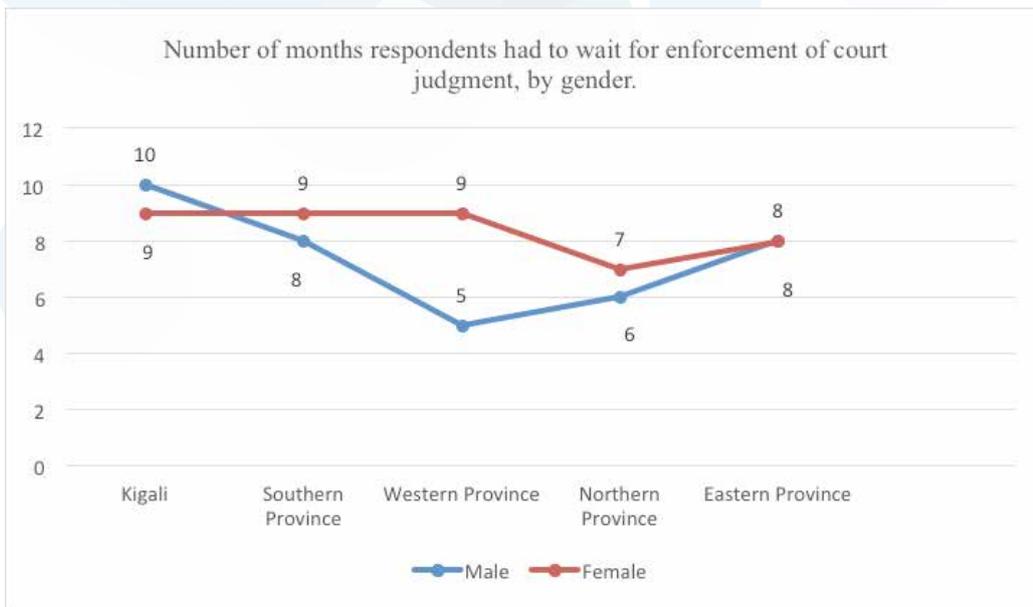


Figure 43: Number of months respondents had to wait for enforcement of court judgment, by gender.

Figure 43 above shows that the average amount of time men and women had to wait for enforcement or have been waiting for enforcement differs by province. Men in the Western Province had to wait for an average of nine months after the final resolution of a case to have a judgment enforced; women had to wait an average of five months. Conversely, men in the Kigali had to wait for an average of 10 months while women had to wait for an average of nine months to have a judgment enforced. Nonetheless, except in the Western Province, which consistently acts as an outlier, there is no significant difference between the amount of time men and women had to wait nationally for enforcement (an average of seven and nine months, respectively). The amount of time men and women had to wait to have their judgments enforced in each of the provinces is consistent enough to indicate that gender does not seem to play a role in the amount of time any respondent had to wait.

RESPONDENTS WAITED AN AVERAGE OF 8 MONTHS FOR A JUDGMENT TO BE ENFORCED.

This data is consistent with previous studies that found that the non-enforcement of court judgments created an obstacle to access to justice. A 2012 monitoring study on the Enforcement of Court Judgments conducted by LAF found that 29% of respondents had been waiting more than three months for the enforcement of pending judgments.¹⁰⁵ Approximately 15% of respondents (36.9% of the 40% of respondents whose judgments had been enforced) waited more than three months to have their judgments enforced.¹⁰⁶ That study also found that six claimants had waited more than eight years to have their judgment enforced, and four claimants had been waiting 15 years.¹⁰⁷

¹⁰⁵ Legal Aid Forum, Enforcement of Court Judgments and its Impact on Access to Justice in Rwanda, May 2012, p. 53.

¹⁰⁶ Enforcement of Court Judgments Final Report, supra note 97, p 78.

¹⁰⁷ Enforcement of Court Judgments Final Report, supra note 97, p 53, 55.

In addition, a 2012 study by Transparency International found that 91.7% of local authorities agreed that there was a problem of non-enforcement of judgments. However, their findings showed that only 50.7% of those local authorities interviewed believed that non-enforcement of judgment was a serious problem.¹⁰⁸

The focus group participants stated that often, citizens expect judgments to be enforced immediately without considering other responsibilities non-professional bailiffs are tasked with. They also attribute delays to understaffed local government offices and improperly trained staff at the grassroots level. They explained that Cell, Sector, and District staff who serve as non-professional bailiffs are largely overworked and are discouraged from executing judgments. This is partly because non-professional bailiffs are sometimes threatened with physical injury when they go into communities to attempt to enforce judgments. The Executive Secretaries of most Cells and Sectors are tasked with travelling to local villages to find the losing parties, seize and auction property, and obtain enforcement orders from the courts. No other staff in the Cell or Sector office can carry out these duties.

The FGD participants explained that delays in enforcement are also caused by badly written mediated orders which are sometimes written with conflicting dates making them impossible to enforce.¹⁰⁹ They also explained that judgments are sometimes entered with errors and they are not offered protection from retribution for making personal errors when enforcing judgments as local authorities are held financially responsible for any invalid judgments they enforce.¹¹⁰

This is in part related to non-professional bailiffs not having a full understanding of the law or procedures relating to judgment enforcement. Many non-professional bailiffs are so afraid of the potential liability of their actions and in consequence keep on postponing enforcing judgments.¹¹¹ Even where orders are issued with no errors, when the judgment must be enforced against a person who has been classified under *ubudehe* as extremely poor, non-professional bailiffs are reluctant to enforce a judgment by auctioning that person's property as that person will become a burden on the State.

However, the focus group discussion participants noted that there are a number of opportunities for improvement of which they are aware. They believe that the Executive Secretaries at the Sector and Cell levels need more training on the law relating to procedures for court judgment execution. They also noted that the Executive Secretaries are overworked and this has caused long delays in judgment enforcement.

¹⁰⁸ Transparency International Rwanda, *Justice Delayed is Justice Denied*, 2012, Kigali. Available at: tirwanda.org/featured-articles/155-justice-delayed-is-justice-denied.

¹⁰⁹ Focus group participants gave examples of orders being written in February but being dated in June. The poorly written order would be impossible to enforce until June even though the parties and authorities are aware that the order should have been dated in February.

¹¹⁰ The penalties were amended in 2016 to offer more protection to bailiffs.

¹¹¹ Often, Abunzi will apply the old versions of laws that have been amended when making their decisions. As the orders are based on law that is no longer good law, any enforcement is unjust. This leaves the local authorities legally vulnerable as the parties who have enforced incorrect judgments.

These overworked authorities are laden with too many responsibilities; including being responsible for enforcing decisions from *Gacaca* courts¹¹² which are no longer active and in some cases handed down decisions which did not clearly indicate who was supposed to pay a fine or restitution or where there are no original copies of a judgment. The participants explained that authorities would benefit from having a dedicated staff member working as a non-professional bailiff at the Sector level who would be responsible for enforcing all the judgments from the Intermediary and Primary Courts, especially those cases that are time-consuming and challenging to enforce.

The significant delays in the enforcement of judgments raise questions as to how citizens can maintain confidence that their judgments will be enforced. Rwandan law requires that fines be imposed for failure to enforce the judgments.¹¹³ However, a 2012 LAF study on enforcement of judgments found that while professional bailiffs were likely to receive fines for poor enforcement, non-professional bailiffs such as Executive Secretaries and civil affairs officers did not report having to pay fines for delayed or poor enforcement.¹¹⁴ Consequently, there seems to be no deterrent for delayed or poor judgment enforcement; this needs to change in order to encourage professional and non-professional bailiffs to enforce court decisions. Judgment enforcement officers should be supported through capacity building and the provision of transportation to adhere more closely to the prescribed time limit of three months to ensure that citizens have access to the swift administration of justice. It is imperative that citizens continue to trust the ability of the justice system to resolve dispute and to provide access to justice.

III.7.2. Citizen understanding of the procedures for requesting enforcement.

Not all Abunzi decisions and court orders require enforcement by a professional or non-professional bailiff. As discussed in the previous section, a losing party may voluntarily comply with an adverse court judgment. However, if they fail to do so, the winning party may legally request that a court bailiff or administrative authority enforce the judgment.¹¹⁵

Nationally, 41% of respondents had to ask for judgments to be enforced, but very few people are aware of the proper procedure for doing so. In fact, 32% of the people interviewed did not know how to request enforcement for a judgment that is still pending. Of those who were aware that they had to request enforcement with the enforcement officer, only 40% knew that they had to get a receipt to prove that a request had been made. The other 28% believed that simply asking the enforcement officer to enforce the judgment was sufficient.

¹¹² Grassroots courts tasked with trying cases following the 1994 Genocide.

¹¹³ Article 202, Law N° 21/2012 of 14/06/2012 the civil, commercial, labor and administrative procedure.

¹¹⁴ Enforcement of Court Judgments Final Report, p 20.

¹¹⁵ Article 196, Law N° 21/2012 of 14/06/2012 the civil, commercial, labor and administrative procedure.

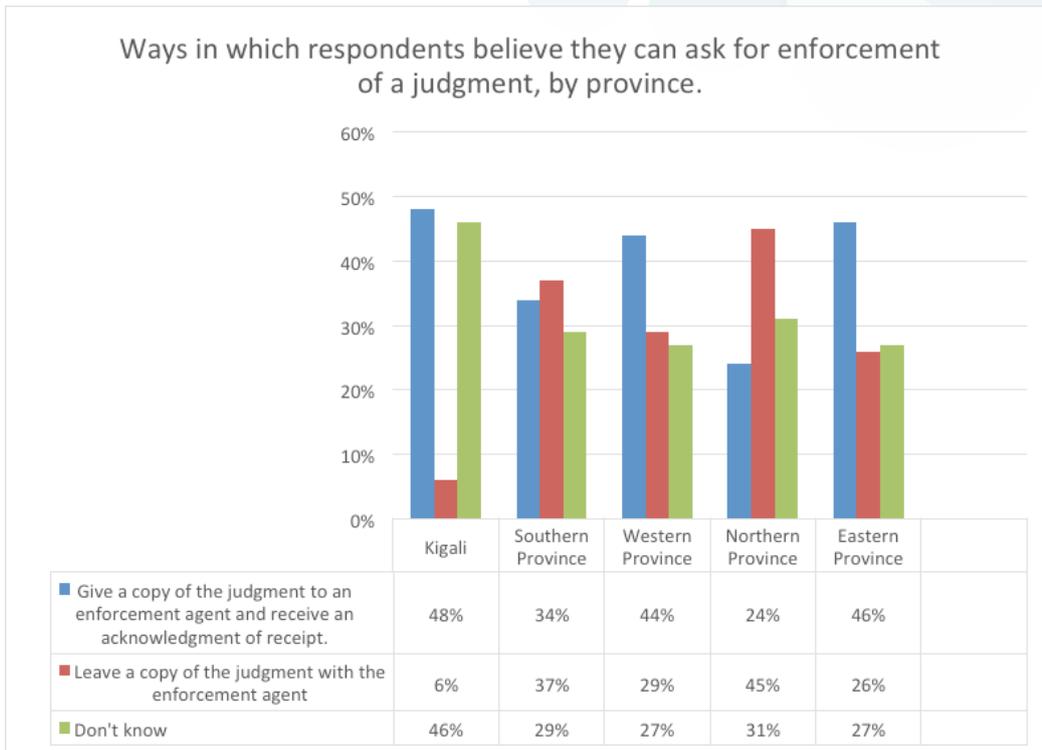


Figure 44: Ways in which respondents believe they can ask for enforcement of a judgment, by province.

