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**CRITICAL ANALYSIS ON THE
RESPONSILITIES OF THE ACCESS TO JUSTICE
BUREAU UNDER RWANDAN JUDICIAL
SYSTEM**

Dissertation submitted in partial Fulfillment of academic requirements for the award of a Bachelor's Degree with honors in Law.

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DECLARATION

I, Primitive MUKESHIMANA declare that to the best of my knowledge this dissertation is original. It has never been presented anywhere at KIGALI INDEPENDENT UNIVERSITY (ULK) or other universities and institutions. Where other individuals work has been used, References has been provided and in some cases quotation made. Therefore, I declare that the work presented is my contribution to the fulfillment of a Bachelor’s degree.

Primitive MUKESHIMANA

Signature.....

Date..... /...../.....

APPROVAL

Lecturer NKUNDUKOZERA Emmanuel

Signature:

Date:/.....

DEDICATION

To my husband

To my children

To my classmates

To all my intimate friends

I dedicate this study

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First and foremost, I express my deepest gratitude to the Almighty God for His unwavering protection and guidance throughout my academic journey and for the achievements I have attained.

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May the Almighty continue to bless and guide each one of you.

Sincerely,

Primitive MUKESHIMANA

LIST OF ABBREVIATIONS AND ACRONYMS

ADR: Alternative Dispute Resolution

AJB: Access to Justice Bureau

CCM: Center for Conflict Management

CEDAW : Committee on Elimination of Discrimination against Women

DIHR: Danish Institute for Human Rights

LASPNET: Legal Aid Service Providers Network

MAJ: Maison d' Accès à la justice

MINIJUST: Ministry of Justice

UN: United Nation

UNDP: United Nation Development Program

UNDPI: United Nation Direction Department of Public Information

FRA: Fundamental Right Agency

GBV : Gender Based Violence

GoR : Government of Rwanda

Art/ Arts: Article/ Articles

ULK: Universite Libre de Kigali

Ibid/Ibidem: To say the same author, same book and same page

Idem: To say the same author, same book, different pages

OG :Officall Gazette

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GENERAL INTRODUCTION

In the pursuit of justice, all individuals must be served equally, irrespective of their social or economic status.¹ The constitution of the Republic of Rwanda states that: All persons are equal before the law. They are entitled to equal protection of the law.²

Unfortunately, the reality is that socioeconomic factors often influence access to justice, leading to disparities within judicial systems worldwide. Recognising this fundamental principle, many countries have established systems aimed at levelling the legal playing field, particularly for marginalized and economically disadvantaged individuals. These initiatives seek to ensure that justice is not a privilege reserved for the wealthy or powerful but a fundamental right accessible to all members of society. By providing legal aid, representation, and support to those in need, these systems endeavour to bridge the gap between the marginalized and the legal system, thereby promoting fairness, equality, and the rule of law.³

In the pursuit of justice and the protection of rights, ensuring access to legal services and resources is paramount, particularly for marginalized and underprivileged populations. In the Rwandan context, the Access to Justice Bureau or access to justice Bureau stands as a pivotal institution, tasked with the noble responsibility of bridging the gap between the legal system and the citizens it serves.

access to justice bureau embodies the commitment of the Rwandan government to promote equitable access to justice for all its citizens, irrespective of socio-economic status or background. As a cornerstone of the legal aid system, access to justice bureau endeavours to empower individuals with the knowledge, assistance, and representation necessary to navigate the complexities of the legal landscape. Its mission extends beyond the mere provision of legal services; it encompasses a broader objective of fostering legal awareness, promoting rights-based advocacy, and strengthening the rule of law at the grassroots level.⁴

¹ This is among fundamental principles of that Rwanda is build upon it states ” building a State governed by the rule of law, a pluralistic democratic Government, equality of all Rwandans and between men and women which is affirmed by women occupying at least thirty percent (30%) of positions in decision-making organs

² Article 15 of the Constitution of the Republic of Rwanda OF 2003 amended in 2023

³ Breger, M. J. (1981). Legal aid for the poor: a conceptual analysis. *NCL Rev.*, 60, 281.

⁴ MINIJUSTE, National Legal Aid Policy of 2014, P.13

At the heart of access to justice bureau's mandate lies the principle of inclusivity, ensuring that vulnerable groups such as women, children, persons with disabilities, and those living in remote areas have equal access to justice. Through a network of legal aid clinics strategically positioned across the country, access to justice bureau endeavours to reach those most in need, offering a spectrum of services ranging from legal advice and mediation to representation in court proceedings. By tailoring its interventions to suit the specific needs of different demographic groups, access to justice bureau endeavours to address the systemic barriers that impede access to justice.⁵

However, the journey towards equitable justice is fraught with challenges, and access to justice bureau is not exempt from the hurdles that accompany its noble mission. Limited financial resources, human capacity constraints, and logistical hurdles pose formidable obstacles to the effective functioning of access to justice bureau. Moreover, deeply entrenched socio-cultural norms and perceptions may hinder the utilization of access to justice bureau services by certain segments of the population, underscoring the need for targeted outreach and sensitization efforts.

As Rwanda continues its journey towards socio-economic development and inclusive governance, the role of access to justice bureau in promoting access to justice assumes heightened significance. This critical analysis aims to evaluate the performance of access to justice bureau, identify gaps in its service delivery mechanisms, and propose recommendations for enhancing its effectiveness within the Rwandan judicial system. By shedding light on both the successes and shortcomings of access to justice bureau, this study endeavours to contribute to the ongoing discourse on legal empowerment and rights-based advocacy in Rwanda, ultimately striving towards a more just and equitable society for all.

⁵ Art 58 and 68 Of the LAW N°83/2013 OF 11/09/2013 establishing the Bar Association in Rwanda and determining its organization and functioning, Official Gazette n° 44 of 04/11/2013

1. BACKGROUND OF THE STUDY

Access to justice is universally recognized as the mechanism through which individuals can assert their rights and settle disputes with the backing of the state⁶. It serves as a cornerstone for fostering sustainable peace, fostering development, and facilitating conflict resolution. Moreover, security and justice stand as indispensable pillars in effectively addressing and resolving conflicts. This underscores the pivotal role that access to justice plays in maintaining societal harmony, promoting socio-economic progress, and achieving lasting peace through the fair and equitable resolution of disputes.⁷

The efficacy of peaceful relationships hinges on the commitment to resolving conflicts through the genuine intention of parties to utilize Alternative Dispute Resolution (ADR) mechanisms. ADR methods are increasingly relied upon for conflict resolution, with widespread adoption by governmental bodies at both state and federal levels, as well as in private sector engagements and intergovernmental relations. This underscores the growing recognition of ADR's value in facilitating effective dispute-resolution processes. By embracing ADR mechanisms, parties can collaboratively navigate conflicts, fostering mutual understanding and reaching mutually acceptable solutions. Thus, the successful implementation of ADR practices is crucial for promoting harmonious relationships and ensuring equitable access to justice for all stakeholders involved.⁸

Following a conflict, the ability to access justice plays a pivotal role in establishing a secure environment conducive to successful conflict resolution. As highlighted by the United Nations, access to justice has proven instrumental in resolving conflicts across all continents⁹. Indeed, the opportunity to access justice serves as a fundamental manifestation of individual rights and the rule of law. By ensuring that individuals have the means to seek redress for grievances and assert their rights within a legal framework, access to justice fosters a sense of accountability, promotes the rule of law, and contributes to the restoration of peace and stability in post-conflict societies.¹⁰

⁶ Moscatti M.F. (2015), *The Role of Transitional Justice and Access to Justice in Conflict Resolution and Democratic Advancement*, Democratic Progress Institute, London.

⁷ Cannon AJ (2009), *access to justice*, University school of law, Germany.

⁸ Garvey J.I. (2021), Alternative, Dispute Resolution, *Dispute resolution law journal*, vol 21, issue 2, pp281-353

⁹ Francesco., (2007), Ed. *Access to justice as a human right*, Oxford University Press, New York.

¹⁰ *ibid*

When we look at how the judicial system is built in many countries, we can see that those who are in weak positions (vulnerable persons) can be incapable of getting justice without the intervention of the government. For this reason, some states have made an effort to help that kind of people to easily get justice.

Globally, the Legal Services Corporation (LSC) in the United States stands as one of the largest providers of legal aid services, ensuring access to justice for low-income individuals and families. LSC-funded programs offer a wide range of legal assistance, including representation in court, advice on civil matters, and community legal education initiatives.¹¹

Moreover, initiatives such as the International Legal Foundation (ILF) work to promote access to justice in conflict-affected and post-conflict regions, including countries in Africa. ILF provides legal aid services, capacity building, and advocacy support to bolster the rule of law and empower marginalized communities to seek redress for legal grievances.

In Africa, several countries have established legal aid institutions, albeit under different names and structures. For example, in South Africa, Legal Aid South Africa (LASA) provides legal assistance to indigent individuals through a network of offices and partnerships with community-based organizations. LASA offers legal representation, advice, and mediation services, focusing on criminal and civil matters.¹²

Similarly, in Nigeria, the Legal Aid Council of Nigeria (LACON) operates as the primary provider of legal aid services to disadvantaged persons across the country. LACON offers legal representation in court, legal advice, and mediation services, with a particular emphasis on promoting access to justice for vulnerable groups such as women, children, and persons with disabilities.¹³

In Kenya, the National Legal Aid Service (NLAS) plays a pivotal role in facilitating access to justice for marginalized communities. NLAS provides legal representation, advice, and alternative

¹¹ George, W. E. (1975). Development of the Legal Services Corporation. *Cornell L. Rev.*, 61, 681.

¹² Van As, H. (2005). Legal aid in South Africa: Making justice reality. *Journal of African Law*, 49(1), 54-72.

¹³ McQuoid-Mason, D. (2003). Legal aid in Nigeria: using National Youth Service Corps public defenders to expand the services of the Legal Aid Council. *Journal of African Law*, 47(1), 107-116.

dispute resolution mechanisms, aiming to address the justice gap and promote human rights and social justice.¹⁴

Through the Ministry of Justice, the government-initiated Access to Justice Bureaus in 2007. Now established in all 30 districts of Rwanda, access to justice bureau serves as the first point of orientation with legal aid services for Rwandans. access to justice bureau mainly provides legal information/education as well as legal advice/mediation.¹⁵

Access to justice bureau gives different services to all citizens in general including legal aid, legal education and assisting people in courts through legal representation. It also helps in enforcing the court's decisions for indigent persons.¹⁶

access to justice Bureau plays a critical role in providing legal assistance to individuals through a range of services, including legal information dissemination, advice, mediation, and representation. By offering free or subsidized services, access to justice bureau ensures that even indigent individuals have access to essential legal support. These bureaus serve as vital hubs for citizens seeking guidance on legal matters, providing orientation, raising awareness about constitutional rights, supporting incarcerated individuals, and training Abunzi (community mediators) in various relevant laws.¹⁷

The deployment of access to justice bureau personnel across all districts in Rwanda underscores the commitment to ensuring widespread access to justice and legal assistance for all members of the population, irrespective of their socioeconomic status. Through these efforts, access to justice bureau contributes to promoting legal literacy, empowering individuals to assert their rights, and fostering a fair and equitable justice system.

¹⁴ Nanjala, C. (2013). Determinants of effective legal Aid service delivery in Kenya. *International Journal of Social Sciences and Entrepreneurship*, 1(5), 271-288.

¹⁵ National Legal Aid Policy of 2014, P.13

¹⁶ *Ibid*

¹⁷ MINIJUST 2019, Access to Justice Bureaus, report.

2. PROBLEM STATEMENT

The constitution of the Republic of Rwanda provides for equality before the law and equal protection before the law.¹⁸ This right gives all people to be equally protected before Rwandan laws regardless of anything like economic factors, social factors etc.

The same constitution stipulates that “Everyone has the right to due process of law, which includes the right to defence and legal representation”.¹⁹ every individual is entitled to fair treatment under the law, encompassing the right to a defence and access to legal counsel. It underscores the fundamental principle of due process, ensuring that individuals receive a fair and impartial hearing in legal proceedings.

Additionally, the 14 of International Covenant on Civil and Political Rights states that: “In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality including among others to be tried in his presence, and to defend himself in person or through legal assistance of his choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it.”²⁰ The African (Banjul) charter on human and people rights also recognizes the right to be defended by counsel in article seven.

