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October

2010

Three-Year Evaluation of the Legal Aid Forum for the Period 2008-2010



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Supported by the Embassy of the Kingdom of the
Netherlands in Kigali, Rwanda



Koninkrijk der Nederlanden

The views and opinions expressed in this report are not necessarily those of the Embassy of
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List of Acronyms

ADEPE :	Action pour le Développement du Peuple
ADL :	Association Rwandaise pour la Défense des Droits de la Personne et des Libertés Publiques
AJPRODHO :	Youth Association for Human Rights Promotion and Development
ARDHO :	Association Rwandaise pour la Défense des Droits de l'Homme
AVEGA :	Association des Veuves du Génocide Agahozo
ARPCDH :	Association Rwandaise pour la Promotion et la Connaissance des Droits de l'Homme
CESTRAR :	Centrale des Syndicats des Travailleurs du Rwanda
CLADHO :	Collectif des Ligues et Associations de Défense des Droits de L'Homme
COPORWA :	Communauté des Potiers du Rwanda
COSYLI :	Conseil National des Organisations Syndicales Libres
DANIDA :	Danish International Development Agency
DIHR :	Danish Institute for Human Rights
EALS :	East Africa Law Society
EDPRS :	Economic Development and Poverty Reduction Strategy
EKN :	Embassy of the Kingdom of the Netherlands
FACT Rwanda :	Forum des Activistes contre la Torture et la Violence
GA :	General Assembly
IAC :	Internal Audit Committee
ICP :	Internal Control Procedures
INILAK :	Institut Laïque Adventiste de Kigali
JRLOS :	Justice, Reconciliation, Law and Order Sector
LAF :	Legal Aid Forum (the LAF)
LAPs :	Legal Aid Providers
LDGL :	Ligue des Droits de la Personne dans la Région des Grands Lacs
LIPRODHOR :	Ligue Rwandaise pour la Promotion et la Défense des Droits de l'Homme
LRF :	Legal Resources Foundation
LFA :	Logical Framework Analysis
LFM :	Logical Framework Matrix
MAJ :	Maison d'Accès à la Justice – Access to Justice Bureau
MASP :	Multi-Annual Strategic Plan
M&E :	Monitoring and Evaluation
MER :	Monitoring, Evaluation and Reporting
NGOs :	Non Governmental Organisations
NUR :	National University of Rwanda
PASI :	Paralegal Advisory Service Institute
PRSP :	Poverty Reduction Strategy Paper
RWF :	Rwandan Francs
SC :	Steering Committee
SWAp :	Sector-Wide Approach
ULK :	Université Libre de Kigali
UN :	United Nations
UNDP :	United Nations Development Programme

1. Executive Summary

With the establishment of the LAF as an independent legal entity and with the possibility that the LAF could act as Grant Manager for the LAF's Legal Aid Civil Society Fund (LACSF), there is a window of opportunity to establish the LAF as a truly indigenous network and the first indigenous grant-maker in Rwanda. It is submitted that this opportunity be an element of the strategic engagement of the LAF by donors and in this case, the Embassy of the Kingdom of the Netherlands in Kigali (EKN-Kigali) in regard to any future funding cycle.

The LAF has become somewhat of an anomaly in its success when compared to other legal aid/access to justice/paralegal/advice office networks. This is evidenced for example in South Africa by the collapse of the National Community-Based Paralegal Association and the National Paralegal Institute.

Reasons for this anomaly lie in the unique utility of the LAF as seen by Government and EKN-Kigali, LAF members, ultimate beneficiaries and other stakeholders. This is indicated by an emergent yet strong social capital, effective leadership, governance and management, joint learning, and mutually beneficial partnerships and collaboration. (Ferri, 2004)

As this report will illustrate, there are flaws in the design of the programme intervention and this has been aggravated by the lack of a comprehensive monitoring and evaluation policy and plan that might have both been underpinned by the measurement of impact. This is a technical imperative based on the use of a Logical Framework Matrix for planning, monitoring and evaluation by the LAF. It does not mean that there has been no monitoring and evaluation nor that there has been no impact.

As such, these technical imperatives should not overshadow real gains made by the LAF. What is important is that members of the LAF have a basis for perceiving benefits directly attributable to the LAF, namely:

- Enhanced efficiency, reach and impact through the multiplier effect of increased access to:
 - capacity building
 - information and knowledge sharing
 - technical expertise
 - financial resources
- Solidarity and support
- Increased visibility of issues
- Influence over Government policy
- Best practices
- Reduced isolation
- Increased credibility
- Overwhelming benefits as opposed to cost

It is submitted that in the case of the LAF, that despite it being in operation for under 3 years, its development has been exponential in practically every aspect and that

furthermore, despite the technical inconsistencies in evaluating impact, the LAF has been very much result orientated.

EKN-Kigali's investment in the LAF is indicative of the quality of EKN-Kigali's fiduciary risk assessment of the programme, informed by a thorough needs assessment and analysis of legal aid in Rwanda conducted by the Danish Institute for Human Rights (DIHR); the Legal Aid Baseline and Needs Assessment Survey; the commitment by the Danish International Development Agency (DANIDA) to co-finance the LAF and most importantly, the degree of transparency, accountability, fairness, reasonableness, consensus building and equity with which DIHR brought to the establishment of the LAF.

The **Main Conclusion** of this report is that EKN-Kigali's investment in the LAF has been a wise and proactive one and one which has precipitated significant rewards for LAF members and indigent and vulnerable communities in Rwanda.

The **Main Recommendation** of this report is that EKN-Kigali fund the LAF for a further cycle. While the LAF has not yet secured any co-financing for this period, it has had a positive engagement with the Embassy of Belgium. In the context of continued funding from EKN-Kigali, it is worth highlighting the following:

“Networks are not institutions, and the same rules do not apply. Donors can help by de-linking networks from the formal project cycle. Networks take time to develop, and often funding is terminated just at the point when burgeoning networks are beginning to come into their own. Donors would also be wise to let go of their customary results orientation when they support networks, and trust that they will do their jobs.” (Ferri, 2004)

“Our study shows that in terms of funding levels, support is needed for core funding and not just for projects...it appears that donor support is most crucial in the network startup phase, lasting approximately five years. After this point, many networks are able to find alternate or self-generated forms of funding. Donor assistance in referring networks to other potential donors would be another positive contribution.” (Ferri, 2004)

2. Introduction

2.1. About LAF

2.1.1. Origins

Following a study (DIHR, 2004) on legal aid services available at field level, an idea emerged to create the Forum; a 'space' for organisations to share information and best practises, and collaborate both in capacity building and identified areas within which advocacy and research can be made. The study highlighted the determination of organisations to provide legal aid services to indigent and vulnerable groups, and the positive initiatives and projects aimed at providing legal information, advice and representation services. Nevertheless, limited collaboration was identified as one factor constraining the effectiveness and efficiency of legal aid service provision. Thus, the initiative to create the LAF was identified as an essential step towards the improvement of access to justice in Rwanda.

2.1.2. Formation

On 26 October 2006, the LAF was established and a Charter adopted. This was the culmination of a process in which civil society organisations worked together to build a common understanding of legal aid, identified the LAF's vision, mission, aims and objectives, and agreed on work modalities.

2.1.3. The Work

The current project "*Building the Foundations of Access to Justice in Rwanda*" (hereinafter referred to as "the Project") aims to contribute to the realisation of equitable access to justice in Rwanda through the development and provision of high quality, accessible legal aid services. This was envisaged using four main approaches: strengthening the LAF; building technical capacity and research and advocacy skills of legal aid providers; and through pilot projects. The combination of these approaches aims to provide services to the poor and vulnerable groups, improve the quality of legal aid services, build on the legal and policy framework and develop mechanisms through which organisations can collaborate, engage at a regional level and begin to attract further sustained funding.

In 2007, the LAF developed a three-year Logical Framework Matrix for the period 2008-2010. This logical intervention included capacity building, monitoring, research and advocacy initiatives, and support to a number of pilot legal aid projects at community level and in the criminal justice system. The Logical Framework Matrix will be looked at in detail in Paragraph 3.1 below.

2.1.4. Evolution

In 2009, the LAF was registered as a national Non-Governmental Organisation network (NGO) and for the first time became a fully independent entity with its own legal personality. Up to this time, the LAF was a voluntary and informal association

and its Secretariat was hosted by the Danish Institute for Human Rights (DIHR) through a democratic process of elections by the General Assembly of the LAF. As will be seen later in this report, DIHR continues to provide technical assistance to the LAF and also currently acts as the Grant Manager for the Legal Aid Civil Society Fund (LACSF) established in terms of Output 4 of the Logical Framework Matrix. A process is currently under way to determine alternatives to the latter arrangement concerning the management of the LACSF.

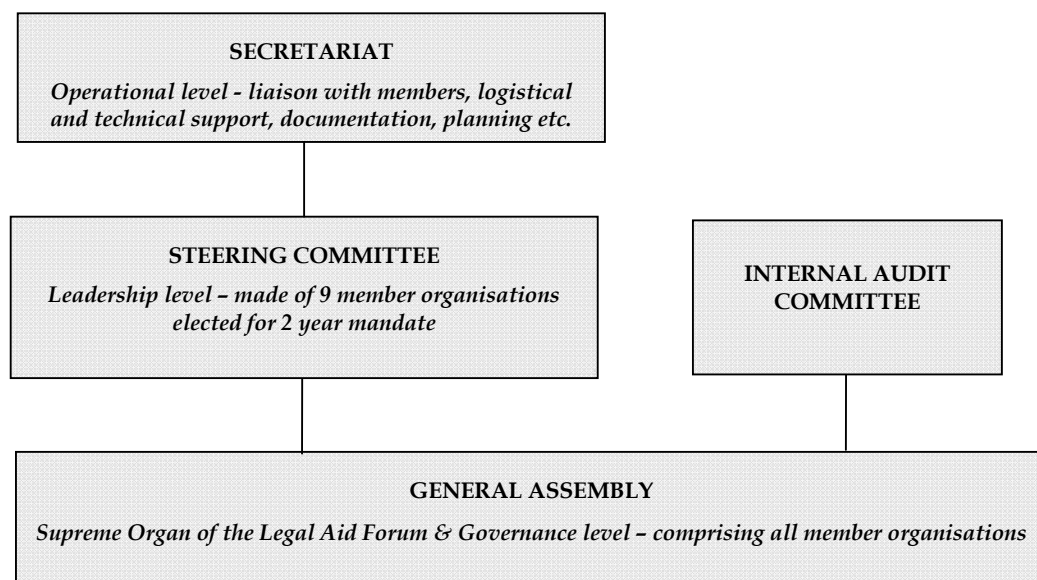
2.1.5. Membership

The LAF currently comprises 33 different types of organisations registered in terms of applicable Rwandan legislation, which provide either legal aid services, or provide support to legal aid service providers:

- 21 national NGOs/Trade Unions and 6 International NGOs (INGOs)/ Organisations (*ADEPE, ADL, Ajprodho, ARDHO, Avega, ARPCDH, Benishyaka, Cestrar, Cladho, Coporwa, Cosyli, FACT Rwanda, Haguruka, Human Rights First Rwanda, INARA Legal Aid Service, LDGL, Liprodhor, Maison de Droit, Network of Lawyers of Hope Rwanda, Rwanda Community Law Anti Discrimination Network – Dufatanye, Rwanda Women’s Network, Avocats Sans Frontières, International Justice Mission, Norwegian People’s Aid, Penal Reform International, RCN Justice & Démocratie, the Danish Institute for Human Rights*)
- 2 professional bodies, the Bar Association & the Corps of Judicial Defenders
- 4 University Legal Aid Clinics (*NUR – Legal Aid Clinic, ULK – Legal Aid Clinic Kigali, ULK – Legal Aid Clinic Gisenyi, UNILAK – Legal Aid Clinic*)

2.1.6. Organisational Structure

The organisational structure of the LAF is as follows:



The LAF has its headquarters in Kigali, where the Secretariat is housed. The Secretariat is staffed by paid employees and 1 part-time Monitoring and Evaluation (M&E) Consultant. The Secretariat is headed by a Coordinator with the following full-time support officers, Finance and Administration Manager, Finance and Administration Assistant and a Liaison Officer.

The Secretariat and the Steering Committee work closely together with the Secretariat reporting to the Steering Committee. The Steering Committee is composed of elected members and is accountable to the General Assembly, which in turn is composed of all member organisations of the LAF. The Internal Audit Committee acts an internal mechanism ensuring transparency and accountability at management and financial levels of operation of the Secretariat of the LAF, and is made up of elected members not already elected to the Steering Committee nor being beneficiaries of the LACSF.

2.1.7. Governance, Transparency and Accountability

The functioning of all organs of the LAF is governed by the Charter of the LAF. As a further measure contributing to proper transparency and accountability, the Secretariat is regulated by a set of Internal Control Procedures . The LACSF is regulated in terms of the Guidelines for the LACSF and since the registration of LAF as an independent legal entity in 2009, the LACSF is also governed by a Cooperation Agreement between the LAF and DIHR signed in 2010. This agreement relates to DIHR's role as Grant Manager of the LACSF and also notably, as the legal recipient of funds from EKN-Kigali, DANIDA and membership fees from LAF members. These aspects will be discussed further in Paragraph 2.1.2 below.

2.1.8. Milestones

Some of the milestones the LAF have been (Legal Aid Forum, 2010):

2007-2009:

- Countrywide Legal Aid Baseline and Needs Assessment Survey carried out in collaboration with the Ministry of Justice, completed in January 2007
- Engagement throughout 2007 with the Ministry of Justice and the Task Force on Legal Aid to analyse and make recommendations on the national framework for legal aid¹
- Contribution to the Justice, Reconciliation, Law and Order Sector (JRLOS) of the EDPRS
- Monitoring in 2008-2009 of EDPRS Indicators in the Justice Sector
- Launch in July 2007 of a periodical information exchange Bulletin
- Development in 2008-09 and implementation of an improved documentation and monitoring system for legal aid providers amongst a pilot group of Legal Aid Providers
- Development of a Paralegal Practice Manual launched in November 2009

¹ Task Force comprising the Ministry of Justice, the pilot 'Maison d'accès à la Justice' (Access to Justice Bureau), the Bar Association, the Legal Aid Forum (Chair and Secretariat), the Danish Institute for Human Rights and UNDP.

- Research project in 2009 on Public Interest Litigation in Rwanda, with a focus on *locus standi* and *amicus curiae*
- Implementation in 2009 of a Legal Aid Week in Rwanda – an initiative led by the Ministry of Justice in collaboration with the LAF:
 - Covering 10 prisons and 27 sectors
 - Provided through 20 legal aid providers (including the Bar Association, the Corps of Judicial Defenders, NGOs, trade unions, university legal clinics)
 - Benefiting 350 minors detained legally represented and 1’368 indigent and vulnerable people benefiting legal information, legal advice and/or mediation
- Pilot projects from May 2008 to provide legal aid services at community based level and in the criminal justice system² – benefiting 2,776 indigent and vulnerable in 2008, 6,354 persons in 2009 and a projected 10,000 for 2010
- Annual exposure visits, internships and staff exchanges with organisations in the region (notably in Kenya, Malawi, South Africa, Tanzania, Uganda)

2010:

Based on the results achieved so far by the LAF and with a view to enhance the sustainability of the LAF and to concretise further its potential to improve the accessibility and quality of legal aid services in Rwanda, the LAF developed a 5 year strategic plan covering the period 2011-2015.

2.1.9. EKN-Kigali Funding

EKN-Kigali funding to the LAF was made under the auspices of DIHR as the legal recipient of such funds, in its capacity as host of the LAF Secretariat. The contract covered the period 1 November 2007-31 December 2009.

