



**THE LEGAL AID FORUM
FORUM D'AIDE JURIDIQUE**

www.legalaidrwanda.org

**Improving the Performance of the Criminal Justice
System in Rwanda in Managing Gender Based
Violence Cases**

**Report on the Assessment of Challenges and Capacity needs of
the Criminal Justice Agencies in Managing Gender Based
Violence Cases in Rwanda**

With the financial support from



January 2013

Table of Contents

1. EXECUTIVE SUMMARY.....	3
2. OUTLINE OF THE REPORT.....	4
3. METHODOLOGY USED.....	5
Desk Review	5
Data Collection	6
Interviews with Key Informants.....	6
Focus Group Discussion.....	7
Quantitative Data Collection	7
Qualitative Data Collection.....	7
Selection of Districts.....	8
Selection of Respondents.....	10
Tools for Qualitative Data Collection	10
4. FINDINGS.....	11
Perception of MAJ's respondents.....	11
Section A) Challenges	11
Section B) Capacity Needs.....	14
Perspectives of the Judicial Sector Personnel	16
Section A) Challenges	16
Section B) Capacity Needs.....	23
5. CONCLUSION AND RECOMMENDATIONS	27



1. EXECUTIVE SUMARRY

This report presents the findings of the qualitative assessment conducted in the pre-selected districts and concerning the main challenges and capacity gaps of the judicial sector personnel (Judicial police officers, prosecutors and judges) in relation to the management of GBV cases.

Concerning the qualification of a crime as a GBV case and its subsequent inclusion within a specific GBV category, the majority of respondents highlighted the need for more clarity in the definition of GBV and GBV categories in the national law¹. Furthermore, the need to enhance the knowledge and understanding of national legal provisions by judicial personnel at all levels – including police, prosecution and court level – was widely acknowledged. The existence of long-established norms and practices², and the persistence of stereotypes and prejudices were also reported as hindering factors for the effective qualification and categorization of GBV crimes.

Regarding the process of evidence collection in GBV cases, the respondents pointed out that the excessive time between the offence and its reporting to the police constitute a relevant challenge in their daily work, jointly with the lack of existence, availability and/or accessibility of relevant proofs. The non-existence of clear guidelines that can support the diverse actors³ alongside the process of evidence collection concerning GBV cases was also underlined by the majority of respondents as a key issue that should be urgently addressed, jointly with the need to improve the exploration of different and/or complementary types of evidence in addition and/or as an alternative to medical evidence.

The main critical issues related to law interpretation and law application⁴ in GBV cases as pointed out by the respondents were consistent with the challenges identified in relation to the analysis and categorization of GBV cases, the main issues reported being the insufficient clarity and/or non adequacy of national legal provisions, case precedents and doctrine, as well as a need to improve knowledge and understanding of such instruments by judicial sector personnel.

Beside the above mentioned findings, the respondents pointed out that the effectiveness of the national legal framework for GBV could be enhanced by the application of a comprehensive set of guidelines that will support judicial sector personnel of diverse institutions and at different level in the qualification and management of GBV cases. The improvement of national legal framework and a clearer categorization of GBV crimes in the law have also been highlighted as positive factors in order to increase impact and results concerning GBV case management.

Finally, the respondents identified a range of capacity needs for judicial sector personnel in relation to knowledge of national and international legal frameworks for GBV, as well as the necessity to enhance skills in GBV case analysis, crime qualification and evidence collection methods. At the institutional level, almost the totality of respondents pointed out the need to strengthen collaboration, exchange of information and referral systems among GBV-related institutions and agencies, including health sector providers, police officers, prosecutors and judges. The necessity for training of judicial personnel in both gender and GBV-related issues was also highlighted, jointly with the need to reinforce GBV desks, units and focal points at the institutional level.

1. Law n° 59/2008 of 10/09/2008 on Prevention and Punishment of Gender-Based Violence, Republic of Rwanda.

2. For example in relation to marital rape and/or domestic violence.

3. Including health sector providers, judicial police officers, prosecutors and judges.

4. That is, linking legal provisions to evidence.



2. OUTLINE OF THE REPORT

The present report highlights the main findings of the qualitative assessment carried out concerning the capacity of the judicial sector' personnel to handle GBV cases at the police, prosecution, intermediate court and high court levels. Particularly, the information collected through interviews using a structured questionnaire focused on the perception of the respondents about the main challenges and capacity needs of the personnel in the judiciary sector when it comes to handling GBV-related legal cases. Specifically, the main areas explored have been the following:

- a) Challenges related to: i) qualification of a criminal act as a GBV crime; ii) inclusion of a criminal act within a specific GBV category; iii) collection of evidence in order to build up a GBV case and link the GBV crime to the perpetrator; iv) law interpretation (i.e., linking legal provisions to evidence) and law application in relation to GBV cases; v) effectiveness of the national legal framework;
- b) Capacity needs concerning the ability of the judicial personnel to adequately qualify and handle GBV cases.

The respondents interviewed belonged to five different institutions, namely: i) Maison d'Acces á la Justice (MAJ), ii) Rwanda National Police (RNP), iii) National Public Prosecution Authority (NPPA), iv) Intermediate Courts and v) High Court Chambers. The information presented in the report is structured as follows:

- 1) Presentation of the methodology used in the assessment of challenges and capacity needs of the personnel in the judicial sector when it comes to handling GBV-related legal cases;
- 2) Presentation and assessment of the main findings and information reported by MAJ personnel in relation to challenges and capacity needs of judicial sector personnel (including judicial police officers, prosecutors, intermediate court and high court judges);
- 3) Presentation and comparative assessment of the main findings as reported by the personnel of RNP, NPPA, Intermediate Courts and High Court Chambers.

Finally, a brief summary of the main findings and conclusions has been included in the final section of the present report for easier reference of the reader.



3. METHODOLOGY USED

Below is the methodology used for information gathering and analysis.

Desk Review

Using a synthesis and distillation approach, the Legal Aid Forum reviewed various documents and records to obtain relevant information on the national policy and legislative framework, the main areas of intervention as well as ongoing programmes and initiatives related to the handling of gender-based violence (GBV) cases in the judiciary system in Rwanda. This secondary data has been triangulated with information collected through interviews, focus group discussions and qualitative data collection exercise as described below. The documentary review represented a key moment for the assessment of existing tools, mechanisms and procedures concerning the management of GBV cases by criminal justice agencies – including Rwanda National Police (RNP), National Public Prosecution Authority (NPPA), Intermediate Courts and High Court Chambers – within the Rwandan policy and legislative framework.

The main documents reviewed included:

- Sexual and Gender Based Violence in Africa, Population Council, 2008.
- Gender Based Violence in Europe, the International Planned Parenthood Federation, 2009.
- Reducing Violence against Women: Justice Sector Perspectives, PREM.
- Nairobi Declaration on Women and Girls' Right to a Remedy and Reparation, International Meeting on Women and Girls' Rights to a Remedy and Reparation (held in Nairobi – Kenya from 19 to 21 March 2007).
- In-depth study of all forms of Violence Against Women, United Nations, 2006.
- Country Assessment on Violence Against Women, Rwanda
- Report for the association of the Bar of the City of New York: a Workshop on the investigation, Prosecution and Adjudication of Sexual and Gender Based Crimes (held in Kigali – Rwanda from 27 to 28 November 2007)
- Masculinity and Gender Based Violence in Rwanda, RWAMREC, 2010.
- Report on Gender and Child Rights in Rwanda, The Legal Aid Forum (LAF).
- La Femme Rwandaise et l'Accès à la Justice, Haguruka.
- The UN Security Council Resolution 1325/2000 on Women, Peace and Security, United Nations.
- National Penal Code, Republic of Rwanda.

- National Law on Gender-Based Violence (GBV), Republic of Rwanda, 2008.
- National Accelerated Plan for Women, Girls, Gender Equality and HIV – 2010-2014,
- Case Study – “Establishment of Rwanda National Police Gender Desk”, UNIFEM.
- Baseline Survey on Sexual and Gender Based Violence in Rwanda, UNIFEM, 2008.
- National Report on Sexual and Gender Based Violence, MIGEPROF, 2011
- National Strategic Plan for Fighting Against Gender Based Violence, 2011-2016, MIGEPROF.
- Re-structuring the National Public Prosecution Authority of Rwanda to improve case processing times and reduce backlogs, RCN Justice et Democratie.
- Rwanda Country Report on the implementation of the Regional and International Human Rights Instruments on the rights of Women.

Data Collection

The data collection exercise aimed at gathering comprehensive qualitative information concerning mechanisms, procedures and relevant elements related to case management of GBV crimes by personnel of criminal justice agencies – such as Rwanda National Police (RNP), National Public Prosecution Authority (NPPA), Intermediate Courts and High Court Chambers – operating in Rwanda.

The data collection exercise included the following methodologies:

- Interviews with key informants at the central level;
- Focus group discussion;
- Quantitative data collection;
- Qualitative data collection.

Interviews with Key Informants

Interviews with key informants have been conducted at the central level by the team of experts. The objective of the interviews was to collect relevant qualitative information concerning the backlog of GBV cases at the court level as well as elements concerning the main challenges faced by personnel of criminal justice agencies when handling GBV cases.

Particularly, the informants contacted belonged to the following institutions and/or categories:

- National Gender Machinery Institutions (Gender Monitoring Office – GMO, Ministry for Gender and Family Promotion – MIGEPROF);
- United Nation Agencies (UN Women, UNFPA, Office of the Senior Adviser for Human Rights);
- International Cooperation Agencies (Belgian Technical Cooperation);
- Civil society organizations and NGOs (Haguruka, International Justice Mission);
- Criminal Justice Agencies, including attorneys, prosecutors and magistrates.

An interview guide has been prepared and applied during the interviews in order to structure the conversations with key informants and explore in a comprehensive way the main issues related to the scope and objectives of the project.

Focus Group Discussion

In order to triangulate the initial findings of the interviews and stimulate exchange of information, experiences and best practices among stakeholders involved in case management of GBV crimes, a focus group discussion has been carried out. The participants in the focus group have been required to brainstorm and provide information concerning the challenges faced by personnel of criminal justice agencies when handling GBV cases. The existence of capacity gaps at the police, prosecution and court level has also been explored during the discussion.

The participants in the focus group belonged to the following institutions and/or categories:

- National Gender Machinery Institutions (Gender Monitoring Office – GMO);
- National Public Prosecution Authority (NPPA);
- Rwanda National Police (RNP);
- International Cooperation Agencies (USAID);
- Civil society organizations and NGOs (Haguruka);
- Criminal Justice Agencies, including attorneys and prosecutors.

The main areas assessed during the discussion included the following: i) reporting of GBV cases, ii) qualification and categorization of GBV cases, iii) investigation practices, iv) evidence collection and analysis, v) law interpretation and application, vi) role and responsibilities of judicial police officers, prosecutors and judges in the framework of GBV case management.

A focus group discussion guide has been prepared by and applied during the focus group in order to guide the discussion and explore all relevant topics.