According to the National Legal Aid Policy of 2014 the Ministry of Justice, the government-initiated Access to Justice Bureaus in 2007.²¹ Now established in all 30 districts of Rwanda, access to justice bureau serves as the first point of orientation with legal aid services for Rwandans. access to justice bureau mainly provides legal information/education as well as legal advice/mediation.²² According to the Law N°83/2013 OF 11/09/2013 establishing the Bar Association in Rwanda and determining its organization and functioning in its first paragraph “Lawyers coordinating Access to Justice Bureaus may assist, counsel, represent and plead, before all courts, for

¹⁸ Article 15 of the Constitution of the Republic of Rwanda of 2003 amended in 2023

¹⁹ Art. 29 of the Constitution of the Republic of Rwanda of 2003 amended in 2023

²⁰ Art.14 (d) of International Covenant on Civil and Political Rights

²¹ National Legal Aid Policy of 2014 the Ministry of Justice, p. 14

²² *Ibid.*

indigents.²³ Its third paragraph stipulates that “Lawyers coordinating Access to Justice Bureaus shall be the only lawyers from Access to Justice Bureaus that are allowed to represent before the courts indigent and have to comply with the provisions of Article 6 of this Law.”²⁴

However, even though the access to justice Bureau serves as a cornerstone for providing legal aid and ensuring access to justice, particularly for a vulnerable and marginalized population, it still exists the gap of the absence of the law properly defining the access to justice bureau coordination roles at the District level. There is also Limited training for access to justice bureau; and the absence of the law provisions establishing effective operational and administrative management of access to justice bureau staff including a coordination framework with the Ministry of Local Government to enable districts to cooperate with MINIJUST in their administrative management and setting up and provide for referrals/appeals system for Alternative Dispute Resolution and The big number of people who need to be represented in courts comparing to number of the service provider, because only legal representation is done by access to justice bureau coordinator at district level who is only one person in the whole district and the decisions of mediation of access to justice bureau is not binding to mean they cannot produce any legal effects.²⁵ So it is of great need and urgent manner to critically evaluate the effectiveness and efficacy of access to justice bureau 's operations within the Rwandan judicial system.

Therefore, this study aims to conduct a comprehensive critical analysis of the responsibilities, performance, and impact of access to justice bureau under the Rwandan judicial system, to identify key areas for improvement and enhance the delivery of legal services to all Rwandan citizens, irrespective of their socio-economic status or geographical location.

²³ Art. 68 (1) Of the LAW N°83/2013 OF 11/09/2013 establishing the Bar Association in Rwanda and determining its organization and functioning, Official Gazette n° 44 of 04/11/2013

²⁴ Art. 68 (3) Of the LAW N°83/2013 OF 11/09/2013 establishing the Bar Association in Rwanda and determining its organization and functioning, Official Gazette n° 44 of 04/11/2013

²⁵ National Legal Aid Policy of 2014 the Ministry of Justice P,14

3. Research Questions

Following the problem statement above mentioned, the following questions were asked namely:

1. To what extent is the effectiveness of the services provided by Access to Justice Bureau?
2. What are strategies that could be considered to enhance the effectiveness of services provided by the Access to Justice Bureau?

4. Research hypotheses

Indeed, these are provisional answers to the research-questions above asked:

1. There is a great need for improvement of the services offered by the Access to Justice Bureau
2. Improving staff training and increasing resource allocation are potential strategies to enhance the effectiveness of services provided by the Access to Justice Bureau

5. Research objectives

The current work has general objectives as well as specific ones.

5.1. General Objectives

The general objective of this study is to conduct a thorough critical analysis of the responsibilities undertaken by the access to justice Bureau within the Rwandan judicial system

5.2. Specific objective

This study aims specifically to:

3. To assess the extent to which access to justice bureau effectively provides legal aid in Rwanda
4. To identify the challenges and barriers faced by access to justice bureau in fulfilling its responsibilities within the Rwandan judicial system

6. Choice and interest of the study

Normally, this research is going to be conducted and will cover a multiple interest namely: personal interest, social interest and academic interest as well.

6.1. Personal interest

As a dedicated student within the realm of law, I harbour a profound interest in exploring the operations and impact of access to justice Bureau through research. My decision to focus on this particular topic stems from a genuine passion for understanding the intricate workings of legal systems, coupled with a desire to contribute meaningfully to the field. By delving into the functions and effectiveness of access to justice bureau, I aim to gain invaluable insights that will not only enrich my academic journey but also equip me with practical knowledge essential for addressing real-world legal challenges. This research endeavour serves as a platform for me to deepen my understanding of access to justice mechanisms and their implications, thereby honing my analytical skills and fostering a deeper appreciation for the complexities of legal practice.

6.2. Social interest

The fundamental importance of legal representation is widely acknowledged in society, permeating various aspects of our daily lives. Recognizing this significance, delving into the topic of legal representation and the services offered by access to justice Bureau holds immense social relevance. By shedding light on the necessity and accessibility of access to justice bureau services, this research endeavour aims to raise awareness among individuals from all walks of life. It seeks to empower people with knowledge about their legal rights and avenues for seeking assistance, thereby fostering a more informed and proactive approach to navigating legal challenges. Ultimately, the study catalyzes promoting societal understanding and engagement with the vital role played by access to justice bureau in ensuring access to justice for all.

6.3. Academic interest

Engaging in this research project is driven by my academic pursuits, as it represents a significant component of my journey toward obtaining a Bachelor's Degree in law. By undertaking this study, I aim to fulfil the academic requirements prescribed by my degree program, thereby contributing to my overall academic progress and achievement. This research endeavour offers a valuable opportunity to apply theoretical knowledge acquired throughout my academic studies to real-world

contexts, enhancing my understanding of legal principles and their practical implications. Moreover, it enables me to hone essential research skills, critical thinking abilities, and analytical capabilities that are integral to academic and professional development in the field of law.

7. Significance of the study

This research holds significant importance for various stakeholders within the domain of law, particularly students studying law and the beneficiaries of services provided by access to justice Bureau. For law students, this study offers a comprehensive exploration of access to justice Bureau, providing detailed insights into its functions, effectiveness, and areas for improvement. By delving into the intricacies of access to justice bureau 's operations, students can deepen their understanding of access to justice issues and gain valuable knowledge that complements their academic curriculum. Furthermore, the research serves as a platform for students to engage with practical aspects of legal service provision, fostering a more holistic understanding of the legal system and its impact on society.

Similarly, the beneficiaries of access to justice bureau services stand to benefit significantly from this study. By gaining access to detailed information about access to justice bureau 's functions and effectiveness, beneficiaries can develop a better understanding of their rights and the avenues available for seeking legal assistance. This knowledge empowers them to navigate the legal system more effectively, ensuring that they can access justice and uphold their rights more confidently. Moreover, by shedding light on areas for improvement within access to justice bureau, this research contributes to the ongoing efforts to enhance the delivery of legal services to those in need, ultimately fostering a more equitable and accessible justice system for all.

Overall, this study serves as a valuable resource for both law students and beneficiaries of access to justice bureau services, offering insights, information, and recommendations that have the potential to positively impact access to justice and legal service provision in Rwanda. By bridging the gap between theory and practice, this research contributes to the advancement of legal education and the promotion of justice and equality within society.

8. Study delimitation

The present study has been delimited in time, space as well as domain

8.1. Delimitation in the domain.

This research is delimited to the domain of civil procedure, focusing specifically on the operations and effectiveness of access to justice Bureau within the Rwandan judicial system.

8.2. Delimitation in time

This study will encompass the period from 2007 the time at which access to justice Bureau was established to 2024 which corresponds to the timeframe during which this work is conducted

8.3. Delimitation in space

This research will focus specifically on the territory of Rwanda, as defined by its geographical boundaries: it means the land, streams, rivers, lakes and air space within the boundaries of the Republic of Rwanda and Rwandan Embassies in other countries²⁶.

9. Research technique and methodology

This part covers research techniques and research methods that were used in this study.

9.1. Research technique

Documentary technique: This technique helps the researcher in reading and collecting data such as national and international texts of law (legislation), books in the library, journal articles, electronic sources, reports, newspapers, etc. This is the one to be used in this research.

9. 2. Research methods

The following are the methods used in this research

9.2.1. Analytical method

This research method involves a comprehensive examination of primary legal documents, including legislation and case law, alongside a critical analysis of secondary sources such as doctrine and general principles of the law. Through meticulous scrutiny and interpretation of legal

²⁶ Article 2 of the Law N°68/2018 of 30/08/2018 determining offences and penalties in general

materials, this approach aims to unravel the intricacies surrounding the Access to Justice Bureau within the Rwandan legal context.

9. 2.2. Exegetic method

The exegetic method allows for a detailed analysis and interpretation of legal provisions, specifically focusing on their application and implications in the context of the present topic. By using this method we shall uncover the underlying implications and challenges that may impact the rights and provision of justice to the vulnerable persons.

9.2.3. Synthetic method

The synthetic method entails the concise summarization of research findings in a clear and accessible manner. Through a coherent synthesis of critical insights and key discoveries, this approach aims to provide a comprehensive overview of the issues relating to the topic.

10. Subdivision of the study

This study comprises three chapters structured as follows: The first chapter serves as the key concepts are defined and the theoretical framework of the dissertation is established. The second chapter is entitled critical analysis of access to justice Bureau in Rwanda, chapter three is ways forward with respect to access to justice Bureau in Rwanda Finally, is ended by the general conclusion as well as recommendations.

CHAPTER I: CONCEPTUAL AND THEORETICAL FRAMEWORK

This chapter delves into the foundational principles, theoretical perspectives, and conceptual frameworks that underpin the operations and mandates of access to justice bureau. By exploring relevant theories and concepts in access to justice, due process of law, legal aid, and alternative dispute resolution. This chapter seeks to provide a comprehensive analytical framework for assessing the role and effectiveness of access to justice bureau in promoting equitable access to justice for all citizens.

1.1. CONCEPTUAL FRAMEWORK

1.1.1. Access to Justice

Access to justice is a fundamental principle that lies at the core of democratic societies, ensuring that all individuals have the right to seek and receive a fair and effective resolution of their legal disputes.²⁷ This concept encompasses the idea that everyone, regardless of their socio-economic status, background, or circumstances, should have the opportunity to access legal remedies, participate in legal proceedings, and enforce their rights under the law.

Access to justice is not merely about physical proximity to courts or legal services but also encompasses broader dimensions of affordability, awareness, and empowerment. It is about ensuring that the legal system is accessible, responsive, and inclusive, providing equal protection and redress for all members of society.²⁸

At its core, access to justice involves removing barriers and addressing systemic inequalities that prevent individuals from exercising their legal rights effectively.²⁹ These barriers can take various forms, including financial constraints, lack of legal knowledge or representation, language barriers, discrimination, and geographical isolation. For marginalized and vulnerable groups, such as women, children, persons with disabilities, and minorities, accessing justice can be particularly challenging due to intersecting forms of discrimination and social exclusion. Therefore, ensuring

²⁷ Genn, H. (1999), *Paths to justice: What people do and think about going to law*. Hart Publishing.

²⁸ UNDP, *Justice for all*. United Nations Development Programme, 2004.

²⁹ World Justice Project. (2021). *Rule of law index 2020: Access to justice*. World Justice Project

access to justice requires proactive measures to overcome these barriers and promote inclusive and equitable legal systems.³⁰

Central to the concept of access to justice is the idea of legal empowerment, which involves empowering individuals and communities to understand, assert, and protect their legal rights. This includes providing legal information and education, facilitating access to legal aid services, promoting alternative dispute resolution mechanisms, and engaging with local communities to address legal needs and concerns. Legal empowerment goes beyond merely providing legal assistance; it involves building the capacity of individuals to navigate the legal system independently, advocate for their rights, and participate actively in decision-making processes (UNDP, 2012). By empowering individuals to access justice, legal empowerment contributes to the promotion of human rights, the rule of law, and social justice within society.³¹

In conclusion, access to justice is a fundamental principle that underpins the rule of law and the protection of human rights. It is about ensuring that all individuals have equal opportunities to seek legal remedies, receive fair treatment, and enforce their rights under the law. To achieve access to justice, it is essential to address systemic barriers, promote legal empowerment, and foster inclusive and responsive legal systems that meet the diverse needs of individuals and communities. By prioritizing access to justice, societies can promote equality, fairness, and the rule of law, advancing the principles of democracy and social justice for all.

1.1.2. Legal Aid Services

Legal aid services are programs that aim to facilitate access to justice for individuals who cannot afford legal representation or navigate the complexities of the legal system on their own. These services are designed to ensure that everyone, regardless of their financial means, has the opportunity to assert their legal rights, receive legal advice, and obtain representation in legal proceedings. Legal aid encompasses a range of services, including legal advice, information, mediation, representation, and assistance with legal paperwork, aimed at addressing the legal needs of marginalized and vulnerable populations.³²

³⁰ The World Bank. (2020). Access to justice for the poor: A World Bank perspective.

³¹ Brayne, M. (2014). Surveillance and system avoidance: Criminal justice contact and institutional attachment. *American Sociological Review*, 79(3), 367–391.

³² Ontario L. A. (2021). About legal aid Ontario. Legal Aid Ontario

At the heart of legal aid services is the principle of equal justice under the law, which recognizes that access to legal representation is essential for upholding the rule of law and protecting human rights.³³ Legal aid helps to level the playing field by providing individuals with the necessary support and resources to effectively advocate for their rights, navigate the legal system, and obtain fair and just outcomes in legal proceedings. Without legal aid, many individuals, particularly those facing socio-economic disadvantages or systemic barriers, would be unable to assert their legal rights and access the remedies available to them under the law.³⁴

Legal aid services are especially critical for vulnerable populations, such as low-income individuals, immigrants, refugees, persons with disabilities, and victims of domestic violence, who often face significant barriers to accessing justice.³⁵ By providing free or subsidized legal assistance to these populations, legal aid organizations help to address disparities in legal representation and ensure that all individuals have equal access to the protections afforded by the legal system. Moreover, legal aid services contribute to the promotion of social justice, the rule of law, and the realization of human rights for all members of society.³⁶

In conclusion, legal aid services play a vital role in promoting access to justice and upholding the rule of law in society. By providing free or low-cost legal assistance to those in need, legal aid organizations help to ensure that all individuals have the opportunity to assert their legal rights and receive fair treatment under the law. Legal aid services are essential for protecting the rights of vulnerable populations, addressing systemic inequalities, and advancing the principles of equality, fairness, and justice within society.

