

THE REPUBLIC OF RWANDA



Ministry of Justice



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List of Abbreviations

EAC	East African Community
ECMS	Electronic Case Management
EU	European Union
FMIS	Fleet Management Information System
GoR	Government of Rwanda
HD	Hard Disk
ICT	Information Communication and Technology
JRLOS	Justice, Reconciliation Laws and Orders sector
JSWG	Justice Sector Working Group
LDSS	Legislative Drafting Support System
M&E	Monitoring and Evaluation
MAJ	Maison d'accès à la justice
MINAFET	Ministry of Foreign Affairs
MINECOFIN	Ministry of Economic Planning and Finance
MINIFOR	Ministry of Information
MINIJUST	Ministry of Justice
MIS	Management Information System
MSV	Memory Stick Voice
MTEF	Medium Term Expenditure Framework
NGO	Non-Governmental Organization
PFM	Public Finance Management
RDB	Rwanda Development Board
RURA	Rwanda Utility Regulatory Agency
SMART	Self-Monitoring, Analysis and Reporting Technology
TOR	Terms of Reference
USA	United States of America

1. Introduction

The Rwanda Ministry of Justice (MINIJUST) is one of the key Justice Sector institutions that play a major role in ensuring that the rule of law, human rights and justice for all prevails in the country. The Ministry is mandated with the complex role of organizing and overseeing the promotion of the rule of law and justice for all through various programmes, while at the same time facilitating the monitoring and evaluating the implementation of justice policies, strategies and programmes in the entire justice sector. According to the Prime Minister's Order n° 91/03 of 25/08/2011, MINIJUST has major responsibilities that include:

1. Developing, disseminating and coordinating the implementation of policies, strategies and programmes to promote the rule of law and justice for all;
2. Organising and coordinating national legislation;
3. Providing legal advice and representation of the Government and its institutions through acting as chief Government technical adviser;
4. Ensuring the institutional capacity development of the Justice Sector to improve their organisation and functioning; and
5. Monitoring and evaluating the implementation of policies, strategies and programmes of the justice sector.

This report presents the main achievements of MINIJUST for the fiscal year starting from July 2011 to June 2012. It highlights some of the challenges encountered in the implementation of the activities, and offers a few recommendations relating to measures aimed at improving the implementation process and institutional performance.

2. Description of MINIJUST Services

For the fiscal year 2011-2012 MINIJUST had four main technical services which cover the main intervention areas of the Ministry. These departments are headed by the Assistant Attorneys General, and they are the Civil Litigation Services, the Legal Advisory Services, the Legislative Drafting Services and the Community Programmes, Human Rights and Legal Aid Services.

2.1 Civil litigation Services

This department is mandated to represent and assist the Government in Courts of Law and in other litigation matters. It also has the tasks to monitor the execution of courts decisions in cases involving government; resolve legal issues amicably in collaboration with other concerned Government organs on their own initiative or upon the concerned party's request; interdict government employees who, through negligence or mistakes, cause loss which leads to payment of damages by the government.

2.2 Legal Advisory Services

The legal advisory services department is mainly charged with the role of providing Government as well as its allied agencies with legal advice on national and international contracts, agreements and treaties. It does that by ensuring that agreements and contracts that government concludes with private individuals, companies, countries and international organisations do comply with national legislation – before such binding agreements are made.

2.3 Legislative Drafting Services

The department is responsible for the drafting of bills, coordination of the drafting of national legislation, harmonisation of translation of laws in the three official languages and assisting government institutions in the drafting of legislation and participating in deliberations for the preparation of bills.