Figure 44 shows that knowledge of how to initiate enforcement varies by province. Residents of Kigali and the Northern Province are the least likely to know how to initiate the process to get a judgment enforced. Approximately 46% and 31% of respondents from Kigali and the Northern Province, respectively, answered that they did not know how to initiate the enforcement process. The other half of people in Kigali (48%) and 46% of people in the Eastern Province correctly answered that they needed to submit a copy of the judgment to an enforcement officer and receive an acknowledgment of receipt.

A surprisingly high proportion of people in the Northern Province (45%) believe that leaving a copy of the judgment with the enforcement officer will successfully initiate the proceedings to get a judgment enforced. The lack of knowledge about how to enforce a judgment indicates a population that does not know their rights or understand the laws that affect their ability to lay claim to compensation and other awards from the courts.

The focus group participants explained that there is no consistent method for recording enforcement orders. In some districts, a copy of the order is stamped as acknowledgment of receipt. In other districts, the citizen is not given any acknowledgment that an order has been received. The citizen is expected to come back after a period of time to determine if the order has been enforced. This inconsistency contributes to orders not being enforced. A simple solution would be the use of a registry to keep track of all enforcement orders received. This would ensure that enforcement officers are able to keep an accurate record of pending orders and encourage their expeditious enforcement.

III.7.3. Citizen awareness of the rules regarding enforcement of judgments.

Figure 45 below shows that 13% of respondents are aware that the time limit for enforcing a judgment is three months. A majority of respondents (60%) did not know that there is a time limit imposed on the enforcement of judgments. 19% of respondents thought that judgments had to be enforced within one month. Very few respondents believed that enforcement of a judgment should take six months (2%) or a year (1%).

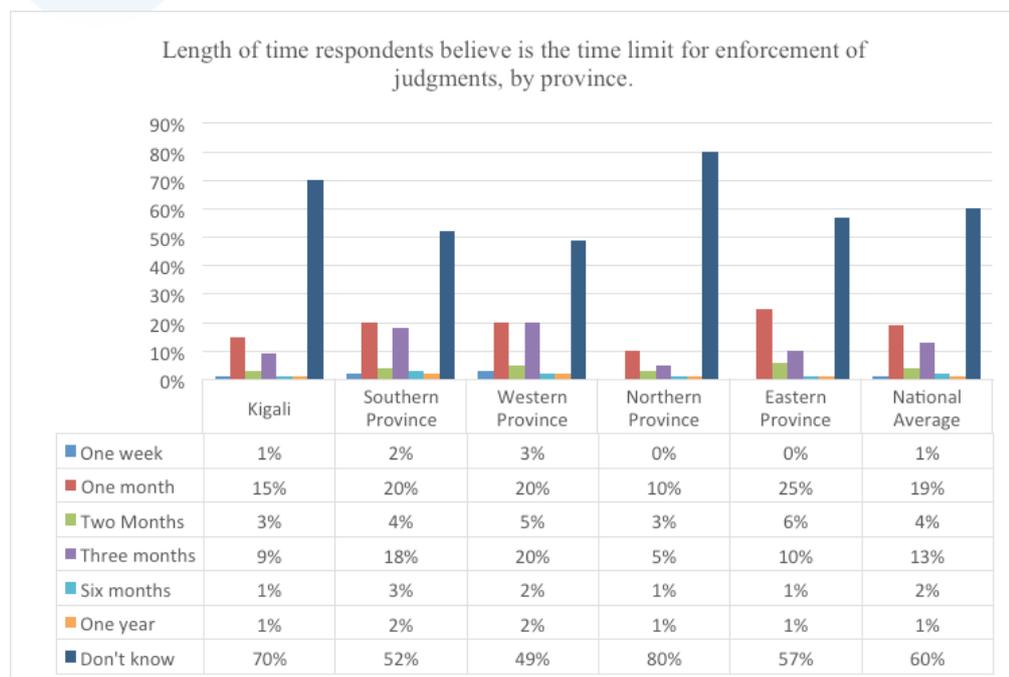


Figure 45: Length of time respondents believe is the time limit for enforcement of judgments, by province.

When disaggregated by province, the data remains consistent with the national average. In each of the provinces, a majority of respondents did not know the amount of time in which a judgment must be enforced (Kigali-70%, Southern-52%, Western-49%, Northern-80%, Eastern-57%). Of those respondents who responded positively, most believed that a judgment should be enforced after one month (Northern-10%, Kigali-15%, Southern-20%, Western-20%, Eastern-25%). A similar proportion of respondents believed enforcements should take three months (Kigali 9%, Southern-18%, Western 20%, Northern-5%, and Eastern-10%). While respondents were not sure of the exact amount of time they should have to wait for enforcement of a judgment, the overall consensus is that enforcement should be swift.

III.7.4. Citizen awareness of authorized enforcement of judgment agents

The Civil Procedure Law of 2012 authorizes professional court bailiffs, the Director of Prisons, the Executive Secretary of the District, the Executive Secretary of the Sector, the Executive Secretary of the Cell, the Officer in the Ministry of Justice in charge of enforcement of judgments, assistant coordinators of MAJ, and others determined by law to execute court judgments.¹¹⁶

¹¹⁶ Ibid, Article 201.

To determine our respondents’ awareness of the authorities authorized to execute judgments, we presented them with the titles of non-professional and professional bailiffs and asked them to choose whether or not people in those roles had the authority to enforce judgments. In addition to not knowing how quickly a judgment should be enforced, citizens are largely unsure of which officials are responsible for enforcing judgments. The distribution of people citizen believe are able to enforce judgments is illustrated in Figure 46 below.

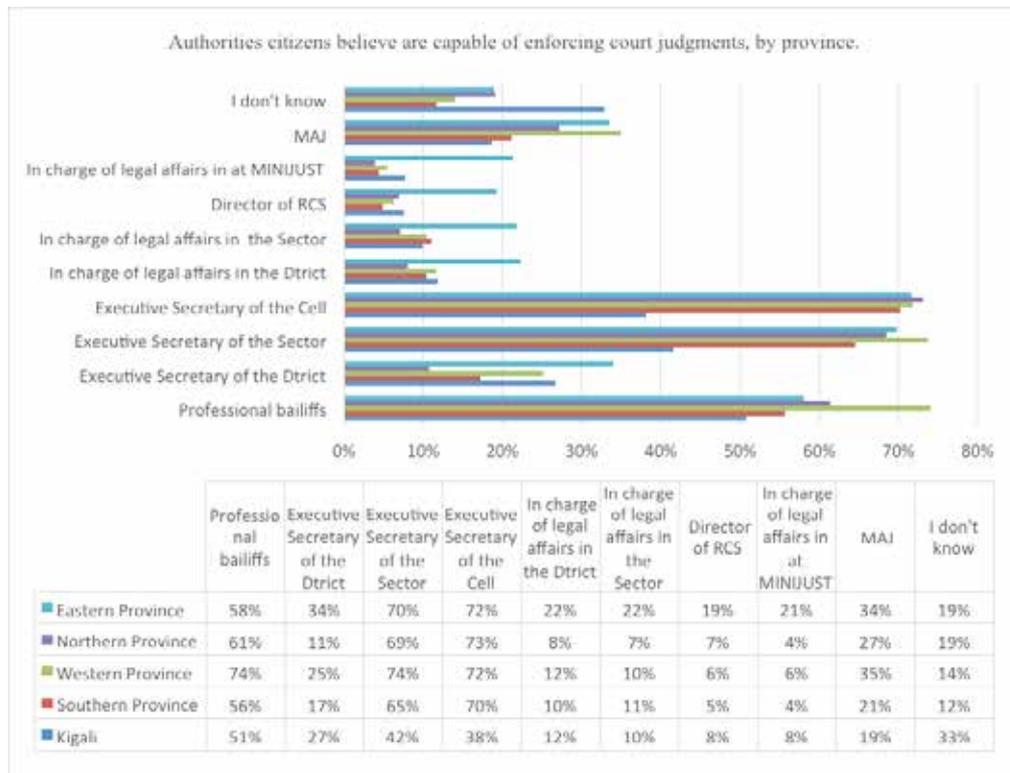


Figure 46: Authorities citizens believe are capable of enforcing court judgments, by province.

A majority of the people in the Southern, Western, Northern, and Eastern provinces believe that Cell and Sector Executive Secretaries are able to execute judgments. However, fairly few respondents were able to identify other officials who could execute judgments. Moreover, respondents were largely unaware that MAJ staff could enforce judgments. It is likely that citizens believe that local authorities that work at the community level are able to execute judgments, but have not been educated about other authorities’ ability to handle enforcements. This may be because citizens do not need to travel long distances to request enforcement of judgments.

Most of the respondents were recipients of legal aid services and would likely be eligible for free legal service from MAJ. However, many were not aware that MAJ could help with the execution of judgments. This is because in the past, MAJ staff were only authorized to provide legal advice. Respondents are likely not aware of the broad range of services MAJ staff offer.

Overall, the data indicates that citizens need to be educated on the services that can be provided by MAJ and other authorities in the execution of pending judgments.

III.7.5. Identified obstacles to the enforcement of judgments.

In order to gauge citizen sentiments on the causes for delays in the enforcement of judgments, we asked them to identify reasons they felt delays occurred. Citizens identified the unavailability of enforcement agents (10%), uncooperative defendants (10%), corruption (7%), and excessive legal requirements¹¹⁷ (7%) as the biggest obstacles to the enforcement of court judgments. The province-specific data is illustrated in Figure 47 below.