Quantitative Data Collection

The quantitative data collection exercise aimed at gathering substantial information concerning the number of legal cases related to GBV crimes currently pending at the court level. During the planning and implementation of the data collection, substantive limitations have been highlighted in relation to the poor and inconsistent recording of GBV-related cases at the police, prosecution and court level. Particularly, the analysis underlined the different type of categories for GBV crimes applied by judicial police and prosecution authorities; none of them is consistent with the categorization of GBV crimes established in the national law on GBV (no. 59/2008). Due to these limitations it was impossible for us to gather quantitative data on the number of pending cases (case backlog) concerning GBV-related criminal acts.

Qualitative Data Collection

The qualitative data collection exercise focused on gathering relevant information concerning the main challenges faced by personnel of criminal justice agencies when handling GBV cases. The existence of capacity gaps at the police, prosecution, intermediate and high court level in relation to the management of GBV-related cases has also been explored. The data collection exercise has been conducted by data collectors in ten selected districts, each data collector being assigned to a specific district.

Selection of Districts

The data collection exercise has been carried out in ten districts belonging to five provinces, including two districts for each province. The following criteria have been applied for the selection of the districts:

- i. Districts that have an Intermediate Court
- ii. Districts that have a High Court Chamber

iii. Incidence of gender-based violence (GBV), based on the cases recorded by the Police in 2010⁵
As a result of the above listed criteria, the following districts have been selected:

i. Districts that have an Intermediate Court

PROVINCE	DISTRICT
Eastern Province	Nyagatare and Ngoma
Kigali City	Gasabo and Nyarugenge
Northern Province	Musanze and Gicumbi
Southern Province	Huye, Muhanga and Nyamagabe
Western Province	Karongi, Rubavu and Rusizi

ii. Districts that have a High Court Chamber

PROVINCE	DISTRICT
Eastern Province	Rwamagana
Northern Province	Musanze
Southern Province	Nyanza
Western Province	Rusizi

iv. Incidence of gender-based violence (GBV), based on the cases recorded by the Police in 2010⁶

PROVINCE	DISTRICT	Cases recorded by Police (2010)
Eastern Province	Rwamagana	94
	Nyagatare	114
	Gatsibo	99
	Kayanza	100
	Kirehe	116
	Ngoma	91
	Bugesera	109
Kigali City	Gasabo	419
	Kicukiro	212
	Nyarugenge	314
Northern Province	Musanze	135
	Gakenke	79
	Burera	46
	Gicumbi	100
	Rulindo	84

5 “Gender Based Violence (GBV) indicators and baseline”, Gender Monitoring Office, Kigali, August 2011.

6 “Gender Based Violence (GBV) indicators and baseline”, Gender Monitoring Office, Kigali, August 2011.

Southern Province	Nyamagabe	64
	Nyaruguru	45
	Huye	123
	Gisagara	58
	Nyanza	108
	Muhanga	124
	Ruhango	117
Western Province	Kamonyi	97
	Karongi	77
	Rutsiro	66
	Rubavu	101
	Nyabihu	76
	Ngororero	61
	Nyamasheke	64
Rusizi	62	

As a result, the following districts have been selected for the purpose of the field research:

PROVINCE	DISTRICT
Eastern Province	Ngoma, Nyagatare
Kigali City	Gasabo, Nyarugenge
Northern Province	Musanze, Gicumbi
Southern Province	Muhanga, Huye
Western Province	Rusizi, Rubavu

Selection of Respondents

During the qualitative data collection exercise 42 respondents have been interviewed. The respondents belonged to the following institutions:

- i. Maison d'Access a la Justice (MAJ) – one respondent per each of the ten districts (ten respondents in total);
- ii. Rwanda National Police (RNP), Judicial Police Department– one respondent per each of the ten districts (ten respondents in total);
- iii. Rwanda National Prosecution Authority (NPPA) – one respondent per each of the ten districts (ten respondents in total);
- iv. Intermediate Courts – one respondent per each of the ten districts (ten respondents in total);
- v. High Court Chambers – one respondent per each of the two districts with a High Court Chamber (two respondents in total).

The selection of the respondents has been carried out applying random criteria for the respondents at NPPA, Intermediate Courts and High Court Chambers. As for the respondents at the MAJ and RNP, the data collectors interviewed the MAJ personnel in charge of GBV cases and the judicial police officer in charge of the GBV desk in the police station at the district level.

Tools for Qualitative Data Collection

A specific tool for the qualitative data collection exercise was prepared. The tool consisted of a semi-structured questionnaire aiming at exploring: a) the main challenges faced by personnel of criminal justice agencies when handling GBV cases, and b) the existence of capacity gaps at the police, prosecution, intermediate and high court level in relation to the management of GBV-related cases.

Particularly, the following areas have been assessed: i) process of qualification of GBV crimes; ii) process of categorization of GBV crimes; iii) evidence collection procedures and mechanisms; iv) law interpretation and application; v) effectiveness of the national legal framework for GBV; vi) capacity gaps at the staff level; vii) capacity gaps at the institutional level.

The questionnaire has been developed and applied both in English and Kinyarwanda versions in order to overcome any possible language barriers that may arise during the interview sessions. The questionnaire has been applied during a 3-day field work in which each data collector interviewed 4 to 5 respondents belonging to the above mentioned institutions.



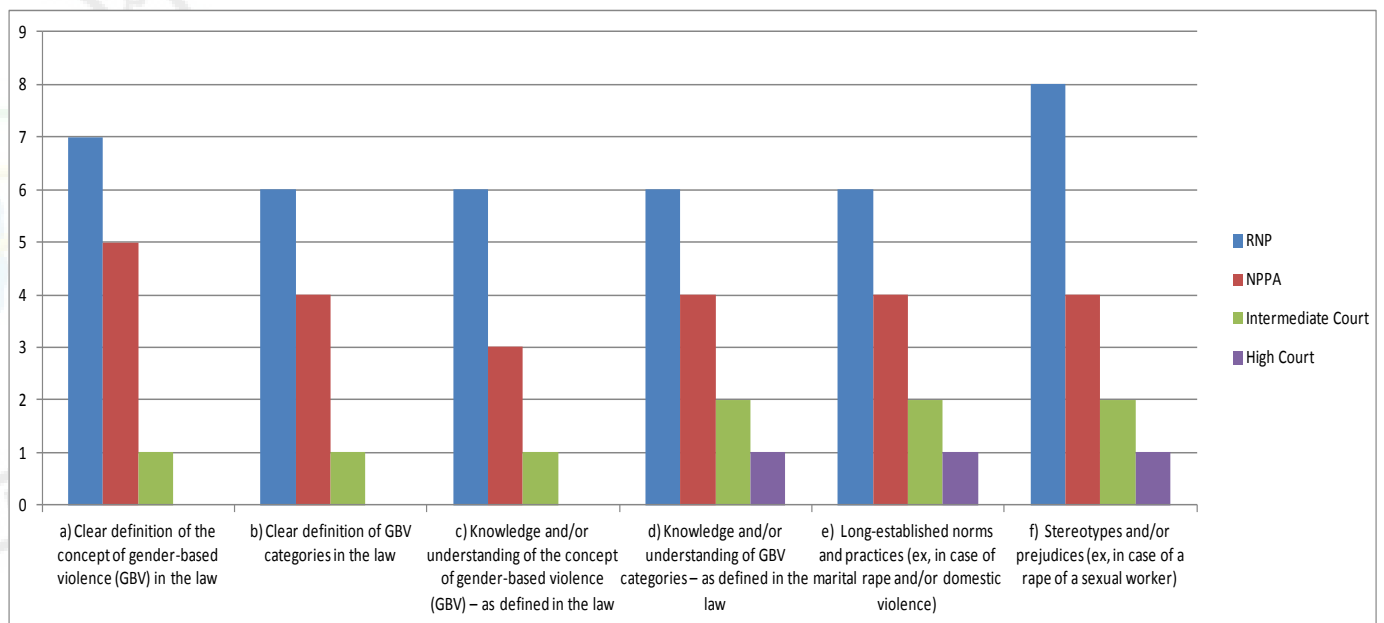
4. FINDINGS

Perception of MAJ's respondents Section A) Challenges

1) Major challenges related to the qualification of a criminal act as a GBV crime

MAJ personnel highlighted a wide range of challenges in relation to the qualification of a criminal act as a GBV crime. Within such framework, RNP and NPPA have been identified as the institutions that face a major number of challenges. Particularly the challenges reported relate to the definition of the concept of GBV in the law (a), the definition of GBV categories in the law (b), the knowledge and/or understanding of GBV categories (as defined in the law) (d), and the knowledge and/or understanding of the concept of GBV (as defined in the law) (c). Important challenges have also been identified in relation to the existence of stereotypes and prejudices (f) and long-established norms and practices (e) for both RNP and – to less extent – NPPA.

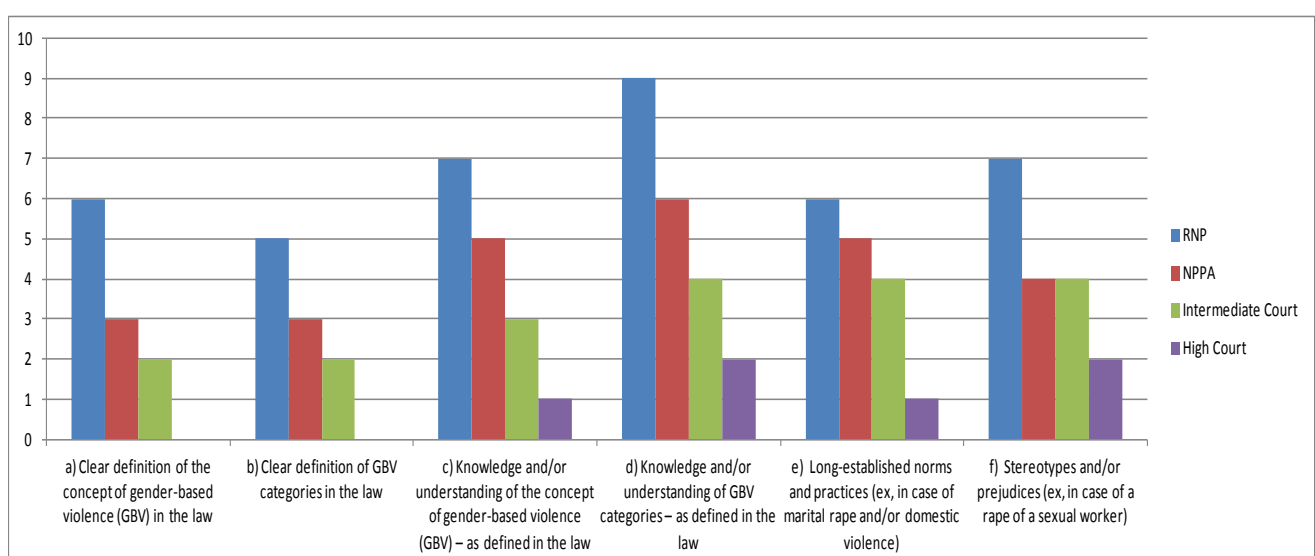
Specific although less relevant challenges have also been underlined for personnel of both Intermediate Courts and High Court Chambers in what concerns the knowledge and/or understanding of GBV categories (as defined in the law) (d), the existence of long established norms and practices (e), as well as the persistence of stereotypes and prejudices (f).