This contract was predicated upon the LAF submitting an Inception Report in February 2008, 3 months after the start of the contract. While this may appear unusual, it must be seen in the context of the infancy of the LAF at the instance the contract came into effect. For example at this stage the LAF had not appointed its complement of staff; had not appointed an auditing bureau; and had not formulated guidelines for the LACSF. The intention of the Inception Report was to ensure that such matters were properly resolved early in the contract period, which, as shall be alluded to later, were in fact appropriately resolved.

The project was initially conceived for a period of three years. However, the delay in the conclusion of the funding agreement with EKN-Kigali meant that there was an

² Three projects implemented in 2008: 1/ *Legal Aid and support to local initiatives on Access to Justice for vulnerable youth*, implemented by Adepe in Rubavu District, 2/ *Legal Aid for children and youth facing criminal prosecution* by Ajprodh in Karongi and Rutsiro Districts and 3/ *Community clinic law project* by INILAK in partnership with Human Rights First in Kamonyi and Kicukiro Districts – projects continuing in 2009 together with four additional projects starting: 1/ *Legal assistance for vulnerable workers within tea plantations and construction sector, in Gicumbi and Rulindo districts and the City of Kigali* by Cestrar; 2/ *Community against Gender Based Violence and victims legal assistance in Karongi District in the Western Province* by Fact Rwanda; 3/ *Legal advice and representation in court for detainees of Nsinda and Kibungo prisons* by ADL in partnership with the Corps of Judicial Defenders; and 4/ *Legal advice and representation in court for vulnerable persons, notably widows and orphans* by the Corps of Judicial Defenders; for a total of seven projects operating in 2009.

effective reduction from a 3 year project to a project of 2 years and 2 months (1 November 2007 to 31 December 2009). The LAF and DIHR therefore jointly requested an extension of the contract from 1 January 2010 to 31 December 2010. EKN-Kigali approved this request.

2.1.10. Other Funding

Apart from the funding from EKN-KIGALI, DANIDA and membership subscriptions, the LAF does not currently have other sources of funding.

2.2. The Context of Access to Justice and Legal Aid in Rwanda

Equitable, functioning and accessible justice is crucial to combating poverty, promoting good governance and the rule of law. It is a basic human right and an indispensable means towards conflict resolution. (Legal Aid Forum, 2010)

Access to justice should not depend on wealth, education levels, religion or ethnicity. Therefore in order to realise the goal of equitable access to justice it is essential to put in place mechanisms for the provision of legal aid services³. Only in this way can access to justice become accessible to those in need rather than remaining a prerogative of those who can afford it. (Legal Aid Forum, 2010)

To date, there is no specific legislation on access to justice and/or legal aid in Rwanda. However, efforts are being made by the Government of Rwanda under the Ministry of Justice to promote and develop the infrastructure for legal aid through the 'Maison d'Accès à la Justice' (MAJ), which are Access to Justice Bureaus intended to be established in all districts (Kayitare Jean Pierre, 2005). In addition, the Ministry has also started to undertake the process of developing a legal aid policy. (Legal Aid Forum, 2010)

The environment within which legal aid is provided in Rwanda is characterised by a high population density (376/km²) (United Nations Statistics Division, 2007), with a large rural, semi-literate population. Approximately 9.9 million people live in an area of 26'338 square kilometres (United Nations Statistics Division, 2007) and 56.9% of the population live below the poverty line with only 62.5% of rural men and women consider themselves literate (United Nations Statistics Division, 2007).

Rwanda currently has a very low Advocate to population ratio. The ratio is currently 1 Advocate for 31,329 people⁴ even though the Bar is committed to increasing the number of Advocates on the roll.

The historical context has also put huge pressure on the Rwandan justice system both in terms of trying genocide suspects and in creating complex legal issues associated

³ Legal Aid is defined as free or subsidised legal services to those who cannot afford them. Within this definition a broad understanding based on the concept of the Legal Aid Triangle is adopted, including all three levels of legal representation, legal advice/mediation and legal information/education.

⁴ 316 Lawyers registered with the Bar Association at the beginning of 2009 for a population of 9.9 million. Legal Aid Forum, Rwanda Ministry of Justice. (2007). *Legal Aid Baseline Survey*.

with land rights, inheritance rights and family law issues⁵. However, as Gacaca Courts have tried substantial amounts of cases, the Government is now focusing on other types of cases.

In practice many obstacles continue to exist which inhibit the effective provision of legal aid services. The 2007 Legal Aid Baseline Survey identified a number of key limiting factors:

- The absence of an enabling legal and regulatory framework
- Limited monitoring and evaluation and poor documentation of challenges, best practices and client information
- Limited and disjointed funding
- The limited number of lawyers and the limited geographic reach (urban bias) and capacity of legal aid service providers (both civil society organisations and the Bar Association/Corps of Judicial Defenders)
- Limited awareness of available legal aid services amongst the population

These factors impact on each other. For example, a stronger and more enabling legal and regulatory framework would lead to more systematic training and continuing legal education of service providers. Monitoring, evaluation and documentation provides data and information that can be used to improve methodologies. Furthermore, the use of these tools has also the potential to attract funding.

However, a number of processes and policy decisions provide the basis for further work and positive developments in the area of legal aid:

- The adoption of ‘Universal Access to Quality Justice in Rwanda’ as a high level objective in the EDPRS 2008-2012 and inclusion of ‘the number of vulnerable groups / poor people accessing legal aid services’ as an indicator
- The adoption of the JRLOS Strategy and Budgeting Framework 2009-2012 which aims at a ‘universal access to quality justice’ (Output 1) with ‘access to legal advice and representation universally available at the sector level’ (Target 1) and a ‘legal aid scheme fully operational nationally with coverage down to sector level’ by June 2012 (Milestones Output 1)
- The creation in 2007/08 of a new Department within the Ministry of Justice to focus on ‘Legal Aid, Human Rights and Community Services’
- The drafting process of the new Law on the Bar with the opportunity to work on the draft based on new developments
- The process of putting in place a legal aid policy framework currently being worked on by the Ministry of Justice
- The continued engagement of the LAF, the Ministry of Justice and the Justice Sector to analyse and make recommendations on the draft Law on the Bar and on the national policy framework for legal aid in Rwanda.

⁵ See Legal Aid Baseline Survey, January 2007.

2.3. Background to the Evaluation

In 2008, the LAF commissioned a Mid-Term Evaluation and Development Analysis of its work. While this intervention was an independent and external one, it was not triggered by any mandatory requirements by EKN-Kigali. Rather, it was an intervention unilaterally initiated by the LAF in the interests of measuring and enhancing its performance.

The Mid-Term Evaluation was very positive and found that “the project is delivering quality and timely products... The different activities proposed in the framework of the Forum offer important capacity building opportunities for members... The Forum offers an opportunity to exchange information and share experiences and best practices... (Human Solutions Consulting, 2009).

Key recommendations made by the Mid-Term Evaluation in regard to the independence of the LAF Secretariat and the provision of analysis in terms of grant-making to members have been positively received by the LAF. Indeed as already shown, the Secretariat is no longer hosted by DIHR and research has been conducted on a grant-making mechanism for the LAF.

In so far as this 3 Year Evaluation is concerned and as already alluded to, EKN-Kigali has funded the LAF through the period 1 November 2007-31 December 2009 and via an extension of the contract for the period 1 January 2010-31 December 2010. This evaluation is meant to cover the years 2007-2010. Given that the evaluation began in September 2010, strictly speaking this evaluation covers the periods 1 November 2007-30 August 2010.

The objectives of the evaluation are:

- To measure and assess the effectiveness, impact, relevance, sustainability and efficiency of the LAF project in working towards the realisation of its objectives per output area (I to IV) over the last three-year of operations. Within those output areas specific attention needs to be paid to the capacity building aspects for the members of the Forum, the functioning of the elected Steering Committee, as well as to the functioning of the Project Fund (PF) and its selection criteria and decision making process. The PF in particular is a crucial tool for facilitating access to justice and legal advice at the local level. The output of the activities financed by the PF will require analysis at the local beneficiary level
- To provide an analysis of the role of LAF in the Justice Sector SWAP process and setting
- To analyse and document the lessons learnt and provide recommendations for the next operational phase of the LAF from 2011 onwards

2.4. Evaluation Methodology

2.4.1. Evaluation Criteria

This evaluation used the Development Assistance Committee (DAC) Evaluation Quality Standards for this evaluation. Accordingly, we ascertained results (outputs,

outcomes, impact) and assess effectiveness, efficiency, relevance and sustainability through data collection and analysis.

2.4.2. Methodology

The evaluation methodology was based on 9 Phases:

- Phase 1: Inception Report
- Phase 2: Desktop Literature Survey
- Phase 3: Developing Evaluation Questions, Survey Sample Frames and Data-Collection Methods

The evaluators translated evaluation objectives into relevant and specific evaluation questions (please refer to Appendix A). This formed the basis for all interface with the sample frame.

The sample frame was made up of available individuals and organisations from the following:

- Secretariat staff
- Steering Committee members
- Members of the General Assembly
- Internal Audit Committee members
- LAF Members who were previous Steering Committee members
- INGO as member
- Surprise visit to members and projects
- Civil Society Organisations who are legal aid organisations but not members of the LAF
- EKN-Kigali
- DIHR
- Relevant members of the Donor community
- Ministry of Justice
- Local beneficiaries of LAF members who have received funding from the Project Fund and Project Officers

In addition a highly detailed scoring grid for evaluating the LAF was developed (please refer to Appendix B). Please also refer to the section on the Main Findings (Paragraph 3) and sub-sections, to view scores given. The scoring was done anonymously with two sample frames:

- All Secretariat programme staff and the Grant Manager (DIHR Regional Coordinator)
- 15 Members the Steering Committee, Internal Audit Committee and members of the General Assembly

The scoring is based as follows:

1 = unacceptable = criteria mostly not fulfilled or totally absent

2 = weak = criteria partially fulfilled

3 = good = criteria mostly fulfilled

4 = very good = criteria entirely fulfilled

5 = excellent = criteria entirely fulfilled in a clear and original way

The following methods for data-collection were used:

- Individual face-to-face interviews based on the evaluation questions, scoring grid and unstructured questions
- Focus group discussions based on the evaluation questions, scoring grid and unstructured questions
- Statistical analyses
- Observations

Phase 4: Briefing Meeting with EKN-Kigali/DIHR/LAF and presentation of Inception Report

Phase 5: Field-Work

The field-work which lasted approximately 2 weeks was made-up as follows:

Sample Frame	Who?	Method	Tools Used
EKN-Kigali Coordinator of the LAF Secretariat DIHR Regional Representative and LACSF Grant Manager (DIHR)	Frieda Nicolai and Jolke Oppewal Andrews Kananga Karol Limondin	Face-to-face meeting	Briefing meeting/Inception Report presented
Secretariat staff and DIHR Regional Representative and LACSF Grant Manager (DIHR)	All staff excluding current M&E Consultant, Intern and non- programmatic staff Karol Limondin	Face-to-face meeting	Evaluation Questions Scoring Grid Unstructured questions
DIHR Regional Representative and LACSF Grant Manager (DIHR)	Karol Limondin	Face-to-face individual interview	Evaluation Questions Scoring Grid (sent via Email) Unstructured questions
INGO as member	1 anonymous	Face-to-face individual interview	Evaluation Questions Scoring Grid Unstructured questions
Secretariat staff	All staff excluding Intern and non- programmatic	Face-to-face individual interviews	Evaluation Questions Unstructured questions

Sample Frame	Who?	Method	Tools Used
	staff		
Steering Committee members	7 members including President	Focus group discussion	Evaluation Questions Scoring Grid Unstructured questions
Members of the General Assembly	27 including 7 Steering Committee members and 3 Secretariat staff	Focus group discussion with breakaway thematic groups	Evaluation Questions Scoring Grid Unstructured questions
Internal Audit Committee members	2 members	Face-to-face meeting	Evaluation Questions Scoring Grid Unstructured questions
LAF Members who were previous Steering Committee members	Meeting with AJPRODHO did not take place		
Surprise visit to members and projects	2 visits: Anonymous: no relevant staff available		
EKN-Kigali	Frieda Nicolai and	Face-to-face meeting	Unstructured questions/ Presentation of preliminary findings
Danish Institute for Human Rights	Karol Limondin	Face-to-face individual meeting	Presentation of preliminary findings Unstructured questions
Relevant members of the Donor community	Unavailable	Face-to-face individual meeting	
Ministry of Justice, JRLOS Coordinator	Victor Mugabe	Face-to-face individual meeting	Evaluation Questions Unstructured questions
Projects and Project Officers	40 beneficiaries of COPORWA's project: Legal Aid for the Victims of Land Confiscation based in Gicumbi and Project Officer	Focus group discussion	Evaluation Questions Unstructured questions

Sample Frame	Who?	Method	Tools Used
	7 beneficiaries of AJPRODHO's project: Legal Aid for Children and the Vulnerable Facing Prosecution based in Kibuye 12 beneficiaries of the same project based in Gitarama Prison		

- Phase 6: Presentation of Preliminary Findings in Kigali to the Secretariat and EKN-Kigali
- Phase 7: Analysis, Synthesis and Triangulation of Data
- Phase 8: Writing of Draft Report
- Phase 9: Receipt of Feedback and Finalisation of Report

3. Main Findings

As graded by the Secretariat and the Grant Manager: **Very Good (Criteria Entirely Fulfilled)**

As graded by the Steering Committee, Internal Audit Committee and General Assembly: **Good (Criteria Mostly Fulfilled)**

3.1. Relevance and Quality of Design

3.1.1. Relevance of LAF in the Context of Rwanda’s Development Policies

Two Government of Rwanda policy documents are directly relevant to the work of the LAF:

- The second PRSP of Rwanda: the EDPRS (2008-2012)
- The JRLOS Strategy and Budgeting Framework (January 2009-June 2012)

The EDPRS has adopted ‘Universal Access to Quality Justice in Rwanda’ as a high level objective, and has included ‘poor people accessing legal aid services’ as an indicator. The JRLOS Strategy is a key component of the Government’s EDPRS Governance Flagship Programme (Government of Rwanda, 2008).

Of particular relevance to the LAF Logical Framework Matrix is the JRLOS Purpose, Output 1 and Target 1 (relevant to Output 1):

Goal:	<i>Sustainable economic growth and social development (from EDPRS)</i>
Purpose:	<i>Strengthened rule of law to promote good governance and a culture of peace</i>
Output 1:	Universal access to quality justice
	➤ Target 1: Access to legal advice and representation universally available at sector level
	➤ Target 2: High levels of satisfaction with Abunzi justice
	➤ Target 3: Case backlog in ordinary courts and prosecution eliminated
	➤ Target 4: Time taken to process criminal case from arrest to sentencing reduced
	➤ Target 5: Cost of enforcing commercial contracts reduced to 20% of claim

(Source: Government of Rwanda, 2008)

JRLOS also envisages a 'legal aid scheme fully operational nationally with coverage down to sector level' by June 2012 (Milestones Output 1) (Government of Rwanda, 2008).

Output 1 above corresponds to the Goal of the LAF's Logical Framework Matrix: "Equitable Access to Justice for All"; and Target 1 above corresponds to the Purpose of the LAF's logical framework matrix: "To strengthen the capacity of the Legal Aid Forum and its members to contribute to improved access to justice: through the provision of high quality, accessible legal aid services; and through research and analysis that advocates for improvements to the legal and policy framework".

While Outputs 1-3 of the LAF's logical framework matrix all resonate with Target 1, the LAF's Output 2 strikes a particularly relevant chord, in that it talks to: "Capacity Building: A number of Legal Aid Providers with the skills and capacity to provide quality and accessible legal aid services to the indigent population".

3.1.2. Coherence of LAF with EKN-Kigali's MASP (2008-2011)

EKN-Kigali's MASP has "Justice and Good Governance" as one of its Strategic Choices (EKN-Kigali, Undated) and a specific result area associated with this: "Better Access to Justice" (EKN-Kigali, Undated). This result area corresponds to the Goal of the LAF's logical framework matrix: "Equitable Access to Justice for All" referred to above.

3.1.3. Coherence with Other Current/On-Going Initiatives

The LAF has been proactive in the manner in which it participates in activities gauged to positively impact on its work. This participation is anchored through Output 3 of the LAF's Logical Framework Matrix: "Research & Advocacy: Presented research and analysis that advocates for amendments to the Legal Aid Framework and monitoring of developments".

Inter alia, such participation includes the following:

- Monitoring of the EDPRS indicators

During the course of August 2008-January 2009, the LAF conducted a survey in order to monitor the EDPRS indicators in the Justice Sector.

- The creation in 2007/2008 of a new Department within the Ministry of Justice to focus on Legal Aid, Human Rights and Community Services

The LAF has consistently engaged the Department and has had many meetings with the Department on areas of cooperation, strategy and the sharing of information, including the action plans of the LAF. More specifically, joint activities have been undertaken such as the exposure visit on legal aid in South Africa in 2008, the Conference on Legal Aid in 2008, and the Legal Aid Week in 2009

Regarding the drafting process of the new Law on the Bar, the LAF has sought to influence the amendment to this law which could see lawyers working for NGOs

being able to represent clients and have a right of appearance in courts. It has done so through dialogue and the submission of position papers in 2006 and 2008 and continues to advocate its position. The amendment is still pending before Parliament.

In so far as putting in place a legal aid policy framework (currently being worked on by the Ministry of Justice), in the early years of the LAF this was essentially related to the 2006 Legal Aid Baseline and Needs Analysis Survey which had been carried out jointly by LAF and the Ministry of Justice. Later, the LAF/DIHR through the submission and presentation of papers as well as roundtable meeting with the National Taskforce on Legal Aid, a number of recommendations made were actually implemented as evident in the Terms of Reference for the appointment of a consultant to conduct an extended legal aid baseline survey and the drafting of a legal aid policy.

In addition, LAF has been active in the setting up of the JRLOS Strategy and participates in the JRLOS Thematic Working Groups 4 and 5. LAF has also submitted a position paper on SWAp.

3.1.4. Validity and Quality of Design

There are 2 key programming documents for the LAF:

- The Logical Framework Matrix of the LAF for 2007-2010 (Legal Aid Forum, 2007)
- “Building the Foundations of Access to Justice in Rwanda, 2007-2009”, submitted to EKN-Kigali for funding for the period 1 November 2007-31 December 2009 (Legal Aid Forum, 2007)

The Logical Framework Matrix of the LAF for 2007-2010 (Legal Aid Forum, 2007):

OBJECTIVES		INDICATORS	MEANS VERIFICATION	ASSUMPTIONS
GOAL	EQUITABLE ACCESS TO JUSTICE FOR ALL			<ul style="list-style-type: none"> • Human Rights and security situation does not deteriorate
PURPOSE	<i>To strengthen the capacity of the legal aid forum and its members to contribute to improved access to justice: through the provision of high quality, accessible legal aid services; and through research and analysis that advocates for improvements to the legal and policy framework.</i>	<ul style="list-style-type: none"> - N° of joint projects - N° of joint capacity building initiatives - N° of policy changes that can be partly attributed to advocacy by the Forum 	<ul style="list-style-type: none"> - Project reports - Policy changes - Advocacy and research documents - Training materials 	
OUTPUT 1	LEGAL AID FORUM: Existence of a functioning and sustainable Legal Aid Forum	<ul style="list-style-type: none"> - N° of meetings, monitoring and planning activities - Secretariat in place - Planning documents - Basket fund in place (final year if research recommends) 	<ul style="list-style-type: none"> - Reports, activity plans, monitoring documents - Minutes of meetings - Proposal for 	<ul style="list-style-type: none"> ▪ Forum supported ▪ Organisations cont. to focus on legal aid ▪ Organisations cont. to see the benefits of

OBJECTIVES		INDICATORS	MEANS VERIFICATION	ASSUMPTIONS
		- Grants awarded according to criteria	civil society legal aid basket fund - Guidelines for grant-making mechanism	working together ▪ Complimentary funding structures possible
ACTIVITIES	a) 4 meetings of the Legal Aid Forum per year b) Monthly meetings of the Steering Committee of the Legal Aid Forum c) Recruitment and training of a Secretariat d) Monthly monitoring e) Planning activities f) Documentation of material relating to Legal Aid g) Research & analysis into the development of the legal aid forum and the potential for creating a civil society legal aid basket fund (final year implementation if analysis points to this) h) Meetings with key stakeholders and donor community i) Development of interim grant-making body j) Final year External Evaluation	INPUTS - Financial support - Technical Support - Information/experiences from other countries where there are legal aid basket funds	Financial Report - Monitoring Reports - Evaluation Report	
OUTPUT 2	CAPACITY BUILDING: A number of Legal Aid Providers with the skills and capacity to provide quality and accessible legal aid services to the indigent population	- N° of LAPs using a documentation and M&E system - evidence of documentation and monitoring in the planning process - N° of LAPs using standard curriculum / training module - N° of CLE trainings - Increase in basic knowledge and skills of LAPs - Guidelines for a means test - N° of people informed of services provided by LAPs through awareness raising activities	- Desegregated data on cases handled by LAPs - planning documents - curriculum and training modules - Assessments (pre and post training) - Guidelines - Documented client information - Evaluation reports	▪ Minimum level of capacity on which to build ▪ Technical inputs available
ACTIVITIES	a) Development and use of a documentation system by LAPS b) Development and use of an M&E system for LAPS	INPUTS - Financial support - Technical support - Materials / experiences from other countries - Database programme	- Financial Report - Monitoring Reports	

OBJECTIVES		INDICATORS	MEANS VERIFICATION	ASSUMPTIONS
	<ul style="list-style-type: none"> c) Development of guidelines for a simple 'means test' for legal service provision d) Development and use of practices to raise awareness and promote the services of legal aid providers e) Development and use of a curriculum and training modules for paralegals / LAPS f) Development of a continuing legal education programmes g) Participation of Forum members in training courses at DIHR Copenhagen 			
OUTPUT 3	RESEARCH & ADVOCACY: Presented research and analysis that advocates for amendments to the Legal Aid Framework and monitoring of developments	<ul style="list-style-type: none"> - policy change - N° of exchanges between stakeholders on policy issues - Proposal for an independent regulatory and funding body - Monitoring 	<ul style="list-style-type: none"> - position papers - reports - monitoring reports on EDPRS indicators 	<ul style="list-style-type: none"> ▪ Space exists within which CS can advocate for change ▪ Willingness on the part of government to implement change
ACTIVITIES	<ul style="list-style-type: none"> a) dialogue on legal representation between the Bar and Civil Society b) research, analysis and advocacy by a task force on development of the legal and policy framework (including: the Law on the Bar; the Regulatory Framework; the Legal Aid Fund) c) specific research and monitoring projects on areas identified to be currently limiting access to justice (e.g. non-enforcement of judgments, trial monitoring, M&E, paralegal modules and PIL) d) monitoring of specific EDPRS indicators that relate to legal aid / access to justice 	<p>INPUTS</p> <ul style="list-style-type: none"> - financial support - technical support - information on comparative practices and experiences 	<ul style="list-style-type: none"> - Financial Report - Monitoring Reports 	
OUTPUT 4	PILOT PROJECTS: Legal aid services provided to indigent population in pilot areas	<ul style="list-style-type: none"> - N° of people accessing legal aid services - N° of completed cases - Documented models of legal aid provision - PIL case filed 	<ul style="list-style-type: none"> - Documentation - Case reports and judgments - Materials documenting models and experiences - Case 	<ul style="list-style-type: none"> ▪ LAPs able to work in pilot areas ▪ Legal framework allows for PIL ▪ Paralegals granted access

OBJECTIVES		INDICATORS	MEANS VERIFICATION	ASSUMPTIONS
			documentation	to prisons
ACTIVITIES	a) Identification of capacity, strengths and weaknesses of key legal aid providers b) Identification of pilot areas and projects c) Legal Aid Providers to run a number of pilot legal aid projects d) Implementation of M&E system and pilot paralegal group e) pilot prison para-legal project including a staff secondment to the Paralegal Advisory service project in Kenya, Uganda or Malawi f) Public interest litigation case & Use of Amicus curiae g) Documentation of model projects h) Expansion of pilot projects into longer term projects	INPUTS - Financial support - Technical support - Information on current capacity of LAPs - Documentation and M&E system - Training materials/manual - Hosting by regional organisations - Permit to work in prisons	- Financial Reports - Monitoring Reports	

The intervention logic in the programming document, “Building the Foundations of Access to Justice in Rwanda, 2007-2009”, submitted to EKN-Kigali for funding for the period 1 November 2007-31 December 2009 (Legal Aid Forum, 2007) is as follows:

Development Objective

To strengthen the capacity of the Legal Aid Forum and its members to support them to contribute to improved access to justice.

Immediate Objectives

- To support the development of a functioning and sustainable Legal Aid Forum (Output I)
- To contribute to the justice sector wide approach and the EDPRS high level objectives by creating a space where civil society can engage actively with other justice sector stakeholders (Output I & III)
- To build the capacity of legal aid service providers to provide a full range of legal aid services (Output II)
- To increase knowledge and application of professional and human rights standards applicable nationally, regionally and internationally (Output II)
- To develop standardise documentation, monitoring and training materials for use by legal aid service providers (Output II)
- To contribute to effective research based advocacy through training and technical support (Output III)

- To inform the development of a strong and enabling legal and regulatory framework and a more coherent funding system (Output III)
- To provide legal aid to indigent Rwandans in pilot areas (Output IV)
- To identify trends and early warning signals (Output IV)
- To develop models for effective service provision (Output IV)

Outputs

Output I: LEGAL AID FORUM: Existence of a functioning and sustainable Legal Aid Forum

Output II: CAPACITY BUILDING: A number of Legal Aid Providers with the skills and capacity to provide quality and accessible legal aid services to the indigent population

Output III: RESEARCH & ADVOCACY: Presented research and analysis that advocates for amendments to the Legal Aid Framework and monitoring of developments

Output IV: PILOT PROJECTS: Legal aid services provided to indigent population in pilot thematic and geographic areas

The intervention logic in the programming document, Inception Report for the Period November 2007-February 2008 (Legal Aid Forum, 2008) is as stated in the Logical Framework Matrix.

In effect, the Logical Framework Matrix and the programming document, “Building the Foundations of Access to Justice in Rwanda, 2007-2009”, submitted to EKN-Kigali for funding for the period 1 November 2007-31 December 2009 (Legal Aid Forum, 2007) must be read together for the purposes of analysing the design of the LAF intervention.

To this extent the two documents are inconsistent with each other and this will be examined in more detail below.

3.1.4.1. Needs Assessment

Quality of the Analysis of Lessons Learnt from Other Interventions and of Sustainability Issues

Following the genocide and war in 1994, Rwanda has attracted the interest of many foreign donors. Many initiatives have aimed at supporting the government’s objective of strengthening the rule of law and the legal system. The focus of many projects has been directed at solving the immediate problems faced by Rwanda’s judicial system after 1994, mainly the immense task of processing the genocide cases. (DIHR, 2004)

In the area of legal aid, schemes have been put in place that are directed towards assisting people suspected and prosecuted for the crimes of genocide and crimes against humanity, as well as for the survivors/victims. As these programmes focus on short term, albeit important, problems, there has been less emphasis on legal aid in matters other than genocide related cases. (DIHR, 2004)

In 2004, the Law Reform Commission completed its study concerning the introduction of legal reforms in Rwanda. A conference held to discuss the Law Reform Commission's proposals recommended that a study be made of access to justice and legal aid.

Accordingly in 2004, a detailed study (DIHR, 2004) analysed the availability of legal services free of charge in Rwanda, in law and in practice. The focus was on all cases, genocide cases as well as ordinary criminal and civil cases, known together as “*droit commun*” in Rwanda. The report also outlined relevant legal aid models from other countries, while also examining cost efficient ways to improve access and how these could fit into a Rwandan context, including the introduction of a coherent legal aid system. The study also identified the actors and stakeholders in legal aid and determined what legal and factual obstacles these actors experience in providing legal aid to the population. (DIHR, 2004)

This seminal study had an immense impact on the creation of the LAF as it provided sufficient empirical evidence upon which the LAF could be justifiably established.

In January 2006, the LAF conducted a strategic planning session out of which emerged a Roadmap for the LAF:

PRESENT	« EN ROUTE »		FUTURE
Stakeholders : <ul style="list-style-type: none"> • Gov : Parliament; Ministries (MiniJust) Judiciary : Courts, Prosecutors • Lawyers / The Bar • Judicial Defenders / CJD • State Commissions e.g. National Human Rights Commission • International NGOs e.g. ASF, NPA, GTZ • Local NGOs e.g. Haguruka, Ajiprodho • Donors • International Organisations e.g. DCHR • Beneficiaries 	Obstacles: <ul style="list-style-type: none"> • Illiteracy of population • Ignorance of Laws/Rights • Immensity of the task • Insufficient resources/means • Dispersion of energy • Law on the Bar (monopoly by the Bar - dissolution of the CDJ) • Differences between the common law and civil law systems 	Risks: <ul style="list-style-type: none"> • To professionalism & independence of the legal profession if lawyers working for civil society organizations are allowed to represent their clients • 'turning in circles' • decrease in stability • conflicts between actors • reduced donor funding 	<i>Easy access to justice for the population</i> <i>Effective access for target groups to legal aid</i> <ul style="list-style-type: none"> • Collaboration between services • Existence of an adequate framework governing legal aid • Existence of a legal aid fund • Sufficient financial, material and human resources • Training for the interveners on legal aid • Legal Clinics in all parts of the country • Stakeholders informed about the activities of other stakeholders • Sufficient ratio of qualified lawyers : population • Effective mechanisms for resolving disagreements
Services: <p><i>Assistance, Representation, Advocacy, Advice...</i></p> <ul style="list-style-type: none"> • Limited Representation (funded by donors) • Advice by: Legal Aid Clinic (NUR), NGO paralegals, Bar 'Friday Open House Kigali' Legal Clinics run by 	Successes: <ul style="list-style-type: none"> • Constructive discussion between actors • Realisation of legal aid activities e.g. legal clinics • Common Vision 	Opportunities: <ul style="list-style-type: none"> • Engagement of actors • Interest of donors • Re-start of the legal aid forum • Advances in legal aid in other countries including 	

PRESENT	« EN ROUTE »		FUTURE
Judicial Defenders <ul style="list-style-type: none"> Scattered sensitization and Information sessions 		African Countries <ul style="list-style-type: none"> Reform of the Law on the Bar Increased space for advocacy 	between stakeholders <ul style="list-style-type: none"> Fewer indigents - reduction in poverty Effective methodology used by all stakeholders High awareness of legal aid system amongst the population Population informed of their rights Justice system that successfully combines modern justice and traditional perceptions Supportive legal enabling environment Low reliance on donor support Accessibility of legal services for the whole population - equitable distribution of services
Problems: <ul style="list-style-type: none"> Insufficient no. of lawyers Poverty Genocide Legacy Insufficient Structural & Legal Framework Lack of Legal Aid Fund (and management structure) Inaccessibility of target group/beneficiaries (lack of transport & means) Backlog of cases Duplication of activities and lack of coordination with other services e.g. psycho-social Immensity of the task Weak methodology of many service providers Illiteracy 			

The initial study (DIHR, 2004) was further disaggregated by the Legal Aid Baseline and Needs Analysis Survey which began in 2006. This identified 5 major areas (Legal Aid Forum, Rwanda Ministry of Justice, 2007) limiting the impact of legal aid activities in Rwanda:

- The absence of an enabling legal and regulatory framework
- Limited monitoring and evaluation and poor documentation
- Limited and disjointed funding
- The limited number of lawyers and the limited geographic reach and capacity of legal aid service providers
- Limited awareness of available legal aid services amongst the population

Based on the findings and recommendations of the survey, the LAF developed a 3 year Logical Framework Matrix (2008-2010) during a strategic planning session in February 2007.

It is submitted that appropriate care was taken to analyse the needs of the target group and that the identified problems which the project intended to tackle have been accurately analysed.

3.1.4.2. *Quality of the Intervention logic and Logical Framework Matrix*

The quality of the analysis of strategic options, of the justification of the recommended implementation strategy, and of management and coordination arrangements has been good.

Objectives

As already stated, there are inconsistencies between two of the programming documents. The programming document, “Building the Foundations of Access to Justice in Rwanda, 2007-2009” has:

- a Development Objective which appears to be a condensed version of the Purpose found in the Logical Framework Matrix
- 10 Immediate Objectives which are not found in the Logical Framework Matrix

In light of the above contradiction, this evaluation will use the Logical Framework Matrix as the correct programming document.

If it is meant that the two programming documents are to be read together, this might explain why the Logical Framework Matrix has not delineated the Purpose into a number of Specific Purposes/Objectives and accompanying logical Outputs/Result Areas. This might have led to the Mid-Term Evaluation (Human Solutions Consulting, 2009) incorrectly finding that some of the Outputs are actually articulated as Objectives. This is an incorrect conclusion.

The stated Objective or in this case the Purpose correctly addresses the identified problems and social needs and has been satisfactorily explained therein. The Purpose is clear and consistent with the Outputs. In particular, the Logical Framework Matrix establishes a clear link between these needs and the objectives of Government of Rwanda and those of EKN-Kigali. Please also refer to Paragraphs 3.1.1 – 3.1.3 above.

Although the Logical Framework Matrix is silent on short, medium and long-term needs, these can be inferred from the Roadmap, the Action Plans and specifically the Project Identification document, entitled “Building the Foundations of Access to Justice in Rwanda, 2007-2009”, submitted to EKN-Kigali for funding for the period 1 November 2007-31 December 2009. This latter documents refers to:

“The capacity building, research and advocacy element will be strongest in the first year. Over the years there will be an increased number of projects (under Output IV) as the core basis for legal aid is established.” (Legal Aid Forum, 2007)

However and with respect, it might have been prudent if the short, medium and long-term needs had been extrapolated for inclusion in the Logical Framework Matrix. One option might have been to disaggregate the current Purpose into relevant and appropriate Strategic Purposes/Objectives. A second option might have been to

quantify the Indicators with figures. A third option might have been to select Baselines and Targets.

In regard to the first option above, the Purpose might have been clustered, scaled and broken down into:

- General objectives
- Specific objectives
- Operational objectives

In addition these might have been specified according to:

- Geographical areas; and
- Associated target population

thereby ensuring geographical spread and sensitivity to specific vulnerable groups such as women, children and victims of HIV/AIDS, as examples.

The intended results and the indicators necessary to evaluate them

Measuring impact is invariably difficult as this is often an intangible element, and at most, measurable only many years after the initiation of the intervention. The risk then is that measurement is often based on activity. The LAF Indicators, by and large, unfortunately appear to show this symptom.

However, to make a more detailed finding, the Indicators ought to be analysed in order to check if they are Specific, Measurable, Achievable, Realistic and Time-bound (SMART).

OBJECTIVES	INDICATORS	S	M	A	R	T	COMMENTS
GOAL: EQUITABLE ACCESS TO JUSTICE FOR ALL	NONE INDICATED	-	-	-	-	-	NONE INDICATED
PURPOSE: <i>To strengthen the capacity of the legal aid forum and its members to contribute to improved access to justice: through the provision of high quality, accessible legal aid services; and through research and analysis that advocates for improvements to the legal and policy framework.</i>	<ul style="list-style-type: none"> - N° of joint projects - N° of joint capacity building initiatives - N° of policy changes that can be partly attributed to advocacy by the Forum 	X	√	?	?	X	At this level, these ought to be Impact Indicators. The first 2 indicators are in fact Output/Action Indicators. The last indicator is an Impact Indicator. However, it is submitted that none of these indicators coherently link to the impact envisioned in the Purpose. Some recommendations on Impact Indicators are: <ul style="list-style-type: none"> - Member organisations are run effectively and efficiently - Appropriate systems, processes, regulations, guides are in place - Decrease in court rolls
OUTPUT 1: LEGAL AID FORUM: Existence of a functioning and sustainable Legal Aid Forum	<ul style="list-style-type: none"> - N° of meetings, monitoring and planning activities - Secretariat in place 	√	√	?	?	X	Again these indicators are Output/Action Indicators rather than Outcome Indicators. In addition, it is submitted that none of

OBJECTIVES	INDICATORS	S	M	A	R	T	COMMENTS
	<ul style="list-style-type: none"> - Planning documents - Basket fund in place (final year if research recommends) - Grants awarded according to criteria 	√	√	√	X	X	these indicators coherently link to the impact envisioned Output. For example having a "Secretariat in place" does not translate into having a "...functioning Legal Aid Forum..."
		√	√	?	?	X	
OUTPUT 2: CAPACITY BUILDING: A number of Legal Aid Providers with the skills and capacity to provide quality and accessible legal aid services to the indigent population	<ul style="list-style-type: none"> - N° of LAPs using a documentation and M&E system - evidence of documentation and monitoring in the planning process - N° of LAPs using standard curriculum / training module - N° of CLE trainings - Increase in basic knowledge and skills of LAPs - Guidelines for a means test - N° of people informed of services provided by LAPs through awareness raising activities 	√	√	?	?	X	These Indicators are better formulated and are Outcome Indicators
		√	√	?	?	X	
		√	√	?	?	X	
		√	√	?	?	X	
		√	√	√	?	X	
		√	√	√	√	X	
		√	√	?	?	X	
OUTPUT 3: RESEARCH & ADVOCACY: Presented research and analysis that advocates for amendments to the Legal Aid Framework and monitoring of developments	<ul style="list-style-type: none"> - policy change - N° of exchanges between stakeholders on policy issues - Proposal for an independent regulatory and funding body - Monitoring 	X	X	?	?	X	These Indicators are better formulated and are Outcome Indicators
		√	√	?	?	X	
		√	√	√	√	X	
		X	X	X	X	X	
OUTPUT 4: PILOT PROJECTS: Legal aid services provided to indigent population in pilot areas	<ul style="list-style-type: none"> - N° of people accessing legal aid services - N° of completed cases - Documented models of legal aid provision - PIL case filed 	√	√	?	?	X	These Indicators are better formulated and are Outcome Indicators
		√	√	?	?	X	
		√	√	√	√	X	
		√	√	√	√	X	

As can be seen from the table above, most of the Indicators are not SMART, as none

are time-bound, and at Purpose level, the Indicators appears to be Output/Action Indicators rather than Impact Indicators. At Output 1 level, again these Indicators appear to be Output/Action Indicators rather than Outcome Indicators. The Indicators for Outputs 2-4 are better formulated and more accurate, but are nonetheless not SMART.

In addition most of the Indicators tend to focus on Direct Indicators with very few Indirect Indicators formulated. Direct Indicators directly pinpoint at the subject of interest. Indirect indicators (or proxy-indicators) refer in an indirect way to the subject of interest mainly because the subject of interest cannot be measured directly. This is particularly the case for more qualitative subjects, like behavioral change, living conditions, good governance and so on. The use of an indirect indicator can be more cost-effective than the use of a direct one. As such, indirect indicators are very typical management tools. Generally, managers are not looking for scientifically reliable data but for management information. An indirect indicator may very well represent the right balance between level of reliability of information and the efforts needed to obtain the data. (MDF, Undated)

In summary, the Goal and Purpose have been expressed in terms of intended effects (i.e. impacts, results, outcomes). However, the objectives specified in this way are not accompanied by target levels meant to provide an indication of what would be considered a success (partial or total) for actions implemented under the project.

The indicators are not SMART and therefore not completely appropriate in measuring:

- Necessary resources (financial/human resources perspective)
- Outputs
- Results (outcomes)
- Impact of the programme

In so far as the choice and quantity of inputs (financial, human and administrative resources), these have been realistic and for the most part the indicators can be verified objectively.

Alternative intervention options and risks

No alternative intervention options have been considered in the design. This may be as a result of the detailed analysis (DIHR, 2004) and survey (Legal Aid Forum, Rwanda Ministry of Justice, 2007) completed before the design of the Logical Framework Matrix. Despite this it might have been prudent to consider at least 1 alternative intervention option in the scenario where some of the key assumptions were found to be false. For example, if there was a drastic negative change in the political climate or if members of the LAF did not want to work together under the LAF, what alternative interventions could the LAF use? The lack of at least 1 alternative tends to infer that either the risks were not sufficiently canvassed or there was sufficient evidence for the LAF to trust that the assumptions made would hold true for the period of the project intervention. It is submitted that the latter is probably the reason for a lack of alternative intervention options.

The main risks and assumptions linked to the intervention have been accurately identified although the means intended to mitigate these risks have not been canvassed.

The amount of funding, staff resources and other administrative expenditure allocated in line with the principle of cost-effectiveness

The programming documents outline the implications of the proposed option in terms of costs. In addition during the needs assessment phase and subsequent strategic planning phases, proper analysis was done on the means envisaged and accordingly, it is found that the means envisaged are appropriate for the Purpose of the intervention. A more detailed analysis of this will be done in the section dealing with Efficiency.

Monitoring system

The LAF does not have a monitoring policy in place for Outputs 1-3, but does have one for Output 4. Although the LAF has action plans in place for each year under review, it has not developed a comprehensive monitoring and evaluation (M&E) plan developed against the Logical Framework Matrix. Rather, the LAF has used the Logical Framework Matrix as its key M&E tool. It ought to be noted that in its funding contract with EKN-Kigali, EKN-Kigali specifically requests that in terms of M&E, the LAF reports results against its stated objectives.

While it has methods for data collection, and while these correspond to the Indicators, as already discussed, the Indicators are not necessarily formulated to measure or track change, through baselines and targets.

However, the absence of an M&E Plan does not mean that the LAF is not conducting any M&E. M&E is done with reference to a number of documents:

- Internal Control Regulations
- LACSF Guidelines
- The LAF Charter
- Annual Action Plans
- Narrative Reports prepared by the LAF
- Financial Reports prepared by the LAF
- Narrative Reports prepared by members as recipients of project funds from the LAF
- Financial Reports prepared by members as recipients of project funds from the LAF
- Reports of the Internal Audit Committee
- Secretariat Reports to the Steering Committee and General Assembly

It must again be stressed that while in the absence of an M&E Plan, a situation further aggravated by the absence of SMART Indicators, it is rather difficult to attribute change to the LAF without extrapolation. In many instances this leads to anecdotal interpretations rather than empirical ones. At minimum, a reiteration or expansion of the Logical Framework Matrix would have mitigated against this situation. As it remains, for the most part, the LAF conducts monitoring at an activity level rather than at an impact level.

The LAF has taken cognizance of this and has been very proactive in finding solutions and consequently has developed a detailed Strategic Plan for the period 2011-2015 with linked Action Plans and an effective M&E Plan with baselines and targets.

At the level of Output 4, the LACSF has a monitoring policy:

“The Secretariat of the Legal Aid Forum carries out regular monitoring of project activities together with members of the Selection and Monitoring Panel, members of the Advisory Committee and the Grant Manager.

Technical Monitoring will be carried out once a month according to agreed criteria based on the guidelines and the project document.

As required by the donor, financial monitoring of selected projects will be undertaken by an external financial consulting / audit firm in charge of:

- During the selection process, assessing the overall financial management, capacity and procedures of short listed organisations / projects and to provide, based on findings and analysis, advice on the eligibility of the organisation in terms of financial accountability and its capacity to manage the proposed project and budget
- During implementation of the projects, providing regular monitoring of the financial implementation of the projects selected and ongoing support and coaching to the selected organisations including initial support at the start of the project, mid-term support and support / evaluation at the end of project.” (Guidelines for the Legal Aid Civil Society Fund, 2009/2010)

In essence, projects are monitored and evaluated against respective Logical Analysis Matrices submitted with the funding proposals. As with the LAF, no M&E Plans are required to be submitted resulting in many of the same problems around measurement of impact already discussed above. Additionally, the project Indicators are not always synchronised with those of the LAF.

While the LAF has a very good system in place to monitor the projects, what is being monitored is really the issue. In many instances, it is activity that is being monitored rather than impact. As example in point is AJPRODHO’s project “Legal Aid for Children and the Vulnerable Facing Criminal Prosecution”. This project has received funding since 2008 and is being currently funded (2010). While direct indicators are being monitored it is rather unfortunate that indirect indicators have not been monitored since 2008. An aspect of the project is raising awareness but this is only monitored in terms of numbers reached rather than an attempt to evaluate changes in behavior.

With respect to the LAF and in accordance with its proactive stance, it has initiated a Management Information System project which has the following envisaged Outputs:

- Standardised client forms (in Kinyarwanda, EN and FR) for use / adaptation by members

- System of documentation / data collection and archiving
- Electronic database for use by legal aid providers⁶
- A simple tool kit of indicators and methodology for internal auto-monitoring and evaluation of legal aid projects
- Understanding of ways to use data and information for analysis, planning and research
- National level synthesized information about legal aid that leads to research, focused advocacy and results based planning

In addition a M&E Consultant was appointed to the Secretariat in 2010. Furthermore, a manual entitled “Building Monitoring, Evaluation and Reporting Systems for Legal Aid Providers in Rwanda” (MER Manual) has already been produced and distributed by the LAF. (Legal Aid Forum, 2010). This has improved narrative reports by members making them uniform and making monitoring of activities easier.

3.1.4.3. *The Degree of Flexibility and Adaptability to Facilitate Rapid Responses to Change*

While the programming documents and in particular the Logical Framework Matrix has been shown to be inadequate for measuring impact, its simple design does lend itself to flexibility and adaptability, especially given the infancy of the LAF.

In retrospect, it is clear that there has been no significant change in the problems originally identified. Accordingly, there has been no need for an adaptation of the Purpose of the LAF, except for changes needed for technical efficacy in relation to measuring impact.

3.1.5. Stakeholder and Target Group Participation

The quality of the identification of key stakeholders and target groups has been good. Stakeholder participation in the design and in the management/implementation of the project, the level of local ownership, absorption and implementation capacity has also been good, except perhaps for not disaggregating gender and children in the Indicators. For example, the Secretariat has a female Receptionist and a female Finance and Administration Assistant but no female officer mandated with field-work. It might also have been prudent to include HIV and AIDS as a cross-cutting theme. At the level of projects there appears to be better female representation and impressively the projects are collecting disaggregated statistics.

3.2. Effectiveness (Achievement of Purpose)

As graded by the Secretariat and the Grant Manager: **Very Good (Criteria Entirely Fulfilled)**

As graded by the Steering Committee, Internal Audit Committee and General Assembly: **Good (Criteria Mostly Fulfilled)**

⁶ The database should be designed in such a way that it enables different levels of access and generation of different types of information – ensuring client confidentiality but promoting information sharing

3.2.1. Progress Towards Set Targets

Output I: Existence of a functioning and sustainable LAF

Indicator 1: Number of Meetings

There have been regular General Assembly meetings (in 2007: 30 March, 15 June, 28 September, 14 December; in 2008: 28 March, 6 June, 2 October and 18 December; in 2009: 25 March, 12 May; in 2010: 25 March 2010). There have also been monthly Steering Committee meetings.

Indicator 2: Planning Activities and Plans

There have been monthly Secretariat staff planning meetings. A sustainability plan for the LAF was developed at the end of 2008 and in 2010. There have been regular Strategic Planning meetings by the Secretariat and Steering Committee including one in February 2010 to develop a 5-year strategic plan (2011-2015).

Annual action plans based on the 3-year Strategic Plan and Logical Framework Matrix for 2008-2010 have been developed.

Indicator 3: Monitoring Activities

In 2008 a Mid-term External Evaluation of the LAF was conducted. In 2009 a “Directory of Civil Society Legal Aid Providers in Rwanda”; a “Survey of the Relationship between the LAF and its Members” and a “Survey of Paralegals” were published.

There has been continued and regular monitoring of projects since 2008 and since 2009, this has been based on the LACSF Guidelines and Monitoring Grid. This process has been further complemented by the tools and guides that have been developed in relation to monitoring; and the recruitment of a part-time M&E consultant to the LAF.

In 2009, the EDPRS Indicators in the Justice Sector were monitored, the results of which were published in a report by the LAF.

Indicator 4: Secretariat in place

All organs of the LAF, namely the General Assembly, Steering Committee, Internal Audit Committee, the Secretariat have been functioning on a regular basis and in compliance with the provisions of the Charter of the LAF as adopted on 26 October 2006.

As at 30 June 2010 the following members make-up the LAF: ADEPE, ADL, AJPRODHO, ARDHO, AVEGA, ARPCDH, Benishyaka, CESTRAR, CLADHO, COPORWA, COSYLI, FACT Rwanda, Haguruka, Human Rights First Rwanda,

INARA Legal Aid Service, LDGL, LIPRODHOR, Maison de Droit, MPEDH/Rwanda, Network of Lawyers of Hope Rwanda, Rwanda Community Law Anti Discrimination Network – Dufatanye, Rwanda Women’s Network, the Bar Association, the Corps of Judicial Defenders, INILAK – Legal Aid Clinic, NUR – Legal Aid Clinic, ULK – Legal Aid Clinic Kigali, ULK – Legal Aid Clinic Gisenyi, Avocats Sans Frontières, International Justice Mission, Norwegian Peoples’ Aid, Penal Reform International, RCN Justice & Démocratie and the Danish Institute for Human Rights.

Other developments include:

- Adoption of a Charter for the LAF in 2006
- Signature of new Charters of the LAF on 12 May 2009
- Registration of the LAF as an independent national NGO (network) in 2009
- Certificate of Collaboration from Gasabo District obtained on 28 May 2009
- Strengthening of the Secretariat through the creation of the additional positions of Secretariat Coordinator (in 2008), Finance & Administrative Assistant (in 2009), and a part-time M&E Consultant (in 2010) thereby complementing the existing positions of the Liaison Officer and the Finance & Administrative Manager
- Adoption of the Internal Control Regulations in 2010 which regulate all aspects of human resources and financial management of the LAF
- Awareness raising on the existence of the LAF through meetings and conferences at national, regional and international level
- The Secretariat of the LAF entered into a cooperation agreement with DIHR in order for the LAF to directly hold and manage all LAF funds previously held and managed by DIHR, except for the LACSF, which DIHR continues to manage as Grant Manager of the Fund. Since its registration the LAF has continued to benefit from the technical and financial support from DIHR. DIHR and LAF have jointly planned to raise funds to continue this arrangement after 2010. At the time of writing, it was unclear whether DIHR/DANIDA will continue to provide funding to the LAF and if so to what extent

Indicator 5: Basket Fund in Place

This has not yet been put in place. However the LAF is engaged with different stakeholders and donors on this issue based on the exchanges in 2009, resulting in the LAF presenting a comparative analysis of funding mechanisms in Uganda and Tanzania.

Indicator 6: Grants Awarded According to Criteria

LACSF Guidelines were adopted at the end of 2008 by the General Assembly and updated in 2009, to enable the equitable selection of the legal aid projects. Assessment grids for proposals have been developed and updated and calls for proposals have been launched since 2008. The last call was made at the end of 2009 for projects to be implemented in 2010. This process resulted in the selection and implementation in 2010 of 10 legal aid projects by ADEPE, AJPRODHO, CESTRAR, Corps of Judicial Defenders, AVEGA-AGAHOZO, ADL (in partnership with Corps of Judicial Defenders), Kigali Bar Association, COPORWA, ARDHO and Network of Lawyers of Hope Rwanda. There has been continuous monitoring and

follow-up visits to these new projects.

At the level of the LACSF, (see Output IV) the Terms of Reference for the Grant Manager have been drafted.

There have been consultations on and analysis of the various options for the development of a grant management mechanism which could benefit member organisations, based on the guiding principles of transparency in decision making and accounting, independence between the management of the fund and the beneficiaries, and sustainability of the fund. A final decision on this has not been made and for the moment DIHR remains the Grant Manager.

Output II: Capacity-Building: A number of Legal Aid Providers with the skills and capacity to provide quality and accessible legal aid services to the indigent population

Indicator 1: Number of Legal Aid Providers (LAPs) using a documentation and monitoring and evaluation system.

The 2007 Legal Aid Baseline Survey found that no member organisations had a systematic documentation, monitoring and evaluation system in place; however client forms and usage guidelines developed by the LAF have been available for use by all member organisations since October 2008.

In 2009 almost half of the member organisations were using the client forms. Out of the 18 member organisations that do not use the client forms, 15 use a similar documentation system. This leaves only 5 organisations with no documentation system in place.

A Monitoring, Evaluation and Reporting (MER) system for legal aid providers continues to be developed in 2010 by the LAF and a manual on MER has already been finalized.

Indicator 2. Number of continuous legal education trainings

8 training sessions were held with members in 2008 and 2009 on a number of themes (most notably on the development of a documentation and Monitoring, Evaluation and Reporting System, on drafting project proposals and on financial management). 2 others sessions on how to use the Paralegal Practice Manual launched in 2009 were held in semester I of 2010. Some of these highlights include:

- Trainings in 2008 and 2009 of member organisations by the Legal Resources Foundation (LRF), Kenya on documentation, monitoring & evaluation systems
- An exposure visit in July 2008 to South Africa on the legal aid policy and regulatory framework – prepared and conducted jointly with the Ministry of Justice
- Secondments in 2008/2009 of staff of member organisations to LRF, Kenya and the Paralegal Advisory Service Institute (PASI), Malawi
- Visits in 2008 to Uganda and Tanzania on legal aid funding schemes for civil society initiatives

- Experience sharing with more than 45 access to justice and legal aid organisations/institutions from 14 African countries at the Thematic Conference on Access to Justice and Legal Aid in Africa
- Regular trainings of member organisations on financial management.

Indicator 3: Evidence of documentation and monitoring in the planning process

During the 2009 survey on member organisations, it was found that about half of the 9 respondent organisations indicated that the client forms are used to document their follow-up (55.5%) and/or to prepare their statistics, and reports (44.4%). It will be interesting to see what impact the MER Manual has on members.

Indicator 4: Number of LAPs using a standard curriculum/training module

A standard curriculum is not yet in existence in Rwanda. Legal aid providers generally provide some form of training to their paralegals but not in a standardised or harmonised manner.

In 2009, a review conducted by the Secretariat of 10 member organisations providing legal aid services through paralegals found that although all these organisations provide some initial training to their paralegals, the training is cursory given the short length of its duration. Moreover, less than half of these members provide regular continuing training.

The biggest challenge identified is that longer training covering more legal areas is needed. As paralegals deal with a wide range of legal areas, it is vital that their initial training be more comprehensive and regular continuing training be systematic.

The specific Task Force created in 2010 and made-up of member organisations will during the course of 2010, develop a concept note on how to begin the process of developing such a national curriculum for paralegal training in Rwanda.

Indicator 5. Increase in basic knowledge and skills of LAPs

This has not been measured by the LAF. Now that the MER Manual and the Paralegal Practice Manual has been developed and training on them having begun in 2008, this must now be a priority.

Indicator 6: Guidelines for a means test

Specific research on ‘comprehensive means test’ guidelines is planned in semester II of 2010 in conjunction with the upcoming development of a legal aid policy framework in Rwanda. The LAF is currently liaising with the Ministry of Justice on the process of elaborating this policy.

Indicator 7. Number of people informed of services provided by LAPs through awareness raising activities

It appears that from the 2009 survey on member organisations that most of organisations (90.3%) have formal contact with local authorities thereby ensuring that

dissemination of information on their organisations to local communities is enhanced. Similarly, 70.9% of the organisations have formal contact with justice institutions, religious communities and social services. Organisations also use brochures (61.3%) and/or posters (48.4%), intervene in public meetings (51.6%) and disseminate information in the newspapers (48.4%).

In conjunction with the Ministry of Justice, the LAF participated in the Legal Aid Week in July 2009. Another session is planned for November 2010. The Legal Aid Week is aimed at increasing awareness of available legal aid services amongst the population.

Output III: Research and Advocacy: Presented research and analysis that advocates for amendments to the Legal Aid Framework and monitoring of developments

Indicator 1: Policy change

A countrywide Legal Aid Baseline Survey was carried out in collaboration with the Ministry of Justice and completed in January 2007. There has been continuous engagement throughout 2007 with the Task Force on Legal Aid to analyse and make recommendations on the national framework for legal aid⁷. Research was carried out in 2009 on *amicus curiae* and *locus standi* under Rwandan law.

There have been continued exchanges including the joint exposure visit to South Africa in July 2008 and the Conference on Access to Justice and Legal Aid in Africa organised in Kigali

The LAF states that in relation to the above activity, these “have in all likelihood influenced the drafting process these last two years by the Ministry of Justice of the draft Law on the Bar”. (Legal Aid Forum, 2010)

The Ministry of Justice has also shown willingness to draft a comprehensive legal aid policy and the LAF has been instrumental through regular inputs and exchanges with the Ministry, in providing ideas on the policy, including input into the Terms of Reference to appoint a consultant to draft the policy. A draft is expected to be completed early in 2011.

Indicator 2: Number of exchanges between stakeholders on policy issues

Various exchanges were made in semester I of 2010 on policy issues through regular meetings with the Ministry of Justice and other stakeholders building on from the earlier initiatives of 2008 & 2009 such as the joint exposure visit to South Africa and the 2008 Legal Aid Conference.

Through the LAF, member organisations have also been able to engage at a regional policy level through increasing collaboration with East Africa Law Society, participation in regional meetings (for example, in relation to the East Africa Civil

⁷ Task Force comprising the Ministry of Justice, the pilot ‘Maison d’accès à la Justice’ (Access to Justice Bureau), the Bar Association, the Legal Aid Forum (Chair and Secretariat), the Danish Institute for Human Rights and UNDP.

Society Forum), membership of the Eastern Africa Access to Justice Network, and participation in exposure visits, focusing in 2010 on clinical legal education and hosted by the University of the Western Cape in South Africa.

Indicator 3: Proposal for an independent regulatory and funding body

A first proposal for a roadmap was put forward in 2007 by the LAF. In 2008, the LAF engaged the Ministry of Justice and other key stakeholders through regular meetings, the joint exposure visit to South Africa, the 2008 Legal Aid Conference and the consultations held in relation to the development of the JRLS Strategy and SWAp for the sector. These efforts are being continued with further thinking and analysis planned for semester II of 2010.

Indicator 4: Monitoring

In 2009, the LAF monitored a number of key areas within the EDPRS framework in relation to the provision of high quality, accessible legal aid services to the indigent and vulnerable groups. Preparation of a new monitoring phase focusing on “Judgement Enforcement” in Rwanda will start in semester II of 2010.

Output IV: Pilot Projects: Legal aid services provided to indigent population in pilot areas

Indicator 1: Number of people accessing legal aid services

The total number of people accessing legal aid services in the context of the 3 pilot legal aid projects implemented in 2008 reached 2’776. Out of this number, 100% received legal information, 1’391 (50%) also received legal advice and 53 (2%) were provided legal representation.

In 2009, 7 legal aid projects were implemented with a total 6,354 indigent and vulnerable people benefiting from legal information. Out of this number, 100% received legal information, 3’011 (47%) also received legal advice and 89 (1%) were provided legal representation. In addition, 350 minors detained were legally represented and 1’368 indigent and vulnerable people benefited from legal information, legal advice and/or mediation during the Legal Aid Week held in July 2009. Out of this number, 575 cases were selected by 6 member organisations for further follow-up in December 2009.

Also the 2009 survey on member organisations conducted by the Secretariat showed that 14’060 indigent/vulnerable people benefited from legal information/education (based on data of 14 member organisations), 13’885 benefited from legal advice/mediation (based on data of 20 member organisations) and 523 benefited from legal representation in courts (provided by Advocates and Judicial Defenders either on a *pro bono* basis or through contract agreements with other organisations providing legal aid services).

In 2010, 9 legal aid projects are being implemented, with an expected number of 10’562 beneficiaries over the year. From the data available to date (covering the first semester of this year), the total number of people accessing legal aid services is

3'884. Out of this number, 3'438 (88.5%) received legal information, 1'226 (31.6%) also received legal advice and 73 (1.6%) were provided legal representation.

Indicator 2: Number of completed cases

In 2009, out of the 3'100 cases that received either legal advice or legal representation, 1'614 cases (52%) had been completed at the end of the year (as a result of the legal aid service provided).

In 2010, from the data available to date for the 9 legal aid projects, out of the 1'299 cases that received either legal advice or legal representation, 297 cases (22.9%) have already been completed (as a result of the legal aid service provided).

The tools already developed such as the Paralegal Practice Manual and the MER Manual to be used by member organisations and paralegals will increase the capacity of members in monitoring, evaluation and reporting. It is expected that follow-up of cases will be increased and corresponding data collected, analysed and reported to member organisations and the LAF.

Indicator 3: Documented models of legal aid provision

Based on the experience being gained and lessons learnt in 2008 and 2009 by member organisations, and the regular technical and financial monitoring by the Secretariat of the legal aid projects implemented, models of legal aid provision ensuring quality and accessibility of services will be documented accordingly in semester II of 2010.

Indicator 4: PIL case filed

A PIL case has not yet been filed. However, as already alluded to, research carried out in 2008 and completed in 2009 confirmed that there is some scope for bringing certain public interest cases in Rwanda. Additional activities are planned for the semester II of 2010, starting with the finalisation of the peer review process.

3.2.2. Stakeholder Satisfaction with the LAF

The evaluators were able to engage directly with stakeholders and beneficiaries during the field phase of this evaluation. It is apparent that stakeholder and beneficiary satisfaction with the LAF is very high indeed. Furthermore, the planned benefits have been delivered and received, as perceived by key stakeholders. There has also been remarkable and coherent participation by members in governance and implementation of the intervention. Ultimate beneficiaries (the indigent and vulnerable communities) have also participated in the intervention as indicated by the levels of assistance sought through the implementation of projects.

During a face-to-face interview with Victor Mugabe, JRLOS Coordinator, he stated that LAF is one of two CSO representatives on the JRLOS and that the LAF's contribution through its Coordinator Andrews Kananaga, to the Thematic Working Groups (4 and 5) have been significant as it is effective and produces tangibles. Notwithstanding this contribution, the LAF has also been a key strategic partner on a

number of initiatives such as the monitoring of the EDPRS, the Legal Aid Week and the Baseline Survey.

The evaluators also visited a project of COPORWA. This project based in Gicumbi (Miyove Sector) focuses on assisting the indigenous people, the Batwa to access land after land was unfairly taken from them. COPORWA works closely with the local authority and together they have been able to secure 12 hectares of land for 22 families of the Batwa people. During a focus group meeting (16 women; 24 men and 10 children) with the Batwa community, we were able to determine high levels of satisfaction with the project resulting from legal advice, advocacy and awareness raising delivered by the project.

Another focus group meeting was held with beneficiaries in the Kibuye area of the AJPRODHO project “Legal Aid for Children and the Vulnerable Facing Criminal Prosecution”. 6 men and 1 woman who were formerly either facing prosecution or were former prisoners attended the meeting. Once again there were high levels of satisfaction with the project with all beneficiaries stating that had it not been for the project, they would have been languishing in jail. Criticisms of the project revolved around its lack of visibility and therefore the need for more information dissemination so that more people could access the services of the project; other criticisms were the lack of follow-up by the project after the release of individuals from prison. While this may not always be practical given the constraints of funds, it does indicate that the project is not attempting to measure change in behavioral patterns.

The evaluators also visited Gitarama Prison which is also a focus of the COPORWA project. Here again prisoners indicated high levels of satisfaction with the project with a high level of positive resolution of their legal issues. Criticisms reflect the same tone above and relate to the need for greater visibility within the prison perhaps through information to the general prison population. The other criticism is that the project only targets prisoners from two districts that falls within the jurisdiction of the project: Karangi and Rutsiro.

The Project Officer stated that she was happy with the support from the LAF in terms of capacity-building (she had been seconded to Paralegal Advisory Service Initiative in Malawi) and on-site support, but that the frequency of on-site support could be improved.

One Project Officer of a project stated that projects could benefit from the training of their Officers on the following:

- Data collection and management
- M&E Training
- Fundraising and mobilization of resources
- Leadership and management

The Project Officer was also hopeful that funding of projects would be over a longer period than the current 6 month cycle. Project Officers have been using the various tools developed by the LAF such as client and reporting forms. This has resulted in greater efficiency of the project and disaggregated data is being collected. However, as already stated, actual impact is difficult to measure as it is activity driven.

The evaluators also had a face-to-face meeting with PRI as a former Steering Committee member. PRI echoes other stakeholders' perception about the value of the LAF. PRI feels that the LAF has been successful and that this has very much to do with:

- The transparency and consensus building of DIHR during the inception phase of the LAF
- The process of funding members' projects being equitable. Initially some members were unhappy that their projects were not chosen for funding but nevertheless remained on as members of the LAF, as they saw inherent value in this in terms of non-pecuniary gains such as capacity-building, knowledge sharing and advocacy. Additionally the capacity-building initiatives means that members stand a better chance to have their projects funded in the future, by showing enhanced capacity, better conceptualizing their projects and proposals and so on

PRI has collaborated with the LAF in developing the Paralegal Manual and benefited greatly from the experience of other members working with paralegals and from training it received on English language skills and M&E.

The evaluators also had a joint focus group meeting with members of the General Assembly, the Steering Committee and the Secretariat. In all, there were 27 participants to this focus group meeting. Again there were high levels of satisfaction with the LAF with some reservations. These perceptions while highlighted below are not necessarily the findings of the evaluators:

- Members felt that the LAF needed more professional, staff and financial capacity while also understanding that more money raised ought to be used for funding of projects
- The LAF's strict policy that members must be registered as NGOs in terms of Rwandan law before membership to the LAF can be granted. In such circumstances the LAF needs to provide assistance, guidance and leverage to ensure registration of the prospective member. The question then arises what happens in a situation where a member loses its status as a registered NGO due to for example political interference? As it currently stands, the Charter of the LAF dictates that such member will lose its membership of the LAF. This raises the question of equitability. Thus there is a need for the LAF to 'reinforce advocacy in favor of members (in difficulties)'
- As DIHR is the current Grant Manager, this may affect future donor relations. With respect, the evaluators feel that in fact for the moment, the converse is true as EKN-Kigali has a high regard for DIHR as the entity finally accountable for all funds donated to the LAF. Notwithstanding this, in reality, the LAF's Financial and Administration Department is responsible for accounting for all EKN-Kigali funds irrespective, but of course for the LACSF, DIHR alone authorizes expenditure. However, in a move towards greater autonomy and given the current accounting of funds lying with the LAF, there appears to be no reason why the LAF cannot in the future substitute DIHR as the Grant Manager. The current checks and balances will continue to ensure transparency, accountability and equitability and this will auger well for the LAF as the first indigenous grant

making mechanism in Rwanda, a development which future donors may find attractive

- Participation of members should be strengthened and representatives of members at meetings must have a clear mandate to represent members at meetings
- The LAF must ensure that feedback from members is actioned within the LAF where relevant and appropriate; that plans of activities are shared with members; and that there be improved exchange of information between members;
- Duplication must be avoided by the enhanced facilitation of work and activities in the Justice Sector
- There needs to be improved communication about the LAF with the media
- There needs to be improve Human Rights education using the media
- There needs to be better representation of the issues faced by members in the strategic plan
- Follow-up of activities with members must be improved
- The LAF must improve the current website perhaps by using the services of a webmaster and to provide space on the website for members to reflect the work of their organisations or to link the LAF website to members' existing websites via links
- In regard to the Steering Committee:
 - There must be proper planning of the budget for Steering Committee activities (such as representation fees). It is also felt that the Daily Subsistence Allowances (DSA) are too low and not indicative of market rates
 - The Steering Committee must reinforce its independence vis-à-vis the Secretariat
 - The Steering Committee must establish internal procedures

Immediately after this meeting, the evaluators had a closed session with only members of the Steering Committee. 7 members attended this session including the current President of the Steering Committee. While it was unanimous that the existence of the LAF has brought great value to the access to justice/legal aid sector there are issues worthy of further debate. These are highlighted below:

- The Secretariat is in need of further capacity-building. Examples of this are:
 - Marketing skills to promote the work and visibility of the LAF
 - Fundraising and resource mobilization skills
 - Advocacy, lobbying and citizen participation skills
 - Leadership and management skills
 - The fact that capacity-building by the LAF of members is central to the work of the LAF, it is unfortunate that the LAF has to outsource capacity-building to external consultants. Thus the LAF should move closer towards being able to undertake this itself
- The Steering Committee itself needs capacity-building in order to effectively promote the mandate of the LAF and to enhance its oversight abilities
- While the Steering Committee have to approve reports emanating from the Secretariat, they wish to also be involved at some level with the preparation of these reports
- This leads to the question of the level of intervention the Steering Committee ought to make vis-à-vis the Secretariat. While it is clear that this should be at the

level of policy and not on management and activity, the Charter of the LAF are not clear in the grey area of matters that straddle these 3 areas. One example of this is the ability for the Secretariat to make urgent public statements at times when the solicitation of prior approval of the Steering Committee is not practical

- While the Steering Committee prepare reports to the General Assembly, there is no guidelines as to what they should report on and how often
- The outreach work of the LAF is facilitated by the Liaison Officer and the newly appointed M&E Consultant employed by the Secretariat. Given the breadth and scope of the outreach work, these officers are spread too thinly on the ground with on average 1 on-site visit being made to members and projects every 3 months. Solutions to this problem need investigation and debate. One solution could be to have local offices in 4 regions (North, South, East and West), staffed by Outreach Officers. However, this may be finance intensive, thereby diverting resources away from the funding of projects. Another option might be to employ part-time Outreach Officers based at members offices or at project offices or to second members' staff
- Given the lack of penetration of the Internet, Email and computers in Rwanda especially at local level, communication between the LAF, its members and projects is problematic. Unique and innovative solutions need to be investigated in this regard

3.2.3. Effectiveness of Approaches and Strategies in Supporting Different Categories of CSOs

The LAF has embarked on an effective strategy in supporting its members in a multi-dimensional manner. The success of the strategy is based on sound empirical evidence and astute analysis thereof, combined with an inherent sense of transparency, accountability and fairness. However as already discussed there are aspects which can be enhanced without the need for overhauling the thrust of the strategy.

A glaring question is whether in fact the LAF has cast its net wide and far enough to include different categories of CSOs. The obvious constraint to this of course, is that the Charter of the LAF prohibit it from registering CSOs as members if they have not been officially registered as NGOs in Rwanda. The risk is that unregistered CSOs providing a valuable service may not benefit from the services of the LAF, thereby impeding their effectiveness. A solution may be to amend the Charter to provide provisional membership on the basis that these CSOs may then qualify for LAF support (but not funding for projects) that may in turn expedite their registration as NGOs. In regard to members who lose their NGO status as a result of political interference, the LAF could grant provisional membership status to them as well. The worrying issue however is whether such CSOs who have current funding from the LAF ought to have such funding suspended. This is a difficult issue and one that needs proper debating within the LAF.

3.2.4. External Factors Impacting on Effectiveness

The assumptions made in the programming documents have held true and there have been no external factors which have negatively impacted on effectiveness. If anything, external factors such as the influence of government on the intervention have been positive, with a good degree of mutual value exhibited.

3.3. Efficiency (Sound Management and Value for Money)

As graded by the Secretariat and the Grant Manager: **Very Good (Criteria Entirely Fulfilled)**

As graded by the Steering Committee, Internal Audit Committee and General Assembly: **Very Good (Criteria Entirely Fulfilled)**

3.3.1. Efficiency of Governance and Management Arrangements

Efficiency of governance and management arrangements has been exemplary and directly attributable to the technical support and systems provided by DIHR, the latter being appropriately mirrored, adjusted and implemented by the LAF. Accordingly, operational work planning and implementation (input delivery, activity management and delivery of outputs) has been good and has complied with the Charter of the LAF, the LACSF Guidelines, Internal Control Regulations, programming documents and annual action plans. Management of the budget has been optimal. In this regard, cost control and an adequate budget has played a significant factor.

Management of personnel, information and assets has also been good. In regard to assets, DIHR as the legal recipient of EKN-Kigali and DANIDA funds is also the registered owner of all assets. In accordance with an agreement with the Government of Rwanda, on the exit of DIHR as the legal recipient of donor funds, all assets must be transferred to a project agreed to by DIHR and the Government. DIHR remains certain that such transfer will be made to the LAF.

As there have not been significant changes in circumstances, it is difficult to determine whether the management of risk has been adequate, that is, whether flexibility has been demonstrated in response to changes in circumstances.

Relations/coordination with local authorities, institutions, beneficiaries, EKN-Kigali, DIHR and other donors not providing support has been good.

Equally, the quality of information management and reporting, and the extent to which key stakeholders have been kept adequately informed of project activities has been good, but as already discussed, communication and outreach to members and their projects could be improved.

All stakeholders are unanimous that the LAF respects deadlines set. This has also been indicated by the progress tracked in the LAF's annual action plans.

3.3.2. Performance of the Management of the LAF

Secretariat inputs such as procurement, training, contracting, either directly or via consultants/bureaux) have been provided as planned. However, there appears to be a

preponderance of dependence on consultants for the capacity-building of members. This issue has already been canvassed but it must be stressed that a better balance between direct and external support ought to be made in the future.

In favour of the LAF though, where appropriate, it has integrated the use of external technical assistance with existing LAF skills. The development of the MER Manual is but one example.

Most importantly, the LAF has made use of DIHR technical support which has permeated practically all levels of the LAF. This has been pivotal in providing appropriate solutions and in developing local capacities to define and produce results.

The quality of monitoring is an issue that appears to thread through this report. It has already been established that the LAF does not have a monitoring policy save for Output 4. It also does not have a monitoring plan and monitoring is done against the Logical Framework Matrix. Despite this, monitoring in this context has been accurate in so far as activity is concerned. However, given the absence of a monitoring plan and the lack of SMART Indicators in the Logical Framework Matrix, monitoring has not been flexible and has not been able to adequately measure impact. The LAF has also lost windows of opportunity provided by numerous surveys, all of which it has been involved in (the Legal Aid Baseline Survey and the surveys of members and of paralegals), to integrate baseline information into its Logical Framework Matrix. As such, target information, which for the most part has not been developed, cannot be measured against baselines.

In regard to unplanned outputs arising from the activities so far, the most significant has been the issue of registering the LAF as an independent entity, the unresolved issue of Grant Management of the LACSF and what to do about CSOs unregistered as NGOs but possibly wanting membership to the LAF. The first 2 issues are seen as positive and the last as a possible opportunity to increase the ranks of the LAF.

3.3.3. Cost/Benefit and Inputs/Outputs and Outcomes

It is common cause that the LAF is well funded and that such funding exceeds the average donor spend (Legal Aid Forum, 2009). While a comparison with similar projects or known alternative approaches, taking account of contextual differences and eliminating market distortions is beyond the scope of this evaluation, the evaluators find that the costs of the programme have been justified by the benefits as expressed in monetary terms.

Actual total percentage increase in expenditure is as follows:

- From 2008 to 2009: 34%
- From 2009 to 25 October 2010: 35%

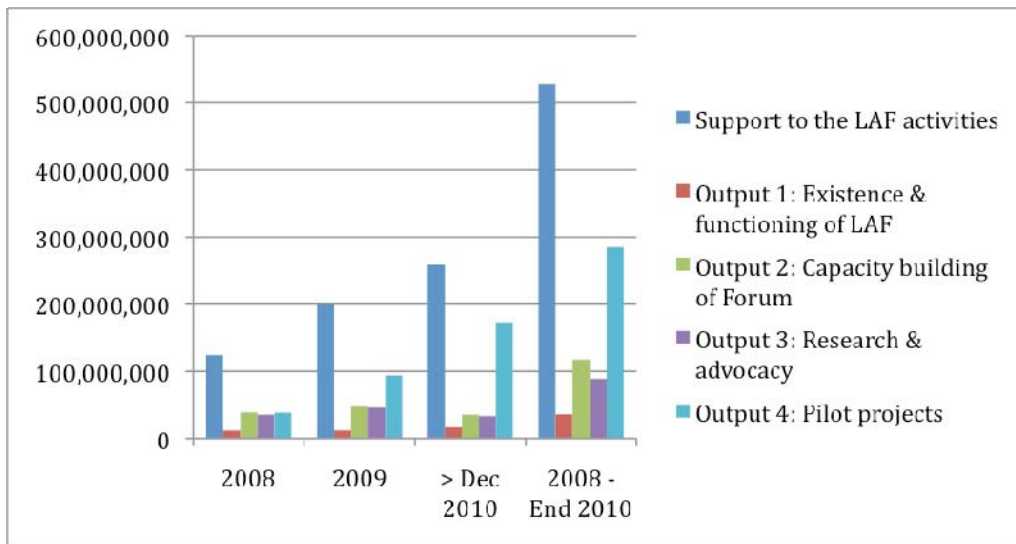
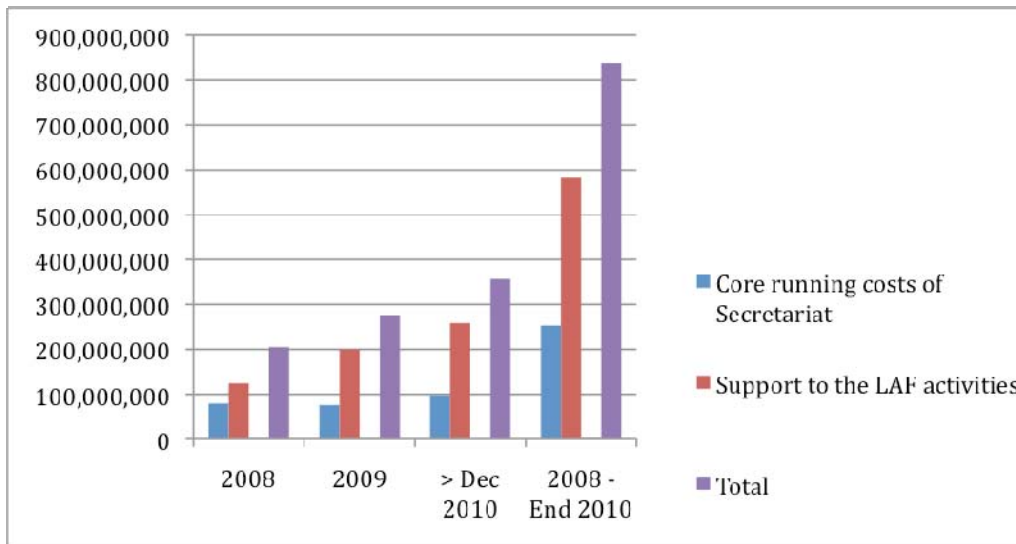
From 2008 to 25 October 2010, the Core Running Costs of the Secretariat has been 30% of the total expenses. For the same period the Support to the LAF Activities (Outputs 1-4) has been 68% of the total budget.

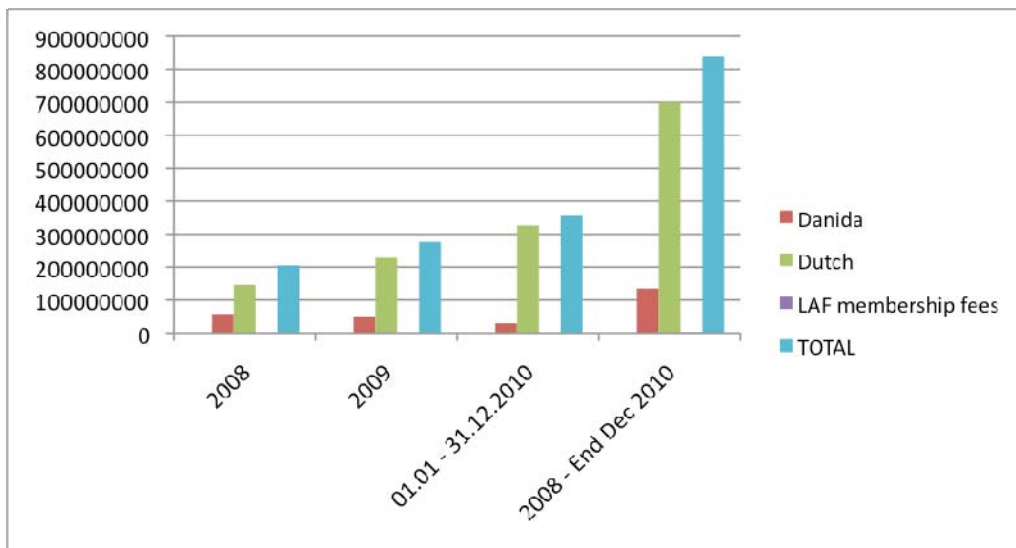
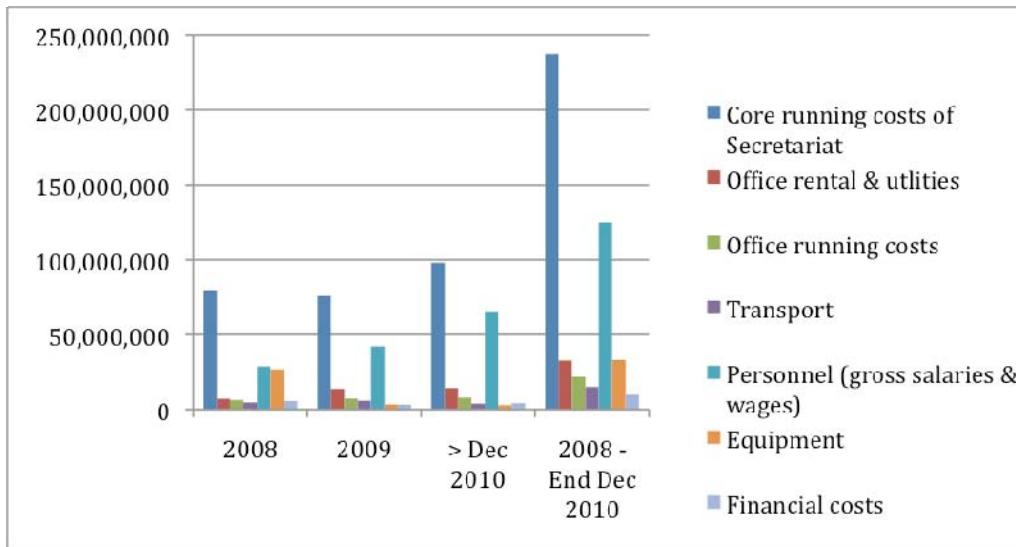
For the same period the following figures show expenditure for each Output

compared to total expenditure:

- Output 1 (Existence of a Functioning LAF): 5%
- Output 2 (Capacity building): 15%
- Output 3 (Research and Advocacy): 12%
- Output 4: (Support to Pilot Projects): 37%

The following graphs refer:





With specific regard to Output 4 and comparing the current strategy of utilizing DIHR (a member of the Steering Committee) as Grant Manager of the LACSF, with similar projects or known alternative approaches, the evaluators have relied on the findings of the Mid-Term Evaluation (Human Solutions Consulting, 2009). This study states that:

“Experience from different contexts, and in particular in the two countries visited (Uganda and Tanzania), tend to show that entrusting funding of members to an NGO network is fraught with dangers, including that of implosion of the structure itself – as in Uganda with the human rights network under the auspices of HURIDOC. Examples of competition, suspicion and frustration among members are unfortunately commonplace when money is involved. In the two case studies, institutional donors ultimately had to backtrack and create a new and separate grant-making entity, totally independent from NGO structures and staffed by professional grant managers.

The rather pessimistic diagnosis of the dangers of funding has, fortunately so far after the initial selection of three grantees, not materialised. The main factor that prevented

negative consequences was the efforts of the Secretariat to explain in detail the selection procedure, as well as the selection criteria and the reasons for the choice.

Offering coaching to some of the unsuccessful applicants on how to improve their applications in the future was also a positive step. Indeed, these efforts appear to have prevented suspicion and frustration following this first funding round; it cannot be guaranteed, however, that such an approach will be sufficient in the future, in particular in case organisations unsuccessful in 2008 see their application turned down also in 2009... The useful lesson that was learned from Uganda and Tanzania (see section above on funding of pilot projects) is that entrusting a network with funding its own constituency (or for that matter non-member organisations) is a risky proposition. In both countries, the solution adopted by donors after unsuccessful attempts, was to create companies staffed by professional grant-making, programme management and monitoring & evaluation specialists.

A similar approach could be contemplated for the LAF, but an in-depth study on the appropriateness of such arrangements to the Rwandan context ought to first be carried out.

The possibility of creating a foundation was also discussed during the evaluator's mission. Ultimately, however, and as the examples of Uganda and Tanzania showed, much will depend on the receptiveness of present and potential donors (see also section above on the justice sector). The donor representatives met in Kigali did not seem to be considering such a possibility at that stage. It will of course also depend on the acceptability of such an arrangement for the GoR, for instance how far it considers it would fit in its development policies and plans." (Human Solutions Consulting, 2009)

Despite the warnings of potential danger cited above, the LAF's funding cycles have not been associated with any discontent by unsuccessful members applying for funding in the 2008/2009 cycle. The Mid-Term Evaluation seeks to explain this by the proactive intervention by the LAF in its provision of reasons for such rejection. While this may be one component of managing conflict, it is not the sole reason. One needs to give cognizance to the fact that funds are allocated according to the LACSF Guidelines which all members are privy to. More importantly and as explained by PRI above, this inherent tension is resolved through the realistic perception that irrespective of funding, members gain to benefit in other areas from the LAF, such as capacity-building, knowledge sharing, advocacy and leverage and so on. This is an aspect that the Mid-Term Evaluation failed to consider.

Accordingly, the current model with DIHR has worked both effectively and efficiently. Looking at the research (Indiba-Africa Group, 2008) conducted by the evaluators on grant management, this model also fits into the immediate-term recommendations of the research. However in the long-term, a more sustainable option needs to be decided on. One option could be the establishment of a professional and independent grant making entity and the other could well be that the LAF takes on this role with the current checks and balances in place.

While there is no Legal Aid Policy in place and taking into account the collaborative work between the LAF and Government, it is unfortunate that the Government is not

providing any funds to the LAF, perhaps even as an interim measure until a Legal Aid Policy is in place. While this is not planned for in the Logical Framework Matrix it is submitted that it is an issue worth lobbying for.

3.4. Impact

As graded by the Secretariat and the Grant Manager: **Good (Criteria Mostly Fulfilled)**

As graded by the Steering Committee, Internal Audit Committee and General Assembly: **Good (Criteria Mostly Fulfilled)**

3.4.1. Impact Against Targeted Result Areas

From a technical perspective, and as already canvassed, measuring impact has been difficult as there is no monitoring plan, no baseline information nor targets in the Logical Framework Matrix and the Indicators of the intervention are not entirely SMART. However, this does not mean that there has been no impact.

As can be seen from the section on Progress Towards Set Targets in Paragraph 3.2.1 above, there has been a plethora of activity with practically all targets having been met. Extrapolating from this and on reflection of the high levels of stakeholder and beneficiary satisfaction with the LAF, impact has been good.

The Mid-Term Evaluation (Human Solutions Consulting, 2009) quite rightly found that the project is delivering quality and timely products and the LAF is managed in a transparent, accountable and equitable manner based on a large and evolving body of regulations and guidelines and an efficient and effective bureaucracy.

The survey on the relationship between members and the LAF is also illuminating.

Table 3 – Added value of the membership to the Legal Aid Forum (per organisation)

What is the added value for the organisation to be a member of the Legal Aid Forum? (open question)	No. of answers (multiple answers were possible)	Percent (out of 33 organisations)
Link between members/space for exchanging experience	22	66.7%
Useful/practical information	8	24.2%
Capacity building	20	60.6%
Client forms	3	9.1%
Advocacy	6	18.2%
Help getting financial resources/mobilisation of funding	4	12.1%
So far, none	1	3.0%
No. of respondent organisations	33	

Source: (Legal Aid Forum, 2009)

“The most frequent added value mentioned by the organisations was that the Forum is a link between members and a space for exchanging experiences. In relation to this, a quarter of the organisations also mentioned that the provision by the Forum of useful and practical information is another added value.

This corresponds well to the very first need identified in 2004 following a study on ‘Legal Aid in Rwanda’. This study highlighted the determination of organisations to provide legal services to the indigent population and vulnerable groups, and the many positive initiatives and projects aimed at providing information, advice and representation services. Limited collaboration was, however, identified as one factor limiting effectiveness and efficiency of legal service provision to the indigent population and vulnerable groups. Thus the idea emerged to create a ‘space’ for organisations to share information and best practices, collaborate around capacity building and identify areas where combined efforts are needed for advocacy and research. The initiative was identified as an essential step towards the improvement of access to justice, especially where the rights of the indigent population and vulnerable groups are at stake.

The survey shows that this added value of linking members to each other and creating a space for exchanging information and experiences is still relevant for most of the member organisations.

Capacity building is also recognised by most of the members (either mentioning capacity building as a whole, or referring to specific tools, e.g. client forms, created under the Legal Aid Forum) as an added value of their membership to the Forum.

Advocacy and fund mobilisation are also mentioned but by a smaller number of organisations (respectively 18.2% and 12.1%).

Only one organisation thought that there was so far no added value from being member of the Forum.” (Legal Aid Forum, 2009)

Impact can be seen at the level of:

- A functional and Sustainable LAF

This is probably the output which has achieved the greatest planned impact, with all organs of the LAF functioning as planned and in terms of best practices and with unqualified financial audits. While there are issues around capacity, communication, visibility, monitoring and sustainability, the existence of the LAF has left an indelible mark in enhancing the provision of legal aid in Rwanda and in the absence of a national Legal Aid Policy and where the Law on the Bar restricts the ability of lawyers working for CSOs to represent clients despite their clients in need of free legal representation.

- Capacity-building

Members have benefited from the capacity-building initiatives of the LAF although it is unclear the extent to which capacity has been raised and whether this has brought

greater efficiency and effectiveness to their work. In so far as projects are concerned, the development of organisation tools and a monitoring policy have enhanced their monitoring, evaluation and reporting ability.

- Research and Advocacy

The LAF has been a significant participant and contributor to JRLOS and SWAp and has been at the forefront of exchanges between stakeholders on issues of policy. Although it cannot be argued that any improvement in progress towards policy changes can be attributed directly to the work of the LAF, the inference is that it has contributed to such progress particularly in regard to the Legal Aid Policy, national regulation and the process of amendments to the law on the Bar.

- Funding of Pilot Projects

The LACSF Guidelines ensure that projects are selected in accordance with the principle of fairness, equity, transparency, accountability and assessed against specific criteria which are relevant to the needs of the population.

There is a clear separation between the Grant Manager and recipients of funds. In this case DIHR is the Grant Manager and the members of the Selection Committee are not entitled have their organisations be recipients of funds. Funds are kept separate from the LAF funds, in a DIHR account, but it is worth noting that the LAF Finance and Administration Manager is responsible for accounting of these funds.

It is difficult to imagine that these projects would have been funded, but for the funds from the LAF. This is indicated by the fact that no project is co-financed by other donors. Monitoring reports and project reports clearly show that the projects have been a worthwhile investment and that while there is beneficiary satisfaction with the projects, it has been difficult to measure impact.

Weaknesses revolve around:

- The non-existence of a Basket Fund and the lack of coherency in donor funding of the sector
- The lack of a standard curriculum in place for paralegals. Despite this, this has been mitigated by the LAF producing a Paralegal Manual
- The lack of measurement of the increase in basic knowledge and skills of LAPs
- The lack of guidelines for a means test
- The absence of a Legal Aid Policy and the expansion of legal representation through amendments to the Law on the Bar. Again in mitigation of this, the LAF has been a significantly positive factor in JRLOS, influencing the drafting of the terms of reference for the appointment of a consultant to draft the Legal Aid policy
- The lack of an independent regulatory body despite a roadmap being presented by the LAF in 2007 and the joint exposure visit to South Africa and the Legal Aid Conference in 2008
- A PIL case has not been filed but research on this has been carried out and is currently being carried out

The above weaknesses must be seen in the context of the duration of the project which has been for less than 3 years and at most, the Logical Framework Matrix has been overly ambitious in planning its expected impact. Conceivably, there is a high probability that the impact planned will be achieved over the next 3 years.

3.4.2. Policy, Practice and Behavior Change Achievements

For reasons already alluded to, it has been difficult to measure policy, practice and behavior achievements. While there is no doubt that there is impact at these levels, the extent to which this is being achieved is unknown.

3.5. Sustainability

As graded by the Secretariat and the Grant Manager: **Very Good (Criteria Entirely Fulfilled)**

As graded by the Steering Committee, Internal Audit Committee and General Assembly: **Good (Criteria Mostly Fulfilled)**

3.5.1. Incorporation of Sustainability Considerations in Implementation

There is a high degree of a sense of ownership of objectives and achievements by stakeholders. This is due to extent and the nature stakeholders were consulted on the objectives from the outset, and the resulting consensus building. There is no indication that this consensus will dwindle in the future.

The project is in tune with local perceptions of needs and of ways of producing and sharing benefits. There is due respect for local power structures, status systems and beliefs and the quality of relations between the external project staff and local communities is good.