2.4 Community Programmes, Human Rights and Legal Aid Service

The main role of this department is to provide efficient legal services to the general public in matter related to civil status at the national level, and by providing legal aid and advice or solutions to public enquires. It also promotes human rights by ensuring conformity with international instruments. The Access to Justice Bureaus/ Maison d'accès à la justice (MAJ) service is also under this department. It should also be pointed out that until May 2012, when the Abunzi Secretariat was fully operationalized with the appointment of the Secretariat Coordinator by Cabinet, provision of Abunzi related services was also under the responsibility of this department. The Abunzi Secretariat is responsible for coordinating and monitoring

the activities of Abunzi committees at national level, Abunzi training and for providing them with necessary materials to accomplish their work.

MINIJUST also has the following support services:

2.5 Abandoned property management Unit

The main attribution of the Unit is to manage all abandoned property in Rwanda by carrying out its inventory, ensuring its productivity, drafting rent contracts and determining its prices, and dealing with any ownership related issues including conflict resolution.

2.6 Justice Sector Coordination Secretariat

This organ is responsible for high level policy coordination, effective prioritisation, and for the monitoring and evaluation of the Justice Sector policies, strategies and programmes. Its legal framework establishes regular channels for communication among all stakeholders to ensure transparent, clear and accountable mechanisms for oversight, direction and implementation of the sector strategy.

2.7 Policy Planning, Research and M & E

The planning unit is mainly responsible for coordinating the formulation of policies, strategies and programmes of the Ministry and ensure their alignment with national strategies and priorities, and for coordinating and supervising the production of accurate, reliable and periodical institutional and sector-based statistics and make them available for relevant reference. It is also charged with leading and coordinating strategic and operational planning and with assisting in budget preparation. The unit is also responsible for conducting periodic monitoring and evaluation of activities and for the preparation of relevant activity reports.

2.8 Information, Communication and Technology Unit (ICT)

The ICT unit ensures good functioning of equipment and computer network, proper functioning of internal electronic communication system to reduce the use of paperwork; establishment and maintenance of database and general data protection, as well as planning and implementation of ICT policies and strategies.

2.9 Finance and administration

The main role of the finance and administration unit is to manage and oversee financial, human resources and logistical functions and activities of the Ministry. It is specifically charged with coordinating budget preparation, supervising the management of logistical and material resources, ensuring regular control of financial expenditure, coordinating and supervising the management of human resources, establishment and maintenance of proper documentation and archive systems, and supervising the activities of the Central Secretariat.

3. Summary of the achievements 2011-2012

This section presents the summary of the key achievements that are presented in detail in section 4 below.

- ✓ Regarding representation in courts, government was represented in more than 98% of cases either in legal cases in the country or abroad.
- ✓ Government was advised regarding contracts and agreements on national and international through different legal opinion provided. In particular, model contracts were drafted for legal advisors in different government institutions and agencies.
- ✓ National legislation was effectively coordinated as all draft laws or orders which required harmonisation and translation were processed in due time.
- ✓ With regard to community legal aid services, one of the most important achievements was the establishment of MAJ in all the 30 districts. This has ensured extension of free legal aid services at the decentralized level where more citizens can now access legal assistance. In every district there are now three staff who are in charge of providing free legal aid services to the population. Vulnerable people and minors in conflict with the law were assisted through the existing contracts between the Rwandan bar association and the ministry of Justice, and Mediation committees were reinforced through regular training on different laws and their monitoring ensured.
- ✓ The process of identifying abandoned property continued in the financial year 2011-2012 and a good number of abandoned property were identified in Kicukiro district.

- ✓ During the fiscal year, the Justice, Reconciliation, Law and Order Coordination Secretariat was established as an operational organ under MINIJUST. The structure had been functioning before as a project but has now been set up as a permanent mechanism for coordinating justice sector strategies and programmes. Among other accomplishments, the Secretariat supervised the activities related with two important research studies and coordinated the preparation of the sector strategy II.
- ✓ The 2012-13 activity plan as well as the Minister's performance contract were prepared. The Ministry also ensure regular monitoring and reporting to the Office of the Prime Minister on the implementation of not only the plan of action, but also that of various government resolutions and recommendations.