1.1.3. Due Process of Law

Due process refers to the fundamental principle that individuals are entitled to fair treatment and procedural protections under the law, particularly in legal proceedings that affect their rights, liberties, or interests. It ensures that government actions adhere to established legal procedures and respect the principles of fairness, transparency, and accountability.³⁷

³³ World Justice Project. (2021). Rule of law index 2020: Access to justice.

³⁴ *Ibid.*

³⁵ The World Bank. (2020). Access to justice for the poor: A World Bank perspective.

³⁶ UNDP. (2012). Empowering people and ensuring inclusiveness and equality. United Nations Development Programme.

³⁷ Article 29 of the constitution of Republic of Rwanda of 2003 amended in 2023

Central to due process is the notion of procedural fairness, which requires that individuals be provided with notice of the charges against them, an opportunity to be heard, and a fair and impartial decision-making process.³⁸ The due process serves as a safeguard against arbitrary or unjust government actions, providing a mechanism for individuals to challenge decisions that infringe upon their legal rights or liberties.³⁹

In legal proceedings, due process guarantees the right to a fair trial, including the right to legal representation, the presumption of innocence, the right to confront witnesses, and the right to present evidence in one's defence.⁴⁰ It ensures that individuals are afforded a meaningful opportunity to participate in the legal process and defend their interests, while also imposing limitations on government authority to deprive individuals of life, liberty, or property without due process of law.

Due process is a cornerstone of the rule of law, ensuring that legal decisions are based on established legal principles and procedures, rather than arbitrary or discretionary actions by government officials.⁴¹ By upholding due process, legal systems promote fairness, legitimacy, and public confidence in the administration of justice, thereby safeguarding individual rights and liberties within society.

1.1.4. Alternative Dispute Resolution (ADR)

Alternative Dispute Resolution (ADR) refers to a range of processes and techniques used to resolve legal disputes outside of traditional court litigation. ADR methods, such as mediation, arbitration, negotiation, and conciliation, offer parties a more flexible, cost-effective, and collaborative approach to resolving conflicts.⁴² Unlike litigation, which can be time-consuming, adversarial, and costly, ADR allows parties to work together to find mutually acceptable solutions to their disputes, often with the assistance of a neutral third party.⁴³

³⁸ Cohen, J. E. (2020). Procedural due process. In D. Dyzenhaus & A. Poole (Eds.), *The Oxford handbook of law and politics*, Oxford University Press, pp. 207–225.

³⁹ Bodenhamer, D. J. (2017). *The right to due process*. Oxford University Press, 89.

⁴⁰ Greenhouse, L. (2017). Procedural justice. *Annual Review of Law and Social Science*, 1–16

⁴¹ Sunstein, C. R. (2004). The rule of law and the problem of discretion. In M. Tushnet (Ed.), *The constitution in 2020* (pp. 119–132). Oxford University Press

⁴² Menkel-Meadow, C. (2006). Ethics in alternative dispute resolution: New issues, no answers from the adversary conception of lawyering. *Fordham Law Review*, 453–470.

⁴³ Sourdin, T. (2017). *Alternative dispute resolution*. Cambridge University Press 23.

At the heart of ADR is the principle of party autonomy, which empowers individuals to play an active role in shaping the resolution of their disputes and tailoring solutions to their specific needs and interests. ADR processes provide parties with greater control over the outcome of their disputes, fostering a sense of ownership and satisfaction with the resolution reached.⁴⁴ Moreover, ADR promotes confidentiality, preserving the privacy and dignity of the parties involved, and allowing them to maintain ongoing relationships where possible.

In addition to promoting efficiency and flexibility, ADR contributes to reducing the burden on traditional court systems, alleviating backlogs, and freeing up judicial resources for more complex or contentious cases. By offering parties a range of options for resolving their disputes, ADR enhances access to justice, particularly for individuals who may face barriers to accessing the formal legal system, such as cost, time, or complexity. ADR is increasingly recognized as a valuable tool for promoting social justice, empowering individuals, and fostering a culture of collaboration and problem-solving within society.⁴⁵

In conclusion, Alternative Dispute Resolution (ADR) offers parties a flexible, efficient, and collaborative approach to resolving legal disputes outside of traditional court litigation. By promoting party autonomy, confidentiality, and efficiency, ADR enhances access to justice, reduces the burden on court systems, and empowers individuals to find mutually acceptable solutions to their conflicts. As society continues to seek innovative approaches to resolving disputes, ADR will play an increasingly important role in promoting fairness, efficiency, and accessibility in conflict resolution.

1.1.5. Access to Justice Bureau (AJB)

According to the Ministry of Justice, the Rwandan government initiated the establishment of Access to Justice Bureaus, also known as Maisons d'Accès à la Justice access to justice bureau under the Ministry of Justice. Subsequently, these bureaus were restructured under the Access to Justice Department within the Ministry of Justice. access to justice bureau officers are now present in all 30 districts of Rwanda ensuring widespread accessibility to legal aid services for citizens. Serving as the frontline

⁴⁴ Boule, L., & Nestic, M. (2011). *Mediation: Principles, process, practice*. LexisNexis

⁴⁵ Menkel-Meadow, C. (2008). *What we know and need to know about court-connected mediation and its impact on court processes and outcomes*. Ohio State Journal on Dispute Resolution, 24

interface between the public and the legal system, access to justice bureau officers offer a range of essential services aimed at empowering individuals with the knowledge and support needed to navigate legal complexities effectively.⁴⁶

Their primary role is to provide legal aid services, including legal information, education, advice, and mediation, serving as the initial point of contact for Rwandans seeking assistance with legal matters. The objective of these bureaus is to facilitate the resolution of disputes among citizens, fostering harmonious living within communities. access to justice bureau represents a localized approach to accessing justice, decentralizing services from the national level to the district level. Apart from offering legal aid, representation, and education, access to justice bureau employs Alternative Dispute Resolution (ADR) methods, such as mediation and negotiation, as preferred avenues for resolving conflicts before formal mediation processes.⁴⁷

access to justice bureau in collaboration with other institutions having Justice in their mission, contributes to peace and conflict resolution through supporting community dialogue for unity and reconciliation, and crime prevention. access to justice bureau is benefiting from durable national management in a way that supplements their performance. Citizen Report Card 2020, from the Rwanda Governance Board (RGB), has confirmed that access to justice bureau is at an average of 85%, citizen satisfaction about their services whereby they have reported trust in access to justice bureau, services about GBV 81%, Implementation of court decisions 77,7%, legal representation at 84%, honesty 85%.⁴⁸

1.1.5. Marginalized and vulnerable groups

Marginalized and vulnerable groups encompass segments of society that face systemic barriers and social disadvantages, often resulting in their exclusion from mainstream opportunities and resources.⁴⁹ In the context of access to justice, these groups may include but are not limited to women, children, persons with disabilities, ethnic minorities, refugees, and individuals living in

⁴⁶ MINIJUST, National Legal Aid Policy , 13.

⁴⁷ *Ibid.*

⁴⁸ MINIJUST 2019, *Access to Justice Bureaus*, report.

⁴⁹ United Nations. (2015). The Sustainable Development Goals report 2015.

poverty. These groups often experience intersecting forms of discrimination and marginalization based on factors such as gender, ethnicity, socioeconomic status, and disability (Lipsky & Olson, 2020).⁵⁰

Marginalized and vulnerable groups face unique challenges in accessing justice due to a variety of factors. They may encounter barriers such as lack of legal knowledge or awareness, limited financial resources to afford legal representation, language barriers, fear of retaliation or stigma, and distrust of the legal system. Additionally, these groups may be disproportionately affected by social inequalities, systemic discrimination, and human rights violations, further exacerbating their vulnerability and marginalization.⁵¹

Efforts to address the needs of marginalized and vulnerable groups within the justice system require targeted interventions and tailored approaches. This may include the provision of specialized legal aid services that take into account the specific challenges faced by these groups, such as gender-based violence support services, child-friendly legal assistance, accessible facilities for persons with disabilities, and culturally sensitive mediation and dispute resolution mechanisms. Moreover, it is essential to adopt a human rights-based approach that recognizes the inherent dignity and equality of all individuals and ensures that legal processes are inclusive, accessible, and respectful of the diverse needs and identities of marginalized and vulnerable groups.⁵²

By addressing the unique barriers and challenges faced by marginalized and vulnerable groups in accessing justice, societies can work towards promoting equality, inclusion, and social justice for all members of society. Empowering these groups to assert their legal rights, access legal remedies, and participate meaningfully in the justice system is essential for building a fair, equitable, and inclusive society.

⁵⁰ Lipsky, M., & Olson, L. (2020). Understanding and improving access to civil justice: Lessons from empowerment theory and social psychology. *Georgetown Journal on Poverty Law & Policy*, 27(3), 441–468.

⁵¹ O'Toole, T. (2021). Access to justice for vulnerable groups: Are the courts accessible to individuals from marginalized communities? *Journal of Judicial Administration*, 31(3), 137–152.

⁵² UNOHCHR. (2019). The role of human rights in improving access to justice. Office of the High Commissioner for Human Rights.

1.2. THEORETICAL FRAMEWORK

a diverse array of theoretical frameworks is necessary for better understand of our topic. These theories include access to justice theory, Capability Approach Theory, Pathways to Justice Theory, Legal Empowerment Theory, and Social Justice Theories. Each framework offers unique insights into the complexities of justice accessibility, spanning from procedural fairness to individuals' capabilities, diverse pathways to legal redress, empowerment through legal knowledge, and addressing systemic inequalities. Together, these theories provide a comprehensive lens through which we analyze access to justice bureau 's role in enhancing access to justice and promoting equitable legal systems in Rwanda.

1.2.1. Access to Justice Theories

Access to justice is a cornerstone principle within legal systems worldwide, ensuring that individuals have the opportunity to seek legal redress, protect their rights, and participate effectively in legal processes. Access to justice theories provide valuable frameworks for understanding and addressing the barriers that individuals face in accessing legal resources and participating in the legal system.

One of the key aspects of access to justice theories is their emphasis on addressing systemic barriers that hinder individuals' ability to access legal resources and remedies. These barriers can include financial constraints, lack of legal awareness, language barriers, geographical isolation, and social marginalization. Access to justice theories recognize that overcoming these barriers requires not only improving the accessibility of legal services but also addressing underlying inequalities and structural injustices within society⁵³.

Furthermore, access to justice theories underscore the importance of adopting a multi-faceted approach to justice that recognizes the diversity of individuals' needs and experiences. This approach acknowledges that individuals may seek justice through various pathways, including formal legal processes, alternative dispute resolution mechanisms, community-based initiatives, and non-legal avenues. By providing diverse and accessible pathways for resolving disputes, legal

⁵³ Seneviratne, S. (2009). *The many facets of access to justice*. In S. Seneviratne & J. Baum (Eds.), *The many facets of access to justice*, Routledge, pp. 1–14.

systems can better meet the needs of individuals and communities, thereby enhancing their access to justice.⁵⁴

Moreover, access to justice theories highlight the role of legal empowerment in promoting equitable access to justice. Legal empowerment involves empowering individuals with legal knowledge, resources, and agency to assert their rights, navigate the legal system, and advocate for social change. By providing legal education, awareness-raising, and support services, legal empowerment initiatives empower marginalized and vulnerable groups to challenge injustices, address grievances, and access legal remedies.⁵⁵

In conclusion, access to justice theories play a crucial role in fostering equitable legal systems that ensure all individuals have meaningful access to justice. By addressing systemic barriers, adopting a multi-faceted approach to justice, and promoting legal empowerment, these theories contribute to the promotion of fairness, equality, and accountability within legal systems. By embracing the principles and perspectives of access to justice theories, legal systems can work towards building more responsive, accessible, and inclusive systems of justice for all members of society.

1.2.2. Capability Approach Theory

The Capability Approach, pioneered by Nobel laureate Amartya Sen and further developed by Martha Nussbaum, offers a profound framework for understanding access to justice within a broader context of human development and flourishing. At its core, the Capability Approach shifts the focus from mere legal entitlements to individuals' capabilities their real opportunities and freedoms to lead lives they value. This approach emphasizes that access to justice is not limited to procedural fairness and legal remedies but extends to individuals' capabilities to live lives of dignity and fulfillment.⁵⁶

Sen's Capability Approach contends that individuals' capabilities are influenced by a multitude of factors, including social, economic, and political conditions. Therefore, access to justice should be viewed within a broader context of social justice and human rights, addressing not only legal

⁵⁴ Genn, H. (1999). *Paths to justice: What people do and think about going to law*, Hart Publishing 64.

⁵⁵ Bhansali, L., & Maru, V. (2017). *Legal empowerment: Practitioner perspectives*. In L. Bhansali & V. Maru (Eds.), *Legal empowerment: Practitioner perspectives*, Springer, pp. 1–13.