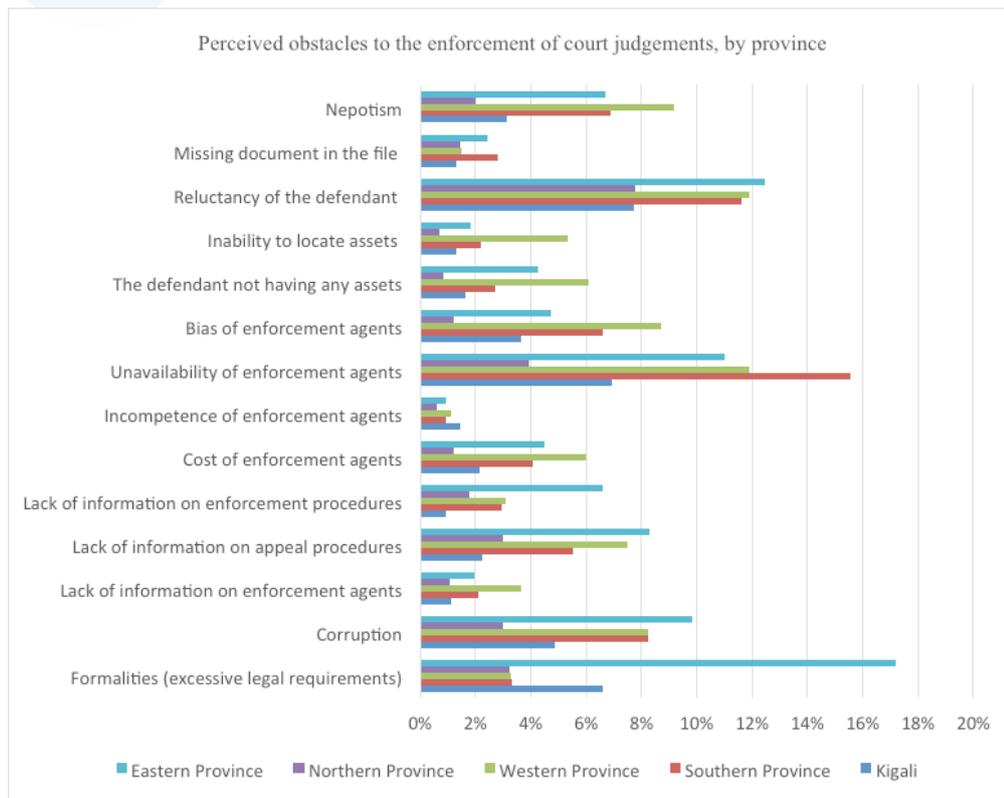


Figure 47: Perceived obstacles to the enforcement of court judgements, by province

The data in Figure 47 shows that excessive legal requirements associated with enforcing judgments were the biggest obstacle to judgment enforcement in the Eastern Province (17%), the unavailability of enforcement agents was the most significant barrier in the Southern Province (16%) and the Western Province (12%), and defendants' reluctance to co-operate were identified as a significant barrier to judgment enforcement in the Southern, Western and Eastern Province (12%), Kigali, and the Northern Province (8%).

Our results are consistent with studies by conducted by LAF and Transparency International. Approximately 52% of enforcement agents and 31% of respondents interviewed for the LAF study identified reluctance of the defendant as the reason they believed enforcement officers failed to enforce judgments.¹¹⁸

¹¹⁷ Excessive legal requirements occur especially where public auction have to be organized

¹¹⁸ Enforcement of Court Judgments Final Report, supra note 105, p 71.

According to a 2012 study by Transparency International, corruption-related issues are one of the largest impediments to the accurate execution of judgments.¹¹⁹ That study found that bailiffs sometimes have relationships with the losing party, and allow those relationships to affect the way in which they enforce judgments.

The focus group participants explained that the insolvency of the losing party is also a large hurdle to enforcement. Local authorities will often attempt to enforce judgments only to find that the losing party has no way to pay a money judgment. The only option they have is to sell the party's property. Many authorities would rather delay the enforcement of the judgment until the losing party can acquire assets to fulfill the judgment.

In addition, they believe that judges should make trips to the communities to better understand cases. They explained that errors in orders from the court make it difficult for them to properly enforce judgments. There are cases in which judges make judgments on land that does not exist or write orders that cannot be enforced which immediately triggers new cases.

Consequently, while some of the delay with the execution of judgments can be attributed to the inability of enforcement officers to force compliance, the issues of perceived corruption and nepotism can be addressed. We believe that more expeditious enforcement of judgments would tackle the perception that enforcement officers are corrupt, biased, and that the way in which they do their work is dictated by nepotism.

III.8. Awareness of laws and rights.

Access to justice is largely predicated on a citizen's ability to avail themselves of resources that will assist them in achieving justice, but also in knowing when their rights have been violated and the type of legal relief available. In 2012, the Rwandan Governance Barometer found that citizen awareness of their rights and laws was worryingly low.¹²⁰ The following section discusses citizen awareness of their rights and specific areas of law that have been found to impact vulnerable citizens of Rwanda, including: land law, succession law, and rights of pretrial detention.

III.8.1. Citizen knowledge of where to find books or journals containing Rwandan laws.

Notwithstanding sensitization campaigns to inform people of their rights, Rwandans are able to learn about the laws that affect them by accessing the specific laws themselves. Rwandan laws are available in printed books and journals distributed throughout the country and on the Internet, but many citizens are not able to or do not know how to access them. Rwandan laws must be published before they may come into force¹²¹ and are contained in official Gazettes,

¹¹⁹ Transparency International Rwanda, Justice Delayed is Justice Denied, 2012.

¹²⁰ Rwanda Governance Board, Rwanda Media Barometer, December 2012.

¹²¹ Article 176, Constitution of Rwanda

which are released by the Office of the Prime Minister on a regular basis. These gazettes are available online and in various government offices across the country.

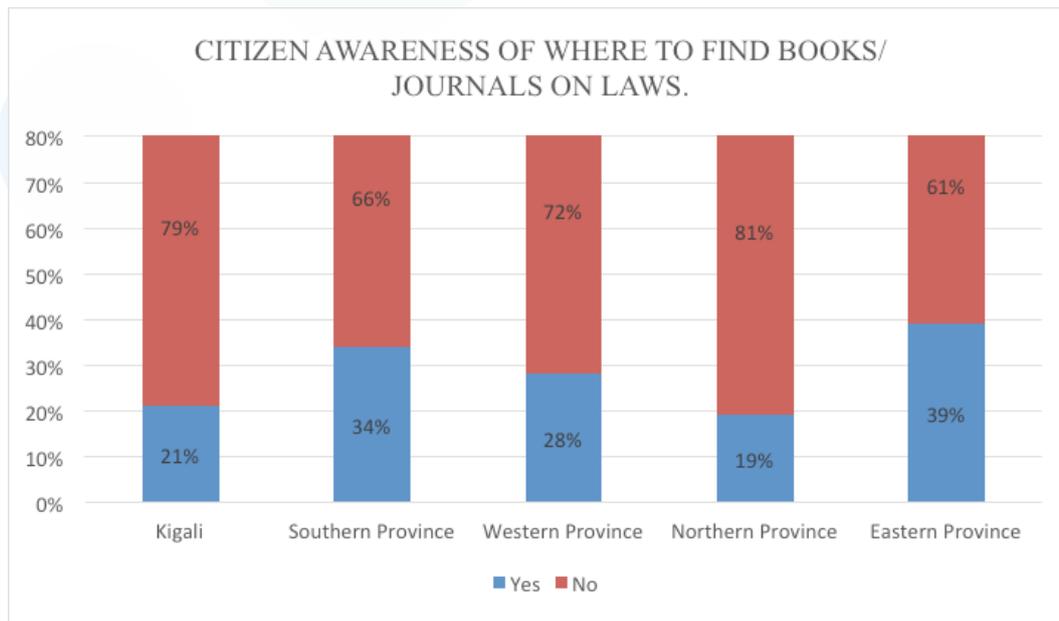


Figure 48: Citizen awareness of where to find books/ journals on law.

When respondents were asked if they knew how to find the books and journals that contain Rwandan laws, only approximately one third of respondents answered in the affirmative. Approximately 39% and 34% of respondents in the Eastern Province and Southern Province, respectively, believe they know where to find legal books/journals, while those in Kigali and the Northern Province are the most uninformed at 21% and 19%, respectively. While Rwandan laws are widely available on the Internet, they are not as widely available at local offices where they would be more accessible to a wider segment of the population. As illustrated in Figure 49 below, respondents were largely unaware of places where they could find books and journals on the law.

Figure 49 illustrates that the majority of respondents were not aware of the places they could access books and journals on laws. Consequently, citizens are not able to make themselves aware of the laws that affect their rights and rely on sensitization campaigns or information from friends and family to learn about Rwandan laws.

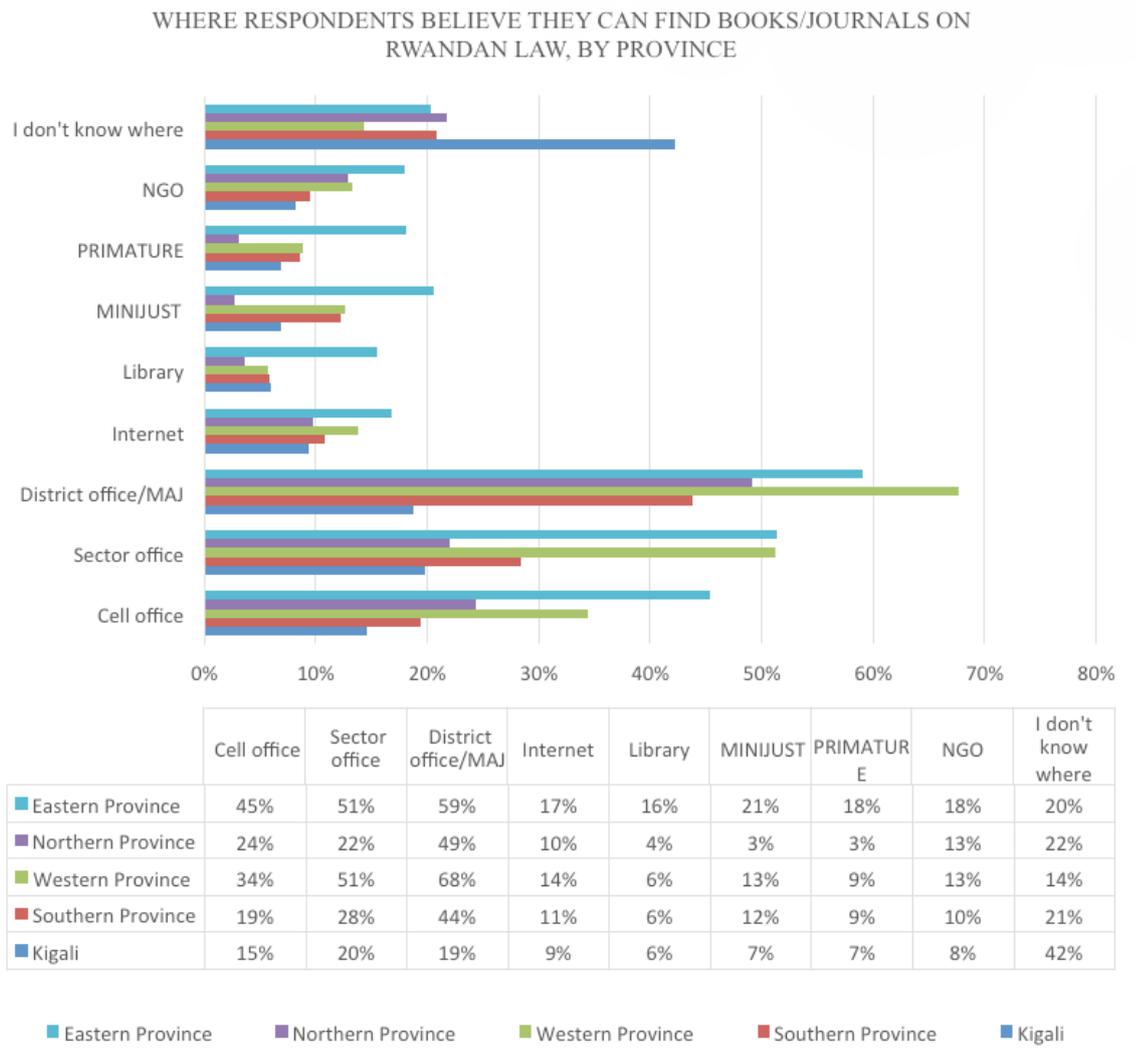


Figure 49: Where respondents believe they can find books/journals on Rwandan law, by province

Respondents were asked whether or not they would be able to find information on Rwandan laws from a variety of resources, including government offices and NGOs. Nationally, 27% of respondents did not know if they could rely on any of the options listed to find information on Rwandan laws. Figure 49 shows that Kigali has the highest rate of individuals who are unaware of where to find legal resources at 42% of respondents. Significant portions of the respondents in the Northern, Southern, Eastern, and Western Provinces also responded that they would not know where to find books or journals containing Rwandan laws at 22%, 21%, 20%, and 14%, respectively.

