



**PROVISION FOR POST PROJECT EVALUATIONS FOR THE UNITED NATIONS  
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**EVALUATION REPORT**



**UDF-RWA-09-303 – Access to Justice and human Rights education (Rwanda)**

**17 September 2013**

### Acknowledgements

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All errors and omissions remain the responsibility of the authors.

### Disclaimer

The views expressed in this report are those of the evaluators. They do not represent those of UNDEF or of any of the institutions referred to in the report.

### Authors

This report was written by Aurélie Ferreira and Pierre Robert with the valuable support of Julien Ntezamina who acted as national expert.

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i.





through training encourages women to become more invested in their communities, thanks to the mechanisms for recognition and confidence building.

### ***(iii) Conclusions***

***The project offered a highly relevant response to the target district's needs.*** Furthermore, the project was able to target its activities and ***develop specific tools*** for land tenure and matrimonial disputes. ***This approach enhanced the quality of the intervention.***

***HRFRA and INILAK met their commitments*** and even exceeded some of the planned outcomes. As a result, the project carried out all the programmed activities at minimal cost.

***The project fostered the development of key human capital.*** It created a network of paralegals in the district. The higher social status afforded women guaranteed H G W K H S D U D O H J D civic engagement with their communities and gave women access to the justice lacking in the



Action Forum (JDAF), CLADHO, PROLIDHOR, Haguruka and the Legal Aid Forum. Though it was planned to interview a representative from the Ministry of Justice, the meeting could not  
WDNH SODFH GXULQJ WKH LQWHUQDWLRQDO H[SHUWV¶¶ YLVLW  
was possible for the national expert to meet with one representative from the National Community of Mediators the week after.

The list of persons interviewed is provided in Annex 3.

During the preparatory work (Launch Note UDF-RWA-09-303) the evaluators identified several issues which they followed up on during interviews. These included:

- f* Project relevance to the local governance and law system reforms, synergies with local policies, and coherence with the current decentralization process;
- f* The relevance of the services offered to people when compared to (i) their educational level, (ii) their needs, and (iii) legal counsel and support available in the absence of financial means or with limited 1 0 0 1m11 0 0 1 106.823( )-91T1 0 0 1 265.25 646.18 83.21 265.0a21e

have never finished primary school (62.2%); 31.5% have finished primary school; and only 4.9% have attended a secondary school or pursued professional training or a university education<sup>2</sup>. These figures take on special significance when one considers, for example, that plaintiffs must write their own briefs to file their case with a court of first instance.

In the financial sphere, the figures for 2012 put the average annual income of a Rwandan at US\$1,500<sup>3</sup> Z K L O H W K H V W D Q G D U G D W W R U Q H \ ¶ V 3 0 0 , 0 0 0 t o 4 0 0 , 0 0 0 R w a n d a n f r a n c s ( R W F ) , a c c o r d i n g t o t h e p e o p l e i n t e r v i e w e d d u r i n g t h e e v a l u a t i o n v i s i t i n 2 0 1 3 t h a t i s , f r o m U S \$ 4 7 0 t o m o r e t h a n U S \$ 6 , 0 0 0 . I t c o m e s a s n o s u r p r i s e , t h e n , t h a t a n e s t i m a t e d 8 0 % o f p l a i n t i f f s h a v e n o l e g a l r e p r e s e n t a t i o n .

**Justice reform: a work in progress.**

In certain respects, the legal system reflects the history and state of 5 Z D Q G s d o j a v fabric. Handicapped by the flight or killing of qualified people, it has taken the country some time to rebuild, and it is still in the process of developing its new profile and operational procedures.

Rwanda first had to overcome the structural hurdles of the immediate post-genocide period, and then, a 9-



### III. PROJECT STRATEGY

*i. Project strategy and approach*

The HRFRA strategy was designed in Rwanda. The project document describes access to justice as a privilege reserved for the elite: an urban prerogative that discriminates against uneducated, low-income populations living largely in rural areas. The project strategy was developed to address the following circumstances:

- f* The courts and the Bar are concentrated in major cities, mainly Kigali, de facto discriminating against the rural population.
- f* In response, the government has created decentralized legal systems; however, no court can hear a case before it has gone through the mediation process.
- f* This mediation phase is managed by mediators who do not necessarily have the appropriate competencies or training.
- f* The population is largely unaware of its rights.

