



**Ministry of Public Service and Labor
MIFOTRA**

**Functional Review Report
Ministry of Justice
MINIJUST**



April, 2008

PRELIMINARY NOTE

This report is the result of a team work in which the executives of the Ministry of Justice and in particular the Secretary General for carried out work.

We wish to thank them for their availability, their real interest for carried out work and their willingness showed to very quickly implement the improvements of operation which will be proposed.

We particularly wish to thank the Minister of Justice who mobilized his team and clearly showed his desire for reform and modernization in the organization he leads.

ACRONYMS

ASI	Adam Smith International
BTC	Belgian Technical Cooperation
CSO	Civil Society Organization
DC	District Court
DFID	Department for International Development
DTC	District and Town Court
EDF	European Development Fund
EDPRS	Economic Development and Poverty Reduction Strategy
EU	European Union
FARG	Genocide Survivors' Assistance Fund
GoR	Government of Rwanda
GTZ	German Agency for Technical Cooperation
HCR	High Court of the Republic
ICTR	International Criminal Tribunal for Rwanda
ILAC	International Legal Assistance Consortium
MCC	U.S. Millennium Challenge Corporation
MIFOTRA	Ministry of Public Service and Labor
MINALOC	Ministry of Local Government, Good Governance, Community Development & Social Affairs
MINECOFIN	Ministry of Finance and Economic Planning
MINIJUST	Ministry of Justice/ Attorney's General Office
MININTER	Ministry of Internal Security
MIS	Management Information System
MTEF	Medium Term Expenditure Framework
MVK	Town Council of the City of Kigali
NGO	Non-Governmental Organization
NIS	National Institute of Statistics
PAACTR	Project to Assist the Administration of Courts and Tribunals in Rwanda
PACT	Project to Assist Courts and Tribunals
PC	Provincial Court
PCKC	Provincial and City of Kigali Courts
PRSP	Poverty Reduction Strategy Paper
RDSF	Rwanda Decentralization Strategic Framework
RIAM	Rwanda Institute of Administration and Management
RWF	Rwandan Francs
SC	Supreme Court
SCJ	Superior Council of the Judiciary
TIG	National Secretariat for Community Service Labor
UNDP	United Nations Development Program
WB	World Bank

Table of Contents	Page
1. Introduction	5
2. Situational Analysis of the Institution	5
A. Institutional Strengths	6
B. Institutional Weaknesses	7
C. Opportunities	7
D. Threats	8
3. Comments/ Recommendations	8
4. Common Strategic and Cross-Cutting Issues	12
5. Innovative Systems Processes, and Other Best Practices	13
 Annexes	
Annex A. ORGANISATION STRUCTURES AND PROCESSES	16
A.1. Legal and regulatory environment.....	16
A.2. Changes in major functions and responsibilities since 2004.....	17
A.3. Services provided by outsourced or decentralised bodies.....	18
A.4. Any apparent gaps, overlaps or duplications.....	18
A.5. Objectives, functions and principal tasks.....	21
A.6. Collaboration among the units.....	24
A.7. Principal business processes and systems	25
A.8. Links within Units and bodies	28
A.9. Potential for further decentralisation or outsourcing.....	29
Annex B. PERFORMANCE AND CAPACITY	31
B.1. Evidence about performance in discharging key functions	31
B.2. Evidence of changes in levels of performance since 2004.....	40
B.3. Capabilities of Ministry staff	41
B.4. Resources available to Ministry staff.....	45
B.5. Resources provided by external sources.....	48
B.6. Changes in total capability since 2004	48
B.7. Other data	49
Annex C. Lists of contacted persons.....	52
Annex D. Consulted documents.....	51

1. Introduction

This functional review is one of 16 rapid reviews that are being undertaken by Adam Smith International (ASI) with funding from DFID as a contribution to civil service reform under the leadership of MIFOTRA. The methodology used has followed guidelines agreed to by MIFOTRA and ASI in the Inception Report dated January 2008.

2. Situational Analysis of the Institution

2.1 Mandate and Functions of Ministry of Justice

The mandate and functions of MINIJUST are defined in the Prime Minister's Decree No. 18/03 dated 10/09/2007¹ which establishes the Mandate and Structure of the Ministry of Justice as follows:

- (1) Effecting administration of law and justice as well as constitutional governance
- (2) Promoting adherence to the rule of law and natural justice
- (3) Advising the Government and its allied institutions on all legal matters
- (4) Providing legal representation to the Government and its allied institutions
- (5) Providing legal advice to all the institutions of the State
- (6) Representing the Government in disputes to which it is a party at the national and international level
- (7) Coordinating of national legislation
- (8) Coordinating donor activities in the Justice Sector

To undertake these functions, MINIJUST must collaborate with 13 other Justice Sector institutions including: The National Prosecutor's Office, Supreme Court, National Gacaca Service, National Secretariat for Community Service Labor (TIG), Institute of Legal Practice and Development (ILPD), Ombudsman, National Police, MININTER, National Police (RNP), National Commission for Unity and Reconciliation (NHRC), Prisons, Military Prosecution and the Military High Courts.² The Gacaca courts that try all genocide cases below the Category 1 that is tried in the Supreme Court system are supervised by MINIJUST.

The following structures are established in the aforementioned decree inside the Ministry of Justice:³

¹ See Table 1 in the Annex.

² See Annex A.4.

³ See Organizational Chart in Annex A.4.

- (1) The Office of the Attorney General/Minister of Justice
- (2) The Office of the Secretary General
- (3) The Civil Litigation Services
- (4) The Legal Advisory Services
- (5) The Legislative Drafting Services
- (6) The Community Programs, Human Rights and Legal Aid Services

The Ministry's mandate is also defined in its Strategic Plan for 2007-2010 as follows:

“The mission of the Ministry of Justice is to construct a state of law founded on respect for human rights, democratic principles, the spirit of dialogue and resolution of conflicts through negotiations as well as by putting in place a justice system that is more accessible to the population, in its service, contributing to the promotion of reconciliation, defense of rights and in which the population will participate actively.”

2. A. Institutional Strengths

- **The independence of the Judiciary** has been assured by legislation, personnel and funding practices.
- **MINIJUST has established a sector-wide approach to multi-year strategic planning and coordination with partners & funders** that is a best practice that should be extended to other sectors.
- **The start-up of the new in-service training Institute of Legal Practice and Development in May 2008** will be a resource that will be used to strengthen practical clinical and applied practice, and update the skills of lawyers, prosecutors and judges.
- **MINIJUST and the Ministry of Commerce are implementing a multi-Ministry approach to the creation of commercial and labor law, commercial courts staffed by trained judges** and an enabling environment for contracts and investment, with World Bank funding. This will meet key EDPRS targets for the Justice Sector by attracting external & domestic investment and employment generation.
- **The uniquely Rwandan Gacaca courts institution has been successfully adapted and used to obtain justice for the survivors and victims of the genocide** and the originally planned caseload of Gacaca trials and sentencing is expected to be completed on time in 2008.

- **The other uniquely Rwandan legal institution of the Abunzi (mediation committee)** was set up to provide community level arbitration on all civil and criminal cases before such cases are submitted to the prosecutor or to the competent court. Nature of such cases is determined by the law.

2. B. Institutional Weaknesses

Inadequate access to justice for the poor due to insufficient legal framework and resources for legal aid.⁴ MINIJUST is responsible for ensuring that the indigent have access to representation. This will require a change in the law that gives the Bar a monopoly on representation in the courts. The Bar is not able to offer much in the way of pro bono services, and would need to be paid to meet the needs of the poor. It will be more cost-effective for MINIJUST to fund non-governmental organizations (NGOs) that want to provide these services. The NGOs have hired lawyers and want to be able to have them represent the poor in the courts under a revised legal framework. MINIJUST will need to increase its budget for contracts with NGOs that are willing to provide these services.

Lack of a monitoring and evaluation system for the sector, despite the UNDP-funded study “Managing for Justice Sector Results within the Rwanda National EDPRS Monitoring and Evaluation Framework: Developing Sector Performance Indicators and an M&E System” that was written in December 2006. On pages 18-19 of that report, 40 performance indicators are proposed that would measure performance over time of key institutions and progress in addressing problems and issues in the sector, or in moving towards the objectives in Justice Sector strategies and action plans. The study is not being used, however, the indicators proposed in it are well chosen, and data should be collected against some or all of them.

Personnel turnover has been high, and as a result, there is little institutional memory. Sixty percent of the Ministry’s staff have been with MINIJUST less than 6 months. Eighty-four percent of the staff have been in their positions less than 6 months.⁵

2. C. Opportunities

Abunzi (Mediators) at the grassroots level that can be better utilized if trained.

In the Constitution, Article 159 says that “In each sector, a Mediation Committee will be created to provide a form of obligatory prior reconciliation before recourse to jurisdictions of the first degree covering certain business defined by the law...An organic law will define the organization, competence and functioning of these mediation Committees.” MINIJUST should amend the law governing the voluntary mediators (Abunzi) to ensure proper accountability, supervision, and transparency in their activities. Currently, the Abunzi are not coordinated by any higher authority and they are not accountable to or supervised by anyone. Often the Abunzi are illiterate and do not know the law.

⁴ See Annex A.3.

⁵ See Tables 11 and 12 in Annex.

2. D. Threats

The Supreme Court's Backlog of 17,000 Category 1 Genocide Cases: Only 207 genocide cases were tried in the Rwandan courts from 2005-2007 according to NGO data submitted to the International Legal Assistance Consortium (ILAC) team in fall 2007. As of September 2007, there were reported to be 17,000 category 1 genocide cases still pending in Rwanda that will need to be tried in the Rwandan courts. There appears to be no alternative to the reclassification of some of these 17,000 cases so that they can be transferred to the Gacaca courts process. There is a lack of consensus on a fair method for expediting the handling of category 1 genocide cases, however, based on the divergent views that we uncovered in interviews with Human Rights NGOs and the Bar, who believe that these serious cases should stay within the courts rather than Gacaca system, versus the view of the judges of the Tribunals of Grand Instance and the Prosecutors, who believe as many as possible of these cases should be transferred to the Gacaca courts.

3. Comments on the Capacity of MINIJUST to Discharge its Responsibilities with Recommendations for Corrective Measures Where Needed

3.1 Strengthen Legal Aid for the Poor. This will require MINIJUST to take initiative to propose a new law on the Bar to Parliament that will allow NGO lawyers to represent low income clients in the courts. Then MINIJUST will need to out-source this function by contracting with these NGOs for legal aid services and by mobilizing higher levels of funding from the GoR and donors.

3.2 Convene a multi-ministry working group & coordination mechanism to reduce incidence of rape, improve early collection of evidence & provide protection & services to victims. Human rights NGOs have advised that evidence is not being collected on a timely basis in rape cases resulting in a lack of justice or protection for the victims. MINIJUST needs to set up a task force that can develop and implement an action plan to correct this situation. Media (especially community radio) needs to be used to inform women how to work with the health facilities and the police to ensure that necessary evidence is collected as soon as possible after an assault. The police need to work with health authorities to ensure that necessary support for evidence collection will be available when needed, in a respectful way that does not cause additional trauma to the victims. Women police officers should receive special training so that they can provide counseling for rape victims and refer them to NGO post-traumatic counseling and legal aid services that they may need.

3.3 Strengthen the Witness Protection Program for genocide cases' witnesses & ensure that it meets international standards so that ICTR cases can be transferred back to Rwanda & incidence of retribution against witnesses in Rwanda will be deterred. The Prosecutor General and the Police will also have a role in the design of this improved program. MINIJUST will need to work with donors to obtain funding to supplement GoR resources for the improved program.