Figure 49 shows that respondents generally believe they can find legal resources at the local government offices with which they are familiar. Citizens in the Western, Northern, and Eastern Provinces expect that their Sector office, Cell office, and District office should have legal books or journals they could use to learn about the law. Very few respondents believed they would be able to find information on the laws by visiting MINIJUST, PRIMATURE, or the library. While a large number of respondents believed that the books of laws could be found at Cell and Sector level, most Cell and Sector offices do not have physical copies of the laws available to citizens.

Any books or journals on law they may have are often for the use of staff and not for the use of the general public. The Ministry of Justice, however, has a library dedicated to recording all laws and they are available to the public. Unfortunately, anyone wishing to use this resource must travel to Kigali to do so.

This data indicates that people are largely unaware of the resources they can use to educate themselves about the law. Literacy presents a serious hurdle to citizen access to written laws. The national average literacy rate in Rwanda is 72%. The average literacy rate ranges from a low of 67.5% (Southern Province) to 68.7% (Northern Province). Kigali, however, has the highest literacy rate at 86.7%.¹²² In order to combat this, local government offices should be provided with resources to be able to provide citizens information about the law.

III.8.2. Citizen understanding of the law

Many respondents' understanding of the law is quite poor. Table 9 below shows that on average, fewer than 4% of respondents rate their understanding of the law as being "High". The Southern Province, which has the highest segment of the population which rates its understanding of the law as "High", stands at only 6%. In the Northern Province, only 2% of the population interviewed believed they had a good understanding of the law.

Table 9: Distribution by province of how respondents rate their understanding of the laws.

		High		Low		Don't know		Total	
		Count	%	Count	%	Count	%	Count	%
Province of residence	Kigali	44	5%	382	42%	490	53%	916	100%
	Southern Province	61	6%	493	48%	480	46%	1,034	100%
	Western Province	27	3%	572	56%	428	42%	1,027	100%
	Northern Province	18	2%	174	24%	543	74%	735	100%
	Eastern Province	53	5%	545	47%	554	48%	1,152	100%
	Total	203	4%	2,166	45%	2,495	51%	4,864	100%

The survey also pointed out that a majority of respondents do not know how they would rate their knowledge of the law (51%) or rate it as "Low" (45%). This indicates that respondents have low confidence in their knowledge and/or understanding of the laws. This could be because of a combination of a lack of access to written laws and inadequate or limited outreach. The data above suggests that very little in-person outreach has been done to educate people about the law. In the absence of a far-reaching effort to educate people about the laws, citizens tasked to learn the laws themselves.

¹²² National Institute of Statistics of Rwanda (NISR), EICV3 District Profile Kigali- Gasabo, 2012, Kigali.

However, this is crippled by the fact that 28% of Rwanda's population is illiterate and the segment of the population that is literate would probably have difficulty accessing copies of and understanding written laws.

51% OF RESPONDENTS DO NOT KNOW HOW THEY WOULD RATE THEIR KNOWLEDGE OF THE LAW (51%) OR RATE IT AS "LOW" (45%).

Educating citizens about their rights and laws that affect them could not only have the effect of increasing citizen awareness of their rights and removing an obstacle to access to justice, but also of improving citizen experiences with justice Sector service providers

III.8.3. Citizen understanding of rights enumerated in specific laws.

The survey also aimed to evaluate citizen understanding of specific rights enumerated in specific laws as a way of assessing their overall understanding of laws. Respondents were specifically asked about rights guaranteed during pre-trial detention, land rights, succession rights and the right of participation. The sections below discuss the findings in relation to each right.

III.8.3.1. Citizen understanding of rights guaranteed during pretrial detention.

Respondents were asked if they were aware of the rights surrounding pretrial detention. During pretrial detention, various rights are guaranteed by the Constitution and other laws such as the Code of Criminal Procedure. The Constitution of Rwanda guarantees citizens the right to due process of law which includes the right to be informed of the nature and cause of any charges laid, the right to a defense and legal representation, the right to be presumed innocent until proven guilty, and the right to appear before a competent Court, etc.¹²³ The code of criminal procedure provides that persons held in custody must be informed in writing of the charges laid against them and their right to contact legal counsel; this implies the right to have counsel assigned through the Rwanda Bar Association, where necessary.¹²⁴

¹²³ Article 29, Constitution of Rwanda as amended in 2015.

¹²⁴ Article 38, Law N° 30/2013 of 24/5/2013 Law relating to the code of criminal procedure

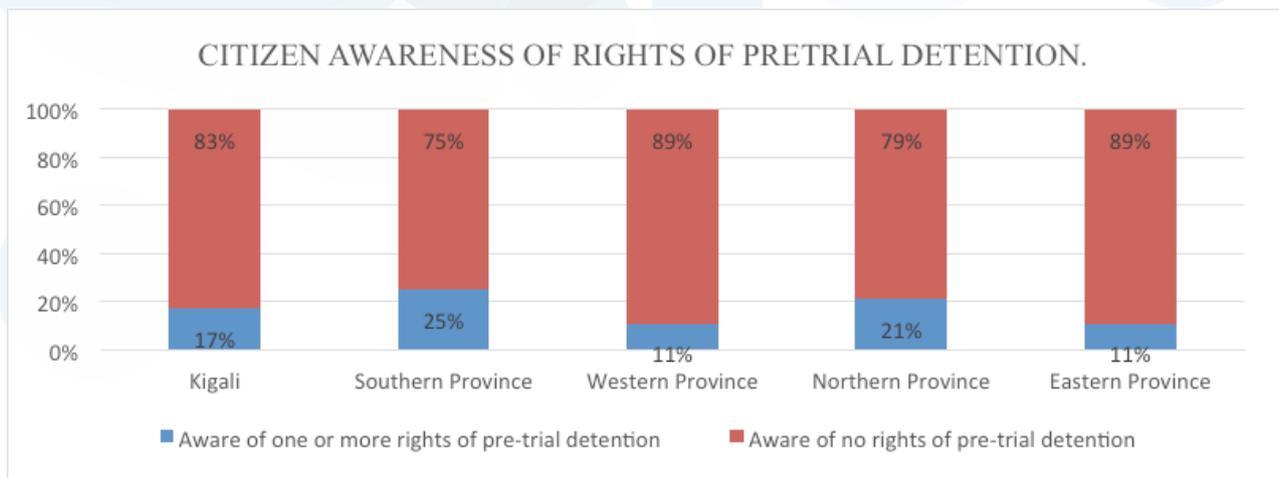


Figure 50: Citizen awareness of rights of pretrial detention.

A significant number of respondents answered that they had a very limited understanding of the laws surrounding pretrial detention. Approximately 83% of respondents were not aware that there are any rights guaranteed during pretrial detention. Figure 50 above shows that the rate of awareness of the rights regarding pretrial detention ranges between a high of 25% in the Southern Province to a low of 11% in the Western and Eastern Provinces.

83% OF RESPONDENTS WERE NOT AWARE THAT THERE ARE ANY RIGHTS GUARANTEED DURING PRETRIAL DETENTION.

Approximately 53% of those aware of the rights guaranteed during pretrial detention were aware of the right to be detained in reasonable conditions. Only 3% of respondents expressed knowledge of the right to due process during the pretrial phase. Approximately 31% of respondents were aware of the right to a fair trial, while only 13% of respondents were aware of one's right to enjoy one's civil rights while in detention.

These figures are low as they show a general lack of awareness of laws that protect basic human rights during the criminal investigative and prosecutorial process, but more so because the respondents were involved in both civil (84%) and criminal cases (14%).

III.8.3.2. Citizen understanding of land rights.

Traditionally, Rwandan custom limited the right to control land to males. By extension, widows were only allowed to control the land of their children until a male heir came of age.¹²⁵ Consequently, men had, historically, been able to exercise more control over land than women. To correct this imbalance, the Constitution altered land law by making men and women equal in their rights, including land rights.¹²⁶

¹²⁵ Ministry of Lands, Environment, Forests, Water and Mines, National Land Policy, February 2004, p. 20.

¹²⁶ Article 29 of the Constitution of Rwanda. and Law n° 43/2013 of 16/06/2013 governing Land in Rwanda.

This commitment to non-discrimination was statutorily asserted in the 2004 National Land Policy¹²⁷ and the Land Law of 2013 which grants equal rights to women and men to inherit and own property, including land.¹²⁸

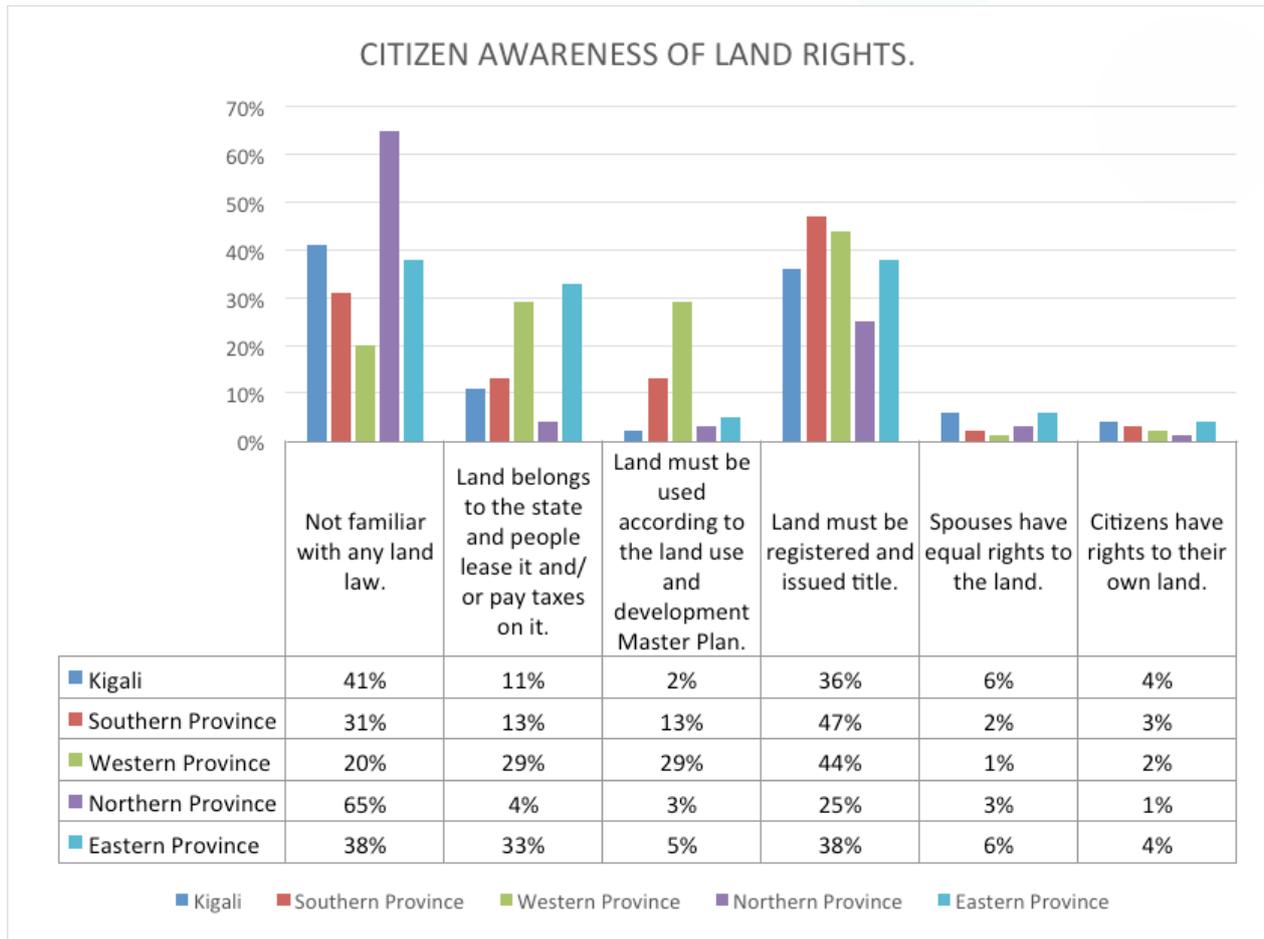


Figure 51: Citizen awareness of land rights.