2) Major challenges related to the inclusion of a criminal act within a specific GBV category

Concerning the critical issues related to the inclusion of a criminal act within a specific GBV categories, MAJ personnel highlighted the knowledge and/or understanding of GBV categories (as defined in the law) (d) and the knowledge and/or understanding of the concept of GBV (as defined in the law) (c) as the major challenges for both RNP and NPPA. Stereotypes and prejudices (f), long-established norms and practices (d), and the definition of GBV in the law are also perceived as important – although less relevant – challenges for judiciary police officers and prosecutors.

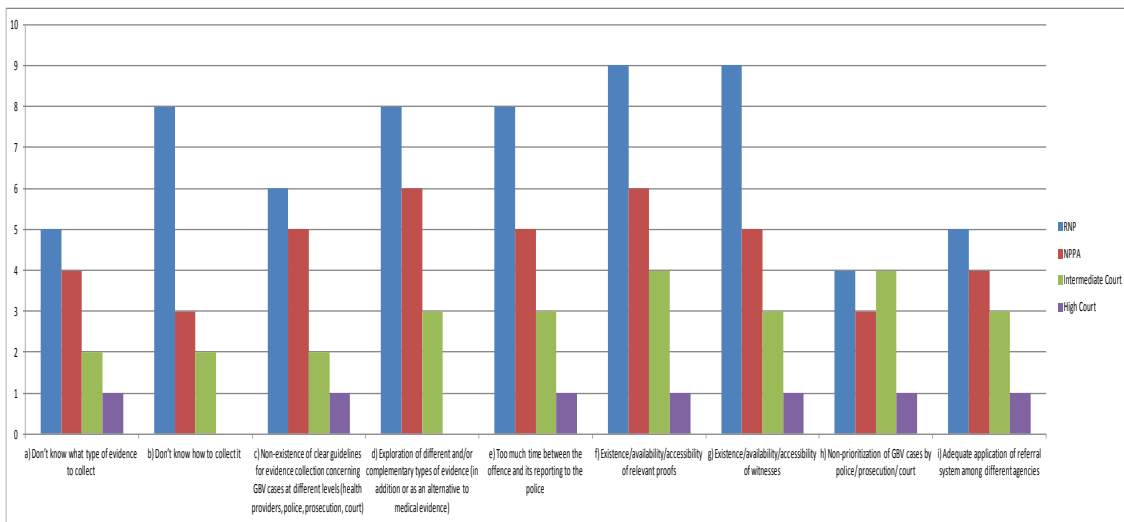
Concerning Intermediate Courts and High Court Chambers personnel, critical elements have been identified in relation to the existence of stereotypes and prejudices (f), knowledge and/or understanding of GBV (as defined in the law) (d), and long-established norms and practices (e). The knowledge and/or understanding of the concept of GBV (as defined in the law) (c) has also been perceived as a challenge for the personnel of the above mentioned institutions, although to a less extent in comparison to the previous critical elements.



3) Major challenges related to the collection of evidence

The perception of MAJ personnel concerning the main challenges faced by judicial police officers when collecting evidence refers to the existence, availability and/or accessibility of relevant proofs (f) and witnesses (g), immediately followed by the exploration of complementary types of evidence (in addition to and/or in alternative to medical evidence) (d) and the fact that too much time passes between when the offence is committed and its reporting to the police (e). The lack of capacity to collect evidence (b) and the lack of clear guidelines for evidence collection (c) also seem to represent relevant issues for RNP personnel. Similar challenges have been highlighted in relation to NPPA staff, with the existence, availability and/or accessibility of relevant proofs (f) and the capacity to explore complementary types of evidence (in addition to and/or in alternative to medical evidence) (d) being perceived as the main critical issues for prosecutors.

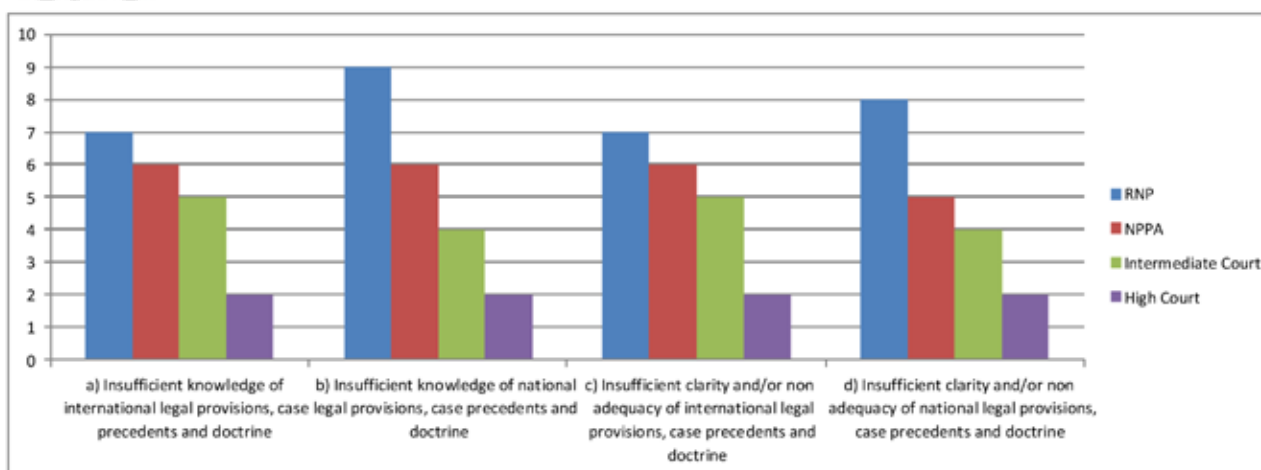
As for the judges' performance at Intermediate Court and High Courts levels, critical issues have been underlined in relation to the existence, availability and/or accessibility of relevant proofs (f) and the non-sufficient prioritization of GBV cases at the police, prosecution and/or court level (h).



4) Major challenges related to law interpretation and application in relation to GBV cases

Concerning the main critical issues related to law interpretation and application – linking legal provisions to evidence – the insufficient knowledge (b) and clarity (d) of national legal provisions, case precedents and doctrine have been underlined as the main challenges for judicial police officers, based on MAJ personnel's perception. Similarly, the insufficient knowledge and clarity of national and international legal provisions, case precedents and doctrine (a, b, c) seem to represent the main issues for prosecutors.

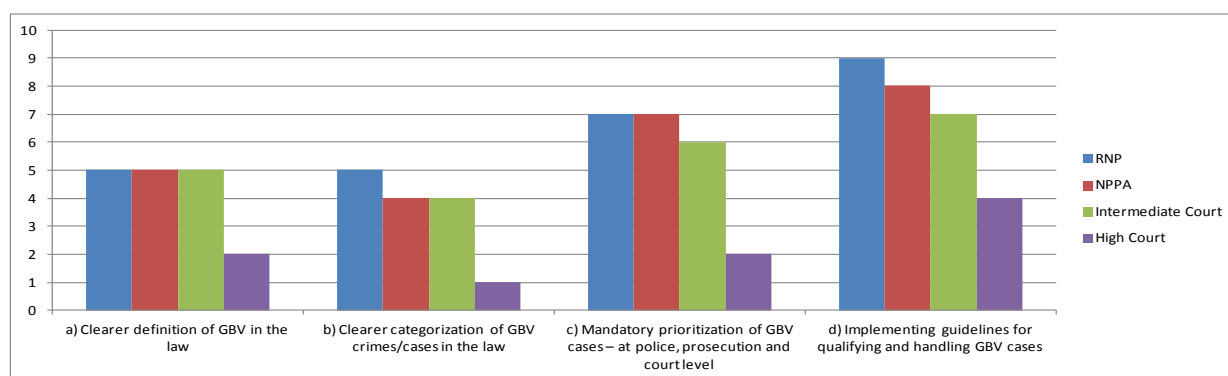
Insufficient knowledge (a) and clarity and/or non-adequacy of international legal provisions, case precedents and doctrine (c) has been highlighted as a more relevant issue for judges of Intermediate Courts, while the same actors are perceived to have a better knowledge and clarity of national legal provisions and doctrine. None of the above mentioned issues has been particularly underlined in relation to judges performing at the High Court level.



5) Major challenges related to the effectiveness of the national legal framework for GBV

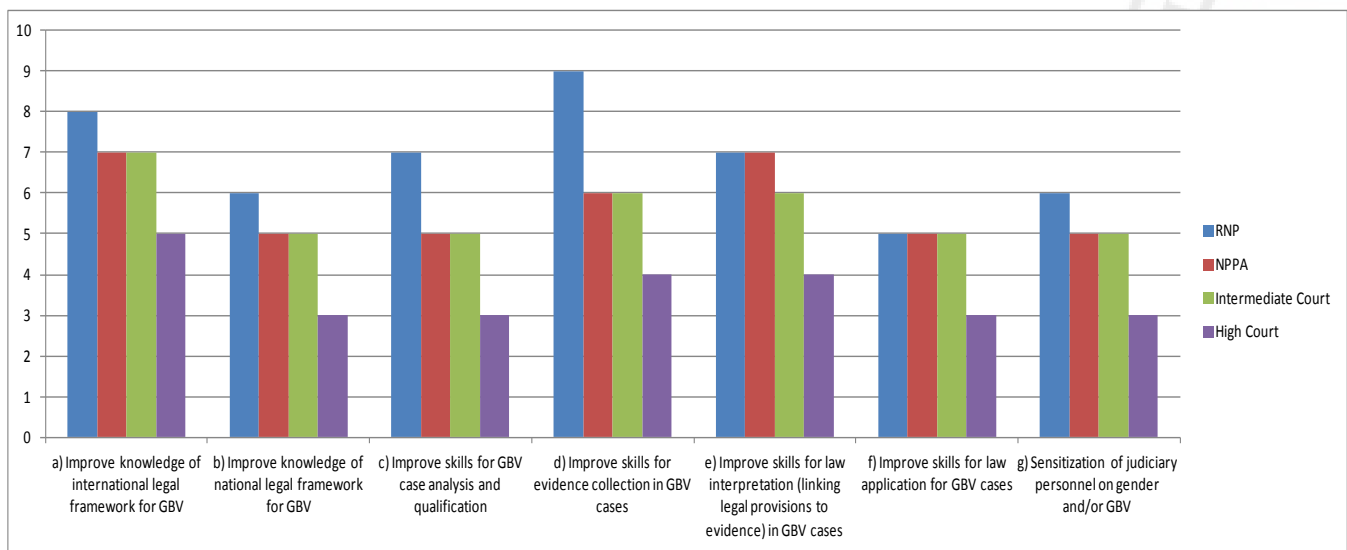
In order to improve the effectiveness of the national legal framework for GBV, a set of clear guidelines (d) concerning the qualification and management of GBV cases has been highlighted by MAJ respondents as the most relevant and needed instrument to be applied by all institutions (i.e., RNP, NPPA, Intermediate Court and High Court Chambers).

The mandatory prioritization of GBV cases (c) – at the police, prosecution and court level – has also been underlined as a relevant factor that would positively contribute to achieve better results in applying the national legal framework and adequately addressing GBV cases. Furthermore, a clearer definition of GBV (a) and a clearer categorization of GBV crimes in the law (b) have also been perceived as relevant elements to increase the performance of personnel of RNP, NPPA, Intermediate Courts and – to a less extent – High Court Chambers.



