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JUSTICE SECTOR USER PERCEPTION AND VICTIMIZATION STUDY

Final Report

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EXECUTIVE SUMMARY

The Justice Sector User Perception Survey is a nationwide study commissioned by the *Ministry of Justice and conducted by Transparency International Rwanda in June 2012 and the final report produced in November 2012.*

Based on a mix of both quantitative and qualitative approaches, the survey aimed to:

- Measure the community perception of access to legal advice and representation;
- Measure the community perception of accessibility and quality of mediation committees (Abunzi);
- Identify the public perception of the quality and accessibility of judicial services in general,
- Identify the perception of the business community of the commercial justice system;
- Measure the public perception of the rule of law and the performance of sector institutions;
- Identify the public perception of the level of physical and property security;
- Establish baselines for the Indicators as formulated in the JRLOS M&E¹ Framework;
- Conduct a victimization study.

It mainly targeted ordinary people, members of the business community as well as other key informants including Government officials who, at the same time, are representatives of the Justice Sector institutions assessed through this study.

During the processes of developing the research tools as well as report validation, comments from a number of key stakeholders were received and integrated both in the final research tools used to collect data and the final report as appropriate.

As far as the baseline indicators for the JRLOS sector, they are presented in a table below with disaggregation² by gender and type of residence. However, the disaggregation by geographic distribution and category of respondents (provinces and districts on one hand and vulnerable groups on another hand) was not done due to the following reasons:

- Concerning province and district disaggregation, from a statistical application, the sample size for this study (2,400 individuals) does not allow an extrapolation on more than two strata (urban and rural considered in this study). This argument is based on the principle of “cluster effect”³ according to which the minimum sample size with 2 strata (e.g. urban-rural), and based on a desired margin of error of 2% and confidence level of 95%, should not comprise less than 2400 individuals, while with 5

¹The Justice, Reconciliation, Law & Order Sector Monitoring & Evaluation framework

²For more details on this disaggregation, please see appendix.

³Kish, Leslie. 1965. *Survey Sampling*. New York: John Wiley and Sons, Inc

strata (which is the case of provinces in Rwanda), the minimum sample size should not be less than 3600.

- As far as socio-demographic categories of the Rwandan Population especially in regards to “Vulnerability of respondents” is concerned, due to the ethic issue and for having not considered it during the development of the research tools, these aspects have not been tackled by the study. They could constitute a specific research with another methodology to capture any particular effect of The Justice, Reconciliation, Law & Order Sector on these specific categories of population.

For the two disaggregation categories considered in this survey namely gender and type of residence, there is no significant discrepancy (10% or above) for all six indicators considered in The Justice, Reconciliation, Law & Order Sector Monitoring & Evaluation framework⁴. However, a slight discrepancy is observed with the *population’s satisfaction with the quality of legal advice (male: 71%; female: 65%), population’s satisfaction with the quality of legal representation (male: 72.2%, female: 65.9%), and the business people’s satisfaction with the fairness of decisions made by commercial courts (Rural: 70.7%; Urban: 62.6%)*. An attempt of explanation of the high level of satisfaction in the quality of legal representation for male compared to female should be found in the fact that women in the Rwandan society have been always considered at the second level compared to men and this cultural inheritance still exists in the Rwandan Society when it comes to service delivery provided to men and women.

Concerning to the discrepancy of satisfaction with the fairness of decisions made by commercial courts within business people’s from urban and rural with a high level of satisfaction of rural residents, this could be explained by the number of service seekers versus service providers in rural and urban areas as far as commercial litigations are concerned. Indeed, it is known that it is in urban area that the majority of business is concentrated and therefore opportunity of litigations and low level of satisfaction due to the effect of the number.

Baseline indicators for the JRLOS sector in Rwanda, data collected in June 2012

JRLOS Indicators	Indicators as they appear in this study	2012 Baselines		Score interpretation
1. Community perceptions of access to legal advice	Population’s satisfaction with the quality of legal advice	68.4%	<i>By gender</i>	High satisfaction
			Male:71% Female:65%	
			<i>By residence</i>	
			Rural:68.4% Urban: 67.9%	
2. Community	Population’s	69.3%	<i>By gender</i>	

⁴ See appendice disaggregation by gender

perception of access to legal representation	satisfaction with the quality of legal representation		Male:72.2% Female: 65.9%	High satisfaction
			By residence Rural:68.5% Urban: 71%	
3. Community perceptions of accessibility and quality of Abunzi	Overall level of satisfaction with Abunzi	73.2%	By gender Male:73.6% Female:72.7%	High satisfaction
			By residence Rural:73% Urban: 71.9%	
4. Public perception of the rule of law and the performance of sector institutions	Public perception of the quality and accessibility of judicial services in general ⁵	73.3%	By gender Male:73.6% Female:72.8%	High satisfaction
			By residence Rural:73.1% Urban: 73.5%	
5. Public perception of the level of personal and property security	Peoples' personal security	83.5%	By gender Male:84.7% Female:83.1%	Very high satisfaction
			By residence Rural: 83.9% Urban: 83.8%	
	Security of people's property	80.0%	By gender Male:81.2% Female:80.5%	High satisfaction (but closer to the lower bound of the very high satisfaction interval)
			By residence Rural:80.1% Urban: 81.4%	
6. Business community perception of the commercial justice system	Business people's satisfaction with the fairness of decisions made by commercial courts ⁶	65.6%	By gender Male:65.4% Female:66.3%	High satisfaction
			By residence Rural:70.7% Urban: 62.6%	

Beyond the above baseline indicators, the following emerged as major findings of the study:

⁵ The key elements of “rule of law” identified by the Joint Governance Assessment are independence and integrity (and thus impartiality) of the judiciary, access to justice, as well as efficiency and effectiveness. While more details on such a wide indicators are provided as sub-indicators later in the report, for the sake of the baseline it was decided that “quality and accessibility” were an acceptable proxy for rule of law, with “quality” encompassing the concepts of independence, integrity and efficiency/effectiveness.

⁶ It was decided that the indicator on “Perception of the business community of the commercial justice system” could be measured as “Business people’s satisfaction with the fairness of decisions made by commercial courts” because this is a more direct and easily understandable question to ask to the business people interviewed.

The majority of respondents misunderstand existing institutions mandated to give them legal advice and representation and this limits their access to the latter service. For example, the majority of respondents believe that they can get legal advice and representation from courts, mediation committees, friends, relatives, etc. Moreover, it was revealed that less than 3 out of 10 respondents are aware of MAJ as an institution mandated to provide free legal advice and orientation among other things.

The study also showed that 30% of respondents had asked for legal advice over the last 3 years, and that only 19.6% (cumulatively) of them sought it from lawyers (12.6%) and MAJ (7%). The majority of people relied on advice from friends or relatives who in many cases did not have any legal background.

The study highlighted also that, in addition to MAJ and private lawyers, few NGOs such as Transparency International Rwanda, Haguruka, Avocats Sans Frontières (whose program recently phased out), ADEPE, Legal Aid Forum⁷, university-based *Cliniques juridiques* provide legal advice, but their geographic coverage and the number of people who know them remain limited.

It also emerged from this study that about 7 out of 10 respondents who asked for legal advice covered at most 4 kilometers to get it, while nearly 2 in 10 had to cover at least 8 kilometers. Nearly similar proportions emerged with regard to obtaining legal representation. Furthermore, physical access to legal advice and representation proved easier in urban than in rural areas. Overall, nearly 70% of those who asked for legal advice and representation are satisfied with the service received.

However, about 30% of those who sought legal advice and representation were dissatisfied due to reasons including perception that bad advice was given, delay in providing advice, long distance to cover in search of the service, and high cost of the service.

With regard to the public perception of the performance of mediation committees, the study revealed a high level of satisfaction (73.2%) with mediation committees, though in some areas there was a feeling that some mediators are corrupt.

The same level of satisfaction (73.3%) was expressed by the population as far as the performance of ordinary courts is concerned. However, the data suggested the presence of a certain level of corruption among judges in these courts. Some people expressed the feeling that justice is for the rich but not for all. In addition to this, an important proportion (nearly 4 in 10 respondents who paid for court costs) felt that court costs would prevent them from accessing courts because of inability or difficulty to pay them. It might be imagined that among those who did not go to court, some might also find the cost too high.

The study also indicated, with a broad consensus, that justice goes halfway given that the majority of court decisions are not being executed. As far as the rule of law is concerned, the majority of respondents (more than 70%) felt that laws are being respected by leaders, with a feeling that central government leaders comply with the law more than local leaders.

⁷ Although Legal Aid Forum is comprised of 37 member institutions including the above mentioned, it also provides legal aid as an institution, as some of its member institutions do.

Rwanda National Police emerged as the justice sector institution that most of respondents are aware of (98.4%). It is followed by NURC (91.1%), the Office of the Ombudsman (85.8%), the National Commission for Human Rights (76.8%), the National Public Prosecution Authority (55.8%) and MAJ which is the least known (27.3%). Likewise, Rwanda National Police was ranked as the best performer, followed by NURC, NPPA, Office of the Ombudsman and MAJ, Rwanda Correctional Services and the National Commission for Human Rights.

Concerning the state of security in the districts and the cities, overall, the perceived level of security in cities and districts is very high (81.3%). However, most participants in situation of conflicts or disputes with other people expressed high fear for their own physical security or for their relatives’.

Despite this very positive security picture, robbery emerged as the biggest security concern as expressed by 53.2% of respondents. It is followed by other important security concerns such as poisoning (35%), breach of trust (28.3%), sexual assault (25.4%), murder (22.9%), refusal to pay the due (20.8%), and battery (18.1%).

In the same vein, robbery emerged as the crime most commonly experienced by the respondents in the last 3 years. Around 3 out of 10 respondents were victims to this crime. Breach of trust (19.5%), insults (16.2%), defamation and insults (13%), refusal to pay the due (12.4%), adultery (6.2%), battery (5.8%), cohabitation (5.5%), swindling (5.1%) and refusal of fulfilling home duties (4.7%) also emerged among the top 10 crimes experienced by the respondents.

From the viewpoint of crime occurrence, drug abuse, lack of care for children and leaving them in hardship, defamation and insults, refusal of fulfilling home duties, insults, destruction of someone’s property, adultery, criminal group, sexual abuse against children, deprivation of freedom emerged as the top 10 most repeated crimes (more than 3 times) experienced by the victims. The majority of crimes are committed by people who are geographically close to the victims, among whom relatives and neighbors, spouses, local leaders, etc.

Although the majority of victims reported about their victimization, almost 3 out of 10 victimized respondents did not, the major reasons being fear of being known by the public (27.5%), fear for reprisals (24.4%), too poor to complain (17.8), ignorance of the right institution to complain to (16.7%), and lack of trust in existing institutions (13.6%).

The majority of institutions approached by the victims acted on these cases, but a significant proportion of those who complained (23%) did not get any feedback. Cumulatively, 70.7% of respondents who reported about their victimization received a positive follow-up (prosecution of the author or mediation with the author).

As regards the business community perception of the commercial justice system, about a half of business people (47% cumulatively) spent three months or less in courts. However, an almost equal proportion (44.4% cumulatively) spent six months or more in courts, which is a long time if one abides by the saying that “time is money” especially in the business arena.

Overall, the level of perceived level of integrity of commercial court judges is moderately high (60%), which implies a certain level of dissatisfaction among members of the business community. Major reasons given by

the dissatisfied ones include level of corruption among judges, the feeling that justice is only for the wealthy and those with a political connection, and that courts are overloaded with cases thus delaying justice. In a bid to address some challenges highlighted throughout this study, a number of recommendations were formulated. They include the following among others:

- Ministry of Justice, other justice sector institutions and CSOs should double effort to raise the population awareness of laws and on the role and functions of the justice sector institutions, as well as on the requirements for the population to get services from these institutions.
- The Ministry of Justice should empower MAJ to enable it to grant legal representation service to the population; such an empowerment should include scaling up their coverage to reach out to rural community and better inform the population on their existence and functions.
- The Ministry of Justice in collaboration with MINALOC should put in place a joint mechanism to ensure that bailiffs based in decentralized entities do execute courts decisions correctly.
- The Ministry of Justice should spearhead the revision of the law governing the organization and functioning of Mediation committees to increase their competences, and strengthen their skills to be able to examine some civil cases currently in the competence of ordinary courts. This would not only shorten the time that litigants spend in courts, but also reduce court costs borne by litigants.
- The Ministry of internal security and MINALOC should empower cooperatives of Inkeragutabara⁸ to increase their contribution in ensuring security at the community level, including fighting against robbery. Given that some cases of victimization go unreported, the Ministry of Justice, NPPA, National Police, Local leaders, NGOs and FBOs should sensitize the population on the necessity to report such cases both as a crime prevention mechanism and a strategy to increase people's access to justice.

⁸ Cooperative of the demobilized militaries

I. INTRODUCTION

I.1. Background

The Justice, Reconciliation, Law & Order Sector (JRLOS) Strategy is a key component of the Government of Rwanda's Economic Development Poverty Reduction Strategy (EDPRS). The Strategy and implementation framework set out Government's agenda and spending priorities for the Sector over the next three years.

The Sector-wide Approach (SWAp) and JRLOS Strategy and Budgeting Framework for the period of January 2009 – June 2012 were formally validated in November 2008. The JRLOS consists of 14 Institutions, including 6 budget agencies. The JRLOS Strategy defines outputs and priority activities for the Justice Sector as a whole and defines a single Monitoring & Evaluation Framework for its three-year period and milestones to measure progress with priority activities on an annual basis. Targets have been drawn from a variety of sources, including the Joint Governance Assessment and Common Performance Assessment Framework, but all relate to the Strategy Outputs and ultimately to EDPRS goals. In some cases, although a target area is identified, baseline data to enable a specific target to be set are not currently available. There is therefore a need to obtain a baseline data and conduct a baseline survey countrywide. It is against this background that the Ministry of Justice has decided to undertake a study as part of the SWAp Action Plan and has therefore requested interested and qualified bidders to submit their proposal. The present study is in line with this endeavour.

I.2. Objectives

The objective of the survey is to develop, conduct and analyse a country wide Justice Sector User Perception and Victimization Study and get feedback from individuals and communities on the performance of service delivery by the following institutions in the JRLOS:

- MINIJUST – Ministry itself, National Commission for Human Rights, Abunzi, MAJ (Maison d'Accès à la Justice)
- Supreme Court, including Commercial Courts
- National Public Prosecution Authority
- Rwanda National Police
- National Unity and Reconciliation Commission
- Office of the Ombudsman
- Rwanda Correctional Services – Prisons & TIGs

Specifically, the study aims to:

- Measure the community perception of access to legal advice and representation;
- Measure the community perception of accessibility and quality of mediation committees (abunzi) ;
- Identify the perception of the business community of the commercial justice system;
- Measure the public perception of the rule of law and the performance of sector institutions;
- Identify the public perception of the level of physical and property security;
- Establish baselines for the Indicators as formulated in the JRLOS M&E Framework;
- Conduct a victimisation study

II. METHODOLOGY

II.1. Approach

Considering the six specific objectives of this assignment (specific objectives are 7), it emerges that this study was mainly based on quantitative approach, though the qualitative one was also considered. Three major methods were used. They include desk research, questionnaire survey, focus group discussions (FGDs) and interviews with key informants.

The first step (which of course overlapped with other steps) consisted in desk research whereby the literature on the policies, laws and structures relating to the sector institutions were reviewed. The purpose of this exercise resided in allowing the consultants to be conversant with and get better insights into those instruments and structures in order to be able to effectively develop appropriate research tools and methodology (beyond those which were provided in Terms of reference and developed by the previous consultant).

Furthermore, this method contributed to the achievement of the third objective of this study (measure the performance of all sector institutions; Measure victimisation) in that existing reports produced by both the sector institutions and other institutions/researchers on the justice sector in Rwanda (for example the report on the performance of mediation committees, the Rwanda Citizen Report Card, the Rwanda Community Scorecard, the Rwanda Governance Scorecard, the Report on the Enforcement of the Courts Decisions, the reports produced by the Supreme Court, the National Police, TIG, etc.) were reviewed. In other words, the related existing literature supplemented, triangulated or was confronted with data from the public/community perceptions on the performance of all sector institutions.

The second method consisted in a questionnaire survey. This method proves appropriate for collecting public/community perceptions of and personal experience with:

- access to legal advice and representation;
- the rule of law, the quality and accessibility of judicial services in general,
- the performance of all sector institutions;
- the level of security in the cities and the districts;
- the business in respect of the functioning of the legal institutions, and in particular the commercial justice system;
- victimisation

The questionnaire was designed on the basis of the dimensions above, which needed to be divided into sub-dimensions for the sake of their extensive exploration. This questionnaire was administered to the selected citizens in their respective households. In addition, a specific questionnaire was intended for members of the business community to get their perception of and experience with the commercial justice system.

For standardization purpose, most of the questions were close, many of which were scale questions to allow the scoring. However, few open questions were considered for some aspects such as recommendations/suggestions or where it was not possible to anticipate potential answers for some questions.

In order to get in-depth understanding and interpretation of the data from the questionnaire survey, some focus group discussions and key informants interviews were organized.

II.2. Sampling strategy

In research activities, the sampling strategy implies making decisions on the study population, the techniques of selecting participants in the research, as well as on the sample-size i.e. the number of units or individuals that are needed to make acceptable inferences or extrapolations to the study population.

II.2.1. Study population and sampling

The concept of study population, also known as the target population, refers to the category of people under investigation. It is a precise group of people or objects that possesses the characteristic that is questioned in a study. Given that this assignment consists largely in a public perception survey, the study population for this research encompasses primarily the Rwandan population (abaturarwanda) aged 18 and above⁹. These are the core beneficiaries of the services provided by all sector institutions. They are therefore in the best position to make a fair judgment of the performance of all sector institutions. In the same vein, the ordinary citizens were able to provide information on the dimension of victimization, i.e. an examination of the types of crimes which have been committed against them over a specific period, the frequency of those crimes, the characteristics of the victims, and the way the victims have behaved vis-à-vis the crime (whether or not they have been reported to the police or any other institutions).

Moreover, the business community is another section of the study population as it was considered for the aspect of “the business in respect of the functioning of the legal institutions, and in particular the commercial justice system”.

II.2.2. Sample size

Given that the proposed assignment is largely a public perception survey, this study was carried out countrywide. The sample size is computed using different scenarios to make it possible to choose a sample size considering some issues such as the desired degree of precision, the size of the target population, the time and the budget.

As mentioned above, the target population for this survey encompasses all citizens aged 18 years and above. Data from the National ID Project¹⁰ places this population at 5,452,788¹¹, on the 13th January, 2010.

⁹This study excludes children (under 18) based on the assumption that their level of knowledge of and interaction with the justice sector institutions is very low.

¹⁰The National ID Project is a government-led project which aims to provide every Rwandan citizen with an electronic national identification card containing a range of personal data.

Based on this population universe (5,452,788) with a margin of error of 2%, a confidence level of 95% and a response distribution of 0.5; and thanks to the calculation made by the Raosoft Sample Size Calculator¹², the sample size for this survey is 2400.

With regard to the business community, a sample of 200 business people was expected for this study. However, this number was not reached because it was difficult to find business people who interacted with courts over business-related matters in the last 3 years. Therefore the actual survey was conducted on 102 business people. One of the reasons for this reality is that in many areas, “*Komite Nkemurampaka z’Abacuruzi*” (Business people arbitration Committees) were established, which are informal spaces to settle disputes among business people.

¹¹The same size was considered by the National Unity and Reconciliation Commission in its Rwanda Reconciliation Barometer (available at:www.nurc.gov.rw/researches/rwanda-reconciliation-barometer.html

¹²<http://www.raosoft.com/samplesize.html>

II.2.3. Sample techniques, allocation and distribution

As far as the sampling techniques are concerned, the multistage random sampling technique was used to select administrative entities and ordinary citizens. Fifteen (15) districts of Rwanda were covered at the rate of 3 districts per province and Kigali City. Two sectors were randomly selected from each district. Two cells were randomly selected from the selected sector, while two villages were randomly selected from the selected cell. The household served as the statistical unit for this survey.

Overall, 120 villages were randomly selected countrywide. From each of the selected villages, 30 households were randomly selected while one respondent were randomly selected from each household. For the sake of maximizing availability of data on both men and women, every second interview was conducted with a female respondent where possible.

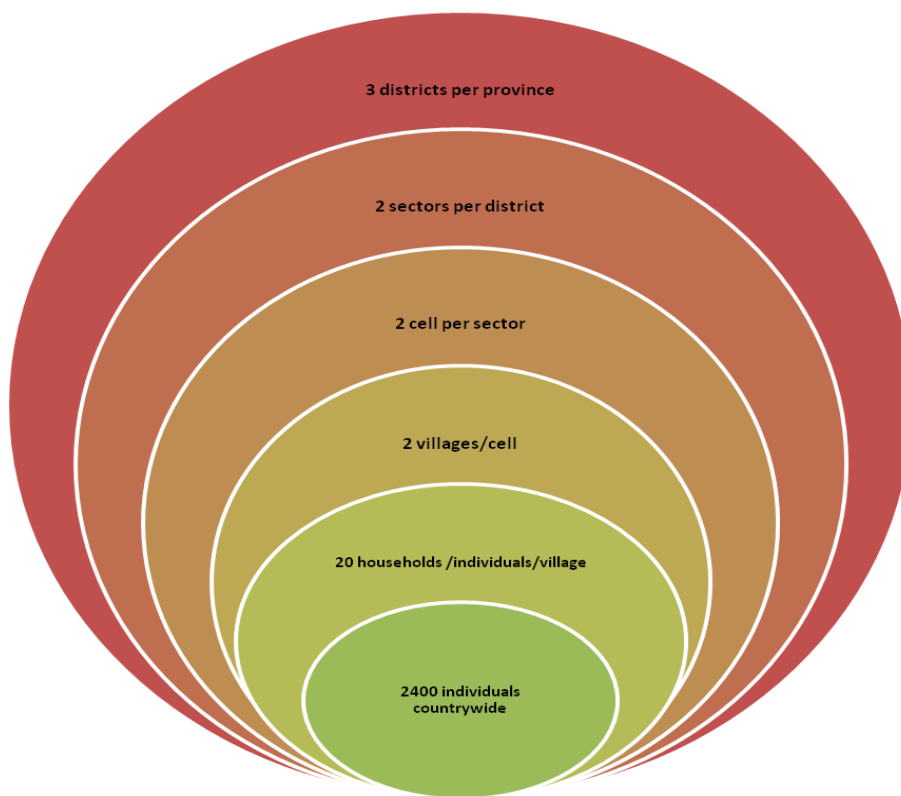
The survey employed a multistage sampling technique where sampling was undertaken in 4 stages namely: Province, District, Sector and Cells according to the administrative set up of Rwanda. Appropriate samples were therefore allocated to each province and District depending on the weight of the total population.

The table and graph below present the sample geographical distribution and stratification respectively:

Table 1: Geographical distribution of respondents

Province		Sample
Kigali		284
	Nyarugenge	79
	Gasabo	126
	Kicuriko	79
South		589
	Huye	200
	Gisagara	196
	Kamonyi	193
West		565
	Rubavu	192
	Karongi	188
	Ngororero	185
North		412
	Rulindo	132
	Musanze	140
	Gicumbi	140
East		550
	Nyagatare	188
	Bugesera	180
	Kirehe	182
Total		2400

Figure 1: Sampling Stratification



Concerning the selection of members of the business community, it might be very unrealistic to opt for a probabilistic sampling method given the high mobility and diversity of business people. For practical reasons, both judgmental and convenience sampling techniques were used. The judgmental (purposive) sampling technique also served in selecting participants in focus group discussions and key informants for interviews. The table below presents the respondents by province and district:

Table 2: Geographical distribution of respondents (business community)

Province	Distict	Number of cases	Percentage per province	Overall percentage
Kigali City	GASABO	7	18.4%	6.8%
	KICUKIRO	17	44.7%	16.5%
	NYARUGENGE	14	36.8%	13.6%
	Total	38	100.0%	36.9%
Southern Province	GISAGARA	11	39.3%	10.7%
	HUYE	14	50.0%	13.6%
	KAMONYI	3	10.7%	2.9%
	Total	28	100.0%	27.2%
Eastern Province	BUGESERA	0	0.0%	0.0%
	KIREHE	12	50.0%	11.7%
	NYAGATARE	12	50.0%	11.7%
	Total	24	100.0%	23.3%
Northern Province	GICUMBI	0	0.0%	0.0%
	MUSANZE	6	85.7%	5.8%
	RULINDO	1	14.3%	1.0%
	Total	7	100.0%	6.8%

Western Province	KARONGI	0	0.0%	0.0%
	NGORORERO	0	0.0%	0.0%
	RUBAVU	6	100.0%	5.8%
	Total	6	100.0%	5.8%
Grand Total		102		100.0%

II.2.4. Sampling frames

With regard to the sampling frame, the lists of sectors, cells and villages (available at the National Institute of Statistics of Rwanda) were considered for the selection of local entities, while the lists of households held by heads of villages were used to select households at the village level.

As far as sampling for interviews and focus group discussions are concerned, the saturation principle guided the determination of the sample size. In other words, the researchers decided to stop interviewing when no more new sound information was coming up. However, 10 focus group discussions were conducted at the rate of 2 per province and Kigali City. Each focus group discussion comprised between 8 and 10 people and focused on issues which emerged from the quantitative data. The selection of Districts was based on their rural/urban distribution while the selection of participants took into account their interaction with courts over the last three years.

II.3. Quality control

Data collection and data entry staff was recruited and trained as necessary as possible. Interviewers were selected based on their proficiency in (1) interacting with all potential types of survey respondents, (2) building a relationship with respondents, and (3) dealing with quantitative data. More importantly, proven experience in administering questionnaires in perception surveys served as the core criterion for interviewers' recruitment. The training of interviewers covered various aspects including the questionnaire structure and content, the sampling strategy, ethics and tips on data collection to name but a few.

With regard to data entry staff, the training mainly focused on the questionnaire structure, the structure and the content of data entry template, ethics of data entry, etc.

Considering the nature of this assignment (the study) and for the sake of complying with the gender equality principle, efforts were made to ensure a gender balanced team of interviewers, team leaders and data entry staff.

Before starting the data collection process a "pilot survey" was conducted in a sector other than those selected for the actual survey. This activity is meant to test the questionnaire in terms of clarity, wording, coherence and consistency of the questions. Thereafter, observations from the pilot survey were integrated in the final version of the questionnaire.

After securing the NISR authorization, the research team embarked on the fieldwork. Quantitative data were collected by the trained interviewers under the supervision of team leaders and supervisors. The role of team leaders and supervisors consisted in ensuring the quality of data to be collected. Specifically, they were mainly responsible for:

- ✓ coordinating interviewers' teams in the field;
- ✓ distributing the material required for the field work;
- ✓ assisting interviewers in the selection of households;
- ✓ dispatching interviewers in the selected households;
- ✓ ensuring that data is collected from the real respondents;
- ✓ ensuring that questionnaires are properly administered and collected;
- ✓ Channeling the questionnaires to the Consultant's headquarter.

However, the desk research, interviews and focus group discussions were conducted by professional and experienced researchers. Block notes were used to collect qualitative data from interviews and focus group discussions. Overall coordination of the fieldwork was ensured by the lead consultant.

II.3.1. Quality control mechanisms

For the purpose of data quality control, the following measures were taken:

- ✓ Recruitment of skilled enumerators and supervisors
- ✓ Training of enumerators and supervisors
- ✓ Testing of the questionnaire
- ✓ Approval of inception report by the Rwanda Governance Board
- ✓ Approval of the draft report by the Rwanda Governance Board
- ✓ Approval of research methodology and tools by the NISR
- ✓ Securing a survey permission from NISR
- ✓ Supervision of data collection activity
- ✓ Overall coordination of the field work
- ✓ Use of SPSS software for data analysis
- ✓ Data cleaning prior to analysis

II.4. Data processing and analysis

For the purpose of data processing, a specific data entry template was designed using Statistical Package for Social Sciences (SPSS). After the data collection, quantitative data were captured by data entry under the supervision of the IT specialist specifically recruited for this task.. After the data entry by clerks, and data cleaning by the IT specialist, graphs and/or tables were generated on the basis of the tabulation plan, and the

analysis therefore followed. As far as qualitative data is concerned, data were analyzed by the researchers using the content analysis method. For both quantitative and qualitative data, analysis and interpretation were done by researchers.

The scoring logic uses the following scale where a numeric value is assigned to each response option as follows:

a. Formula used to calculate questions' score:

A Weighted Average Mean was used to calculate the question scores which is an average in which each quantity to be averaged is assigned a weight. These weightings determine the relative importance of each quantity on the average as indicated in the formula below:

$$\bar{x} = \frac{\sum_{i=1}^n x_i w_i}{\sum_{i=1}^n w_i}$$

Where $x_1, x_2 \dots x_n$ are quantitative scores (0, 2, 3, 4) and

$w_1, w_2 \dots w_n$ are frequency scores corresponding to respective qualitative scores.

b. Formula used to calculate indicator' scores

The first step in the scoring process is to construct a score for each question using the above mentioned formula. As a second step, question scores are aggregated into a score for each sub-indicator. The sub-indicator score is computed as a simple mean of associated question scores (Qscores). The same process is used to calculate the indicator score and the overall score as indicated in the following formula:

$$\text{Sub - Indicator Score } X_i = \frac{\sum Q Sca}{n}$$

$$\text{Indicator Score } X_i = \frac{\sum SI \text{ Score } X_i}{n}$$

$$\text{Overall Score } X_i = \frac{\sum I Sca}{n}$$

where **SQ** : sub-question

Q : question

SI : Sub-indicator

I: indicator

n : number of questions, sub-indicators and indicators

c. Scoring scale

The above scoring logic used the following scale where a numeric value is assigned to each response option as follows:

Table 3: Scoring scale

Response option	Score	Perception value
Inexistent/very low satisfaction	0.0–1.9	0%–20%
Low satisfaction	2.0–2.9	21%–40%
Moderate satisfaction	3.0–3.9	41%–60%
High satisfaction	4.0–4.9	61%–80%
Very high satisfaction	5.0	81%–100%

II. 5. Ethical considerations

Research on justice involves issues which sometimes may be personally and politically sensitive. Interviewees' confidentiality was therefore guaranteed by following recognized guiding principles. Verbal informed consent, whereby respondents were provided with all the necessary information regarding reasons for the research before they could give their consent was ensured for all participants in the questionnaire survey, interviews and focus group discussions, unless otherwise authorised by the participant.

In addition, the research ethics requires objectivity in research design, data collection, analysis and interpretation. An attempt was made to ensure that the whole research process comply with this requirement. Finally yet importantly, a survey authorisation from the National Institute of Statistics of Rwanda (NISR) was secured prior to embarking on the fieldwork.

III. OVERVIEW OF THE JUSTICE SECTOR AND VICTIMIZATION

III.1. Introduction

After the 1994 genocide perpetrated against Tutsi, Rwanda has experienced tremendous progress in all vital sectors of the country, including the overall governance sector and justice in particular.

Indeed, good governance is one of the six pillars of the Vision 2020, in which the Government lays out its commitment to ensure real and effective rule of law and strict respect for human rights with the aim to reach sustainable development.

Similarly, in the framework of the Economic Development and Poverty Reduction Strategy (EDPRS), it is stated that Rwanda cannot achieve effective poverty reduction, without promoting peace, security and unity and reconciliation. Also, easy access to rapid, cheaper and fair justice is a crucial factor in combating poverty and promoting good governance and the rule of law. It is also a way to human rights and an essential tool for conflict resolution¹³. Thus, the reform of the justice system is clearly a means to access it.

There is no need to mention the reforms undertaken in legal, regulatory and institutional framework. Major progress has been made in the governance of public and private institutions especially by introducing new laws and new institutions to ensure the quality of services rendered to the public by a safer and more transparent management, but also, and especially by strengthening the rule of law.

Among the reforms undertaken in the justice sector, it is important to mention those related to the justice sector in general and the laws related to business. From the institutional point of view, besides the classical institutions, several new institutions which were invested in the justice sector have emerged, and the existing ones have been reformed.

Given Rwanda's commitment to become a capable state, dignified, prosperous, characterized by the existence of rule of law for all people without discrimination, it is important that the beneficiary population can be consulted and involved so that they may be given the opportunity to give their opinions on several aspects related to justice in general, by emphasizing especially the quality of service provided by public actors of the justice sector. Apart from this aspect of the quality of justice delivered to the people, it is also worth focusing on the aspect related to victimization; it is especially the respect of the victim. Indeed, the victim is now valued with focus on the sympathies and compassion that he/ she attracts, but mostly his/her rights are acknowledged by the virtue of his/her status as a victim, including the rights to reparations. In the context of this study, this chapter gives a brief overview of the justice sector user in general, and attempts to clarify the concept of victimization.

¹³The Legal Aid Forum – *Narrative Report– 2010*, p.7.

III.2. Overview of the justice user sector in Rwanda

What is justice and what are the main actors in the justice sector in Rwanda?

III.2.1. Notions of justice

This is the definition of justice in general and social justice in particular.

III.2.2 Definition

Etymologically, the word justice comes from the Latin *iustitia*, from *iustus* ("fair"), which is derived from the term *ius dicere* ("state the law"). This is a feeling of giving to each his due, fairly or reasonably in accordance with all the rights of others. It is also an institution or power that can enforce the rights of everyone, especially by punishing those who have done wrong to him or her.

Even if justice seeks the immunity of the human being by the mere fact that he is human, it would not consider him in any other way than in abstract¹⁴. It means that what each individual may legitimately claim according to the law; thus justice consists of rendering to each human being what they deserve (*sum cuique tribuere*) and to seek justice means to claim what is one's¹⁵.

The Oxford Dictionary of Law defines justice in these terms: "*A moral ideal that seeks to uphold the law in the protection of rights and punishment of wrongs*"¹⁶.

III.2.3. Social justice

Social justice is a moral construction and policy aimed at attaining equal rights and collective solidarity. The social purpose is not reduced only to a security concern, and thus to order. The law on the organization of labor relations also takes into consideration a need for justice, that is to say, harmony and balance, especially for protection of the weakest and being sincere¹⁷. So it is true that the idea of social justice is not a pure projection of individual consciousness, but a concept of collective development, more or less conscious¹⁸.

Actions with the objective of social justice aim at giving everyone the same opportunity for success throughout their lives; it is sometimes called "equal opportunities". Necessary corrections may be social, financial or cultural.

Social justice serves two types of equity or justice namely horizontal equity and vertical equity. The concept of horizontal equity requires that two people in the same situation should have the same rights and obligations. It is therefore closer to the principle of equality "to equal status, equal benefits" and this is opposed to discriminations. We find the Aristotelian notion as commutative justice. Vertical equity for its

¹⁴J. BENDA, *La trahison des clercs : Appendice des valeurs cléricales*, 1927, éd. 1946.

¹⁵G. CORNU, *Vocabulaire juridique*, Association Henri Capitant, Paris, PUF, 1998.

¹⁶Oxford University, *Oxford Dictionary of Law*, seventh edition, New York, Oxford University Press, 2009.

¹⁷J. L. AUBERT, *Introduction au droit et thèmes fondamentaux du droit civil*, 10^e éd., Paris, Armand Colin, 2004, p.10.

¹⁸*Idem*, p.16.

part, seeks to reduce disparities in living standards between individuals. Therefore the richest contribute more than the most modest¹⁹. It is also referred to as distributive justice.

It is therefore up to the government to establish this double equity, security and order through various laws which, to ensure their effectiveness, are overseen by institutions that in the case of Rwanda, we shall try to describe in the paragraphs that follow.

III.3. Background and Mission of the justice sector in Rwanda

III.3.1. Historical Overview or Background

The development of a broad approach to the justice sector (SWAP) was undertaken in 2008 in line with the Economic Development and Poverty Reduction Strategy 2008-2012 (EDPRS) and the Rwandan government's policy of legal aid. It was in 2009 that the Justice, Reconciliation, Law & Order Sector (JRLOS) was effectively established²⁰. At its formation, the area included 14 institutions: the Ministry of Justice, the judiciary, the Institute of Legal Practice and Development (IDPL), military tribunals, the military prosecution, the National Commission for Human Rights, the National Police, the National Prison Service, the Works of General Interest, the National Public Prosecution Authority (NPPA), the National Unity and Reconciliation Commission (NURC), the Office of the Ombudsman and the National Service of Gacaca Courts.

Most recently, the community service and the National Prison Service were merged into the Correctional Service of Rwanda (CSR), while the Gacaca courts have recently completed their work.

The JRLOS is currently comprised of 12 institutions, which do not all have the same seniority or the same experience, some dating back over 50 years²¹, while others are newly created²². Although these institutions have different mandates, activities and approaches, this diversity offers opportunities to converge to the same ideal of justice in view of complementarities.

III.3.2. Mission of the Justice Sector (JRLOS)

The functions of JRLOS are fixed by the Prime Minister's Order No. 123 of 13/10/2010 on the creation, mission, structure and functioning of the justice sector²³, while those of the respective institutions are regulated by specific texts²⁴.

¹⁹ X, « Justice sociale », http://fr.wikipedia.org/wiki/Justice_sociale, visité le 21/6/2012.

²⁰ JRLOS, "The cross sectoral needs assessment of the JRLOS in Rwanda- 2011", Final report, 2011.

²¹ This is the case of the Supreme Court established in 1961

²² ILPD has been operational since 2008.

²³ Official Gazette n° 43 of 25/10/2010.

²⁴ The Organic Law No. 03/2012 of 13/06/2012 determining the organization, functioning and jurisdiction of the Supreme Court, *Official Gazette* No. 28 of 09 July 2012; Organic Law N° 02/2010/OL of 09/06/2010 on organisation, jurisdiction, competence and functioning of the mediation committee, *Official Gazette* n°24 Bis of 14/06/2010; Law N° 34/2010 of 12/11/2010 on the establishment, functioning and organisation of Rwanda Correctional Service, *Official Gazette n°04 of 24/01/2011*; Law N° 30/2007 of 06/07/2007 determining the organization and functioning of the National Commission for Human Rights, *Official Gazette* n°14 of du 15/7/2007; Organic Law N° 04/2011/OL of 03/10/2011 determining the organisation, functioning and competence of the National Public Prosecution Authority and the Military Prosecution Department, *Official Gazette* n°46 of 14/11/2011; Organic Law N° 59/2007 of 16/12/2007 establishing the commercial courts and determining their organisation, functioning and jurisdiction, *Official Gazette* of 1/3/2008; ;Law n° 25/2003 of 15/08/2003 establishing the organisation and functioning of the office of the ombudsman, *Official Gazette* N°special of 03/09/2003; Law N°46/2010 of 14/12/2010 determining the powers, responsibilities, organization and functioning of the Rwanda National Police, *Official Gazette* N° 09 of 28/02/2011.

Indeed, under Article 2 of the Prime Minister’s Order referred to above, the Justice Sector is a coordinating body that allows institutions working in the sector to work together in an effective way, in order to achieve common goals, without compromising their operational, legal or constitutional independence.

Article 5 of the Order lays out the overall mission of the justice sector which is to strengthen the rule of law, promote good governance and the culture of peace. Article 6 in turn goes on by stating the following specific tasks:

- 1 ° To ensure universal access of all to quality justice;
- 2 ° To ensure the eradication of genocide ideology and strengthening mechanisms of reconciliation;
- 3 ° To promote the rule of law, the need to account for its actions and human rights;
- 4 ° To ensure the maintenance and strengthening of security and law.

III.4. Some figures illustrate the magnitude of the task of some institutions of the justice sector

Given the large number of institutions under review, we will look at the National Public Prosecution Authority and the Judiciary.

From a qualitative point of view, it is not easy to give the beneficiary appreciation of the justice user sector, while from the quantitative point of view, the figures speak for themselves. Just check out some statistics to realize the magnitude of the files to name only the judiciary to inquire about the seriousness of the task.

For example, in the last three years, the National Public Prosecution Authority had 49 569 cases to be tried in 2009, 34 443 cases in 2010 and 26 679 cases in 2011 respectively. In all these cases, those which were tried are as follows: 17,883 cases in 2009, 19,843 cases in 2010 and 12,969 cases in 2011²⁵.

At the courts level, (from 2009 to June 2011)²⁶, statistics from different jurisdictions including: the Supreme Court, , the High Court, Intermediate Courts, Primary Courts and Commercial Courts are as follows:

Figure 2: Decisions by courts in the years 2009, 2010 and June 2011

Court	Year	Registered cases	Arrest rendered and judgment	Observations
Supreme court	2009	903	1053	Arrests and judgments of registered cases rendered in first instance + presence of arrears
	2010	1 119	1073	Judgment of registered cases rendered in first

²⁵ Voir, NPPA, *Annual reports 2009; 2010 et 2011*.

²⁶ Urukiko Rw’Ikirenga, *Bimwe mubyagezweho nyuma y’ivugururwa ry’inzego z’ubucamanza (2004-Kamena 2011)*, Kigali, 2011.

				instance
	June 2011	600	363	Idem
High court	2009	6321	6910	Arrests and judgment of registered cases rendered ultimately+ presence of arrears
	2010	6135	6921	Idem
	June 2011	3191	4 044	Idem
Intermediate court	2009	15 842	29 913	Idem
	2010	16 385	24 285	Idem
	June 2011	12 867	20 320	Idem
Primary court	2009	27 848	34 916	Idem
	2010	28 401	28 967	Idem
	June 2011	20 158	17 549	Judgments in first instance
Commercial courts	2009	2040	2 779	Judgments rendered ultimately
	2010	2365	2386	Idem
	June 2011	1127	1331	Idem

If for most courts, judgments or orders rendered exceed the number of cases registered; this is because there are so many backlogs that are gradually tried. Viewing the consulted report, the issue of backlogs is more difficult at the Supreme Court where a case registered will have to wait roughly 52 months to be tried, regardless the number of files that come regularly at a greater rate, compared to those being tried. The table below taken from the report of the Supreme Court clearly shows the situation in this area.

As per court performance in terms of number of decisions, statistics from the table above show that except for the Supreme Court and High Court where the number of decisions taken in 2010 is higher than that of decisions taken in 2009, for other courts the situation is reversed, because the 2009 figures are higher than in 2010. For instance, for the High Court in 2009, we see 29 913 judgments compared to 24 285 judgments in 2010 which is a decline of nearly 20%. Fortunately, the trend of the first half of 2011 is encouraging, as already 20 320 judgments were rendered.

At the level of primary courts, 34 916 judgments were rendered in 2009 from 28,967 in 2010, a decrease of 17%. However the trends of the first half of 2011 show that the 2009 figures could be achieved because in June 2011, 17,549 judgments were already pronounced.

The decrease is also visible in the commercial courts since 2779 decisions were taken in 2009 against 2386 in 2010; a decrease rate estimated at 14%. Even the trend of the first half of 2011 does not show that the 2009 performance will be achieved, because the table illustrates 1331 decisions in June 2011. Note that these decisions include all the matters (criminal, civil, administrative, commercial, etc.).

The following table provides details on how long it takes for cases to be tried in courts.

Table 4: Time expected for the cases to be tried (based on the cases being tried in courts)²⁷

Court	Number of courts	Non-tried cases at the end of June 2011	Cases processed within a month (average of period from 2009 – June 2011)	Remaining time (end of June 2011) to be judged	Time for introduction of Cases in July 2011 waiting for trial
SC ⁽¹⁾	1	1877	36	After 52 months	September 2015
HC	5	5560	598	After 9 months	November 2012
CHC	1	921	56	After 16 months	November 2012
IC	12	12121	2871	After 4 months	November 2011
CC	3	342	240	After 1 month	September 2011
PC	60	12749	3240	After 4 months	January 2012

SC: Supreme Court; HC: High Court; CHC: Commercial High Court; IC: Intermediate Court; CC: Commercial Court; PC: Primary Court

This table may be an indicator not only for evaluating the quality of service rendered by the courts in terms of time taken to make a decision. Indeed, well rendered justice implies not only that the judge's decision is legally correct, but more importantly it is to intervene in due time²⁸. According to J.C. WOOG, "Not rushing to judgment, not making an enforceable decision with celerity, it is a form of injustice, sometimes, a denial of justice"²⁹. "However, it avoids all possible confusion, because hasty justice does not always mean fair justice."³⁰

In truth, a judgment must be made with more precision, because general principles of law do not come in agreement with justice done quickly, without a sufficiently thorough investigation of the case³¹. The slowness

²⁷ *Idem*, p. 37.

²⁸ F. RINGELHEM, « Le besoin de justice et les besoins de la justice », *DCCR*, n° 38, p.319.

²⁹ A.M. NGAGI, *La protection des intérêts économiques des consommateurs dans le cadre du libéralisme économique en droit rwandais*, Butare, les éditions de l'UNR, 2005, p. 367.

³⁰ A.M. NGAGI, *La protection des intérêts économiques des consommateurs dans le cadre du libéralisme économique en droit rwandais*, Butare, les éditions de l'UNR, 2005, p. 367.