To determine whether respondents had a good knowledge of land law, they were asked to list at least two things they knew about land law. Figure 51 illustrates the most commonly given answers. Nationally, 36% of respondents were not familiar enough with land laws to answer the question. The most common type of legal concept with which respondents are familiar (39%) is that land must be registered and the owner must be issued title. Only 3% of respondents answered that husbands and wives shared equal rights to their land and only 15% answered that land belongs to the state and citizens lease it and/or pay taxes.

The most popular answers given to this question related to land registration and land titles. Most respondents in the Southern Province (47%), the Western Province (44%), and the Eastern Province (38%) answered that they were aware that once land was purchased, inherited, or gifted, it had to be registered, and that the owner had to receive title to the land.

¹²⁷ General principles section, 2004 National Land Policy, p.23. (repealed by Land Law of 2013).

¹²⁸ Law n° 43/2013 of 16/06/2013 governing Land in Rwanda.

The majority of respondents are aware of general land laws, however, those who are not aware need to be educated on the laws.

Even though the majority of respondents are aware of land laws, focus should be placed on general education to ensure that those who are not informed also become aware of land laws. Approximately 41% of respondents in Kigali, which is largely urban, were unable to answer questions about land law. However, 65% of respondents in the Northern Province, which is largely rural, were also unable to name specific land laws. This implies that respondents were not aware of the laws affecting land regardless of whether they lived in urban or rural environments. Respondents in more urban areas should be aware of land law as it relates to issues such as tenancy, while respondents in more rural areas should be aware of land laws because they are largely reliant on agriculture, which is reliant on access to land. One possible reason for the low awareness is that people have not been sufficiently sensitized to land laws. The responses given by respondents on land laws indicate that citizens do not have a good understanding of land law and require additional legal education.

From a gender perspective, approximately 33% of men were not familiar enough with land laws to name at least one law, compared to 39% of women. This indicates that women are slightly less aware of laws relating to land than men. This is of note as land rights and access to land are directly related to the economic empowerment of women because access to land allows women to participate in the economy.¹²⁹ In Rwanda, women are more likely to experience poverty associated with subsistence farming as the past decade has seen men move from subsistence farming to varied types of employment, leaving more women involved in subsistence agriculture than before.¹³⁰ Poverty levels are highest among families who engage in subsistence farming but obtain their income from working on other people's farms. Given this vulnerability, an increased emphasis should be placed on educating citizens, especially women, about land rights.

III.8.3.3. Citizen awareness of succession rights

In 1999, Rwanda introduced reforms to the legal framework surrounding succession rights.¹³¹ The Law Regarding Matrimonial Regimes, Liberalities and Successions of 1999 granted women the same rights of inheritance as men. The law also granted spouses married under the community of property regime to have equal rights on that property.¹³²

¹²⁹ Polavarapu, Aparna, Procuring Meaningful Land Rights for the Women of Rwanda, Yale Human Rights and Development Journal: Vol. 14: Iss. 1, Article 3, 2011, p. 112.

Available at: <http://digitalcommons.law.yale.edu/yhrdlj/vol14/iss1/3>

¹³⁰ EDPRS II, p. 41.

¹³¹ Law No 22/99 of 12/11/1999 Supplementing Book One of the Civil code and Instituting Part Five regarding Matrimonial Regimes, Liberalities and Successions.

¹³² Ndingiza, Madina; Masengo, Fidele; Murekatete, Christine; Knox, Anna, Rwanda: Assessment of the Legal Framework Governing Gender and Property Rights in Rwanda- Kigali, Rwanda: USAID |LAND Project, 2013.

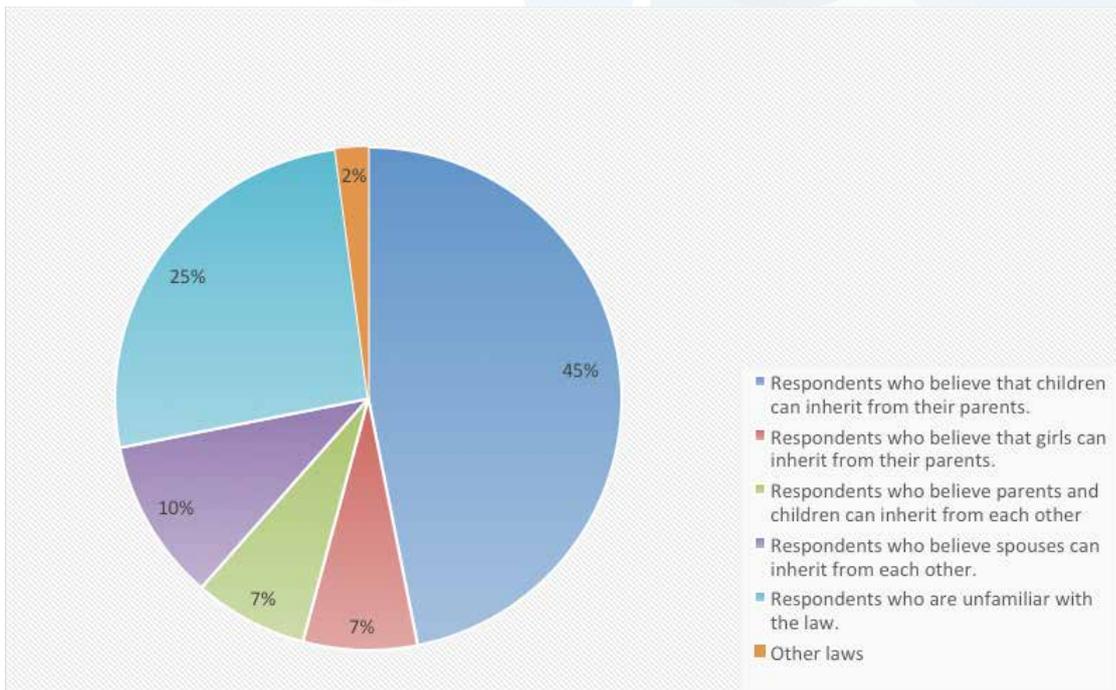


Figure 52: Citizen awareness of succession law

To determine whether respondents had a good knowledge of the law, they were asked to list at least two things they knew about the laws surrounding succession. In general, respondents were able to describe at least one legal concept relating to succession law. Figure 52 shows that 45% of respondents answered that the law granted children the right to inherit from their parents, 10% of answers indicated that spouses could inherit from each other, 7% of answers related to the idea that girls could inherit from their parents, and 7% of answers related to the idea that the law allowed parents and children to inherit from each other. However, 25% of the answers respondents gave were that they did not know anything about succession law.

The data indicates a general awareness regarding succession laws.

III.8.3.4. Citizen participation in sensitization meetings.

The 2014 National Legal Aid Policy recognizes that citizens must have a certain level of awareness of legal rights that meaningfully affect their lives in order to ensure access to justice.¹³³ The EDPRS II development goals list strengthening citizen participation and demand for accountability as a priority of development.¹³⁴ Citizen participation encourages development as it is a way to ensure ownership and encourage accountability in governance.

¹³³ Ministry of Justice, National Legal Aid Policy, October 2014.

¹³⁴ EDPRS II

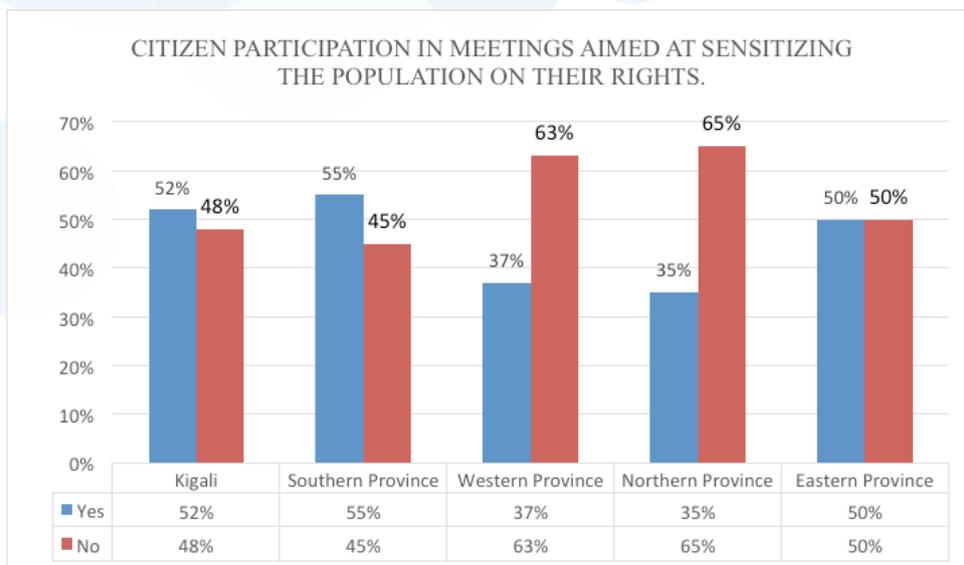


Figure 53: Citizen participation in meetings aimed at sensitizing the population on their rights.

Approximately half of the respondents exercised their right to participate in meetings sensitizing them to human rights. Figure 53 above, shows that 47% of respondents attended at least one sensitization meeting to learn about human rights laws. The proportion of people who have attended meetings are fairly consistent across the four provinces and Kigali and range from 35% in Northern Province, 55% in the Southern Province. The number of respondents who chose to participate in meetings indicates that respondents have some interest in participating in gatherings that could make them more aware of their rights.

According to the focus group participants, the citizens who chose not to attend sensitization meetings did so even though they had been specifically invited to attend. However, in mid-2016, the Ministry of Local Government instituted a new policy under which citizen concerns are addressed at Cell level meetings once a week. Citizens are encouraged to attend these meetings (*inteko z'abaturage*) and discuss the best way in which to solve citizen's problems, but can also be used to sensitize citizens on laws. The hope is that the public nature of these meetings will encourage citizen participation.

