

6. Annexes

6.1. Annex 1: EDPRS 2 Core Indicators Monitoring Matrix

EDPRS 2 Outcome	Indicator	Unit	Baseline (2012) Value	2013/14 Targets	Policy Actions	Responsibility for Reporting	Progress against Policy Actions (Are fully achieved or partial achieved)
Enhanced rule of law, accountability and business competitiveness environment	Adult population with confidence in the control of corruption, transparency and accountability	Percent	77.1 (2012)	At least 80% of embezzled recoverable microfinance institutions' funds recovered	<ol style="list-style-type: none"> 1. Review legal framework for prosecuting those who cause loss to government and streamline the collaboration mechanism between stakeholders 2. Recover funds and prepare periodic report on state funds recovery 	JRLOS	<ul style="list-style-type: none"> - The Ministry of Justice (MINIJUST) drafted Legal framework for prosecuting those who cause loss to Government. The legal framework will be discussed between all government institutions before its publication and enforcement. - The status of defaulters was updated. It shows that from 2009 to March 2014: 82 Case files (involving 128 Defaulters and Rfr 1,569,321,976 alleged embezzled microfinance funds were received by NPPA from the RNP. Of these, 78 cases (95.1%) case files which include 123 Defaulters and involving Rfr 1,553,994,711 have been prosecuted; prosecution is ongoing for 4 case files (5 Defaulters and involving Rfr 15,327,265). - A task force for strengthening the framework for recovery of microfinance funds was established. It comprises MINIJUST, MINALOC, BNR, NPPA and AMIR. As a result, Rfr 50,300,000 was recovered during 2013/14. The total microfinance funds recovered from 2006 to April 2014 is Rfr. 331,100,000 representing 21.3%.

6.2. Annex 1.1: Sector EDPRS 2 Indicators Monitoring Matrix

EDPRS 2/ Sector Outcome	Indicator	Unit	Baseline (2012) Value	2013/14 Targets	Policy Actions	Responsibility for Reporting	Progress against Policy Actions (Are fully achieved or partial achieved)
OUTCOME 1. Enhanced Sector Capacity & Coordination	General publics' / Justice system users' confidence in the sector capacity and coordination	%		1% increase	1. Approve and adopt the JRLOS Integrated Electronic Case Management System (IECMS)	JRLOS	<u>Fully achieved:</u> A comprehensive IECMS Enterprise Architecture was finalized and approved by JRLOS. The next target is hardware procurement and installation to be implemented during 2014/15
					2. Establish and make fully operational six decentralised JRLOS committees at the district level	JRLOS	<u>Will be fully achieved:</u> A Ministerial instruction for the establishment and functioning of the Committees at the district level was published in the official gazette; the committees will be established in all 30 districts by June 2014.
OUTCOME 2. Strengthened Universal Access to quality Justice	% of the general public (disaggregated) expressing confidence that universal access to quality justice is			1% increase	1. Improve the management of civil, criminal and commercial	JRLOS	<u>Fully achieved:</u> With a target of 53,760 cases, a total of 54,905 cases (102.1%) were processed from July 2013 to March 2014.
					2. Establish and implement the Legal Aid Policy	JRLOS	<u>Will be fully achieved:</u> The draft National Legal Aid Policy was approved by JRLOS organs and submitted to Cabinet for adoption.
					3. Reinforce justice delivery at local level by increasing the number of cases settled by	JRLOS	<u>To be fully achieved:</u> ✓ The draft Organic Law amending the Abunzi law was passed by the Chamber of Deputies and is pending adoption by the Senate ✓ Against a target of 85%, a total of 57,473 cases

	provided in Rwanda				mediation committees (Abunzi)		were processed by Abunzi from January 2013 to December 2013. Of these, 47,520 (82.5%) were settled while 8,231 (14.5%) mediated but proceeded to ordinary courts.
OUTCOME 3. Effectively combated impunity for international crimes and genocide ideology; strengthened truth-telling and reconciliation	Rwanda Reconciliation barometer			1% increase	1. Accelerate the prosecution and judgment of international crimes including genocide fugitives		<ul style="list-style-type: none"> ✓ 28 Indictments have been drafted and sent; 64 genocide fugitives' case files have been completely investigated and 13 are ongoing while 3 data entry Clerks have been recruited in collaboration with Dutch Embassy to strengthen the Genocide Fugitives Tracking Unit. ✓ 7 files were transferred from ICTR out of which 2 suspects were extradited/transferred to Rwanda and are being prosecuted ✓ 2 other suspected were transferred to Rwanda from other countries are being prosecuted ✓ 1 Prosecutor and 1 Legal Advisor were recruited to strengthen the International Crimes Unit.
					2. Foster the promotion of unity and combat genocide ideology through the organization of community dialogues and awareness raising		<ul style="list-style-type: none"> ✓ "Walk to Remember" across Rwanda and around the world was organized and coordinated, 20th Commemoration of Genocide Perpetrated against the Tutsi was organized, an International conference on genocide organised, and a conference on 65th anniversary of the United Nations Convention for the Prevention and Punishment of the Crime of Genocide on 9th December 2013 was organized in 33 Higher Learning Institutions ✓ 152,685 people were sensitized on fighting against genocide and preventing its ideology in different areas, 2,361 university students and teachers in the country and abroad were given lectures on