Section B) Capacity Needs

1) Capacity of judiciary personnel to adequately qualify and handle GBV cases



MAJ's respondents identified significant capacity gaps of judiciary sector personnel – including judicial police officer, prosecutors, and judges at the intermediate and high court level – and highlighted several areas in which the capacities of the judiciary sector institutions should to be reinforced. Knowledge of the international legal framework for GBV (a) has been identified as a major capacity gap for all institutions, followed by the need to improve skills for law interpretation (that is, linking legal provisions to evidence) in GBV cases (e). Relevant capacity gaps have also been underlined in relation to skills for evidence collection in GBV cases (d) and expertise for analysis and qualification of GBV cases (c), particularly for judicial police officers.

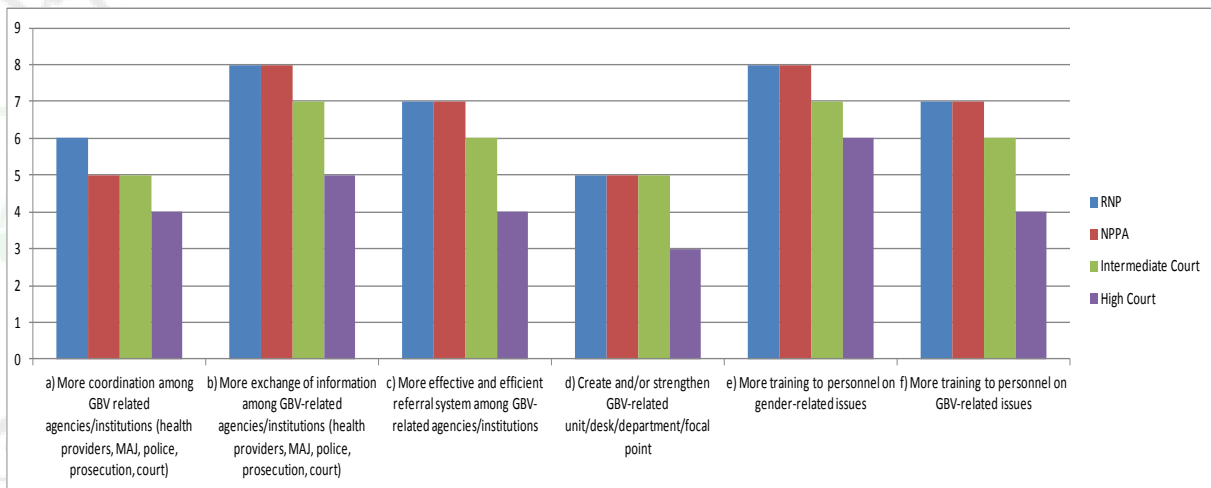
Sensitization of judiciary personnel on gender and GBV (g) and improvement of knowledge of the national legal framework for GBV (b) by judiciary sector personnel have equally been highlighted as relevant needs for all institutions, specifically for judicial police officers. Furthermore, the need to improve skills of judiciary staff for law application in GBV cases (f) has also been pointed out by MAJ's respondents, although to a minor extent.

2) Institutional framework and capacity to efficiently and effectively handle GBV cases

In relation to the assessment of the current institutional framework and capacity of the judicial sector's institutions to efficiently and effectively handle GBV cases, MAJ's respondents clearly identified the need for more training on gender-related issues for staff of the RNP, NPPA and – to a minor extent – judges of Intermediate Courts and High Court Chambers (e), followed by the need for more exchange of information among GBV-related agencies and institutions (b), including health sector providers and MAJ personnel.

The need for a more effective referral system among GBV-related agencies and institutions (c) and the request for more training to judiciary personnel on GBV-related issues (f) have been equally pointed out by MAJ's respondents as a critical aspect that should be addressed by all institutions, although is perceived to be particularly relevant for RNP and NPPA personnel.

Furthermore, the respondents' highlighted the need to strengthen the coordination among GBV-related agencies and institutions (a) and proposed to create or strengthen GBV-related desks and units at the institutional level, particularly for RNP, NPPA and Intermediate Courts.

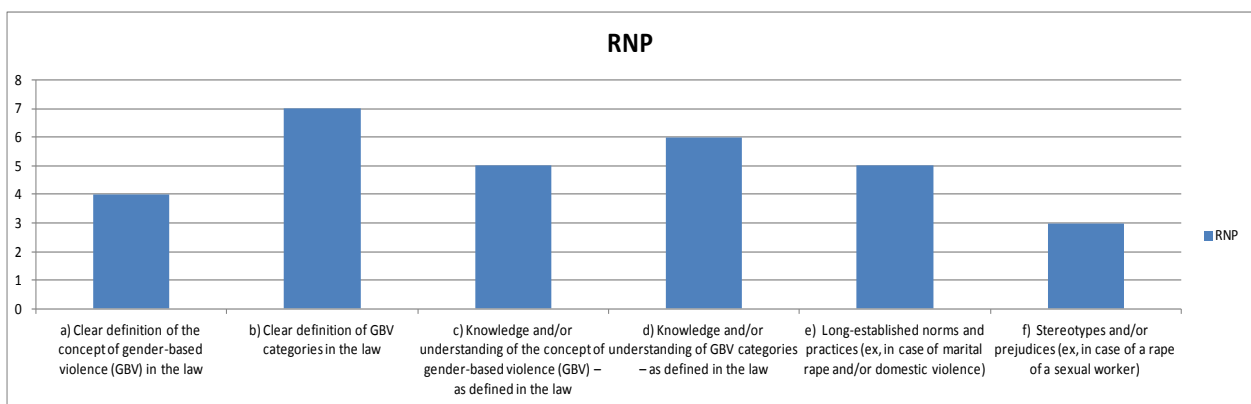


Section A) Challenges

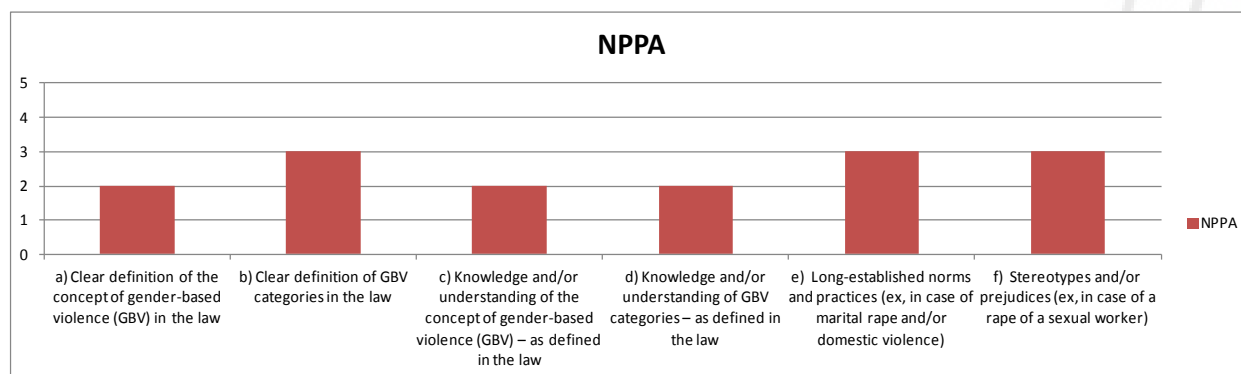
1) Major challenges related to the qualification of a criminal act as a GBV crime

Concerning the main challenges related to the qualification of a criminal act as a GBV crime the respondents of the national public institutions interviewed in the ten selected districts – including RNP, NPPA, Intermediate Courts and High Court Chambers – highlighted a range of critical issues that should be addressed.

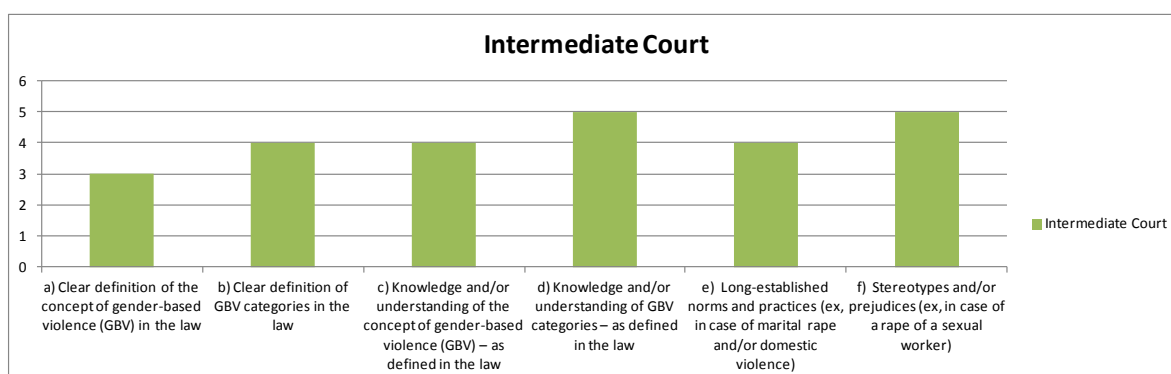
Particularly, the respondents of the Rwanda National Police (RNP) pointed out the lack of clarity of the definition of GBV categories in the law (b) and, to a less extent, the need to improve the knowledge and understanding of GBV categories as defined in the law (d). Furthermore, the knowledge/understanding of the concept of GBV contained in the law (c) and the existence of long-established norms and practices (e) were also perceived as critical issues by the judiciary police officers interviewed.



NPPA's respondents partially coincided with RNP officers in outlining the existence of long-established norms and practices (e) as well as the persistence of stereotypes and prejudices (f) as major challenges, jointly with the need for a clearer definition of GBV categories in the law (b).



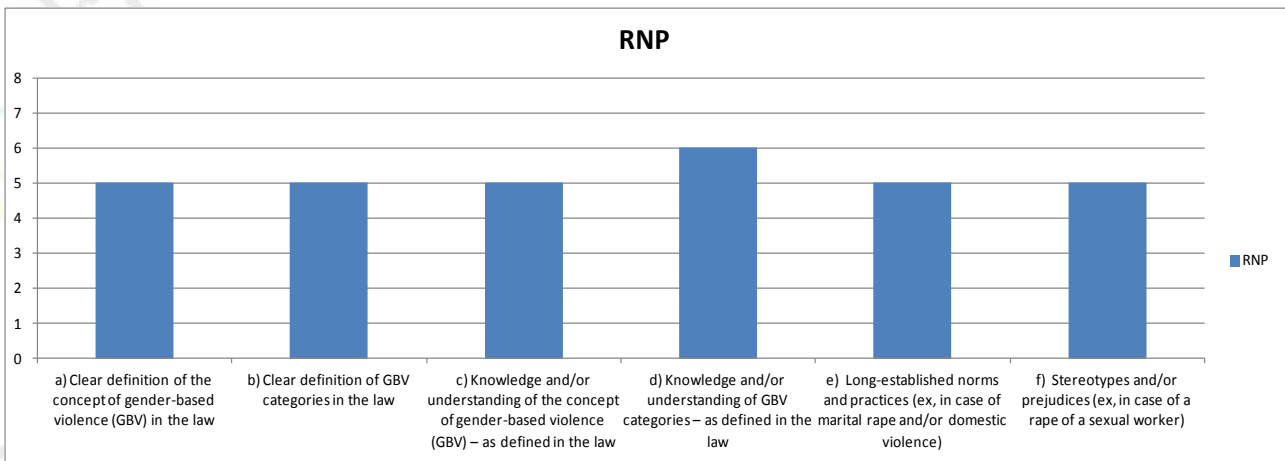
Judges of Intermediate Courts recognized that their own knowledge and understanding of GBV categories (as defined in the law) (d) needs to be enhanced, while persistent stereotypes and prejudices (f) represent a relevant negative element for the effective qualification of a criminal act as a GBV crime. In addition, respondents have pointed out that the definition of GBV categories in the law need to be further clarified (b) and that their own knowledge/understanding of GBV (as defined in the law) (c) will have to be strengthened.



