



**Introduction**

*This 22<sup>nd</sup> Edition of the Legal Aid Forum Newsletter describes the activities carried out by the Legal Aid Forum during the period January-April 2016. This edition summarizes many activities carried out either at the Secretariat level and many of them were achieved. During this period, LAF provided legal representation in Courts for the the poor and indigent people and contributed to the amendment of the Penal Code.*

*Specifically, in the framework of research, the Legal Aid Forum is implementing the citizen Monitoring of the Justice Sector Project.*

*It is also important to note that the Legal Aid Forum is implementing a legal aid to refugees project and the project to improve the performance of the Criminal Justice System in Rwanda.*

*This Newsletter edition also describes many other activities implemented in above mentioned period.*

*We thank whoever having contributed to the writing of this newsletter.*

**The Legal Aid Forum and Rwanda Bar Association contributed to the amendment of the Penal Code**



*The President of RBA and the Executive Director of LAF opening the*

In an effort to improve the provisions of penal code, the Ministry of Justice in collaboration with the Rwanda Law Reform Commission has initiated the process of reviewing the current penal code. Revision processes started in August 2015, and all stakeholders (public or private institutions) have been invited to participate in this process by providing comments and inputs that can be incorporated in the revised penal code. ( Turn to p2)

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It is against this background that on 22 January 2016 at Novotel Umubano Hotel, the Legal Aid Forum and Rwanda Bar Association organised a workshop to discuss on the current penal code and identify where amendments should be proposed in order to ensure the respect of human rights and access to justice through an improved penal code.

As active members of the justice sector in Rwanda, the Legal Aid Forum and the Rwanda Bar Association are engaged a lot in access to justice and human rights initiatives such as policy and legal research that contribute to relevant reforms in the sector. The ongoing review process of the penal code provides a great opportunity for LAF and RBA to continue their work and contribute to this important activity by providing its inputs regarding the (new) penal code.

penal code and conclude that they will meet again to finalize this important work before submitting the position paper to the Ministry of Justice and the Rwanda Law Reform Commission.



*Participants to the workshop commenting the Penal Code in group discussions*

### **Launch of the Project to improve the Performance of the Criminal Justice System in Rwanda**

A project entitled “*Improving the performance of criminal justice system in Rwanda through the provision of legal aid, raising awareness and Human Rights education*” was launched during an event organised On 3 March 2016, at Novotel Umubano Hotel, in Kigali.



*Participants to the Workshop following a presentation*

During the workshop, 34 participants identified and indicated ambiguous provisions in the penal code that would need to be clarified and amended; they also highlighted the provisions from the penal code that are not fully in line with national and international human rights principles; they identified offenses whose punishments seem disproportional and acts that should not have been included in the



*The Executive Director of LAF with EU representative launching the Project*

This event was attended by 62 participants from various institutions, stakeholders and partners of the Legal Aid Forum.



The Legal Aid Forum has significantly contributed to the development of the justice sector through a lot of interventions like research projects that generated scientific data on key legal issues faced by the population.



*Participants following a presentation on the new project*

This new project aims at raising community awareness of pre-trial, trial, and post-trial rights and procedures; Strengthening the capacity of and raising awareness of criminal justice actors on the use of alternative measures to imprisonment; Providing direct legal services to indigents and vulnerable groups; Promoting prisoners' rights by advocating on improved detention conditions.



*Participants following a presentation on the new project*

After the presentation of the launch, participants took time to ask questions and some clarifications on the new project. This 2-year project will be implemented in 26 districts as well as in 10 prisons of the country to achieve the project goal.

### **Meeting to discuss the Initial Findings of the Citizen Monitoring of the Justice Sector Project**



*The President of the board opening the meeting*

The Legal Aid Forum is currently implementing a project entitled “Citizen Monitoring of the Justice Sector in Rwanda” which is designed to assess the current framework of interaction between justice institutions and citizens using feedback collected from citizens through ICT, and suggest possible actions for improvement.