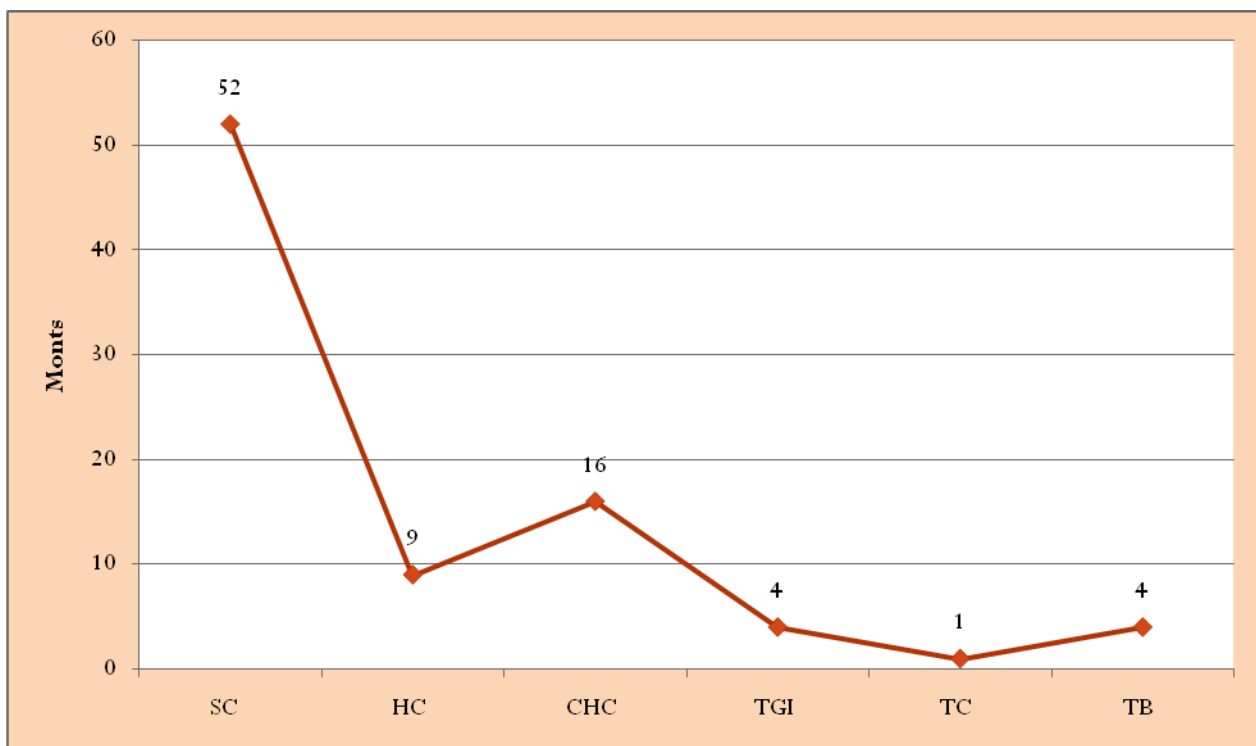
³¹ S. YONAB, « L'accès à la justice au Burkina Faso », *Revue Burkinabé de Droit*, n° 13, janv. 1988, p. 159.

of justice, when it is not exaggerated, is a necessary evil in light of the objective of discovering the truth and respecting the rights of defense in accordance with the procedural law³².

Despite efforts made to provide fast justice to litigants, the report available through June 2011 shows a total of 33,692 cases that were not considered, except only at the Supreme Court, where existing cases in late 2011 would have been theoretically tried in September 2015 or after 52 months, all other cases could be judged only at the end of 2012. Obviously, there are always new cases that come.

The figure below shows how long it takes for cases to be judged in different types of courts.

Figure 3: Period of time remaining for cases to be judged in late June 2011 in different courts³³



This table shows that the limitation period is reasonable in terms of commercial courts, the primary courts and intermediate courts. Even though at the High Court, the situation is not as alarming as that of the Supreme Court, it is not as encouraging as it takes 9 months. 52 months for the Supreme Court and 16 months for the High Commercial Court is a serious problem for litigants. Recall that trade matters require promptness, as it is said: "Time is money."

III.5. An illustration of the degree of reliance on the courts

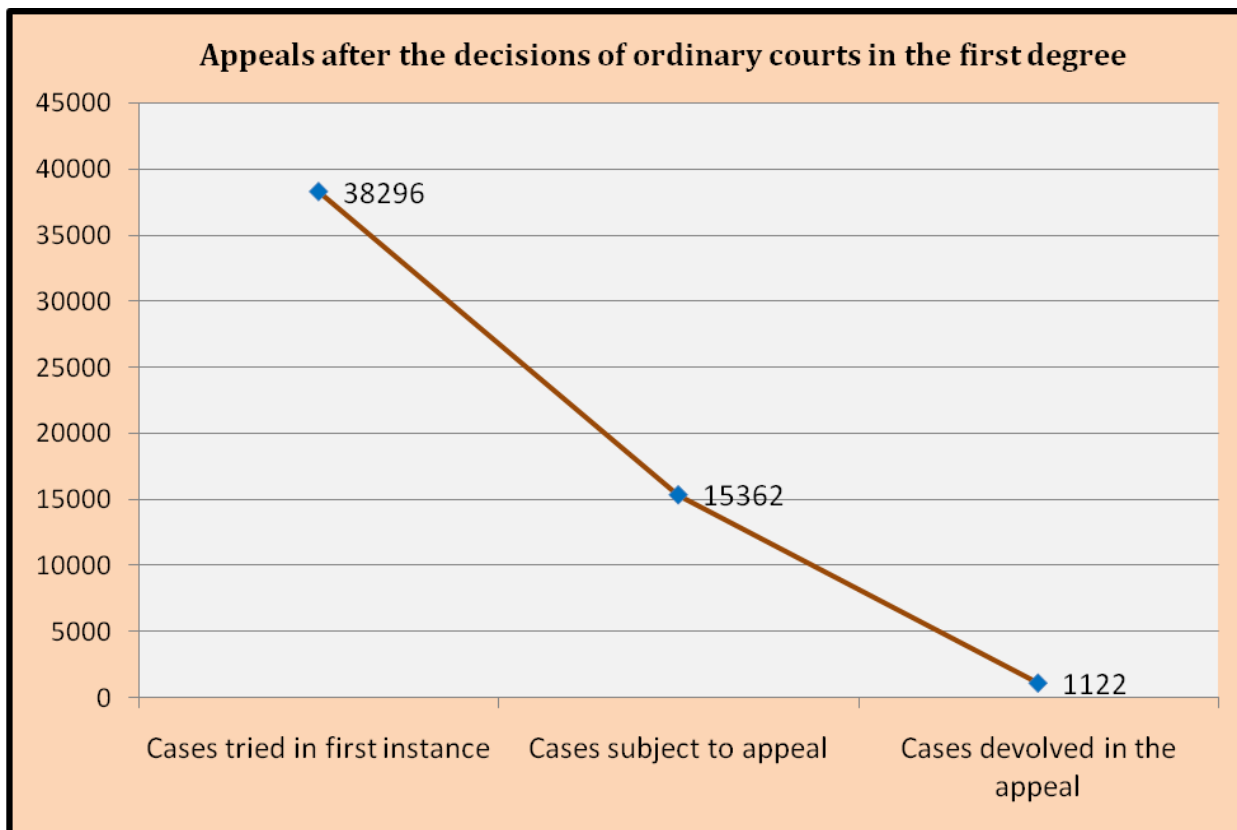
Regarding the level of confidence of the public about the decisions of the courts, the report of the Supreme Court gives the following situation, which is based on a comparison between the decisions taken in the first degree and appeals on the decision of the first instance.

³² F.M. SAWADOGO, « L'accès à la justice en Afrique francophone : problèmes et perspectives. Le cas du Burkina Faso, RJPIC, n°2, mai-septembre 1995, p.185.

³³ *Idem*, p. 33.

At the ordinary courts, the issued decisions amounted to 38,296, including 15,362 cases subject to an appeal, that is to say 40%. Out of 15,362 cases reviewed at the second degree, only 1,122 were resolved (see the table below³⁴).

Figure 4: Appeals after the decisions of ordinary courts in the first degree

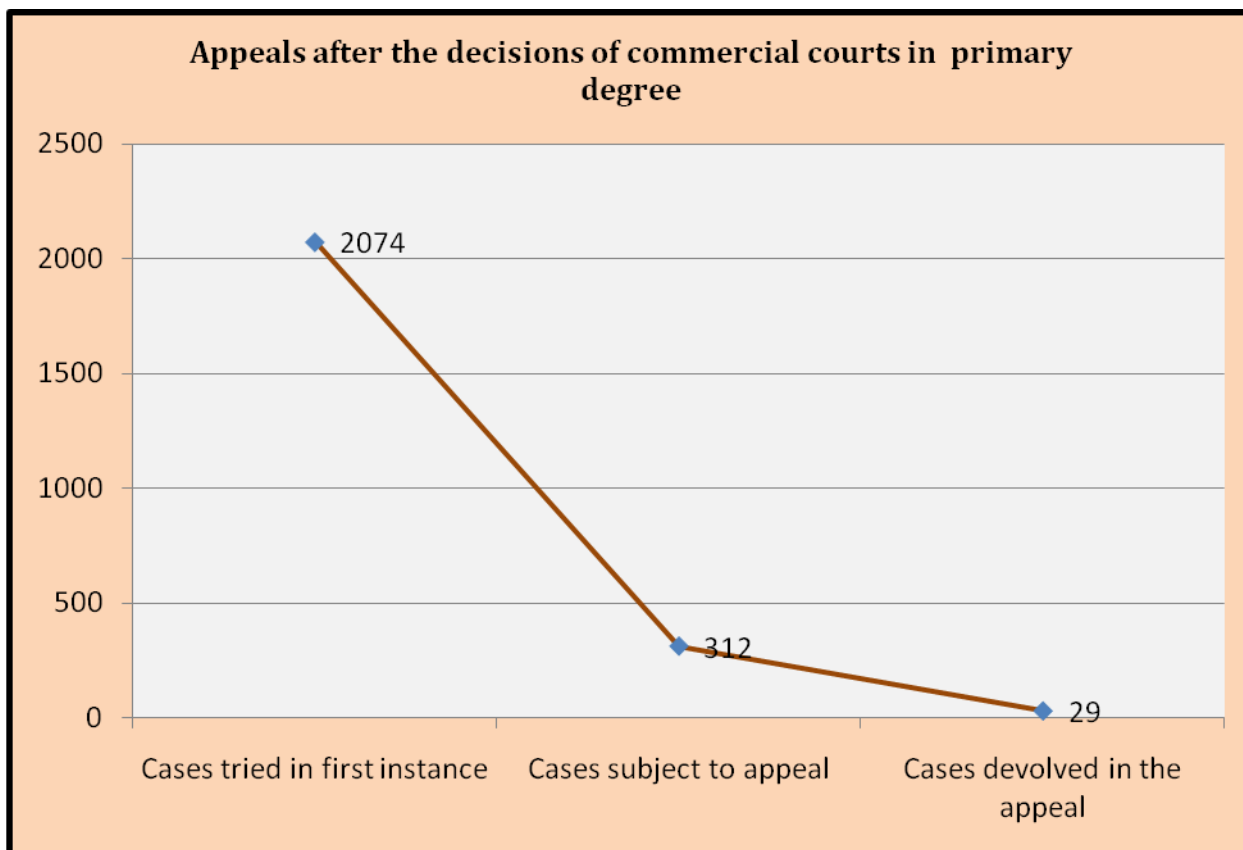


The fact that only 40% of decisions taken in the first instance are subject to appeal, means that 60% of the population are satisfied with the decision of the judge. But this can only be a mere assumption, as other reasons may lead the litigant not to appeal. It can include fatigue, disappointment, lack of financial resources, etc. In any case, this percentage is still high. The ideal would be to reduce it.

Turning now from ordinary to commercial courts, the figure below shows the decisions subject to appeal in the latter courts.

³⁴*Idem*, p. 33.

Figure 5: Appeals after the decisions of commercial courts in first degree



For commercial courts, out of 2074 decisions, 321 were subjected to an appeal, and only 29 decisions were made (see the figure below³⁵).

This figure shows that the degree of satisfaction is estimated at 85%. However, the figures speak for themselves as to the presumed level of beneficiary satisfaction. Whatever the reasons, this is encouraging because the number of appeals submitted after a decision at first degree is not very high. The ideal would be, however, to reduce it further.

III.6. Overview of the legal aid

III.6.1. Background

Easy access to fair justice is a crucial factor to fight against poverty, promote good governance and the rule of law. This is the very basis of human rights and an essential means of conflict resolution.

As this right is not effectively guaranteed without incurring costs, it is important to establish mechanisms to provide legal aid to vulnerable citizens in order for them to be able to access justice for free or at low costs. It is in this regard, that the "Legal Aid Forum" was formed.

³⁵*Idem*, p. 34.

Legal aid is one of the population needs, since it is provided in an environment characterized by high population density in which the majority live in rural areas with low educational level and an increased vulnerability³⁶.

Since its creation in October 2006 the "Legal Aid Forum" continues to provide a space where member organizations exchange information and good practices³⁷. Currently, the Forum has over 37 member organizations³⁸.

Despite the efforts made by the Ministry of Justice by setting up the "Maisons d'accès à la justice (MAJ) " in all districts, legal aid has still some obstacles to overcome.

III.6.2. Main components of the legal aid

- Provide legal representation to youth in detention centers;
- Inform the public about the existence and role of the legal aid forum and legal services as well;
- Provide legal information and legal advice;
- Prepare and draft conclusions
- Intervene at the level of administrative bodies (administrative assistance);
- Orient the population, by indicating the competent authorities to receive their petition.

If so far, the representation is made by lawyers, the wish is that the MAJ as well as legal clinics would be equipped with this skill.

III.6.3. Some examples of the achievements of Legal Aid Forum for vulnerable people

The report of activities undertaken by the Legal Aid Forum over the years 2008-2011 shows that between 2008 and 2010, a total of 20 legal aid projects were selected. And for their implementation 13 member organizations were involved. 20,169 people received information, 9,827 received legal advice, and 356 received legal representation³⁹.

Note also that the Legal Aid Forum, in collaboration with the Ministry of Justice, organize the Legal Aid Week. For example, in 2009-2010, a total of 4,537 beneficiaries have received legal aid services, including

36 Preliminary Poverty Update Report (EICVII) 2007. The report states that poverty levels have reduced from 60.4% in 2000/1 to 56.9% in 2005/6. However due to the increase in the size of the population the number of people living in poverty has increased from 4.8 million people to 5.4 million people.

37 Building the Foundations for Access to Justice in Rwanda – A report of the Legal Aid Baseline and Needs Analysis Survey' - Collaboration between the Steering Committee of the Legal Aid Forum and the Ministry of Justice - Sendugwa Gilbert, Havugiyemye Aimable, Kigali, January 2007.

38 As of 31 December 2010 the Legal Aid Forum was comprised of ADEPE, ADL, AJPRODHO, ARDHO, AVEGA, ARPCDH, Benishyaka, CESTRAR, CLADHO, COPORWA, COSYLI, FACT Rwanda, Haguruka, Human Rights First Rwanda, INARA Legal Aid Service, LDGL, LIPRODHOR, Maison de Droit, MPEDH/Rwanda, Network of Lawyers of Hope Rwanda, Rwanda Community Law Anti Discrimination Network – Dufatanye, Rwanda Women's Network, the Bar Association, the Corps of Judicial Defenders, INILAK – Legal Aid Clinic, NUR – Legal Aid Clinic, ULK – Legal Aid Clinic Kigali, ULK – Legal Aid Clinic Gisenyi, Avocats Sans Frontières, International Justice Mission, Norwegian Peoples' Aid, Penal Reform International, RCN Justice & Démocratie and the Danish Institute for

³⁹LAF, *The Summary of Achievements: 2008 – 2011*, Kigali, 2012.

1,933 prisoners and 2,604 destitute and vulnerable persons. The comparison between the number of beneficiaries in 2009 and 2010 shows a net increase because during this legal aid week, the report mentions 1,718 beneficiaries in 2009 against 2,819 in 2010⁴⁰. The projects selected in 2011-2012 show a large number of beneficiaries.

All these figures show clearly that the need for justice for the people and the indigent population in particular is an indisputable reality. It is therefore important to consider that justice for all, like education for all, should become a top priority.

After this brief overview of the justice sector, it is now important to devote some pages to the aspect of victimization.

IV. Victimization

One cannot talk about victimization without paying attention to the subject that deals with the victim that is victimology. Thus, at this point, let's talk about victimology in general and provide some figures in relation to crimes experienced by victims.

IV.1. Victimology in general

After the definition, it is important to show its development and needs of the victim.

IV.1.1. Some definitions of victimology

Victimology is a branch of criminology that deals "with the direct victim of the crime, that means all of the biological, psychological, sociological and criminological aspects about this victim. Victimology is therefore interested in all that relates to the victim's personality, biological features, psychological and moral, socio-cultural characteristics, its relationship with the criminal and finally its role and his/her contribution to the origin of the crime."⁴¹

Victimology, branch of criminology, is also defined as a multidisciplinary scientific field that focuses on the overall analysis of victimization as being both individual and social, in their emergence, their processes, their consequences and implications, in order to promote their prevention in appropriate time for the physical, psychological and social reparation of the victim and / other relatives⁴².

⁴⁰ Idem

⁴¹ E.A. FATTAH, *La victime est-elle coupable ? Le rôle de la victime dans le meurtre en vue de vol*, Les presses de l'Université de Montréal, 1971, p. 11.

⁴² R. CARIO, *Victimologie*, Vol. 1

Victimology is not only dedicated to the study of " aspect of the crime" but "it covers a larger reality: social, biological and psychological aspects, whereby the suffering experienced is the common denominator, which is a kind of plague as complex and dangerous as the epidemics and the disease"⁴³ . "

Victimology has been created to draw attention to the role of the victim in the transition to criminal work⁴⁴.

IV.1.2. Evolution and Background

The academic study of crime victims is a comparatively recent phenomenon, and the importance of victimology as a science has increased with social and political attention given to issues of victimization. Thus, the criminal justice system should respond to victims' rights⁴⁵.

Starting from the 1970s, first in North America, criminal justice has focused on policies affecting the victim. Although research in this area has increased at this time, it was in the 1940s that the first systematic study on the victim was carried out⁴⁶. Specifically, the interest of addressing the needs of the victim appeared before the Second World War, but developed afterwards, due to the large number of casualties caused by the war. It was especially important to understand the process of victimization by examining the relationship between the victim and the perpetrator.

Academic and political challenges posed by the women's movement and consequently by campaigns against other forms of discrimination have led to different approaches to better understand the status of the victim⁴⁷.

IV.1.3. The needs of the victim

Victimology is more concerned with the needs of the victim in criminal justice. One can now say that the rights of victims of crime are probably one of the most important themes of the new Criminal Procedure, and the victim is likely to occupy in the criminal law a place to the point that we can talk of a criminal policy based on the rights of victims⁴⁸. Most often, victims wish to obtain practical help that can include the following:

- Compensation or reparation of the damage;
- Advice on the issue of crime prevention;
- Psychological care;
- Assistance in giving evidence before a court;
- Ensuring physical safety.

⁴³B. MENDELSON, « La victimologie et les besoins de la société actuelle », *In RICPT*, 1973, pp. 267-276.

⁴⁵W. BRIANS, « Victims »,in *Criminology*, New York, Oxford University Press, 2005, p. 492.

⁴⁶ Ibidem

⁴⁷ Ibidem

⁴⁸R. GASSIN, *op. cit.*, p. 532.

Among the needs of the victim, repair damage occupies a prominent place. This idea is corroborated by Jeremy Bentham in these terms: *"Has the crime been committed? Those who have suffered by it, either in their person or their fortune are abandoned to their evil condition. The society which they have contributed to maintain and which ought to protect them owes them an indemnity when its protection has been ineffectual"*⁴⁹

Indeed, the rights of victims are twofold. First, it is merely the acknowledgement of the preparatory rights for reparation (right to home and to information, right of initiative in seeking resolution of the conflict); second, by the admission of a right to prevention (right to protection against the perpetrator of the crime and his/ her relatives, right to education to prevent the "recurrence of victimization"⁵⁰).

IV.2. Some aspects of victimization

This is first to try to clarify the concept of victimization before giving some figures on the categories of offenses caused over the victims.

IV.2.1. Notions of victimization

This neologism appeared first in the American political vocabulary to designate a cluster of individuals acting collectively through legal channels, and mainly to make the society recognize as such a common prejudice of which they considered themselves victims and claim compensation⁵¹.

In fact, the victim is now valued, the focus is on his/her the sympathy, it attracts compassion, but more importantly it acquires rights through his/her status as a victim, including the rights to reparations⁵². It is therefore conceivable that individuals or groups take this route to be recognized as victims, even though nothing should allow them to be so. The accusation of victimization or the friendly warning against this drift is intended to terminate this proposed strategy.

Victimization means "to make someone a victim, the sacrifice."⁵³ In psychology, it means "the attitude by which a subject poses as the victim in order to generate consciously or unconsciously in others a feeling of pity or even guilt, and protect him/herself from any charge or penalty, while indirectly claiming the satisfaction of material and emotional needs."⁵⁴

In the scope of this study, the concept will focus on the perspective of the victim as a synonym for the injured party, the complainant, a civil party, the person who has suffered from harm or has personally suffered from damage caused by the offense.

⁴⁹Quoted by L. G. FORER, *Criminals and Victims, A trial judge reflects on crime and punishment*, New York/ London, 1980, p. 289.

⁵⁰R. GASSIN, *op. cit.*, p. 533.

⁵¹**Ch. GAUDIER** « À quoi sert « la victimisation » ?, in <http://lmsi.net/A-quoi-sert-la-victimisation>, consulté le 20/6/2012.

⁵²Ibidem

⁵³http://www.lexilogos.com/francais_langue_dictionnaires.htm, consulté le 20/6/2012

⁵⁴http://w3.granddictionnaire.com/btml/fra/r_motclef/index800_1.asp, consulté le 20/6/2012.

IV.2.2. Some statistics on alleged offences caused to victims

These statistics come exclusively from annual reports of 2009, 2010 and 2011 of the National Public Prosecution Authority. They give an idea of the categories of alleged offenses caused to the victims⁵⁵.

IV.2.2.1. Status of offences in 2009

The 2009 report does not give a complete classification of offenses of common law alleged to be committed in 2009. It merely gives a summary table of cases and focuses on specific offenses.

IV.2.2.2. General Situation

Table 5: The table below shows the general situation of registered cases and their processing

Prosecution	Cases available in early 2009	Cases registered in 2009	Cases transferred to the courts		Closed cases		Cases transferred elsewhere		Tried cases		Remaining cases in end 2009
			New cases in 2009	Backlog	New cases in 2009	Arrears	New cases in 2009	Arrears	New cases in 2009	Arrears	
PROSECUTOR GENERAL	367	662	356	27	107	70	52	23	515	120	394
INTERMEDIATE LEVEL	12671	11508	4154	1588	2916	1879	104	8	7174	3475	13530
PRIMARY LEVEL	12.523	11838	4798	521	748	277	246	9	5792	807	17762
TOTAL	25561	24008	9308	2136	3771	2226	402	40	13481	4402	31686

Source: Annual report 2009

The number of cases in 2009 is 49,569 including 25,561 existing in early 2009 and 24 008 new cases. Out of 49,569 cases, 31,689 were not tried in 2009. These figures seem to be impressively negative.

⁵⁵CARIO R., « La Victime : définition(s) et enjeux », in

http://www.enm.justice.fr/centre_de_ressources/dossiers_reflexions/oeuvre_justice/definition.htm, consulté le 20/6/2012.

IV.2.2.3. Situation of particular offenses

These are cases of rape and violence against children, the suspected offenses committed against genocide survivors, witnesses and judges in the Gacaca courts and economic crimes.

1. Rape and violence against children

Beside 1183 overdue cases, 2,368 cases were registered, of which 1234 were submitted before the courts presumed competent, 425 cases not followed up, 8 cases sent elsewhere, and 1884 untreated cases⁵⁶.

2. Offenses against genocide survivors, witnesses and judges in Gacaca courts

In 2009, 662 cases were registered, among them, the most important consist of about 486 Genocide denial and genocidal ideology and 169 cases are related to discrimination.

3. Economic crimes

These are various offenses (bribery, embezzlement, etc.). In 2009, 822 cases were recorded, but 984 cases were handled. This assumes that there were backlogs, but the report does not mention them.

IV.2.3. Status of offenses in 2010

As shown in the 2010 annual report, in 2010, the National Public Prosecution Authority recorded 24,991 cases plus 9446 cases from previous years. The 2010 report does not give an exhaustive list of all offenses allegedly committed; it focuses merely on five main offenses committed at the different levels that make up the National Public Prosecution Authority.

1. Primary court

The main five offenses are summarized in the table below as follows:

Table 6: Top five offense depending on the size of their committal

N°	Offenses	frequency	%
1	Assault and battery	3 149	44.2
2	Drug abuse	2 604	36.5
3	Breach of trust	471	6.6
4	Theft	467	6.5.
5	Fraud/Swindling	436	6.2
Total		7 127	100

Out of the top five offenses charged, assault and battery represent 44.2% of the above offenses, drug abuse occupies 36.5%, the 6.6% breach of trust, theft 6.5% and 6.2% fraud. Note that the report does not give the situation of all categories of alleged offenses committed during the year 2010.

⁵⁶ NPPA, *Annual report 2009*.

2. Intermediate Court

The main five offenses are summarized in the table below as follows:

Table 7: Top five offenses depending on the size of their committal

N°	Offenses	Frequency	%
1	Traffic accident offenses	3 523	37.3
2	Robbery	2 502	26.5
3	Rape	1 714	18.2
4	Forgery and use of forged documents	855	9.1
5	Rape against children	842	8.9
Total		9 436	100

Source, NPPA, Annual Report, 2011

Out of five offenses charged, those related to the road traffic occupy 37.3% theft is at 26.5%, rape is at 18.2%, those related to forged documents are 9.1% and rape against children 8.9%. The report is limited to five major offenses as concerns the number of perpetrators.

3. The office of the Prosecutor general

The top five offenses can be summarized as follows:

Table 8: Top five offenses depending on the frequency of their committal

N°	Offenses	frequency	%
1	Assassination	174	35.4
2	Complicity to assassination	120	24.4
3	Murder	76	15.4
4	Complicity to murder	70	14.2
5	Infanticide	52	10.6
Total		492	100

Out of the above five offenses charged, murder stands at 35.4%, while the complicity to murder cases is at 24.4%, others respectively are at 15.4%, 14.2% and 10.6%.

IV.2.4. Offenses status in 2011

The 2011 report seems to be more comprehensive than those of the previous two years and goes beyond those five main offenses. Indeed, this report gives a complete list of all alleged offenses committed. For reasons of harmony, we will limit ourselves to the top five offenses⁵⁷.

1. Primary court

The top five offenses can be summarized as follows:

Table 9: Top five offenses depending on the frequency of their committal

N°	Offenses	Frequency
1	Assault	3 574
2	Drug abuse	3013
3	Theft	945
4	Breach of trust	534
5	Fraud	520
Total		8586

Source, NPPA, *Annual report*, 2011.

This table presents the top five offenses from the total of 12544 offenses recorded in 2011. The top five offenses cover 8586 offenses, that is 68% of all offenses.,, Those related to battery cover 28.5% of the total of all offenses and 41% of the total number of the top five major offenses.

2. High Court

The five major offenses can be summarized as follows:

Table 10: Top five offenses depending on the frequency of their committal

N°	Offenses	Number
1	Robbery	2 403
2	Traffic accidents	2 218
3	Rape	1 219
4	Rape against children	1056
5	Forgery and use of forged documents	555
Total		7451

Source, NPPA, *Annual Report*, 2011.

⁵⁷ Other offenses, ref. appendix I.

This table presents the top five offenses from the total of 10 153 offenses recorded in 2011. The top five offenses cover 73.4% of all offenses. They include robbery which covers 23.7% of the total of all recorded offenses and 32.3% of the total of the top five offenses⁵⁸.

3. The office of the prosecutor general

The top five offenses can be summarized as follows:

Table 11: Top five offenses

N°	Offenses	Number
1	Assassination	199
2	Murder	105
3	Complicity to assassination	87
4	Introduction of drugs in the national territory	67
5	Infanticide	51
Total		509

Source, NPPA, *Annual report*, 2011.

This table presents the top five offenses from the total of 647 offenses recorded in 2011. Considering the total of all offenses recorded, the top five offenses cover 78.7%.Assassination covers 30.8% of the total of all recorded offenses and 39.1% of the total number of the top five offenses⁵⁹.

IV.3. Comparative analysis of statistics of recorded offense from 2009 to 2011

This analysis takes into account the total of recorded offenses on the one hand and offenses that have occupied percentages in terms of their registration by the NPPA.

IV.3.1. Comparison of recorded offenses in 2009-2011

Examination of the NPPA annual reports from 2009, 2010 and 2011 show that the number of offenses recorded over the last three years was increasing. Indeed, the NPPA in 2009 recorded 24,008 cases of offenses suspected to be committed; 24,991 in 2010 and 25,344 cases in 2011. This represents an increase of nearly 3.7% in 2010 and nearly 5.6% in 2011. However, note that 2011 experienced only a slight increase over 2010, which is 1.4%.

⁵⁸Other offenses ref. appendix II.

⁵⁹Other offenses ref. appendix III.

IV.3.2. Importance in comparison with crimes committed

Given the structure of the data, this comparison only includes the years 2010 and 2011.

IV.3.2.1. At the primary Court

At this level, it is the offense of assault and battery that comes in first position. Indeed, the number rose from 3,149 in 2010 to 3,574 in 2011, an increase of nearly 12%.

IV.3.2.2. At the intermediate Court

In 2010 and 2011 offenses related to traffic accidents as well as theft alternate in the first and the second position. Indeed, in 2010 it was the offenses related to traffic accidents which rank first with 3,523 cases, while robberies come in second position with 2502 cases. In 2011, both offenses significantly declined, robberies, which rank first, have 2403 cases and thus declined by nearly 4%. The offenses related to traffic accidents on the other hand, had a significant decline of 37%.

IV.3.2.3. Office of the Prosecutor General

At this level, murder has increased by 11% in 2011 compared to 2010, 177 cases respectively in 2010 and 199 in 2011. Note that the complicity to assassination occupies also a prominent position among the offenses that are forwarded to the Office of the prosecutor General, that is, the second position in 2010 and the third in 2011.

To conclude this chapter, it is important to recall the importance of a strong and fair justice. If Rwanda has decided to establish a framework of complementary work in the justice sector, it is to coordinate the efforts of public actors of the justice sector for the public welfare in general and the litigants in particular. The figures examined above show that there is still a big task to perform on the side of both prevention and repression of crimes.

Caring of the needs of the victim is another important aspect that means to first identify those needs and take them into account wherever possible. The Justice Sector User perception and Victimization study comes at opportune moment and is meant to contribute to the improvement of the sector.

V. PRESENTATION OF THE FINDINGS

V.1.DEMOGRAPHICS

This section covers major socio-demographics of respondents. These include type of residence, gender, age, level of education and household monthly income. The table below provides an overview.

Table 12: Respondents demographics

Residence	Urban	22.0%
	Rural	78.0%
	Total	100.0%
Gender	Male	53.6%
	Female	46.4%
	Total	100.0%
Age	18-24	13.8%
	25-29	16.9%
	30-34	18.8%
	35-39	11.7%
	40-44	11.4%
	45-49	10.3%
	50-54	5.6%
	55+	11.5%
	Total	100.0%
Education level	None	14.6%
	Uncompleted primary	24.1%
	Completed primary	33.3%
	Uncompleted secondary	14.8%
	Completed secondary	7.8%
	Uncompleted tertiary	1.8%
	Completed tertiary (with a degree)	1.6%
	Vocational Training	2.0%
Total	100.0%	
Household monthly income	Below 15000	39.4%
	15,001-30,000	25.6%
	30,001-60,000	21.6%
	60,001-100,000	6.5%
	100,001-150,000	4.1%
	150,001-200,000	1.1%
	200,001-250,000	0.6%
	250,001-300,000	0.6%
	300,001+	0.6%
	Total	100.0%
		n=2400

The table above shows that the large majority of respondents (nearly 8 out of 10) live in rural areas while only 22% come from urban areas. The proportion of men stands slightly higher (53.6%) than that of women (46.4%). Although efforts were made to include 50% of male and 50% of female respondents in the sample, the field reality did not allow this gender balance due to the fact that there were more men than women in the houses by the time of interviews for this study.

As far as age is concerned, cumulatively almost a half (49.5%) of respondents are under 35 years old. The age of the remaining half is comprised between 35-59.

With regard to the education level, cumulatively nearly 4 out of 10 respondents, that is to say 38.7%, have not even completed primary education while 33.3% of all respondents did. 7.7% and 1.6% have completed secondary education and university respectively. From the income viewpoint, almost 4 in 10 respondents come from households whose monthly income stands below RWF 15,000. Cumulatively, nearly a half of respondents (47.2%) come from households with income comprised between FRW15,000 and FRW 60,000.

V.2.ACCESS TO LEGAL ADVICE & REPRESENTATION

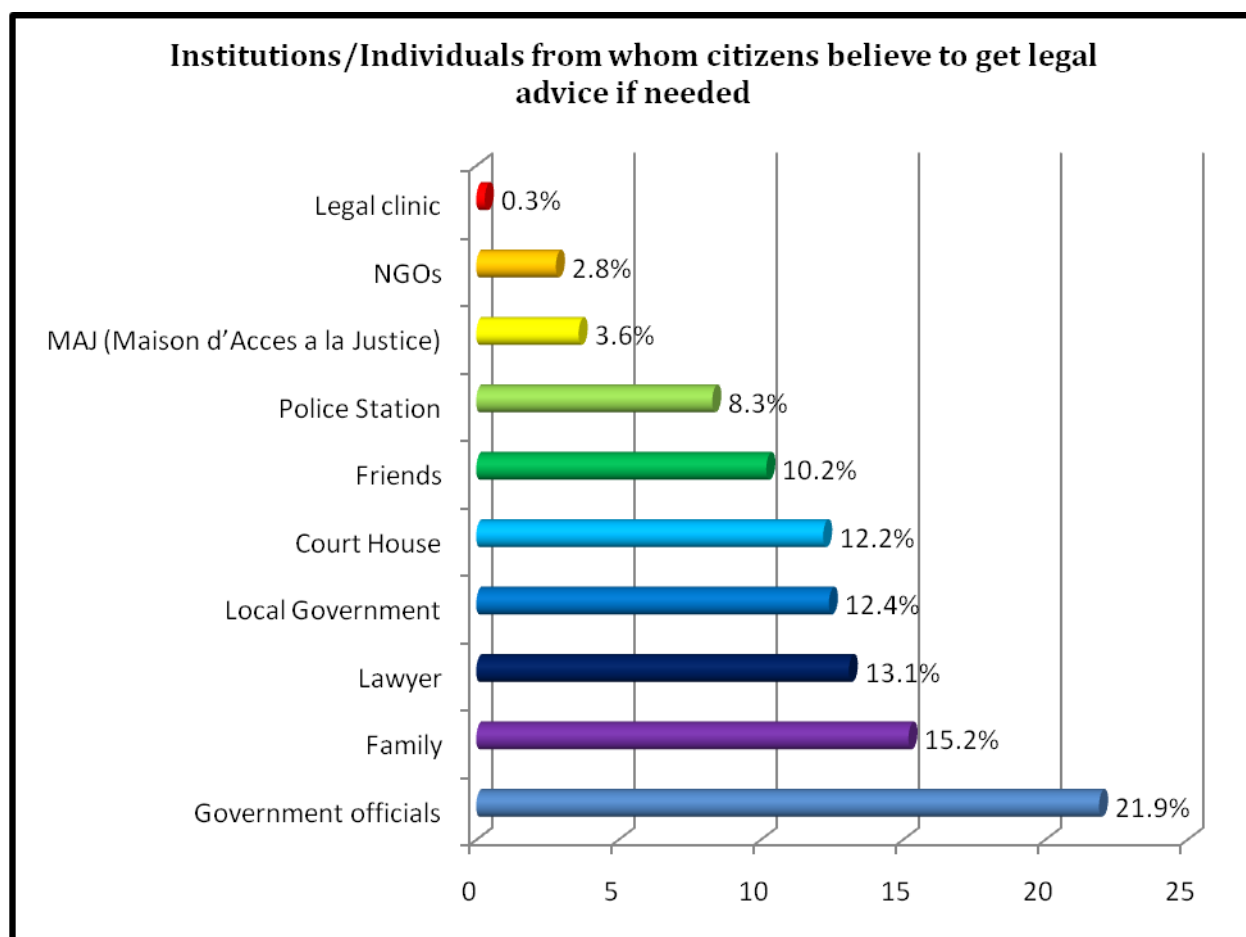
This section analyses various aspects related to legal advice and representation requested by citizens and provided to them.

V.2.1.Access to legal advice

V.2.1.1. Institutions/individuals from whom citizens believe to get legal advice if needed

First of all the research sought to ascertain which institutions citizens turn to when they are in need of legal advice. The table below shows the outcome.

Figure 6: Institutions/individuals from whom citizens believe to get legal advice if needed

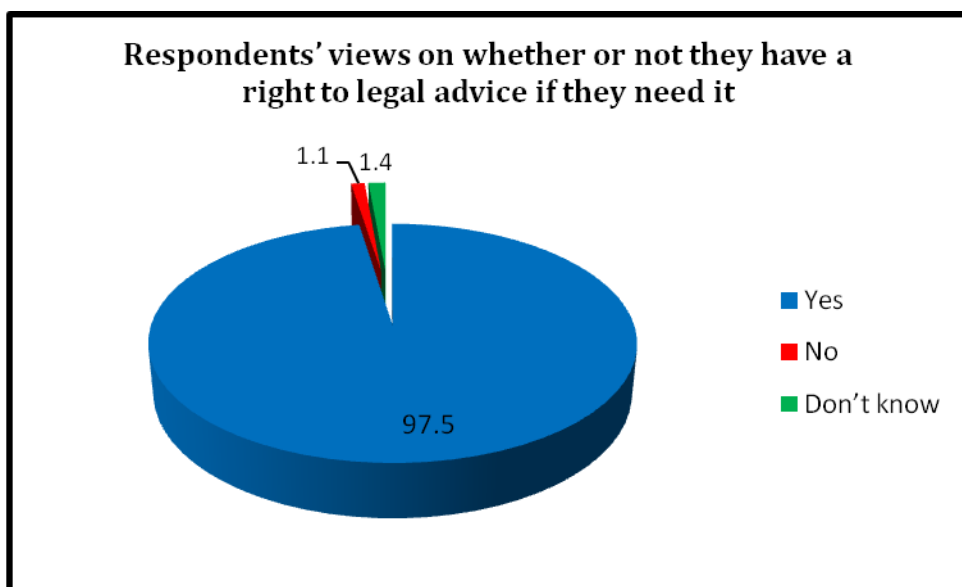


As showed in the graph, the majority of respondents demonstrated a misunderstanding on where to get legal advice. Indeed, most of them referred to informal, unqualified and inappropriate people or institutions such as friends, relatives (family), government officials, courts and police as providers of legal advice. Surprisingly, institutions such as MAJ, Cliniques juridiques (legal clinics) and lawyers which are in principle meant to provide legal advice do not appear among the major institutions mentioned by the respondents. This shows the need to redouble efforts to inform and sensitise the population on this issue.

V.2.1. 2. People’s awareness of their right to legal advice

The questionnaire then asked respondents whether they believe that they have a right to legal advice; their answers are summarized below.

Figure 7: Respondents’ views on whether or not they have a right to legal advice if they need it



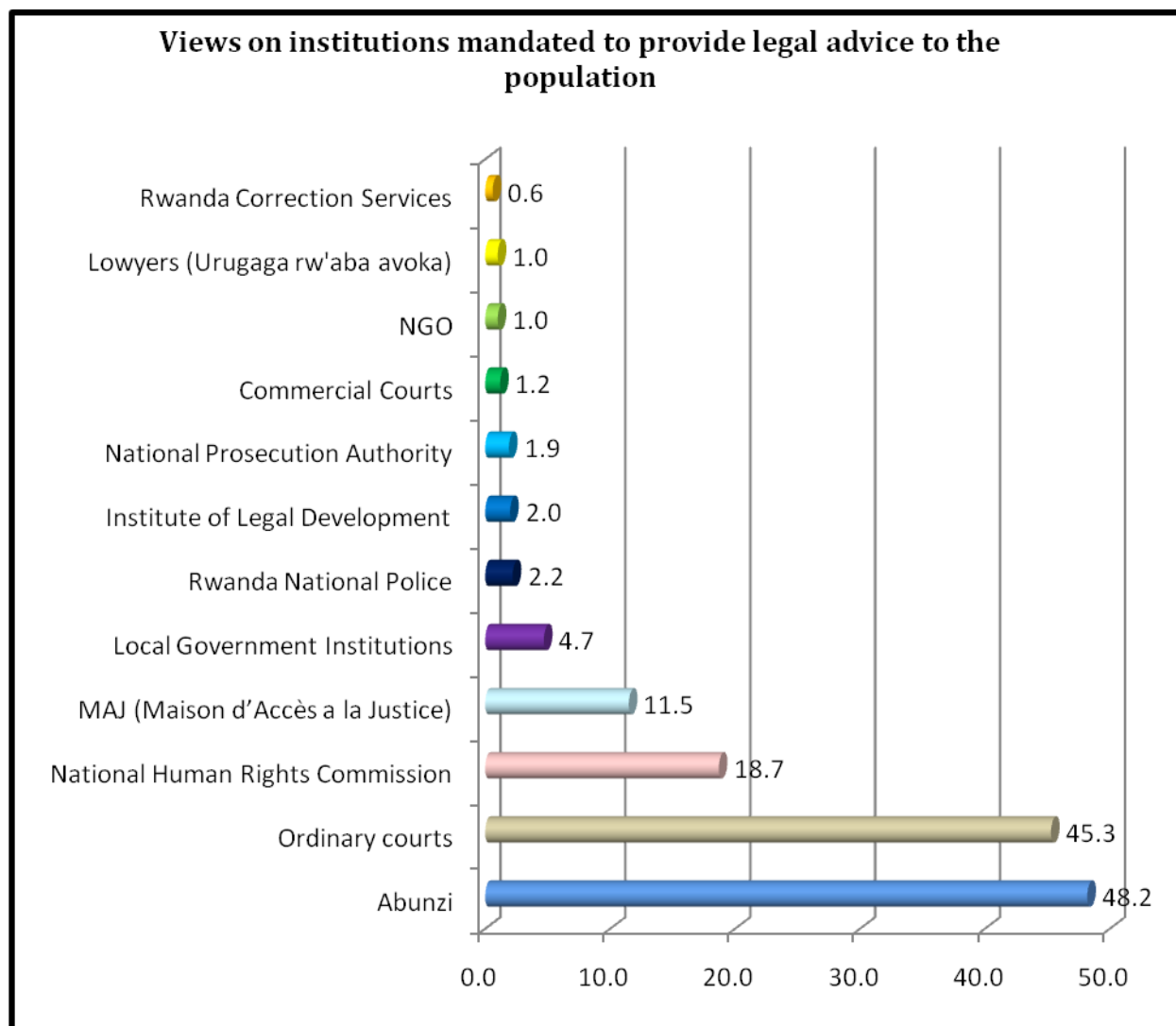
There is a high level of respondents’ awareness of their right to legal advice. Nearly all respondents (98%) are aware of this right. Surprisingly, despite this level of awareness, a significant proportion of respondents do not know whom they should go to ask for legal advice as shown in the previous table. This might indicate that many citizens do not have the correct perception of what this right means and implies.

V.2.1.3. Institutions that citizens believe are mandated to give them legal advice if they ask for it

The following section examines respondents views on institutions they should go to if they need legal advice.

Firstly, citizens were asked which institutions, in their opinion, are mandated to provide legal advice; the findings are presented in the figure below.

Figure 8: Views on institutions mandated to provide legal advice to the population

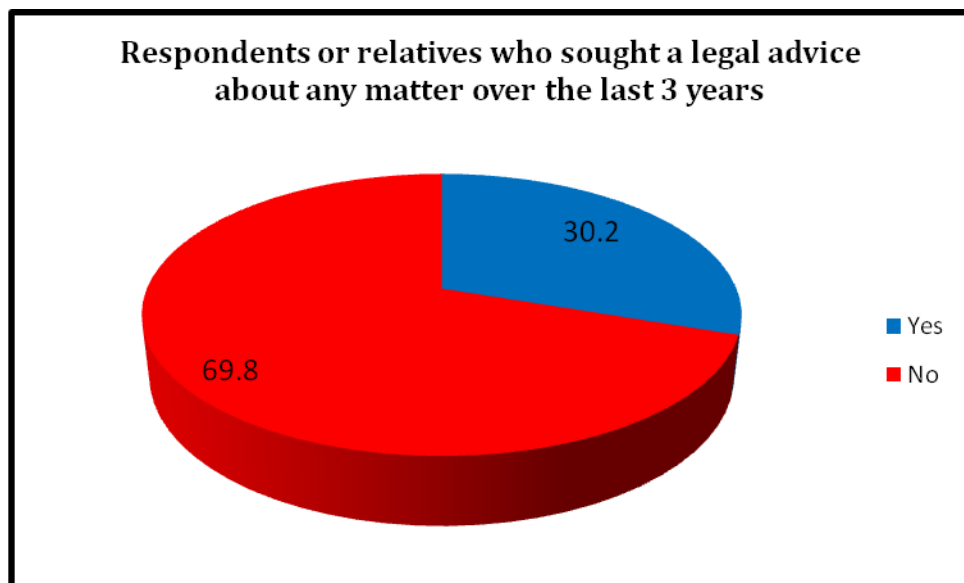


The study revealed a high level of confusion or misunderstanding among the population with regard to the functions of justice sector institutions. As shown in the table above, majority of respondents believe that mediation committees (46.7%), ordinary courts (45.3%) and National Commission for Human Rights (18.2%) are mandated to provide legal advice, while this function instead lies with Maison d'Acces à la Justice (House for Public Access to Justice) ,private lawyers and with some NGOs. Only 1 in 10 respondents referred to the appropriate institutions. Again, this calls for the Ministry of Justice, MAJ, and CSOs to step up efforts in sensitizing people on the rights and the responsibilities of different institutions with the mandate to serve the population.