Curiously, attending a sensitization meeting does not seem to translate into awareness of the law. While many respondents attended sensitization meetings, fewer than 4% felt that they had a good understanding of the law. There could be a number of reasons for this: respondents may only have attended one meeting and failed to retain the information learned at the session. Consequently, while citizens seem to be exercising their right to participation, it does not seem to be yielding the desired positive results.

As the findings show that citizens participate in the weekly meetings organized at Cell and Sector level (*inteko z'abaturage*) such meetings should be used by different partners to educate the population on the most used laws.

CONCLUSION AND RECOMMENDATIONS

The results of this study show that citizens are generally satisfied with the legal and justice services they receive from the courts, non-state LAPs, MAJ and local authorities. However, challenges related to the proximity of LAPs to potential clients, delays in the administration of justice, limited capacity in terms of both financial and human resources, resources, and procedural yardsticks in determining eligibility for legal aid services should be addressed.

Notwithstanding the opportunities for improvement identified by this survey, citizens are generally satisfied with the legal and justice services they receive from the courts, non-state LAPs, MAJ and local authorities. Abunzi, LAPs, the Ombudsman's office, courts and local authorities were largely appreciated for their ability to settle disputes. However, complaints of bias and corruption may impact their overall faith in these systems.

In addition, respondents indicated that they have experienced significant delays in the execution of judgments. Respondents were also largely unaware of the procedures related to enforcement of judgment that would allow them to resolve their cases more quickly.

An area highlighted by the findings which points to an immediate need for improvement is citizen awareness and understanding of frequently used laws and rights to which they may be entitled in specific situations.

Consequently, LAF believes that the capacity and policy gaps identified in this study should be swiftly addressed in order to maintain and increase citizens' positive perceptions of the justice Sector, and to guarantee greater access to justice. To this end, LAF has formulated the following recommendations.

I. **Availability and Accessibility of Legal Aid Services**

○ **Actions to be taken by the State, specifically MINIJUST and MINALOC**

1. *Abunzi* should be provided with reference materials such as journals, books, and texts on laws that they may access during mediations to increase citizen confidence in the legal validity of mediated orders.
2. The capacities of Executive Secretaries of the Cells and Sectors in their role as non-professional bailiffs should be strengthened in order to increase their agility in enforcement of judgments. This includes providing staff with additional trainings and resources, including training on some key laws such as the land law, family and succession laws, enforcement of court judgments, GBV law, etc.
3. Establish clear guidelines on who should be provided with legal aid to be adopted by all legal aid providers.

4. A new certificate of indigence should be created specifically for legal aid services. The certificate would only be valid for legal aid services.
 5. Establish an efficient oversight mechanism to evaluate the performance of both state and non-state LAPs, Abunzi, courts, and other relevant stakeholders along the delivery of justice chain.
- **Actions to be taken by non-state legal aid providers**
 6. While Rwandans are generally satisfied with the services they receive from legal aid providers, efforts should be made to ensure that they are not required to travel far distances or spend large amounts of money on transportation to reach those legal aid providers. These could include increased outreach or the creation of sub-offices in more rural areas and mobile legal aid clinics.
 7. Each non-state legal aid provider should offer a toll-free number that citizens may use to contact advocates to ask simple questions or to receive legal advice.
 8. A telephone case intake system should be established. This system would allow attorneys to give clients advice over the phone and to refer them to specific agencies and MAJ to address their cases.
 9. Non-state LAPs should use existing voice-calling and text messaging infrastructure to provide an information service for citizens to call when in search of legal advice. Call centers and free text-messaging technology could be used to ensure that citizens are able to cheaply and easily contact an attorney without having to travel long distances.
 10. Non-state legal aid providers should examine their case processing procedures and ensure that clients are not being made to wait excessive amounts of time to receive legal aid services.
 11. Rwandan legal aid providers should reinforce their relationships through the creation of a referral system to assist in the exchange of information and to guide clients to available resources.

II. Settlement of disputes

- **Actions to be taken by the State, specifically MINIJUST and MINALOC**
 12. Abunzi should all be provided with a number of reference materials such as gazettes, books, and texts on laws that they may access during mediations to increase citizen confidence in the legal validity of

mediated orders. This should be combined with capacity building to ensure that they are aware of the laws and how to use the reference materials.

III. Enforcement of judgments

○ Actions to be taken by the state

13. A practical guide (manual) should be produced on the procedures to be followed regarding the enforcement of judgments. The document should simplify the law currently in place and make it more accessible to Executive Secretaries and other local authorities. Civil society could be consulted to assist with the production of this document.
14. Title V of the law relating to the civil, commercial, labor and administrative procedure should be updated to include the requirement of an official form for closing or staying the enforcement of a court or Abunzi decision for use by bailiffs.
15. Instructions from the Ministry should be enacted producing a form to track requests for judgment enforcement. The form should be filled whenever a person submits a request for enforcement of their judgments and a copy should be provided to the applicant for record keeping and accountability purposes by authorities.
16. More training is needed for Cell and Sector Executive Secretaries on enforcement of court judgments, especially on seizure and auctioning procedures.
17. A strong supervision and monitoring framework needs to be put in place to ensure timely and effective enforcement of court and Abunzi decisions. Enforcement of judgments should be included as a part of the performance agreements of non-professional bailiffs and should be evaluated during performance reviews.
18. Additional staff should be hired to assist in the enforcement of judgments. The additional staff should support the current enforcement staff which is overworked and unable to enforce judgments in a timely way. However, if this is not possible, the Civil Status Officer should be granted the ability to work as a non-professional bailiff and enforce judgments.
19. A mechanism should be established to allow insolvent parties to pay their debts and allow pending judgments to be enforced. LAF proposes

the following solution: Executive Secretaries, who are also responsible for the administration of VUP programs, should be authorized to employ those with outstanding judgments for a period of time to repay the debt. This program would be available to those who would already be eligible for the VUP program. No more than 10% of available employment should be assigned to debtors under this program. The debtors' wages would be divided to allow a portion to go toward payment of the debt and a portion to go towards the debtor for the work performed. No more than 30% of the debtor's income would be allocated to paying their debt. This will assist in the enforcement of judgments and improve the general condition of the debtor.

20. The law governing professional bailiffs should be amended to include the provision requiring professional bailiffs to enforce a specific number of judgments on a pro bono basis to maintain the status of "professional bailiff".

Actions to be taken by legal aid providers

21. Non-state LAPs should intensify their efforts to sensitize the population about the law on enforcement of court and Abunzi decisions.
22. Non-state LAPs should assign resources to assist clients in the enforcement of judgments, where possible.
23. Non-state LAPs should partner with the government to provide capacity building trainings for non-professional bailiffs to ensure judgments are executed effectively.

IV. Awareness of Rights

- **Actions to be taken by the State, specifically the Ministry of Justice (MINIJUST) and Local authorities**

24. Government entities such as MAJ and local authorities should improve their efforts to perform in-person outreach to communities throughout Rwanda (rural and urban areas). Given the effectiveness of in-person sensitization, LAF recommends that information be disseminated through programs such as *Umuganda*¹³⁵, *Inama y'abaturage*¹³⁶ or *Umugoroba w'ababyeyi*.¹³⁷

¹³⁵ Community work, a monthly activity.

¹³⁶ Community council, in most areas meetings for these community council happens every week.

¹³⁷ Parents' meetings.

The results of these meetings and awareness campaigns should be reported each quarter to a responsible entity to keep an accurate record of the sensitization efforts and awareness-raising being done during these meetings.

25. Quarterly reports of results of sensitization meetings and awareness campaigns should be reported to a responsible entity to keep an accurate record of the sensitization efforts and awareness-raising being done during these meetings.
 26. National awareness campaigns should be conducted by using social media including YouTube, WhatsApp, Twitter, and Facebook, for example, to distribute short videos explaining the law through skits or through legal officers explaining legal concepts.
 27. The Ministry of Justice should empower MAJ staff to increase their ability to perform outreach campaigns to local communities and raise awareness of the legal aid services MAJ offer and on rights in general. Specifically, this should focus on, but not be limited to, providing transportation to ensure MAJ are able to cover the whole district.
 28. Books and/or journals on laws should be made more accessible. Miniature libraries or access to Internet enabled computers should be provided at the Sector level to provide citizens with printed and electronic legal resources.
- **Actions to be taken by non-state legal aid providers (LAPs)**
 29. Non-state LAPs should improve their efforts to perform in-person outreach to sensitize communities throughout Rwanda to their rights. Non-state LAPs should increase their efforts to perform in-person outreach to sensitize communities throughout Rwanda to their rights. Non-state LAPs should increase their use of public meetings such as umuganda to pass messages of outreach to the country.
 30. Non-state LAPs should use their experience from the Legal Aid Week to perform outreach in different parts of the country and educate citizens on various laws.
 31. Handbooks, posters, and brochures simplifying the laws should be developed in the local language and distributed to the population.
 32. Non-state LAPs should create and maintain websites that can be viewed on phones and tablets. The websites should contain simplified

versions of the most commonly used laws, to make them more easily accessible to citizens. LAPs should solicit the help of government in creating these webpages.

This report was produced with contribution from state institutions, civil society organizations, NGOs and our development partners. Our hope is that LAPs, MAJ, the Courts, local authorities, and other relevant actors will take note of our recommendations and address the concerns raised from citizen feedback in this report. Our recommendations are made in the hope that improvements to these entities will result in significant improvements in access to justice for indigent and vulnerable people in Rwanda. Strengthening the areas of weakness addressed in this report will assist in improving overall access to justice.

LIST OF ANNEXES

ANNEX 1: LIST OF ADDITIONAL TABLES

Table 1: Entities from which respondents sought legal aid services.

	Kigali	Southern Province	Western Province	Northern Province	Eastern Province	Total
HAGURUKA	693	133	81	170	359	1,436
LOCAL	64	301	476	249	260	1,350
ABUNZI	26	119	309	105	376	935
MAJ	40	137	93	225	235	730
COURT	75	83	200	40	231	629
POLICE	17	80	77	36	77	287
ADVOCATE	131	65	18	22	31	267
LEGAL CLINIC	55	174	10	11	3	253
AVEGA	9	72	1	8	27	117
COPORWA	-	51	13	-	-	64
LAF	22	8	2	4	11	47
AJPRODHO	10	5	2	-	29	46
ADEPE	1	-	37	-	-	38
TRANSPARENCY RWANDA	1	-	7	21	6	35
OMBUDSMAN	7	2	4	3	3	19
FADEF	-	-	-	16	-	16
LIPRODHOR	10	2	1	-	-	13
RWANDA WOMEN NETWORK(RWN)	13	-	-	-	-	13
MPEDH	-	-	-	-	11	11
COSYLI	7	1	-	-	1	9
INALAS	-	-	-	8	1	9
KIGALI BAR ASSOCIATION	9	-	-	-	-	9
HUMAN RIGHT FIRST RWANDA (HRFRA)	1	7	-	-	-	8
LOH	4	2	-	1	-	7
AJIC	-	6	-	-	-	6

RWANDA HUMAN RIGHTS COMMISSION	3	3	-	-	-	6
CLADHO	5	-	-	-	-	5
ADL	1	-	-	1	2	4
I PEACE	-	4	-	-	-	4
MINADEF	-	-	1	1	2	4
ARDHO	3	-	-	-	-	3
FARG	1	1	-	-	1	3
NON CRIME RWANDA	-	2	-	1	-	3
CHURCH	-	-	2	-	-	2
HANDICAP INTERNATIONAL	2	-	-	-	-	2
IBUKA	-	1	-	-	1	2
PRESIDENCE	-	1	-	-	1	2
WORLD VISION	2	-	-	-	-	2
AJAR	1	-	-	-	-	1
ASOFERWA	-	-	-	-	1	1
BAILIFF	1	-	-	-	-	1
CARITAS	-	1	-	-	-	1
CCE ISANGANO	-	-	1	-	-	1
CNLG	-	1	-	-	-	1
JUSTICE ET PAIX	-	-	-	1	-	1
MICROJUSTICE	-	-	-	1	-	1
RCS	-	-	-	1	-	1
LIPRODHOR	1	-	-	-	-	1
TOTAL	1,215	1,262	1,335	925	1,669	6,406

Table 2: Length of time, in days, it took to resolve the case where the case ended at different levels.