3.4 Undertake more intensive consultation & mobilize a higher level of consensus among NGOs, the Bar & Parliament on how to re-categorize the huge backlog of genocide cases still in the courts so that some category 1 cases can be transferred to the Gacaca without public perceptions of injustice. A bill law that would re-categorize many of the category 1 cases is under review in parliament.

3.5 Convene a standing NGO Advisory Panel to monitor public perceptions of the accessibility & fairness of the justice sector through targeted focus groups & provide feedback to MINIJUST and the Justice Sector institutions as a whole. On behalf of the sector as a whole, MINIJUST needs to closely monitor public perceptions of the accessibility of justice to all socio-economic groups, and public perceptions of the fairness of laws and the administration of justice in regard to retribution for victims, compensation for survivors of the genocide and the overall progress towards reconciliation. According to the U.S. Millennium Challenge Corporation's 2008 scorecard for Rwanda, the country still scores well below the median of other countries on Political Rights and Civil Liberties, both measured by Freedom House, and the World Bank Institute's Voice and Accountability index, which measures media independence. To improve its performance against these democratic indicators, the GoR will need to provide more opportunities for NGOs and independent media to influence public policy and be listened to by decision-makers.

3.6 Work with civil society youth groups & Sector Executives to establish baseline data on accessibility of courts and public awareness of how to use them, then work with NGOs & media to increase knowledge of rights and how to use the system. Performance on making justice accessible to the population is not being monitored, though it is one of MINIJUST's primary functions. Baseline data could be rapidly and simply collected using a standardized methodology. CSO youth groups could measure walking times and distances to the nearest courts at all levels for each cell. The findings could be taken into account in setting infrastructure priorities in the 2008-2012 Strategic Plans for the Justice Sector and the Supreme Court by identifying sites where more accessible court facilities are needed. Focus groups could be organized by target variables (women, men, youth and elderly) by Sector Executives and CSOs to measure public awareness of how to use the courts and human and legal rights. Findings could be analyzed and used by MINIJUST to design a media campaign (especially via community radio) to fill knowledge gaps on rights and how to use the judicial system and related institutions (e.g. Abunzi).

3.7 Strengthen legislative drafting services:

- **In the short term, stabilize the existing personnel that are capable of providing these services** by working with MIFOTRA to meet the salary promises that were made to the former consultants that were transferred into full time civil service positions in the legislative drafting unit.
- **In the long term, MINIJUST should strengthen training in legislative drafting that is provided by the Faculty of Law in Butare, provide in-service training in legal drafting through the new Institute for Legal Professional Development (ILPD) and establish in-country internships and external short term study opportunities** for specialized new legal topics over time (e.g. cyber-crimes, money laundering, anti-terrorism, counterfeiting) to continue to build capacity in this critical skill area over the long term.

3.8 Promote a more practical, less theoretical approach to basic legal education in the Faculty of Law in Butare and integrate more clinical practice, internships & instruction/mentoring by experienced practitioners. MINIJUST should convene a panel of experienced legal practitioners (lawyers, judges, prosecutors, and human rights NGOs) to review the curriculum and teaching methods of the faculty of law at Butare, and advise how the program can be made more practical and applied rather than theoretical. Internships, apprenticeships and clinical experience as legal aid volunteers can be increased to give students a more practical education. At present, MINIJUST is relying on the new ILPD to provide practical training for graduates, but that program can only accommodate 38 students each 9 months, and many more need to be given practical experience. Encourage the ILPD to extend its reach for in-service training in new methods for handling evolving new forms of crime and commercial law by developing a wide range of distance learning products for judges, prosecutors and lawyers that can be administered via CD, internet, and radio.

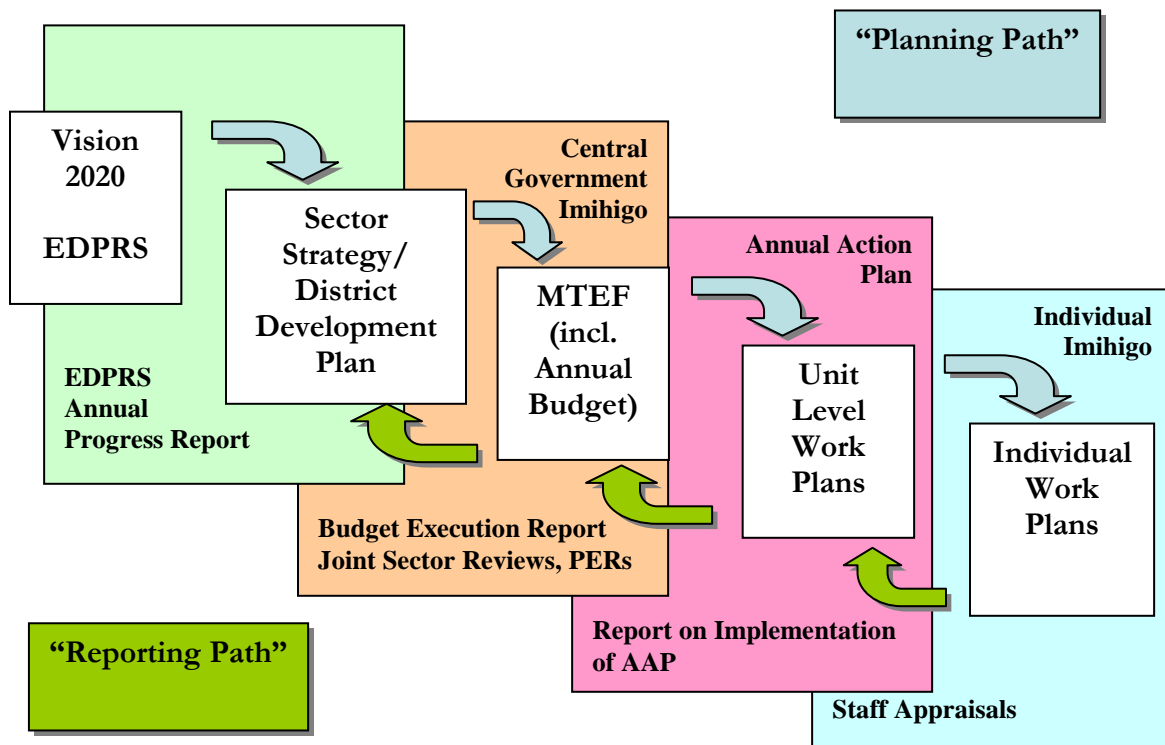
3.9 Reduce the large number of land rights cases that are creating congestion and backlogs in the lower courts by:

- Collaborating with MINITERE in the drafting of land laws, land registration processes & advocacy in Parliament for rural land registration programs.
- Assist MINITERE, MINALOC, Districts, Sectors and NGOs to operationalize an efficient process for the registering of rural land rights that will reduce the need for court cases.
- Providing training to Abunzi (mediators) in law rights laws with the assistance of NGOs and Base Tribunal judges.
- Clarify land laws, the dates they went into effect, and policies on any retroactivity and document these matters in simple, easy-to-use publications & website postings.

3.10 Follow-through on the current plan to convene the Justice Sector-wide Technical Coordination Group more frequently (optimally monthly, or at least every 2 months). See section 5.1 of this report for more detail as this is a cross-cutting sector-wide recommendation.

3.11 Establish a Sector-wide M&E database and provide a new methodology and format for Annual Reports and for staff and institutional Imihigo that measures and reports impact against sector-wide objectives & targets in Vision 2020, EDPRS & Justice Strategies & Action Plans. The following diagram from the EDPRS illustrates the relationship that needs to be created between individual Imihigo and the Annual Action Plans of the Units in MINIJUST that they work under. It also shows how the cumulative impact of those individual staff Imihigo need to roll up into the Imihigo of MINIJUST and its requests for Medium term Expenditure budget resources, and its objectives assigned by the Justice Sector Strategy, EDPRS and Vision 2020. This is the “Planning Path” that links individual staff work plans and MINIJUST’s institutional plans with objectives set for the ministry under national policies. The “Reporting Path” illustrated shows how impacts need to be rolled back down to the level of the individual personal performance evaluation that is the basis for each staff member’s promotion and career path.

Planning and reporting tools for implementing the EDPRS



3.12 Strengthen planning, M&E, statistical databases & impact reporting skills in MINIJUST to reduce dependence on external consultants. For its Annual Reports, MINIJUST needs to develop a new format that will focus on the high level objectives defined in its Annual Action Plans, multi-year strategies, and EDPRS and Vision 2020 goals, along with analysis and impact evaluation. Currently, MINIJUST's annual reports are merely lists of activities under each administrative entity, without cumulative analysis of its achievements by strategic objective.⁶

3.13 The Minister should consider delegating more authority to the Assistant Attorneys General⁷ in a clear way so that they can be used more effectively to expedite operations such as tendering. Donors believe that opportunities are being missed to make the Ministry more efficient due to the centralization of authority.

3.14 MINIJUST needs to establish a computerized method for action tracking. Donors have complained about inefficiencies caused when tendering actions are sent back to the same staff members multiple times by mistake, because their prior actions on those same documents were not recorded. In such cases, if the staff members are traveling, weeks may elapse while documents they have already approved await the staff members' return unnecessarily.

4. Common Strategic and Cross-Cutting Issues that Affect Other Institutions and Recommendations for Addressing them, including Justice Sector-Wide Issues

MINIJUST serves as the Secretariat for Justice Sector-wide coordination and initiatives, and to raise funding within the GoR and among donors for sector priorities. Many of the corrective actions identified in the functional reviews of the Supreme Court and Prosecutor General require coordination and fund raising by MINIJUST, and in some cases affect other Justice Sector institutions and other ministries, notably:

4.1 Need to automate court case processing to reduce backlogs: This requires coordinating software for caseload processing in both the Supreme Court and the Prosecutor General, and GoR and donor funding for software, training and eventually purchase of additional computers. At present, more and better use of existing computers is the priority. Proposals for purchase of additional computers through cost-sharing between civil servants and the government are problematic and are not recommended as this policy could result in loss of data that needs to be retained by Government, greater difficulty in preventing viruses and other damage to GoR data banks and ICT systems, and depletion of computers in ministries due to staff turnover.

4.2 Need to better understand root causes of the largest categories of cases to identify better ways of dealing with these social and economic issues: The lack of monitoring and evaluation in the Justice Sector is resulting in many missed opportunities. Court caseload data needs to be analyzed to identify the root causes of crimes and social and economic conflict, and conditions under which they are prevalent in the country,

⁶ See Tables 7 and 8 in the Annex.

⁷ See Annex A.4.

and transfer these lessons learned to other ministries that can address the root causes of societal problems such as rape, land conflicts and attacks on genocide witnesses.

4.3 Need to increase the availability of legal aid for the poor: MINIJUST needs to take the lead on legal reform to enable NGOs to become providers, obtaining increased funding and undertaking tendering for legal aid services for the poor, but the solution to the deficit in legal aid requires the involvement and cooperation of the Bar and Parliament in legal reform; NGOs for service provision; and Districts, Sectors, the courts and the prosecutors in identifying and referring those in need of legal aid.

4.4 All of the following recommendations for corrective actions that were made in Section 3 of this report will require Justice Sector-wide collaboration for their implementation, and in many cases, collaboration with other parts of government as well (e.g. Parliament for legal change, MININTER for rural land registration, Ministry of Health for improvement of medical evidence collection, etc.).