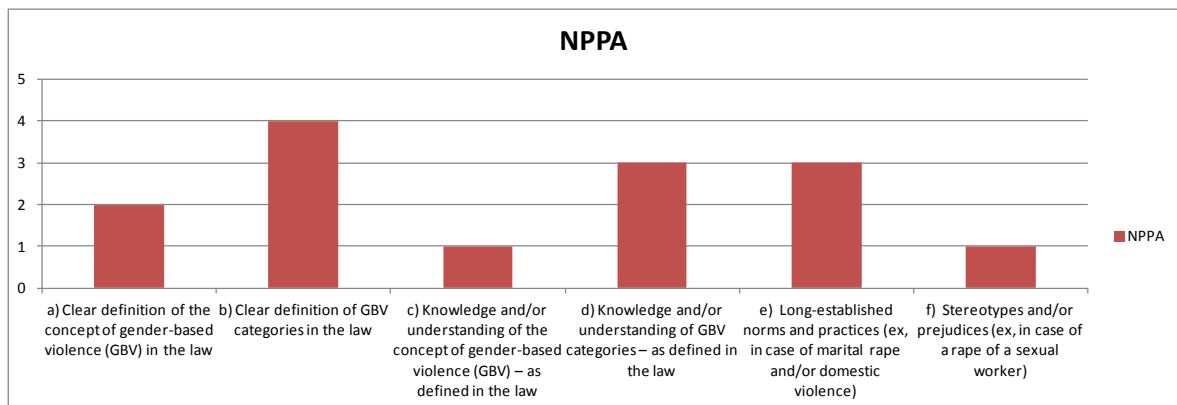
Finally, judges performing at the High Court level pointed out the need to strengthen their own knowledge and understanding of both the concept of GBV (c) and the categorization of GBV crimes (d) as defined in the law. The respondents also recognized the existence of long-established norms and practices (e) as a major critical issue that needs to be adequately addressed.

2) Major challenges related to the inclusion of a criminal act within a specific GBV category

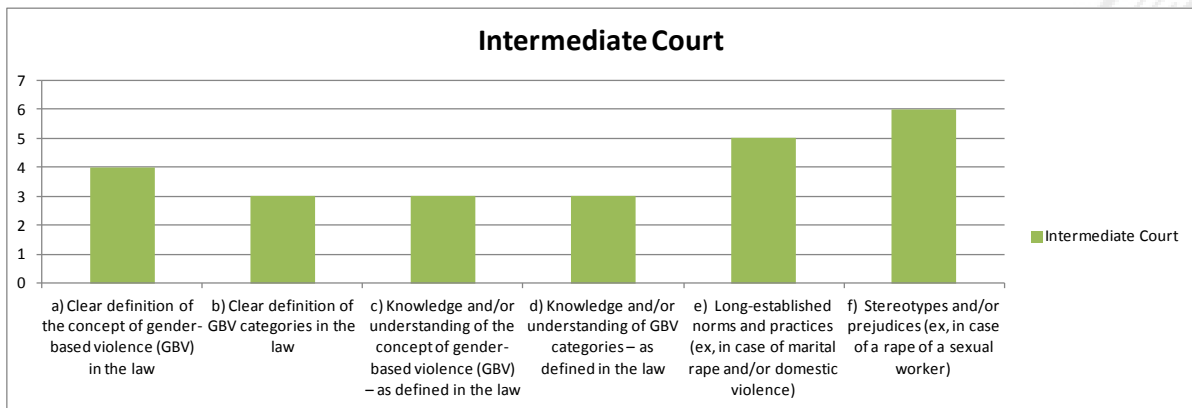
While analysing of the major challenges related to the inclusion of a criminal act within a specific GBV category, RNP respondents highlighted a wide range of critical issues that need to be addressed. The knowledge and understanding of GBV categories as defined in the law (d) was pointed out as the main challenged for judicial police officers, closely followed by the need to improve the definition of both the concept of GBV (a) and GBV categories in the law (b), as well as the need to strengthen the knowledge and understanding that RNP personnel has of the concept of GBV (as contained in the law) (c). The existence of long-established norms, practices (e) and stereotypes/prejudices (f) were equally identified among the major challenges for RNP respondents.



Coming to the major critical issues identified by NPPA respondents, the lack of a clear definition of GBV categories in the law (b) stands out as the most relevant element that hinders the process of categorization of GBV cases, closely followed by the knowledge and understanding of the GBV categories as defined in the law (d). As for RNP respondents, the existence of long-established norms and practices has also been highlighted by NPPA personnel as an important challenge.



Judges at the Intermediate Court level underlined how stereotypes and prejudices (f) and – to a slightly minor extent – long-established norms and practices (e) represent a challenge for the categorization of GBV cases, considering for example cases of marital rape or domestic violence. The definition of the concept of GBV in the law (a) is also perceived as a relevant challenge in the categorization process of GBV cases.

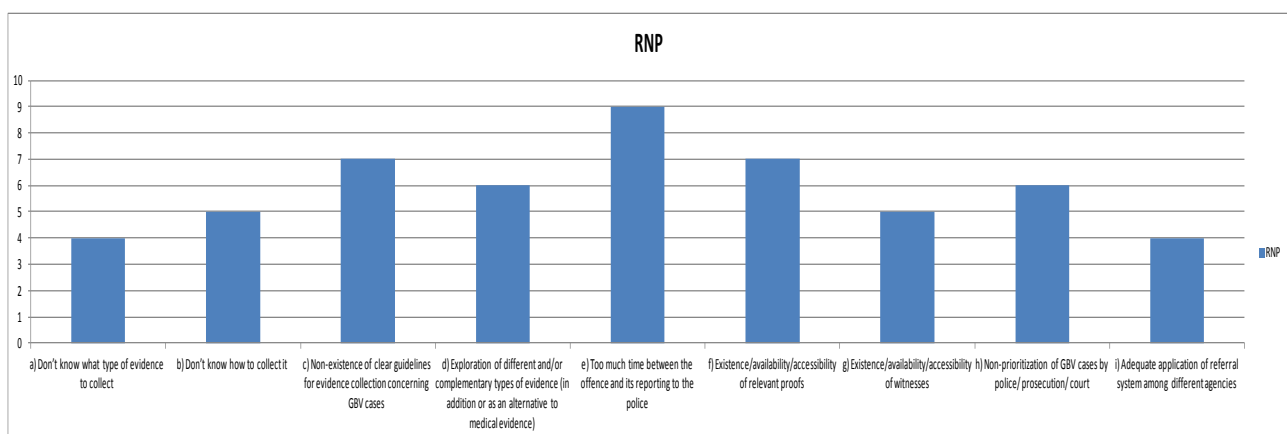


Finally, when it comes to respondents at the High Court Chamber level, the general perception is that there are no major challenges related to the categorization of GBV cases at the high court level, the only critical element being the need to improve the knowledge and understanding of GBV categories (as defined in the law) (d).

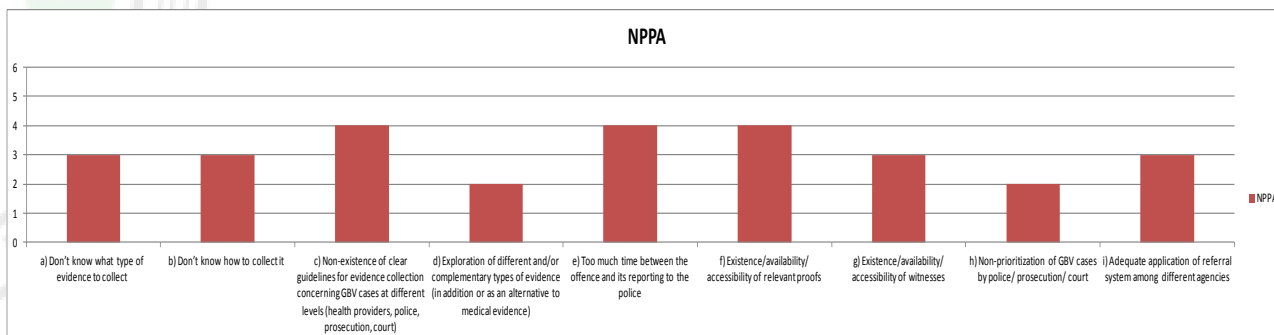
3) Major challenges related to the collection of evidence

The collection of evidence in order to build up a GBV case and link the GBV crime to the perpetrator was recognized to be a critical moment by most of the respondents in the diverse institutions consulted. Similarly, many challenges and elements that may hinder the evidence collection process have been highlighted.

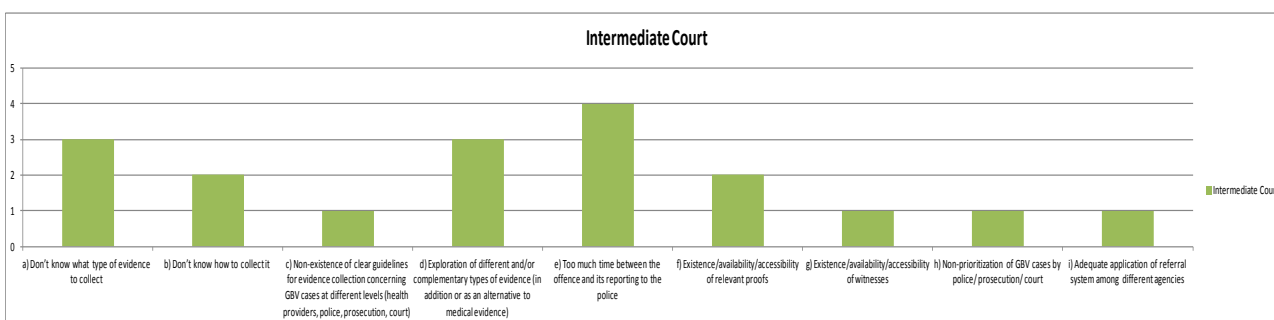
RNP respondents clearly pointed out the fact that too much time passes between the moment in which the offence is committed and the moment in which the crime is reported to the police (e) as the major critical issue, because most evidence – mainly in case of medical or physical evidence – might be lost, destroyed or deteriorate during such period. The non-existence of clear guidelines for evidence collection concerning GBV cases (c) and the existence, availability and/or accessibility of relevant proofs (f) have also been identified by RNP respondents as important challenges in their daily work, followed by the need to better explore complementary types of evidence in addition or as an alternative to medical evidence (d).