HRFRA is comprised of attorneys and has been active in an assortment of networks since its creation in 2005. Its structure and positioning among the Rwandan civil society agents have enabled it gauge the real needs in the Kamonyi district. HRFRA is, for example, a member of the Legal Aid Forum, a network of 34 organizations that in 2007 conducted a situation analysis of the centers providing legal services, noting which services were provided in the different provinces of the country and which were not. The



Project Activities & Interventions	Intended outcomes	Project general objective	LT Development Objectives
<ul style="list-style-type: none"> <li>- Opening of a Legal Aid Clinic.</li> <li>- Assistance to the local population from a full-time legal aid officer, available 5 days/week.</li> <li>- Public awareness campaigns and promotion campaigns by the Legal Aid Clinic targeting the provincial population and local authorities (meetings, posters, radio messages, word of mouth).</li> <li>- Establishment of a system for weekly visits and assistance from INILAK law students, under the supervision of an instructor.</li> <li>-Creation of a network of 80 paralegals in collaboration with local authorities.</li> <li>- Training of paralegals in recurrent rights issues in the Kamonyi district, following a needs assessment.</li> <li>- Assistance and strengthening of the paralegal network.</li> <li>- Administration of a survey to a sample of 100 district residents about the disputes in which they are involved and for which they might wish to receive assistance.</li> <li>-Production of an informative booklet written in Kinyarwanda that offers legal guidance, in collaboration with INILAK instructors and local authorities</li> <li>-Distribution of 480 copies to resource people (paralegals, local authorities, etc.).</li> </ul>	<p>Strengthening of legal aid structures and mechanisms in the Kamonyi district of the South Province.</p>	<p>Plaintiffs receive legal aid, regardless of their economic status, geographic origin, sex, or ethnicity.</p>	<p>Local resources join government efforts to offer all citizens equal access to justice.</p>



Thus, the decision to intervene in the Kamonyi district in the South Province, when the eastern part of the country has often been cited for its history of land tenure disputes and its heavy demand for legal mediation, was EDVHG RQ WKH H[SHULHQFH RI WKH SURM H INILAK, in the province. The advantages of this prior experience are visible in several areas. In addition to the direct proximity of the Kamonyi administrative center to Kigali, which facilitated travel by the INILAK students and the legal aid officer, it made it possible to assess the situation, confirm the absence of a legal aid clinic, learn about problems in the area, and finally, create a network for communicating and collaborating with the local authorities, who, it should be recalled, also have local mediation systems and must approve the composition of any external assistance. Following the standard procedures, the authorities were responsible for selecting the paralegals, based on the criteria set by HRFRA during the preparation of the project document (secondary education, good teaching profile, gender balance).

The intervention format proposed by HRFRA was equally relevant, as it was tailored to the local legal mechanisms designed under the national reform to decentralize the justice system. In fact, as illustrated in the diagram below, Rwanda decided to delegate the settlement of many disputes to local bodies to free up a centralized system that was unable to handle them. In certain respects, the paralegals were delegated the responsibilities of 12 mediators at the sector and cell level. This was something different, with justice-seekers perceiving that the newly appointed paralegals might not have the bias of an elected mediator.

At the time of the evaluation visit, an important law for inclusion in the general reform was being debated.



Monthly visitor records attest to high use of the clinic, especially when it opened (700 people vs.

brief and concise discussion of issues selected through surveys, this succinct 23-page booklet appears to have been built on a solid foundation. Nevertheless, while the absence of an English version is by no means problematic, it is unfortunate that the booklet did not make greater use of illustrations, considering the level of circulation envisaged. Even if the readership were literate, the paralegals could have made good use of the diagrams or illustrations when counseling clients or to facilitate understanding and appropriation of a case. In this case, certain illustrations were barely legible due to lack of a suitable font size and sometimes the rather poor quality of the printing. These factors should be considered if similar support materials need to be printed. The budget for this project covered printing costs for only 480 copies.