4. Achievements for the fiscal year 2011-2012

In line with its mandate and the plan of action, MINIJUST scored important achievements in various areas as indicated below:

4.1 Provision of legal advisory services

Through the legal advisory function, the MINIJUST analysed and provided legal advice different national and international contracts and agreements as follows:

- ✓ 81 national and international contracts in which government had a stake;
- ✓ 20 MoUs and other international agreements;
- ✓ 50 legal opinions on other legal matters;
- ✓ 24 negotiation meetings on contracts in which government had a stake;
- ✓ 7 meetings on other contract related issues.

Figure 1: Graphic illustration of legal advisory services provided

In addition to the above mentioned activities, the Legal advisory services increased public awareness in implementation of administrative laws and use of model contracts and related procedures through Radio talk shows. Some of the issues discussed in the talk shows included those related to how government contracts are vetted and implemented, and the role of Government counterparts in a good management of those contracts, and to arbitration in government contracts aired on Radio Rwanda and Amazing Grace Radio and also held a Radio-TV town meeting on common mistakes in Government contracts and the role of private sector in good management of government contracts.

The ministry organised workshops and a meeting to sensitize leaders on how to minimize incidences that result into suits against government where 2 training workshops for Chief Budget Managers and the directors of Finance and Administration on the role of the Ministry of Justice/ Attorney General's Office in government transactions. The first was attended by 67 Chief Budget Officers and Directors of Finance from Central Government entities. The topics covered were:

1. Basic information about contract,
2. Common mistakes committed in government of Rwanda contracts, and
3. The Role of the Attorney General in government contracts

The second training was attended by 64 people. Five trainings on contract drafting, negotiations and management to legal officers in government institutions were carried out. For process of monitoring, evaluating and assessing the impact of legal opinions on contracts provided by MINIJUST was developed and it is currently operational.

A concept paper on the establishment of a user group for government lawyers is now in the process of being approved and signed by Ministries. Government institutions have nominate legal officers who will be members of a mail user group for government lawyers and the list of those legal officers is available.

The tender on the survey of the impact of MINIJUST legal opinions on other public institutions was published and the findings will help the service to improve the quality and orientation of service delivery and also help in model contract development. A Concept paper on the extension of Legal Advisory Services to LDSS, TORs and tender documents for consultants who will set up a database were drafted and is awaiting RDB/ICT approval.

Five models for State contracts have been drafted. These include: the model contract and necessary provisions for the public procurement document to be used by the JRLOS for all future consultancy services; the model contract of a Public-Private Partnership template for use by MINIJUST staff.

Using best practices from EU and US law incorporating former Rwandan PPP transactions; the model contract and necessary provisions for privatisation transactions; a model parent-contingent subsidiary agreements model contract for use within MINAFFET, RURA and MINIFOR and the model contract dealing with concession and joint venture agreements. These model contracts are awaiting approval and subsequent official submission to the respective institutions. Through the legal advisory service, government was also represented in eleven EAC meetings.

4.2 Community programmes, Human Rights and Legal Aid

MINIJUST carried out different activities relating to the provision of legal aid and Human rights. The emphasis was put on legal representation to vulnerable groups, enhancing the capacity of legal aid providers such as MAJ staff, Notaries, Mediation committees and court bailiffs as well as on setting up evaluation mechanism for service provision.

4.2.1 Legal Aid

Through MINIJUST, government represented 35 vulnerable people in courts through a regular contract which MINIJUST signed with Kigali Bar Association to assist the children in conflict with the law and other vulnerable groups. In 2011-2012 financial year, 1285 children who were in conflict with the law were assisted in all instances of justice namely, Police, Prosecutions and Courts.

Among those represented, 11.75% were female while 82.25% were male. It was observed that a big number of crimes committed by minors comprise thefts and robbery, and injury and wounding through violence.

Through MAJ, MINIJUST received 19,890 legal cases of which 19313 were solved. This means that and at the end of the financial year there were 577 pending cases. In other words, 97.1% of the cases received by MAJ were solved.