The perception of NPPA personnel corresponds to RNP’s analysis in identifying the non existence of clear guidelines for evidence collection (c) and the existence, availability and/or accessibility of relevant proofs (f) as the major issues for effective evidence collection processes, also due to the long period existing between the offence and its reporting to the police authority (e).



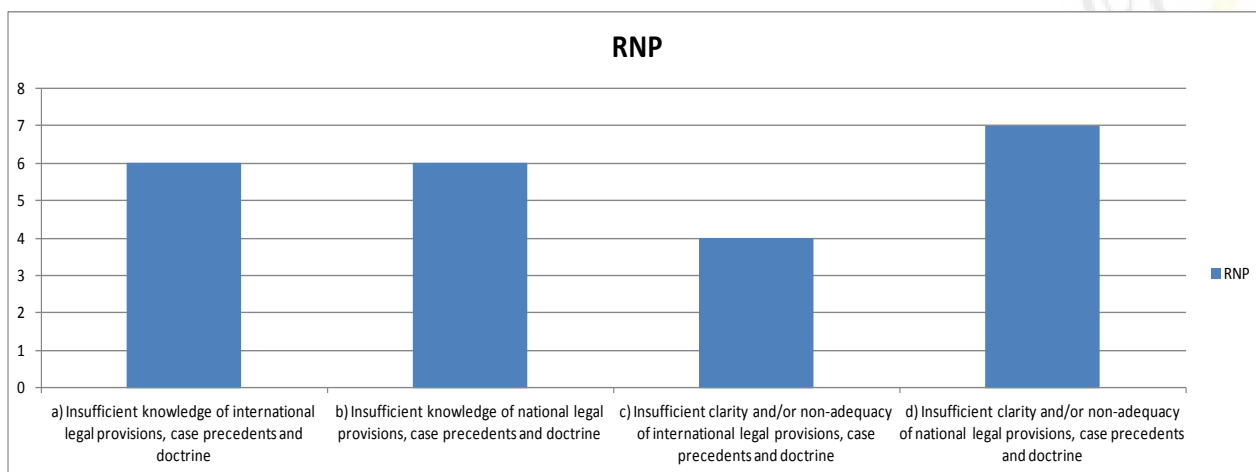
Judges at the Intermediate Court level also highlighted the delayed reporting of GBV offences (e) as a major problem for carrying out effective evidence collection by public authorities. Nevertheless, the respondents stressed the importance of exploring different and/or complementary types of evidence in addition or as an alternative to medical evidence (d), jointly with the need to reinforce the capacities and skills of judicial sector personnel in evidence collection methods (a).



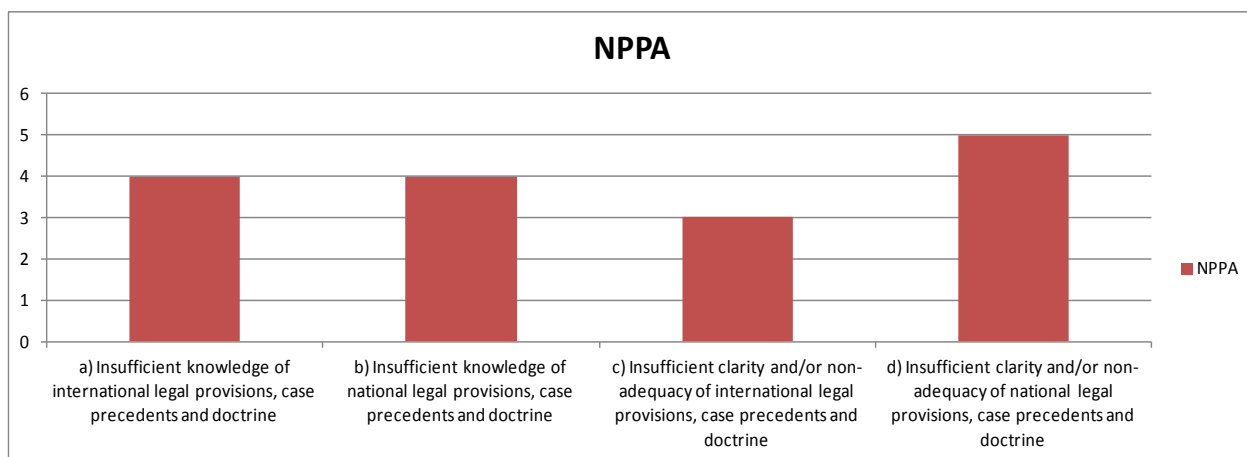
Judges of High Court Chambers identified the existence, availability and/or accessibility of relevant proofs and – to a slightly minor extent – of witnesses as the main challenges they face in their dealing with GBV cases. In addition, the respondents also pointed out the need for clear guidelines for evidence collection concerning GBV cases at different levels, including health providers, police, prosecution and court levels.

4) Major challenges related to law interpretation and application in relation to GBV cases

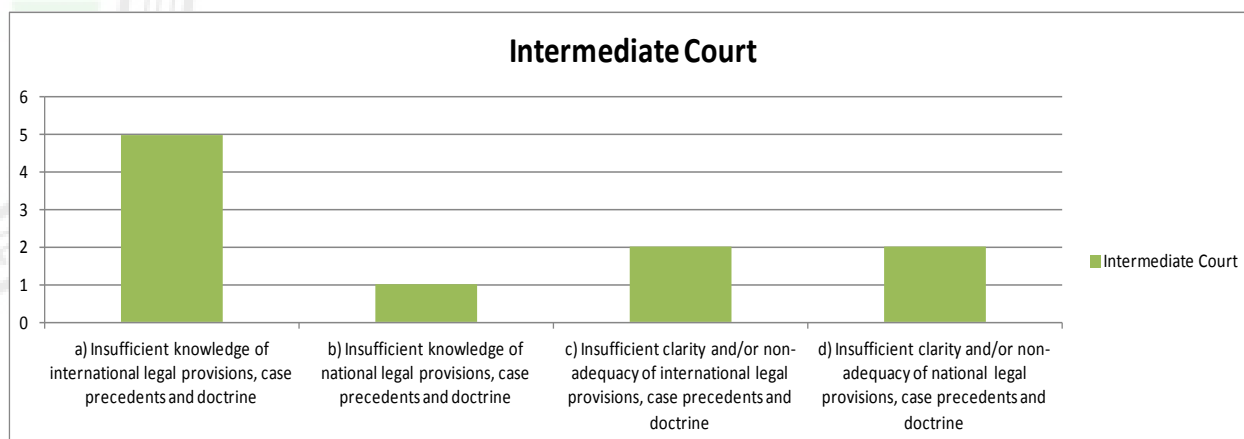
Analysing the major challenges related to law interpretation and application for GBV cases, RNP respondents identified the insufficient clarity and/or non-adequacy of national legal provisions, case precedents and doctrine (d) as the main issue, linked to the perception of an insufficient knowledge of both national (b) and international (a) legal provisions and doctrine by RNP officers.



The very same identification of major challenges has been expressed by NPPA respondents, who pointed out the insufficient clarity and/or non-adequacy of national legal provisions, case precedents and doctrine (d) as the most relevant critical aspect in their handling of GBV cases, followed by the need to improve the knowledge of NPPA personnel in relation to both national (b) and international (a) legal provisions and doctrine.



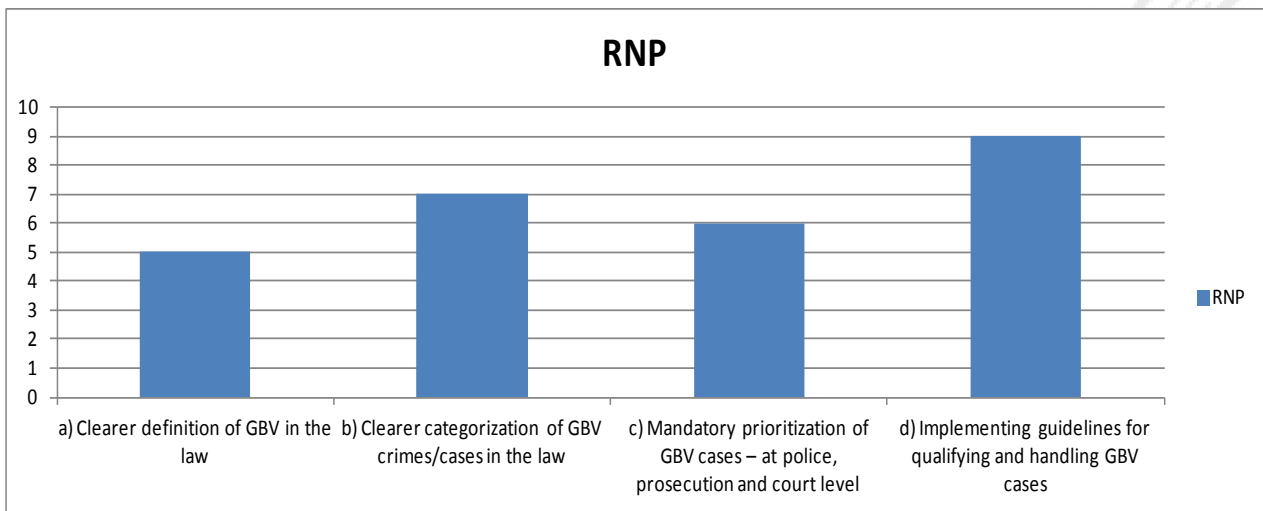
The information collected at the Intermediate Court level presents a slightly different picture, the main gap identified being the insufficient knowledge of international legal provisions, case precedents and doctrine (a), followed by the need to improve clarity and/or adequacy of national (d) and international (c) legal provisions, case precedents and doctrine.



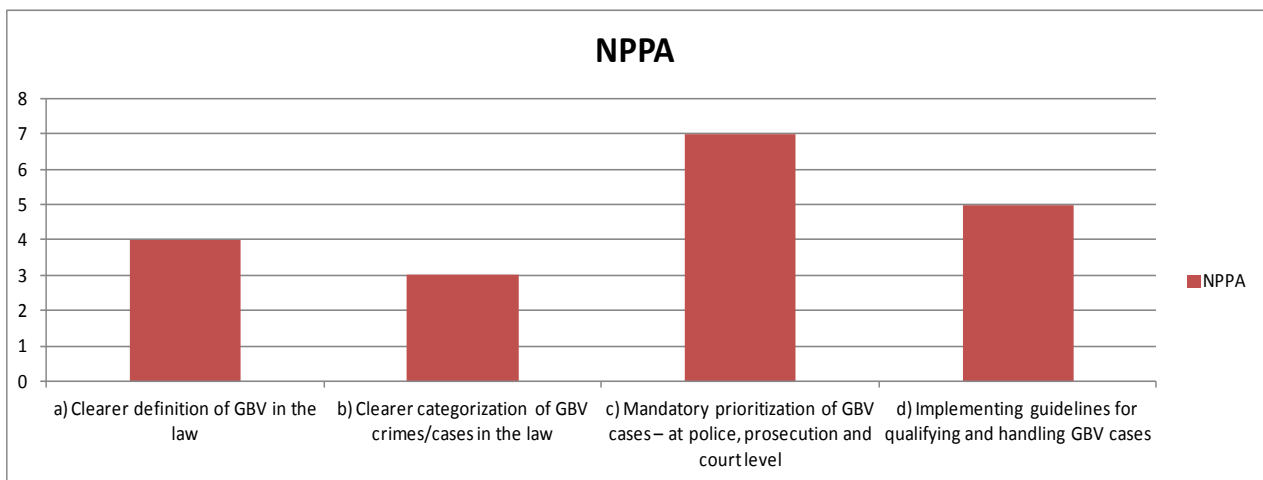
Finally, the insufficient clarity and/or non-adequacy of national legal provisions, case precedents and doctrine (d) was also underlined as the most relevant critical issue for judges at the High Court level. Furthermore, the need to improve clarity (c) and knowledge (a) of international legal provision and doctrine was mentioned by the respondents, although these were perceived to be less important issues.