V.2.1.4. Respondents or relatives who sought legal advice about any matter over the last 3 years

This section examines respondents' interactions with institutions mandated to provide legal advice to people. The level of such interactions is presented in the graph below.

Figure 9: Respondents or relatives who sought a legal advice about any matter over the last 3 years

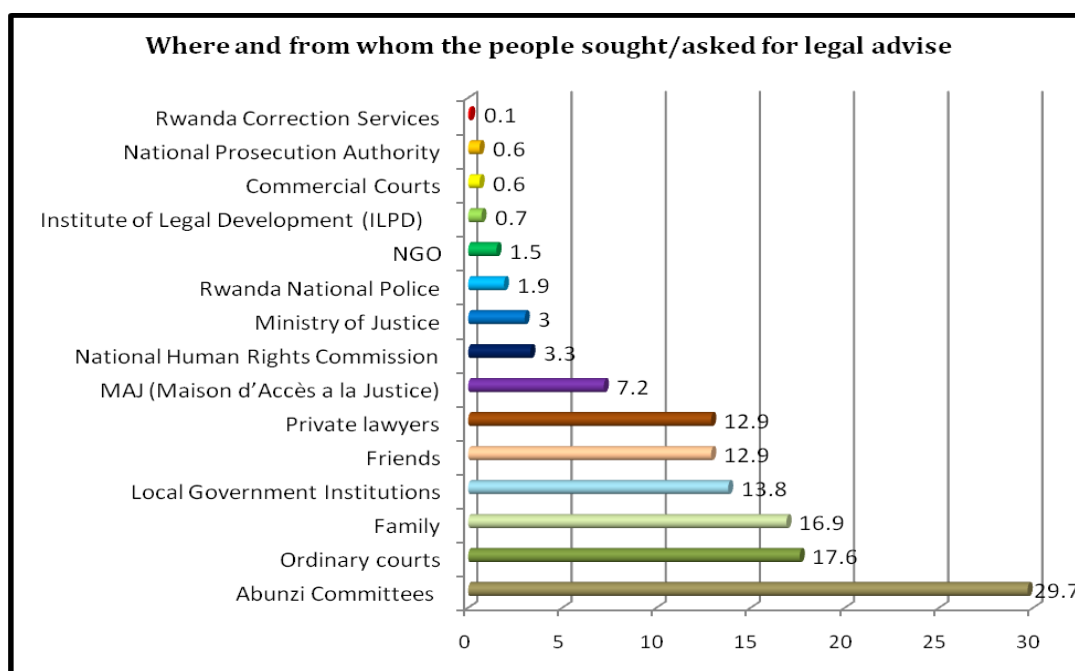


Three in ten respondents have sought legal advice in the last three years, while the majority have not. Institutions or individuals from whom such a service was requested are examined in the following section.

V.2.1.5. where and from whom people sought/asked for legal advice

It is interesting to examine where people went, in practice, to seek for legal advice; the table below shows precisely this.

Figure 10: Where and from whom the people sought/asked for legal advice



As shown in this figure, mediation committees (29.2%), ordinary courts (17.30%), relatives (16.60%), friends (12.60%) and private lawyers (12.60%) stood as major institutions or individuals approached by people to get legal advice. Only 7% resorted to MAJ to get the same service. This institution that is meant to grant legal advice free of charge to people proves surprisingly little accessed by ordinary people who need this service. One of the tentative explanations for this situation is related to the newness of the institution. As matter of fact MAJ, based at the district level, was established in 2009 and expanded in all districts in 2010. which makes it still too new to be known by ordinary people. Another reason is that MAJ operates at the district level so far and proves therefore distant, to some extent, from people in villages. As will be shown later in this report, about 7 in 10 respondents have never heard of MAJ.

Another reading of the finding in the above figure is that complete confusion and misunderstanding reign among many people with regard to the responsibilities of the justice sector institutions, which was already revealed by figures 2.1 and 2.3. For instance, significant proportions of respondents who needed legal advice in the last 3 years sought it from mediation committees and ordinary courts, which are mandated to render mediation and jurisdictional services rather than legal advice. However, it was revealed that sometimes, mediation committees offer legal advice especially during the pre-mediation hearing sessions whereby advice is given to the plaintiffs with regard to the legality of the claims. In the same vein, some mediators with law education do offer legal advice as individuals, and are sometimes assimilated by ordinary people to mediation committees.

Furthermore, the study shows, through the above figure which confirms paragraph 2.1, that some people rely on legal advice from family members and friends. While assuming that such advice is often given for free, there are good reasons for questioning the quality of that advice which, in majority of cases, is provided by relatives or friends who have no law education. In some cases, illiterate or less educated people tend to consider highly educated people as experts in all disciplines. Also few people in this category behave as know-it-all and pretend to be able to provide legal advice, and sometimes charge unjustifiably the so-called legal advice given to some illiterate people.

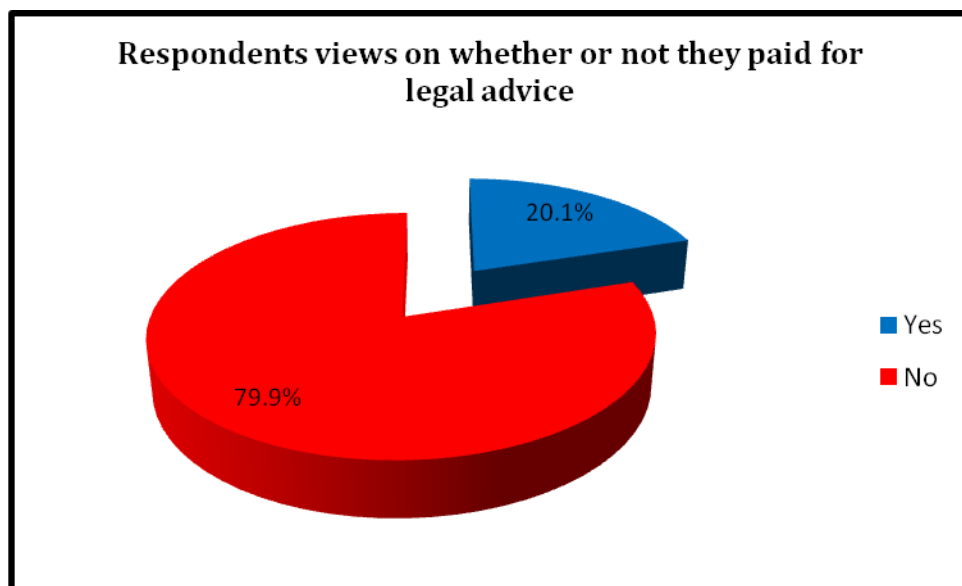
The fact that nearly one third of those who asked for legal advice sought it from friends and relatives may also imply a need for facilitating increased access to professional legal advice offered by MAJ and private lawyers.

It is worth noting that few respondents mentioned some organisations such as Avocats Sans Frontières, Transparency International Rwanda, Legal Aid Forum and University Legal Clinics (Cliniques juridiques) as among institutions that granted them legal advice.

V.2.1.6. Paying for the legal advice service

Depending on the institution which provides it, legal advice can be free of charge or not. The figure below shows which share of respondents paid for such service.

Figure 11: Respondents views on whether or not they paid for legal advice



The picture shows that the large majority (80%) of people who asked for legal advice did not pay for the service. This includes those who sought the service from MAJ, friends, relatives as well as mediators. Indeed, the services rendered by MAJ and mediation committees are free of charge.

However, 2 in 10 respondents paid for the legal advice service. These include mainly those who got legal advice from private lawyers on the one hand, and some relatives and friends who unjustifiably charge for so-called legal advice they provide, on the other hand.

5.2.1.7. Amount paid by citizens who sought for legal advice

Following the previous paragraph, it is now useful to investigate how much citizens paid for legal advice; the outcome is shown below.

Figure 12: Amount paid by citizens who sought for legal advice

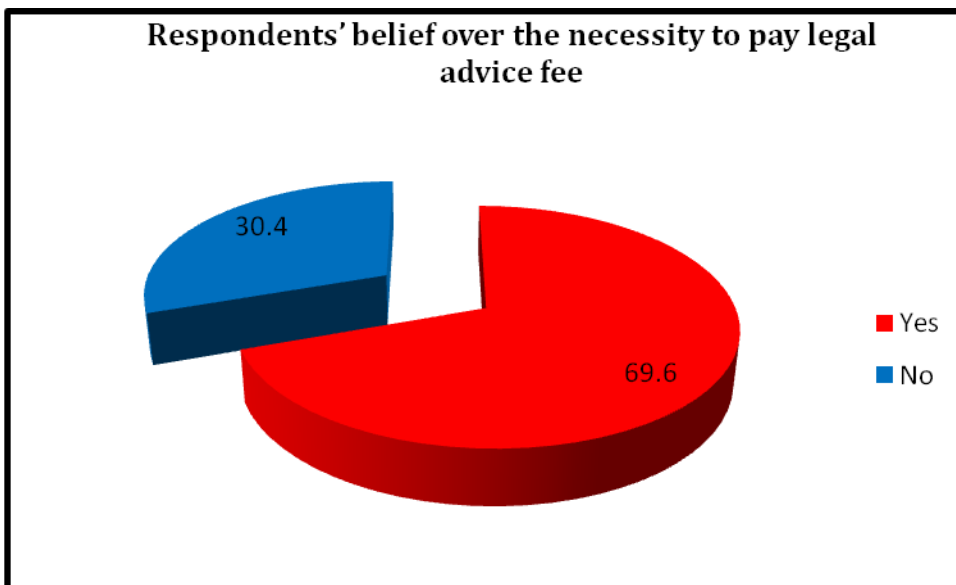


Around one third (35%) of those who paid for the legal advice were asked to spend between Rwf 1,000 and Rwf 10,000. Nearly a same proportion (29.9%) paid between Rwf 10,000 and Rwf 49,999, while 28.2% paid between Rwf 50,000 and Rwf 250,000, with 5% who paid more than Rwf 250,000. Cumulatively, 18% of those who paid for legal advice spent between Rwf 100,000 and Rwf 500,000. Obviously, the cost of legal advice proves relatively high for ordinary people, which justifies the appropriateness of MAJ as a provider of free legal advice accessible by ordinary people in order to avoid that they ask advice to family and friends who lack the appropriate legal background.

V.2.1.8. Respondents' belief over the necessity to pay legal advice fee

The report has shown that a certain share of respondents paid to obtain legal advice. The questionnaire then asked citizens whether they think it is necessary to pay for such service or not, as shown below.

Figure 13: Respondents' belief over the necessity to pay legal advice fee

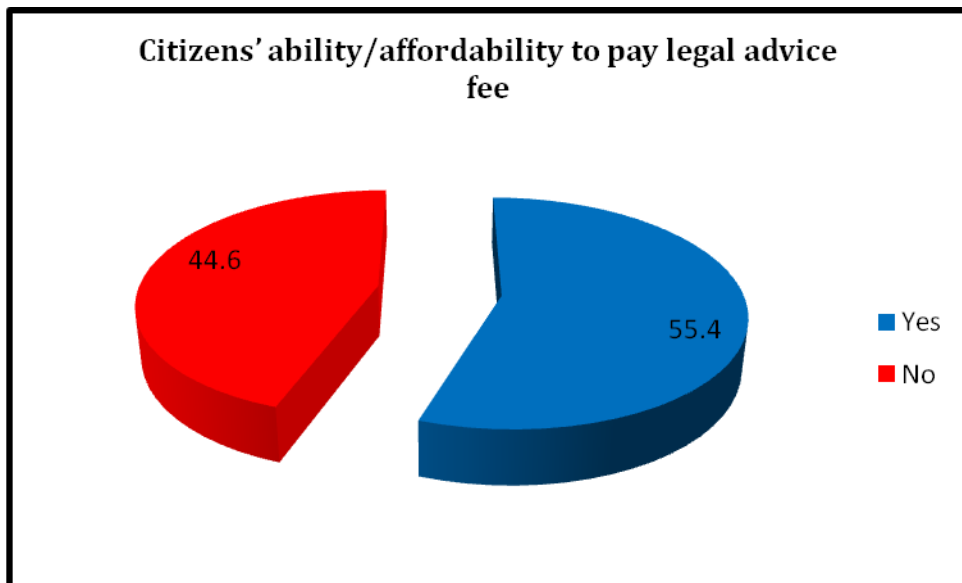


Nearly 70% of respondents who had asked for legal advice maintained that it was necessary to pay for that service. Some of them argued that the advice they sought sometimes concerned matters involving valuable assets and that it was necessary to pay the service provider. Others recognized that such advice required exceptional knowledge in legal matters that people with a background in law have and that such a service should be rewarded. However, 30.4% of respondents who paid for legal advice felt that it was not necessary to pay for it because paying limits the principle of equal access to justice, implying that in such case justice would be only for the rich.

V.2.1.9. Respondents' affordability to pay legal advice fee

Given the household income of our respondents, which is in most cases very low, it is appropriate to investigate whether they are able to pay for legal advice services; the following figure shows this finding.

Figure 14 : Respondents' affordability to pay legal advice fee

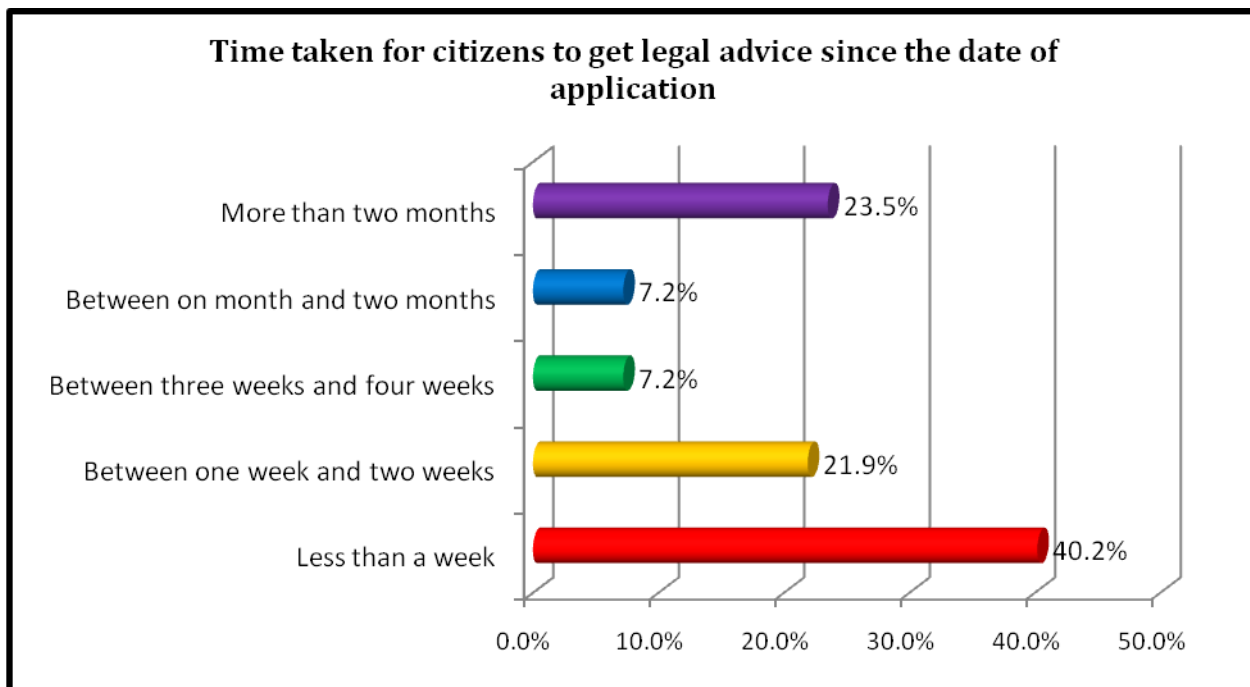


The table shows that the majority of those who paid for legal advice argued that the service was affordable while 44.6% deemed it unaffordable. Participants in Focus Group Discussions maintained that majority of people who approach lawyers for legal advice or representation are often people with enough resources who can therefore afford paying for that service. However, other participants nuanced this opinion by arguing that sometimes people pay for such a service after selling the few resources that they have, and that paying for such a service may result for poor people getting poorer. As woman in Musanze district echoed : “ *yes I paid for legal advice before I came to know MAJ, but I sold my only little piece of land*”.

V.2.1.10. Time taken for citizens to get legal advice since the date of application

Obtaining legal advice takes time and money; after exploring how much respondents paid, it is now time to look at how long it took them to be provided with legal advice. This is shown below.

Figure 15: Time taken for citizens to get legal advice since the date of application

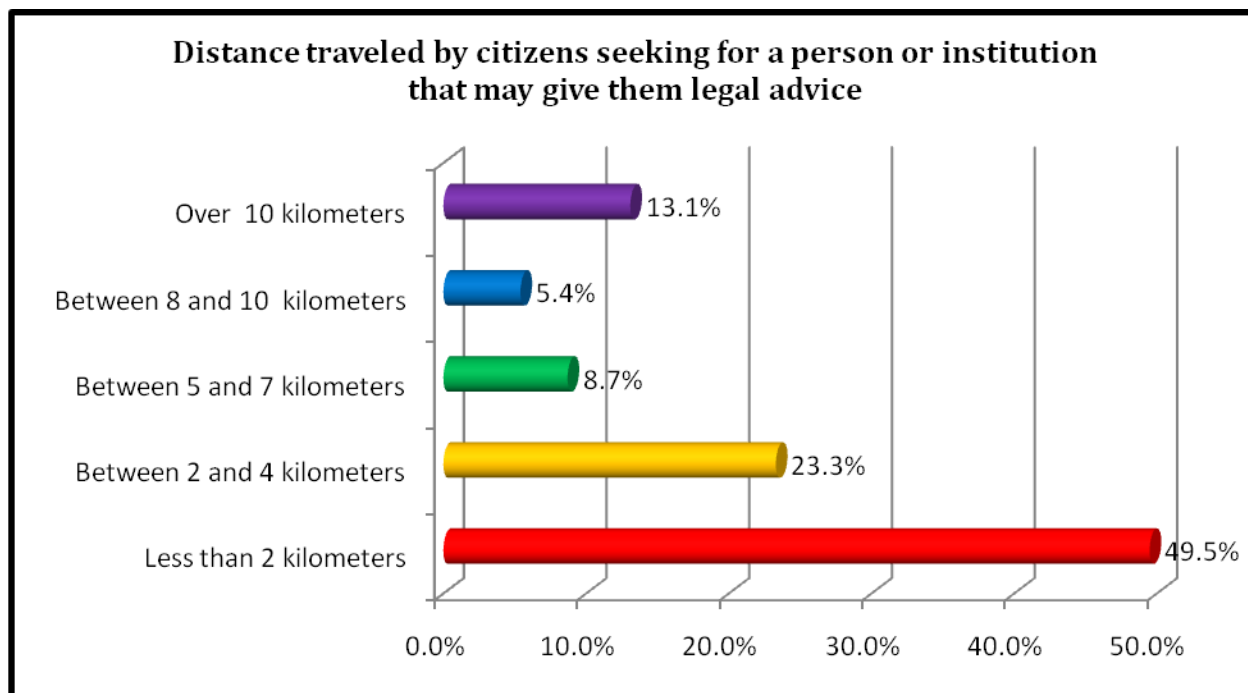


The study revealed that the time taken to get legal advice is relatively short. Cumulatively, it takes less than two weeks for the majority (62.1%) of respondents to get legal advice from the provider. This might partly be the consequence of the fact that most people asked friends and family for legal advice. However, in some instances, the time taken to get that service proves unduly long. In fact, a significant proportion (23.5%) of respondents maintained that it took more than two months to get the service.

V.2.1.11. Distance traveled by citizens seeking for a person or institution that may give them legal advice

Another important indicator is accessibility of legal advice in terms of distance; the graph below shows how long citizens had to travel to get legal advice.

Figure 16: Distance traveled by citizens seeking for a person or institution that may give them legal advice



The figure above shows that majority of respondents did not have to cover long distance to get legal advice. Cumulatively, it took less than 5 kilometers for 72.8% of respondents to reach the service provider. However, bearing in mind that MAJ is based at the district level and that private lawyers are generally based in urban areas, one can infer that legal advice is not yet very close to people but that a significant proportion sought it from relatives and friends, as repeatedly shown by previous figures, who are obviously close to them.

The study also shows that nearly 3 in 10 respondents cover more than 5 kilometers, with nearly 2 in 10 covering over 8 kilometers to get the service. This category includes mainly those who asked for legal advice from MAJ and private lawyers as well as those who maintained that they sought it from mediators and ordinary courts. Another indication that the appropriate institutions mandated to provide legal advice should be brought closer to ordinary citizens.

V.2.1.12. Population’s satisfaction with the quality of legal advice that they get

While it is important to have access to legal advice, it is at least equally important to investigate to which extent citizens are satisfied with the advice received. The following table presents this issue.

Table 13: Level of population’s satisfaction with the quality of legal advice that they get

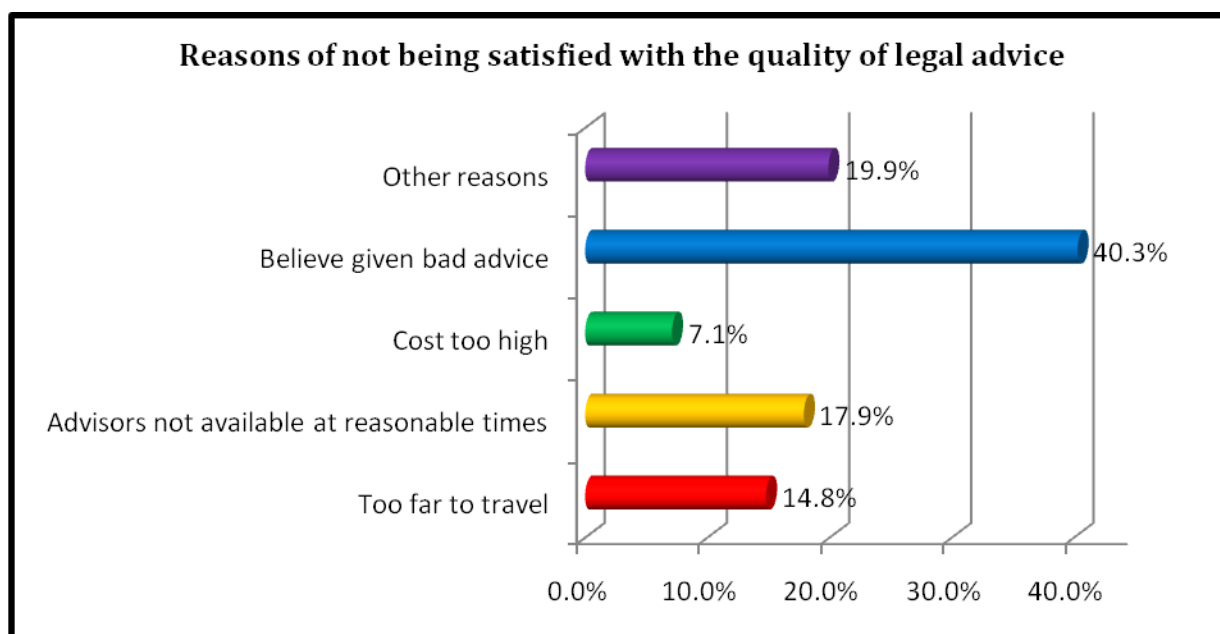
	Frequency	Percent
Not satisfied at all	93	13.4
Dissatisfied	79	11.4
Somewhat satisfied	68	9.8
Satisfied	352	50.7
Very satisfied	102	14.7
Total	694	100
Score	3.42 (Somewhat satisfactory)	
Overall Percent	68.4	

The perceived level of satisfaction with the quality of legal advice is encouraging to some extent, but proves neither high nor very high. Overall, respondents who received legal advice expressed a high level of satisfaction (68.4%). Some participants in Focus Group Discussions expressed satisfaction with legal advice they were given as it enabled them filing their claims, write appropriate submissions and win their cases; or led them to abandon their intentions to file groundless cases. On the other hand, some reasons for dissatisfaction with the quality of legal advice were provided and are examined in the figure below.

V.2.1.13. Reasons for not being satisfied

The previous table shows that the share of respondents dissatisfied with the advice received is significant. The following figure then examines reasons for dissatisfaction or less satisfaction with the quality of legal advice people received.

Figure 17: Reasons for not being satisfied with the quality of legal advice



The belief that bad advice was given proves to be the most important reason for dissatisfaction as mentioned by 40.3% of those who sought legal advice. Other reasons include delay in providing advice (17.9%), long distance to cover in search for legal advice (14.8%), high cost of the service (7.1%) and more others.

It emerged from Focus Group Discussions that in general, people are more satisfied with the quality of advice given by lawyers than other people. As discussed earlier, some people tend to seek legal advice from friends and relatives merely on the basis of their level of education irrespective of their fields of education. Commenting on people's claim that sometimes MAJ staff provide them with bad advice, an official from the Ministry of Justice in charge of legal Aid who was interviewed maintained that some of this staff are still new in the legal profession and might therefore have some limitations in the advice they provide. He added that the Ministry will strive to strengthen the capacities of MAJ staff through training sessions, and that monitoring effort will be made to assess whether or not the performance contracts of MAJ staff reflect the reality on the field. Such commitment to strengthen the capacities of MAJ and monitor their work was also echoed by the MAJ coordinator in the Ministry of Justice.

Moreover, some participants argued that some people already trained or still being trained in law are informally consulted by people as legal advisers while they never practiced or have no experience in this area. Sometimes, their advice is not legally informed and may therefore mislead the clients.

Furthermore, some people complained about the fact that people/institutions with skills and experience in providing legal advice are not close to them. Some implied that most providers of legal advice are located in urban areas or in business centers, which makes it sometimes difficult to access them for the majority of Rwandans, who live in rural areas.

Another fact that some people complained about is that legal advice was not always given in reasonable time. This problem was mainly raised against some lawyers who are not easy to reach neither physically in their offices nor by phone. Some lawyers hardly respect the appointments they give to their clients and when approached on the phone they neither respond nor call back.

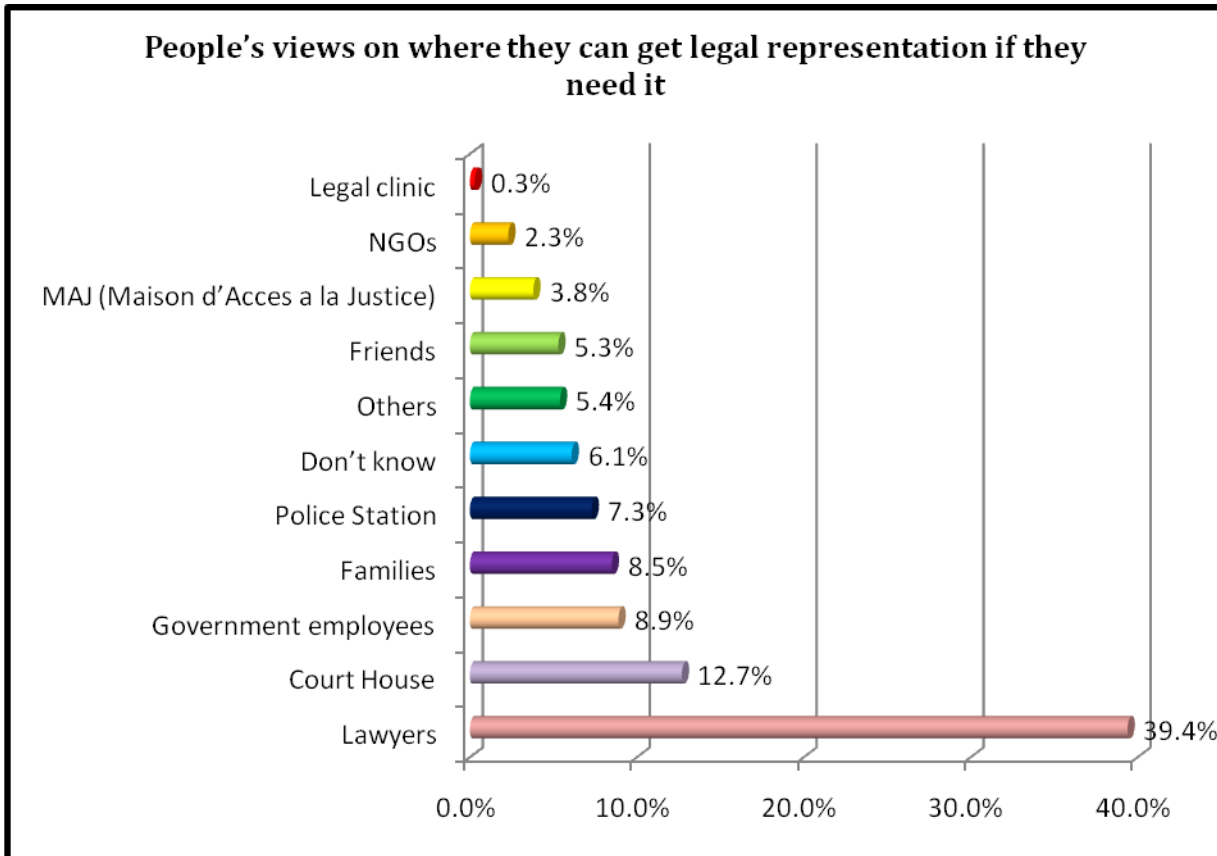
In addition, the level of satisfaction proves neither high nor very high because of the significant cost of legal advice. As shown in figure 11, cumulatively, 18% of those who paid for legal advice spent between Rwf 100,000 and Rwf 500,000.

V.2.2. Access to legal representation

V.2.2.1. People's views on where they can get legal representation if they need it

Moving now from legal advice to representation, it is first of all important to check to which extent people know where to obtain such service; the table below presents where respondents think they can get legal representation.

Figure 18: People's views on where they can get legal representation if they need it

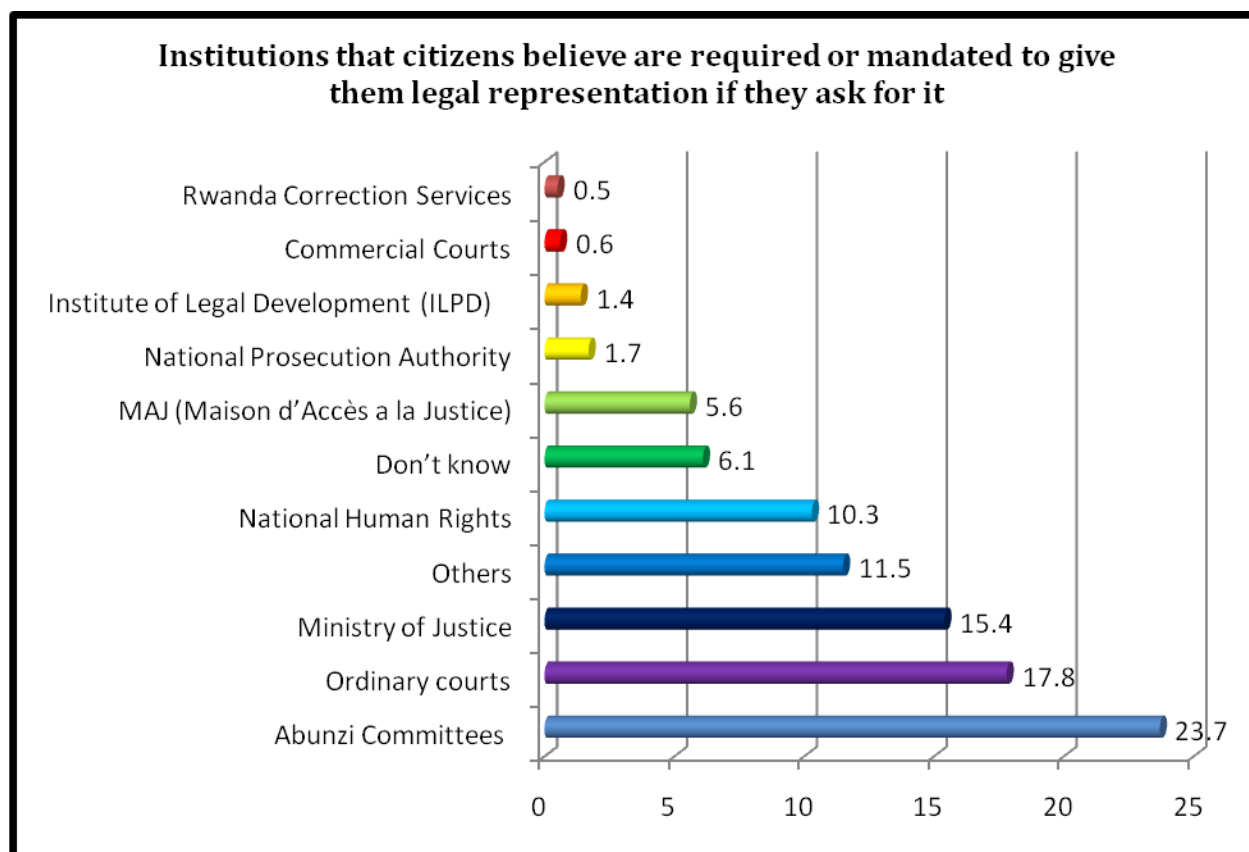


The majority of respondents do not know where to get legal representation. Only 4 in 10 respondents mentioned lawyers, which constitute the traditional institution meant to provide them with legal representation. Most respondents still believe that they can get legal representation from institutions such as ordinary courts, public servants, relatives, friends, national police, etc. which is not true because these institutions and individuals are not mandated to provide such a service. Again this implies a misunderstanding or confusion among ordinary people with regard to responsibilities of the justice sector institutions. This result calls for the involvement of the Ministry of Justice, MAJ, lawyers and CSOs to inform and sensitize the population on existing laws, key institutions from which citizens are meant to be seeking services and their responsibilities, etc.

V.2.2.2. Institutions that people believe are mandated to give them legal representation

More specifically, which are the institutions that population people consider as having the mandate to provide representation? The following figure attempts to answer this question.

Figure 19: Institutions that people believe are mandated to give them legal representation

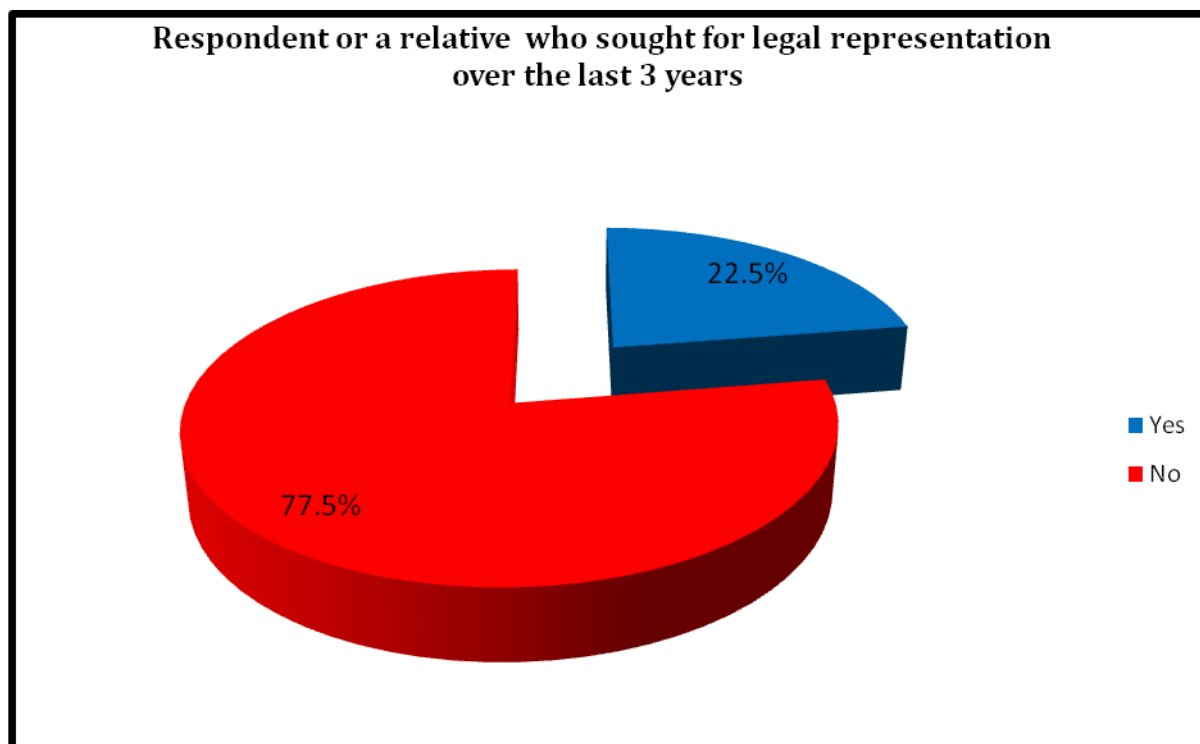


This table confirms the previous one, as it shows that the large majority of respondents do not know exactly the institution that has the mandate to provide legal representation. Indeed, Abunzi committees (23.7%), ordinary courts (17.8%), Ministry of Justice (15.4%), National Commission for Human Rights (10.3%) and MAJ (5.6%) emerged as the top 5 institutions mandated to given legal representation. In principle, apart from the National Public Prosecution Authority that represents the whole public, this service is given by private lawyers (members of the Bar Association) and some non-governmental organizations through their own or hired lawyers. Like for the previous finding, this one implies a low level of awareness of institutions meant to provide the population with legal representation in Rwanda. It highlights therefore the necessity of the Ministry of Justice, Bar Association and CSOs to sensitize the population over this matter.

V.2.2.3. Respondent or a relative who sought for legal representation over the last 3 years

Turning now to the concrete cases of respondents, it is interesting to assess how many of them sought for legal representation, as shown below.

Figure 20: Respondent or a relative who sought for legal representation over the last 3 years

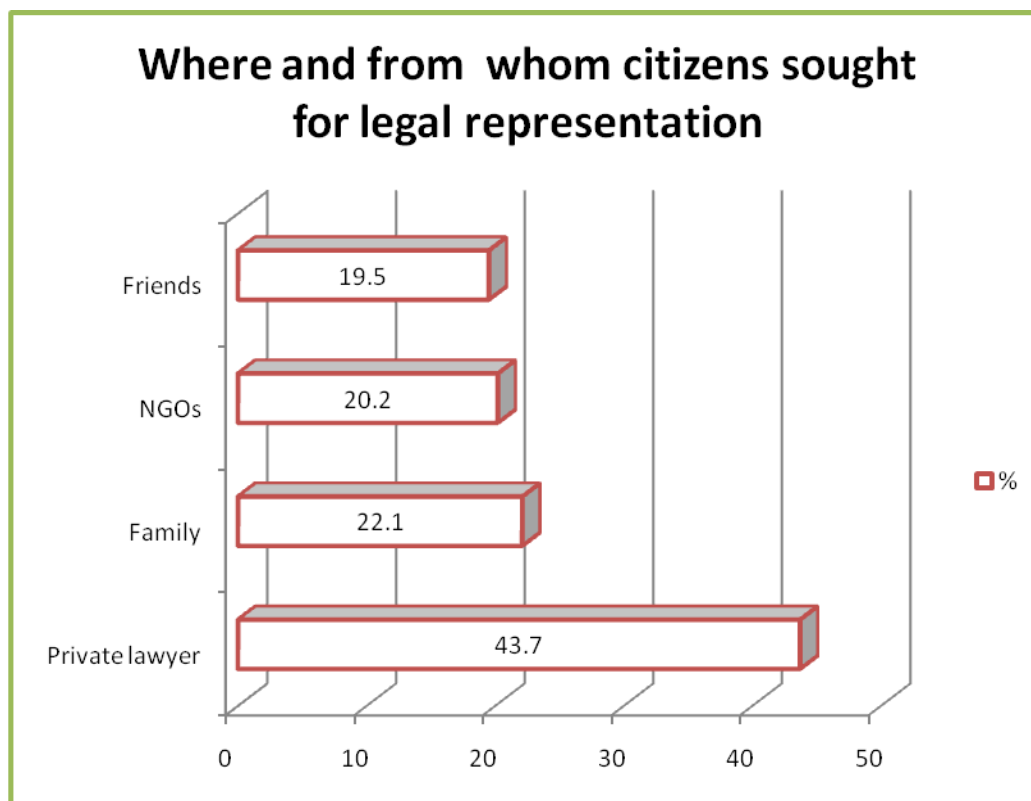


Around 2 in 10 respondents said that they have personally sought legal representation in the last 3 years or that or a member of their family has done so. This proportion is slightly lower than that of those who asked for legal advice (30%) over the last 3 years. This is assumingly due to the fact that some of those who sought legal advice preferred to not go further in courts after being advised that there was no need to bring an action against people they were in disputes with.

V.2.2.4. Where and from whom the citizens sought/asked for legal representation

The figure above demonstrated that the number of citizens who sought representation is far from negligible; where and from whom they sought such service is the subject of the following figure.

Figure 21: Where and from whom the citizens sought/asked for legal representation

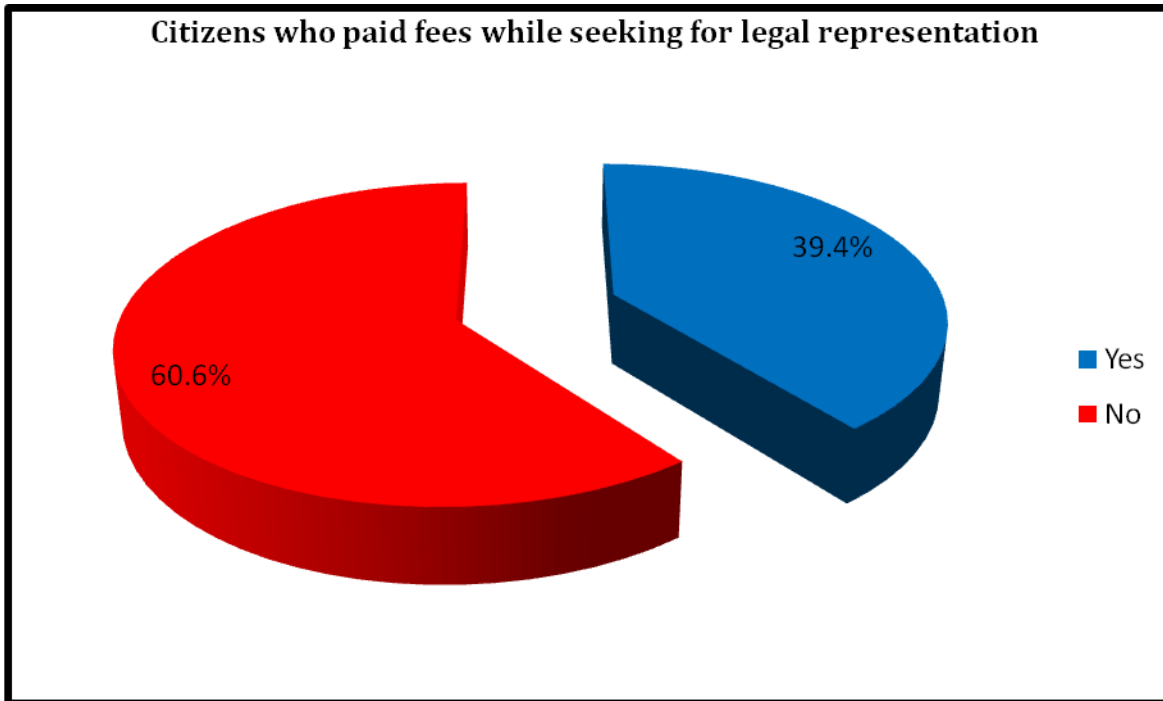


The majority of citizens who sought for legal representation got it from lawyers as mentioned by (43.7%) of respondents, followed by family members, NGOs and friends. Again, this calls for the involvement of the Ministry of Justice in providing legal representation to low income families especially. The above table also reveals a significant proportion (41.6% cumulatively) of those who sought legal representation from friends and family members. Some participants in Focus Group Discussions pointed out that they sometimes resort to friends and relatives with a legal background and who initially practice as private lawyers.

V.2.2.5. People who paid fees while seeking for legal representation

As in the case of legal advice, here too it is worth ascertaining whether peoples paid a fee while seeking representation. This finding is displayed below.