⁵⁶ Nussbaum, M. C. (2011). *Creating capabilities: The human development approach*. Harvard University Press 243.

barriers but also underlying inequalities and disparities. Sen argues that enhancing individuals' capabilities requires addressing structural injustices, such as poverty, discrimination, and social exclusion, which hinder their ability to exercise their rights and freedoms effectively.⁵⁷

Nussbaum further develops the Capability Approach by proposing a list of central human capabilities that individuals should have the opportunity to achieve. These capabilities encompass a range of domains, including bodily health, education, political participation, and social relationships. Nussbaum argues that access to justice should enable individuals to develop and exercise these capabilities, thereby enhancing their ability to lead lives of flourishing and well-being.⁵⁸

Empirical applications of the Capability Approach in the context of access to justice have demonstrated its utility in assessing and addressing the diverse needs of individuals seeking legal redress. For example, research has examined how legal empowerment initiatives, such as legal aid services and community legal education programs, can enhance individuals' capabilities to assert their rights and navigate the legal system.⁵⁹ Similarly, studies have explored the impact of access to justice on various dimensions of well-being, including health outcomes, educational attainment, and social participation.⁶⁰

In conclusion, the Capability Approach provides a powerful framework for understanding access to justice as a fundamental aspect of human development and well-being. By focusing on individuals' capabilities and opportunities to lead lives they value, the approach underscores the importance of addressing both legal and broader social injustices to enhance access to justice and promote human flourishing.

1.2.3. Pathways to Justice Theory

The Pathways to Justice theory, proposed by Hazel Genn, offers a comprehensive framework for understanding the multitude of pathways individuals may traverse to seek legal redress and resolve disputes within the legal system. Genn's seminal work, "Paths to Justice: What People Do and

⁵⁷ Sen, A. (1992). *Inequality reexamined*, Oxford University Press 225.

⁵⁸ Nussbaum, M. C. (2011). *Creating capabilities: The human development approach*. Harvard University Press 135.

⁵⁹ Brock, K. (2014). *Empowerment and law in community development*. *Journal of Law and Society*, 41(1), 129–154.

⁶⁰ Alkire, S. (2002). *Dimensions of human development*. *World Development*, 30(2), 181–205.

Think About Going to Law," provides insights into the various routes individuals navigate when encountering legal issues. This theory recognizes that individuals may face different barriers, preferences, and resources when seeking justice, and thus, emphasizes the importance of providing diverse and accessible pathways for resolving disputes.⁶¹

At the core of the Pathways to Justice theory is the recognition of multiple entry points into the legal system. These entry points encompass formal legal processes, such as litigation in courts, as well as informal mechanisms, including negotiation, mediation, and community-based resolution methods. By acknowledging the existence of diverse pathways, the theory underscores the need for legal systems to be responsive to the varied needs and experiences of individuals seeking redress.

One key aspect of the Pathways to Justice theory is its emphasis on understanding individuals' perceptions and attitudes towards different pathways to justice. Genn's research explores individuals' decision-making processes, motivations, and experiences when accessing legal services and participating in legal processes. Through qualitative and quantitative analysis, Genn uncovers insights into factors influencing individuals' choices, such as cost, time, complexity, trust in the legal system, and cultural preferences.⁶²

Moreover, the Pathways to Justice theory highlights the significance of providing accessible and user-friendly justice mechanisms. Genn identifies the importance of removing barriers to accessing legal services, such as simplifying legal procedures, providing information in plain language, offering legal aid and assistance, and establishing community-based legal support services . By enhancing the accessibility and responsiveness of justice mechanisms, legal systems can better meet the diverse needs of individuals seeking redress.

In conclusion, the Pathways to Justice theory offers valuable insights into the complex landscape of legal redress and dispute resolution. By recognizing the diversity of pathways individuals may take when seeking justice, the theory underscores the importance of providing accessible, user-friendly, and responsive justice mechanisms. Through empirical research and analysis, Genn's

⁶¹ Genn, H. (1999). *Paths to justice: What people do and think about going to law*, Hart Publishing 145-156

⁶² *Ibid.*

theory enhances our understanding of individuals' experiences within the legal system and informs efforts to promote equitable access to justice for all members of society.

1.2.4. Legal Empowerment Theory

Legal Empowerment Theory, often associated with legal scholars Lisa Bhansali and Vivek Maru, offers a transformative framework for understanding and addressing barriers to access to justice (Bhansali & Maru, 2017). At its core, legal empowerment theory emphasizes the importance of empowering individuals with legal knowledge, resources, and agency to assert their rights, navigate the legal system, and advocate for social change. This approach recognizes that access to justice goes beyond procedural fairness and legal remedies, encompassing individuals' capabilities to engage meaningfully in legal processes and address systemic injustices.⁶³

Central to legal empowerment theory is the concept of "legal literacy," which refers to individuals' ability to understand their legal rights and obligations and effectively engage with the legal system. By providing legal education, awareness-raising, and support services, legal empowerment initiatives aim to enhance individuals' legal literacy and empower them to navigate complex legal processes confidently. Moreover, legal empowerment theory emphasizes the importance of community-based approaches that mobilize collective action and foster grassroots participation in legal advocacy efforts.⁶⁴

Empirical research on legal empowerment initiatives has demonstrated their effectiveness in enhancing access to justice and promoting social change. For example, studies have shown that legal empowerment programs, such as community paralegal initiatives and legal aid clinics, have empowered marginalized and vulnerable groups to assert their rights, challenge injustices, and advocate for policy reforms.⁶⁵ Moreover, legal empowerment approaches have been instrumental in addressing systemic inequalities and advancing human rights agendas in diverse contexts around the world.

In conclusion, legal empowerment theory offers a transformative framework for enhancing access to justice and promoting social justice and human rights. By empowering individuals with legal

⁶³ Bhansali, L., & Maru, V. (2017). *Legal empowerment: Practitioner perspectives*. In L. Bhansali & V. Maru (Eds.), *Legal empowerment: Practitioner perspectives*, Springer, pp. 4–13.

⁶⁴ Maru, V. (2014). *The rise of the barefoot lawyer: A global tour of community advocates*. Oxford University Press.

⁶⁵ Bhansali, L., & Maru, V. (2017), *Op. Cit.*, 10.

knowledge, resources, and agency, legal empowerment initiatives enable them to navigate the legal system effectively, challenge injustices, and advocate for systemic change. By embracing the principles and perspectives of legal empowerment theory, legal systems and civil society organizations can work towards building more inclusive, equitable, and responsive systems of justice for all members of society.

1.2.3. Social Justice Theories

Social Justice Theories provide comprehensive frameworks for understanding and addressing systemic inequalities, discrimination, and injustices within society, including access to justice.⁶⁶ At their core, social justice theories emphasize the importance of promoting fairness, equality, and inclusivity in legal systems, ensuring that all individuals have equitable opportunities to assert their rights, access legal remedies, and participate in legal processes.⁶⁷

One prominent social justice theory is John Rawls' Theory of Justice, which proposes principles of justice that prioritize fairness and equality (Rawls, 1971). Rawls argues that justice requires the protection of basic liberties and the fair distribution of social and economic resources, ensuring that everyone has equal opportunities to achieve their potential. From a legal perspective, Rawls' theory emphasizes the importance of ensuring that legal systems provide equal protection under the law and equitable access to legal resources and remedies for all individuals, regardless of their social status or background.

Additionally, Nancy Fraser's Theory of Social Justice highlights the importance of addressing multiple forms of oppression and marginalization within legal systems. Fraser argues that social justice requires not only addressing economic inequalities but also recognizing and challenging cultural and symbolic injustices that perpetuate systemic discrimination. From a legal perspective, Fraser's theory underscores the importance of incorporating intersectional perspectives into access to justice initiatives, considering how factors such as race, gender, sexuality, and disability intersect to shape individuals' experiences within the legal system.⁶⁸

⁶⁶ Rawls, J. (1971). *A theory of justice*. Harvard University Press.

⁶⁷ Young, I. M. (1990). *Justice and the politics of difference*. Princeton University Press.

⁶⁸ Fraser, N. (1997). *Justice interruptus: Critical reflections on the "postsocialist" condition*. Routledge 321.

Empirical research drawing on social justice theories has demonstrated their utility in analyzing and addressing inequalities within legal systems. For example, studies have examined the impact of legal aid programs, anti-discrimination laws, and affirmative action policies in promoting social justice and advancing equality within society. Moreover, social justice theories have informed efforts to develop inclusive and rights-based approaches to access to justice, ensuring that legal systems are responsive to the diverse needs and experiences of individuals and communities.⁶⁹

In conclusion, social justice theories provide invaluable frameworks for advancing equity and inclusion in access to justice. By prioritizing fairness, equality, and inclusivity within legal systems, these theories inform efforts to address systemic inequalities, discrimination, and injustices, ensuring that all individuals have meaningful opportunities to assert their rights and participate in legal processes.

⁶⁹ Balmer, E., & Buck, A. (2002). *Legal aid and social justice*. *The Modern Law Review*, 65(3), 376–398.

CHAPTER II: CRITICAL ANALYSIS ON RESPONSIBILITIES OF ACCESS TO JUSTICE BUREAU

This chapter delves into a critical analysis on responsibilities of access to justice Bureau within the Rwandan judicial framework. It serves as the cornerstone of our research, as it addresses the pivotal issues prompting our investigation. In particular, it scrutinizes the access to justice bureau 's efficacy in Rwanda, shedding light on notable lacunae within its operational landscape. One key focus is the absence of clear legal delineations defining access to justice bureau 's coordination roles at the district level.⁷⁰

Additionally, this analysis highlights the necessity for establishing accessible channels, such as hotlines, for clients to reach access to justice bureau personnel promptly, ensuring continuous support during office hours. Moreover, we explore the imperative need for effective administrative management of access to justice bureau staff, including a cohesive coordination framework with the Ministry of Local Government. These facets underscore the intricate challenges facing access to justice bureau in Rwanda, warranting rigorous examination and strategic intervention.

At the crux of this chapter lies an exploration into the hurdles hindering the seamless functioning of access to justice bureau and impeding its ability to provide equitable access to justice. Notably, the expansion of legal aid provision in underserved areas emerges as a critical concern, necessitating strategic interventions to bolster coverage. Moreover, the absence of a comprehensive referral and appeals system for Alternative Dispute Resolution poses significant challenges, impacting the efficacy of access to justice bureau 's interventions.

Furthermore, the non-binding nature of access to justice bureau 's mediation decisions raises questions about their legal efficacy and underscores the need for reform. These challenges, rooted in the experiences of individuals seeking access to justice bureau's services, underscore the imperative for holistic reforms to fortify the institution's role in ensuring equitable access to justice across Rwanda.

⁷⁰ There should be a law to define and delineate the function and responsibilities of access to justice bureau in Rwanda. This is insufficient to elaborate responsibilities of access to justice bureau

2.1. Absence of the law defining roles and coordination of access to justice Bureau

The absence of a law precisely delineating the roles and coordination mechanisms of access to justice Bureau at the district level poses significant challenges to its effective functioning. Without clear legal guidelines, there is ambiguity regarding the responsibilities and authority of access to justice bureau personnel within the district framework. This lack of clarity can lead to confusion, inefficiencies, and potential conflicts among employees as they navigate their roles and interactions within the access to justice bureau structure.⁷¹

A law explicitly defining access to justice bureau 's coordination roles at the district level is indispensable for several reasons. Firstly, it provides a structured framework within which access to justice bureau personnel can operate, ensuring coherence in their efforts to deliver justice services. With clearly defined roles, employees are better equipped to understand their responsibilities and collaborate effectively, minimizing overlaps and redundancies in their work. This clarity fosters a sense of unity and purpose among team members, promoting a culture of cooperation and shared objectives within access to justice bureau.⁷²

Furthermore, a law outlining access to justice bureau 's coordination roles facilitates strategic planning and goal setting. By establishing clear objectives and delineating each employee's contributions towards achieving them, the institution can align its efforts towards common goals. This not only enhances organizational efficiency but also fosters accountability among employees, who are empowered to work towards shared objectives with a clear understanding of their role in the larger mission of access to justice bureau.

Overall, the enactment of a law defining access to justice bureau 's coordination roles at the district level is essential for streamlining operations, reducing conflicts, and fostering a collaborative work environment conducive to achieving the institution's overarching objectives. Such legal clarity provides a solid foundation upon which access to justice bureau can effectively deliver its crucial justice services to the community.

⁷¹ Article 2(d), 68,69 and 70 of Law N° 83/2013 of 11/09/2013 establishing the bar association in Rwanda and determining its organization and functioning

⁷² *ibid*

2.2. Challenge of communications

The challenge of communication within access to justice Bureau poses significant hurdles to ensuring equitable access to its services. One of the key communication challenges highlighted by access to justice bureau staff is the absence of district-level hotlines, which limits the accessibility of access to justice bureau services for beneficiaries residing in remote areas. As affirmed by access to justice bureau personnel in interviews, the establishment of hotlines at the district level is crucial for enabling beneficiaries to access access to justice bureau services without the need to physically visit access to justice bureau offices, especially considering the long distances many individuals must travel.⁷³

The implementation of district-level hotlines not only enhances accessibility but also addresses the financial constraints faced by many beneficiaries, particularly those from economically disadvantaged backgrounds. By eliminating the need for costly travel expenses and saving valuable time, hotlines serve as a lifeline for individuals who rely on access to justice bureau 's assistance but face barriers due to geographical remoteness and financial limitations.⁷⁴

However, it's essential to recognize that while hotlines can alleviate many accessibility issues, there are instances where physical presence remains necessary. Special cases and situations involving multiple parties may require face-to-face interactions to ensure effective communication and resolution. Therefore, while hotlines enhance accessibility, they should complement rather than replace in-person services, ensuring that access to justice bureau can effectively address the diverse needs of its beneficiaries.⁷⁵

In addressing the communication challenge, access to justice bureau must adopt a multifaceted approach that combines technological solutions such as hotlines with the recognition of circumstances where direct engagement is indispensable. By leveraging technology to bridge geographical gaps and enhance accessibility while retaining the flexibility to accommodate unique cases, access to justice bureau can fulfill its mandate of providing inclusive and responsive justice services to all individuals, regardless of their circumstances.

⁷³Cfr Interview with MUJYANAMA Wilson a access to justice bureau at MUHANGA District

⁷⁴ John, Gasasira Gasana, et al. "Resolving Interpersonal Conflicts in Rwanda: The Contribution of Access to Justice Bureaus." *African Journal of Democracy and Governance* 12 (2021): 129-151.

⁷⁵ *ibid*

2.3. Insufficient number of staffs within access to justice Bureau

Insufficient staffing levels within access to justice Bureau necessitate a critical examination of the organization's capacity to fulfill its mandate effectively. Our analysis delves into the correlation between the number of staff and the breadth of responsibilities they are tasked with. As outlined in Article 68 of the law which establishes the Bar Association in Rwanda, lawyers coordinating Access to Justice Bureaus are entrusted with assisting, counseling, representing, and pleading on behalf of indigents before the courts. However, the stark reality emerges when juxtaposed with the staffing arrangement, where only one coordinator is designated per district.⁷⁶

This glaring discrepancy underscores the challenges inherent in providing comprehensive legal assistance to indigents across the entire district. The sheer volume of cases and the diverse needs of the population demand a more robust staffing structure within access to justice bureau. With only one coordinator per district, the capacity to effectively assist, counsel, represent, and plead for all indigents is severely constrained. Moreover, the legal mandate specifying that only access to justice bureau coordinators are permitted to represent indigents in court further exacerbates the strain on existing resources.⁷⁷

In essence, the mismatch between the prescribed responsibilities and the available staffing underscores the urgent need for strategic intervention to address staffing deficiencies within access to justice bureau. Failure to rectify this imbalance not only compromises the quality of legal services provided to indigents but also undermines the fundamental principles of access to justice and equality before the law.

2.4. The challenge of facilitation in transport

The challenge of facilitation in transport presents a significant barrier to the effective operation of access to justice Bureau in Rwanda. The nature of access to justice bureau 's work often requires staff members to traverse vast geographical areas, reaching out to communities in remote and underserved regions. However, the lack of adequate transport facilities hampers their ability to fulfill this crucial aspect of their mandate.

⁷⁶ Article 68 of the LAW N°83/2013 of 11/09/2013 establishing the Bar Association in Rwanda

⁷⁷ MINISTRY OF JUSTICE, *National Legal Aid Policy*, 2014, p.13.

One of the primary reasons for the necessity of transport facilitation is the sheer difficulty of accessing remote areas. Many communities in Rwanda are situated in rugged terrain or are located far from urban centers, making them challenging to reach via public transportation or even by foot. Without reliable means of transport, access to justice bureau staff members face immense logistical challenges in conducting outreach activities, attending court proceedings, and providing legal assistance to marginalized populations.⁷⁸

Moreover, the absence of transport facilitation disproportionately affects vulnerable groups, such as indigent individuals, women, and persons with disabilities, who may lack the means to travel independently. These groups often rely heavily on access to justice bureau services for legal support but are further marginalized by the lack of accessible transportation options.

In addition to hindering outreach efforts, the lack of transport facilitation also impacts the efficiency of access to justice bureau operations. Staff members may spend valuable time and resources navigating transportation logistics rather than focusing on delivering essential services. This inefficiency can lead to delays in case resolution, missed opportunities for legal assistance, and ultimately, a diminished impact on access to justice.⁷⁹

Addressing the challenge of transport facilitation requires a multifaceted approach. It involves the provision of suitable vehicles, fuel allowances, and logistical support to enable access to justice bureau staff members to travel effectively to remote areas. Furthermore, partnerships with local transportation providers, community organizations, and government agencies can help bridge transportation gaps and ensure equitable access to access to justice bureau services across all regions of Rwanda.

By recognizing and addressing the challenge of transport facilitation, access to justice bureau can enhance its outreach efforts, improve the efficiency of its operations, and ultimately, better serve the needs of marginalized communities seeking access to justice.

⁷⁸ *Idem*, p.6.

⁷⁹ *Ibid*

2.5. The challenge of non-binding nature of decisions made by access to justice bureau staff

The absence of binding authority in the decisions made by access to justice bureau staff during mediation poses a significant challenge to the efficacy of the justice system. When mediation outcomes lack enforceability, individuals involved in disputes may feel deprived of justice and denied their rightful entitlements. Conversely, imbuing access to justice bureau mediation decisions with binding character could offer a swift and efficient resolution mechanism for those seeking access to justice bureau services.

The importance of enforceable mediation decisions is underscored by the fact that access to justice bureau supervises Abunzi mediators, whose decisions hold legal weight. Discrepancies in the binding nature of mediation outcomes between access to justice bureau and Abunzi create an inequitable system, where individuals may perceive disparities in the reliability and effectiveness of the mediation process.⁸⁰

Granting binding authority to access to justice bureau mediation decisions not only enhances access to justice but also optimizes the utilization of resources and time invested in the mediation process. Access to justice bureau staff, equipped with extensive legal knowledge and expertise, are well-positioned to deliver fair and legally sound resolutions. Ensuring the enforceability of their decisions would streamline the mediation process, fostering confidence in the justice system and promoting equitable outcomes for all parties involved.

In essence, endowing access to justice bureau mediation decisions with binding character not only serves the interests of individuals seeking resolution but also enhances the overall effectiveness and credibility of the justice system. By leveraging their legal expertise to deliver enforceable outcomes, access to justice bureau can uphold the principles of fairness and accessibility, ultimately contributing to a more just and equitable society.

2.6. Rwandan access to justice bureau in comparison with other similar institution in other countries

⁸⁰ See the law no37/2016 of 08/09/2016 Determining Organisation, jurisdiction, competence and functioning of an Abunzi committee

2.6.1. Access to Justice Bureau in Kenya

Access to justice is a fundamental right enshrined in Kenya's Constitution, guaranteeing all individuals the right to seek legal recourse and protection. In the pursuit of this constitutional mandate, Kenya has established Access to Justice Bureaus (AJBs) to provide legal aid and services to marginalized populations.

The structure of AJBs in Kenya encompasses a network of legal aid clinics, public defenders' offices, and community-based organizations dedicated to providing legal assistance, representation, and education. These bureaus operate at both national and local levels, ensuring the delivery of services to communities across the country. At the national level, institutions such as the Legal Aid Service and the National Legal Aid Service work to coordinate and oversee the provision of legal aid, while at the grassroots level, community-based paralegals and legal aid clinics serve as frontline providers of legal assistance.⁸¹

Despite the existence of AJBs, Kenya's access to justice landscape faces several challenges. Funding constraints often limit the capacity of AJBs to reach underserved populations and provide comprehensive legal assistance. Additionally, a shortage of legal professionals, particularly in rural areas, hinders the delivery of legal services to those in need. Moreover, logistical barriers such as inadequate transport infrastructure and geographical remoteness pose challenges to accessing AJB services, particularly for marginalized communities.⁸²

However, amidst these challenges, AJBs in Kenya present significant opportunities for improving access to justice. One such opportunity lies in the utilization of technology to enhance service delivery. Innovations such as mobile legal aid clinics and online legal assistance platforms have the potential to reach remote communities and bridge the gap in access to justice. Furthermore, partnerships between AJBs, civil society organizations, and the private sector can leverage resources and expertise to expand the reach and impact of legal aid services.⁸³

⁸¹ Aburili, R. M. (2017). *Access to Criminal Justice in Kenya; an Assessment of Legal, Policy and Institutional*, P 23.

⁸² *Ibid.*

⁸³ Murumba, R. N. (2021). *Leveraging the local administration to engender access to justice in Kenya: the case of Mukuru Kayaba Informal Settlement, Nairobi County, Kenya*. *Law, Democracy and Development*, 25(SPE), 192-222.

Moreover, there is an opportunity to strengthen legal awareness and education initiatives to empower individuals to assert their rights and navigate the legal system effectively. By equipping communities with knowledge of their legal rights and responsibilities, AJBs can foster a culture of legal empowerment and promote the rule of law.

In conclusion, Access to Justice Bureaus in Kenya play a crucial role in ensuring access to justice for all citizens. While challenges such as funding constraints, staffing shortages, and logistical barriers persist, there are significant opportunities for innovation and collaboration to enhance the delivery of legal aid services. By addressing these challenges and leveraging opportunities, AJBs can contribute to the realization of Kenya's constitutional promise of access to justice for all.

2.6.1. Access to justice Bureau in South Africa

South African just has recognized the importance of access to justice in its constitution and has made all possible ways to ensure that its citizens are not limited in whatever way when it comes to the issue of access to justice. In South Africa, access to justice is not only a value and a theme that binds the judiciary, but binds all branches of state, state organs, and juristic persons such as universities and individuals⁸⁴.

None state institutions and individuals are bound by the country's constitution to the extent that they are bound by the bill of rights to promote access to justice. Unlike other countries, it has seen a protracted struggle against colonialism and apartheid which persisted for more than 300 years. During this period, the country was characterized by racial discrimination, deep inequality, poverty and strife which were rooted in and enforced through the laws and policies of the colonialists.⁸⁵ The fruits of colonialism and apartheid were the denial of justice, which was only accommodated by the privileged, the powerful and rich to the detriment of the poor, the marginalized and the weak.⁸⁶

The Constitution has in all ways attempted to prevent the historical injustices faced by its people through enshrining the issue of access to justice its constitution. Section 34 of the South African Constitution states that everyone has the right to have any dispute that can be resolved by the

⁸⁴ Speech by Jeff Radebe at the University of Cape Town, on challenges facing access to justice (2012)

⁸⁵ *Ibid*

⁸⁶ McQuoid-Mason, D. (1999). *Access to justice in South Africa*. Windsor YB Access Just, p.230.

application of law decided in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum.⁸⁷

Further Section 34(2) of the same constitution provides that everyone who is detained, including every sentenced prisoner, has the right to choose and consult with a legal practitioner, to be informed of his rights promptly and to have a legal practitioner assigned to the detained person by the state and at the state expense, if substantial justice would otherwise result to be informed of their rights promptly.⁸⁸ Although the provision of access to justice in the South African Constitution is more like that of the Kenya constitution, the said provision in South Africa has been put to test and succeeded especially due to the fact that the country has an access to justice act unlike that of Kenya which is still being implemented through progressive realization and has a pending Legal Aid Bill that is yet to be passed for purposes monitoring the issue of access to justice. Some of the transformations made in South Africa include making judicial services accessible to the poor, the uneducated and the vulnerable. The country has established a judicial presence in rural and township areas, offering low legal fees and providing speedy and empathetic services.

South African's Constitution just like that of Kenya⁸⁹ has acknowledged the importance of categorizing different cases to be handled by different courts mainly according to similarity and their weight. Both countries have established constitutional courts that handle constitutional matters, Labor /industrial courts to handle labour related matters, Environmental /land courts to handle matters relating to ownership of land and children courts at magistrate level to handle child related matters.

Unlike Kenya, South Africa has further established specific courts at the magistrate court level to handle cases depending on the caliber of people involved this further including forming special rules to apply in those courts. This scenario is completely different from that of Kenya where save for the anticorruption and the children's court, all cases at the magistrate level are only differentiated on the basis of the nature of crime in case of criminal cases and the money involved in the case of civil cases and in all these, the same rules of law apply respectively.

⁸⁷ Section 34 of the Constitution of South Africa

⁸⁸ *Ibid*

⁸⁹ Article 162 of the Constitution

One of such special courts at the magistrate level formed in South Africa is the Equity Courts⁹⁰, whose function is promotion of Equality and prevention of unfair Discrimination.⁹¹ The design of the equity courts identified several major barriers to litigation that would be addressed through an alternative court system. These barriers included costs, informational deficits related to navigation of the legal system, the intimidating nature of the courts, and the long time needed for litigation.

Equality courts unlike ordinary courts are meant to be very inexpensive for litigants to use which scenario is a complete contrary to the Kenyan situation where unless one is filing his case under pauper brief, no special charges have been provided for those who may have minimum income or are illiterate.⁹² Easy accessibility to Equity courts has been enhanced by the fact that advice needed by litigants is provided by court clerks whose job responsibility include guiding of complainants through the process of filing a complaint.⁹³ Both the presiding officer and the Equity clerk provide guidance on how to develop the case and on the type of evidence to be produced. Presiding officer also question witnesses when necessary and have the authority to call for more witnesses.⁹⁴

This is however very different from the Kenyan circumstance where only non-government organizations have been established to offer free legal advice which organizations are only available in urban areas thus cannot be easily accessible by those in rural areas. Lastly Kenyan courts unlike the Equity courts adhere to the strict rule of the common law case procedure like rules of evidence and civil procedure which are followed despite the different calibers of people who may be seeking justice from the court.

Other such courts established in South Africa are the Small claim courts which adjudicate over small civil claim and were strictly created to eliminate the time consuming and adversary procedure before and during the trial of small claims. Matters within small claims courts are presided over by commissioners who are usually practicing advocates or attorneys, a legal academic or other competent person. These services are voluntary as commissioners are not paid any fee.⁹⁵ Neither the Plaintiff nor the Defendant may be represented or assisted by counsel at the

⁹⁰ The promotion of Equity and prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000)

⁹¹ Article 9(4) of the Constitution of South Africa

⁹² *Idem*, article 2

⁹³ *Idem* article 17

⁹⁴ *Idem* article 16

⁹⁵ *Ibid*

hearing. The commissioner's decision is final and there is no plea to a higher court, only a review process is allowed.⁹⁶

In Kenya whereas the magistrate's act⁹⁷ and the civil procedure rules⁹⁸ have attempted to make classification distinguishing the handling of cases by different ranks of magistrates, litigants with small claims still stand at a disadvantage as they have to follow all laid down procedures for presenting cases in court and must wait an equal period of time for the determination of their cases just like multi-track cases. South Africa has further established Traditional Courts and Community Courts which are courts in traditional community areas in rural villages that deal with disputes within the villages. They are easily accessible and the presiding elders relate to the issues of the complainant hence can easily understand the genesis of their disputes.⁹⁹ Such courts are not recognized in Kenya however most communities in Kenya have recognized Alternative Dispute Resolution (ADR) like negotiation, arbitration and mediation in dealing with disputes within the community notwithstanding that the decisions made from such forums may not be binding however, the same have proved to be more efficient and fulfilling unlike the formal courts.

From the foregoing, if the poor in Kenya are to benefit from the judicial system in view of article 48 of the constitution, then just like South Africa, all calibers of people must be considered while establishing different courts to deal with different nature of cases.

2.7. Comparative Analysis of Access to Justice Bureaus in South Africa and Rwanda

Access to justice is a fundamental pillar of any democratic society, ensuring that all individuals, regardless of their socioeconomic status, have equal opportunities to seek legal recourse and protection. In both South Africa and Rwanda, Access to Justice Bureaus (AJBs) play a vital role in providing legal aid and services to marginalized populations. This essay seeks to compare and contrast the structure, functioning, challenges, and innovative solutions of AJBs in these two countries.

South Africa boasts a robust legal framework that guarantees access to justice for all citizens. This framework, anchored by the Constitution and supported by legislation such as the Legal Practice

⁹⁶ <http://www.gov.za/aboutgovt/justice/courts.htm>, last visited 18th August, 2014

⁹⁷ Cap 10 of the Laws of Kenya

⁹⁸ Cap 21 of the Laws of Kenya

⁹⁹ *Ibid*

Act, mandates the provision of legal aid and services to indigent individuals. AJBs in South Africa encompass a variety of institutions, including legal aid clinics, public defenders' offices, and community advice centers. These entities offer a range of services, including legal representation, advice, and education, with a focus on addressing the needs of vulnerable and marginalized communities.

In contrast, Rwanda's legal framework also emphasizes access to justice but operates within a different socio-political context. The country's legal framework, which includes laws such as the Law Establishing the Bar Association and the Organic Law Instituting General Provisions Governing Commercial Activities, underscores the importance of legal aid provision and the establishment of Access to Justice Bureaus (AJBs). access to justice bureau, Rwanda's Access to Justice Bureau, operates at both national and district levels, providing legal aid, mediation services, and advice to individuals who cannot afford legal representation. access to justice bureau 's operations are overseen by coordinators at the district level, ensuring the delivery of services to communities across the country.

Despite the similarities in their objectives, AJBs in South Africa and Rwanda face distinct challenges in their operation. In South Africa, funding constraints, a shortage of legal professionals, and geographical barriers pose significant challenges to access to justice. Conversely, Rwanda's access to justice bureau encounters challenges related to staffing shortages, limited resources, and the need for legal awareness and education among the population. Additionally, logistical issues such as transport facilitation hinder access to justice bureau 's ability to reach remote communities effectively.

However, both countries have implemented innovative solutions to address these challenges and improve access to justice. In South Africa, initiatives such as pro bono legal services, mobile legal clinics, and legal empowerment programs have been introduced to reach underserved populations. Similarly, Rwanda has implemented innovative approaches such as the use of technology, including hotlines and mobile legal aid clinics, to bridge the gap in access to justice. Furthermore, collaborations between access to justice bureau and local authorities aim to strengthen coordination and improve service delivery to marginalized communities.¹⁰⁰

¹⁰⁰ MINISTRY OF JUSTICE National, Legal Aid Policy, 2014, p.12

In conclusion, Access to Justice Bureaus in South Africa and Rwanda play a crucial role in ensuring access to justice for all citizens. While both countries face challenges in their operation, they have implemented innovative solutions to address these issues and improve service delivery to underserved populations. By comparing and contrasting the structure, functioning, challenges, and innovative solutions of AJBs in these two countries, we gain valuable insights into the complexities of providing access to justice in diverse socio-political contexts.

2.8. Access to Justice Bureau in Rwanda comparing with England

Access to justice in England is regulated by the Access to justice Act of 1999¹⁰¹ which establishes a legal service commission that oversees the right to justice through legal assistance. The commission is further empowered under section 3 to enter into contracts, take loans, invest money, promote or assist in the promotion of publicity relating to this function, and to advise the lord of chancellor on matters concerning the function of the commission. The commission as set in England has promoted legal aid in the country and a great distinguishment can be made from access to justice in England and Kenya.

In Kenya, whereas an accused person can represent himself¹⁰² upon entering a plea of guilty or not guilty, his admission are recorded and conviction issued on his plea of guilty or not guilty notwithstanding the fact that he may not be in a position to comprehend the complexities involved in legal matters.

In England, the scene is different as the Access to Justice Act 1999 confers a right to persons seeking free legal aid to approach the legal service commission and through its criminal defence service where a professional lawyer is allocating to him to represent him instead of self-representation. In this system, legal representation for all sorts of offences committed is therefore

¹⁰¹ <http://www.legislation.gov.uk/ukpga/1999/22/content> accessed on 21 June 2024

¹⁰² Section 207 of the Criminal procedure code

an entitlement, and not just a luxury of the few, a lesson that ought to be learnt by Kenyan's legal and policy makers.

In Kenya, unlike in England an order by the court to demand the Attorney General to grant free legal representation, usually commences after a person has been arrested, interrogated, charged and spend nights in the police cells which actions before the commencement of trial without the presence of a lawyer can clearly jeopardize the chance of affair hearing. In England, from the point of arrest, interrogation and trial a suspect if he chooses can be represented by a lawyer provided by the legal service commission.

In England, the Legal Service Commission is a quasi-independent national government organization¹⁰³ that makes its own decision free from government interference but in Rwanda it is not the case. Before the enactment of the Access to Justice Act in 1999, legal aid in England was administered by the Law society and the solicitors' professional association who would then be paid by the state and thus it was viewed not to be independent in its functioning thus was rejected for not being able to guarantee justice to the vulnerable. In England, criminal defense is usually conducted by qualified and well paid solicitors¹⁰⁴ employed by the state through the legal service commission or private solicitors employed by the commission and thus promoting efficiency, quality of legal services and administration of justice.

2.9. General principles of the law

Access to justice is a fundamental pillar of any equitable legal system, ensuring that all individuals, regardless of their social, economic, or political status, can seek and obtain remedies through formal or informal institutions of justice. In Rwanda, access to justice Bureau plays a crucial role in facilitating this access, particularly for underprivileged and marginalized communities. This essay critically examines the principles of equality before the law and the right to legal representation, highlighting access to justice bureau's responsibilities and impact within the Rwandan judicial system.

2.9.1. Principle of Equality Before the Law

¹⁰³ Section 3 of the Access to Justice Act 1999

¹⁰⁴ Section 18 of the Access to Justice Act, 1999

The principle of equality before the law asserts that every individual is entitled to the same legal protections and benefits, free from discrimination. This foundational concept underpins democratic societies, ensuring that justice is not a privilege reserved for a select few but a right accessible to all. In Rwanda, socio-economic disparities can create significant barriers to justice, particularly for the poor and marginalized. access to justice bureau addresses these disparities by providing essential legal services to those who would otherwise be excluded from the justice system.

access to justice bureau's commitment to equality before the law is evident in its efforts to bridge the gap between the legal system and the underprivileged. By offering free or subsidized legal services, access to justice bureau ensures that financial constraints do not impede access to justice. This is particularly important in a society where legal fees and court costs can be prohibitively expensive for many citizens. access to justice bureau's legal aid programs encompass a wide range of services, including legal advice, representation, and mediation, thus making the justice system more inclusive and responsive to the needs of all citizens.

Moreover, access to justice bureau's outreach initiatives are crucial in raising awareness about legal rights and remedies among marginalized communities. Legal literacy programs conducted by access to justice bureau educate individuals about their rights and the legal processes available to them, empowering them to seek justice and hold perpetrators accountable. By promoting legal awareness, access to justice bureau not only facilitates access to justice but also fosters a culture of legal consciousness and empowerment.

2.9.2. Right to Legal Representation

The right to legal representation is a cornerstone of a fair trial, ensuring that individuals can adequately defend their rights and interests in legal proceedings. Without proper representation, individuals are at a significant disadvantage, particularly in complex legal matters where navigating the legal system requires expertise and experience. access to justice bureau's role in providing legal assistance and representation is therefore pivotal in upholding this right within the Rwandan judicial system.¹⁰⁵

¹⁰⁵ Article 29 paragraph 1 of the Constitution of Republic of Rwanda of 2003 as amended to date

For many Rwandans, especially those from low-income backgrounds, hiring a private lawyer is financially unfeasible. This economic barrier effectively denies them the right to fair representation, leading to unequal and often unjust outcomes. access to justice bureau mitigates this issue by offering pro bono legal services, ensuring that even the most vulnerable individuals can access competent legal representation. This service is essential in criminal cases, where the stakes are particularly high, and the consequences of inadequate representation can be severe, including wrongful convictions and unjust sentencing.¹⁰⁶

access to justice bureau also plays a critical role in civil matters, providing representation in cases involving family law, property disputes, and labor rights, among others. By assisting individuals in these cases, access to justice bureau not only helps resolve disputes but also promotes social justice and economic stability. The provision of legal representation by access to justice bureau is thus integral to the broader goal of ensuring justice and fairness within the society.

Additionally, access to justice bureau's efforts extend beyond direct representation to include capacity-building initiatives for community-based paralegals. These paralegals are trained to provide initial legal advice and support within their communities, thereby extending the reach of legal assistance. This decentralized approach not only makes legal services more accessible but also fosters a community-driven model of justice where citizens can seek help locally.¹⁰⁷

In conclusion, the responsibilities of access to justice Bureau in promoting access to justice are vital for ensuring equality before the law and the right to legal representation in Rwanda. By providing legal services to underprivileged and marginalized communities, access to justice bureau helps to dismantle the barriers that hinder access to justice. Its work in legal representation ensures that all individuals, regardless of their financial means, can defend their rights effectively. Through these efforts, access to justice bureau significantly contributes to the realization of a fair and just legal system in Rwanda, where justice is not just an ideal but a tangible reality for all.

¹⁰⁶ Cappelletti, Mauro, and Bryant Garth. "Access to justice: the newest wave in the worldwide movement to make rights effective." *Buff. L. Rev.* 27 (1977): 181.

¹⁰⁷ *Ibid*

2.9.3. Transparency in Legal Processes

Transparency is a critical element of fair trial guarantees, as it ensures that legal proceedings are conducted openly and that the public can understand and scrutinize the judicial process. Transparency fosters trust in the legal system and helps prevent abuses of power. access to justice bureau plays a vital role in enhancing the transparency of the Rwandan judicial system through legal education and assistance.¹⁰⁸

One of access to justice bureau's key responsibilities is to educate the public about their legal rights and the judicial process. This education empowers individuals to navigate the legal system more effectively and understand the steps involved in their cases. When people are informed about how the legal system works, they can engage with it more confidently and assert their rights more effectively. This knowledge dissemination helps demystify the legal process, making it more accessible and transparent.¹⁰⁹

In addition to legal education, access to justice bureau provides direct assistance to individuals involved in legal proceedings. By guiding them through the complexities of the legal system, access to justice bureau ensures that individuals are aware of the procedures and requirements of their cases. This guidance helps prevent misunderstandings and errors that could compromise the fairness of the proceedings. When individuals understand the legal process, they are better equipped to hold the system accountable and ensure that their rights are respected.

access to justice bureau's efforts also extend to monitoring and reporting on judicial practices. By observing court proceedings and documenting any irregularities, access to justice bureau contributes to the oversight of the judiciary. This monitoring helps identify areas where transparency may be lacking and provides a basis for advocating for reforms. Through its reporting and advocacy work, access to justice bureau helps promote a judicial system that operates openly and fairly, with accountability mechanisms in place to address any issues that arise.¹¹⁰

In conclusion, the responsibilities of access to justice Bureau in promoting fair trial guarantees are crucial for maintaining the integrity and fairness of the Rwandan judicial system. By supporting

¹⁰⁸ Voermans, Wim, *Combining efficiency and transparency in legislative processes.*" *The Theory and Practice of Legislation* 3.3 (2015): 279-294.