5) Major challenges related to the effectiveness of the national legal framework for GBV

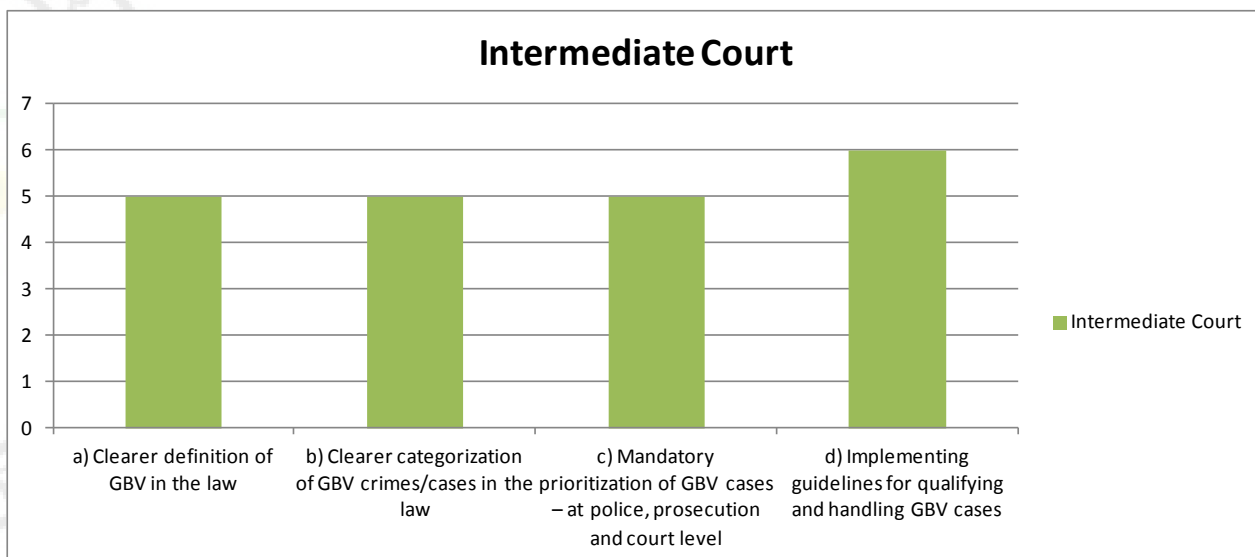
When enquired about the current effectiveness of the national legal framework for GBV in Rwanda and the possible ways to improve it, RNP respondents identified the elaboration and implementation of comprehensive guidelines for qualifying and handling GBV cases (d) as the most relevant and immediate need for them. The necessity to develop a clearer categorization of GBV cases in the law was also pointed out as a major issue that should be promptly addressed in order to increase the effectiveness and enhance the application of the law by RNP officers.



NPPA respondents highlighted the need for a mandatory prioritization of GBV cases at the different levels (c) – i.e., police, prosecution and court level – as a possible way to increase the effectiveness of the national legal framework for GBV. NPPA respondents also coincided with RNP in pointing out the need for the implementation of clear support guidelines for the qualification and overall management of GBV cases by NPPA personnel (d).



Judges at the Intermediate Court level identified a wider range of possible actions for increasing the effectiveness of the national legal framework for GBV, including a clearer definition of GBV (a) and categorization of GBV crimes/cases (b) in the law, a mandatory prioritization of GBV cases at the different levels (i.e., police, prosecution and court level) (c) and – to a major extent – the need for the implementation of guidelines for qualifying and handling GBV cases (d), a fundamental element stressed also by RNP and NPPA respondents.

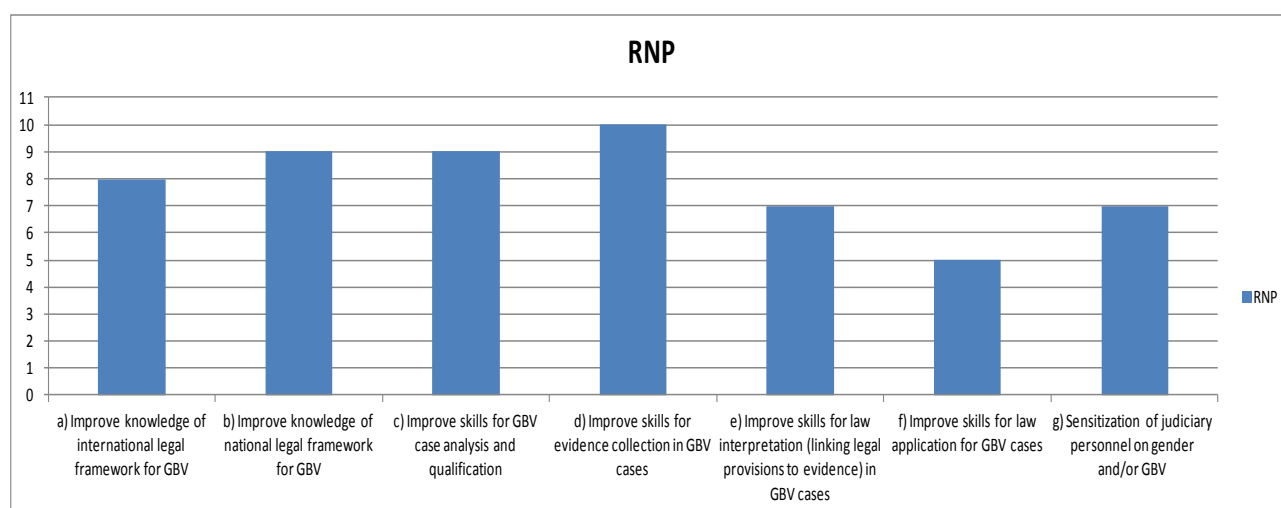


Respondents at the High Court Chamber level coincided with NPPA personnel in identifying the need for a mandatory prioritization of GBV cases (c) as the main element to increase the effectiveness of the national legal framework for GBV, closely followed by the need to develop a clearer definition of GBV crimes and categories in the law (b).

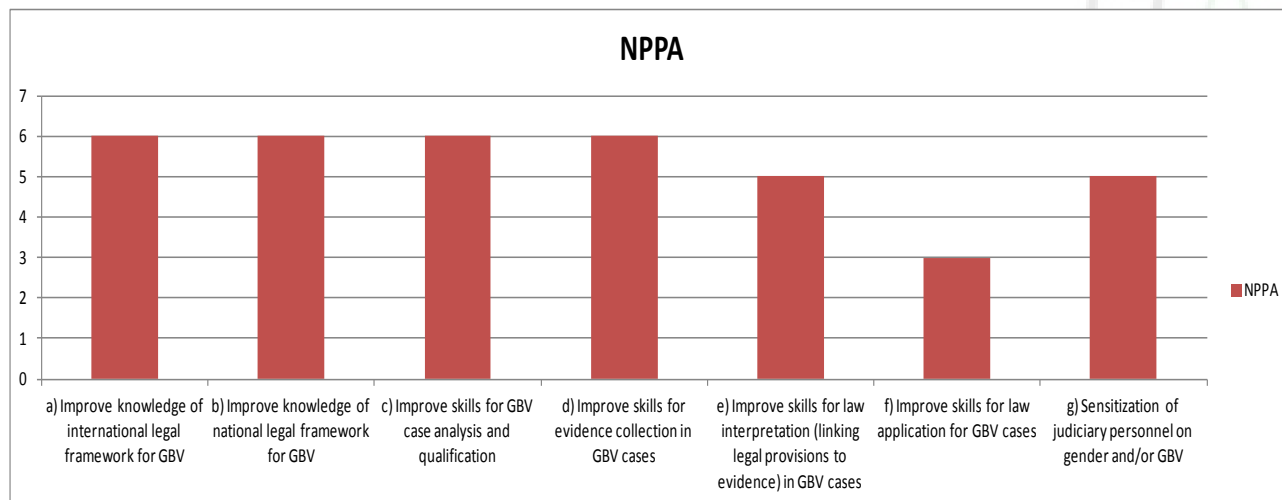
Section B) Capacity Needs

1) Capacity of judicial personnel to adequately qualify and handle GBV cases

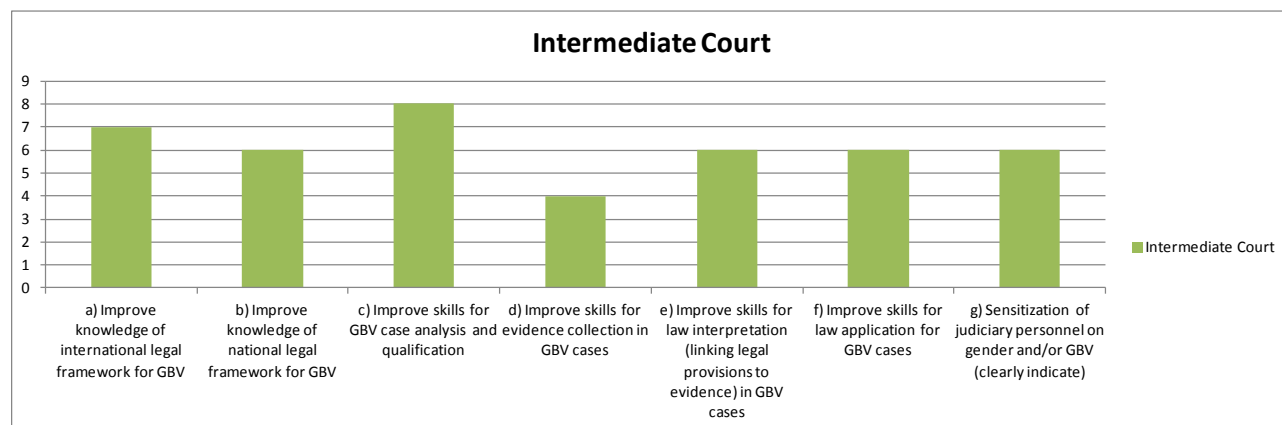
When analysing the capacity of judicial sector personnel to adequately manage GBV cases, the totality of RNP respondents underlined the strong need to improve skills for evidence collection in GBV cases (d), shortly followed by the necessity to improve the knowledge of RNP personnel concerning the national legal framework for GBV (b) as well as their skills to effectively analyse and qualify GBV cases (c).



Respondents at the NPPA level identified a wider series of capacity gaps for NPPA personnel, equally pointing out the need to improve skills for case analysis and qualification (c) as well as evidence collection (d) in GBV cases, in addition to the need to strengthen NPPA personnel’s knowledge of both international (a) and national (b) legal frameworks for GBV.