Figure 22: Proportion of people who paid fees while seeking for legal representation

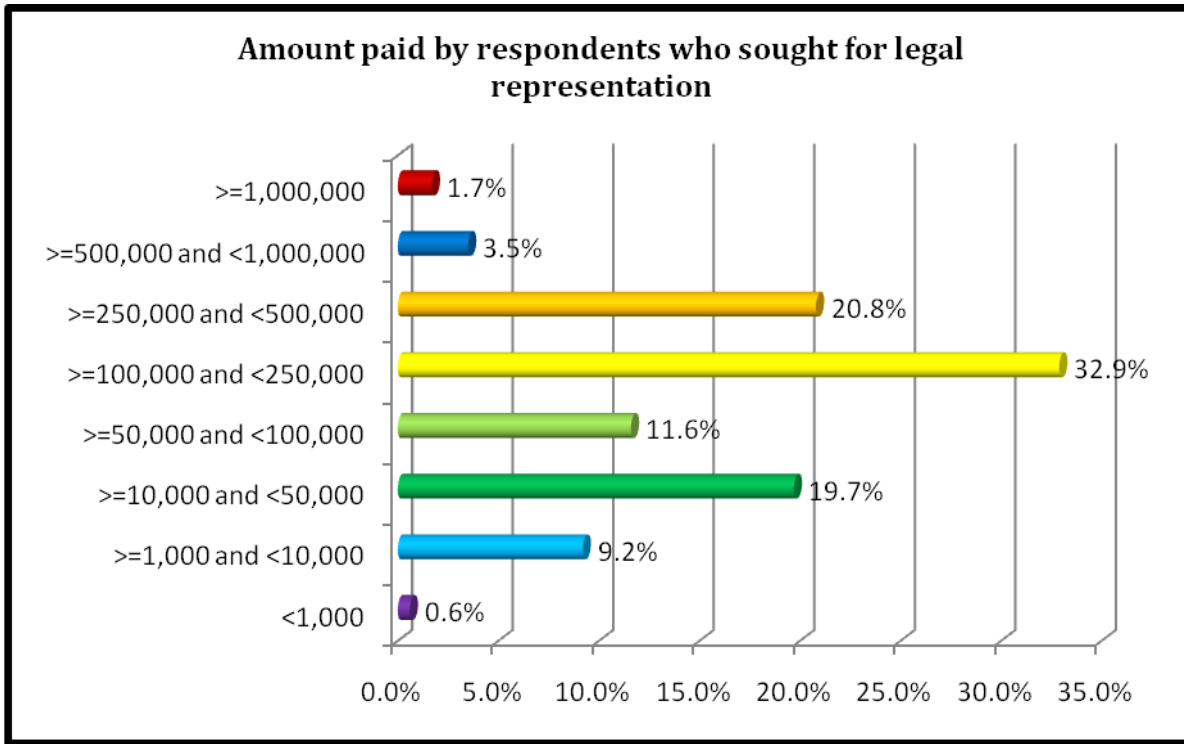


Legal representation proved to be a service that is not always free. As shown in the above table, almost 4 in 10 people who asked for the latter service paid for it. They mainly include those who received the service from private lawyers. However, the majority of those who received legal representation (60.6%) did not pay. They fall in the category of those who got the service from lawyers working for organizations such as Avocats Sans Frontières, Haguruka Association, ADEPE, etc.

V.2.2.6. Amount paid by respondents who sought for legal representation

Consequently, it is interesting to find how much was paid for such service; the following table gives details on this aspect.

Figure 23: Amount paid by respondents who sought for legal representation

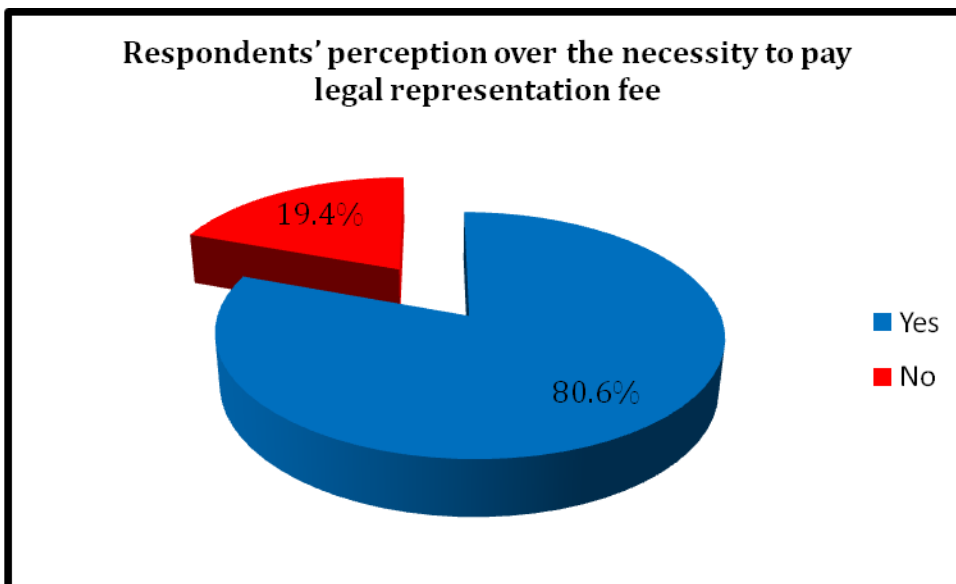


The reading of the above table shows that the cost of legal representation proves relatively high. Cumulatively, 53.7% of those who paid for legal representation paid between Rwf 100,000 and 499,999, and 5.2% paid over Rwf 500,000. The highest amount paid was Rwf 2,000,000. This is very expensive and is completely out of reach for low-income people. This underlines the need for MAJ to be strengthened and be made more accessible to people, especially the poor. In the same vein, more organisations need to come in to work hand in hand with MAJ to grant free legal representation to people through private lawyers that they hire.

V.2.2.7. Respondents' perception over the necessity to pay legal representation fee

On the same issue, our questionnaire also asked whether respondents think that paying a fee is necessary to access representation; their answers are displayed in the following figure.

Figure 24: Respondents' perception over the necessity to pay legal representation fee

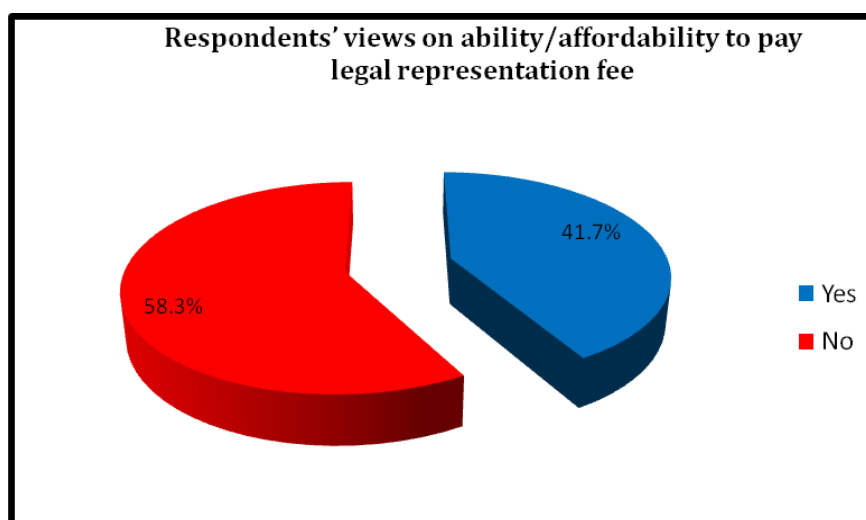


Surprisingly, although paying for legal representation proves to be expensive, the large majority (80.6%) of those who paid for it deemed necessary to pay. The major reason for this perception is that they recognize that such legal representation requires skills and knowledge which are owned by law experts whose service need therefore to be rewarded. At the same time, among those who did not seek representation there might be a percentage who did not use such service because it was too expensive. This raises the question of assessing the level of affordability of legal representation. This is examined in the figure below.

V.2.2.8. Respondents' views on affordability to pay legal representation fee

Again given that the majority of our respondents belong to low income groups, it is necessary to ask whether they find legal representation as affordable service or not. The result is shown below.

Figure 25: Respondents' views on ability/affordability to pay legal representation fee



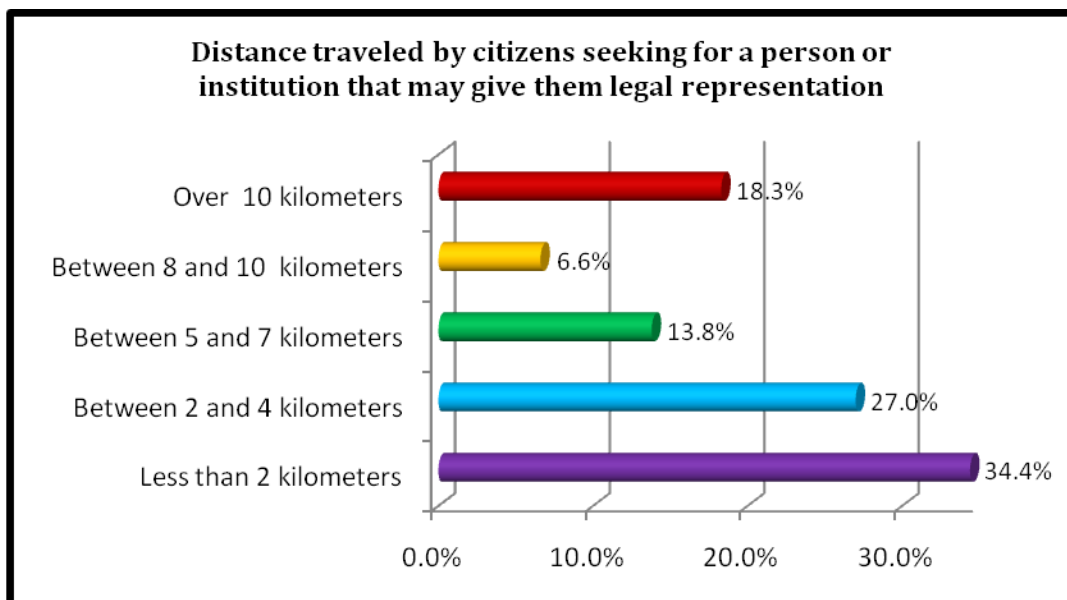
This table shows that only 4 in 10 respondents who asked for legal representation feel that the service was affordable, while nearly 6 in 10 expressed the opposite view. This implies that the majority of those who sought this service did not find it easy to pay for it. It emerged from Focus Group Discussions that many of those who hired lawyers to provide legal representation had sold some assets such as a piece of land or a cow to be able to pay for this service. Other participants maintained that some people with court cases prefer resignation when they cannot afford paying for legal representation while others try to appear themselves before courts and often end up losing their cases. . However, some participants said that they resorted to some NGOs that granted them free legal representation thanks to private lawyers they hired, though the majority of these participants seemed to ignore the existence of these organizations. In most cases, women expressed more inability to afford paying for legal representation than men.

Participants who were already aware of MAJ, as well as those who learned about this institution through the Focus Group Discussions, acknowledged that for the sake of ensuring equal access to justice for all people, free legal representation by MAJ and lawyers hired by other organisations remains appropriate and fundamental. This is the motivation for some organisations that keep granting legal representation to vulnerable people, thanks to private lawyers they hire. However it is clear that both MAJ and such organizations should step up their operations, strive to reach out to rural areas and better publicize their activities.

V.2.2.9. Distance traveled by citizens seeking for a person or institution that may give them legal representation

In order to check to which extent legal representation is an accessible service, it is also important to investigate how far this service is from citizens; the figure below summarizes how far citizens had to travel to obtain it.

Figure 26: Distance covered by people to get a person or institution that may give them legal representation

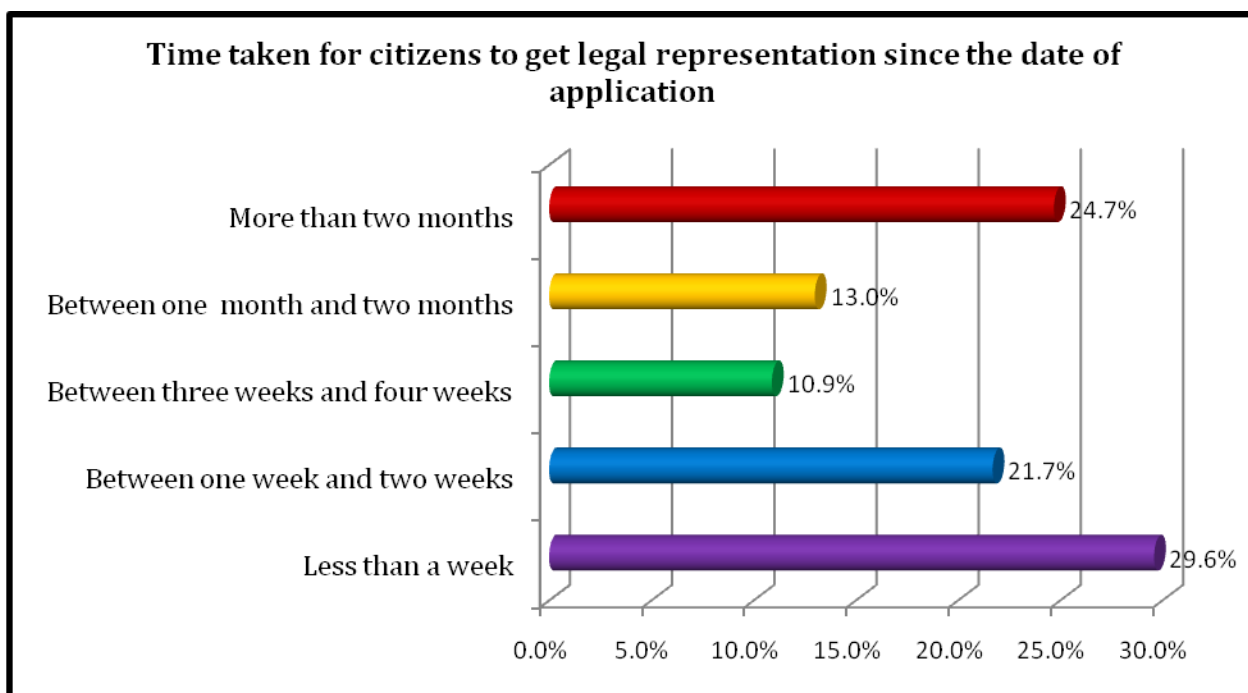


Like for legal advice, the above table shows that majority of those who asked for legal representation did not have to cover long distance to get the service. Cumulatively, it took less than 5 kilometers for 61.4% of respondents to reach the provider of legal representation. Nevertheless, it must not be forgotten that, as shown before, around 40% of those who sought for representation resorted to friends and family, who are likely to be located very close. Still, an important proportion (20.4% cumulatively) had to cover between 5-10 kilometers to get this service, while 18.3% covered more than 10 kilometers.

V.2.2.10. Time taken for citizens to get legal representation since the date of application

Following the issue of distance, there is the issue of time and the following graph shows how long it took for people to get legal representation.

Figure 27: Time taken for citizens to get legal representation since the date of application

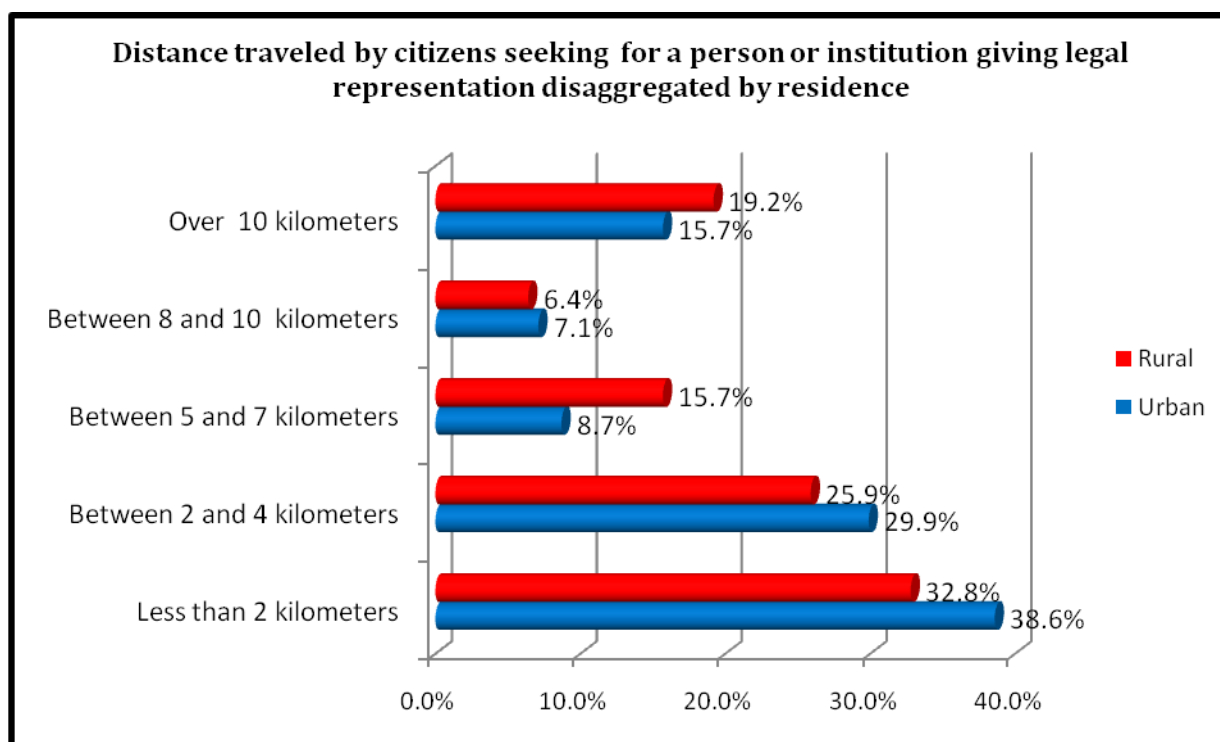


It took less than 2 weeks for a half (51.3% cumulatively) of those who asked for legal representation to get this service. However, nearly 4 in 10 respondents spent more than 4 weeks to get legal representation. Again, it is worth reminding that this includes those who asked their friends or family members. An important proportion (24.7%) spent even more than 2 months to get it. This time proves relatively long given that delaying in getting such a service may have negative legal implications on the case of people in need for this service. For instance, if a loser of a court case wants to lodge an appeal, he/she may see her/his right subjected to limitation by lapse of time due to the delay in finding a lawyer. It is worth noting that in Rwanda, in most cases the right to lodge an appeal expires 30 days after the communication of verdict in the lower instance.

V.2.2.11. Distance traveled by citizens seeking for a person or institution giving legal representation disaggregated by residence

In order to better understand the issue of physical accessibility, it was decided to disaggregate the distance covered by citizens by area of residence (rural or urban); this analysis is displayed below.

Figure 28: Distance traveled by citizens seeking for a person or institution giving legal representation disaggregated by residence



This figure shows a discrepancy between physical access to legal representation in urban and rural areas. The distance covered proves shorter in urban areas than in rural areas. One major reason for this is that the majority of individuals and institutions that provide legal representation services are more available in urban than in rural areas.

V.2.2.12. People's satisfaction with the quality of legal representation that they got

Money spent, distance covered and time needed to get the service are key indicators of accessibility of a service. However it is necessary to go beyond and also assess to which extent citizens are satisfied with the service they got. This finding is summarized below.

Table 14: People’s satisfaction with the quality of legal representation that they got

	Frequency	Percent
Not satisfied at all	49	10.5
Dissatisfied	61	13.1
Somewhat satisfied	50	10.7
Satisfied	237	50.7
Very satisfied	70	15
Total	467	100
Score	3.47 (Somewhat satisfactory)	
Overall Percent	69.3	

Like for the level of satisfaction with the quality of legal advice, the level of satisfaction with the quality of legal representation proves high (69.3%). It was revealed from FGDs that, unsurprisingly, satisfaction stands higher among those who won their cases thanks to the legal representation and lower among the case losers. Likewise, satisfaction tended to be higher among participants who were represented by lawyers from organisations such as Avocats Sans Frontières, Haguruka and ADEPE than those who were represented by private lawyers. One of the reasons for this being the fact that not only the former provide free legal representation but also in the words of a participant “ *they are more available, supportive and less corrupt than private lawyers who in most cases tend to be merely money-focused*”.

V.2.2.13. People’s reasons for not being satisfied with legal representation that they got

Since a significant share of respondents were not fully satisfied with the representation they got, it is worth analyzing why; the following figure attempts to show the reasons.

Figure 29: Citizens’ reasons of not being satisfied with legal representation that they got



The previous table shows that some respondents were not satisfied with the quality of the legal representation they were granted. The belief that a bad representation was given (20.6%) and lateness or unavailability of legal representation (12.6%) emerged as the major reasons for the dissatisfaction. In

addition, expensiveness of the cost of legal presentation and the long distance to cover to obtain the service were other reasons highlighted by respondents but in very low proportions. They were also highlighted in Focus Group Discussions. As clarified by the group discussions, some participants complained about the fact that sometimes when they call their private lawyers, these do not pick their phone neither at daytime nor in the evening. In the words of a participant:

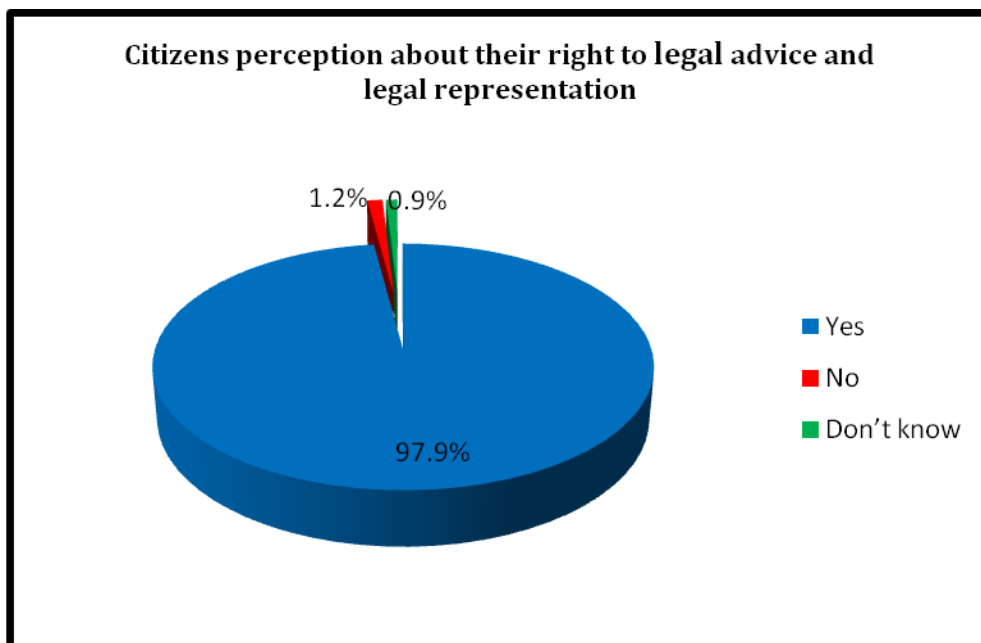
“I have a case in court and I hired a lawyer. When I go to see my lawyer, I’m often told that he has gone to work and when I phone him, he rarely picks up the phone and never calls back. This delays me a lot and the hearing has been postponed twice due to my lawyer’s unavailability”.

Discussing on bad representation, some participants-those who lost their cases in courts- argued sometimes that their lawyers are not qualified enough and do not therefore represent them successfully. In the same vein, there is a feeling among some participants that their lawyers were corrupted by their opponents. Although these allegations cannot be rejected in block, some participants believe that some people never accept that they lost their court cases and tend to always find excuses for this.

V.2.2.14. People’s perception about their right to legal advice and legal representation

At the end of this section on legal advice and representation, it is appropriate to see whether, in sum, citizens believe that they have a right to such services; the following graph shows the outcome.

Figure 30: Citizens perception about their right to legal advice and legal representation



Almost all respondents are aware of their right to legal advice and representation. However, results in earlier sections have shown that the majority of respondents are not aware of actual institutions that can provide them with legal advice and representation if need be; the fact that they often resort to family and friends seems to indicate that many citizens do not fully understand what this right actually means. One can argue that if

people know their right to the service of legal advice and representation, where they can get it from and if the latter is affordable, then they can ask for it whenever they need it.

V.3. COMMUNITY PERCEPTIONS OF ACCESSIBILITY AND QUALITY OF MEDIATION COMMITTEES

After exploring legal advice and representation, this section intends to analyze the respondents' views on various aspects related to mediation committees.

V.3.1. Respondents' experience with mediation committees over the last 3 years

Firstly, it was asked whether respondents' interacted with mediation committed over the last three years; their answers are reported below.

Table 15: Respondents' experience with mediation committees over the last 3 years

	Frequency		Percent	
	Yes	No	Yes	No
Taking a case to the mediation committee	516	1864	21.7	78.3
Being summoned for a case by the mediation committee	372	2008	15.6	84.4
Following fully a case submitted to a mediation committee	587	1789	24.7	75.3

This table shows the proportions of respondents who interacted with mediation committees over the last 3 years. 24.7% of respondents fully followed a case in mediation committee, 21.7% lodged cases in mediation committees while 15.6% interacted with these committees as defendants. The reading of this table implies that around 2 in 10 respondents have at least interacted with mediation committees through one of the above ways.

V.3.2. People's satisfaction with mediation committees in various considerations of the decisions they make

Since a certain number of respondents did interact with mediation committees, it is worth investigating further this issue and analyze their level of satisfaction on various aspects related to this institution, as summarized below.

Table 16: People’s satisfaction with mediation committees in various considerations of the decisions they make

Consideration		Not satisfactory at all	Not satisfactory	Moderately Satisfied	Satisfactory	Very Satisfactory	Total	Score	Overall percent
Time taken by mediation committees from claim lodging to the announcement of the decision	Frq	55	153	113	464	202	987	3.61	72.3/81.1
	%	5.6	15.5	11.4	47.0	20.5	100.0		
Independence of mediation committees	Frq	51	133	90	474	217	965	3.70	73.9/81.1
	%	5.3	13.8	9.3	49.1	22.5	100.0		
Impartiality of mediation committees	Frq	68	149	78	422	243	960	3.65	73.0/74.4
	%	7.1	15.5	8.1	44.0	25.3	100.0		
Mediation committees ability to refrain from corruption practices	Frq	63	122	87	391	256	919	3.71	74.3/72.4
	%	6.9	13.3	9.5	42.5	27.9	100.0		
Mediators’ skills	Frq	65	130	123	416	221	955	3.63	72.5/75
	%	6.8	13.6	12.9	43.6	23.1	100.0		
Overall Score								3.66	73.2

Overall, the study shows a high level of satisfaction with the decisions made by mediation committees with a score of 73.2%. Almost the same level of satisfaction was expressed by respondents for each dimension taken into account in the assessment. Participants in the Focus Group Discussions confirmed this level of satisfaction. They underlined the role of these committees in both mediation and dispute mitigation. However, in some areas, there was a feeling that some mediators are corrupt. All the above aspects had also been examined in the 2011 assessment of Abunzi’s performance⁶⁰. A comparison of both surveys shows that the perceived level of performance of Abunzi proves slightly lower in the 2012 than the 2011, but no significant difference (more than 10%) was revealed, given that for all the aspects assessed, the scores prove still high.

⁶⁰ Rwanda Governance Board, *Survey on the Performance of Mediation Committees*, 2011, Kigali

5.5. RULE OF LAW, REFLECTING THE PERFORMANCE OF SECTOR INSTITUTIONS

This section aims to explore a number of aspects related to the rule of law in the country.

5.5.1. Public perception of the quality and accessibility of judicial services in general

5.5.1.1. Population experience with courts over the last 3 years

This section intends to explore the population's perceptions on aspects related to judicial services in the broader sense. But firstly, it is necessary to ascertain to which extent respondents interacted with courts in the last three years, as shown in the following table.

Table 17: Population experience with courts over the last 3 years

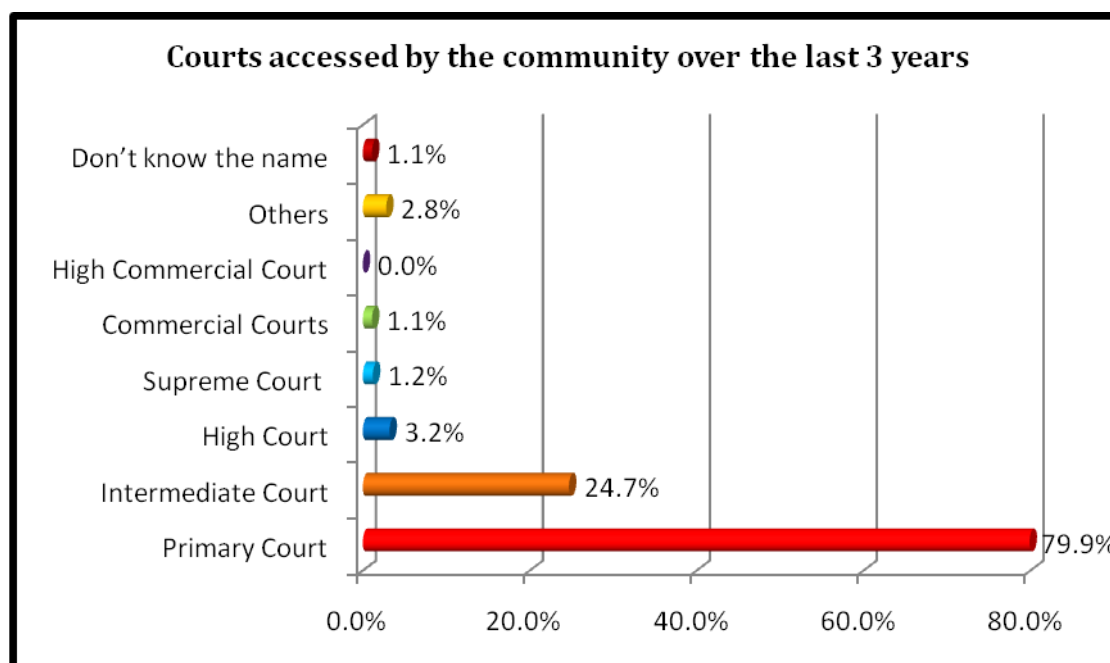
	Frequency		Percent	
	Yes	No	Yes	No
Taking a case to a court	384	1906	16.8	83.2
Acting as a witness before a court	134	2166	5.8	94.2
Acting as a defendant before a court	230	2071	10.0	90.0
Simply following fully a case submitted to a court	334	1940	14.7	85.3

The majority of respondents experienced no interaction with courts over the last 3 years. Less than 20% of them interacted with courts through taking cases to courts, acted as defendants and as witnesses, or simply followed fully a case in courts. The following table examines the type of courts with which people interacted. Proportions of respondents who interacted with courts prove lower than those who interacted with mediation committees (see table 16).

5.5.1.2. Courts accessed by the community over the last 3 years

Since respondents did interact with courts, it is worth asking what kind of court they accessed; the outcome is presented below.

Figure 31: Courts accessed by the community over the last 3 years

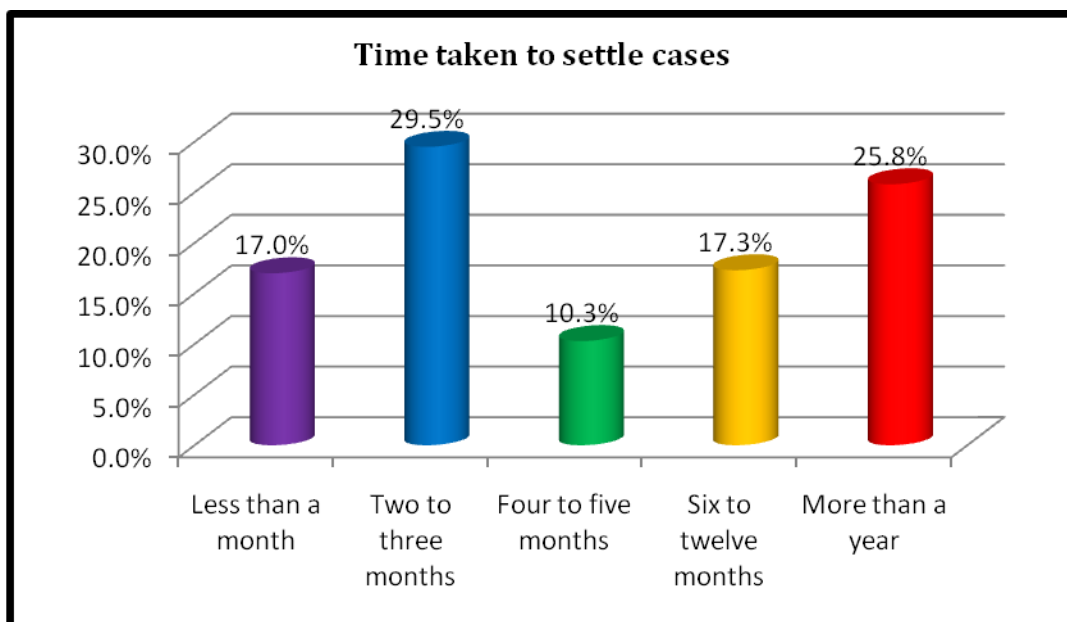


The table shows that the lower the court the higher the proportion of people who interact with the court. The large majority (79.9%) of those who interacted with courts over the last 3 years went to the primary court, while 24.7% went to the intermediate court. People who went to primary courts include those with appeal cases from mediation committees and those whose cases were in the competence of the primary court in the first instance. Around 8% of respondents interacted with higher courts. Those with experience with courts higher than primary courts include mainly those with appeal cases. No respondent interacted with the high commercial court. The following table assesses the responsiveness of courts through the time taken to settle the litigation.

5.5.1.3. Time taken to settle cases

An important indicator of quality of the judicial system is the time it takes for a case to be settled in courts; this is outlined in the graph below.

Figure 32: Time taken to settle cases



The time taken to settle cases in courts proves to be relatively long. Although around 4 in 10 respondents spent less than 4 months to see their cases settled, about the same proportion (43.1% cumulatively) saw their cases settled in between 6 and 12 months or even in more than a year. This result is corroborated by statistics from the Supreme Court, which also indicate that many cases take around four months to get to the verdict, while cases take much longer in the Commercial High Court (16 months) and in the Supreme Court (52 months)⁶¹.

While some delays are due to the fact that courts are overloaded with cases, some participants in Focus Group Discussions alleged that in courts, cases of plaintiffs or defendants with lawyers are often examined before those of plaintiffs or defendants without lawyers, because in many cases lawyers and judges are acquaintances. This would be a case of preferential treatment. In the same vein, some participants argued

⁶¹ Urukiko Rw’Ikirenga, *Bimwe mubyagezweho nyuma y’ivugururwa ry’inzego z’ubucamanza (2004-Kamena 2011)*, Kigali, 2011

that ignorance of procedures to lodging a case and writing submissions for the court entails useless delays in courts given that in many cases they lose cases and need to appeal.

Commenting on the delay issue in courts, officials from the Ministry of Justice and the Supreme Court who were interviewed in this study argued that some measures are being envisaged to reduce such delays:

- The revision of the competences of some courts in order to transfer some of them in lower courts
- The revision of the law governing the organisation and the functioning of Abunzi, especially their material and territorial competence to enable them examine some cases so far examined by courts;
- Revision of the competence of the Supreme Court in such a way that only cases with the subject matter worth more than frw 50.000.000 or punishable by life sentence will be received in the first instance.
- Increase of the number of judges in Supreme Court;
- Increase of court fees as a way to discourage capricious plaintiffs
- The chief court clerk has received the power to reject all cases that do not meet the admissibility requirements;

As far as commercial courts are concerned, it is being envisaged to change the Commercial High Court into a Commercial Court of Appeal, and, at the same time, establish a new Commercial Court.

5.5.1.4. People’s satisfaction with courts in various considerations of the decisions they make

Time is important but it is clearly not the only factor leading to user satisfaction with courts; that is why our questionnaire explored various aspects of respondents’ satisfaction with the courts, as summarized below.

Table 18: Level of people’s satisfaction with courts in various considerations of the decisions they make

		Not satisfactory at all	Not satisfactory	Moderately Satisfied	Satisfactory	Very Satisfactory	Total	Score	Overall percent
Time taken by courts to process a case and announce their decisions	Frq	58	111	102	309	95	675	3.40	68.1
	%	8.6	16.4	15.1	45.8	14.1	100.0		
Independence of judges in taking decisions	Frq	24	59	70	400	96	649	3.75	74.9
	%	3.7	9.1	10.8	61.6	14.8	100.0		
Fairness and Impartiality of judges	Frq	31	69	73	369	116	658	3.71	74.3
	%	4.7	10.5	11.1	56.1	17.6	100.0		
Judges’ ability to refrain from corruption	Frq	26	58	59	337	128	608	3.79	75.9
	%	4.3	9.5	9.7	55.4	21.1	100.0		
Overall Score								3.66	73.3

Overall, the level of satisfaction with the performance of ordinary courts is high (73.3%). The lowest level of satisfaction remains with the time taken by courts to process a case and announce the verdict (68.1%) while the highest level is with of the judges’ ability to refrain from corruption (75.9%). The latter level is slightly higher than that of independence of judges in making a decision (74.9%) and impartiality of judges (74.3%). This result on the delay in processing and announcing the verdict is confirmed by the finding in the preceding table which highlighted that the time taken by courts to settle cases is relatively long. This reality was also underlined by many participants in Focus Group Discussions. The level of satisfaction with decisions made by courts (73.3%) is similar to that with decisions made by mediation committees (73.2%).

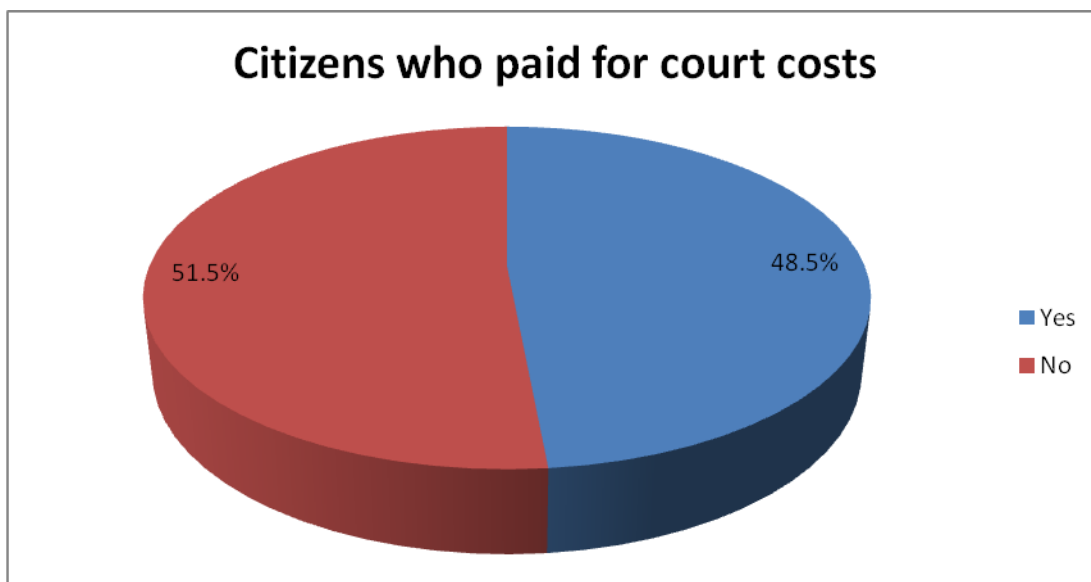
However, some data suggested some incidence of corruption among judges in ordinary courts, though in low proportions. In the same vein, it emerged from Focus Group Discussions a feeling that some corruption still exists in courts. Some of participants felt that justice is done for the rich and not for all. As one woman complained in Rubavu district:

“I am fed up with courts. Being involved in court cases against rich people is nothing but a waste of time”.

5.5.1. 5. Citizens who paid for court costs

It is also interesting to ascertain whether citizens had to pay some fee when they interacted with courts; this is shown in the following graph.

Figure 33: Citizens who paid for court costs

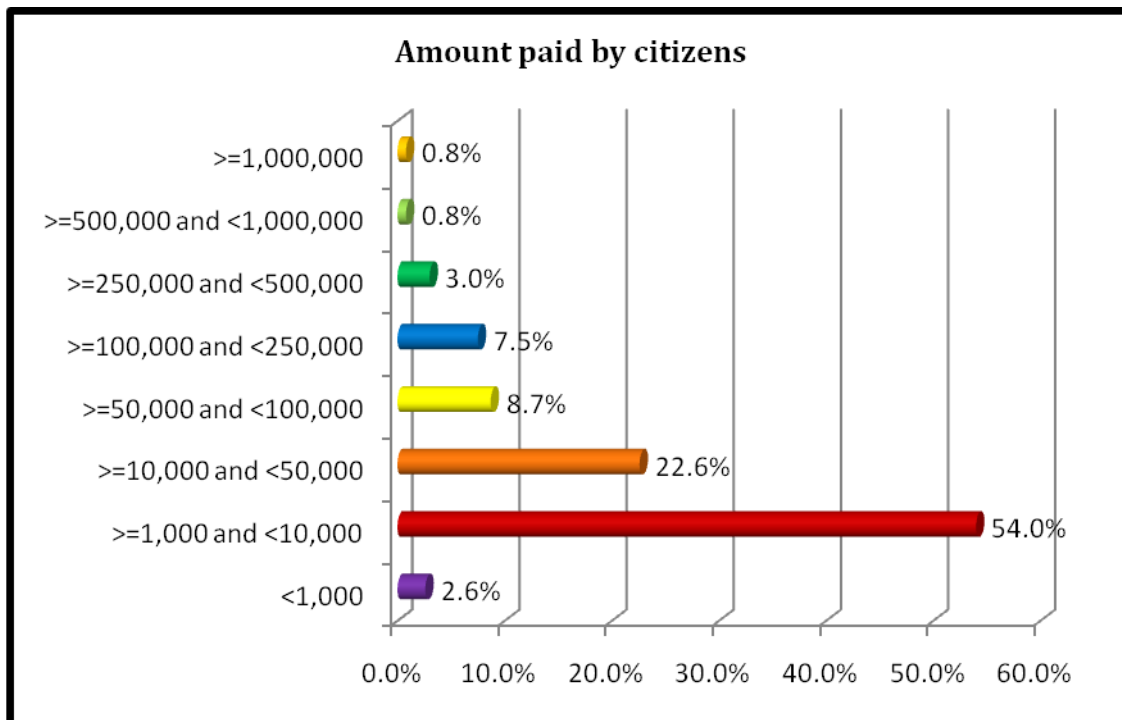


Turning now to the issue of court costs, the table above shows that nearly half (48.5%) of those who interacted with courts over the last 3 years spent some money in courts.. The latter include defendants whose residence is close to courts and who won their cases; as well as those whose legal representation was granted by NGOs, relatives or friends and who, at the same time, were geographically close to courts.

5.5.1. 6. Court costs paid by citizens

We saw that almost half of our respondents paid for some court costs; the following figure shows how much they paid.

Figure 34: Amount paid by citizens

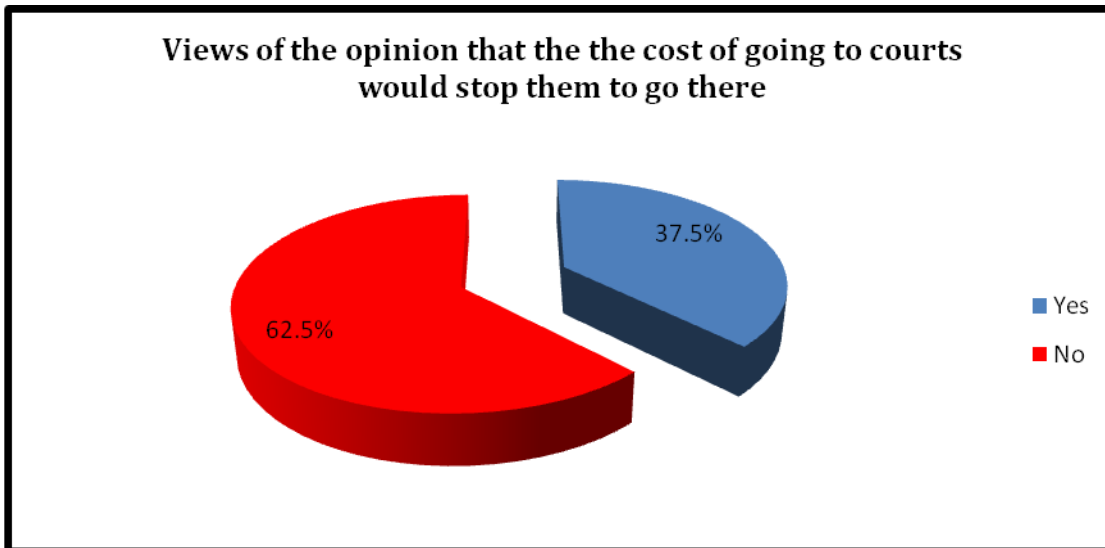


Unlike for legal advice and legal representation, large majority of respondents who interacted with courts paid relatively little money. More than a half (54%) spent between Rwf 1,000 and Rwf 9,999. Cumulatively, 81.2% spent less than Rwf 50,000. However, nearly 2 in 10 respondents who interacted with courts spent between Rwf 50,000 and Rwf 1,000,000. It emerged from the FGDs that the payment often covers the court costs including transportation of plaintiffs, defendants and their witnesses, meals, court fees, lawyers' fees, etc.