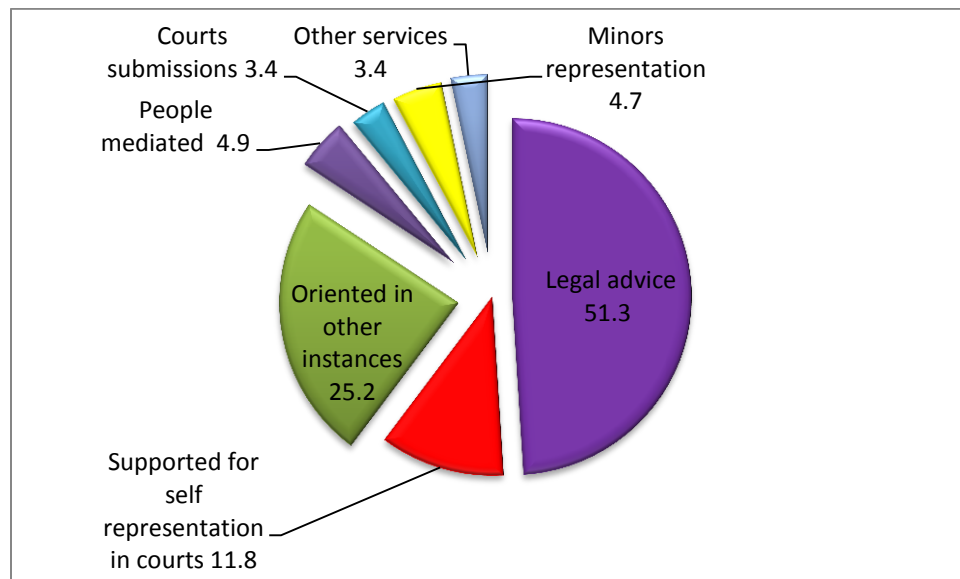
The legal aid week was conducted and was aimed at providing legal assistance to minors in conflict with the law; speeding up their cases in courts; and at reducing the duration they would spend in pre-trial detention. During legal aid week, legal advice and mediation were provided, as well as legal education to the prisoners/detainees and the general population particularly those who live in rural areas. The following information shows the activities carried out in the legal aid week:

Table 1: Activities during legal aid week, 2011-2012

Type of activities	Number	% of total
Number of people who received legal advice	2,015	48.88
Number of people represented in courts	463	11.23
Number of people oriented/referred to other instances	989	23.99
Number of people mediated for in conflict	194	4.71
Number of people assisted in writing up court submissions/conclusions	134	3.25
Number of people who received other legal aid services	133	3.23
Minors represented in courts	194	4.71
Total	4,122	100

Source: Legal aid week report 2011-2012

The above table indicates that 48.88% of activities were related to legal advice, 23.99% to on orientation or referring the people to appropriate instances, 11.23% was to support people on in representation in courts, while 4.71% was the representation of the Minors in conflict with laws. As seen in the table above, there were also a good number of people who were supported through mediation and by writing up court submission, that is, 3.25 % and 3.23% respectively. The following figure presents the distribution of the activities during the legal aid week.

Figure 2: Distribution of the activities during legal aid week

Source: Legal aid week report

The provision of legal aid often goes hand in hand with the necessary information relating to access to justice, it is in this context that apart from the sensitisation campaigns that were organised during the legal aid week, there were 57 radio talk shows broadcast and 2 UBUTABERA newsletters published.

Provision of quality justice to the people is one of the core functions of MINIJUST, but it cannot be achieved as long as their legal service providers do not have sufficient knowledge and skills. In this context 30 notaries, 30 land Notaries and 27,598 Abunzi committee members were trained. In addition, all professional and non-professional bailiffs were trained and the National secretariat of Abunzi in charge of coordination of Abunzi activities was established.