						<p>history of genocide perpetrated against the Tutsi in 1994 and were sensitized on fighting against genocide and its ideology.</p> <p>✓ 152 radio talk shows conducted on fighting against and prevention of genocide and its ideology and interactive discussions were conducted in all villages in the country and across different public and private institutions.</p>
OUTCOME 4: Enhanced rule of Law, Accountability & competitiveness	% of the general public expressing confidence that the rule of law and accountability are respected in Rwanda	%		1% increase	<p>1. Improve the legal and policy framework affecting the administration of justice</p> <p>2. Strengthen the mechanisms to fight injustice and corruption</p>	<p>✓ The law governing the functioning of the Office of the Ombudsman, the Rwanda Bar Association law was amended to strengthen the role of the advocates and access to justice, the MINIJUST and Rwanda Law Reform Commission legislations were amended to streamline their mandate for better administration of justice. In addition, the Justice for Children's Policy was approved by JLOS organs and is pending adoption by Cabinet.</p>
OUTCOME 5: Maintained safety, law & order and enhanced adherence to Human Rights.	% of the general public expressing confidence that safety, law & Order are maintained, and Human Rights are adhered to	%		1% increase	<p>1. Improve the community participation and awareness of crime prevention through continuous training of Community Policing Committees (CPC) and the</p>	<p>✓ 500 people were trained to become CPC Trainers, 4,727 CPCs trained on community policing concepts, Security enforcement and Crime prevention, 170 D/CLO's and CLO's attended training on community policing concepts, awareness campaigns were conducted in 30 schools on fighting against illicit drugs, 72,550 refugees living in different camps were sensitized on their importance in crime prevention and reduction of crimes, Anti -Gender Based Violence, reduction of drugs abuse, community Policing concepts and environmental protection. In</p>

	in Rwanda				<p>establishment of anti-crime clubs.</p> <p>2. Improve the crime prevention capacity by continuous training of police officers in various specialized courses</p> <p>Improve detention facilities and conditions</p> <p>3. Improve the productivity in Rwanda</p> <p>Correctional Service and gradually increase the revenue generated</p>		<p>addition, 1 Police Officer was trained on Cybercrime Law Legislation, and 4 Police officers were trained on "Cyber security course, while 7 Pilots are still undergoing training.</p> <p>✓ 100 Anti-crime clubs were established in 100 Schools with the aim to sensitize the students on the negative consequences of illicit drugs use.</p> <p>✓ 527 Investigators were trained in different disciplines such as Exhibit Handling, Basic Criminal Investigation, Crime Scene Management, Fire and Arson Investigation, Familiarization with new Penal Code, Effective coordination on criminal investigation, Rule of law and Crime security photograph.</p> <p>✓ Curriculum for formal and informal education were developed, syllabus for vocational training are being developed. Concept papers and memorandums of understanding were initiated with partners to design streamlined civic and rehabilitation programmes for inmates and tigistes. Lastly, mechanisms were initiated to create a company under supervision of RCS that can easily compete and work in close synergy with the national supply chains.</p>
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6.3. Annex.2: Linkage between 2014/15 priorities, budget and planned studies

2014/15 Sector indicators and policy actions							2014/15 planned studies	
EDPRS2/ Sector outcome	Sector outcome indicator	Baseline	2014/15 Targets	2014/15 Policy Actions	Budget Program	2014/15 Budget	Planned Analytical Work	Funding Source
Outcome 1: Enhanced Sector Capacity and Coordination (SSP)	Service delivery in the Justice Sector	69.9% (2012)	72%	1. Implement the Integrated Electronic Case Management System (IECMS) by installing equipment/hardware	Administrati on and Support Services	218,420,000		
				2. Fast-track ILPD reforms aimed at adopting a business model, and increase intake/output to 380 (Diploma) and 450 (other skills courses)	Provision of professional legal courses and research	562,445,540	-	
Outcome 2: Strengthene d Universal Access to quality Justice	Performan ce of the Judiciary	74.96% (2012)	76%	1. Restructure the functioning of the court system to ensure increased efficiency and speedy processing of cases.	Administratio n and support services	11,441,297,657	-	-
				2. Fast-track efforts to eliminate case backlog in the Supreme court				
	Access to Legal Aid	67.18% (2012)	70%	1. Strengthen the functioning of Mediation committees (Abunzi) through training and provision of materials and resolve 88% of cases received	Community Legal Services and Human Rights	117,855,120	-	
				2. Implement the National Legal Aid Policy to increase the number of people receiving legal aid by 5%.		1,001,881,155		
Outcome 3: Effectively	N° of indictment s for	50 (2012/13)	252	1. Strengthen the genocide fugitives tracking Unit to reinforce its human resources,	Providing Efficient and	63,124,000 (GoR:	-	-

combated impunity for international crimes and genocide ideology; strengthened truth-telling and reconciliation	international crimes including genocide			technical capacity and transportation facilities. 2. Reinforce NPPA's ability to actively follow up on the trial process of international crimes including genocide.	Effective Prosecutorial Services	4,500,000, Netherlands Project: 58,624,000)		
	Reconciliation, Social Cohesion and Unity	83.4% (2012)	84%	1. Promote dialogue and raise awareness for unity and reconciliation to reduce the number of Rwandans who judge each other based on ethnic stereotypes from 30.5 in 2010 to 25%.	Conflict prevention and management ; Unity and Reconciliation monitoring	260,030,000	Undertake the Rwanda Reconciliation Barometer II	UNDP, Secured
				2. Promote and preserve Gacaca Courts records by establishing Gacaca archives and documentation Centre.	Genocide research & documentation	70,000,000	Study on digitalisation of Gacaca documents	Partially secured under One-UN project
Outcome 4: Enhanced rule of Law, Accountability and Competitiveness	User's perception of the quality and impact of Rwandan laws	N/A	Baseline established	1. Conduct a study on the Quality and Impact of Rwandan Laws.	-	Under mobilisation	Study on the Quality of Rwandan laws	Still under mobilisation
				2. Develop a legislative drafting, coordination and procedures manual for the legislative process to ensure stakeholder participation and quality legislation.	-	No budget required		
	Control of corruption, transparency and accountability	77.1% (2012)	73%	Reinforce the mechanisms to accelerate investigation and prosecution of alleged corruption.		27,781,818		

Outcome 5: Maintained safety, law & order and enhanced adherence to Human Rights.	Reduced serious crimes ¹	11.3% reduction (2013/14)	5% reduction	1. Identify, document and fight crimes by training 275 Police Officers in crime prevention techniques	Crime intelligence and detective services	214,000,000 (to be approved by the NCBS)	-	-
				2. Restructure and strengthen the functioning of Kigali Forensic Laboratory by providing equipment, and training to users in the forensic sector.		-	Conduct a comprehensive needs assessment for the Forensic sector	Still under mobilisation
	Personal and Property Safety	91.6% (2012)	92%	3. Reinforce disaster management capacity through acquisition of 6 fire fighting rapid response vehicles and gadgets.	Specialized Police Services	1,201,316,144	-	-
				4. Improve community participation and awareness on crime prevention by training 1200 CPC members and creating 60 anti-crime clubs	General Police operations	70,050,000	-	-
	Self-reliance rate [self-reliance rate=income generated/budget for inmates' feeding]	35% (2012/13)	55%	3. Proactively promote self-reliance values and enforce policy for maximum utilization of available manpower in high-yield industries	Prisons and TIG camps income generation	550,683,332	-	-
				4. Promote measures for prisoner behavioral and mind set change to prepare them for reconciliation and integration back in society				

¹ Serious crimes include Murder, armed robbery, breaking in, theft, rape and defilement

6.4. Annex.2.1a: New Sector EDPRS 2 Indicators Monitoring Matrix

EDPRS Outcome	OUTCOME Indicators	Unit	Indicator Definition	Baseline	Target				Responsibility for Reporting	Data Source
					2014/15	2015/16	2016/17	2017/18		
Enhanced rule of law, accountability and business competitive environment	1. Access to legal aid	Number	- Ratio of those receiving legal aid to the total of those who requested for it - level satisfaction with MAJ and Abunzi Services	67.1% (2012)	70%	72%	74%	76%	JRLOS	GSC/ RGB
	2. Performance of the Judiciary	Percent	- Ratio of cases processed against those registered - Ratio of backlog cases - Level of satisfaction with fairness of courts	74.96% (2012)	76%	77%	78%	80%	JRLOS	GSC/ RGB
	3. Control of corruption, transparency and accountability	Percent	- Level of satisfaction with control of corruption - Level of satisfaction with transparency and accountability of institutions of trust - Ratio of asset declaration	77.1% (2012)	73%	75%	78%	80%	JRLOS	GSC/ RGB
	4. Reduced serious crimes ²	Percent	The ratio of serious crimes reduced in an area to the population of that area; expressed per 1000 population per year	11.3% reduction (2013/14)	5% reduction	6% reduction	7% reduction	10% reduction	JRLOS	RGB

² Serious crimes include Murder, armed robbery, breaking in, theft, rape and defilement

Annex.2.1b: Policy actions for 2014/15

EDPRS Outcome	OUTCOME Indicators	Policy actions
Enhanced rule of law, accountability and business competitive environment	5. Access to legal aid	<ol style="list-style-type: none"> 1. Strengthen the functioning of Mediation committees (Abunzi) through training and provision of materials and resolve 88% of cases received 2. Implement the National Legal Aid Policy to increase the number of people receiving legal aid by 5%.
	6. Performance of the Judiciary	<ol style="list-style-type: none"> 1. Restructure the functioning of the court system to ensure increased efficiency and speedy processing of cases. 2. Fast-track efforts to eliminate case backlog in the Supreme court
	7. Control of corruption, transparency and accountability	<ol style="list-style-type: none"> 1. Reinforce the mechanisms to accelerate investigation and prosecution of alleged corruption and increase corruption cases received and completed by 5%.
	2. Serious Crime Rate	<ol style="list-style-type: none"> 1. Identify, document and fight crimes by training 275 Police Officers in crime prevention techniques 2. Restructure and strengthen the functioning of Kigali Forensic Laboratory by providing equipment, and training to users in the forensic sector.

Beoordelingsmemorandum ODA tot € 250.000

Nederlandse bijdrage tot 250.000 euro/ Ophoging committering tot 25% van het oorspronkelijke bedrag

I GEVRAAGD BESLUIT BETREFT

Voor toelichtingen op de OS beleidsgegevens wordt verwezen naar het OS gegevenswoordenboek

Voor overige toelichtingen wordt verwezen naar de alfabetische begrippenlijst en links naar het Rijksportaal

Activiteitsnummer	27470
Naam activiteit	Rwanda Netherlands Advisory Panel on Justice and Rule of Law
Korte omschrijving	<p>- Op 13 november 2014 ondertekenden de Rwandese Minister van Justitie en R een Memorandum of Understanding (MoU) '... establishing a Rwanda-Netherlands Advisory Panel of Justice and Rule of Law'. In het MoU is opgenomen, sectie 4, artikel 12, dat kosten gepaard gaande met de kosten van het Panel door NL worden betaald. Daarnaast verwijst artikel 13 van het MoU naar de rol van het JRLOS secretariaat: deze is verantwoordelijk voor de organisatorische aspecten van het Panel en daarbij behorende kosten.</p> <p>- On 13 November 2014 the Rwandan Minister of Justice and the Netherlands Minister for Foreign Trade and Development Cooperation signed a Memorandum of Understanding '... establishing a Rwanda-Netherlands Advisory Panel of Justice and Rule of Law'. This MoU states that, section 4, article 12, that costs for the Panel will be covered by the development budget of the Netherlands' Embassy in Rwanda. Article 13 states that the JRLOS secretariat will be responsible for the organizational aspects of the Panel.</p>
Budgethouder	KIG
Datum ontvangst aanvraag	n.v.t. – betreft de datum van ondertekening van het MoU, 13/11/2014
Uitvoerende organisatie(s)	MiniJust: het JRLOS secretariaat
<u>Juridische relatie</u>	Arrangement
<u>Committering in vreemde valuta (indien van toepassing)</u>	n.v.t.
<u>Corporate rate</u>	
Committering in euro	EUR 100.000
SBE	

Begindatum activiteit	1 april 2015		
Einddatum activiteit	30 juni 2018 (einddatum MoU)		
Begindatum contract	1 april 2015		
Einddatum contract	30 juni 2018		
<u>Hulpmodaliteit</u>	Overige Hulp		
<u>Donor rol</u>	Silent donor		
<u>Technische assistentie</u>	Nvt	Niet van toepassing	
<u>Land/regio begunstigde</u>	Rwanda		
Landen binnen de regio (indien van toepassing)	N.v.t.		
Locatie binnen het land (zo specifiek mogelijk)	Stad	Naam locatie(s):	Kigali
<u>CRS Code</u>	15130		
<u>Beleidskenmerken gewicht 'principal'</u>	Institutionele ontwikkeling		
<u>Beleidskenmerken gewicht 'significant'</u>	n.a.		
<u>Specifieke toezeggingen van de Minister en/of Staatssecretaris (special pledges)</u>	Betreft door R ondertekend MoU: opzet van een functionerend Rwanda Netherlands Advisory Panel on Justice and Rule of Law waarbij kosten tlv NL komen. Het JRLOS secretariaat is verantwoordelijk voor de organisatorische aspecten inclusief verantwoording van gemaakt kosten. Deze laatstgenoemde komen ten laste van deze activiteit.		

II. BEOORDELING ACTIVITEIT

2.1 Bijdrage activiteit aan beleidsdoelstellingen van BZ (beleidsrelevantie)

2.1.1 Algemeen

NL is sinds geruime tijd de grootste donor van de Rwandese justitiesector (JRLOS). Hierbij heeft NL onder andere bijgedragen aan de versterking van de sector in materiële (infrastructuur) en immateriële zin (capaciteitsopbouw, training etc.).

NL ondersteunt de justitiesector middels Sector Budget Support. Daarnaast ondersteunt NL ook activiteiten van niet gouvernementele organisaties op justitie-terrein.

NL voert met Rwanda een beleidsdialoog over de voortgang van de justitiesector. Deze wordt, naast het gebruikelijke bilaterale kanaal, gevoerd binnen het kader van de JRLOS Sector Working Group. NL is co-voorzitter van deze groep.

Op 13 november 2014 werd een MoU getekend door de Rwandese Minister van Justitie en R voor de oprichting van een bilateraal justitiepanel. Dit Panel beoogt de dialoog op justitieterrein verder te intensiveren (zie ook para 2 van de bijgevoegde Aide Memoire: doel van het Panel is om de een meer formeel karakter te geven). Het Panel biedt de mogelijkheid om in kleine setting in alle openheid (Chatham House Rules) zaken te bespreken op justitieterrein in de meest brede zin van het woord. Hierbij wordt expertise en kennis uitgewisseld die bijdraagt aan effectiviteit en kwaliteit van de Nederlandse hulp aan Rwanda

In het MoU is opgenomen dat NL de kosten die worden gemaakt ten behoeve van de werkzaamheden van het Panel draagt (artikel 12). Artikel 13 van het MoU geeft aan dat het JRLOS secretariaat van MiniJust verantwoordelijk is voor de organisatorische aspecten van het Panel. Dit betekent dat kosten die voortvloeien uit het Panel door het JRLOS secretariaat worden afgehandeld.

2.1.2 Beschrijving beleidsrelevantie

De beoogde dialoog van het Panel past binnen de doelstellingen zoals geformuleerd in het MASP 2014-2017 voor het speerpunt Veiligheid en Rechtsorde. De expertise- en kennisuitwisseling dragen bij aan verdere versterking van de JRLOS en effectiviteit van de Ndlse ondersteuning van de sector.

2.1.3 Beoordeling beleidsrelevantie

Geef de beoordeling van de beleidsrelevantie van de activiteit in onderstaande tabel.

Nr.	Criteria Beleidsrelevantie	JA/NEE/NVT
Voor alle budgethouders		
2.1.1	De activiteit sluit aan bij een van de operationele doelstellingen van de MvT en daaraan gerelateerde beleidsnotitie (beleidstheorie en <u>interventielogica</u>).	JA
2.1.2	De activiteit sluit aan bij de resultaatgebieden van de <u>speerpunten</u> van OS	JA

2.1.3	De activiteit/interventie vertoont samenhang met de doorsnijdende thema's vrouwenrechten en gendergelijkheid/ klimaat/ PSD en versterking maatschappelijke organisaties	JA
Voor zover van toepassing op de budgethouder		
2.1.4	De activiteit sluit aan bij het jaarplan	JA
2.1.5	De activiteit sluit aan bij de resultaatketen van het MIB/MJSP	JA
Voor activiteiten in het kader van beleidsinstrumenten met specifieke criteria		
2.1.6	De activiteit sluit aan bij de beleidsdoelstellingen van het beleidsinstrument.	JA

2.2 Doelstellingen, resultaten en activiteiten

Doelstelling van het Panel is het intensiveren en verdere formalisatie van de beleidsdialoog tussen Rwanda en NL. Hiertoe wordt jaarlijks een vergadering van het Panel gepland.

Tijdens deze vergadering wisselen de Panelleden (vaste samenstelling bestaand uit een voorzitter (de Minister van Justitie van Rwanda) en een zestal Panelleden per land) kennis en expertise uit over een breed scala van justitieonderwerpen.

De Panelbijeenkomsten resulteren in een structureel samenwerkingsverband/structurele dialoog. Deze dialoog resulteert in aanbevelingen, toename in kennis en expertise wederzijds. Daarnaast dragen incidentele studies, uitnodigen van technische experts en andersoortige activiteiten verder bij aan de dialoog en inzicht (zie ook de bijlage: Aide Memoire en het MoU).

En marge van de Panelbijeenkomsten zullen de Panelleden ook veldbezoeken aan relevante instituties afleggen (in Rwanda en NL). Hierdoor wordt aanvullend inzicht verschaft in hoe beide landen vorm geven aan bijvoorbeeld beleid (voorbeeld: het Nederlands Forensisch Instituut, het NIOD etc.).