For the implementation of this project, feedbacks from persons who received services from justice institutions (courts, Abunzi Committees, MAJ, Local Authorities and non-state legal aid providers) have been collected. A Team of experts has analyzed the results of 1,005 surveys and produced a preliminary report on the survey findings that was discussed on 16 March at Villa Portofino Hotel- Kigali.



*Participants to the meeting following a presentation*

The team of experts and 10 LAF implementing members have worked together closely in the production of the data for the report. These assisted with the creation of the questionnaire, provided contact information for clients to whom they had offered free legal aid services and provided paralegals to administer the survey in all 30 districts of the country; Their support has been invaluable to the success of the project.

After the presentation, participants to the meeting divided themselves into three groups to analyze deeply the findings and drafted some recommendations.



*Participants in group work*

## Conference to discuss the initial findings of the survey report on Citizen Feedback on Legal Services in Rwanda



*Participants to the Conference*

The conference to discuss the initial findings of the Citizens Monitoring of the Justice Sector Project was organised on 5<sup>th</sup> April 2016 at Hotel Villa Portofino-Nyarutarama from 9:00 am-12:45 pm during which 105 participants attended.

The project aims at “increasing the responsiveness of Rwanda’s justice service providers towards the concerns of citizens, especially women, about the provision of justice services”. It is important to ensure that justice sector becomes responsive to people’s needs and interest specifically with regard to the quality, availability, accessibility, affordability and timeliness of the services.

The project also aims to increase the opportunities and capabilities of civil society to access citizen feedback about the justice system and use it to influence policy makers and the public debate through communication and advocacy.

Recognizing that Rwanda is leading in the use of ICT for development, we chose to rely on innovative ICT for the implementation of this project. The implementation utilizes an ICT platform, including MDS and Survey CTO software programmes for data collection.



The use of ICT provides a fast and effective way to collect citizen feedback. The ICT platform includes the use of voice calling, real-time data collection and dissemination software (call center), and hand-held tablets to ensure that we are able to collect information from citizens all over the country (field surveys by Paralegals).

The questionnaire used to collect data for this study was developed with representatives of the 10 implementing LAF members with whom LAF is partnered on the project. LAF has sought stakeholders input from state institutions, civil society organizations, and NGOs at every critical stage of the project. On 14/08/2015 at the Grand Legacy Hotel, our partners assisted with the validation of the questionnaire to be used.



Partners validating the Questionnaire on 14 August 2015

This questionnaire focuses on 3 major components that are awareness of rights, accessibility of legal aid services and availability of legal aid providers.

The questionnaire is used to collect feedback from citizens who have sought services from different justice institutions or other institutions mandated to assist in the settlement of disputes. The institutions are Courts, Abunzi Committees, Non-State Legal Aid Providers, Maison d'Acces a la Justice (MAJ) and Local Authorities. At this stage of the project, LAF has analyzed the results of 1,005 questionnaires filed and produced a preliminary report on the survey findings.



Ms Odette Yankuriye from the Ministry of Justice opening the conference

This conference was organized in order to present to the stakeholders the initial findings of the project.

Among the interesting findings are: On the availability and accessibility of legal services: some citizens are still largely unaware of the legal aid services MAJ provides to the indigent; citizens had to travel one hour to five hours or more to reach the nearest Legal Aid Provider; it takes 594 days from the initiation of a case to the final resolution, including appeals and enforcement of judgments, etc.;

On the settlement of disputes out of court vis-à-vis the formal court system: citizens are generally satisfied with the legal aid services provided by non-state legal aid providers, MAJ, Abunzi and local authorities;



The President of LAF explaining what LAF expects from the collected information

Regarding the awareness of rights: citizens generally have low awareness of applicable laws including land laws, succession laws, and rights of pretrial detention;

The enforcement of court judgments is still an obstacle to access to justice; our findings indicate that citizens had to wait an average of 9 months for the enforcement of a court judgment.

