



# Joint Governance Assessment (JGA) Review 2008/2009

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# Joint Governance Assessment (JGA) Review 2008/2009

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## PREFACE

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### Statement from the co-chairs of the Joint Governance Assessment Steering Committee

The Joint Governance Assessment (JGA) found its origin on the request made by His Excellency the President of the Republic of Rwanda during the Development Partners meeting of 21-23 November 2006. It was then resolved to conduct a governance assessment, jointly owned by the stakeholders with the purpose of bringing common understanding and mutual confidence with regards to governance practices in Rwanda.

The Joint Governance Assessment was initiated with three fundamental objectives:

- i. To develop a common (Government and Donors) understanding of governance issues in Rwanda;
- ii. To reduce transaction costs by consolidating different donor governance assessment activities; and
- iii. To provide an objective, evidence-based assessment that reflects Rwanda's specific governance history and its current context and realities; and to develop a framework for future programming, monitoring and evaluation of governance trends.

In 2008, the first JGA report, covering the year 2007, was produced. It instituted an M&E framework to monitor progress and recommended, among other policy actions, the review of progress on a periodic basis.

This 2008/09 JGA report is the first review of the 2007 Joint Governance Assessment; it constitutes a stepping-stone in making further progress towards a common understanding of Rwandan governance, between the Government of Rwanda and its Development Partners.

Like many new and original processes, the review has faced some difficulties that were for the most part overcome. Late in the process, additional consultations were deemed necessary to address outstanding issues before reaching a final agreement. The final outcome however is a tribute to the continued commitment of all stakeholders to this unique enterprise.

Arguably, the most valuable output from this process is the wealth of important lessons that have been learned and which will guide the JGA in future. This alone strongly consolidates this initiative and makes the joint exercise worth the effort. As a result, this first JGA review presents a useful updated analysis of the governance landscape in Rwanda but all JGA members agree that some space remains for additional improvements in the future. Because of this, the review is published with some points of disagreement, and with agreement to continue refining the process as we go along.

The JGA covered three broad subject areas: Ruling Justly, Government Effectiveness and the Investment Climate. In each domain, it provided a set of indicators designed to closely monitor governance changes, priorities and challenges and a series of recommendations. These agreed upon indicators and benchmarks formed a solid basis on which to establish a common understanding of Rwanda's governance situation and as such were the basis of the current review. Still, not all aspects of governance are easily amenable to quantification. This requires to supplement progress against indicators and benchmarks with broader contextual information to more fully reflect the governance environment.

There is a common agreement between the Government of Rwanda and its Development Partners that further efforts need to be invested in the process which requires constant dialogue at each and every stage. The final expectations of what such a review should entail were not all initially anticipated which resulted in delaying its conclusion. Clearly defined and constantly adhered to objectives and guiding principles would have reduced the scope for misunderstanding, and resulted in a better review process.

A significant difficulty encountered during the review relates to some indicators especially in Ruling justly that are not easily quantifiable. However, one of the biggest contributions of this 2008/09 JGA review is that it helped institutions to generate data and a full data report has been produced and even if it is not an ideal data report, it has helped to move the process forward. In this regard, additional consideration should be devoted to a more methodical use of varied and reliable sources of data for triangulation purposes. Alternative credible sources, developed both locally and internationally, will further inform and substantiate the review's findings and enrich its analysis.

By the same token, one of the lessons of this exercise lies in the value of refining our common understanding of acceptable methodological standards. Governance is by no means an exact science and many types of governance indicators have inherent statistical uncertainty, sampling limitations, and are subject to some subjectivity. A strong and agreed methodology is paramount to this type of undertaking. This is all the more true when it comes to indicators whose supporting data are provided through perception-based surveys. Stronger partnership will further enhance the authority of the review's findings.

Despite the inherent complexity of a process that brings together a large number of institutions, the first JGA review has met many of the expectations of JGA members. This consolidates an initiative unique in its design and calls for new developments. We welcome as extremely positive signs that, parallel to the completion of the 2008/09 JGA review, the process has gained new momentum. This is best demonstrated by some recent decisions taken jointly by the Government of Rwanda and its Partners:

- The JGA process has fostered its own governance with the approval of terms of reference that clarify the role and responsibility of the various JGA organs;
- The establishment of a JGA-Secretariat will ensure a smooth and effective JGA coordination;
- The newly adopted three-year periodicity will help to better capture and identify the major trends in Rwanda governance, its successes and new challenges. The next JGA review exercise will therefore cover the period 2010-2012;
- Finally, the "JGA-High Level Dialogue" between Rwanda and its Partners will offer an adequate forum to exchange on Governance; we are convinced it will soon appear to be a stepping-stone towards strengthening governance in Rwanda.

The successful completion of this JGA review is a result of galvanized efforts from several stakeholders. We are therefore grateful to Government, Development Partners, other stakeholders and the public at large for their valuable contributions in this process at different levels. We recognize and commend the professionalism and commitment shown by international and national consultants during this review. Our appreciation goes to members of the JGA Technical Committee for their dedication throughout the entire assessment and to the Rwanda Governance Advisory Council for having coordinated the whole exercise. We are also thankful to the Development Partners who, together with the Government, met all contractual costs.

As Chair and Co-Chair, we are convinced that the JGA initiative is on a good track. The 2008/09 JGA review served its purpose of fostering a shared view on the state of governance in Rwanda. With the reiterated commitment to the JGA of all participants and our joint ability to build upon past experiences, future reviews will strive to further develop this invaluable partnership.



Chair  
Hon. James Musoni  
Minister of Local Government



Co-Chair  
Amb. Michel Arrion  
Head of EU Delegation to Rwanda

## ACRONYMS

Abbreviation	Definition
ACCA	Association of Chartered Certified Accountants
BNR	National Bank of Rwanda
CBO	Community-based Organization
CIDT	Center for International Training and Development (University of Wolverhampton, UK)
CPC	Community Policing Committee
CSO	Civil Society Organization
DP	Development Partner
EAC	East African Community
EDPRS	Economic Development & Poverty Reduction Strategy
EU	European Union
FBO	Faith-Based Organization
FFRP	Rwanda Women Parliamentary Forum
FRT	Financial Reporting Template
GFP	Gender Focal Points
GoR	Government of Rwanda
ICPAR	Institute of Chartered Public Accountants of Rwanda
ICTR	International Criminal Tribunal for Rwanda
ILPD	Institute of Legal Practice and Development
JGA	Joint Governance Assessment
JRLO	Justice Reconciliation Law and Order
JSR	Joint Sector Review
IFMS	Integrated Financial Management Information System
INGO	International Non-Governmental Organization
LDF	Local Defense Force
MAJ	Maison d'Accès à la Justice
MCC	Millennium Challenge Corporation
MDG	Millennium Development Goals
M&E	Monitoring and Evaluation
MIGEPROF	Ministry of Gender and Family Promotion
MIFOTRA	Ministry of Public Service and Labor
MINALOC	Ministry of Local Government
MINECOFIN	Ministry of Finance and Economic Planning

<b>MINEDUC</b>	Ministry of Education
<b>MINIJUST</b>	Ministry of Justice
<b>MININFRA</b>	Ministry of Infrastructure
<b>MININTER</b>	Ministry of Internal Security
<b>MINISANTE</b>	Ministry of Health
<b>MoU</b>	Memorandum of Understanding
<b>NEC</b>	National Electoral Commission
<b>NGO</b>	Non-Governmental Organization
<b>NHRC</b>	National Human Rights Commission
<b>NURC</b>	National Unity and Reconciliation Commission
<b>OAG</b>	Office of the Auditor General of State Finances
<b>OBL</b>	Organic Budget Law
<b>PEFA</b>	Public Financial Accountability Assessment
<b>PER</b>	Public Expenditure Reviews
<b>PFM</b>	Public Financial Management
<b>PPP</b>	Public-Private Partnership
<b>PSGG</b>	Program for Strengthening Good Governance
<b>REMA</b>	Rwanda Environment Management Authority
<b>RDB</b>	Rwanda Development Board
<b>RDF</b>	Rwanda Defence Force
<b>RDJ</b>	Register of Judicial Files
<b>RGAC</b>	Rwanda Governance Advisory Council
<b>RNP</b>	Rwanda National Police
<b>RPPA</b>	Rwanda Public Procurement Authority
<b>RRA</b>	Rwanda Revenue Authority
<b>RRB</b>	Rwanda Reconciliation Barometer
<b>RwF</b>	Rwandan Francs
<b>SC</b>	Steering Committee
<b>SGBV</b>	Sexual and Gender-Based Violence
<b>SMART</b>	Specific, Measurable, Achievable, Realistic, Timely
<b>SWAp</b>	Sector-Wide Approach
<b>TC</b>	Technical Committee
<b>ToRs</b>	Terms of Reference
<b>UN</b>	United Nations
<b>UNDP</b>	United Nations Development Program
<b>USAID</b>	United States Agency for International Development

## EXECUTIVE SUMMARY

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In the 16 years since the 1994 genocide, Rwanda has made commendable progress in fostering peace and reconciliation, restoring law and order, and the process of democratization and sustained economic growth. These results have been underpinned by a deep commitment to rebuilding and strengthening capacity for good governance at local, regional and national levels.

### The Joint Governance Assessment

The Joint Governance Assessment (JGA), undertaken by the Government of Rwanda and its Development Partners (DPs) in 2008 aimed to establish a common understanding of the governance progress, problems and priorities within the categories of a. 'Ruling Justly', b. 'Government Effectiveness' and c. 'Investment Climate and Corporate Governance', and to provide a Monitoring Framework for assessing future performance against a set of 45 indicators. A series of recommendations linked to each of the three above-mentioned categories was also developed. The JGA, in turn, led to the development of an ambitious plan to further strengthen governance, notably highlighting the need to focus attention on three key tasks:

- Institutions need to be further strengthened and rules-based governance more rigorously enforced;
- Vertical accountability between government and citizens needs to be strengthened, in particular by enabling constructive state-society engagement around participatory processes such as budgeting, planning and monitoring; and
- Transparency and access to reliable information are essential to nearly all aspects of good governance.

Two years after the first JGA, the first JGA Annual Review was commissioned by the JGA Steering Committee through the Rwanda Governance Advisory Council (RGAC) and was conducted from June to November 2010 by a team of external consultants. This Annual Review exercise was initiated as a complement to a preparatory phase consisting of data collection and analysis, including a perception survey, conducted by RGAC research team and supported by national and international consultants between September 2009 and June 2010. This preparatory phase captured quantitative data on key JGA indicators to inform the JGA Data Analysis Report.

The main purpose of the Annual Review was three-fold:

1. To **assess and evaluate** Rwanda's governance status using the JGA Monitoring Framework and the Recommendations provided in the first JGA report;
2. To provide a **reviewed Monitoring Framework** for future JGA review exercises; and
3. To provide recommendations on capacity building for RGAC and effective funding mechanism for JGA;

The findings of this Review are expected to inform future strategies for good governance in Rwanda. Thus, like the JGA itself, the Review was 'a basis for joint ownership and constructive discussion in order to improve the quality and usefulness of dialogue around issues of good governance.'<sup>1</sup>

### Content and Structure of the JGA Annual Review Report

The 45 performance indicators, **which were jointly agreed and validated by the Development Partners and Government of Rwanda during the JGA Monitoring Framework elaboration process**, were examined and retained under the same three categories: a. 'Ruling Justly', b. 'Government Effectiveness', and c. 'Investment Climate and Corporate Governance'. Detailed sub-reports on each of these topics contain analysis on progress made and performance trends as well as descriptive analysis (where applicable) on the possible contributing factors of the reported results.

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1 Rwanda: Joint Governance Assessment Report, 2008. p.8.

Strictly adhering to the Terms of Reference of this assignment and in accordance with the approach used and jointly agreed methodology (including sources, frequency of data collection) proposed during the first JGA, the information obtained was analyzed and presented from three perspectives, namely:

1. **Principles and priorities:** Have any new governance priorities materialized since the first JGA, and how has the local, national and international context changed?
2. **Performance Assessment:** What are the results against the objectives, indicators, and associated targets and baselines identified in the JGA report, within each of the three categories of governance?
3. **Monitoring Framework:** How adequate and relevant are the current Monitoring indicators to present conditions?

Examining these perspectives as a whole, a series of broader recommendations were then made in this report, to ensure the JGA continues to guide national policy as a joint exercise serving good governance in Rwanda. This included suggestions for amendments to the future planning, design, monitoring and review processes, which in turn led to recommendations for institutional capacity building including new funding modalities for the RGAC.

Progress against indicators under all three sections of the Review has been mixed. Furthermore, on some key indicators, alternative sources of data (i.e. beyond the data sources recommended in the JGA 2008) has been used including international credible governance indexes such as Freedom House, Mo Ibrahim, Transparency International, International Budget Partnership and IREX.

## Ruling Justly

Just rule is widely acknowledged as a pre-requisite to good governance, and this section of the JGA Annual Review report reflects on the importance of ruling justly not only in the current context, but also in dealing with Rwanda's recent history and in preparing for its promising future. Measures of just rule must include the existence of strong and fair institutional structures and mechanisms, but also the expressions of confidence and trust voiced by the public. Within the framework set by the JGA 2008 report, 21 performance indicators for measuring just rule were grouped into six categories (forming the subheadings below).

## Establishing and Maintaining Security

While there has been an increase in the confidence expressed in the Rwanda National Police (RNP) and Rwanda Defense Force (RDF), confidence in the Local Defense Force (LDF) continues to lag behind. There have been recent initiatives to bolster the public's perception of security forces, particularly the RDF.

Satisfaction with levels of property security have decreased, which could be a result of recent capital-intensive real estate development projects in Rwanda which may have led to dissatisfaction among the affected population.

The recommendation listed in the 2008 JGA Report against this category had been partly achieved: while efforts have been made to strengthen mechanisms for democratic oversight of the security forces through the capacity building of Community Policing Committees and the RNP itself, there was no evidence that this capacity building extended to the Committee on Security and Territorial Integrity in the Chamber of Deputies or the Senate Committee on Foreign Affairs Cooperation and Security.

*Monitoring framework:* Slight changes to the frequency of measurement of indicators under the Establishing and Maintaining Security subsection of the framework were proposed, along with the amendment of **Indicator 3 — Number of homicides to % of Crime rate (including number of homicides)** to provide a broader picture of levels of security.

## National Reconciliation and Transitional Justice

Completion of *Gacaca* trials was a recommendation in the 2008 JGA report under this category. While there were some difficulties in locating and interpreting the data regarding completed and remaining genocide trials, the Review confirmed that all 1,211,412 cases in the first and second categories plus over 600,000 property damage-related offences have been completed. Key informants within the Justice Sector believe the *Gacaca* system has performed well within the timeline prescribed.

While the number of recorded homicides of genocide survivors/witnesses and judges appeared to have dropped from 8 in 2008 to 3 in 2009, these figures continue to be contested by different sources and issues concerning how and when genocide trial-related deaths are recorded remain unresolved.

There appears to have been a positive change in expressions of interpersonal trust at community level, supported by the findings of the Social Cohesion report by the Rwandan National Unity and Reconciliation Commission. Such improvements may be attributed to the role of the justice system in holding genocide perpetrators to account and such reconciliation programs as *Ingando* and *itorero*. Awarding greater attention to research on the levels of trust in Rwandan Society and the impact of reconciliation programs was the second recommendation under this category although this has not yet been pursued by the Government.

*Monitoring framework:* **Indicator 4** referring to the completion of remaining *Gacaca* trials can now be removed from the framework. Greater disaggregation and triangulation of **Indicator 5 — Killing of genocide survivors, witnesses and judges** and **Indicator 6 - Levels of trust and reconciliation** should aid the tracking of progress in these areas.

## Rule of Law

There has been very good progress shown in resolving the problem of backlogged court cases since 2008, attributed to a number of key legal and administrative reforms. Reducing this backlog was the recommendation set out in the 2008 JGA Report.

Public perception of the rule of law and performance of the judiciary (including perceived levels of independence, integrity and performance in crime investigation of various judicial bodies) appears to be mostly good/excellent (between 66.4% and 90.4% of respondents), which may be, in part, attributed to aforementioned reforms and initiatives, along with greater alignment with international principles and standards of justice.

Although the public has shown confidence regarding the effectiveness of the *Gacaca* courts as per the perception survey, the conduct of these jurisdictions has not been without critique. According to the Freedom House 2010 report, for instance, the *Gacaca* trials have faced criticism from legal experts because of reported government interference and their focus on genocide crimes to the exclusion of crimes allegedly committed by the RPF.<sup>2</sup> This has been disputed by the Government on grounds that the *Gacaca* trials are not comparable to ordinary courtroom judicial trials and, therefore, outside the scope and competences of lawyers and professional judges.

In line with the JGA 2008 Report recommendation to address human resource constraints in the judiciary, the Government has initiated the Institute of Legal Practice and Development to build the capacity of this institution in addition to the establishment of the MAJ (*Maison d'Accès à la Justice*) and various other measures. In order to improve overall capacity, however, adequate division of labor is being applied by the separation of Commercial Courts from the ordinary courts.

*Monitoring framework:* **Indicator 6 - Number of cases processed by the courts** replaces **Backlog of court cases**, reflecting the need to align with other national frameworks and to aid the measurement of progress. Similar clarification of wording around **Indicators 8** and **9** also serves this purpose.

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<sup>2</sup> The Freedom House: Freedom in the World — Rwanda (2010).

## Human Rights and Civil Liberties

The Mo Ibrahim Index 2010 Report indicates an overall improvement of 6.3% in protection of civil liberties, in general, and a 2.1% improvement on exercise and enforcement of civil liberties by citizens, in particular, as compared to the 2008 ratings.

Data for 2007-2009 regarding the number of juveniles in rehabilitation or transit centers is only partly available, and arguably does not fully express the requirements of the indicator. The available figures give some indication of release rates compared to entrance rates, but do not express the number of juveniles who remain in rehabilitation/transit centers or for how long. Human Rights organizations have also expressed concern about the condition of some rehabilitation centers and the reopened Gikondo transit center.

The timely submission of UN human rights treaty-based reports in 2009-2010 shows a considerably positive performance of the reporting system. In terms of the number of human rights cases handled internally by the National Human Rights Commission, this figure has doubled since 2008. This may show signs of operational effectiveness and public confidence in the judiciary, however as the proportion of solved cases actually decreased by almost 10% to 39% in this period, there cannot be said to have been significant progress against this indicator.

Regarding women in positions of power, while figures have not varied significantly from the 2008 baseline, the constitutional stipulation that 30% of positions at all levels of public office should be held by women continues to be significantly exceeded.

The 2008 JGA Report recommendations center upon strengthening the fora for stakeholders to engage in constructive discussion on human rights issues, as well as opening up to some degree the selection process of future Human Rights Commissioners. While significant headway has been made regarding the former (the establishment of a national consultative committee of National Human Rights Commission and Civil Society Human Rights Umbrella Organizations; the agreed independent universal human rights periodic review, for instance), the current mandate for the appointment of Commissioners remains in force. A third recommendation referring to the re-examination of the draft law on genocide ideology is said to be underway.

*Monitoring framework:* As well as some small clarifications to wording of existing indicators in this category, it was proposed that two additional indicators were added on women's and children's rights, the details of which will require further discussion with stakeholders.

## Political Rights

The 2010 Freedom House report (*based on the analysis of the year 2009*) on Rwanda scored the country at 6 out of a possible 7<sup>3</sup> points for political rights and 5 out of 7 for civil liberties, noting strict controls of political life of the political parties. The Mo Ibrahim 2010 index report on 2009 indicates a 5.6% improvement in freedom of expression and assembly compared to the previous year. These external assessments, however, need to be interpreted with caution as the methodology of data collection/analysis differs significantly compared to the JGA Review methodology.

The Forum of Political Parties in Rwanda reported that while all political parties submit their financial statements to the Ministry of Local Government and Office of the Ombudsman as legally stipulated, the data is not disaggregated as requested and statements are not published. Consequently, the available data is only a measure of compliance of the various parties and it would be inaccurate to regard this as true progress under the heading of political rights. This forms one of three recommendations under this category, but enforcement remains very low. The upcoming Governance Board is expected to ensure that this recommendation is fully implemented.

Other recommendations under the category of political rights have seen more progress: the law establishing the aforementioned Rwanda Governance Board is to allow for more independent oversight of party matters, and a civil society electoral observer mission has been established to maintain progress in improving electoral conduct.

*Monitoring framework:* Amendments have been made to accommodate independent observer comments on election matters, so that the relevant indicator now reads **% of accredited independent Electoral observers expressing satisfaction with the fairness of elections**. A new indicator has been proposed on the theme of Citizen's Political rights, reflecting the need for the expansion of the political rights section of the

<sup>3</sup> Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom.

framework. A second new indicator measuring the **Independence of the National Electoral Commission** has also been proposed. **Indicator 21 - Political Parties Operations is proposed to replace Indicator 18 - Publishing of Financial Statements** to provide a clearer and broader picture of political rights.

### Institutional Accountability

Progress in this area has proven to be difficult to measure, in part because it is not clear what constitutes 'progress' against two of the three indicators in this category (how often *were* Ministers to be called to Parliament? Are their instances when NGOs *were* refused registration?). There was also a lack of baseline data available in these two cases.

The IREX Media Sustainability Index scores for 2007-2008 show a marginal increase on the scores for the previous year (up 0.11 to 2.40 on average), which can be considered an important step towards achieving a 3-4 score and establishing Rwanda within the 'Sustainable Media' category. All but one of the five sub-indices showed improvement, with a decrease of 0.13 recorded for Professional Journalism. Progress in this area, while small, can be attributed to a number of factors including changing mindsets among media professionals and greater support offered to the industry by government and non-government stakeholders. Many challenges remain, however, such as the criminalization of libel through media law and an insufficient number of effective, operational printing presses to meet demand. Furthermore, a new media law enacted in August 2009 contained a number of restrictive provisions, including educational requirements for journalists, a rule compelling journalists to reveal sources when it is deemed necessary for criminal cases, and increased capital requirements for starting new media outlets.

Concerns about the professionalism and standards of investigative journalism were addressed in the JGA 2008 Report recommendations, and as a result the Millennium Challenge Corporation has funded a program that aims to develop and strengthen capacities of media industry. This is also a priority for the Media High Council. Other recommendations under this category of institutional accountability have begun to be implemented but are still in their early stages and further support is required.

*Monitoring framework:* To address the aforementioned shortcomings in the first two indicators under this category, it is proposed that they are replaced by **Indicator 23 - Independence of Parliament** and **Indicator 24 - Vibrancy of civil society organizations (CSOs)/non-governmental organizations (NGOs)** respectively. These indicators are more measurable and address the critical issues relating to parliamentary and CSO/NGO independence and accountability, to present a broader and clearer picture than their predecessors.

### Government Effectiveness

Government effectiveness is synonymous with government performance and is essentially a measurement of the perceived quality and efficiency of policies, processes and services. Effective government promotes political empowerment of citizens, a platform for sustainable democratization, the efficient mobilization of economic development activities as well as inclusivity and wellbeing. This section examines government effectiveness in terms of the accountability and responsiveness of public agencies in relation to the population they serve. Within the framework set by the JGA 2008 report, 17 performance indicators measuring government effectiveness were grouped into the following categories:

#### Public Financial Management

The 2008 JGA report states, "It has been agreed that these [indicators] should serve as 'placeholders' for review once the PFM strategy and action plan have been finalized and approved." Since the publication of the report, the PFM Reform Strategy has been approved and the Common Performance Assessment Framework (CPAF) of EDPRS has been revised. The indicators concerning "procurement" as proposed in the 2008 report have been modified accordingly.

Good progress was made in the area of procurement, as improvements to transparency and efficiency of public procurement procedures and practices have been made. At present 100% of all procurements above the Rwanda Public Procurement Authority (RPPA) threshold is tendered openly or fully justified by RPPA. In 2008, competitive bidding for the tenders counted for 89.6% of total bidding: a very slight decrease on 2007 figures in terms of percentage value of bids, but still surpassing the 80% target.

Although the Open Budget Index ranks Rwanda among the 25 countries that provide scant or no budget information to the public for the 87 countries surveyed, this is not consistent with the preliminary outcome of the latest Public Financial Accountability Assessment (PEFA). In fact, at the time of reporting, the initial PEFA score of 2009/10 shows that in all but one of the relevant 28 Performance Indicators, Rwanda has either remained the same or upgraded itself by at least one grade point. Progress in this area can be partly attributed to significant achievements through the aforementioned PFM Reform Strategy, although challenges still remain, such as improving forecasts for recurrent expenditure arising out of capital investments.

Several recommendations were made in the JGA 2008 Report, with mixed progress to date. For example, efforts have been made to strengthen Parliament's role in overseeing audits through the establishment of audit committees across Government and the strengthening of the Internal Audit Department. Public Expenditure Reviews are in the process of being institutionalized to track expenditure of funds on front line services. However, no evidence was found of encouraging public debate on the use of taxpayer resources despite other tax reform efforts.

*Monitoring framework:* The two indicators referring to procurement in this category have been merged under **Indicator 28 - Proportion of the value of procurement tendered competitively or justified**. This brings the framework in line with the revised EDPRS Policy and Result Matrix.

### Anti-Corruption

The available data indicated a fall in the number of corruption cases prosecuted between 2008 and 2009, although it should be noted that the 2008 baseline figure was a cumulative figure of all cases for previous years. Despite this, the reduction in the backlog of court cases in the judiciary may be considered a contributory factor to an improved number of prosecutions. The Government has also established a number of institutions (the National Tender Board; the Office of the Auditor General; the Ombudsman's Office) and various anti-corruption measures, including a 'zero tolerance' policy aimed at strengthening the legal and institutional framework against corruption.

In terms of corruption, Transparency International's 2009 Corruption Perceptions Index ranks Rwanda 89 out of 180 countries surveyed. There is also the Mo Ibrahim index, which in 2010 ranked Rwanda as number 10 out of 53 with a 57.1% score on "accountability and corruption". Public perception of corruption appears to be fairly low overall (as per the JGA perception survey), although least confidence was expressed in the anti-corruption activities of the tax services (49.9%) and political parties (47.1%). State strategies against corruption such as educating and informing citizens on their rights and civic obligations were considered highly important by the public. However, these results should not be interpreted to mean that Rwanda is corruption-free (as the international scorings indicate), as perception and tolerance of corruption is highly influenced by social, economic and political contexts. Instead, Rwanda must continue (if not increase) anti-corruption efforts.

Some of the points outlined above can be considered as important steps of progress against the 2008 recommendation to strengthen institutions underpinning the fight against corruption, however less progress has been made against recommendations to build specialist capacity in the Office of the Ombudsman, to actively monitor the follow-up of cases referred by this institution, as well as considering ways of opening up the process by which the Ombudsman is appointed.

*Monitoring framework:* Slight amendments have been made to the two indicators under this category to align the framework with the EDPRS National Policy and Result matrix and JRLO framework, as well as ensuring the indicators are measurable.

### Decentralization

The Consolidated Statement of receipts and payments of Local governments for the Year ended June 30<sup>th</sup> 2009 were published as required by law. The publication and availability of District Government Expenditure enhances transparency, as the Districts are now required by law to also reveal their sources of income. Records of fund flows from the Districts are now available for scrutiny by members of the public.

Meaningful citizen participation requires that leaders respond in a timely and effective manner consistent with the people's needs and aspirations. While the data collected through the Perceptions Survey might give the impression that citizens are actively engaged (65% rating their participation in district level decision making process as very strong or strong), when asked if they had personally participated in decision-making process of priority concerns in their district in the last year, only 55.3% felt that they had personally participated and most of these were male. This would suggest there is still a need for progress in this area.

Continued progress has been made in transferring responsibilities and resources to local government as per the first of three recommendations set out under this category. Efforts to strengthen downwards accountability from local government to citizens by strengthening participatory processes, particularly in the design and monitoring of *imihigo* performance contracts must continue, although progression has been demonstrated in a number of ways. For instance, there are now local development committees at village level *Umudugudu*, that are elected by members to represent them in higher forums as well as regular Public Accountability Days organized by citizens.

*Monitoring framework:* Slight amendments were made to two of the indicators under this category to ensure that they are clear and measurable.

### Service Delivery

There was a lack of data available for two of the indicators under this category, although the perception survey provided some information on citizens' experience and participation in service delivery. The survey indicated that overall 86.1% of people claimed to have not experienced poor service delivery in the past 12 months, with the highest proportion of positive evaluations awarded to the quality of service delivered in the education sector. Higher levels of dissatisfaction were expressed for service provision by local government (35.4%), where health services recorded the lowest ratings (21.3%). Without a baseline, it is difficult to comment on progress in this area, although a more comprehensive set of survey questions may achieve more detailed results.

The recommendations to overcome limited access to education has been implemented by the introduction of the Universal primary Education program. The development and publication of all service delivery standards by government agencies has been done by some, who have published and circulated standards in hard copy and displayed them in visible places. However, government agencies have struggled to communicate with all audiences and communities, as existing communication channels are few and insufficiently far reaching, which in turn has hampered progress against the recommendation to provide full information to the public about their services.

*Monitoring framework:* No amendments were made to this category.

### Public Service Reform

Progress has been noted in implementing the action plans for public service reform, including: re-definition of the mission and functions of all ministries, agencies, local governments; several changes to the structure of ministries and local governments; determination of new salary schemes; new assessment instructions; streamlined reporting formats and guidelines; performance evaluations of staff; and the deployment of staff to new posts.

*Monitoring framework:* The current indicator is not sufficient to measure the outcome of public service reform; so additional indicators will be needed after discussions between stakeholders.

## Investment Climate and Corporate Governance

This section of the Review is concerned with the two-way relationship between government and business: how government affects business by imposing formal and informal rules, and how business may influence government through processes of lobbying and advocacy. The section also covers corporate governance issues, which are defined as the internal rules of governing companies in order to protect the interests of investors and other stakeholders. Within the framework set by the JGA 2008 report, 8 indicators measuring the investment climate and corporate governance are grouped into the following categories:

### Ease of Doing Business

The six World Bank Doing Business areas used to award a business index are: starting a business; registering property; paying taxes; trading across borders; enforcing contracts; and dealing with construction permits. Rwanda's score for 2009 was 59/100 – a progression of 13 points against the previous year. In the case of the sub-Saharan Africa grouping, Rwanda moved up to fifth place with high grades in many aspects of business. Trading across borders was poorly rated, but initiatives to facilitate trade and efforts to improve the international payments systems are likely to further improve this ranking.

Progress in reducing the number of licenses and simplifying bureaucratic requirements for new business is underway (in line with the recommendations made in the JGA 2008 Report made under this category). Significant efforts and resources have been allocated to reduce licensing requirements and improve previously overlapping jurisdiction. Online registration has also been introduced to all for the incorporation of a company in one day and as a result newly registered business has doubled to 343 per month in 2009 compared to 2008. Bureaucratic requirements including enforcing contracts, paying taxes and dealing with construction permits have also improved significantly in 2008/2009 as compared to 2007. The introduction of a one-stop business center, reforms to simplify flow of imports and exports and other initiatives have also contributed to progress in this area.

Recommendations under this category to establish stronger procedures to address business complaints and strengthen capacity to negotiate large investment deals have also seen some progress, although the former is restricted by capacity issues of the new commercial courts. In the case of the latter, a National Public Investment Policy was adopted in early 2009 and a Secretariat established within MINECOFIN as per this policy. The Secretariat hosts the Public Private Partnership Unit, charged with conducting due diligence and negotiation with large investors.

*Monitoring framework:* Key changes to the monitoring framework here include the introduction of a sub-indicator to **Indicator 42 - % of business related complaints resolved** to measure **Business community perceptions of commercial justice system**. This reflects the need to monitor the newly established commercial courts. It is also suggested that **Indicator 40 - Reduction in the number of licenses and simplification of bureaucratic requirements** is removed as this data is already captured by the World Bank Doing Business Indicators further up the framework.

### Corporate Law and Governance

Seven new laws have been passed including Petroleum Law that was passed in 2009. A newly introduced company law has also strengthened investor protection.

The percentage of large companies submitting audited contributions for 2008 was 163 out of 282; a percentage of just under 58%. This percentage appears low, but there is no baseline data available to aid comparison for a discussion on progress in this area.

Building capacity of institutions charged with implementing the new commercial laws and strengthening awareness within the private sector of the requirements of the new commercial laws were two key recommendations made in the 2008 JGA report. Significant progress is continuing to be made to strengthen capacity of commercial courts and Supreme Court to implement new laws, but much remains to be done. Awareness of commercial laws, however, remains poor in the private sector. Substantial initiatives are underway to rectify this, but mainly regarding taxation law. Finally, greater progress has been made against the third recommendation under this category – encouraging the development of codes of conduct for good corporate governance – with the Private Sector federation developing such codes and providing training at district level.

*Monitoring framework:* Minor amendments have been made to two of the three indicators to bring the wording in line with the EDPRS Policy and Result matrix, and JRLO framework.

### Private Sector Advocacy

Private Sector Federation (PSF), as a voice for the private sector, has made significant contributions in advocacy and lobbying in the recent past. Although the number of position papers prepared by the PSF is not available, it has successfully advocated for a number of changes, including the removal of non-service-based fees, and the removal of value-added taxes (VAT) on mobile handsets. It has also actively participated in the review of business laws and amendments of labor code and national social security policy. PSF is now conducting studies on the reasons for disinvestment and delayed payment of domestic bills by the Government of Rwanda, and the impact this may have on the economy.

Trends indicate good progression regarding PSF membership contributions, which have risen from 8.9% to 20% thus reducing the dependency on financing from the MINECOFIN and DPs. Resource mobilization strategies continue to be deployed to secure further progress. This is also in line with the recommendation made in 2008 to strengthen the capacity and financial autonomy of the PSF.

Less progress has been made against the recommendation to implement the Rwanda Economic and Social Council and ensure discussions focus on business issues. While the Council recently moved to the RDB, it has not met for six months.

*Monitoring framework:* No amendments were made to this category.

## **Recommendations**

### **Building the Capacity of the RGAC**

In order to ensure sustainability and consistency of the JGA Review on an annual basis, it is recommended that RGAC be strengthened through establishment of a JGA Secretariat. It is absolutely essential to ensure that the proposed JGA Secretariat has sufficient staff capacity for smooth and effective JGA coordination.

It is also very important to establish partnerships and networks with International Governance Indices such as Worldwide Governance Index of the World Bank Institute, Freedom House, Global Integrity Index, Global Peace Index and others. Overseas exposure tours/study visits can then be organized to learn more and explore how to adapt international best practices to the context of Rwanda.

### **Financing the JGA**

The JGA must be recognized as a complex and dynamic cycle of evaluation, action planning, and implementation of responses, involving extensive monitoring, documentation, analysis, and consultation. For the JGA process to be successfully applied on an ongoing basis well into the future, it will require committed structures, well-defined mechanisms, and long-term financial investments.

At the meeting on October 2<sup>nd</sup> 2009 between MINALOC and the JGA Steering Committee, the JGA stakeholders reaffirmed their support and strong commitment for the JGA. They commended the work done by the RGAC and took the resolution that the JGA review should be an annual process and that a clear funding mechanism was required.

During the Steering Committee Workshop held on June 18<sup>th</sup>, 2010, it was agreed in principle that the Basket Fund Arrangement between the Government of Rwanda and DPs to support Rwanda's 2008-2011 Strategic Plan of National Electoral Commission (NEC) would be the most appropriate model to adopt for the JGA Annual Review. This came after lengthy discussion on alternative Basket Fund arrangements currently in operation.

### **Institutional and Administrative Arrangements**

It is suggested that the DPs and Government of Rwanda directly fund the Rwanda Governance Advisory Council to conduct the JGA Annual Review and associated activities. In order to ensure effective, efficient administration of JGA processes, it is also recommended that the JGA Secretariat be established within RGAC. The JGA Secretariat would be responsible for conducting necessary technical work including data collection, data analysis and provide support to external national and international consultants related to the annual JGA review. Establishing a JGA Secretariat to focus exclusively on JGA and related activities can ensure sustainability and consistency of the JGA process. The creation of JGA Secretariat would lighten the workload of RGAC personnel.



# SECTION 1

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## Introduction and Overview of the JGA Process

Sub-Report

Joint Governance Assessment (JGA) Annual Review 2008/2009

## 1.0 INTRODUCTION AND OVERVIEW OF THE JGA PROCESS

In the 16 years since the 1994 genocide against the Tutsi, Rwanda has made notable progress in fostering national peace and reconciliation, restoring law and order, developing the process of decentralization and civic participation, and strengthening economic growth. These results have been underpinned by a commitment to rebuilding and strengthening capacity for good governance at local, regional and national levels, where governance is defined as *‘the exercise of economic, political and administrative authority to manage a country’s affairs at all levels, comprising the mechanisms, processes and institutions through which that authority is directed.’*<sup>4</sup>

### 1.1 The Joint Governance Assessment (JGA)

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The JGA, undertaken by the Government of Rwanda (GoR) and its Development Partners (DPs) in 2008, perhaps best embodies this commitment. The JGA aimed to establish a common understanding of the governance progress, problems and priorities within the categories of a. ‘Ruling Justly’, b. ‘Government Effectiveness’ and c. ‘Investment Climate and Corporate Governance’, and to provide a Monitoring Framework for assessing future performance against a set of 45 indicators. A series of recommendations linked to each of the three above-mentioned categories was also developed. Ultimately, the JGA provides a basis for identifying areas in Rwanda’s governance program that need greater attention and for harmonizing governance interventions across government agencies and with Development Partners. Most importantly, the JGA is objective, evidence-based and attuned to Rwanda’s historical experiences and present realities.

The first JGA had three main objectives:

1. To undertake a thorough and rigorous analysis of existing institutions, laws and practices affecting governance in Rwanda and to propose policy improvements.
2. To define and monitor indicators to measure results, assess performance trends, highlight weaknesses, and establish priorities for action.
3. To make recommendations on establishing an ongoing system for monitoring the agreed indicators, including training for the Rwanda Governance Advisory Council (RGAC).

The first JGA recognized the interlinking nature of the different aspects of governance: that progress or setbacks in one area are influenced by progress or setbacks in others (i.e. issues are cross cutting in nature). It also acknowledged both the type and extent of the challenges faced by Rwanda while showing the impressive progress the nation has already made. This, in turn, led to the development of an ambitious plan to further strengthen governance, notably highlighting the need to focus attention on three key tasks:

1. Institutions need to be further strengthened and rules-based governance more rigorously enforced;
2. Vertical accountability between government and citizens needs to be strengthened, in particular by enabling constructive state-society engagement around participatory processes such as budgeting, planning and monitoring; and
3. Transparency and access to reliable information are essential to nearly all aspects of good governance.

In short, the JGA reflected a desire to improve the ways in which governance issues are assessed and discussed, portray accurately the status of governance in Rwanda, and set a stage for future monitoring aimed at improving governance.

### 1.2 Overview of the first Joint Governance Assessment (JGA) Annual Review

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Two years after the first JGA, it is essential to Rwanda’s good governance agenda and the national Economic Development and Poverty Reduction Strategy Paper (EDPRS) that both Government and DP support for JGA processes is maintained, to ensure that all governance-based programs are aligned and address identified shortcomings. Furthermore, it is crucial that the JGA Monitoring Framework itself continues to evolve in response to lessons learned and inevitable changes in context. Thus, the first JGA Annual Review was commissioned by the JGA Steering Committee through RGAC and was conducted from June to November 2010 by a team of external consultants. This Annual Review exercise was initiated as a complement to a preparatory household survey conducted by RGAC researchers and external national and international consultants between March and June 2010, which captured quantitative data on key JGA indicators and whose findings were presented in the “JGA Data Analysis

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<sup>4</sup> Rwanda: Joint Governance Assessment Report, 2008; page 7.

Report” dated October 2010. As identified in the Terms of Reference (ToR), the main task of the Review Team was to conduct the annual review of the Rwanda JGA using data collected in the preparatory phase and the jointly agreed, by GoR and Development Partners, JGA Monitoring Framework itself (**including methodology, frequency of data collection, data sources**); and its purpose was two-fold:

- To **assess and evaluate** Rwanda’s governance status using the JGA Monitoring Framework and the Recommendations provided in the first JGA report; and
- To provide a **reviewed Monitoring Framework** for future JGA review exercises.
- To provide recommendations on RGAC capacity building initiative and JGA funding modality.

In particular, the Review aimed to determine:

1. Progress made against the original objectives, indicators and associated targets and baselines that were identified in the first JGA report and have guided the Assessment since its inception — outlined in the ‘Objectives’ sub-section above. These can be grouped into three categories of governance, namely:
  - a) **Ruling Justly** (*establishing and maintaining security; national reconciliation and transitional justice; rule of law; human rights and civil liberties; political rights and voice and accountability*).
  - b) **Government Effectiveness** (*public financial management; corruption; decentralization; and public service delivery and reform*).
  - c) **Investment Climate and Corporate Governance** (*ease of doing business; private sector advocacy; corporate law and governance; and state-business relations*).
2. The extent to which the 44 recommendations and the three tasks requiring focused attention — listed in section 1.1 above — identified in the previous JGA have been addressed.
3. The primary factors and conditions that may have contributed to or hindered the observed results.
4. The extent to which the objectives and indicators have been effectively designed and utilized as a basis for performance monitoring.
5. The adequacy and relevance of present JGA indicators, and the need to develop a refined Monitoring Framework with a new set of indicators that omits those which are no longer relevant.
6. The effectiveness of the JGA as a policy making tool, and how it might be better operationalized.
7. An appropriate funding mechanism and capacity building framework as well as a corresponding annual budget for the JGA process.
8. Any other recommendations for amendments in the planning, design and monitoring of the JGA to improve performance.

The findings of this Review, covering the period from the first JGA to the present, will inform future strategies for good governance in Rwanda. Thus, like the JGA itself, the Review was ‘a basis for joint ownership and constructive discussion in order to improve the quality and usefulness of dialogue around issues of good governance.’<sup>5</sup>

### 1.3 Methodology of the first JGA Annual Review (2008/2009)

The methodology adopted for the Annual Review intentionally reflects that of the first JGA. This approach was essential to: (1) ensure that the first review process is built on the excellent work of the initial Assessment; (2) allow for the identification of trends using comparable data sets; (3) establish a precedent for future monitoring and review processes; and (4) facilitate ongoing coordination, coherence, and sustainability of governance efforts. Thus, mirroring the management structure of the first JGA, for the duration of the exercise, the Review Team worked in close collaboration with the RGAC — mandated to coordinate JGA assessment and review processes — and under the direct supervision of the Joint Governance Technical Committee, with overarching guidance from the Joint Governance Steering Committee. To inform conclusions made about performance trends, the following evaluation methods were used. (Refer to **Annex 1** for a more in-depth description of each of these methods.)

- a) **Literature/Desk Review** of the most up-to-date statistics and current governance documents, including GoR reports and data as well as other secondary literature from non-governmental sources.

<sup>5</sup> Rwanda: *Joint Governance Assessment Report*, 2008; page 8.

- b) **Semi-Structured Interviews with Key Informants**, including representatives of the Rwandan government, DPs, civil society, and the private sector.
- c) **Appraisal of the DP's feedback on the 2008 JGA Report**, through meetings and round table discussions.
- d) **Critical Assessment of the JGA Data Analysis Report**.

### 1.4 Context and Structure of the JGA Annual Review-2008/2009 report

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The 45 performance indicators featured in the 2008 JGA were examined and, in line with the Review Team's ToR, grouped into the three categories of governance: a. 'Ruling Justly', b. 'Government Effectiveness', and c. 'Investment Climate and Corporate Governance'. Detailed sub-reports on each of these topics contain analysis on progress made and performance trends as well as descriptive analysis (where applicable) on the possible contributing factors of the reported results. In accordance with the approach used during the first JGA, the information obtained was analyzed and presented from three perspectives, namely:

- A. Principles and Priorities:** Have any new governance priorities materialized since the first JGA, and how has the local, national and international context changed (i.e. international financial crisis)? What new challenges to the governance agenda (and indeed opportunities) have emerged?
- B. Performance Assessment:** What are the results against the objectives, indicators, and associated targets and baselines identified in the JGA report, within each of the three categories of governance? What factors have contributed to and/or hindered performance? Similarly, what progress has been made to address the three broader tasks identified by the first JGA as well as the specific recommendations made for each category of governance? Could any new recommendations be made?
- C. Monitoring Framework:** How adequate and relevant are the current Monitoring indicators to present conditions? Do they qualify as 'SMART'<sup>6</sup> indicators? Are there too few or too many? To what extent have they been effectively designed and utilized as a basis for performance monitoring? Are there any amendments to be proposed, particularly to make the Framework more sensitive to international standards?

Examining these perspectives as a whole, a series of broader recommendations were then made in this report, to ensure the JGA continues to guide national policy as a joint exercise serving good governance in Rwanda. This included suggestions for amendments to the future planning, design, monitoring and review processes, which in turn led to recommendations for institutional capacity building for the RGAC. The final product is a culmination of a rigorous review process incorporating the views and concerns of wide a range of stakeholders representing the full spectrum of perspectives and stakeholder interests in Rwanda.

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<sup>6</sup> SMART = Specific, Measurable, Achievable, Realistic, Timely.



# SECTION 2

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## Progress in Ruling Justly

Sub-Report

Joint Governance Assessment (JGA) Annual Review 2008/2009

## 2.0 RULING JUSTLY

Just rule is widely acknowledged as a pre-requisite to good governance, and this section of the JGA Annual Review report reflects on the importance of ruling justly – not only in the current context, but also in dealing with Rwanda’s recent history and in preparing for its promising future.

The impacts of just rule are far-reaching: from facilitating economic development activities and attracting foreign investment, to increasing the likelihood of effective poverty reduction initiatives. Measures of just rule are centered on the existence of civil and political rights, which can be defined as ‘those that belong to every citizen of the state, and are not connected with the organization or administration of government. They include the rights of property, marriage, protection by law, freedom to contract, trial by jury, etc. and are capable of being enforced or redressed in a civil action in a court.’<sup>7</sup> As such, indicators of just rule in a given country include the existence of strong and fair institutional structures and mechanisms, as well as expressions of safety, security, confidence and trust voiced by the public.

The right to justice is an integral part of the Constitution of the Republic of Rwanda and is recognized as a crosscutting issue affecting all organizations and individuals. Within the framework set by the JGA 2008 report, 21 performance indicators for measuring just rule are grouped into the following categories, which are discussed in detail in the sub-sections below:



### 2.1 Establishing and Maintaining Security

#### A. Principles and Priorities:

It is essential that the security sector has the capacity to successfully undertake its dual role of protecting the population from local and national threats and upholding national law. Capacity refers to both the necessary equipment to work effectively, as well as the necessary numbers to maintain visibility and presence. Improving the image of security organs to instill confidence and trust in the population is also crucial, as is ensuring that these entities are well governed, are accountable and act in accordance with the same laws and rights as the civilians. The security sector has a duty to engage in dialogue with the public, taking into special consideration the most vulnerable groups, to ensure mutual understanding and effective crime prevention and reduction.

<sup>7</sup> <http://legal-dictionary.thefreedictionary.com/Civil+Rights>.

## B. Assessment of Performance and Progress Made

### Monitoring Framework for Establishing and Maintaining Security

2.1 Establishing and Maintaining Security					
Indicator	Disaggregation	Frequency	Source	Available Data	
				Baseline: 2007	2008 to 2009 (as applicable)
1. Percentage of respondents expressing confidence in the performance and conduct of security organs (score of 3 or 4 on a scale of 4)	Ask separate questions for 1) Rwanda Defense Forces, 2), Rwanda National Police and 3) Local Defense. Disaggregate by gender, district if feasible	Every 3 years	JGA Data and Perception Survey	2007 estimate for Police - 85.6% (World Values Survey, forthcoming)	2009: Overall RDF: 96% Police: 91% LD: 56%  Disaggregated data available (See Data Analysis Report)
2. Percentage of respondents expressing a high level of satisfaction in their personal security (score of 3 or 4 on a scale of 4)	Ask separate question for 1) personal and 2) property security. Disaggregate by gender, district if feasible	Every 3 years	JGA Data and Perception Survey	2007 estimate for Kigali – 87% personal security, 84% property security (EDPRS security baseline)	2009: Personal security: 85.8% Property security: 75.9 % Disaggregated data available
3. Number of homicides per 100,000 people	Disaggregate by gender, district, categories of crime	Annual	Rwanda National Police (RNP)	RNP figures (homicides per 100,000) <sup>8</sup> : 2007: 6.1	2008: 5.9 2009: 5.1 Disaggregated data not available

#### INDICATOR #1: Confidence in the performance and conduct of security organs

Respondents' confidence in the Rwanda National Police (RNP) appears to be high at 91% nationwide, and no lower than 89.2% when disaggregated by region. This confidence rating compares favorably to the baseline figure of 85.6% (2007), although it should be noted that this earlier figure is an estimate figure, generated by an alternative source (i.e. World Values Survey). Overall confidence in Rwanda Defense Force (RDF) is also high at 96% (with a variation of 3% when disaggregated by region), although there is no baseline figure for comparison. Confidence in the Local Defense Force (LDF) appears markedly lower, both overall (56%) and when disaggregated by district (as low as 29% in MVK). As the full data set was not available in 2007, comparisons can be drawn only with the other security organs and between districts. Concerning the latter, it should be noted that there is a 32% difference between the highest and lowest confidence rating. As a complete data set, figures for 2009 can be considered the baseline for future assessments.

In analyzing the high confidence in the **RDF**, it appears from the discussion with the key informants that historically the former army (EX-FAR) had little involvement with civilians, and their interactions with the general population were largely limited to warfare and national defense. Following the 1994 genocide, the new army took a different approach in order to improve the image of the military forces throughout the country and to regain the confidence of the population, which was then distrustful and fearful of the Army (EX-FAR). They began participating in social and economic development activities such as *Umuganda* (the monthly community work day) and construction of houses for widows, orphans and other vulnerable people. In 2007, the RDF established the Gender Desk in order to better structure and step up its gender-based activities. The RDF Gender Desk devised strategies and methods including training of RDF personnel and civilian Gender Focal Points (GFP), dissemination of information through gender desk brochures, the Ministry of Defense website, and through music, dance and drama by the Army Jazz Band. So far, about 11,000 people have been trained; a hotline number (3945) has been established to help in reporting and responding to sexual and

<sup>8</sup> includes 'ubwicanyi', 'ubuhotozi' and 'kwihekura'.

gender-based violence (SGBV); and 3,647 anti-SGBV clubs have been formed up to the Cell level. The Army also organizes a periodic “Army week” in which medical personnel from the military travel nationwide to provide free medical services to the civilian population such as dental and other types of surgical operations. These activities reportedly strengthened civilian-military relationships. Furthermore, a justice system within the military was not previously known to the public; but following the judicial reform in 2002-2003, two levels of military courts (Military High Court and Military Courts) were established, and currently military trials are conducted in public and are publicized in the media. Key informants believe that this may have enhanced the public’s view of military institutions as institutions of accountability. The combination of all these efforts is likely to have increased the public’s confidence in the RDF more so than in the police or local defense forces.

The **RNP** has conducted similar civic activities that were supplemented with unique and specialized services such as establishing a Gender-Based Violence (GBV) office and Gender desks in all police stations nationwide to receive GBV complaints from the public. Whilst these kinds of activities would be expected to increase the population’s confidence in the Rwanda National Police – as it apparently has for the RDF – the RNP’s inherent role in fighting crime and conducting investigations in the community can have a natural tendency to provoke feelings of fear and suspicion. In other words, the high visibility of the police force and their legal duty to seek out law-breakers and punish crimes seems to create a situation in which the general population and the police see each other, to a certain extent, as adversaries. Nevertheless, the National Police’s community policing program – which is decentralized to local levels of the government – regularly engages police and the population in dialogue and decision-making mechanisms to combat crime. This alone has greatly contributed to respect of the institution by the population.

Over the last two years, the RNP received 36 double cabin pick-up trucks and 82 motorcycles to boost crime prevention interventions. By speeding up the police’s response time and enhancing their ability to access remote areas, this logistical support has facilitated crime prevention and improved the police’s ability to handle criminal complaints from the population. This, coupled with the crime prevention line and recruitment of an additional 2,113 members into the police force in 2009, has increased the police presence in communities and has provided an opportunity to develop confidence in the institution.

Public confidence in the **LDF**, however, appears to be less than that of the RDF and RNP due to several factors but primarily because of perceived deficiencies in training and experience to adequately conduct policing and administration. However, Local Defense has since been put under the direct command of the National Police (compared to Sector and District as previously managed), and each LDF member is currently paired with a trained police officer. This has apparently reduced the previous tensions between the defense force and the population; and confidence can expect to increase with the implementation of the government’s plan to finance training programs that will equip the defense forces with appropriate policing skills.

## ***INDICATOR #2: Level of satisfaction in personal (and property) security***

The analysis of indicators related to personal security and the security of personal property within the JGA Data Analysis Report 2008/2009 was based on statistics of reported security threats made by members of national security organs. Because only a very small proportion of the respondents reported having experienced any type of threat from either of the security organs in the past 12 months (4.7% reported personal threats and 3% reported the destruction of their property), this current assessment broadened the source of information to include external territorial threats, which can cause massive harm to personal and property security of citizens and are also relevant to the Rwandan population.

In terms of **overall safety and security**, Rwanda ranks second after Tanzania as the most peaceful country in the East African Community (EAC) according to the 24 indicator based Global Peace Index. External security threats are reportedly being handled by the army (RDF). Military campaigns have mobilized rebels in neighboring countries to lay down arms and re-integrate into the national army, and rebel groups have been prevented from attacking Rwandan residents. In addition, the government has increased security control measures and improved prevention of **personal security** threats by increasing the number of police and military personnel in and around places of high human traffic such as shopping malls, busy city streets and bus/taxi parks. Despite financing challenges, the government is able to recruit 1,500 new policemen/women every year into the force; and they would like to further raise the ratio of police to citizens from 1:1500 in 2007 to 1:1000 and beyond in the future.

Despite these apparent improvements in overall safety and security in the country, the findings of the JGA 2008/2009 Data Analysis Report revealed that respondents generally feel less secure in 2009 than in 2007 – though the large majority is satisfied with their level of security. Specifically, satisfaction with personal security appears to have dropped by 1.2% to a total of 85.8% since 2007; and satisfaction with property security has dropped by 8.1% to a total of 75.9%. It should be noted that the baseline figures (2007) are for Kigali only and were generated by a different source (i.e. EDPRS Security baseline) than the 2009 figures. This makes an accurate analysis of progress difficult to achieve. With this in mind, 2009 data can be considered the baseline for future assessments.

As indicated in the data analysis report, perceptions of personal security remain higher than those of security of personal property. **Security of personal property** has reportedly been negatively affected by the recent capital-intensive real estate development projects in the country that require expropriation of some citizens' land in order to pave way for investors/development. This may have led to dissatisfaction among the affected population and lessened the public's confidence in security of their property. Another factor that possibly contributed to perceived security risks vis-à-vis personal property is the fact that convicted suspects of *Gacaca* cases often have to dispose of their personal property in order to pay reparation damages to the victims. Finally, while the Vision 2020 *Umurenge* (villagization settlement) program may improve personal security due to the integrated housing structure, it could conversely be considered a contributing factor to property insecurity because it requires displacement of settlements.

**INDICATOR #3: Number of homicides per 100,000 people**

The number of reported homicides per 100,000 was 5.9 and 5.1 for 2008 and 2009, respectively. Compared to the 2007 baseline figure, this is a decrease of 1 point over 2 years. There is no disaggregated data available at present (for gender or districts) to make further comment on progress in this area. In fact, a gap in data management capacity was discovered when examining this indicator.

Efforts have been taken to improve relationships and establish partnerships between the police and the general population for crime prevention and reporting. These include: a community policing program; mobilization of the population through mass media such as radio programs and a police magazine; improved responsiveness of police as a result of the increased size of the police force and the number of transport vehicles (as noted above); Police Week activities; and campaigns during the monthly *Umuganda* events. The RNP has also undertaken various crime reduction initiatives, including:

- Establishing 52 anti-crime clubs in 52 schools nation-wide;
- Conducting quarterly crime prevention operations; and
- Training Community Policing Committees and Community Liaison Officers that are equipped with means of transport and communication.

All of this could partially explain the decline in the number of homicides per 100,000 people, which dropped from a peak of 8 in 2003 down to 5.1 in 2009.

**C. Progress against Recommendation(s)**

Recommendation as per JGA 2008 Report	Current Status
Strengthen mechanisms for democratic oversight of the security forces by building the capacity of the Committee on Security and Territorial Integrity in the Chamber of Deputies and the Senate Committee on Foreign Affairs Cooperation and Security.	<p>Government has been providing support to the training of Community Policing Committees (CPCs), equipping them with transport and communication means, and putting in place the CPCs Liaison Officers. There have also been efforts (as indicated above) to strengthen the Police in terms of human resources &amp; logistics. RDF has also had international peace-keeping missions which have earned it an international reputation on discipline and peace keeping.</p> <p>Although support has been provided at the CPC level, there was no evidence of providing capacity building support to the Committee on Security and Territorial Integrity in the Chamber of Deputies and the Senate Committee on Foreign Affairs Cooperation and Security.</p>

**2.2 National Reconciliation and Transitional Justice**

**A. Principles and Priorities**

The 1994 genocide against the Tutsi resulted in the deaths of more than a million Rwandan Tutsis and moderate Hutus as well as the displacement of an additional two million Rwandans into refugee camps in bordering nations. The challenge of rebuilding society after such a devastating event was unprecedented, and Rwanda has forged (and continues to forge) its own path in doing so, utilizing traditional institutions such as *Gacaca* community-based trials and other approaches. The national priorities continue to emphasize reconciliation, transitional justice, assistance to survivors, reintegration of returnees, and rebuilding of unity and trust.

B. Assessment of Performance and Progress Made

Monitoring Framework for National Reconciliation and Transitional Justice

2.2 National Reconciliation and Transitional Justice					
Indicator	Disaggregation	Frequency	Source	Available Data	
				Baseline: 2007	2008 to 2009 (as applicable)
4. Completed and remaining genocide trials through the <i>Gacaca</i> and formal court system	Disaggregate by category 1, 2 and 3 and by sub-categories	Annual	National Service of <i>Gacaca</i> Courts, Public Prosecutor	End 2007: Number of completed <i>Gacaca</i> cases: 1,065,800 Remaining <i>Gacaca</i> cases: 68,408	September 2009: Remaining <i>Gacaca</i> cases (all categories): 7,548  Category 1 trials No. of trials: 12,213 Pronounced judgments: 11,153 Remaining: 1,060  Categories 2 and 3 No. of trials: 1,133,716 Pronounced judgments: 1,127,228 Remaining: 6,488  ICTR trials (end of 2009): Completed trials: 42 Remaining: 39  Disaggregated data available (See data Analysis Report)
5. Killings of genocide survivors, witnesses and judges	Disaggregate by circumstance of case, location, gender	Annual	RNP  Ibuka	<u>RNP</u> : 2003: 1 2004: 4 2005: 8 2006: 14 2007: 10 2008 (first half): 8  <u>Ibuka</u> : 2007: 16	<u>Rwanda National Police</u> (Feb 2010) 2008: 6 2009: 3  <u>Ibuka 2008 report</u> Genocide survivors- 23 Witnesses-4 Circumstances Murder-25 Poison-2  <u>Ibuka 2009 report</u> Murder-22  Disaggregated data not available
6. Measures of trust and reconciliation	Undertake perceptions surveys of trust in neighbors, community institutions and selected public bodies	Every 3 years	Perceptions survey	Baseline studies & methodological ideas available from World Values Survey, National Unity and Reconciliation Commission (NURC)	Neighbors Excellent: 33.2% Strong: 50.7% Fair: 12.8% Poor: 2.8% None: 0.3% Don't know: 0.2%

**INDICATOR #4: Completed and remaining genocide trials through the Gacaca and formal court system**

*Gacaca* jurisdictions were established as a reconciliatory justice system to conduct genocide trials. Various sources state that the *Gacaca* courts were formerly closed in June 2009 after completing all cases within their competencies. Yet, as the 2010 JGA Data Analysis Report acknowledged, accurate data on this indicator was “not easy to find.” Where information was found on the number of completed and remaining trials, it was not necessarily presented in a way that enables clear interpretation or comparison of results across time. Specifically, the data was not always broken down by categories 1, 2 and 3 each year; and when it was disaggregated, the subtotals did not necessarily add up to the overall total reported (see the table below).

Data by Category and Year	2007 (through the end of year)			2008 (through Sept)			2009 (through Sept)				
	received	completed	remaining	received	completed	remaining	received	completed	remaining		
category 1	N/A	1,065,800	68,408	N/A	1,123,027	4,679	12,213	11,153	1,060		
category 2	N/A			N/A			1,133,716			1,127,228	6,488
category 3	N/A			N/A							
<b>TOTAL</b>	<b>N/A</b>	1,065,800	68,408	N/A	1,123,027	4,679	1,145,929	1,138,381	7,548		

Therefore, as part of this assessment, additional sources of information were consulted (such as the draft Justice Sector Joint Sector Review [JSR] Summary Report and the Freedom House Report on Rwanda in 2010) in order to determine the current situation vis-à-vis attainment of this indicator.

As per the Justice Sector’s JSR report dated October 2010, there are no remaining cases that can be tried by *Gacaca* Courts. Specifically, the *Gacaca* courts system has handled 1,211,412 cases in the first and second categories plus over 600,000 property damage-related offences.

The JSR draft report also claims that there are no pending cases, that the final activity report is in progress, and that official closure is under way. It states that in order to officially close activities of the *Gacaca* institution, laws to legally repeal the law establishing *Gacaca* Courts and to eliminate the National Secretariat of *Gacaca* Courts are in the process of enactment. However, a proposal to extend *Gacaca* to mediate possible conflicts arising from previous judgments is subject to further study and government approval. This last statement is validated by the Freedom House 2010 Report on Rwanda, which claims that, “although the *Gacaca* trials were formally completed in June 2009, some trials and appeals continue, and the government announced plans to continue *Gacaca* courts to try more serious genocide cases.”

In terms of international genocide-related cases, the International Criminal Tribunal for Rwanda (ICTR) based in Arusha, Tanzania, has tried and completed 42 trials as of end of 2009; 39 were in progress but as no baseline figure is available for comparison, it is not possible to ascertain the rate of progress.

On a national level and from genocide convicts, the work of *Gacaca* jurisdictions has been hailed as fair and reconciliatory in comparison with harsh punishments in penal code. Close to 1.5 million people have been tried, many of whom have served their sentences and are currently reintegrated into society. However, the conduct of those jurisdictions has not been without critique. According to the Freedom House 2010 report, for instance, the *Gacaca* trials have faced criticism from legal experts because of reported government interference and their focus on genocide crimes to the exclusion of crimes allegedly committed by the RPF.<sup>9</sup> The Minister of Justice has disputed this claim on grounds that the *Gacaca* trials are not comparable to ordinary courtroom judicial trials and, therefore, outside the scope and competences of lawyers and professional judges. In fact, according to key informant interviews in the Justice Sector, the *Gacaca* system of justice has performed well in terms of meeting the set timelines largely due to the following factors: (1) a budget increase by 170 million Rwandan francs, which facilitated the activities of *Gacaca* Judges; and (2) the fact that when some provinces and districts completed their trials earlier than other jurisdictions, those judges were requested to help address the backlog of cases in other areas. The JGA perception survey also suggests that, although the *Gacaca* is not based on the modern judiciary system, 61% of the surveyed population rate *Gacaca* courts as effective.

<sup>9</sup> The Freedom House: Freedom in the World — Rwanda (2010).

### **INDICATOR #5: Killing of genocide survivors, witnesses and/or judges**

There were three (3) recorded homicides of genocide survivors/witnesses/judges in 2009, compared to eight (8) in 2008 and ten (10) in 2007. While this is a marked decrease, figures are contested by different sources; Ibuka reports 22 deaths in 2009, for example. Issues concerning how and when deaths relating to genocide trials are recorded (e.g. disaggregation) do not appear to have been solved, for instance, the RNP reported 8 deaths for the first half of 2008, reduced to 6 by the end of this year.

According to various high level technical officials in the justice sector, the large divergence in the figures between the police and the other sources (e.g. Ibuka or news agencies) is due to different ways of defining the indicator. For instance, the RNP classifies killings based on the intention of the criminals after investigations are done, whilst Ibuka only counts the death of a survivor, witness, or judge involved in the case regardless of the cause of death. In summary, a death is confused with a killing in the latter example.

The RNP's data reveals a 50% decline in the killings of genocide survivors, witnesses and or judges (from 6 to 3) between 2008 and 2009. Without data showing trends over a longer period of time, it is not possible to make definite conclusions about whether this suggests a real improvement regarding this indicator.

Nevertheless, the recent desk review and interviews conducted during this follow-up assessment indicate that efforts have been taken – and continue to be taken – to reduce the number of genocide-related killings. At every intermediate prosecution authority level, there is an Office for Witness Protection which receives early warning complaints, investigates those that are credible, and takes preventive measures where needed. There is also a special forum at the Prime Minister's office which discusses various issues affecting genocide victims and potential witnesses at genocide trials, adopts responsive strategies, and translates them into actions.

The data on this indicator was supposed to be disaggregated by circumstance of case, location and gender of the victim; however, that level of detail is not available.

### **INDICATOR #6: Measures of trust and reconciliation**

It can be assumed that interpersonal trust at the community level varies depending on the role one played in the genocide and one's involvement in the post-genocide transitional justice processes, among other factors. Any observed variations in levels of trust are certainly influenced by demographic composition of the different regions (the degrees of homogeneity), the success of the different transitional justice and national cohesion mechanisms, the scale and intensity of violence in the past, and the dynamics of population migration.

Regardless of some such variances in the responses, the survey findings showed that interpersonal trust is generally quite high, with respondents having an overall trust rating of 84% across all types of people and an overwhelming majority (more than 94%) claiming that relations with their neighbors in the twelve months had been "good." Furthermore, the fact that only 15% rated the trust level at the lowest rankings of "poor" or "none" offers great hope for reconciliation efforts, despite the indecisive attitude manifested towards the returnees (i.e., 33% of respondents saying that they "don't know" the extent to which they trust old or new case returnees).

Through desk reviews and key informant interviews which complement the initial JGA data collected, a number of factors were identified as having likely contributed toward the observed results. They include the following:

- 1. The justice system:** One mechanism that has the potential for building trust is the act of bringing of the perpetrators of genocide to justice. Survey participants' effectiveness ratings of the various court systems (67.3% for classic courts, 61% for *Gacaca* courts, and 50.2% for ICTR) suggest that these institutions are both ensuring that justice prevails while also encouraging reconciliation among different groups. The *Gacaca* trials, in particular, are recognized by many people in Rwanda as an important element of the reconciliation process; and the completion of *Gacaca* Court cases can be largely attributed to the decentralized model used and the population's ownership of the system. Government and DPs extra-ordinary support and commitment to this community-based approach to justice comprised another valuable factor. This was shown in nation-wide awareness through different communication channels such as radio, TV, magazines, community mobilization events, etc.

2. **Ingando and Itorero reconciliation programs:** The Unity and Reconciliation Commission initiated these civic education programs, with the aim of reviving social harmony among Rwandans. *Ingando* program is an initiative where different social segments undergo one to two months training up country learning Rwandan history and how it led to a divided society, refugee problem and genocide. Thereafter, each participant is trained to be an agent of unity and reconciliation in his/her community. *Itorero* is another national program that applies a similar approach to educate Rwandans about the country's historical morals.
3. **Participation of various Institutions in reconciliation efforts:** As mentioned in the JGA 2008/2009 Data Analysis Report , the relatively high levels of participation of various types of institutions – including the broadcast media (88.4%), government (ranging from 80.2% to 67.5%), mediators (83.2%), and faith-based organizations (78.3%), among others – in the process of reconciliation and trust-building among Rwandans is indicative of progress in its multi-sectoral efforts.

### C. Progress against Recommendation(s):

Recommendation as per JGA 2008 Report	Current Status 2009
Complete the <i>Gacaca</i> process, and give careful consideration to the risks relating to the proposal to transfer some category one suspects to <i>Gacaca</i> jurisdiction.	The <i>Gacaca</i> process has made good progress towards its completion. See the narrative above for further details and nuances.
Give greater attention to research on the level of trust in Rwandan society and the impact of reconciliation programs.	There has not been any substantial initiative by the Government to address this recommendation

## 2.3 Rule of Law

### A. Principles and Priorities:

Rebuilding Rwandan society and fostering reconciliation rely heavily on the re-establishment of a rule of law that is both equitable and reliable. Law enforcement agencies, including the judiciary, must be seen to be accountable and independent, imbued with the values of integrity and impartiality, for trust to be restored. Reform should be tackled where possible and high professional standards adopted, and not shied away from because of the perceived enormity of the task. Agencies should be effective and efficient, with appropriate human, financial and institutional capacity to deliver justice at all the points where the law and the public meet – be it law enforcement, criminal investigation or judicial process. While ensuring access to justice remains a challenge in areas where resources may be lacking and legal-aid systems are new or non-existent, it is crucial that Rwanda continues to strive towards universal access, focusing particularly on the most vulnerable groups in society, as outlined in the Constitution.

B. Assessment of Performance and Progress Made

Monitoring Framework for Rule of Law

2.3 Rule of Law					
Indicator	Disaggregation	Frequency	Source	Available Data	
				Baseline: 2007	2008 – 2009 (as applicable)
7. Backlog of court cases (defined as dossiers awaiting judgment for more than 6 months); Number of prisoners awaiting trial (criminal cases only)	Disaggregate by type of crime. Compare with number of cases tried. Provide separate figure for genocide prisoners in pre-trial detention	Annual	Supreme Court Annual Report RCN Justice & Democracy Director of Prisons, MININTER, Other NGOs/CSOs that collect similar data or work with these populations	End 2007: 54,409 backlogged cases against 31,126 cases tried in 2007	April 2008: Total prisoners awaiting trial: 16,963 of which genocide: 4,309  End 2008; 4,071 backlogged cases against 50,338 tried in 2008  Data regarding no. of prisoners awaiting trial not available
8. Number of qualified legal professionals	Disaggregate by gender, level of qualifications, types of professional	Annual	Supreme Court Annual Report, Kigali Bar Association	End 2007: 257 judges (at all four levels) of which 162 men, 95 women.  Bar Association Membership: 2007 (Nov): 273	End 2008: 266 Judges (at all four levels including commercial courts) of which 171 (64.3%) are men and 95 (35.7%) are women.  <u>Kigali Bar Association membership:</u> 2008: 304 (176 were interns) 2009: 444 (287 were interns)  <u>Rwanda Public Prosecutions Authority:</u> 2008: 140 2009: 142  Fully disaggregated data not available
9. Access to legal aid	Size of funds; Number of beneficiaries; Gender	Annual	Legal Aid Forum and MINIJUST	Baseline study by UNDP and Danish Center for Human Rights	30 legal clinics ( <i>Maison d' Accès à la Justice -MAJ</i> ) each in every district, equipped with at least two lawyers who receive legal questions from the population and try to advise them appropriately on legal actions
10. Public perception of rule of law and performance of judiciary	Gender	Every 3 years	Perceptions survey commissioned from an independent source	Limited information available. World Values Survey found high degree of confidence in Judiciary	Perception of the Independence of the Judiciary - Good/Excellent: 66.4%  Perception of Police Performance in Crime Investigation - Good/Excellent: 90.4%  Magnitude of Unjust Imprisonment - High/Very High: 9.5%  The integrity of the Judiciary System in the Judgment Process - Good/Excellent: 67.4%

**INDICATOR #7: Backlog of court cases (defined as dossiers awaiting judgment for more than 6 months); Number of prisoners awaiting trial (criminal cases only)**

The backlog of cases in ordinary courts has been noted by the country's legal regime as a major challenge in ensuring civil rights. However, in the period of review, notable progress was made in reducing the backlog of cases. Current data regarding the number of prisoners awaiting trial, on the other hand, was not available. The Mo Ibrahim Index 2010 Report indicates an overall improvement of 6.3% in protection of civil liberties, in general, and a 2.1% improvement on exercise and enforcement of civil liberties by citizens, in particular, as compared to the 2008 ratings.

The reduction in backlogged cases seems to have been attained through the establishment of commercial courts, increases in the material competence of conciliation committees and the contracting of short-term judges to work on completing pending cases. Explanations provided by several stakeholders of the judiciary can help ascertain more detailed contributing factors, namely:

- Thanks to a grant from the European Union (EU) and the Government of Rwanda through budget financing, the judiciary reformed laws to allow a room for contractual judges who could, on a temporary basis, try all backlogged cases pending at the time. Under this same strategy, the judiciary was able to hire 43 judges in 2008 for a three-year period during which they were deployed to jurisdictions that had a considerable number of backlogged cases.
- The introduction of a "single judge" approach meant that cases formerly tried by three judges could now be tried by only one.
- An electronic filing system was introduced in every court registrar's office. This new computer program, called the Register of Judicial Files (RDJ), has facilitated data storage and rendered easy access of case information, thus reducing the amount of time spent consulting case files.
- In order to speed up trials and deliver justice in the shortest time possible, the judiciary administration set performance targets, whereby each judge had to try at least 15 cases per month.
- Legal reforms are ongoing within the justice sector; and in 2007, a law established separate commercial courts to deal with commercial cases only. Some of the commercial cases that were in ordinary courts at that time were transferred to commercial courts, hence reducing the backlog of cases in ordinary courts. Since 2008, one commercial high court and four first instance commercial courts countrywide have been functional.

**INDICATOR #8: Number of qualified legal professionals**

The data trends pertaining to this indicator show an overall increase in the number of qualified legal professionals in Rwanda. Only nine (9) judges in judiciary were added to the bench to fill in the gap that existed and only 2 prosecutors were added to the team; yet there was an increase of 140 lawyers who joined the Bar.

To attain these results, the Institute of Legal Practice and Development (ILPD) – an autonomous body under the line Ministry of Justice – was strengthened with capacity to accommodate and train at least 45 graduates in Law for nine months. Sector institutions including the Bar have sponsored their personnel to study the post-graduate course at ILPD and acquire a post-graduate diploma in legal practice. This has helped the sector to enhance skills and performance of their personnel hence quality service delivery to sector service users. In Judiciary, it is now a policy that all judges should at least acquire a Masters' degree in relevant field of law.

**INDICATOR #9: Access to legal aid**

While the data analysis report indicates that there are 19 districts with two graduate lawyers, in 2009 there were 14 legal clinics (*Maison d'Accès à la Justice - MAJ*) countrywide, equipped with at least two lawyers who receive legal questions from the population and try to advise them on legal actions. They also prepare court submissions on behalf of the service users and provide the population with information on new laws that directly concern them. These legal clinics are government-funded, receiving over 300 million Rwandan francs a year (30 million per clinic), which covers office-based operations as well as transportation facilities for community outreach by the lawyers. There is a proposal to add a third lawyer funded by UNICEF to take care of legal problems related to gender-based violence and/or affecting children. No data seems to be available about the users of these legal clinics; the sector, however, has issued a call for proposals to conduct a study on legal aid service users' perception, which will be conducted to by the end of 2010.

Also in terms of access to legal aid, there is a legal aid forum – which includes the Bar – that provides funding for legal representation of vulnerable groups, including children. The funds are not destined for remuneration of lawyers but rather to cover costs and expenses of lawyers to defend these cases in courts. With regards to criminal cases, it is mandatory that every minor with legal issues receive a defense counsel to represent him/her before any judicial organs. For vulnerable adults, the criteria for eligibility are qualified by the local administration by issuing a ‘certificate of indigent.’

### **INDICATOR #10: Public perception of rule of law and performance of the judiciary**

The results of the JGA 2008/2009 Data Analysis Report conducted in 2009 showed the following public perceptions:

- the level of independence of Judiciary: 66.4% reported “excellent” or “good”
- the level of independence of Parliament: 65.1% reported “excellent” or “good”
- the magnitude of unjust imprisonment: 9.5% reported “very high” or “high”
- the veracity/integrity of the judicial system in judgment: 67.4 % reported “excellent” or “good”
- Police performance in crime investigation: 90.4% reported “excellent” or “good”

#### **Perception of the independence of Judiciary and Parliament**

According to the Freedom House’s 2010 Report on Rwanda, the judiciary has yet to secure full independence from the executive. This is in contrast to the outcome of the perception survey as illustrated below. A 2008 report by Human Rights Watch noted some recent improvements in the judicial system, including an increased presence of defense lawyers at trials, improved training for court staff, and revisions to the legal code. In addition, the JGA 2008/2009 Data Analysis Report indicated that the majority (66.4%) of the population perceives the Judiciary to be independent.

According to interviews conducted for this assessment, any negative perceptions of the Rwandan Judiciary could partly be explained by the country’s history, which was known for impunity and high levels of corruption. However, since 1994, guided by the Country’s constitutional principle of Rule of Law, the Judiciary has been undergoing a series of reforms aimed at building an institution that is different from that of pre-1994. A key informant claimed that the aim is to be an impartial institution that renders true justice to all and finds trust and confidence in the population as well as in the international community.

As such, the Supreme Court, as the governing body of the Judiciary, has established an inspectorate office which monitors the performance of judges, receives complaints from the public, investigates and recommends to the council of judiciary disciplinary actions against those fundamentally suspected to have been corrupt. In addition, a Service Charter of the Judiciary, which informs the public of their rights and obligations, has been developed and is openly displayed at every court nationwide. A free telephone hotline, an email account, and suggestion boxes are also operational to receive feedback from the public. In addition, the Supreme Court began publishing a list of judges who have been found guilty of violating the founding principles of the judiciary; at least 94 Judges found to be corrupt were tried and sentenced to between 1–6 years of imprisonment.<sup>10</sup> There is also a quarterly forum of key figures in the Justice sector (Supreme Court, Prosecution, Ombudsman and Ministry of Internal Security) chaired by the Minister of Justice, during which participants discuss challenges facing the sector and propose actions to solve them; they meet the press afterwards as a way of communicating the issues to the public.

#### **Magnitude of Unjustified Imprisonment**

Unjust imprisonment is legally defined as the detention of a suspect during investigations or after the first level of a court trial before being released by police/prosecution or acquitted by appeal court; however, for the purposes of this survey, it could also be interpreted as the perception that a convict was wrongly charged. Unjust imprisonment is against the country’s constitution and a violation of universal fundamental principle of law.

Close to 71% of respondents claimed that there was no unjustified imprisonment, while about 10% believed that the magnitude of unjustified imprisonment was “very high” or “high.” This suggests that the majority of the population believes that imprisonment is being conducted

<sup>10</sup> <http://supremecourt.gov.rw/en/spip.php?article115>.

properly and in accordance with legal provisions, though the indicator did not differentiate between perceived unjustified imprisonment at police, prosecution or court levels.

The penal law and that of criminal procedure provide grounds for imprisonment. Both police and prosecution have legal powers to imprison a suspect for up to 10 days while investigations are conducted, and thereafter it is within the power of the competent Courts. In terms of imprisonment determined by the Courts, the judges are guided by law and are supposed to decide upon appropriate detainment based on evidence presented before them.

It may be the case that those individuals who felt that the magnitude of unjustified imprisonment was high either (a) do not understand well the legal system and the laws surrounding detainment; or (b) disagreed with the court's ruling of a suspect as being guilty and sentenced to prison.

### ***The integrity of the Judiciary System in the judgment process***

The integrity of the Judiciary System in the judgment process is an indicator that is directly related to the level of independence of the Judiciary. As explained above, reforms in the Judiciary system and the commitment to ethical practices could be contributing factors to the public's generally positive perception of the integrity of the judgment process, which scored a 67.4% satisfaction rating – very similar to the rating of the independence of the Judiciary.

The well-known issue of backlogged cases that persists despite various efforts to deal with it could be the cause of any negative perceptions, because it might be perceived that fair and impartial judgment cannot be applied when cases are being rushed in order to simply reduce the backlog. The fact that some (close to 10%) respondents believe that there is a high magnitude of unjustified imprisonments also clearly explains any low ratings that were given by some survey participants.

In any case, the judiciary appears to be committed to implementing the 2008 JGA recommendations to address human resource constraints by equipping them with tools and resources to serve the population with integrity. The achievement of this recommendation will be largely dependent on the participation and commitment of stakeholders in the judiciary system, particularly Development Partners.

### ***Perception of Police Performance in Crime Investigation***

Police performance in crime investigation was viewed as “excellent” or “good” among 90.4% of the respondents. This extremely high level of satisfaction could be due to the various crime-fighting initiatives of the Rwanda National Police (RNP) that were described previously under indicators 2 & 3. In particular, the community-policing approach, whereby every citizen is an informant/agent of the police investigation department in his/her community, has facilitated police work by increasing the speed at which crime information and evidence is gathered. In addition, the new law has empowered personnel from specific institutions with the authority to contribute to crime investigations in order to supplement the work of the RNP.<sup>11</sup> Furthermore some institutions are encouraging the general population to report upon crime and corruption; for instance, the Rwanda Revenue Authority (RRA) has introduced incentives for the public to report crimes of tax evasion and corruption in tax administration.<sup>12</sup> Finally, there is the often unrecognized role of private security companies which work hand-in-hand with the police force in deterring criminals, reporting criminal operations, sharing crime information and undertaking evidence collection.

Despite its will and commitment, however, the institution is still faced with the challenges of a small workforce, inadequate modern investigative skills among police officers, insufficient equipment and logistics support (e.g., vehicles). For example, the entire institution has only two crime scene investigation vehicles and two fire ambulances.

<sup>11</sup> Rwanda Revenue Authority, Rwanda Environmental Management Authority and Office of Ombudsman.

<sup>12</sup> For example under the law on domestic taxes, anyone who reports a true case of tax evasion and or corruption receives 10% of the fines and penalties applicable to the amount reported; while under the East African Customs Management Act, the reporter receives 10% of the total tax recovered.

### C. Progress against Recommendation(s)

#### Monitoring Framework for Human Rights and Civil Liberties

Recommendation as per JGA 2008 Report	Current Status
Implement programs to reduce the case backlog.	See narrative under Indicator #7 for key GoR initiatives.
Consider means of increasing access to justice and expand legal aid programs.	See narrative under Indicator #9 for key GoR initiatives.
Address human resource constraints in the judiciary, and build capacity in legal drafting.	See narrative under Indicator #8 for key GoR initiatives. There was no specific evidence found on capacity building in legal drafting; this is being addressed as part of the overall diploma program on Legal Practice. The GoR has taken major initiative through the Institute of Legal Practice and Development (ILPD) to build the capacity of the Judiciary. The capacity shortage was also addressed through the hiring of the contractual judges and establishment of clinics ( <i>Maison d'Accès à la Justice –MAJ</i> ). System gaps are being addressed by the Registrar of Judicial Files (RDJ), among others. In order to improve overall capacity, adequate division of labor is being applied by the separation of Commercial Courts from the ordinary courts.

## 2.4 Human Rights and Civil Liberties

### A. Principles and Priorities

Rwanda is a signatory to a number of international Human Rights instruments and regional conventions, including the African Charter on Human and People's Rights, and the constitution recognizes and guarantees those rights. It is essential that there be effective mechanisms and independent institutions in place to ensure that rights are realized for all sectors of society. Both state and non-state actors hold responsibility for upholding human rights and civil liberties, with civil society organizations and the judiciary playing a crucial role in overseeing and upholding Rwanda's compliance.

### B. Assessment of Performance and Progress Made

#### Monitoring Framework for Human Rights and Civil Liberties

2.4 Human Rights and Civil Liberties					
Indicator	Disaggregation	Frequency	Source	Available Data	
				Baseline: 2007	2008 – 2009 (as applicable)
11. Deaths in police custody or during arrest	Detail circumstances for each incident	Annual	RNP data triangulated with reports from Human Rights Organizations	Nov 2006 – May 2007: 10 incidents, 20 deaths  (source: RNP)	Data not available
12. Total Number of prisoners as % of planned jail capacity		Annual	Director of Prisons; MININTER	NA	April 2008: 140% 2009: 137%

2.4 Human Rights and Civil Liberties					
Indicator	Disaggregation	Frequency	Source	Available Data	
				Baseline: 2007	2008 – 2009 (as applicable)
13. Number of juveniles in rehabilitation and transit centers	By center, gender. Also measure length of detention	Annual	MIGEPROF; Kigali City Council (for Gikondo Transit Center) triangulated with reports from local human rights organizations	Transfers: 81	Data partly available:  From 2007 up to June 2009: In: 44,163 (11,739 female) Out: 42,658 Juveniles released by June 2009: 42,658 (11,931 female)  Disaggregated data by Center not available, only data for Gikondo
14. Proportion of reports required under UN Human rights instruments to which Rwanda is signatory, that are compiled and submitted to treaty reporting bodies in timely manner		Annual	MINAFET; Rwanda National Human Rights Commission	All 9 reports required for 2008 were timely submitted (in 2007)	All 8 reports were timely submitted in 2009/10
15. Number of Human Rights cases reported to NHRC and proportion of these that get resolved	Disaggregate by time taken to resolve human rights cases	Annual	Rwanda National Human Rights Commission	2007: cases received- 1,086	2008: cases received -1,361  2009: 2,063  821 pending cases
16. Women in positions of power	Deputies, Senators, Cabinet Ministers, Judges, Mayors and Councilors, civil service	Annual	MINGEPROF and other agencies	End 2007:  Deputies: 48% Senators: 35% Cabinet: 32% Judges: 37%	See the data analysis report for a comprehensive list

#### **INDICATOR #11: Deaths in police custody or during arrest**

This indicator was not discussed in the JGA 2008/2009 Data Analysis Report because the data was only partly available. Given the limited information that is systematically and regularly available on this indicator, it is difficult to make an accurate conclusion on whether the desired performance is being attained. One would need to know the figures pertaining to both deaths in police custody (for which none are available) and deaths during arrests every year for a long period of time, in order to assess the trends and notice any significant changes.

However, at surface value, our focus group discussion with the Justice Sector suggests that there is a notable difference between the number of deaths of suspects while in police custody or during arrest in 2008-2009 (e.g., 3) as compared to 2006-2007 (e.g., 20). The three reported death cases in the former period occurred at a single incident, which was an armed bank robbery in the Kigali City suburb of Nyabugogo.

If we assume that this dramatic drop from 20 to 3 in the last years is, in fact, an indication of a trend in crime reduction, then the results could be attributed to the various efforts made by the RNP in combating crime, which have been described previously under indicators #1 – RNP and #10 - Perception of Police Performance in Crime Investigation. The Police report that their primary goal is to deter crimes; therefore, by preventing crimes from taking place, the risk of any deaths occurring during arrest or while in police custody should consequently reduce.

***INDICATOR #12: Total number of prisoners as a proportion of planned jail capacity***

According to the original Rwanda JGA Report, “Rwanda’s prison population rose sharply after 1994 when tens of thousands of genocide suspects were incarcerated. The population peaked in 2003 when jails were filled to over twice their designed capacity. After a period of decline, prisoner numbers rose sharply again during 2006 and the first half of 2007, as a result of the *Gacaca* trials (which implicated new suspects) and the closure of three prisons (Nyanza, Gisovu and Kibuye) due to their unsanitary conditions. The inmates in those closed sites were transferred to other prisons that were relatively less congested.

As of April 2008 the prison population stood at 58,313 (of whom 37,330 were accused or convicted of genocide crimes). The Justice Sector review of 2010 indicates a slight drop of 3% of overcrowding from 140% (in 2008) and 2% short of target (135%) planned for 2009.<sup>13</sup> The reduction rate is less than expected because of the significant increase of convicts from *Gacaca* Courts at the phase out of *Gacaca* jurisdiction. Efforts by the Justice Sector, which aims to decongest prisons to the normal capacity within the next three years, are expected to contribute to this target and even higher. In particular, National Prisons Service is constructing a prison at Gikombe and Miyove and is rehabilitating and expanding Butare Prison; 90% of the construction work had been completed at the time of this report. Another prison construction project at Butamwa in Kigali Suburb is in its preliminary phase. Another effort to reduce crowding in prisons was to transform the Nyagatare Prison into a rehabilitation center for Minors.

***INDICATOR #13: Number of juveniles in rehabilitation and transit centers***

Data for 2007-2009 regarding the number of juveniles in rehabilitation or transit centers is only partly available, and arguably does not fully express the requirements of the indicator. Between 2007 and mid-2009, 44,163 juveniles entered rehabilitation/transit centers, of which 11,739 were female. It is not clear from the available data to which centers these figures specifically refer. By 2009, 42,658 juveniles had been released, of which 11,931 were female. While these figures give some indication of release rates compared to entrance rates, they do not express the number of juveniles who *remain* in rehabilitation/transit centers or provide information on the length of detention. This, along with the lack of baseline data, makes it difficult to assess progress against this indicator.

In terms of the detention of street children, human rights organizations have expressed concern about conditions at rehabilitation centers and the reopened Gikondo transit center; in recent months, the New York Times wrote an article about juveniles being taken to an island in Lake Kivu.

According to the JGA 2008/2009 Data Analysis Report, there are 81 juveniles in transit and rehabilitation centers; but this figure is one year old and requires further data collection to inform reporting on this indicator, otherwise it would have a biased conclusion.

***INDICATOR #14: Proportion of reports required under UN Human rights instruments to which Rwanda is signatory that are compiled and submitted to treaty reporting bodies in timely manner***

Sources from the Ministry of Justice indicate that seven (7) international and regional treaty-based reports were transmitted in a timely manner to respective competent organs in 2009. Another eight (8) were submitted to the Cabinet for approval prior to submission to relevant treaty bodies, yet these are likely to delay beyond the deadlines for submission.<sup>14</sup> In the meantime, the preparation of three (3) other reports is underway, namely:

- The initial report on the implementation of the Convention on the Rights of Persons with Disabilities, and its Optional Protocol;
- The initial report on the implementation of the International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families; and
- The initial report on the implementation of the Convention against Torture and other Cruel, Inhuman or Degrading Treatments or Punishments.

The results of this indicator objectively confirm positive performance of the reporting system.

<sup>13</sup> Justice Sector Review Report 2010.

<sup>14</sup> Ministry of Justice member of treaty body reporting task force 22/10/2010.

**INDICATOR #15: Number of Human Rights cases reported to the National Human Rights Commission and the proportion of these that get resolved**

In comparing the 2009 newly gathered data to that of the 2008 baseline, it is noted that the total number of cases received and the total number resolved have approximately doubled (1,086 – not the 1,361 cases as reported in the Data Analysis Report – to 2,063 and 540 to 821, respectively). While the increase in the number of cases handled and resolved could be interpreted by some as a sign of improvement in the National Human Rights Commission’s operational effectiveness and as a factor of any observed increases in the public’s confidence of the judiciary, the fact that the proportion of total cases resolved actually decreased during this period (from 49.7% in 2008 to 39.8% in 2009-2010) suggests that there has not in fact been any substantial improvements on this particular indicator. However, the Commission aims to double its pace of handling of cases by streamlining complaint admission criteria and empowering itself with more human resource personnel, so the proportion of all cases resolved could be expected to increase in future years even as the absolute number of cases increases.

**INDICATOR #16: Women in positions of power**

The number of women in positions of power appears to have seen minimal change since the establishment of the baseline. Most notably, the percentage of female deputies rose from 48% at the end of 2007 to 56% by the end of 2009 – an increase of 8%. The percentage of female judges overall has remained much the same; although far more disaggregated data is now available, indicating that female judges make up 50% of Judges in the Supreme Court, for example. The percentage of female ministers in the cabinet has risen by 6% to 38% against the baseline figure. The number of Senators has remained the same (35%), however the addition of a female Vice Speaker should be noted.

The Rwandan constitution requires that females hold a minimum of 30% of positions at all levels of public offices. The data above suggests that the Rwandan government has excelled in this performance indicator because most of the figures on an average exceed 30% constitutional requirements.

With no disaggregated data available for the 2007 baseline, the recently obtained figures can serve as the baseline for an assessment of progress in years to come.

**C. Progress against Recommendation(s)**

Recommendation as per JGA 2008 Report	Current Status
Strengthen fora for stakeholders (including government and human rights organizations) to engage in more constructive discussion on contested human rights issues. Access to impartial sources of information is critical in this respect.	<p>The government through National Human Rights Commission with the support of the United Nations Development Program (UNDP) established a national consultative committee of National Human rights Commission and Civil Society Human Rights Umbrella Organizations (Cladho, Danish Human Rights Institute, LIPRODHOR, and Haguruka Association). This committee has a fully functional secretariat and meets periodically to engage in dialogue and discussions on pertinent human rights issues.</p> <p>The government and human rights stakeholders agreed to an independent universal human rights periodic review and reporting which is discussed in the committee and harmonized as a single national review/report.</p> <p>There is also a discussion to amend the media law and all disputed clauses and gaps shall be considered in the proposed amendment.</p>
While maintaining the role of Cabinet and the Senate in final selection of Commissioners in the National Commission of Human Rights, consider ways of opening up nominations or publicly advertising the posts.	The current mandate of human rights commissioners is still in force and the stakeholders are still considering ways of implementing the recommendation. This will involve amending the governing human rights Commission to allow wider sources of nominations.
Re-examine the draft law on genocide ideology, paying attention to the quality of drafting, in particular in relation to specifying more clearly the principles of legality, intentionality and supporting freedom of expression.	Good progress has been on the review of the draft law on genocide ideology.

## 2.5 Political Rights

### A. Principles and Priorities

As a signatory to the International Covenant on Civil and Political Rights, Rwanda supports the right of citizens to engage in political processes and to democratically elect their government representatives. The Government must be responsive to the needs of the electorate, and is accountable for fulfilling its commitments. Rwanda's recent history still has a bearing on the political sphere, given the acknowledged role that the political system played in instigating ethnic tension during the genocide. However, it is imperative that a balance is maintained between ensuring accountability and restoring trust to ensure no repeat of the events of 1994, while also opening up political space for fair competition in true democratic terms.

### B. Assessment of Performance and Progress Made:

#### Monitoring Framework for Political Rights

2.5 Political Rights					
Indicator	Disaggregation	Frequency	Source	Available Data	
				Baseline: 2007	2008 to 2009 (as applicable)
17. Election declarations of independent observers	To be determined: sub-indicators could include existence of parallel vote tabulation, by political parties, by independent observers	For each election	National Electoral Commission, Independent Observers	2008 Legislative elections <sup>15</sup> : <ul style="list-style-type: none"> <li>• Number of political parties participating: 7</li> <li>• Total number of candidates (political parties and special groups): 353</li> <li>• Total number of candidates disaggregated by party and special group:                             <ul style="list-style-type: none"> <li>○ Rwandese Patriotic Party and other 4 parties in coalition: 80</li> <li>○ Liberal party: 62</li> <li>○ Social Democratic party: 63</li> <li>○ Youths: 22</li> <li>○ Disabilities: 14</li> <li>○ Women: 112</li> </ul> </li> <li>• Total Number of independent observers: 1,204                             <ul style="list-style-type: none"> <li>○ International Observers: 197</li> <li>○ National Observers: 1,007</li> </ul> </li> </ul>	No election took place in the year under review
18. Publishing of financial statements of political parties	Sources of revenue, asset holdings and donations above RwF 1mn	Annual	MINALOC	Financial statements submitted to MINALOC and the Office of the Ombudsman by all parties, but were not published	Financial statements submitted to MINALOC and the Office of the Ombudsman by all parties, but were not published

#### INDICATOR #17: Election declarations of independent observers

Local government and parliamentary elections are held every five years and presidential elections every seven years while senate elections are held every eight years. The public are free to vote and to be voted into power in those elections.

<sup>15</sup> Report by Rwanda national Electoral Commission on Legislative Elections of 18/09/2008 published on October 2008.

As indicated in the above Monitoring Framework, as well as the table below, the observance of the election involved societies and bodies from all over the world.

2008 Legislative elections	
1.	European Union: 163
2.	Canadian Embassy: 6
3.	Embassy of Netherlands: 4
4.	United States of American Embassy: 4
5.	Embassy of South Africa: 4
6.	British Embassy: 10
7.	Belgian Embassy: 1
8.	Swedish Embassy: 4
9.	High Commission of Tanzania: 2
10.	Electoral commission of Uganda: 2
11.	Ministry of Local government (Rwanda): 11
12.	Commonwealth secretariat: 4
13.	East African community Assembly: 35
14.	Commission of African Union: 15
15.	CEPGL: 1
16.	Common Market for Eastern and Southern States (COMESA): 9
17.	Embassy of Kenya: 1
18.	Burundian Embassy: 2
19.	Electoral commission of Kenya: 3
20.	Electoral commission of Burkina Faso: 4
21.	National Assembly of Burundi: 4
22.	Consultative forum of political organizations (Rwanda): 62
23.	Platform for civil society (Rwanda): 529
24.	Global Trustees for Unity and peace Volunteers: 8
25.	National Human Rights Commission (Rwanda): 69
26.	National unity and Reconciliation Commission (Rwanda): 80
27.	International organization for Francophone: 7
28.	Center for Conflict management (Rwanda): 16
29.	Human Rights Watch: 2
30.	League for human rights organizations in Great lakes Region (LDGL): 116
31.	Kangurirwa Human Rights Association: 6

It is, however, not clear from the indicator how independent observers' comments should be included in the framework.

The 2010 Freedom House report on Rwanda (*reflecting the situation up until 2009*) scored the country at 6 out of a possible 7<sup>16</sup> points for political rights and 5 out of 7 for civil liberties, noting strict controls of political life of the political parties. This puts Rwanda under the category of “not free” in terms of political and civil liberty. The Mo Ibrahim 2010 index report, however, indicates a 5.6% improvement in freedom of expression and assembly in 2009 compared to the previous year. These external assessments need to be interpreted with caution as the methodology of data collection/analysis differs significantly compared to the JGA Review methodology.

### INDICATOR #18: Publishing of financial statements of political parties

By November 2009, ten (10) political parties were fully registered and functioning in Rwanda. Those under the Forum of Political Parties receive government subsidies and, as a result, each party is required to submit annual financial statements to the office of the Ombudsman and copy to the Ministry of Finance for government subsidies auditing purposes. In terms of the requirements, the financial report should contain the following and should be published (though the later legality is generally not applied):

- Revenue and expenditure statement
- Asset depreciation
- A comprehensive balance sheet

According to key informants within the Forum of Political Parties in Rwanda, all political parties reported their financial data and there are no cases of delays or failure to meet the requirements. While financial statements are available, they are not disaggregated as requested; while the statements are submitted, they are not published. Consequently, the available data is only a measure of compliance of different parties.

The Organic Law No. 16/2003 of 27/06/2003 governing political organizations and politicians do not obligate political parties to publish their financial reports but for governance purposes, it is recommended to publish these reports for public scrutiny.

### C. Progress against Recommendation(s)

Recommendation as per JGA 2008 Report	Current Status
Consider the need for more independent mechanisms for oversight of party registration, assembly and accounts.	The government is establishing an independent governance board that will take over political party oversight responsibility from MINALOC.
Maintain progress in improving electoral conduct.	
Engage in a debate on political party financing. Require the publication of financial statements for all political parties including full disclosure of revenues and assets.	By law, political parties are required to publish their annual accounts and reports, but the level of enforcement remains very low. The political parties do not generally consider it as a governance issue to publish their annual financial statements including disclosure of their revenue and assets. Instead, they prepare and transmit to relevant organs without publication for public consumption. The upcoming Governance Board is expected to ensure that this recommendation is fully implemented.

## 2.6 Institutions of Accountability

### A. Principles and Priorities

Institutions of accountability provide an oversight function in monitoring government performance, where accountability refers to both horizontal accountability between governmental and Constitutional bodies and vertical accountability between governments and citizens. To do this effectively, such institutions must be assured of the following: operational independence; high standards of professionalism and integrity; clearly defined functions (be they judicial, political or administrative); and sufficient human and financial resources to perform these functions and strengthen research, advocacy and communication capacity.

<sup>16</sup> Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom.

## B. Assessment of Performance and Progress Made

### Monitoring Framework for Institutions of Accountability:

2.6 Institutions of Accountability					
Indicator	Disaggregation	Frequency	Source	Available Data	
				Baseline: 2007	2008 – 2009 (as applicable)
19. Number of times ministers get called to parliament	By subject area	Annual	Secretariat of Chamber Deputies	Not available	2009: 58 times in 19 institutions <sup>17</sup>
20. Number of NGOs refused registration and required to close		Annual	MINALOC	Figure to be requested	2008: No. of International NGOs that applied for registration: 135 No. refused/forced to close: 3 (2.2%)  2009: No. of International NGOs that applied for registration: 162 No. refused/forced to close: 2 (1.2%)
21. IREX Media Sustainability Index	Include 5 sub-indices: 1) Freedom of speech 2) Professional Journalism 3) Plurality of News 4) Business Management 5) Supporting Institutions	Annual	IREX	2006 – 2007: Average score of 2.29 out of 4. 1) 2.53 2) 2.17 3) 2.77 4) 2.01 5) 1.95	2007 – 2008: Average score of 2.40 out of 4. 1) 2.69 2) 2.30 3) 2.78 4) 2.04 5) 2.19

#### **INDICATOR #19: Number of times Ministers get called to parliament**

The indicator is aimed at measuring the extent to which the government has checks and balances, since both chambers of Parliament are the people's mechanism to influence the government and its affiliated institutions. It is based on the assumption that the more frequently Parliament summons a member of the government institution (i.e. a Minister) to provide explanations on relevant issues affecting the population, the more responsible, legitimate and effective it is.

<sup>17</sup>

Because no 2007 baseline data was available, it is not possible to see trends and, therefore, determine if any progress has been made over the years. Some clarification is needed as to whether the figure should be increasing or decreasing, as well.

<sup>17</sup> Extracted from daily registers of both houses, Parliament and explanations by Mr. Dominique Nyombayire Clerk department, 28<sup>th</sup> October 2010 and Mr. Nyabyenda Reverien, Clerk to the Senate on 29<sup>th</sup> October 2010.

Ministers and other government policy makers were called to the parliament 58 times from 19 different ministries during September 2008 and December 2009, as indicated below:

Institution	Number of Times Called
Prime Minister:	6 times
Ministry of Defense:	2 times
Ministry of Foreign Affairs:	7 times
Ministry of Justice:	2 times
Ministry of Commerce:	6 times
Ministry of Local Government:	1 time
Ministry of Forestry and Mines:	3 times
Ministry of Sports and Culture:	2 times
Ministry of Education:	3 times
Ministry of Finance and Economic Planning:	3 times
Ministry of Gender and Family Promotion:	2 times
Ministry of Lands:	4 times
Ministry of Public Service and Labor:	1 time
Ministry of Infrastructure and Energy:	5 times
Ministry of Agriculture:	7 Times
Ministry of Information Communication Technology (ICT):	1 time
Ministry of Internal Security:	2 times
Ministry of Youth:	1 time

#### **INDICATOR #20: Number of NGOs refused registration and required to close**

In order for international non-governmental organizations (INGOs) to be registered and granted legal authorization to operate in Rwanda, they must apply and meet some pre-requisites. There are also requirements for the renewal of their status in the country; and it is the Directorate of Migration and Immigration that issues the permit. In situations when these requirements are not met by the applicant INGO, the application can be rejected and the organization can be required to close down.

The information required for submission by INGOs in order to apply for an operational license is:

- i. Annual Action Plan
- ii. Sources of funding
- iii. Detailed Annual Budget
- iv. Recommendation letter from the line Ministry(ies)
- v. Notarized Statute by competent Authority of the INGO's Head Office
- vi. Memo presenting the relationship between the INGO program with Vision 2020, EDPRS (Economic Development and Poverty Reduction Strategy) and DDP (District Development Plans)

The requirements of INGOs to apply for extension/renewal of its license are listed below:

- i. Annual Report
- ii. Action Plan for the following year

- iii. Sources of funding
- iv. Detailed Annual Budget
- v. Recommendation letter from the line Ministry(ies)

By speaking to the Officer in charge of INGO registration within the Ministry of Local Government and reviewing the data on NGOs registered and refused, one can conclude that a very low proportion of INGOs fail to meet requirements and are forced out of the country. Yet, it should be noted that, similar to the previous performance indicator, it is not clear what exactly constitutes progress in this area or what the data is intended to show, although it is clear that high numbers of organizations continue to register successfully.

### **INDICATOR #21: IREX Media Indices**

#### Media Sustainability Index

In the most recent report available (which is for the period 2007-2008), the IREX Media Sustainability Index recorded an average score for Rwanda of 2.40 out of 4 under the category of ‘Sustainable Media’, as compared with the previous year’s score of 2.29. All except one of the five sub-indices registered improvements, with the greatest progress shown in the “Supporting Institution” sub-index (0.24) and the least progress in the area of “Plurality of News” (0.01).

While these improvements are marginal, any progress made could be attributed to the following factors:

1. First and foremost, it could be a result of a change of mindset among news and media professionals from (a) merely publishing sensational stories as a non-profit service to entertain the population to (b) focusing on business interests within the profession. This new thinking could be compelling media houses to practice professionalism by embarking on quality of news to capture wider sales.
2. The other factor is reportedly the support given to the media industry by the Rwandan government and other stakeholders. In particular, between 2008 and 2009, several postgraduate scholarships were awarded to graduate journalists to pursue their studies. Upon graduation, highly trained professionals entered the workforce with a fresh perspective and new ideas about the media industry.
3. In addition, key informants believe that the growth of economy and increased demand for marketing channels also led to the expansion and diversification of media channels – such as print media and radio – seeking to tap into new opportunities.

Looking at the raw scores rather than just trends in progress, the IREX Media Sustainability Index alone suggests that there is room for improvement in terms of freedom of the press and freedom of speech in Rwanda. Indeed, other audiences have also expressed concern in these areas. For instance, the Freedom House 2010 report on Rwanda claims that the RPF has imposed numerous legal restrictions and informal controls on the media; and press freedom groups have accused the government of intimidating independent journalists. Some examples cited by these sources are as follows:

- The British Broadcasting Corporation’s Kinyarwanda service was banned for two months ending in June 2009 after it aired dissenting views on the genocide.
- In August 2009, the Media High Council recommended the suspension for six months of the independent national weekly *Umuseso* for defaming the president.
- Also in August, the editor of *Rugari* was sentenced to two years in prison for attempted extortion, and a journalist from Rushyashya was sentenced to a three-month jail term for photographing a *Gacaca* trial.
- The editor of *Umuwugizi*, Jean-Bosco Gasasira, was convicted of defamation and invasion of privacy in November 2009 for publishing an article about an affair between two government officials; and he was fined about \$6,000.
- A month later, authorities arrested and released the editor, Didas Gasana, on another defamation charge.

Furthermore, a new media law enacted in August 2009 contained a number of restrictive provisions, including educational requirements for journalists, a rule compelling journalists to reveal sources when it is deemed necessary for criminal cases, and increased capital requirements for starting new media outlets. Authorities do not restrict access to the internet, but its penetration in the country remains limited, according to the Freedom House 2010 report.

Professional Journalism index:

IREX recorded a decrease of 0.13 in the index for “Professional Journalism” between 2006-2007 and 2007-2008. According to the key informants interviewed as part of this assessment, the key challenges that are largely responsible for poor performance of the media industry include the following:

1. Most graduates from the School of Journalism at the National University of Rwanda (NUR) prefer to initially work for private commercial corporate entities, while the rest tend to resort to the media industry without a total commitment to it. Some people feel that this translates into a media industry dominated by unqualified personnel who are unprofessional, lacking ethical practice and skills to manage their media houses.
2. The current media law, which criminalizes libel rather than making it a civil claim, has discouraged the industry to write “real” stories.
3. The insufficient number of effective, operational printing presses in Rwanda that can meet the local demand. Currently some media houses have to print outside the country, which is expensive in terms of production costs and tax implications.
4. The “proof of capital” requirement for media houses to operate has also contributed to the lack of interest in working in the industry. While this legal clause had positive intentions of attracting only serious candidates into the industry, it has also curtailed real professionals who lack the capital to start a business but who have a lot of potential for effective business.

Despite the above challenges, the industry reportedly intends to take action to improving the media industry. One of them is to professionalize and commercializing the industry by transforming media houses from non-profit services to profit-making businesses. This should improve quality of services, professionalism, completion and responsible management as well as corporate governance.

**C. Progress against Recommendation(s)**

Recommendation as per JGA 2008 Report	Current Status
Address capacity constraints affecting parliamentary committees.	At both the Lower Chamber and Senate levels, capacity building has been initiated in the form of cross-border exchange of information, foreign study tours, and in house/country paper presentations and debates on certain issues from related experts. An institutional capacity audit is not available at the time of this report, which would otherwise guide committees in capacity building planning.
Support the advocacy role of civil society organizations.	With an MoU between the GoR and the United States International Agency for Development (USAID), the Millennium Challenge Corporation (MCC) has funded a program that strengthens civil society participation in national issues including their role in advocacy. However, much support is still required in this area.
Provide media training, in particular to raise standards of investigative journalism.	The MCC has funded a program that develops and strengthens capacities of media industry and IREX is implementing this particular recommendation.  In addition, the new Media High Council board has as its priority, during its terms, to increase capacities of journalists including training in standards of investigative journalism and professionalism. Through Great Lakes School of Journalism in the city of Kigali, Journalists shall undergo flexible training at their convenient times.
Find ways to ensuring a clearer distinction between the regulatory function of the High Council of the Press and its role in defending press freedom. Support capacity building in equal regard to both functions.	The Media High Council, will commission a study on how the council can effectively deliver to the needs of its members in terms of support, advocacy and defense.
Encourage greater openness in government’s provision of information to the press through the implementation of the Information Act.	The information act is currently being formulated



# **SECTION 3**

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## **Progress in Government effectiveness**

Sub-Report

Joint Governance Assessment (JGA) Annual Review 2008/2009

### 3.0 GOVERNMENT EFFECTIVENESS

Government effectiveness is synonymous with government performance and is essentially a measurement of the perceived quality and efficiency of policies, processes and services. Effective government promotes political empowerment of citizens, a platform for sustainable democratization, the efficient mobilization of economic development activities as well as inclusivity and wellbeing. Paramount to effective government is the extent of public participation in policy formulation, implementation and monitoring – notably the role that civil society organizations play in ensuring accountability. It is through public participation that the credibility and commitment of the Government overall is ultimately measured.

This section examines government effectiveness in terms of the accountability and responsiveness of public agencies in relation to the population they serve. Within the framework set by the JGA 2008 report, the performance indicators #22 to 37 for measuring government effectiveness are grouped into the following categories, which are discussed in detail in the sub-sections below:



#### 3.1 Public Financial Management

##### A. Principles and Priorities

A range of policy reforms and institutional changes that have recently improved Rwanda's Public Financial Management (PFM) have been accompanied by strong economic performance. The GoR has been implementing the PFM Reform Strategy (2008-2012) since 2008, the ultimate goal of which is to ensure efficient, effective and accountable use of public resources as a basis for economic development and poverty eradication through improved service delivery. The strategy focuses on building human resource capacity, putting in place modern and effective systems and procedures for effective financial management and reporting, and strengthening the institutional framework in accordance with international best practices for a more efficient and transparent PFM system. It also aims to increase effective coordination of various reforms, sequencing the reforms to align the priorities of the country with both the EDPRS and "Vision 2020" and to ensure their effective implementation. The PFM Reforms are being implemented in eleven (11) components grouped into four pillars: (1) Economic Management and Budgeting; (2) Financial Management and Reporting; (3) Public Procurement; and (4) Budget Execution Oversight.

Some of the recent reforms, as part of the PFM Reform Strategy, include: introduction of gender-based budgeting; alignment of the budget calendar to practices of the EAC; formulation and approval of the Debt Management Strategy; and the establishment of an innovative PFM Basket Fund that applies the national procurement procedures.

The impact of these reforms is likely to be recognized in the ongoing Public Expenditure and Financial Accountability (PEFA) assessment, the outcome of which will be available by end of this year.

## B. Assessment of Performance and Progress Made

The 2008 JGA report states, “It has been agreed that these [indicators] should serve as ‘placeholders’ for review once the PFM strategy and action plan have been finalized and approved.” Since the publication of the report, the PFM Reform Strategy has been approved and the Common Performance Assessment Framework (CPAF) of EDPRS has been revised. The indicators concerning “procurement” as proposed in the 2008 report have been modified accordingly. Details of the refined indicators for these and the rationale for their changes are highlighted in the revised Monitoring Framework in Annex 2 and 3 of this report.

The PFM data included the JGA 2008/2009 Data Analysis Report was crosschecked using the Sector Performance Report on Achievements of 2009-2010, produced by the PFM Reform Secretariat of MINECOFIN. Further analysis was conducted using preliminary findings of the 2010 PEFA Missions led by a team of international and local consultants. It is to be noted that the report is yet to be finalized, so any analysis based on the initial findings should be considered as *indicative* only.

## Monitoring Framework for Public Financial Management

3.1 Public Financial Management					
Indicator	Disaggregation	Frequency	Source	Available Data	
				Baseline: 2007	2008 - 2009
22. Improvement in Public Expenditure and Financial Accountability Assessment	Disaggregate by the 28 performance Indicators shown in Table 2	Every three years	Commissioned Reports	2007: Average score: C+	PEFA assessment is currently being undertaken. Final report is expected to be available in December, 2010
23. Comprehensive and consolidated accounts produced within 3 months of end of each year and published on MINECOFIN website	SIMPLE Yes/No Indicator	Annual	Accountant General	2006 First Consolidated accounts  Public accounts not yet online	1) In 2008, Consolidated accounts produced by MINECOFIN were submitted with slight delay. The Auditor General Report 2007 and the Rwanda Public Procurement Agency's report have been published 2) In 2009 consolidated public accounts submitted within 3 months; but not published on the website
24. percentage of tenders exceeding threshold awarded by competitive bidding	By % of total value and by % of total number of contracts	Annual	National Tender Board Report	2006: 73% by value, 82% by number  2005: 89% by value, 84% by number	2007: 89.7% by number, 94.5% by amount  2008: 89.6% by number, 91.12% by value
25. Value of tender awarded without approval of internal tender committee	As % of audited expenditure	Annual	Office of the Auditor General	For FY 2006 tender irregularities Rwf 7.86bn	No information available (data obtained from the Auditor General and RPPA reports are not specifically related to the indicator)
26. Number of Public Expenditure tracking surveys undertaken		Annual rolling assessments	MINECOFIN	Not available	Started in 2009: 4 tracking surveys undertaken in the following sectors: agriculture, education, social protection, water and sanitation

**INDICATOR #22: Improvement in Public Expenditure and Financial Accountability (PEFA) Assessment**

Rwanda’s score on the Open Budget Index, compiled by International Budget Partnership (IBP) shows that the government provides the public with no information on the central government’s budget making it very difficult for citizens to hold government accountable for its management of public money. The index ranks Rwanda among the 25 countries that provide scant or no budget information to the public for the 87 countries surveyed. As per the IBP report, executive’s budget proposal is not made available to the public, meaning citizens do not have a comprehensive picture of the government’s plans for taxing and spending for the upcoming year. The report also states that a year-end report is not typically released and audit report not published. This is in stark contract to the preliminary outcome of the PEFA, which shows that in almost all relevant 28 Performance Indicators (PI), Rwanda has either upgraded itself by at least one grade point (including budget transparency) or scored the same as 2007 except for the following PI.

C(i). Policy-Based Budgeting			
PI-11 Orderliness and participation in the annual budget process	2007Score	Preliminary 2010Score	(ii) <i>Clarity/comprehensiveness of and political involvement in the guidance on the preparation of budget submissions (budget circular or equivalent)</i>
	(ii)B	(ii)C	Dimension (ii) is C as Cabinet still approves the ceilings after MDAs have completed their submissions in detail, as in 2006 and the years before.  Note: this however does not change the overall score for PI-11 which remains the same as 2007 i.e. B+

Contrary to the analysis of IBP, the JGA Review suggests that the executive budget proposal does exist in the form of a Budget Framework Paper (BFP) and it is made available to the public. The BFP is discussed at the Joint Budget Support Review meeting in August-September where Civil Society as well as the Private Sector Federation are invited to give their views. The BFP and explanatory note to the BFP, Budget Statement or Budget Summary and the finance law are also posted on the MINECOFIN website. The draft finance law is available to the public on request. The end year budget execution reports are discussed at the Joint Budget Support review meeting held in April every year and Civil Society as well as the Private Sector Federation are present at this meeting.

The preliminary PEFA findings suggest that at least one grade or more of improvement was observed for 14 PIs out of 28 in total. Rwanda maintained the highest grade (A) possible for 3 of the PIs. Performance related to 9 indicators remains the same as it was in 2007, ranging from D to B+. Information related to 2 other PIs is not yet available.

The observed improvements of performance in some areas was triggered by significant achievement in all four previously-mentioned pillars, including the presence of multi-year, comprehensive and transparent budgets with full supporting documentation since fiscal year (FY) 2008. Self-raised revenue for districts are planned to be incorporated in the budget. Both the original and revised versions of the National Budget are now published. Since FY 2008, all operations of Government budget agencies are fully reported within in-year reports. GBEs submit quarterly reports, and their annual statements are consolidated with those of other agencies at the end of the year. Indicative PEFA findings suggest a score of A for public access to information. There is, however, still a need to improve forecasts for recurrent expenditure arising out of capital investments, as well as to strengthen the link between costed sector strategies and aggregate fiscal forecasts.

In-year quarterly budget execution reports have been produced since FY 2008. The budget execution reports for 2009/2010 were, however, not published due to lack of timely Cabinet approval. Efforts are being made by the Budget Directorate to ensure that those for 2010/2011 are regularly approved and published. There has been 100% audit coverage of districts, and all major MDAs are being audited annually. Errors and omissions related to capacity constraints within the MDAs rather than major PFM systemic weaknesses are the main reasons for reports being classified as “qualified.”

***INDICATOR #23: Comprehensive and consolidated accounts produced within 3 months of end of each year and published on MINECOFIN website***

The GoR has developed a Financial Reporting Template (FRT). All budget agencies submitted financial statements for FY 2008, contrary to the report of IBP, in line with the FRT within the stipulated timeframe. Government has used the same template for the preparation of consolidated financial statements for the period of the mini-budget (January to June 2009); and the second set of consolidated financial statements for the year ending 31 December 2007 were produced. Also, a number of government ministries, districts and agencies were able to produce complete sets of financial statements for that same year. The preparation of such financial statements will in the future depend on the successful implementation of an integrated financial management information system (IFMIS) using Public Books under the SmartGov software, on the one hand, and development of adequate human resource capacity for financial management and accounting across government, on the other hand. As a way to improve reporting, efforts to develop a long-term integrated information system must continue. In the meantime, the government installed and has been using the SAGE PASTEL accounting software in all budgeting agencies.

Although there was a slight delay by MINECOFIN in producing the consolidated accounts for 2008, this was rectified in 2009. The information was, however, not published on the website due to administrative delays. Overall, financial accounting and reporting is improving via the implementation of the IFMIS and extended coverage of consolidation for all government agencies and projects.

***INDICATOR #24: Percentage of tenders exceeding the threshold awarded by competitive bidding and Value of tender awarded without approval of internal tender committee***

Substantial progress was made in the area of procurement, particularly in terms of improved transparency and efficiency of public procurement procedures and practices. At present, 100% of all procurements above the Rwanda Public Procurement Authority (RPPA) threshold are tendered openly or fully justified by RPPA. Details are also being published on the RPPA website. In 2008, competitive bidding for the tenders counted for 89.6% of total bidding, with a value of more than 182 billion Rwandan francs (RwF) against a total value of 156 billion RwF in 2007. Although this is an increase in terms of the amount vis-à-vis 2007, it still represents less in terms of percentage value of bids (i.e. 89.7% in 2007). However, the high percentage of competitive bidding both in terms of number and value in 2007 and 2008, compared to 2006, is a reflection of greater transparency in state financial transactions, and surpasses the 80% target set out in the Procurement Action Plan in the Rwanda Country Procurement Issues Paper.

The JGA 2008/2009 Data Analysis Report indicates that in 2008, non-competitive bidding increased marginally by 8.1% in volume over the 2007 figures. The actual value of the non-competitive bids increased significantly, virtually doubling, from 8.3 billion to 17.8 billion from 2007 to 2008 respectively, an increase of 53%. Single sourcing contributed to the lion's share in the category of non-competitive bidding. This information, however, does not directly address the second part of this indicator (*value of tender awarded without approval of internal tender committee*), since non-competitive bidding can, in fact, be processed with the approval of the internal tender committee.

Some of the procurement weaknesses are currently being addressed through recruitment of coaches to provide on-the-job training. RPPA is also entering into a twinning arrangement with the School of Finance and Banking (SFB) to introduce professional training on procurement.

***INDICATOR #25: Number of Public Expenditure tracking surveys undertaken***

Refer to the Monitoring framework above and the "progress against recommendation(s)" section below for further information on this indicator.

C. Progress against Recommendation(s)

Recommendation as per JGA 2008 Report	Current Status
<p>Give high priority to the training and retention of accountants in the public sector. Recruit accountants from abroad in the interim, where necessary.</p>	<p>The GoR has given high priority to building staff capacity. This is reflected in the action plan of the PFM Basket Fund, among others. Capacity building initiatives for financial and accounting staff is on course and being provided through on-the-job training, annual reinforcement training and sponsorship of ACCA professional training for staff involved in financial management responsibilities. The ACCA sponsorship program started with 20 students in 2009, but the number of staff enrolled in the program is expected to increase progressively over the next few years.</p> <p>The set-up of the Institute of Chartered Accountants of Rwanda (ICPAR) is being fast tracked and a CEO is expected to be on board by the end of 2010. ICPAR will assist in regulating the accounting profession in the country.</p> <p>In addition, two full time ACCA training coordinators were recruited to the Accountant General's office; a training contract demanding seriousness and discipline was signed with all sponsored students. This clearly highlights the responsibilities of the sponsor, the student and the employer as well as applicable disciplinary procedures. An ACCA training committee has been set up to handle emerging training program administration, student performance and policy issues.</p> <p>There is no evidence of the existence of a retention strategy for the Accountants. This recommendation therefore still remains valid.</p>
<p>Commission an in-depth assessment of procurement systems and practice once the new PPA is well established and press ahead with full implementation of the Action Plan of the 2004 Country Procurement Issues Paper.</p>	<p>Following the establishment of the RPPA, efforts have been focused on building capacity and enhancing the professionalism of procurement staff countrywide. To this effect, the development of Rwanda's Procurement User Guides and code of Ethics in Public Procurement is ongoing. The recruitment process for a resident advisor and procurement coaches is also underway.</p> <p>An in-depth assessment of procurement systems was conducted jointly by the World Bank and the GoR in 2009.</p> <p>A twinning arrangement between the School of Finance and Banking with an international institution is being arranged to provide professional training in procurement. Once implemented, this training will eventually lead to a reduction of audit findings relating to anomalies in the procurement process.</p> <p>Budget agencies currently submit their procurement plans to RPPA after the budget is approved. RPPA lacks the expertise to update and maintain its website but is addressing this challenge via support from RDB-IT with a planned achievement target of November 2010.</p>
<p>Establish the Public Accounts Committee and strengthen Parliament's role in overseeing the audit.</p>	<p>Audit committees are being set up across Government and will be expected to investigate issues raised and implement audit recommendations.</p> <p>The Internal Audit Department is being strengthened via on-the-job training covering value for money, payroll audits and use of computer aided audit techniques using a training of trainers approach. The department is expected to eventually take up part of the responsibility of following up audit recommendations, since they are the ones on the ground on a day-to-day basis.</p>
<p>Increase the number of public agencies covered each year in the report of the Auditor-General.</p>	<p>The Office of the Auditor General (OAG) prepares annual audit reports based on the financial statements submitted by budget agencies as per the OBL requirement. The quality of accounts of all spending agencies has tremendously improved thanks to the hiring of accountants and internal auditors for all institutions. The reports of the OAG are submitted to Parliament and are widely discussed; and legal actions by the Office of the Prosecutor General have been taken based on their recommendations. This indicates that the oversight role of the OAG is effective, as problems identified in the Audit reports are followed up in a satisfactory manner by the concerned ministries.</p> <p>70% of Government expenditure was audited by OAG during 2009/2010. However 100% of both CG entities and districts were audited, and plans are underway to increase audit coverage of GBEs.</p>
<p>Introduce expenditure tracking to verify that funds reach front-line service providers.</p>	<p>The GoR is in the process of institutionalizing the Public Expenditure Reviews (PERs) to track expenditure. A PER was conducted in the Agriculture, Water and Sanitation sector in 2008. A second round of PER is currently being conducted in these sectors. PER in the Education, ICT and Social Protection sectors are in progress.</p>

Recommendation as per JGA 2008 Report	Current Status
Provide continued support for tax reform building on the progress that has been made at central level, applying good practice in local taxation and seeking to encourage greater public debate around the use of taxpayer resources.	<p>The Rwanda Revenue Authority (RRA) has met its objective of improving revenue administration as tax collection. The cost of collection has declined over time and, as a result, efficiency has improved. These outcomes are largely due to an emphasis on capacity building through intensive and focused staff training, computerization of operations, and the restructuring of the overall tax administration. Within the context of decentralization, training at the local/district levels has been launched to support revenue mobilization and monitoring, as well.</p> <p>A number of other reform actions have helped to strengthen revenue collection, including: (i) an integrated domestic tax department, organized around key tax administrative functions; (ii) establishment of a large taxpayer office, as a first step in adopting a taxpayer segmentation approach; (iii) automation of tax and customs operations using SIGTAS and ASYCUDA++ IT systems; (iv) Integration of all domestic tax functions under one roof; and (vi) a taxpayers' service department at the RRA for taxpayer's education, with seminars for any interested taxpayers - including small to medium enterprises (SMEs) and universities – to learn about tax laws, collection and administration. It also oversees taxpayer's service delivery. In addition, there are specialized units for answering queries from SMEs and customs, as well as a website where general information is available.</p> <p>No particular evidence was found regarding encouraging public debate around the use of taxpayer resources.</p>

## 3.2 Anti Corruption

### A. Principles and Priorities

Tackling corruption is a difficult challenge faced by many national governments. Anti-corruption laws were also enacted to provide a legal framework to combat corruption. In addition, administrative units, such as national public procurement appeals committees and internal tender committees within every institution, were established to reduce corruption tendencies.

While Rwanda experiences lower levels of corruption than neighboring countries, pursuing effective anti-corruption strategies in both the public and private sectors must remain a priority. Principal among these strategies is to combine both preventive and reactive measures, notably through: increasing citizen awareness of corruption and the independent oversight of public bodies; clearly outlining the roles, responsibilities, and limitations of power of the different branches of government imbued with transparent and clear accountability norms; clarifying codes of conduct for public officials; and continuing to strengthen the institutional framework to ensure that corruption is discovered and addressed (with zero tolerance).

Measures should be put in place to prevent conflict of interest, track asset accumulation by public officials, provide whistle-blower protection and ensure transparency and access to public information. Successfully tackling corruption is also dependent on the positive outcomes of other measures discussed elsewhere in the review, notably efficient court systems and robust public financial management.

### B. Assessment of Performance and Progress Made

#### Monitoring Framework for Anti-corruption

3.2 Anti-corruption					
Indicator	Disaggregation	Frequency	Source	Available Data	
				Baseline: 2007	2008-2009 (as applicable)
27. No of successful prosecutions as a % of cases reported to police	By organization	Annual	Prosecutor General's annual report posted on Government Website	Not available	2008: Out of 34,024 cases reported to the Prosecutions Authority by either the Police or The Office of the Ombudsman, 17,449 cases (51.3%) were successfully prosecuted and 16,575 (48.7%) cases remained and were brought forward for 2009.
28. Comprehensive survey of incidence of corruptions	Stratified sample including different socio-economic and occupational groups	Every three years	Independent research body or CSO	Not available	See the narrative below; Disaggregated data available

***INDICATOR #27: No of successful prosecutions as a % of cases reported to police***

In order to step up its fight against corruption, the GoR has established a number of institutions and various anti-corruption measures ranging from reforms – including the “zero tolerance” policy aimed at strengthening the legal and institutional framework against corruption – to sound public financial management systems, good corporate governance, and transparent political party funding. One reform directly related to this indicator was introduced in 2009 by the Supreme Court, which released a list of the four top priority court cases in terms of scheduling trial dates; corruption cases is among them.

Unfortunately, the data necessary to calculate this indicator (i.e. both the denominator and numerator) is not available. Instead, we only have information on the numbers of prosecutions.

The JGA 2008/2009 Data Analysis Report indicates a fall in the number of cases prosecuted between 2008 and the period of 2009. The reason behind these figures is that the 2008 baseline data included all cases for the years prior to 2008; in other words, it was a cumulative figure rather than an annual one which could be accurately compared with subsequent years in order to determine trends.

Updated information from prosecution authorities reveals that in 2009, there was an increase in the prosecution of corruption cases as result of a reduced backlog of cases in the judiciary. The factors that contributed to the decreases in backlogged cases were discussed in the “Ruling Justly” section above.

***INDICATOR #28: Comprehensive survey of incidence of corruptions***

External ratings of the country’s level of corruption and transparency could be considered, such as the Freedom House report, which ranked Rwanda at 89 out of 180 countries surveyed in Transparency International’s 2009 Corruption Perceptions Index. There is also the Mo Ibrahim index, which in 2010 ranked Rwanda as number 10 out of 53 with a 57.1% score on “accountability and corruption.” This represents an 8.4% fall from their 2008 report; but the GoR has criticized it as being based on insufficient data and information collected.

In order to assess corruption levels in Rwanda, the recent JGA Survey focused on the population’s perceptions of and experiences with corruption. Given the ambiguous character of corruption, the survey first sought to map the most prevalent forms of corruption practiced in Rwanda. According to the findings, a very small percentage of those interviewed (14.5 %) considered that Rwandans give cash in exchange for quick service, and 67.4% of the respondents stated that this practice was non-existent. Similarly, 9.1% of the respondents reported that gifts/favors were given in order to get quick service. With regards to the abuse of office, mostly manifested in non-objective hiring practices (i.e., using favoritism to give a job to an individual who is not qualified to perform the required duties), 66.6% of respondents stated that such a practice was non-existent in Rwanda. An even higher proportion (71.4%) of the respondents stated that no one used his/her authority or relations to influence the decisions of other people in a manner inconsistent with the prevailing code of ethics.

The survey also examined public perceptions of different institutions and/or services with regards to anti-corruption efforts. The entity considered by the largest number of people (75.2%) to be a “strong/excellent” actor in the fight against corruption is the Rwanda National Police (RNP). More than half of the survey participants believed that the media (58.9 %) or government institutions such as Judicial Service (at 60.1 %) and Services in Local Government (at 64.4 %) are effective in the fight against corruption. However, there seems to be less confidence in the anti-corruption activities of the tax services (49.9%) and political parties (47.1 %).

The survey also asked people to rate the most important State strategies for the fight against corruption. The most highly rated strategy included the state’s effort to educate and inform the citizens on their rights and civic obligations (90.2%) and the top leadership’s efforts to serve as an example (89.8%). Most of the respondents (86.4%) felt that state control and punishment of those involved in corrupt practices was a highly effective means of dealing with corruption.

As part of anti-corruption initiatives, the GoR has put in place a number of institutions, including the National Tender Board, the Office of the Auditor General and the Ombudsman’s Office. It has created a code of ethics to which these entities must adhere, while the civil society and media are to act as watchdogs. All the evidence indicates that the level of corruption in Rwanda is far lower than in its neighboring countries, and

Rwanda is among the least corrupt countries in Africa.<sup>18</sup> These findings should not, however, be interpreted to mean that the country is completely corruption-free. At a minimum, the positive ratings should act as an incentive for further inquiry and institution-building predicated on the fact that individual attitudes toward corruption are complex and contingent on a myriad of factors. Key among these is the fact that perception and tolerance of corruption is highly influenced by the social, economic and political contexts of the sample population that participated in the study.

Another way to evaluate the success of anti-corruption efforts would be to compare the number of cases reported to the police and the Ombudsman with the actual number of successful prosecutions; perhaps this indicator can be considered for future reviews.

### C. Progress against Recommendation(s)

Recommendation as per JGA 2008 Report	Current Status
Give priority to measures aiming to strengthen the institutions underpinning the fight against corruption.	<p>The Rwandan government, through RNP, has set up a special anti-corruption desk that receives support to build capacity of investigators and facilitate logistics.</p> <p>The Office of Ombudsman is being strengthened in terms of increased personnel and being granted powers to investigate cases of corruption.</p> <p>The Office of Auditor General has been strengthened in terms of increased human capacities, which should enable it to produce quality and timely audit reports.</p> <p>Kigali Forensic Laboratory has received more forensic equipment and its technical staff members are being sent for further studies on rotation basis.</p> <p>Sector budgets preparations indicate future increase in financial resources to fight corruption through campaign approaches and introduction of new financial systems aimed at tracking financial payouts as well as offering training to accountants and finance other finance officers.</p>
Build specialist capacity in the Office of the Ombudsman to investigate corruption cases. Encourage more active monitoring of the follow-up to cases referred by the Ombudsman.	Presently, the Office of Ombudsman sends a staff member to courts during hearing of cases referred by them to prosecution. However, the Office of Ombudsman acknowledges that professional manpower to handle all cases in a professional manner during investigation, analysis and submission of a dossier to the prosecution remains a challenge.
While maintaining the role of Cabinet and the Senate in final selection of the Ombudsman, consider ways of opening up nominations or publicly advertising the post.	Talks had started and it was suggested that the matter be referred to the forthcoming Rwanda Governance Board.

## 3.3 Decentralization

### A. Principles and Priorities

Decentralization involves initiatives geared towards bringing government closer to the citizens in order to strengthen voice, accountability, and make policy and service delivery more responsive to public needs.<sup>19</sup> Through devolution, decentralization enhances the effectiveness and efficiency of planning; encourages local people to participate in political and development projects and strengthens accountability and transparency in governance. Unlike over-centralization in governance, which is characterized by arbitrary decision-making, unchecked and unbalanced authority and *State Capture*, one of the key characteristics of decentralization is the continuing responsiveness of the government to the preferences of the citizens. As such, decentralization affords citizens an opportunity to curtail the use of discretionary powers by governments and elite groups in distribution of resources and the policy making process. It also gives the citizens a voice that helps them to influence the formation and implementation of policy.

<sup>18</sup> [www.govindicators.org](http://www.govindicators.org).

<sup>19</sup> Republic of Rwanda, *Joint Governance Assessment Report*, 2008; page 57.

**B. Assessment of Performance and Progress Made**

**Monitoring Framework for Decentralization:**

3.3 Decentralization					
Indicator	Disaggregation	Frequency	Source	Available Data	
				Baseline: 2007	2008-2009 (as applicable)
29. District government expenditures published and available	By sector, program	Annual	MINALOC; MINECOFIN; with Civil Society verification	District spending available in aggregate terms for each district.  Greater sectoral and based disaggregation needed.	Only partly available: <ul style="list-style-type: none"> <li>District spending available in aggregate terms for each district.</li> <li>Disaggregation for greater sectoral programs not available.</li> </ul>
30. % of Central transfers unearmarked	Disaggregate by District	Annual	MINALOC; MINECOFIN	2007: <ul style="list-style-type: none"> <li>Total district earmarked transfers (Rwf): 59,800,061,318</li> <li>Unearmarked transfers: 8,354,489,004</li> <li>% unearmarked transfers: 12.3%</li> </ul>	2009 Mini budget: <ul style="list-style-type: none"> <li>Total district earmarked transfers (Rwf): 38,699,726,418</li> <li>Unearmarked transfer: 5,767,738,80</li> <li>% of unearmarked transfers: 12.97%</li> </ul>
31. % of District revenue locally generated over total revenue	Disaggregate by District	Annual	MINALOC	2007: <ul style="list-style-type: none"> <li>Total Revenue with opening balances (in Rwf): 132,403,997,674</li> <li>Total revenue without opening balances: 123,934,399,890</li> <li>Local revenue generated: 9,524,376,823 (7.69% of total receipts)</li> </ul>	2009 Mini-budget: <p>Local revenue generated - 11,019,622,099(14.49% of total receipts)</p>
32. % of citizens who feel that they participate actively in local decision-making and that local government is listening to and addressing their priority concerns.	Disaggregate by Gender and District	Every three years in selected districts/ sectors	Commission survey from independent organization based on citizen report cards, community score cards.	Not available	2009: <p>Population's perception of their participation:</p> <ul style="list-style-type: none"> <li>"Very strong": 24.7%</li> <li>"Strong": 40.3%</li> <li>Moderate: 18%</li> <li>Poor: 9.6%</li> </ul> <p>Gender and District disaggregation available</p>

**INDICATOR #29: District government expenditures published and available**

The Consolidated Statement of receipts and payments of Local Governments for the year ended June 30<sup>th</sup>, 2009 were published as required by the Law. This is in line with Article 70 of the Organic Law No. 37/2006 of December 9<sup>th</sup>, 2006 as amended by Organic Law N° 65/2008 of November 9<sup>th</sup>, 2008 on State Finances and Property. The publication and availability of District Government Expenditure enhances transparency, as the Districts are now required by law to also reveal their sources of local income. This particular legislation requires budget agencies to submit annual reports that include all revenues collected or received and all expenditures made during the fiscal year, as well as a statement of all outstanding receipts and payments before the end of the fiscal year.

The adherence to this requirement made it possible to establish the consolidated statement of cash receipts and payments of Local Governments for the year ending December 31<sup>st</sup>, 2008 and January to June 2009.<sup>20</sup> Thus, records of funds flow from the Districts are now available for scrutiny by members of the public.

***INDICATOR #30: Percentage of Central transfers un-earmarked***

***and***

***INDICATOR #31: Percentage of District revenue locally generated over total revenue***

The earmarked and non-earmarked transfers are an indication of the Government's commitment to decentralization. In the 2009 mini-budget period, earmarked transfers averaged slightly above 10% of the total transferred funds. To supplement the income from the central Government, the Districts also generate income from a variety of local sources. The general classes of internally generated revenues include local taxes, fees for services provided, fines, penalties and forfeits. In this regard, Districts collected a total of 11,019,622,099 RwF during the period of January to June 2009.<sup>21</sup> This amount was equivalent to 39.9% of the receipts from the Central Treasury and 14.4% of the total receipts for the period.

***INDICATOR #32: Percentage of citizens who feel that they participate actively in local decision-making and that local government is listening to and addressing their priority concerns***

One of the defining characteristics of decentralization is popular participation in the decision-making process. While the freedom to make demands on the government is a useful indicator of such participation, meaningful citizen participation requires that the government/leadership respond in a timely and effective manner consistent with the people's needs and aspirations.

When citizens were asked to rate their participation in the decision-making processes in their districts (in the JGA 2008/2009 Data Analysis Report), 24.7% of the respondents considered their participation to be "very strong": while 40.3% said their participation was "strong"; another 18.6% felt that their participation was "moderate" and 9.6% felt that it was "poor". When disaggregated by gender, the study revealed that 64.5% of males and 65.6% of females surveyed felt that the level of citizen participation in decision-making was "very strong" or "strong".

Furthermore, when asked to rate how their local leaders listen to and address citizen concerns at the level of the district, 24% felt that their leaders were "very strong" on this particular point while 47% rated it as "strong". When breaking the data down by gender, it is observed that 69.1% of males and 74.8% of females rated their leaders "very strong" or "strong" in these areas.

The data above might give the impression that the citizens are actively engaged; however, when asked if they had personally participated in the decision-making of priority concerns in their district during the past 12 months, barely more than half (55.3%) actually had. Of those who responded 'yes', 62.9% were males and 46.6% were females, an indication that a larger proportion of men are involved in local decision-making than women.

<sup>20</sup> Rwanda changed its fiscal year in 2009 to July-June to conform to the practice in the other countries of the East African Community.

<sup>21</sup> The bulk of these were received from non-tax receipts, sundry administrative fines and taxes on property income.

### C. Progress against Recommendation(s)

Recommendation as per JGA 2008 Report	Current Status
Continue progress in transferring responsibilities and resources to local government.	<p>The Ministry of Local Government (MINALOC) scored highly in 2009-2010 on this recommendation. All major social and economic projects were referred to the districts and the central government remained with supervisory roles and technical support.</p> <p>In the previous presentation of performance contracts of district (<i>imihigo</i>), the consumption capacity of districts had exceeded (by 60%) the previous quarterly evaluations.</p> <p>MINALOC intends to strengthen the Sector level of local administration in preparation to take over district responsibilities, so that districts can retain the role of supervision and technical assistance. At that time, the central government will keep the role of policy design and financial sourcing on behalf of local government.</p>
Strengthen downwards accountability from local government to citizens by strengthening participatory planning, budgeting and monitoring processes.	<p>This recommendation has progressed in various ways. There are local development committees at village level (<i>Umudugudu</i>: the smallest unit of local government), elected by the members of that unit to represent them in higher forums.</p> <p>The committees organize their communities and prioritize the selection of development projects in their areas. The processes proceed as resolutions from <i>Umudugudu</i> level to the District level, and then performance contracts are prepared between the Sectors and Districts. In this way, the citizens determine what is suitable for them, and the leaders implement on their behalf.</p>
Strengthen citizen participation in the design and monitoring of <i>imihigo</i> performance contracts.	<p>Periodically, citizens organize Public Accountability Days for their leaders to report back on their work based on the performance contracts (<i>imihigo</i>). This is one way of citizens to monitor the <i>imihigo</i>.</p> <p>When leaders do not deliver, the district governing council dismisses the inefficient leaders and elects new ones in their place.</p> <p>A monthly civic engagement activity (<i>Umuganda</i>) is another monitoring tool at the disposition of the citizens. At the end of every community service activity, there are meetings at which topics of interest are discussed and the population questions its leaders on critical issues affecting the community.</p> <p>There are also community assemblies in every administrative Cell, which meet periodically to assess and discuss government programs and issues affecting their community. They are guided by executive secretary of the Cell and/or the Sector.</p>

## 3.4 Public Service Delivery

### A. Principles and Priorities

Public service delivery is a fundamental role of government and has already come under discussion in preceding sections of this Annual Review in relation to accountability and transparency, responsiveness and fairness, participation and inclusion. The issue of accountability is of fundamental importance here and is understood in three ways:

1. Between service providers and service users;
2. Between government and citizens;
3. Between government and service providers.

To strengthen these channels of accountability, Rwanda must continue to: enhance users' voices and monitor participation in service delivery; strengthen democratic processes to ensure that government leaders maintain a level of quality in service provision and facilitate the free flow of information; and finally, facilitate clear communication and foster sound relationships between government and service providers, through management 'compacts' that offer incentives to reward high performance. Public service delivery and the strengthening of these channels are also fundamentally related to the decentralization agenda, which devolves responsibility to local level delivery points, as discussed immediately above.

## B. Assessment of Performance and Progress Made

### Monitoring Framework for Public Service Delivery

3.4 Public Service Delivery					
Indicator	Disaggregation	Frequency	Source	Available Data	
				Baseline: 2007	2008-2009 (as applicable)
33. Citizens' experience of and participation in service delivery	For key sectors; health, education, water and sanitation, policing	Annual cycle of five years	Commission survey from independent organization based on citizen report cards and community score cards	Not available	2009: Overall - <ul style="list-style-type: none"> <li>86.1% Not experienced poor service delivery in the past 12 months</li> <li>13.3 experienced poor service</li> </ul> Data also available on: Speed of handling requests, access to the local market, quality of drinking water supply, education sector, health services, attitude of local leadership (see JGA 2008/2009 Data Analysis Report).
34. Number of government agencies having developed service delivery standards		Every three years	Service providers	Not available	MIFOTRA has developed a general service delivery standards for all agencies
35. % of departments/ public agencies providing full information to the public about their services, and disseminating citizen's guides to their services.	Consider websites, publications and other broadcast information	Annual	Ministry of Information	Not available	Partly Available (see narrative below)

#### **INDICATOR #33: Citizens' experience of and participation in service delivery**

The JGA Perception Survey asked the citizens to evaluate service delivery in a range of areas, namely: public health, education, water supply and the quality and speed of responsiveness at Sector and District levels. The highest proportion of positive evaluations was given to the quality of service delivery in the education sector (84.1%) closely followed by the quality of public health services at the District level (71.5%). With regard to responsiveness, the respondents were generally satisfied with the speed of handling citizen requests at the Sector level (79.5%) and District level (75.6%). When asked if they had personally experienced poor services in the past 12 months, 13.3% of the respondents responded affirmatively yet the majority was largely satisfied.

However, there were not acceptable levels of satisfaction in all areas. Slightly less than half of respondents approved of the quality of service in the supply of drinking water (46.7%) while barely more than half (57.2%) felt satisfied in so far as access to the nearest local market was concerned. Even higher levels of dissatisfaction were recorded for service provision by local government (35.4%) and services at grassroots levels (Village, Cell, and Sector - 27.8%). In terms of sectors, health services received the worst ratings yet the dissatisfaction level was still only 21.3%. The national police, education sector, prosecution, taxation services, prison and judicial system all had less than a 10% disapproval record.

The only basic survival service mentioned in the survey was water, and it scored a relatively low satisfaction rating. Therefore, it would be useful to revisit the questionnaire used in future surveys of this kind, in order to insert questions about vital services like shelter, electricity, roads, credit facilities and inputs related to agricultural or other forms of production. This would ensure a more comprehensive set of variables against which one can gauge the leadership's responsiveness to the citizen's most pressing needs.

**INDICATOR #34: Number of government agencies having developed service delivery standards**

The absence of 2008 baseline data and updated data makes it nearly impossible for progress against this indicator to be measured. However, it was qualitatively verified that nearly all local government units (Districts, Sectors and Cells) have five key service delivery standards printed and displayed on the doors of their offices.

Hard copy evidence also testifies that some other public institutions have established service delivery standards. For example, the Office of Emigration and Migration, the RRA, and the Prime Minister’s office initiative for districts to provide better services in land administration and acquisition. This client charter was published in the official gazette.

**INDICATOR #35: Percentage of departments/public agencies providing full information to the public about their services, and disseminating citizen guides to their services**

It is not possible to assess this indicator as defined because the numerator and denominator are not available. The required information should become available to the public when the National Data Center, designed as “one-stop information center” – is operational.

In the meantime, information dissemination activities were looked at as a proxy indicator. It was noted that monthly press conferences are held by the President of the Republic with journalists; the Ministry of Information organizes interviews and produces press in collaboration with other public institutions on topics of interest to the population; and debates (entitled “*Kubazabiterakumenya*”) are broadcasted on Radio Rwanda and Rwandan Television to allow the Rwandan people to express their views on the country’s development programs and a variety of other subjects.

**C. Progress against Recommendation(s)**

Recommendation as per JGA 2008 Report	Current Status
Engage in more proactive efforts to overcome the barriers of the poor to education.	The “Universal Primary Education for All” program enables every child to study free of fees through the completion of primary school.  Through their quarterly performance contracts, local administrators are held accountable for conducting various campaigns and undertaking efforts to ensure that all children attend school.
Scale up the use of participatory evaluation tools including citizen report cards and community scorecards.	In the past, MINALOC has produced citizen report cards, but the RGAC intends to prepare internally recognized ones by the end of 2010.
Require all government agencies to develop and publicize service delivery standards.	While not all institutions have developed service delivery standards, some have published them, circulated them in hard copies, displayed them on visible places like their office doors, or have posted them on the Internet. More communication and wider channels are required to fully publicize them, including educating them to the service users.
Encourage all government departments and/or public agencies to provide full information to the public about their services, using a wide range of media.	Through media outlets, some government entities communicate with the public about their services. This includes “ <i>Kubaza bitera kumenya</i> ,” a radio and TV live program in which the public participates in live question-answer sessions and discussions.  However, the TV and radio channels do not reach many communities. There is a need to adopt other means of communication to reach wider audiences across the country.

**3.5 Public Service Reform**

**A. Principles and Priorities**

The EDRS presents public service reform as a key performance milestone in achieving the governance flagship programme. It is not considered to be a one-off exercise but rather a continuous process, which responds to the outcome of the review of government programs and policies from time to time. Public service reform is aimed at addressing several challenges in public sector to ensure its functionality and effectiveness

in delivering its mandates through concrete institutional structural re-organization, developing and adhering to improved procedures, building capacities of human resources to deliver and addressing their retention issues. The Government of Rwanda envisages that by 2012, it will have a relatively small functional and cost-effective public sector for better service delivery.

## B. Assessment of Performance and Progress Made

Since 2008, much progress has been made in this area of reform. A new human resource structure in public institutions was approved in 2009. With the help of Public Service Commission, several departments were merged to create responsive units in order to provide broader but quality services under one framework. The structural reform necessitated recruitment of highly skilled personnel in accordance with the published public service recruitment terms of reference. Several initiatives were made to enhance and reinforce government effectiveness and these include the establishment of Public Sector capacity building secretariat and the establishment of capacity building fund.

### Monitoring Framework for Public Service Reform:

3.5 Public Service Reform					
Indicator	Disaggregation	Frequency	Source	Available Data	
				Baseline: 2007	2008-2010 (as applicable)
36. Preparation and implementation of Action Plans for public service reform based inter alia on the findings of the functional reviews for 22 ministries	Disaggregate for each ministry	Annual	Ministry Reports	Not available	Not systematically available

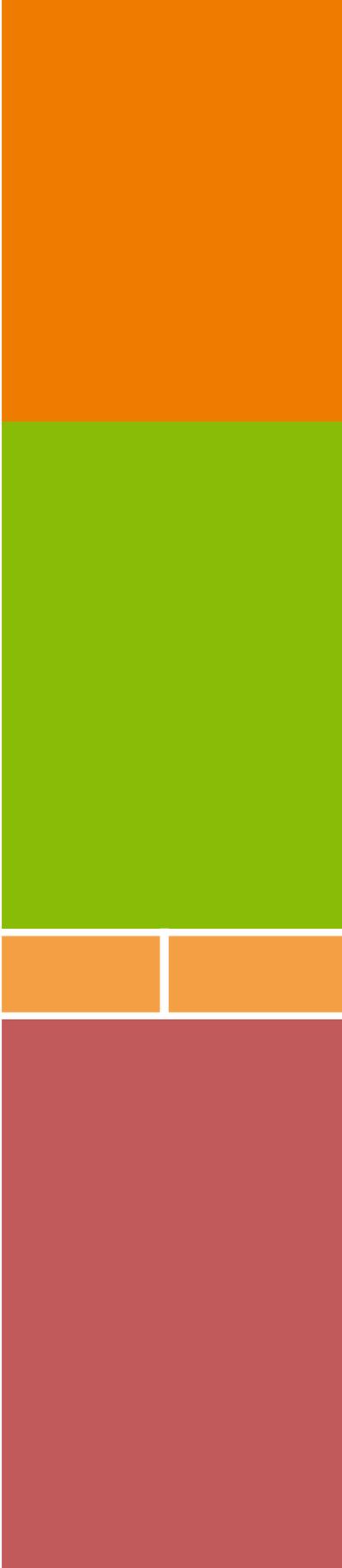
### ***INDICATOR #36: Preparation and implementation of Action Plans for public service reform-based inter alia on the findings of the functional reviews for 22 ministries***

Significant progress has been made in implementing the action plans for public service reform, including: re-definition of the mission and functions of all ministries, agencies, local governments; several changes to the structure of ministries and local governments; determination of new salary schemes; new assessment instructions; streamlined reporting formats and guidelines; performance evaluations of staff; and the deployment of staff to new posts.

## C. Progress against Recommendation(s)

Recommendation as per JGA 2008 Report	Current Status
Undertake an independent survey of the fairness of the recruitment system.	This was recommended to audit the operations of public service commission. There is no evidence that this recommendation was implemented.
Enhance public service legislation setting the basis for political impartiality, probity, prohibition of patronage and nepotism, professionalism, stability and homogeneity in the civil service.	This is already constitutionally provided and expressed in General Statutes for public service in force and in the Terms of Recruitment into the Public Service as well as in labor law.
Strengthen human resource management policies. Maintain and strengthen guarantees of transparency in recruitment and merit-based appointment. More realistic and better-defined job descriptions are required. Training needs assessments should be undertaken systematically. A clearer structure for career progression and promotion needs to be put in place backed by a robust performance assessment system.	The public sector capacity building secretariat has most of the elements of this recommendation in its authority and is implementing this recommendation on a continuous basis.  Performance contracts are signed between employees and employer and periodic reviews are held to assess the staff performance.
Strengthen Management Information Systems and the use of ICTs across government.	All government offices have access to computers and internet. The development of Intranet is underway to link all government agencies for information sharing.





# SECTION 4

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## Progress in Investment Climate and Corporate Governance

Sub-Report

Joint Governance Assessment (JGA) Annual Review 2008/2009

## 4.0 INVESTMENT CLIMATE AND CORPORATE GOVERNANCE

This section of the JGA Annual Review-2008/2009 is concerned with the two-way relationship between government and business: how government affects business by imposing formal and informal rules, and how business may influence government through processes of lobbying and advocacy. The chapter also covers corporate governance issues, which are defined as the internal rules of governing companies in order to protect the interests of investors and other stakeholders.

Within the framework set by the JGA 2008 report, the performance indicators #37 to #45 for measuring the investment climate and corporate governance are grouped into the following categories, which are discussed in detail in the sub-sections below:



### 4.1 Ease of Doing Business

#### A. Principles and Priorities

The GoR has initiated a broad economic reform agenda from which ambitious but achievable targets have been set for growth and poverty reduction. The aspirations of “Vision 2020” are structured around six main pillars, among which “a private sector-led economy” is one of the top priorities. In fact, it has been recognized in the Government’s medium-term EDPRS that the emergence of a viable private sector, which can serve as the principle engine of the economy, is key for Rwanda’s development.

Over the past two years, private sector development has continued to be a priority for the GoR. Government regulations have focused on correcting market failures and ensuring competition in a predictable and efficient manner. The International Finance Corporation (IFC) recently recognized the impact of the strengthened focus when it greatly upgraded its assessment of Rwanda’s ease of doing business from 139<sup>th</sup> out of 183 countries to 67<sup>th</sup>, the largest increase in the rating of any country. The high ranking of the country on “the ease of doing business” index indicates that the regulatory environment is conducive to the operation of business. Total investment in 2009 — both local and Foreign Direct Investment — doubled the total of 2008, reaching over 560 billion Rwf, the equivalent of approximately US\$1 billion. However, challenges have been faced following the international financial crisis. Most notably, export revenues fell by almost a third, from \$266 million in 2008 to \$191 million in 2009.

Government is, therefore, stepping up its efforts; and over the past year, a number of policies, strategies and laws have been developed including: the Rwanda Industrial Policy; Special Economic Zone Policy; Rwanda Trade Policy; Small and Medium Enterprise (SME) Policy and Strategy; Tourism Policy and Master Plan; Competition and Consumer Protection Policy and Act; Special Economic Zones Law; Companies Act; and Labor Law — all aimed at promoting **the development of a dynamic private sector in Rwanda**. In order to ensure a coordinated action plan to promote the growth of the private sector, the GoR is also intending to operationalize a Sector Wide Approach (SWAp) among the key stakeholder agencies

within the Private Sector Cluster. Under the 'economic cluster,' broadly commensurate with the private sector cluster, action plans have now been developed that coordinate the efforts of agencies around national priority objectives, and innovative ways are being formulated through which the business climate can be improved.

## B. Assessment of Performance and Progress Made

Rwanda was declared the World Bank's top reformer for business regulation in 2009 in the Doing Business 2010 report (which reflects 2009 data). Rwanda made it easier to start a business, register property, protect investors, trade across borders, and access credit. The country has made strides in becoming business-friendly by introducing reforms in seven (7) out of the ten (10) categories. The framework below describes other results against performance indicators in this area.

### Monitoring Framework for Ease of Doing Business

4.1 Ease of Doing Business					
Indicator	Disaggregation	Frequency	Source	Data Available	
				Baseline: 2007	2008 – 2009 (as applicable)
37. World Bank Doing Business Indicators	All indicators except "getting credit" and "employing workers" which are less connected to governance	Annual	World Bank IFC	Available since 2004	2008: scored 46 out of 100  2009: scored 59 out of 100; and Ranked 143th worldwide  2010: Ranked 67 <sup>th</sup> (up 76 places)
38. Investor perceptions of regulatory issues, licensing burden, corruption and dispute resolution	Data on business constraints disaggregated by firm size/local investor/foreign investor	Every three years	World Bank/ IFC Enterprise surveys, Private Sector Federation, RIEPA	Not available	2009: 69.8% (source - Private Sector Joint Sector Review Report 2010).  2010: 70.5%
39. Reduction in no of licenses and simplification of bureaucratic requirements	Inventory of licenses steps, days and cost required to obtain licenses	Annual	IFC Inventory and Standardized Model	IFC inventory for 2008 includes 189 licenses covering 31 institutions	Business registration process: No. of procedures from 8 to 2 steps; cost reduced from US\$40 to US\$26; Days to comply with business regulations reduced from 14 to 3
40. % of business related complaints resolved	Track Tax appeals, complaints against key regulatory agencies (e.g. Rwanda Environmental Management Agency (REMA), Rwanda Bureau of Standards (RBA)	Annual	Private Sector Federation	Not available	Not available

#### **INDICATOR #37: World Bank Doing Business Indicators**

This indicator uses information from the World Bank on six (6) of the "Doing Business indicators" to compute an absolute index that does not respond to other countries' performance. The six World Bank Doing Business areas used for the business index are:

1. Starting a business
2. Registering property

3. Paying taxes
4. Trading across borders
5. Enforcing Contracts
6. Dealing with construction permits

For 2008, Rwanda's score was 46 out of 100. For 2009, this has moved to a score of **59 out of 100**. In the case of the sub-Saharan African grouping, Rwanda moved up to fifth place, with high grades in many aspects of business. Trading across borders was poorly rated, but initiatives to facilitate trade, especially within the East African Community (EAC) and efforts to improve the international payments systems are likely to further improve this ranking. Registered investments with the Rwanda Development Board (RDB) were another achievement, indicating positive signals from investors.

### ***INDICATOR #38: Investor perceptions of regulatory issues, licensing burden, corruption and dispute resolution***

The inaugural investor perception survey was carried out in July 2009 to create a benchmark for the investor perception index (IPI). This is a composite indicator measuring the perceptions of registered investors regarding:

- 1) Legal framework
- 2) Governance
- 3) Taxation and investment framework
- 4) Infrastructure
- 5) Economic and financial framework
- 6) Domestic resources
- 7) Support services
- 8) Trading across borders

This index is built on investors' responses in the annual survey to questions on the areas above. Respondents are requested to give a numeric score reflecting their perception on the perceived quality or cost of a relevant area in Rwanda. The total score for the IPI is then calculated out of 100 total possible points. For the year 2009, Rwanda achieved the score of **70.5 out of 100**. Investors found Rwanda to be weaker in the costs associated with infrastructure, finance and trading across borders.

The recently conducted JGA 2008/2009 Data Analysis Report asked respondents to rate the phenomenon of corruption in the area of business in Rwanda to general citizens (not investors). Approximately 45% of the respondents indicated it was low or non-existent, while 22.2% and 19.8% considered it to be moderate and high, respectively. On the other hand, approximately 25.2% and 23% felt that civil servant involvement in corruption related to business was high/very high and moderate respectively. This relatively high figure could be explained by public perception of corrupt procurement practices within public institutions, where 25.7% of those interviewed felt moderate corruption in public procurements.

To overcome the challenges, NPPA continues to conduct sensitization campaigns on the fight against corruption and the popularization of laws on corruption and accountability through the media (written press, radio and television). The NPPA has recently adopted its new Organic Frame (Organigram), and the specialized unit pursuing economic and financial crimes is incorporated. The specialized unit (with 2 inspectors) is operational and investigates corruption and embezzlement cases reported by the Auditor General. The collaboration between NPA, the Ministry of Justice (MINIJUST) and the Ombudsman office is also being strengthened.

### ***INDICATOR #39: Reduction in the number of licenses and simplification of bureaucratic requirements***

Business registration reform initiatives of the Government are ongoing. Significant efforts and resources have been allocated to reduce licensing requirements and improve previously overlapping and confusing jurisdiction. Business start-up has been further streamlined with the reduction in procedures to incorporate a company in one day through introduction of online registration. Online business registration is now operational, meaning that a company may be incorporated remotely. This was achieved through elimination of notarization requirement, introduction of standardized memorandum of associations as well as enabling online publication, consolidating registration fee payment, tax registration and company registration procedures. The cost of registration has also been lowered from US\$40 to US\$26. As a result, the number of newly registered

businesses doubled to 343 per month in 2009 compared to 2008. In addition, the National Land Center abolished the requirement to formulate a sale contract, which cut back on time to formalize title deeds and, thus, simplified the land titling process.

Bureaucratic requirements including enforcing contracts, paying taxes, and dealing with construction permits have also improved significantly in 2008 and 2009 as compared to 2007. In 2009, Rwanda abolished the import and export license, which improved customs clearance time, and introduced risk management in the border clearance process. The outcome was a reduction in the time required to import (from 42 to 35 days), the time required to export (from 42 to 38 days), and the number of documents required (by 10 percent). In addition to these, a host of non-tariff barriers have been addressed (including removal of road blocks, decentralization of the issuance of certificate of origin from customs headquarters, increasing working hours of civil servants, etc.).

**INDICATOR #40: Percentage of business-related complaints resolved**

There is no specific indicator-related information available on the proportion of business-related complaints resolved in the latest JGA Data Analysis Report. It is therefore not currently possible to measure progress made for this particular indicator. However, it can be noted that the bill for establishing Kigali International Arbitration Center passed through both Chambers of Parliament, and it is awaiting promulgation to fasten the dispute settlement exercise for the business community. The Parliamentary Standing Committee on Foreign Affairs has finalized the revision of the bill establishing the Center. The Center will promote opportunities for educating the public through the media, public lectures and seminars on the subject of arbitration and alternative dispute resolution. It will be supervised by the Private Sector Federation and will be supported initially by the government, but will eventually source its own funds and will function as an independent, non-profit organization with an international stature.

**C. Progress against Recommendation(s)**

Recommendation as per JGA 2008 Report	Current Status
Give attention to the simplification of licensing requirements and improving the performance of key regulatory agencies.	<p>A new one-stop business center and online registration are now available. Reforms have been implemented to simplify the flow of imports and exports. This includes documentation simplification such as the removal of the cargo release order as a requirement, introduction of 24-hour border operations, a one-stop border concept, and harmonizing customs procedures with those of the EAC.</p> <p>In order to improve the performance of the private cluster agencies, the RDB was established and various implementation agencies have been brought under one umbrella for better co-ordination while the Ministry of Trade and Industry (MINICOM) is now responsible primarily for providing direction and oversight in the sector.</p>
Establish stronger procedures to address business complaints against regulatory and tax agencies.	Commercial courts have been established. Despite the capacity challenges, the rate of case disposal by commercial courts is significant. For example, out total 6,806 cases received, the Commercial Courts managed to dispose 5,553 cases in 2008-2009.
In regard to foreign investment, strengthen government capacity to negotiate large investment deals, put in place more effective dispute resolution arrangements, and follow up the red carpet welcome provided to new investors with longer-term support.	<p>The Cabinet adopted a National Public Investment Policy in February 2009. A National Public Investment Secretariat has been established within the Ministry of Finance Economic Planning (MINECOFIN), as per the policy. The Secretariat hosts the Public Private Partnership (PPP) Unit, which is in charge of conducting due diligence and negotiation with potential large investors.</p> <p>In addition, the Kigali International Arbitration Center bill is now awaiting promulgation; it is expected to improve dispute resolution particularly with international investors.</p> <p>A comprehensive study on Red Tape in Rwanda, supported by the German Technical Corporation (GTZ) and the Dutch Embassy, was led by the Private Sector Federation in 2008. And a series of business reforms related to easing of import export procedure, business registration have been influenced by the outcome of the study.</p>

## 4.2 Corporate Law and Governance

### A. Principles and Priorities

As the private sector increases its scope of business and size, the GoR is increasingly emphasizing the creation of an enabling environment for a market-based economy to grow. There have been major improvements by which companies are being governed in Rwanda. They are required to follow essential regulation, while attempting to minimize the costs and risks to business.

### B. Assessment of Performance and Progress Made

#### Monitoring Framework for Ease of Doing Business

4.2 Corporate Law and Governance					
Indicator	Disaggregation	Frequency	Source	Available Data:	
				Baseline: 2007	2008-2010 (as applicable)
41. Passing of new commercial laws	Track progress of the 16 new bills in draft/preparation	Annual	Ministry of Justice	NA	Mid 2008: 14 bills of which 4 adopted, 10 in draft  2008/9 8 Laws passed: Law on Arbitration, Mediation and Conciliation in Commercial matters; Law establishing the Business Registry Agency; Labor Law; Company Law; Insolvency Law; Law on Negotiable instruments; and that on Secured Transaction Laws (Movables and Mortgages)
42. Number of cases completed by the civil, penal (excl. Genocide), and commercial courts	Also measure back log of cases if this arises	Annual	Commercial Courts	Commercial: 1,869 (policy and result matrix)	2009: Out of 3,333 cases that had been qualified as backlog, only 12 cases are still pending; Out of the 6,806 total number of cases (Backlog + new cases received), 5553 (81.5%) have been completed; 1253 (18.5%) are still pending
43. perc. of large companies (10+ employees) submitting audited contributions		Annual	RRA	Not Available	Companies supposed to certify for 2008 = 282; Companies that certified and communicated = 163 (57.80%)

#### INDICATOR #41: Passing of new commercial laws

A number of initiatives are underway by the Government to improve corporate law and governance. The legal framework is being strengthened to improve “certainty” of business environment. Seven new laws have been passed including **Petroleum Policy and law (2009)**. A newly introduced company law has also strengthened investor protection by requiring greater corporate disclosure, director liability, and shareholder access to information.

#### INDICATOR #42: Number of cases completed by newly established commercial courts

The Commercial Court structure has now been established and is fully operational. The recently established Commercial Court is a contributor to the process of business facilitation in the country. Despite the challenges that the commercial courts are facing with regards to qualified judges and language barriers, the rate of case disposal is fairly significant. For example, from May 2008 to November 2009, they received 3,473 new cases with a backlog of 3,333; out of the total 6,806 cases, 81% were disposed.

**INDICATOR #43: Proportion of large companies (10+ employees) submitting audited contributions**

As shown in the Monitoring Matrix above, in 2008 a total of 57.8% of the 282 expected companies certified and communicated. No baseline data was available to assess the progress made or lack thereof.

**C. Progress against Recommendation(s)**

Recommendation as per JGA 2008 Report	Current Status
Focus on building the capacity of institutions charged with implementing the new commercial laws.	New institutions have recently been established to implement the laws including a Commercial Court (staffed initially by 4 Mauritian Judges) and a Business Registry. The capacity of Commercial Courts and Supreme Court to implement new commercial laws is continually being enhanced. All judges in the Commercial Courts are given the opportunity to study abroad on commercial laws and being provided with continuous in country training on new commercial laws.
Strengthen awareness in the private sector of the requirements of the new commercial laws.	Although commercial laws are being passed every year, there is still a huge lack of awareness among the private sector stakeholders on their requirements. The Government has taken substantial initiatives to develop an understanding on taxation law within the private sector. The same effort, however, does not apply for other newly passed commercial laws. The focus of creating awareness still remains within the legal practitioners rather than the private sector as a whole.
Encourage the development of codes of conduct for good corporate governance.	The Private Sector Federation (PSF) has developed codes of conduct. Training is also being provided at the district level.

**4.3 Private Sector Advocacy**

**A. Principles and Priorities**

For the business environment to flourish and for Rwanda to successfully open itself up to investment, it is essential that private sector voice be freely and clearly heard in the policy-making arena. Utilizing formal business associations and well-structured consultations between business and government agencies has proven to strengthen this voice and maximize the impact of private sector advocacy and influence.

Creating channels for effective communication between the private and public sector will be paramount to the success of Rwanda’s EDPRS strategy. In particular, the Government recognizes the need for close coordination between the public and private sectors in order to achieve effective implementation of the EDPRS and calls for strong information sharing and high levels of trust. The establishment of the Private Sector Federation (PSF-Rwanda) as the authentic voice of the private sector and an effective institution in promoting its development can be expected to make a considerable contribution to achieving the objectives of the EDPRS.

**Monitoring Framework for Private Sector Advocacy:**

4.3 Private Sector Advocacy					
Indicator	Disaggregation	Frequency	Source	Available Data	
				Baseline: 2007	2008-2010 (as applicable)
44. % of budget of PSF covered by member contributions		Annual	PSF Financial Statement for the year ending 31 <sup>st</sup> December, 2008 (audited)	Total revenues 2007 = 2,194,069,357RwF; Member contribution = 195,893,867FRwF(8.9%)	Total revenues 2008 = 2,340,199,691RwF; Member contribution = 479,163,447 RwF (20.5%)
45. Number of position papers prepared by Private Sector Federation on issues of concern		Annual	PSF		See narrative below

## B. Assessment of Performance and Progress Made

### *INDICATOR #44: Proportion of budget of Private Sector Federation covered by member contributions*

PSF currently relies on external funding for the vast majority of its budget and much of the required amount needed to cover its existing programs. In order to enhance its independence and influence on the policy makers, it is essential that PSF develop attractive and relevant services including lobbying and advocacy for its current and potential members. These issues have been addressed in the latest PSF Strategic Plan of 2009-2013.

With regards to membership contributions, trends indicate very positive developments. The membership contribution has improved from 8.9% of the total revenue in 2007 to 20% in 2008, therefore, decreasing dependency for financing from the Ministry of Finance and Economic Planning (MINECOFIN) and DPs. PSF, over the last year, has been deploying its resource mobilization strategy, which includes interventions such as: creating a mass awareness among the business community regarding the advocacy role it plays on behalf of the private sector; and developing customized service packages (including training) for members.

### *INDICATOR #45: Number of position papers prepared by Private Sector Federation on issues of concern*

PSF, as a voice for the private sector, has made significant contributions in advocacy and lobbying in the recent past. For example, it advocated for and attained: the removal of non service-based fees (e.g., 1.2% on business registration, 4% on MAGERWA, 2.25% on mortgage registration, 6% on property transfers, etc.); a lifting of the ban on movements of commercial trucks after six (6) pm; and the removal of value-added taxes (VAT) on mobile handsets.

PSF has also actively participated in the review of business laws and amendments of labor code and national social security policy, led the restructuring of the arbitration center, organized platforms to facilitate public-private partnerships (PPP) at district and provincial levels, engaged and represented members interests in regional and international trade negotiations, reviewed and developed position papers on annual budgets, and lobbied on tax issues and the improvement of the tax administration system on behalf of the private sector.

PSF is currently conducting studies on the reasons for dis-investment and delayed payment by the GOR and the impact they have on the economy. A number of other studies — including Red Tape, Business and Investment Climate Report, and Non Tariff Barrier Report at the Regional Level —also had a very positive impact on influencing the Government to change policy issues in these areas.

## C. Progress against Recommendation(s)

Recommendation as per JGA 2008 Report	Current Status
Strengthen the capacity and financial autonomy of the Private Sector Federation.	PSF has undertaken several initiatives to reduce dependence on the Government for financial sustainability. Such initiatives include attracting more members, introducing fee based services for non-members, and various other business ventures such as organizing Trade Fairs.
Implement the Rwanda Economic and Social Council, and ensure that discussions focus sufficiently on business issues.	The Rwanda Economic and Social Council (RESC) recently moved to the RDB, as its new host. Unfortunately, the RESC has been found to be largely inactive (i.e. no meetings took place over the last six months).



# SECTION 5

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## Recommendations

- a. *Ruling Justly*
- b. *Government Effectiveness*
- c. *Investment Climate and Corporate Governance*
- d. *Management and Sustainability of the JGA Annual Review Process*
- e. *Linking the National System with JGA Monitoring Framework*
- f. *Capacity Building of RGAC*
- g. *Funding Framework and Management Mechanism*

Sub-Report

Joint Governance Assessment (JGA) Annual Review 2008/2009

## 5.0 RECOMMENDATIONS

The following section provides indicator-specific recommendations for each of the JGA components as well as overall crosscutting recommendations for the implementation of future JGA Annual Reviews.

### 5.1 Key Recommendations for Ruling Justly

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Whereas significant progress has been made in many areas, the Justice sector, which is primarily responsible for more than half of the indicators of progress under this section, still faces challenges in relation to capacity building, appropriate logistics and infrastructure, as well as serious budgetary constraints. Before listing the challenges and/or recommendations for each category of indicators, the following is a crosscutting recommendation for consideration:

- Every relevant institution should have a competent statistician paired with an M&E expert to interpret the data. At present, most of the Sector's member institutions do not have an M&E staff member to monitor program process as well as analyze and facilitate the use of the data.

#### *Establishing and Maintaining Security*

- Continuous efforts are required to enhance the skills of the LDF. A comprehensive capacity building strategy will improve their role and relevance within communities. Community-based mechanisms of preserving security have been effective in crime reduction and local ownership of security responsibility; these approaches should be strengthened to enable local security committees to increase their democratic security oversight. The pairing of LDF members with trained police officers should continue in order to build capacity of the LDF.
- There was a recommendation in the JGA 2008 report to build the capacity of the Committee on Security and Territorial Integrity in the Chamber of Deputies and the Senate Committee on Foreign Affairs Cooperation and Security. To realize this, a capacity audit of committees on security should be conducted and a relevant strategic plan developed so that outputs can be delivered in accordance with timelines and budget.

#### *National Reconciliation and Transitional Justice*

- The 'Rwanda Barometer of Reconciliation' study should be conducted as planned, in tangent with the promotion of additional research on levels of trust in society and the impact of reconciliation programs.

#### *Rule of Law*

- Governmental measures are necessary to improve citizens' knowledge on the role of the judicial system and Parliament. An appropriate, pro-citizen communications strategy to sensitize the population, particularly rural residents, should be developed and implemented. *Urunana* development communications channel has been hailed as a 'success story' for communicating health-related information to the rural community and, thus, could inform the creation of such a programme.
- *The judiciary should strive to reduce current period of case trials by recruiting more judges particularly in Supreme Court, urban-based high courts and also recruit sufficient contractual judges to deal with current backlog of cases to the level where ordinary judges would be able to handle incoming cases in timely manner.*
- *Strengthen capacities of mediation committees to handle effectively and efficiently small claims to avoid appeals related to such claims which increase the number of cases in ordinary courts.*
- *Encourage parties agreements particularly in related to non-criminal cases to refer them to arbitration tribunal as the law establishing arbitration centre is now in place.*

### Human Rights and Civil Liberties

- The following recommendations are made regarding the role of the civil society in establishing accountability and promoting human rights:
- In order to achieve indicator #15 (Human Rights cases reported to/resolved by the National Human Rights Commission), the Commission should continue to increase its pace of handling of cases by streamlining complaint admission criteria and empowering itself with more human resource personnel.
- The following 2008 JGA Recommendations should also be noted, as they are still pertinent:
  - *Strengthen fora for stakeholders (including government and human rights organizations) to engage in more constructive discussion on contested human rights issues. Access to impartial sources of information is critical in this respect.* → It is recommended that independent periodic reviews are conducted on universal human rights and published in a harmonized national report agreed by all stakeholders. The discussion about amending the media law (whereby all disputed clauses and gaps shall be considered) should also be followed-up
  - Any democratic government should be seen as strong and favorable stakeholder to Media industry. As a result, the government behavior towards media industry should be seen by the practitioners as friendly and supportive rather than hostile to the industry. It is thus recommended that the government allocate budget to reinforce and build capacities of the media practitioners to professionalize their practices

### Political Rights

- The following 2008 JGA recommendations are still relevant to this topic area:
  - *Consider the need for more independent mechanisms for oversight of party registration, assembly and accounts.* → Continue efforts to establish an independent Rwanda Governance Board that will take over political party oversight responsibility from MINALOC, and ensure that the law establishing the said Board is published in the official gazette for immediate enforcement.
  - *Engage in a debate on political party financing. Require the publication of financial statements for all political parties including full disclosure of revenues and assets.* → It is recommended that the law be amended to require political parties to publish their annual accounts and reports. Consideration should also be given to the creation of a process of public disclosure of the breakdown of campaign spending and the sources of such funds.

### Institutions of Accountability

- *Address capacity constraints affecting parliamentary committees.* → Capacity building has been initiated at Lower Chamber and Senate level through cross-border exchange of information, foreign study tours and in house/country paper presentations and expert-led debates. An institutional capacity audit (unavailable at the time of this report) would guide committees in capacity building planning.
- *Support the advocacy role of civil society organizations.* → Civil society has enormous potential to play a critical role as a watchdog between the state services and citizen; the Government therefore needs to ensure CSO engagement in policy formulation processes and should continue to support this role by developing and financing more programs; particularly for capacity building in human rights monitoring, documenting and reporting issues. A thorough survey of CSOs in terms of overall number, areas of engagement/service provision, capacity related to these various areas, growth patterns etc would be most beneficial. The recently commissioned civil society audit of financial performance should indicate capacity and resource constraints and highlight other gaps requiring the attention of Government/DPs.
- *Provide media training, in particular to raise standards of investigative journalism.* → Organizing the media industry to be competitive in quality of printed news and broadcasts depends upon constant professional development efforts. Encouraging private investments

into the industry shall attract qualified and experienced professionals. There is also a need to promote a clearer distinction between the regulation of the press and the promotion of its freedom.

- *Find ways to ensuring a clearer distinction between the regulatory function of the High Council of the Press and its role in defending press freedom. Support capacity building in equal regard to both functions.* → In 2011, the Media High Council will commission a study on how it can effectively deliver the support, advocacy and defence needs of its members. It should be ensured that the study is conducted as planned and findings are analyzed and applied to implement this recommendation.
- *Encourage greater openness in government's provision of information to the press through the implementation of the Information Act.* → At the time of writing, the Information Act was still under formulation; this recommendation will need revisiting once it is passed and implementation can begin.

## 5.2 Key Recommendations for Government Effectiveness

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### Public Financial Management

- Indicative 2010 PEFA findings suggest that public access to information has increased in recent years. Yet there is still a need to improve forecasts for recurrent expenditure arising out of capital investments, as well as to strengthen the link between costed sector strategies and aggregate fiscal forecasts.
- To further improve financial accounting and reporting, it is recommended to: enhance efforts ensuring adequate human resource capacity for financial management and accounting; extend coverage of consolidation for all government agencies and projects; and continue developing a "Blue Print" for the implementation of a long-term IFMIS, enhancing the core functionality of SmartGov, and designing interfaces with other systems such as IPPS, the Rwanda National Bank and RRA systems.
- The Retention Strategy for Accounts needs to be developed as per the recommendation of the 2008 JGA report. To address capacity constraints, adequate human resources should be made available to all Government entities, through institutional restructuring and the introduction of continuous capacity building programs such as professional ACCA training, on-the-job training/coaching, regular reinforcement training workshops and the imminent setting up of professional training programs for procurement professionals via a twinning arrangement with SFB.
- In addition, the following recommendations from the 2008 JGA report remain valid:
  - *Establish the Public Accounts Committee and strengthen Parliament's role in overseeing the audit.* → As audit committees are now being established, the Internal Audit Department will need to be strengthened to properly monitor these committees and ensure that they effectively investigate issues raised and implement audit recommendations.
  - *Increase the number of public agencies covered each year in the report of the Auditor-General.* → With 100 per cent of both CG entities and districts audited by OAG in 2009/2010, efforts should continue to raise the auditing of government expenditures from the current 70 per cent and increase audit coverage of GBEs.
  - *Introduce expenditure tracking to verify that funds reach front-line service providers.* → The Public Expenditure Reviews (PERs) initiated to track sector expenditures are a step in the right direction, and should become fully institutionalized to occur regularly and comprehensively.
  - *Provide continued support for tax reform building on the progress that has been made at central level, applying good practice in local taxation and seeking to encourage greater public debate around the use of taxpayer resources.* → Rwanda Revenue Authority (RRA) has met its objective of improving revenue administration in tax collection; but public debate around the use of taxpayer resources still needs to be encouraged.

### Anti-Corruption

- The following recommendations from the 2008 JGA report also remain valid:
  - *Give priority to measures aiming to strengthen the institutions underpinning the fight against corruption.* → Measures should be introduced to prevent conflict of interest, track asset accumulation by public officials, provide whistle-blower protection and ensure transparency and access to public information.
  - *Build specialist capacity in the Office of the Ombudsman to investigate corruption cases.* → Professional manpower is inadequate to handle all cases in a professional manner during investigation; analysis and submission of a dossier to the prosecution remain challenging; thus, it is recommended that the follow-up to cases referred by the Office of the Ombudsman be more actively monitored and that additional HR support be provided, as needed.
  - *While maintaining the role of Cabinet and the Senate in final selection of the Ombudsman, consider ways of opening up nominations or publicly advertising the post.* → Given that talks have started and the matter has been referred to the forthcoming Rwanda Governance Board, it will be important to follow-up once the Board is formed to ensure that this recommendation is addressed.

### Decentralization

- Below are the recommendations of the 2008 JGA report that pertain to decentralization indicators. Again, whilst progress has been made there is still potential for improvement, so they remain valid:
  - *Continue progress in transferring responsibilities and resources to local government.*
  - *Strengthen downwards accountability from local government to citizens by strengthening participatory planning, budgeting and monitoring processes.*
  - *Strengthen citizen participation in the design and monitoring of imihigo performance contracts.*

### Public Service Delivery

- It is recommended that the reasons behind reported low levels of satisfaction with service delivery by local government and services at grassroots level are investigated; in addition, the population would benefit from improved supply of drinking water and ensured quality provision of other basic services.
- In addition, the following recommendations from the 2008 JGA report remain relevant:
  - *Scale up the use of participatory evaluation tools including citizen report cards and community scorecards.* → It is recommended that the Rwanda Governance Advisory Council (RGAC) implement its plan to prepare internally recognized citizen score cards by the end of 2010.
  - *Encourage all government departments and/or public agencies to provide full information to the public about their services, using a wide range of media.* → Those departments and/or agencies that do not currently publicize information should do so. There is also a need to adopt a wider range of media outlets and communication channels to reach larger audiences nationwide.

### Public Service Reform

- The 2008 JGA recommendation to conduct an independent survey of the fairness of the recruitment system still needs implementing, in order to audit Public Service Commission operations.

## 5.3 Key Recommendations for Investment Climate and Corporate Governance

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### *Ease of Doing Business*

- Whereas there has been considerable progress in the simplification of licenses, more emphasis must be provided in improving the institutional capacity of the regulatory agencies (Rwanda Bureau of Standards, REMA, Rwanda Revenue Authority (RRA), Work force Development Agency (WDA).
- To overcome the challenges of investor perceptions of regulatory issues, licensing burden, corruption and dispute resolution, NPPA should continue to conduct sensitization campaigns on the fight against corruption and the popularization of related laws through various media. Further strengthening of the collaboration between NPA, MINIJUST and the Ombudsman office is recommended.
- PSF is not yet autonomous and lacks capacity, and the Rwanda Economic and Social Council has ceased to exist. The GoR, therefore, needs to ensure that a more effective mechanism is established to have a balanced dialogue between public and private stakeholders on policy level issues.
- In the 2008 JGA, the recommendations for increasing foreign investment were: *to strengthen government capacity to negotiate large investment deals; put in place more effective dispute resolution arrangements; and follow up the red carpet welcome provided to new investors with longer-term support.* Whilst the Kigali International Arbitration Center Bill is expected to improve dispute resolution, particularly with international investors, additional actions will be necessary to fully achieve these recommendations, including a PPP Unit with sufficient capacity to handle deals.
- With little progress made against the related 2008 JGA recommendation, more focus is needed upon establishing stronger procedures to address business complaints against regulatory and tax agencies.

### *Corporate Law and Governance*

- The JGA 2008 included a recommendation to build the capacity of institutions charged with implementing new commercial laws. Although new institutions have recently been established, including a Commercial Court and a Business Registry, the capacity to implement new commercial laws needs further enhancement. There is only one Commercial High Court in the country, which receives all commercial nationwide appeals and very few lawyers are specialized in commercial law. At least 2-3 detached Commercial High Court Chambers are required to achieve this objective.
- There is limited private sector awareness regarding the requirements of newly passed commercial laws. As specified in the 2008 JGA, it is recommended to strengthen sector awareness in this area through public media, decentralized Government entities and Business Development Services.

### *Private Sector Advocacy*

- The Private Sector Federation (PSF) currently relies on external funding for the vast majority of its budget to cover its existing programs. In order to enhance its independence and influence on policy, it is essential that PSF develop attractive and relevant services including lobbying and advocacy for its current and potential members. These issues have been addressed in the latest PSF Strategic Plan of 2009-2013; it is now a matter of operationalizing the plan and continually monitoring its outcomes.
- Coordination between and among the Private Sector Cluster agencies still remains a challenge. There are various capital-intensive projects in the pipeline. Without significant contribution from large investors and possible support from the DPs, mobilizing resources for these ambitious yet very strategic projects will remain a major challenge. A clear resource mobilization strategy for all capital-intensive projects within the Private Sector Cluster should also be developed immediately.
- The PPP Unit lacks sufficient capacity to provide transaction advisory services, a major requirement for successfully negotiating PPP deal, and there is confusion regarding its role - particularly since the shift of the Unit from MINECOFIN to RDB. The capacity of the PPP Unit should be significantly strengthened; a Resident Advisor, in the process of being recruited, is expected to address the capacity constraints.
- PSF is currently conducting studies on the reasons for dis-investment and delayed payment of domestic bills by the GoR and its impact on the economy. The findings of these studies should be closely examined and applied to future strategies and activities designed in response to the current challenges and needs.

- In the JGA 2008 report, it was recommended to implement the Rwanda Economic and Social Council, and ensure that discussions focus sufficiently on business issues. If this is to be attained, the Rwanda Economic and Social Council (RESC) must be rejuvenated and become more active in this role.

#### 5.4 Recommendations on Management and Sustainability of the JGA Annual Review Process

In addition to the recommendations mentioned within the body of the sub-reports (especially those pertaining to pending recommendations from the 2008 JGA and/or the JGA 2008/2009 Data Analysis Report), this section presents some additional over-arching recommendations for consideration in planning and implementing future JGA Annual Reviews.

The JGA 2008/2009 Data Analysis Report consisted of graphical presentation of quantitative data from a household-based perceptions survey. Whilst the figures were essential to the assessment of performance and progress against key JGA indicators, to a certain extent it lacked sufficient qualitative data to explain the numerical survey results. Respondents reported upon their satisfaction level regarding certain situations by selecting from a series of standardized scores; however, they were not asked to explain the reasons behind those ratings. This provided interesting numbers, yet promoted questions about “why”. Adding a qualitative component to the survey, containing open-ended codifiable questions will allow respondents to further explain their answers to the close-ended questions. Furthermore, performance cannot be accurately or objectively assessed for several JGA indicators as they currently exist, because the data is either unavailable, partly available, or was available but not calculated or disaggregated in a way consistent with the JGA requirements. For that reason, it is recommended that the revised M&E Framework (proposed in this report) be used in future JGA Annual Reviews.

In order to ensure consistency and sustainability of the JGA process itself, it is essential that the ToRs for the JGA Technical and Steering Committee are drafted, agreed upon and approved as a matter of urgent priority.

To build institutional sustainability sector wide, respective sectors must take ownership of the JGA indicators (except for the indicators related to perception surveys) in terms of monitoring and reporting them on a timely manner as per the methodology/data sources proposed in the revised M&E Framework. In order to do so, the following steps are recommended:

- Once the revised JGA Monitoring Framework is approved, RGAC should send an official memo to all concerned sectors informing them of the indicators they are expected to report upon (based on the frequency proposed). Steering Committee members of the Government should also take an active role in instructing their respective ministries on such requirements. These indicators are expected to be recorded and updated in the “National Governance (indicators) Database”, managed by the RGAC and in the final stages of development.
- RGAC should immediately initiate a discussion with the concerned sectors and Development Partners regarding setting of policies and results for each related indicator. This is to ensure that in the future, progress can be assessed against both pre-agreed policies and targets. The formulation of such policies and targets can adopt the process followed during the elaboration of EDPRS Policy and Result Matrix. Technical assistance should be provided by the RGAC, if such need arises.
- Sectors can decide on their own methodology on how data should be monitored and reported on (including policies and targets). The following are suggested as an indicative way forward to carry out this important task and ensure institutional sustainability of the process:
  - MINECOFIN may decide to revise the ToR of the Sector Strategic Plan to ensure a Governance sub-section is introduced. This objective is to ensure Sector provides indicative approach on how they will address their respective JGA results /indicator and policies;
  - The list of JGA indicators for each sector should be incorporated in the concerned sector Monitoring framework. Although such frameworks are largely non-operational at the moment, it is extremely important that MINECOFIN takes steps to ensure their immediate operation. Sectors, in fact, should not be just be limited to reporting on their inputs to EDPRS Policy and Result Matrix as their mandate and scope goes beyond this;

- In addition, the GoR/DPs may want to focus on reporting on JGA indicators for each of the concerned sectors during the forward and backward looking Joint Sector Reviews.
- Based on the reporting from all concerned Sectors and data generated from the Governance Database, RGAC, in its mandate to monitor the recommendations related to Governance issues in Rwanda, should prepare a consolidated report for discussion during the JGA TC and SC meetings. This should provide the basis for forward-looking policy making, particularly to solidify achievements and identify options to overcome challenges.

## 5.5 Building the Capacity of the RGAC

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The creation of RGAC was motivated by the need for high quality research to drive governance policies and the need to disseminate evidence-based and accurate information regarding governance in Rwanda. The RGAC is expected to create awareness among the citizens and stakeholders for the advocacy and promotion of good governance, with the ultimate aim of achieving sustainable development. As indicated in the previous section, in order to ensure sustainability and consistency of the JGA Review on an annual basis and to ensure the enhanced capacity of RGAC in general, it is recommended that a JGA Secretariat be established.

It is absolutely essential to ensure that the proposed JGA Secretariat and RGAC in general have sufficient staff capacity for smooth and effective JGA coordination. This will in turn significantly enhance the capacity of RGAC itself. In order to fulfill its scope of work in a satisfactory manner, a series of specific core posts would need to be filled. These are (for more details explanation please see Annex 4):

- a) *Two International Resident Advisors (for an initial period of 3 years)*
- b) *One National JGA Co-ordinator (national recruit)*
- c) *Three Monitoring and Evaluation Experts (national recruits)*
- d) *Procurement Officer (national recruit)*
- e) *Secretary and Account (national recruit)*

In order to address the anticipated capacity building needs, a series of short, tailor-made modular courses covering the required knowledge and skills may be required through a staff development programme of some sort. Apart from the International Resident Advisor building the competencies of the staff members, other options include the following:

1. In-country training providers could be contracted to design and deliver a program for staff personnel within the JGA Secretariat and across the governance sector including RGAC.
2. International training providers could be contracted to design and deliver a program for a senior group of JGA Secretariat, which would cascade the step-down trainings to RGAC and sector staff.
3. International training providers could be contracted to design and deliver a program in conjunction with an in-country management trainer who could, in turn, train staff across the JGA Secretariat and across the governance sector.

To complement the short and medium term capacity building possibilities outlined above, it will be crucial to establish partnerships and networks with International Governance Bodies (i.e. Mo Ibrahim, Freedom House). Overseas exposure tours/study visits can then be organized to learn more and explore how international best practices may be adapted to the Rwandan context. Sufficient investment will also be required in office infrastructure and equipment, information and communication technology, a data management system, and operational expenses so that the JGA Secretariat becomes a fully functional body.

## 5.6 A Proposed Funding Framework and Management Mechanism for Longer Term Sustainability of the JGA Process

If the JGA is treated simply as a tool by which to report on Government performance, it will fail to attain its ultimate goal of increasing economic development as a result of improved governance. The JGA must be recognized for what it is: a complex and dynamic cycle of evaluation, action planning, and implementation of responses, involving extensive monitoring, documentation, analysis and consultation. For the JGA process to be effectively applied on an ongoing, sustainable basis, it will require committed structures, well-defined mechanisms, and long-term financial investments.

In October 2<sup>nd</sup>, 2009 MINALOC convened the first joint meeting of the JGA Steering Committee. At this meeting, the JGA stakeholders reaffirmed their support and strong commitment for the JGA. They commended the work done by the RGAC and took the following resolution: “... *the JGA review should be done annually and a clear funding mechanism should be put in place.*”<sup>22</sup>

The JGA Steering Committee members also agreed that there is a need to develop a Medium Term Strategic Plan including financing which can serve to ensure sustainability of the JGA Process.<sup>23</sup> In fact, if the JGA review process is to continue on a regular basis, longer-term DP commitments are required. To date, only annual and rather ad hoc funding allocations have been made for the process. During the Steering Committee Workshop (June 18<sup>th</sup>, 2010), it was agreed in principle that the Basket Fund Arrangement between the GoR and DPs to support Rwanda’s 2008-2011 Strategic Plan of National Electoral Commission (NEC) would be the most appropriate model to adopt for the JGA Annual Review.

As part of this assignment, the NEC Basket Fund MoU between the GoR and DPs was thoroughly reviewed along with other GoR Basket Fund arrangements such as the Public Financial Management (PFM) Basket Fund in MINECOFIN.<sup>24</sup> Having carefully considered possible advantages and disadvantages, views of the DPs, GoR and other stakeholders, and the importance of building national ownership, it is hereby recommended that JGA Basket Fund model in line with the NEC and PFM Model is developed and adopted (for justification and further details please see Annex 5). Based on the MoU and operational procedures of both the NEC and PFM Basket Funds, it is suggested that the DPs and GoR directly fund RGAC to conduct the JGA Annual Review and associated activities.

In order to ensure effective, efficient administration of JGA processes, it is also recommended that a JGA Secretariat be established within RGAC. The scope of RGAC work clearly goes far beyond simply conducting the JGA on an annual basis; therefore, establishing a JGA Secretariat to focus exclusively on JGA and related activities can ensure sustainability and consistency of the JGA process. It should be recognized that RGAC staff are working in a complex and rapidly changing environment that places them under considerable pressure and sometimes unwelcome stress. The creation of JGA Secretariat would lighten the workload of RGAC personnel and guarantee an exclusive focus on JGA by the JGA Secretariat, therefore, ensuring high quality work.

22 Report of JGA Steering Committee meeting on JGA Survey Questionnaire and Methodology; 2<sup>nd</sup> October 2009, MINALOC, Kigali.

23 Minutes of the Joint Governance Assessment Steering Committee meeting; January 25<sup>th</sup> 2010.

24 This is the most recent Basket Fund established (in February 2010) to support the PFM Reform Strategy 2008-2012.

## ANNEX 1: Methodology of the JGA Annual Review 2008/2009

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The approach to this Annual Review was founded on the same ten principles as the first JGA, namely:

- Intended to promote ownership
- Transparent and consultative
- Forward-looking and pragmatic
- User-friendly and appealing to development partners
- A credible analysis
- Context-specific
- Of a professional quality
- Designed to identify underlying causes and explanations
- A basis for well-informed dialogue
- An aid for continuing assessment through the JGA Monitoring Framework

The following specific steps comprise the JGA Annual Review-2008/2009 methodology:

### A. Assessment of Performance and Progress Made

To inform conclusions made about performance trends, the following evaluation methods were used:

- Literature/Desk Review:** This consisted of a review of the most up-to-date statistics and current governance documents, including the latest Joint Sector Review/Sector Performance Reports, EDPRS Annual Reports, and other secondary literature from non-governmental sources which provided up-to-date statistics and information on relevant initiatives taken by the Government of Rwanda (GOR) in relation to each key indicator examined.
- Semi-Structured Interviews with Key Informants:** Interviews were conducted with representatives of the Rwandan government, DPs, civil society, and the private sector. Consultations were also held with key informant groups from Ministry of Justice, Ministry of Local Government, Ministry of Finance and Economic Planning, among others. The purpose of these meetings was to: (1) cross-check the data collected during the elaboration of the JGA 2008/2009 Data Analysis Report; and (2) supplement the quantitative JGA 2008/2009 survey data with descriptive information that could help identify factors contributing to or hindering progress; and (3) address any methodological and normative concerns with the results of the JGA and the JGA 2008/2009 Data Analysis Report. Interview tools containing both “process” and “technical” questions were developed and used by the consultants to guide the many interviews held with these key stakeholders.
- Appraisal of the DP’s feedback on the 2008 JGA Report:** This was done through individual meetings with DP representatives and a Donor Roundtable Discussion.
- Critical Assessment of the JGA 2008/2009 Data Analysis Report:** This comprised a comprehensive review of data and findings from the Data Analysis Report. It included a critical assessment of the JGA 2008/2009 Data Analysis Report in terms of possible measurement errors, sampling bias, consistency in the means of verification (data sources) across years, and comparability of the recently reported data to that the 2008 baseline. The Review Team cross-checked the criteria and methods featured in the Data Analysis Report against the approved methodology as reflected in the JGA M&E framework; and it supplemented the quantitative data with qualitative information obtained through interviews with key informants and reviews of published reports. Where appropriate, data was updated using the latest statistics from relevant sectors.

### B. Review of the JGA M&E Framework

The Review Team also carried out an in-depth review of the JGA framework indicators, using the following approaches:

a) ***Preliminary Review of Indicators***

***Situation analysis:*** The Review Team subjected the M&E framework to a more rigorous assessment in light of the Rwanda governance context as it has evolved since the framework was first developed. This included close attention to other relevant assessment frameworks, such as Justice, Reconciliation, Law and Order (JRLO), the EDPRS Common Performance Assessment Framework, and the Policy and Result Matrix.

***Process Tracing*** was used to identify the linkages (causal chain) between various stakeholders and processes that the monitoring framework addresses. The method was used to interrogate the emerging roles of Civil Society Organizations (CSOs) and DPs, and it involved looking at how best to include these in the framework.

Throughout this preliminary review of the indicators, the team was guided by principles of SMART (Specific, Measurable, Achievable, Reliable, Time-bound) indicators and the need to align the JGA M&E framework with other national frameworks, where applicable. Indicators proposed to undergo some degree of change were then classified according to one of the following actions needing to be taken:

- Clarify (i.e. changes to wording)
- Revise/ Improve
- Replace
- Remove

b) ***One Day Multi-stakeholder Workshop***

With the assistance of RGAC, a one-day multi-stakeholder workshop was convened on June 15<sup>th</sup>, 2010. The workshop brought together key JGA stakeholders from the Government of Rwanda (GoR), its relevant institutions, DPs, and members of the civil society. The stakeholder workshop aimed to:<sup>25</sup>

- Carry out comprehensive consultations with key stakeholders;
- Disseminate and test the draft-zero JGA monitoring framework developed by the review team;
- Discuss potential strategies for improving the JGA monitoring framework and seek consensus on key issues;
- Critically assess the monitoring framework with regard to its treatment of three pillars of governance indicators;
- Formulate suggestions on the JGA funding mechanism model.

A key outcome of the working sessions was the proposal for the development of a fourth pillar for assessing the performance of the DPs, since the other three focused on the performance of the GOR only. The workshop report received critical input from the Technical Committee during the Inception Report meeting held in June 17<sup>th</sup>, 2010, where the issue of the fourth pillar was discussed and endorsed. This proposal received significant support from the Steering Committee at its meeting on June 18<sup>th</sup>, 2010 when it approved the Inception Report with amendments.

c) ***Meetings with the JGA Steering and Technical Committees***

Three update meetings with the Technical Committee to discuss progress, challenges and agreed-upon milestones were held; and one meeting with the Steering Committee was organized to discuss the initial findings and financing models. It was expected that this approach would enable the stakeholders to continue to feel a sense of ownership over the Review specifically and the governance agenda more broadly, while also ensuring a high level of accuracy and reliability of data and an enriched analysis that is both qualitative and quantitative in nature. In addition to these stakeholder consultations, the Review Team engaged with experts in relevant fields to ensure that the assessment review and M&E framework meets international standards while remaining attentive to local concerns and realities.

<sup>25</sup> The workshop objectives and agenda are presented in Appendix 2. It was attended by the 35 participants presented in Appendix 3.

**ANNEX 2: Recommendations for a revised JGA M&E Framework**

The following section provides recommendations for a revised M&E framework for future JGA Review.

**Ruling Justly**

<b>2.1 Establishing and Maintaining Security</b>					
<b>Indicator</b>	<b>Disaggregation</b>	<b>Frequency</b>	<b>Source</b>	<b>Rationale (amended/new indicators only)</b>	<b>Baseline (new/revised indicators only, if available)</b>
1. Percent. of respondents expressing confidence in the performance and conduct of security organs (score of 3 or 4 on a scale of 4)	Ask separate questions for (1) RDF, (2) RNP and (3) LDF. Disaggregate by gender, Province	Annual	JGA Data and Perception Survey	Frequency has been increased to annual to provide consistent and gradual data on the indicator given the implication of the indicator on policy.	See JGA Data Analysis Report,
2. Percent. of respondents expressing a high level of satisfaction in their personal security (score of 3 or 4 on a scale of 4)	Ask separate questions for (1) personal security,(2) property security Disaggregate by gender, district	Annual	JGA Data and Perception Survey	Frequency has been increased to annual to provide consistent and gradual data on the indicator given the implication of the indicator on policy.	See JGA Data Analysis Report,
3. Percent. of crime rate (including number of homicides per 100,000)	Disaggregate by gender, type of crime, province	Annual	RNP	This indicator is an amendment to 2008 indicator 3. No of homicides. The homicide rate alone does not indicate levels of security, and at present the lack of disaggregated data renders this statistic less useful.	Homicides per 100,000 (part of disaggregation): 2008: 5.9 2009: 5.1

2.2 National Reconciliation and Transitional Justice					
Indicator	Disaggregation	Frequency	Source	Rationale (new/revised indicators only)	Baseline (new/revised indicators only, if available)
4. Completed and remaining genocide trials through the <i>Gacaca</i> and formal court system → This should be removed as this has been attained and is no longer relevant					
5. Killings of genocide survivors, witnesses and judges	Disaggregate by Circumstances of case, location, gender	Annual	RNP; Ibuka(two sources can be used providing there is a common agreement on the definitions)		
6. Level of trust and reconciliation	Disaggregation 1. Dynamics of identity 2. Extent of trust in institutions responsible for reconciliation: <ul style="list-style-type: none"> <li>• Local Authorities</li> <li>• Office of Ombudsman</li> <li>• NHRC</li> <li>• NURC</li> <li>• FBOs</li> <li>• ICTR</li> <li>• Classic Courts</li> <li>• Mediators</li> <li>• <i>Gacaca</i> Courts</li> <li>• Rwanda Broadcast media</li> <li>• Rwanda Print media</li> <li>• CSOs</li> <li>• Parliament (both chambers)</li> </ul> 3. Interpersonal Trust among population <ul style="list-style-type: none"> <li>• Neighbors</li> <li>• Genocide survivors</li> <li>• Those involved in the 1994 genocide</li> <li>• New case returnees</li> <li>• <i>Gacaca</i> court witnesses</li> <li>• Genocide suspects</li> </ul> Disaggregate by Province	Annual	JGA Data and Perception Survey NURC Reconciliation barometer	This indicator is an amendment to 2008 indicator 6. Measure of trust and reconciliation.  The existing indicator did not clearly define what data was required.  The introduction of the NURC “Reconciliation Barometer” will allow for the ‘dynamics of identity’ to be assessed.  The JGA Data and Perception Survey will establish the: - Extent of trust in institutions responsible for reconciliation - Intergroup trust (different categories of neighbors).  This amendment reflects the need to align with JRLO framework.  The frequency has been increased to annual. This will inform policy on the progress of the indicator.  For explanation of the proposed disaggregation for part 3 of the indicator, refer to Section 3.8 of this report (Reflection on the Data Analysis Report)	

2.3 Rule of Law					
Indicator	Disaggregation	Frequency	Source	Rationale (new/revised indicators only)	Baseline (new/revised indicators only, if available)
7. No. of cases processed by the courts	Disaggregate (a) for each category(civil, penal, genocide and commercial) of the Backlog (defined as dossiers awaiting judgment for more than 6 months);  (b) for the number of prisoners awaiting trial (criminal cases only) to establish average time taken to process a criminal case from arrest to sentence	Annual	JLRO; Supreme Court Annual Report; General Inspectorate of Courts and Tribunals; Director of Prisons; Relevant CSO reports	This indicator replaces 2008 indicator 7. Backlog of court cases (defined as dossiers awaiting judgment for more than 6 months); Number of prisoners awaiting trial (criminal cases only).  Backlog of cases is a very common issue, and annual figures do not reveal which are new cases that year, and which are rolling backlogs from previous years. The existing indicator did not indicate time taken to process a case  The replacement reflects the need to align with JRLO/ Common Performance Assessment Framework (CPAF)	
8. Number of qualified legal professionals	Disaggregate by gender, level of qualification, type of professional	Annual	Supreme Court; Kigali Bar Association; Rwanda Public Prosecutions Authority	NA	See narrative below
9. Percentage of population with Access to legal aid at District level	Disaggregate as follows: a) MAJ <ul style="list-style-type: none"> <li>No of Districts with fully operational MAJ.</li> <li>% of people assisted by MAJ vis-à-vis those who came for assistance</li> <li>% of citizens satisfied with service delivery by MAJ.</li> </ul> b)“Abunzi” (mediators) <ul style="list-style-type: none"> <li>Number of cases brought</li> <li>% of cases resolved</li> <li>Citizens’ perception of Abunzi</li> </ul> (Disaggregate by Province)	Annual	MINIJUST; Legal Aid Forum; RCN Justice and Democracy; Relevant CSO reports; Perception Surveys for Citizens’ perception of Abunzi	This indicator is an amendment to 2008 indicator 9. Access to legal aid.  This data did not appear to be available, and the indicator needs to be reconsidered to allow for access to legal advice if not legal aid to be considered in some way. E.g. new MAJ  The amendment also reflects the need to align with JRLO framework	No. of districts with fully operational MAJ (part of disaggregation): November 2010: 30 - each with two lawyers
10. Percentage of public expressing confidence in judiciary and rule of law (giving score of 3 or 4 out of 4).	Disaggregate as follows: <ul style="list-style-type: none"> <li>% of citizens expressing that the judiciary is independent</li> <li>% of citizens trusting fairness of the courts (ask separate questions for each type of court)</li> </ul>	Annual	JGA Data and Perception Survey	This indicator is a clarification of indicator 10. Public perception of rule of law and performance of judiciary  The proposed disaggregation ensures that the indicator is SMART.  The frequency has been increased to annual	% of citizens expressing that the judiciary is independent 2009: 66.4%  The integrity of the Judiciary System in the Judgment Process 2009: 67.4%

2.4 Human Rights and Civil Liberties					
Indicator	Disaggregation	Frequency	Source	Rationale (new/revised indicators only)	Baseline (new/revised indicators only, if available)
11. Deaths in police custody or during arrest (excluding deaths by natural causes)	Disaggregate by province, gender, type of crime	Annual	RNP data triangulated with reports from Human Rights Organizations	This indicator has been slightly amended to include excluding deaths by natural causes, with data to be disaggregated by district where possible  This slight amendment brings the indicator in line with the JRLO framework	
12. Total number of prisoners as a % of planned Jail Capacity		Annual	Director of Prisons, MININTER		
13. Number of Juveniles in Rehabilitation Centers	Disaggregate by Center, gender	Annual	Kigali City Council; Gikondo Transit Center, Triangulated with reports from relevant CSOs		
14. Proportion of reports required under UN Human rights instruments to which Rwanda is signatory, that are compiled and submitted to treaty reporting bodies in accordance with the time requirement of the Treaty	Disaggregate by: (a) UN Human Rights instruments ratified (b) UN Human Rights instruments domesticated	Annual	NHRC (National Human Rights Commission); MINAFFET	This indicator is a clarification of 2008 indicator 14. Proportion of reports required under UN Human rights instruments to which Rwanda is signatory, which are compiled and submitted to treaty reporting bodies in timely manner  The clarification concerns the use of the phrase 'timely manner', and ensures the indicator is clear	Conventions, Protocols and Covenants signed as of first of 2009/10): 8
15. Number of human rights cases reported to NHRC and the proportion of these that get resolved	Disaggregate by time taken to resolve human rights	Annual	NHRC Annual Reports		
16. % of Women in positions of power	Disaggregate as follows: 1. % of Women in parliament 2. % of Women in Local government 3. % of Women in the judiciary 4. % of Women in the Executive	Annual	MIGEPROF		

2.4 Human Rights and Civil Liberties					
Indicator	Disaggregation	Frequency	Source	Rationale (new/revised indicators only)	Baseline (new/revised indicators only, if available)
17. Women's Rights	<p>Disaggregate by</p> <ul style="list-style-type: none"> <li>-Number of Laws passed that protect and promote women's rights (property, education, health)</li> <li>-Effectiveness of institutional mechanisms for reporting women's human rights violations</li> <li>-% of Women who have accessed Women's Development Fund (Disaggregate by Districts and Provinces)</li> <li>No of Institutions dealing with SGBV</li> </ul>	Annual	MINIJUST; Gender Monitoring Commission; Perceptions survey; MINECOFIN; RNP	<p>This is a newly proposed indicator for inclusion.</p> <p>The proposal reflects the need for a critical indicator of women's empowerment through actionable indicators.</p> <p>This indicator requires further discussion with stakeholders</p>	
18. Children's Rights	<ul style="list-style-type: none"> <li>No of Laws passed that protect and promote children's rights (education, health, child labor, sexual exploitation)</li> <li>% of children of school age enrolled in primary schools (Disaggregate by District and Province)</li> <li>% of decline in Child mortality rate (Disaggregate by District and Province)</li> </ul>	Annual	MINIJUST; MINISANTE; MINEDUC	<p>This is a newly proposed indicator for inclusion.</p> <p>The proposal reflects the need for a critical indicator for protecting children.</p> <p>This indicator requires further discussion with stakeholders</p>	

2.5 Political Rights					
Indicator	Disaggregation	Frequency	Source	Rationale (new/revised indicators only)	Baseline (new/revised indicators only, if available)
19. Percent of accredited independent Election observers expressing satisfaction with the fairness of elections		For each Election	Independent Observer Institution Reports National Electoral Commission	This indicator is an amendment to 2008 indicator 17. Election declarations of independent observers.  While relevant comments provided by international election observers were available, how these were to be included (and how many) was not clear.  The amended indicator is SMART and the source is clearly defined	
20. Citizens' Political Rights	% of Citizens satisfied with the application of the law on Freedom of Association	Annual	JGA Data and Perception Survey	This is a newly proposed indicator reflecting the need for the expansion of the political rights section of the monitoring framework  This indicator requires further discussion with stakeholders	
21. Political Parties Operations	a) % of parties publishing financial statements as required by law;  b) % of parties confirming being provided with full security as required by the law to ensure independence of movement and operation;  c) % of parties having equal access to public media during campaigns (disaggregate by elections)  d) % of political parties operating District branches	Annual	MINALOC; MINIJUST; Political Parties; Relevant CSOs	This indicator replaces 2008 indicator 18. Publishing of financial statements of political parties  It seems statements are submitted but not yet published. As a result, the available data was only a measure of compliance of different parties and did not meet the indicator requirements  The replacement indicator provides a clearer, broader picture of political rights	
22. Independence of the National Electoral Commission (NEC)	% of citizens expressing confidence in the operations of the NEC  % of accredited independent observers expressing confidence in the conduct of elections	For Each Election	JGA Data and Perception Survey	This is a newly proposed indicator reflecting the need for the expansion of the political rights section of the monitoring framework  This indicator requires further discussion with stakeholders	

2.6 Institutions of Accountability					
Indicator	Disaggregation	Frequency	Source	Rationale (new/revised indicators only)	Baseline (new/revised indicators only, if available)
23. Independence of Parliament	Disaggregate by a) % of citizens expressing trust in the independence of Parliament (scoring 3 or 4 out of 4), b) Performance in its oversight responsibility of executive program monitoring (number times the government is censured by Parliament)	Annual	JGA Data and Perception Survey; Secretariat of Chamber of deputies	This indicator replaces 2008 indicator 19. Number of times ministers get called to parliament (to be reviewed in the future)  It is not clear what this indicator was intended to measure, and whether the number of times ministers are called to parliament should increase or decrease  The proposed replacement is measurable and addresses the critical issue of parliamentary independence and accountability	% of respondents expressing confidence in Parliament (part of disaggregation) 2009: 65.1%
24. Vibrancy of the CSOs/ NGOs	Disaggregate by a) % of NGOs providing annual reports b) % of NGOs operating in the districts c) % of NGOs participating in the parliamentary process (e.g. presenting position papers on policy)	Annual	MINALOC; JGA Data and Perception Survey; NGO / CSO reports	This indicator replaces 2008 indicator 20. Number of NGOs refused registration and required to close  The indicator asked for the number of NGOs unable to register and asked to close. While up-to-date data was available, it was not clear how useful this information was or its relationship with institutions of accountability  The proposed replacement provides a broader, clearer picture of the NGO/CSO arena	
25. IREX Media Sustainability Index	Include 5 sub-indices	Annual	IREX Annual Reports		

## Government Effectiveness

3.1 Public Financial Management					
Indicator	Disaggregation	Frequency	Source	Rationale (new/revised indicators only)	Baseline (new/revised indicators only, if available)
26. Improvement in Public Expenditure and Financial Accountability Assessment	Disaggregate by the 28 performance Indicators shown in Table 2	Every three years	Commissioned Reports	Remains the same	
27. Comprehensive and consolidated accounts produced within 3 months of end of each year and published on MINECOFIN website	SIMPLE Yes/No Indicator	Annual	Accountant general	Remains the same	

### 3.1 Public Financial Management

Indicator	Disaggregation	Frequency	Source	Rationale (new/revised indicators only)	Baseline (new/revised indicators only, if available)
28. Proportion of the value of procurement tendered competitively or justified	Disaggregate by -Value -Total number of contracts	Annual	National tender Board Report	<p>This indicator replaces 2008 indicators 24. % of tenders exceeding threshold awarded by competitive bidding; and 25. Value of tenders awarded without approval of internal tender committee</p> <p>The existing indicators were proposed during the formulation of EDPRS Policy and Result Matrix. They have subsequently been revised</p> <p>The replacement indicator reflects the need to align with the Policy and Result Matrix</p>	2009 total: 86% (proposed disaggregation not yet available)
29. Number of Public Expenditure tracking surveys undertaken		Annual rolling assessments	MINECOFIN	Remains the same	

### 3.2 Anti-corruption

Indicator	Disaggregation	Frequency	Source	Rationale (new/revised indicators only)	Baseline (new/revised indicators only, if available)
30. Percentage of corruption cases successfully completed (convicted or acquitted)	By organization	Annual	NPPA data	<p>This indicator is an amendment to 2008 indicator 27. No of successful prosecutions as a % of cases reported to police and/or ombudsman (may require revision).</p> <p>The amendment reflects the need to align with the EDPRS National Policy and Result Matrix as well as JRLO framework</p>	2008: Out of 34,024 cases reported to the Prosecutions Authority by either the Police or The Office of the Ombudsman, 17449 cases (51.3%) were successfully prosecuted and 16575 (48.7%) cases remained and were brought forward for 2009
31. Citizens' perception of corruption in Institutions	Disaggregate By Sector (Public, Private)	Annual	JGA Data and Perception Survey	<p>This replaces 2008 indicator 28. Comprehensive survey of incidence of corruption.</p> <p>The existing indicator was not SMART, although replacement reflects the importance of a measure of perception of corruption</p>	

3.3 Decentralization					
Indicator	Disaggregation	Frequency	Source	Rationale (new/revised indicators only)	Baseline (new/revised indicators only, if available)
32. District government expenditures published and available	By sector, program	Annual	MINALOC; MINECOFIN; with Civil Society verification		
33. % of Central transfers unearmarked	Disaggregate by District	Annual	MINALOC; MINECOFIN		
34. Percent. of District revenue locally generated over total revenue	Disaggregate by District	Annual	MINALOC	<p>This indicator is an amendment to 2008 indicator 31. % of district revenues locally generated</p> <p>The amendment reflects the need to compare local and total revenue</p>	<p>2009 Mini-budget:</p> <p>Local revenue generated - 11,019,622,099(14.49% of total receipts)</p>
35. Percent. of citizens who feel that they participate actively in local decision-making and that local government is listening to and addressing their priority concerns.	Disaggregate by Gender and District	Annual	JGA Data and Perception Survey	<p>This indicator is an amendment to 2008 indicator 32. % of citizens in target districts who feel they participate actively in local decision making and the local government is listening to and addressing priority concerns</p> <p>The slight amendment to this indicator reflects that participation in decision-making is a common issue, and should not be targeted at certain districts</p> <p>It is also reflects the need to align with the EDPRS Policy and Result Matrix</p>	<p>2009: Population's perception of their participation:</p> <ul style="list-style-type: none"> <li>• "Very strong": 24.7%</li> <li>• "Strong": 40.3%</li> <li>• Moderate: 18%</li> <li>• Poor: 9.6%</li> </ul>

3.4 Public Service Delivery					
Indicator	Disaggregation	Frequency	Source	Rationale (new/revised indicators only)	Baseline (new/revised indicators only, if available)
36. Citizens' experience of and participation in service delivery	For key sectors; health, water and sanitation, education, policing	Annual cycle of five years	JGA Data and Perception Survey		
37. Number of government agencies having developed service delivery standards		Every three years	Service providers		
38. Percent. of departments/ public agencies providing full information to the public about their services, and disseminating citizen's guides to their services	Disaggregate by medium of communication	Annual	Rwanda Government Activity Reports Ministry Reports etc		

3.5 Public Service Reform					
Indicator	Disaggregation	Frequency	Source	Rationale (new/revised indicators only)	Baseline (new/revised indicators only, if available)
39. Preparation and implementation of Action Plans for public service reform based inter alia on the findings of the functional reviews for 22 ministries	Disaggregate for each ministry	Annual	Ministry Reports	The current indicator is not sufficient to measure the outcome of public service reform  The addition of more indicators to measure public sector reform requires further discussion with stakeholders	

## Investment Climate and Corporate Governance

4.1 Ease of Doing Business					
Indicator	Disaggregation	Frequency	Source	Rationale (new/revised indicators only)	Baseline (new/revised indicators only, if available)
40. World Bank Doing Business Indicators	All indicators	Annual	World Bank; IFC		
41. Score of Investor Perceptions of regulatory issues, licensing burden, corruption and dispute resolution		Annual	JGA Data and Perception Survey	This indicator is a slight amendment to the 2008 indicator 38. Investor perceptions of regulatory issues, licensing burden, corruption, dispute resolution  This amendment reflects the need to align with the EDPRS policy and result matrix	70.5 (2009/10) (MINICOM-JSR Report-2010)
42. Percent of business related complaints resolved	Track Tax appeals, complaints against key regulatory agencies  Add sub-indicator: Business community perceptions of commercial justice system	Annual	Commercial Courts ; JGA Data and Perception Survey	The proposed sub-indicator brings the JGA monitoring framework in line with the JRLO framework  Since new commercial courts have been established, the source of verification for the indicator “% of business related complaints resolved” should be changed from Private Sector Federation to Commercial Courts/MINIJUST	
It is suggested that the indicator #40 (Reduction in no of licenses and simplification of bureaucratic requirements) of the JGA 2008 monitoring matrix be removed as it is already captured within World Bank Doing Business Reports.					

4.2 Corporate Law and Governance					
Indicator	Disaggregation	Frequency	Source	Rationale (new/revised indicators only)	Baseline (new/revised indicators only, if available)
Passing of new commercial laws	Track progress of the 16 new bills in draft/preparation	Annual	Ministry of Justice		
43. Number of commercial cases concluded by the civil, penal (excl. Genocide), and commercial courts	Include backlog	Annual	Supreme Court; Quarterly and Annual reports Commercial High Court	<p>This indicator is an amendment to 2008 indicator 42. Number of cases completed by newly established commercial courts.</p> <p>This amendment brings the indicator in line with Alignment with the EDPRS Policy and Result matrix and JRLO framework, and reflects the fact that commercial courts are no longer 'new'</p>	2009: Out of 3,333 cases that had been qualified as backlog, only 12 cases are still pending; Out of the 6,806 total number of cases (Backlog + new cases received), 5,553 (81.5%) have been completed; 1,253 (18.5%) are still pending.
44. Percent of medium and large companies (31+ employees) submitting audited contributions	Disaggregate by -public enterprises -private enterprises	Annual	Rwanda Revenue Agency (RRA)	<p>This indicator is an amendment to 43. % of large companies (10+ employees) submitting audited contributions.</p> <p>The amendment reflects the fact that enterprises consisting of 10+ employees are considered medium and not large companies.</p> <p>The amendment also brings the indicator more in line with the EDPRS policy and result matrix.</p>	<p>Companies supposed to certify for 2008: 282 Companies that certified and communicated: 163 (57.80%)</p> <p>Those that haven't certified or are in the process of certifying: 119 (42.20%).</p>

## Annex 3: Reflection on Data Analysis Report and Summary of Key Recommended Changes in the M&E Framework

### Ruling Justly Category

**Data Analysis Report:** Where the indicator definition varies from source to source, careful attention should be paid in the interpretation and reporting of results. It is strongly recommended that the definition of each indicator be very clearly stated in the Monitoring Framework and that data sources that do not adhere to the predetermined definition not be considered in the analysis of performance and progress. A relevant example is that the definition of “killing” in **Indicator #5** (number of killings of genocide survivors, witnesses and/or judges) differs between RNP and Ibuka; RNP’s definition takes into account the reason for the death and only counts the killings related to genocide, whereas Ibuka simply counts the number of genocide survivors, witnesses, and/or judges that die without considering the cause. It is therefore important to look into this in the immediate future and come to a common understanding and agreement on the definition of this indicator.

In other cases, the exact calculation and means of interpreting the indicator are not clearly defined. For instance, **indicator #17** (Election declarations of independent observers) cannot be easily quantified. It is suggested that this indicator be revised to facilitate the calculation of trends and the appraisal of results against the targeted outcome. In addition, it is not clear how a higher result for **Indicator #20** (Number of NGOs refused registration and required to close) should be interpreted in terms of a measure of just rule, since it could be interpreted either as being too strict and unjust or as effective in applying criteria and standards.

Some indicators require follow-up assessments involving the analysis of qualitative data in order to make the results more meaningful. This is particularly true for the indicators pertaining to the JGA Data and Perception Survey, as it would be helpful to ask the respondents *why* they have certain beliefs or impressions. For example, since expropriation of land to initiate large projects is becoming increasingly common, in the future JGA Data Survey, it is important to assess if the population are happy with the level of compensation they are getting under **Indicator #2** (*Percentage of respondents expressing a high level of satisfaction in their property security*) and an analysis of the expropriation law through a perception survey may also be helpful.

The changes proposed in the revised Monitoring Framework takes into account the above observations.

The following indicators were analyzed with most up-to-date data (in comparison to the JGA Data Analysis Report):

- #4. Completed and remaining genocide trials through the *Gacaca* and formal court system
- #5. Killings of genocide survivors, witnesses and judges
- #7. Backlog of court cases (defined as dossiers awaiting judgement for more than 6 months); Number of prisoners awaiting trial (criminal cases only)
- #9. Access to legal aid
- #11. Deaths in police custody or during arrest
- #14. Proportion of reports required under UN Human rights instruments to which Rwanda is signatory, that are compiled and submitted to treaty reporting bodies in timely manner
- #15. Number of Human Rights cases reported to NHRC and proportion of these that get resolved
- #17. Election declarations of independent observers
- #18. Publishing of financial statements of political parties
- #19. Number of times ministers get called to parliament

Key Changes to the Monitoring Framework for Ruling Justly Category

Indicator from JGA 2008	Replace With	New Disaggregation Proposed	New Frequency Proposed	New Sources Proposed
1. % of respondents expressing confidence in the performance and conduct of security organs (score of 3 or 4 on a scale of 4)			Frequency from 3 years to 1 year	
2. % of respondents expressing a high level of satisfaction in their personal security (score of 3 or 4 on a scale of 4)			Frequency from 3 years to 1 year	
3. Number of homicides per 100,000 people	% of crime rate (including number of homicides per 100,000)	Disaggregate by gender, type of crime, province		
4. Completed and remaining genocide trials through the <i>Gacaca</i> and formal court system → This should be removed as this it has been attained and is no longer relevant				
5. Killings of genocide survivors, witnesses and judges				RNP, Ibuka (two sources can be used providing there is a common agreement on the definitions)
6. Measures of trust and reconciliation	Level of trust and reconciliation	<p>1. Dynamics of identity</p> <p>2. Extent of trust in institutions responsible for reconciliation:</p> <ul style="list-style-type: none"> <li>• Local Authorities</li> <li>• Office of Ombudsman</li> <li>• NHRC</li> <li>• NURC</li> <li>• FBOs</li> <li>• ICTR</li> <li>• Classic Courts</li> <li>• Mediators</li> <li>• Gacaca Courts</li> <li>• Rwanda Broadcast media</li> <li>• Rwanda Print media</li> <li>• CSOs</li> <li>• Parliament (both chambers)</li> </ul> <p>3. Interpersonal Trust Neighbors in general:</p> <ul style="list-style-type: none"> <li>• Between Genocide survivors and those involved in the 1994 genocide</li> <li>• New case returnees</li> <li>• <i>Gacaca</i> court witnesses and genocide suspects</li> </ul> <p>Disaggregate by Province</p>	Frequency from 3 years to 1 year	

Indicator from JGA 2008	Replace With	New Disaggregation Proposed	New Frequency Proposed	New Sources Proposed
7. Backlog of court cases (defined as dossiers awaiting judgment for more than 6 months); Number of prisoners awaiting trial (criminal cases only)	No. of cases processed by the courts			
8. Number of qualified legal professionals				Add Rwanda Public Prosecutions Authority
9. Access to legal aid	% Population with Access to legal aid at District level			RCN Justice and Democracy Relevant CSOs reports Perception Surveys for Citizens' perception of Abunzi Avocat sans frontiers Legal aid forum Districts UNICEF
10. Public perception of rule of law and performance of judiciary	% of public expressing confidence in judiciary and rule of law (giving score of 3 or 4 out of 4)			
11. Deaths in police custody or during arrest	Deaths in police custody or during arrest (excluding deaths by natural causes)	Disaggregate by province, gender, type of crime		
14. Proportion of reports required under UN Human rights instruments to which Rwanda is signatory, that are compiled and submitted to treaty reporting bodies in timely manner	Proportion of reports required under UN Human rights instruments to which Rwanda is signatory, that are compiled and submitted to treaty reporting bodies in accordance with the time requirement of the Treaty	(a) UN Human Rights instruments ratified (b) UN Human Rights instruments domesticated		
15. Number of human rights cases reported to NaHRC and the proportion of these that get resolved		Disaggregate by time taken to resolve human rights		
		Disaggregate as follows: 1. % of Women in parliament 2. % of Women in Local government 3. % of Women in the judiciary 4. % of Women in the Executive		
17. Election declarations of independent observers	% of accredited independent Election observers expressing satisfaction with the fairness of elections			

Indicator from JGA 2008	Replace With	New Disaggregation Proposed	New Frequency Proposed	New Sources Proposed
18. Publishing of financial statements of political parties	Political Parties Operations	a) % of parties publishing financial statements as required by law; b) % of parties confirming being provided with full security as required by the law to ensure independence of movement and operation; c) % of parties having equal access to public media during campaigns (disaggregate by elections) d) % of political parties operating District branches		
19. Number of times ministers get called to parliament	23. Independence of Parliament	a) % of citizens expressing trust in the independence of Parliament (scoring 3 or 4 out of 4), b) Performance in its oversight responsibility of executive program monitoring (number of times the government is censured by Parliament)		
	24. Vibrancy of Civil Society Organizations/ Non Government Organizations	a) % of NGOs providing annual reports b) % of NGOs operating in the districts c) % of NGOs participating in the parliamentary process (e.g. presenting position papers on policy)		

New topics for which indicators are proposed for the “Ruling Justly” category are:

- Women’s Rights
- Children’s Rights
- Citizens’ Rights
- Independence of the National Electoral Commission (NEC)

## Government Effectiveness

**Data Analysis Report:** In many cases, the data required to calculate and interpret the JGA indicators was not available, making it difficult to impossible to accurately assess performance in a standardized way that enables examination of trends over time. This is true especially for: Indicator #27 (*No of successful prosecutions as a % of cases reported to police*), which had the numerator but not the denominator; Indicator #34 (*Number of government agencies having developed service delivery standards*), which is missing both 2008 baseline data and updated 2010; and Indicator #35 (*Percentage of departments/public agencies providing full information to the public about their services, and disseminating citizen guides to their services*), for which neither numerator or denominator are available and are unlikely to be so until the National Data Center is operational.

Regarding **Indicator #32** (*Percentage of citizens who feel that they participate actively in local decision-making and that local government is listening to and addressing their priority concerns*), the JGA 2008/2009 Data Analysis Report, as it was designed, was helpful to assess the self-reported levels of participation in government decision-making as well as overall levels of satisfaction in community leaders; however, the lack of a qualitative component to this study meant that it was not possible to know why the survey participants gave the ratings they did. This is one particular example of where open-ended follow-up questions would be useful to learn the story behind the numbers. Refer to part #1 of the Recommendations section for more details on this issue.

Finally, regarding the Public Service Reform category, there is currently only one indicator proposed. This seems insufficient for thoroughly and objectively determining performance; therefore, it would be preferable to add additional performance indicators.

The changes proposed in the revised Monitoring Framework below take into account the above observations.

The following indicators were analyzed with most up-to-date data:

- #22. Improvement in Public Expenditure and Financial Accountability Assessment
- #26. Number of Public Expenditure tracking surveys undertaken
- #34. Number of government agencies having developed service delivery standards

Key Changes to the Monitoring Framework for Government Effectiveness:

Indicator from JGA 2008	Replace With	New Disaggregation Proposed	New Frequency Proposed	New Sources Proposed
24. Percent. of tenders exceeding threshold awarded by competitive bidding; and 25. Value of tenders awarded without approval of internal tender committee.	Proportion of the value of procurement tendered competitively or justified			
27. No of successful prosecution as a % of cases reported to police and/or ombudsman	Percentage of corruption cases successfully completed (convicted or acquitted)			
32. Percent.of citizens in target districts who feel they participate actively in local decision-making and the local government is listening to and addressing priority concerns.	Percentage of citizens who feel that they participate actively in local decision making and that local government is listening to and addressing their priority concerns.			
36. Preparation and implementation of Action Plans for public service reform based inter alia on the findings of the functional reviews for 22 ministries.	Preparation and implementation of Action Plans for public service reform based inter alia on the findings of the functional reviews for 22 ministries			

## Investment Climate and Corporate Governance

Data Analysis Report: The investment perception index is currently being monitored by the Ministry of Trade and Industry every year, according to the JSR 2010 report. It is therefore recommended to change the frequency for measuring progress of this particular indicator (Indicator #38) from every three years to annually. The baseline and current progress data cited in the JGA 2008/2009 Data Analysis Report also needs to be corrected in line with the JSR report by the Private Sector Cluster. To ensure independence and neutrality, it is strongly recommended that the Investor Perception Index be spearheaded by RGAC instead of MINICOM.

There is no specific indicator-related information available on the proportion of business-related complaints resolved in the JGA 2008/2009 Data Analysis Report; therefore, **Indicator # 40** (percentage of business-related complaints resolved) cannot be adequately assessed.

Since expropriation of land to initiate large projects is becoming increasingly common, it is important to assess in future JGA Data Analysis Report the extent to which the population is satisfied with the level of compensation they are receiving under the “percentage of respondents expressing a high level of satisfaction in their property security question”.

The following indicators were analyzed with most up-to-date data.

- 38. Investor perceptions of regulatory issues, licensing burden, corruption and dispute resolution
- 39. Reduction in no of licenses and simplification of bureaucratic requirements

**Key Proposed Changes to the Monitoring Framework for Investment Climate and Corporate Governance**

Indicator from JGA 2008	Replace With	New Disaggregation Proposed	New Frequency Proposed	New Sources Proposed
38. Investor perceptions of regulatory issues, licensing burden, corruption, dispute resolution	Score of Investor Perceptions of regulatory issues, licensing burden, corruption and dispute resolution			
39. Reduction in no of licenses and simplification of bureaucratic requirements	Remove (as this is already covered under World Bank Doing Business indicator)			
40. Percent. of business related complaints resolved	Add sub-indicator: Business community perceptions of commercial justice system			Add-Commercial Courts
42. Number of cases completed by newly established commercial courts.	Number of commercial cases concluded by the civil, penal (excl. Genocide), and commercial courts			
43. Percent. of large companies (10+ employees) submitting audited contributions	% of medium and large companies (31+ employees) submitting audited contributions			

#### Annex 4: Building the Capacity of the RGAC

The creation of RGAC was motivated by the need for high quality research to drive governance policies and the need to disseminate evidence-based and accurate information regarding governance in Rwanda. The RGAC is expected to create awareness among the citizens and stakeholders for the advocacy and promotion of good governance, with the ultimate aim of achieving sustainable development. As indicated in the previous section, in order to ensure sustainability and consistency of the JGA Review on an annual basis and to ensure the enhanced capacity of RGAC in general, it is recommended that a JGA Secretariat be established.

It is absolutely essential to ensure that the proposed JGA Secretariat and RGAC in general have sufficient staff capacity for smooth and effective JGA coordination. This will in turn significantly enhance the capacity of RGAC itself. In order to fulfill its scope of work (specified above) in a satisfactory manner, a series of specific core posts would need to be filled. These are (for more details explanation please see Annex 3):

- a) **Two International Resident Advisors (for an initial period of 3 years):** provision of advisory services and technical assistance to staff members of JGA Secretariat to ensure sustainability; quality assurance of overall JGA process; establishing and maintaining networks with other international and regional Governance Review Bodies, providing management support to JGA Basket Fund, regularly reporting to JGA Technical and Steering Committee etc. Also expected to provide capacity building support to RGAC.
- b) **One National JGA Co-ordinator (national recruit):** in charge of overall co-ordination process; overseeing day to day management and administration of the JGA Secretariat etc.
- c) **Three Monitoring and Evaluation Experts (national recruits):** in charge of Ruling Justly, Governance Effectiveness and Investment Climate and Corporate Governance: working closely with Sectors and Ministries, in consultation with DPs, on setting Targets and Policy Actions for each of the three areas to assess performance on a yearly basis, providing technical support to Ministries in data collection, analysis and reporting, as and when required, to maintain and up-date the Governance data bank etc.
- d) **Procurement Officer (national recruit):** in charge of all procurements related to the implementation of JGA Annual Action Plan, to ensure fiduciary risk is managed in line with the JGA Basket Fund Operational Manual etc.
- e) **Secretary and Account (national recruit):** in charge of daily administration and accountancy etc.

In order to address the anticipated capacity building needs, a series of short, tailor-made modular courses covering the required knowledge and skills may be required. A staff development program for professional management such as this could be delivered in a variety of ways. Apart from the International Resident Advisor building the competencies of the staff members, others options include the following:

1. In-country training providers could be contracted to design and deliver a program for staff personnel within the JGA Secretariat and across the governance sector including RGAC.
2. International training providers could be contracted to design and deliver a program for a senior group of JGA Secretariat, which would cascade the step-down trainings to RGAC and staff across the sector.
3. International training providers could be contracted to design and deliver a program in conjunction with an in-country management trainer who could, in turn, train staff across the JGA Secretariat and across the governance sector.

In addition to filling the above posts with competent staff members in the short- to medium-term and building their capacity over time, it is very important to establish partnerships and networks with International Governance Bodies (i.e. Mo Ibrahim, Freedom House). Overseas exposure tours/study visits can then be organized to learn more and explore how to adapt international best practices to the context of Rwanda.

Sufficient investment will also be required in office infrastructure and equipment, information and communication technology, a data management system, and operational expenses so that the JGA Secretariat becomes a fully functional body.

Below is an indicative cost of running the JGA Secretariat under RGAC over a five-year period (in US\$).

Budget Item	2010/11	2011/12	2012/13	2013/14	2014/15
<i>Salary of the International Resident Advisor( s)</i>	240,000	240,000	250,000	250,000	250,000
<i>Salary of National Co-coordinator</i>	42,000	42,000	45,000	45,000	45,000
<i>Salary of 3 Monitoring and Evaluation Experts</i>	90,000	90,000	95,000	95,000	95,000
<i>Data Collection, Analysis and Reporting</i>	300,000	300,000	350,000	350,000	400,000
<i>JGA Technical Committee C and Steering Committee Meetings</i>	25,000	30,000	35,000	40,000	45,000
<i>Capacity Building of JGA Staff</i>	30,000	30,000	35,000	35,000	40,000
<i>Office Stationary, Equipment and Logistics</i>	50,000	55,000	60,000	65,000	70,000
<i>Validation, Publication and Dissemination of JGA Reports</i>	35,000	35,000	40,000	40,000	45,000
<i>JGA Public Relations and Communications</i>	25,000	25,000	30,000	30,000	35,000
<i>Establishment and Maintenance of JGA Database</i>	50,000	50,000	55,000	55,000	60,000
<b>Total</b>	<b>887,000</b>	<b>897,000</b>	<b>995,000</b>	<b>1,005,000</b>	<b>1,085,000</b>

## Annex 5: Establishment of JGA Basket Fund

Some of the principles of the proposed JGA Basket Fund, all of which are consistent with the NEC and PFM Basket Fund models, are highlighted below.

- **Adopting the Principles of Harmonization: Key Features of the Fund and Time Frame:** The mechanism for channelling DP and GoR support for elaborating, monitoring and implementing the JGA Action Plan will be through the “JGA Basket Fund”, proposed to be set up as a joint pooling mechanism for improved harmonisation. The “JGA Basket Fund” will be used to finance all types of expenditures approved in the Annual Work Plans and Budgets of the JGA Action Plan, subject to any individual DP’s policy requirements or exclusions. The Fund will commit DPs to the principles of harmonization as reflected in the GoR Aid Policy, in the Paris Declaration on Aid Effectiveness, and in the Accra Declaration. However, in order for the Fund to operate well, the GoR will also need to commit itself to provide an approved amount of funding that will at a minimum cover recurrent operational costs of Action Plan implementation. This funding level can be determined on the basis of the Annual Action Plan and its work plans and budgets, which will need to be updated regularly to take into account periodic reviews and evaluations as well as decisions made by the JGA Steering Committee. It is proposed that the “JGA Basket Fund”, if established, run for an equivalent number of years as the JGA Action Plan. This timeframe and the indicative budget may be amended as a result of the approved review process.
- **Proposed Procurement Method:** Procurement operations under the “JGA Basket Fund” shall be governed by the GoR Public Procurement Law and Regulations as well as the World Bank Guidelines on Procurement and on Selection and Employment of Consultants. The latter should apply only if the budget line exceeds pre-agreed procurement threshold levels.
- **Fund MoU:** An MoU outlining the basic principles, terms, roles and responsibilities for the JGA Secretariat, RGAC, GoR - ideally represented by MINALOC - and DPs who would like to contribute to the Fund needs to be drawn up. The MoU will serve as a coordinating framework for consultation between the Signatories, for joint reviews of performance, for common procedures on disbursement, for reporting and for audits. It should not be intended to create any legal financial commitments.
- **Fund Operations Manual:** A comprehensive Operations Manual will also need to be developed to support utilization of the “JGA Basket Fund.” The manual should draw on existing GoR legislation and rules to specify common procurement and financial management arrangements for the “JGA Basket Fund.” It will also build on good practices and lessons learned from other joint pooling arrangements and implementation procedures adopted for such funds operating within Rwanda (i.e., PFM/NEC Basket Fund). Detailed institutional, administrative, financial management, procurement, and M&E arrangements for the Fund should be outlined in this manual.
- **Fund Oversight:** The oversight of the “JGA Basket Fund” is proposed to be conducted by the existing JGA Steering Committee which will be responsible for the monitoring and directing of the Fund’s activities. The existing JGA Technical Committee will be responsible to ensure strong ownership of the program activities and enhance their sustainability. The Technical Committee should meet at least once a month to review progress; and its responsibilities will include reviewing action plans, budget allocations, and procurement plans and making proposals for the approval of the Steering Committee.

### Institutional and Administrative Arrangements

Based on the MoU and operational procedures of both the NEC and PFM Basket Funds, it is suggested that the DPs and GoR directly fund Rwanda Governance Advisory Council (RGAC) to conduct the JGA Annual Review and associated activities.

In order to ensure effective, efficient administration of JGA processes, it is also recommended that a JGA Secretariat be established within RGAC. As the main implementing body of a yearly JGA Action Plan, the Secretariat, under the supervision of RGAC, would be responsible for the JGA Annual Review and for regular updates of the newly proposed governance database. As part of the JGA Review (and other assessments), this entity must also ensure that varied rigorous research methods are used, that the quality of data collected in the perception survey meet international standards, and that adequate consultation is conducted as part of the JGA Annual Review in the spirit of “jointness.” The Secretariat through RGAC will also be expected to maintain regular communication with concerned Sectors and Ministries for regular reporting on JGA indicators as per an agreed plan and to provide technical assistance as and when required for data collection, analysis, reporting and use. The Secretariat would also be in charge of disseminating the evaluation findings and, therefore, would be required to develop and implement a clear communication strategy. It would build partnerships and seek networking opportunities with international Governance Forums and Monitoring Bodies, as well.

JGA Secretariat should be adequately staffed with Governance Review experts (including 2 international resident advisors and one national coordinator), three local M&E experts (each in charge of monitoring one governance category of the JGA), one procurement officer, and one accountant. The JGA Secretariat and its staff members should be governed by the “JGA Basket Fund” Operations Manual (which needs to be formulated, revised from time-to-time, and approved by the Steering Committee). The Secretariat will ensure that it maintains an effective and transparent financial management system; this will involve maintaining appropriate records and accounts, preparing financial statements adequate to reflect the operations, resources and expenditure related to the fund; and ensuring that all Signatories’ funds are properly utilized and that accounting standards specified in the Operations Manual are correctly and consistently applied.

### The JGA Action Plan: A pre-requisite of the JGA Basket Fund

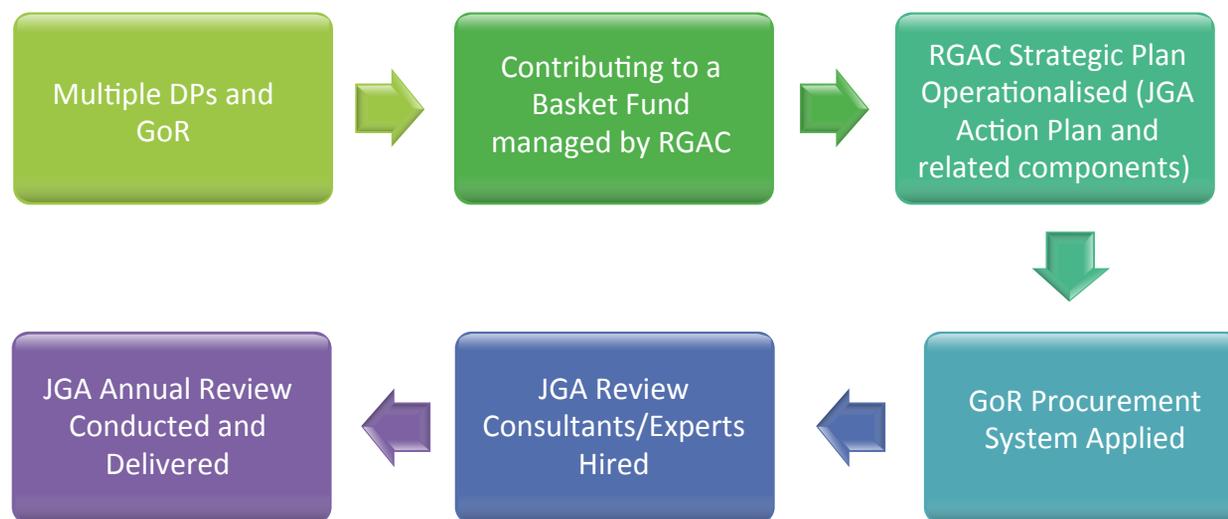
In addition, it is proposed that in the short to medium term (i.e., one to three years), a JGA three-year comprehensive and costed Action Plan be elaborated as a major component of the RGAC Strategic Plan; this should be a pre-requisite to establishing a Basket Fund. Irrespective of the future institutional framework of RGAC, having an Action Plan specifically for the JGA will safe guard the yearly JGA monitoring from any major structural changes/transformation within RGAC’s broader institutional context.

The establishment of a “JGA Basket Fund” will require fulfillment of some essential criteria. First and foremost, it is essential that an Action Plan for JGA be formulated in consultation with all key stakeholders concerned. The Action Plan should address issues such as human resource development within the new JGA Secretariat and establishment of modern and effective systems and procedures for effective financial management and reporting → all in accordance with international best practices for a more efficient and transparent Governance Review system.

### Flexibility in Funding

Although the DPs will be encouraged to contribute to one single fund in order to ensure maximum co-ordination and minimize the transaction cost of managing donor funds, DPs who find it technically unfeasible to finance the basket fund, can contribute to action plan of JGA or RGAC in general through earmarking resources directly.

The diagram below shows how the above-described model could work.



It is worth noting the potential advantages and disadvantages of this model (below).

Some Possible Advantages	Some Possible Disadvantages
<ul style="list-style-type: none"> <li>• Administratively easy to focus on the operationalization of a single Action Plan for JGA</li> <li>• Tried and tested procurement systems (i.e. PFM and NEC basket funds of the GoR)</li> <li>• Builds national ownership therefore complying with the principles of the Paris Declaration</li> <li>• Fund management and administration take place within the same organization therefore enabling better coordination and effective execution</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of ownership from some DPs</li> <li>• RGAC may not fulfil fiduciary risk management criteria set by DPs to manage such funds</li> </ul>

The disadvantages can be overcome by ensuring the active involvement of the DPs in the development of the yearly Action Plan and Procurement Plan (particularly through their engagement in the JGA Technical Committee) and in the final approval of the Action Plan (through their engagement in the JGA Steering Committee). Establishment of a JGA Secretariat with adequate human and financial resources might address the possible lack of fiduciary risk management and other skills.

The diagram below shows the recommended steps for establishing the JGA Basket Funding mechanism, and demonstrates how the various components of the model are inter-related.



ANNEX 6: Data Analysis Report 2008-2009



**ANNEX TO JGA 2008/2009  
REVIEW REPORT:  
DATA ANALYSIS REPORT  
2008/2009**

Coordinated by Rwanda Governance Advisory Council

## **ACKNOWLEDGEMENTS**

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We would like to appreciate the support of various institutions and individuals who in their different capacities contributed to the successful conclusion of this data analysis.

We are grateful to the Government of Rwanda, UNDP and SIDA for their financial support for the JGA data collection and analysis phase. We are indebted to the JGA Steering and Technical Committees for invaluable input at the various stages in the preparation of this report and we appreciate the DPs' critique of the Final Draft Report which enabled us to refine the document.

We acknowledge the contribution of RGAC Research team and local consultants for data collection through field and desk surveys.

Finally, we wish to express our profound gratitude to Dr Frank Okuthe-Oyugi, the International Consultant for JGA data Analysis, for the work well done in undertaking the analysis and producing this report.

Rwanda Governance Advisory Council  
Kigali, Rwanda, June 2010

## EXECUTIVE SUMMARY

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This analysis report is divided into four sections. The first three deal with core areas of governance as identified in the Rwanda JGA, namely:

- *Ruling Justly*
- *Government effectiveness*
- *Investment Climate and Corporate Governance*

The fourth part contains the conclusion with recommendations from the study.

In the first section, Ruling Justly, the report engages the core issues of security, transitional justice and the rule of law. The first part of this section is concerned with the levels of confidence and trust the people have in various state institutions, groups and processes as expressed in the perception survey. It also deals with the performance of various state institutions responsible for delivering on the indicators and sub-indicators linked to the Ruling Justly section of the JGA.

The second section is concerned with Government effectiveness and focuses on (anti)corruption, decentralization and service delivery. Here, the report presents data analysis based on both perception and hard data on the performance of government institutions based on from the sources recommended by the JGA Framework.

Third, the report looks at the investment climate and state of corporate governance as a pointer to good governance in general. This section focuses on the ease of doing business in Rwanda in terms of government performance on JGA indicators in the eyes of the public, on laws related to corruption, investment and disputes related to business.

On the whole, this analysis combines a descriptive account with evaluative statements about the indicators and presents an opportunity to multiply the voices represented in the governance assessment process. It concludes with some recommendations aimed at strengthening both the governance process in Rwanda and the Monitoring Framework developed by the JGA.

## INTRODUCTION AND BACKGROUND

### Introduction: Contextualising the JGA

This report is based on the analysis of data generated under the Joint Governance Assessment (JGA) Framework that was established between Rwanda Government and her Development Partners (DPs) in November 2006. The fundamental objectives of the initiative of the JGA are threefold:

1. To develop a common (government and donors) understanding of governance issues on Rwanda;
2. To reduce transaction costs by consolidating different donor governance assessment activities;
3. Provide an objective, evidence-based assessment that reflects Rwanda's specific governance history, its current context and realities that provides indications for future programmes and actions<sup>26</sup>.

The genesis of JGA was the multiplicity of assessments of various aspects of governance in Rwanda, *“several of which were externally driven with limited grounding in objective evidence and analysis,”*<sup>27</sup>a phenomenon which the Government of Rwanda decided to counter with a stakeholder driven initiative that provides a framework for *“common understanding and mutual confidence with regard to governance practices in Rwanda”*.

In order to drive the process, a high level Joint Steering Committee was set up to coordinate and oversee all the activities pertaining to the implementation of the JGA. The Committee is composed of the Heads of the missions and institutions as indicated below:

Embassies	Development Agencies	Government Ministers	Government-related Institutions	CSOs and the Private Sector
<ul style="list-style-type: none"> <li>• USA</li> <li>• UK</li> <li>• Belgium</li> <li>• Netherlands</li> <li>• Switzerland</li> <li>• European Union</li> <li>• Germany</li> </ul>	<ul style="list-style-type: none"> <li>• World Bank (Co-Chair)</li> <li>• AfDB</li> <li>• UNDP</li> <li>• USAID</li> <li>• Sida</li> <li>• CIDA</li> <li>• DFID</li> <li>• Belgium Technical Co-operation</li> <li>• GTZ</li> </ul>	<ul style="list-style-type: none"> <li>• Office of the President</li> <li>• Local Government (Chair)</li> <li>• Finance and Planning</li> <li>• Information</li> <li>• Public Service</li> <li>• Interior</li> <li>• Justice</li> <li>• Commerce</li> </ul>	<ul style="list-style-type: none"> <li>• Ombudsman's Office</li> <li>• Auditor General's Office</li> <li>• NEPAD</li> <li>• Rwanda Human Rights Commission</li> <li>• Rwanda Governance Advisory Council</li> </ul>	<ul style="list-style-type: none"> <li>• Forum for Political Parties</li> <li>• RALGA</li> <li>• International NGO Network</li> <li>• Rwanda Civil Society Platform</li> <li>• Rwanda Private Sector Federation</li> </ul>

Figure 1: Composition of Joint Steering Committee

1. The Steering Committee is supported by a Technical Committee that looks at technical matters of JGA and makes recommendations for consideration by the Steering Committee. The Technical Committee and the Steering Committee meet on a needs basis. In principle, Technical Committee meetings should precede Steering Committee meetings<sup>28</sup>.

As part of the JGA process, a monitoring framework was developed to assist in monitoring and reviewing progress against identified indicators. The monitoring framework identifies sub-indicators and provides guidelines for disaggregation of data, frequency of review, sources of data, baseline information as well as broad methodology for sourcing of information (perception, hard data).

### Background to the Analysis: The JGA Review Process

In order to ensure the implementation of the JGA, the RGAC was assigned the task of coordinating the monitoring of the indicators<sup>29</sup>. Subsequently, RGAC drafted a proposal seeking support for the exercise and on the 18<sup>th</sup> of December 2008 a meeting was convened between RGAC and the DPs

<sup>26</sup> See Government of Rwanda, *Rwanda Joint Governance Assessment Report*, October 2008, p. 3

<sup>27</sup> *Ibid.*, p. 3

<sup>28</sup> During the January 22<sup>nd</sup> 2010 session, the SC resolved to meet on a quarterly basis, with “extraordinary” sessions during the Review to provide the necessary inputs into the process.

<sup>29</sup> See ToR of 1st JGA, Scope of Work -3.1 in *Rwanda Joint Governance Report*, *op.cit.*, p. 91 and the report of the DP meeting of November 2008.

under the chairmanship of the then World Bank Country Manager, Victoria Kwakwa to discuss the way forward in the implementation of the JGA. It was at this juncture that it was agreed to structure the review in two phases, namely:

- Phase 1: Data collection and Analysis (*ToRs developed for Local Consultants and an International Consultant by RGAC and UNDP on behalf of JGA Stakeholders as tasked by the SC*);
- Phase 2: Review of Monitoring Framework; Funding Mechanism for the JGA; Feedback from the DPs and Overall Recommendations (*ToR developed for International Firm by JGA TC based on a draft presented by RGAC and approved by key DPs including USAID, DFID, UNDP, WB, Netherlands and EU. The SC had mandated the TC to develop and validate the ToR*).<sup>30</sup>

The selection of the Consultants was subsequently done through competitive bidding by Panels as follows:

- UNDP (representing DPs) & RGAC (on behalf of GoR) for the International Consultant (Data Analysis);
- 4x4 Panel (4 delegated representatives from GoR [RGAC, MININFOR, MINECOFIN and MINAFFET] and 4 delegated from DPs [UNDP, WB, EU and DFID]).

The contract process was managed by the UNDP Rwanda Country Office.

## Methodology of the Survey

### Development of Research Instruments

For a high-quality survey to be undertaken, special attention is required in order to reduce as much as possible any major source of error that can bias the results. For example, the target population needs to be completely enumerated so that important segments or groups are not unintentionally excluded from being eligible to participate. The sample should also be selected in a way as to be representative of the population of interest, which is best accomplished through the use of *probability sampling* as was the case in the survey. Substantial time is equally necessary for the development of survey questions, pilot testing them, and training interviewers so as to ensure that item wording, question presentation and format, and interviewing styles do encourage thoughtful and accurate responses. Finally, concerted efforts are required to encourage all sampled individuals to complete the interview or questionnaire.

The process undertaken by RGAC in the development of the research instruments (methodology and questionnaire) followed these rigorous steps required for such an undertaking, given the elaborate time dedicated to the development of the methodology including the questionnaire. After the SC had tasked RGAC to develop draft research instruments (methodology and questionnaire<sup>31</sup>) for data collection, the latter was presented to the TC in September 2009 at a meeting officiated by the WB Country Representative.<sup>32</sup> The methodology was discussed at the meeting and thereafter through a series of exchanges that brought in substantial inputs from a number of DPs<sup>33</sup> before eventual validation by the TC and approval by the Steering Committee.

In the run-up to the survey exercise, RGAC set both desk research and field survey teams to carry out the study. The Team was led by a Coordinator, and comprised Researchers, Supervisors, Field Team Leaders and Enumerators<sup>34</sup>. The Field Supervisors and the Enumerators were trained by the

30 The first phase was funded by GoR, UNDP and Sida, whereas phase two has been funded by GoR and UNDP. It will be recalled that the first JGA did not address the issue of funding of the subsequent JGAs, particularly RGAC as the coordinating body

31 The draft questionnaire was in both English and Kinyarwanda.

32 The meeting was held at Sports View Hotel Kigali.

33 These included substantive inputs from both USAID and DFID (London Office) and the National Institute of Statistics (NISR).

34 The Team Coordinator was Prof. Anastase Shyaka, Executive Secretary RGAC, Supervisor was Willy Gasafari, RGAC Researcher, assisted by Albert Kavatiri and NISR Experts. There were 12 Field Team Leaders (University Researchers) and 60 Enumerators (selected from amongst University graduands with previous experience in survey work with RGAC and NISR). The Field Team Leaders and the Enumerators were selected competitively through advertisement in the *New Times*. The Team was later joined by a Professional Statistician who conducted data entry under the supervision of RGAC and NISR. Desk Survey was conducted by Didas Kayihura and Gerald Nyabutsitsi. The data analysis was undertaken by Dr Frank Okuthe-Oyugi after verification of both data entry and cross-tabulation.

Researchers for three days<sup>35</sup> before embarking on a pilot test survey in Kicukiro, one of the Districts in Greater Kigali City. The District was chosen because it has both the characteristics of rural and urban settings.

### **Perception Survey: Scope and Research Sample size**

The sample size for the Survey was computed using different scenarios to make it possible to choose a size taking into consideration some critical issues such as time and budget. The approach also sought to ensure that the survey had both *external* and *internal* validity such that the research findings could be generalized to people and or situations other than those observed. The survey covered 360 villages throughout all the 30 Districts in the country. A total of 3,600 people were interviewed.

The research employed stratified random sampling such that each unit in the population was identified, and had a known, non-zero chance of being in the sample. This was used in recognition of the strata emerging from the decentralized form of governance currently existing in Rwanda. For further details see appendix 3.

## **1. Ruling Justly**

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The assessment of governance against the Ruling Justly criteria involved an examination of the following indicators: establishment and maintenance of security, commitment to national reconciliation and transitional justice, the rule of law, human rights and civil liberties, political rights, voice and accountability.

### **Establishment and Maintenance of Security**

Security is important for improved governance as it is fundamental to people's livelihoods, and for achieving the social and political cohesion necessary for economic and social development. The security agencies in this context are those organs empowered to enforce the law, protect property and prevent civil disorder. Given that security organs operate in social, economic and ultimately political contexts, these organs were gauged in their performance in order to establish the public's level of confidence in their operations. The purpose of the perception survey was to establish the performance of security organs in the eyes of public and *vis-à-vis* the benchmarks of the JGA indicators.

### **Level of Confidence in Security Organs**

The general findings of the perceptions survey illustrate that there is a varying degree of confidence in performance and conduct of security organs in Rwanda. The survey looked at three organs namely:

- The Rwanda National Police (RNP)
- The Rwandan Defence Force (RDF)
- The Local Defence Force (LDF)

### **Overall Confidence in the Security Organs**

Figure 2 summarises the level of confidence in the security forces as articulated by the respondents. According to the survey, the Rwanda Defence Forces are the most trusted by the people at 96 % confidence level ("excellent/strong" category) followed closely by the National Police at 91%, with the Local Defence Forces trailing the two way below at 56%.

Whereas the percentage of those with a poor opinion on the Local Defence Forces are significant (almost 13%), those with a poor opinion on the Rwanda Defence Forces and the National Police are virtually insignificant (0.4% and 0.3% respectively). However, it is the Rwanda Defence Force that commands most confidence with a rating of 60.1% of the respondents giving them top marks in the rating ("excellent"), the only security organ to score more than 50% at this level (compared to the National Police with a 46% score and Local Defence at 22.8%).

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<sup>35</sup> The training was conducted in Kigali from 9th to 11th October 2009, and the survey from 12<sup>th</sup> to 26<sup>th</sup> October 2009.

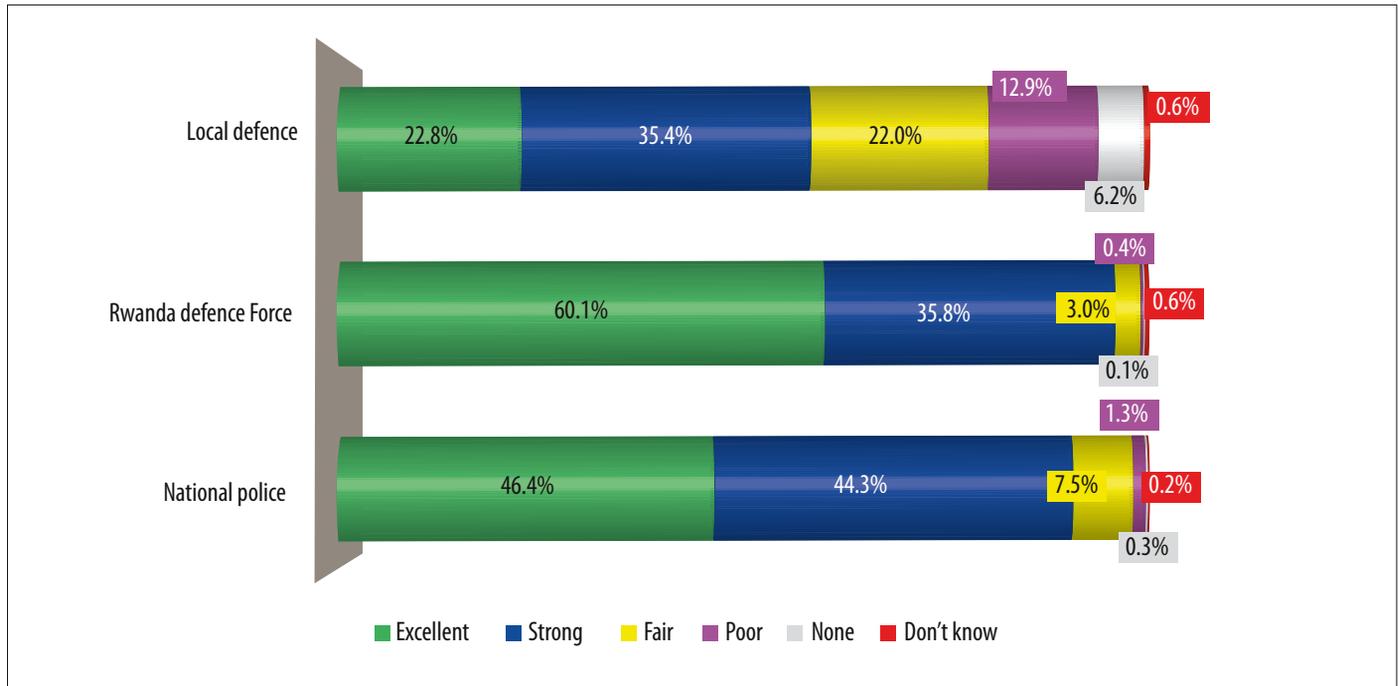


Figure 2: Level of Confidence in the Security Organs

The RNP comes second with 90.7 % (“excellent/strong”) of respondents having confidence in its operations. On the other hand, 58.2% of respondents expressed a high (“excellent/strong”) level of confidence in the LDF. The relatively low score for the LDF could be partly attributed to the fact that these local forces are the same ones who have been identified as those leading in the interference with personal property and freedom in the neighbourhood (see Figure 5).

The disaggregated data for the level of confidence in the security organs present variations based on the site and probable level of security operations. For example, the figures posted for Kigali and Eastern Provinces indicate the lowest level of confidence in the LDF and at the same time the highest level of confidence in the RDF (see Figure 3). The low level of confidence in Eastern Province for LDF is corroborated by having three times as many respondents reporting harassment by the LDF as other provinces, whose score vary from between 3% for the lowest (Northern Province) and 3.8% the highest (Kigali).

The level of confidence in the security organs also varied depending on the gender of the respondent. According to the survey (see Figure 4), there were twice as many males (16% and 8%) as females (9.5% and 4%) who expressed “poor” or “no confidence” respectively in the LDF compared to the level of confidence expressed by both sexes in the RDF, which was rated at 63% “excellent” and 32% “strong” for males and 56% “excellent” and 40% “strong” for females.

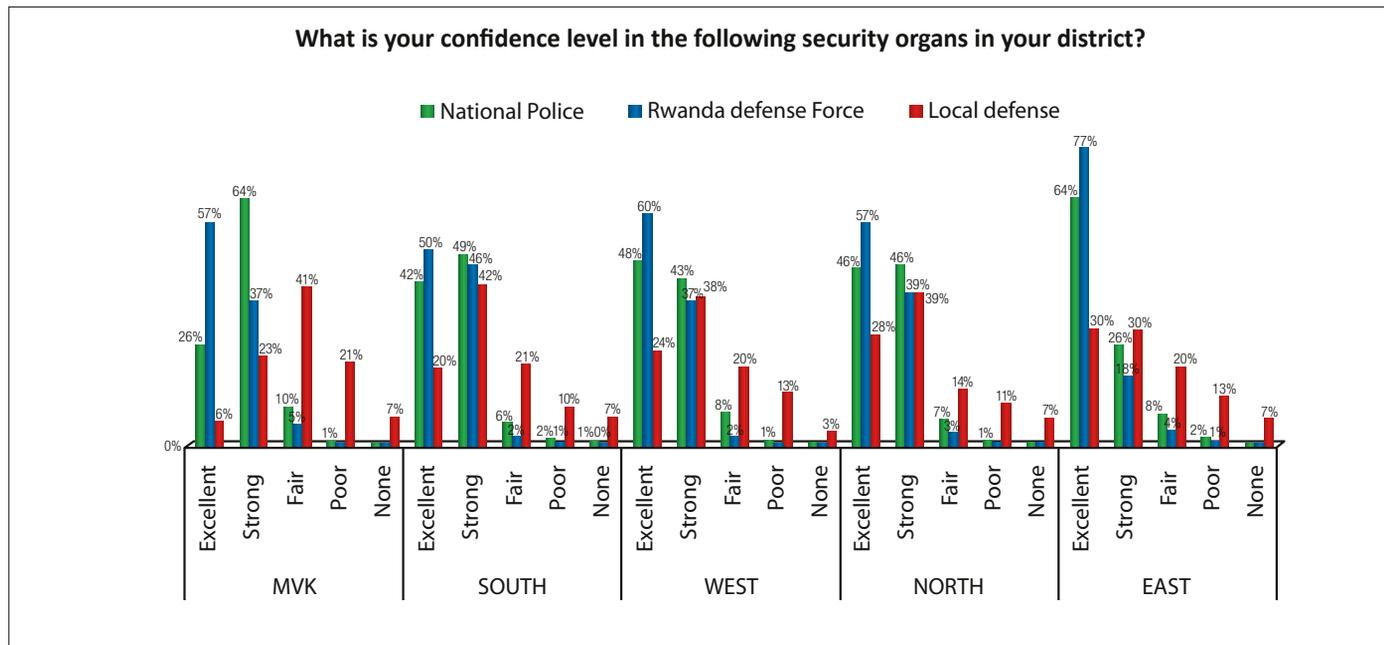


Figure 3: Level of Confidence in the Security Organs by Province

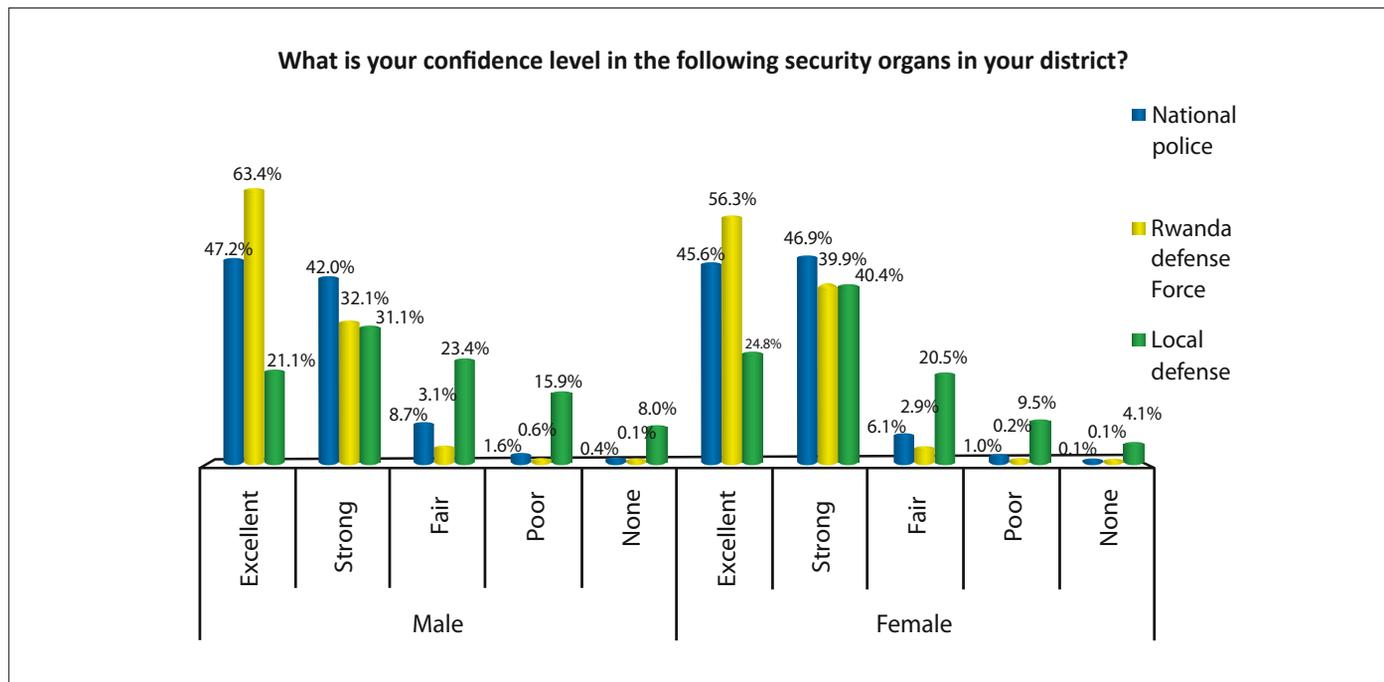


Figure 4: Confidence level in Security Organ by Gender

### Level of Satisfaction for Citizen, Personal and Property Security

While there seems to be a high level of confidence in the performance of the RDF and RNP, the citizens expressed a slightly lower level of satisfaction with regard to their personal security (85.8 %) and property security (75.9 %). The disparity between the levels of confidence in the top security organs and the level of satisfaction with personal security and property security at Provincial level provides a useful point of entry for the assessment of these two indicators.

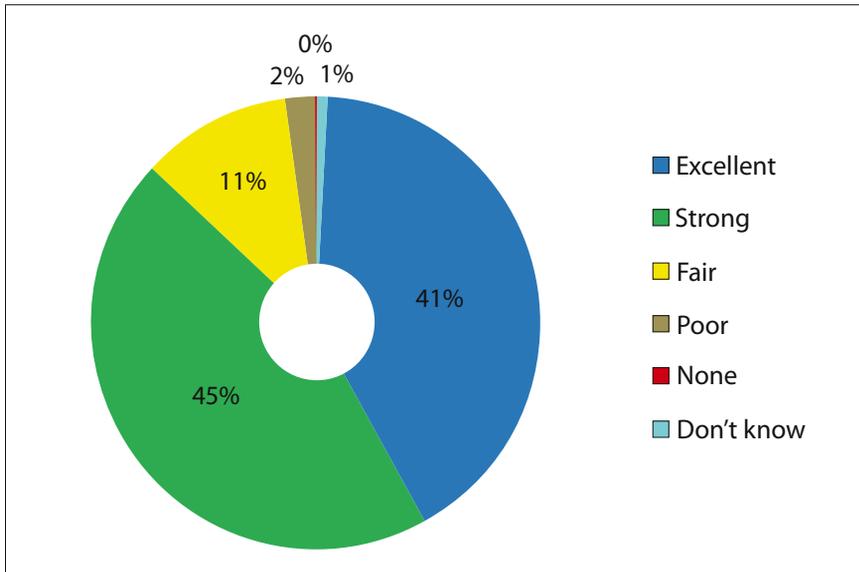


Figure 5: Level of Satisfaction for Citizens' and Personal Security

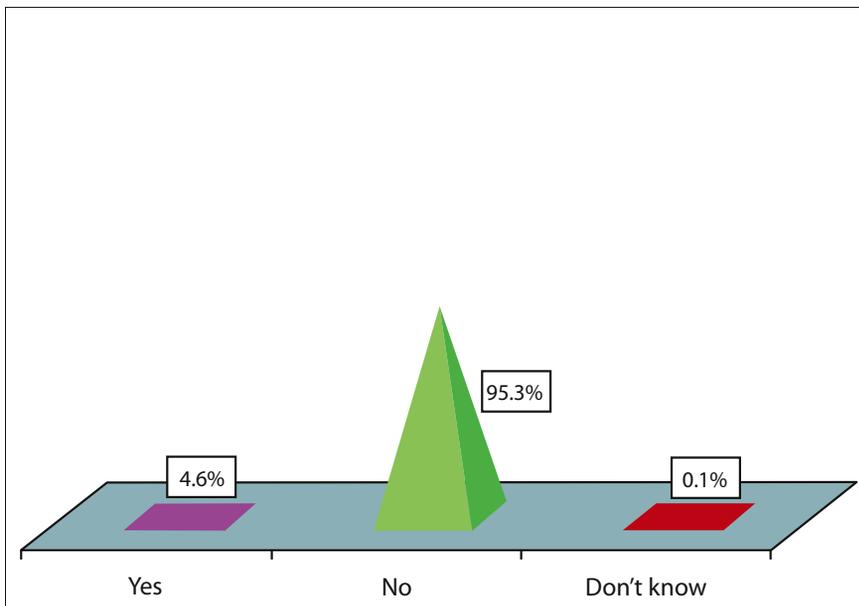
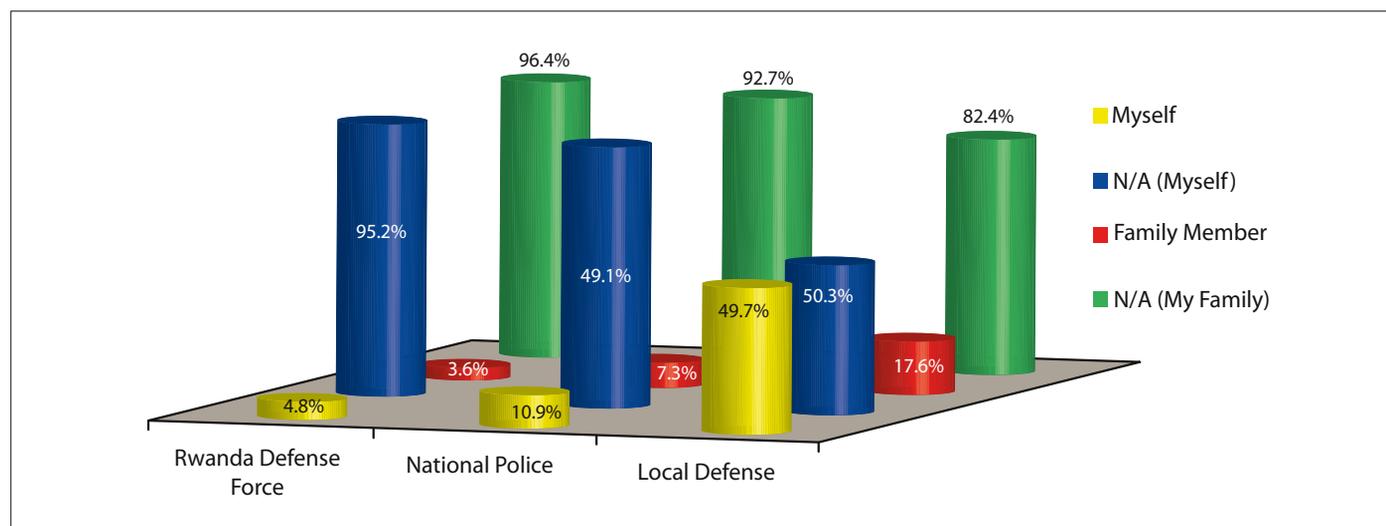


Figure 6: Threats by Member of Security Organ in the 12 preceding months

At a minimum, it suggests a disjuncture between the functions performed by the security organs and the public's expectations with regard to personal and property security. Given Rwanda's specific history as a post-genocide society, the privileging of personal/citizen security over property security is not ironic. As such, the higher rating of the level of confidence for the security organs such as the RDF and RNP persists even where property security is considerably lower.

**Personal Security**

Concerning personal security, for example, given that 95.3 % of the respondents said they had not experienced any form of threat from the security organs for the past 12 months indicates that the type of interaction between the civilians and the security organs is not considered by the former as adverse.



**Figure 7: Personal Threats to the Respondent and/or Family by Type of Security Organ**

However, it is important to note that while few people registered any form of threat to personal/citizen security from the forces (4.6%), from among the different organs, the source of threats (where they existed) was the Local Defence Force (see as Figure 7 above). In part, this may be due to the more localized and intense forms of interaction that this organ has with the citizens and the "inside"/"outside" dynamics of conflict in Rwanda.

Disaggregation by gender reveals a different level of dynamics in terms of experience with the security organs. For example, when asked to name which security organ had threatened them in the preceding 12 months, 58% of the female respondents named LDF as opposed to 45% of the males (see Figure 8). This means that the males had a different type of encounter or opinion on the LDF compared to their female counterparts.

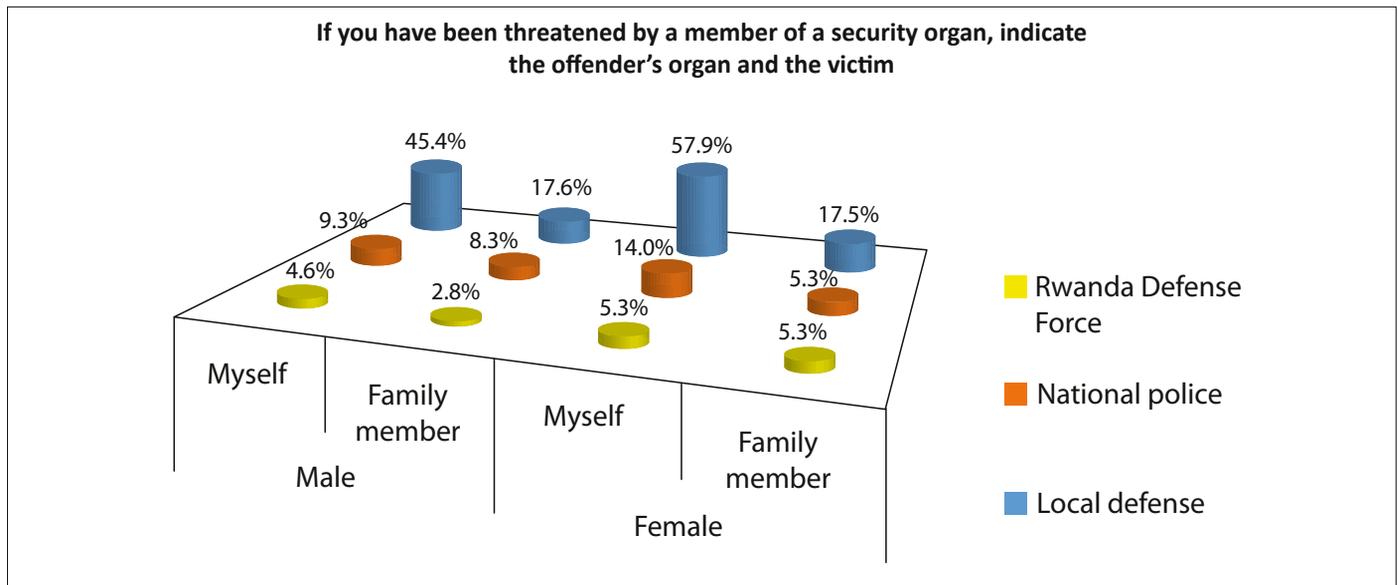


Figure 8: Personal Threats to the Respondent and/or Family by gender and Type of Security Organ

In terms of the number of homicides per 100,000, there has been steady decline from a peak of 8 in 2003 down to 5.1 in 2009 (see Table 1 below). Rwanda has experienced considerable improvement in overall security of persons over the years. The country still ranks second after Tanzania as the most peaceful country in the East African Community according to the 24 indicator based Global Peace Index, although globally it dropped from position 76 in 2008 to 86 in 2009 out of the 144 countries ranked<sup>36</sup>.

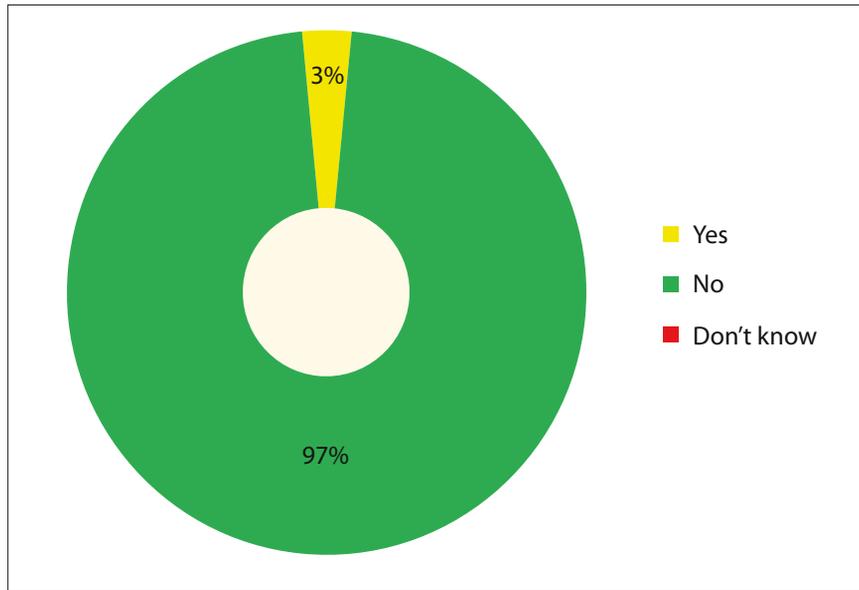
Table 1: Number of Homicides per 100,000. Source: Rwanda National Police

Year	Rate
2002	7
2003	8
2004	7
2005	6
2006	7
2007	6
2008	5.9
2009	5.1

**Security of Property**

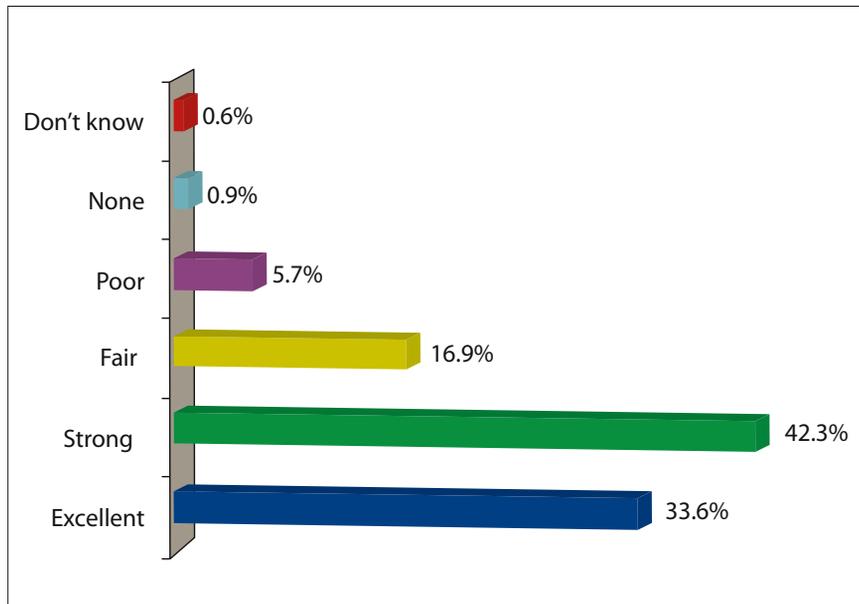
Ensuring property security promotes confidence in local people to invest in property and also to attract non locals to invest locally. This is an important measure of confidence that, in addition to economic policy, would attract investors who otherwise would not consider risking their wealth in an environment characterised by such insecurity. In a country like Rwanda that witnessed wanton destruction of property not so long ago especially during the genocide, property insecurity would discourage many aspiring investors, both local and foreign.

36 See *Global Peace Index* at [http://en.wikipedia.org/wiki/Global\\_Peace\\_Index](http://en.wikipedia.org/wiki/Global_Peace_Index). Accessed on 11th April 2010



**Fig 9: Destruction of own and/or Family member Property by Security organs in the preceding 12 months**

3% of the respondents reported the destruction of their property by members of the security organs during the period of twelve months prior to the survey (see Figure 9 above). Although 97% of the respondents stated that they had not experienced destruction of personal or family member property, 76% expressed “strong” to “excellent” satisfaction with property security.



**Fig. 10: Level of Satisfaction with Property Security**

However, the results indicate that a significant proportion of the respondents (more than 20%) were either not much impressed or had a negative opinion on the same issue, despite the fact that up to 97% had not experienced destruction of personal or family property.

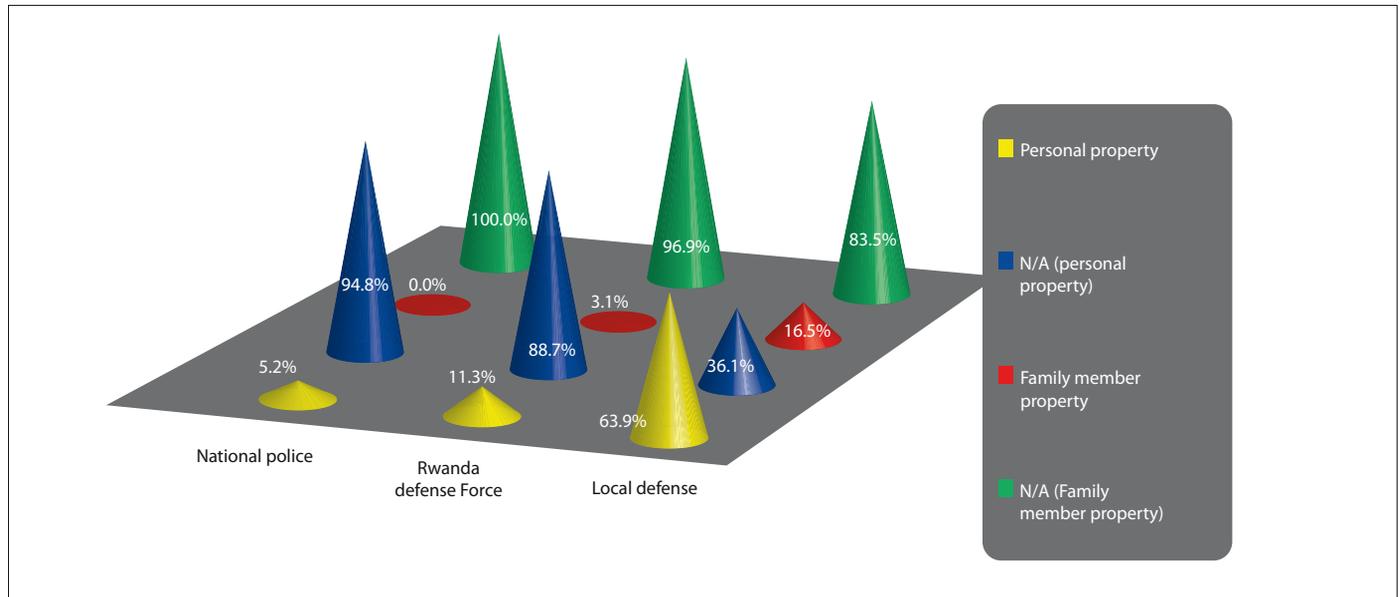


Figure 11: Responsibility for Personal/family Property Destruction by Security Organ

The LDF leads in the category of security organs responsible for the destruction of personal/family property. 63.9% of the respondents identified the LDF as responsible for the destruction of family property and 16.5% said they were responsible for the destruction of family property (see Figure 11 above). This arm of the security forces also leads in the category of personal security threat as summarised in Figure 7. This partly explains why the Local Defence forces are trailing the other security organs in the overall confidence rating (Figure 2).

### National Reconciliation and Transitional Justice

National reconciliation and transitional justice are central to Rwanda’s commitment to rebuilding and strengthening national capacity for good governance. Reconciliation and transitional justice are reflected in institutional capacity building, public sector reform, public trust for government action, interpersonal trust, reintegration of returnees, assisting survivors to rebuild their lives and the ability to overcome divisions between the survivors and those convicted for acts of genocide.

Closely related to the national reconciliation and transitional justice agenda is the institution of the rule of law as evinced through legal reform and the establishment of key oversight institutions like the National Human Rights Commission, the National Unity and Reconciliation Commission (NURC) and the Rwanda Governance Advisory Council. Additionally, a vigorous and home-grown program to promote reconciliation is being implemented through the *gacaca* court system. This system emphasises community participation and reconciliation, and encourages confession in exchange for leaner sentences.

## Perception Survey Findings

On national reconciliation and transitional justice, the perception survey focused on the following sub indicators:

- Trust between Different Categories of People at Community level
- Level of Participation of Various Institutions in Reconciling and Building Trust among Rwandans

### Trust between Different Categories of People at the Community Level

Interpersonal trust at the community level varies depending on the role one played in the genocide and one's involvement in the post-genocide transitional justice processes among other factors. The respondents were asked to rate the levels of trust vis-à-vis their neighbours according to the factors that were considered as potential sources of mistrust.

Whereas there was an expression of high level of trust towards neighbours in general ("excellent" and "strong" levels at 33.2% and 50.0% respectively), the response varies when it comes to specific categories such as old and new returnees where the level of trust drops to 14.1% and 37.7% - "excellent" and "strong" respectively (see Fig 12 below). The level of trust between the *gacaca* witnesses and the 1994 genocide suspects at the "excellent" and "strong" levels also drop to 11.6% and 41.6% respectively.

At the other end of the spectrum, the score for lack of trust - "poor" and "none" - oscillates between 0.3% on the "neighbours in general" category and 11.2% and 4.9% for the *gacaca* court witnesses and genocide suspects category. A significant proportion (33%) of respondents in the old returnees (1959 -1973) and new case returnees (1994) categories responded "don't know" when asked the same question.

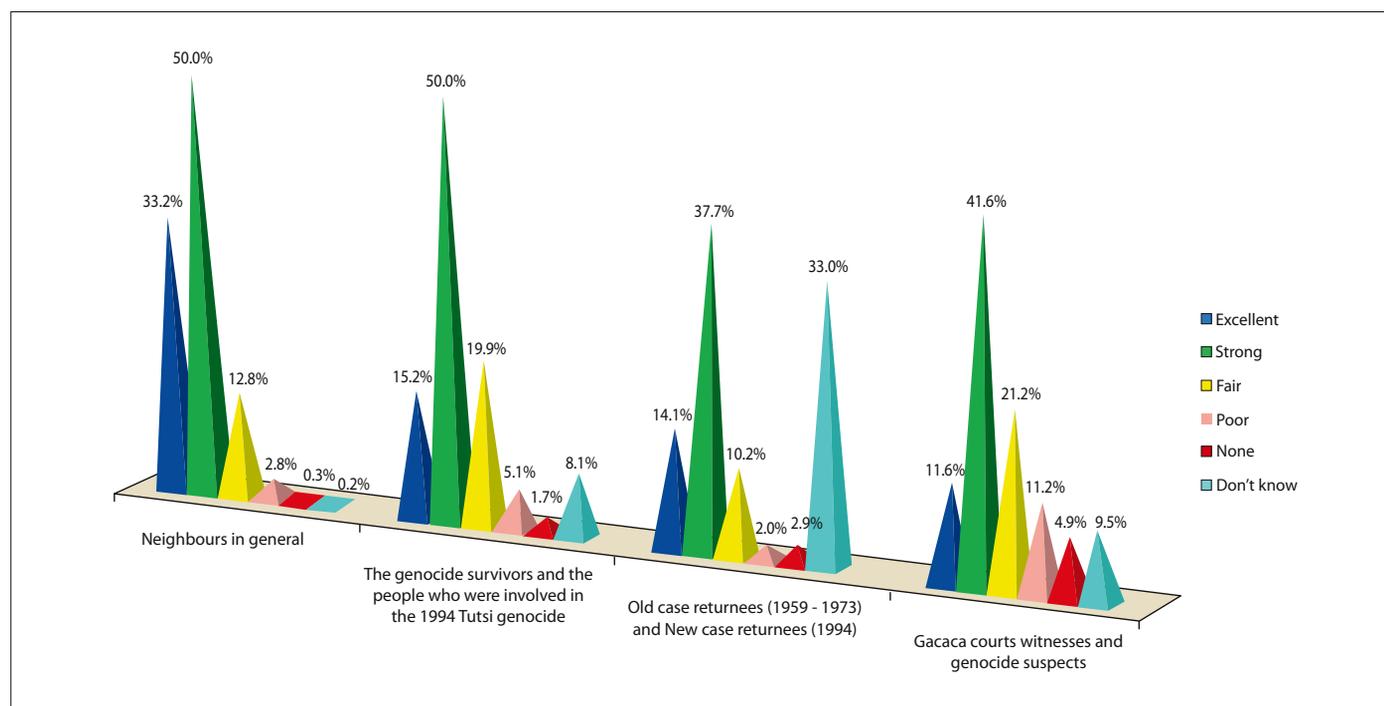


Figure 12: Rating of Neighbourhood Trust

Similarly in the disaggregated data, one observes varying patterns of the discourse on interpersonal trust across different provinces. For example, 69.6% of respondents from MVK claim to have a high level of trust for their neighbours, a lower figure than that recorded in Southern Province (84.2%). However, the levels of interpersonal trust are reversed when one considers the issue of old and new case returnees where, for example, 49.5% of respondents from MVK maintain a high level of interpersonal trust while 32.9% of those interviewed in the Southern Province profess the same level of trust in this category.

Doubtless, these variations in the level of trust are influenced by demographic composition of the different regions (the degrees of homogeneity), the success of the different transitional justice and national cohesion mechanisms, the scale and intensity of violence in the past and the dynamics of return.

However, the fact that only 15% rated the trust level at the lowest rankings of “poor” or “none” offers great hope for strengthening of trust thus offering future prospects for reconciliation despite the indecisive attitude manifested towards the returnees (for example, 33% responding “don’t know”).

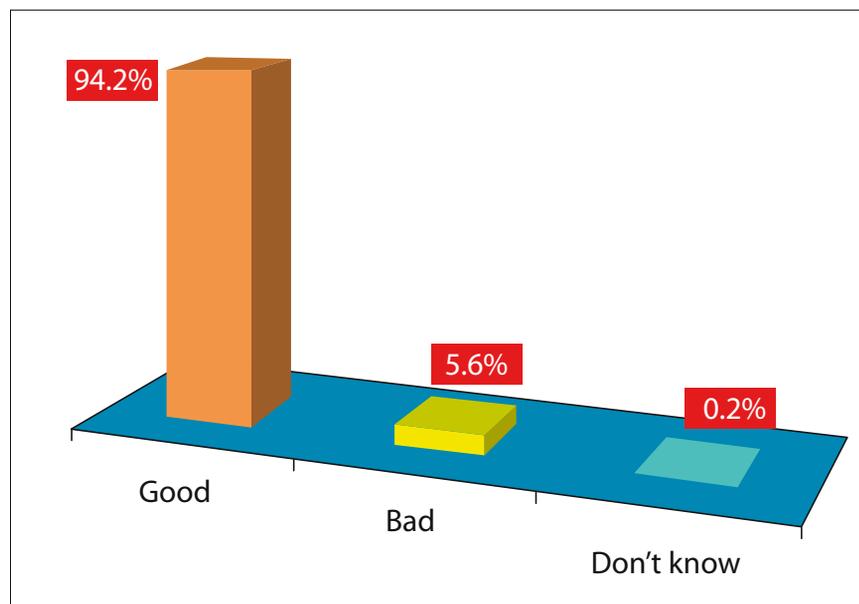


Figure 13: Assessing Relation with Neighbours in the 12 preceding months

Concerning relations with the neighbours in the twelve months preceding the interview, an overwhelming majority (more than 94%) considered that it had been “good”, with less than 6% declaring that it had been “bad” (see Figure 13 above). This rating of good neighbourliness is in tandem with the 84% trust rating shown in Figure 12.

On the other hand when asked with whom they had experienced the “bad” relationship, 35% of the respondents mentioned family members while 37% mentioned “others” (not identified), while 15% mentioned perpetrators of genocide (see Figure 14).

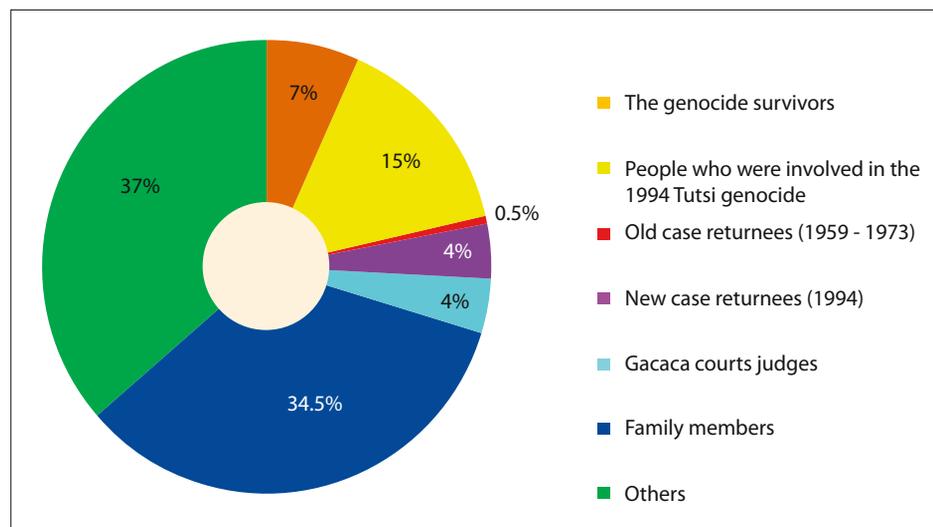


Figure 14: Category of neighbours with whom the relationship has been “bad” in the preceding 12 months

### Level of Participation of Various Institutions in Reconciling and Building Trust among Rwandans

There exist a large number of institutions which are actively involved in process geared towards reconciling and building trust among Rwandans. For the most part, the diversity in institutions and methods can be attributed to issues related to the capacity of state institutions (especially the inability to deal with a large number of perpetrators while reconciling members of society at the same time) and the pre-existence of local justice mechanisms.

The multiplicity of actors and the varying degrees of their acceptability and success can be attributed to the fact that building reconciliation and trust require high levels of legitimacy, attentiveness to cultural and historical predicates and the material capacity to implement the desired programs. Taken together, these issues suggest that the inclusion of different players in the transitional justice processes can make an important contribution to justice and reintegration.

However, the results of the survey indicate that the levels of participation significantly vary. As Figure 15 indicates, the citizens’ rating was highest for the Rwanda Broadcast media (88.4%) and lowest among civil society organizations (43%) and the print media (43.8 %). The disparity here may be partly attributed to the ready accessibility and acceptability of the broadcast media as a trust building medium, the inaccessibility of the majority to print media and the weak capacity of civil society organisations.

The relatively higher levels of participation of the different government based institutions such as both chambers of the Parliament (67.5%), National Human Rights Commission (68.6%), Office of the Ombudsman (73.3), Local authorities (78.2 %), NURC (80.2%) among others are indicative of successful attempts to bring government decision-making closer to the people through decentralization while building the basis for reconciliation by fostering trust between communities and in government institutions. The score realised by Mediators (83.2%), and FBOs (78.3%) are significant, possibly indicating a judicious selection of strategies that the general population clearly identifies with.

A different locus of building trust with a relatively lower but not necessarily ineffective level of participation involves the bringing of the perpetrators of the crime of genocide to justice through the classic courts (67.3 %) and the ICTR (50.2%). This process has the potential of increasing interpersonal trust at the community level through the strategy that targets the leaders and instigators of the genocide rather than victimising entire communities. When coupled with the *Gacaca* courts (with a higher score at 61%), these institutions ensure that justice prevails while encouraging reconciliation among different groups.

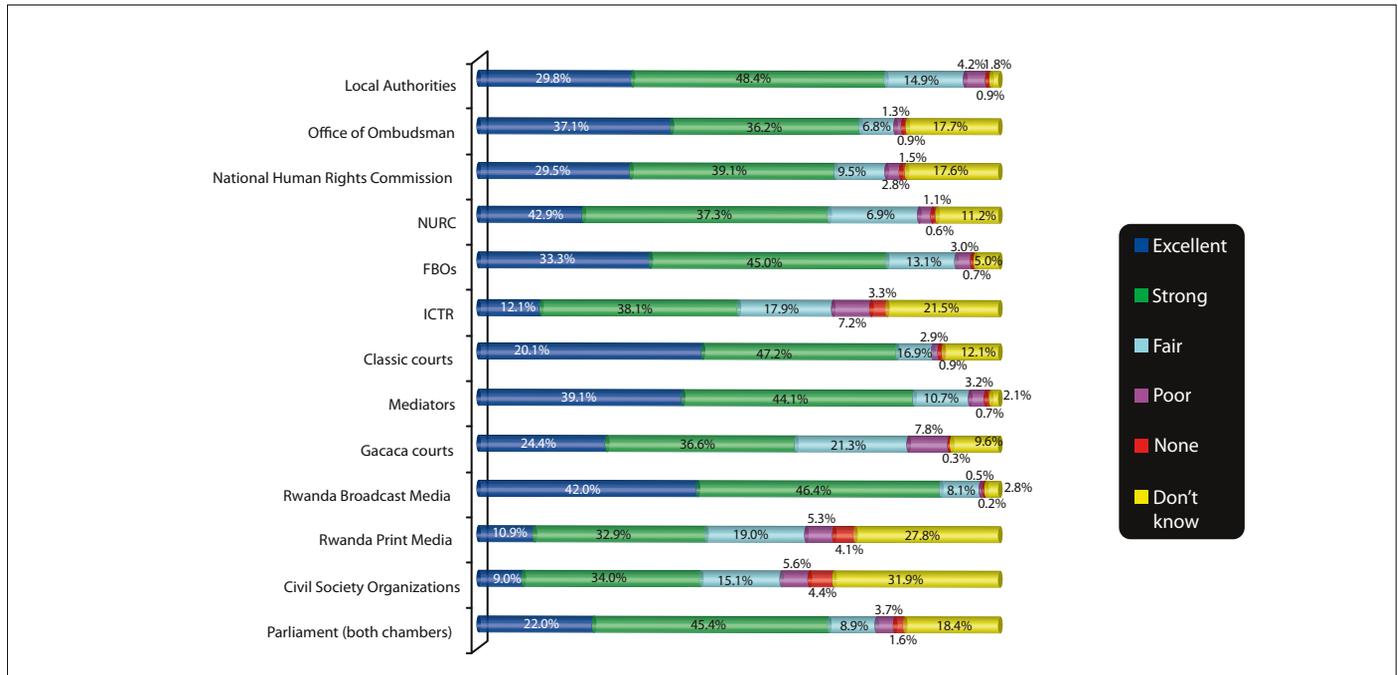


Figure 15: Perception of contribution of the Institutions responsible for Reconciliation and Trust Building

### Completed and Remaining Genocide Trials through the Gacaca and Formal Court Systems

The Rwanda government set up this home grown system-*gacaca*- not only to speed up the justice process but also to promote reconciliation between the victims and perpetrators of the genocide. It was one way of bringing justice to the grassroots taking into account the challenges brought about by the devastation and divisions caused by the 1994 mayhem. The *gacaca* system has made remarkable progress in dispensing with cases during the past few years, with less than 8,000 cases remaining (all categories) as at September 2009. This means that the courts had dealt with more than 60,000 cases in three years (see Tables 2–5 below).

Table 2: Gacaca Trials conducted from 10/03/2005 to 14/07/2006

Level	Number of Trials	Pronounced Judgements	Remaining	%
Cell Level (cat 3 only)	612,151	557,607	54,544	9
Sector Level	444,455	434,827	9,628	2
Appeal Level	71,100	66,864	4,236	6
<b>Total</b>	<b>1,127,706</b>	<b>1,059,298</b>	<b>68,408</b>	<b>6</b>

Source: National Service of Genocide Courts: *The Gacaca Courts Process*, pamphlet published in February 2008

Category 1 judgements had 1060 cases pending in the whole country, with Southern Province posting the least number of cases and Eastern leading with 323. However, between December 2008 and October 2009 Eastern Province conducted the highest number of trials compared to the other Provinces (See Table 4).

**Table 3: Status of Gacaca Trials Category 1 as at 30/11/08**

Province/City of Kigali	Number of trials	Pronounced Judgments			Remaining
		At Sector Level	Appeal	To be reviewed	
Northern Province	354	262	65	3	92
Western Province	2,084	925	150	2	1,159
City of Kigali	1,240	328	36	0	912
Eastern Province	2,365	1,344	242	1	1,021
Southern Province	5,155	2,843	439	0	2,312
<b>Total</b>	<b>11,198</b>	<b>5,702</b>	<b>932</b>	<b>6</b>	<b>5,496</b>

Source: National Service of Genocide Courts: *The Gacaca Courts Process*, pamphlet published in February 2008

**Table 4: Status of Gacaca Trials Category 1 as at 30/09/2009**

Province/City of Kigali	Number of trials	Pronounced judgments	Remaining
Northern Province	2,412	2,286	126
Western Province	576	326	250
City of Kigali	2,122	1,855	267
Eastern Province	5,758	5,435	323
Southern Province	1,345	1,251	94
<b>Total</b>	<b>12,213</b>	<b>11,153</b>	<b>1,060</b>

**Table 5: Status of Gacaca Trials Categories 2 and 3 as at 30/09/2009**

Courts	Number of trials	Pronounced judgments	Remaining
Sector	449,455	445,660	3,795
Appeal	72,110	70,735	1,135
Cell	612,151	610,833	1,318
<b>Total</b>	<b>1,133,716</b>	<b>1,127,228</b>	<b>6,488</b>

Concerning the formal court system of trials of genocide suspects and perpetrators, the perception rating of the effectiveness of both the local courts and the *gacaca* were more or less at par at 60% but higher than the ICTR at 50% (see Figure 15). This relatively low rating could be partly due to either the “remoteness” of these courts (one in Kigali and the other one is in Arusha, Tanzania) or the public perceiving them to be operating at a slower pace compared to the formal and informal systems in the country. Given that they do not deal with “mass trials” these courts have only dealt with about one hundred cases and completed only about 50 –that attract daily attention like the classic and *gacaca* courts could also be a factor contributing to the low ratings.) (see Table 6)

**Table 6: Completed and remaining genocide trials at the International Criminal Tribunal for Rwanda (ICTR) of Arusha**

1	Awaiting Trial	2
2	Cases In Progress	26
3	Completed Cases	49
4	Cases On Appeal	9
5	Detainees Acquitted	8
6	Detainees Deceased Before Trial	1
7	Case Transferred To National Jurisdiction	2
8	Released	2
9	Released After Completing Sentence	7

Source: ICTR Report 2009, [www.icttr.org](http://www.icttr.org)

#### **Killings of Genocide Survivors, Witnesses and Judges**

One of the biggest menaces to the *gacaca* system has been the threat on the lives of genocide survivors, witnesses and judges. Many witnesses, survivors and judges have been threatened, injured or killed over the years. Although it is common knowledge that the numbers of those killed have declined over the years, it is instructive to note that killings still do occur though different sources have provided diverse figures (see Table 7 below). According to the data available, between 16 and 22 people were killed last year, some fifteen years after the genocide<sup>37</sup>.

**Table 7: Comparative data on killings of genocide survivors, witnesses and judges as collated from various sources**

Institutions	Number of reported cases	Year	Date of report	Source
Hirondelle News Agency	17	2008	04-09-08	<a href="http://www.hirondelle.org">www.hirondelle.org</a>
Hirondelle News Agency	22	2008	23-07-09	<a href="http://www.hirondelle.org">www.hirondelle.org</a>
Hirondelle News Agency	167	1995-mid 2008	23-07-09	<a href="http://www.hirondelle.org">www.hirondelle.org</a>
Hirondelle News Agency	16	2009	23-07-09	<a href="http://www.hirondelle.org">www.hirondelle.org</a>
IRIN	100 at least	Up to 2009	23-06-09	<a href="http://www.IRINnews.org">www.IRINnews.org</a>
US Embassy in Rwanda	16	2009	-	Human Rights Report 2009
US Embassy in Rwanda	22	2008	-	Human Rights Report 2009
Rwanda National Police (RNP)	6 cases 3 cases	2008 2009	February 2010	RNP Report, February 2010
IBUKA	Genocide Survivors 120 Witnesses 36 Total 156 22 cases	1995-2008  January-Oct 2009	-  -	IBUKA Reports

37 The government has been investigating and prosecuting individuals accused of threatening, harming, or killing genocide survivors and witnesses or of exhibiting "genocide ideology." A special protection bureau in the Prosecutor General's Office investigated 794 cases, 269 of which were filed in court. (See US Embassy in Rwanda, *Human Rights Report 2009*)

### The Rule of Law

One of the demands of a post-conflict society like Rwanda is the need for responsive and accountable institutions of governance. Key among these are institutions and justice reform processes that ensure a conflict-sensitive rule of law. In the case of Rwanda, the rule of law stands as a point of departure for a government which seeks to distinguish itself from previous regimes.

#### Perceptions Survey Results on Justice and Performance of the Judiciary

The survey engaged the public perception of the rule of law and the performance of key organs of the judicial system. In so far as the perception of the independence of the judicial system and parliament are concerned, 66.4 % of those interviewed thought the judiciary was independent while 65.1 % considered the parliament to be independent (Figure 16 below). There is also a considerably large number of people who do not know whether these institutions are independent - 15.9% for the Judiciary and 21.9 percent for the Parliament.

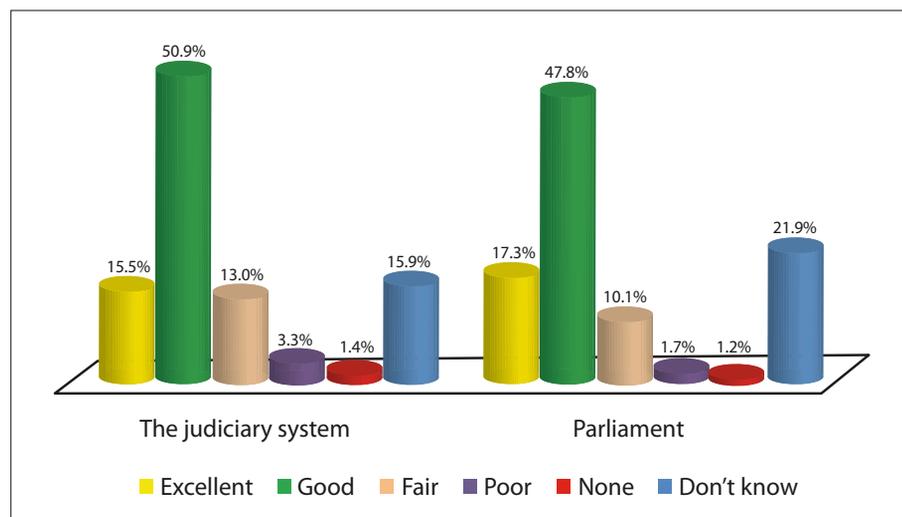


Figure 16: Perception of the Independence of the Judiciary & Parliament

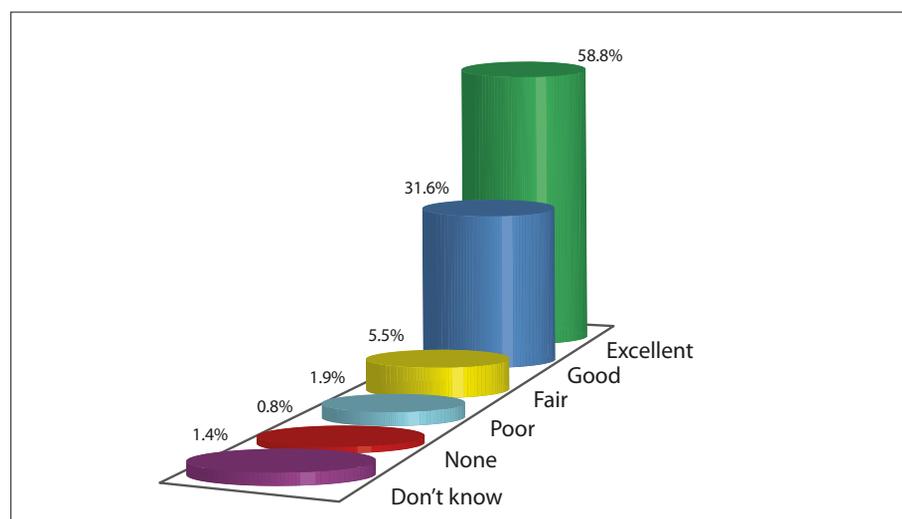


Figure 17: Perception of Police performance in Crime Investigation

Closely related to the performance of the judicial system is that of the investigating authorities. In line with the general confidence in the police as earlier reported, public perception of the ability of the police to investigate a crime is still equally high (90.4 %).

As Figure 19 indicates, the expression of confidence in the investigating/arresting authority is not replicated in perceptions of the veracity of the judicial system in judgment where 67.4 % expressed confidence in the processes (57.3% “good” and 10.1% “excellent”). On the other hand, a considerable proportion - 9.5%- of those interviewed thought the magnitude of unjustified imprisonment in the country was “high” (2.9 “very high”, 6.6% high).

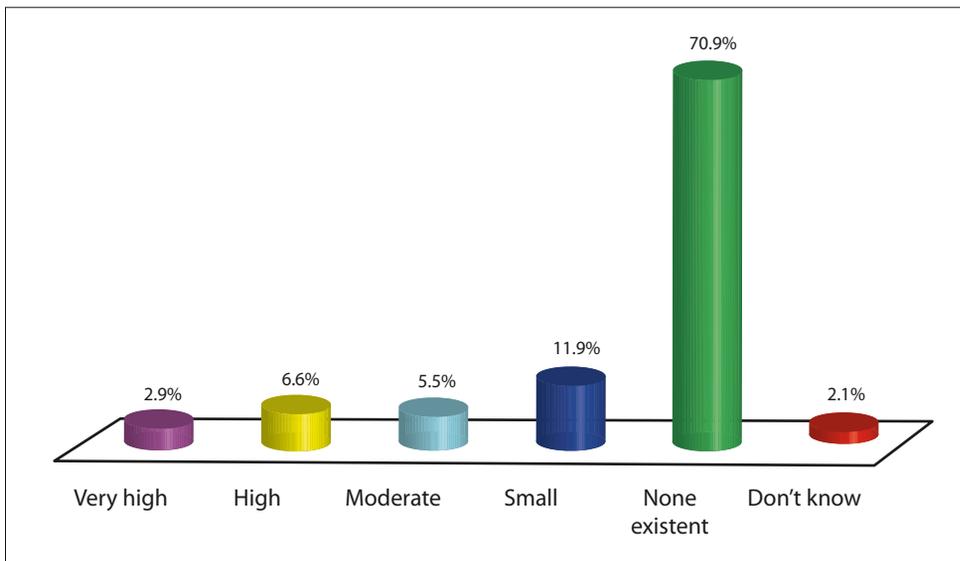


Figure 18: Magnitude of Unjustified Imprisonment

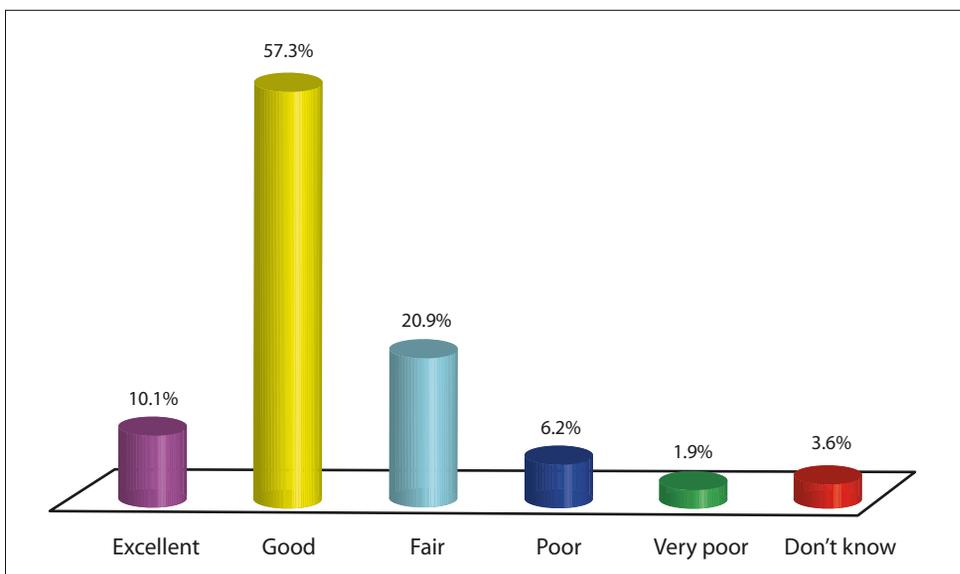


Figure 19: The Integrity of the Judiciary System in the Judgment Process

A similar level of confidence is manifested with regard to the efficiency in speeding up judgement of cases. While 10.8 % of those interviewed have had to re-establish their rights when they were found “not guilty”, 60% said that they did not have to struggle to have their rights established (Figure 20).

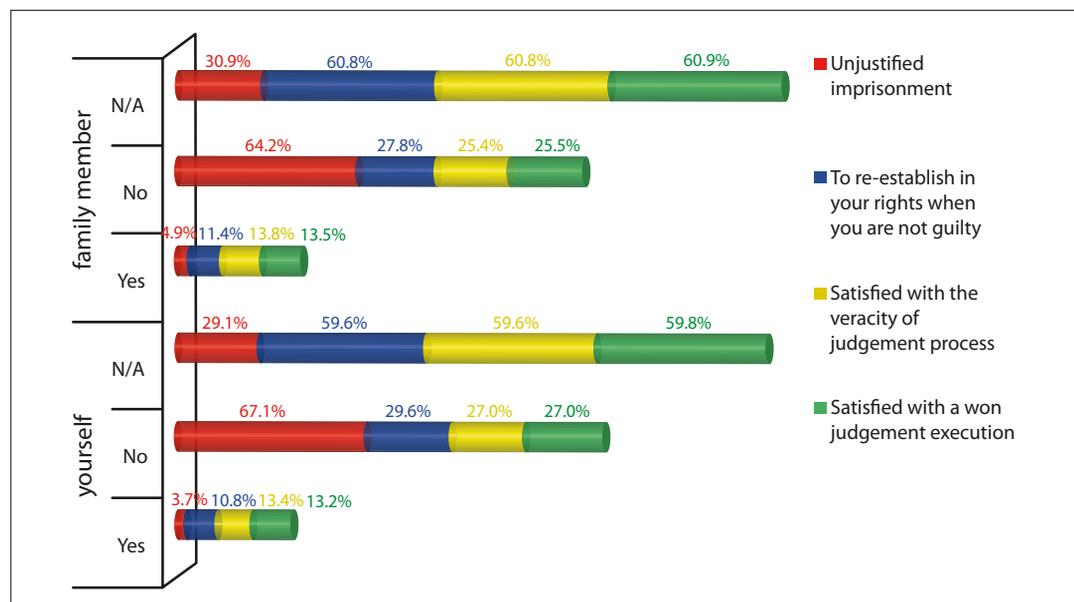


Figure 20: Experience with the Judiciary in the preceding 12 months (by type)

### Backlog of cases in Court

Table 8 summarises the state of backlog of cases in the Rwandan courts, with the High Instance Court leading with 1737 (42.7%) cases as at the end of 2008. The reduction in the backlog from 54,409 cases in 2007 to the current 4071<sup>38</sup>, (92.5%) is significant improvement.

Table 8: Backlog of Court Cases as at the end of 2008

Court	No of Cases	%
Supreme	225	5.5
High	732	18
High Instance	1737	42.7
Primary	1377	33.8
<b>TOTAL</b>	<b>4071</b>	<b>100</b>

Source: Supreme Court-General Inspectorate of Courts and Tribunals

The backlog cases compare favourably with the total number of pending cases at the Prosecutor’s Office during the same period, which stood at 16,575 (see Table 9). Despite the attempts to deal with cases expeditiously, the unattended cases (including backlog) still increased at the end of the year, from 11,454 at the beginning of 2008 to 16,575 which were carried over to the following year.

38 See Republic of Rwanda: Joint Governance Assessment Report, op cit, p. 28

**Table 9: Summary of Case Files at the Prosecutor's Office**

Level	No of Files at beginning of year	Files received during the year (2008)	Files submitted to Court	Files directed elsewhere	Files dropped	Total no of Files on which decision was taken (including backlog and those received in 2008)	Pending Files
Office of the Prosecutor General (Prosecutors with national jurisdiction)	95	812	537	72	173	782	125
High Instance	4,908	11,260	5,775	593	3,170	9,126	7,042
Primary	6,451	10,498	6,133	328	2,019	7,541	9,408
<b>Total</b>	<b>11,454</b>	<b>22,570</b>	<b>12,445</b>	<b>993</b>	<b>5,362</b>	<b>17,449</b>	16,575

Sources: Supreme Court's Annual Report 2008; Public Prosecutions Authority; RCN Justice and Democracy, MININTER

In terms of performance, the High Instance Courts outperformed the Primary Instance Courts by dispensing of 9,126 or 56.4% of cases in one way or another, with the latter only taking action on 7,541 or 44.4% of cases (see Table 9). This means that of the 16,575 cases pending from 2008, 9,408 or 56.7% were from the Primary Courts.

### **Challenges in Access to Legal Representation**

The Rwandan Constitution guarantees the right to representation before courts of law, just like before any other administrative organ. This representation is particularly indispensable for the vulnerable groups like women, children and other minority groups. It is in this regard that the government through the Ministry of Justice has established a working relationship with the Kigali Bar Association which helps in effecting this representation of children and women especially those that have been sexually abused, or have been victims of gender based violence.

The Ministry of Justice has also set up the *Maison d'Accès à la Justice* (MAJ) – legal aid centres - with the aim of providing legal assistance to people who cannot afford such services. These centres are being established in every district and so far, 14 Districts each with two qualified lawyers are providing such legal assistance services. The goal is to have all the 30 Districts covered before embarking on the long term decentralization of Legal Aid and Access to Justice Programs.

In addition to providing legal services to the vulnerable groups, MAJ lawyers also play the role of legal advisors to their respective local authorities and may suggest training needs of a given community or local leadership to be implemented by the Ministry of Justice or through its development partners<sup>39</sup>.

In spite of these government's determined efforts, the 2008 JGA Report highlighted the magnitude of the challenge of legal representation in the justice sector due to the dearth of legal experts, especially defence lawyers and the accessibility of those in the market<sup>40</sup>. At the end of 2008, for example, Kigali Bar Association membership stood at 304 Attorneys out of which 176 were interns, with the number rising considerably in 2009 to 444 Attorneys including 278 Interns<sup>41</sup>. On the other hand, Rwanda Public Prosecutions Authority had 140 Attorneys in 2008 and this number increased by only 2 (1.2%) in 2009.

Compounding the paucity of qualified legal experts is the high cost of litigation for those who seek justice in Rwanda. According to The Legal Aid Forum, the total cost of access to justice per litigant cost 158,724 Rwanda francs against an average monthly income of 28,349 francs (see Table 10).

39 Interview with Jacqueline Bakamurera, Deputy Attorney General in charge of Access to Justice and Human Rights, Ministry of Justice, Republic of Rwanda, 12<sup>th</sup> January 2010

40 See Republic of Rwanda: *Joint Governance Assessment Report*, op.cit, p. 28

41 This was a considerable increase compared to 2007 when the figure stood at 273. See *Rwanda Joint Governance Assessment*, op. cit., p.30

**Table 10: Average costs incurred by a Litigants in relation to their trials**

Item	Amount (Rwf)	%
Court fees deposit/case filing related fees	3,734	2.4
Transport and communication	49,486	31.2
Accommodation and food	24,398	15.4
Costs incurred in the search for evidence	14,115	8.9
Miscellaneous costs (expert appraisal, examination, etc.)	66,991	42.2
Total cost of access to justice	158,724	100
Average monthly income of the litigant	28,349	

*These are expenses that the litigant cannot avoid and that are necessary to the good running of the trial before the courts.<sup>42</sup>*

Physical access to the Courts' benches constitutes another great challenge for the litigants. According to the Legal Aid Forum survey, the country's judicial map is such that court's benches are not easily accessible in terms of distance<sup>43</sup>. The remoteness has thus been identified as a major factor that impacts negatively on the litigant's access to justice as it ups the costs of transport, communication, food and accommodation, counting for up to 50% of the total minimum costs as shown in Table 10 above.

### **Human Rights and Civil Liberties**

As pointed out in the JGA 2008 report, the basic architecture for the definition and defence of human rights are spelt out in the regional conventions and international instruments. These include the following seven key international treaties:

- The 1965 Convention on the Elimination of All Forms of Racial Discrimination,
- The 1966 International Covenant on Civil and Political Rights,
- The 1966 International Covenant on Economic, Social and Cultural Rights,
- The 1979 Convention on the Elimination of All form of Discrimination Against Women
- The 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- The 1989 Convention on the Rights of the Child
- The 1990 Convention on the Protection Of The Rights Of All Migrant Workers and Members of their Families

Countries that are signatory to these treaties and conventions are supposed to domesticate them and integrate them into their municipal laws and ensure compliance. Setting up mechanisms for application and compliance are critical steps in ensuring the upholding of human rights.

Concerning ratification, Rwanda had, by December 2008, ratified and submitted to the UN all the above conventions (see Box 1). In addition, Rwanda has also ratified the Regional instruments and protocols, including the African Union's Charter on Human and Peoples' Rights, the African Union's African Court on Human and Peoples' Rights and the African Union's Court of Justice.

By ratifying these protocols and conventions, Rwanda has joined the league of those nations that are willing to comply with the international law on the issue of Human Rights. The challenge, however, not only lies in the establishment and operationalisation of the mechanisms for their enforcement, but also in ensuring their effectiveness.

<sup>42</sup> See The Legal Aid Forum: *Monitoring of EDPRS Indicators in the Justice Sector*, August 2009

<sup>43</sup> *Ibid.*, p. 23.

**Box 1: Conventions, Protocols and Covenants that Rwanda has ratified**

1. **The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**, New York, 10 December 1984 (Rwanda: Accession Depository notification reference: C.N.1013.2008. Treaties-6; signed 16 December 2008).
2. **International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families**, New York, 18 December 1990 (Rwanda: Accession Depository Notification reference: C.N.1014.2008. Treaties-6; signed on the 16 December 2008).
3. **Optional Protocol to the Convention on the Elimination of All forms of Discrimination Against Women**, New York, 6 October 1999 (Rwanda: Accession Depository notification reference: C.N.1015.2008. Treaties-8; signed on the 16 December 2008).
4. **Convention on the Rights of Persons with Disabilities**, New York, 13 December 2006 (Rwanda: Accession Depository notification reference: C.N.1016.2008.Treaties-50; signed on the 16 December 2008).
5. **Optional Protocol to the Convention on the Rights of Persons with Disabilities**, New York, 13 December 2006 (Rwanda: Accession Depository Notification reference: C.N.1017.2008.Treaties-50; signed on the 16 December 2008).
6. **Second Optional Protocol to the International Covenant on the Civil and Political Rights, Aiming at the Abolition of the Death Penalty**, New York, 15 December 1989 (Rwanda: Accession Depository notification reference: C.N.1018.2008.Treaties-4; signed on the 17 December 2008).
7. **International Convention on the Elimination of All Forms of Racial Discrimination**, New York, 7 March 1966 (Rwanda: Withdrawal of reservation - Depository notification reference: C.N.1021.2008. Treaties-3; signed on 17 December 2008).
8. **Convention on Prevention and Punishment of the Crime of Genocide**, New York, 9 December 1948 (Rwanda: Withdrawal of reservation - Depository notification reference: C.N.1027.2008. Treaties-2; signed on 22 December 2008).
9. **International Covenant on Economic, Social and Cultural Rights**, New York, 16 December 1966 (Rwanda: Withdrawal of reservation - Depository notification reference: C.N.1034. 2008. Treaties-8; signed on the 29 December 2008).

In this regard, the establishment of the National Commission on Human Rights in 1999 and the registration of civil society human rights groups constitute some of the practical steps aimed at enforcement and control.

In 2008, the NHCR received 1361 cases. However, it has not been possible to determine how many were resolved, those that were still pending, or those it was unable to resolve. This is because the cases received or handled by the NHCR are divided into two: those that are settled by the commission itself, and those that are forwarded by the commission to concerned authorities for settlement and which would be rather difficult or impossible for an individual to resolve.

Prison conditions have been an issue of concern due to the mass arrests of those who were suspected of crime of genocide and related atrocities. The problem of overcrowding is being systematically addressed, if the current trends are anything to go by. At one stage, in 2003, the prison population peaked at double the capacity but, according to the Directorate of Prison Services, this number has since been reduced to 120% as of 2009<sup>44</sup>.

Although there were many deaths reported in prisons, the exact number was not available, although some reports alleged they were mostly from preventable diseases and suspected cases of AIDS.

On the issue of detention of juveniles, evidence shows that there is a strong trend towards the release of many of those who have been detained. For example, though the Gikondo Transit Centre received 44,163 juveniles between 2007 and 2009, a total of 42,658 had been released by June 2009 (see Table 11).

<sup>44</sup> This was a slight reduction from 130% as had earlier been projected by Justice, Reconciliation, Law and Order joint meeting. The reduction is attributed to the fewer incoming prisoners sentenced under gacaca as the latter is in its final phase

**Table 11: Number of Juveniles detained at and released from Gikondo between 2006 and 2009**

Juveniles Entering Centre from 2007–30/06/2009				Juveniles Released from Centre from 2007 – 22-07-2009			
Male		Female		Male		Female	
-18	18+	-18	18+	-18	18+	-18	18+
4,324	28,100	-	-	3,880	26,847	<b>2,221</b>	<b>9,710</b>
<b>Total</b>	32,424	11,739		30,727		11,931	

**Women in Positions of Power**

On the significance of the role of women in leadership, Rwanda is widely acknowledged in Africa and beyond for leading in mainstreaming women in its key decision making bodies. The Constitution is clear on the important role of women in decision making in the country. As Article 9 states, at least 30% of posts in decision-making organs must be assigned to women, and the legislature is an important starting point (see Table 12). As a result, many women now occupy important posts in Legislative, Executive and Judiciary arms of the government.

It is an accepted fact that Rwanda is a global leader when it comes to women representation in the Legislature. For example, in the House of Representatives (Chamber of Deputies), not only do the women constitute the majority at 56% (45 out of 80 members)<sup>45</sup> but the Speaker also is a woman. In the Upper Chamber, the Senate, there are 9 women out of a total membership of 26, giving them 35% of the seats<sup>46</sup>. Overall women legislators total 54 (50.9%) in both chambers.

**Table 12: Women in the Legislature**

Chamber	Total	No of Women	(% 2007)	% 2009
Chamber of Deputies	80	45	(48)	<b>56</b>
Senate	26	9	(35)	<b>35</b>

In 2009, there were 6 women out of a cabinet of 21 Ministers (33%) and 2 out of 3 Ministers of State (66 %). Women also counted for more than the mandatory 30% in virtually all the key positions in the public sector. For example out of 19 Permanent Secretaries, 8 (42%) were women (Table13), whereas out of the 18 heads of the constitutional bodies, 8 (24%) were women.

**Table 13: Women in Policymaking Bodies (Central Government)**

Position	Total	No of Women	%
Cabinet Ministers	21	6	<b>29</b>
Ministers of State	3	2	<b>66</b>
Permanent Secretaries	19	8	<b>42</b>
Heads of Constitutional Bodies	18	8	<b>44</b>
<b>Total</b>	<b>61</b>	<b>24</b>	<b>39</b>

At the decentralised government level, there were 37 women executive heads out of 120 (31%) of the top leadership (Table 15). However, at the sector level, this proportion decreases significantly to 54 out of 416 (13%).

<sup>45</sup> This was an increase of 8% over the previous Parliament where women were 48% of the membership.

<sup>46</sup> Besides, one of the Vice-Speakers is a Woman.

**Table 14: Women holding responsible positions in the Prosecutor's Office**

Position	Total	Women	%
Prosecutor General	15	3	20
General Prosecutor	12	2	17
High Court Prosecutor	40	19	48
Lower Court Prosecutor	41	19	48
<b>Total</b>	<b>108</b>	<b>43</b>	<b>40</b>

At the Prosecutor's office, the overall percentage of women is 40%, higher than the constitutional commitment of 30%, though one might argue that there is still room for improvement at the top echelons at the Prosecutor General's and General prosecutor's levels where women constitute 20% and 17% respectively (see Table 14). There is, however, almost parity representation at the lower and high court levels.

**Table 15: Women Leadership at Local Government level<sup>47</sup>**

Level	Total	No of Women	%
District	120	37	31
Sector	416	54	13

At the Judiciary level, the ratio of women to men is way above the constitutionally mandatory proportion of 30% and is an excellent example of the recognition of the important role the Rwandan woman is playing in the dispensation of justice (see Table 16 below).

**Table 16a: Women membership of the Bench in 2008<sup>48</sup>**

Name of Court	Total No of Judges	Female	%
Supreme Court	14	6	42
High Court	26	12	46
Commercial/High Instance Court	135	45	33
Lower Court	111	40	36
<b>Total</b>	<b>286</b>	<b>103</b>	<b>36</b>

The lowest level of 33% composition – which is still above the mandatory 30% - is at the Commercial/High Instance Courts, whereas at the highest levels of Supreme and High Courts the numbers are almost on par.

47 This includes Mayors, Vice Mayors, District Executive Secretaries and Sector Executive Secretaries.

48 Source: MINIJUST and Supreme Court.

**Table 16b: Women membership of the Bench as at end of 2009**

Name of Court	Total No of Judges	Male	Female	%
Supreme Court	14	7	7	50
High Court	26	18	8	31
Intermediate Courts	99	57	37	37
Primary Courts	120	70	49	49
<b>Total</b>				

The face of the Judiciary in Rwanda shows a clear demonstration of the quest for gender justice and parity in a region where the judiciary has been the preserve of the male.

### **Political Rights**

Political rights, along with civil rights, are primarily designed to protect the individual against state interference. Political rights can be seen as covering the right to political participation, that is, citizens' right to seek to influence and participate in the public affairs of the society to which they belong. Political participation can take many forms, the most notable of which is included in the right to vote. However, it also covers the right to join a political party; the right to stand as a candidate in an election; the right to participate in a demonstration; and freedom of association.

Though political and civil rights are distinct, the difference between the two is not always obvious or clear; indeed, they sometimes overlap. The freedom to express one's opinion, and the freedom of association, for example, are clearly linked to the right to political participation, and thus are political rights, but they are often also seen as civil rights.

However, as the JGA Assessment Report emphasises, any discourse on political rights in Rwanda must take into cognisance its recent history and unique experience where political parties played a major role in the exacerbation of social divisions and incitement of hatred that laid the foundation for the genocide<sup>49</sup>.

Here, the monitoring framework included:

- Election Declarations of Independent Observers and
- Publishing of Financial Statements by Political Parties

Elections declarations of Independent observers are meant to provide an opinion on whether elections have been conducted in a free and fair manner. Their role is primarily to assess the conduct of an election process on the basis of national legislation and international standards. However, election observation today increasingly looks at the entire electoral process over a longer period of time, rather than at election-day proceedings only. The legitimacy of an election can be affected by the criticism of monitors, provided that they are themselves seen as unbiased.

In Rwanda, both national and international election observers have been participating in election monitoring and have issued reports and declarations on the same. During the last legislative elections in 2008, there were a total of 30 international organisations/institutions that sent observers to monitor the elections. Rwanda Civil Society also participated in the observation of the elections.

The comments of some of the observers include the remark that that the turnout of 98.31% was "unusually high" (EU Observer Mission), though this was not a disputed fact. The EU Observer Mission report, though not directly inferring to the fairness or otherwise of the elections, nevertheless made strong recommendations aimed at strengthening the electoral process in Rwanda<sup>50</sup>. The Rwandan Civil Society participated

<sup>49</sup> Government of Rwanda: *Rwanda Joint Governance Assessment Report*, op.cit., p. 36.

<sup>50</sup> See European Union Election Observer Mission Republic of Rwanda 2008 Report.

in the election monitoring under the platform of Civil Society Election Observation Mission (CSEOM). According to one newspaper, the National Electoral Commission (NEC) was commended for the effective deployment of poll officials and materials<sup>51</sup>.

### **Publication of Financial Statements by Political parties**

According to the Office of the Ombudsman, the majority of the Political parties submitted their annual financial statements in 2007 and 2008. According to the Ombudsman's 2008 Report, 8 out of 9 political parties submitted their financial statements in 2007, although the details were not published for public consumption. This was 89% compliance compared to 67% in 2008 when only 6 out of nine parties submitted their financial statements. It is not known what sanction measures were taken against the non complying parties, including the *Parti de la Solidarité et de la Prospérité* (PSP) which did not comply for two years in a row (see Table 17 below).

**Table 17: Submission of Financial Statements by Political Parties<sup>52</sup>**

No	Political Party	FY 2007	FY 2008	FY 2009
1	Front Patriotique Rwandais (FPR)	Yes	Yes	
2	Parti Social Democrate (PSD)	Yes	Yes	
3	Parti Liberal (PL)	Yes	Yes	
4	Union Démocratique du Peuple Rwandais (UDPR)	Yes	Yes	
5	Parti du Progrès et de la Concorde (PPC)	Yes	Yes	
6	Parti Démocrate Idéal (PDI)	Yes	Yes	
7	Parti Socialiste Rwandais (PSR)	Yes	No	
8	Parti Démocrate Centriste(PDC)	Yes	No	
9	Parti de la Solidarité et de la Prospérité (PSP)	No	No	

Source: *Raporo y'umuvunyi 2008, Part 5, p. 15. See www.ombudsman.gov.rw. The returns for 2009 are yet to be published.*

### **Institutions of Accountability**

Accountability is one of the cornerstones of good governance. It ensures actions and decisions taken by public officials are subject to oversight so as to guarantee that government initiatives meet their stated objectives and respond to the needs of the community they are meant to be benefiting, thereby contributing to better governance and poverty reduction. In Rwanda there exist institutions of accountability at both the horizontal and vertical levels.

At the horizontal level, Parliament and the Judiciary play a critical oversight role over the Executive. Parliament calls the Executive to account through questions in the Chamber and summoning of Ministers to respond to specific issues raised by the Parliamentarians. It is important to acknowledge that Parliament is a political institution, while the judiciary can only adjudicate on legal issues. However, together, these two institutions provide ongoing oversight in order to keep the government accountable throughout its term in office.

The Rwanda Constitution establishes a number of institutions with specific mandates outlined in the text with the aim of reinforcing Parliament and the Judiciary. These institutions include, *inter alia*, such bodies as supreme audit institutions, anti-corruption commissions, ombudsman offices and human rights institutes. These secondary "autonomous institutions of accountability" are typically designed to be independent of the Executive. In Rwanda, these institutions include the following:

51 Quoted from *The New Times*, 29th January 2010, available on website: <http://allafrica.com/stories/200901270390.html>.

52 NB: The financial statements are not officially published.

<ul style="list-style-type: none"> <li>• The National Commission for Human Rights</li> <li>• The National Unity and Reconciliation Commission</li> <li>• The National Commission For The Fight Against Genocide</li> <li>• The National Electoral Commission</li> <li>• The Public Service Commission</li> <li>• The Office of the Ombudsman</li> </ul>	<ul style="list-style-type: none"> <li>• The Office of The Auditor-General Of State Finances</li> <li>• The Gender Monitoring Office</li> <li>• The National Council of Women</li> <li>• The National Youth Council</li> <li>• National Gacaca Courts</li> <li>• Media High Council</li> </ul>
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At the vertical level, the Civil Society occupies a strategic position in that it ensures that the public or the citizens get value for their money through the process of monitoring and reporting on excesses of the Executive. This means therefore that vertical accountability is the means through which citizens, mass media and civil society seek to enforce standards of good performance on government officials. In this regard, the Monitoring Framework identifies the following three main indicators:

- The number of times the Ministers get called to Parliament
- The number of NGOs refused registration and required to close
- IREX Media Sustainability Index

### **Ministers Summoned by Parliament**

In 2008, Ministers were called to the Lower Chamber of Parliament 11 times. These Ministers were summoned to respond to various issues in the parliament’s pursuit of their monitoring and accountability check of government’s activities. These included the Ministers of Justice, Foreign Affairs and Cooperation, Information, Local Government, Defence, and Ministry of Commerce. The Ministry of Justice leads in terms of the number of times it was summoned (4 times), followed by Ministry of Local Government (twice). The details on the dates and reasons are found on Table 18 below.

**Table 18: Ministers as Summoned in 2008**

Date	Minister	Ministry	Reason
05/02/2008	Tharcisse Karugarama	MINIJUST	Supervision of Government activities
12/02/2008	Vincent Karega	State Ministry - MINICOM	Sharing information with Parliament
04/03/2008	Tharcisse Karugarama	MINIJUST	Sharing information with the Parliament on the indictments of various Rwandan senior officers by a Spanish Judge
10/06/2008	Tharcisse Karugarama	MINIJUST	Exchanging ideas with Parliament on what should be done to stop the embezzlement of public funds
08/07/2008	Protais Musoni	MINALOC	-
15/07/2008	Louise Mushikiwabo	MININFOR	-
28/10/2008	Monique Nsanabaganwa	MINICOM	Reason for the hiking of prices and the measures taken by the government to protect the consumer
04/11/2008	Theoneste Mutsindashyaka	State Ministry- MINEDUC	To inform the parliament about the government policy of teaching in English in all schools
13/11/2008	Tharcisse Karugarama Rosemary Museminari	MINIJUST MINAFFET	Inform the Parliament about the arrest of Rose Kabuye, Director of State Protocol, arrested on 09/11/2008 in Germany
18/11/2008	Protais Musoni	MINALOC	Injustices and corruption in Local Government
24/11/2008	Marcel GATSINZI Rose Mary Museminari	MINADEF MINAFFET	The War in the Eastern DRC and the impact it may have on Rwanda

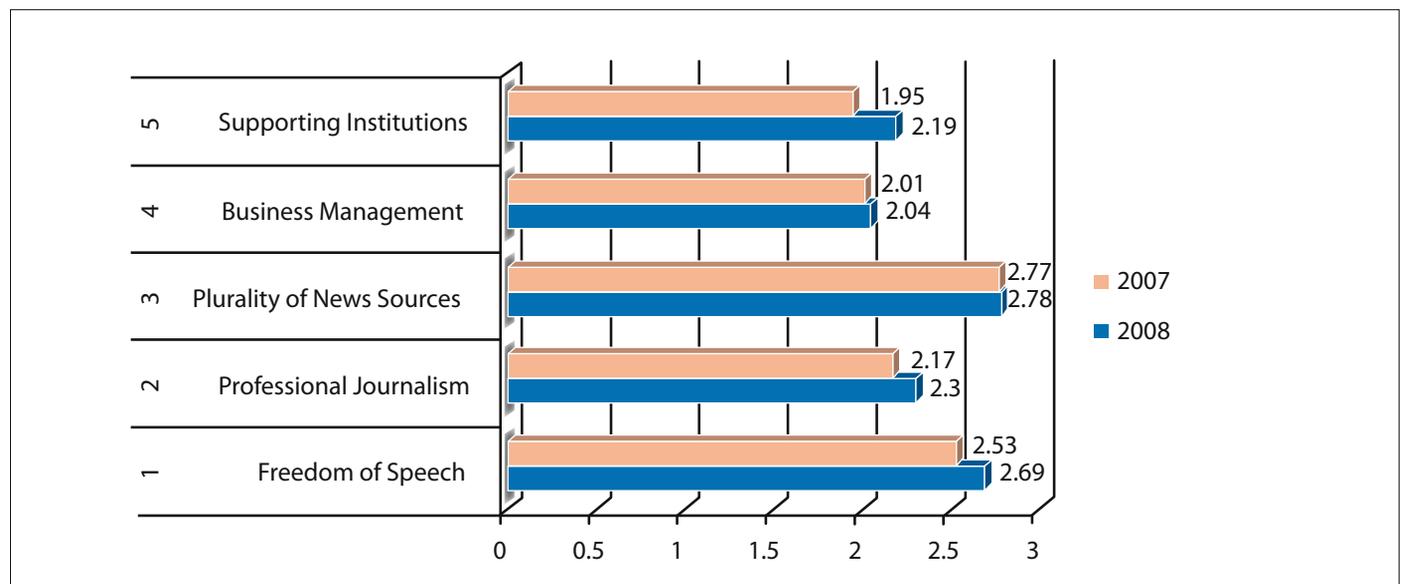
**Number of NGOs Refused Registration and/or required to close**

Rwanda is a home to many Non-governmental organisations, both local and international and many continue to be registered. In the past two years, out of a total of 297 that applied for registration, five (0.17%) were refused registration, for reasons not specified. During the same period, three were forced to close (2008). See Table 19 below. However, it is not clear whether the number that applied for registration included those that had *reapplied*.

**Table 19: Registration of International NGOs**

NGO	2008	2009	Comment
International NGO Applied For Registration	135	162	
International NGO Registered	132	160	
International NGO Refused Registration	3	2	
International NGO Forced to Close	3	-	No legal registration requirements

Rwanda’s overall score for 2006-2007 was 2.29, whilst for 2007-2008 it was 2.40, a marginal but important improvement towards the threshold of 3 (See Figure 21 below). Significant improvement was registered in the area of supporting institutions, which moved above the critical level of 2. It is the developments during the year contributed to a small gain in Rwanda’s overall score of 0.11, up from 2.29 in 2006/2007. This improvement came from higher scores for Objectives 1 (Freedom of Speech), 2 (Professional Journalism), and 5 (Supporting Institutions). Objectives 3 (Plurality of News) and 4 (Business Management) remained the same as the previous year (2007)<sup>53</sup>.



**Figure 21: The Rwanda IREX Media Sustainability Index 2007 & 2008<sup>54</sup>.**

53 Source: MSI Africa 2008 IREX report. ([http://www.irex.org/programs/MSI\\_Africa/2008/rwanda.asp](http://www.irex.org/programs/MSI_Africa/2008/rwanda.asp)).

54 KEY: 0-1:Unsustainable & Anti-Free Press; 1-2:Unsustainable Mixed System; 2-3:Near Sustainability; 3-4:Sustainable.

In the Region, Rwanda compares favourably with countries in the East African Community, ranking slightly below Tanzania and Uganda but scoring higher than Kenya and Burundi (See Figure 22 below). According to the IREX Index, the three East African Community countries of Uganda, Tanzania and Rwanda are well anchored on the road to sustainability as they all are almost halfway through the “Near Sustainability” segment (Table 19). Kenya just managed to scrape past the critical overall score of 2 whilst Burundi trails the rest and is the only country in the East African

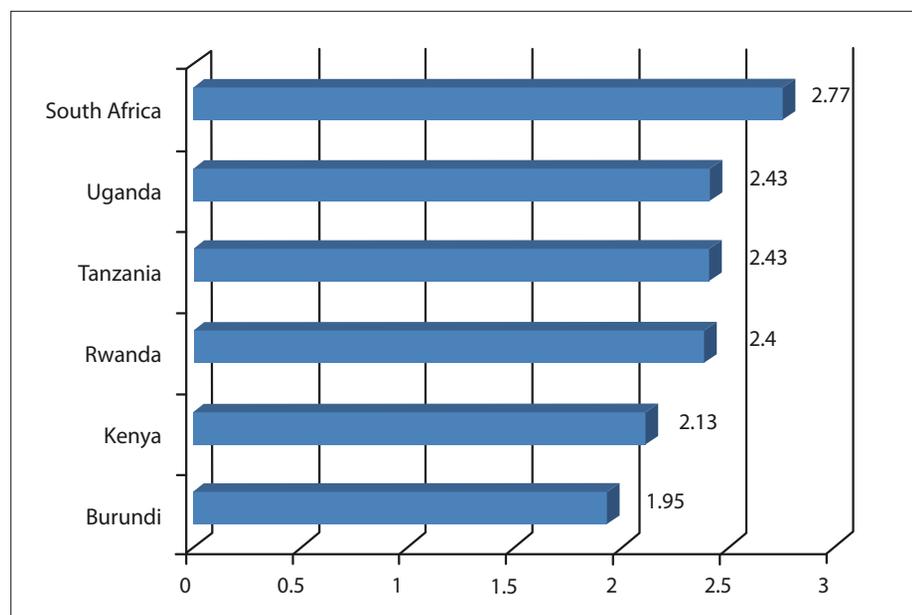


Figure 22: IREX Media Sustainability Index 2008 – Comparative Overall Score of Select African Countries.  
 Source: IREX Website. <http://www.irex.org/msi/>

Community to fall below 2, in the category of Unsustainable Mixed System. South Africa, which boasts of the freest press in Africa South of Sahara, is placed at 2.77, two points from the threshold of the Stability index.

**Ruling Justly: Summary of Perpercentile Ranking**

NB. The rankings were based on the results of the perception survey and data on the gender composition of key government institutions

RANKING KEY	
75 % - 100%	
50% - 74%	
25% - 49%	
0% - 24%	

## Establishing and Maintaining Security

### Personal Security

What is your confidence level in the following security organs in your district?				
	Excellent + Strong	Fair	Poor	None + Don't know
National Police	90.7%	7.5%	1.3%	0.5%
Rwanda Defence Force	95.8%	3.0%	0.4%	0.7%
Local Defence	58.3%	22.0%	12.9%	6.8%
Average	81.6%	10.9%	4.9%	2.7%

### Property Security

Is there any family member including yourself whose property was destroyed by security organ people during the last 12 months?			
	No	Yes	Don't Know
	97.2%	2.7%	0.1%

Overall Security Ranking score  
89.4%

How do you rate the trust between the following categories in your neighbourhood?				
	Excellent +Strong	Fair	Poor	None +Don't know
Neighbours in general	83.9%	12.8%	2.8%	0.5%
The genocide survivors and the people who were involved in the 1994 Tutsi genocide	65.2%	19.9%	5.1%	9.8%
Old case returnees (1959-1973) and New case returnees (1994 )	51.8%	10.2%	2.0%	35.9%
Gacaca courts witnesses and genocide suspects	53.2%	21.2%	11.2%	14.4%

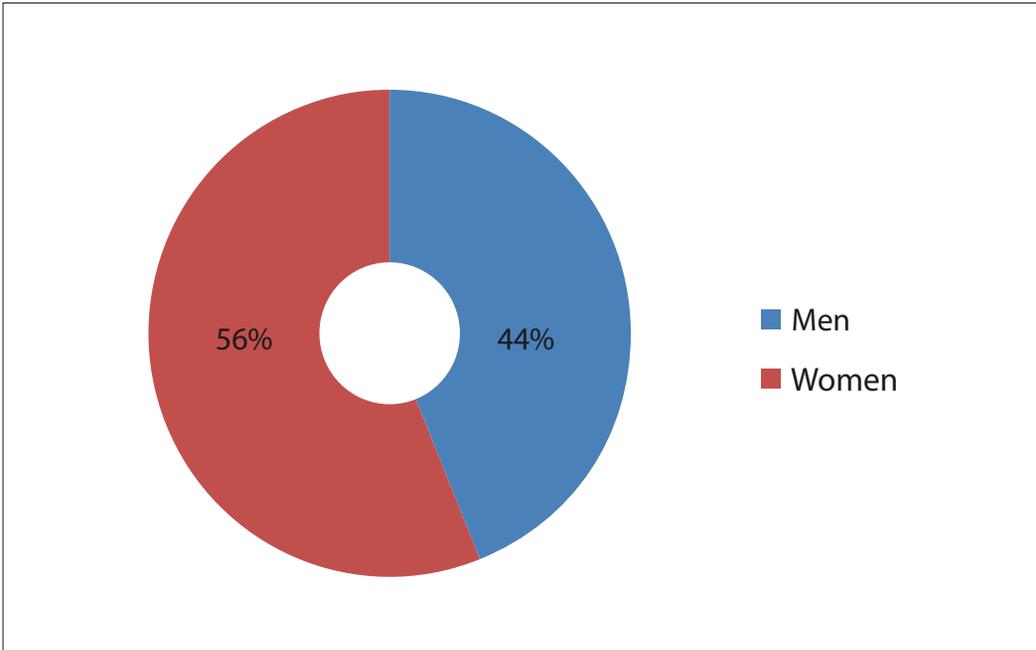
How do you perceive the performance of the police in investigating a crime?				
	Excellent+Strong	Fair	Poor	None+ Don't know
	90.3%	5.5%	1.9%	2.3%

How do you perceive the independence of the Judiciary and the Parliament in Rwanda?				
The Judiciary	66.4%	13.0%	3.3%	17.3%
Parliament	65.1%	10.1%	1.7%	23.0%

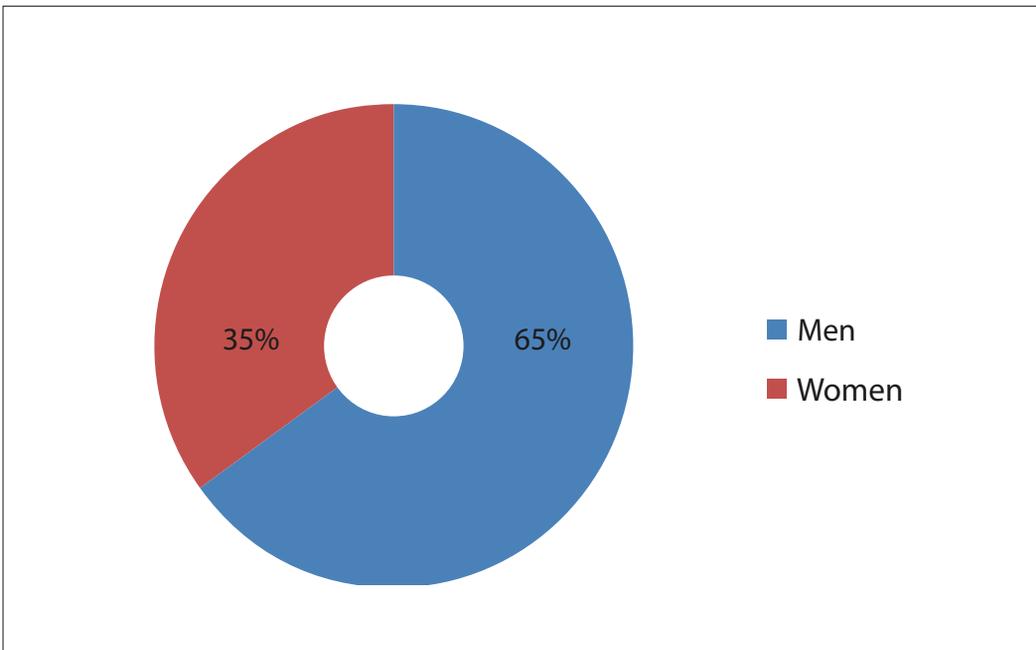
How do you perceive the level of participation of the following institutions in reconciling and building trust among Rwandans?					
No	Institution	Excellent + Strong	Fair	Poor	None + Don't know
1	Parliament (both Chambers)	67.4%	8.9%	3.7%	19.9%
2	Civil Society Organizations	43.0%	15.1%	5.6%	36.3%
3	Rwanda Print Media	43.8%	19.0%	5.3%	31.8%
4	Rwanda Broadcast Media	88.4%	8.1%	0.5%	3.0%
5	Gacaca Courts	61.0%	21.3%	7.9%	9.9%
6	Mediators	83.3%	10.7%	3.2%	2.8%
7	Classic Courts	67.2%	16.9%	2.9%	13.0%
8	ICTR	50.1%	17.9%	7.2%	24.8%
9	FBOs	78.3%	13.0%	3.0%	5.6%
10	NURC	80.2%	6.9%	1.1%	11.8%
11	National Human Rights Commission	68.6%	9.5%	2.8%	19.1%
12	Office of Ombudsman	73.4%	6.8%	1.3%	18.6%
13	Local Authorities	78.2%	14.9%	4.2%	2.6%
Average		67.9%	13.0%	3.7%	15.3%

Based on the following indicators how do you appreciate the Rule of Law in Rwanda?				
	Non-existent	Small	Moderate	Very high & High
Magnitude of unjustified imprisonment	9.5%	5.5%	11.9%	73%
	Excellent & Good	Fair	Poor	Very poor & Don't know
The veracity of judiciary system in judgment process	67.4%	20.9%	6.2%	5.4%
Efficiency in speeding up Judgment execution by the institutions in charge in Rwanda	64.6%	20.6%	9.1%	5.7%

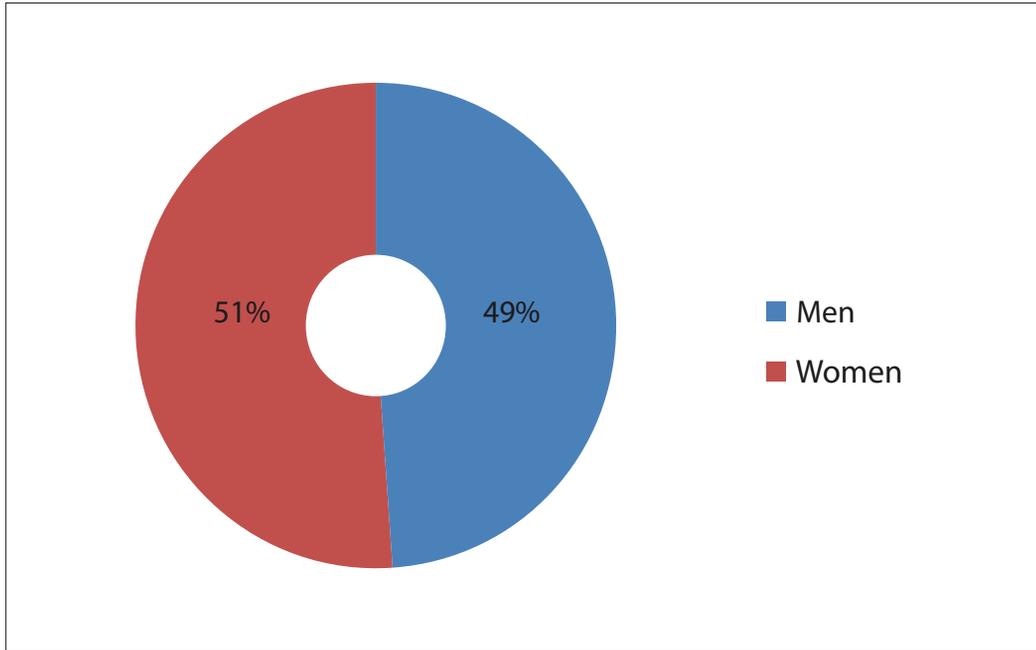
**Rule of Law Overall Ranking Score**  
73.1%



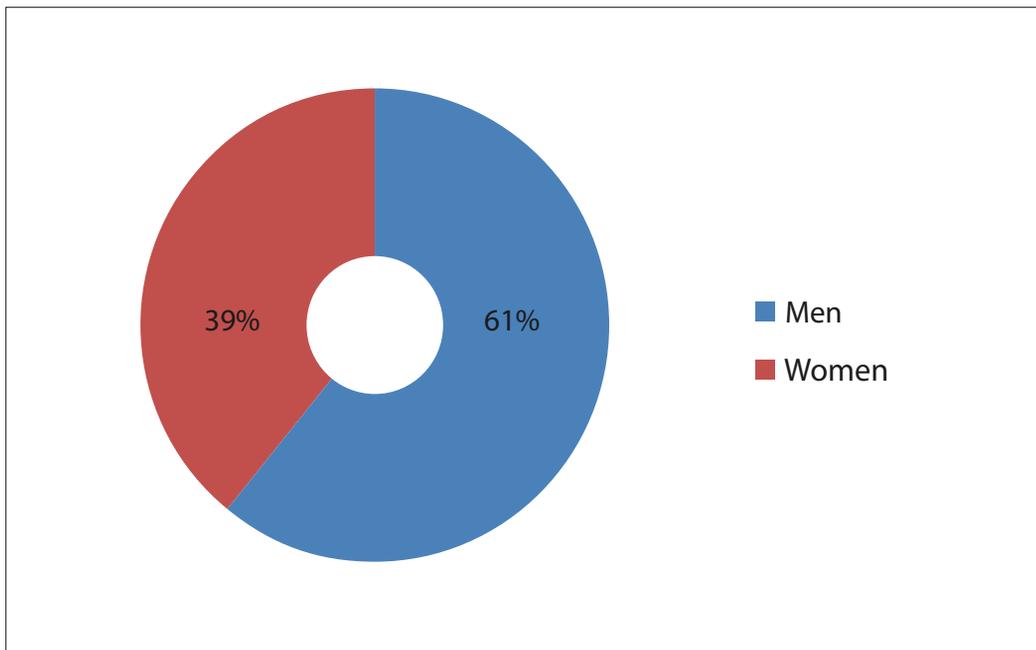
The Senate



Both Chambers: Senate and Chamber of Deputies

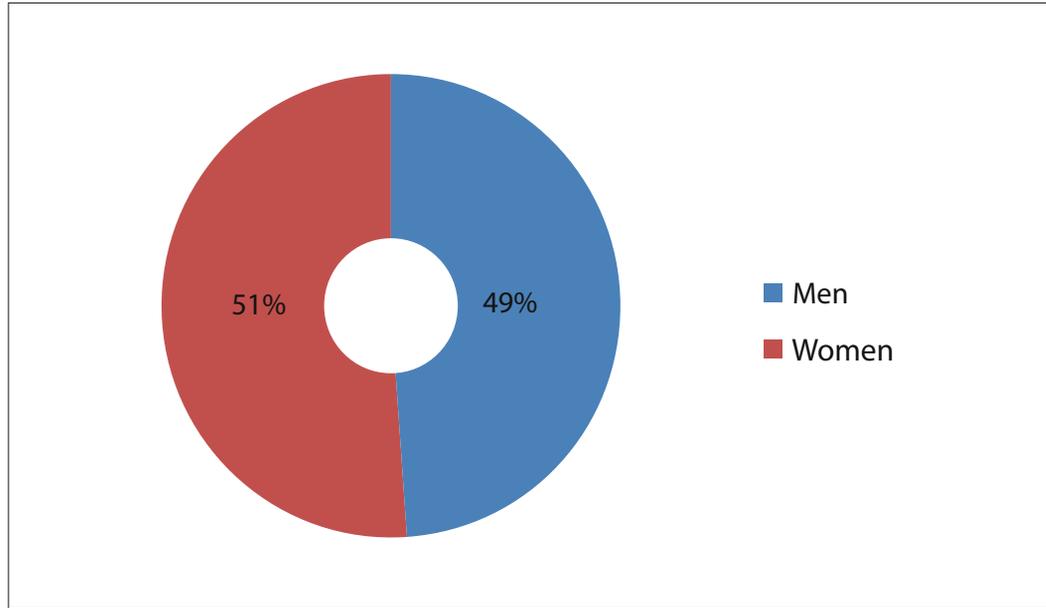


The Executive (Central Government)



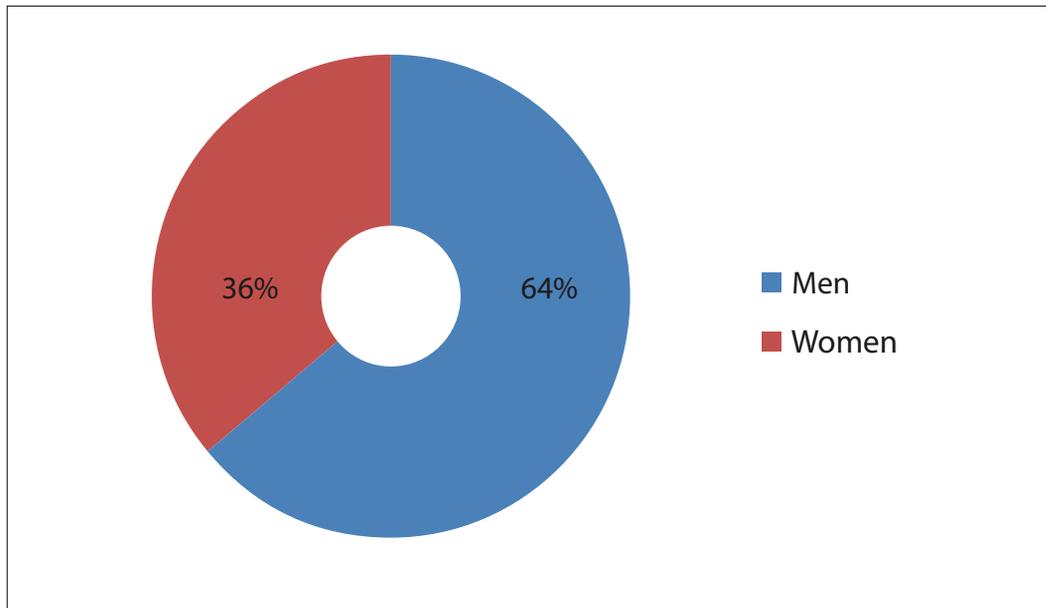
Cabinet Ministers, Ministers of State, Permanent Secretaries, Heads of Constitutional Bodies

**Local Government**



Mayors, Vice-Mayors & District Executive Secretaries

**The Judiciary**



Membership of the Bench

Summary Matrix Analysis of Ruling Justly

3.1. Establishing and Maintaining Security								
Indicator	Disaggregation	Frequency	Availability	Baseline (2007)	2008	2009	Source	Comments
<b>1. % of respondents expressing confidence in the performance and conduct of security organs (score of 3 or 4 on a scale of 4)</b>	Ask separate questions for (1) RDF, (2) RNP and (3) LDF	Every three years	Perceptions Survey	N/A	N/A	Overall RDF: 96% Police: 91% LD: 56%  Disaggregated data in the report	RGAC Data Analysis Report	Baseline can only be based on the data from RGAC Data Analysis Report
<b>2. % of respondents expressing a high level of satisfaction in their personal security (score of 3 or 4 on a scale of 4)</b>	Ask separate questions for (1) personal security,(2) property security Disaggregate by gender, district	Every three years	Perceptions survey	N/A	N/A	Personal security: 85.8% Property security: 75.9 % Disaggregated data available	RGAC Data Analysis Report	Baseline can only be based on the data from RGAC Data Analysis Report
<b>3. Number of homicides per 100,000</b>	Disaggregated by Gender, district categories of crime	Annual	Available	RNP figures (homicides per 100,000  includes: 'ubwicanyi', 'ubuhotozi' and 'kwihekura'):  2002 – 7.2 2003 – 8.0 2004 – 6.6 2005 – 5.9 2006 - 7.2 2007 – 6.1	RNP figures homicides per 100,000  2008: 5.9	RNP figures homicides per 100,000  2009: 5.1	Rwanda National Police (RNP)	

3.2. National Reconciliation and Transitional Justice								
Indicator	Disaggregation	Frequency	Availability	Baseline (2007)	2008	2009	Source	Comments
4. Completed and remaining genocide trials through the Gacaca and formal court system	Disaggregated by category 1,2 and 3 and by sub-categories	Annual	Available	End 2007 – 1) Number of completed gacaca cases : 1,065,800 2) Remaining gacaca cases 68,408	Gacaca trials From 15/07/2006 to 30/09/2008 Completed: <b>1,123,027</b> Remaining: <b>4,679</b>  <b>168</b> from Gacaca (1st category: all pending) sent back to the Prosecutions Authority to be filed with the normal courts  <b>1<sup>st</sup> category (july-Nov2008)</b> Received files:9,326 Completed: 4,740 (51%) <b>2<sup>nd</sup> category</b> Received:444,555 Completed: 42,274(99.5%) Remaining:2,281(0.5%) <b>3<sup>rd</sup> category</b>  Received files: 612,151 Completed: 609,197 (99.5%) Remaining: 2,954 (0.5%)	Status on 30/09/2009 <b>1<sup>st</sup> category</b> Received: 12,213 Completed: 11,153(91.3%) Remaining: 1,060 (8.7%) <b>2<sup>nd</sup>&amp;3<sup>rd</sup> category</b> Received: 1,133,716 Completed: 1,127,228 (99.4%) Remaining: 6,488 (0.6%)  ICTR: Completed: <b>42</b> Remaining: <b>39</b>	National Service of Gacaca Courts (2008),  <b>ICTR Report 2009 (www.ict.org )</b>  Rwanda Government Activity Report 2008 translated from Kinyarwanda. www.primature.gov.rw	ICTR website updates continuously, not easy to find data for 2008; The Gacaca courts have started trials of 1st category of suspects on 23rd June 2008
5. Killing of genocide survivors, witnesses and Judges	Disaggregated by circumstance of case, location, gender	Annual	Available	2003 (1 case); 2004 (4 cases); 2005 ((8 cases); 2006 (14cases); 2007 (10cases); 2008 first half (6 cases);  Ibuka reported 16 homicides for 2007	IBUKA 2008 report  Genocide survivors = 23 Witnesses = 4  <b>Circumstances</b> Murder =25 Poison = 2  6 cases (Rwanda National Police)	From IBUKA: 16 cases  3 cases (From Rwanda National Police)	IBUKA 2008 report  Rwanda National Police	Detailed table to be found in the data collection report ; Data for 2009 are from Ibuka

3.3. Rule of Law							
Indicator	Disaggregation	Frequency	Availability Baseline (2007)	2008	2009	Source	Comments
7. Backlog of court cases (Defined as dossiers awaiting judgment for more than 6 months)	Disaggregated by type of crime  Compare with number of cases tried	Annual	Partly Available End 2007, 54.409 were backlogged against 31.126 cases tried in 2007	Backlog of cases 4071: Supreme Court: 225, High Court: 732, TGI: 1737;TB 1377 [see comment 1]  Data from Rwanda Government Activity Report [see comment 2] Received: 59,660 Completed: 34,514 (57%) Remaining: 25,146 (43%)  168 – From Gacaca (1 <sup>st</sup> category: all pending) sent back to the Prosecutions Authority to be filed with the normal courts.		General Inspectorate of Courts at the Supreme Court (23/01/2010)  Supreme Court's annual report 2008  RCN Justice and Democracy Directorate of Prisons	[1]This data may not be entirely accurate because some of the TBs which handle many cases did not report their backlogs they are the ones trying many of the cases.  [2] <a href="http://www.primature.gov.rw">www.primature.gov.rw</a>  N.B. The difference between the two sources may be due to the fact that, every six months, cases are said to become backlogs
8. Number of qualified legal professionals	Disaggregated by gender, level of qualification, types of profession	Annual	Available End 2007 257 judges (at all four levels), of which 162 men, 95 women. Bar Association Membership 273 (Nov 07)	End 2008 there were 266 Judges (at all four levels including commercial courts) of which 171 (64.3%) are men and 95 (35.7%) are women  Kigali Bar Association had 304 Attorneys 2008 (176 were interns);  Rwanda Public Prosecutions Authority had 140 (2008)	Kigali Bar Association had 444 Attorneys in 2009 (287 of whom are interns)  Rwanda Public Prosecutions Authority had 142 (2009)	Supreme Court Kigali Bar Association Rwanda Public Prosecutions Authority	Disaggregation for Lawyers should be also for those listed with the Bar in relation to the interns
9. Access to Legal Aid	Size of Funds, Number of beneficiaries, gender	Annual	Available Baseline study by UNDP and Danish Centre for Human Rights	Establishing the Legal Aid Unit in MINIJUST under the Deputy Attorney General's office in charge of Legal Aid and Human rights	Up to end 2009 19 Districts with each two lawyers (graduates) are providing such legal assistance services.  The target is to have all 30 Districts covered before they embark on the long term decentralization in Legal Aid and Access to Justice programs	MINIJUST  RCN Justice and Democracy	It is hard at the moment to assess how much money is dedicated to Legal Aid as it had not been streamlined yet. Just like the beneficiaries, the target now is having at least two legal experts at every district, and then later, assesses how many benefits from their services

3.4. Human Rights and Civil Liberties								
Indicator	Disaggregation	Frequency	Availability	Baseline (2007)	2008	2009	Source	Comments
11. Deaths in Police Custody or during arrest	Detailed circumstance for each incident	Annual	Available, but different sources dispute circumstances	Nov. 2006 to May 2007, in 10 incidents, 20 deaths	Data partly available	Data not available		Data to be availed by Rwanda National Police
12. Total number of prisoners as a % of planned Jail Capacity		Annual	Available		April 2008 Prison population as % of jail capacity = 135% (1) 156% (2)	Target as per the Justice, Reconciliation, Law and Order joint meeting projections: 130% Actual Occupancy: 120%.	(1) Directorate of Prisons, MININTER (2) According to LIPRODHOR Report, 1er Trimestre 2008	Reduction is slightly because of less incoming of prisoners from Gacaca sentenced cases as it in its final phase
13. Number of juveniles in rehabilitation and transit centres	By Centre, gender  Also measure length of stay	Annual	Available	Transfers: 806	Transfers: 81	From 2007 up to June 2009 In: 44,163 Out:42,658	Kigali City Council, Gikondo Transit Centre	No figures disaggregated per year. More details in the JGA data collection report
14. Proportion of reports required under UN Human Rights instruments to which Rwanda is a signatory that are compiled and reported to treaty reporting bodies in a timely manner		Annual	Available		All nine (9) reports required for 2008 were timely submitted		National Human Rights Commission, MINAFFET, MINIJUST	More details in the JGA data collection report
15. Number of human rights cases reported to NHRC and the proportion of these that get resolved	Disaggregated by time taken to resolve human rights cases	Annual	Available		In 2008, the commission received 1361 cases.		NHRC's Annual report 2008	It is however not easy to determine how many cases were resolved, those that are still pending, or those that it was unable to resolve. The cases received or handled by the NHRC are divided into two: those that are settled by the commission itself, and those that are oriented by the commission to concerned authorities for settlement / resolution which would rather be difficult or impossible for an individual to do it him/herself

<p>16. Women in Positions of power</p>	<p>Deputies, Senators, Cabinet Ministers, Judges, Mayors and Councillors, Civil service</p>	<p>Annual</p>	<p>Available</p>	<p>End 2007 Deputies 48% Senators 35% Cabinet 32% Judges 37%</p>	<p>Up to Feb.2009[1] Ministers: 8/21 State Ministers: 2/5 Within the Senate Vice presidents: 1/2 Senators: 9/26 Within the Chamber of Deputies Speaker:1/1 Deputies :45/80 (56%). Within Judiciary: Supreme Court Chief Justice: 5/10 (50%) Inspectors of Judiciary: 1/4 (1 High Court Vice Presidents :6/12(50%) Commercial High Court 1 Vice President Justices: 3/8 (38%) 1 (33%) out of 3 Vice Presidents of the Commercial Court; 4 (25%) out of 16 Judges of the Commercial Courts; 5 (42%) out 12 Presidents of High Instance Courts; 1(10%) out of 10 Vice Presidents of the Higher Instance Courts; 34 (36%) out of 94 Judges of the Higher Instance Courts; 40 (36%) out of 111 Judges of the Lower Courts;<sup>55</sup> Within the General Prosecution; Office of the prosecutor General 3 (20%) out 15; General Prosecutors 2 (17%) out of 12; Prosecutors at Higher Courts 19 (32%) out of 40; Prosecutors at Lower Courts 19 (32%) out of 41. Higher Cadres of Government: Deputy Attorneys/ MINIJUST 2 (50%) out of 4; Permanent Secretaries/ Ministries 5 (27%) out of 14; Director Generals 6 (27%) out of 16; Executive Secretaries of Commissions 5 (62%) out of 8; Directors of Units in Ministries 45 (25%) out of 132;<sup>56</sup> Security</p>	<p>MIFOTRA, Lower Chamber of DEPUTIES, SENATE, MINISANTE  Permanent Executive Secretariat for Beijing (PFA) report published in February 2009.  [2]Sources: FFRP</p>	<p>[1] This is the time when the collection of the statistical data of men and women in the decision making/ public organs/positions for the period 2008 was concluded by the Permanent Executive Secretariat for Beijing PFA Follow – up. The findings / results were published in February 2009</p>
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55 Source: MINIJUST and Supreme Court

56 Source: MIFOTRA

3.5. Political rights								
Indicator	Disaggregation	Frequency	Availability	Baseline (2007)	2008	2009	Source	Comments
17. Elections declarations of independent observers		For each election	Available	Start with legislative elections 2008	32 institutions composed of 1,204 people		National Electoral Commission, Independent Observers like the EU observers' reports for 2008 Parliamentary elections	
18. Publishing of Financial statements of Political Parties	Sources of revenue, asset holdings and donation above 1 Million Rwf.	Annual	Available	Financial statements submitted, but not public	For 2008, all parties submitted their financial statements to both MINALOC and the Office of the Ombudsman, but were not published.		MINALOC, Office of Ombudsman's Annual report for 2008.	

3.6. Institutions of Accountability								
Indicator	Disaggregation	Frequency	Availability	Baseline (2007)	2008	2009	Source	Comments
19. Number of times Ministers were called to Parliament	By subject area	Annual	Partly Available	n/a	In 2008, Ministers were called to the lower chamber of Parliament 11 times. These Ministers called on various issues in the parliament's pursuit of their control and accountability check of government's activities included the Ministers of Justice, Foreign Affairs and Cooperation, Information, Local Government, Defence, and Ministry of Commerce.		Lower Chamber of Deputies	
20. Number of NGOs refused registration and required to close		Annual	Available		No local NGO was refused registration or required to close For international NGOs, in 2008, 3 were refused registration, 3 NGOs were required to close  In 2008, a number of 87 new NGOs were registered and provided with temporary working permits awaiting for legal personality; Six(6) NGOs were temporary asked to close due to unclear working methods	None in 2009	MINALOC Immigration and Emigration Department. International NGO Annual Registration Report 2008  Source: Rwanda Government Activity Report 2008 translated from Kinyarwanda. Available at: <a href="http://www.primature.gov.rw">www.primature.gov.rw</a>	

## 2. Government Effectiveness

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Government effectiveness measures “the quality of public services, the quality of the civil services and the degree of its independence from political pressures, the quality of policy formulation and implementation, and the credibility of the government’s commitment to such policies”.<sup>57</sup> Accordingly, the JGA examines government effectiveness in terms of the accountability and responsiveness of public agencies in relation to the populations they serve. It also considers the extent to which the public participates in policy making, monitoring and implementation<sup>58</sup>.

In terms of perception, the survey looked at three indicators of government effectiveness, namely: anti-corruption, decentralization and service delivery. The other indicators, namely Public Financial Management and Public Service Reform were looked at using secondary data.

According to the JGA Report, Rwanda in the past decade has moved from a non-articulated public financial management system into the threshold of a modern, efficient, transparent and accountable system.<sup>59</sup> All the essential elements of the policy and strategic framework for sound public expenditure management are captured in the 2020 Vision Statement and are currently under implementation through various Ministerial programmes. According to the Monitoring Framework on Public Financial Management, four indicators were identified, namely:

- Improvement in Public Expenditure and Financial Accountability (PEFA) scores (every three years)<sup>60</sup>
- Comprehensive and Consolidated Accounts produced within three months of end of each year and published on MINECOFIN website
- Percentage of tenders exceeding threshold awarded by competitive bidding
- Value of Tenders awarded without approval of internal Tender Committees
- Number of public expenditure tracking surveys undertaken

### **Public Financial Management**

#### *Percentage of Tenders Exceeding Threshold Awarded by Competitive Bidding*

Rwanda established the Public Procurement Agency in 2008 to ensure oversight in all public procurements as a result of the decentralisation of the public procurement process through the establishment of Tender Boards in Ministries and other government agencies. The law as it stands today requires that procurement over Rwf 500,000 be opened to public bidding.

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57 Kaufmann, D., Kraay, A., & Mastruzzi, M. Governance Matters V: Aggregate and Individual Governance Indicators for 1996-2005, World Bank (2006). p.4

58 Republic of Rwanda, *Joint Governance Assessment (JGA) Report, 2008*, p.46

59 *Ibid.*

60 Does not, therefore, apply to this study.

**Table 20: Comparative Audit Results of Tenders in value, 2007 & 2008**

Methods	Number in 2008	Amount in Frw	Methods	Number in 2007	Amount in Frw
IOB	125	125,645,926,657	IOB	109	93,279,326,365
IRB	9	3,350,296,823	IRB	33	7,499,452,871
NOB	203	46,763,559,933	NOB	181	54,107,633,566
NRB	9	6,858,561,944	NRB	2	1,877,028,065
Single Source	37	17,312,180,708	Single Source	28	7,197,178,239
Add. Contract	2	431,378,983	Add. Contract	4	338,659,126
Shopping	1	45,376,000	Shopping	5	807,189,361
<b>TOTAL</b>	<b>386</b>	<b>200,407,281,048</b>	<b>TOTAL</b>	<b>362</b>	<b>165,106,467,593</b>

Source: RPPA Report, 2008

#### Key

**Competitive Bidding:** **IOB:** International Open Bids; **IRB:** International Restricted Bids; **NOB:** National Open Bids; **NRB:** National Restricted Bids

**Other:** Single Source, Additional Contract, Shopping

The total number of tenders awarded in 2008 amounted to 386, compared to 362 in 2007. This represents an increase of 6.6%. However, in terms of value, the amount increased significantly by about 21.4%, from 165.1 billion Rwf to 200.4 billion (see Table 20).

**Table 21: Competitive Bidding 2007 and 2008 in percentage and value**

	Methods	Number in 2008	Amount in Frw	Methods	Number in 2007	Amount in Frw
1	IOB	125	125,645,926,657	IOB	109	93,279,326,365
2	IRB	9	3,350,296,823	IRB	33	7,499,452,871
3	NOB	203	46,763,559,933	NOB	181	54,107,633,566
4	NRB	9	6,858,561,944	NRB	2	1,877,028,065
	<b>Total</b>	<b>346</b>	<b>182,618,345,357</b>	<b>Total</b>	<b>325</b>	<b>156,763,440,867</b>
	<b>%</b>	<b>89.64</b>	<b>91.12</b>		<b>89.78</b>	<b>94.95</b>

Source: RPPA Report, 2008

It is important to note that in 2008 the competitive bidding for the tenders counted for 89.6% of the total biddings with a value of more than 182 billion Rw francs. Although the amount is higher than that of 2007, it is still lower in terms of percentage value (this was consistent with the proportion posted in 2007 at 89.8%). The high percentage of competitive bidding is an indication of greater transparency in state financial transactions, and surpasses the 80% target set out in the Procurement Action Plan in the Rwanda Country Procurement Issues Paper<sup>61</sup>.

However, although in 2008 non-competitive bidding increased marginally by 8.1% in volume over the 2007 figures, the amount involved increased significantly, virtually doubling, from 8.3 billion to 17.78 billion, an increase of 53% (see Table 22).

61 World Bank and Republic of Rwanda, *Country Procurement Issues Paper June 24, 2004*. Quoted from *Rwanda Joint Governance Report, op. cit.*, p.51

**Table 22: Non- Competitive Bidding 2007 & 2008 in numbers and value**

Methods		Number in 2008	Amount in Frw	Methods	Number in 2007	Amount in Frw
1	Single Source	37	17,312,180,708	Single Source	28	7,197,178,239
2	Add. Contract	2	431,378,983	Add. Contract	4	338,659,126
3	Shopping	1	45,376,000	Shopping	5	807,189,361
4	<b>TOTAL</b>	<b>40</b>	<b>17,788,935,691</b>	<b>TOTAL</b>	<b>37</b>	<b>8,343,026,726</b>

Source: RPPA Report, 2008

It is worth noting that single sourcing contributed the lion's share in the category of non-competitive bidding. During the same period, although single sourcing increased by 32.1% from 28 to 37 firms, the value more than doubled, from approximately 7.2 billion Rwf to 17.3 billion, an increase of 140.5%. At the same time, additional contracts doubled in volume, although the value increased by 27.3%.

**Table 23: Audited Enterprises**

Status/Criteria	Year of Audit / Sample/Results in %		Comment
	2007	2008	
	Sample : 56 entities	54 entities (17 of which were audited in 2007)	
Existence of annual procurement plan (against the number of entities)	25%	68%	Slight improvement
Use of open competitive Tendering method <i>*In terms of the number of entities audited</i>	32%	47.20%	Slight improvement
<i>* In terms of the value of tenders audited</i>	81.3%		
Availability of TOR/RFP	77%	59%	Fall
Availability of Bid Opening Reports	47%	56.1%	Slight improvement
Availability of Bid Evaluation reports	74%	82.50%	Slight improvement
Request for No Objection	78%	48.70%	Fall
Notification to Successful Bidders	59%	70.30%	Slight improvement
Existence of Performance Security	36%	48.70%	Slight improvement
Existence Contract/ Purchase Order	55%	40.20%	Fall
Existence of adequate filing documents (against number of entries)	41%	27.80%	Very delicate

Source (RPPA Report, 2008, pp.25-26)

The RPPA audit of 2008 reveals that out of the ten criteria examined, three had fallen from the previous year's performance, with the issue of adequacy in filing documents in terms of contracts awarded dropping to delicate levels (Table 23). This is dismal performance in terms of management information systems. However, on a positive note, there was an improvement in the availability of bid evaluation reports at 82.50% which is above the threshold of 80% as required by the policy.

### Public Expenditure Tracking

With regard to public expenditure tracking, the Auditor General is required by the Constitution to submit annually to both Chambers of parliament a complete report on the state of financial performance for the previous year<sup>62</sup>.

The latest report available from Auditor General's is for the year 2007 (see Table 24 below). Out of a total of 355 entities, only 112 (31.5%) audits were carried out, with a total of 125 reports issued. Out of these reports, 122 (97.6) were qualified, with only three unqualified.

**Table 24: Report of the Auditor General for the Year Ended 31<sup>st</sup> December 2007**

		Total Number of Entities & Projects	Audits carried out	Total Number of Reports issued	Number of Qualified Reports	Number of Unqualified Reports
a	Ministries and other Central Administration units	128	45	48	47	1
b	Government Projects and Programs	149	10	11	10	1
c	Districts	30	30	30	30	0
d	Province and Kigali City	5	5	5	4	1
e	Government Business Enterprises	32	8	17	17	0
f	Audit of UNAFRI	1	1	1	1	
	<b>Sub Total</b>	<b>345</b>	<b>99</b>	<b>112</b>	<b>109</b>	<b>3</b>
g	Audit of salaries	N/A	1	1	1	0
h	State consolidated financial Statements	N/A	1	1	1	0
i	Peace Keeping Operations	N/A	1	1	1	0
j	Small projects audited (implemented through public entities )	10	10	10	10	0
	<b>Total</b>	<b>355</b>	<b>112</b>	<b>125</b>	<b>122</b>	<b>3</b>

Source: Report of the Auditor General of State Finances 2007, p.3.

### Anti-Corruption

Compared to many African countries, Rwanda performs relatively well in terms of control of corruption. As a key indicator of government effectiveness, anti-corruption in both the public and private sector enhances the effective delivery of services, integrity and legitimacy of core institutions and promotes the equitable distribution of resources by checking the conflict of interest and abuse of power/office by those in positions of authority.

In order to step up its fight against corruption, the Government of Rwanda has put in place a number of institutions, for example the National Tender Board, the Office of the Auditor General and the Ombudsman's Office. It has also set a code of ethics. Meanwhile, the civil society and media are expected to act as watch-dogs.

While the extent of corruption and anti-corruption efforts can be assessed by looking at the number of cases reported to the police and the Ombudsman comparing this with the actual number of successful prosecutions, the survey focused on the public's perceptions and experiences of corruption as a key indicator of the effectiveness of Rwanda's anti-corruption efforts.

62 "Article 184 of the Constitution, as amended to date, stipulates that the Auditor General shall submit each year to each Chamber of Parliament, prior to the commencement of the session devoted to the examination of the budget of the following year, a complete report on the state financial statements for the previous year. That report must indicate the manner in which the budget was utilized, unnecessary expenditure which was incurred or expenses which were contrary to the law and whether there was wasteful expenditure or misappropriation." (Report of the Auditor General of State Finances for the Year Ended 31 December 2007, p.5).

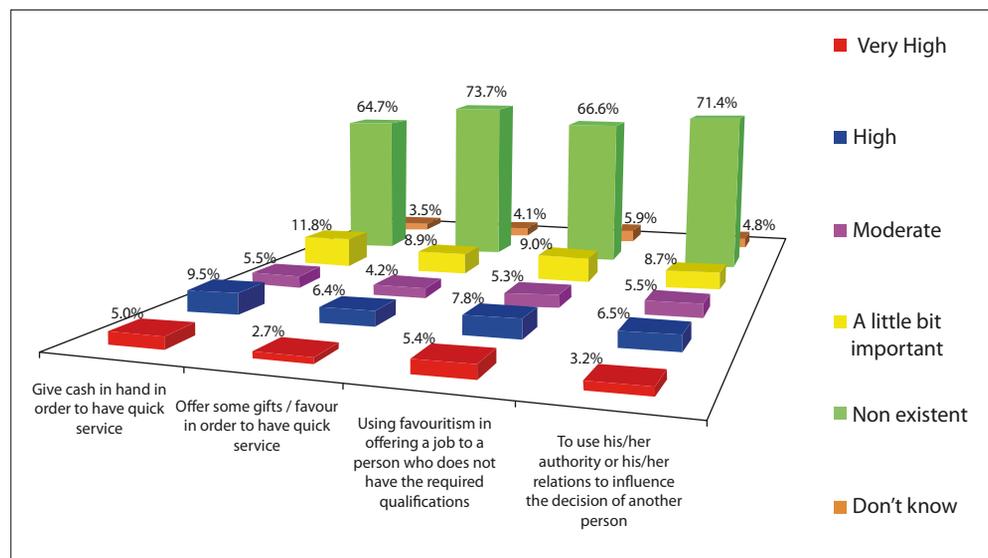


Figure 23: Rating Corruption by Type

### Forms of Corruption in Rwanda

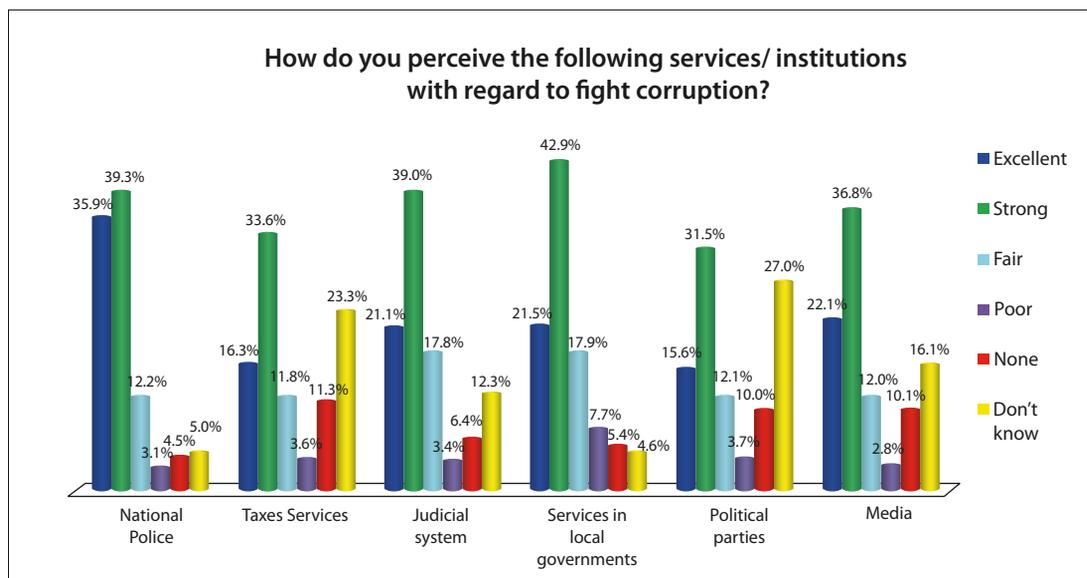
Given the amorphous and ambiguous character of corruption, the survey first sought to map the most prevalent forms of corruption practiced in Rwanda. According to the findings, a significant percentage of those interviewed (14.5 %) considered/ thought that Rwandans give cash in hand in order to obtain quick services while 67.4% of the respondents stated that this practice was non-existent in the society. Similarly, 9.1% of the respondents confirmed that gifts/favours were given in order to obtain quick service in Rwanda.

With regard to abuse of office, mostly manifested in using favouritism to give a job to someone who is not qualified to perform the required duties, 66.6% of respondents stated that such a practice was non-existent in Rwanda. A higher percentage (71.4%) of the respondents stated that no one used their authority or relations to influence the decisions of other people in a manner inconsistent with the prevailing code of ethics.

### Effectiveness of Institutions /Services with Regard to the Fight against Corruption

The Government of Rwanda has embarked on a number of anti-corruption measures which range from reforms aimed at strengthening the legal and institutional framework against corruption to sound public financial management systems, good corporate governance and transparent political party funding. These broad based attempts to fight corruption means that a large number of actors become involved in the process with varying degrees of success and or effectiveness. As such, the survey looked at the public perceptions of different institutions/services with regard to the fight against corruption.

Earlier expressions of confidence in the National Police, as the state security apparatus tasked with the responsibility to protect the citizens and their property, is extended to perceptions of its effectiveness in the fight against corruption. 75.2% of the respondents consider the National Police to be a “strong /excellent” participant in the fight against corruption (see Figure 24). With the exception of the tax services (49.9%), the other government institutions such as Judicial service (60.1 %) and Services in Local Government, (64.4 %) are also considered to be more effective in their fight against corruption.



**Figure 24: Perception rating of Institutions in Anti-corruption crusade**

However, there seems to be little confidence in the activities of political parties (47.1 %) while the media seems to have an above average rating (58.9 %) in so far as the perceptions of its anti-corruption efforts are concerned. The general view therefore, is that government institutions are more concerned or effective in the fight against corruption in Rwanda.

The Office of the Ombudsman is an important institution in the fight against corruption. According to its 2008 report (see Table 25 below), a total of 482 files were opened on corruption in Rwanda.

**Table 25: Files on Corruption cases received and followed up by the Office of The Ombudsman during The Year 2008<sup>63</sup>**

Category	Finalized cases	Files sent to other state organs	Files still pending	Total
Justice sector	5	-	1	6
Administration and Labour	152	5	2	159
Poor Service Delivery in Local Authorities	6	4	1	11
Tenders	5	2	1	8
Wealth declarations	-	20	-	20
Unexecuted Court Judgments	140	-	-	140
Land and settlement issues	136	-	-	136
Churches	2	-	-	2
<b>Total files</b>	<b>446</b>	<b>31</b>	<b>5</b>	<b>482</b>

*N.B:*

- Files in the Justice Sector relating to “corruption” are those that show the dissatisfaction of the population vis-à-vis the cases as either rendered by the Courts, the mediation committees or as handled by the Police.

<sup>63</sup> Source: Table 8 in the Activities Report of the Office of the Ombudsman for the Year ended 2008, p. 50.

- Labour files are those especially relating to Salary arrears, poor personnel management and, illegal hire and fire of staff;
- Tenders files are those that relate to the supply of foodstuffs to Kigali Health Institute, Preparation of the long-term strategic plan of FARG, and other various illegal tenders in public organs;
- Churches files are those relating to sectarianism, swindling of Aid and seeking for gifts from the people so that they may appear on the list of those to have access to Aid from Caritas.

The Office of the Ombudsman is an important institution in the fight against corruption. According to its 2008 report (see Table 25), a total of 482 files were opened on corruption out of which 446 cases were finalised. During the same year, fifteen people were imprisoned on corruption charges, compared to 79 the previous year (see Table 26 below).

**Table 26: List of Those Convicted On Corruption and Respective Penalties/Punishments<sup>64</sup>**

Year	Number	Punishment
<b>2005</b>	17	Imprisonment ranging between 1 and 5 years
	2	Imprisonment ranging between 6 and 15 years
	2	Imprisonment ranging between 4 and 5 months
	2	Fine of 10.000 Rwandese Francs
<b>Total</b>	<b>23</b>	
<b>2006</b>	51	Imprisonment ranging between 1 and 5 years
	6	Imprisonment ranging between 5 and 15 years
	4	Imprisonment ranging between 2 and 8 months
	1	Life imprisonment
<b>Total</b>	<b>62</b>	
<b>2007</b>	68	Imprisonment ranging between 1 and 5 years
	4	Imprisonment ranging between 5 and 15 years
	4	Fines
	3	Imprisonment ranging between 2 and 8 months
<b>Total</b>	<b>79</b>	
2008	13	Imprisonment ranging between 1 and 5 Years
	2	Imprisonment ranging between 6 and 10 years
<b>Total</b>	<b>15</b>	
GRAND TOTAL	179	

#### *Dynamics of Bribing in Rwanda*

While 91.6 % of the respondents state that they have not been asked to pay a bribe in the past 12 months (see Figure 25), of the 8.3% who have been asked to do so, the majority (64.6%) quoted Local Government service providers (see Figure 26). Coming a distant second are the National Police (13.8%) followed by members of Civil Society Organizations (7.7%). The other institutions seem to be relatively less corrupt or engage in corrupt practices that do not involve the taking/asking for bribes. These include: prosecution (2.4%), prison (0.3%), tax, health and education services (1% each), the judicial system (2.0%), public procurement (0.7%), business men (1.3%), political parties (0.7%), media (1.0%) and Faith based Organisations - FBOs (0.3%).

<sup>64</sup> Source: Table 9 in the Activities report of the Office of the Ombudsman for the year ended 2008, p. 51.

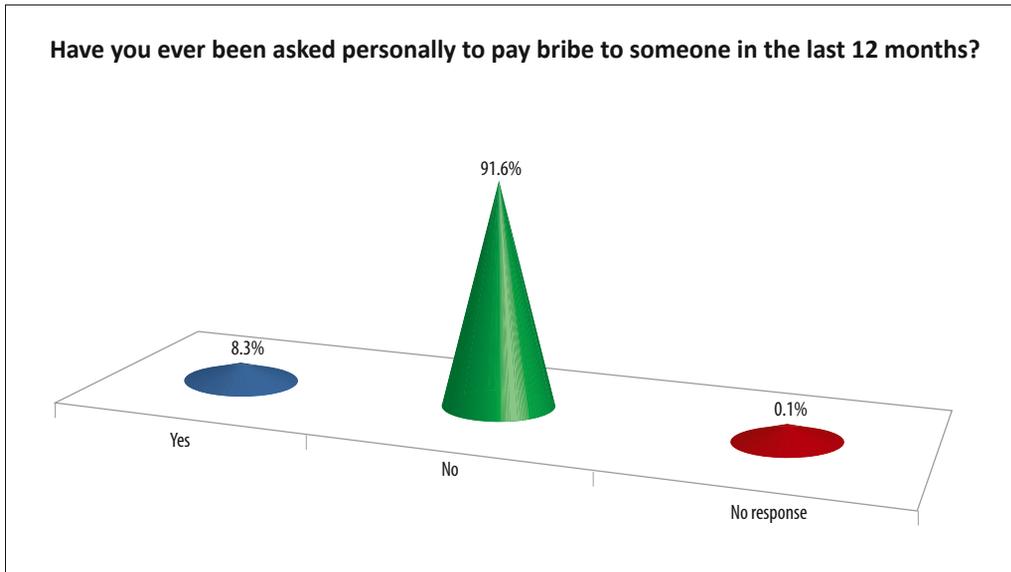


Figure 25: Personal experience in Corruption in the preceding 12 months

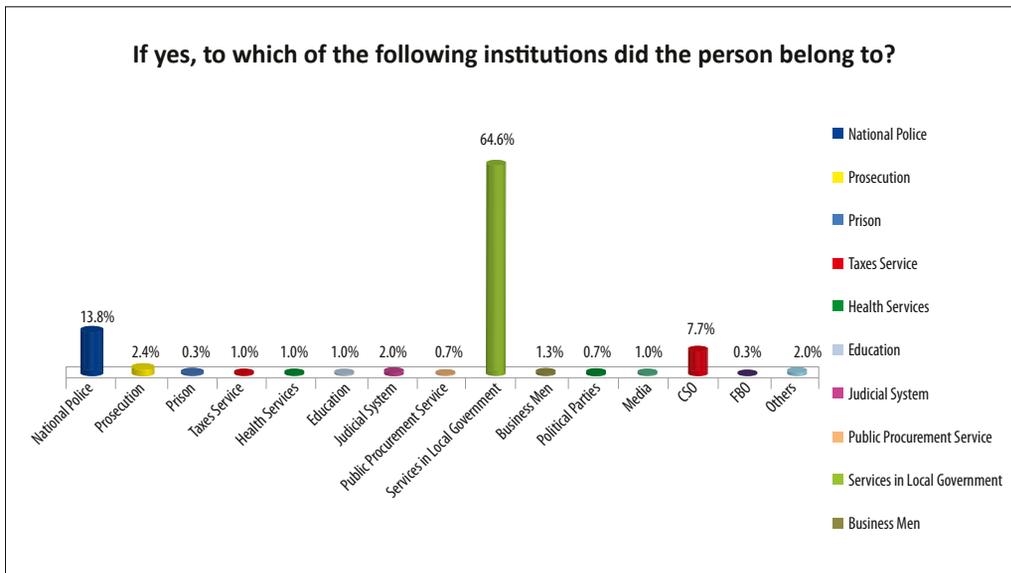
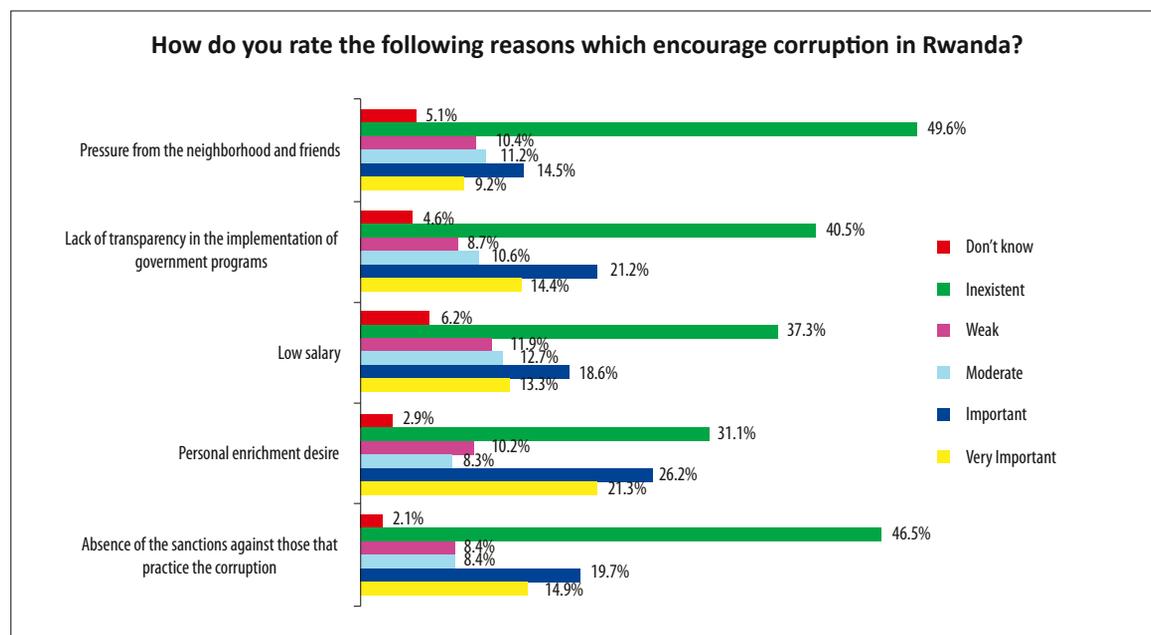


Figure 26: Rating of Institutions in Bribe-taking

It is also worthwhile to note that there is no direct correspondence between the in/effectiveness in fighting against corruption and the bribe taking practices. For example, the National Police are more effective in their fight against corruption when compared to political parties but the likelihood of being asked for a bribe by a police officer seems to be higher than that of being asked for a bribe by members of CSOs and political parties, entities that are rated as relatively less effective in their fight against corruption.



**Figure 27: Factors Motivating Corruption**

*Corruption in Rwanda: Motivating Factors and Strategies for Building Moral Values in the Fight against Corruption*

Motivation and opportunity are the elements that generally underlie the commission of corrupt practices. Motivating factors include but are not limited to: economic gain, greed, quest for prestige or recognition, or even notions of moral superiority (where the perpetrators of the corrupt act feel morally superior to the victim).

In the case of Rwanda, the motivation and opportunity for corruption can be attributed to affective and structural motivation factors. In so far as the affective factors are concerned, 31.9 % of the respondents felt that the low salaries were a key motivating factor while 47.5 % of the respondents considered the desire for personal enrichment to be a strong motivation for corruption. In terms of structural motivation, 34.6 % of the respondents felt strongly that the absence of sanctions (impunity) against those that practice corruption was a significant motivating factor. On the same register, 35.6% of the respondents considered the lack of transparency in the implementation of government programs to be a considerable motivation for corruption.

The inter-articulation of *affective* and *structural* motivations for corruption is best reflected in the views on whether pressure from the neighbourhood and friends contributed to corrupt practices. Given that peer pressure has both affective and structural elements, the fact that 23.7% of those interviewed considered it to be a very important motivating factor tells us a great deal about the extent to which corruption has been integrated into popular discourse in Rwanda. The above view is well captured in the popular view (60% of respondents) that pressure from neighbours and friends is weak or non-existent, a view that translates to the overall notion that motivation for corruption is either weak or non-existent in Rwanda.

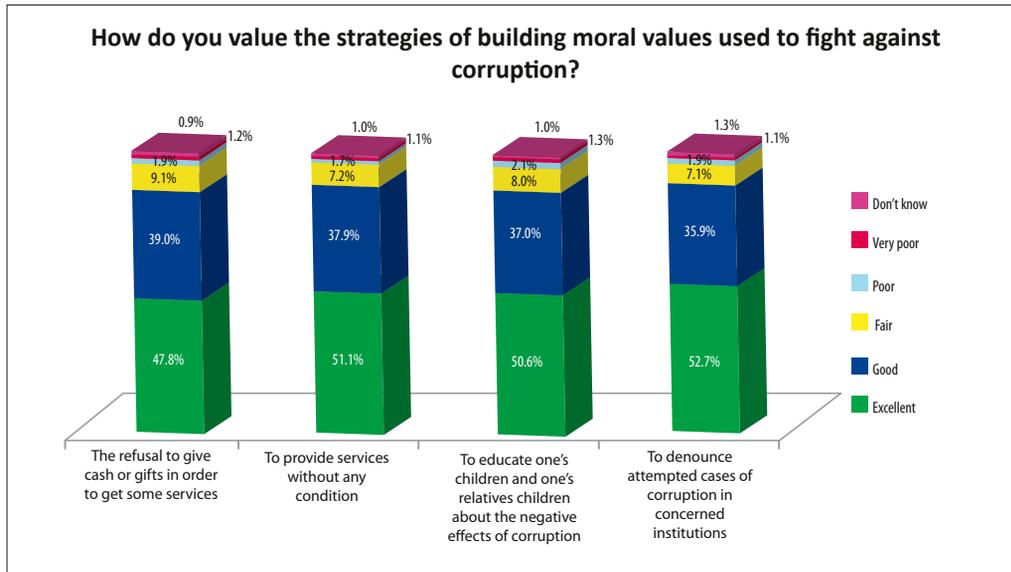


Figure 28: Ranking of Strategies for Moral Value construction against Corruption

While the above reading of the motivation and opportunities for corruption suggests that there is little opportunity or motivation to engage in corrupt practices in Rwanda, a close look at how the public values the strategies for building moral value to fight against corruption may help to provide a more holistic picture of the extent to which corruption or anti-corruption has become part of Rwanda’s socio-political culture.

For example, 86.8% of the respondents strongly agree that the refusal to give cash or gifts in order to get some services would be an effective strategy for the fight against corruption. On the other hand, 89% of the respondents felt that the unconditional provision of public services would go a long way in building the moral values required for the effective fight against corruption.

Being cognizant of the fact that corruption is/can be influenced by culturally mediated interactions with peers, family members and friends, 86.7% of the respondents felt that educating relatives, children and friends about the negative effects of corruption could contribute towards creating the moral fabric required to fight against corruption. Finally, and being cognizant of the structurally instituted values that act as motivators for the commission of corrupt practices, 88.7 % of respondents felt that denouncing attempted cases of corruption in concerned institutions would be an effective strategy for the promotion of the desired values.

*State Institution Strategies for the Fight against Corruption*

Perceptions of corruption are not necessarily based on personal experience with corruption or personal strategies for the promotion of moral values useful for the fight against corruption. State institutions also play a key role in the fight against corruption using a variety of strategies that impact on the affective and structural motivations for corruption in Rwanda.

The survey asked the respondents to rate the most important state strategies for the fight against corruption. The most highly rated included the state’s effort to educate and to inform the citizens on their rights and civic obligations (90.2%) followed closely by the top leadership’s efforts to serve as an example (89.8%) – see Figure 29. Similarly, most of the respondents felt that state control and punishment of those involved in corrupt practices was a highly effective means of dealing with corruption (86.4%). The same is said of the mediatisation of corruption cases where respondents felt that the deployment of different genres of expression in the fight against corruption was an excellent or good strategy (81.9%).

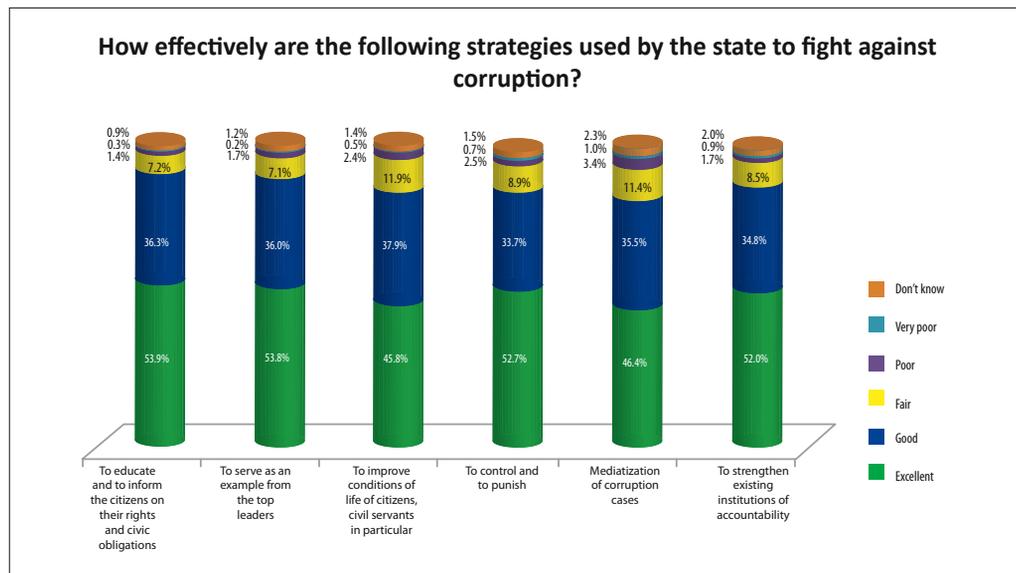


Figure 29: Ranking of effectiveness of State Strategies against Corruption

Beyond the aforementioned symbolic interventions, the importance of institutions and processes that impact on the material conditions of existence of the citizens and workers was also highlighted. For example, respondents felt that improving the standards of life of the citizens, with specific focus on the civil servants had increased the success rate of the state’s anti-corruption initiatives (83.7%). Efforts to strengthen existing institutions of accountability were also considered to be a highly effective strategy (86.8%).

From the above, it is clear that citizens have invested a high level of trust in the state working either independently or in collaboration with a number of actors such as academic institutions and the media in the fight against corruption.

Although corruption cannot be said to be widespread in Rwanda, the positive ratings that the state and other agencies receive and the notion that a Rwanda is corruption free should not be taken for granted. At a minimum, the positive ratings should act as an incentive for further inquiry and institution building predicated on the fact that individual attitudes toward corruption are complex and contingent on myriad factors. Key among these being that perception and tolerance of corruption is greatly influenced by the social, economic and political contexts of the people/ societies under study.

### Decentralization

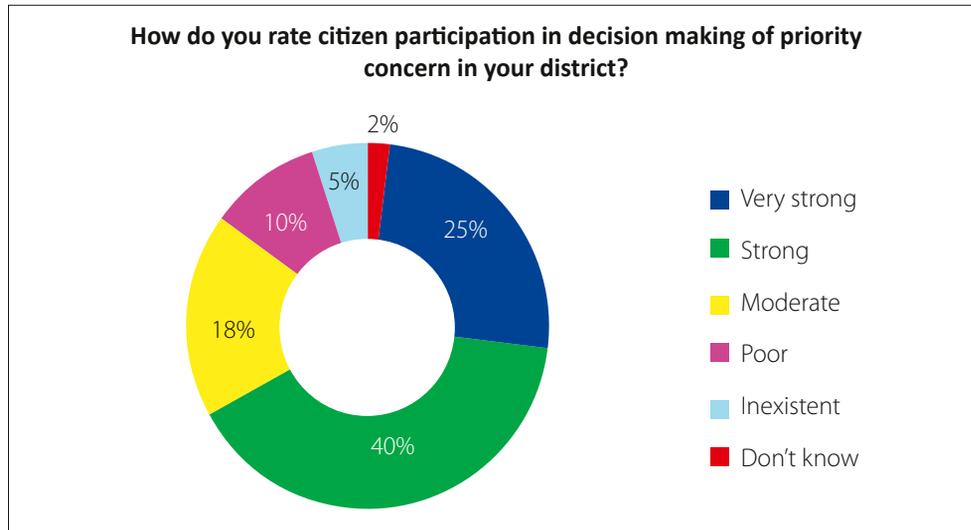
Decentralization involves initiatives geared towards bringing government closer to the citizens in order to strengthen voice, accountability and make policy and service delivery more responsiveness to public needs.<sup>65</sup> Through deconcentration and devolution, decentralization enhances the effectiveness and efficiency of planning, encourages local people to participate in political and development projects and strengthens accountability and transparency in governance.

Unlike over-centralization in governance which is characterized by arbitrary decision making, unchecked and unbalanced authority and *state capture*, one of the key characteristics of decentralization is the continuing responsiveness of the government to the preferences of the citizens. As such, decentralization affords citizens an opportunity to curtail the use of discretionary powers by governments and elite groups in distribution of resources and the policy making process. It also gives the citizens a voice that helps them influence the *formation* and *implementation* of policy.

<sup>65</sup> Republic of Rwanda, *Joint Governance Assessment (JGA) Report*, 2008, p.57.

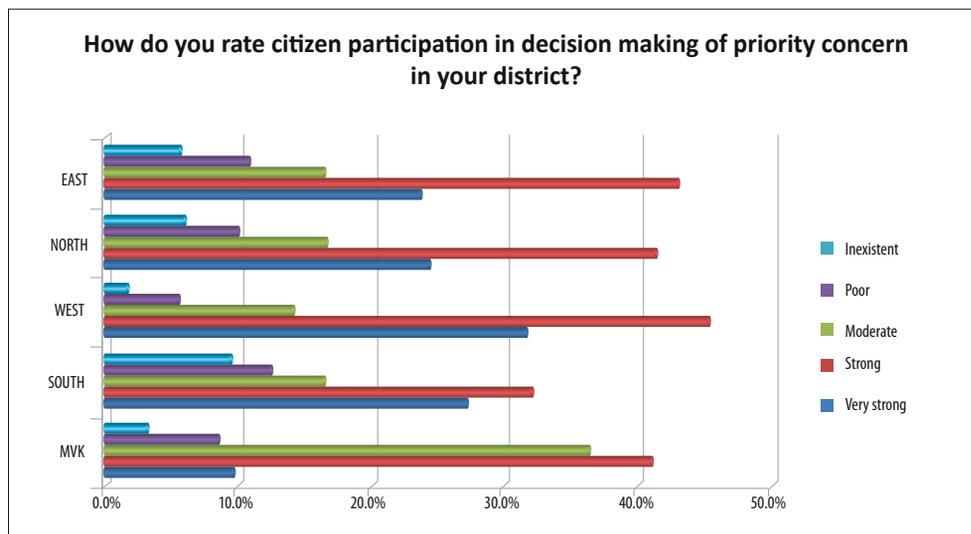
*Citizen Participation in Decision Making and Leadership Responsiveness*

One of the defining characteristics of decentralization is popular participation in the decision making process. While the freedom to make demands on the government is a useful indicator of such participation, meaningful citizen participation requires that the government/leadership responds in a timely and effective manner consistent with the people’s needs and aspirations.



**Figure 30: Rating of Citizen Participation in decision-making as a Priority concern**

When citizens were asked to rate their participation in the decision making processes in their districts, 24.7% of the respondents considered their participation to be very strong while 40.3% said their participation was strong. 18.6% felt that their participation was moderate and 9.6% felt that it was poor (Figure 30).



**Figure 31: Rating of Citizen Participation in decision-making as a Priority concern by province**

Disaggregated by Province, citizen perception of their participation is highest in the West (with “very strong” and “strong” recording 31.7% and 45.5% respectively), with MVK recording the lowest at 9.6% and 41.1% respectively. Southern Province recorded the highest rate in terms of “poor/inexistent” participation at 21%, as opposed to MVK’s 10.7% (see Figure 31).

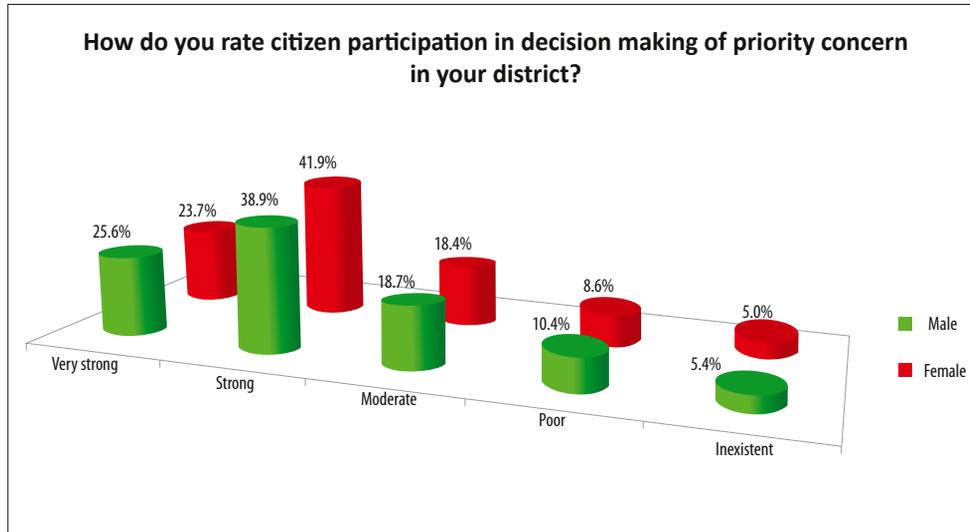


Figure 32: Gender rating of citizen participation in decision-making as a priority concern

In terms of gender, the survey did not find significant disparity between men and women as regards their perception of citizen participation in decision making as a priority concern as illustrated by Figure 32 above.

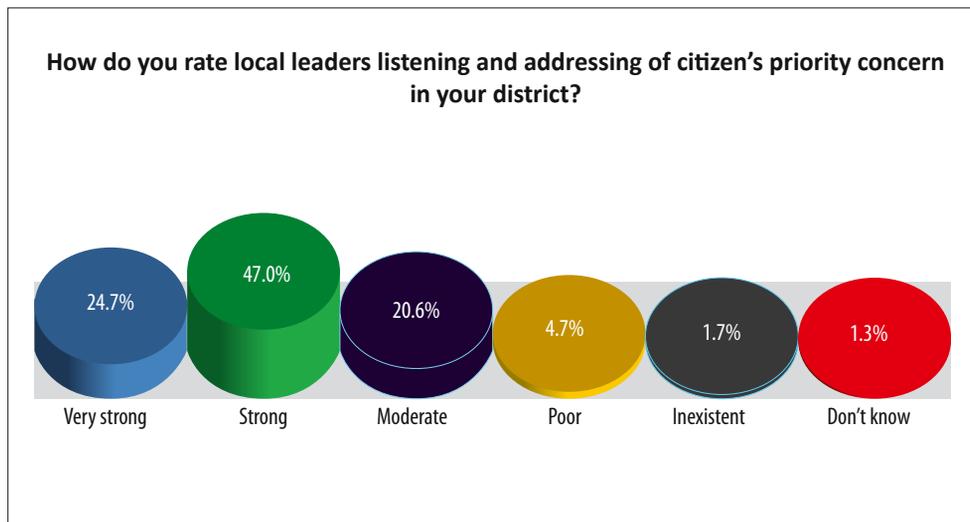


Figure 33: Rating of Local leaders listening and addressing Citizens' priority concerns

When asked to rate how their local leaders listened to and addressed citizen concerns at the district level, 24% of the respondents felt that their leaders were “very strong” on this particular point while 47.0% felt that their leadership’s ability to listening to and address their concern was “strong” (Figure 33).

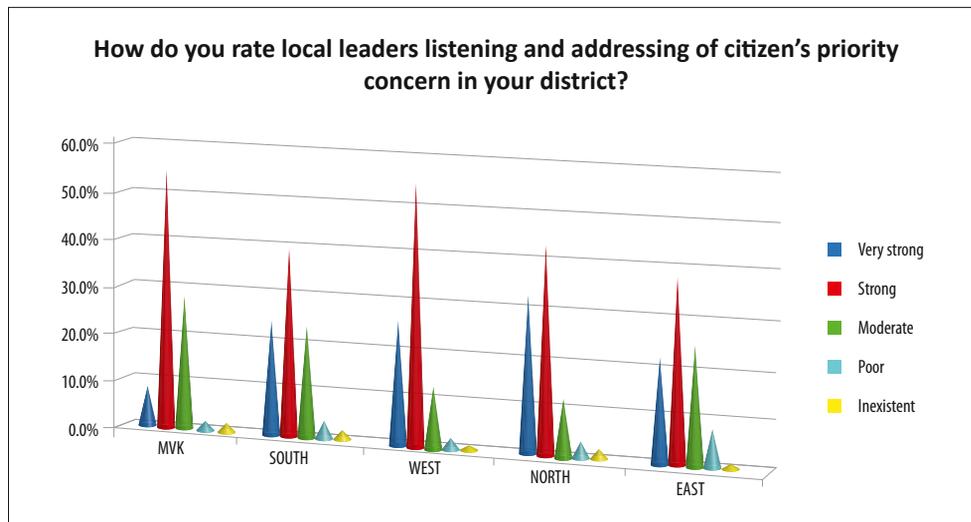


Figure 34: Rating local leaders listening and addressing of citizen’s priority concern by Province

If juxtaposed with the citizens’ perception of their participation in the process, then there seems to be effective participation given that the citizen’s rating of their own participation on the basis of their demands is at par as reflected in their rating of the leaders’ responsiveness. This is confirmed by the provincial ratings, which more or less reflect the national aggregate.

When disaggregated by province, Northern Province scored highest in terms of “strong”/“very strong” (79.2%) when rating the leaders’ listening and addressing citizens’ priority concerns, with eastern Province scoring 63% for the same response (see Figure 34). Regarding the lowest perception ranking (“poor”/“inexistent”) MVK scores lowest at 4% compared to 10.2% score by Eastern Province. This means that more than twice as many inhabitants of MVK as of Eastern Province decry the poor or inexistent listening of the leadership as regards citizens’ priority concerns.

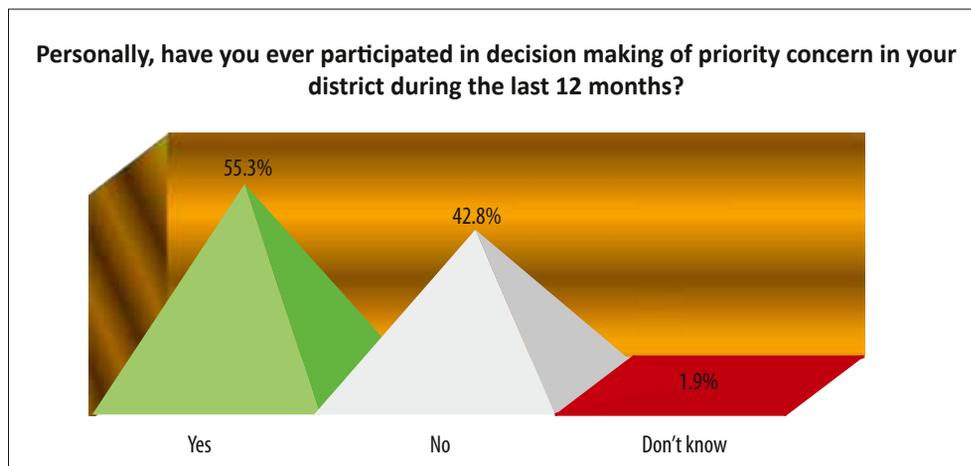


Figure 35: Respondents’ Personal participation indecision-making in the 12 preceding months

However, when asked if they had personally participated in the decision making of priority concerns in their district over the past 12 months, 55.3% responded that they had participated while 42.8% of the respondents had not (Figure 35).

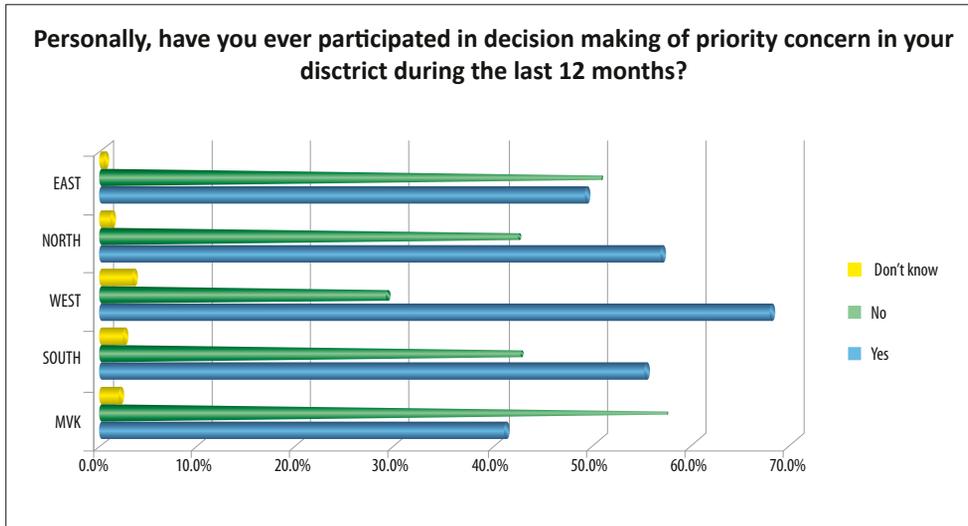


Figure 36: Respondents' Personal participation indecision-making in the 12 preceding months by Province

At the provincial level, Western province leads with the number of respondents who have participated in the decision making of priority concern with MVK recording the lowest (Figure 36 above).

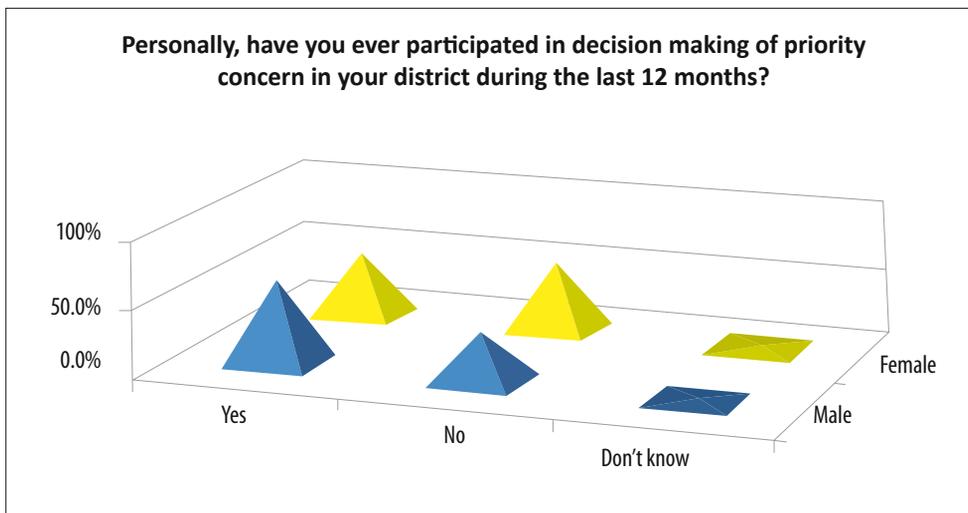
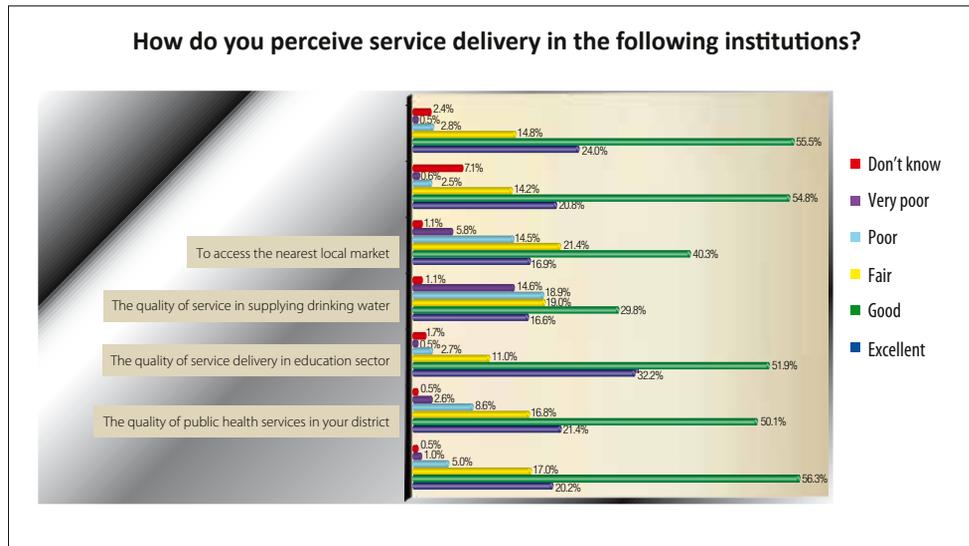


Figure 37: Respondents' Personal participation indecision-making in the 12 preceding months by gender

Disaggregated by gender, more men than women had participated in decision-making during the 12 preceding months. For example, 62.9% of the males interviewed said they had participated in decision-making, as opposed to 46.6% of the females. This means that the proportion of females taking part in decision-making is higher than the constitutional threshold of 33% regarding leadership positions but still significantly lower than the percentage of men (see Figure 37).

**Public Service Delivery**

The survey asked the citizens to evaluate service delivery in a range of areas, namely public health, education, water supply and the quality and speed of responsiveness at the sector and district level.



**Figure 38: Perception of Service Delivery in select institutions/services**

As Figure 38 shows, the highest level of positive evaluations were given to the quality of service delivery in education sector (84.1%) followed by the quality of public health services at the district level (71.5%).

With regard to responsiveness, the respondents were generally satisfied with the speed of handling citizens’ requests at the sector level (79.5%) and the speed of handling request at the district level (75.6%). Less than half of the respondents approved of the quality of service in supplying drinking water (46.7%) while 57.2% felt that satisfied in so far as access to the nearest local market was concerned. Overall it seems like the citizens are relatively satisfied with the speed and quality in the delivery of a number of key services, with the exception of water and access to the nearest local market.

When asked if they had personally experienced poor services in the past 12 months, 13.3% of the respondents felt that they had received poor services while the majority expressed satisfaction (86.1%) – see Figure 39.

Dissatisfaction was recorded with the service provision by local government (35.4%) and services at grassroots levels (village, Cell, Sector) 27.8%. In terms of sectors , health services was where the worst was recorded, (21.3%), while the National Police, education sector, prosecution, taxation services, prison and judicial system all had less than a 10% disapproval record (see figure 40).

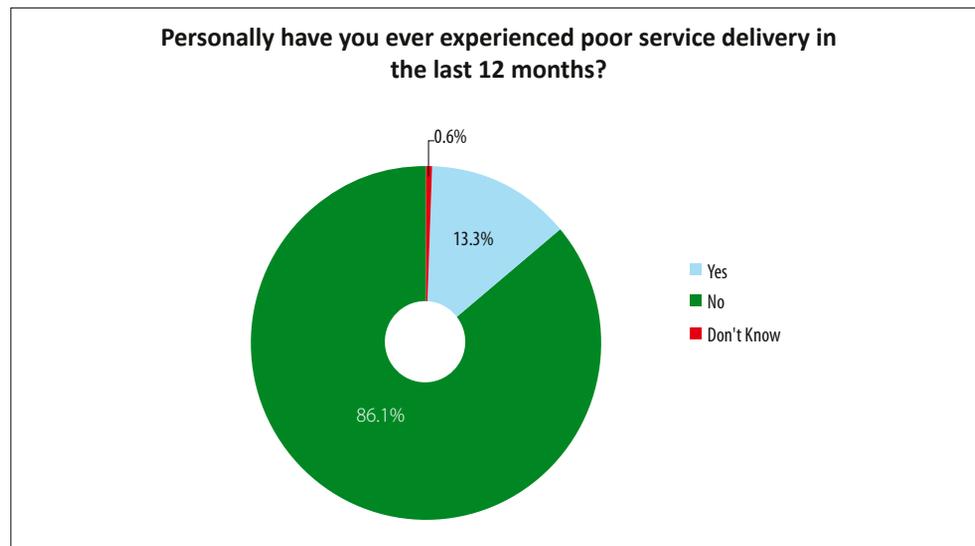


Figure 39: Respondents' Personal Encounter with Poor Service delivery in the preceding 12 months

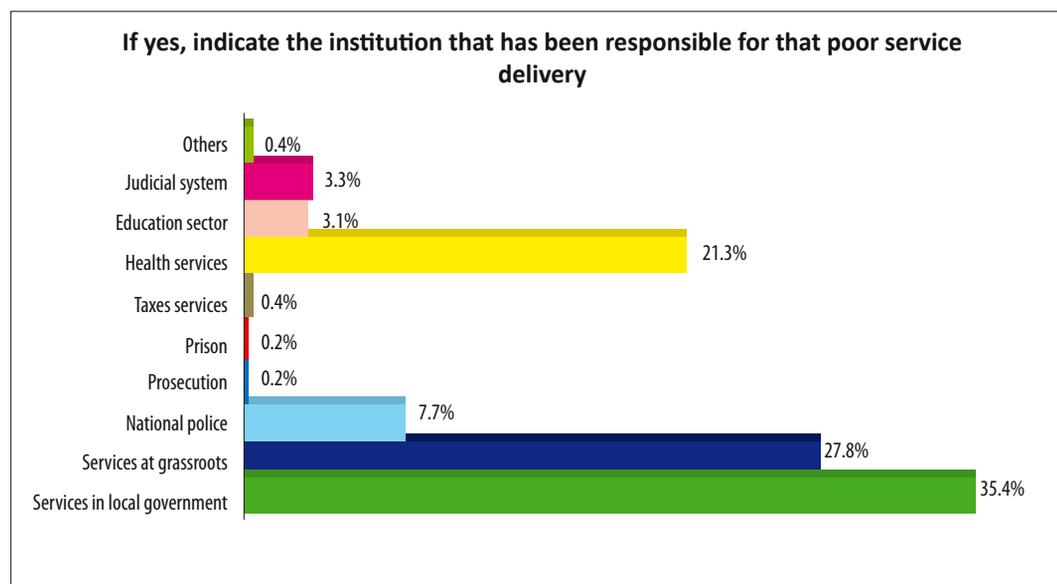


Figure 40: Rating of Institutions/Sectors with Poor Service Delivery

While this may be reflective of the general feeling of the citizens regarding service provision, water and markets seem to lag behind while vital services like housing, energy, credit facilities, roads and various forms of inputs required for agricultural or other forms of production were excluded from this survey. Thus, it might be useful to revisit this list of indicators in order to have a more representative set of variables against which one can gauge the leaderships responsiveness to the citizen's needs.

### Publication and Availability of District Government expenditure

The Consolidated Statement of receipts and payments of Local Governments for the year ended 30<sup>th</sup> June 2009 were published as required by the law<sup>66</sup>. The publication and availability of District Government Expenditure enhances transparency as the Districts are now required by law also to reveal their sources of local income. This particular legislation requires budget agencies to submit annual reports which include all revenues collected or received and all expenditures made during the fiscal year, as well as a statement of all outstanding receipts and payments before the end of the fiscal year.

The adherence to this requirement made it possible to establish the consolidated statement of cash receipts and payments of Local Governments for the year ending 31<sup>st</sup> December 2008 and January to June 2009<sup>67</sup>. Thus records of funds flow from the Districts are now available for scrutiny by members of the public (Table 27).

**Table 27: Consolidated statement of cash receipts and payments of Local Governments for the period 1 January to 30 June 2009**

	Notes	30-Jun-09 Frw	31-Dec-08 Frw
<b>Revenues</b>			
Transfers from Central Treasury	4.3.1	44,052,802,263	84,538,680,466
Transfers from other Budget Agencies	4.2.1	18,214,388,105	36,694,286,704
External funding	4.3.2	2,789,250,293	5,321,713,162
Other income	4.3.3	11,019,622,099	18,600,278,615
<b>Total Revenues (A)</b>		<b>76,076,062,760</b>	<b>145,154,958,947</b>
<b>Expenses</b>			
Wages and Salaries		32,464,843,565	58,036,162,352
Purchase of goods and services		12,184,632,939	30,938,865,445
Arrears		188,573,673	590,342,056
Interest on domestic debts		7,282,932	10,574,703
Capital expenditure		14,569,074,026	28,709,997,403
Social assistance		2,102,256,982	2,872,562,299
Other expenses		110,414,219	70,292,242
Transfers to other Budget Agencies		1,327,106,429	
Other transfers to Non Budget Agencies e.g. sectors, schools, high courts etc		13,665,362,348	29,385,260,418
<b>Total expenses (B)</b>	4.3.4	<b>76,619,547,113</b>	<b>150,614,056,918</b>
<b>Surplus/deficit (C=A-B)</b>		<b>(543,484,353)</b>	<b>(5,459,097,971)</b>
Fund balance at beginning of year (D)	4.3.5	11,385,290,209	18,312,501,263
Adjustment on opening balance (E)	4.3.5	398,215,421	(1,468,113,083)
<b>Adjusted opening balance</b>		<b>11,783,505,630</b>	<b>16,844,388,180</b>
<b>Fund balance at end of year (F=C+D+E)</b>	4.2.1	<b>11,240,021,277</b>	<b>11,385,290,209</b>

Source: MINECOFIN, Consolidated Accounts for 2008 and 2009 Budget

66 This is in line with Article 70 of the Organic Law N° 37/2006 of 12/09/2006 as amended by Organic Law n° 65/2008 of 11/09/08 on State Finances and Property.

67 Rwanda changed its fiscal year in 2009 to July-June to conform to the practice in the other countries of the East African Community.

The financial transfers to the Districts clearly indicate marked and unmarked funds. As Table 28 below illustrates, earmarked transfers averaged slightly above 10% of the total transferred funds.

**Table 28: Financial Transfers to Districts from January to June 2009**

Financial Transfers (RWF) to Districts from January to June 2009 : na. = not applicable										
		DISTRICTS	Block transfers		Earmarked transfers		TOTAL		% Unearmarked	
			Budgeted	Transferred	Budgeted	Transferred	Budgeted	Transferred	Budgeted	Transferred
Eastern Province	1	Ngoma	212,797,744	212,797,744	1,575,233,225	1,289,457,765	2,088,466,168	1,984,217,896	10.19	10.72
	2	Bugesera	204,584,436	204,584,436	1,174,990,290	1,123,908,239	1,692,461,774	1,519,732,144	12.09	13.46
	3	Gatsibo	229,130,492	229,130,492	1,439,272,921	1,313,737,255	2,004,560,756	1,865,509,750	11.43	12.28
	4	Kayonza	207,472,572	207,472,572	1,175,873,511	1,048,709,706	1,697,085,826	1,333,266,852	12.23	15.56
	5	Kirehe	184,595,068	184,595,068	913,101,828	864,137,861	1,411,925,698	1,270,558,353	13.07	14.53
	6	Nyagatare	180,439,424	180,439,424	1,437,546,538	1,333,150,638	1,941,689,728	1,813,757,057	9.29	9.95
	7	Rwamagana	201,971,312	201,971,312	1,344,079,872	1,209,925,946	1,818,083,373	1,515,731,784	11.11	13.33
Southern Province	8	Huye	153,508,632	153,508,632	1,580,330,608	1,439,076,717	2,026,937,549	1,840,477,197	7.57	8.34
	9	Nyamagabe	234,429,900	234,429,900	1,606,727,001	1,539,327,146	2,168,566,391	2,019,092,144	10.81	11.61
	10	Gisagara	205,060,220	205,060,220	1,304,927,980	1,234,070,422	1,823,631,316	1,730,534,211	11.24	11.85
	11	Muhanga	186,275,952	186,275,952	1,687,306,614	1,540,844,318	2,173,260,219	1,923,102,863	8.57	9.69
	12	Kamonyi	166,047,244	166,047,244	1,067,298,706	1,015,016,923	1,537,825,339	1,479,119,594	10.80	11.23
	13	Nyanza	179,174,460	179,174,460	1,430,224,104	1,255,363,842	1,907,330,817	1,789,821,960	9.39	10.01
	14	Nyaruguru	260,836,736	260,836,736	1,198,396,439	1,062,129,155	1,776,933,030	1,527,940,453	14.68	17.07
Western Province	15	Rusizi	206,750,852	206,750,852	1,678,748,065	1,576,810,121	2,184,757,036	2,011,332,851	9.46	10.28
	16	Nyabihu	266,835,612	266,835,612	1,464,582,577	1,368,995,854	2,029,688,479	1,857,795,253	13.15	14.36
	17	Rubavu	174,843,744	174,843,744	1,596,884,286	1,506,556,408	2,044,446,653	1,796,383,727	8.55	9.73
	18	Karongi	196,007,596	196,007,596	1,633,697,410	1,562,488,069	2,142,144,051	1,930,907,023	9.15	10.15
	19	Ngororero	289,368,244	289,368,244	1,384,856,284	1,353,901,907	1,989,997,095	2,020,057,941	14.54	14.32
	20	Nyamashoke	204,551,780	204,551,780	1,745,123,058	1,705,590,386	2,272,421,074	2,028,222,879	9.00	10.09
	21	Rutsiro	233,249,000	233,249,000	1,215,151,255	1,129,861,462	1,777,260,229	1,587,809,890	13.12	14.69
Northern Province	22	Burera	250,930,280	250,930,280	1,278,804,485	1,156,662,955	1,855,477,489	1,669,229,669	13.52	15.03
	23	Gicumbi	239,841,300	239,841,300	1,758,074,021	1,614,928,176	2,319,473,789	1,977,162,666	10.34	12.13
	24	Musanze	194,812,800	194,812,800	1,678,870,676	1,594,234,071	2,155,887,485	1,942,120,398	9.04	10.03
	25	Rulindo	264,135,060	264,135,060	1,292,415,666	1,152,856,005	1,863,147,569	1,896,453,530	14.18	13.93
	26	Gakenke	247,675,276	247,675,276	1,478,396,482	1,325,746,124	2,056,751,410	2,037,832,249	12.04	12.15
	27	Ruhango	192,413,044	192,413,044	1,491,826,461	1,165,857,053	1,988,128,980	1,446,427,473	9.68	13.30
Kigali City	28	Nyarugenge	n.a.	na.	1,218,878,249	1,222,618,862	1,410,082,187	1,277,588,534	n.a.	n.a.
	29	Kicukiro	n.a.	n.a.	785,412,869	752,907,958	966,993,951	1,011,550,548	n.a.	n.a.
	30	Gasabo	n.a.	n.a.	1,393,494,581	1,240,855,074	1,645,147,203	1,568,391,223	n.a.	n.a.
	31	KCC	n.a.	n.a.	n.a.	n.a.	212,774,194	77,515,415	n.a.	n.a.
		Total	5,767,738,780	5,767,738,780	42,030,526,062	38,699,726,418	56,983,336,858	51,749,643,527	10.12	11.15

Source: National Decentralisation Implementation Secretariat (NDIS), in New Times Magazine, No 1989, December 2009.

The Districts on the other hand also generate some of their income from a variety of local sources known as internally generated revenue. The general classes of internally generated revenues include local taxes, fees for services provided, fines, penalties and forfeits. In this regard, Districts collected a total of Frw 11,019,622,099 during the period January to June 2009 (see Table 29)<sup>68</sup>. This amount was equivalent to 39.9% of the receipts from the Central Treasury, and 14.4% of the total receipts for the period.

**Table 29: Breakdown of income categories and amounts for internally generated receipts for the Districts Jan-June 2009**

Income category	Amount Frw
Tax on Business Income	230,276,984
Tax on Payroll Income	17,664,128
Tax on property income	2,651,816,529
Sale of Government Tangibles	55,470,890
Miscellaneous Fines	209,576,673
Sundry Administrative Fees	3,658,104,763
Other revenues	4,196,712,132
<b>Total other income</b>	<b>11,019,622,099</b>

In 2008, the breakdown of the locally generated income in the districts vis-à-vis total revenue ranged from 3.23% for Burera in the North (lowest) to 60.41% for Kicukiro in Kigali City. From among the rural districts, Rulindo in the North registered the highest ratio of local income, at 11.78% of its total revenue.

**Table 30: Percentage of District Generated Income compared with the total receipts of the years 2007 and 2008**

District	Total Receipts in 2007	Total internally generated Receipts	% of internally generated over Total Revenue without Opening Balance	Total Receipts in 2008	Total internally generated Receipts	% Generated receipts over Total Revenue without opening balance	
	<b>2007</b>			<b>2008</b>			
<b>A</b>	<b>South</b>						
1	Nyamagabe	4,151,435,456	276,937,397	6.67	5,659,522,811	<b>330,093,873</b>	5.83
2	Huye	4,654,633,922	669,097,799	14.37	4,577,187,785	<b>557,912,394</b>	12.19
3	Gisagara	3,394,639,119	172,202,168	5.07	3,354,763,398	<b>233,209,266</b>	6.95
4	Kamonyi	3,533,183,039	310,488,295	8.79	3,425,581,765	<b>381,234,996</b>	11.13
5	Nyaruguru	2,801,133,301	126,977,735	4.53	4,302,241,039	<b>229,110,175</b>	5.33
6	Muhanga	4,563,530,201	503,618,070	11.04	4,842,354,946	<b>341,660,770</b>	7.06
7	Ruhango	3,301,011,160	153,725,928	4.66	3,999,903,690	<b>213,005,214</b>	5.33
8	Nyanza	3,862,088,788	180,647,286	4.68	3,721,194,138	<b>234,407,052</b>	6.30
<b>B</b>	<b>West</b>						
9	Rutsiro	3,160,075,422	146,107,371	4.62	3,904,130,916	<b>206,343,571</b>	5.29
10	Karongi	4,811,469,081	202,073,871	4.20	5,804,252,327	<b>378,922,719</b>	6.53
11	Ngororero	3,706,606,713	184,677,206	4.98	4,070,024,741	<b>323,303,862</b>	7.94
12	Rusizi	4,997,379,393	458,698,230	9.18	4,936,009,932	<b>367,541,053</b>	7.45

<sup>68</sup> The bulk of these were received from non-tax receipts, sundry administrative fines and taxes on property income.

District	Total Receipts in 2007	Total internally generated Receipts	% of internally generated over Total Revenue without Opening Balance	Total Receipts in 2008	Total internally generated Receipts	% Generated receipts over Total Revenue without opening balance	
13	Nyamasheke	4,749,172,483	589,888,057	12.42	5,182,512,278	496,441,171	9.58
14	Rubavu	4,200,929,372	529,224,219	12.60	5,293,892,939	500,645,947	9.46
15	Nyabihu	3,692,683,404	439,926,260	11.91	5,811,526,698	462,523,849	7.96
<b>C</b>	<b>East</b>						
16	Rwamagana	3,850,414,136	239,849,183	6.23	4,396,752,649	289,017,428	6.57
17	Kayanza	3,010,824,200	200,009,557	6.64	3,740,286,352	266,092,051	7.11
18	Gatsibo	4,228,822,083	528,698,289	12.50	4,749,833,995	280,085,144	5.90
19	Nyagatare	4,311,127,433	349,916,690	8.12	4,007,667,452	423,997,473	10.58
20	Kirehe	2,332,593,467	157,443,259	6.75	3,417,265,889	173,405,039	5.07
21	Bugesera	3,794,284,478	313,129,762	8.25	4,041,578,457	447,866,018	11.08
22	Ngoma	3,665,161,769	282,251,009	7.70	4,522,783,721	306,037,406	6.77
<b>D</b>	<b>North</b>						
23	Burera	3,446,818,420	138,266,678	4.01	4,469,675,394	144,343,341	3.23
24	Gakenke	4,199,185,929	165,557,479	3.94	4,176,613,555	358,374,839	8.58
25	Gicumbi	5,312,761,732	394,303,338	7.42	5,948,296,540	479,411,040	8.06
26	Musanze	4,345,128,194	508,308,361	11.70	6,146,714,290	599,215,850	9.75
27	Rulindo	3,689,656,887	298,890,930	8.10	4,306,534,227	507,455,745	11.78
<b>E</b>	<b>Kigali City</b>	2,659,355,982	196,105,859	7.37	2,950,200,933	729,613,632	24.73
28	Gasabo	6,410,933,540	243,327,162	3.80	7,011,011,155	2,976,683,848	42.46
29	Kicukiro	3,751,096,059	516,629,198	13.77	4,953,410,428	2,992,185,264	60.41
30	Nyarugenge	5,346,264,727	47,400,177	0.89	7,431,234,507	2,370,138,585	31.89
	<b>Total</b>	<b>123,934,399,890</b>	<b>9,524,376,823</b>	<b>7.69</b>	<b>145,154,958,947</b>	<b>18,600,278,615</b>	<b>12.81</b>

(Not considered: The opening balance 2007)

The trends for the first semester of 2009 indicate that the previously poor performing Rulindo District registering improved the performance registering 9.76% locally generated revenue in June 2009, ahead of 16 Districts with the lowest Gatsibo in the East trailing at 3.27 % (See Table 31).

**Table 31: Percentage of District Generated Income compared with the total receipts of the first semester in 2009**

	District	Other income	Total revenue with opening balance	Total revenue without opening balance	% Generated income over total revenue with opening balance	% Generated income over total revenue without opening balance
	<b>Kigali City Council</b>	147,533,836	1,288,363,030	2,251,176,459	11.45	6.55
1	Nyarugenge	1,903,424,452	4,685,572,724	3,407,549,599	40.62	55.86
2	Gasabo	1,642,339,776	3,271,570,671	3,496,163,753	50.20	46.98
3	Kicukiro	1,514,534,282	4,060,304,502	3,014,837,302	37.30	50.24
	<b>South</b>					
4	Nyanza	136,544,016	2,394,016,606	2,096,382,180	5.70	6.51
5	Gisagara	171,424,433	2,267,136,550	2,087,439,901	7.56	8.21
6	Nyaruguru	146,312,853	2,850,833,749	1,977,680,806	5.13	7.40
7	Huye	360,194,823	2,286,425,104	2,368,441,513	15.75	15.21
8	Nyamagabe	213,438,955	3,010,583,960	2,537,304,855	7.09	8.41
9	Ruhango	132,292,038	2,177,140,509	1,764,409,377	6.08	7.50
10	Muhanga	342,772,644	3,012,446,240	3,052,643,503	11.38	11.23
11	Kamonyi	203,820,916	2,234,125,755	1,917,592,737	9.12	10.63
	<b>West</b>					
12	Karongi	232,799,959	3,149,208,777	2,527,587,338	7.39	9.21
13	Rutsiro	131,005,983	2,598,321,562	1,924,035,408	5.04	6.81
14	Rubavu	428,952,913	3,249,820,993	3,033,741,336	13.20	14.14
15	Nyabihu	107,656,505	3,145,190,730	2,280,811,988	3.42	4.72
16	Ngororero	94,205,114	2,500,939,548	2,332,047,874	3.77	4.04
17	Rusizi	294,355,267	2,759,469,898	2,586,028,678	10.67	11.38
18	Nyamasheke	305,954,501	3,118,367,873	2,802,352,046	9.81	10.92
	<b>North</b>					
19	Rulindo	220,646,219	2,722,953,375	2,260,706,639	8.10	9.76
20	Gakenke	171,513,680	2,639,653,027	2,438,707,008	6.50	7.03
21	Musanze	392,651,307	3,234,298,463	2,552,639,739	12.14	15.38
22	Burera	110,385,540	2,519,740,981	2,069,077,257	4.38	5.34
23	Gicumbi	262,579,506	2,631,877,466	2,399,593,035	9.98	10.94
	<b>East</b>					
24	Rwamagana	177,363,783	2,309,524,261	2,085,241,011	7.68	8.51
25	Nyagatare	215,311,257	3,168,690,238	2,412,098,054	6.79	8.93
26	Gatsibo	107,158,914	4,017,954,538	3,278,927,077	2.67	3.27
27	Kayonza	202,392,331	2,313,478,971	1,975,072,259	8.75	10.25
28	Kirehe	143,212,064	2,512,587,586	1,998,926,689	5.70	7.16
29	Ngoma	208,962,219	3,057,124,108	2,778,664,879	6.84	7.52
30	Bugesera	297,882,013	2,671,846,595	2,368,182,460	11.15	12.58
	<b>Totals</b>	<b>11,019,622,099</b>	<b>87,859,568,390</b>	<b>76,076,062,760</b>	<b>12.54</b>	<b>14.49</b>

**Government Effectiveness Percentile Ranking**

RANKING KEY	
75 % - 100%	
50% - 74%	
25% - 49%	
0% - 24%	

**Anti-corruption**

How do you perceive the following services/institutions with regard to the fight against corruption?				
	Excellent + Good	Fair	Poor	None + Don't know
National Police	75.2%	12.2%	3.1%	9.5%
Taxes Services	49.9%	11.8%	3.6%	34.6%
Judicial system	60.2%	17.8%	3.4%	18.6%
Services in local governments	64.5%	17.9%	7.7%	10.0%
Political parties	47.2%	12.1%	3.7%	37.0%
Media	58.9%	12.0%	2.8%	26.3%
<i>Average</i>	59.3%	14.0%	4.1%	22.7%

**Decentralization**

How do you rate citizen participation in decision making of priority concern in your district?				
	Very strong + Strong	Moderate	Poor	Inexistent + Don't know
	65.1%	18.6%	9.6%	6.8%
How do you rate local leaders listening and addressing of citizen's priority Concern in your district?				
	71.7%	20.6%	4.7%	3%

**Decentralization Overall Ranking 68.4%**

**Public Service Delivery**

26. How do you perceive service delivery in the following institutions?				
	Excellent + Good	Fair	Poor + Very poor	Don't know
The way local leaders welcomes whenever in need of them	76.4%	17.0%	6.0%	0.5%
The quality of public health services in your district	71.5%	16.8%	11.2%	0.5%
The quality of service delivery in education sector in your district	84.1%	11.0%	3.2%	1.7%
The quality of service in supplying drinking water in your district	46.4%	19.0%	33.4%	1.1%
To access the nearest local market	57.2%	21.4%	20.3%	1.1%
The speed of handling citizen's requests at the district level	75.6%	14.2%	3.1%	7.1%
The speed of handling your requests at the sector level	79.6%	14.8%	3.3%	2.4%
<i>Average</i>	70.1%	16.3%	11.5%	2.1%

Public Service Overall Ranking: 70.1%

## Summary Matrix Analysis of Government Effectiveness

4.1 Public Financial Management								
Indicator	Disaggregation	Frequency	Availability	Baseline	2008	2009	Source	Comments
22. Improvement in Public Expenditure and Financial Accountability Assessment	Disaggregate by the 28 performance Indicators shown in Table 2	Every three years	Baseline 2007 available	2007: Average score: C+	N/A	N/A	Commissioned reports	Not applicable
23. Comprehensive and consolidated accounts produced within 3 months of end of each year and published on MINECOFIN website	Simple Yes/No indicator	Annual	Baseline 2007 Available	First consolidated accounts available for 2006  Public accounts not yet online	In 2008, Consolidated accounts produced by MINECOFIN were submitted with slight delay The Auditor General Report 2007 and the Rwanda Public Procurement Agency's report are published	In 2009 public accounts submitted within 3 months; but not published on the website	MINECOFIN, Consolidated Accounts for 2008 and Mini-Budget 2009.	Data for 2008 and 2009 validated in the feedback from MINECOFIN (Letter NO. 1733/10/10/DG.NB of 18 May 2010 from the Permanent Secretary and Secretary to the Treasury
24. % of Tenders exceeding threshold awarded by competitive bidding	By % of total value and by % of total number of contracts	Annual	Available	2006: 73% by value, 82% by number 2005: 89% by value, 84% by number  2007: 94.95% by value, 89.78% by number	2008: 91.12% by value 89.64% by number		RPPA Annual Report 2008	The 1 <sup>st</sup> JGA report has 2006, and no data for 2007
25. Value of tenders awarded without approval of internal tender committees	As % of audited expenditure	Annual	(Not) Available	For FY 2006 tender irregularities Frw 7.86bn Total audited expenditure to be established			Auditor General and RPPA reports	N.B. Data obtained from the Auditor General and RPPA reports not specifically relevant to the indicator
26. Number of public expenditure tracking surveys undertaken		Annual rolling assessments	Baseline 2007 Not available	N/A	N/A	Started in 2009: 4 tracking surveys undertaken in the following sectors: agriculture, education, social protection, water and sanitation	MINECOFIN	See appendix 2 below for tracking details

4.2 Anti-corruption								
Indicator	Disaggregation	Frequency	Availability	Baseline	2008	2009	Source	Comments
27. No. of successful prosecutions as a % of cases reported to police and/or ombudsman	By organization	Annual	2007 Not available, need to establish monitoring system	2008 data	Out of 34,024 cases reported to the Prosecutions Authority by either the Police or The Office of the Ombudsman, 17449 cases (51.3%) were successfully prosecuted and 16575 (48.7%) cases remained and were brought forward for 2009.		Rwanda Public Prosecutions Authority's Annual report 2008	
28. Comprehensive survey of incidence of corruption	Stratified sample including different socio-economic and occupational groups.	Every three years	2007 Not available, need to establish monitoring system	Not available	N/A	N/A		Not applicable

4.3 Decentralization								
Indicator	Disaggregation	Frequency	Availability	Baseline	2008	2009	Source	Comments
29. District government expenditures published and available	By sector, programme	Annual	The data on District spending are available in aggregate terms and can be disaggregated by sector and programme		The data on District spending are available in aggregate terms and can be disaggregated by sector and programme	The data on District spending are available in aggregate terms and can be disaggregated by sector and programme	Consolidated public accounts report 2008 and Mini budget 2009 (MINECOFIN)	See details in the body of the report; Update from the feedback from MINECOFIN (Letter NO. 1733/10/10/DG.NB of 18 May 2010 from the Permanent Secretary and Secretary to the Treasury
30. % of central transfers unearmarked	By district	Annual	2007-Availability to be checked	2007 Total district earmarked transfers (Rwf): 59,800,061,318 Unearmarked transfers: 8,354,489,004 % unearmarked transfers: 12.3%	Total district earmarked transfers (Rwf): 73,360,938,079 Unearmarked transfers: 11,299,972,962 % unearmarked transfers: 13.3%	Mini budget 2009: Total district earmarked transfers (Rwf): 38,699,726,418 Unearmarked transfers: 5,767,738,80 % unearmarked transfers: 12.97%	Consolidated public accounts report 2008 and Mini budget 2009 (MINECOFIN)	
31. % of district revenues locally generated	By district	Annual	2007-Availability to be checked	2007-Total Revenue with opening balances (in Rwf): 132,403,997,674 Total revenue without opening balances: 123,934,399,890 Local revenue Generated 9,524,376,823 Percentage 7.69%	Total Revenue with opening balances (in Rwf) : 161,999,347,127 Total revenue without opening balances: 145,154,958,947 Local revenue generated: 16,844,388,180 Percentage: 12.8%	Total Revenue with opening balances (in Rwf) : 87,859,568,390 Total revenue without opening balances: 76,076,062,760 Local revenue generated: 11,019,622,099 Percentage: 14.49%	Consolidated public accounts report 2008 and Mini budget 2009 (MINECOFIN)	
32. % of citizens in target districts who feel they participate actively in local decision making and that local government is listening to and addressing priority concerns	By gender, district, by sector	Every three years in selected districts/sectors	2007- Not available	N/A	N/A	24.7% feel that their participation is "very strong" 40.3% "strong" 18% "moderate" 96% "poor"	See details in part 2of the report	

4.4 Public Service Delivery									
Indicator	Disaggregation	Frequency	Availability	Baseline	2008	2009	Source	Comments	
33. Citizens' experience of and participation in service delivery	For key sectors: health, education, water and sanitation, policing etc.	Annual cycle of five years	2007 Not yet available – pilot studies undertaken	-	N/A	N/A			
34. Number of government agencies having developed service delivery standards		Every three years	2007 baseline not available		N/A	N/A			
35. % of departments/ public agencies providing full information to the public about their services, and disseminating citizens guides to their services.	Consider websites, publications and other broadcast information	Annual	2007-Not available, would need to establish monitoring system		Since 2008: Many conferences / debates have been conducted including among others: Monthly press conferences held by the President of the Republic with journalists Interviews and press releases organized or produced by the Ministry of Information in collaboration with other public institutions on subjects that concern problems faced by the country 32 broadcasting debates entitled "Kubaza bitera kumenya" were passed through Radio Rwanda and Rwandan Television. These debates have helped the Rwandan population to express their views on all development programs of country Different foreign newspapers increased their intervention to show to the international community positive results that Rwanda is continuously achieving. For example, the <i>Daily Monitor</i> No266 of 29 September 2008 reserved an article included on 20 pages entitled "Rwanda: 5 years of strengthening Democracy" showing goals achieved by Rwanda in democratic governance		Source: Rwanda Government Activity Report 2008 translated from Kinyarwanda. <a href="http://www.primature.gov.rw">www.primature.gov.rw</a>	Data to be available when the National Data Centre is established	

4.5 Public Service Reform								
Indicator	Disaggregation	Frequency	Availability	Baseline	2008	2009	Source	Comments
36. Preparation and implementation of Action Plans for public service reform based inter alia on the findings of the functional reviews for 22 ministries.	For each ministry	Annual report	Baseline 2007 Not available			Redefinition of the mission and functions of all ministries, agencies, local governments - structure of ministries and local governments - Cabinet approval: 26/06/2009 - determination of new salary schemes - assessment instructions and guidelines - Performance evaluation (staff assessment) - Settling the new staff to their posts	Rwanda Government Action Plan For 2008 and Rwanda Government Report (www.primature.gov.rw) MIFOTRA, Policy, Planning and Capacity Building Unit	

### 3 Investment Climate and Corporate Governance

Governance can also be assessed on the basis of the investment climate and corporate governance in a country. The survey looked at how government affects business by imposing rules and how businesses influence government. Issues considered here include the ease of doing business, disputes related to business and state business relations.

#### *Ease of Doing Business in Rwanda*

##### *Corruption in the Area of Business and Civil Service*

When asked to rate the phenomenon of corruption in the area of business in Rwanda, 45.4% of the respondents thought that it was “low” or “non-existent”, 22.2% thought it was moderate while 19.8% considered it to be “high”. Similarly, most of the respondents felt that civil servants’ involvement in corruption related to business was either “low” or “non-existent” (37%). A slightly lower proportion felt that it was “high/very high” (25.2%) and 23% felt that it was “moderate”.

While opinion on business related corruption in general and civil servant involvement in business related corruption in particular was significantly varied, the general view is that corruption in the area of business is low.

##### *Level of Corruption in Procurement Procedures in Key Institutions*

One of the main priorities of improving the business climate in Rwanda involves the strengthening mechanisms of government procurement to ensure transparency, efficiency economy, and professionalism. This is something the government hopes to achieve through the National Tender Board and reforms like the professionalization of the Civil Service and the removal of remuneration disparities

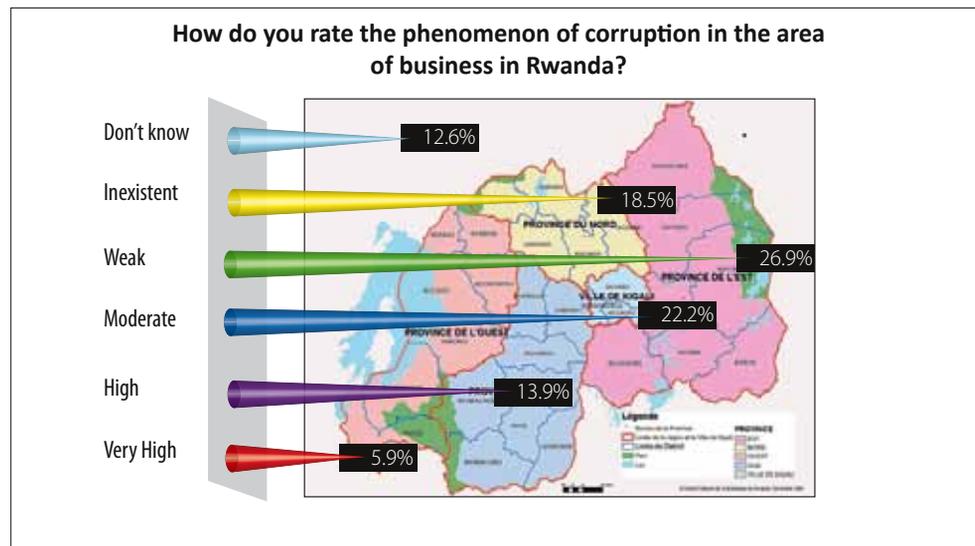


Figure 41: Rating of Business-related corruption

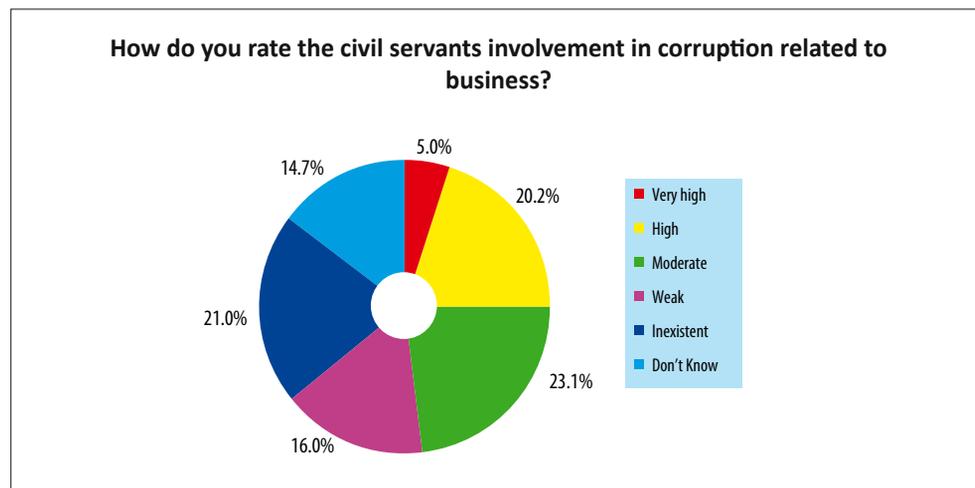


Figure 42: Rating of Level of Civil Servant Involvement in Business related corruption

In light of the above reforms, the citizens were asked to rate the level of corruption in the procurement procedures of the following institutions and most of them felt that it was very low or non-existent. For example, as Figure 43 indicates, 13.7% of respondents felt that corruption was high in the procurement procedures of private companies while 46.6% felt that it was weak or non-existent.

On the other hand, a large percentage of those interviewed felt that the public institutions were moderately involved in corrupt procurement practices (25.7%) even though the figure was higher for those who thought that corruption was non-existent/low in these institutions (28.5%). The same can be said for local government. However, respondents recorded a high level of confidence in procurement procedures of Civil Society Organizations where 54.6% felt that corruption was either weak or non-existent and a relatively high number of respondents (26.5%) did not know about corruption in CSO procurement procedures.

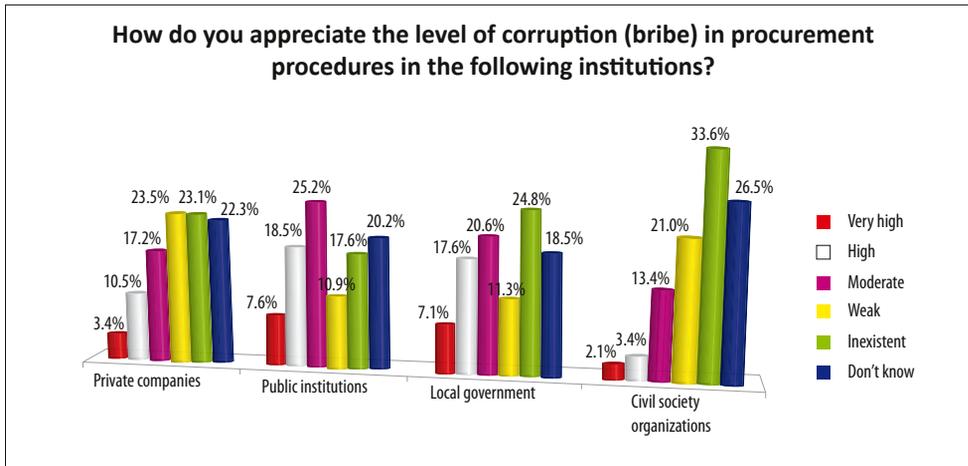


Figure 43: Rating of Level of Corruption in Procurement Procedures by Sector

**Disputes Related to Business**

The frequency of business disputes, their intensity and the subject matter of such disputes is a useful indicator the investment climate and corporate law and governance in a given country. In this survey, most of the respondents (59.2%) felt that there were “very few/no” disputes compared to the 8% who felt that there were “many/excessively many” disputes.

Where such disputes occur, the general opinion was that they were settled in an amicable or just manner. Accordingly, 39.5% of the respondents felt that the settlement was “good/very good”, 20.2% thought it was “fair” while 9.2% though the settlements were “very poor”. However, it is important to note that a significantly high number (31%) of those interviewed did not know or could not rate how such disputes were settled.

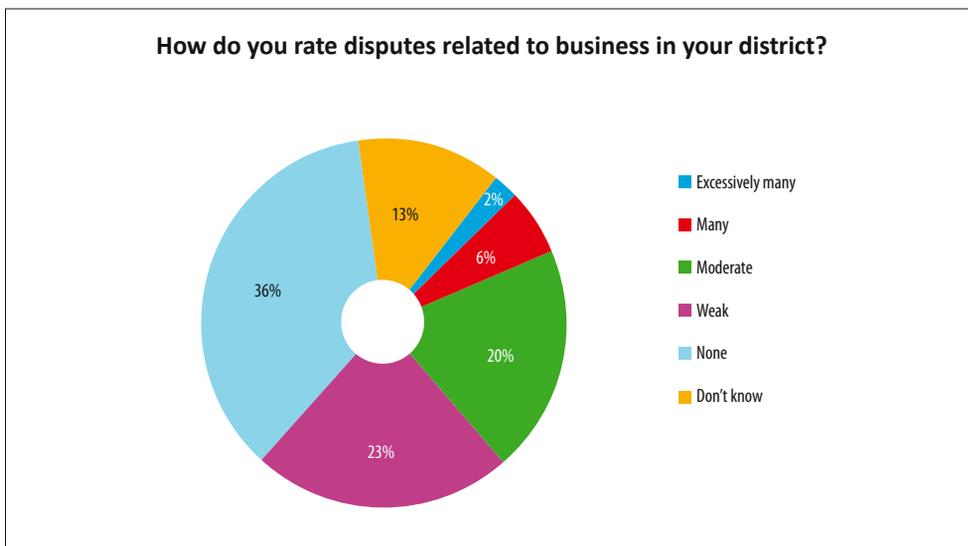


Figure 44: Rating of Business related Disputes

The Commercial Court recently established is a contributor to the process of business facilitation in the country. Despite the challenges that the commercial courts are facing, the rate of case disposal is fairly significant (see Table 32 below).

**Table 32: Commercial Courts Cases Dealt with (15 May 2008 – 30 November 2009)**

Court	Back log cases	New cases	Total Cases received	Disposed cases	Total pending cases
CHC	551	843	1394	684 (49%)	710 (57%)
CC Musanze	278	520	798	684 (86%)	114 (9%)
CC Huye	463	573	1.036	1.009 (97%)	27 (2%)
CC N'ye	2.041	1.537	3.578	3.176 (89%)	402 (32%)
<b>Total</b>	<b>3,333*</b>	<b>3,473</b>	<b>6,806</b>	5.553 (81.5%)	1.253 (18.5%)

\*Backlog of pending cases: 12

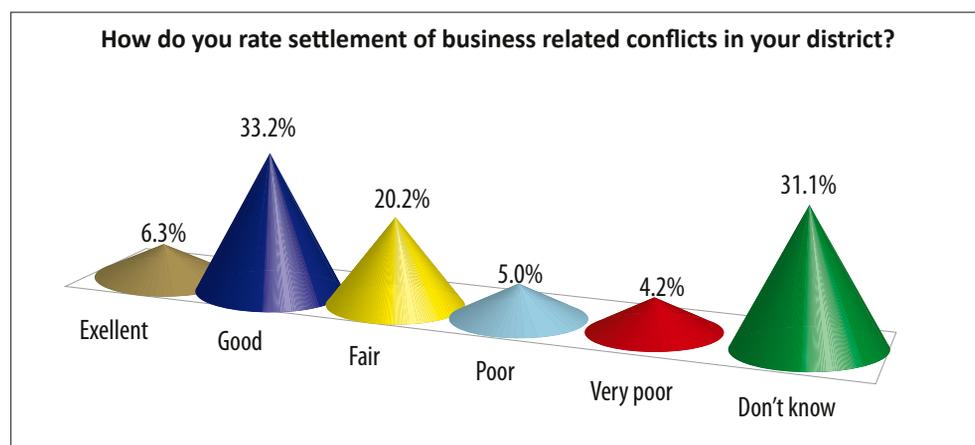
Some of the reasons given for the backlog include Judges being away on study leave, and the postponement of appeals due to language barriers.

*Reduction in the number of Licences and Simplification of Bureaucratic Requirements*

The private sector is an active partner of the government through its umbrella body, the Private Sector Federation. According to Emmanuel Rutagengwa, Research and Policy Manager, the PSF undertakes the advocacy part of the complaints for resolution endeavours. It has lobbied on a number of issues ranging from taxes and tax policies, to infrastructural developments like the construction of roads to ease business activities across the country. He also added that the PSF was in the last stages of establishing the Kigali International Arbitration Centre (the Bill had passed through both Chambers of Parliament and was awaiting promulgation) to fasten the dispute settlement exercise for the Business community.

In the process, Rwanda has continued to make progress in the area of simplification of bureaucratic procedures and reduction of the number of licences required to undertake business.

The country was recently ranked among the top five performers in Africa in the area of “Ease of Doing Business” by the World Bank. The high ranking of the country on the ease of doing business index means that the regulatory environment is conducive to the operation of business. This index averages the country’s percentile rankings on 10 topics, made up of a variety of indicators, giving equal weight to each topic (See Figure 45 below). The rankings are from the *Doing Business 2010 Report*, covering the period June 2008 through May 2009.



**Figure 45: Rating of Settlement of Business related Conflicts**

**Table 33: Rwanda Ranking in the Global “Ease of Doing Business” 2008-2010**

		Doing Business 2010 ranking	Doing Business 2009 ranking	Change in Rank: 76
<b>Overall Ease of Doing Business</b>		<b>67</b>	<b>143</b>	<b>143</b>
1	Starting a Business	11	64	53
2	Dealing with Construction Permits	89	88	-1
3	Employing Workers	30	113	83
4	Registering Property	38	59	21
5	Getting Credit	61	147	86
6	Protecting Investors	27	171	144
7	Paying Taxes	59	58	-1
8	Trading Across Borders	170	171	1
9	Enforcing Contracts	40	48	8
10	Closing a Business	183	183	0

Source: *Doing Business 2010 Report*. Accessed from <http://www.doingbusiness.org/economyrankings/>

Some of the examples of the progressive measures taken by the Rwanda Government and have contributed to this ranking are contained in Box 2 below.

#### Box 2: Some of the Measures recently taken by Rwanda Government to promote Ease of Business

- Passage of a new Companies act and other critical business laws on secured transactions and insolvency.
- Improvements in the business registration process, including reductions in the number of procedures (from eight to two steps), costs (from about \$ 40 to about \$ 26), and days to comply with business regulations (from 14 to 3 days).
- A doubling of the monthly rate of newly registered companies (to 343 in June 2009).
- In 2009, Rwanda abolished the import and export licence, improving customs clearance time, and introducing risk management in the border clearance process. The impact was a reduction in
  - the time required to import (from 42 to 35 days);
  - the time required to export (from 42 to 38 days); and
  - the number of documents needed to import (by 10 percent).
- Improvement in the process of dealing with distressed companies with a new law aimed at streamlining reorganization.
- Facilitating Employment through the abolition of the maximum duration for fixed-term contracts and allowing unlimited renewals of such contracts, as well as by allowing redundancy procedures to be more flexible, with consultation and notification of third parties no longer required.
- Easier access to credit through a new secured transactions act and insolvency act to make secured lending more flexible, allowing a wider range of assets to be used as collateral and a general description of debts and obligations. In addition, out-of-court enforcement of collateral has become available to secured creditors, who also now have top priority within bankruptcy.
- The new company law has strengthened investor protection by requiring greater corporate disclosure, director liability, and shareholder access to information.
- Simplification of Property registration by decreasing the number of days required to transfer a property.
- Easing Business start-up by eliminating a notarization requirement; introducing standardized memorandums of association; enabling online publication; consolidating name checking, registration fee payment, tax registration, and company registration procedures; and shortening the time required to process completed applications.

Source: *IFC ANNUAL REPORT 2009*. See [www.ifc.org](http://www.ifc.org)

By implementing administrative changes such as increased operating hours and enhanced cooperation at the border, along with the removal of some documentation requirements for importers and exporters, Rwanda has improved trading ties with its neighbours.

**Investment Climate and Corporate Governance Percentile Ranking**

<b>RANKING KEY</b>	
75 % - 100%	
50% - 74%	
25% - 49%	
0% - 24%	

**Selected Indicators**

How do you rate the civil servants involvement in corruption related to business?	Very High + High	Moderate	Weak	Inexistent + Don't know
	25.2	23.1	16.0	35.7

How do you appreciate the level of corruption (bribe) in procurement procedures in the following Institutions?				
	Very High + High	Moderate	Weak	Inexistent + Don't know
Private companies	13.9%	17.2%	23.5%	45.4%
Public institutions	26.1%	25.2%	10.9%	37.8%
Local government	24.8%	20.6%	11.3%	43.3%
Civil society organizations	5.5%	13.4%	21.0%	60.1% <sup>a</sup>
<i>Average</i>	17.5%	19.1%	16.7%	46.6%

Overall Ranking Score: (Weak+Inexistent+Don't know): 57.5%

## Summary Matrix Analysis for Investment Climate and Corporate Governance

5.1. Ease of Doing Business								
Indicator	Disaggregation	Frequency	Availability	Baseline	2008	2009	Source	Comments
37. World Bank Doing Business Indicators	All indicators except 'getting credit' and 'employing workers', which are less connected to governance	Annual	2004-2008		Doing Business Rank 2008 : 143	Doing Business Rank 2009 : 67	<a href="http://www.govindicators.org">www.govindicators.org</a> <b>World Bank doing business report 2010</b>	More details in the Analysis report
38. Investor perceptions of regulatory issues, licensing burden, corruption, dispute resolution	Data on business constraints disaggregated by firm size/ local investor/ foreign investor	Every three years	Available Enterprise survey 2006, see box 8		N/A	N/A	N/A	
39. Reduction in no. of licenses and simplification of bureaucratic requirements	Inventory of licenses, steps, days and cost required to obtain licenses	Annual	2007- available Initial work on inventory and costing nearly complete	IFC inventory for 2008 includes 189 licenses covering 31 institutions	IFC inventory in 2010 doing business Rank 2008 -124 Procedures (number) 2008 - 16 Duration (days) 2008 - 227 Cost (% GNI per capita) 2008 - 822.1	IFC inventory in 2010 doing business Rank 2009 - 89 Procedures (number) 2009 - 14 Duration (days) 2009 - 210 Cost (% GNI per capita) 2009 - 456.1	<a href="http://www.govindicators.org">www.govindicators.org</a> <b>World Bank doing business report 2010</b>	
40. % of business related complaints resolved	Track tax appeals, complaints against key regulatory agencies (e.g. REMA, RBS)	Annual	2007- Not available, monitoring system would need to be established		Process in establishing the Kigali International Arbitration Centre	The bill passed through both chambers of parliament and it is awaiting promulgation) to fasten the dispute settlement exercise for the Business community).	Information obtained in interview by Private Sector Federation	PSF does the advocacy part of the complaints resolution endeavours. It has laboured to lobby for a number of issues ranging to taxes and tax policies, to infrastructural developments like the construction of roads to ease business activities across the country

5.2. Corporate Law and Governance								
Indicator	Disaggregation	Frequency	Availability	Baseline	2008	2009	Source	Comments
41. Passing of new commercial laws	Track progress of the 16 new bills in draft/ preparation	Annual	2007-available		Mid 2008. 14 bills. of which 4 adopted	8 Laws passed :Law on Arbitration, Mediation and Conciliation in Commercial matters; Law establishing the Business Registry Agency; Labour Law; Company Law; Insolvency Law; Law on Negotiable instruments; and that on Secured Transaction Laws (Movables and Mortgages)	MINIJUST/ Relevant Official Gazettes of the Republic of Rwanda	More details in the JGA data collection report
42. Number of cases completed by newly established Commercial Courts	Also measure backlog of cases if this arises	Annual	2007- Will be available once cases start to be heard	N/A		Out of 3333 cases that had been qualified as backlog, only 12 cases are still pending. Out of the 6806 total number of cases (Backlog + new cases received), 5553 (81.5%) have been completed; 1253 (18.5%) are still pending	Commercial High Court	
43. % of large companies (10 employees +) submitting audited accounts		Annual	2007- Check availability	Available	Companies supposed to certify for 2008 = 282; Companies that certified and communicated = 163 (57.80%); Those that haven't certified or are in the process of certifying = 119 (42.20%)		RRA	

5.2. Corporate Law and Governance								
Indicator	Disaggregation	Frequency	Availability	Baseline	2008	2009	Source	Comments
44. % of budget of Private Sector Federation covered by from member contributions	-	Annual	2007-Available	Total revenues 2007 = 2,194,069,357Frw; Member contribution = 195,893,867Frw (8.9%)	Total revenues 2008 = 2,340,199,691Frw; Member contribution = 479,163,447Frw (20.5%)		Private Sector Federation Rwanda (PSF). Financial Statements for the year ended 31 December 2008 (Audited)	
45. Number of position papers prepared by Private Sector Federation on issues of concern	-	Annual	2007-available		A number of position papers have been prepared and have been presented by PSF on matters of concern to different concerned authorities. For example, each year since 2008, position papers on the Annual budget are presented to MINECOFIN and it impacts a lot		Private Sector Federation	

#### 4. Conclusion and General Recommendations

Rwanda's quest for good governance finds expression in both political freedoms and the delivery of goods and services. From the findings, the State and the various institutions in place seem to enjoy a healthy amount of political legitimacy. However, because of what appears to be a weak appreciation of the role of the civil society and the media, there is need to build their capacity so that the society can see them more involved in the good governance enterprise.

***It is therefore recommended that strategies be put in place for the strengthening of the CSOs so that they can play their role effectively as the bridge between the state and the citizenry. Given the critical role that the Civil Society plays as citizens' watchdogs, it is further recommended that the Government engages the Civil Society for their input in the policy formulation processes.***

In many respects, Rwanda's citizens continue to display a considerable degree of satisfaction with both their political and economic systems. This may be attributed to two factors. On the one hand they may well be getting the services in accordance with their expectations. On the other hand, their satisfaction could be explained by the fact that they may be comparing what they are getting now with their past experiences, and which they find satisfactory immaterial of whether it is perfect or not. These past experiences were characterised by poor leadership and bad governance which led to the traumatic events of 1994.

However, there are some perceptions that need to be addressed, particularly with regard to the LDF, a security organ that scored low points in the eyes of the citizens.

***It is recommended that strategies be put in place with the aim of reviewing the role and capacity of the LDF in order to improve its image amongst the citizenry.***

Regarding the citizens' perception of the independence of the judicial system and parliament, 66.4% of those interviewed thought the judiciary was independent while 65.1% considered the parliament to be independent. There is also a considerably large number of people who do not know whether these institutions are independent - 15.9% for the Judiciary and 21.9% for the Parliament.

***It is further recommended that measures be taken to engage these two institutions deeper with the citizenry so as to improve the citizens' knowledge of their role as other arms of government.***

On the whole, a considerable number of targets as identified in the JGA Monitoring Framework indicators have been achieved although there is still room for improvement. However, some indicators seem to be either not measurable or irrelevant and it is hoped that the JGA Review will look at this in a comprehensive and systematic manner. Further there seemed to be many challenges obtaining the required data/information from various government sources, because they were either unavailable or were not easily accessible. This affected the analysis since some of the data were critical for drawing conclusions on performance.

***It is therefore recommended that the JGA review adopts the SMART Strategy for the review of the Monitoring Framework and identify those indicators that require improvement, amendment or those that should be dropped. If this is done, it will facilitate the harmonisation of the indicators and the percentile ranking for the performance of the different actors in the JGA Framework.***

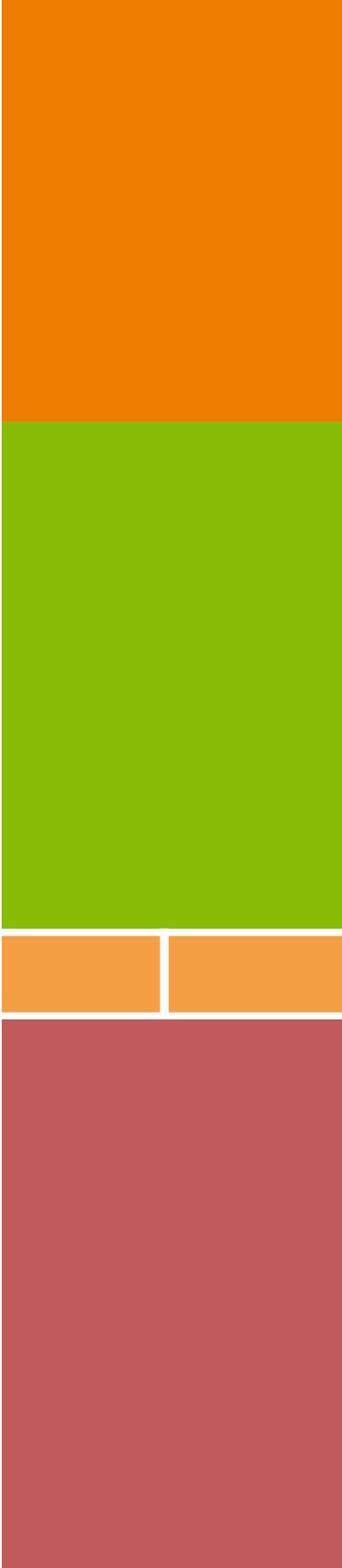
***Concerning disaggregated data, it is recommended that various state and quasi-state actors responsible for providing the data furnish the same in a disaggregated manner as required by the Monitoring Framework.***

***It is also recommended that the Focal points in various governmental departments be provided with the JGA Monitoring Framework requirements for their respective departments for ease of data collection and provision. They should also be given the deadlines for the transmission of the data to RGAC.***

The government and the DPs have demonstrated their commitment to the JGA by supporting its implementation and this review process. It is therefore important to ensure that this unique initiative achieves its set objectives in a timely manner with minimum flaws.

***We recommend that the GoR and DPs continue to work together to improve on JGA planning process and ensure predictability of the resources required to make JGA an efficient and reliable mechanism.***

Overall the assessment of governance in Rwanda through JGA paves the way for detailed and critical analysis that elucidates the complex and often contradictory character of post-conflict governance. In this regard it is important to emphasise positive achievements in governance while highlighting the remaining weaknesses and gaps taking into cognisance the context of the societal realities of Rwanda.



# SECTION 6

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## Appendices

Sub-Report

Joint Governance Assessment (JGA) Annual Review 2008/2009

**APPENDIX 1: JGA STAKEHOLDERS AS PER JGA 2008 REPORT**

<b>A.</b>	<b>AMBASSADORS</b>
1.	USA
2.	UK
3.	BELGIUM
4.	THE NETHERLANDS
5.	SWISS
6.	EUROPEAN UNION
7.	GERMANY
<b>B.</b>	<b>HEADS OF DEVELOPMENT AGENCIES</b>
1.	WORLD BANK
2.	AFRICAN DEVELOPMENT BANK
3.	UNDP
4.	USAID
5.	Sida
6.	CIDA
7.	DFID
8.	BELGIUM TECHNICAL CO-OPERATION
9.	GTZ
<b>C.</b>	<b>GOVERNMENT REPRESENTATION</b>
1.	OFFICE OF THE PRESIDENT
2.	MINISTER OF LOCAL GOVERNMENT
3.	MINISTER OF FINANCE AND PLANNING
4.	MINISTER OF INFORMATION
5.	MINISTER OF PUBLIC SERVICE
6.	MINISTER OF JUSTICE
7.	MINISTER OF COMMERCE
8.	MINISTER OF INTERNAL AFFAIRS
<b>D.</b>	<b>RELEVANT INSTITUTIONS</b>
1.	OMBUDSMAN
2.	AUDITOR GENERAL
3.	NEPAD
4.	RWANDA HUMAN RIGHTS COMMISSION
5.	THE FORUM FOR POLITICAL PARTIES
6.	RALGA
7.	INTERNATIONAL NGO NET WORK
8.	RWANDA CIVIL SOCIETY PLATFORM
9.	RWANDA GOVERNANCE ADVISORY COUNCIL
10.	PRIVATE SECTOR FEDERATION

## APPENDIX 2: TERMS OF REFERENCE FOR THE STUDY

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TERMS OF REFERENCE  
 Expression of Interest (57139-2009-023)  
 International Consultancy  
 Desk Survey on quantitative Joint Governance  
 Assessment  
 Rwanda Governance Advisory Council

### 1. OBJECTIVE

The Rwanda Governance Advisory Council is in the arrangement of holding a survey on JGA indicators and get opinions of the general public views on the issues pertaining to public, civic and corporate governance in Rwanda. The objectives for the technical assistance are therefore to provide support in data analysis, interpretation and report writing.

### 2. BACKGROUND

Over the past decade, the Government of Rwanda has been pre-occupied with the implementation of reforms in public, corporate and civic sectors by introducing new institutions while revamping old ones to consolidate good governance necessary for development but much remains to be done to achieve vision 2020 and EDPRS focuses on growth, poverty reduction and governance to make headway towards this objective. Therefore there is need to keenly monitor and assess the status of governance as a result of the reforms undertaken. Continuous research and monitoring of the implementation of best practices and innovations in governance is therefore necessary.

In this regard, the Rwanda Governance Advisory Council (RGAC) was established with the responsibility of conducting Research and doing surveys in political, civic and corporate governance, playing advisory role and networking. The advisory role is done through informed policy formulation and improved implementation mechanisms as well as dissemination of research findings. Rwanda Governance Advisory Council (RGAC)'s aim is to work in close cooperation with Public, Civic and Private Sector Actors and in partnership with Development Partners to advance good governance in the country.

The Government of Rwanda has agreed with its Development Partners on a set of Governance Indicators, which are now known as the **Joint Governance Assessment (JGA)** Report approved by the Cabinet of September 12th 2008 and by the DPM of December 2008. The JGA is constructed around three main areas of governance namely: **ruling justly, government effectiveness, investment climate and corporate governance**. RGAC has been entrusted to follow - up and monitor JGA indicators, avail data that will be requested to assess and evaluate the progress and make informed recommendations on how to improve governance indicators in the framework of JGA as well as other governance framework pertaining to Rwanda. It is in this context that RGAC intends to conduct baseline surveys in order to provide information on governance indicators such as **Anti-corruption, decentralization and public service delivery, establishing and maintaining security, national reconciliation and transitional justice, rule of law, ease of doing business**.

To ensure that the JGA Survey represents the views and wishes of the entire Rwandan Public, a study will be carried out in four provinces and the City of Kigali. The minimum sample size will be 3,700 respondents.

It is within this framework that the RGAC with the financial support from UNDP would like services of a competent and qualified International Individual Consultant specialized in governance matters and research to provide technical support in data analysis, interpretation and report writing. He/she will provide technical services to the Institution for a period of thirty five (35) working days that is expected to take place between December 2009 and February, 2010.

### 3. SCOPE OF WORK

#### *Specific Scope of services and responsibilities*

#### **3.1 The key tasks of the International Consultant are to:**

- 3.1.1 Work with GAC staff on Data Analysis, Interpretation and Report writing;
- 3.1.2 Work with the local consultants team to review and edit the desk research indicators draft report;
- 3.1.3 Participate in the production of the final report;
- 3.1.4 Participate in the JGA review exercise;
- 3.1.5 Provide briefings on the progress made and recommendations to the Executive Secretary of GAC
- 3.1.6 The International Consultant will report to the Executive Secretary for Rwanda Governance Advisory Council (GAC).

#### **3.2 The International Individual Consultant will be required to produce regular reports as follows:**

- 3.2.1 Participate in data analysis and interpretation;
- 3.2.2 Participate in working sessions with GAC staff and local consultants;
- 3.2.3 Write progressive reports and end of assignment reports;
- 3.2.4 Closely provide guidance and orientation to local consultants on JGA fact-based indicators;
- 3.2.5 Provide any other reports as may be required from time to time by the Executive Secretary of GAC.

### 4. DELIVERABLES

#### **4.1 The following deliverables are as expected within the contract period:**

- 4.1.1 Disaggregate JGA survey data by sex, class, education and other socio-economic variables. Analyse, interpret and produce a report for the Executive Secretary of the Governance Advisory Council (GAC).

### 5. QUALIFICATIONS

#### **5.1 The candidate must demonstrate the following qualifications and experience**

- 5.1.1 The International Consultant should possess at least a master's degree from a recognized university in any of the following areas or related field: public policy, law, social sciences or economics. A PhD is an added advantage;
- 5.1.2 He/she should be a governance expert, with the capacity of writing scientific papers; should have practical experience of at least 5 years, substantive and proven experience in research activities. Experience with governance institutions is very important;
- 5.1.3 Professional affiliation and/or previous assignments with international organizations and think tanks such as Afro barometer, Global Peace Index, World Bank Institute, Mo Ibrahim index, etc and development partners will be an added advantage;
- 5.1.4 Previous experience in the East African region will be considered as a strong asset;
- 5.1.5 He/she should demonstrate substantive ability to analyze data and write reports;
- 5.1.6 He/she should be fluent in English and working knowledge of French would be an added advantage;
- 5.1.7 Computer literacy and presentation skills are highly essential.

#### **5.2 Key Competencies**

- 5.2.1 Good understanding of the Joint Governance Assessment framework;
- 5.2.2 In-depth substantive knowledge of the political environment and challenges facing democratic consolidation in Rwanda;
- 5.2.3 Knowledge of state-of-the-art approaches, good practices, monitoring and evaluation standards;
- 5.2.4 Ability to transfer knowledge and skills to colleagues and partners;
- 5.2.5 Strong written and oral communication skills;
- 5.2.6 Strong interpersonal skills demonstrated by the ability to gain the assistance and cooperation of others in a team endeavour; ability to build trust through operating with transparency and creating an open, positive and enabling environment; ability to working a multi-cultural environment with sensitivity and respect for diversity;

- 5.2.7 Demonstrated ability to establish priorities and to plan, coordinate and monitor tasks to achieve results;
- 5.2.8 Sound judgement and decision making skills;
- 5.2.9 Demonstrated ability to establish priorities and to plan, coordinate and monitor tasks to achieve result;
- 5.2.10 Demonstrated ability to analyze and interpret statistical data including the ability to disaggregate data and to assess the influence of key socio-economic variables including sex of respondent on responses.

## 6. REMUNERATION AND OTHER CONSIDERATIONS

The successful consultant will start his/her assignment as soon as possible following the completion of the recruitment process.

- 6.1 Submissions will be accepted from International Individual Consultants only.**
- 6.2 The Successful Result of this Process will be a Special Service Agreement (SSA).**
  - 6.2.1 Defining an initial period of **thirty five days (35) days worked.**
  - 6.2.2 Terms of Payment for this consultancy will be lump sum payable as follows:
    - a) 10% to be paid upon signature of the contract and submission of the report outline;
    - b) 40% to be paid upon submission of an acceptable draft report;
    - c) 50% to be paid upon submission and acceptance of the final report.

## 7. SUBMISSIONS

- 7.1 If you have the required qualifications and are interested in this consultancy, please submit:**
  - 7.1.1 Your CV with a short statement in English (not more than 200 words) highlighting why you consider yourself to be the most suitable candidate for this assignment;
  - 7.1.2 Supporting documents such as copies of diplomas or certificates and other information which demonstrates your qualifications for this specific assignment;
  - 7.1.3 Provide the names and contacts of at least three references;
  - 7.1.4 Please note that Submissions by E-mail WILL BE ACCEPTED (**See Expression of Interest**).

## 8. SELECTION PROCESS

- 8.1 Submissions will be evaluated in consideration of the Evaluation Criteria as stated below**
  - 8.1.1 Evaluation Criteria (Total of 100 points):

### *Criteria Points*

#### **I Academic qualifications 25**

At least a master's degree from a recognized university in any of the following areas or related field: public policy, law, social sciences or economics; a PhD is an added advantage

#### **II Experience in similar assignments 40**

A Governance Expert with practical experience of at least 5 years in governance and similar assignments (demonstrated ability to analyze data, interpret and write scientific papers/ reports) with strong communication and client engagement skills

Professional connections to international organizations and think tanks like Afro barometer, Global Peace Index, World Bank Institute, Mo Ibrahim index, etc

**III Specific experience 25**

Experience in Research activities and working with Government and other Institutions engaged in governance related matters.

**IV Language Skills and Computer Literacy 10**

Fluency in English and working knowledge of French

**Total Marks 100**

8.1.2 In order to qualify for further consideration the Individual Consultant must accomplish a minimum score of 70 points. Candidates who qualify for further consideration may be invited for a personal interview.

**8.2 The Basis of Award will be to the Individual Consultant who qualifies in both the rounds of Evaluation by Desk Review and Personal Interview.**

**8.3 This Opportunity is open to female and male candidates. Applications from qualified female candidates are encouraged.**

### APPENDIX 3 : METHODOLOGICAL ASPECT

According to Raosoft sample size calculator, with a confidence level of 95%, the estimated proportion of an attribute that is present in the population (p) of 0.50 and an absolute precision of 2%, the minimum sample size is equal to 2400. It is worth noting that this sample size is used globally and does not allow any strata inference consideration like type of residence, province or district. The formula used by Raosoft is also valid using the following formula:

$$n = z_{1-\alpha/2}^2 p(1-p)/d^2$$

Source: *Lwanga & Lemeshow, 1991*

The formula<sup>69</sup> of Anderson et al (2003) can be used when considering representation of different strata that are included in the sample size such as: type of residence (rural and urban), provinces (5 strata) and districts (30 strata). The following formula gives a sample size of only one stratum.

$$n = D * \frac{Z^2 pq}{e^2}$$

Where **n** is the sample size, Z at 95 % of desired confidence level = 1.96, **e** is the desired level of precision (4 %), p is the estimated proportion of an attribute that is present in the population (0.5), and q is 1-p, = (0.5). D is the cluster effect to adjust the sample size which is equal to 2.

With **e** = 2%, **n**= 4800, which is a big size for one strata and that is why 4% has been retained for the desired level of precision. With this, the size for one stratum is equal to 1200. According to the study population, the following presented the strata situations:

- Strata by provinces
- Strata by rural or urban areas
- Strata by district

The following table shows the sample size according to the above mentioned strata:

No.	Strata	No. of Strata	Minimum Sample Size
0	none	0	600
1	Residence	2	2400
2	Provinces	5	3416
3	District	30	10947

Source: *KISH, 1965*

$$N = n \times D^{0.65}$$

Accordingly, the selection of respondents was made by stratified poll in line with the chosen stratum. The study unit was the village (*umudugudu*) which was randomly selected. Considering the above sample size, RGAC was of the view that Residence and Province strata be conducted with the funds currently available, since District strata needed a larger budget. This means therefore that the results from this study were disaggregated by Province, not by district as required by the JGA. In addition to the above, the complexity of governance indicators and the scope of the study impacted on the survey mainly with regard to the question of representation and internal validity as some of the outcomes of the survey were affected by variables like socio-economic class and political affiliation that were not systematically treated in the study.

69 Anderson et al, *Statistiques pour L'Économie et Gestion*, Ed. De Boeck, Bruxelles, 2003.

### Scope of Governance Indicators

The scope of governance indicators is a reflection of the amount of information that an indicator attempts to explain. The survey focused on broad governance indicators (BGI) which compiled information from different sources which were aggregated to provide general information on the governance situation in Rwanda in accordance with the JGA indicators.

The scope of the governance indicators chosen and the scope of the research have a direct bearing on the aggregation methodology employed in the assessment. The decision to aggregate or to disaggregate is useful as it makes it possible to place different underlying data sources into common units.

### Nature of Data and Data Collection Methods

The data used to measure aspects of governance is either based on facts or perceptions. The field survey focused on the perceptions of individuals at different aggregate levels. More specifically, its main focus was on the public’s perception of a number of governance indicators as contained in the Monitoring Framework, namely:

- The perceptions of citizens on the rule of law, safety and security, national unity and reconciliation and the performance of the judiciary system;
- The perceptions of citizens on effectiveness and efficiency of public service delivery; anti-corruption and decentralization, and
- The perceptions of citizens in ease of doing business.

However, some data was disaggregated in accordance with the requirements of the Framework on specific indicators.

Given the nature of the data to be collected, the primary data collection tool of the survey was a questionnaire which was structured to include demographic, behavioural, knowledge, attitude, and opinion and belief questions related to governance indicators. The questionnaire was administered in interviewing individuals and was kept as brief and as short as possible in order to use as little as possible the respondent’s time and to avoid boredom.

This questionnaire served the survey with a clear score of the different measures on governance issues of interest in this study as listed above. Each question used a five–point response options indicating the extent to which respondents rated the governance indicators. A numeric value was assigned to each response option as follows:

Response options	Values (JGA scale)
Very Poor	0
Poor	1
Satisfactory/Good	2
Very Good	3
Excellent	4

As a second step, question scores were aggregated into a score for each indicator. The indicator score was then computed as a simple mean of associated question scores (Q scores), as in the following formula:

$$\text{Question score } x_{i,j} = \frac{\text{SQ Score } x_{i,j,1} + \text{SQ Score } x_{i,j,2} + \dots + \text{SQ Score } x_{i,j,n}}{n}$$

$$\text{Sub-indicator score } x_{i,j} = \frac{\text{Q Score } x_{i,j,1} + \text{Q Score } x_{i,j,2} + \dots + \text{Q Score } x_{i,j,n}}{n}$$

$$\text{Indicator score } x_{,i} = \frac{\text{SI Score } x_{,i,1} + \text{SI Score } x_{,i,2} + \text{SI Score } x_{,i,n}}{n}$$

$$\text{Overall score } x_{,i} = \frac{\sum_{k=1}^n \text{I Score } x_{,i}}{n}$$

where SQ : sub-question

Q : question

SI: Sub-indicator

I: indicator

n: number of questions, sub-questions, sub-indicators and indicators

$x_{,i}$  : variability between the number of questions, sub-questions, sub-indicators and indicator

## Desk Research

A secondary form of instrumentation in this research sought qualitative and quantitative factual information and hard data on JGA indicators through investigations or desk research. The information gathered was considered instrumental in guiding and/or reinforcing the perceptions delivered in the field research. This aspect of research was based on the JGA monitoring indicators as indicated below.

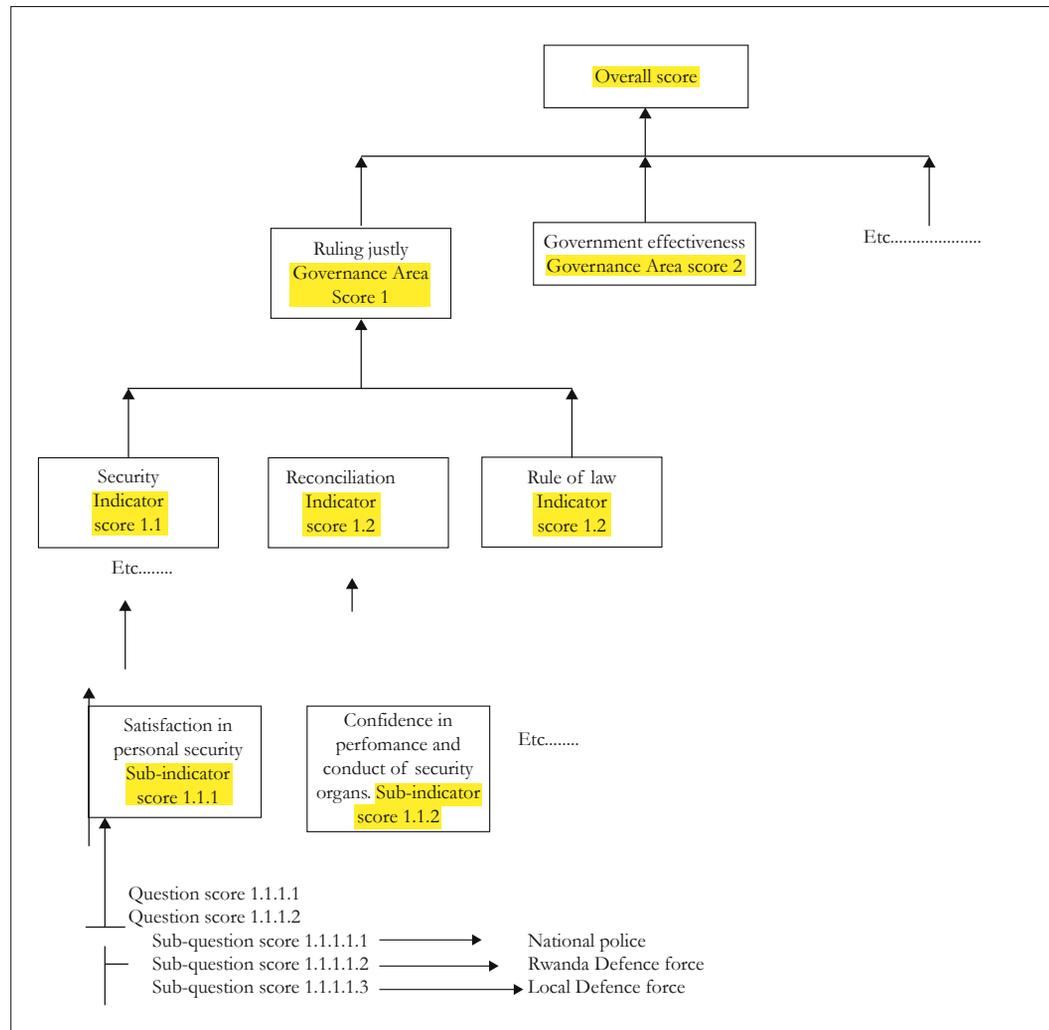


Fig. 1: Scoring Logic for JGA Assessment.

Source: RGAC 2009

**Monitoring Framework JGA Desk Research****A. Ruling Justly****A.1. Establishing and maintaining security:**

- Number of homicides per 100 000

**A.2. National Reconciliation and Transitional Justice:**

- Completed and remaining genocide trials through the Gacaca and formal court system
- Killings of genocide survivors , witnesses and judges

**A.3. Rule of Law**

- Backlog of court cases
- Number of prisoners awaiting trials ( criminal cases only )
- Number of qualified legal professionals
- Access to legal aid

**A.4. Human Rights and Civil Liberties**

- Deaths in police custody or during arrest
- Total number of prisoners as percentage of planned jail capacity
- Number of juveniles in rehabilitation and transit centres.
- Proportion of report required under UN Human Rights Instruments to which Rwanda is signatory.
- Number of human right cases reported to NHRC and proportion these that get resolved
- Indicator on civil liberties : IREX Media Sustainability Index : Freedom of speech
- Women in positions of power

**A.5. Political Rights**

- Election declarations of independent observers
- Publishing of financial statements of political parties

**A.6. Institutions of accountability**

- Number of times ministers get called to parliament
- Number of NGOs refused registration and required to close
- IREX Media sustainability Index

**B. Government Effectiveness****B.1. Public Financial Management**

- Improvement in Public expenditure and financial accountability assessment (PEFA) scores
- Comprehensive and consolidated accounts produced within 3 months of end of each year and published on MINECOFIN website.
- Percentage of tenders exceeding threshold awarded by competitive bidding
- Value of tenders awarded without approval of internal tender committees
- Number of public expenditure tracking survey undertaken

**B.2. Anti-corruption**

- Number of successful prosecutions as a percentage of cases reported to police and ombudsman

**B.3 Decentralization**

- District government expenditures published and available
- Percentage of central transfers not earmarked
- Percentage of district revenues locally generated

**B.4 Public Service Delivery**

- Number of government agencies having developed service delivery standards
- Percentage of ministries/public agencies providing full information to the public about their services, and disseminating citizens guides to their services.

**B.5 Public Service Reform**

- Preparation and implementation of action plans for public service reform based inter alia on the findings of the functional reviews for 22 ministries.

**C Investment Climate and Corporate Governance**

**C.1 Ease of doing business**

- World Bank doing business indicators
- Reduction in Number of licenses and simplification of bureaucratic requirements
- Percentage of business related complaints resolved

**C.2 Corporate Law and Governance**

- Passing of new commercial laws
- Number of cases completed by newly established commercial courts
- Percentage of large companies (10 employers +) submitting audited accounts

**C.3 Private Sector Advocacy**

- Percentage of budget of private sector federation covered by member contributions
- Number of position papers prepared by private sector federation on issues of concern.

The above mentioned indicators were collected from a diversity of sources, including from Ministries and Government agencies, DPs, governance institutions, the civil society and other publications including websites. Both published and unpublished reports were used to capture relevant information needed for this research.



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