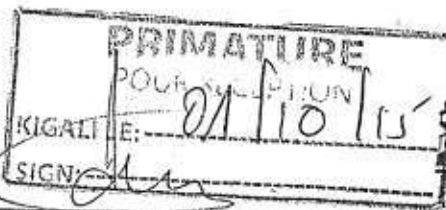


REPUBLIC OF RWANDA



RWANDA
LAW REFORM
COMMISSION

30/09/2015
No...3.931C.P.L.R.C

Minister of Justice/Attorney General
KIGALI

Honorable Minister,



Re: Transmission of annual report

Pursuant to article 26 of law no 44/2013 of 16/06/2013 establishing the Rwanda Law Reform Commission (RLRC) and determining its mission, organization, and functioning which provides that the Council of Commissioners shall in the first quarter of a new year adopt and submit to you the annual activity and the budget execution reports of the year ended.

I'm pleased to submit to you the 2014/2015 annual activity and budget execution reports of RLRC which have been adopted by the Bureau, given that the Council of Commissioners is currently unable to convene.

Sincerely,

John Gara
Chairman

Rwanda Law Reform Commission



CC:

Rt. Hon. Prime Minister

Boulevard de l'Umuganda | Gasabo District, Kimihurura | P.O Box 4894, KIGALI -
RWANDA



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No. 3931C.P.R.L.R.C/

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RLRC ANNUAL REPORT (July 2014-June 2015)

REPUBLIC OF RWANDA



RWANDA LAW REFORM COMMISSION(RLRC) ANNUAL REPORT

(July 2014 to June 2015)

INTRODUCTION

This annual activity report is prepared in order to provide information on RLRC for the year ended June 30, 2015. Despite challenges of inadequate human and financial resources, RLRC has been able to register significant progress as will be illustrated. The report reflects on planned outputs, their indicators and associated targets, base lines as well as planned activities all of which are used as the framework of analysis for the following RLRC's four outcomes:

1. Effective and efficient Management and Administration of the Commission,
2. Staff deliver to the mandate of the Commission,
3. To have modern laws that meet societal needs and easily accessed, and
4. To have key national laws harmonized, approximated and/or aligned with regional and international legal instruments.

MANDATE

According to article 1 of Law N° 35/2014 of 28/11/2014 modifying and complementing Law n° 44/2013 of 16/06/2013 establishing the Rwanda Law Reform Commission (RLRC) and determining its mission, organization, and functioning, RLRC is mandated to carry out the following tasks:

1. analyzing Rwandan laws and providing recommendations to relevant institutions for their improvement, updating and reform;
2. conducting studies designed to assess laws in force in the country in order to identify those that are not implemented, suggest the new ones that are necessary and advise relevant institutions accordingly;
3. ensuring proper codification and consolidation of Rwanda laws;
4. identifying laws provided for under the Constitution that are not yet put in place and preparing related draft bills;

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5. preparing draft bills for laws that need to be made or modified on the initiative of RLRC or upon request by relevant institutions;
6. examining draft bills initiated by other institutions before they are submitted to the Cabinet;
7. contributing ideas on a private member's bill as initiated by a Deputy or a group of Deputies upon request;
8. following up the consideration process of bills in the Parliament;
9. ensuring proper drafting and translation of Rwandan laws in all official languages throughout the legislative process starting from the preparation of draft bill to the publication of laws in the Official Gazette of the Republic of Rwanda
10. identifying national laws in force to be harmonized with principles that are provided for under international instruments ratified by Rwanda;
11. providing public institutions with advice on legal matters and draft bill
12. receiving and considering any proposals for reform of laws that are submitted by an institution or any interested person.

STRUCTURE AND STAFFING

In the year ended, RLRC through the restructuring process acquired a new structure that will enable it deliver to its mandate. The total number of positions is 63 which is almost a double of the number of position for the previous structure that was 34. RLRC also has five non-permanent Commissioners, who together with the Chairman and Vice Chairman, make up the Council of Commissioners which is the supreme Authority of the Commission.

In the restructuring process however, four of the Commissioners who were permanent, had their term interrupted by the 2014 law modifying the law establishing the Law Reform Commission which provided for the Chairperson and the Vice Chairperson being the only permanent Commissioners. Two of its other staff were suspended due to job removal after placement according to the new structure. At the end of the year, staff in place were only 34 (19 men and 15 women)

ACHIEVEMENTS

Some of the major achievements of the RLRC in line with the four outcomes aforementioned for the year ended June 30, 2015 are the following;

Effective and efficient management and administration of the Commission

RLRC ANNUAL REPORT (July 2014-June 2015)

Other than the Council of Commissioners which is the Supreme Authority of the Commission, and the Bureau which are established by the law, Management of the Commission is overseen by both Senior management, and Management forums. Some of the indicators are:

- Improved working conditions whereby monthly salaries and other benefits are provided without delay
- Necessary/required office equipment to facilitate staff in their daily activities acquired, safe guarded and regularly maintained
- Placement of staff after restructuring; this exercise ended with 4 staff members suspended due to job removal. Prior to that,
- Monitoring and evaluation of staff performance for the year ended, done in January 2015 and July 2015

Staff deliver to the mandate of the Commission

- Technical positions occupied by Qualified and experienced staff, and more are being recruited. This is attributed to the newly approved structure in which job positions for technical staff were elevated.
- Technical staff members trained: 3 Commissioners acquired a Diploma in Legal Practice by ILPD and one Division Manager is currently undergoing the same. Various Professional trainings for support staff have been facilitated by MINECOFIN, RPPA, and MIFOTRA
- A library set up to facilitate legal research
- On a regional level, the Commission participates together with other Law Reform Commissions in Partner States in sessions dealing with harmonization and approximation of national laws in the EAC context
- Supports facilities/venues procured in order for staff to keep fit

To have modern laws that meet societal needs and easily accessed

- Inventory of laws in force updated
- Laws needing reform identified, analyzed and 71.4% drafted
- 155 out of 194 prioritized Implementing Legal Instruments have been drafted

To have key national laws harmonized, approximated and/or aligned with regional and international legal instruments

- Harmonization of international human rights treaties project under way, by UNDP funding through Access to Justice Programme
- Inception report for Harmonization of International Humanitarian Laws available. Funded by CIRC

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- Drafts of laws under Harmonization for regional integration/ EAC available, namely: Companies Law, partnership law, Insolvency law and Intellectual property law

CHALLENGES & OPPORTUNITIES

Since commencement of activities in 2012, RLRC faced a challenge of an inappropriate structure which was unrealistic in relation to its mandate. Despite the fact that the structure was lacking, even the provided staff could not be full acquired as recruitments were suspended due the restructuring process which started in 2013 and ended in 2014. However, the new RLRC structure as of April 2015, provides for positions that have attracted qualified and experienced staff who will make it possible for RLRC to deliver to its mandate. Recruitments are underway for full staffing by the end of quarter 2 of year 2015/2016.

Insufficient budget has resulted into some planned activities not being achieved, for example implementation of the Law Revision project has been delayed, acquisition of modern law library software which should facilitate research activities, and server room installation etc. RLRC has nonetheless attracted development partners like Trade Mark East Africa(TMEA), UNDP, CIRC, Stanford Law School, whose support in funding or technical assistance either directly or through the Justice Sector has and continues to facilitate RLRC in achieving its goals.

RLRC ANNUAL REPORT (July 2014-June 2015)

OUTPUT	INDICATOR	BASELINE	TARGET	PLANNED ACTIVITIES	ACTIONS IMPLEMENTED/ ACHIEVEMENTS	OBSERVATIONS
1.1.Human resources motivated and strengthened	Improved working conditions/ environment and number of staff trained	Exiting Draft five years capacity needs assessment and capacity building plan, Ongoing training and existing working conditions/ environment	100% each quarter	1.1.1. Paying monthly salary and benefits	Done	100%
			6 staff trained by Q4	1.1.2. Training staff	Various short trainings for support staff provided by MINECOFIN, MIFOTRA and RPPA	Facilitation of transport and up keep for some courses by RLRC
				1.1.3. Work with national and international partners to support capacity building of RLRC support staff	Not done	Mr. Richard from Stanford has been providing technical support specifically on statutory interpretation
			Report per quarter	1.1.4. Monitoring and evaluation of organizational and staff performance	There has been recruitment of: - 9 support staff to fill vacant positions as per current approved structure,	Remaining 3 vacant support staff positions are to be filled in by Q2, 2015-2016 FY.
1.2. Lacking Office Equipment and ICT infrastructure in place and maintained.	Number of equipment and ICT infrastructures in place	Basic equipment and ICT maintenance available	Q2 & Q3: server room installed	1.2.1. Procuring necessary materials	Not done	Not done because there was no budget to fund this activity.
			Q4: Modern Library Software acquired	1.2.2. Develop a modern law library	Partitioning completed and Installation of shelves and books in the Library done	Modern Library Software to be acquired as per the availability

RLRC ANNUAL REPORT (July 2014-June 2015)

OUTPUT	INDICATOR	BASELINE	TARGET	PLANNED ACTIVITIES	ACTIONS IMPLEMENTED/ ACHIEVEMENTS	OBSERVATIONS
2.1. Senior and technical staff adequately facilitated	Improved working conditions/ environment and number of staff trained	Exiting Draft five years capacity needs assessment and capacity building plan and existing working conditions/ environment.				of financial means
					A list of required materials and books was prepared in order to determine the requirements of the documentation Centre of RLRC.	Additional materials to be acquired as per the availability of financial means
			Q4: Asset management Software acquired	1.2.3. Maintenance of the equipment of the RLRC	Not done	Not done because there was no budget to fund this activity.
			100% each quarter	2.1.1. Paying monthly salary and other benefits	Done	100%
			4 staff trained by Q4	2.1.2. Training staff	Q4: 3 staff trained by ILPD (75%)	
			Q3: MOU with Stanford Law School	2.1.3. Work with national and international partners to support capacity building of RLRC technical staff	Research on Statutory Interpretation done in collaboration with Stanford Law School and finds presented to stakeholders	
			Report per	2.1.4. Monitoring	- 9 technical staff recruited,	Remaining 18

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OUTPUT	INDICATOR	BASELINE	TARGET	PLANNED ACTIVITIES	ACTIONS IMPLEMENTED/ ACHIEVEMENTS	OBSERVATIONS
			quarter	and evaluate organization al and staff performance	<ul style="list-style-type: none"> - 3 new appointed technical staff (1 Head of Department, 1 Division Manager and Advisor to the Chairperson), - 4 appointments (1 Head of Department and 3 division managers who already were working in RLRC but in different positions - 7 horizontal appointments (within the same institution), <p>This sum up 26 technical staff if added to 3 in place as per the new structure of February, 2015</p>	vacant technical staff positions are to be filled in by Q2, 2015-2016 FY
3. Laws modernized , indexed and revised	Number of legal instruments (Laws, Orders and/or Instructions) drafted, indexed and revised	Existing RLRC Inventory of legal instruments; Existing analyses of legal instruments and the Feasibility study for law revision project available.	Q1 & Q2: Procurement process for the Law Revision Project.	3.1.1. Preparation of TORs, advertisement of the tender and selection of the best bidder	This will be done in the implementation of the Law revision project which, as agreed during budget consultation, will be funded in the 2015/2016 Fiscal Year.	
			Q3 & Q4: Implementation of the Law Revision Project	3.1.2. Monitoring the progress of Law Revision Project implementation		

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OUTPUT	INDICATOR	BASELINE	TARGET	PLANNED ACTIVITIES	ACTIONS IMPLEMENTED/ ACHIEVEMENTS	OBSERVATIONS
				3.1.3. Reporting on the project implementation progress		
			Q1 and Q2: 35% of prioritized analyzed laws drafted and 40% of implementing legal instruments drafted	3.1.4. Ensure the drafting of analyzed laws and implementing legal instruments	<p>Quarter 1 & 2:</p> <p>1. Updated the existing inventory with;</p> <ul style="list-style-type: none"> • 42 criminal related laws • 132 Civil and Administrative laws • 70 Business related laws, and <p>An Inventory of:</p> <ul style="list-style-type: none"> ▶ 591 international legal instruments (multilateral and bilateral) ratified by Rwanda created. ▶ 37 laws that need to be reformed. <p>2. Analysis of Laws and ensuring their drafting:</p> <ul style="list-style-type: none"> ▶ 155 out of 194 prioritized Implementing Legal Instruments have been drafted (79.8%), ▶ 28 laws needing reform out of 37 prioritized have been analyzed (75.67%), among 	

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OUTPUT	INDICATOR	BASELINE	TARGET	PLANNED ACTIVITIES	ACTIONS IMPLEMENTED/ ACHIEVEMENTS	OBSERVATIONS
					which 20 (out of 28 analyzed) were drafted (71.4%)	
			Q3 and Q4: 75% of prioritized analyzed laws drafted and 80% of implementing legal instruments drafted		Drafting Laws & Orders initiated: ► 5 out of 7 laws to be initiated have been drafted (71.4%).	Due to restructuring process that took long, from Q3 to Q4, some of planned activities such as this one were not carried out as planned and therefore appeared to be off-track.
4.1. National laws harmonized and/or approximated with regional and international ratified legal instruments with exception of EAC instruments	Number of laws harmonized and/ or approximated	Feasibility study for the Alignment with regional and international obligations project available	Q1 & Q2: Procurement process for the Harmonization of Laws Project.	4.1.1. Preparation of TORs, advertisement of the tender and selection of the best bidder	Quarter1 & 2: ► Preparation of TORs, was done but funding was acquired in quarter 3 thus advertisement of the tender and selection of the best bidder, and signing of contract for a study on the harmonization of international human rights instruments ratified by Rwanda was done in the last quarter. ►	Funding by UNDP through Access to Justice Programme

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OUTPUT	INDICATOR	BASELINE	TARGET	PLANNED ACTIVITIES	ACTIONS IMPLEMENTED/ ACHIEVEMENTS	OBSERVATIONS
					<ul style="list-style-type: none"> ▶ Draft Inception report for International Humanitarian Law (HRL) Harmonization Project 	Funding by ICRC
			Q3 & Q4: Implementation of the Harmonization of Laws Project	4.1.2. Monitoring the progress of harmonization project implementation	Quarter 3: <ul style="list-style-type: none"> ▶ Inception report for the study on harmonization of international human rights treaties approved 	
				4.1.3. Reporting on the project implementation progress	Quarter 4: <ul style="list-style-type: none"> ▶ Human Rights Instruments harmonization/alignment on going 	
4.2. East African Community Legislative compliance programme developed and implemented	Number of laws harmonized and/ or approximated with EAC legal instruments	EAC compliance tool available	Q1 & Q2: 40% of prioritized laws for harmonization purposes drafted; Q1: 17%, Q2: 40%, Q3 & Q4: 80% of prioritized laws for harmonization	4.2.1. Drafting prioritized laws for harmonization purposes.	10 laws, under the compliance program, were prioritized for harmonization and/or approximation in the EAC context; And 5 (50%) of those 10 were drafted: <ul style="list-style-type: none"> ▶ 3 laws: <ul style="list-style-type: none"> - Companies Law, - Partnership Law, - Insolvency Law, All 3 drafted by the TMEA funded consultant team of experts, and are at final stage; <ul style="list-style-type: none"> ▶ And 2 laws: <ul style="list-style-type: none"> - Investment Law, 	Done at 50%

RLRC ANNUAL REPORT (July 2014-June 2015)

OUTPUT	INDICATOR	BASELINE	TARGET	PLANNED ACTIVITIES	ACTIONS IMPLEMENTED/ ACHIEVEMENTS	OBSERVATIONS
			n purposes drafted; Q3: 65%, Q4: 80%,		- were drafted by RDB and CMA in a close consultation with RLRC	
The quality of national legislation and legislative process improved (Priority action 2014-2015)	% of draft legislations complying with the manual.		% of draft legislations complying with the manual.	1. Draft Laws	Legal instruments drafted in compliance with drafting manual ▶ 3 Organic Laws, ▶ 1 Presidential Order, ▶ 3 Ministerial Orders, ▶ 6 Draft Laws, ▶ 1 Ministerial Instruction.	
				2. Harmonization of Languages of Laws	▶ 59 Laws.	
				3. Correction and Harmonization of languages of Draft Laws, Orders and instructions	Correction and harmonization of languages before promulgation ▶ 1 Organic Law, ▶ 48 Draft Laws, ▶ 143 Presidential Orders, ▶ 155 Prime Minister's Orders, ▶ 170 Ministerial Orders, ▶ 8 Ministerial Instructions, ▶ 3 Ministerial Regulations,	
				5. Legal Opinion (cumulatively)	29 Legal opinions on various laws and draft Laws were provided;	
					Other activities done among others are:	

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OUTPUT	INDICATOR	BASELINE	TARGET	PLANNED ACTIVITIES	ACTIONS IMPLEMENTED/ ACHIEVEMENTS	OBSERVATIONS
	A National Legislative Drafting Plan available	NA			<ul style="list-style-type: none"> ▶ Representing Government before the Parliament, ▶ Attending various official meetings at national, regional and even international level. 	
			Q1: Develop national legislation plan	1. Prepare a national legislative drafting plan for the executive organs of government,	Q1: For the Legislative drafting plan, there have been meeting and visiting different institutions to collect information.	
			Q1-Q2: National legislation manual drafted		Q1: Legislative drafting manual draft available in Kinyarwanda and translation in other official languages underway.	
			Q3-Q4: 100% of all legislations comply legislative manual		Q2: Legislative drafting manual draft available in Kinyarwanda and translation in other official languages at final stage.	
				2. Prepare and publish a legislative drafting manual for both	Q3: Legislative drafting manual draft available both in Kinyarwanda and English and translation in French at final stage.	
					Q4: Legislative drafting manual draft available in all official languages; Kinyarwanda, English and in French.	
					Publication will be done after its approval which is planned to be done by Q2 in 2015-2016 FY.	

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OUTPUT	INDICATOR	BASELINE	TARGET	PLANNED ACTIVITIES	ACTIONS IMPLEMENTED/ ACHIEVEMENTS	OBSERVATIONS
				primary and secondary legislations,		
				3. Monitor the compliance with national legislation manual,	Even if not yet approved, this was done because each legislation was drafted according to the National Legislative drafting manual.	
				4. Organize consultative meeting and workshop on legislation process.	This will be done within 2015-2016 after approval of the national legislative drafting manual.	