African Centre of Excellence for Access to Justice

RWANDA

Case Study:

The Legal Aid Forum (LAF) was established in 2006 and formally registered in 2009 as national NGO network. LAF was initially established through a collaborative process of 30 civil society organizations. Its overall goal was to create a space where organizations that want to deliver legal aid to the poor and marginalized groups were able to disseminate and share information and best practices and collaborate in capacity-building, research, and evidence-based advocacy. The LAF envisions a society where poor and marginalized groups have equitable and unbiased access to justice.

On this day, as a full independent entity, the LAF is composed of 38 national and international NGOs, professional bodies, universities, legal aid clinics, faith-based organizations, and trade unions that provide or support legal aid services to poor and marginalized population of Rwanda. The organization supports government endeavors through capacity building, research, advocacy, and the provision of legal aid services. The Legal Aid Forum has long been an active contributor to the Rwandan Justice Sector. Since its establishment in 2006, the Legal Aid Forum has been working in different areas: research and advocacy, capacity building of legal aid providers and justice sector institutions, and the provision of legal aid services.

Research and advocacy

LAF has produced several important research documents which form the basis for his evidence-based advocacy. The studies are used by LAF members and policy-makers to shape policy, decide interventions and measure progress. LAF plays a significant role in monitoring the indicators set by the state institutions in their policies on access to justice with information gathered from his network, and through targeted research projects. LAF recommendations lead to concrete actions being taken to address human rights offences, reduce capacity gaps, and introduce innovate solutions to justice problems.

In 2016, LAF conducted an important study: “The citizen feedback on justice and legal services in Rwanda through ICT platforms”. This project was developed to increase the responsiveness of Rwanda’s justice services towards the concerns of citizens, especially women, regarding the
provision of justice services. The study aimed to assess the current framework of interaction between justice institutions and citizens, and suggest possible actions for improvement.

**Capacity building**

The membership of LAF encompasses a broad of legal aid providers in Rwanda. LAF is working to strengthen all of our member organizations and increase their skills, professionalism, and ability to provide quality and accessible services to their clients. LAF does this through development of practice manuals, trainings, experience sharing and through study visits to legal aid providers in other countries.

Based on the capacity building needs of justice sector actors, trainings are organized with the aim of improving the respect of humans through the services provided to the population. Different actors within the Justice Sector such as police officers, prosecutors, judges, advocates, prison staff, professional bailiffs, paralegals and Civil Society organizations, etc. are trained to increase their skills and professionalism. In 2016, LAF conducted trainings for a total number of 923 persons of the justice sectors.

**Direct Legal Services**

In 2008 LAF established a ‘Legal Aid Civil Society Fund’ to which members can apply for funding for specific legal aid projects. Most projects work with communities who do not currently have access to legal aid services such as detainees and those in rural areas. In addition to the increase of the legal aid services provided to poor and vulnerable communities, especially in rural areas, those projects have also permitted the increase of awareness about their rights.

Furthermore, LAF organized every year the ‘Legal Aid Week’ with the aim of informing people about the availability of legal aid providers and the services they can offer and to provide legal education and advice. For many beneficiaries the Legal Aid Week has been their only opportunity to access legal services.

Otherwise, since its establishment in 2006, the Legal Aid Forum has advocated actively for access to justice for vulnerable and poor people. One result is the adoption of the Law on the Bar allowing lawyers from civil society organizations to represent clients in court. It is with this background that the Legal Aid Forum provides free legal representation to poor and vulnerable people with a focus on prevention and early resolution of legal problems.

Finally, the work of LAF as a platform including 38 members organizations providing legal aid services allows them to come together to share best practices and experiences.

**Challenges:**

A major challenge identified by the LAF is the high turnover of laws due to the fact that Rwanda is currently undergoing a process of massive legal reform. Although welcome, it also means that there is a constant need for training to ensure that all are familiar with the law. This is linked to funding challenges, as money must be sourced from already allocated funds to facilitate these trainings.

Also issues including the insufficient representation of the needy in criminal matters, the scarcity of legal aid providers in rural areas as over 85% of advocates are located in Kigali whereas most
potential legal aid recipients are located in rural areas, an open-ended ADR system resulting in people seeking dispute settlement from multiple institutions at the same time, insufficient legal aid funds, and lack of a coordinating body to plan, fund, coordinate, monitor, evaluate and report on the provision of legal aid make it difficult to implement the access to justice policies.

Paralegals in Rwanda - Background:

As a country emerging from a recent period of intense conflict involving genocide every sector of society in Rwanda was affected from infrastructure to the law and justice system. Following the truth and reconciliation process, the government now retains its commitment to ensuring justice.

The idea of having lay people involved in legal processes in Rwanda developed in the aftermath of the genocide in 1994. The government trained people with secondary level education in basic legal skills to serve as judges, prosecutors and defence lawyers and try matters at a community level. After a year of this formal process, government reverted to *gacaca* courts as an alternative mediation space to resolve the issues that arose. The *gacaca* courts were created to deal specifically with genocide cases and once all cases were tried they were declared defunct. However, mediation committees have been developed called *abunzi* committees. Per legislation, if the complaint value of a matter, excluding criminal matters, is lower than 5 million it must go through mediation.