In addition, the higher social status gained by paralegals in the community undoubtedly contributed to the construction and strengthening of the paralegal network. This status had real advantages, such as apprenticeship in the fundamentals of rights, and gave volunteers valuable recognized work of 1-2 hours per week that was occasionally remunerated when

The validity of the initiative was undermined by the following:

- The students were under no obligation to produce results. While visits were compulsory, they were not a condition for obtaining credit or a diploma. The absence of grading clearly diminished the impact on students and their commitment to the initiative.
- Although the students had to handle particular cases, they were not responsible, for example, for conducting a thorough case review. More than once, absenteeism during the exam period was brought to the attention of the H Y D O X at the time of the exam.
- All the same, while the students all confirmed the importance of having learned about the situation in rural areas, the absence of a thorough review of a given case may have detracted from the quality of the learning and made it difficult to take full advantage of the process to raise their awareness, and by extension, the work on the ethics of the profession mentioned in the project document.
- In terms of the INILAK instructors, a supervisor was responsible for mentoring the students and advising them during their visits, but the volunteer status of this post was certainly no benefit to the project. A resource person financed part-time could have improved the framework for the students.

### ***(iii) Efficiency***

The ratio of the resources invested in this project to the results obtained is especially positive. HRFRA obtained maximal results with a minimal budget. In fact, it met and sometimes exceeded all of its quantitative objectives on time, notwithstanding the

In terms of costs, the expenditures were balanced. Most of the funds were allocated in almost equal proportions to:

- staffing (including the full-time salary of the legal aid officer and the part-time salary of the accountant for a 2-year period), for a total of US\$18,

Of course, in a qualitative project like this one, any changes that occur cannot necessarily be attributed to the project activities. An attempt can reasonably be made, however, to identify the impact factors that are moving in the direction desired by the project.

The project document and final report provide facts that can serve as baseline information about the situation in the Kamonyi district prior to the project, namely:

- The population was dependent on mediators with little or no training, in numbers proportionately inadequate to the number of requests for mediation;
- The exclusivity of the Bar, concentrated in Kigali, and the poverty that is rife in rural areas effectively deny most of the population, especially vulnerable groups, the right to justice.
- The low educational level in rural areas not only militates against the equitable settlement of disputes but fosters injustice.

Given this baseline data, the following can be said about the impact of the project:

- The project improved legal structures and services in the Kamnyoi district and contributed to the national decentralization effort, and more specifically, to greater justice at the local level. A clinic was opened and the public mediators, 13 per cell or sector committee, received reinforcements in the form of a network of 80 district residents trained to serve as volunteer paralegals.
- The application of their newly acquired knowledge not only raised the basic educational level

project had led them to change their educational or career plans. Certain INILAK students actually chose to write their thesis on a case that they had been involved with during their work in Kamonyi.

**(v) Sustainability**

At the time of the evaluation visit in May 2013, five months after the project had ended, the legal aid clinic was still open and the legal aid officer still in her post. Moreover, the paralegals who had been working with the project had joined the HRFRA project financed by the British National Lottery, factors indicative of the + 5 ) 5 \$ \$ stable sustainability strategy.

+ 5 ) 5 \$ \$ sustainability strategy is based on the following elements: (i) its partnership with INILAK, which is familiar with the area and the local authorities, and its network stemming from its membership in the Legal Aid Forum; (ii) its network of paralegals, created prior to the UNDEF project with one year of funding from Europe, assembled first in a database and further developed over the three additional years of the project funded by the British National Lottery, and finally (iii) its specialization in land tenure law, a major if not the main source of disputes in Rwanda, signaled by the orientation of L W V Q H Z I O D J V K U L L a n d M O R N R I G H T W 3

The institutional and societal roots of HRFRA and INILAK in Kigali and the Kamonyi district are a sustainability factor that cannot be emphasized enough. Implementation of the project was possible due to the

budget being one of them, UNDEF D W W K H W L P Primary 500 \$ of funding helped the organization secure that accreditation.

Since then, thanks to a new law passed in 2013, the accreditation is now permanent. HRFRA is one of the CSOs to have obtained it.

## V. CONCLUSIONS

**(i) The project offered a highly relevant response to the district's needs.**

That response was based on a preliminary needs assessment that analyzed the national situation and then, the impact of concentrating judicial resources in districts outside the capital districts, moreover, with one of the highest levels of poverty in the country. This conclusion is drawn from the observations on the relevance of the intervention.