	Where the Case ended		
	Local Authority	Abunzi	Court
Kigali	694	683	1,179
Southern Province	276	547	1,392
Western Province	296	198	561
Northern Province	223	109	729
Eastern Province	161	178	739
Total	266	228	867

Table 3: Outcome of the case.

	I won		I lost		Total	
	Count	Row N %	Count	Row N %	Count	Row N %
Kigali	449	50%	443	50%	892	100%
Southern Province	578	54%	499	46%	1,077	100%
Western Province	549	55%	452	45%	1,001	100%
Northern Province	380	48%	412	52%	792	100%
Eastern Province	586	49%	607	51%	1,193	100%
Total	2,542	51%	2,413	49%	4,955	100%

Q22. Niba ubufasha wasabye warabuhawe, wanyuzwe n'ubwo bufasha ku ruhe rugero?

1=Naranyuzwe cyane 2=Naranyuzwe 3=Naranyuzwe biringaniye 4=Sinanyuzwe na mba →|____|

Q23. Ukurikije ubufasha wahawe, ni iki wifuza cyanozwa?

.....

Q24. Niba ubufasha wasabye utarabuhawe, ni ubuhe bufasha wari wasabye ntubuhabwe?

Q24a. Guhabwa ubujyanama mu by'amategeko 1=Yego 2=Oya →|____|

Q24b. Kuyoborwa mu zindi nzego 1=Yego 2=Oya →|____|

Q24c. Guhabwa ubwunganizi mu mategeko ku buntu (ku bantu batishoboye)1=Yego 2=Oya→|____|

Q24d. Gukorerwa ubuhuza 1=Yego 2=Oya→|____|

Q24e. Gukorerwa ubuvugizi (Kuvuganirwa mu bijyanye n'amategeko) 1=Yego 2=Oya→|____|

Q24f. Gukorerwa umwanzuro 1=Yego 2=Oya→|____|

Q24g. Kurangirizwa urubanza 1=Yego 2=Oya→|____|

Q24i. Ibindi (Sobanura).....

Q25. Watubwira impamvu yatumye udahabwa ubufasha wari wasabye?

Q25a. Nta cyangombwa cy'ubukene nari mfite 1=Yego 2=Oya →|____|

Q25b. Ntabwo natanze ibyangombwa byuzuye 1=Yego 2=Oya →|____|

Q25c. Ntabwo nari nujuje ibyo basaba kugira ngo batange ubufasha mu by'amategeko 1=Yego 2=Oya→|____|

Q25d. Sinzi impamvu yabiteye 1=Yego 2=Oya →|____|

Q25e. Ibindi sobanura.....

Q26. Niba aho wasabye ubufasha ubwa mbere batarabuguhaye, ni uwuhe muryango/urundi rwego wasabye ubufasha?.....

Q27. Esewabyifashemo ute nyuma y'uko ubufasha wasabye utabuhawe?

Q27a. Narekeye aho kuko ntakundi nari kubigenza 1=Yego 2=Oya→|____|

Q27b. Nagombye kugurisha imwe mu mitungo yanjye kugirango nkurikirane ikibazo cyanjye cy'ubutabera 1=Yego 2=Oya→|____|

- Q27c Natakambiye abavandimwe/inshuti baramfasha 1=Yego 2=Oya→|____|
- Q27d ibindi (Sobanura).....
- Q28. NEW: Niba warageze mu nkiko, waba wari ufite u mwunganizi? 1=Yego 2=Oya→|____|
- Q29. NEW: Niba utari umufite, byatewe n'iki?
- Ntabwo nari kubasha kwishyura umwunganizi 1=Yego 2=Oya→|____|
 - Nabonaga ntazarutsinda 1=Yego 2=Oya→|____|
 - Ibindi (bivuge).....
- Q30. NEW: Waba wari uri mu kihe cyiciro cy'ubudehe mu gihe wasabaga ubufasha mu by'amategoko?
- 1= icya 1 n'icya 2 →|____| 1= icya 3 kugera 6→|____|
- Q31. Waba warigeze gusaba icyemezo cy'ubukene? 1=Yego 2=Oya→|____|
- If No the following subquestion doesn't appear**
- Ni iki ubona cyanozwa mu mitangire y'ibyemezo by'ubukene?
-
- Q32. Ese MAJ urayizi? If No..... go to question 43 and Q73&Q74 are hidden
- 1=Yego 2=Oya→|____|
- Q33. Tubwire uko wamenye MAJ.
- Q33a Nayirangiwe n'abandi/izindi nzego 1=Yego 2=Oya→|____|
- Q33b Nayimenye nihitira 1=Yego 2=Oya→|____|
- Q33c Nayimenyeye kuri radiyo 1=Yego 2=Oya→|____|
- Q33d Nayimenyeye mu binyamakuru 1=Yego 2=Oya→|____|
- Q33e Nayimenyeye ku dupapuro twamamaza 1=Yego 2=Oya→|____|
- Q33f Nayimenyeye kuri televiziyo 1=Yego 2=Oya→|____|
- Q33g Nayimenyeye mu bukangurambaga badukoreye 1=Yego 2=Oya→|____|
- Q33h Ubundi buryo(bugaragaze).....

Q34. Ni ubuhe bufasha waba uzi butangwa na MAJ?

Q34a Ubujyanama mu birebana n'amategeko 1=Yego 2=Oya →|___|

Q34b Kwandikira abantu imyanzuro 1=Yego 2=Oya →|___|

Q34c Kunganira abantu mu nkiko 1=Yego 2=Oya →|___|

Q34d Kubakurikiranira ibibazo birebana n'amategeko mu nzego zitandukanye hamwe no mu nkiko

1=Yego 2=Oya →|___|

Q34e Kurangiriza imanza abantu batishoboye 1=Yego 2=Oya →|___|

Q34f Nta bufasha nzi itanga 1=Yego 2=Oya →|___|

Q34g Ubundi bufasha (Buvuge).....

Q35. NEW: Ese waba warigeze uhabwa ubufasha mu by'amategeko na MAJ? 1=Yego 2=Oya →|___|

Q36. Ni ubuhe?

Q36a Guhabwa ubujyanama mu birebana n'amategeko 1=Yego 2=Oya →|___|

Q36b Gukorerwa imyanzuro 1=Yego 2=Oya →|___|

Q36c Ubwunganizi mu nkiko 1=Yego 2=Oya →|___|

Q36d Gukurikiranira ibibazo birebana n'amategeko mu nzego zitandukanye hamwe no mu nkiko

1=Yego 2=Oya →|___|

Q36e Kurangiza urubanza ku buntu 1=Yego 2=Oya →|___|

Q36f Ubundi bufasha (Buvuge).....

Q37. Ese waba warigeze ubona MAJ yaje aho mutuye mu rwego rw'ubukangurambaga no gukemura ibibazo birebana n'ubutabera? 1=Yego 2=Oya →|___|

If No..... go to question 40

Q38. Niba ari yego umaze kubabona kangahe baje aho mutuye? Andika umubare w'inshuro wababonye →|___|

Q39. Ubwo uheruka kubabona hari ryari: 1= mu mezi atatu ashize 2= mu mezi atandatu ashize 3= mu mezi 12 ashize 4=Sinibuka →|___|

Q40. Mwishimira mute ubufasha butangwa na MAJ.

1=Burashimishije cyane 2=Burashimishije 3=Burashimishije biringaniye 4=Ntibushimishije

na busa → |____|

Q41. Ese kugera aho wasabye ubufasha mu by'amategeko ugereranyije byagufashe igihe kingana iki n'amaguru?

1=Imonota itageze kuri 30, 2=Hagati y'iminota 30 n'isaha 1, 3=Hagati y'isaha1
n'amasaha atatu

4=Hagati y'amasaha atatu n'amasaha atanu, 5=Hejuru y'amasaha atanu 6= Ntabwo
nagenze n'amaguru

Q42. Ese kugera aho wasabye ubufasha mu by'amategeko uteze byagufashe amafaranga angana iki:

Q42a. Imodoka..... → |____| |____| |____| |____|

Q42b. Moto..... → |____| |____| |____| |____|

Q42c. Igare..... → |____| |____| |____| |____|

Q42d. Ubwato..... → |____| |____| |____| |____|

Q43. Ese kugera aho wasaba ubufasha mu by'amategeko hakwegereye ugereranyije byagufata igihe kingana iki n'amaguru?

1=Imonota itageze kuri 30, 2=Hagati y'iminota 30 n'isaha 1, 3=Hagati y'isaha1
n'amasaha atatu

4=Hagati y'amasaha atatu n'amasaha atanu, 5=Hejuru y'amasaha atanu 6= Ntabwo
nagenda n'amaguru

Q44. Ese kugera aho wasaba ubufasha mu by'amategeko hakwegereye uteze ugereranyije watanga amafaranga angaha?:

Q44a. Imodoka..... → |____| |____| |____| |____|

Q44b. Moto..... → |____| |____| |____| |____|

Q44c. Ubwato..... → |____| |____| |____| |____|

Q44d. Igare..... → |____| |____| |____| |____|

4. Mu rukiko rwisumbuye→|____|
5. Urukiko rukuru→|____|
6. Mu rukiko rw'ikirenga →|____|
7. Mu miryango itanga ubufasha→|____|
8. Muri Polisi →|____|
9. Mu idini/Itorero→|____|

Q49. NEW:Ikibazo cyawe cyarangiriye ku ruhe rwego?

1. Mu nzego z'ibanze→|____|
2. Mu bunzi →|____|
3. Mu rukiko rw'ibanze→|____|
4. Mu rukiko rwisumbuye→|____|
5. Urukiko rukuru→|____|
6. Mu rukiko rw'ikirenga
7. Mu miryango itanga ubufasha →|____|
8. Muri Polisi →|____|
9. Mu idini/Itorero →|____|
10. Ahandi (havuge).....

Q50. Ese ikibazo cyawe waba warakigejeje kuri komite y'abunzi?

1=Yego 2=Oya →|____|

If No..... go to question 61

Q51. Niba ikibazo cyawe warakigejeje mu bunzi, cyakemuwe mu buhe buryo?