5.5.1.7. Views on the opinion that the cost of going to courts would prevent them from going to court

Having to pay a fee might be a barrier to access courts for some citizens; that is why the questionnaire also asked whether respondents feel that such costs would prevent them from accessing courts. The result is displayed below.

Figure 35: Views on the opinion that the cost of going to courts would prevent them from going to court



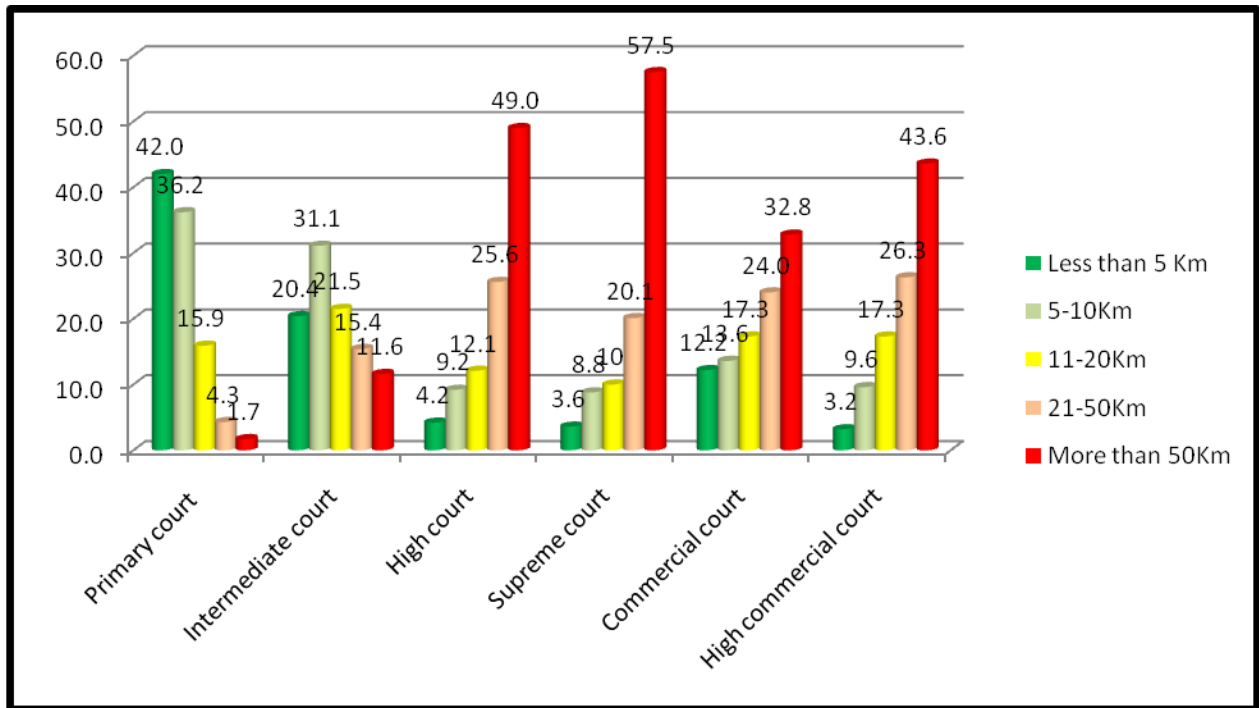
Although around 6 in 10 respondents who paid for court costs disagreed with the opinion that such costs would stop them from going to court, an important proportion (nearly 4 in 10 respondents who paid for court costs) felt that such costs would stop them because of inability or difficulty to afford paying them. Also, it may be imagined that among those who did not go to court there are some who did not because they found it too expensive.

This calls for the Ministry of Justice and other stakeholders to double their efforts to increase access to justice by decreasing court costs.

5.5.1. 8. Distance from home to courts

Another potential limitation to court accessibility is the distance from citizens house. The graph below shows how far courts are located from respondents.

Figure 36: Distance from respondents’ home to courts



The survey shows that the lower the court the closer it is to people. For example primary courts prove to be closer to people than other courts given that they are 60 countrywide while intermediate courts are only 12, and 1 High Court with 4 chambers on secondment. This closeness is evidenced by the table above which shows that 42% of respondents live at less than 5kms from the nearest primary court, while only 20.4% of respondents cover less than 5kms to reach the nearest intermediate court. The Commercial High Court and the Supreme Court stand as the most remote courts, given that each of them is unique countrywide.

5.5.1. 9. Distances from Citizens' homes to courts disaggregated by residence

Given the importance of physical access to courts, the previous finding on distance has been disaggregated by urban and rural residence, as the table below shows.

Table 19: Distances from Citizens' homes to courts disaggregated by residence

		More than 50Km	21-50Km	11-20Km	5-10Km	Less than 5Km
Primary court	Urban	0.0%	0.90%	5.40%	27.40%	66.30%
	Rural	2.00%	5.10%	18.80%	38.50%	35.60%
Intermediate court	Urban	2.80%	5.40%	8.80%	38.00%	45.00%
	Rural	14.20%	18.30%	25.20%	29.10%	13.30%
High court	Urban	33.80%	12.20%	14.60%	24.70%	14.60%
	Rural	54.50%	30.50%	11.10%	3.50%	0.40%
Supreme court	Urban	42.70%	8.60%	10.50%	25.50%	12.70%
	Rural	63.00%	24.40%	9.80%	2.60%	0.10%
Commercial court	Urban	18.60%	10.80%	23.70%	21.10%	25.80%
	Rural	38.90%	29.60%	14.60%	10.40%	6.40%
High commercial court	Urban	27.30%	12.70%	27.30%	23.00%	9.70%
	Rural	50.00%	31.70%	13.30%	4.30%	0.70%

This table shows that people in urban areas are closer to courts than those in rural areas. This is partly due to the fact that there are more courts located in the cities than in the countryside. Also it is worth noting that courts such as the Supreme Court and the Commercial High Court are only based in Kigali City, while Commercial Courts are also based in Cities such as Musanze, Huye and Nyarugenge. The High court is also based in Kigali City, though with 4 chambers on secondment.

5.5.2. Leaders' compliance with laws

5.5.2.1. Extent to which laws are being complied with by central government leaders in Rwanda

Firstly, our research wanted to evaluate whether the central government comply with the law, as shown below.

Table 20: Extent to which laws are being complied with by central government leaders in Rwanda

	Frequency	Percent
Not respected at all	9	.4
Not respected	56	2.4
Somewhat respected	370	15.6
Respected	1534	64.6
Very respected	406	17.1
Total	2375	100.0
Score	3.96	
Overall Percent	(Respected) 79.13	

Overall, the perceived level of respect for laws by central government leaders is high, accounting for 79.1%, meaning that respondents are of the view that laws are adhered to by this category of leaders. However, 2 in 10 respondents disagree with this perception.

5.5.2.2. Extent to which laws are being respected to by local government leaders in Rwanda

Secondly, the research wanted to ascertain whether local government comply with laws and to which extent, as presented below.

Table 21: Extent to which laws are being respected to by local government leaders in Rwanda

	Frequency	Percent
Not respected at all	66	2.8
Not respected	189	7.9
Somewhat respected	654	27.4
Respected	1215	51.0
Very respected	260	10.9
Total	2384	100.0
Score	3.59	
Overall percent	71.86	

The perceived level of adherence to laws proves higher (79.1%) for central government leaders than for local government ones (71.8%). It emerged from the Focus Group Discussions that the majority of leaders increasingly adhere to laws and act accordingly compared to past years. However, some people are subjected to injustice and other malpractices by some local leaders or local government officials. Obviously, this shapes people's judgment and perceptions. Participants cited cases of some local leaders who ask for bribes prior to providing a service, those who oblige people to pay for *Mutuelle de santé* (Health Insurance Scheme), support for classroom construction, etc. as a condition to get a public service, etc. Additionally, some people complained about the fact that some "criminals" go unpunished after being "unfairly" released by the police.

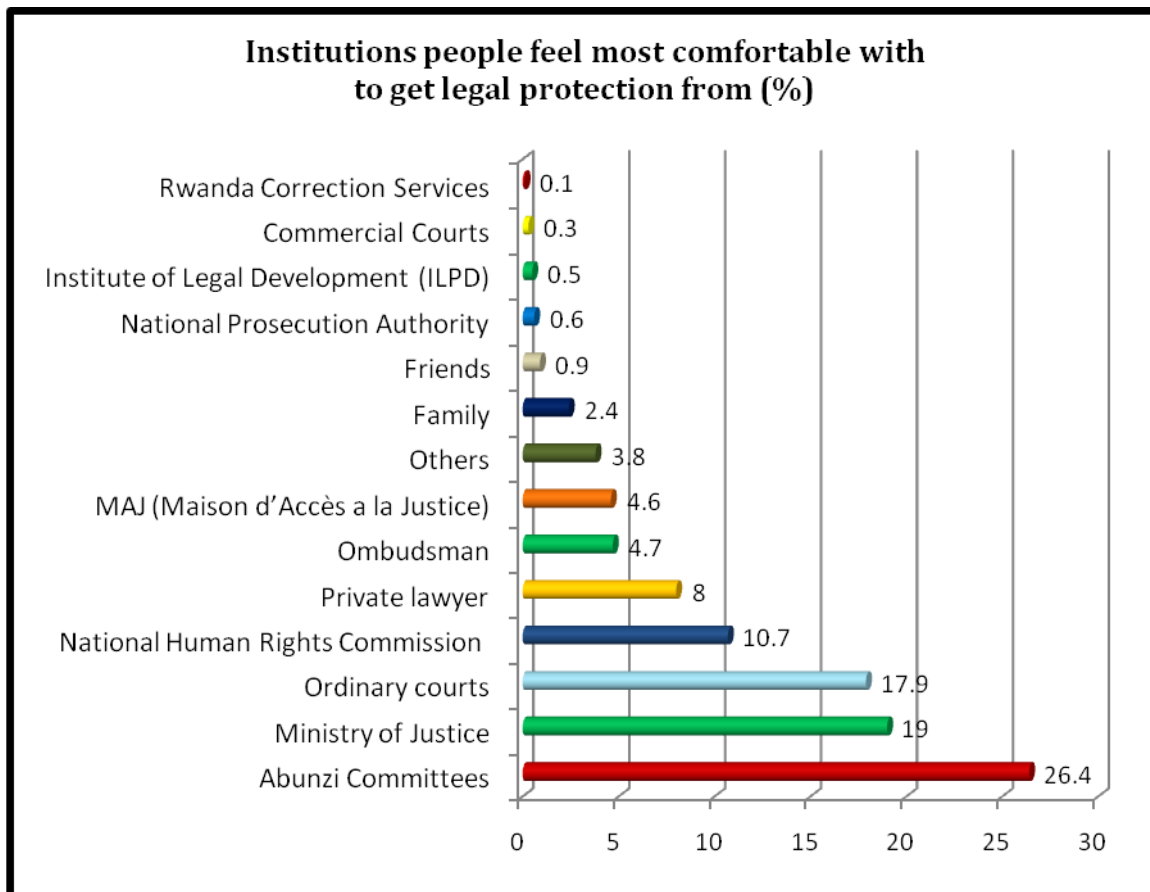
Another problem raised against local leaders is that of their ineffectiveness or failure to execute courts decisions in their quality as bailiffs. In all areas in which Focus Group Discussions were conducted, this issue

was raised. People for whom courts decisions were not executed expressed the feeling that justice was not successfully done for them, maintaining that it was a justice that went halfway. This finding corroborates that found by a study conducted by Transparency International Rwanda, on Judgments Execution in Rwanda⁶².

5.5.3. Institutions people feel most comfortable with to get legal protection from

Turning now to protection, respondents were asked to reveal which are the institutions they trust the most in terms of providing legal protection to those in need; the graph below shows their answers.

Figure 37: Institutions people feel most comfortable with to get legal protection from



The figure above examines the institutions to which respondents would go first in order to seek legal protection. Ordinary courts (36.9%) come first, followed by Mediation Committees (26.4%), the National Commission for Human Rights (10.7%), Lawyers (8%), Office of the Ombudsman (4.7%) and MAJ (4.6%). This result implies a shows that people have higher confidence in courts and mediation committees, compared to other institutions. The two institutions are meant to dispense justice through legal proceedings and mediation respectively. People are used to them. Furthermore, Institutions such as the National Commission for Human Rights and the Office of the Ombudsman were cited as institutions from which people seek legal protection in case that the former ones (courts and mediation committees) have not dispensed justice to their great satisfaction.

⁶²Transparency International Rwanda, *Judgments' Execution in Rwanda*, 2011.

5.5.4. Level of accessibility of those institutions by the population

The previous figure shows a wide range of institutions. But how easy is it to access them? The table below seeks to provide an answer.

Table 22: Respondents' views on their access to the institutions meant to grant them legal protection

	Frequency	Percent
Not easy at all	<i>226</i>	<i>9.8</i>
Not easy	<i>458</i>	<i>19.9</i>
Somewhat easy	<i>172</i>	<i>7.5</i>
Easy	<i>1161</i>	<i>50.3</i>
Very easy	<i>290</i>	<i>12.6</i>
Total	<i>2307</i>	<i>100.0</i>
Score	3.36	
Overall Percent	67.20	

Overall, respondents expressed a relatively high level of access (67.2%) to the institutions meant to grant them legal protection. However, a considerable share of people implied certain dissatisfaction with the extent to which those institutions are accessible. Major reasons cited include long distance to reach them, difficult economic accessibility, ignorance of requirements to access them, unfamiliarity with legal language, etc.

5.5.5. Perception of the level of prosecution of lawbreakers

After ascertaining to which extent the central and local authorities comply with the law, it is interesting to examine to which extent those who breach the law are appropriately prosecuted. The table below presents this issue.

Table 23: Level of agreement with the statement that “In Rwanda all law breakers are prosecuted”

	Frequency	Percent
Strongly disagree	<i>35</i>	<i>1.5</i>
Disagree	<i>156</i>	<i>6.8</i>
Somewhat agree	<i>299</i>	<i>13.1</i>
Agree	<i>1263</i>	<i>55.2</i>
Strongly agree	<i>535</i>	<i>23.4</i>
Total	<i>2288</i>	<i>100.0</i>
Score	3.92 (Agree)	
Overall Percent	78.42	

There is a high agreement (78.4%) with the statement that in Rwanda all lawbreakers are prosecuted. Majority of people acknowledge the progress made in fighting against the culture of impunity. The large majority of participants in Focus Group Discussions highlighted this fact. However, as said earlier, some people complained about the fact that some lawbreakers are immediately released after being arrested by the police for the “pretext of lacking evidence of guilt”. Likewise, other people argued that in few cases, lawbreakers

including killers are never arrested as they enjoy the protection of some leaders. In the words of a participant in Rubavu:

“In some cases, there is an invisible hand from powerful leaders who protect the criminals”.

This shows the need for law enforcement institutions to step up their efforts to make sure these cases of favouritism and political interference with justice are completely banned.

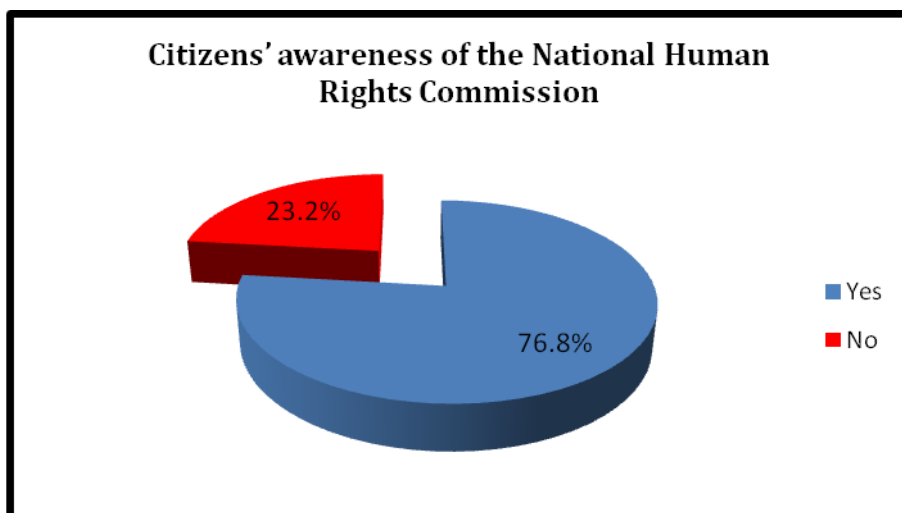
5.5.6. Awareness and perception of selected sector institutions

The institutions assessed under this section include National Commission for Human Rights, National Police, National Unity and Reconciliation Commission, MAJ, Office of the Ombudsman, National Public Prosecution Authority and Rwanda Correctional Services. The assessment focuses on both awareness of and effectiveness of these institutions as perceived by citizens.

5.5.6.1. Citizens’ awareness of the National Commission for Human Rights

When talking about legal protection, it is interesting to find out whether citizens are aware of the existence of a national Human Right Commission; the figures below displays this outcome.

Figure 38: Citizens’ awareness of the National Commission for Human Rights



The above table shows that majority (76.8%) of respondents are aware of the National Commission for Human Rights. This proportion stands higher than that of 2010⁶³ where only 58.2% of respondents had heard of this commission. However, around 2 in 10 respondents are not aware of the commission. This result remains challenging to some extent, and calls more effort in popularizing the commission in order to make it accessible to all Rwandans who need its services.

⁶³ NURC, *PSGG Institutions Performance Survey*, Kigali, December 2010

5.5.6.2. Effectiveness of the National Commission for Human Rights in fulfilling its functions

Most respondents know that such commission exists, but how effective is it? The table below provides the respondents' views on a number of indicators.

Table 24: Effectiveness of the National Commission for Human Rights in fulfilling its functions

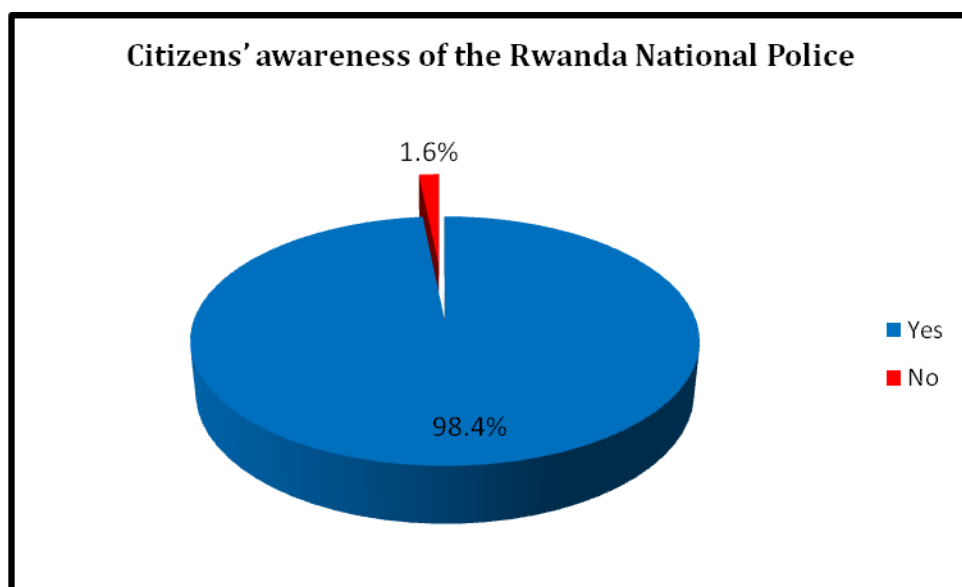
		Inexistent	Very ineffective	Ineffective	Somewhat ineffective	Effective	Very effective	Total	Score	Overall Percent
Educating and mobilizing the population on matters relating to human rights	Freq	13	7	35	197	1084	270	1606	3.96	79.13
	%	0.8	0.4	2.2	12.3	67.5	16.8	100.0		
Examining the violations of human rights committed on Rwandan territory by State organs,	Freq	14	7	43	215	1062	212	1553	3.89	77.86
	%	0.9	0.5	2.8	13.8	68.4	13.7	100.0		
Carrying out investigations of human rights abuses in Rwanda and filing complaints in respect thereof with the competent courts	Freq	13	12	47	187	1015	216	1490	3.90	77.95
	%	0.9	0.8	3.2	12.6	68.1	14.5	100.0		
Preparing and disseminating an annual and other reports as may be necessary on the situation of human rights in Rwanda	Freq	23	6	39	155	953	192	1368	3.89	77.79
	%	1.7	0.4	2.9	11.3	69.7	14.0	100.0		
									3.91	78.2

The perceived level of effectiveness of the National Commission for Human Rights is high. Overall, 78.2% of respondents maintained that the commission is effective in carried out its responsibilities. This level of effectiveness proves to be nearly the same for all the 5 responsibilities which were assessed, except for the responsibility of “*educating and mobilizing the population on matters relating to human rights*” for which the commission was ranked slightly more effective than for the remaining responsibilities.

5.5.6.3. Citizens' awareness of the Rwanda National Police

Turning to another institution which, among other tasks, has a mandate to protect the population, it is worth asking whether people are aware of the police. The following table shows this aspect.

Figure 39: Citizens' awareness of the Rwanda National Police



Of all the justice sector institutions the National Police proves to be the best known by the respondents. Almost all respondents (98.4%) are aware of this institution. This is obvious in that not only it is decentralized and present countrywide but also policemen interact with people on a daily basis in ensuring security as well as in investigating crimes.

5.5.6.4. Effectiveness of the Rwanda National Police in fulfilling its functions

Given that the overwhelming majority of Rwandans are aware of the police, the questionnaire sought to evaluate how effective this institution is again the table below shows the respondents' vies on a series of indicators.

Table 25: Effectiveness of the Rwanda National Police in fulfilling its functions

		Inexistent	Very ineffective	Ineffective	Somewhat ineffective	Effective	Very effective	Total	Score	Overall Percent
Ensuring compliance with the law	Freq	1	13	45	249	1405	532	2245	4.07	81.34
	%	0.0	0.6	2.0	11.1	62.6	23.7	100		
Maintenance of internal public order	Freq	1	18	56	256	1383	567	2281	4.06	81.24
	%	0.0	0.8	2.5	11.2	60.6	24.9	100		
Ensuring security of person and properties	Freq	0	7	30	173	1282	789	2281	4.23	84.69
	%	0.0	0.3	1.3	7.6	56.2	34.6	100		
Providing urgent humanitarian assistance in case of disasters, calamities and accidents	Freq	24	14	40	185	1254	620	2137	4.10	82.03
	%	1.1	0.7	1.9	8.7	58.7	29.0	100		

Ensuring respect for the law relating to air space, borders and waters	Freq	14	7	21	150	1193	473	1858	4.11	82.20
	%	0.8	0.4	1.1	8.1	64.2	25.5	100		
Combating terrorism	Freq	4	9	24	141	1257	762	2197	4.24	84.82
	%	0.2	0.4	1.1	6.4	57.2	34.7	100		
Participating in international peace keeping missions, humanitarian assistance and training	Freq	9	4	18	125	1264	699	2119	4.23	84.62
	%	0.4	0.2	0.8	5.9	59.7	33.0	100		
Global Effectiveness	Effective								4.15	82.9

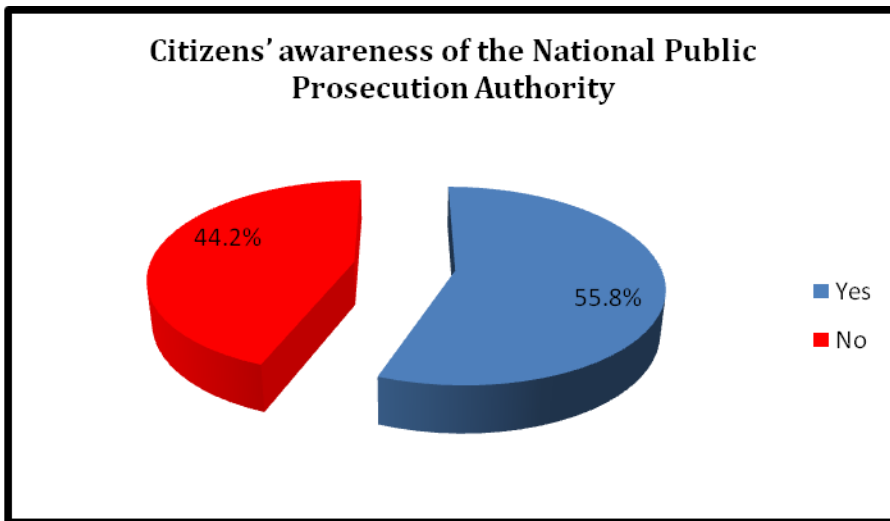
Overall, the Rwanda National Police was ranked very effective (82.9%) in fulfilling its responsibilities. Likewise, it was ranked very effective for each responsibility. Perceived level of effectiveness proves to be slightly higher with regard to the responsibilities of “ensuring security of person and properties”; “combating terrorism”, “participating in international peace keeping missions, humanitarian assistance and training” than for other responsibilities. This perception was also highlighted in the Focus Group Discussions whereby participants insisted on its professionalism and discipline. The lowest scores of perceived level of effectiveness of the National Police concern the responsibility of “ensuring compliance with the law” (81.3%) and that of “maintenance of internal public order” (81.2%).

However, some participants, based on malpractices of some policemen, felt that this institution is corrupt. Those with this perception alluded to cases of corruption leading to unlawful abandonment of action/investigation or unlawful arrest of people. In other few instances, some participants were of the view that sometimes the police arrive late to the crime scene while it was alerted on time, which leads to the escape of criminals who therefore go unpunished. This perception is not surprising as previous research from Transparency International Rwanda has consistently ranked the Police as the institution most at risk of corruption, while at the same time acknowledging recent progress made by the Police itself in addressing this challenge and punishing those found guilty.

5.5.6.5. Citizens’ awareness of the National Public Prosecution Authority

In the same spirit, the research wanted to ascertain to which extent people are aware of the National Public Prosecution Authority; the answer is in the following graph.

Figure 40: Citizens' awareness of the National Public Prosecution Authority



The National Public Prosecution Authority (NPPA) is among the least known justice sector institutions alongside MAJ. Slightly more than a half of respondents (55.8%) are aware of this institution. In other words, more than 4 out of 10 respondents are not aware of it. Although this entity is in charge of investigating and prosecuting suspects in courts, this result shows that an important proportion of the population is not informed about this authority. One of the tentative explanations of this situation is that people are used to police investigations and are not therefore aware of what happens between the police and the courts. Another tentative explanation would be the fact that majority of people without a background in law show a manifest confusion vis-à-vis the responsibilities of some justice sector institutions such as the police (judicial), NPPA, the Ministry of Justice, the Supreme Court, etc.

This opinion was shared by an official from NPPA who was interviewed in this study. In his words:

“I am surprised by the proportion of 55.8% who are aware of NPPA. Many people are not able to distinguish between the Rwanda National Police and NPPA. In addition, there more people interacting with the National Police than with NPPA”.

Furthermore, confusion persists among those who did not interact with courts since the latest legal reform before which both the prosecutor and the judges used to get in the courtroom through the same entrance and to seat closer to each other unlike the defendants.

The official from NPPA maintained that such a finding calls for a public awareness raising through media, with a focus on particular crimes (economic, GBV, etc.).

5.5.6.6. Effectiveness of the National Public Prosecution Authority in fulfilling its functions

Again, following awareness of an institution, it is important to register people's views on its effectiveness; this is shown below.

Table 26: Effectiveness of the National Public Prosecution Authority in fulfilling its functions

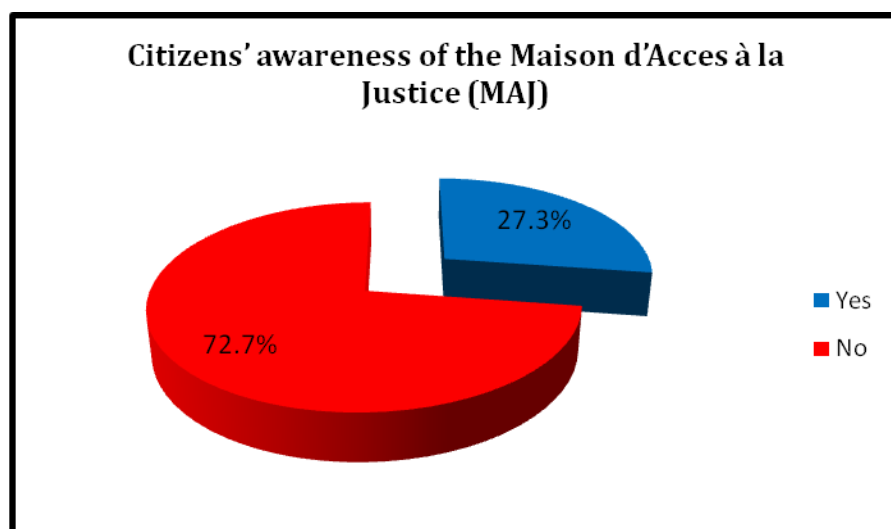
		Inexistent	Very ineffective	Ineffective	Somewhat ineffective	Effective	Very effective	Total	Score	Overall Percent
Investigation of crimes committed in Rwanda	Freq	1	7	15	101	689	250	1063	4.09	81.77
	%	0.1	0.7	1.4	9.5	64.8	23.5	100		
Prosecution of crimes committed in Rwanda	Freq	1	3	12	99	688	234	1037	4.09	81.89
	%	0.1	0.3	1.2	9.5	66.3	22.6	100		
Global Effectiveness		Effective							4.09	81.8

The perceived level of effectiveness of the NPPA proves to be very high (81.8%) among those who know it. The perceived level of effectiveness is very high for both responsibilities and there seem to be no difference at all between these responsibilities in terms of effectiveness of this institution. The official from NPPA agreed with such a level of performance given that they win around 82% of cases they are involved in, and that both technical and ethical mistakes made by its staff are minimized. He added that the aim of this institution is to go beyond with much better service to the population.

5.5.6.7. People's awareness of the Maison d'Acces à la Justice (MAJ)

Moving to another institution, the following figure shows the share of people who are aware of the MAJ.

Figure 41: People's awareness of the Maison d'Acces à la Justice (MAJ)



MAJ stands as the least known institution by the respondents. Only less than 3 out of 10 respondents are aware of this institution. As discussed earlier, MAJ were established in all districts since 2010 which makes this institution relatively new. This may explain the low proportion of the population who have heard of this institution. Another explanation is that MAJ are based at district offices and thus do not reach large shares of the population: indeed it emerged from participants in Focus Group Discussions that MAJ is mainly known by those whose residence is close to the district office. Furthermore, MAJ is known by those who personally or whose relatives have already interacted with it.

However, some participants in the Focus Group Discussions acknowledged that they did not hear of this institution before, while some of those who heard of it did not have much information about it and would not be able to tell where it is located. Such a finding was surprising for the official in charge of community program in the Ministry of Justice. In his words, “ this is surprising and goes below our expectations, given that we spared no effort to popularize this institution”. However, he indicated that a number of measures are envisaged. They include among others:

- increased popularization through mass media (radio, television, community meetings at cell and sector levels, etc.);
- sensitize local leaders to provide people with an orientation to MAJ services.

He also espoused the with that MAJ should be based at the sector level to be closer and therefore more accessible to people, although available resources do not allow it so far. He added that in the short run, MAJ staff will organize regular field visits to meet with people at the sector level. 5.5.6.8. **Effectiveness of the Maison d’Accès à la Justice (MAJ) in fulfilling its functions**

Once again, respondents were also asked to evaluate the effectiveness of the MAJ; the outcome is summarized below.

Table 27: Effectiveness of the Maison d’Accès à la Justice (MAJ) in fulfilling its functions

		Inexistent	Very ineffective	Ineffective	Somewhat ineffective	Effective	Very effective	Total	Score	Overall Percent
Provision of juridical advice	Freq	1	8	13	49	346	134	551	4.06	81.1
	%	0.2	1.5	2.4	8.9	62.8	24.3	100.0		
Provision of judicial assistance	Freq	14	1	13	44	320	124	516	3.99	79.8
	%	2.7	0.2	2.5	8.5	62.0	24.0	100.0		
Provision of administrative assistance	Freq	5	0	14	56	318	117	510	4.03	81.0
	%	1.0	0.0	2.7	11.0	62.4	22.9	100.0		
Provision of orientation	Freq	2	0	7	46	330	153	538	4.16	83.2
	%	0.4	0.0	1.3	8.6	61.3	28.4	100.0		
Overall Effectiveness	Effective								4.03	81.0

The overall level of effectiveness of MAJ is very high (81%) among those who are informed about this institution. MAJ performance proves to be very high in providing orientation (83.2%) and juridical advice (81.1) and in providing administrative assistance (81%), while it stands in high position with regard to the provision of judicial assistance. Some participants in the Focus Group Discussions had been assisted by MAJ especially through legal advice, orientation and the writing of submissions before lodging the claim in courts. They were very excited by the availability of the MAJ staff and the free service that they provide.

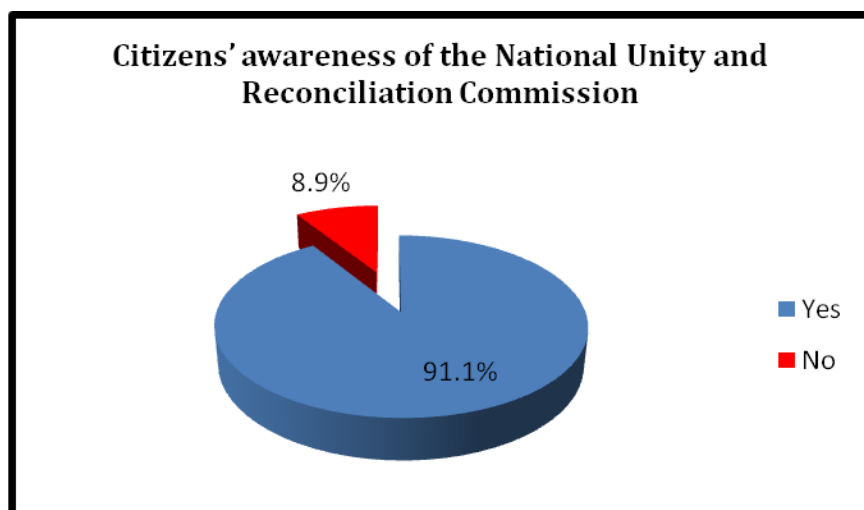
However, as discussed above, many participants argued that they have not heard of this institution before. Other participants maintained that this institutionshould be decentralized up to the sector level to be more accessible tothe population. The official in charge of community program in the Ministry of Justice supported this idea, but highlighted that it is too early to achieve it given that available resources remains limited. The same official also appreciated the fact that MAJ was given the mandate to act as bailiffs, adding that:

“ the population will further benefit from MAJ once the latter will be given the competence to provide legal representation especially to the poor. The citizen will therefore be assisted by MAJ in the whole judiciary process”.

5.5.6.9. Citizens' awareness of the National Unity and Reconciliation Commission

As per the NURC, the level of awareness is presented below.

Figure 42: Citizens' awareness of the National Unity and Reconciliation Commission



Large majority of respondents are aware of the National Unity and Reconciliation Commission (NURC). Nine in 10 respondents have heard of it. There has been a slight positive shift given that a survey conducted in 2010 showed that 87.7% of Rwandans had heard of this commission.

5.5.6.10. Effectiveness of the National Unity and Reconciliation Commission in fulfilling its function

The respondents' views on the effectiveness of such institution are outlined in the following table.

Table 28: Effectiveness of the National Unity and Reconciliation Commission in fulfilling its function

		Inexistent	Very ineffective	Ineffective	Somewhat ineffective	Effective	Very effective	Total	Score	Overall Percent
Preparing and coordinating the national programs for the promotion of national unity and reconciliation	Freq	4	6	16	166	1306	459	1957	4.12	82.3
	%	0.2	0.3	0.8	8.5	66.7	23.5	100		
Putting in place and developing ways and means to restore and consolidate unity and reconciliation among Rwandans	Freq	5	4	13	145	1304	501	1972	4.15	83.0
	%	0.3	0.2	0.7	7.4	66.1	25.4	100		
Educating and mobilizing the population on matters relating to national unity and reconciliation	Freq	13	8	23	136	1259	512	1951	4.13	82.6
	%	0.7	0.4	1.2	7.0	64.5	26.2	100		
Carrying out research, organizing debates, disseminating ideas and making publications relating to peace, national unity and reconciliation	Freq	15	5	21	144	1234	418	1837	4.09	81.7
	%	0.8	0.3	1.1	7.8	67.2	22.8	100		

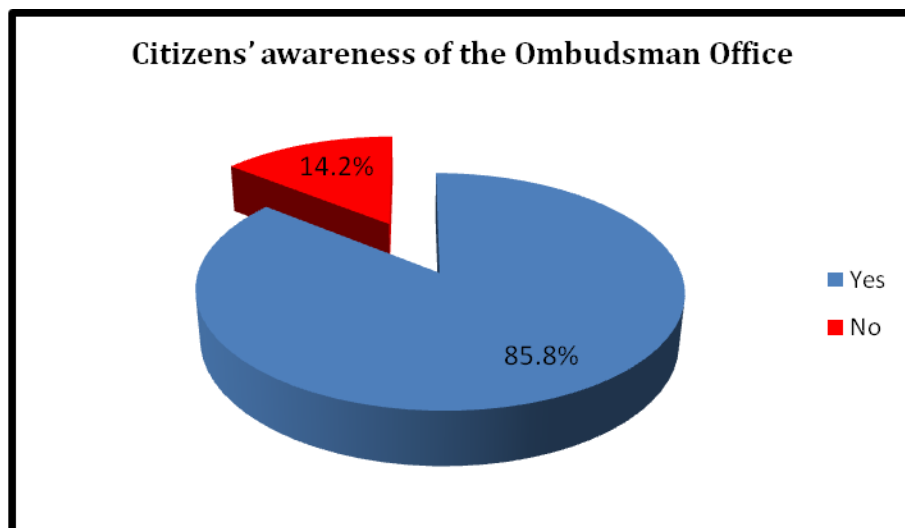
Making proposals on measures that can eradicate divisions among Rwandans and to reinforce national unity and reconciliation	Freq	9	4	15	115	1249	535	1927	4.18	83.5
	%	0.5	0.2	0.8	6.0	64.8	27.8	100.0		
Denouncing and fighting against acts, writings and utterances which are intended to promote any kind of discrimination, intolerance or xenophobia	Freq	6	3	15	105	1244	510	1883	4.18	83.6
	%	0.3	0.2	0.8	5.6	66.1	27.1	100.0		
Global Effectiveness	Effective								4.14	82.8

Overall, the level of NURC performance in fulfilling its responsibilities is perceived as very high (82.8%). This level is nearly similar to that shown by a 2010 survey⁶⁴. No significant difference was observed in the level of effectiveness in fulfilling each responsibility.

5.5.6.11. Citizens' awareness of the Ombudsman Office

As per the Office of the Ombudsman, the share of people who are aware of such institution is shown below.

Figure 43: Citizens' awareness of the Ombudsman Office



This table shows that the large majority (85.8%) of respondents are aware of the Office of Ombudsman. This level has tremendously increased given that a 2010⁶⁵ survey had revealed that only 60.4% of respondents had heard of this institution. The visibility of this institution has been increasing over the past years due not only to regular visits organized by its staff to people in their communities to discuss injustice and corruption issues, but also to the publication of its reports as well as various testimonies spread by the word of mouth about cases successfully handled by this institution.

⁶⁴ Ibid.

⁶⁵ Ibid.

5.5.6.12. Effectiveness of the ombudsman office in fulfilling its duties

Moving once again from awareness to effectiveness, the latter aspect related to the Ombudsman is presented in the following table.

Table 29: Effectiveness of the ombudsman office in fulfilling its duties

		Inexistent	Very ineffective	Ineffective	Somewhat ineffective	Effective	Very effective	Total	Score	Overall Percent
Acting as a link between the citizen and public and private institution	Freq	19	3	18	190	1130	330	1690	4.01	80.0
	%	1.1	0.2	1.1	11.2	66.9	19.5	100.0		
Preventing and fighting against injustice, corruption and other related offences in public and private administration	Freq	7	15	0	162	1161	422	1767	4.11	82.1
	%	0.4	0.8	0.0	9.2	65.7	23.9	100.0		
Receiving and examining in the aforementioned context, complaints from individuals and independent associations against the acts of public officials or organs and private institutions and to mobilize these officials and institutions in order to find solutions to such complaints if they are well founded	Freq	12	2	17	191	1063	327	1612	4.03	81.0
	%	0.7	0.1	1.1	11.8	65.9	20.3	100.0		
Encouraging the Population to refrain from corruption or committing related offences in general and to train the staff in either public or private institutions	Freq	12	2	14	137	1095	430	1690	4.12	82.5
	%	0.7	0.1	0.8	8.1	64.8	25.4	100.0		
Identifying and making public the list of persons definitively convicted for corruption and related offences and sentences they received	Freq	25	4	20	162	1005	350	1566	4.02	81.0
	%	1.6	0.3	1.3	10.3	64.2	22.3	100.0		
Sensitizing the population as to working together with public and private institutions to build the country and not fearing to denounce bad practices based on injustice, corruption and related offences	Freq	16	5	11	147	1101	362	1642	4.07	81.4
	%	1.0	0.3	0.7	9.0	67.1	22.0	100.0		
Global Effectiveness		Effective							4.06	81.2

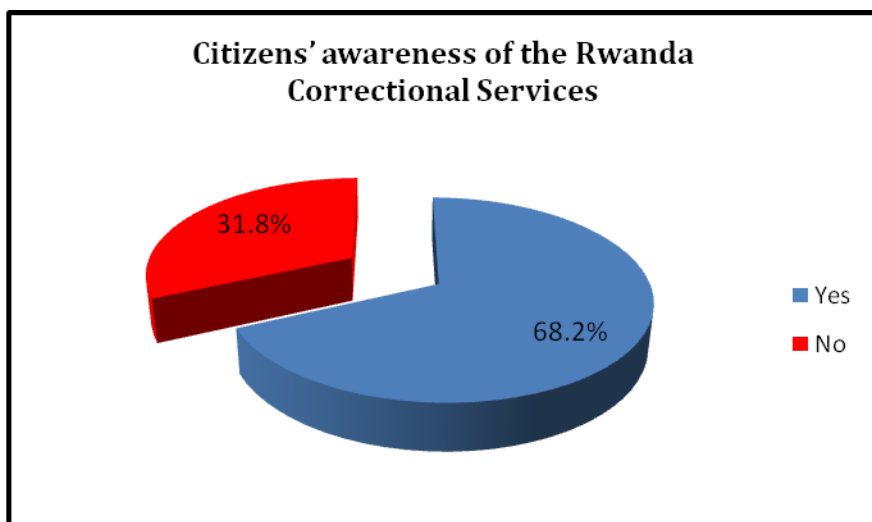
The overall level of effectiveness of the Office of the Ombudsman in fulfilling its responsibilities is very high (81.2%) as perceived by those who are aware of the institution. This score is nearly similar for all its

responsibilities. It emerged from the Focus Group Discussions that this institution is so respected and reliable that, in some areas, people started challenging local leaders that their problems will be taken to the Office of the Ombudsman if these problems are not fairly handled by the latter leaders. However, there is a need for more regular visits by the staff of the Office of the Ombudsman, or eventually decentralize the institution given that it is not always easy to go to its office in Kigali or wait until the next visit in the community.

5.5.6.13. Citizens' awareness of the Rwanda Correctional Services

Finally, it is time to check to which extent citizens are aware of the country's correctional services; this aspect is presented below.

Figure 44: Citizens' awareness of the Rwanda Correctional Services



Almost 7 out of 10 respondents are aware of the Rwanda Correctional Services. As a correctional institution, this entity is known by majority of respondents given that many people in Rwanda have had or still have a relative, a neighbor or a friend who was or is detained or imprisoned in one of the prisons in the country, or, have served/are serving a sentence in TIG (Travaux d'Intérêt Général). Other people are informed about this institution because they live, work near or pass by a prison or a TIG camp. Therefore being aware of this institution, for many respondents, would mean knowing a correctional center or a prison. However, the study reveals that 31.8% of respondents are not aware of this institution. As a matter of fact, Rwanda Correctional Services, under this name, is a new institution in Rwanda, which was created under Law N° 34/2010 of 12/11/2010 and was the result of merging the former National Prisons Service (NPS) and the Executive Secretariat of National Committee of Community Services as an alternative penalty to imprisonment (TIG)⁶⁶. Those who are not aware of this institution include, among others, those who are not used to this new name.

⁶⁶<http://www.rcs.gov.rw/>

5.5.6.14. Effectiveness of the Rwanda Correctional Services in fulfilling its duties

How effective the correctional services are? The table below provides the answer.