- Reduce caseload of land tenure cases
- Improve evidence for rape cases
- Link Base Tribunal judges with mediators to train them in the legal basis for their mediation services
- Reach consensus on legal criteria for the reclassification and reduction in category 1 genocide cases to be handled by the courts versus the Gacaca mechanism.
- Improve witness protection program so that this obstacle to ICTR case transfer is removed and to reduce the high incidence of attacks against witnesses that the Prosecutors have handled.

5. Innovative Systems and Processes, and Other Best Practices Identified during the Study

5.1 Sector-wide planning and coordination is a model for other sectors but meetings need to be held more frequently and a common data base of studies is needed. In 2007, the MINIJUST Secretariat only convened four meetings of the Sector-wide Technical Working Group. The first meeting for 2008 was not held until late March. It was agreed that future meetings would be held monthly in 2008, and we strongly support that plan. Despite the activities of the secretariat, we found that many donors are still not well informed about each other's interventions in the sector, leading to overlap in some cases and missed opportunities for coordination in other cases. It is clear that there is a need for a common database on plans, studies, and proposed projects, though some of this information will be procurement sensitive at certain times, and this will require confidential treatment, limitations on users, and perhaps password protection.

5.2 MINIJUST's comprehensive commercial law reform effort that unites several ministries and institutions is an example of best practice and an important contribution to the realization of EDPRS objectives for the reform of commercial justice and improvement of the enabling environment for domestic and foreign investment and employment creation.⁸ The World Bank-supported reform package includes expert assistance with the redrafting of all of Rwanda's commercial and labor laws using models of best international practice; establishment within MINIJUST of a secretariat for coordination of the commercial law reform effort and across the GoR; commercial courts' infrastructure and equipment; and Master's degree training in South Africa for the three new commercial law judges that will become Rwanda's future in-country trainers. It also includes establishment of the ILPD to provide in-service retraining of judges who will staff the newly created commercial courts.

⁸ See Annex Table 7.

TABLE OF CONTENTS

Annex A.	ORGANISATION STRUCTURES AND PROCESSES	15
A.1.	Legislative and management framework.....	15
A.2.	Changes in principal functions and responsibilities since 2004.....	16
A.3.	Services provided by outsourced or decentralised bodies	17
A.4.	Any apparent gaps, overlaps or duplications.....	17
A.5.	Objectives, functions and principal tasks.....	20
A.6.	Duplications or overlaps	23
A.7.	Principal business processes and systems	24
A.8.	Links within Units and bodies	27
A.9.	Potential for further decentralisation or outsourcing.....	28
Annex B.	PERFORMANCE AND CAPACITY	29
B.1.	Evidence about performance in discharging key functions	29
B.2.	Evidence of changes in levels of performance since 2004.....	38
B.3.	Capabilities of Ministry staff	39
B.4.	Resources available to Ministry staff.....	43
B.5.	Resources provided by external sources.....	45
B.6.	Changes in total capability since 2004	46
B.7.	Other data	46
Annex C.	Lists of contacted persons.....	52
Annex D.	Consulted Documents	47

Annex A. ORGANIZATIONAL STRUCTURES AND PROCESSES

A.1. Legislative and management framework

Table 1. Legal and regulatory Environment and others

References/Title	Date of Signature	Place
INSTITUTIONAL		
Prime Minister's Decree n°18/03 of 10/09/2007 on missions and structures of the Attorney General services /Ministry of Justice	Sept-07	Kigali
Prime Minister's Decree on organization and functions of the Attorney General Office/Minister of Justice	August 2007	Kigali
n° 15/03 on organization and functions of the Ministry of Justice and Institutional Relations	16/03/2001	Kigali
Presidential Decree n°36/01 modifying and completing the Presidential Decree appointing the Minister of Justice	14/09/2006	Kigali
ORGANIZATIONAL		
Organizational chart of the MINIJUST 2005	2005	Kigali
Summary of Jobs	2006	Kigali
Organizational chart of the Ministry of justice	August 2006	Kigali
Organizational chart of the Ministry of justice	October 2007	Kigali

The 2003 Constitution of Rwanda grants autonomy to judicial institutions. Before the new Constitution was promulgated, the Ministry of Justice managed all the penal system: the Prosecution, courts and tribunals, prisons, criminal records, etc.

The management of Prisons and Police Forces was made autonomous. They are currently under the responsibility of the Ministry of Internal Security.

The difficulty that has been posing since then is the harmonization and the coordination of legal services despite their autonomy and taking into account their interdependence.

Before the reforms, there was the Ministry of Justice and Institutional Relations. With the 2004 reforms, its name was changed to the Ministry of Justice. With the 2007 reforms, it again remained the Ministry of Justice and Seals keeping with increased functions.

The Ministry of justice was supposed to develop the national policy in the area of justice. As an example, this policy can take broad topics such as the fight against corruption, the fight against land related conflicts. The Supreme Court and the Prosecution were supposed to implement this policy.

A.2. Changes in major functions and responsibilities since 2004

Before the reforms, the Ministry of Justice carried out certain functions that were traditionally performed by the Prosecution and the Supreme Court. The Ministry of Justice equally performed general services of the Prosecution and the Supreme Court of which in particular their budgetary management.

The 2004 reforms have endeavored to ensure absolute demarcation between the Supreme Court and the Prosecution. Contrary to the Supreme Court, the Prosecution is much more under the supervision of the Ministry of Justice but much less if we compare with countries where the Prosecution is integral part of the Ministry of Justice.

On the August 8th, 2007, a Decree of the Prime Minister brought in a new change in the sector of Justice. The change of the appellation, the institution is called Attorney General/Ministry of Justice. The duties of the Ministry were also modified as well as the mode of their implementation. Instead and in the place of the organs, after the Minister of Justice and Attorney General, it was its assistants who shared technical functions of the Ministry as well as the General Secretariat who since then carried out general services only.

The August 2007 reform was initiated so that duties and functions of the Ministry can enable it to coordinate various reforms at the level of the Prosecution and the Supreme Court.

The post of the Secretary General should be well defined in the Ministry of Justice and at the level of the Supreme Court. It should be the leading and decisional organ of the institution after the Minister whose post is political or decide if he/she is the head of the general services of the Ministry. If it were the leading organ, it would ensure inter-unit technical, administrative and financial coordination.

It should be noted that technical coordination can be possible without proper financial coordination. However, it is very difficult in any organization to separate technical coordination from administrative coordination. To achieve this objective, it is necessary in the first place to decide if the post of the Secretary General is a ministerial function, a rank or only a title. The tasks that are attributed to the Secretary General are all in the area of technical coordination of the Ministerial Institution. Therefore, he/she is the clerk of the Office of the Minister and plays the role of the permanent Secretary in the Ministry in charge of its operation. He/she therefore should assist the Minister of Justice in the coordination of the preparation, implementation and monitoring of the decisions of the Government in the area of legal policy. The Permanent Secretary (General) is the grade given to the Senior Officer of a British Ministry. He is in charge of the management of day to day services in the Ministry.

With the 2004 reform, litigations of the State remained the business of an autonomous organ called "***State Attorney General***". Not only the 2007 reform integrated this service into the Ministry of Justice but this office of the Attorney General was also entrusted with the responsibility of ensuring proper drafting of contracts that commit the State.

A.3. Services provided by outsourced or decentralized bodies

The Government tasked the Bar with the role of providing legal assistance to the poor, in particular to ensure the defense of minors in courts of law. The office of consultancy and defense in charge of the management of legal assistance was created; it is financed by the State. Until today, the State has not yet paid its contribution and therefore the office operates with the contribution of donors. Every Friday, the Bar receives cases of the indigent. The mission wanted to know the practical modalities necessary to ensure the defense of the indigent by a non-profit-making association with the financial contribution of the State.

Currently, the Ministry of Justice has the feeling that the Bar does not provide legal defense to the indigent as it should be. Neither is the Bar satisfied with its collaboration with the Ministry of Justice. For one or the other party in an agreement, it is not easy to know which party is in the wrong as long as there is not monitoring of the **SMART** criteria (**S**pecific, **M**easurable, **A**ttainable, **R**ealizable and **T**angible),

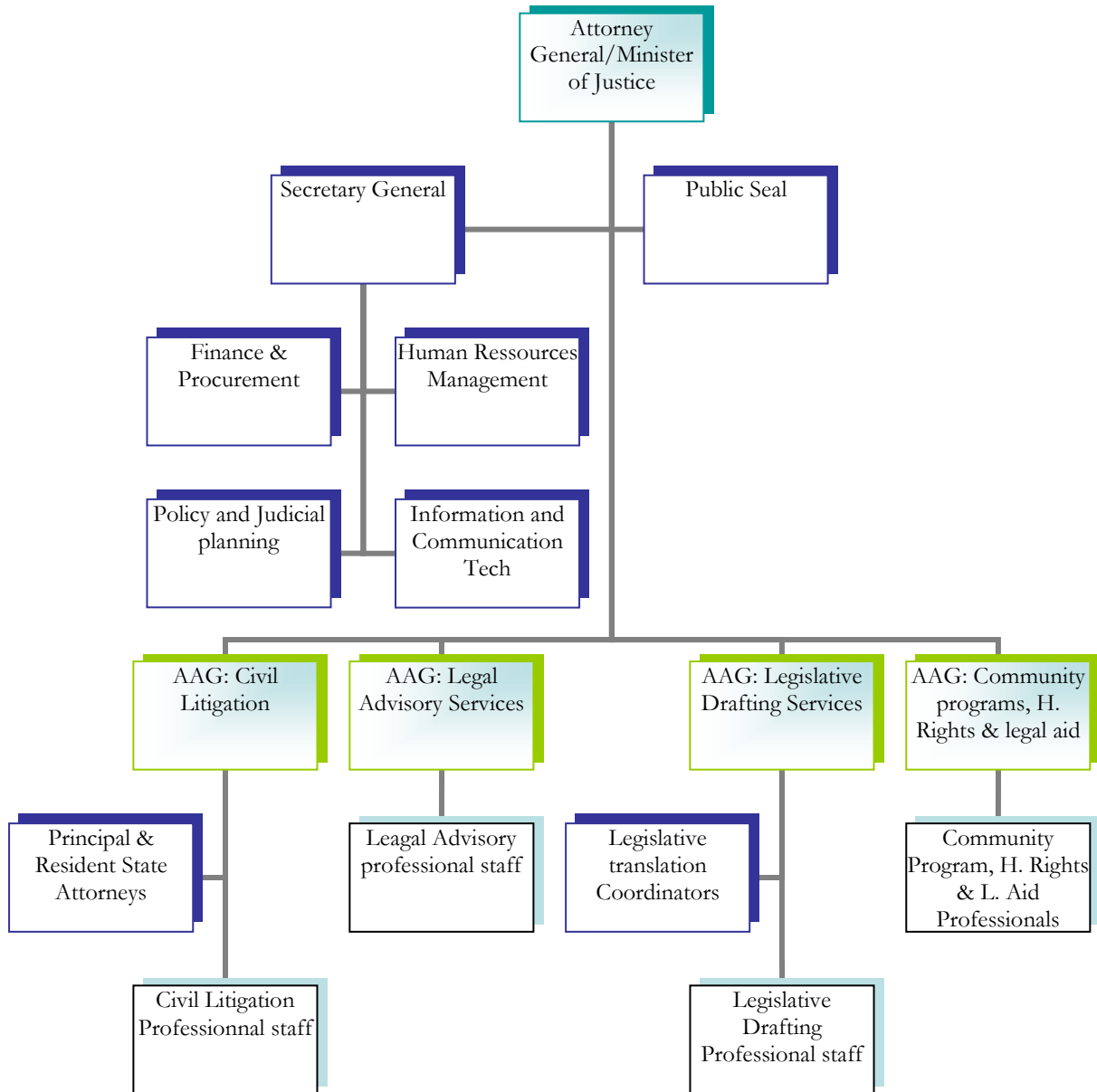
A.4. Any apparent gaps, overlaps or duplications

Duplications between institutions: The difficulty in communication was noted between MINIJUST, the Representative of the Government in Legal Affairs and the Supreme Court, which is an institution independent of the Ministry. This has resulted in slowness in the circulation and the transmission of documents between the two institutions. This situation requires more clarifications on the independence of Judiciary vis-à-vis the Executive.

Organizational structure: Before 1994, the Ministry of justice had a Directorate General in charge of Legislation. It was composed of all technical units. With the 2004 reform, this Directorate General was transformed into a Directorate.

In August 2006, the Ministry of Justice had planned a workforce of 40 employees and actually they were recruited and distributed as follows: 1 Minister, 1 Secretary General, 4 Heads of unit, 28 Professionals and 6 (private Secretary and Administrative Assistants). The Ministry of Justice also hires the services of independent consultants recruited for a fixed term and paid from funds destined for projects. In November 2006, there were 7 consultants also considered as party of the permanent personnel of MINIJUST. The service of the State Attorney General had 12 employees out of 20 that were planned. In the entire Ministry of Justice with the institutions under its supervision the number of the staff was 59 employees. These organs have been changed since August 2007. The current organizational chart is presented below.

Organizational chart of MINIJUST since August 2007 approved by the Cabinet in February 2008⁹



Activities related to the legislation: The management staff could not complete all the tasks in the area of legislation, hence the need to initiate new reforms. In August 2007, 4 technical departments were created whose head was created the posts of heads of Units with titles of "Deputy attorney", an assistant attorney in charge of Legislation, an assistant

⁹ AAG : Abbreviation of "Assistant Attorney General"

Attorney in charge of services to the public (public Notary, marriages, human rights, legal assistance), a Deputy Attorney /Legal advisor, a Deputy Attorney in charge of State Litigations. It is the decree N° 18/03 of 10 September 2007 of the Prime Minister on the Mission, Structures of services of the Attorney General/Ministry of Justice.

The Minister of Justice who is at the same time the State Attorney General ensures three roles: policy, administrator, State Attorney General. As an administrator, he/she is the Head of all the administrative system of the Ministry. As a politician, he/she plays the role of leader of all initiatives involving the formulation of the policy of the Ministry and the resulting laws.

The 4 Assistant Attorneys General are in practice his/her assistants in the major new functions assigned to the Ministry. They have the rank of Deputy Prosecutor General.

With the September 2007 reform, the Ministry has a planned workforce of 64 employees.

The fact that assistants or deputies do not belong to an appellation of Units, Department, Service or Directorate or to an appellation that can refer to an organ; it happens that selected appellation or whichever is appropriate for one service may not be what the other would prefer. We are not quite sure of the origin of the absence to the identification with an organ or if there was possibility of being more accurate and precise.

It should be noted that one of the reasons which justified the integration of the old autonomous organ of the said State attorneys was their quasi independence in their operation.

Coordination of the Justice Sector: There is a coordinating committee of the justice sector that brings together 14 institutions that are involved in judicial affairs: Ministry of Justice, the Supreme Court, the Military High Court, the National Service in charge of Gacaca Courts, Military Prosecutors, the National Police, Office of the Ombudsman, Public Prosecutor General, National Unity and Reconciliation Commission, the Bar, Ministry of Internal Security, the National Secretariat in charge of Community service as an alternative Punishment (TIG), National Human Rights association and the Nyanza law Development and Practice Institute. Coordinating committee has not managed to function very well because the meetings were not regular as a result of the change of leadership of the technical committee; agenda is always agreed upon by all stakeholders. It would be necessary to establish a capable and strong secretariat with a high level Head who would have the capacity and aptitudes to stimulate the participation of Secretary Generals and Heads of the member institutions of the Coordination Committee.

Activities related to ICT: At the time of the assignment of the mission, there were no personnel in charge of ICT. The Director was sick for a long period and the 2nd officer had been away for three months for training abroad. And therefore nobody assumed the interim.

Distribution and the number of the personnel by employment type

Type	Number
Legal Positions	46
• Minister	1
• Assistant Attorneys General	4
• Legislative Translation coordinators	6
• Principal State Attorneys	10
• Professionals	25
Administration Positions	23
• Secretary General	1
• Directors	4
• Professionals	11
• Other support staff	7
Total of permanent employees	69
Available positions	64
Vacant positions	5
Contractual employees (including consultants)	18

A.5. Objectives, functions and principal tasks

Minister's office: MINIJUST underwent two reforms, one by the Public Service and the other related to legal reforms. Currently, there are practically two levels, initially the Office of the Minister who is also the Attorney General. His/her office is composed of a Private Secretary and an Administrative Assistant. In the Office of the Minister there are also 6 translation coordinators. The addition of the translation service responds in particular to the accession of Rwanda in the structures of the East African Community.

In addition, since the Ministry is at the same time the office of State Attorney General, there are 4 Assistant State Attorneys General in his/her office, who provide support to him/her and replace him/her if necessary in his/her role of Representative of the State before judicial authorities.

Assistant Attorney in charge of Legislation: This service elaborates bills which are generally related to the State. This may include laws, decrees, contracts, etc. This service is also responsible for centralizing laws, bills emanating from other various institutions of the State. The Ministry must then verify the conformity and pertinence of these laws to the Constitution and legislative provisions.

Normally the strength and the independence of the Supreme Court guarantee the right of actions of the State to conform to the Constitution. See "Given the New Constitution of the Republic of Rwanda was adopted by the Rwandans during the Referendum of 26 May 2003

as confirmed by the Supreme Court in its Decree n° 772/14.06/2003 of the 2nd of June 2003".

After this stage, this new structure of the Ministry and its personnel will have the task and responsibility of supervising translation of all the legal texts in 3 official languages and ensuring that they conform to the original text. In addition to these major duties, they will be responsible for producing a legal journal and create other specialties, in case of need.

The Deputy Attorney Legislation Unit is composed of a certain number of services of which:

- ✓ The Service professional technician in charge of legislation
- ✓ The service in charge of coordination of translations
- ✓ Libraries

Deputy State Attorney General in charge of advisory service: The initial duties of the Deputy State Attorney General/ Legal advisor are to offer legal advisory services on litigations involving the State, then to offer legal opinions on commitments of the State, such as conventions, treaties, declarations. Those may be bilateral or multilateral. That task may be in the framework of the international law or commercial law. In the framework of the commercial law we may cite the example of the privatization files. Here the department verifies whether the State has not suffered any damages. The Deputy State Attorney General/Legal Counsel must have 5 professionals.

Among the duties of the Deputy Attorney General /Legal Counsel, he/she may participate, on request, in meetings of negotiations on files for which his/her legal opinion is required.

The reasons that motivated the creation of this unit can be summarized as follows:

In the first place, the Government wanted to solve problems related to the elaboration of contracts which commit the State. One of the objectives behind the creation of this organ is the increase in the level of technicality in the area of legal advisory services within the Ministry of Justice and partner Ministries. In general, each governmental entity has the responsibility to elaborate contracts that commit it, and since they must consult the Ministry of Justice for legal opinion and advice. Therefore, it has been realized that Ministries concerned did not consult MINIJUST for legal opinion and advice. As a result, compromising contracts have been involving the State in risky cases or litigations.

Secondly, the Government wished in the future to solve the problem related to the management of contracts. As an example, the State signs multiple forms of contracts with its personnel: Staff governed by contracts, the employees under statutes, staff in Government projects, State agencies, etc. Even if the signed contracts were in conformity with the law, their management was often inefficient. Therefore, the State used to lose many cases both due to poor elaboration and management of contracts.

The Unit has initiated a project to carry out a preventive study of all these problems. The objective of this study is to identify current litigations. It is also planned to organize training of State lawyers/attorneys on the elaboration of conventions, treaties and contracts.

The Unit in charge of Finances: In the Ministry, as it was found out in MINALOC, MINIJUST did that in line with the recent guidelines given by MIFOTRA that in the Government institutions that have more than 40 staff, the unit normally called Finance and Internal Resources will henceforth be divided into two, one to be in charge of finance, while the other in charge of administration/ human resources management. MINIJUST was able to achieve this objective as it is shown in the above- mentioned organizational chart, following the August 2007 reform.

Contractual and Consulting Services: There is not clear distinction between consultants and contract staff. But the difference may be found in the fact that tasks of consultants are clearly defined and limited in time. As for contractual staff, these are people who have experience which helps the institution to acquire its experience and are recruited for more or less longer periods. There are in particular the ad hoc personnel at the level of the permanent office in charge of sensitization. This office is not provided for in the MIFOTRA reforms. It is for that reason that MINIJUST must provide it with contractual personnel. The Ministry currently has a total of 18 contractual staff (both consultants and contract staff included).

ICT Links: The Assignments of the ICT Unit are as follows:

- To coordinate the elaboration of the policy and program of the Ministry in the area of Information and Communication Technology (ICT);
- To ensure that the goals, objectives and programs of the Ministry in the area of Information and Communication and Technology (ICT) are effectively achieved through short and long-term planning, coordination, implementation of information systems design and the application of ICT technical and functional standards and by initiating necessary changes in connection with these policies;
- To identify requirements in data processing and to prepare documents necessary for the acquisition of the data-processing equipment;
- To manage and maintain the data-processing network and its services;
- To ensure reliability and security of the entire information processing system;
- To ensure the implementation of developed applications (installation, assistance, training of users, evaluation);
- To install data base management mechanisms;
- To identify needs in staff training for the Ministry in the area of ICT;
- To support consultants in ICT in the service of the Ministry;

- To maintain relations with various stakeholders involved in ICT and user groups in Ministries and the private sector;
- To strengthen collaboration between RITA and the Ministry in the implementation and monitoring of the NICI plan;
- To facilitate and coordinate activities of a technical team;
- To carry out other tasks and duties assigned by higher authorities.

The ICT came to solve the problem of time and as a tool to ensure and facilitate quicker and more efficient planning of various activities. To elaborate its annual action plan, the ICT Unit in MINIJUST takes into account NIC plan, which is a five-year program of the Government in the area of ICT and involves all partners in the planning process. Therefore, this requires the implementation of this program, while taking into account that of MINIJUST. ICT is at the level of NIC II, since the phase of NIC I was completed last year.

In the framework of the promotion of ICT, the Government created RITA to carry out monitoring and evaluation of the E-government. The evaluation is participatory; there is a team which is composed of RITA and the other members of the institution concerned with this evaluation.

A.6. Collaboration among the units

The inadequacies in the assignments were perfected and corrected in the August 2007 reforms. The Directorate in charge of Legislation was composed of all the technical departments of the Ministry. Currently, this unit is specialized in the area of legislation only.

The new units created are complementary and sometimes work in a chain. As an example, when time comes for signing conventions of fight against terrorism, the Unit in charge of Legal Advisory Services also defines the requirements for the implementation, the elaboration or for the integration of the crimes into national legislation; it is up to the legislation Unit to elaborate the laws. In addition, the Unit in charge of Legal Advisory Services intervenes once again to verification and monitoring of the application of these laws, in its turn the Unit in charge of State litigations plays its role when the application of these laws creates litigations.

In the action plans of the judiciary institutions, in most cases there are also activities related to sensitization of the population. However, the area in which sensitization is required and institution in charge of this sensitization is seldom clarified. It would be necessary in the future for instance, to determine whether the Ministry of Justice must sensitize on the Situation of the law and the Supreme Court in its turn should sensitize the population on legal procedures. This is the work which may be assigned to the Coordination Secretariat.

A.7. Principal business processes and systems

Planning and Monitoring Process: Planning is implemented in reference to the annual Government program assigned to each ministry. From the annual Government Program, focus is put on the part concerning the justice sector. From this program, priorities of this year are defined. From these priorities, each service of the Unit in charge of Legislation identifies what is related to its activities and prepares an annual action plan. These priorities and action plans are presented in management meeting. The annual plan comprises of quarterly sequences. After the approval by the management meeting, the plans are centralized in the Unit in charge of Planning.

Unit in charge of Policy and Judicial Planning plans to acquire monitoring and evaluation tools because their plan is based on a number of files to be elaborated, the number of laws to be processed and numbers of legal advice delivered.

Every 6 months, there is an evaluation meeting within the Ministry of Justice. It is in this meeting that one makes the evaluation of all activities of the Ministry for 6 months.

For the Unit in charge of Legal Advisory Services, there is only one formal and permanent meeting. It is the management meeting which is held twice a month. Other meetings with: the Minister, SG, other personnel, partners are organized whenever necessary.

Given the difficulty in monitoring and evaluation, it would be necessary to create special meetings in which monitoring and evaluation tools of the activities of the Ministry would be discussed and approved.

Unit in charge of Planning Process and Legal Advice: From the action plan of the Government, they elaborate the annual action plan of the Ministry. From the action plan of the ministry, they elaborate operational plans (quarterly). They consider that the chain of planning at the level of the unit is closed. At the end of each quarter, they elaborate a quarterly report to evaluate operational plans.

Monitoring-evaluation: The activities are evaluated from the submitted reports which are some times examined in meetings, including a special one at the end of each six-month period. They do not have any special tool to evaluate achievements except for the reports themselves. There is not special system set up for the analysis of data from reports for monitoring purposes.

Transmission of documents: The official transmission of files is generally done in appendix of a printed A4 format paper called routing file which they consider useful for the routing of files and their filing (Question for the workshop: The mission wondered if it were possible to eliminate the routing file, to decrease its dimension, to decrease its impact, or quite simply to ensure that all the transmission of files is by electronic means).

In the course of our conversations we were told that the MINIJUST personnel are using SKYPE as a communication and documents transfer system. They said that they use both

the VOIP and the “chat” feature of SKYPE, and can easily and safely attach document files to the chats to transfer to another computer. They do this because the jump drives (flash disks) in use in Rwanda are generally very infected with computer viruses and they do not want to get them on their machines. This begs the question of why there is not better anti-virus protection available in the ICT domain in the Ministries.

We were informed that the management of mail was computerized in MINIJUST and that it is easy to extract and provide the requested information on the movement of correspondences. Despite the absence of ICT staff in MINIJUST at the time of the mission for reasons explained earlier, the staff met was confident in the level of MINIJUST computerization.

Budgeting Process: The units are new; they are not yet involved in the budgeting process. The 2008 budget had already been elaborated. In addition to the remuneration of the personnel, there are the following budgetary entries: Overheads, training costs and expenses for information meetings with their stakeholders and partners involved in the activities of the service.

Table 2. Communication tools of the institution (Number)

Institution Structures	Fixed phones	Mobile phones	Fax	IP phones (ex. skype) number of users
UPPJ	1	0	0	1
UFGRI	1	0	0	1
ICT	1	0	0	1
OFFICE OF THE MINISTER	3	1	1	3
SG	2	0	1	2
UL&N	1	0	0	1
TOTAL	9	1	2	9

Table3. List of other office equipment

Structure	Photocopiers	Overhead projectors	Binding machines
Office of the Minister	1	0	0
Central Secretariat	1	0	1
UFGRI	1	1	0
UPPJ	0	0	0
UL&N	1	0	0
TOTAL	4	1	1

The photocopiers are at the same time printers. All the machines are connected to those devices. The units are those that were still operational in December 2007 at the time of the inventory.

Table 4. Agenda management

Director/SG/Min	Type of the agenda (hard / soft copy)	Sharing with the assistant	Synchronization with the collaborator Agenda shared on the network
MINIJUST SG	Agenda on hard copy. Electronic agenda is not yet used	- Sharing with the administrative assistant managing the agenda	- Is not shared with the collaborator, and - Not shared on the network

Table5. Average of number of meetings per week during the course of the year 2007

Concerned responsible	Number of meetings held in his institution/week	Number of meetings attended outside the institution/ week
SG MINIJUST	<ul style="list-style-type: none"> - twice/month (management meeting) (on a regular basis) - Once/month (Technical committee of justice sector) (on a regular basis) - Once/3 months Quarterly Evaluation (on a regular basis) - On average 4 meetings /week with partners from outside the institution - On average 4 meetings/week with the personnel of the institution 	<ul style="list-style-type: none"> - About 20 invitations to external meetings /week (All the invitations addressed to Ministry pass by the SG office, of which about 4 are directly addressed to the SG, requiring his/her participation in the meeting)

A.8. Links within Units and bodies

The ministry has several institutions which are under its supervision: Gacaca, Community services as an alternative punishment (TIG), Mediation Committee (Abunzi), National Human Rights Commission, National Commission of Fight against Genocide. Before the August 2007 reforms, these institutions were technically dependent on the services of the Unit in charge of Legislation. Now, they are not any more in the Legislation Unit but were transferred to more specialized Units. Therefore, the institutions under supervision receive better services. Currently, the legislation service is no longer responsible for any institution that is under the supervision of the Ministry.

The communication systems within the Ministry of Justice are not assigned to any specified person and depend especially on the method and the preference of the line authority. There are line authorities who prefer electronic communication, in particular the use of SKYPE even for the transmission of documents. But, this privileged communication system changes dependently of other Heads who rather prefer the use of physical files always accompanied by a routing file.

Committee: The Ministry of Justice realized that the institutions in charge of justice mutually influence one another. Therefore, the idea to adopt a sector based approach was initiated even if the Judiciary must be independent from the Executive powers. It happens that the training programs organized are the same for the Prosecution, the Supreme Court, the Ministry of Justice and the National Police.

In order to better organize the interdependence of the judiciary institutions, an organ called «Justice Sector Coordination Group» was created with a Permanent Secretariat. The meeting, in February 2005, of the Development Partners Coordination Group (DPCG), decided to create a Justice Sector Coordination Group (JSCG) chaired by the Ministry of Justice and Co-chaired by UNDP. At the same time, a Secretariat of the Justice Sector was created. The JSCG is a forum in which authorities and development partners meet to discuss the planning of the coordination, monitoring and evaluation of the justice sector. The objective of the JSCG is to improve the effectiveness and efficiency of the justice sector and the alignment of development partners to the policies of the Government of Rwanda through the EDPRS.

Inter-institutional committee: Due to the need for better management of aid, the Ministry of Finances and Economic Planning created what they called "*Justice Reconciliation, Law and Order Sector*" which extended the first group by adding to it reconciliation, human rights and the Police. Finally it created a justice inter-institutional Committee with a Permanent Secretariat.

There is an inter-institutional committee composed of 14 institutions of which the Prosecution, the Supreme Court, the Ministry of Justice, the Criminal Investigation Department, National Prison Service. This committee is composed of Steering committee led by the Minister of Justice and of a technical committee composed of Secretaries General of the institutions concerned, deputy heads of those institutions and development partners. The steering committee is supposed to meet at least every three months and the technical

committee at least once a month. It is co-chaired by the Secretary General of MINIJUST and a representative from UNDP. After the Technical committee, there are working groups (Planning and budgeting, ICT, Media and communication, Infrastructure, Integrity, Training and sensitization). Members of these working groups are Heads of Units in charge of these aspects in respective institutions. These meetings and their relevant preparations indeed took considerable time of the actual work of the institutions concerned. Currently, the various meetings have been having difficulties to be organized.

The unit in charge of Legal Advice does not work directly with this Commission but can intervene to offer advice in the way the trial was delivered. The objective of this committee is to process files which commit the joint responsibility for these 3 institutions. The asset of this committee is that it enables fast and instantaneous comprehension of the same file by several people. That enables to make decisions if necessary and to liquidate meetings examining several sensitive files without the need for interminable to and from movements of files between the institutions. Despite the presence of this committee, there are often delays, when the official opinion of the Supreme Court is necessary, in particular in the area of legislation.

These institutions expressed the real need for the coordination of their collaboration. In fact, a file leaves the Police, goes to the Prosecution, and then to the Office of the Court Registrar, afterwards, if necessary, to the Penitentiary Service, then it is returned to the Court the day of the case, then it is returned to the Prosecution if it requires additional investigations. All this process requires a certain coordination to ensure the effectiveness of justice.

The Ombudsman informs the Ministry of Justice in case there is a law which deemed to be against the interests of the citizens.

Collaboration with MIFOTRA: MIFOTRA and MINIJUST did not collaborate in the implementation of the new justice reforms. MINIJUST considers that MIFOTRA does not have the capacity to appreciate the needs for human resources in the area of justice. For this reason, the first reforms underestimated the workforce while underestimating the volume of activities of the institution. MINIJUST started discussions with MIFOTRA when the decree had been signed. This was especially to agree on the organizational chart (in the course of being reviewed and under discussion with MIFOTRA). The decree to which we refer stipulates that the organizational chart will be elaborated in collaboration with MIFOTRA.

A.9. Potential for further decentralization or outsourcing

The legislation service does not have in its sections all the staff necessary to carry out all the tasks which are under its responsibility. As a result, it sometimes resorts to consultancy services, for instance, when they want to collect data in the framework of the elaboration of laws.

Sometimes the service needs consultancy services, when data are to be collected in the field for the drafting of laws even when certain needs exceed the technical skills of permanent professionals within the Unit in charge of Legislation.

The update of their Web site “www.amategeko.net” requires hiring of external services, in particular those of the University instead of overloading their data-processing Unit.

The printing services of the legal journals are also outsourced. The Ministry of Justice does not have printing services and does not plan to acquire it in the future, taking into account the policy of the State in the area of the private sector development.

Part of the services of the Public Notary may be outsourced. Currently Public Notaries are public civil servants.

Annex A. PERFORMANCE AND CAPACITY

B.1. Evidence about performance in discharging key functions

Table 6. Comparison between PRSP, Strategic plan, annual plan and report 2007

The 6 priority areas of the PRSP (2002-2007).	The 5 strategic orientations (2007-2010)	The 9 objectives in the Action Plan (2007)	The 10 objectives set in the 2007 annual report
1. Rural development and agriculture transformation 2. Human resources development 3. Economic infrastructures	<i>Nothing to be mentioned, does not directly concern justice</i>	<i>Nothing to be mentioned, does not directly concern justice</i>	<i>Nothing to be mentioned, does not directly concern justice</i>
4. Private sector development	<i>Nothing to be mentioned, does not directly concern justice</i>	<i>One may repeat «Sector promotion » that is presented below in « Commercial justice reform »</i>	<i>Nothing to be mentioned, does not directly concern justice</i>
5. Governance			
- <i>Security and demobilization</i>	<i>Nothing was pointed out</i>	<i>Nothing was pointed out</i>	<i>Nothing was pointed out</i>
- <i>National reconciliation</i>	1. To strengthen mediation and reconciliation mechanisms in settling conflicts	<i>Nothing was pointed out</i>	1. To get the citizens reconciled one another and protect them, involving the population in the process of settling conflicts through a compromise solution and mediation
- <i>Human rights</i>	2. To promote and protect human rights	1. Carry on building the Rule of Law and that respects human rights	2. To promote Human rights
- <i>The justice system and Gacaca</i>			

○ <i>Constitutional Reform</i>	<i>Nothing to say, but this was completed in 2003</i>	<i>Nothing to say, but this was completed in 2003</i>	<i>Nothing to say, but this was completed in 2003</i>
○ <i>Commercial justice Reform</i>	<i>Nothing was pointed out</i>	2. To promote the private sector	<i>Nothing was pointed out</i>
○ <i>Penal Justice Reform</i>	3. Ensure universal access to justice for every Rwandan citizen : 4. Eradicate genocide ideology and enhance Culture of the Rule of Law	Nothing was pointed out	3. To sensitize Rwandans on the Gacaca courts, fight against genocide ideology and indict the suspects to the justice
○ <i>Prisons Reform</i>	<i>Nothing was pointed out</i>	<i>Nothing was pointed out</i>	<i>Nothing was pointed out</i>
- <i>Public Service Reform</i>	<i>Nothing was pointed out</i>	<i>Nothing was pointed out</i>	<i>Nothing was pointed out</i>
- <i>Accountability and transparency</i>	5. To promote transparency and accountability	<i>Nothing was pointed out</i>	<i>Nothing was pointed out</i>
6. The capital and vulnerable groups	<i>Nothing was pointed out</i>	<i>Nothing was pointed out</i>	<i>Nothing was pointed out</i>
<i>Nothing to mention</i>	<i>Nothing was pointed out</i>	3. To have an efficient working system based on ICT	<i>Nothing was pointed out</i>
<i>Nothing to mention</i>	<i>Nothing to mention</i>	4. To improve working methods at the level of the General Secretariat and the Central Secretariat	<i>Nothing to mention</i>
<i>Nothing to mention</i>	<i>Nothing to mention</i>	5. To ensure efficient distribution of resources, good management of the staff, property and equipment, ensure better dissemination of activities and programmes	<i>Nothing to mention</i>
<i>Nothing to mention</i>	<i>Nothing to mention</i>	6. To ensure	<i>Nothing to mention</i>

		coordination of the activities of the Justice Sector	
<i>Nothing to mention</i>	<i>Nothing to mention</i>	7. To harmonize donors' activities	<i>Nothing to mention</i>
<i>Nothing to mention</i>	<i>Nothing to mention</i>	8. To have well elaborated, appropriate, fair and comprehensible laws to every Rwandan citizens	4. To draft new laws, review and amend current laws to conform them to the realities of the moment
<i>Nothing to mention</i>	<i>Nothing to mention</i>	9. To adequately defend the State interests as well as those of its structures in courts and tribunals in any litigation involving them.	<i>Nothing to mention</i>
<i>Nothing to mention</i>	<i>Nothing to mention</i>	<i>Nothing to mention</i>	5. To improve more community services and carry on those that are useful to the country
<i>Nothing to mention</i>	<i>Nothing to mention</i>	<i>Nothing to mention</i>	6. To be more committed to the preparation of receiving the ICTR transfers
<i>Nothing to mention</i>	<i>Nothing to mention</i>	<i>Nothing to mention</i>	7. To legalize the Law Development and Practice Institute. (LDPI)
<i>Nothing to mention</i>	<i>Nothing to mention</i>	<i>Nothing to mention</i>	8. To make justice be closer to the population
<i>Nothing to mention</i>	<i>Nothing to mention</i>	<i>Nothing to mention</i>	9. Carry on and gather in the same place preparatory activities of bills
<i>Nothing to mention</i>	<i>Nothing to mention</i>	<i>Nothing to mention</i>	10. To fight injustice and corruption

Table7. Major orientations: Vision 2020, EDPRS, Strategy & action plan for 2008

Vision 2020 The 3 elements related to justice	The 4 sub-sectors of the EDPRS set for the MINIJUST	The 5 major strategic orientations of MINIJUST (2007-2010)	The 14 specific objectives set for the 2008 action plan
1. Ensure progression towards the Rule of Law.	1. To ensure universal access to justice 2. To guarantee that law and order are maintained and enhanced	1. To ensure universal access to justice to every Rwandan Citizen 2. To promote and protect Human right	1. To carry on building the Rule of Law that respects Human rights and provide legal assistance to vulnerable people
2. Use Gacaca as justice for reconciliation.	3. To eradicate genocide ideology and build culture that favors the Rule of Law	3. Eradicate genocide ideology and strengthen the culture of the Rule of Law 4. To strengthen mediation and reconciliation mechanisms in settling conflicts	<i>No equivalent was found</i>
3. Ensure the separation of 3 powers.	<i>No equivalent since it was provided for by the 2003 Constitution</i>	<i>No equivalent since it was provided for by the 2003 Constitution</i>	<i>No equivalent since it was provided for by the 2003 Constitution</i>
<p><i>No equivalent for this part concerning the management of the justice sector</i></p> <p><i>It is not easy to establish a real correspondence among the four columns</i></p>	<p>4. To set up a legal framework that ensures a monitoring mechanism for the fight against corruption</p> <p><i>It is not easy to establish a real correspondence among the four</i></p>	<p>5. To promote transparency and accountability</p> <p><i>It is not easy to establish a real correspondence among the four columns</i></p>	<p>2. To have an efficient working system based on ICT</p> <p>3. To ensure efficient distribution of resources, good management of the staff, property and equipment, ensure better dissemination of activities and programs</p> <p>4. To ensure good management and performance for the</p>

	<i>columns</i>		<p>personnel.</p> <p>5. To harmonize justice activities and policy.</p> <p>6. To set up a policy and objectives of the judiciary, ensure their follow up, harmonize donors' activities, have well elaborated, appropriate, fair, and comprehensible laws for all the Rwandan Citizens.</p> <p>7. To ensure coordination of activities in the area of justice</p>
<p><i>There is no equivalent for this part concerning legal acts and facts committing the State</i></p>	<p><i>There is no equivalent for this part concerning legal acts and facts committing the State</i></p>	<p><i>There is no equivalent for this part concerning legal acts and facts committing the State</i></p>	<p>8. To settle litigations through compromise and mutual aid among concerned State organs upon their own initiative or upon the request by victims.</p> <p>9. Ensure closing of cases and the ruling involving the State.</p> <p>10. To take to court personnel committing illegal acts causing damages to the State</p> <p>11. To improve agreements papers between on the one hand the State and on the other hand individuals, autonomous institutions, countries and international organizations in accordance with the laws and interests of the State</p> <p>12. To advise the State and its affiliated autonomous institutions on any problem related to laws especially before decisions become</p>

			obligations of the State and its affiliated institutions 13. To assist the State in any negotiations, treaties and agreements with individuals at both national and international levels 14. Properly defend the State interests as well as its structures in courts and tribunals in any litigation
--	--	--	--

MINIJUST role in the EDPRS. The objective of the justice sector is to strengthen the rule of law so as to promote good governance and culture of peace. This will be achieved through five sets of interventions.

- The first set aims to ensure universal access to justice in Rwanda. Justice, Reconciliation, Law and Order (JRLLO) institutions will be strengthened.
- The second set of interventions focuses on eradicating genocide ideology and building a culture supportive of the rule of law.
- A third policy initiative aims to promote transparency and accountability.
- A fourth policy is to ensure that law and order are maintained and enhanced. Community policing will be strengthened and measures taken to improve prison conditions. Rehabilitation programs and income generating projects for prisoners will be developed.
- Five and Lastly, The Justice, Law and Order and Security Sectors have an important role in both the prevention of HIV and in mitigating its impact. Prevention actions are key in these sectors as they contain populations at higher risk, including those in the prison system and other uniformed services staff

On reading the 2007-2010 strategic plan of MINIJUST published in 2007, one finds that the main strategic orientations are different from those of EDPRS. These strategic orientations are:

- **Strategic Orientation N° 1:** To guarantee to every citizen universal access to quality justice;
- **Strategic Orientation N° 2:** To eradicate the genocide ideology and to strengthen the culture of a Rule of Law;
- **Strategic Orientation N° 3:** To promote transparency and accountability;
- **Strategic Orientation N° 4:** To reinforce mechanisms of mediation and reconciliation in resolution of the conflicts and legal affairs;

Strategic Orientation N° 5: To promote and protect human rights

The Ministry is currently elaborating the *JUSTICE SECTOR STRATEGY AND A SECTOR WIDE APPROACH, 2008 -2012* "with the support of the European Commission.

There is a document published in 2006 and presented to UNDP and the Government entitled "Managing for justice sector results within the National Rwanda EDPRS Monitoring and Evaluation Framework: Developing sector performance indicators and an M&E system ". This document is not used at all for the organization of daily work in the Unit in charge of Planning.

Evidence Performance: The Ministry is still in the process of developing performance evaluation tools with the support of the Belgian co-operation. At the time of the visits, the consultant expert in Monitoring and Evaluation had not been recruited.

The Unit in charge of Legislation has workforce of 13 officers on the whole. The criteria for recruitment were very selective. For this reason, translation of legal texts was carried out by the Parliament by a group of translators and verification proved that they were not bilingual. It was realized that translation in the three official languages was not faithful to the original. It is one of the assets of these new reforms to create a specialized translation service of which one of the criteria for recruitment was the fact of being completely bilingual.

On the other hand, there is no system for the evaluation of the personnel. It is still early to judge performance of these new reforms which has not yet taken a year of their implementation.

Difficulty in Planning and Collecting Evidence: As the structures continuously change, planning consequently changes. The 2008 to 2012 strategic draft plan is in the process of being improved by taking into account the ongoing reform changes. Previously it was the 2006-2010 strategic plans. It is now necessary to take into consideration the ongoing reforms (2008-2012) as well as the 5 priorities of the EDPRS.

Satisfaction of Beneficiaries: The private sector finds that the reforms of the public sector were beneficial. It enabled every officer to be accountable of his/her own commitments and duties. The quality of the service offered by the Central Government improved to some extent. The private sector also thinks that there was also an increase in the level of conscientiousness among civil service employees. The private sector realizes that these reforms contributed in the increase in the quality of service delivered to the private sector. As for the current situation compared with itself, professional bodies of the private sector have difficulties of clearly saying that they are satisfied with services expected from the Ministry as well as their quality. On further discussion, members of the private sector generally concur that the current laws governing trade are not adequate to attract foreign investors. They point a finger at the administrative bureaucracy of MINIJUST without clearly specifying what is hindering investments.

Lack of satisfaction of Stakeholders: The human rights Association did not appreciate the manner in which the former civil servants were laid off by the government.

Monitoring and Evaluation: For the time being nobody in the Ministry of Justice may say to you what is doing while showing you indicators which are regularly collected to measure the level of performance of the institution and the employee. In the first place, there is absence of systematic data collection. The inter-institutional Committee plans to involve itself in the establishment of monitoring and evaluation mechanisms in the Justice Sector while maintaining a link with EDPRS.

Institutional instability: Strategic partners are sometimes upset by institutional instability. For instance, from 2002 to 2007, the Ministry of justice was managed by 4 Secretaries General and 3 Ministers. This instability always raises the question of the lack of institutional memory.

Table7. Satisfaction of the Personnel: The majority of the personnel declare that the reforms were beneficial in several aspects

Table 8. Comparison of the monthly take-home pay between 2003 and 2008

Jan-08		August-03	
Structures	Take-home pay	Structures	Take-home pay
Office of the Minister		CABINET15-S/C	
Single	283 200	Maximum	620 897
General Secretariat		Average	
Maximum	877 259	Minimum	14 353
Average	709 340	ADM.JUSTICE-S/SM	
Minimum	144 818	Maximum	584 799
ICT Unit		Average	
Single	283 200	Minimum	8 155
Legislation Unit		LITIGATION AND LEGAL AFFAIRS-S/S	
Single	140 322	Maximum	576 349
Planning and Judicial policy Unit		Average	
Maximum	283 532	Minimum	25 180
Average	196 206	LEG.&SERVICES A LA COLL.-S/C	
Minimum	92 648	Maximum	143 384
Unit of Promotion of the Rule of Law		Average	
Single	164 762	Minimum	12 934

**Public
Relations
and Internal
Resources**

Unit		PLANNING-S/S	
Maximum	283 781	Maximum	120 929
Average	178 807	Average	69 848
Minimum	92 648	Minimum	29 856
Total monthly take-home pay	8 559 740		
Workforce		GENERAL SERVICES 3-S/C	
	30	Maximum	143 384
General average	285324.67	Average	39 856
		Minimum	13 293
		'THE GENERAL PROSECUTION SUPREME COURT .-S/C'	
		Maximum	594 578
		Average	256 076
		Minimum	15 947
		HUMAN RESOURCES & SUPPORT SERVICE S/C	
		Single	12 934
		Total monthly take-home pay	88769966
		Workforce	1 815
		General average	48 909

Note:

Salaries of the
Minister and
the State
Minister do
not appear
on this salary
scale

Lack of satisfaction by personnel: The difficulty to ensure the continuation of the institutional memory due to a recurrent change of personnel.

Problem of injustice in the remuneration. A technician is paid more than a professional. The selection criteria to determine who is a professional or a technician are legally provided for by MIFOTRA. Outside MIFOTRA, employees are not classified in the same manner as professionals and as technicians.

Advantage of retrenched employees by the reform: Before the central administration was overstaffed. The motto designed for the reform was "the right person to the right place."

Most people were made redundant. Many people regretted much at the time of leaving. It was sad. Eventually, some of them got loans to initiate their own businesses. Most of them created their own jobs. Some resumed their studies in high school and others at the university. Presently, these people can no longer accept employment in the Public Service, their ambition became greater. They do not regret anything now rather they thanked the State for having made them redundant.

B.2. Evidence of changes in levels of performance since 2004

What has been noticed after 2004 is that Public service employees became more accountable than before, thereby increasing their performance. However, the performances that resulted from the 2007 reforms are not yet measurable. Most of the new heads of units were not part of the Ministry of Justice during the reform; therefore they find it hard to take a decision and make comparisons of the situation prior to the 2004 reforms and after that time. It is in the future that we will be able to judge the level of contradiction within laws, cases lost by the State, as well as lack of autonomy in the operations of the department in charge of State litigations.

Management of vehicles. The fact of putting an end to State vehicles in the Ministry enabled to concentrate more on work rather than tending to seek material resources to be able to work. Further study will soon demonstrate the impact of the reforms carried out in the management the State vehicles.

Hierarchical levels: the establishment of several hierarchical levels was the rule before the reform: Minister, Secretary General, Unit, Service, Section, S / Section, other senior officers and junior staff. There were more grades in the old system; therefore, a single file could be dealt with by several people at the same time without knowing the real role of each of them. The reform retained only two hierarchical levels: professional and the Unit Director. In this situation, it is difficult to know the contribution of staff. Answerable to the hierarchy, the professionals reached much more performance than before the reform. However, the downside is that professionals feel overexploited. The mission noticed that they largely work beyond usual time.

The law establishing the State Attorneys general and the resulted provisions provide the Assistants Attorney General. This raises the question of knowing the authority that will coordinate Ministry activities. The Secretary General, who is normally the most senior officer in the Ministry, will be under the level of the 4 assistants to the Minister.

B.3 Capabilities of Ministry staff

	Absolute Value	Relative Value	Cumulative Relative Value
Less than 25 years	0	0%	0%
25 to 30 years	14	16.09%	16.09%
31 to 35 years	31	35.63%	51.72%
36 to 40 years	22	25.28%	77%
41 to 45 years	10	11.49%	88.49%
46 to 50 years	2	2.29%	90.78%
More than 50 years	3	3.44%	94.22%
Others(Vacant positions)	5	5.74%	99, 96% (~100%)
	87	100.00%	

The staff of the Ministry of Justice is dominated by the category of employees who will work for at least 2 decades. 52% of the personnel are aged below 35, 83% are under 40 years old. Thus, more than 80% of its staff will work 25 years before retirement at the age of 65.

	Absolute Value	Relative Value	Cumulative Relative Value
Less than 6 months	32	36.78%	36.78%
From 7 to 11 months	Less than one year	0	0.00%
From 12 to 23 months	From 1 to 2 years	23	26.43%
From 24 to 35 months	From 2 to 3 years	11	12.64%
From 36 to 59 months	From 3 to 5 years	5	5.74%
From 60 to 119 months	From 5 to 10 years	7	8.04%
More than 119 months	More than 10 years	4	4.59%
Others (Vacant positions)		5	5.74%
	87	100%	99.96 % (~100%)

This table shows that the majority of the staff of the Ministry of Justice has been newly recruited. 74% of its staff has been working for the institution for less than 2 years. Without considering category or grade only 5% of the staff has more than 5 years of experience in the institution. This shows that there is need to develop a program of capacity building.

Table 12. Seniority of staff in the post				
		Absolute Value	Relative Value	Cumulative Relative Value
Less than 6 months		62	83.78%	83.78%
From 7 to 11 months	Less than one year	0	0.00%	83.78%
From 12 to 23 months	From 1 to 2 years	1	1.35%	85.14%
From 24 to 35 months	From 2 to 3 years	3	4.05%	89.19%
From 6 to 59 months	From 3 to 5 years	6	8.11%	97.30%
From 60 to 119 months	From 5 to 10 years	1	1.35%	98.65%
More than 119 months	More than 10 years	1	1.35%	100.00%
Available positions		74	100.00%	
Vacant positions		19		
		93		

The above table shows that there is not a clear distinction between seniority in the position and seniority in the institution. Therefore, it is clear that the majority of staff of MINIJUST have been newly recruited. 83% of its staff have less than 1 year in the position. If we consider the category or grade only 3% of the personnel have more than 5 years experience in the position. The reform of 2007 led to deep changes in staff structure. This table justifies the need to put in place a program of capacity building as it was the case for the previous table.

Table 13. Summary of age and average experience by the training area				
Training area	Number	Relative value	Average age	Average time
			Year	In MINIJUST months
Lawyers with Bachelor's degree and more	52	77%	36	12
Bachelor's degree in Management and more	12	11%	34	14
Other Bachelor's degree	15	8%	36	35
Secondary level Certificate	3	4%	38	80
Available positions	82	100%	36	17
Vacant positions	5			
Total	87			

Although the previous two tables show a few years of experience in the institution and in the post, one of positive aspects is that 77% of personnel are lawyers. Another positive facet is that the Ministry of Justice has made a lot of efforts to train its employees. Thus, more than 90% of its personnel have a bachelor's degree.

Table 14. Other characteristic values of MINIJUST Staff

	Age Year	Time in MINIJUST Months	Time in the post Months
Median	35	1,5	1
Min	26	1	1
Max	63	132	132
Mod	34	1	1

As for the average, the median age still proves that more than 50% will work 30 years before retiring at the age of 65. The minimum experience that has already been registered in the position is 1 month and this is the case for several positions. During the course of the last quarter of 2007 and the first quarter of 2008, MINIJUST undertook the recruitment process of the new staff. The maximum experience in one position is 11 years. Time spent in the position that is more frequent is 1 month; this implies that the majority of personnel started working between February and March 2008.

It is worth mentioning that the most experienced personnel in MINIJUST are the support staff. It was noticed that they were more stable not only in the Ministry but also in the civil service.

Table 15. The distinction between the legal staff and support staff

	Number	Average age	Average time Min	Average time Post
Legal Posts	70	42	10	7
Minister	1	62	24	24
Assistant Attorney General	4	45	4	4
Coordinator Translator	6	35	8	3
Attorney General	10	34	8	1
Professionals	49	34	7	1
Administration and Finance positions	23	38	38	25
SG	1	38	14	14
Director	5	40	58	18
Professionals	10	35	30	20
Support staff	7	39	52	48
	93	36	17	9

This table shows that the number of personnel for each grade is somehow balanced. What is not directly noticeable is that the Minister oversees more than 5 senior officers who are directly answerable to him without having a General Secretariat to manage and prepare files. The General Secretariat as it works now deals with files that do not fall within legal matters.

Regarding experience in the current job, the employees still having institutional memory are, in order of importance, the support staff with lower level of education working in the Administration and Finance (48 months) and then Directors of General Services. The legal positions have less working experience in the Ministry and in the position compared to their colleagues working in the administrative and financial unit. Therefore, it is obvious that general services have more stable employees than the technical field.

Table 16. Distribution of the personnel by sex						
	Legal positions		Administrative positions		Total	
	Number	%	Number	%	Number	%
Men	30	56,60%	9	42,86%	39	52,70%
Women	23	43,40%	12	57,14%	35	47,30%
Vacant position	17	32,08%	2	9,52%	19	25,68%
General total	70		23		93	
Position filled	53	100,00%	21	100,00%	74	100,00%

Male personnel are the majority. However, the rate of at least 30% of female portraying the orientation of the national policy on gender has been respected.

The few members of staff who still remain in the Ministry and who were there before the reforms find that they cannot leave any file unprocessed for more than two weeks without closing it or without being observed by their colleagues, except in the event of known justifiable reason.

The disadvantage of the reforms: is that the personnel does not have any more the feeling of working in a stable and permanent institution. For instance, the personnel feel that:

The classification and the categorization of institutions and jobs constantly change, are personalized of Head of institution type and follow criteria whose objectivity is not usually recognized. The institutions are forced to the tendency to justify their merit to be classified with the highest category compared to others and frustrations related to no consideration of complaints lead not only to the reduction of productivity but also to instability of the individual and the post in question.

The same phenomenon is in the classification of jobs within the same institution. It tends to underestimate a given category of posts and to over-estimate another category, and it is not easy to justify this difference. The assumption often repeated is that the post of Human Resource Manager should be subjected to a classification lower than that of a computer Specialist, the Accountant and the Auditor. These 3 posts have benefited from a difference in allowances compared to others since 2007.

Staff: It is not possible to date to come up with a conclusion about the effectiveness of the personnel as a result of the August 2007 reforms. Indeed, the majority of the posts are not yet provided for the moment with the drafting of the present report in February 2008. As it was the case of the magistrate, State litigations are pending and waiting the recruitment of officers who will assume the tasks assigned to former State Attorneys General.

Process of the reforms: The manner of carrying out reforms often creates an institutional vacuum. Given that the former institution is emptied before creating a new one, the absence of the handing-over will lead a time lag as the new members of staff take time to acquaint themselves with the files and assume new functions under better conditions.

The recommendation on this subject is that reforms should follow certain procedures that enable a handing-over in due form.

There are also certain frustrations for the personnel who lost their jobs. This difficult situation in which former employees are found will make them join new carriers with panache such as the Bar.

Number of the Personnel: The personnel are not sufficient. For instance, the Ministry does not have an officer in charge of Monitoring and Evaluation. That made that this last activity is not correctly accomplished.

Training: The Ministry of Justice is often heard lamenting or deploring of the lack of funds for training private court bailiffs or lawyers. Others are of the view that the role of the Ministry of Justice would be to create a favorable environment for enabling professional court bailiffs to complete their training and to make it a required condition for their eligibility. It would be the turn of court bailiffs to seek training opportunities and to pay for these training services as to be recognized for their profession. The Ministry of Justice should know where its responsibility as a public institution ends and the responsibility of the private starts. That is in the deontological obligations of lawyers and court bailiffs to regularly update their level of knowledge and skills.

Effectiveness of the reform at the level of ICT: Before the reforms, the institution did not have a Unit in charge of ICT, in the event of technical breakdown; it resorted to private maintenance services. The reforms were of capital importance because they were initiated at the opportune time to solve the issue of information technology. This Unit enabled the institution to solve the problem of time, to reduce the cost of services and to facilitate quicker implementation of the objectives as it used to be the case because of facilities offered by this technology.

B.4. Resources available to Ministry staff

The Unit in charge of Legal Advice considers that resources that the State planned for its operation are sufficient. But in general, new officers recruited as heads of Units have not yet mastered the budget of their units.

Table 17. Table of office computers

Service/Structure	Number of the Personnel	Desktop	Laptop	Operating System (type of level)	Connection to the Network? Yes or No	Hard Disk shared on the network? Yes or No
Office of the Minister	4	3	1	Nothing was mentioned	Nothing was mentioned	Nothing was mentioned
General Secretariat	4	4	1	RAS	Nothing was mentioned	Nothing was mentioned
UFGRI	5	5	1	Nothing was mentioned	Nothing was mentioned	Nothing was mentioned
UPPJ	4	4	1	Windows	Yes	Yes
ICT	2	2	1	Nothing was mentioned	Nothing was mentioned	Nothing was mentioned
UL&N	0	19	0	Nothing was mentioned	Nothing was mentioned	Nothing was mentioned
TOTAL	19	37	5			

The UL&N Unit is under restructuring. It has 4 departments:

- Service to the public department
- State Legal Affairs department
- State litigations department
- Law Drafting (Drafting) department. The personnel have not yet been recruited except 4 Attorney General Assistants.

Table 18. Table of printers

Service/Structure	Number of Laser Jet	Number of DestJet	Network or local ?	shared Yes / No
Office of the Minister	3	0	Nothing was mentioned	Nothing was mentioned
General Secretariat	3	0	Nothing was mentioned	Nothing was mentioned
UFGRI	3	0	Nothing was mentioned	Nothing was mentioned
UPPJ	2	0	Nothing was mentioned	Nothing was mentioned
ICT	2	0	Nothing was mentioned	Nothing was mentioned
UL&N	1	0	Network	Network
TOTAL	14	0		

Table20. The network and its use

Type of access to the network	Security for access to network y/n?	Internet filtering	Protection of documents	Protection of access to computers	Observations
Server room	Yes	no	Yes	yes	

A member of staff may put a personal code in his/her computer.

Table21. Communication tools of the institution (Number)

Institution structures	Fixed phones	Mobile phones	Fax	IP phones (ex. skype) number of users
UPPJ	1	0	0	1
UFGRI	1	0	0	1
ICT	1	0	0	1
OFFICE OF THE MINISTER	3	1	1	3
SG	2	0	1	2
UL&N	1	0	0	1
TOTAL	9	1	2	9

Table22. Mail registering (Jan. to Dec. 2007)

External mail (Number)		Internal mail(Number) in the office of the SG	
Received	Mailed	Received	Initiated and mailed
7042	1720	124	48

B.5 Resources provided by external sources

The operation of the Secretariat which has the mandate to coordinate legal institutions is financed mainly by the Belgian Co-operation, the European Union and GTZ. Coordination is currently weak. It would be necessary to set up a strong Secretariat with a high-powered Executive Secretary who would have the competence to stimulate the participation of Secretaries General of member institutions. A good policy paper of the project could stimulate the interest of Belgium, The Netherlands, European Union and Germany which could finance this project through a common basket fund.

B.6. Changes in total capability since 2004

Achievement of tasks: Each year the Ministry elaborates training plans whose funding sources are donors. It was often difficult to implement certain training programs and plans due to the lack of people who would temporarily replace or take over the duties of those who should go on training. The workload in terms of time of a single professional for a given function cannot often enable him/her the possibility of combining it with the duties of another officer absent on training.

B.7 Other data.

Budget of MINIJUST for the years 2003 and 2008 [amounts in RWF]

Year	Functioning budget	Development budget	Total Salaries
2003	1 893 007 854	2 623 476 269	9 209 671
2008	7 230 573 973	7 975 070 989	8 559 740

Tableau 1. Increase in number of the staff from 2004 to 2008

Structure	Current permanent employments	Current temporary employments	Provided in 2006	April 2004	Before 2004
Provided positions	93	13	33	54	1115

Box A.1.

Annex C. Lists of contacted people

Name	Institution	Titre
	The Netherlands	
A.J Timmerman	Embassy	First Secretary of the Embassy
Chantal Mubarure	ASI	Deputy Team Leader, Civil Service Reform
James Billings	ASI	Team Leader Civil Service Reform Project
Emmanuel Karemera	Bugesera District	Director on Education, Jouth, Culture and Sport Unit
Emmanuel Ndashimye	Bugesera District	Director of Good Governance Unit
Silas Nyirindekwe	Bugesera District	Vice-Mayor in charge of Economic affairs
Rwigamba Molly	FSP	Director for capacity building& Employment
Pascal Nyiribakwe	Ligue des Droits de l'homme (LDGL)	Coordinator for the College of the Executive Secretariat of the LDGL
Kanyankore Tito	MIFOTRA	Salaries controller Vérificateur des salaires
Marcelline Mukakarangwa	MIFOTRA	Secretary General
Sebagabo Barnabe	MIFOTRA	Director of Planning
Alpha Mirembe	MINIJUST	Coordination Officer to the Justice Sector Secretariat
Daphrose Mukakigeri	MINIJUST	Director of Finance
Dirk Deprez	MINIJUST	Coordinator for the Belgium Cooperation Project
Emmanuel Sindikubwabo	MINIJUST	Consultant
Esperance Nyirasafari	MINIJUST	Secretary General
Isabelle Karihangabo	MINIJUST	Assistant Attorney General in Charge of Legal Aid Services
J Pierre Kayitare	MINIJUST	Assistant Attorney General in Charge of Legal and Legislative Services, respectively
Nadia Gashumba	MINIJUST	Professional in charge of Sector policy
Perrine Mukankusi	MINIJUST	Director in charge of Legal policy Planning Unit
Saverine Mukaneza	MINIJUST	Professional in charge of Planning
William Gatwaza	MINIJUST	Director in charge of ICT Unit
Jeanne D'arc Mwiseneza	Office de l'Ombudsman	Director in charge Notification Unit
Jean Haguma	Lawyers Association	Member of the Lawyers Association Chairman of firms in PRSP
Jean-Damascene Habimana	Prosecution	Secretary General
Anne Gahongayire	Supreme Court	Secretary General
Christiane Rulinda	UE	The Officer in charge of the program
Geoffrey Veronique	UE	Economic & Gouvernance Attaché
Alex Kamurase	World Bank	Operations Officer

Annex D. Documents that were consulted

Title	Lieu	Années	Pages
Tender Document, Elaboration of Justice Sector Strategy & SWAP 2008-2012,	Kigali	Nov-07	19 p
Plan stratégique du Ministère de la Justice 2007-2010	Kigali	Jul-07	56 p
Gahunda y'ibikorwa bya Minijust 2008	Kigali	Nov-07	49 p
Plan d'action 2007	Kigali	Nov-06	45 p
Rapport y'igihembwe cya mbere cy'umwaka wa 2007	Kigali	Avr-07	21 p
Rapport y'igihembwe cya Kabiri cy'umwaka wa 2007	Kigali	Jul-07	20 p
Rapport y'igihembwe cya Gatatu cy'umwaka wa 2007	Kigali	Oct-07	20 p
Organigramme of the Attorney General's Office/Minisjust	Kigali	NA	1 p
Presidential Order N°3601 of 10/09/07 appointing The Minister of Justice	Kigali	Oct-07	3 p
Justice Sector Policy	Kigali	Déc-04	25 p
PM's decree N° 15/03 of 16/03/2001 on organisation and function of the Minijust	Kigali	Mars-01	3 p
Cadre organique du Ministère de la Justice	Kigali	Août-06	16 p
Synthèse cadre organique Minijust, Oct. 2007	Kigali	Oct-07	2 p
Annexe de l'arrêté du Premier Ministre fixant les missions des Ministères du Gouvernement de la République du Rwanda	Kigali		
Journal Officiel n°spécial du 31/12/2002 " Loi déterminant fixation des finances de l'Etat pour l'exercice 2003	Kigali	Déc-02	669 p
Journal Officiel n°spécial du 31/12/2007 " Loi portant fixation des finances de l'Etat pour l'exercice 2008	Kigali	Déc-07	202 p
Cadre organique du Ministère de la Justice	Kigali	Févr-06	14 p
Cadre organique du Ministère de la Justice	Kigali	Janv-08	11 p
Arrêté présidentiel n°36/01 modifiant et complétant l'arrêté présidentiel portant nomination du ministre de la justice	Kigali	Sept-07	
Arrêté du premier ministre n°18/03 du 10/09/2007 portant Missions et structures des services du garde des sceaux/Ministère de la justice	Kigali	Sept-07	
EDPRS 2008-2012, Final Draft	Kigali	Sept-07	169 p.
Constitution de la République du Rwanda	Kigali	2003	41
Journal Officiel n°spécial du 31/12/2003 " Loi portant fixation des finances de l'Etat pour l'exercice 2003	Kigali	Déc 08	202p
Journal Officiel n°spécial du 31/12/2007 " Loi portant fixation des finances de l'Etat pour l'exercice 2008	Kigali	Fév-06	126p.
Journal Officiel N° 08/2006 du 24/02/2006 Loi portant organisation et fonctionnement du District	Kigali	Fév-06	126p.
Loi portant fixation des finances de l'Etat pour l'exercice 2004 avec d'autres lois fiscales	Kigali	Déc.-03	742p

Loi portant fixation des finances de l'Etat pour l'exercice 2008	Kigali	Déc. 03	174p.
Manual of Government Policies and Procedures : Financial Management & Accounting,	Kigali	Nov- 06	4Vol
Government of Rwanda – An Integrated ICT led Socio-Economic Development Plan for Rwanda, NICI Plan 2006 – 2010	Kigali	2005	392p.
Stratégie de Réduction de la Pauvreté du Rwanda; Rapport d'évaluation (2002- 2005)	Kagali	Août 2006	63p.
Poverty Reduction Strategy Paper	Kigali	June 2002	160p.
Loi Organique N° 22/2004 portant Statut Des Officiers du Ministère Public et du Personnel du Parquet	Kigali	2004	
Rwanda, Loi No. 51/2001 portant Code du Travail	Kigali	Déc 2001	
08 - Statut du Tribunal International pour le Rwanda		Nov 94	
Vision 2020	Kigali	2002	60p.