¹⁰⁹ *Ibid*

¹¹⁰ *Ibid*

the impartiality and independence of the judiciary, access to justice bureau ensures that all parties receive a fair hearing based on the merits of their cases. Its efforts to enhance transparency in legal processes empower individuals to understand and engage with the judicial system, fostering greater trust and accountability. Through these initiatives, access to justice bureau significantly contributes to the realization of a just and equitable legal system in Rwanda, where fair trial guarantees are upheld for all.

2.10. The Legal System and the Rule of Law in Rwanda" by Katrin Seidel and Andrea Purdekova

Understanding the responsibilities of access to justice bureau within this context requires a thorough examination of the legal landscape in Rwanda, which is expertly detailed in "The Legal System and the Rule of Law in Rwanda" by Katrin Seidel and Andrea Purdekova. This book provides a comprehensive analysis of the rule of law, judicial reforms, and the challenges faced by the Rwandan judiciary. By delving into the intricacies of these issues, Seidel and Purdekova offer valuable insights that illuminate the critical functions of access to justice bureau in promoting access to justice, judicial independence, and legal empowerment.¹¹¹

Seidel and Purdekova emphasize the importance of legal accessibility in post-genocide Rwanda, where many citizens struggle with legal literacy and financial constraints. Justice system addresses these barriers by providing free or subsidized legal services, ensuring that even the most vulnerable populations can seek legal redress and representation. This effort aligns with the principle of equality before the law, a cornerstone of the rule of law that Seidel and Purdekova highlight as essential for rebuilding trust in the judicial system.¹¹²

Judicial independence is another critical theme explored in "The Legal System and the Rule of Law in Rwanda." Seidel and Purdekova discuss the various reforms implemented to shield the judiciary from political interference and ensure that judges can make impartial decisions. access to justice bureau contributes to this objective by offering legal assistance and representation, which helps balance the scales of justice. By empowering individuals with legal knowledge and support, access to justice bureau reduces the risk of corruption and undue influence within the judicial

¹¹¹ Seidel, Katrin, and Andrea Purdekova, *The Legal System and the Rule of Law in Rwanda*, Hart Publishing 2019, p 13.

¹¹² *Idem* p.14

process. This support is crucial in maintaining the judiciary's independence and integrity, as it allows judges to adjudicate cases based on merit rather than external pressures.

The authors explore how empowering citizens with legal knowledge and resources can transform the judicial landscape in Rwanda. Legal education programs inform citizens about their rights and the mechanisms available to protect them. This educational initiative is vital in a country where many individuals are unaware of their legal entitlements or how to navigate the legal system. By fostering a legally informed populace, access to justice bureau enhances the public's ability to engage with the judicial system effectively and advocate for their rights.¹¹³

Seidel and Purdekova provide a nuanced analysis of the challenges faced by the Rwandan judiciary, including limited resources, a backlog of cases, and the lingering effects of the genocide. Despite these challenges, there have been significant advancements, such as the establishment of legal aid clinics and the introduction of community justice systems like Gacaca courts. access to justice bureau's role in these developments is crucial, as it supports the judiciary by alleviating some of its burdens through alternative dispute resolution mechanisms and community-based legal services. These efforts not only expedite the legal process but also make it more accessible to ordinary Rwandans.¹¹⁴

The book also discusses the broader judicial reforms in Rwanda, many of which are aimed at enhancing transparency, accountability, and efficiency within the legal system. access to justice bureau's initiatives complement these reforms by ensuring that citizens are informed about their rights and the legal processes. This transparency fosters greater public confidence in the judicial system and encourages more active participation in legal processes. Moreover, access to justice bureau's advocacy work helps highlight systemic issues within the judiciary, providing a basis for further reforms and improvements.

The Legal System and the Rule of Law in Rwanda" by Katrin Seidel and Andrea Purdekova offers a profound understanding of the complexities and dynamics within the Rwandan judicial system. Through its detailed examination of post-genocide judicial reforms, the book sheds light on the essential responsibilities of access to justice Bureau in promoting access to justice, supporting judicial independence, and empowering citizens with legal knowledge. access to justice bureau's

¹¹³*Idem* p. 15

¹¹⁴*Idem* p.23

contributions are crucial for the ongoing efforts to build a fair, transparent, and accountable legal system in Rwanda. By addressing systemic challenges and advancing legal reforms, access to justice bureau plays a vital role in upholding the rule of law and ensuring that justice is accessible to all Rwandans.

CHAPTER III: APPROACHES FOR ADVANCING ACCESS TO JUSTICE BUREAU

In this third chapter, we embark on a comprehensive exploration of diverse methodologies aimed at bolstering the access to justice Bureau within the Rwandan legal framework. As the focus remains steadfast on conducting a critical analysis of access to justice bureau 's responsibilities under the Rwandan judicial system, it becomes paramount to scrutinize the pathways for advancing its role effectively.

With Rwanda's commitment to fortifying its judicial infrastructure and ensuring equitable access to justice for all citizens, this chapter ventures into an intricate examination of innovative strategies and pragmatic solutions. By delving into legal and policy reforms alongside grassroots community engagement initiatives, this chapter seeks to illuminate the multifaceted landscape of approaches conducive to nurturing a more inclusive and accessible justice system in Rwanda. Through nuanced exploration, we aim to discern the most viable avenues for enhancing access to justice bureau 's efficacy and impact, thereby contributing to the broader discourse on justice reform and societal empowerment in Rwanda.

3.1. Legal Mechanisms

Within the realm of legal mechanisms, one viable solution involves the adoption of legislation specifically delineating the coordination roles of access to justice Bureau at the district level. This entails drafting and enacting laws that precisely define the functions, responsibilities, and powers of access to justice bureau within the local administrative framework. By providing legal clarity on access to justice bureau 's role at the district level, such legislation can establish a robust foundation for its operations, ensuring consistency and coherence in its activities across different districts. Moreover, a well-defined legal framework can facilitate effective collaboration and coordination among various stakeholders involved in the justice delivery system, including government agencies, non-governmental organizations, and community-based organizations.¹¹⁵

The imperative for legislation to properly define access to justice bureau 's coordination roles at the district level stems from the need to address existing gaps and ambiguities in its operational mandate. Without clear legal guidance, access to justice bureau may encounter challenges in navigating its relationships with other justice sector institutions and in fulfilling its objectives effectively.¹¹⁶

By delineating access to justice bureau 's coordination roles through legislation, policymakers can provide clarity on its authority, jurisdiction, and interactions with other entities within the district. This legal clarity not only enhances access to justice bureau 's legitimacy and accountability but also strengthens its capacity to address the diverse legal needs of communities at the grassroots level. Additionally, a well-defined legal framework can serve as a catalyst for institutional development and capacity-building within access to justice bureau, fostering greater professionalism, efficiency, and effectiveness in its service delivery.

3.1.1. Insufficient staffing levels within access to justice bureau

The issue of insufficient staffing within access to justice Bureau poses a significant challenge to its ability to fulfill its mandate effectively. According to article 68 of the Law establishing the Bar Association in Rwanda and determining its organization and functioning in its first paragraph “Lawyers coordinating Access to Justice Bureaus may assist, counsel, represent and plead, before all courts,

¹¹⁵ There should be a law to implement this policy: MINISTRY OF JUSTICE, National Legal Aid Policy, 2014

¹¹⁶ *Ibid.*

for indigents. And its third paragraph stipulates that “Lawyers coordinating Access to Justice Bureaus shall be the only lawyers from Access to Justice Bureaus that are allowed to represent before the courts indigent and have to comply with the provisions of Article 6 of this Law.”¹¹⁷

With only one person designated as the access to justice bureau coordinator per district, the capacity to adequately assist, counsel, represent, and advocate for all indigents is severely limited. The sheer magnitude of responsibilities placed on a single individual underscores the urgency of addressing this staffing shortfall.

The need for increased staffing extends beyond the district level, as highlighted by stakeholders and experts in the field. To truly address the diverse legal needs of marginalized communities, there is a compelling argument for expanding the workforce to include personnel at the sector and cell levels. By decentralizing the provision of legal assistance and support services, access to justice bureau can enhance its reach and responsiveness to local communities. Moreover, deploying staff at lower administrative levels enables a more nuanced understanding of community-specific challenges and facilitates tailored interventions that resonate with the unique needs of each locality.¹¹⁸

Furthermore, the inadequacy of staffing levels within access to justice bureau not only hampers its capacity to provide direct assistance but also compromises its ability to engage in broader advocacy and outreach initiatives. A shortage of personnel limits the organization's bandwidth to conduct community awareness programs, legal education workshops, and other activities aimed at promoting legal literacy and empowering citizens to assert their rights. Thus, addressing the staffing deficit within access to justice bureau is not merely a matter of operational efficiency but also a prerequisite for fostering a more equitable and accessible justice system that serves the needs of all Rwandan citizens.

3.1.2. Establishing a dedicated hotline for every district office of access to justice Bureau

In pursuit of bolstering accessibility and inclusivity within Rwanda's judicial landscape, the access to justice Bureau is undertaking a pioneering initiative: the establishment of dedicated hotlines for each district office. This innovative approach, born from a recognition of the challenges faced by marginalized communities in accessing legal services, holds the promise of transforming the dynamics of justice delivery across the nation.

¹¹⁷ Article 68 of the Law N°83/2013 OF 11/09/2013 establishing the Bar Association in Rwanda and determining its organization and functioning in its first paragraph

¹¹⁸ John, Gasasira Gasana, et al. "Resolving Interpersonal Conflicts in Rwanda: The Contribution of Access to Justice Bureaus." *African Journal of Democracy and Governance* 8.12 (2021): 129-151.

The imperative for such hotlines stems from a deep-seated need articulated by experts and stakeholders alike. Central to this rationale is the acknowledgment that the beneficiaries of access to justice bureau's services, often comprising indigenous people and individuals with limited financial means, encounter formidable obstacles in physically accessing access to justice bureau offices. These hurdles are not merely logistical but also financial, as the cost of transportation can present a significant burden for those already grappling with economic constraints. By introducing district-level hotlines, access to justice bureau endeavors to circumvent these barriers, offering a lifeline of support that transcends geographical distances and economic disparities.¹¹⁹

Moreover, the introduction of hotlines resonates profoundly with the ethos of inclusivity and equity that underpins Rwanda's commitment to justice reform. In a society where access to justice should be a fundamental right rather than a privilege, the implementation of hotlines serves as a beacon of hope for those on the margins. Indigenous communities, often marginalized and overlooked, stand to benefit immensely from this initiative. By providing a direct avenue for communication and assistance, irrespective of geographic remoteness or financial limitations, access to justice bureau empowers these communities to assert their rights and seek recourse in the face of injustice.¹²⁰

Furthermore, the significance of district-level hotlines extends beyond mere convenience; it symbolizes a paradigm shift in the delivery of legal services. No longer bound by the constraints of physical proximity, individuals can now access vital legal assistance with the simple press of a button. This democratization of access to justice not only fosters a sense of agency among citizens but also engenders trust in the efficacy and responsiveness of Rwanda's judicial system.

In essence, the establishment of district-level hotlines by access to justice bureau represents a pivotal stride towards a more inclusive and equitable legal landscape. It is a testament to Rwanda's unwavering commitment to justice for all, irrespective of social standing or geographic location. As these hotlines become conduits of empowerment and hope, they herald a new era where justice truly knows no bounds.

¹¹⁹ John, Gasasira, et al. "Resolving Interpersonal Conflicts through Accessible Justice in Rwanda: The Contribution of Access to Justice Bureaus." In *Factis Pax: Journal of Peace Education and Social Justice* 16.2 (2022): 153-185.

¹²⁰ *Ibid.*

3.1.3. The legally binding nature of resolutions reached through mediation conducted by access to justice bureau personnel.

In the pursuit of equitable access to justice, access to justice Bureau plays a pivotal role in Rwanda's legal landscape. Central to its mission is the facilitation of mediation processes, aimed at resolving disputes and providing timely redress to those in need. However, a critical aspect that demands attention is the binding nature of decisions emerging from these mediations, particularly when conducted by access to justice bureau personnel.

At present, the decisions reached through mediation overseen by access to justice bureau staff lack the legal enforceability afforded to resolutions mediated by abunzi mediators. This discrepancy not only raises questions of consistency but also underscores the need for alignment in the treatment of mediated outcomes. It is indeed paradoxical that while access to justice bureau staff supervise abunzi mediators whose decisions carry binding authority, their own mediated resolutions do not enjoy the same status.¹²¹

Granting legally binding status to mediation resolutions facilitated by access to justice bureau personnel holds multifaceted benefits. Firstly, it enhances the efficacy and credibility of access to justice bureau services, instilling confidence in beneficiaries that their disputes will be resolved definitively and in accordance with the law. This assurance is particularly crucial for individuals navigating complex legal matters, as it fosters trust in the integrity of the mediation process.