Legal aid in Rwanda is accessed through seven categories of state- access to justice bureaus, mediation committees (Abunzi) and non-professional bailiffs and non-state institutions; university legal aid clinics, Rwanda Bar Association, professional bailiffs and civil society organisations.

The Legal Aid Forum in Rwanda is a network of 33 Rwandan and international organizations working in the field of the rule of law and human rights. The Forum is registered under Rwandan law. It has produced a series of tools and materials, including a directory for civil society legal aid providers. The Forum raises public awareness of the need for legal aid services in Rwanda and of the key providers. The Forum holds an annual Legal Aid Week in collaboration with the Ministry of Justice. The Forum is also a joint effort by its members to collectively monitor economic development and poverty reduction strategy indicators in relation to access to justice and legal aid. The Forum engages in advocacy through participation and contribution to the development of a national legal aid policy framework for Rwanda. The Forum runs a legal aid fund, through which rural-based legal aid service delivery is prioritized and funded. Work continues in the areas of capacity development, monitoring and evaluation, research, documentation and policy advocacy.

Rwanda has developed programs such as the Economic Development and Poverty Reduction Strategy (EDPRS I & II) and Vision 2020 development goals to guide the socio-economic and justice sector transformation of the country.

The Justice Sector in Rwanda was officially established in 2010. It serves as a structure which coordinates the work of state and non-state actors in the courts, government, military, civil society and the private sector to reach common objectives. The entities are tasked with strengthening the rule of law, promoting good governance and a culture of peace.
Paralegal Africa

The Justice Sector in Rwanda shows progress in its quest to promote good governance and the rule of law, a large part of which requires ensuring access to justice. Laws and policies have been enacted and adopted to facilitate the provision of the legal aid services to indigent and vulnerable people, and legal aid services have been decentralized.

1,032 paralegals distributed among 10 organisations, paralegals in Rwanda provide a wide range of legal services to the local community, including legal information/education (most of the time, based on the problems face by the local community), legal advice, mediation services, orientation/accompaniment of their beneficiaries, etc.

In their interventions, paralegals deal mainly with civil issues (mostly on land, inheritance and family matters) and in some instances with worker’s issues (this is the case for trade unions) or criminal matters (mostly on domestic violence). In terms of profile, most paralegals are between 30 and 40 years old, therefore experienced and knowledgeable of the social issues and dynamics of the local community in which they intervene. Given that paralegals have to build confidence and knowledge while providing legal aid services to their beneficiaries, and that they also need to develop good working relations with the local institutions, this average age offers greater potential for an effective intervention of paralegals in their local community. The gender dimension is also well represented with more than 70% of women among paralegals.

Accessing the paralegalism sector is made through quite different mechanisms: the persons interested to work as paralegals often take the initiative to contact directly the organisations with paralegals programmes. Potential paralegals are also identified by their local environment (e.g. local authorities, churches, mosques, schools) directly in their own community. This diversified access helps ensuring that paralegals’ social background is representative of the Rwandan society and that paralegals are responsive to the needs of the local community.

Paralegals in Rwanda – Additional Information:

**Applicable Constitutional obligations:** Article 15 of the Rwandan Constitution, Article 18, Article 29.

**Applicable Legislation:** The Code of Criminal Procedure adopted in 2004 provides, in Articles 38 and 39, that any criminal defendant has a right to be informed of the charges against him or her and also creates a right for legal representation including seeking assistance from the Bar Association where he/she cannot afford counsel. In addition, Article 2013 of the same law makes it mandatory for children to have legal counsel while appearing before a court of law.

Further legislation such as Law N° 47/2013OF 16/06/2013 Relating to the Transfer of Cases to the Republic of Rwanda deals specifically with accused persons transferred from the International Criminal Tribunal for Rwanda (ICTR) and other States in cases relating to genocide and other international crimes. The law provides that the accused shall be entitled to counsel of his choice in any examination. In case he/she has no means to pay, he/she shall be entitled to a legal representation.
The law relating to the Rights and Protection of the Child against violence also states in its Article 21, that the State, where necessary, shall provide legal assistance to children without a guardian when they are involved in court cases.

Article 8 of the Law relating to people with disabilities states that: “A disabled person shall have the right to legal representation like any other person in courts of law as determined by law. The State shall determine the modalities of providing legal aid to the needy disabled persons who are not able to get legal representation.” The law further states that “various organs shall facilitate the disabled persons in acquisition of the required services at any time it is considered necessary.”

**Training required:** Initial training as paralegals (usually provided internally, by the legal officer or equivalent) is quite short and their continuing training not yet organised on a systematic basis. Consequently, paralegals’ training is found insufficient (both in terms of duration and topics covered) by most organisations and considered as one of the major constraints paralegals face in their work.

**Organizations:** Haguruka, Legal Aid Forum, AVEGA, DUFATANYE, ADEPE, AJPRODHO, CLADHO, HRF Rwanda, CESTRAR, COSYLI, CDJP Nyundo