Table 30: Effectiveness of the Rwanda Correctional Services in fulfilling its duties

		Inexistent	Very ineffective	Ineffective	Somewhat ineffective	Effective	Very effective	Total	Score	Overall Percent
Implement the general policy for the management of detainees and prisoners	Frequency	5	9	45	148	999	215	1421	3.95	79.0
	%	0.4	0.6	3.2	10.4	70.3	15.1	100.0		
Respect the rights of detainees and prisoners in accordance with the law	Frequency	3	6	39	136	1021	219	1424	3.98	79.6
	%	0.2	0.4	2.7	9.6	71.7	15.4	100.0		
Respect the life, physical and moral integrity and well-being of detainees and prisoners	Frequency	5	13	44	153	946	219	1380	3.94	78.8
	%	0.4	0.9	3.2	11.1	68.6	15.9	100.0		
Implement effective strategies to enable detainees and prisoners to repent and change their mentality	Frequency	2	3	19	120	968	266	1378	4.07	81.3
	%	0.1	0.2	1.4	8.7	70.2	19.3	100.0		
Ensure effective management of prisons and persons serving TIG penalty	Frequency	2	1	22	159	936	211	1331	4.00	80.0
	%	0.2	0.1	1.7	11.9	70.3	15.9	100.0		
Oversee the functioning of the administration of prisons and TIG	Frequency	2	4	24	140	936	178	1284	3.98	79.5
	%	0.2	0.3	1.9	10.9	72.9	13.9	100.0		
Develop the skills of detainees and prisoners, and plan sports and leisure activities for them	Frequency	8	3	22	121	939	227	1320	4.02	80.0
	%	0.6	0.2	1.7	9.2	71.1	17.2	100.0		
Sensitization of RCS activities	Frequency	84	10	44	157	849	161	1305	3.66	73.1
	%	6.4	0.8	3.4	12.0	65.1	12.3	100.0		
Global Effectiveness		Somewhat effective							3.95	79.0

Overall, the perceived level of performance of Rwanda Correctional Services is high (79%). While the levels of perceived effectiveness are nearly similar for most of responsibilities, the level of perceived effectiveness for the responsibility of “sensitization of RCS activities” proves lower (73.1%). This result calls for more efforts aimed at increasing public awareness of the institution’s activities.

5.5.7. Overall awareness and effectiveness of selected justice sector institutions

Coming to the end of this section, and for ease of reference, it is useful to provide a summary of awareness and effectiveness of each institution as evaluated by our respondents. This is displayed in the following two tables.

Table 31: Overall awareness and effectiveness of selected justice sector institutions

Institution	Awareness	
Rwanda National Police	98.4	
National Unity and Reconciliation Commission	91.1	
Office of the Ombudsman	85.8	
National Commission for Human Rights	76.8	
Rwanda Correctional Services	68.2	
National Public Prosecution Authority	55.8	
Maison d'Accès à la Justice (MAJ)	27.3	
Institution	Effectiveness	
Rwanda National Police	4.15	82.9
National Unity and Reconciliation Commission	4.14	82.8
National Public Prosecution Authority	4.09	81.8
Office of the Ombudsman	4.06	81.2
Maison d'Accès à la Justice (MAJ)	4.03	81.0
Rwanda Correctional Services	3.95	79.0
National Commission for Human Rights	3.91	78.2

It emerged from this study that the National Police is the justice sector institution that most respondents are aware of (98.4%). It is followed by NURC (91.1%), the Office of the Ombudsman (85.8%), the National Commission for Human Rights (76.8%), the National Public Prosecution Authority (55.8%) and MAJ which is the least known (27.3%).

With regard to the performance of the assessed institutions, the study shows that Rwanda National Police, NURC, RPPA, Office of the Ombudsman and MAJ are ranked with very high performance, while Rwanda Correctional Services and the National Commission for Human Rights were scored with high performance.

V.6. LEVEL OF SECURITY IN CITIES AND DISTRICTS

V.6.1. Level of physical security in cities and districts

This section deals with the perceived level of security, an issue likely to greatly affect people’s everyday life. Firstly the questionnaire sought to ascertain the security of various aspects and assets; the following table shows the scores derived from respondents’ answers.

Table 32: Level of physical security in cities and districts

	Score	Score
Physical security of citizens’ household member	4.20	83.9
Citizens’ Physical security	4.17	83.5
Rwanda National Police's role of crime prevention	4.14	82.8
Rwanda National Police's role of responding on time in case of crime alert	4.10	82.1
Security of their properties/assets	4.00	80.0
Citizens' physical security while traveling/walking at night	3.94	78.8
Community policing role of crime prevention	3.87	77.4
Overall Security Score	4.05	81.3

Overall, the perceived level of security in cities and districts is very high (81.3%). Scores prove to be very high with regard to physical security of respondents and members of their households (83.5% and 83.9% respectively), the Role of National Police in crime prevention (82.8%), as well as the role of the National Police in responding in time in case of alert (82.1%), while scores for the remaining dimension stand in high performance. Such a level of security found a broad consensus among almost all participants in FGDs. Participants referred to the fact that not only Rwanda has a professional and less corrupt police compared to his neighbours of the region but also that the Community Policing has been playing a key role in crime prevention. Also the Rwanda Defense Force was mentioned as a key player in maintaining security at the community level, through constant night patrols. Such security mechanisms have significantly improved both physical and assets security. People feel that they can move freely at anytime, and sleep without fear that someone would harm them in any way.

However, most of participants in situation of conflicts or disputes with other people expressed high fear for their own physical security or their relatives’. As a participant put it:

“I took a legal action against my in-laws who took my land before I returned from exile in the DRC. The case is still in court. This situation put us in a conflict situation to the extent I fear for my own life and that of my children. My children were attacked twice by my in-laws and they narrowly escaped”.

Concerning assets security, the study came up with a high level of respondents’ satisfaction (80.0%). This finding was confirmed by majority of participants in FGDs whose view was that their assets are safe. However, some participants-mainly those with property related cases in courts- felt that their property assets

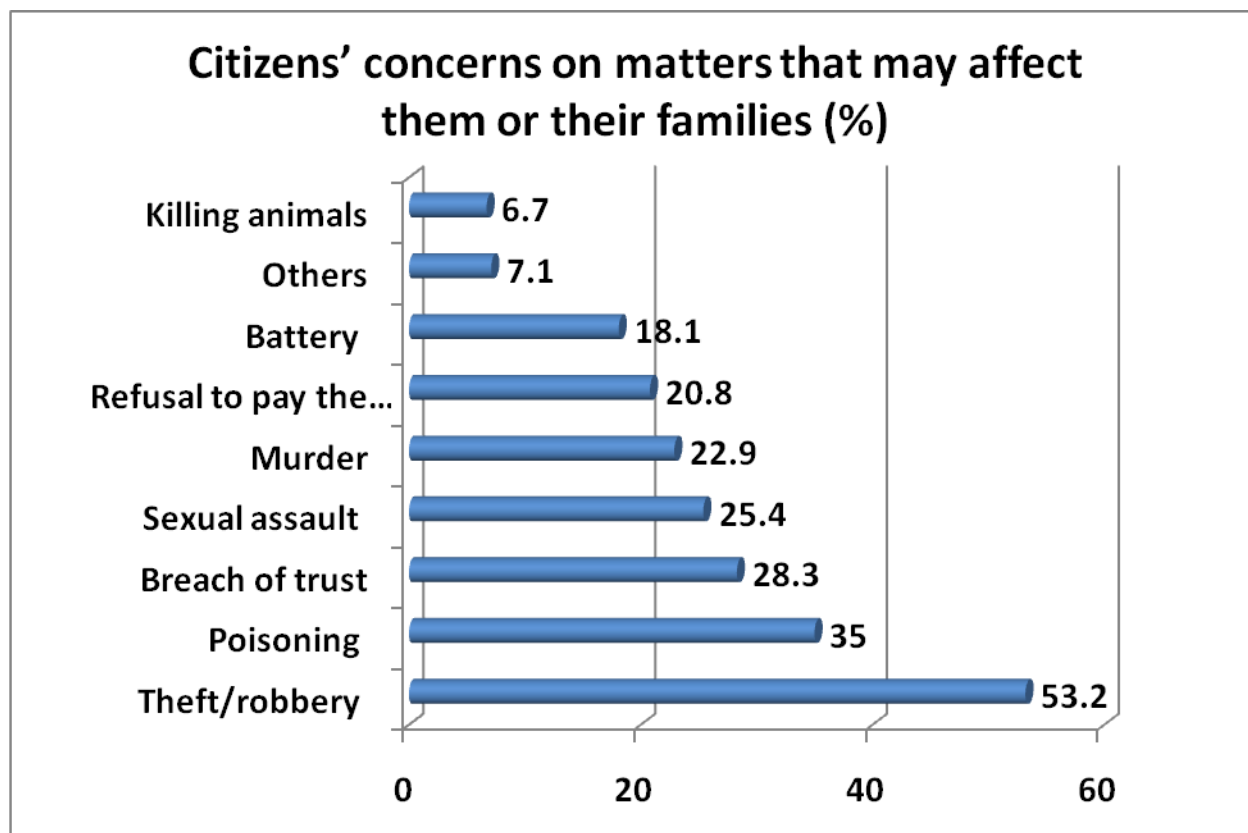
including mainly land, houses, cattle and crops were not very safe. The issue of theft of crops in fields and cattle was also raised, although there is a feeling among majority of participants that much is being done by security organs in collaboration with the population to curb this problem.

It is also worth noting that in many areas where FGDs were conducted, *Inkeragutabara*⁶⁷ cooperatives were cited as a new security mechanism in place which adds on exiting security structures to improve security at the community level. While their role was acknowledged by the majority of participants, the study came up with some allegations that few members of both those cooperatives and Local Defense Force are sometimes involved in acts of violence against the population such as robbery and corruption. From the point of view of the type of residence (rural, urban), the study did not show any discrepancy in people’s satisfaction with the level of security in the cities (urban) and districts (rural). This level remains very high in both areas.

V.6.2. Citizens’ concerns on matters that may affect them or their families

In spite of the good security levels, it is still worth exploring what are the threats that concern citizens the most. The figure below shows their answers.

Figure 45: Citizens’ concerns on matters that may affect them or their families



It was mentioned above that the level of people’s satisfaction with the security in cities and districts is very high. Beyond this very positive trend, the study also examined the most pressing security concerns faced by people in their communities. Robbery emerged as the biggest security concerns as expressed by 53.2% of

⁶⁷ The Kinyarwanda name for “reserve force”

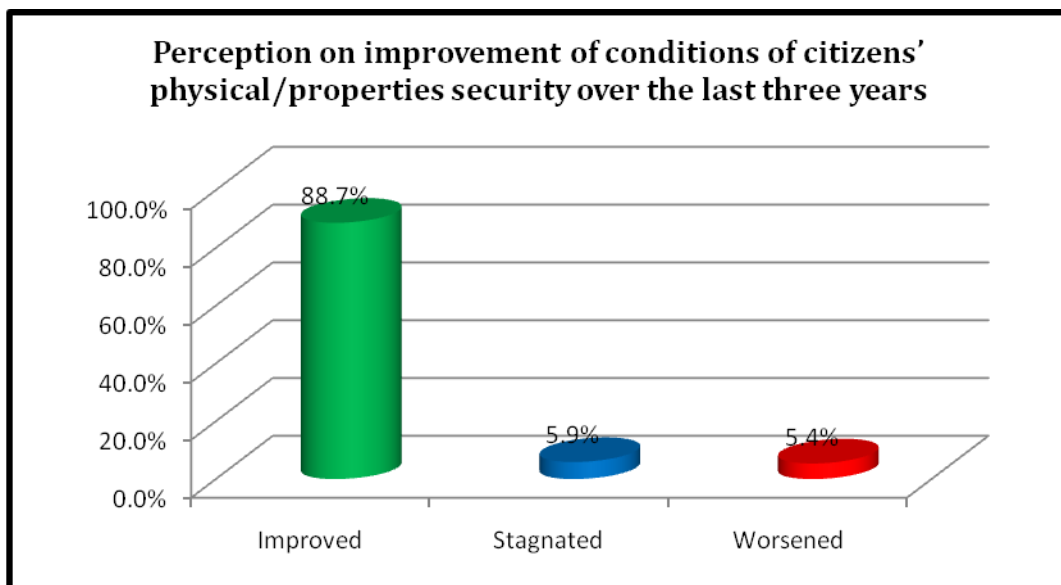
respondents. It is followed by other important security concerns such as poisoning (35%), breach of trust (28.3%), sexual assault (25.4%), murder (22.9%), refusal to pay the due (20.8%), beating (18.1%). It emerged from FGDs that robbery is a serious security concern at the community level, although there was a consensus that its magnitude is decreasing due to security mechanisms in place, as evidenced by the next figure. As for poisoning, be it actual or simply perceived is often a source of fear and conflict among people at the family, and neighborhood level in Rwanda, even though it has always been difficult to prove it. Poisoning allegations are sometimes reported between families which are not in good terms, and are sometimes used as an explanation for people’s misfortune.

Most security concerns expressed by respondents can be taken as pressing concerns because as will be seen in a later section, robbery, breach of trust and refusal to pay the due are reported among the top five crimes, and beating among the top 10 crimes that respondents experienced in the last 3 years.

V.6.2. Perception on improvement of conditions of citizens’ physical/properties security over the last three years

It is also important to see whether security is improving or worsening; the following graph shows citizen perceptions on this aspect.

Figure 46: Perception on improvement of conditions of citizens’ physical/properties security over the last three years

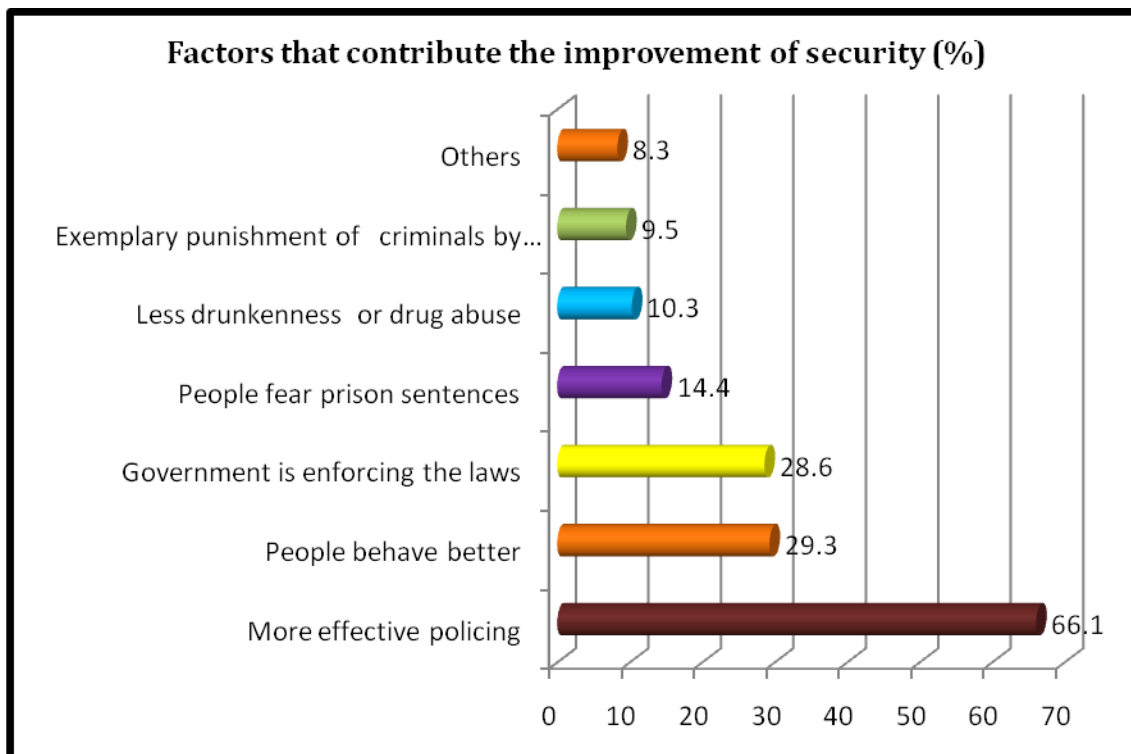


Although participants in this study expressed a series of pressing security concerns, it was revealed that trends of physical and property security have gone improving over the last three years. Nearly 9 in 10 respondents shared this view. This finding corroborates the overall very high performance of security in the cities and districts as discussed above. However, a low proportion (11% cumulatively) felt that security conditions have either stagnated or worsened. Perceived reasons for such an improvement are discussed in the following figure.

V.6.3. Factors that contribute the improvement of security

If the majority of respondents believe that security has improved, it is crucial to see what factors – in their opinion – have contributed to this positive result. These are summarized below.

Figure 47: Factors that contribute the improvement of security

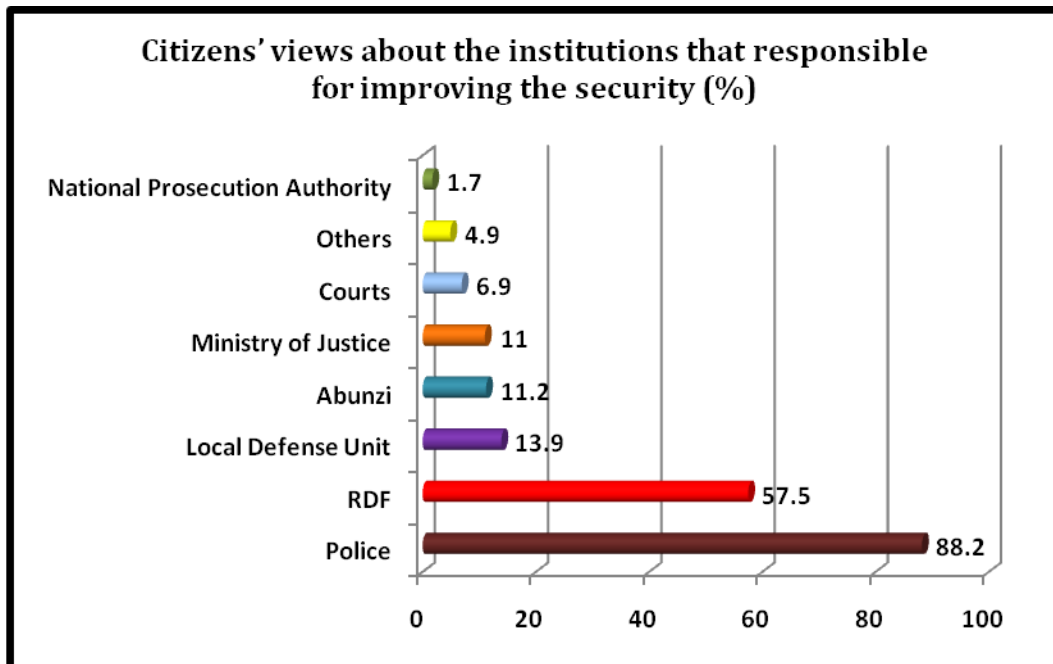


The previous figure examined the perceived trend of physical and property security in Rwanda over the last 3 years. This figure presents the perceived factors for that improvement. More effective policing emerged as the first factor (66.1%). Others include better responsible behaviors of people, increased laws enforcement by the government, people's fear for sentences, less drunkenness and drug abuse, etc. Interestingly, the large majority of respondents therefore think that security is a consequence of effective enforcement of law by Government and Police, and related fear of punishment, rather than a positive behavioral change. Insufficiency or absence of the factors listed in the table was perceived as justification for stagnation and worsening of security conditions by those with this viewpoint.

V.6.4. Citizens' views about the institutions responsible for improving the security

Further analyzing the issue of security, the research explored citizens views on which institutions are in charge of providing and improving security. The table below shows their answers.

Figure 48: Citizens' views about the institutions responsible for improving the security



The Police (both Rwanda National Police and the Community Policing) and RDF emerged as major institutions which contributed to the improvement of physical and property security in Rwanda over the last 3 years as perceived by 88.2% and 57.5% respectively. Other important institutions cited include Local Defence Unit (LDU), Abunzi (Mediation Committees), Ministry of Justice and courts. With regard to physical security and property, RDF is involved in preventing crimes through patrols, while the Police plays a role in both crime prevention and conducting criminal investigations. LDU contributes to crime prevention while the role of the remaining institutions is mainly jurisdictional and mediatory.

V.7. VICTIMISATION SURVEY

V.7.1. Crimes experienced by the respondents over the last three years

This section presents the findings related to victimization, including issues of crimes, perpetrators, authors and so on. First of all it respondents were asked whether they experienced some sort of crime over the last three years and their answers are summarized in the following table.

Table 33: Crimes experienced by the respondents over the last three years

Crime	Frequency	Percent
Robbery	817	34.0
Breach of trust	467	19.5
Insults	389	16.2
Defamation and insults	313	13.0
Refusal to pay the due	298	12.4
Adultery	148	6.2
Battery	140	5.8
Cohabitation (couple)	132	5.5
Fraud/swindling	123	5.1
Refusal of fulfilling home duties	113	4.7
Drug abuse	109	4.5
Attempted theft crimes	103	4.3
No care of children and leave them in hardship	104	4.3
Corruption	103	4.3
Destruction of someone's property like, crops, etc.	98	4.1
Deprivation of freedom (incarcerate or involve in somebody's incarceration)	74	3.1
Killing of animals	62	2.6
Killing	51	2.1
Crimes perpetrated by public officials against human inalienable rights	41	1.7
Criminal group	39	1.6
Rape	34	1.4
Forged documents	32	1.3
Murder	26	1.1
Attempted killing crimes	23	1.0
Sexual abuse against children	22	.9
Armed robbery	16	.7

Robbery emerged as the crime most commonly experienced by the respondents of the last 3 years. Around 3 in 10 respondents were victim of this crime. Breach of trust (19.5%), insults (16.2%), defamation and insults (13%), refusal to pay the due (12.4%), adultery (6.2%), battery (5.8%), cohabitation(5.5%), swindling (5.1%) and refusal of fulfilling home duties (4.7%) also emerged among top 10 crimes experienced by the respondents. This finding triangulates with existing literature from NPPA on cases taken to courts over the period 2009-2011, whereby robbery, breach of trust, battery, and swindling emerged among the top 10 crimes⁶⁸.

⁶⁸ NPPA, Annual Reports, 2009, 2010, 2011

V.7.2. Frequency of crimes experienced by respondents over the last 3 years

Besides understanding which categories of crimes respondents have come across, it is also interesting to see which are the most common. The table presents this outcome.

Table 34: Frequency of crimes experienced by respondents over the last 3 years

Crime	Number of times (%)			
	One time	Two times	Three times	> 3 times
Drug abuse	14.2	8.5	9.4	67.9
No care of children and leave them in hardship	22.7	14.4	5.2	57.7
Defamation and insults	15.9	13.7	13.7	56.8
Refusal of fulfilling home duties	30.8	10.3	3.7	55.1
Insults	18.6	18.1	12.1	51.2
Destruction of someone's property like, crops, etc.	28.2	20.4	5.8	45.6
Adultery	25.9	15.4	17.5	41.3
Criminal group	29.5	20.5	15.9	34.1
Sexual abuse against children	56.0	8.0	4.0	32.0
Deprivation of freedom (incarcerate or involve in somebody's incarceration)	48.4	12.5	7.8	31.3
Breach of trust	35.3	22.0	12.6	30.2
Cohabitation (couple)	49.3	10.3	10.3	30.1
Armed robbery	50.0	16.7	5.6	27.8
Corruption	42.4	25.3	6.1	26.3
Forged documents	53.1	18.8	3.1	25.0
Refusal to pay the due	43.4	21.3	13.2	22.1
Fraud/swindling	46.1	24.3	7.8	21.7
Attempted theft crimes	32.3	31.3	18.8	17.7
Robbery	39.8	25.4	17.8	16.9
Killing	70.5	9.1	4.5	15.9
Crimes perpetrated by public officials against human inalienable rights	52.5	22.5	10.0	15.0
Killing of animals	43.6	29.1	14.5	12.7
Attempted killing crimes	64.0	24.0	0.0	12.0
Rape	64.3	7.1	16.7	11.9
Murder	70.4	14.8	3.7	11.1
Battery	74.4	13.7	4.3	7.7

This table shows that majority of top ten crimes experienced by respondents are not necessarily the most repeatedly experienced by the victims. Drug abuse, lack of care for children and leaving them in hardship, defamation and insults, refusal of fulfilling home duties, insults, destruction of someone's property, adultery, criminal group, sexual abuse against children, deprivation of freedom emerged as the top 10 most repeated crimes experienced by victimized respondents (more than 3 times) over the last 3 years.

V.7.3. Category of victims of the crimes

The analysis based on the category of victims of selected crimes focused on victims' characteristics such as age, sex and type of residence. It emerged from the study that, in consideration of the top 10 crimes, victims are almost equally distributed among respondents in the above characteristics. No significant differences (beyond 10% of difference) were found between men and women, respondents in different age groups, as well as rural and urban residents. The biggest difference was found with regard to the crime of swindling whereby 10.4% of urban respondents were victims of this crime versus 4.1% of rural respondents.

V.7.4. Authors of the crimes

Following the categories of crimes, we now explore who the perpetrators are. The table below provides the details.

Table 35: Authors of the crimes

	Frequency	Percent
Other relative	376	20.8
Neighbors	315	17.5
Spouse	210	11.6
Local leader	133	7.4
Robbers	121	6.7
Unknown persons	117	6.5
House boy/girl	70	3.9
My employer	47	2.6
Father	46	2.5
Police	43	2.4
Local Defense Force	42	2.3
Mediator	33	1.8
Son	32	1.8
Street boys	29	1.6
Mother	27	1.5
Driver	22	1.2
Pupil/Student	19	1.1
Central Government Agent/Staff	17	0.9
Soldier	16	0.9
Bandits	16	0.9
Judge	14	0.8
Daughter	15	0.8
Friends	14	0.8
Teacher	13	0.7
Local Government Agent/Staff	9	0.5
Agent of National Prosecution Authority	4	0.2
Colleagues	4	0.2
TOTAL	1804	100.0

The study reveals that the majority of crimes are committed by people who are geographically close to the victims. The table above shows that other relatives (20.8%), neighbors (17.5%), spouse (11.6), local leaders

(7.4%) and robbers 6.7%) are among top5 authors of the crimes experienced by the respondents. Participants in FGDs echoed this proximity of the author with the victim. For instance, when it came to discuss land and other property related cases in courts, participants were of the view that in the majority of cases, parties are relatives or neighbors.

V.7.5. Complaining about victimization

For every crime, the issue of reporting is crucial because crime will not be defeated if the victims do not report the perpetrators to the competent authorities. The graph below shows how many victims complained about what happened to them.

Figure 49: Complaining about victimization

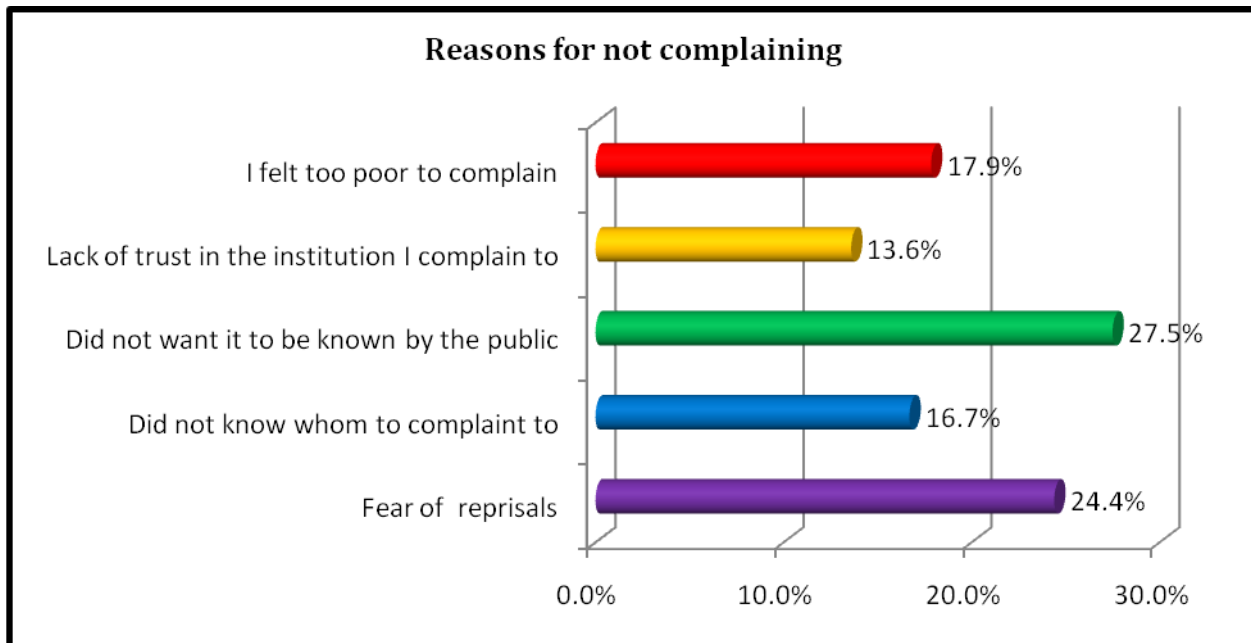


The majority of respondents reported about their victimization. This table shows that around 7 in 10 of respondents did complain. This leads to infer that the majority of respondents know some of their basic rights such as the right to justice and that they exercise it. However, an important proportion (27.1%) did not complain after being victimized for the reasons examined in the figure below.

V.7.6. Reasons for not complaining

Since a share of victims did not complain, we asked them why and their answers are presented below.

Figure 50: Reasons for not complaining

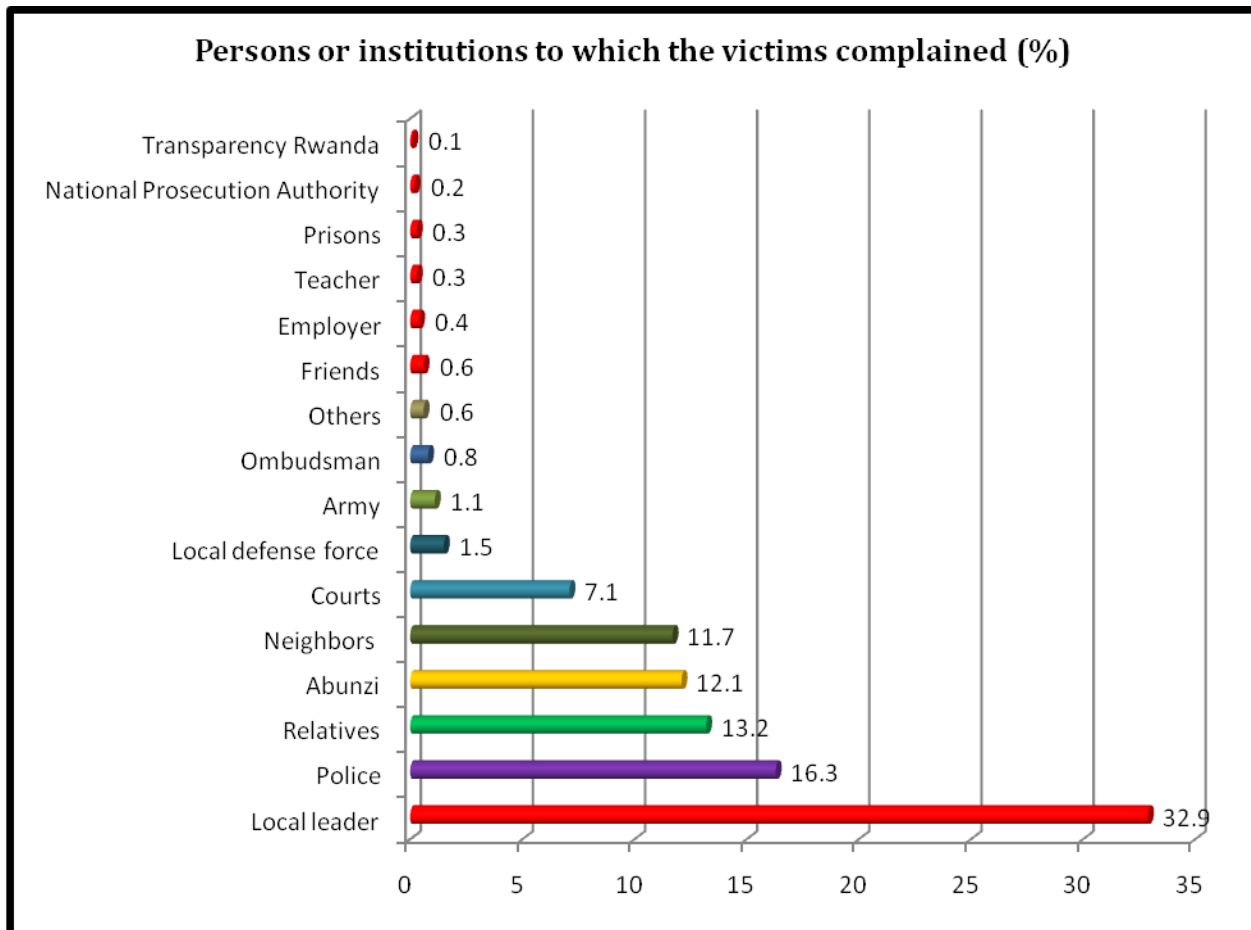


Major reasons for such silence include the fear of being known by the public (27.5%), fear for reprisals (24.4%), too poor to complain (17.8), ignorance of the right institution to complain to (16.7%), and lack of trust in existing institutions (13.6%). This result implies that not only a significant proportion of people do not report cases of their victimization but also that the reasons behind, such a resignation and fear of reprisal, are serious and need to be properly addressed by different stakeholders.

V.7.7. Persons or institutions to which the victims complained

A victim can complain to a wide range of individuals or institutions, that is why we need to know to whom our respondents complain; the graph shows this result.

Figure 51: Persons or institutions to which the victims complained

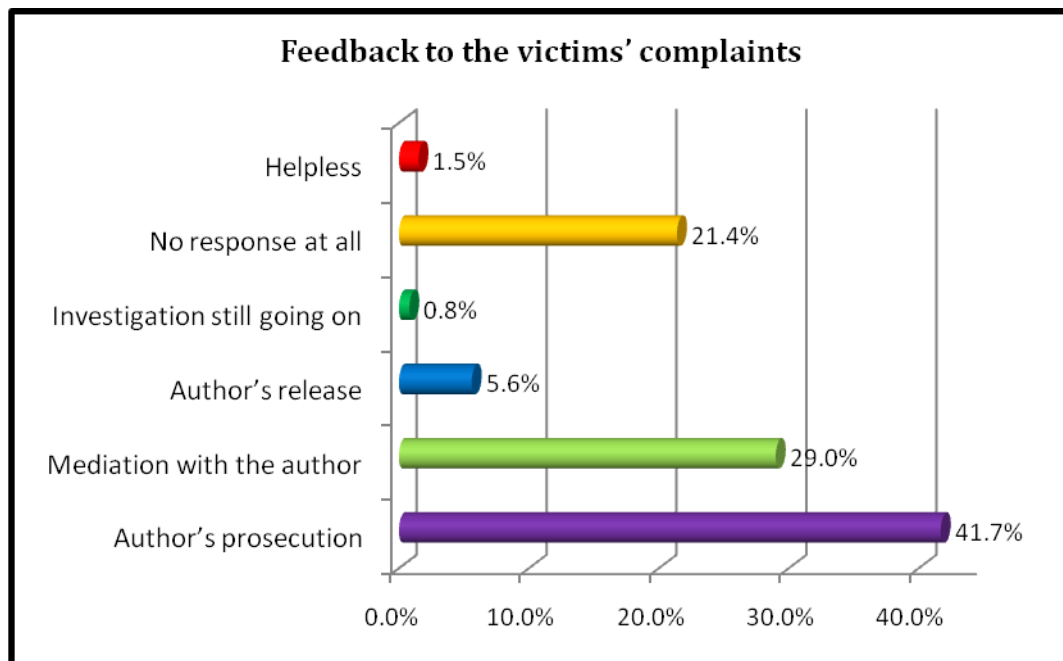


Various institutions are approached in case of people's victimization. Majority of those victimized reported their cases mainly to local leaders (32.9%), Police (16.3%), relatives (13.2%), Mediation committees (12.1%) and neighbors (11.7%). This implies a tendency to report the cases to the nearest people or institutions in which people have confidence, including when – such as in the case of relatives and neighbors – these are not the appropriate authorities to report to.

V.7.8. Feedback to the victims' complaints

Reporting a crime is the first necessary step to end impunity, however what happens after the complaint is equally important; the following figure presents the kind of feedback given to those victims who complained.

Figure 52: Feedback to the victims' complaints



The majority of institutions that were approached by victimized people acted on these cases. Cumulatively, 70.7% of respondents who reported about her/his victimization received a positive follow-up (prosecution of the author or mediation with the author). However, an important proportion of those who complained (23%) did not get any feedback. Given that the majority of institutions that victims complained to are initially meant to contribute to crime prevention and fight against impunity (local leaders, police, Abunzi), this finding not only shows that some staff of those institutions are not properly delivering, but also justifies the reason why some victims prefer resignation rather than complaining, as highlighted in an earlier section.

V.7.9. Satisfaction with the feedback

As the feedback could be different, it is useful to ascertain to which extent victims are satisfied with it; the table presents their views on this.

Table 36: Satisfaction with the feedback

	Frequency	Percent
Very dissatisfied	141	15.8
Dissatisfied	191	21.4
Somewhat satisfied	129	14.5
Satisfied	353	39.6
Very satisfied	77	8.6
Total	891	100.0
Score	3.04	60.8

This table shows that overall, the level of satisfaction with the feedback is high (60.8%). However, there is an important proportion of respondents (more than one out of three) who were not satisfied with the feedback, especially those whose alleged authors were released, and those who actually did not receive any feedback as shown in the previous figure.

V.7.10. Institutions that citizens trust much in preventing victimization in their residential location

If reporting is important, equally crucial is to try to prevent victimization. The table shows which institutions are trusted the most by citizens to do this.

Table 37: Institutions that citizens trust much in preventing victimization in their residential location

	Frequency	Percent
Rwanda National Police	715	29.9
Local leaders	386	16.2
Courts	324	13.6
Abunzi	310	13.0
National Commission for Human Rights	170	7.1
Office of the Ombudsman	101	4.2
President's Office	96	4.0
MAJ (Maison d'Accès a la Justice)	59	2.5
Private lawyers	38	1.6
Supreme Court	35	1.5
Institute of Legal Development	34	1.4
Army	27	1.1
National Prosecution Authority	20	0.8
Prime Minister's Office	20	0.8
Non Government Organizations	20	0.8
Commercial Courts	14	0.6
Other Courts	13	0.5
Rwanda Correction Services	7	0.3
Total	2389	100.0

The Rwanda National Police emerged as the institution that people trust the most (29.9%) in preventing victimization at the community level. Other major institutions include local leaders (16.2%), courts (13.2%), Abunzi (13%), Rwanda National Commission for Human Rights (7.1%), Office of the Ombudsman (4.2%) and the Office of the President (4%). The role of the Police in preventing crime has been largely discussed above. The role of other institutions cited here reside mainly in dispensing justice, facilitating mediation over disputes, and fighting against injustice and impunity, which contribute in one way or another to preventing victimization.

V.8. PERCEPTION OF THE BUSINESS COMMUNITY OF THE COMMERCIAL JUSTICE SYSTEM

This last section aims to analyze the views of the business community on the effectiveness of the commercial court system. The sample was different for this specific aspect of the research and therefore the demographic characteristics of the sampled respondents are presented below.

V.8.1. DEMOGRAPHICS

Table 38: Respondents by residence, sex and age group

Residence	Urban	56.3
	Rural	43.7
	Total	100.0%
Gender	Male	72.8
	Female	27.2
	Total	100.0%
Age group	18-24	6.8
	25-29	12.6
	30-34	16.5
	35-39	27.2
	40-44	17.5
	45-49	9.7
	50-54	6.8
	55 +	2.9
	Total	100.0%

n=102

The majority of respondents (56.3%) were selected from urban areas while 43.7% run their business in rural areas. Urban areas include both Kigali city and other cities in provinces. There is a high concentration of business people in urban areas as also shown by data from the Rwanda Revenue Authority (RRA) on the countrywide distribution of taxpayers⁶⁹. However, an important part of business people including mainly small size ones operate in rural area. The large majority of them (around 7 out of 10) are male while female ones account for nearly 3 in 10. This makes people believe that the traditional false belief that women cannot run business successfully and husbands' reluctance to let their wives undertake commercial activities (especially those involving travelling abroad) persist. From an age viewpoint, large majority of respondents (74% cumulatively) fall in the age groups between 25 - 44 years old.

⁶⁹Registration service of RRA, 2012

V.8.2.Size and type of businesses

Another important indicator to understand a sample of business actors is the size and type of their business, presented below.

Table 39: Size and type of businesses

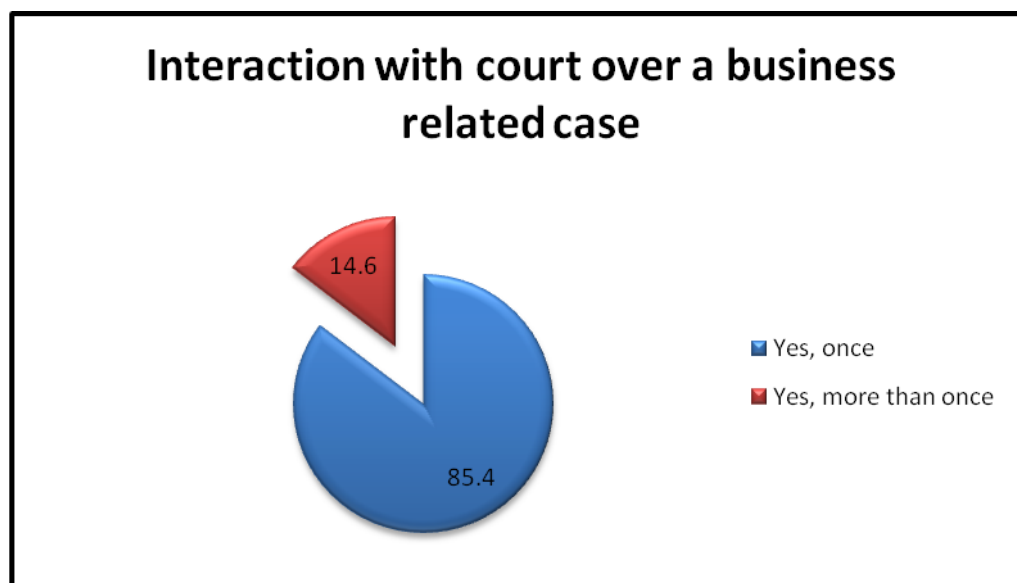
	Frequency	Percent
Large business	21	21.0
Medium business	38	37.0
Small business	43	42.0
Total	102	100.0
	Frequency	Percent
Sales	70	69.0
Service	20	20.0
Construction	8	8.0
Other	3	3.0

A large proportion of respondents (42.0%) is comprised of small-size business people while 37.0% and 21.0% are medium-size and large business people respectively. This implies that the sample includes all categories of business people. It also makes people assume that the smaller the size of the business the bigger it is in terms of number of people involved in it. As for the type of the business, the large majority of respondents are concentrated in sales and service sectors.

V.8.3.Interaction with courts over a business related case

Before moving to the actual findings on the commercial court system, it is important to see whether the respondents interacted with such courts; this is shown below.

Figure 53: Interaction with courts over a business related case

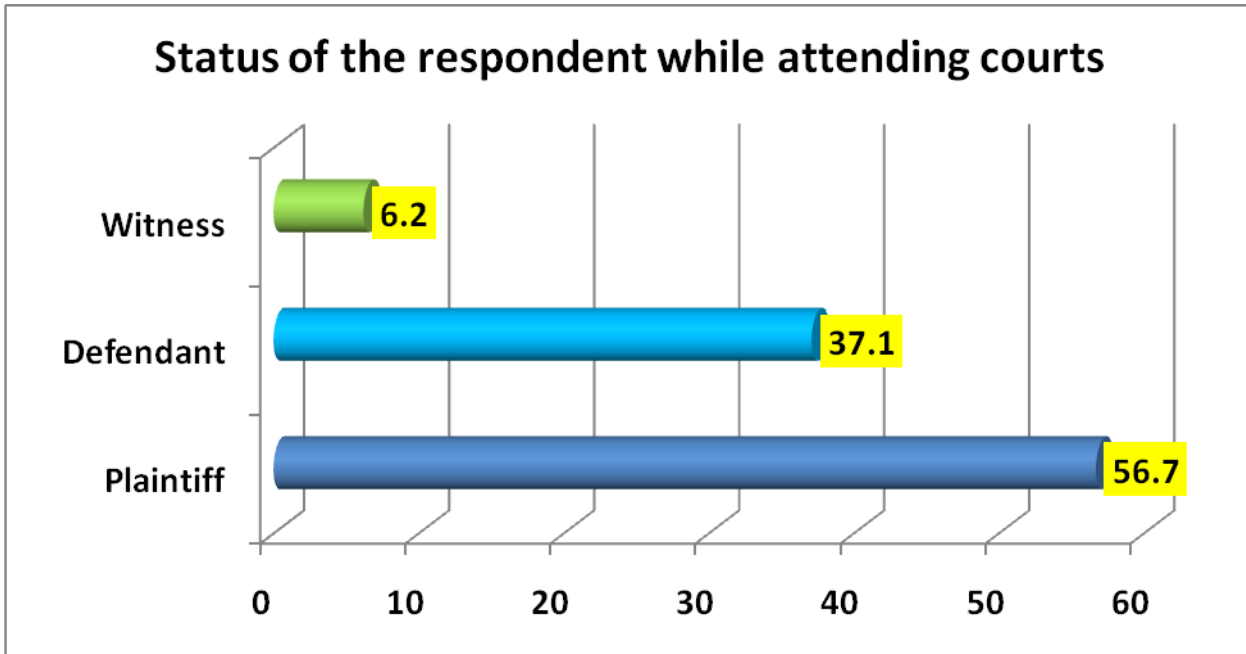


The large majority (85.4%) of business people interacted with courts once while few of them (14.6%) did it more than once. It worth recalling that business people’s interaction with court over the last 3 years was the selection criterion of respondents in this category.

IV.8.4. Status of the respondent while attending courts

All respondents interacted with courts but in different roles and capacities, as shown below.

Figure 54: Status of the respondent while attending courts

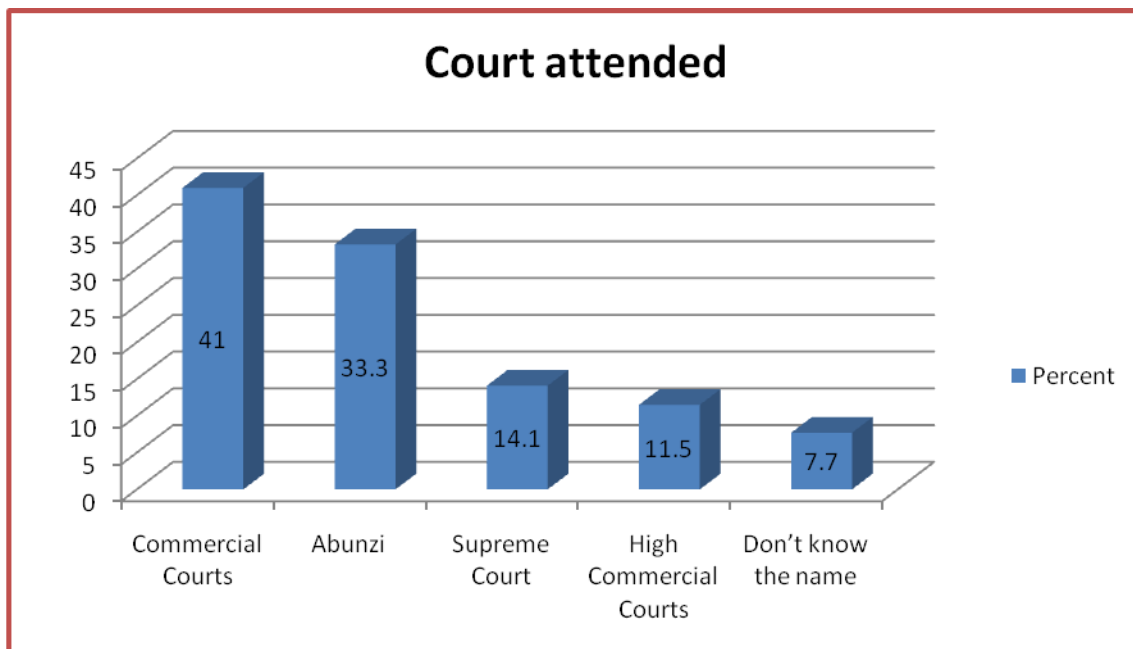


The majority of respondents (56.7%) attended the court as plaintiffs while 37.1% and 6.2% were defendants and witnesses respectively. This was an additional criterion for selecting respondents given that a minimum experience with courts was required to be in position to give one's perception of the performance of commercial courts.

V.8.5. Court attended

Business people might have to deal with a number of different courts, as the graph reveals.

Figure 55: Court attended

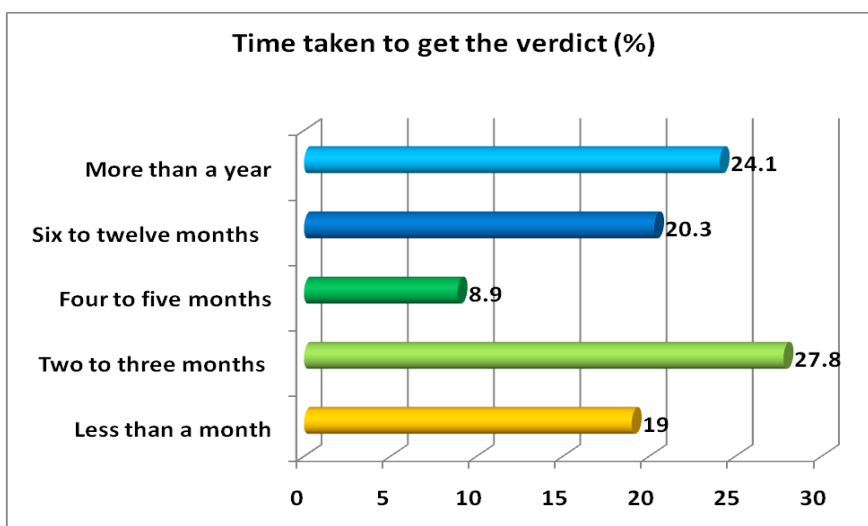


The above figure shows that majority of business people attended Commercial Court as reported by 41% of respondents followed by those who went to Abunzi committees (33.3%), Supreme Court (14.1%) and High Commercial Court (11.5%). Those who attended Mediation Committees (Abunzi) include those whose cases involved subject matters which do not exceed Rwf 3,000,000. The reading of this figure also shows that the number of people who attended the court depends on the level of the court. In other words, the lower the court the more people who attend it; this being a result of the fact that generally only those who are not satisfied with the decision of a given court do take an appealing action.

V.8.6. Time taken to get the verdict

An important indicator to assess the efficiency of courts, as we have seen earlier on in the report, is the time needed to get a verdict. This aspect, related to business people in commercial courts, is presented below.

Figure 56: Time taken to get the verdict



Nearly a half of respondents (47% cumulatively) spent three months or less in courts. This time proves relatively short, although even a month or even a week may be deemed too long depending on the subject matter and the interests being lost by the business persons involved in the case. However, an almost equal proportion (44.4% cumulatively) spent six months or more in courts, while it took 4 to 6 months for 8.9% of respondents to get the verdict, which is a long time if one abides by the saying that “time is money” especially in the business arena.

V.8.7. Satisfaction with court decisions, judges’ independence and impartiality

A quick verdict is a positive thing in itself but it is not enough, that is why our survey asked respondents whether and to which extent they were satisfied with some aspects linked to commercial courts. The following table shows the scores derived from their answers.

Table 40: Satisfaction with court decisions, judges’ independence and impartiality

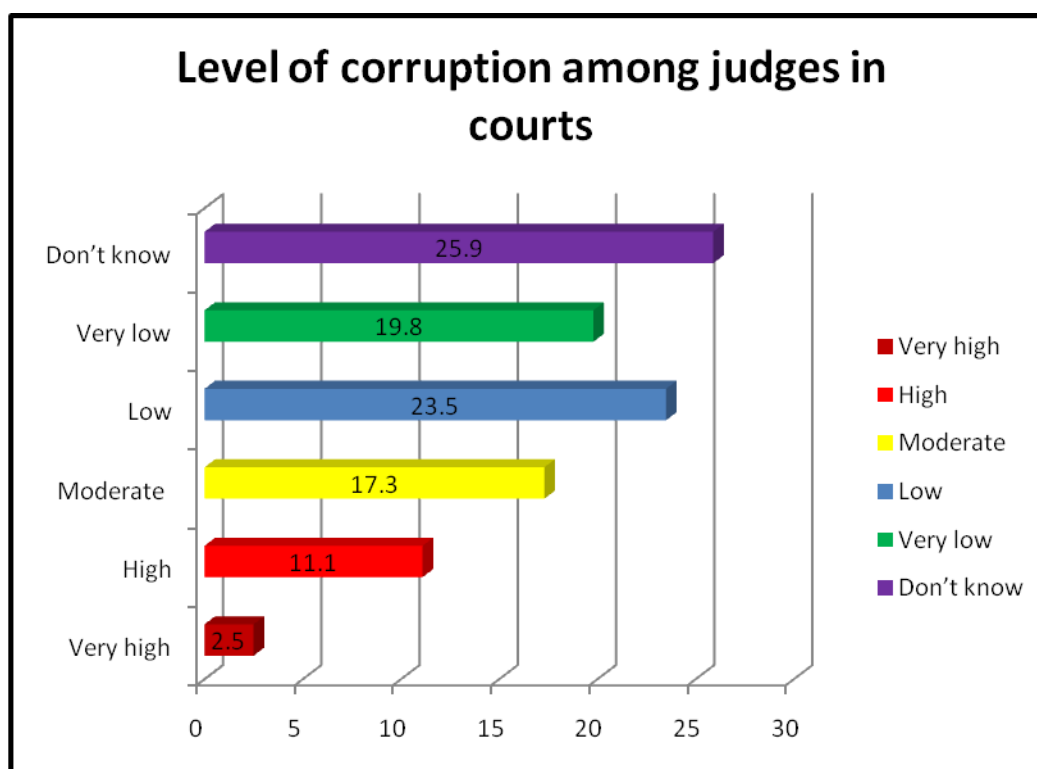
	Score	Percent
Satisfaction with court decisions	3.08	61.5
Satisfaction with judge’s independence	3.27	65.4
Impartiality of judges	3.28	65.6
Overall	3.21	64.2

Overall, there level of perceived level of judges’ integrity is high (64.2%). Satisfaction with judges’ impartiality (65.6%) and independence of judges (65.4%) prove to be with the highest scores while satisfaction with the courts decisions stand in the lowest position (61.5%). Although the overall satisfaction is high, the above table shows that it is closer to the minimum (60%) rather than the maximum (80%) of the “high” bracket. There is much to be done to make it move toward the maximum or to very high (over 80%). The result as it is now implies a certain level of dissatisfaction among members of the business community. Major reasons given by the dissatisfied ones include level of corruption among judges, the feeling that justice is only for the wealthy and those with political connections, the feeling that courts are too crowded with cases and this delays justice. The level of corruption was also examined as shown in the following table.

5.8.8.Level of corruption among judges in commercial courts

A key potential factor of dissatisfaction with courts might be corruption. The graph below shows the business people’s perceived level of corruption affecting judges.

Figure 57: Level of corruption among judges in commercial courts



The data implies a certain level of perceived corruption among judges in commercial courts which is alarming. Cumulatively, 3 out of 10 respondents perceived at least a moderate level of corruption among commercial courts. Four out of ten respondents deemed corruption to be at most low, while nearly 26% of respondents ignored whether or not there is corruption in such courts. This proportion emerges as the highest perceived level of corruption in Rwanda since the systematic assessments of corruption in Rwanda by institutions such as Transparency International, Transparency Rwanda and the Office of the Ombudsman. It is also worth noting that it is the first time that allusion to corruption in commercial courts is done in surveys investigating levels of corruption among other things. This result raises a pressing need to conduct more assessments with bigger samples on this issue, in order to confirm or reject it and monitor the trend. Some would argue that such a level of corruption, if it is accurate, maybe explained by the fact that cases taken to commercial courts often involve important amounts or assets worth a lot of money, which increases the likelihood for corruption, be it actual or just perceived. For this reason, this kind of corruption is called grand corruption as opposed to petty corruption such as bribes involving small amounts of money.

V.8.9.Distance to courts

The survey also wanted to assess the accessibility of courts for business people. The first aspect of accessibility is the distance from the courts, shown below.

Table 41: Distance to courts

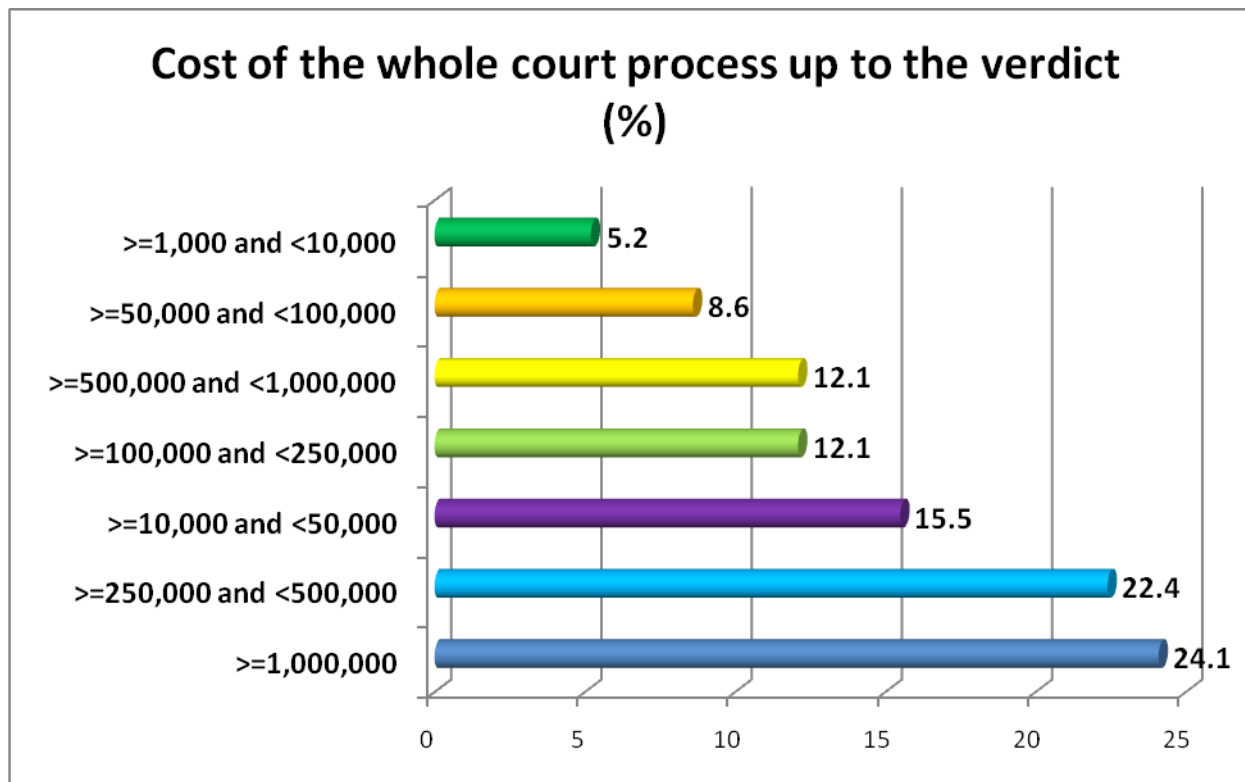
Court	Distance	Distance							Total
		<50 km	40-50 km	21-40 km	11-20 km	6-10 km	<5 km		
Primary Court	%	0.0	0.0	2.0	5.1	16.2	76.8	100.0	
Intermediate Court	%	1.2	3.5	7.0	11.6	30.2	46.5	100.0	
High Court	%	21.7	11.7	15.0	5.0	28.3	18.3	100.0	
Supreme Court	%	45.8	6.8	5.1	8.5	25.4	8.5	100.0	
Commercial Court	%	14.8	13.0	3.7	7.4	20.4	40.7	100.0	
Commercial High Court	%	30.4	13.0	8.7	8.7	19.6	19.6	100.0	

Like for ordinary people, the distance from the business location to the courts varies according to the level of the court. The lower the level the shorter the distance. Primary and intermediate courts prove to be closer to business people than the other courts, and the Commercial High Court and the Supreme Court remain the most distant. Regarding commercial courts, around 6 out of 10 respondents operate less than 10kms away from the Commercial Court, while 43.4% of respondents (cumulatively) are more than 40kms away from the Commercial High Court. However, 39.2% of respondents operate less than 10kms away from the latter court. This relatively closeness of higher courts to business people compared to ordinary people (see tables....) may not necessarily reflect the reality. It is rather due to the fact that the majority of respondents were selected in urban areas with an assumption that majority of them actually operate in cities. Business people operating in rural areas remain far from those higher courts (Commercial Court, Commercial High Court and Supreme Court). It is worth reminding that the two latter courts are based in Kigali City, while Commercial Courts are based in Nyarugenge, Huye and Musanze.

V.8.10. Cost of the whole court process up to the verdict

It is also crucial, when looking at the issue of accessibility, to ask how much respondents had to pay for a commercial court procedure up to the verdict. This is presented below.

Figure 58: Cost of the whole court process up to the verdict

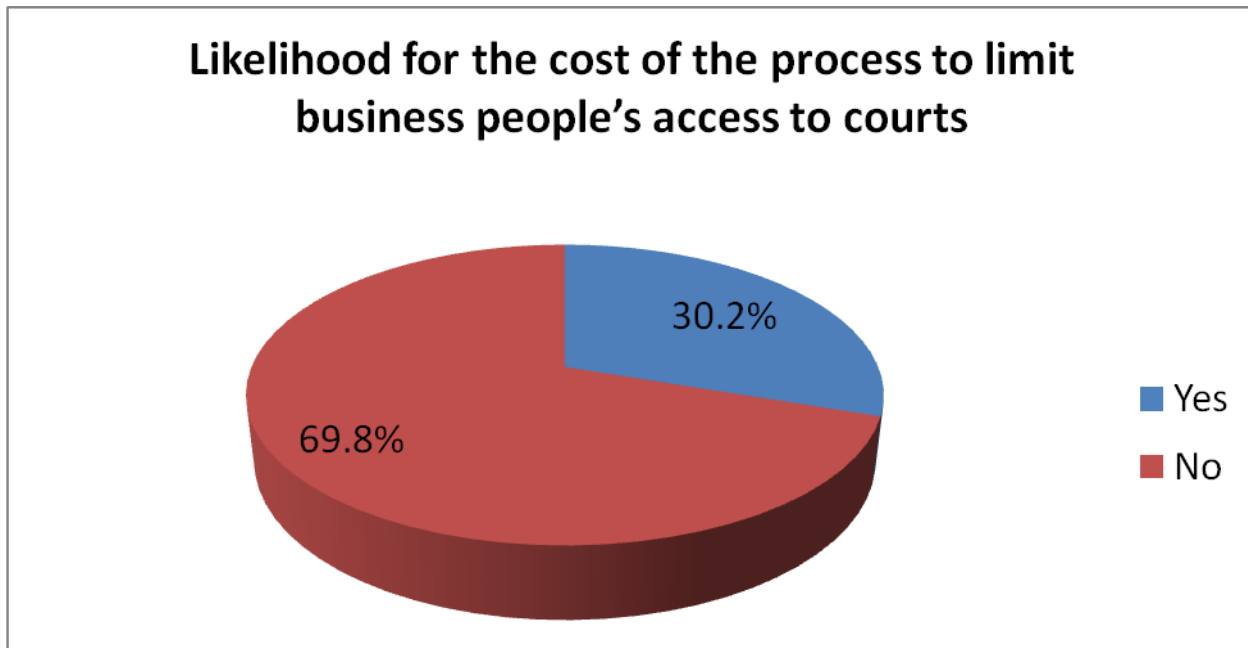


Court costs prove to be relatively higher in commercial courts than in other courts. While 81.2% of those who attended other courts spent less than Rwf 50,000, the above graph shows that 24.1%, 12.1% and 22.4% of those who attended commercial courts spent between Rwf 250,000- 500,000; Rwf 500,000 and Rwf 1,000,000 and more than Rwf 1,000,000 respectively. Cumulatively, the minimum court costs for 58,6% of business people who attended commercial courts is Rwf 250,000. The biggest part of the costs involves lawyers' fees. In general, the higher the value of the subject matter, the higher the lawyers' fees.

V.8.11.Likelihood for the cost of the process to limit business people’s access to courts

One might think that high costs could prevent some business people to access courts; the extent to which this hypothesis is true is presented below.

Figure 59: Likelihood for the cost of the process to limit business people’s access to courts



Nearly 7 out of 10 business people do not feel that the court costs would restrict their access to justice on commercial related matters. However, around 3 out of 10 expressed an opposite view. These are mainly small-size business people who feel that court costs, especially lawyers’ fees, are very expensive. Interestingly, it was found that in many areas business people have established “*Komite Nkemurampaka z’Abacuruzi*⁷⁰” which are meant, among other things, to facilitate mediation in cases of disputes between members of the business communities. This might be a consequence of the excessive court costs, among other things.

⁷⁰ In English, “Mediation committee of business people”

VI. CONCLUSION AND RECOMMENDATIONS

This Justice Sector User Perception Survey was conducted as part of the Sector-Wide Approach (SWAp) Action Plan with an ultimate objective of developing, conducting and analysing a countrywide Justice Sector User Perception and Victimization Study and get feedback from individuals and communities on the performance of service delivery by selected institutions in the JRLOS.

This nationwide survey used both quantitative and qualitative approaches and involved both ordinary people randomly selected from their households, and members of the business community with experience with commercial courts. With reference on JRLOS M&E comprehensive framework, six indicators were developed. For each of the six indicators, one baseline figure was calculated and highlighted in its color of scoring. For reminder, below is the table indicating the color attributed to each score of indicators:

Response option	Score	Perception value
Inexistent/very low performance	0.0–1.9	0%–20%
Low performance	2.0–2.9	21%–40%
Moderate performance	3.0–3.9	41%–60%
High performance	4.0-4.9	61%–80%
Very high performance	5.0	81%–100%

Furthermore, a number of sub-indicators were also measured in order to provide more details and additional information on the indicators.

The formula used to calculate indicators' scores is explained in the methodology chapter, paragraph II.4.

Below is the table providing the score of the six indicators and their sub-indicators (where appropriate):

JRLOS Indicator		Performance indicator	Baseline 2012
Community perception of access to legal advice		Population's satisfaction with the quality of legal advice	68.4%
Sub-indicators	Right to legal advise	% of people who believe they have a right to legal advise	97.5%
	% of population with regular access to legal advise	% of people who received legal advise from private lawyers when they needed it	12.9%
		% of people who received legal advise from MAJ when they needed it	7.2%
		% of people who received legal advise from NGOs when they needed it	1.5%
		% of people who received legal advise from Abunzi when they needed it	29.7%

	Distance from provision	% of people whose walk to the legal advice provision took less than two hours (10kms)	86.9%
	Time taken to get legal advice	% of people whom it took less than a month to get legal advice	69.3%
	Affordability of legal advice	% of people with the feeling that the cost of legal advice was affordable	55.4%
Community perception of access to legal representation		Population's satisfaction with the quality of legal representation	69.3%
Sub-indicators	Population with regular access to legal representation	% of people who received legal representation from private lawyers when they needed it	43.7%
	Distance from provision	% of people who received legal representation from lawyers hired NGOs when they needed it	20.2%
		% of people whose walk to the legal representation provision took less than two hours (10kms)	81.7%
	Time taken to get legal representation	% of people whom it took less than a month to get legal representation	62.3%
	Affordability of legal representation	% of people with the feeling that the cost of legal representation was affordable	41.7%
	Population with access to the services of mediation committees	Level of population's satisfaction with the time taken to process a case by mediation committees from submission to the decision	72.3%
	Population's satisfaction with impartiality of Abunzi	Level of population's satisfaction with impartiality of Abunzi	73%
Community perceptions of accessibility and quality of Abunzi		Overall level of satisfaction with Abunzi	73.2%
Sub-indicators	Level of population's satisfaction with independence of Abunzi	Level of population's satisfaction with independence of Abunzi	73.9%
	Population's satisfaction with Abunzi ability to refrain from corruption	Level of population's satisfaction with Abunzi ability to refrain from corruption	74.3%
	Population's satisfaction with Abunzi's skills in mediation	Level of population's satisfaction with Abunzi's skills in mediation	72.5%
Public perception of the rule of law and the performance of sector institutions⁷¹		Public perception of the quality and accessibility of judicial services in general	75.9%
Sub-indicators	Level of population awareness of selected sector institutions	Rwanda National Police	98.4
		National Unity and Reconciliation Commission	91.1
		Office of the Ombudsman	85.8
		National Commission for Human Rights	76.8
		Rwanda Correctional Services	68.2
		National Public Prosecution Authority	55.8

⁷¹ The key elements of "rule of law" identified by the Joint Governance Assessment are independence and integrity (and thus impartiality) of the judiciary, access to justice, as well as efficiency and effectiveness. While more details on such a wide indicators are provided as sub-indicators, for the sake of the baseline it was decided that "quality and accessibility" were an acceptable proxy for rule of law, with "quality" encompassing the concepts of independence, integrity and efficiency/effectiveness.

	Level of population's satisfaction with the services rendered by selected sector institutions	Maison d'Accès à la Justice (MAJ)	27.3
		Rwanda National Police	82.9
		National Unity and Reconciliation Commission	82.8
		National Public Prosecution Authority	81.8
		Office of the Ombudsman	81.2
		Maison d'Accès à la Justice (MAJ)	81.0
		Rwanda Correctional Services	79.0
		National Commission for Human Rights	78.2
		Judiciary	73.3
	Extent to which laws are being complied with by central government leaders in Rwanda	Level of compliance with existing laws by central government leaders	79.1%
Extents to which laws are being respected to by local government leaders in Rwanda	Level of compliance with existing laws by local government leaders	71.8%	
Population's agreement with the statement that "In Rwanda all law breakers are prosecuted"	Level of population's agreement with the statement that "In Rwanda all law breakers are prosecuted"	78.4%	
Public perception of the level of personal and property security		Peoples' personal security	83.5%
		Security of people's property	80.0%
Sub-indicators	Personal security of people's household members	Level of people's satisfaction with the security of their household members	83.9%
	People's personal security while traveling/walking at night	Level of people's satisfaction with their physical security while traveling/walking at night	78.8%
	Rwanda National Police's role of crime prevention	Level of people's satisfaction with the role of Rwanda National Police in crime prevention	82.8%
	Rwanda National Police's role of responding on time in case of crime alert	Level of people's satisfaction with the role of Rwanda National Police in responding on time in case of crime alert	82.1%
	Community policing role of crime prevention	Level of people's satisfaction with the role of Community policing in crime prevention	77.4%
Perception of the business community of the commercial justice system		Business people's satisfaction with the fairness of decisions made by commercial courts ⁷²	65.6%
Sub-indicators	Access to commercial courts by Business people	Level of affordability vis-à-vis the court costs	69.8%
		% of Business people whom it took less than six months to get the verdict since the case submission	55.6%
		% of people whose walk to commercial court took less than two hours (10kms)	61.1%
	Business people's satisfaction with	level of business people's satisfaction with decisions made by commercial	61.5%

⁷²It was decided that the indicator on "Perception of the business community of the commercial justice system" could be measured as "Business people's satisfaction with the fairness of decisions made by commercial courts" because this is a more direct and easily understandable question to ask to the business people interviewed.

	decisions made by commercial courts	courts	
	Business people's satisfaction with the independence of judges in commercial courts	level of business people's satisfaction with the independence of judges in commercial courts	65.4%
	Business people's perception of the level of corruption among judges in commercial courts	level of business people's perception of the level of corruption among judges in commercial courts	13.6%

A look at the key indicators reveals that they all scored above 65%, the highest being the perception of personal security and security of assets (83.5% and 80% respectively) while the lowest is the business people's satisfaction with the fairness of decisions made by commercial courts (65.6%).

A closer look at the sub-indicators, however, unveils a more diverse situation. Concerning legal advice, the baseline performance indicator of population's satisfaction with the quality of legal advice is 68.4% but it is interesting to note that almost all respondents felt they have a right to it (97.5%) while at the same time very few requested such service from some of the key institutions in charge of it such MAJ (7.2%); results also show that the costs involved are a more serious obstacle to legal advice than the distance from a relevant institution. Similarly when it comes to legal representation, the indicator of population's satisfaction with the quality of legal representation is 69.3% but again the costs of the service seem to be the major problem in accessing such representation.

The overall satisfaction with Abunzi is quite high at 73.2% with no significant difference among the sub-indicators. In terms of rule of law, the indicator of public perception of the quality and accessibility of judicial services in general is again relatively high at 75.9% but there is a striking difference in the awareness of justice-related bodies, with virtually everybody aware of the police (98.4%) and very few who know MAJ (27.3%), while the respondents' satisfaction is slightly higher with the police and specific institutions such as NURC than with ordinary courts; moreover the central government is perceived to comply with laws a little more than local authorities. The perception of security, as stated above, is high both for personal and assets security, with just a minor feeling of insecurity at night, and the role of the police in this seems to be more positive than the role of community policing. Finally, business people seem to be globally more critical than ordinary citizens on the efficiency, accessibility and independence of the commercial justice system, with all indicators scoring considerably worse, though still well above 50%.

Based on these findings, the following actions are recommended:

- A. Ministry of Justice, other justice sector institutions and CSOs should double effort to raise the population awareness of laws and on the role and functions of the justice sector institutions , as well as on the requirements for the population to get services from these institutions.

- B. The Ministry of Justice should empower MAJ to enable it to grant legal representation service to the population; this should include scaling up their coverage to reach out to rural community and better inform the population on their existence and functions
- C. Similarly, NGOs involved in providing legal advice and representation should also expand their coverage to be closer to people especially the poor and those in remote areas. Increasing the free legal advice and representation provided by both MAJ and those NGOs would be vital in reducing court costs for the population
- D. The Ministry of Justice in collaboration with MINALOC should put in place a joint mechanism to ensure that bailiffs based in decentralized entities do execute courts decisions correctly
- E. The Ministry of Justice should spearhead the revision of the law governing the organisation and functioning of Mediation committees to increase their competences, and strengthen their skills so as to be able to examine some civil cases currently in the competence of ordinary courts. This would not only shorten the time that litigants spend in courts, but also reduce court costs borne by litigants.
- F. Institutions involved in regular assessment of governance with a focus on corruption should put focus specifically on corruption in justice sector including in commercial courts.
- G. The Ministry of internal security and MINALOC should empower cooperatives of Inkeragutabara (reserve force) to increase their contribution in ensuring security at the community level, including fighting against robbery.
- H. The Ministry of Justice and the Private Sector should empower and formalize the emerging Komite Nkemurampaka z'Abacuruzi (Business People Mediation Committee) as they would play a vital role in reducing the number of cases in both mediation committees and commercial courts, and therefore shorten the time and reduce money spent in courts.
- I. The Ministry of Justice, MAJ, Local leaders, NGOs and FBOs should sensitize the population on getting rid of the bad culture of unjustified legal actions and appeals (umuco wo gukururana mu nkiko).
- J. Given that some cases of victimization go unreported, the Ministry of Justice, NPPA, National Police, Local leaders, NGOs and FBOs should sensitize the population on the necessity to report such cases both as a crime prevention mechanism and a strategy to increase people's access to justice; consequently reporting mechanisms should be made more accessible and confidential.

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VIII.APPENDICES

VIII.1. APPENDIX I : CRIMES REGISTERED INTO THE FILES FOR PRIMARY LEVEL

CRIME	Registered cases	Cases transferred to the court	Closed cases	Cases transferred elsewhere	Cases under trial
Assault and battery	3574	1815	194	45	1520
Drug abuse	3013	2107	185	73	648
Theft	945	377	60	24	484
Breach of trust	543	176	38	12	317
Fraud	520	188	30	8	294
Blackmailing	407	128	36	4	239
Gender based violence	363	177	18	1	167
Bad check	363	86	105	3	169
Environmental degradation	251	96	29	3	123
Polygamy/concubinage/ adultery	250	96	24	4	126
Rebellion	214	66	37	2	109
Counterfeit money	198	80	29	2	87
Forgery and use of forged documents	139	41	18	6	74
Smuggling	133	52	3	2	76
Damage of materials/buildings	110	47	11	1	51
Illegal exploitation/trade of minerals	106	64	8	1	33
Discrimination and social division	105	19	17	3	66
Destruction of someone's property	101	38	21	1	41
Smuggling and selling prohibited goods	97	44	4	1	48
Forcible entry	84	25	11	0	48
Despicable actions	77	23	7	2	45
Corruption	76	36	9	8	23
Plagiarism	74	29	10	0	35
Act of desecration against peace keepers	70	24	6	0	40
Abandoning home/ forsaking children	66	15	2	0	49
Harsh punishments against child	49	24	2	1	22
Involuntary homicide	43	25	9	3	6
Illegal weapon owning	40	27	8	0	5
	31	6	2	1	22

Defamation and insults					
Involvement in prisoner's escape	30	14	1	1	14
Violation of national tender law	27	16	5	0	6
Hiding/selling fraudulent items	25	5	3	1	16
Selling someone's property	24	16	1	0	7
Child casting	23	12	3	2	6
Desecration of national emblem	22	5	3	2	12
Uproot/shifting boundaries	21	6	5	1	9
Burning	18	2	6	1	9
Forsaking people in danger	18	6	3	0	9
Robbery	16	4	2	6	4
Involuntary corporal hurt	15	7	5	3	0
Illegal imprisonment	14	5	2	1	6
Involving children in prostitution	13	1	2	1	9
False accusations	13	3	1	0	9
Gambling	12	5	3	0	4
Defamation against the President of the Republic	12	5	0	0	7
Early marriage	12	3	1	3	5
Refusal to pay the due	12	2	3	0	7
Destruction of infrastructure	12	3	2	0	7
Rape	11	2	1	6	2
Voluntary abortion	11	3	4	3	1
Poisoning	10	1	2	2	5
Escaping from prison	10	4	0	0	6
Selling prohibited products	9	2	4	0	3
Illegal tax exemption	8	2	1	1	4
Harassment	8	2	0	0	6
Usurping documents	8	3	0	0	5
Genocide ideology	7	1	0	4	2
Strike	7	0	0	0	7
Appeal for hidden power	7	2	3	0	2
Opposing the power of law	6	2	2	0	2
Illegal immigration	6	2	1	1	2
Corpse mutilation	5	2	0	0	3

Perjury	5	1	0	0	4
Plagiarism	5	0	0	0	5
Infanticide	5	0	0	1	4
Selling pawn	4	1	1	0	2
Creation of criminal group	4	0	0	1	3
Kidnapping	4	1	0	1	2
Driving drunk	3	0	0	3	0
Genocide revisionism	2	0	0	1	1
Fraud of votes	2	0	1	0	1
Concussion	1	1	0	0	0
Children trafficking	1	0	0	0	1
Confiscation	1	0	0	0	1
Hiding criminal	1	0	0	0	1
Violation of human freedom	1	0	0	0	1
Misuse of public property	1	0	1	0	0
Hijacking a person	1	0	0	0	1
Drunkenness in public	1	1	0	0	0
Pawning someone's property	1	0	0	0	1
Swamping	1	0	1	0	0
Illegal monopolization of wealth	1	1	0	0	0
Terrorism	1	0	0	0	1
Inciting people for revolt	1	0	1	0	0
Divulgence of secrets	1	0	0	0	1
Illegal exchange of currencies	1	1	0	0	0
Counterfeiting national emblem	1	1	0	0	0
TOTAL	12544	6087	1007	257	5193

VIII.2.APPENDIX II : CRIMES REGISTERED INTO THE FILES FOR SECONDARY LEVEL

CRIME	Registered cases	Case transferred to the court	Closed cases	Cases transferred elsewhere	Cases under trial
Robbery	2403	1173	95	14	1121
Road accident	2218	318	436	4	1460
Rape	1219	612	178	2	427
Child based sexual violence	1056	433	201	0	422
Documents forgery	555	195	36	4	320
Drug abuse	420	131	61	2	226
Dud/bad check	414	204	20	5	185
Assault and battery	325	152	33	7	133
Embezzlement of national fund	150	71	13	0	66
Genocide ideology	136	54	10	5	67
Corruption	129	71	10	1	47
Driving drunk	122	4	45	0	73
Voluntary abortion	119	42	15	2	60
Genocide revisionism	101	30	22	2	47
Involuntary homicide	80	42	2	0	36
Counterfeit currency	69	33	3	3	30
Perjury	66	25	8	1	32
Blackmailing	63	35	3	1	24
Theft	39	7	3	5	24
Counterfeit of national emblem	32	14	2	0	16
Forsaking people in danger	31	16	2	0	13
Destruction of infrastructure	27	8	2	1	16
Damage of someone's property	26	7	2	1	16
Burning	23	3	16	3	1
Illegal weapon owning	19	9	1	0	9
To rebel	19	7	1	0	11
Illegal exploitation/ trade of minerals	18	3	0	0	15
Breach of trust	17	6	0	4	7
Kidnapping	16	10	0	0	6
Polygamy/concubinage/ adultery	16	0	6	0	10
Child casting	15	9	0	3	3
Genocide	12	2	0	0	10
Murder	12	3	0	5	4

Harassment against witness	11	3	0	1	7
Environmental degradation	10	0	1	0	9
Violation of national freedom	9	1	0	4	4
Terrorism	8	3	1	0	4
Forcible entry	8	0	1	0	7
Illegal imprisonment	7	5	2	0	0
Involving children into prostitution	7	1	1	0	5
Poisoning	7	0	0	0	7
Discrimination and social division	7	1	1	0	5
Killing animals	7	3	1	0	3
Killing	7	3	0	1	3
Harsh punishments against a child	6	2	0	0	4
Hiding stolen items	5	5	0	0	0
False accusations	5	1	1	0	3
Bewitching	5	2	0	0	3
Infanticide	5	1	0	1	3
Smuggling prohibited goods	5	2	0	0	3
Fraud/Swindling	5	4	0	1	0
Despicable actions	4	1	0	0	3
Involuntary corporal hurt		2	0	0	2
Uproot/ Shifting boundaries	4	0	0	0	4
Creation of criminal group	4	1	0	0	3
Shielding a criminal	3	0	1	0	2
Misuse of public property	3	0	1	0	2
Destruction of materials and buildings	3	0	1	1	1
Smuggling	3	0	0	0	3
Plagiarism	3	1	0	0	2
Assassination attempt	3	1	0	2	0
Desecration against peace keepers	3	1	0	0	2
Gender based violence	2	0	0	0	2
Early marriage	2	0	0	0	2
Illegal emigration	2	1	0	0	1
Involvement in prisoners' escape	2	0	0	0	2
Sexual mutilation	2	1	0	0	1
Trans-boundary robbery	2	0	0	1	1

Human trafficking	1	0	0	0	1
Defamation against national leaders	1	0	0	0	1
Abandoning home	1	0	0	0	1
Insults and defamation	1	1	0	0	0
Inciting people for revolt	1	0	1	0	0
Opposing the power of law	1	0	0	0	1
Violation of national tender law	1	0	1	0	0
Desecration of national emblem	1	0	0	0	1
Capture a person for fun	1	0	0	0	1
Betrayal	1	0	0	0	1
Drunkenness in public	1	0	0	0	1
Parricide	1	0	0	0	1
Murder attempt	1	1	0	0	0
Total	10153	3777	1240	87	5049

VIII.3. APPENDIX III: CRIMES REGISTERED INTO THE FILES FOR NATIONAL LEVEL

CRIME	Registered cases	Cases transferred to the court	Closed cases	Cases transferred elsewhere	Cases Remaining
Murder	199	126	35	11	27
Killing	105	55	21	8	21
Murder attempt	89	47	18	7	17
Drug smuggling	67	47	5	2	13
Infanticide	51	26	1	5	19
Killing attempt	40	18	8	1	13
Violation of national freedom	36	24	1	2	9
Bewitching	33	12	12	2	7
Parricide	17	11	0	1	5
Parricide attempt	3	1	1	0	1
Trans-border robbery	2	1	1	0	0
Bewitching attempt	2	0	2	0	0
Infanticide attempt	2	1	0	0	1
Terrorism	1	1	0	0	0
TOTAL	647	370	105	39	133

VIII.4. Disaggregation by Gender

1. Population's satisfaction with the quality of legal advice

	Frequency		Percent	
	Male	Female	Male	Female
Not satisfied at all	41	51	11.3%	16.1%
Dissatisfied	34	45	9.3%	14.2%
Somewhat satisfied	33	33	9.1%	10.4%
Satisfied	196	149	53.8%	47.0%
Very satisfied	60	39	16.5%	12.3%
Total	364	317	100.0%	100.0%
Score	3.55	3.25	71.0%	65.0%

2. Population's satisfaction with the quality of legal representation

	Frequency		Percent	
	Male	Female	Male	Female
Not satisfied at all	20	29	8.2%	13.4%
Dissatisfied	30	31	12.2%	14.4%
Somewhat satisfied	21	28	8.6%	13.0%
Satisfied	129	103	52.7%	47.7%
Very satisfied	45	25	18.4%	11.6%
Total	245	216	100.0%	100.0%
Score	3.61	3.30	72.2%	65.9%

3. Overall level of satisfaction with Abunzi

		Not satisfactory at all	Not satisfactory	Moderately Satisfactory	Satisfactory	Very Satisfactory	Score in %
Time taken by mediation committees to announce their decisions	Male	5.10%	16.80%	9.90%	45.40%	22.70%	72.7%
	Female	6.10%	13.80%	13.40%	49.00%	17.70%	71.7%
Independence of mediation committees	Male	4.30%	15.20%	9.70%	46.10%	24.70%	74.3%
	Female	6.50%	12.10%	8.80%	52.90%	19.70%	73.4%
Fairness and Impartiality of mediation committees	Male	6.90%	16.10%	8.60%	40.30%	28.00%	73.2%
	Female	7.30%	14.80%	7.50%	48.50%	22.00%	72.7%
level of corruption among mediation committees	Male	6.60%	13.40%	10.60%	37.90%	31.50%	74.9%
	Female	7.20%	13.20%	8.10%	48.10%	23.40%	73.5%
Mediators' skills	Male	6.30%	14.70%	13.20%	40.10%	25.80%	72.9%
	Female	7.40%	12.30%	12.50%	47.80%	20.00%	72.1%
Overall Score					MALE	73.6%	
					FEMALE	72.7%	

4. Public perception of the quality and accessibility of judicial services in general

			Not satisfactory at all	Not satisfactory	Not satisfactory	Satisfactory	Very Satisfactory	Total	Score
Time taken by courts to announce their decisions	Male	Fr	36	59	53	171	50	369	3.38
		%	9.8%	16.0%	14.4%	46.3%	13.6%	100.0%	67.6%
	Female	Fr	22	50	46	128	45	291	3.43
		%	7.6%	17.2%	15.8%	44.0%	15.5%	100.0%	68.5%
Independence of judges in taking decisions	Male	Fr	9	29	38	218	57	351	3.81
		%	2.6%	8.3%	10.8%	62.1%	16.2%	100.0%	76.2%
	Female	Fr	15	29	31	169	39	283	3.66
		%	5.3%	10.2%	11.0%	59.7%	13.8%	100.0%	73.3%
Fairness and Impartiality of judges	Male	Fr	18	32	48	197	68	363	3.73
		%	5.0%	8.8%	13.2%	54.3%	18.7%	100.0%	74.6%
	Female	Fr	13	36	23	159	48	279	3.69
		%	4.7%	12.9%	8.2%	57.0%	17.2%	100.0%	73.8%
Level of corruption among judges in courts	Male	Fr	14	31	34	177	73	329	3.80
		%	4.3%	9.4%	10.3%	53.8%	22.2%	100.0%	76.0%
	Female	Fr	12	27	24	146	55	264	3.78
		%	4.5%	10.2%	9.1%	55.3%	20.8%	100.0%	75.5%
Overall score								Male	73.6%
								Female	72.8%

5. Public perception of the level of personal and property security

			Very dissatisfied	Dissatisfied	Somewhat satisfied	Satisfied	Very satisfied	Total	Score
Peoples' personal security	Male	Fr	5	20	49	769	397	1240	4.24
		%	1.4%	5.4%	13.3%	208.4%	107.6%	336.0%	84.7%
	Female	Fr	9	35	59	651	321	1075	4.15
		%	3.1%	12.0%	20.3%	223.7%	110.3%	369.4%	83.1%
Security of people's property	Male	Fr	10	49	111	758	312	1240	4.06
		%	2.8%	14.0%	31.6%	216.0%	88.9%	353.3%	81.2%
	Female	Fr	22	113	222	1387	570	2314	4.02
		%	7.8%	39.9%	78.4%	490.1%	201.4%	817.7%	80.5%
Overall score								Male	83.0%
								Female	81.8%

6. Business people's satisfaction with the fairness of decisions made by commercial courts

	Frequency		Percent	
	Male	Female	Male	Female
Very unfair	3	0	0.8%	0.0%
Unfair	15	4	4.1%	1.3%
Somewhat fair	10	4	2.7%	1.3%
Fair	25	7	6.9%	2.2%
Very Fair	6	1	1.6%	0.3%
Total	59	16	16.2%	5.0%
Score	3.27	3.31	65.4%	66.3%

VIII.5. Disaggregation by Residence

1. Population's satisfaction with the quality of legal advice

	Frequency		Percent	
	Urban	Rural	Urban	Rural
Not satisfied at all	21	72	13.6%	13.9%
Dissatisfied	16	60	10.4%	11.6%
Somewhat satisfied	16	51	10.4%	9.8%
Satisfied	79	261	51.3%	50.4%
Very satisfied	22	74	14.3%	14.3%
Total	154	518	100.0%	100.0%
Score	3.42	3.40	68.4%	67.9%

2. Population's satisfaction with the quality of legal representation

	Frequency		Percent	
	Urban	Rural	Urban	Rural
Not satisfied at all	8	41	6.3%	12.3%
Dissatisfied	18	42	14.2%	12.7%
Somewhat satisfied	17	33	13.4%	9.9%
Satisfied	64	167	50.4%	50.3%
Very satisfied	20	49	15.7%	14.8%
Total	127	332	100.0%	100.0%
Score	3.55	3.42	71.0%	68.5%

3. Overall level of satisfaction with Abunzi

		Not satisfactory at all	Not satisfactory	Moderately Satisfactory	Satisfactory	Very Satisfactory	Total	Score in %
Time taken by mediation committees to announce their decisions	Urban	5.6%	15.9%	10.8%	48.2%	19.5%	100.0%	72.0%
	Rural	5.6%	15.4%	11.6%	46.7%	20.7%	100.0%	72.3%
Independence of mediation committees	Urban	5.9%	16.6%	8.6%	49.7%	19.3%	100.0%	72.0%
	Rural	5.1%	13.1%	9.5%	49.0%	23.3%	100.0%	74.5%
Fairness and Impartiality of mediation committees	Urban	7.3%	17.3%	6.3%	50.3%	18.8%	100.0%	71.2%
	Rural	7.0%	15.1%	8.6%	42.4%	26.9%	100.0%	73.4%
level of corruption among mediation committees	Urban	5.5%	16.4%	8.7%	47.0%	22.4%	100.0%	72.9%
	Rural	5.5%	15.4%	11.9%	46.7%	20.4%	100.0%	72.2%
Mediators' skills	Urban	4.8%	16.9%	14.8%	44.4%	19.0%	100.0%	71.1%
	Rural	7.3%	12.8%	12.4%	43.3%	24.2%	100.0%	72.9%
Overall Score					URBAN			71.9%
					RURAL			73.0%

4. Public perception of the quality and accessibility of judicial services in general

			Not satisfactory at all	Not satisfactory	Not satisfactory	Satisfactory	Very Satisfactory	Total	Score
Time taken by courts to announce their decisions	Urban	Fr	7	23	18	72	25	145	3.59
		%	4.8%	15.9%	12.4%	49.7%	17.2%	100.0%	71.7%
	Rural	Fr	51	85	82	226	67	511	3.34
		%	10.0%	16.6%	16.0%	44.2%	13.1%	100.0%	66.8%
Independence of judges in taking decisions	Urban	Fr	5	13	11	93	22	144	3.79
		%	3.5%	9.0%	7.6%	64.6%	15.3%	100.0%	75.8%
	Rural	Fr	19	44	58	294	71	486	3.73
		%	3.9%	9.1%	11.9%	60.5%	14.6%	100.0%	74.6%
Fairness and Impartiality of judges	Urban	Fr	3	24	17	82	20	146	3.63
		%	2.1%	16.4%	11.6%	56.2%	13.7%	100.0%	72.6%
	Rural	Fr	28	43	53	274	94	493	3.73
		%	5.7%	8.7%	10.8%	55.6%	19.1%	100.0%	74.6%
Level of corruption among judges in courts	Urban	Fr	1	22	16	77	21	137	3.69
		%	0.7%	16.1%	11.7%	56.2%	15.3%	100.0%	73.9%
	Rural	Fr	25	34	42	247	105	453	3.82
		%	5.5%	7.5%	9.3%	54.5%	23.2%	100.0%	76.5%
Overall score							URBAN	73.5%	
							RURAL	73.1%	

5. Public perception of the level of personal and property security

			Very dissatisfied	Dissatisfied	Somewhat satisfied	Satisfied	Very satisfied	Total	Score
Peoples' personal security	Urban	Fr	1	9	26	331	144	511	4.19
		%	0.2%	1.8%	5.1%	64.8%	28.2%	100.0%	83.8%
	Rural	Fr	12	44	85	1099	557	1797	4.19
		%	0.7%	2.4%	4.7%	61.2%	31.0%	100.0%	83.9%
Security of people's property	Urban	Fr	4	20	44	312	131	511	4.07
		%	0.8%	3.9%	8.6%	61.1%	25.6%	100.0%	81.4%
	Rural	Fr	18	90	181	1080	427	1796	4.01
		%	1.0%	5.0%	10.1%	60.1%	23.8%	100.0%	80.1%
Overall score							Urban	82.6%	
							Rural	82.0%	

6. Business people's satisfaction with the fairness of decisions made by commercial courts

	Frequency		Percent	
	Urban	Rural	Urban	Rural
Very unfair	<i>3</i>	<i>0</i>	6.4%	0.0%
Unfair	<i>14</i>	<i>5</i>	29.8%	17.9%
Somewhat fair	<i>10</i>	<i>4</i>	21.3%	14.3%
Fair	<i>14</i>	<i>18</i>	29.8%	64.3%
Very Fair	<i>6</i>	<i>1</i>	12.8%	3.6%
Total	<i>47</i>	<i>28</i>	100.0%	100.0%
Score	3.13	3.54	62.6%	70.7%

VIII.5. QUESTIONNAIRES

VIII. 5.1. SURVEY QUESTIONNAIRE ON JUSTICE SECTOR USER PERCEPTION AND VICTIMIZATION STUDY

CITIZENS' QUESTIONNAIRE

INTRODUCTION

Hello. My name is _____ and I am an independent researcher working with Transparency Rwanda. We are conducting, on behalf of the Ministry of Justice, a country wide study on Justice Sector User Perception and Victimization Study and get feedback from individuals and communities on the performance of service delivery by the following Institutions : MINIJUST; Supreme Court, including Commercial Courts; National Prosecution Authority; National Police, MAJ, National Commission for Human Rights, National Correctional Service and Abunzi. The study aims to :

- Measure the community perception of access to legal advice and representation.
- Identify the public perception of the rule of law, the quality and accessibility of judicial services in general;
- Measure the performance of all sector institutions;
- Identify the perception of the level of security in the cities and the districts; and
- Identify the perception of the business community in respect of commercial justice system.
- Measure the perception of victimization

We are conducting interviews with Rwandans in different districts of the country. Your household was selected randomly, and we would like to interview one adult person. All of the information you give us is completely confidential. This information will be combined with that provided by thousands of other Rwandans. There will be no way to identify your individual answers, so please feel free to tell us what you really think.