MINIJUST improved the reporting Mechanism for legal service providers where the new reporting templates were put in place and sent to the district notaries. A comprehensive reporting format for MAJ activities was also elaborated and is already being used for periodical reporting.

The coordination and evaluation of MAJ activities also involved field visits conducted by the Minister of Justice/Attorney General, Assistant Attorney General in charge of Community programmes and legal aid services, and MAJ coordinators in different districts such as Karongi, Rutsiro, Nyamasheke, Rusizi, Rulindo, Gakenke, Musanze, Burera, Nyabihu, Rubavu, Nyamagabe and Nyaruguru. Other Community legal services provided include:

- 121 applications for changing names
- 64 applications for statutory age limit
- 17,172 documents legalized/notarized
- 736 people were either advised in legal matters and given assistance
- 251 prisoners who applied for conditional release were listed.

4.3 Coordination of national legislation

The planned activities of the Legislative Drafting Service (LDS) for the 2011/2012 financial year were to check the conformity of laws with the Constitution and ratified international instruments and propose required revisions, ensuring the domestication of the EAC laws reviewing and updating laws, and providing legal advice on draft bills from other institutions.

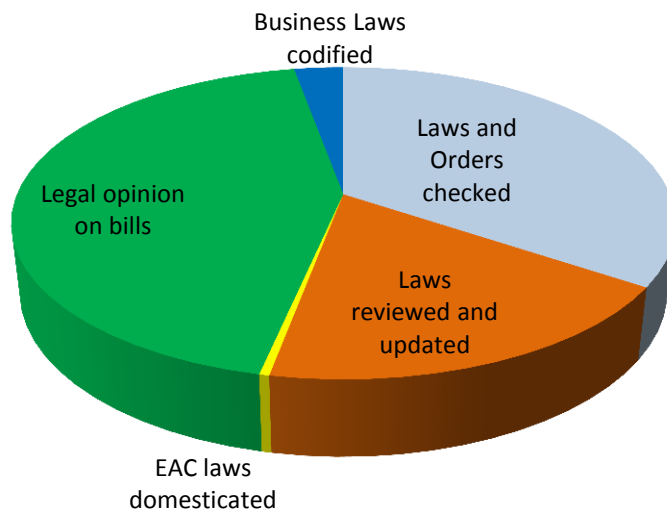
Other activities included disseminating laws, coordinating and codifying laws, publishing and distributing the legislative drafting guide and the judicial lexicon, updating amategeko.net website, and making inventory of legal texts that need to be translated and texts which translation needs improvement. The following information explains the activities that were implemented during the year.

Table 2: LDS activities accomplished in 2011-2012

Activities	Number	% of Total
Laws and Orders checked	168	34.36
Laws reviewed and updated	91	18.61
EAC related laws domesticated	2	0.41
Legal opinion on bills	214	43.76
Business laws codified	14	2.86
Total	489	100

Source: Annual report data

As the above numeric data indicates, department provided legal opinion on bills at 43.76% of total activities, checked laws and orders at 34.36%, reviewed and updated laws with 18.61%, while domestication of EAC laws represented 0.41%. The chart below summarizes the activities accomplished in the year.

Figure 3: Quantified activities of the LDS

Other activities carried out by the department include:

- ✓ Produced the first draft of the legislative drafting guide which has been made available

- ✓ Produced the final draft of the judicial lexicon that is now under editing
- ✓ Coordinated the publication and distribution of the Constitution to different institutions and agencies

4.4 Government representation in courts

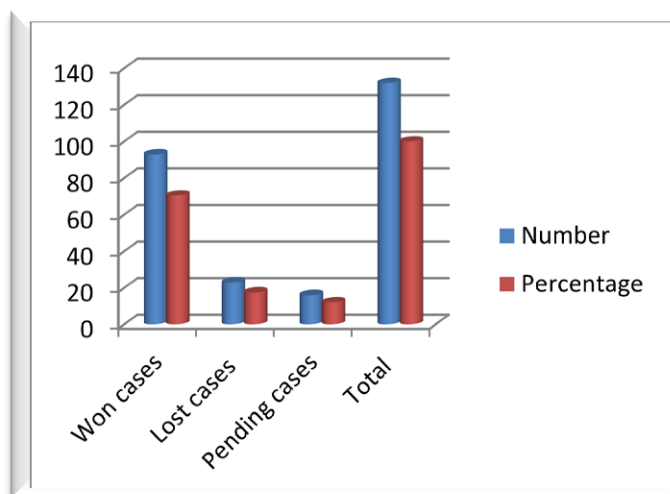
The prime mandate of the civil litigation service (CLS) is to represent government in courts either at the national or international levels. During the fiscal year, the department had planned to present government in courts at 100%.

Table 3: CLS activities accomplished in 2011-2012

Type of cases	Number	Percentage
Won cases	93	70.45
Lost cases	23	17.42
Pending cases	16	12.12
Total	132	100

Source: Annual report data

Figure 4: Quantified activities of the CLS



In terms of achievements, government was presented in all cases. By end of June 2012, the total numbers of legal cases involving the government were 132 of which won cases were 93 (70.45%), lost cases were 23 (17.42%) while 16 (12.12%) cases were pending.

4.5 Abandoned property management

At the beginning of the year, the Abandoned Property Management Unit set out to continue finding out approaches and strategies for the identification of the property that were abandoned. The major achievements are summarised as follow:

1. A mechanism was put into place to help identify the abandoned property in all districts. The mechanism consists of establishing working commissions at district level which can help to identify and to report on the abandoned property.
2. During the year ending June 2012, Gasabo, Nyarugenge and Gakenke districts had established commissions in charge of abandoned property.

The Unit also played an important role in the identification of all court judgments in which the government has stake that determined some charges to be paid to the government but where the payment had not been effected. The results of the exercised showed that some *two hundred twenty seven million, five hundred forty two thousand, nine thousand and fifty one Rwandan francs (227.542.951Rfw)* had not paid to the government.

However, the inventory of these cases is ongoing – meaning that the funds due to the government are likely to be much more that this exercise has so far revealed. It should be pointed out that some of the above funds have already been paid to the government.

In collaboration with the Supreme Court, all concluded judgments which comprise government funds will be directly reported to MINIJUST and this will help in the follow up and recovery of such funds. It is also expected that the court will facilitate in the implementation of the funds recovery by providing a copy of the concluded cases to MINIJUST. Lack of the copy of judgments had been cited as one of the major factors that delayed the funds recovery.

4.6 Justice sector coordination

In fulfilling its functions the JRLOS secretariat coordinated the implementation of the Sector Strategies through close cooperation with sector stakeholders through meetings of JSCS management, Steering committee/JSWG meetings and Development Partners and NGO coordination.

The secretariat coordinated the sector studies and surveys according to the JRLOS strategy where all studies, that is; the User Perception Survey, Public Expenditure Review, Extended Legal Aid Survey and Legal Aid Policy and MIS were commissioned and supervised. Two Joint Sector Reviews were also conducted to inform specific implementation, coordination, and monitoring activities.

4.7 Policy planning, monitoring and evaluation

Planning and regular monitoring are an important tool that allows an organisation to achieve the expected results. The main achievements of MINIJUST in planning, monitoring and evaluation of activities are based on activities that had been planned. These included:

- Ensuring the preparation of MINIJUST SIP and action plan
- Preparation of the new MINIJUST strategic plan
- Monitoring the implementation of planned activities
- Publishing statistical data produced by the Ministry

In term of achievements, the 2012-13 action plan and the single action plan were prepared. The Single action plan involved the decisions and recommendations made in various forums such the National Dialogue Council, the National Leadership Retreat, Parliament and cabinet, as well as key deliverables from some of the justice sector institutions.

Periodic implementation reports on all activities were prepared and sent to concerned institutions such as the Prime Minister's Office. With regard to publishing statistical data, this report serves that purpose as it summaries key achievements in various areas under the mandate of MINIJUST. The preparation of

the new strategic plan was moved to the next year when the sector strategy II would be finalized to serve as the basis for MINIJUST plan. It should however be pointed out that by the end of the fiscal year, the Planning department had only 1 staff out of 4 that are provided for on the structure and so he was overwhelmed by the volume of workload that some planned activities could not be implemented.

4.8 Information communication technology

This section outlines the main achievements of the ICT Unit for the past year:

- a) Carried out proper maintenance of ICT equipment (servers, computers, photocopiers, printers, fax, PBX/Phones and ACs). The tender was issued and MSV Technologies contracted, all ICT equipment covered within the contract were regularly maintained and all IT equipment operational.
- b) Participated in the process for the commissioning of the *Electronic case Management System* (ECMS) development. Enterprise Architecture (EA) for the sector as a key requirement had to be carried out first and RDB was to fund the activity. A company to carry out the EA in the sector was identified; the EA would commence in October 2012.
- c) Implementation of the records and electronic archive management system where the System was developed, tested and MINIJUST staff trained. Existing bugs in the system at the time would be corrected during deployment while the system is in use and bugs would be corrected as they are identified. System enhancement would also be continuous as the system got fully adopted. The cost of the system would be covered by government through RDB, while MINIJUST would only cover the equipment part (Scanners, Connectivity, hosting costs).
- d) Procured the 42-U server Rack cabinet that Servers and network routers are now properly housed for efficient operation. In addition, the rack shall be able to handle the planned network expansion project in future.

- e) Ensured maintenance of the Generators through contracts with private service providers. All the generators were well maintained and the network was available 24/7 with no interruption.
- f) Disaster Recovery plan implementation was carried out whereby essential back-up of key critical applications was done.
- g) Procurement and installations of software tools & user licenses was done and updates are regularly performed, while software for servers and computers with limited licenses were delivered. Other relevant software were available, servers and end user machines had full active protection and PDF complete was also delivered and configured for relevant users.
- h) Procurement of ICT equipment (Laptops, printers, photocopiers, HDs), ICT equipment was done and distribution among staff was also done accordingly. All staff has latest requisite ICT equipment for use at work.

4.9 Finance and administration

The finance and administration department scored the following major achievements:

- a) Monthly financial reports were prepared and submitted to the Ministry of Finance and Economic Planning (MINECOFIN) in order to improve the PFM.
- b) Through regular internal audit, mistakes and errors made in the past in the management of public funds have been considerably reduced as it was confirmed by the Auditor General's report.
- c) Monthly salaries as well as all other benefits for all staff were regularly paid
- d) All logistical materials and services were duly provided.
- e) The department prepared the 2012- 2015 MTEF and was given access to the FMIS in SMART FMIS Software.
- f) MINIJUST started using the new system (IPPS) to ensure effective management of the payroll and other human resource issues.

5. Conclusion and recommendations

The Ministry of Justice scored substantial achievements across all departments during the fiscal year ending in June 2012 despite a number of financial and human resource challenges. Staff turnover in technical service departments was relatively low and were also not affected by the small size of the budget in a major way. This means that the Ministry was able to use the available means effectively to deliver on its core mandate and responsibilities.

During the implementation of the 2011-2012 action plan, some challenges were encountered such as relatively high staff turnover especially in the support service, particularly the finance and administration and the planning department. the work of the Abandoned Property Management Unit was also hampered by the insufficient legal framework as the new law which is expected to grant clear roles to the department had not yet been published. It is also crucial to point out that some of the planned activities could not be carried out due to lack of or limited funds as a result of limited budget for the year.

Data collection for the report was a difficult task because some departments had not consolidated their reports in time causing delays in report preparation. This needs to improve in the future to ensure timely and accurate record keeping.

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