Moreover, the implementation of legally binding mediation resolutions serves to optimize the utilization of time and resources. By providing a swift and conclusive means of dispute resolution, access to justice bureau can minimize the burden on both the parties involved and the broader justice system. This efficiency not only expedites the delivery of justice but also alleviates the strain on limited resources, enabling access to justice bureau to allocate its personnel and funds more effectively.

Furthermore, harmonizing the binding character of access to justice bureau -mediated decisions with those of abunzi mediators promotes fairness and consistency within Rwanda's legal framework. It ensures that all parties, regardless of the mediation avenue pursued, are subject to the same

¹²¹ See the Law No37/2016 OF 08/09/2016 Determining organisation, jurisdiction, competence and functioning of an Abunzi committee

standards of accountability and compliance. This uniformity not only upholds the principles of justice but also reinforces the rule of law, fostering a legal environment characterized by transparency and equity.¹²²

In conclusion, the establishment of legally binding mediation resolutions by access to justice bureau personnel represents a crucial step towards enhancing access to justice in Rwanda. By aligning the treatment of mediated outcomes and ensuring consistency in their enforceability, access to justice bureau can fulfill its mandate more effectively and contribute to the broader goal of fostering a fair and inclusive legal system. As Rwanda continues its journey towards legal reform and societal empowerment, the imperative of legally binding mediation resolutions by access to justice bureau personnel emerges as a cornerstone of progress and a testament to the nation's commitment to justice for all.

3.2. Institutional Mechanisms

Institutional mechanisms form the backbone of a nation's legal infrastructure, shaping the landscape for equitable access to justice and safeguarding fundamental rights. In Rwanda, the Access to Justice Bureau emerges as a cornerstone institution, tasked with providing crucial legal aid, mediation, and advocacy services to marginalized communities and vulnerable populations. As Rwanda progresses on its path towards legal reform and societal empowerment, it becomes increasingly imperative to examine and strengthen the institutional mechanisms that underpin the operation of the Access to Justice Bureau.

This discussion will delve into key areas where institutional mechanisms can be enhanced to optimize the Bureau's effectiveness, with a focus on legislative amendments, oversight mechanisms, resource allocation, and capacity-building initiatives. By exploring these facets, we aim to elucidate the role of institutional mechanisms in fostering a more inclusive, responsive, and efficient justice system in Rwanda.

3.2.1. The Ministry of Justice

In Rwanda, ensuring equitable access to justice is not just a legal imperative but a cornerstone of societal development and cohesion. Central to this endeavor is the Access to Justice Bureau, tasked

¹²² There should be the law to clarify the issue

with facilitating legal aid, mediation, and advocacy services for vulnerable populations and underserved communities. However, the Bureau faces a myriad of challenges that impede its ability to fulfill its mandate effectively. To address these obstacles and strengthen the delivery of justice services across the nation, concerted efforts by the Ministry of Justice are imperative.¹²³

Foremost among the challenges confronting the Access to Justice Bureau is the issue of insufficient staffing levels. With a limited workforce, the Bureau struggles to manage the high demand for legal assistance and mediation services. To overcome this hurdle, the Ministry of Justice must prioritize the recruitment and deployment of additional staff to bolster the Bureau's operational capacity. By augmenting the workforce, the Bureau can alleviate the burden on existing personnel, enhance service delivery, and ensure timely access to justice for all citizens.

In addition to staffing concerns, inadequate resources pose a significant obstacle to the Bureau's effectiveness. Insufficient funding and logistical support hamper the Bureau's ability to expand its outreach initiatives, modernize its infrastructure, and implement innovative programs. To address this challenge, the Ministry of Justice must allocate sufficient financial resources to the Bureau, enabling it to enhance its operational efficiency and meet the diverse legal needs of the population effectively.

Moreover, investing in capacity-building initiatives and professional development opportunities for Bureau staff is essential to enhance their skills, knowledge, and expertise. Continuous training programs enable staff to stay abreast of evolving legal frameworks, best practices, and technological advancements, ensuring the provision of high-quality legal assistance and mediation services to those in need.¹²⁴

Additionally, fostering partnerships and collaboration with other government agencies, civil society organizations, and international partners can amplify the impact of the Bureau's initiatives. By leveraging collective expertise, resources, and networks, the Ministry of Justice can enhance the reach and effectiveness of the Bureau's access to justice initiatives, particularly in underserved areas and marginalized communities.

¹²³ <https://www.minijust.gov.rw/> accessed on 11 May 2024

¹²⁴ MINISTRY OF JUSTICE, National Legal Aid Policy, 2014, p.14.

In conclusion, addressing the challenges faced by the Access to Justice Bureau requires a multifaceted approach that encompasses staffing, resource allocation, communication, technology, capacity-building, and collaboration. By prioritizing these strategies and implementing targeted interventions, the Ministry of Justice can strengthen the Bureau's capacity to deliver equitable, accessible, and efficient legal services to all citizens, thereby advancing the rule of law and promoting social justice in Rwanda.

3.2.2. Rwandan Parliament

To enhance the activities of the Access to Justice Bureau, the Rwandan Parliament plays a crucial role in enacting legislation and providing oversight. One key measure the Parliament can undertake is to facilitate the amendment and revision of existing laws to ensure that they align effectively with the Bureau's mandate and operational requirements.

Firstly, the Parliament should prioritize enactment of the new law and amendments to existing laws governing the Access to Justice Bureau to address any gaps or inconsistencies that may impede its effectiveness. This may involve clarifying the Bureau's mandate, defining its role in the legal framework, and specifying its powers and responsibilities more comprehensively. Additionally, amendments should address issues related to staffing, resource allocation, and procedural matters to enhance the Bureau's operational capacity and efficiency.¹²⁵

Moreover, revisions to the law should incorporate provisions that strengthen the Bureau's mechanisms for providing legal aid, mediation, and advocacy services to underserved populations and marginalized communities. This may include expanding eligibility criteria for legal aid, establishing guidelines for mediation processes, and enhancing mechanisms for enforcing mediation outcomes. Furthermore, the law should incorporate safeguards to protect the rights of vulnerable groups, including women, children, persons with disabilities, and refugees, ensuring that they have equal access to justice and legal representation.

In addition to legislative amendments, the Parliament should exercise its oversight function to monitor the implementation of laws related to the Access to Justice Bureau and evaluate its performance regularly. This may involve conducting hearings, inquiries, and reviews to assess the Bureau's effectiveness, identify challenges, and recommend measures for improvement.

¹²⁵ <https://www.parliament.gov.rw/> accessed on 12 May 2024

Furthermore, the Parliament should allocate adequate resources to support the Bureau's activities, including funding for staff salaries, training programs, infrastructure development, and outreach initiatives.¹²⁶

Overall, by prioritizing legislative amendments, providing oversight, and allocating resources, the Rwandan Parliament can enhance the activities of the Access to Justice Bureau and ensure that it effectively serves the needs of the population. These measures will contribute to advancing the rule of law, promoting access to justice, and fostering social cohesion and development in Rwanda.

CONCLUSION AND RECOMMENDATION

This explores the critical analysis of the responsibilities of the access to justice Bureau within the Rwandan judicial system. The introductory sections set the stage by emphasizing the universal right to equal access to justice, regardless of socioeconomic status, as enshrined in the Rwandan constitution. The introduction outlines the noble mission of access to justice bureau in bridging the gap between the legal system and marginalized individuals, aiming to promote fairness, equality, and the rule of law. access to justice bureau 's role as a pivotal institution in providing legal aid, representation, and support, particularly for vulnerable groups, is highlighted. However, challenges such as limited resources, capacity constraints, and cultural barriers are acknowledged, underscoring the need for critical evaluation and improvement.

Moving forward, the study provides a comprehensive background, problem statement, research questions, hypotheses, and objectives. The background underscores the fundamental importance of access to justice in fostering societal harmony, development, and peace, emphasizing the role of access to justice bureau in Rwanda's legal landscape. The problem statement identifies gaps in access to justice bureau's coordination roles, operational management, and service delivery, prompting the need for a critical analysis. Research questions and objectives focus on evaluating access to justice bureau's effectiveness, identifying challenges, and proposing strategies for enhancement. Overall, the study aims to contribute to ongoing efforts in legal empowerment and

¹²⁶ *Ibid.*

rights-based advocacy in Rwanda, ultimately striving for a more just and equitable society for all citizens.

Chapter one provides a thorough exploration of the conceptual and theoretical foundations that underpin the operations and mandates of the access to justice Bureau within the Rwandan judicial system. The conceptual framework establishes a comprehensive understanding of key concepts such as access to justice, legal aid services, due process of law, and alternative dispute resolution (ADR).

It encompasses aspects of affordability, awareness, and empowerment, aiming to remove barriers and address systemic inequalities within legal systems. Legal aid services are elucidated as essential programs designed to facilitate access to justice for individuals unable to afford legal representation, emphasizing the principle of equal justice under the law. Due process of law is highlighted as a fundamental safeguard against arbitrary government actions, ensuring fair treatment and procedural protections for individuals in legal proceedings. Alternative dispute resolution (ADR) methods are presented as flexible, cost-effective approaches to resolving legal disputes outside traditional court litigation, promoting party autonomy and collaboration in conflict resolution.

Furthermore, the conceptual framework lays the groundwork for evaluating access to justice bureau's role and effectiveness in promoting equitable access to justice for all citizens. By delineating these theoretical perspectives and conceptual frameworks, the chapter provides a robust analytical framework for assessing access to justice bureau's performance and impact within the Rwandan judicial system. It underscores the importance of access to justice bureau's mission in addressing systemic barriers, promoting legal empowerment, and fostering inclusive and responsive legal systems to meet the diverse needs of individuals and communities.

Chapter two critically examines the operations and effectiveness of the access to justice Bureau within the Rwandan judicial framework, addressing key challenges and areas for improvement. The chapter highlight notable lacunae within access to justice bureau's operational landscape, particularly the absence of clear legal delineations legal definition of access to justice bureau 's coordination roles at the district level. This ambiguity poses challenges to effective functioning, potentially leading to confusion and inefficiencies among access to justice bureau personnel. Furthermore, the analysis underscores the imperative need for accessible communication channels,

such as hotlines, to enhance client access to access to justice bureau services, especially for those in remote areas.

Moreover, the chapter delves into staffing deficiencies within access to justice bureau, pointing out the discrepancy between prescribed responsibilities and available resources. With only one coordinator designated per district, the capacity to provide comprehensive legal assistance to indigents is severely constrained. Additionally, the challenge of facilitation in transport emerges as a significant barrier, hindering access to justice bureau's outreach efforts and operational efficiency, particularly in remote and underserved regions. Furthermore, the non-binding nature of decisions made by access to justice bureau staff during mediation raises questions about the efficacy of the justice system and the realization of justice for individuals involved in disputes.

Through a critical analysis of these challenges, the chapter underscores the urgent need for strategic interventions to strengthen access to justice bureau's role in ensuring equitable access to justice across Rwanda.

Then the last Chapter proposes the methodologies for bolstering access to justice Bureau within Rwanda's legal framework. Legal mechanisms propose the enactment of laws defining access to justice bureau's district roles, ensuring clarity, consistency, and effective collaboration among stakeholders. Additionally, binding mediation decisions and the establishment of hotlines at district offices aim to enhance accessibility and efficiency in justice delivery, particularly for marginalized communities.

Institutional mechanisms highlight the Ministry of Justice's pivotal role in addressing staffing, funding, and capacity-building challenges within access to justice bureau. By prioritizing recruitment, resource allocation, and partnerships, the Ministry can strengthen access to justice bureaus operational capacity, enabling it to provide equitable, accessible legal services to all citizens. These measures collectively advance the rule of law and promote social justice, fostering a more inclusive and responsive justice system in Rwanda. The study also recommend the Parliament to prioritize enactment of the new law and amendments to existing laws governing the Access to Justice Bureau to address any gaps or inconsistencies that may impede its effectiveness.

RECOMMENDATIONS

Rwandan Parliament should enact legislation specifically outlining access to justice bureau's coordination roles at the district level. The Parliament should prioritize the drafting and passing of laws that define access to justice bureau's functions, responsibilities, and powers within the local administrative framework. This legislation should provide legal clarity on access to justice bureau's role, authority, and interactions with other justice sector institutions, ensuring consistency and effectiveness in service delivery. The same law should give binding effect to the access to justice bureau's decisions.

Ministry of Justice is recommended to prioritize staffing and resource allocation within access to justice bureau to address deficiencies in personnel and logistical support. The Ministry should allocate sufficient financial resources to access to justice bureau to recruit and deploy additional staff, particularly at the district, sector, and cell levels. Adequate funding and logistical support are essential for expanding outreach initiatives, modernizing infrastructure, and implementing innovative programs to meet the diverse legal needs of the population effectively.

Ministry of Justice together with the Ministry of ICT and innovation has to work together to embrace technological solutions, such as establishing district-level hotlines, to enhance accessibility and efficiency in justice delivery. These Ministries should invest in digital infrastructure and capacity-building initiatives to leverage technology for case management, data analysis, and communication within access to justice bureau. Additionally, it should collaborate with relevant stakeholders to ensure the effective implementation and maintenance of technological solutions to optimize access to justice bureau's operational efficiency and impact.

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