Judges of Intermediate Courts identified the lack of adequate skills for analysis and qualification of GBV cases (c) as their major capacity gap. The same respondents also underlined the need to improve their knowledge of international (a) and – to a less extent – national (b) legal frameworks for GBV, thus partially agreeing with the capacity needs identified at NPPA institutional level.

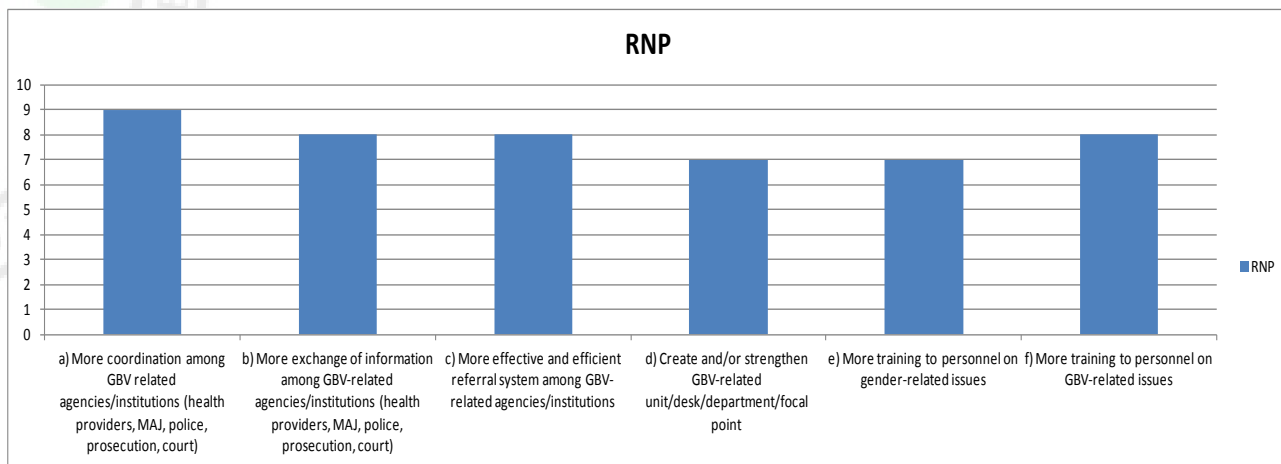


Respondents at the High Court level stressed the need to improve the knowledge of the national legal framework for GBV (b) as well as skills of High Court personnel for GBV case analysis and qualification (d), jointly with the need to sensitize the personnel on gender and GBV-related concepts and issues (g). The latter – i.e., sensitization of judicial sector personnel – has been identified as a relevant need by the majority of respondents at RNP, NPPA and Intermediate Court level, as clearly showed by the charts above.

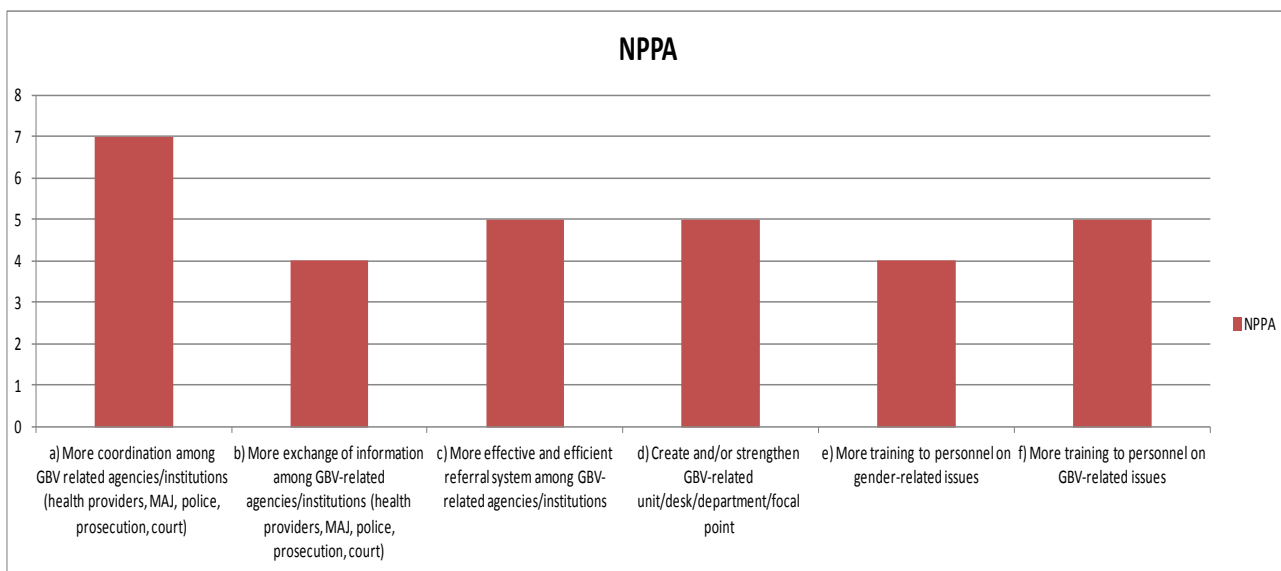
2) Institutional framework and capacity to efficiently and effectively handle GBV cases

The current institutional framework and capacity to adequately handle GBV cases has also been assessed by the respondents of the diverse institutions, and possible ways to strengthen them have been pointed out.

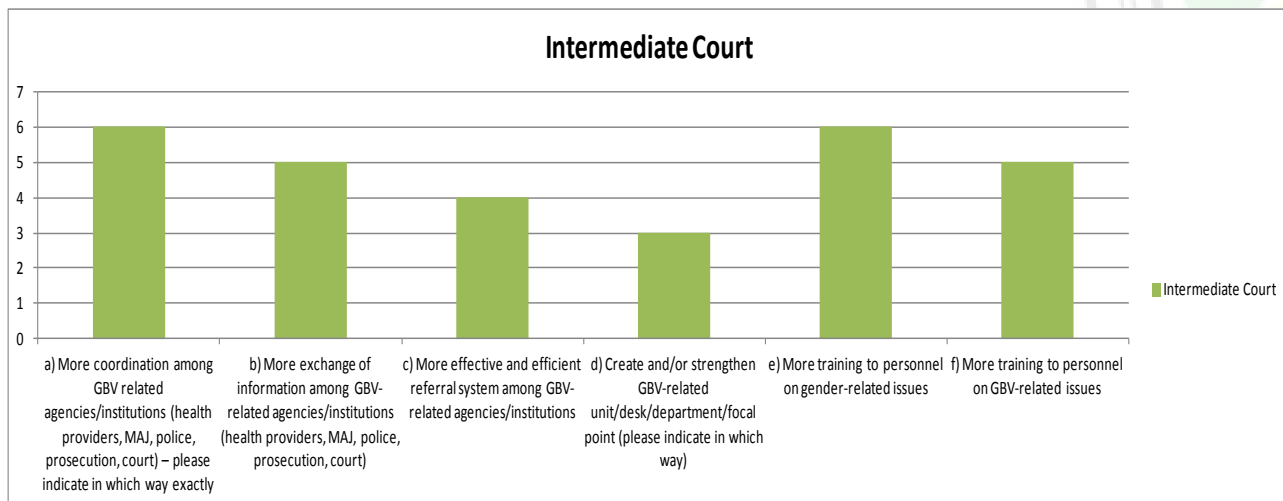
Particularly, the almost totality of RNP personnel identified the need to strengthen the coordination among GBV-related agencies and institutions (including health service providers, police, prosecution and court) (a), followed by the need to increase the exchange information (b) and create a more effective and efficient referral system (c) among the same institutions. The need for more training on GBV (f) and – to a less extent – on gender-related issues (e) has also been highlighted by the majority of respondents among the main priorities, jointly with the necessity to strengthen GBV desks and focal points (d).



NPPA respondents coincided in identifying the need to strengthen the coordination among GBV-related agencies and institutions (a) as the main need in order to improve the results and impact when managing GBV cases, followed by the need for a more effective and efficient referral system among GBV-related institutions (c). The necessity to strengthen GBV desks and focal points (d) was equally pointed out, jointly with the need for more training of NPPA personnel in GBV-related issues (f).



The very same critical aspect – i.e., better coordination among GBV-related agencies and institutions (a) – was highlighted by respondents at the Intermediate Court level, shortly followed by the need to increase the exchange of information among the same institutions (b). The need to carry out more training initiatives for personnel on gender was also pointed out as a main critical issues for personnel at the Intermediate Court level.



Similar responses were provided by the judges interviewed at the High Court level, who stressed the importance to increase coordination (a) and develop a more effective and efficient referral system (c) among GBV-related agencies and institutions (including health sector providers, police, prosecution and courts), equally with the need for more training to personnel on gender (e) and GBV-related issues (f).



5. CONCLUSION AND RECOMMENDATIONS

The report highlights a number of issues that hinder the effective management of Gender-Based Violence cases at different levels of the criminal justice chain; police, prosecution and court level. Some challenges relate to the legal framework and the necessary logistical support but most importantly the capacity issue was highlighted as the major challenge among the personnel of the criminal justice agencies to effectively deal with gender-based violence cases.

It is important to underline, however, that the present assessment does not aim at offering a comprehensive analysis and constitutes a pilot experience in the framework of the assessment of challenges faced by judicial sector personnel when handling GBV criminal cases, and of the main capacity needs related to such critical issues. Nevertheless the study provides some interesting insights that should be taken into account for further action, thus representing an initial step in a long-term process of strengthening gender and GBV-related capacities of judicial sector personnel in Rwanda.

RECOMMENDATIONS

Regular (tailored) training should be organized to improve the capacities of the judicial police officers, prosecutors and judges in handling GBV cases. Most importantly capacity-building is needed at the level of police and prosecution to effectively investigate and prosecute GBV crimes;

The police should be equipped with the necessary skills and knowledge to enable them sufficiently explore other evidences, apart from the medical report.

The judicial police should also be provided with the necessary logistics to thoroughly investigate crimes (including GBV crimes), gather sufficient evidence and be able to preserve them;

Given the sensitivity and complexity of the GBV crimes, guidelines should be developed for the judicial officers (police and prosecution) in the investigation, qualification and management of GBV crimes. The effectiveness of the national legal framework for GBV could be enhanced by the application of these comprehensive set of guidelines;

The national legal framework for GBV should be improved by clearly defining the categorization of GBV crimes and by issuance of the ministerial order mentioned in article 39 of the 2008 GBV law but which has never been issued yet;

There should be a harmonized system of recording and categorization of GBV crimes among all criminal justice agencies. Such statistics and clear categories would be very helpful in managing GBV cases and in fighting the problem of gender-based violence in general;

The personnel of the criminal justice agencies (Judicial police, prosecutors and judges) should be sensitized and encouraged to employ international law, judicial precedents and doctrines when building cases and when motivating their decisions;

The population should be sensitized on the need and importance of quick and timely reporting of the crime and the proper procedures and institutions to report to.

In addition, the population needs to be educated on the importance of and how to gather and preserve basic evidences for the crime committed against them. This would facilitate the police and prosecution in building a strong case and hence allow the victim and the offender to get justice.