Het budget voor het JRLOS secretariaat is bedoeld voor financiering:

- de kosten gepaard gaande met de jaarlijkse organisatie (reiskosten, DSA, locatie etc.)
- eventuele follow-up activiteiten van het Panel (evt studies, inhuur expert etc.)

V. UITVOERINGSPARAGRAAF

EUR 25.000. Een eerste Panelbijeenkomst vindt naar verwachting in mei 2015 plaats.

5.3 Monitoring

MiniJust (het JRLOS secretariaat) zorgt er voor dat EKN een verantwoording van uitgaven en een beknopt verslag van de Panelactiviteiten ontvangt.

5.3.1 Inhoudelijke en financiële rapportages

Aan het eind van ieder Rwandees fiscaal jaar wordt door MiniJust, binnen 2 maanden (1 september), een rapportage van het JRLOS secretariaat via MINECOFIN aan EKN gestuurd. Deze rapportage bevat zowel een beknopte weergave van de Panelbijeenkomst als de verantwoording van gemaakte kosten.

MiniJust dient tevens bij EKN een betaalverzoek inclusief liquiditeitsplanning in voor het nieuwe Rwandese fiscale jaar.

Tevens dient MiniJust een eindrapportage in (1 november 2018).

5.3.2 Jaarplannen + overige rapportages

NVT

5.3.3 Monitoringskalender

Specificatie rapportage eisen ten behoeve van de correcte verwerking in de beschikking / overeenkomst.

Type	Soort + evt. specifieke eisen*	Periode <i>Rwanda fiscale jaren</i>	Indienen
Jaarplan	<i>NVT</i>		
Inhoudelijk verslag	<i>Beknopt</i>	2014-2015 2015-2016 2016-2017	1 september 2015 1 september 2016 1 september 2017
Financieel verslag	<i>Verantwoording gemaakte kosten</i>	2014-2015 2015-2016 2016-2017	1 september 2015 1 september 2016 1 september 2017
Verslag van veldbezoek	<i>NVT</i>	<i>nvt</i>	<i>nvt</i>
Eind inhoudelijk	<i>NVT</i>	2014-2018	1 november 2018
Eind financieel	<i>NVT</i>	2014-2018	1 november 2018
Accountant	<i>NVT</i>	<i>nvt</i>	<i>nvt</i>
Overig in te voeren	<i>NVT</i>		

REPUBLIC OF RWANDA



MINISTRY OF JUSTICE
P.O. BOX 160 KIGALI

04 NOV 2016

Kigali,
N° 2590/0825.NJ/JSCS

The Permanent Secretary and Secretary to the Treasury,
Ministry of Finance and Economic Planning
KIGALI

Dear Sir,

Re: Submission of the report for the Backward- Looking Joint Sector Review 2015/16.

Reference is made to the Terms of Reference for the preparation of the 2015/16 Backward-Looking Joint Sector Review requesting us to lead the exercise and submit a summary report to you;

I have the pleasure to submit the above-mentioned report with its annexes as approved by the JRLOS Joint Sector Working Group meeting that took place on 1st November 2016.

Sincerely,

(10)(2e)

The seal of the Ministry of Justice of the Republic of Rwanda is circular. It features a central shield with a scale of justice, a book, and a torch. The shield is flanked by two olive branches. Above the shield is a banner with the text 'REPUBLIQUE RWANDAISE'. Below the shield is another banner with the text 'MINISTRE DE LA JUSTICE'.

KALIHANGABO Isabelle

Permanent Secretary/Solicitor General

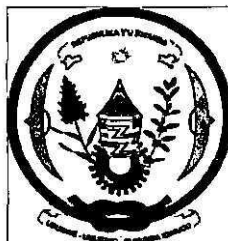
(10)(2e)

Cc:

- Head of Development Cooperation, Embassy of the Netherlands, Kigali
- Members of the JRLO Sector Working Group (all)

Toll Free: 3936 Website: www.minijust.gov.rw E-mail: miust@minijust.gov.rw : @Rwanda_Justice Minijust Rwanda

REPUBLIC OF RWANDA



MINISTRY OF JUSTICE

Justice, Reconciliation, Law and Order Sector Secretariat

Backward Looking Joint Sector Review, 2015/16

Final Report

November 2016

(10)(2e)

i

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ACRONYMS

1. BNR: Banque Nationale du Rwanda
2. CNLG: CNLG: Commission National pour la Lutte contre le Génocide
3. CRBA: Credit reference Bureau Africa limited (CRBA),
4. CSO: Civil Society Organization
5. CUG: Closed User Group
6. DPs: Development Partners
7. EDPRS: Economic Development and Poverty Redaction Strategy
8. FY: Financial year
9. ICT: Information, Communication and Technology
10. IECMS: Integrated Electronic Case Management System
11. ILPD: Institute of Legal Practice and Development
12. JRLS: Justice, Reconciliation, Law and Order Sector
13. JSR: Joint Sector Review
14. LAF: Legal Aid Forum
15. MAJ: Maison d'Accès à la Justice
16. MINIJUST: Ministry of Justice
17. MININTER: Ministère de la Sécurité Intérieure
18. NGO: Non Governmental Organization
19. NHRC: National Human Rights Commission
20. NPPA: National Public Prosecution Authority
21. NURC: National Unity and Reconciliation Commission
22. OAG: Office of Auditor General
23. Q: Quarter
24. RCS: Rwanda Correctional Service
25. RDGIE: Rwanda Directorate General of Immigration and Emigration
26. RGB: Rwanda Governance Board
27. RGS: Rwanda Governance Score Card
28. RLRC: Rwanda Law Reform Commission
29. RNP: Rwanda National Police
30. RNRA: Rwanda Natural Resources Authority
31. RPPA: Rwanda Public Procurement Authority
32. RRA: Rwanda Revenue Authority
33. Rwfs: Rwandan Francs
34. SDGs: Sustainable Development Goals
35. SFCG: Search For Common Ground
36. TBR: Treaty Body Reporting
37. ToT: Training of trainers
38. UN: United Nations
39. UNDP: United Nations for Development Program
40. USD: US dollar

I. INTRODUCTION

The Second Strategy of the Justice, Reconciliation, Law and Order Sector (JRLOS II Strategy) for 2013 – 2018 aims at strengthening of the rule of law to promote accountable governance, a culture of peace, contributing to socio-economic development and enhanced poverty reduction. This objective is in line with key EDPRS 2 Justice Sector priorities such as strengthening the legal and regulatory framework to enhance the rule of law and anti-corruption measures, enhancing community participation and awareness in crime prevention, developing institutional capacity to respond, to investigate and prevent crime, reinforcing legal aid mechanisms, and improving case management procedures.

The above national justice priorities were translated into JRLOS II Strategy under the following five outcomes:

1. Enhanced Sector Capacity and Coordination;
2. Strengthened Universal Access to quality Justice;
3. Effectively combated impunity for international crimes and genocide ideology; strengthened truth-telling and reconciliation;
4. Enhanced rule of Law, Accountability and business Competitiveness;
5. Maintained safety, law & order and enhanced adherence to Human Rights.

The 2015/16 backward Looking Joint Sector Review has the following main objectives:

- i. To assess progress in achieving sector objectives with focus on 2015/16 targets for: EDPRS 2 core indicators (**annex 1.1**), selected sector indicators (**annex 1.2**) and their corresponding policy actions. This will also include a discussion on catch up plans for areas lagging behind;
- ii. To present and discuss budget execution performance (**annex.2.1**) for 2015/16;
- iii. To highlight priority areas for the 2017/18 fiscal year that will inform the planning and budgeting process for institutions in the sector;
- iv. To review progress against implementation of recommendations from the last JSR meetings.

II. PROGRESS IN ACHIEVING SECTOR OBJECTIVES WITH FOCUS ON 2015/16 TARGETS

This section highlights three (3) main sub-sections including:

- EDPRS 2 mid-term assessment report - Control of corruption, transparency and accountability. Lessons learned from the EDPRS 2 implementation are also highlighted.
- Achievements against JRLOS Selected Indicators
- A brief assessment of progress on how relevant cross cutting issues of EDPRS such as gender and capacity building have been mainstreamed.

II.1 EDPRS 2 mid-term assessment report- Control of corruption, transparency and accountability

The EDPRS 2 was adopted by Cabinet meeting in May 2013 and its lifetime extends to June 2018. This mid-term assessment has the objective of taking stock of progress in the implementation of the EDPRS 2. Specifically it was conducted in order to enable the identification of policy actions and targets that need to be fast-tracked as well as assessing the likelihood of meeting the targets in 2017/18.

The analysis of mid-term targets by thematic areas and cross cutting issues showed that in foundational and cross-cutting issues where the JRLOS occurs, 5 (62.5%) targets were achieved, 2 (25%) are on watch and 1 (12.5%) was lagging behind.

Justice related indicators: Confidence in the control of corruption for adult population exceeded the target as it was measured at 79.3 % against 78% EDPRS 2 mid-term target. The key contributing policy actions were the reinforcement of mechanisms to accelerate investigation and prosecution of alleged corruption, embezzlement cases and cases that cause financial loss to the state. Eighteen (18) (100%) mismanaged projects highlighted by the Auditor General Report (2012-2013) were handled and closed, overachieving the target that was to prosecute at least 90% individuals involved in the mismanagement of Government projects. New embezzlement cases received were 92 among which 47 were filed to courts, 24 closed, 4 transferred and equivalent to 12.2% were recovered. The EDPRS 2 assessment highlighted the following success of JRLOS in achieving its EDPRS core indicator.

OUTCOME	INDICATORS	UNIT	EDPRS 2 Target	BASELINE (2013/14)	Actual Performance 2015/16	EDPRS Mid Term targets (2015/16)
Enhanced rule of law, accountability and business competitiveness environment	Adult population with confidence in the control of corruption, transparency and accountability	%	79	73.3(2012)	79.3	78

➤ Lessons learned from the EDPRS 2 implementation

There are important lessons learned from the EDPRS 2, both in terms of the implementation process, coordination and policy direction which could be taken into consideration for more efficiency:

- Home-grown initiatives such as Abunzi (mediators), Imihigo (performance contracts) turned into success stories and strengthened the delivery of justice services;

- At national level, the ownership of the EDPRS 2 by all stakeholders and alignment of all resources to the framework of the EDPRS 2 have allowed to make the EDPRS 2 a useful guiding strategy used by all and facilitating achievements of targets;
- Improved service delivery with ICT based solutions played a big role in the Justice Service Delivery.

However, more efforts should be made to resolve the following issues:

- Insufficient involvement of private sector and cooperatives (NGOs/CSOs) in some areas has affected the quality of policy dialogue;
- Insufficient coordination and communication across sectors as well as between central and local government entities.

II.2 Achievements against JRLOS Selected Indicators

For the sub section related to the progress against 2015/2016 targets and their corresponding policy actions, the data source for all information on performance is administrative data from 2015/16 reports provided by Justice Sector institutions. The following are a summary of implementation progress for selected policy actions and 2015/2016 targets:

≥100% achievement: Achieved	>90% achievement: On-Track	50-90% achievement: On-Watch	<50% achievement: Lagging behind	Not due for reporting/or/not available
6 indicators	0 indicator	1 indicator	0 indicator	0 indicator
8 Policy actions	10 Policy actions	6 Policy actions	1 policy action	0 Policy action

As highlighted in the Rwanda Governance Score Card (RGS 2014), the indicator related to Control of Corruption, transparency and accountability was ranked achieved from 77.1% up to 79.04% against the target of 78% set for 2015/16 FY. The policy actions (Reinforce the mechanisms to accelerate investigation, prosecution of alleged corruption, Strengthen anti-corruption Consultative Councils, Conduct investigation for embezzlement cases highlighted in Auditor General report and Process economic and financial cases received) corresponding to this EDPRS 2 core indicator were successfully implemented. For the policy action “to reinforce mechanisms to recover public assets” which was partially implemented, measures have been put in place. Among them, signing MOUs with selected lawyers to perform public asset recovery, regular publication of list of individuals who own money to Government, a strong collaboration between concerned institutions (RDB, RNRA, RPPA, Credit reference Bureau Africa limited (CRBA), BNR, RRA, Rwanda Directorate General of Immigration and Emigration (RDGIE), etc. (For more details, refer to annex 1.1).

In addition to EDPRS 2 core indicator and its corresponding policy actions, the JRLO Sector has other six (6) indicators: Justice Service Delivery, Performance of the Judiciary, Access to Justice, Reduced Crime and % change in accommodation space per inmate ranked as achieved while the RCS level of Self-reliance rate was ranked on-watch. **The annex 1.2 informs about the achievement of JRLO Sector selected indicators, corresponding policy actions and related catch up plans.**

Beside the achievements against the selected policy actions indicated in the annex 1.2, there are other important achievements registered in 2015/16 FY in area of Human Rights promotion, implementation of Legal aid policy, Justice for Children Policy. Some of those achievements are highlighted as follow:

1. Rwanda was represented in international, regional and national fora on Human Rights and obtained 50 human rights recommendations from Universal Periodic review. The implementation roadmap was validated and shared to stakeholders for implementation.
2. With the purpose of submitting on time TBR(Treaty Body Reporting) reports, the following 3 TBR reports were produced and submitted to Prime Minister Office : the "National Human Right Action Plan"; the "African Charter on Human and People's Rights and Maputo Protocol" and the "African Charter on Democracy , Election and Governance". The report on the Convention against Torture has been finalized and submitted to PMO and to Geneva in the Office of the High Commission of Human Rights.
3. From July 2015 to June 2016, the legal aid was provided to 68,528 people as follow: Abunzi received 47,966 cases and 44,679(93%) cases were fully mediated both at cell and sector level while 786 (2%) continued to formal courts; MAJ staff received and handled 17,869 total cases; 1,622 needy minors were assisted in courts; 775 indigent people benefited a legal representation in Supreme Court; MAJ staffs provided a legal representation to 125 indigent people; RBA provided legal aid to indigent people (PRO DEO) by ensuring a legal representation to 59 people and by giving legal advices to 253 people; LAF provided legal aid to indigent people by ensuring a legal representation to 213 people and by giving legal advices to 776 people; at MINIJUST headquarters, 1357 written legal advices and 800 verbal legal advices were provided.
4. Regarding the operationalization of established JRLOS district committees, committees' members have met in their quarterly meetings to look for solutions of identified matters hindering the development of Justice in their respective Districts. In 2015/16 FY, out of 30 established JRLOS Committees, 7 (23.3%) have met 4 times as required by the Ministerial instructions establishing those committees; 12 (40%) have met 3 times; 4(13.3%) have met 2 times ; 5(16.5%) met only one time while 2 JRLOS District committees (6.6%) have never met in 2015/16 FY. The functioning of the decentralized JRLOS committees is still challenged by: lack of the budget (members are challenged to hold their regular meetings without some facilities like water and transport means; they are also unable to carry out field visits even though necessary); Some district committees don't have all required members (14 committees do not have all required members); Some committees' members do not work in districts in which they are allocated ; some committees are not known by Leaders in their respective districts; there is poor mind set where some committees' members consider the committee work as extra ones thus they

require per diems. As catch up plan, MINIJUST and its stakeholders committed to reinforce the functioning of decentralised JRLOS Committees through the provision of necessary resources.

II.3 Progress on how relevant cross cutting issues of EDPRS have been mainstreamed in JRLOS

- A gender audit study aiming at assessing whether the institutions under the JRLOS have policies, practices, systems, procedures, culture and resources that promote **gender equality and women's empowerment** in all JRLOS institutions was conducted. The implementation of recommendations from this study is in process. In collaboration with One UN, gender audit findings have been published in booklets and disseminated. All reports produced by JRLOS institutions are gender sensitives. Even in selecting the trainees, gender aspect is considered.
- Each year, JRLOS institutions staff in charge of Human Resource Management prepare a joint sector **capacity building** plan to overcome gaps identified in staff skills. Consequently, 428 (102%) staff from the Justice Sector Institutions [254 males and 174 females] have completed their studies in ILPD under DLP program against the target of 420; and a total of 1,186 staff from justice decentralized entities (795 males and 391 females) have been trained in short courses against the target of 1,500 as follow: human rights(72); convention against torture and Treaty Body Reporting (22); mediation (251); human Rights and treaty body reporting(26); judgment execution (68); contract drafting (38); procurement law (36); validation of criminal procedures (37); human Right in detention for RCS Staff (60); ToT on judgment writing (22); validation of sentencing guidelines (24); ToT on pre-trial (23); role of correctional services in criminal process (21); training on sentencing guidelines (220); training on investigation and prosecution of human trafficking (23); training on investigation and prosecution of fraud and money laundering crimes (24); training on law enforcement and correctional intelligence (31); training on public service ethics and law of torts of negligence and malfeasance (37); investigation and prosecution of Genocide and crimes against humanity (24); initial training for judges and registrars (35); training on principles of determination of damages and compensation (6) and training on professional legal practice for Bailiffs (86). In collaboration with NGOs especially RCN and SFCG, Abunzi committees in all districts were trained.

With support by Legal Aid Forum (LAF), 38 Judicial police officers (8 females and 30 males) were trained in Human Rights during the pre-trial phase, 33 lawyers (21 females and 12 males) were trained in area of child rights and child-friendly justice, 63 lawyers (24 females and 39 males) were trained on protection and promotion of children's & women's rights vis-à-vis international instruments, 40 bailiffs (24 females and 39 males) were trained in area of Human rights and the role of Courts Bailiffs in promoting human rights and access to justice and Professional ethics for bailiffs. In addition, 35 (20 females and 15 males) LAF members were trained in Advocacy and governance in justice sector and 30(16 females and 14 males) paralegals trained in Skills and techniques of collecting citizens feedback through the use of ICT.

- In collaboration with the Private Sector, RNP contributed to **disaster management** by acquiring 2 fire fighting trucks and carried out regular awareness campaigns on this cross cutting issues.
- In area of **environment protection**, biogas digesters are taken into consideration while constructing new and modern prisons

III. BUDGET EXECUTION PERFORMANCE

III.1 General Performance

The overall JRLOS budget execution performance rate is **132.1%**. The total JRLOS budget in the 2015/16 financial law was **65,963,762,046** Rwfs and the total expenditure was **87,146,405,645** Rwfs. Over performance in budget execution was due to payment of arrears related to accumulated food's bills from 2013/14 up to 2015/16.

Considering budget execution by each JRLOS institution, former MININTER and allied institutions have spent their budget at the level of **100%**. The Office of Ombudsman and the Judiciary have spent at the level of **99%**. National Public Prosecution Authority (NPPA) has spent at the level of **98%**, NURC and CNLG have spent their budget at the level of **97%**. MINIJUST and its allied institutions have spent the budget at the level of **95%**. The budget performance of MINIJUST was highly influenced by unconsumed amount allocated to "Legal reform program" to finance the law revision project which is lagging behind due to long procurement process. For more details, refer to **annex 2.1**.

III.2 Externally financed budget execution performance

Regarding the externally financed budget, the performance rate is good for some projects and it is bad for others as shown in the following paragraphs:

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- For the project called "**MINIJUST/Rwanda-Netherlands Advisory Panel on justice and Rule of Law**" managed by MINIJUST and financed by the Netherlands, the budget performance rate in 2015/16 was **48.35%**. The project has started in April 2015 and it is supposed to close on 30th June 2018. The time execution rate is at **38%**, and the

cumulative project spending rate is 12.1%. Fortunately, the second advisory panel meeting has taken place in September 2016.

IV. IMPLEMENTATION OF RECOMMENDATIONS OF THE PREVIOUS JSR

This section informs about status against recommendations from the previous JSR meetings and the progress in implementing the 2014/15 Auditor General's recommendations. The table below shows the current status of the recommendations from the Joint Sector Review meetings

RECOMMENDATION	STATUS
Organize JRLOS Midterm Review	JRLOS Midterm Review was organized from 15 th March up to 18 th March 2016
Analytical studies that have been conducted by NGOs should be considered in the Joint Sector Review report. However, the JRLOS institutions should be involved in all process of those studies. In addition, for ownership of findings of the analytical studies conducted within the JRLOS institutions; they should be validated by all Justice Sector Stakeholders.	Some analytical studies are known during Joint Sector Report drafting. It is worth noting that the Public institutions and Civil Societies organizations have to engage all Justice sector stakeholders at the beginning process of analytical studies.
Involvement of all Sector Stakeholders in drafting of JSR reports	It was done. The technicians from all Justices Sector Institutions, Civil Society NGOs, Dps were invited to discuss on 2015/16 JRLO sector performance and agreed upon 2017/18 Sector priorities. The workshop was held at Hill Top from 12 th up to 14 th October 2016. The 2015/16 Backward Looking Joint Sector Review Draft Report was approved at this level.
Regarding that there were not enough consultations before selecting and domesticate the SDG's indicators to be monitored by the sector, a workshop to agree upon relevant JRLOS SDGs should be organized.	The workshop to agree upon the SDGs Sector Selected indicators was organized with support of One UN from 8 th up to 9 th September 2016 at Lemigo Hotel.
Archive electronically the JSR meetings documents	Storage Space on MINIJUST Server was created to allow the archive of JSR meetings documents. (MINIJUST Web site, About us, Justice Sector, JRLOS Documents)
Validation of terms of references for analytical studies conducted within JRLOS	No ToRs were validated till now.

In 2014/15, only 2 JRLOS Institutions namely MINIJUST and ILPD were audited.

- For FY 2014/15 MINIJUST got a clean Audit Report. Four (4) recommendations against 6 issued to MINIJUST are fully implemented while 2 recommendations (**Public Asset recovery and reconciliation Tax records between MINIJUST account and RRA account**) are partially implemented as indicated in the 2014/15 OAG audit report.
- For 9 audit recommendations issued to ILPD, 8 were fully implemented while 1 (Non – reimbursement of 6,718,628 RWF and 48,306 Euros provided to Nyangezi Gael for his studies) is partially implemented.

V. STATEMENT OF 2017/18 BROAD PRIORITY AREAS

In identifying the priorities, the JRLOS institutions considered the initiatives that will contribute significantly to the EDPRS 2 targets and Justice Sector priorities and support effectiveness and efficiency across the entire sector. Other priorities which are also part of the JRLOS targets for 2017/18 will be captured under the JRLOS work plan and institutional action plans. The broad priority areas are listed below under the relevant outcome area.

Outcome 1. Enhanced sector capacity and coordination

1. Implement the Sector Integrated Electronic Case Management System (IECMS);
2. Reinforce Sector Capacity by Developing and implementing Sector Need Assessment, Second phase of ILPD building finalized.

Outcome 2. Strengthened Universal Access to Quality Justice

1. Management of civil, criminal and commercial cases improved by restructuring the functioning of the courts; Primary courts buildings in Kigali expanded, Commercial court building;
2. Justice delivery at local level reinforced by strengthening the Abunzi functioning through training, provision of materials and relevant incentives for income generation and Legal aid and Children Policies implemented;
3. Justice Sector Districts Coordination Committees enhanced by insuring capacity building and providing operational resources.

Outcome 3. Effectively combated impunity for international crimes and genocide ideology; strengthened truth-telling and reconciliation

1. Gacaca archive established and operationalized and documentation Centre established and operationalised and well conserve the memory of genocide against the Tutsi;
2. Continue to promote unity and reconciliation
3. Reinforce measures to expediate prosecution and judgement of genocide fugitives abroad