LAF expects that the information collected will help 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.

**Workshop to analyse and propose follow-up and implementation strategies of UPR recommendations given to Rwanda during the twenty-third session of Human Rights Council**



*Participants to the Workshop in a group photo*

The Universal Periodic Review (UPR) is a unique process which involves a periodic review of the human rights records of all 193 UN Member States. The UPR is a significant innovation of the Human Rights Council which is based on equal treatment for all countries. It provides an opportunity for all States to declare what actions they have taken to improve the human rights situations in their countries and to overcome challenges to the enjoyment of human rights. Under the UPR process, members of civil society in respective countries are encouraged to provide alternative report(s) to that of the government.

The Republic of Rwanda was assessed by its peers for the first time in 2011 and a number of recommendations were given to the government. During the first UPR review process Rwanda Human Rights NGOs formed a coalition that engaged civil society organisations and independent experts across the country to ensure their active participation in the UPR process. The sustained nationwide UPR consultation and intensive research conducted by the coalition resulted in a first NGO coalition shadow report submitted to the High Commission for Human rights in June 2010, to serve as a source of information while reviewing Rwanda in June 2011.



*Geneva, Office of the High Commission for Human Rights*

During the adoption in the Plenary on 7 June 2011, Rwanda accepted 67 recommendations. After the adoption of these recommendations, the Legal Aid Forum Civil Society Organisations including Media and academia operating in Rwanda, took the initiative to play the role of monitoring of the state of implementation of the 67 recommendations and elaborated a report that was submitted to the Office of High Commission for Human Rights (OHCHR) for the second Review of Rwanda by the UPR working group of the Human Rights Council. The review of Rwanda was held on 4 November 2015. Rwanda presented the implementation status of the 67 recommendations accepted during the UPR cycle in 2011.



Out of these 67 recommendations: 63 were fully implemented and the remaining 4 are in the process of being implemented.

A total of 229 recommendations were given to Rwanda during the twenty-third session that took place on 6 November 2015, among them Rwanda accepted 50 recommendations, 102 recommendations enjoy the support of Rwanda and some have been implemented and others are in the process of being implemented.

With the financial support from the Belgian Development Cooperation, LAF organised a two-day workshop that brought together Rwanda UPR coalition members at Hotel Villa Portofino from 19 - 20 April 2016.



*Participants to the Workshop examining the new recommendations given to Rwanda*

### **The Legal Aid Forum is implementing a Legal Aid to refugees Project**



*One of the camps for refugees in Rwanda*



*The Ambassador of Belgium opening the workshop*

This workshop was attended by 26 Heads of organizations and all nominated persons/focal points including team leaders and members of the thematic groups on UPR and was a good moment of: Deeply analyze and make the coalition members to understand the recommendations as they were given to Rwanda; Design strategies on awareness of the recommendations; Design strategies for the follow up of implementations and monitoring of the recommendation; Revisit UPR coalition thematic working groups and Discuss about the current UPR Roadmap developed by Minijust and stakeholders.

This increased number directly goes with increased needs of these refugees including legal assistance and representation. The Legal Aid Forum, as a specialized NGO in providing legal services and advocating for access to justice is handling legal related issues involving Persons of Concern.

With the financial support from the UNHCR, the project is ensuring that legal redresses for refugee victims of any abuse are provided and that the due process is respected for any refugee accused of any criminal or civil misconduct.

Refugees are understanding and claiming their rights. Further, refugees are appreciating and observing their obligations under international and national laws.



*Mahama Camp for Burundian refugees*

The achievements of the Project are now good as example in Mahama I and II, 911 new born babies are registered by June 2016, and 615 among them have received birth certificates. 37 cases of late birth registration in progress. Detention monitoring has been done and among 26 cases, 2 have been released. The Legal Aid Forum is providing legal services in all refugees' camps in the country and is representing refugees in Courts.

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