If you feel uncomfortable, you may decline to answer any question, or end the interview at any time with no negative consequences.

We sincerely appreciate your participation in the Justice Sector User Perception and Victimization Study. If you have any questions about the study or your participation after the interview is over, please contact MUPIGANYI Apollinaire on 0788309563.

FOR FIELD SUPERVISOR

Supervisor Name: Supervisor Number:

Completed Questionnaire Checked and Approved by Supervisor: Check if yes:

Date Approved: / /
DD / MM / YYYY

FOR DATA ENTRY SUPERVISOR

Data Entry Supervisor Name: Data Entry Supervisor Number:

Completed Questionnaire checked and approved by office:
Check if yes:

Date Approved: / /
DD / MM / YYYY

Name of Data Entry Clerk for First Data Entry:

Date of First Data Entry: / /

	DD / MM / YYYY
Survey Number	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

West/	5 <input type="checkbox"/>
-------	----------------------------

DEMOGRAPHIC INFORMATION (Interviewer fills out)

1. Province /	Code/
Kigali City/	1 <input type="checkbox"/>
South /	2 <input type="checkbox"/>
East /	3 <input type="checkbox"/>
North /	4 <input type="checkbox"/>

2. District/	
3. Sector /	
4. Cell /	
5. Village/	

6 150,001-200,000

7 200,001-250,000

8 250,001-300,000

8 300,001+

6. GENDER

1 Male

2 Female

7. RESIDENCE

1 Urban

2 Rural

8. AGE GROUP

Which of the following age groups do you belong to?

1 18-24

2 25-29

3 30-34

4 35-39

5 40-44

6 45-49

7 50-54

8 55-59

8 60+

9. HOUSEHOLD MONTHLY INCOME

1 Less than 15000

2 15,001-30,000

3 30,001-60,000

4 60,001-100,000

5 100,001-150,000

10. Which of the following categories best describes you

1 Self-employed, agriculture

2 Self-employed, business

3 Employee, state or public sector

4 Employee, private sector

5 Student

6 Unemployed

11. What is the highest level of education have you attained?

1 None

2 Uncompleted primary

3 Completed primary

4 Uncompleted secondary

5 Completed secondary

6 Uncompleted tertiary

7 Completed tertiary (with a degree)

ACCESS TO LEGAL ADVICE & REPRESENTATION

Next, I would like to ask some questions about access to legal advice

12. Where would you go to get legal advice if you thought you needed it?

MARK ONLY ONE

- 1 Friends
- 2 Family
- 3 Government officials
- 4 Court House
- 5 Police Station
- 6 NGO
- 7 Lawyer
- 8 Access to Justice Bureau (MAJ)
- 9 Legal clinic
- 10 Other (specify)
- 99 Don't know

13. Which of the following institutions are required or mandated to give you legal advice if you ask for it?

MARK AS MANY AS ARE APPLICABLE

- 1 Ministry of Justice
- 2 National Commission for Human Rights
- 3 Institute of Legal Development
- 4 Abunzi
- 5 MAJ (Maison d'Accès a la Justice)
- 6 Ordinary courts
- 7 Commercial Courts
- 8 National Prosecution Authority
- 9 Rwanda Correction Services
- 10 Other (specify)
- 99 Don't know

14. In the last 3 years did you or any member of your family ever think that you/he/she needed legal advice about any matter?

- 1 Yes

- 2 No

15. If yes to Q.14, where or from whom did you seek that legal advice?

MARK AS MANY AS ARE APPLICABLE

- 1 Ministry of Justice
- 2 National Commission for Human Rights
- 3 Institute of Legal Development
- 4 Abunzi
- 5 MAJ (Maison d'Accès a la Justice)
- 6 Ordinary courts
- 7 Commercial Courts
- 8 National Prosecution Authority
- 9 Rwanda Correction Services
- 10 Family
- 11 Friends
- 12 Private lawyer
- 13 Other (specify)
- 99 Don't know

16. If yes to Q.14, did you have to pay for that legal advice?

- 1 Yes
- 2 No

17. If yes to Q.14, how much did you pay

RWF ||||| |||||

18. If yes to Q 14, do you believe that you should pay for that legal advice?

- 1 Yes
- 2 No

19. If you paid for legal advice, were you able to afford it?

- 1 Yes
- 2 No

20. How long did it take to get the legal advice since the time you applied for it?

- 1 less than a week

- 2 One week
- 3 Two weeks
- 4 Three weeks
- 5 One month
- 6 Two months
- 7 More than 3 months

23. Do you believe that as a citizen you have a right to legal advice if you need it?

- 1 Yes
- 2 No

24. If you have sought legal advice in the last three years from any person or institution, how far did you have to travel to get that legal advice?

- 5 Less than 2 kilometers
- 4 Between 2 and 4 kilometers
- 3 Between 5 and 7 kilometers
- 2 Between 8 and 10 kilometers
- 1 Over 10 kilometers

25. How satisfied were you with the quality of that legal advice?

- 0 Not satisfied at all
- 1 Dissatisfied
- 2 Somewhat satisfied
- 3 Satisfied
- 4 Very satisfied

26. If dissatisfied to Q25, why not?

MARK AS MANY AS ARE APPLICABLE

- 1 Too far to travel
- 2 Advisors not available at reasonable times
- 3 Cost too high
- 4 Believe given bad advice
- 5 Other(specify)

27. Where would you go to get legal representation if you thought you needed it?

MARK ONLY ONE

- 1 Friends
- 2 Family
- 3 Government officials
- 4 Court House
- 5 Police Station
- 6 NGO
- 7 Lawyer
- 8 MAJ (Maison d'Acces a la Justice)
- 9 Legal clinic
- 10 Other (specify)
- 99 Don't know

28. Which of the following institutions are required or mandated to give you representation if you ask for it?

MARK AS MANY AS ARE APPLICABLE

- 1 Ministry of Justice
- 2 National Commission for Human Rights
- 3 Institute of Legal Development
- 4 Abunzi
- 5 MAJ (Maison d'Accès a la Justice)
- 6 Ordinary courts
- 7 Commercial Courts
- 8 National Prosecution Authority
- 9 Rwanda Correction Services
- 10 Other (specify)
- 99 Don't know

29. In the last 3 years did you or any member of your family ever think that you/he/she needed legal representation about any matter?

- 1 Yes
- 0 No

30. If yes to Q.29, where or from whom did you seek that legal representation ?

MARK AS MANY AS ARE APPLICABLE

- 1 Ministry of Justice
- 2 National Commission for Human Rights
- 4 Institute of Legal Development
- 5 Abunzi
- 6 MAJ (Maison d'Accès a la Justice)
- 7 Ordinary courts
- 8 Commercial Courts
- 8 National Prosecution Authority
- 9 Rwanda Correction Services
- 10 Family
- 11 Friends
- 12 Private lawyer
- 99 Don't know

31. If yes to Q.29, did you have to pay for that legal representation ?

- 1 Yes
- 2 No

32. If yes to Q.24, how much did you pay

RWF ||||| |||||

33. If yes to Q 31, do you believe that you should pay for that legal representation?

- 1 Yes
- 2 No

34. If you paid for legal representation, were you able to afford it?

- 1 Yes
- 2 No

35. How long did it take to get the legal representation since the time you applied for it?

- 1 less than a week
- 2 One week
- 3 Two weeks

4 Three weeks

5 One month

6 Two months

7 More than 3 months

36. How satisfied were you with the quality of that legal representation ?

- 0 Not satisfied at all
- 1 Dissatisfied
- 2 Somewhat satisfied
- 3 Satisfied
- 4 Very satisfied

37. If dissatisfied to Q36, why?

MARK AS MANY AS ARE APPLICABLE

- 1 Too far to travel
- 2 Advisors not available at reasonable times
- 3 Cost too high
- 4 Believe given bad advice
- 5 Other(specify)

38. In the last three years have you ever had to attend a court for any matter?

- 1 Yes
- 0 No

39. If yes to Q.38, in what capacity did you attend court?

- 1 Witness in civil case
- 2 Witness in criminal case
- 3 Party in criminal case
- 4 Party civil case
- 5 Other

40. Do you believe that as a citizen you have a right to legal advice and representation if you need it?

- 1 Yes
- 0 No

41. If you have sought legal representation in the last three years from any person or institution, how far did you have to travel to get that legal representation?

- 1 Less than 2 kilometers
- 2 Between 2 and 4 kilometers
- 3 Between 5 and 7 kilometers
- 1 Between 8 and 10 kilometers
- 2 Over 10 kilometers

COMMUNITY PERCEPTIONS OF ACCESSIBILITY AND QUALITY OF MEDIATION COMMITTEES

42. Have you or a member of your household experienced any of the following behaviours in the last 3 years?

	Yes	No
Taking a case to the mediation committee	1 <input type="checkbox"/>	2 <input type="checkbox"/>
Being summoned for a case by the mediation committee	1 <input type="checkbox"/>	2 <input type="checkbox"/>
Following fully a case submitted to a mediation committee	1 <input type="checkbox"/>	2 <input type="checkbox"/>

43. If yes to Q.42 how long did it take for mediation committee to announce their decisions?

- 1 Less than two weeks
- 2 Two to four weeks
- 3 One month and half
- 4 Two months
- 5 More than two weeks
- 99 Don't know

44. How independent are mediation committees in this area?

- 1 Very dependent
- 2 Dependent
- 3 Somewhat independent
- 4 Independent

5 Very independent

99 Don't know

45. How fair/impartial are mediation committees in this area?

- 1 Very unfair
- 2 Unfair
- 3 Somewhat fair
- 4 Fair
- 5 Very fair
- 99 Don't know

47. What is the level of corruption among mediation committees in this area?

- 1 Very high
- 2 High
- 3 Moderate
- 4 Low
- 5 Very low
- 99 Don't know

48. How are you satisfied with the mediators' skills in this area?

- 1 Very dissatisfied
- 2 Dissatisfied
- 3 Somewhat satisfied
- 4 Satisfied
- 5 Very satisfied

49. How are you satisfied with mediators' knowledge of laws governing their work in this area?

- 1 Very dissatisfied
- 2 Dissatisfied
- 3 Somewhat satisfied
- 4 Satisfied
- 5 Very satisfied

PUBLIC PERCEPTION OF THE QUALITY AND ACCESSIBILITY OF JUDICIAL SERVICES IN GENERAL

Next, I would like to ask some questions about quality of and access to judicial services

50. Have you or any member of your household experienced any of the following behaviours in the last 3 years?

	Yes	No
Taking a case to a court	1 <input type="checkbox"/>	2 <input type="checkbox"/>
Acting as a witness before a court	1 <input type="checkbox"/>	2 <input type="checkbox"/>
Acting as a defendant before a court	1 <input type="checkbox"/>	2 <input type="checkbox"/>
Following fully a case submitted to a court	1 <input type="checkbox"/>	2 <input type="checkbox"/>

51. If yes to Q.50, what court did you access?

MARK AS MANY AS ARE APPLICABLE

- 1 Primary Court
- 2 Intermediate Court
- 3 High Court
- 4 Supreme Court
- 5 Commercial Courts
- 6 Other
- 7 Don't know the name

52. If yes to Q.50 how long did it take to settle the case?

- 1 Less than a month
- 2 Two to three months
- 3 Four to five months
- 4 Six to twelve months
- 5 More than a year

53. How satisfied were you with the court's decision?

- 1 Very dissatisfied
- 2 Dissatisfied
- 3 Somewhat satisfied
- 4 Satisfied
- 5 Very satisfied

54. How independent are judges in the court you interacted with?

- 1 Very dependent
- 2 Dependent

- 3 Somewhat independent
- 4 Independent
- 5 Very independent
- 99 Don't know

55. How fair/impartial are judges in the court you interacted with?

- 1 Very unfair
- 2 Unfair
- 3 Somewhat fair
- 4 Fair
- 5 Very fair
- 99 Don't know

57. What is the level of corruption among judges in the court you interacted with?

- 1 Very high
- 2 High
- 3 Moderate
- 4 Low
- 5 Very low
- 99 Don't know

58. If yes to Q.50 how much did the whole process cost you/him/her to come to the verdict?

RWF ||||| |||||

59. Does the cost of going to court a factor that would stop you going to court??

- 1 Yes
- 0 No

60. How far is each of the following courts from your home (in kilometers)?

	Less than 5km	6-10km	11-20km	21-40 km	41-50km	+50km	DK
a. Primary court	6	5	4	3	2	1	99
b. Intermediate court	6	5	4	3	2	1	99
c. High court	6	5	4	3	2	1	99
d. Supreme court	6	5	4	3	2	1	99
e. Commercial court	6	5	4	3	2	1	99

1 Yes

0 No

64. If Yes, how easy is it to access them?

1 Not easy at all

2 Not easy

3 Somewhat easy

4 Easy

5 Very easy

65. If not easy, what are the reasons?

1 Long distance

2 Very expensive

3 Language barrier

4 Don't know to read

5 Other (specify)

RULE OF LAW, REFLECTING THE PERFORMANCE OF SECTOR INSTITUTIONS

61. To what extent are laws respected to by central government leaders in Rwanda? Would you say they are very respected, respected, somewhat respected, not respected, not respected at all?

1 Not respected at all

2 Not respected

3 Somewhat respected

4 Respected

5 Very respected

62. To what extent are laws respected to by local government leaders in Rwanda? Would you say they are very respected, respected, somewhat respected, not respected, not respected at all?

1 Not respected at all

2 Not respected

3 Somewhat respected

4 Respected

5 Very respected

63. Do you know where you can access existing laws if you want to consult them?

66. To what extent do you agree with this statement? "In Rwanda all law breakers are prosecuted" Would say you strongly agree, agree, somewhat agree, disagree, strongly disagree?

1 Strongly disagree

2 Disagree

3 Somewhat agree

4 Agree

5 Strongly agree

6 Don't know

67. Have you ever heard of the National Commission for Human Rights?

1 Yes

0 No

68. If yes to Q.67 how effective is this Commission in fulfilling each of the following functions? Would you say it is very effective, effective, somewhat effective, ineffective, very ineffective or inexistent?

Function	Inexistent	Very ineffective	Ineffective	Somewhat ineffe.	Effective	Very eff.	DK
educating and mobilizing the population on matters relating to human rights	0	1	2	3	4	5	99
examining the violations of human rights committed on Rwandan territory by State organs, public officials using their duties as cover, by organizations and by individuals	0	1	2	3	4	5	99
carrying out investigations of human rights abuses in Rwanda and filing complaints in respect thereof with the competent courts	0	1	2	3	4	5	99
preparing and disseminating an annual and other reports as may be necessary on the situation of human rights in Rwanda	0	1	2	3	4	5	99

69. Have you ever heard of the National Police?

1 Yes

2 No

70. If yes to Q.69 how effective is the National Police in fulfilling each of the following functions? Would you say it is very effective, effective, somewhat effective, ineffective, very ineffective or inexistent?

Function	Inexistent	Very ineffective	Ineffective	Somewhat ineffective	Effective	Very effective	DK
ensuring compliance with the law ;	0	1	2	3	4	5	99
maintenance of internal public order ;	0	1	2	3	4	5	99
ensuring security of person and property;	0	1	2	3	4	5	99
providing urgent humanitarian assistance in case of disasters, calamities and accidents;	0	1	2	3	4	5	99

ensuring respect for the law relating to air space, borders and waters;	0	1	2	3	4	5	99
combating terrorism ;	0	1	2	3	4	5	99
participating in international peace keeping missions, humanitarian assistance and training	0	1	2	3	4	5	99

71. Have you ever heard of the National Public Prosecution Authority?

1 Yes

2 No

72. If yes to Q.71 how effective is the National Public Prosecution Authority in fulfilling each of the following functions? Would you say it is very effective, effective, somewhat effective, ineffective, very ineffective or inexistent?

Function	Inexistent	Very ineffective	Ineffective	Somewhat ineffective	Effective	Very effective	DK
Investigation of crimes committed in Rwanda.	0	1	2	3	4	5	99
Prosecution of crimes committed in Rwanda.	0	1	2	3	4	5	99

73. Have you ever heard of the Rwanda Correctional Services?

1 Yes

0 No

74. If yes to Q.73 how effective is this institution in fulfilling each of the following functions? Would you say it is very effective, effective, somewhat effective, ineffective, very ineffective or inexistent?

Function	Inexistent	Very ineffective	Ineffective	Somewhat ineffe.	Effective	Very eff.	DK
to implement the general policy for the management of detainees and prisoners	0	1	2	3	4	5	99
to respect the rights of detainees and prisoners in accordance with the law	0	1	2	3	4	5	99
to ensure the security of every detainee and prisoner until the completion of his/her sentence	0	1	2	3	4	5	99
to respect the life, physical and moral integrity and well-being of detainees and prisoners	0	1	2	3	4	5	99

to implement effective strategies to enable detainees and prisoners to repent and change their mentality	0	1	2	3	4	5	99
to ensure effective management of prisons and persons serving TIG penalty	0	1	2	3	4	5	99
to oversee the functioning of the administration of prisons and TIG	0	1	2	3	4	5	99
to promote productivity and its effective management in prisons and TIG	0	1	2	3	4	5	99
to develop professional skills and build capacity of RCS employees	0	1	2	3	4	5	99
to develop the skills of detainees and prisoners, and plan sports and leisure activities for them	0	1	2	3	4	5	99
to increase the assets of RCS	0	1	2	3	4	5	99
senzitisation of RCS activities	0	1	2	3	4	5	99

77. Have you ever heard of Maison d'Acces à la Justice (MAJ)?

1 Yes

0 No

78. If yes to Q.75 how effective is MAJ in fulfilling each of the following functions? Would you say it is very effective, effective, somewhat effective, ineffective, very ineffective or inexistent?

Function	Inexistent	Very ineffective	Ineffective	Somewhat ineffective	Effective	Very effective	DK
Provision of juridical advice.	0	1	2	3	4	5	99
Provision of judicial assistance	0	1	2	3	4	5	99
Provision of administrative assistance	0	1	2	3	4	5	99
Provision of orientation	0	1	2	3	4	5	99
Legal representation	0	1	2	3	4	5	99

LEVEL OF SECURITY IN CITIES AND DISTRICTS

Next, I would like to ask some questions about the level of security in cities and districts

79. How satisfied are you with your physical security?

- 1 Very dissatisfied
- 2 Dissatisfied
- 3 Somewhat satisfied
- 4 Satisfied
- 5 Very satisfied

80. How satisfied are you with the physical security of members of your household?

- 1 Very dissatisfied
- 2 Dissatisfied
- 3 Somewhat satisfied
- 4 Satisfied
- 5 Very satisfied

81. How satisfied are you with the security of your property/assets?

- 1 Very dissatisfied
- 2 Dissatisfied
- 3 Somewhat satisfied
- 4 Satisfied
- 5 Very satisfied

82. How satisfied are you with the community policing with regard to its role of crime prevention in this area?

- 1 Very dissatisfied
- 2 Dissatisfied
- 3 Somewhat satisfied
- 4 Satisfied
- 5 Very satisfied

83. How satisfied are you with the National Police with regard to its role of crime prevention in this area?

- 1 Very dissatisfied
- 2 Dissatisfied
- 3 Somewhat satisfied
- 4 Satisfied
- 5 Very satisfied

84. How satisfied are you with the National police with regard to responding on time in case of crime alert?

- 1 Very dissatisfied
- 2 Dissatisfied
- 3 Somewhat satisfied
- 4 Satisfied
- 5 Very satisfied

85. What matters concern you or your family in respect of physical/assets security?

MARK AS MANY AS ARE APPLICABLE

- 1 Street crime
- 2 House robbery
- 3 Business robbery
- 4 Assaults (including murder)
- 5 Sexual assaults
- 6 Crime committed by drunk or drugged people
- 7 Other

86. In the last three years, has the physical/property security conditions where you live:

- 1 Improved
- 2 Stagnated
- 3 Worsened

87. If they improved, which factors contributed to that?

MARK AS MANY AS ARE APPLICABLE

- 1 People behave better
- 2 Government is enforcing the laws
- 3 More effective policing
- 4 Courts are making examples of criminals
- 5 People fear prison sentences
- 6 Less drinking or drug use
- 7 Other

88. If security conditions did not improve, which factors contributed to that?

MARK AS MANY AS ARE APPLICABLE

- 1 People do not fear the law

- 2 Government is not enforcing the laws
- 3 Police are ineffective
- 4 Courts are not operating well
- 5 People do not fear prison sentences
- 6 More drinking or drug use
- 7 Other

89. Which institution is responsible for improving security where you live?

MARK AS MANY AS ARE APPLICABLE

- 1 Ministry of Justice
- 2 Police
- 3 LDU
- 4 Courts
- 5 Army
- 6 Abunzi
- 7 National Prosecution Authority
- d Other

VICTIMISATION

I will now ask some questions about victimization

90. In the last three years, have you personally or a member of your household been the subject of any of the following crimes in Rwanda?

Crime	Yes	No
Attempted Theft/ robbery	1 <input type="checkbox"/>	2 <input type="checkbox"/>
Robbery	1 <input type="checkbox"/>	2 <input type="checkbox"/>
Attempted torture	1 <input type="checkbox"/>	2 <input type="checkbox"/>
Torture	1 <input type="checkbox"/>	2 <input type="checkbox"/>
Attempted murder	1 <input type="checkbox"/>	2 <input type="checkbox"/>
Murder	1 <input type="checkbox"/>	2 <input type="checkbox"/>
Attempted rape non spousal rape	1 <input type="checkbox"/>	2 <input type="checkbox"/>
Rape	1 <input type="checkbox"/>	2 <input type="checkbox"/>
Non spousal rape	1 <input type="checkbox"/>	2 <input type="checkbox"/>
Attempted spousal rape	1 <input type="checkbox"/>	2 <input type="checkbox"/>

Spousal rape	1 <input type="checkbox"/>	2 <input type="checkbox"/>
Attempted rape	1 <input type="checkbox"/>	2 <input type="checkbox"/>
Sexual harassment	1 <input type="checkbox"/>	2 <input type="checkbox"/>
Robbery of assets	1 <input type="checkbox"/>	2 <input type="checkbox"/>
Being asked a bribe	1 <input type="checkbox"/>	2 <input type="checkbox"/>
Child sexual abuse	1 <input type="checkbox"/>	2 <input type="checkbox"/>
Child abduction/stealing	1 <input type="checkbox"/>	2 <input type="checkbox"/>
Domestic /mate violence	1 <input type="checkbox"/>	2 <input type="checkbox"/>
Injury	1 <input type="checkbox"/>	2 <input type="checkbox"/>
Forgery	1 <input type="checkbox"/>	2 <input type="checkbox"/>
Swindle	1 <input type="checkbox"/>	2 <input type="checkbox"/>
Kidnapping	1 <input type="checkbox"/>	2 <input type="checkbox"/>
Extortion	1 <input type="checkbox"/>	2 <input type="checkbox"/>
Breaking and entering	1 <input type="checkbox"/>	2 <input type="checkbox"/>
Insult	1 <input type="checkbox"/>	2 <input type="checkbox"/>
Threat to death	1 <input type="checkbox"/>	2 <input type="checkbox"/>
Psychological violence	1 <input type="checkbox"/>	2 <input type="checkbox"/>

91. If yes to Q.88, who victimized you?

MARK AS MANY AS ARE APPLICABLE

- 1 Local leader
- 2 Police
- 3 Local defense force
- 4 local government agent/staff
- 5 Central government agent/staff
- 6 Judge
- 7 Mediator
- 8 My boss
- 9 Driver
- 10 Neighbor
- 11 Agent of National Prosecution Authority
- 12 Spouse
- 13 Father
- 14 Mother
- 15 Daughter

- 16 Son
- 17 Other relative
- 18 Teacher
- 19 Pupil/student
- 20 House boy/girl
- 15 Other

92. How often has each of the crime you were subject of occurred?

Crime	One time	Two times	Three times	More than three times	N/A
Attempted Theft/ robbery	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	96 <input type="checkbox"/>
Robbery	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	96 <input type="checkbox"/>
Attempted torture	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	96 <input type="checkbox"/>
Torture	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	96 <input type="checkbox"/>
Attempted murder	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	96 <input type="checkbox"/>
Murder	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	96 <input type="checkbox"/>
Attempted non spousal rape	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	96 <input type="checkbox"/>
Non spousal rape	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	96 <input type="checkbox"/>
Attempted spousal rape	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	96 <input type="checkbox"/>
Spousal rape	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	96 <input type="checkbox"/>
Attempted rape	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	96 <input type="checkbox"/>
Sexual harassment	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	96 <input type="checkbox"/>
Robbery of assets	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	96 <input type="checkbox"/>
Being asked a bribe	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	96 <input type="checkbox"/>
Child sexual abuse	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	96 <input type="checkbox"/>
Child abduction/stealing	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	96 <input type="checkbox"/>
Domestic /mate violence	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	96 <input type="checkbox"/>
Injury	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	96 <input type="checkbox"/>
Forgery	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	96 <input type="checkbox"/>
Swindle	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	96 <input type="checkbox"/>
Kidnapping	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	96 <input type="checkbox"/>
Extortion	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	96 <input type="checkbox"/>
Breaking and entering	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	96 <input type="checkbox"/>
Insult	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	96 <input type="checkbox"/>
Threat to death	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	96 <input type="checkbox"/>
Psychological violence	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	96 <input type="checkbox"/>

93. If yes to Q.88,did you complain about the victimization??

1 Yes

0 No

94. If yes to Q 91, to what person or institution did you complain?

MARK AS MANY AS ARE APPLICABLE

1 Ministry of Justice

2 Police

3 Prisons

4 Courts

5 Army

6 Abunzi

7 National Prosecution Authority

8 Local defense force

9 Local leader

10 Relative

11 Neighbor

12 Teacher

13 Employer

14 Other (specify).....

95. If you complained,what was the response?

1 Author's prosecution

2 Mediation with the author

3 Author's release

4 Other (specify)

5 No response at all

96. If you got a response, how satisfied were you with the results of your complaint?

1 Very dissatisfied

2 Dissatisfied

3 Somewhat satisfied

4 Satisfied

5 Very satisfied

97. If you did not complain, why?

- 1 Fear of reprisals
- 2 Did not know whom to complaint to
- 3 Did not want it to be known by the public
- 4 Lack of trust in the institution I complain to
- 5 I felt too poor to complain

98. In which institutions do you have much confidence with regard to preventing victimization in this area ?

Ministry of Justice.....	1
National Commission for Human Rights	2
Institute of Legal Development....	3
Abunzi	4
MAJ (Maison d'Accès a la Justice)	5
Supreme Court	6
Commercial Courts	7
National Prosecution Authority	8
Rwanda Correction Services	9
Private lawyers	10
Office of the Ombudsman	11
President's Office	12
Prime Minister's Office	13
Local leaders	14
Other (specify	15

99. In which institutions do you have much confidence with regard to resolving victimization in this area?

a. Ministry of Justice.....	1 <input type="checkbox"/>
b. National Commission for Human Rights	1 <input type="checkbox"/>
c. Gacaca.....	1 <input type="checkbox"/>
d. Institute of Legal Development	1 <input type="checkbox"/>
e. Abunzi	1 <input type="checkbox"/>
f. MAJ (Maison d'Accès a la Justice)	1 <input type="checkbox"/>
g. Supreme Court	1 <input type="checkbox"/>
h. Commercial Courts	1 <input type="checkbox"/>
i. National Prosecution Authority	1 <input type="checkbox"/>
i. Rwanda Correction Services	1 <input type="checkbox"/>
k. Private lawyers	1 <input type="checkbox"/>
l. Office of the Ombudsman	
m. President's Office	
Prime Minister's Office	16
Other (specify	17

Local leaders	18
Other (specify)	19

END OF SURVEY – THANK YOU FOR YOUR PARTICIPATION

VIII. 5.2. BUSINESS COMMUNITY QUESTIONNAIRE

INTRODUCTION

Hello. My name is _____ and I am an independent researcher working with Transparency Rwanda. We are conducting, on behalf of the Ministry of Justice, a country wide study on Justice Sector User Perception and Victimization Study and get feedback from members of business community, individuals and communities on the performance of service delivery by the following Institutions : MINIJUST; Supreme Court, including Commercial Courts; National Prosecution Authority; National Police, MAJ, National Commission for Human Rights, National Correctional Service and Abunzi. The study aims to :

- Measure the community perception of access to legal advice and representation.
- Identify the public perception of the rule of law, the quality and accessibility of judicial services in general;
- Measure the performance of all sector institutions;
- Identify the perception of the level of security in the cities and the districts; and
- Identify the perception of the business community in respect of commercial justice system.
- Measure the perception of victimization

We are conducting interviews with members of business community in different districts of the country. Your household was selected randomly, and we would like to interview one adult person. All of the information you give us is completely confidential. This information will be combined with that provided by thousands of other Rwandans. There will be no way to identify your individual answers, so please feel free to tell us what you really think.

If you feel uncomfortable, you may decline to answer any question, or end the interview at any time with no negative consequences.

We sincerely appreciate your participation in the Justice Sector User Perception and Victimization Study. If you have any questions about the study or your participation after the interview is over, please contact MUPIGANYI Apollinaire on 0788309563.

FOR FIELD SUPERVISOR

Supervisor Name: Supervisor Number:

Completed Questionnaire Checked and Approved by Supervisor: *Check if yes:*

Date Approved: / /
DD / MM / YYYY

FOR DATA ENTRY SUPERVISOR

Data Entry Supervisor Name: Data Entry Supervisor Number:

Completed Questionnaire checked and approved by office:
Check if yes:

Date Approved: / /
DD / MM / YYYY

Name of Data Entry Clerk for First Data Entry:

Date of First Data Entry: / /
DD / MM / YYYY

Survey Number

GEOGRAPHICAL AREA

1. Province /	Code/
Kigali City/	1 <input type="checkbox"/>
South /	2 <input type="checkbox"/>
East /	3 <input type="checkbox"/>
North /	4 <input type="checkbox"/>
West/	5 <input type="checkbox"/>

2. District/	
3. Sector /	
4. Cell /	
5. Village/	

DEMOGRAPHIC INFORMATION *(Interviewer Fills Out)*

6. GENDER

- 1 Male
- 2 Female

7. RESIDENCE

- 1 Urban
- 2 Rural

8. AGE

Which of the following age groups do you belong to?

- 1 18-24
- 2 25-29
- 3 30-34
- 4 35-39
- 5 40-44
- 6 45-49
- 7 50-54
- 8 55-59
- 8 60+

9. How many employees does your business have?

||| NUMBER

10. What is the highest level of education have you attained?

- 1 None
- 2 Uncompleted primary
- 3 Completed primary
- 4 Uncompleted secondary
- 5 Completed secondary
- 6 Uncompleted tertiary
- 7 Completed tertiary (with a degree)

PERCEPTION OF THE BUSINESS COMMUNITY IN RESPECT OF THE FUNCTIONING OF THE LEGAL INSTITUTIONS

I would now like to ask you some questions about the functioning of the legal institutions

11. Do you describe yourself as a member of the business community in Rwanda?

- 1 Yes *skip to Q...*
- 0 *Nowrap up the interview and move to the next one*

12 If yes to Q.57, do you describe yourself as

- 1 Large business
- 2 Medium business
- 3 Small business

13. If yes to Q57, describe the type of business you engage in?

MARK AS MANY AS ARE APPLICABLE

- 1 Sales
- 2 Service
- 3 Construction
- 4 Consulting
- 5 Craft
- 6 Agriculture related
- 7 Education
- d Other

14. In the last three years, have you ever had to attend court on a matter that related to your business?

- 1 Yes, once
- 2 Yes, more than once
- 3 No

15. If yes to Q59, in what capacity did you attend court?

MARK AS MANY AS ARE APPLICABLE

- 1 Witness
- 2 Plaintiff
- 3 Defendant
- 4 Other

16. If yes to Q.59, what court did you access?

MARK AS MANY AS ARE APPLICABLE

- 1 Supreme Court
- 2 Commercial Courts
- 3 Abunzi
- 4 Other
- 5 Don't know the name

17. If yes to Q... How long did it take to settle the case?

- 1 Less than a month
- 2 Two to three months
- 3 Four to five months
- 4 Six to twelve months
- 5 More than a year

18. How satisfied were you with the court's decision?

- 1 Very dissatisfied
- 2 Dissatisfied
- 3 Somewhat satisfied
- 4 Satisfied
- 5 Very satisfied

19. How independent are judges in the court you interacted with?

- 1 Very dependent
- 2 Dependent
- 3 Somewhat independent
- 4 Independent
- 5 Very independent
- 99 Don't know

20. How fair/impartial are judges in the court you interacted with?

- 1 Very unfair
- 2 Unfair
- 3 Somewhat fair
- 4 Fair
- 5 Very fair
- 99 Don't know

21. If no to Q, ,, , why not?

MARK AS MANY AS ARE APPLICABLE

- 1 Courts are corrupt
- 2 Justice is only for the wealthy and politically connected
- 3 Judges are not well trained
- 4 Lawyers are not well trained
- 5 Courts too crowded with cases to spend quality time on cases
- 6 Other

22. What is the level of corruption among judges in the court you interacted with?

- 1 Very high
- 2 High
- 3 Moderate
- 4 Low
- 5 Very low
- 99 Don't know

23. How far is each of the following courts from your home (in kilometers)?

	Less than 5km	6-10km	11-20km	21-40 km	41-50km	+50km	DK
a. Primary court	6	5	4	3	2	1	99
b. Intermediate court	6	5	4	3	2	1	99
c. High court	6	5	4	3	2	1	99
d. Supreme court	6	5	4	3	2	1	99
e. Commercial court	6	5	4	3	2	1	99

24. How much did the whole process cost you to come to the verdict?

RWF ||||| |||||

25. Does the cost of going to court a factor that would stop you going to court??

- 1 Yes
- 0 No

26. To me, what are the major challenges to commercial justice in Rwanda? List up to three

1

2

3

VII.5.3. INTERVIEW MINIJUST

I. MINIJUST

1. Ese mubona hakorwa iki kugirango abaturage bamenye inshingano za MINIJUST/*What should be done for the population to be aware of the responsibilities of the Ministry of Justice?*
2. Abaturage benshi babajijwe ntabwo basobanukiwe neza n'inzego zishinzwe kubagira inama igihe bafite ibabazo bijyanye n'Ubutabera/*The majority of people interviewed in this study are not aware of the institutions which have the mandate to provide them with legal advice:*
 - Ese byaba bitewe n'iki ?/ **What are the reasons?**
 - Ese ingamba zihari zogukemura iki kibazo zaba ari izihe/ *Are there any measure taken to take up this challenge.*

Fig. 8 Ex. Abunzi +Inkiko zisanzwe nizo nzeho ziri ku isonga. 1/10 nibo bazi neza aho bagomba kujya yogutuma MAJ imenyekana. *For example, Abunzi and ordinary courts were cited among the major institutions providing legal advice. Only 1 out of 10 know that they should seek from MAJ.*

3. Bigaragara yuko abaturage bataramenya neza MAJ icyo aricyo n'icyo ibamariye ese hategegananywa iki kugirango imenyekana. *The quantitative study revealed a very low level of awareness of MAJ among the population. What is envisaged to grant a high level of awareness of this institution?*
4. Ese ko bigaragara ko abaturage basanga inzego z'abunzi bazigisha inama, aho inshingano z'abunzi zaba zisobanutse neza ? Abunzi bafite umwanya wa mbere (29.7%). *If the population go to Abunzi to seek legal aid (29.7%), would you say that the responsibilities of this institution are well known to this population?*
5. Bigaragara ko 23.5% z'abaturage batekereza ko kugirwa inama bifata amezi arenze abiri uherye igihe basabiye kugirwa inama, ese mubona hakorwa iki kugirango iki gihe kiganuke. *The quantitative study revealed that it took more than 2 months for 23.5% of those who sought legal advice to get it. What can be done to shorten this time ?*
6. 68.4% nibo bavugako bishimiye ubujyanama bahabwa. Ese iyo % mwayivugaho iki ? *Only 68.4% are satisfied with the legal aid that they were granted. What is your impression of this percentage?*
7. 40 % y'abantu batishimye bavuga ko bahabwa inama mbi. Ese mubona abajyanama babyumva ? *40% of those who were not satisfied with legal advice maintained that they given bad advice. Do you think that legal advisers are skilled enough to do this job?*
8. Abaturage batekereza ko Abunzi (23.7 %) n'inkiko (17.8%) aribo bashyinzwe kubahagararira cyangwa kubunganira. Iyi myimvire yahinduka ite ? *some people think that Abunzi (23.7%) and courts (17.8%) are mandated to provide legal representation. How can this misunderstanding be rectified?*

9. Kuri legal representation (69.3) nibo bishimiye uburyo ikorwa ? Ese mubona bishimishije? *69.3% of people who sought legal representation are satisfied with this service. Are you satisfied with this proportion?*
10. Ese muri politiki y'ubutabera hakorwa iki kugirango imanza zirenza umwaka zijye zigabanuka (25.8). *Some cases take more than a year to be settled by courts. What do you plan to shorten to this time?*
11. Ese hakorwa iki kugirango urugendo abaturage bakora (hejuru ya 50 kms) bagana urukiko rukuru rw'ubucuruzi zigabanuke (43.6 %). *What can be done to reduce the distance travelled by people (43.6%) to reach the Commercial High Court?*
12. 19% bavuga ko bumva ko MINIJUST yabarenganura. Ese hari ukuntu mwaba mubikora cyangwa yaba ari imyumvire mibi? *Some people (19%) believe that they can get legal protection from the Ministry of Justice? Do you sometimes do it, or it is just a misunderstanding of the responsibilities of this ministry?*

II. MAJ (Maison d'accès à la justice).

1. 27.3 % nibo bazi ko MAJ iriho, ese mubona uyu mubare ukiri hasi waba utewe n'iyihe mpamvu ? *Only 27.3% of the population are aware of MAJ. How would you explain such a low proportion ?*
2. Ese hakorwa iki kugirango MAJ irusheho kumenyekana ?/ *What can be done to raise people's awareness of MAJ?*
3. Ese mubona MAJ yari ikwiriye kugera ku rwego rw'umurenge ? *What do think of MAJ being extent up to the sector level?*
4. Ese imbogamizi MAJ yaba ifite mumikorere yayo zaba ari izihe ? *What are the major challenges that MAJ is faced with?*
5. MAJ yakorana ite na za cliniques juridiques ? *How can MAJ collaborate with existing cliniques juridiques?*
6. Ese mubona mwishimiye imikorere y'abakozi ba MAJ muri rusange? / *What is your overall satisfaction with the staff of MAJ so far?*
7. Ese mubona byaba byiza ko MAJ zajya z'unganira abaturage? Ari yego se, amahirwe yo kugira ngo bizemerwe yaba araya he? *What do you think of the suggestion that MAJ should provide legal representation?*

VIII.5.4. FOCUS GROUP DISCUSSIONS WITH CITIZENS AND INTERVIEWS WITH SOME JUSTICE SECTOR INSTITUTIONS

TIME PERIOD	PROVINCE	DISTRICT	RESPONSIBLE
THURSDAY 02-08-2012	SOUTH	MUHANGA (9h00-11h00) KAMONYI (14h00-16h00)	RWEGO + KABERA
FRIDAY 03-08-2012	EAST	BUGESERA (13h00-15h00)	RWEGO+PROF. NGAGI
MONDAY 06-08-2012	EAST + KIGALI	RWAMAGANA (9h00-11h00) GASABO (13h00-15h00)	RWEGO+PROF. NGAGI
TUESDAY 07-08-2012	WEST	NGORORERO (10h00-12h00) RUBAVU (15h00- 17h00)	RWEGO +REVERIEN
WEDNESDAY 08-08-2012	NORTH	MUSANZE (9h00-11h00) GAKENKE (13h00-15h00)	RWEGO +REVERIEN
Institution	Person	Position	
MINIJUST	Jacqueline BAKAMURERA	Attorney general in charge of Community programme, Human rights and legal aid services	
	Jean Pierre KAYITARE	Assistant Attorney general	
	Francois Regis RUKUNDAKUVUGA	Inspector General of Courts	
RWANDA NATIONAL POLICE	SUPT Theos BADEGE	Speaker	
NPPA	Angelique HABYARIMANA	Inspector	