**(ii) Furthermore, by agreeing to provide counseling for all cases and surveying the population to learn its major concerns, the project was able to target its activities and develop specific tools for land tenure and matrimonial disputes. This approach led to HRFRA's subject specialization and the high quality of the interventions in this area.** This conclusion is drawn from the observations on the relevance and sustainability of the intervention.

**(iii) HRFRA and INILAK met their commitments and even exceeded some of the programmed outcomes. The two NGOs displayed good organizational capacity and enjoyed the recognition of their peers, which enabled them to move forward with the project. They mobilized a not inconsiderable network of volunteers that made possible both extensive assimilation of the content transmitted and the intended outcomes.** This conclusion is drawn from the comments on the effectiveness and relevance of the project.

**(iv) Remarkably, thanks to the HRFRA and INILAK networks, the project carried out all the programmed activities at minimal cost.** While this is laudable, it is unfortunate that supplementary funding was not available to guarantee and optimize assistance to the students. This would undoubtedly have increased the value of the initiative, whose outcomes were slightly below its basic ambitions and objectives for lack of a specific strategy and means. This conclusion is drawn from the comments on the relevance and efficiency of the project.

**(v) The projec**

**to the justice lacking in the application of traditional customary law to land tenure and matrimonial issues.** The deployment of these human resources and the **dissemination of their knowledge legitimized the grievances of each plaintiff**, an important step in ending judicial exclusion.

**(vi) The law students all commented that this experience had raised their awareness, noting its impact on their view of the profession.** According to the statements obtained, some students intensified the experience by making it their thesis topic, as observed in the section on the impact of the project.

**(vii) The project's sustainability strategy was characterized by continuous strengthening of its paralegal network and its specialization in land tenure and matrimonial issues.** These factors undoubtedly contributed to the <sup>1</sup> \* 2 ¶ stability and the sustainability of its activities. The successive funding received by the NGO attests to this.

## VI. RECOMMENDATIONS

(i) Based on conclusions v and vii, it is recommended that Human Rights First Rwanda Association continue its ongoing effort to build local capacity and upgrade the skills of paralegals. **Further development of the mechanisms for supervising and training the paralegals is desirable to guarantee the quality of their legal counseling and guard against the stumbles observed and reported to the existing authorities** (lack of training, the bias of certain judgments, etc.). HRFRA's assistance to the paralegals, thanks in particular to the continued funding, makes it possible to envision a level of training higher than a basic education.

(ii) In order to optimize the human capital that was mobilized, the evaluators **encourage HRFRA and INILAK to develop a more explicit partnership framework one, for example, with annual numerical objectives**. A similar project should envision assigning an INILAK resource to monitor the visits and mentor the students as support for the legal aid officer, whose responsibilities should not be focused entirely in that direction. This recommendation follows from conclusions iii and vi.

(iii) **The students' intervention format should be more binding to reduce the risk of absenteeism and maximize the initiative's impact on their professional and personal development**. HRFRA and INILAK should ensure that student participation and certain exercises are graded and count towards a diploma. In this same vein, HRFRA and INILAK could explore the possibility of integral assistance that is, assistance from beginning to end. This could be done individually or with groups, depending on the practices in place. In any event, an approach of this type would encourage greater responsibility and more intensive work on the ethics of the profession. This recommendation follows from conclusion iii.

(iv) **Finally, it would be desirable to further develop the printed support material and continue distributing it to paralegals with a view to its replication and assimilation**. The material should be more didactic while conserving a flexible format like the one adopted. It should be written in the local language; its length should be reasonable; and the clarity of the examples and visual support, as well as the memorability of the illustrations, should be improved. This recommendation follows from conclusion vi.

**VII. ANNEXES**  
**ANNEX 1: EVALUATION QUESTIONS**

DAC criterion	Evaluation Question	Related sub-questions
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# ANNEX 3: SCHEDULE OF INTERVIEWS

5 May 2013 ±Arrival in country	
6 May 2013	
Job NZOVU RUZAGE	Executive Director, HRFRA

# ANNEX 4: LIST OF ACRONYMS

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# ANNEX 5: BOOKLET SURVEY

Responses to the Survey Questionnaire administered to community members in Kamonyi District preparation for the writing the booklet on human rights.

100 persons responded to the questionnaire, and their answers are below: