

**REPUBLIC OF RWANDA**



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**CRIMINAL JUSTICE POLICY**

**September, 2022**

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## ACRONYMS AND ABBREVIATIONS

IECMS	Integrated Electronic Case Management System Rwanda
JRLOS	Justice, Reconciliation, Law and Order Sector
MINIJUST	Ministry of Justice
NGO	Non-Governmental Organization
NPPA	National Public Prosecution Authority
NST1	National Strategy for Transformation 1
RCS	Rwanda Correctional Services
RIB	Rwanda Investigation Bureau
RNP	Rwanda National Police

## DEFINITION OF KEY TERMS

**1. Criminal justice chain:** All institutions and activities that are involved in the criminal justice from the crime investigation up to the release of a convicted person after he or she has served his/her sentence.

**2. Criminal rehabilitation:** The process of helping inmates grow and change, allowing them to separate themselves from the environmental factors that made them commit a crime in the first place. Under this criminal justice policy's perspectives, Criminal Rehabilitation means a process of education, training or therapy with the aim of assisting an offender's re-entry into society.

**3. Diversion:** A program that, instead of processing a case into the criminal justice system sends it back to the community for resolution outside of the investigation or court process. Under such scheme, the offender often avoids criminal conviction, but is held accountable for the crime by having to follow through on the decision of the community to compensate the victim, provide a service to the victim or perform community service. In many countries, it is reserved for juvenile offenders and focuses on ways that youth can be rehabilitated through service to the victim and/or community. Sometimes, it is also used for minor adult crimes and crimes when the adults have disabilities, such as trauma or mental illness that require support from the community.

**4. Halfway Home Social Reintegration Centre:** An institute for people with criminal backgrounds or substance use disorder problems to learn (or relearn) the necessary skills to re-integrate into society and better support and care for themselves. As well as serving as a residence, halfway houses provide social, medical, psychiatric, educational, and other similar services.

**5. Imutakara:** Mutakara is a small hill in the eastern part of Ruhango, the preferred Capital-City and on which was raised the Palace of King Mibambwe II Sekarongoro II Gisanura, the 17<sup>th</sup> King of Rwanda who ruled from 1609-1642 and distinguished himself from others by providing social justice a triple mission: equitably distributing available resources to citizens with special look to those in need, improving the judicial system and humanizing the criminal justice. Gisanura is the King who, systematically established the confrontational method in whatsoever case between conflicting parties in front of an impartial Judge, with the intervention of neutral witnesses before rendering any judgement. Reference is made to this Hill to evoke and call judicial actors to take precedent to Mutakara court cases, that were characterized by a high sense of equity and the transcendental character of Justice.

**6. Parole service:** Institution or Programme in charge of supervising offenders under conditional release from a correctional institution that permits them to serve the remainder of their sentence in the community under the supervision of a probation and parole officer.

**7. Probation service:** A criminal justice service that is mainly responsible for dealing with offenders by placing them under the supervision of a probation officer. It plays an important role in helping to reduce the level of crime and to increase public safety by working with offenders to help change their behavior.

**8. Restorative justice:** A system of criminal justice which focuses on the rehabilitation of offenders through reconciliation with victims and the community at large. It is an approach to justice that seeks to repair harm by providing an opportunity for those harmed and those who take responsibility for the harm to communicate about and address their needs in the aftermath of a crime.

## **FOREWORD**

For the past two and a half decades Rwanda has progressively reformed its legal, policy and institutional frameworks relevant to the strengthening of its justice system in general and Criminal Justice System in particular. Both substantive and procedural laws in the area of criminal justice have continuously been reformed.

Since independence in 1962, Rwanda has had two penal codes. The first was adopted in 1977 and the second in 2012. The latter was replaced by Law N°68/2018 of 30/08/2018 determining offences and penalties in general as amended to date.

Laws relating to criminal procedure have also undergone substantial reforms since the last two decades. So far, Rwanda has had four laws relating to criminal procedure. With the exception of the law of February 23, 1963 on the Code of criminal procedure; the remaining three laws were adopted between 2004 and 2019; in 2004, 2013 and 2019. All these legal reforms have taken place with the aim of improving on Rwanda's Criminal Justice System.

Rwanda also has a strong institutional framework necessary for a well-functioning Criminal Justice System. The existing institutions continue to be reformed while new ones are established to ensure they contribute to a sound, effective and coordinated criminal justice chain. These institutions are coordinated through JRLOS.

Also, the Government committed to the Transformational Governance as one of the three Pillars of the NST1. Through this pillar, the JRLOS was set to be strengthened and more specifically access to quality justice improved by modernizing the Criminal, Commercial and Civil Justice System among other others.

Therefore, this Criminal Justice Policy fits into the broad picture of the NST1. It is first of its kind, as there has not been any other Criminal Justice Policy in Rwanda prior to this. The purpose of this Criminal Justice Policy is to properly guide policies and practices of institutions in the criminal justice chain from the crime detection, prevention, investigation, prosecution, court proceedings, sentencing for deterrence, retribution and compensation, to the offenders' rehabilitation and resocialization. It also highlights the role of citizens/communities as key players in crime detection, prevention, reporting and especially preventing recidivism and emergence of new crimes, to entrench the rule of law and enable sustainable security and peaceful coexistence.

Various stakeholders including government institutions, development partners, private sector and civil society organisations, made significant contribution in the preparation of this policy. To this end, we are grateful for their time and the invaluable inputs shared to have this policy developed. We believe that all stakeholders will work in close partnership to ensure smooth implementation, monitoring, and evaluation of this policy.

**Ministry of Justice and Attorney General's Office**

## **EXECUTIVE SUMMARY**

This Policy arose from comprehensive discussions from and amongst various stakeholders in the justice sector, surveys conducted to gather citizens' perception of the existing criminal justice practices in Rwanda, the thorough analysis of the existing criminal justice system as a whole through a thorough scanning of various relevant laws, institutions and their respective practices, giving particular attention to the need to coordinate policy actions across the sector and after examining the history, culture and views of the people in the search for reforms.

The policy research was a qualitative and quantitative analysis, conducted through a comparative examination of the available criminal justice literature, a pilot survey on 5 prevalent crimes, an experiential and in-depth interviews with members of the public involved in the criminal justice system, the distribution of questionnaires to practitioners from each institution involved in the criminal justice system and the conduct of a crosscutting study of children and mentally ill in the criminal justice system to examine the response to the system at each stage of the process, interviews to inform properly the policy production.

The analysis of the CJS in Rwanda through consultations of the entire criminal justice system spectrum revealed some challenges that informed the development of the policy well aligning policy actions and suggesting their implementation plan.

The policy is based on eleven (11) principles to guide its actions in all Justice Sector institutions and to serve as the foundation of modern, evidence-based criminal justice system principally committed to the protection of the public and the rehabilitation of offenders for a seamless reintegration back to the society.

As principles, they are articulated not only on the commitment of the people of Rwanda to building the rule of law, protecting the public, ensuring equality of citizens before law, justice, proportionality and fairness, human rights protection including the rights of victims, crime reduction and criminal rehabilitation, community involvement and inspiration from home grown solutions, but also building a smart justice while ensuring professionalism and accountability.

The implementation of this policy will be ensured following a series of recommended policy actions that the Justice Sector institutions will fulfil in complementarity, to streamline and strengthen the criminal system from the investigation up to the rehabilitation and resocialization of delinquents back into the community, building on the fact that Rwanda does already have a criminal justice system whose operational efficiency and limited corruption is quite notable and appreciated and on the Government's determination to control crime, but at the same time, strengthening Rwandan culture and social cohesion.

## I. INTRODUCTION

This Criminal Justice Policy is research based, rooted and founded on Rwandan values while at the same time, considering other best practices from elsewhere around the globe, responding properly to the new crime trends and considering views and recommendations of various categories of consulted key stakeholders in the Justice System including both criminal justice chain service providers and beneficiaries.

The development and adoption of this policy is entrenched in the key orientations of the NST 1 under its Governance and Justice Pillar's objective to consolidate Good Governance and Justice as building blocks for equitable and sustainable National Development. More specifically, this policy is the result of the Government of Rwanda's commitment to ensuring access to quality justice for its citizens, by modernizing the Criminal, Commercial and Civil Justice System among other others.

As a policy, it has roots beyond the confines of the institutions of criminal justice, because it begins with the people and ends with the people through a crime and victimization survey.

The emphasis on the culture of the people of Rwanda in this policy is also confirmed by the examination of pre-colonial and colonial history and the attention to Rwandese concepts, which relate to Justice such as *Imutakara*, *Gacaca*, *Abunzi* and many others.

Beyond the national scope, this Policy highlights the fact that any criminal justice policy must operate within a framework of international obligations and considers the effect on standards relating to other areas of governance in Rwanda, the necessity to maintain close cooperation with regional and international agencies in respect of cybercrime, money laundering, human trafficking and the international supply of illegal drugs.

The policy also states the need for crime to be a cross cutting consideration in wide areas of policy such as economic and planning policy, the need for interdepartmental committees within Government or working parties to deal with specific issues, and it examines three social groups both of which require interdepartmental attention, namely children, mentally ill and disabled persons.

The purpose of this criminal justice policy is to properly guide policies and practices of institutions in the criminal justice chain from the crime detection, prevention, investigation, prosecution, court proceedings, sentencing for deterrence, retribution and compensation, to the offenders' rehabilitation and resocialization. To this end, it analyses challenges that are met by all stakeholders in the whole system and ensures that the criminal justice system becomes more harmonious, more coordinated and more consistent. More particularly, this policy highlights the role of citizens/communities as key players in crime detection, prevention, reporting and especially in preventing recidivism and emergence of new crimes, to entrench the rule of law and enable sustainable security and peaceful coexistence.



## II. SITUATION ANALYSIS

The development of this criminal justice policy responds to the necessity of building a coherent, connected, innovative and problem-solving Criminal Justice System that guarantees the protection of the public and the efficient mitigation of crime.

To this end, a deep analysis has shown that the crime dealt with by the formal criminal justice system is a fraction of the crime managed and controlled by the community itself, which is linked to the system of criminal justice only by sensitive and effective community policing. Furthermore, deepening analysis required looking at strengths, weaknesses, opportunities and threats, collecting at the same time stakeholders' views.

### 2.1. SWOT Analysis

In-depth analysis on legal, policy and institutional environment with special look at Strengths, Weakness, Opportunities and Threats revealed the following:

#### a. Strengths:

- Existence of effective Criminal Justice Institutions, well structured, with clear mandates;
- Criminal Justice institutions that are fairly supported both in human and capital resources;
- Motivated leadership and personnel;
- Evidence-based planning and Monitoring & Evaluation;
- Culture of accountability/checks and balance among Justice Sector institutions;
- To a certain extent, the Inter-institutional cooperation among institutions in criminal justice chain;
- The standardization of service delivery;
- The use of new technologies in the management of cases throughout the criminal justice chain.

#### b. Weaknesses:

- Inadequate Information-Technology literacy among Justice Sector Staff and end-users;
- Lack of proper knowledge among stakeholders and the public regarding “Crime Prevention” as a concept;
- Lack of proper coordination, inter-linkedness and strategy for Crime Prevention;

#### c. Opportunities:

- Inspiring and Visionary leadership;
- Strong political commitment to support Justice Sector Institutions and the Justice system in general;
- Regular and effective policy, strategy and institutional reforms;

- Justice Sector institutions' readiness to continue strengthening inter-institutional cooperation.

**d. Threats:**

- Increase of crimes that may lead to backlog cases into Courts and overpopulation in prisons;
- Increasing number of emerging and sophisticated crimes;

## **2.2. Stakeholders' Views**

Basing on identified problems and considering the criminal justice system situation at the moment, stakeholders expressed different views and wishes as follow:

- A stronger focus on decision making for the criminal justice system as a whole is needed, rather than focusing on the needs of a particular institution, to make it more coordinated, harmonious and consistent;
- A greater focus on diversion from prosecution, building on the criminal procedure law is required;
- A more scientific approach to sentencing, separating the decision on sentence from verdict and introducing new alternative sentences to imprisonment is recommended;
- Creating a system which will progressively associate both the criminal, the victim, the witness and the community to the crime prevention, mitigation and the criminals' correction, rehabilitation and resocialization.

### **III. POLICY ORIENTATION**

#### **3.1. Vision**

This Policy envisions a modern and strong criminal justice system entrenched in the Rwandan culture and values, with professional institutions that respond properly to their missions and enhance the rule of law.

#### **3.2. Mission**

The mission of this Policy is to contribute in building a coherent, connected, innovative and problem-solving criminal justice system that guarantees the protection of the public and the efficient mitigation of crime.

#### **3.3. Objectives**

##### **3.3.1. General Objective of the Policy**

The general objective of this Policy is to have a criminal justice system with connected Criminal Justice institutions, committed to the effective protection of the public and its property through combating of crime in a sustainable manner.

##### **3.3.2. Specific Objectives**

Besides the above general objective, the Policy has the following specific objectives:

- Produce a comprehensive analysis of the current state of affairs across all sectors/phases of the criminal justice system, based on a proper review of laws, practices, procedures, sentencing practices and laws, correctional, rehabilitation and socialization rules and practices;
- Avail a policy document that enables the criminal justice system to be more harmonious, more coordinated and more consistent.

#### **3.4. Guiding principles**

This Policy is built on eleven guiding principles as presented below:

##### **3.4.1. Protection of the Public**

The first duty of the State is to ensure the protection of its citizens and all lawful residents from crime and disorder, promoting a sense of security amongst the people. Protection can be achieved not only by surveillance in collaboration with citizens, but altering the behaviour of potential offenders. Reducing the opportunities for crime may present fewer opportunities for crime. Evidence shows that potential offenders are more likely to be deterred by the likelihood of detection rather than heavy punishment, so improvements in investigation and detection promote this principle.

As a front-line service, RIB and other security institutions have to respond to a range of circumstances and situations, many of which are not strictly to do with crime. Their responsibility is both in respect of dealing with any present infraction or threat to public order as well as planning for and anticipating criminal conduct and the ways to avoid

it. Specifically, RIB's crime prevention policy works in a coordinated way with other institutions and beyond MINJUST as well as the public.

Another institution, which also plays a role in the protection of the public, is the Rwanda Correctional Service as the custodian of prisons. Imprisonment, however, only protects the public to a limited degree. Whilst offenders who have committed serious crimes must be punished and the public protected against them, the routine imprisonment of offenders who have committed less serious crimes is no guarantee against re-offending in the future. More and other complementary and accompanying measures are aligned by this policy to achieve deterrence.

In addition, the duty to protect the public means carefully assessing future risks through examination of trends in criminal activity including international threats such as terrorism, cybercrime and human trafficking to keep a watchful eye on developments beyond Rwanda's borders, to set up a sophisticated strategy and corresponding punitive regime.

The proposed policy actions are intended to reduce crime and to respond to offenders in ways that are effective and cost efficient. The innovations proposed such as electronic monitoring and the creation of a Probation service will assist in this process but there will need to be a multi - agency approach from police, probation, prosecution, investigation and Civil Society Organizations including Faith-based Organizations to managing the risks associated with these offenders.

### **3.4.2. Human Rights and Equality before the law**

Criminal Justice Policy must operate within a framework of Human Rights and those implementing the policy should be vigilant and self-critical in the enforcement of Human Rights, in respect of the Constitution of Rwanda, other national laws and international standards.

To this end, the principle of non-discrimination which is the duty of the State to ensure that each and all of the institutions of criminal justice operate equally and towards all persons regardless of age, gender, race or creed, and the principle of equal access to justice for prosecution and defence in respect of the Constitution of Rwanda especially articles 24 and 29 covering respectively the right to liberty and security and the right to due process of law, with due attention to both rights of the victims, the accused and the prisoners.

### **3.4.3. Justice, proportionality and fairness**

Justice, proportionality and fairness should permeate the whole of the Criminal Justice System. Justice means fair treatment and being judged to a standard of proof beyond reasonable doubt, which is just for the offender, the victim and society as a whole. This policy proposes that justice does not always require retribution and that society may be better served by a rehabilitative or a restorative justice approach.

Justice means applying the law in a manner consistent with fairness and proportionality, and this policy suggests that Rwandan justice be inspired by the principles of *Imutakara*, which have variously been explained as mercy, proportionality and "getting

to the heart of the matter”. Judges should learn and adapt to the new inquiry they will have to make at the stage of sentencing, using their discretionary powers to lead offenders towards Rehabilitation and Restorative Justice.

#### **3.4.4. The Protection and Rights of Victims**

Besides physical injury, crime can cause deep and lasting trauma to the victim and the victim’s family. The Civil Law system of justice has traditionally given greater recognition to the interests of victims in the criminal justice process than the Common Law and Rwanda follows that approach. The criminal prosecution may be held in parallel or closely aligned with a civil action by the victim.

In the aftermath of the Genocide against the Tutsi, Rwanda has gained a great deal of experience in dealing with victims of trauma and effecting reconciliation between victims and perpetrators. Rwanda Correctional Service, Prison Fellowship and other NGOs are continuing such work inside Rwandan prisons. However, victims respond in different ways to crime and their views should always be respected.

The policy makes consideration of the needs of the victim to be a concern at every stage of the CJS, with a special look at psychological impact of the crime and at the contribution of the healing process.

#### **3.4.5. Home grown Solutions and Community Involvement**

The Constitution of the Republic of Rwanda in its article 11 requires that considering home grown solutions and community involvement while handling national issues should be at the heart of criminal justice policy for a number of reasons.

Firstly, there is good historical and international evidence that strong social solidarity and a strong social culture operate to contain and control rises in the crime rate. Economic and social changes in Rwanda can threaten community and family structures in a number of ways. Urbanization can bring in young people from rural areas looking for work that are not subject to family controls and can turn to crime. School dropouts are a likely source of predisposition to crime. Another example is of parents with newfound wealth who feel they can leave the management of their children to the schools and their domestic workers and then are horrified when their children, deprived of a supportive family life, start using drugs.

Secondly, Rwanda has a strong informal system of community action to control crime and conflict. The pilot crime and victimization survey has confirmed that the vast majority of minor crimes are reported to and resolved at *Umudugudu* level rather than being reported to the police or an Investigator. This Policy suggests that a higher proportion of minor crime can be dealt with at a community level. The much vaunted “crime free villages” are models, not of idyllic communities of perfect citizens, but ones where there appears to be sensitive and intelligent community leadership and action to resolve conflict and anticipate problems with the active involvement of all inhabitants, linked to community policing.

Thirdly, Rwanda has an excellent record of adapting traditional practices to the needs of modern Rwanda. *Gacaca*, *Abunzi*, *umuganda* and *imihigo* are some of the best

known of the traditional mechanisms refashioned to deal with contemporary issues; there are many others. Criminal justice is already using and adapting many of these traditional forms and should extend their remit. However, care should be taken to ensure that they are supported by the people and properly assessed so they work effectively under modern conditions. *Itorero* with juvenile offenders, *Ingando* with pre-release prisoners, *Ijisho ry'Umuturanyi* to strengthen security in the neighbourhood, *Ubudehe* and *Inteko z'Abaturage* meetings to decide on the community response to crime or criminals, a revised remit for the *Abunzi*, including the power to convene restorative sessions are among the policy recommendations.

### **3.4.6. Reduction in Crime**

Since crime causes harm, pain and fear to the population as a whole, the State has a duty to take effective measures to reduce it.

Reducing crimes requires scientific examination of the exact nature and volume of crime, strategies aimed at reducing the crimes that are balanced with considerations of personal freedom and human rights, abolition of crime or reducing it to zero are noble ideals but difficult to achieve.

The RNP strategy for community policing is already an impressive system for crime prevention and control. What is proposed is a Smart policy informed by scientific data and research, starting from a full crime survey, thorough a proper analysis of all conditions that surround the crime occurrence, and the application of problem-solving strategies such as the situational crime prevention, and the problem-oriented policing to the specific conditions relating to that particular crime.

### **3.4.7. Imprisonment as the last resort**

Prison will always be necessary for some offenders, but it is destructive of people's lives and of their families. This policy proposes the imprisonment as the last resort as a policy option and that all institutions of criminal justice be encouraged and trained to play their part in it.

This will be done by asking investigators, prosecutors and the judges to always consider alternatives to detention and prison, because there is emerging evidence globally that an offender's propensity to commit crimes in the future is not decreased by the experience of prison.

The policy actions contain proposals for legislation to provide these alternative sentences to imprisonment for the court, in cases where the offender does not pose a serious risk to the public and is likely to respond to a rehabilitative or therapeutic regime.

Implementation of these policies will require changes in the law, in the practices and in the mind-set of all actors within the criminal justice system. A Probation and a Parole service will be needed to underpin these changes and the legal framework of sentencing will be restructured giving greater discretion to the judge in sentencing. Sentencing Guidelines issued by the High Council of the Judiciary will control the dangers of sentencing disparity.

### **3.4.8. Diversion from the criminal justice system**

The process of diversion from the criminal justice system implies taking a different direction from prosecution for some classes of offenders who would be better dealt with by other agencies or means. The two primary groups, for whom there is already provision in respect of sentencing, are children and the mentally ill. Given that the prospects for rehabilitation are much greater for those who stay outside the criminal justice system than for those who enter it then diversion will be used also for first offenders, many types of female offenders and for those who have not yet been to prison unless the gravity of the offense or danger to the public outweighs the chances of rehabilitation.

Diversion implies that there is somewhere to divert these classes of offenders to. This policy again requires a probation service to implement it and a range of therapeutic and training options, which could be sourced from the National Rehabilitation Service, NGOs and local communities.

Despite a sophisticated and restorative approach to crime in the community systems for the control of crime, the formal systems seem to have a routine approach, using prosecution almost exclusively even where there are existing alternatives in the law. This policy suggests new duties on investigators and prosecutors to actively consider alternatives to prosecution. They will require training and preparation.

### **3.4.9. Rehabilitation as an Aim of the Criminal Justice System**

Rehabilitation is not currently part of the Justice Sector's formal policies. The word does not appear in the current JRLOS strategy document. Its technical use in the Criminal Procedure Law, Article 246 relates to a former offender who has not been reconvicted for a period of five years from the date of the end of the penalty for the offense.

Under this criminal justice policy's perspectives, Rehabilitation means a process of education, training or therapy with the aim of assisting an offender's re-entry into society. The measurement of rehabilitation is normally by the calculation of reconviction rates of offenders over a three-year period since their release. Within three years, IECMS may be able to generate such data to assist policy making.

Rehabilitation is often presented as a process, which is applied to an offender, which changes his or her behaviour. More modern approaches give greater emphasis to an offender's choice to reform. Those choices may be very difficult: separating from valued friends, healing family relationships, keeping away from drugs. While programmes in secure conditions such as prison or rehabilitation centres may give new skills and a new sense of order to an offender, the true test of rehabilitation is in the outside world. A skilled probation officer who is supervising an offender in the community will identify and be able to assist the ex-offender with those hard decisions as they are being made. This is why Rehabilitation is suggested to be a consideration at every level of the CJS. In addition to existing correctional services, a Halfway Home Social Reintegration Centre will be erected in each Province to host prisoners about



ending their sentences, for few months' rehabilitation and resocialization to ensure smooth re-entry to the community.

#### **3.4.10. Smart Justice**

Smart Justice means the identification and adoption of technological and scientific solutions to challenges in the CJS. Rwanda's record on technological innovation, from e-government, drone technology to smart immigration systems at airports is remarkable.

In the justice system, the Integrated Electronic Case Management System (IECMS) has revolutionized the preparation of cases and assisted in the reduction of backlogs. It needs further evaluation to explore its utility as a data set, providing valuable management information on trends in the CJS. It could be used to track the use and effectiveness of alternatives to prosecution or the sentence of imprisonment, how children are dealt with in the system and it should be a valuable performance management tool for each institution of justice.

In addition, this policy proposes the use of electronic monitoring by the courts in two circumstances; as a possible condition of bail and as an adjunct to certain alternative sentences to imprisonment.

To avoid unreasonable interference with personal freedom while using particular surveillance system, the policy stresses that those technologies deserve to be investigated carefully and evaluated, but proposes an Electronic Monitoring of Offenders, further extension of IECMS to provide an Offender Management System, further development of the Forensic Laboratory Facilities, facial and voice recognition software, better IECMS facilities in prisons to enable prisoners to witness or participate in their trials and judgments or to be notified of the decision of the court and a Remote Court System.

Finally, remaining on this principle, there is a pressing need for a Research Unit to provide scientific evidence on crime and delinquency to assist the development of policy. The Analysis examined and has recommended a National Justice Sector Research Unit or Centre which will conduct research on behalf of the Sector as well as collecting and collating information on a regular basis for the justice sector that is related to crime, police, investigation, prosecution, courts and prisons.

#### **3.4.11. Professionalism and Accountability**

In order to achieve the policy goals for the criminal justice system as a whole, those working within it must understand the values and goals of the suggested policy reforms as the natural next level progression of the CJS.

The professional approach of public servants in Rwanda is a matter of national pride and admiration that has to be kept and promoted.

This Criminal Justice Policy requires more collaborative and collective activity and conformity to common values if it is to be a success and JRLOS must lead this change of direction. This policy orders that Justice Sector institutions in the criminal chain be



led and their priorities and outcomes determined by the objectives of the criminal justice policy rather than the individual priorities of institutions.

The policies of each institution need to be amended by their High Councils to include within them this policy's principles. Each institution will evaluate their success in relation to these principles through monitoring and evaluation. Each individual professional needs to be accountable for his or her professional actions in respect of these principles.

The Ministry of Justice coordinates a system of institutions of varying degrees of independence and autonomy. Although new policies can be implemented through persuasion, this policy reform has to be achieved primarily through changes. The section on recommended policy actions gives the legal and practice changes that will turn the Policy into a reality.

### **3.5. Benchmarking and best practices**

The principles upon which this Policy is designed as explained above, are drawn from home grown solutions, regional and international best practices.

For example, whereas smart justice and community involvement are our own home-grown solutions, Parole and Probation Service in the CJS is better developed and applied in Kenya than elsewhere in the region. Other principles like fairness of justice, protection of the public, human rights and equality before law are some of international best practices and standards.

#### IV. RECOMMENDED POLICY ACTIONS

To make it effective, based on Policy Actions, this Policy will be properly implemented through a series of detailed activities and sub-activities, with clear indicators and expected outcomes as highlighted in the implementation. The Policy Actions are the following:

4.1. Preparation and adoption of National Crime Prevention Strategy with a coordinating mechanism that will time to time examine the crime status, make needed analysis and submit to different actors' actionable recommendations;

4.2. Review of the criminal procedure and penal laws with aim to:

- Allow prosecutors and investigators to consider diversion from the prosecution and additional diversion points when deemed more appropriate;
- Advise Judges to use and consider new alternatives to imprisonment where deemed necessary;
- Introduce comprehensive sentencing guidelines by the Supreme Court to enhance judicial discretion for judges in appreciating aggravating or mitigating circumstances.
- The Penal Code will be modified to allow for the operations of restorative justice and plea-bargaining. The Criminal Procedure Code will also need modification to allow for restorative justice mechanisms.

4.3. Set up mechanisms aimed at streamlining the management of prisoners including equipping them with hands on skills and increasing the prison staff progressively towards a target of prisoner/ staff ratio of 15:1;

4.4. Improve prison conditions, including the separation of remand and convicted prisoners and one secure unit, improvements in education and training and better access to IECMS;

4.5. Develop a Parole Board to consider all interests in the release of offenders and to link pre- release preparation with post release conditions. This will not require a new institution but rather a kind of Board of Directors composed of officials from key chosen institutions who will check appropriately and advise on the matter.

4.6. Review and amend laws and regulations where applicable, to properly deal with some core offences that need special attention and call for greater cooperation such as economic and financial crimes, terrorism, drugs use and human trafficking, etc.

## **V. IMPLEMENTATION PLAN**

### **5.1. Detailed activities**

Following recommended policy actions, a detailed implementation plan with clear objectives, activities, sub-activities, targets, timelines and concerned institutions was drawn put into annexes of this policy. Year after year, it will be reviewed basing on continuous evaluation avoid forgetting any important component, and upgraded to consider any innovation.

### **5.2. Awareness and communication**

Awareness and communication will be conducted through the existing structures of the Justice Sector institutions. In addition, the Justice Sector secretariat has a specific staff in charge of justice, ADR and legal awareness whose responsibilities will include among other things, to disseminate key messages and information about the policy.

Specifically, awareness and communication efforts will be implemented through regular meetings among JRLO institutions that participate in Joint Sector Review meetings and other forums and mechanisms to assess the performance of the sector, including among others:

- Training, workshops and other capacity building sessions will be organized for the staff from the institutions in the justice chain from the crime detection, prevention, investigation, prosecution, court proceedings, sentencing, all through to the offenders' rehabilitation and resocialization.
- Justice forums for citizens regularly organized such as Justice and Legal Aid Week where justice related issues are discussed and handled.
- MINIJUST website will be regularly updated, with key information and progress on the implementation of the policy.
- Local media (newspapers, radio and television) will be used to impart key messages to the target audience.
- In collaboration with other concerned publics and private institutions, JRLOS under the coordination of the MINIJUST shall organize different citizens forums such as Umuganda, Open days, Town meetings, Press Conferences, Community Outreach Programs, documentary films and other audio-visual materials with purpose to raise awareness of the public on the policy.

## **VI. IMPLICATIONS OF POLICY IMPLEMENTATION**

### **6.1. Financial implication**

#### **6.1.1. Major items of Savings**

The proper implementation of this policy is expected to have a series of implications including among others the following:

- A gradual reduction in prison population of 5000 prisoners during the first 3 Fiscal Years and 10000 during the two that will follow;
- With an annual cost per person equivalent to RWF 1,460,000, this will allow increasing annual savings through the reduction of the National Public Prosecution dossiers and trials.
- Annual Savings with 10% less criminal dossiers and reduction of 20% less criminal trials per year.

#### **6.1.2. Major items of Cost**

The Policy recommends an increase in RCS staff to reduce the prisoner-guard ration to 15.1 which will require 500 Guards and 100 officers over 5 Years and incur some costs.

### **6.2. Legal implications**

Once this Policy is adopted, quick review and amendment of a series of laws will start, aligning them to the policy principles, guidelines and to facilitate recommended policy actions implementation.

A. The main policy actions to be introduced will consider two options:

- Introduce a new Criminal Justice and Sentencing Act, which includes the policy actions on criminal procedure, diversion, sentencing and review of conditions for release of convicts.
- Amending Legislation for the Law determining offenses and penalties in general 2018 and the Criminal Procedure law 2019 incorporating the policy actions on criminal procedure, diversion, sentencing and review of conditions for release of convicts.

B. Article 42 of 2018 Law determining the organization, functioning and competence of the National Public Prosecution Authority and of the Military Prosecution Department will be amended to introduce a duty on the prosecutor to consider diversion.

## **VII. MONITORING AND EVALUATION**

Monitoring and evaluation of this policy will be ensured by Justice Sector institutions through the existing structures under the coordination of MINIJUST. The structure through which monitoring and evaluation will be conducted include:

- JRLOs Leadership Group that is in charge of overall policy making and advising on the whole SSP process guidance at political level to ensure the overall impact achievement of the strategic plan.
- The Steering Committee that is responsible for advising on the elaboration, implementation and oversight process of the JRLOS Strategy. The Steering Committee will be meeting on an annual basis to evaluate the progress of planned strategic interventions.
- JRLO Sector Working Group (SWG), which is delegated to provide coordination, policy technical advice for implementation and M&E of Sector activities.
- Technical Working Groups (TWGs), which are in charge of technical assignments of day-to-day activities related to practical implementation of the plan. They include (1) Planning and Budgeting Technical Team; (2) ICT activities coordination Team (3) Internal and external coordination Team and (4) Policy Issues and Evaluation.
- Justice Sector District Coordination Committees with the responsibility of assessing the issues that might appear in the area of access to justice and report to the Steering Committee for action.
- Justice Sector Coordination Secretariat: This is a Sector Wide Approach Secretariat led by a Justice Sector Coordinator supported by a team of specialists, in charge of coordination, planning, and budgeting activities at sector level, including supervising as well as monitoring and evaluating the implementation of the JRLOS Strategy on a daily basis and report to the Steering Committee for action taking.

## **ANNEXES**

1. The Criminal Justice Policy Development Research documents;
2. Major Items of Savings;
3. Major Items of Costs.