Q51a Baratwunze 1=Yego 2=Oya →|____|

Q51b Baratuburanishije 1=Yego 2=Oya →|____|

Q51c Ibindi (bivuge)

Q52. NEW: Ese umwanzuro w'abunzi (ku rwego rwa nyuma) wagaragaje ko ari wowe wari ufite ukuri?

1=Yego 2=Oya →|____|

Q.53. New: Ukurikije uko byumva, Abunzi bitwara bate mu mikorere yabo:

a. Barunga kuko igihe cyose babanza kubafasha gukemura ikibazo cyabo mu bwumvikane.

1=Yego 2=Oya →|____|

b. Baca urubanza kuko hari ubwo bafata imyanzuro batagerageje kunga abafitanye ikibazo.

1=Yego 2=Oya →|____|

c. Iyo basanze batari buburanishe urubanza kuko rurenze ubushobozi bwabo, barwohereza ku rundi rwego.

1=Yego 2=Oya →|____|

d. Ibindi(bivuge).....

Q54. Ese waba waranyuzwe n'umwanzuro wa Komite y'Abunzi? **If No..... go to question 58**

1=Yego 2=Oya →|____|

Q55. Niba utaranyuzwe n'umwanzuro w'Abunzi, sobanura impamvu

Q56. Ese niba utaranyuzwe n'umwanzuro wa komite y'Abunzi, hari izindi nzego wagannye?

Q56a Inkiko 1=Yego 2=Oya →|____|

Q56b Polisi 1=Yego 2=Oya →|____|

Q56c Parike 1=Yego 2=Oya →|____|

Q56d Urwego rw'umuvunyi 1=Yego 2=Oya →|____|

Q56e Urundi rwego (ruvuge)

Q57. NEW: Niba mutarajurirye umwanzuro w'abunzi, byaba byaratewe n'iki?

1. Igiciro gihanitse cy'igarama mu rukiko

2. Urugendo rurerure

3. Numvaga umwanzuro w'urukiko utazanyurana n'uw'abunzi

4. Ibindi.....

Q58. Niba ikibazo cyawe warakigejeje mu nkiko, urukiko rwaba rwarafashe icyemezo kinyuranye n'icya Komite y'Abunzi?

1=Yego 2=Oya →|____|

Q59. NEW: Ese mu kujurira waba warahawe ubufasha?

1=Yego 2=Oya →|____|

Q60. NEW: Ni hehe wabonye ubwo bufasha?

1. MAJ
2. Umuryango utanga ubufasha mu by'amategeko
3. Abunganizi mu by'amategeko bigenga

Q61. Ku bwawe, ubona uburyo Abunzi bakemura amakimbirane bishimishije ku rugero rungana rute?

1=Birashimishije cyane 2=Birashimishije 3=Birashimishije buhoro 4=Ntibishimishije na busa →|____|

Q62. Niba serivisi zitangwa na Komite y'Abunzi zidashimishije, ni iki unenga?

Q62a Igihe kirekire 1=Yego 2=Oya →|____|

Q62b Urugendo rurerure 1=Yego 2=Oya →|____|

Q62c Kubogama 1=Yego 2=Oya →|____|

Q62d Ibindi (Bivuge).....

Q63. Waba warigeze uburana mu rukiko? If No..... go to question 67 1=Yego 2=Oya →|____|

Q64. New: Ese niba warageze mu nkiko waba waratsindiye ibyo waburanaga? 1=Yego 2=Oya →|____|

Q65. Niba warigeze ugana inkiko, wishimiye serivisi wahawe kuruhu rugero?

1=Birashimishije cyane 2=Birashimishije 3= Birashimishije buhoro 4=Ntibishimishije na busa →|____|

Q66. Niba serivisi zitangwa n'inkiko zidashimishije, ni iki unenga?

Q66a. Igihe kirekire 1=Yego 2=Oya →|____|

Q66b. Igiciro gihanitse 1=Yego 2=Oya →|____|

Q66c. Urugendo rurerure 1=Yego 2=Oya →|____|

Q66d. Ibindi.....

Q67. NEW: Ese waba uzi urwego ry'umuvunyi? 1=Yego 2=Oya →|____|

Q68. NEW: Ese waba warigeze ugana umuvunyi ku kibazo runaka utishimiye uko cyakemuwe?

If No..... go to question 71 1=Yego 2=Oya →|____|

Q69. NEW: Ese umaze kugeza ikibazo cyawe ku muvunyi, wahawe ubuhe bufasha?

1. Kuyoborwa ku rukiko rukuru
2. Nahawe inama zo kwemera umwanzuro w'urukiko
3. Ibindi(bivuge).....

Q70. NEW:Niba waraganye urwego rw'umuvunyi, ku bwawe ubona uburyo umuvunyi akemura amakimbirane bishimishije ku rugero rungana rute?1=Birashimishije cyane 2=Birashimishije3=Birashimishije buhoro 4=Ntibishimishije na busa →|____|

Q71. Ku bwawe, ubona uburyo imiryango itanga ubufasha mu by'amategeko ikemura amakimbirane bishimishije ku ruhe rugero?

1=Birashimishije cyane 2=Birashimishije3=Birashimishije buhoro 4=Ntibishimishije na busa →|____|

Q72. Niba serivisi zitangwa n'Imiryango itanga ubufasha muby'amategeko zidashimishije, ni iki unenga?

Q72a Urugendo rurerure 1=Yego 2=Oya →|____|

Q72b Imirongo miremire 1=Yego 2=Oya →|____|

Q72c Igihe kirekire 1=Yego 2=Oya →|____|

Q72d Ibind (Bivuge).....

Q73. Ku bwawe, ubona uburyo MAJ ikemura amakimbirane bishimishije ku rugero rungana rute?

1=Birashimishije cyane 2=Birashimishije 3= Birashimishije buhoro 4=Ntibishimishije na busa
→|____|

Q74. Niba serivisi zitangwa na MAJ zidashimishije, ni iki unenga?

Q74a Igihe kirekire 1=Yego 2=Oya →|____|

Q74b Urugendo rurerure 1=Yego 2=Oya →|____|

Q74c Kubogama 1=Yego 2=Oya →|____|

Q74d Ibindi (sobanura).....

Q75. Ku bwawe, ubona uburyo Abayobozi b'Inzego z'Ibanze bakemura amakimbirane bishimishije ku rugero rungana rute?

1=Birashimishije cyane 2=Birashimishije buhoro 3=Ntibishimishije 4=Ntibishimishije na busa
→|____|

Q76. Niba uburyo Abayobozi b'Inzego z'Ibanze bakemura ibibazo budashimishije, ni iki unenga?

Q76a Igihe kirekire 1=Yego 2=Oya →|____|

Q76b Urugendo rurerure 1=Yego 2=Oya →|____|

Q76c Kubogama

1=Yego 2=Oya |____|

Q77. Waba warigeze witabira ibiganiro bikangurira abatwage uburenganzira bwabo? 1=Yego 2=Oya
→|____|

Q78. Kuri uru rutonde rukurikira watubwira inzego ebyiri z'ingenzi zifasha abatwage cyane mu gukemura amakimbirane? Hari Abunzi, Inkiko, Imiryango itanga ubufasha mu by'amategeko, MAJ, Inzego z'Ibanze.

.....

Q79. Ese waba uzi aho ushobora gusanga amategeko akoreshwa mu gihugu? 1=Yego 2=Oya →|____|

Q80. Ese iyo ukeneye amategeko runaka uyakurahe, hatubwire?

Q80a Ku biro by'Akagali 1=Yego 2=Oya→|____|

Q80b Ku biro by'Umurenge 1=Yego 2=Oya→|____|

Q80c Ku biro by'Akarere/MAJ 1=Yego 2=Oya→|____|

Q80d Kuri Murandasi (Internet) 1=Yego 2=Oya→|____|

Q80e Amasomero 1=Yego 2=Oya→|____|

Q80f MINIJUST 1=Yego 2=Oya→|____|

Q80g PRIMATURE 1=Yego 2=Oya→|____|

Q80h ONG 1=Yego 2=Oya→|____|

Q80i Ntabwo nzi aho nayakura 1=Yego 2=Oya→|____|

Q80j Ahandi(Havuge).....

Q81. Wagereranya ute ubumenyi ufite mu bijyanye n' amategeko ?

1= Ndayasobanukiwe cyane 2=Ndayasobanukiwe 3= Ndayasobanukiwe buhoro 4= Ntayo sobanukiwe→|____|

Q82. Niba usobanukiwe n'ibijyanye n'amategeko, tubwire ibintu bibiri byibura waba uzi mu itegeko ry'izungura

.....

.....

Q83. Niba usobanukiwe n'ibijyanye n'amategeko, tubwire ibintu bibiri byibura waba uzi mu itegeko ry'Ubutaka?

.....

.....

Q84. Ese waba uzi uburenganzira umuntu agira igihe cy'ifatwa n'ifungwa ry'agateganyo? 1=Yego 2=Oya→|____|

If No..... go to question 86

Q91a. Iminsi ingahe →|_|_|_|

Q91b. Ibyumweru bingahe →|_|_|

Q91c. Amezi angahe →|_|_|

Q91d. Imyaka ingahe →|_|_|

Q91e Simbizi →|_|_|

Q92. Ni izihe mbogamizi zituma/zatumye urubanza rutarangizwa cyangwa rutinda kurangizwa

Q92a Inzira ndende (iteganywa n'amategeko mu irangizwa ry'imanza) 1=Yego 2=Oya →|_|_|

Q92b Ruswa 1=Yego 2=Oya →|_|_|

Q92c Kutamenya abarangiza imanza 1=Yego 2=Oya →|_|_|

Q92d Kutamenya izindi nzego nakwiyambaza 1=Yego 2=Oya →|_|_|

Q92e Kutamenya ibijyanye n'inzira cyangwa uburyo 'irangizarubanza rikorwamo 1=Yego 2=Oya →|_|_|

Q92f Ikiguzi gicibwa n'abahesha b'inkiko 1=Yego 2=Oya →|_|_|

Q92g Ubumenyi buke bw'abahesha b'inkiko 1=Yego 2=Oya →|_|_|

Q92h Kutaboneka kw'abahesha b'inkiko 1=Yego 2=Oya →|_|_|

Q92i Kubogama k'umuhesha w'inkiko 1=Yego 2=Oya →|_|_|

Q92j Kutagira umutungo (ubwishyu) k'uwatsinzwe 1=Yego 2=Oya →|_|_|

Q92k Kudashobora kumenya aho imitungo iherereye 1=Yego 2=Oya →|_|_|

Q92l Umwete muke w'uwatsinzwe 1=Yego 2=Oya →|_|_|

Q92m Kuba hari ibyaburaga muri dosiye 1=Yego 2=Oya →|_|_|

Q92n Ikimenyane 1=Yego 2=Oya →|_|_|

Q92o Ibindi (Bivuge).....

Q93. Niba hari umwanzuro wafashwe ku rubanza rwawe ku rwego ruheruka, hafashwe uwuhe mwanzuro?

Q93a. Naratsinze

Q93b. Naratsinzwe

Q93c. Ntamwanzuro urafatwa

Q94. Mu bijyanye n'ubufasha by'amategeko, muri rusange ni iki ubona cyavugururwa?

.....
.....
Q95. .Ibitekerezo

.....
.....
.....
.....
Turabashimiye!

(Footnotes)

1 Four respondents did not report their age.



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