The project budget has been adequate for implementation of the project. Financial sustainability is questionable given that the project has only 2 donors, one of which is EKN-Kigali and the other being DANIDA. Membership subscriptions is not a viable source of income in terms of financing the budget of the LAF. Given that the EKN-Kigali funding cycle comes to an end on 31 December 2010 and that DANIDA has not made any commitment to financial support for 2011, the LAF is in a precarious situation and this highlights the need for a more diversified funding and income-base.

The products and services being provided by the project are cost-effective and are likely to remain so in the future.

It is submitted that cross-cutting issues such as gender equity, children, HIV and AIDS, and environmental impact were not were appropriately accounted for and managed from the outset of the project. This may be as a result of the quality of the Indicators used and the lack of baseline and target information which might have

otherwise provided such disaggregated data. Conversely though, good governance has been at the core of the project from the outset and has been a significant contribution to the sustainability of the project.

3.5.2. Government Support and Actions for Smooth Implementation and Maximization of Impact

The LAF has been democratically elected as 1 of four CSO representatives to JRLOS and has been elected twice, with each term lasting 1 year. Despite this, the LAF is embedded within JRLOS. In the interview with Victor Mugabe referred to above, he states that should the LAF not be elected again this will negatively impact on Thematic Working Groups 4 and 5. However despite this, there is no possibility of JRLOS coming to a halt in the event of LAF's departure.

EKN-Kigali policy and Government policy appear to correspond, with EKN-Kigali's MASP reflecting a commitment to the EDPRS. Given the publication of a tender for the appointment of a consultant to conduct an Extended Baseline Survey and the development of a Legal Aid Policy, the indication is that Government policy changes are expected in the near future. Depending on how liberal the policy is on legal aid, the potential effects are likely to have a positive impact on legal aid in general and depending on the LAF's location in this, on the LAF itself.

On the whole government has been supportive of the LAF and the relationship has been one of mutual benefit. Public and organized civil society satisfaction with the LAF is high but the LAF's engagement with business has been negligible yet they stand to be a strong supporter of the LAF, thereby possibly enhancing its sustainability.

3.5.3. Strategies for Enhancing Programme Objectives

The new Strategic Plan, Monitoring Plan and Action Plan for 2011-2015 form a new platform for enhancing project Objectives and have very much taken into account the design flaws inherent in the programming of this project.

3.5.4. Mechanisms to Sustain Changes in Communication

The LAF recently finalized its website (<http://legalaidrwanda.org/>). This will certainly assist in making information on the LAF more accessible. However, members would also like to have a presence on the LAF website.

We have alluded to the lack of penetration of the Internet and Email in Rwanda with many rural-based members and projects having no access to these. Thus, while the website will remain accessible to those without a computer or the Internet, it will nevertheless be accessible to many others without these. In this regard, the evaluators were unable to establish the frequency of visits to the website by visitors, but attempting to find a technological solution to the problem of access is really the challenge and one that must fit in with existing needs, culture, traditions, skills and knowledge.

3.6. Coherence and Mutual Reinforcement: EKN-KIGALI Added Value

As graded by the Secretariat and the Grant Manager: **Very Good (Criteria Entirely Fulfilled)**

As graded by the Steering Committee, Internal Audit Committee and General Assembly: **Good (Criteria Mostly Fulfilled)**

MASP seeks “optimal alignment” with the EDPRS. “This EDPRS has been accepted as the mid-term overall planning document by the Government of Rwanda and the international community alike. As such, this EDPRS answers to the planning strategies in the national context of Vision 2020 and the internationally agreed MDG’s. The abovementioned MDG-approach, is in line with GoR’s Aid Policy Document (APD, 2006), as well as the Paris Declaration, EU Code of Conduct and other international agreements on harmonization and alignment.” (EKN-Kigali, Undated)

Coordination

There has been effective coordination between donors, the government and CSOs at the level of EDPRS and JRLOS. For the financial year 2009/2010, the Netherlands (EKN-Kigali), Belgium and the European Union have signed a Memorandum of Understanding with the government for Sector Budget Support. Currently the Netherlands is the Co-Chair of the Justice Sector Working Group. (Government of Rwanda, 2008).

At the level of donor coordination vis-à-vis funding of civil society, funding is disjointed and despite the efforts of the LAF to create a Basket Fund, this has not happened.

The LAF’s intervention is a unique one in Rwanda and as such the possibility of duplication of funding is very small. Given the involvement of EKN-Kigali with JRLOS and its funding of the LAF, this has ensured harmonization of efforts and there has been no significant duplication between the LAF intervention and other interventions in Rwanda, in particular other EKN-Kigali programmes.

3.7. Visibility

Visibility of the LAF has not been good at all either with the public at large, rural communities nor with the private sector. There has been very little marketing of the LAF beyond the annual Legal Aid Week, banners at LAF hosted conferences and workshops, the recently developed website and the LAF logo on LAF documents and publications. At the same time, members who liaise directly with ultimate beneficiaries (communities) have also not marketed their services sufficiently.

This is as a result of a lack of a comprehensive marketing strategy that harnesses the power of the Internet, mobile phones, the media, radio, television and alternative public information materials such as T-shirts, caps and other paraphernalia.

It is suggested that members of the LAF incorporate the logo of the LAF in all relevant documents, websites and so on. The logo could be captioned with statement such as “A Member of the Legal Aid Forum”.

In regard to the private sector, an attempt ought to be made to test whether it will support the LAF and if so in what manner. This could be in kind for example:

- The media offer free advertising space to the LAF
- Mobile networks send out SMS information to their subscribers advertising the LAF at no cost to the LAF
- The LAF could get a group of high level individuals to be the Patrons of the LAF
- Banks might advertise the LAF in their banking halls

It is also worthy to note that if the LAF tests the private sector for support, it may well turn out that the larger corporations might want to donate funds to the LAF or specific projects – for example through the ‘adopt a project’ concept.

In order to ensure that the LAF and its members are as productive as possible, the LAF must increase its visibility at all levels of society. In order to do this effectively, it would be wise for the LAF to develop a comprehensive marketing strategy for each financial year.

4. Conducting the Checklist for Organisational Capacity Assessment

Given that the LAF is requesting future funds (2011 onwards) from EKN-Kigali in its capacity as an independent legal entity, without DIHR as an intermediary, EKN-Kigali has requested the evaluators to assess the LAF against its Checklist for Organisational Capacity Assessment (COCA). The completed assessment will be sent to EKN-Kigali separately from this report, given its confidentiality. However, the results can be discussed here and such results indicate that the LAF has scored the highest possible grading vis-à-vis the COCA criteria.

As this is just a single dimension in the overall assessment for future funding, the results do not necessarily mean that the LAF will be successful in soliciting future funds from KN-Kigali.

5. Conclusions and Recommendations

5.1. General Conclusions

5.1.1. Effectiveness

The planned benefits have been delivered and received, as per programme documents. In terms of institutional reform, it has been difficult to measure whether behavioral patterns have changed in the member organisations and beneficiaries. However, changed institutional arrangements such as the LACSF Guidelines, client forms and reporting formats for projects have enhanced effectiveness. So too have the LAF internal regulations such as the Internal Control Regulations and Charter as amended.

The assumptions and risk assessments at results level have turned out to be valid in the main, and no significant unforeseen external factors have intervened. However, had this happened, there is a sufficient threshold of flexibility in the programming documents, complemented by a responsive and proactive Secretariat and Steering Committee able to have appropriately and successfully navigated such unforeseen factors, despite the lack of any alternative strategy in the programming documents.

The LAF has been positively supported by stakeholders including the Government, members, projects and target communities as ultimate beneficiaries. There has been a good balance of responsibilities between the various stakeholders. At the level of LAF itself this is indicated by the composition of internal structures as well as independent structures such as the Selection Committee for the LACSF. At the level of the Justice Sector, JRLOS has provided an important structure for strategic collaboration between the LAF, Government and Donors, with the LAF being an integral strategic partner.

5.1.2. Efficiency

The various LAF activities have shown good progress towards transforming the available resources into the intended Outputs (also referred to as Results), in terms of quantity, quality and timeliness. This analysis is made against what was planned.

5.1.3. Impact

While there has been positive impact, it has been difficult to directly attribute this to the programme. However, through extrapolation and inference, there is no doubt that there has been significant impact, albeit the extent of which has been difficult to discern.

In regard to the impact the LAF has had on social development, again this has been difficult to measure but there are signs such as high beneficiary satisfaction levels which suggest that impact is being made.

On the whole, there have been no significant effects which have been constrained by external factors, by management, by co-ordination arrangements, nor by the participation of relevant stakeholders. In fact the converse is true and these have facilitated the effects.

It has also been difficult to measure changes in terms of cross-cutting issues such as child rights, gender equality and HIV and AIDS as there are no Indicators in the programming documents to measure these against.

The limited progress in regard to some Indicators must be seen in the context of the infancy of the LAF.

5.1.4. Sustainability

Should EKN-Kigali not provide further funding after 2011 and if no new funder supports the LAF, the positive outcomes specifically vis-à-vis Outcomes 1, 2, 3 and 4 and the flow of benefits are unlikely to continue.

This ought not to be seen as a failure by the LAF. Cognizance must be given to the infancy of the LAF and the degree of impact and sustainability that can be realistically achieved in the space of less than 3 years.

5.2. Specific Conclusions and Recommendations

Conclusion 1

Clearly, while the LAF is making impact, it has been difficult to attribute this directly to the LAF. It has also been difficult to measure the extent of change. These have very much to do with the design of the Logical Framework Matrix and the consequent data being monitored and evaluated.

Having established this, it is evident that the LAF now has a 5 year strategic plan for 2011-2015, and linked to this plan, a new Logical Framework Matrix, Action Plan, Financial Plan, Fundraising and Resource Mobilisation Plan for 2011 and a Monitoring Plan. These documents are not only harmonized with EDPRS but have taken into account practically all issues raised in this evaluation vis-à-vis the design of the programme.

Recommendation 1

However, these documents will gather dust or become meaningless unless:

- These Recommendations herein, not already incorporated into the new strategic plan and associated documents, be done so on an urgent basis
- A new Monitoring and Evaluation Policy is developed for the LAF that will guide monitoring for all Outputs (in the new Logical Framework Matrix for 2011-2015 these are referred to as Strategic Objectives with a number of Outputs attached to each of them)
- While a Monitoring Policy currently exists for Output 4 (funding of projects), this needs to be revised and aligned with the new Monitoring and Evaluation Policy referred to above. In this regard, provisions should be included in the LACSF Guidelines to guide the synchronisation of indicators between projects and the LAF (for example, a sample of direct and indirect indicators could be included in the new Monitoring and Evaluation Policy, which can then guide the development of project indicators)
- This new Monitoring and Evaluation Policy will ensure that the measurement of impact is pivotal to all monitoring and evaluations and that sufficient behavioral change can not only be measured but also directly attributed to the LAF where possible

The LAF ought to also canvass the idea of joint planning with members and projects with the idea of ensuring better harmonization between the members'/projects' Logical Framework Matrices and that of the LAF. Such harmonization could go so far as integrating all Matrices into a single one for the purposes of planning, monitoring and evaluation only. This would make enormous strides in joint monitoring and evaluation at all levels of intervention. It would also mean reporting on a monthly or quarterly basis will be easier and at any given time, a holistic snapshot could be gained showing glaring gaps or progress in the joint Logical Framework Matrix.

Conclusion 2

One omission in the new Logical Framework Matrix for 2010-2015 is the non-insertion of disaggregated data (women, children, HIV and AIDS and the environment).

Recommendation 2

This ought to be amended accordingly.

Conclusion 3

There is no mechanism for monitoring the performance of the Steering Committee.

Recommendation 3

It is therefore recommended that the Statutes of the LAF be amended to provide that a guided and structured self-assessment be conducted by the Steering Committee and presented annually to the General Assembly.

Conclusion 4

Given that Capacity Building relates to Output 2 of the LAF, up to now there has been a preponderance of dependency on external consultants to conduct the capacity building interventions.

Recommendation 4

While this is to be taken in the context of continuing to build a sustainable LAF, for any next period of funding, the LAF ought to focus on employing a Training Officer who, along with perhaps the Liaison Officer, the M&E Consultant (which position it is hoped will become a permanently staffed one), and key staff of members, could undergo intensive mixed pedagogical approach training on core areas of work.

There are such training programmes available (see <http://www.fahamu.org/courses> for Oxford University accredited courses), designed specifically for NGO staff and based on 1-4 months of distance learning combined with email-based mentoring and at least 1 workshop. Once trained, these staff members could go on to develop specific training curricula and run training workshops themselves over the course of each financial year.

Conclusion 5

The current Steering Committee members are of the opinion that they need capacity building. This has been difficult due to the fact that different staff members are mandated to attend Steering Committee meetings and so there is often little consistency and predictability in who will attend specific meetings. This also sometimes leads to a lack of proper reporting of issues discussed at the meetings to the Head of the respective member organisation.

Recommendation 5

It is recommended that reinforcement training or sensitization be conducted for Steering Committee members to ensure greater attendance by the Head of the member organisation sitting on the Steering Committee.

It is also recommended that portfolios be created for Steering Committee members, for example, Capacity Building, Advocacy and Policy, Research, Fundraising, and Financial and Marketing. Nomination forms for election to the Steering Committee ought to reflect which portfolio organisations are being nominated for and guidelines as to skills required for each portfolio ought to also be indicated. While this will not necessarily mean that appropriately skilled organisations will be elected to the Steering Committee, it will at least indicate that the LAF has taken the necessary precautions to ensure skilled and experienced representation.

Conclusion 6

The LAF has not harnessed technology in a way that enhances its visibility, communications or impact.

Recommendation 6

The LAF ought to look at using technology to bring greater efficiency and effectiveness to its work. Firstly, the website needs to be optimized so that members also have a presence on it. Secondly, the website should be populated with:

- Current and relevant news about developments within the LAF, affecting the LAF and the sector in general
- Minutes of relevant meetings
- Urgent notices
- Training resources
- A discussion board on weekly discussion topics
- Frequently Asked Questions about access to justice, legal aid and the LAF
- Polls and surveys (for example on a Legal Aid Policy for Rwanda)
- Mailing lists that could be generated automatically (for example for the transmission of weekly or monthly newsletters)

Thirdly the website should be used as a means for citizens to access justice by being able to use the LAF website as a conduit by lodging complaints with the LAF who in turn can refer such matters to the relevant member or other LAP.

Fourthly, by using the website to manage and document data. For example, a case flow tracking and management system could be incorporated; an integrated monitoring plan for the LAF and members and projects could be developed and kept live by members updating their components of the plans on an on-line basis or at least being able to update their own monitoring plans found on the website. The monitoring plan scheme could be achieved by using project management software.

Fifthly, by using the website to attract funds. Government, business and the law profession could be sold advertising space on the website. Given the LAF's potential visitor base, this could be an effective way of raising self-generated income. There could also be a section on the website for donations to be made to the LAF via electronic transfers and direct monthly debits or a mechanism for new donors and philanthropists to engage the LAF.

The above recommendations could be implemented with very little effort and at negligible costs as all of the necessary software is available as open-source.

Given the lack of penetration of the Internet in rural Rwanda, an additional platform ought to be developed based on the greater penetration of mobile phones. Thus, having an SMS platform with which to interface with members and the public would be extremely advantageous. While this can be an expensive undertaking depending on the volume of SMS transmissions, it might very well be worth the effort to pilot this initiative to determine its efficacy.

Conclusion 7

The Statutes of the LAF do not adequately provide for unregistered CSOs wanting to become members of the LAF nor for members who lose their status as NGOs

Recommendation 7

It is recommended that the Statute of the LAF be amended to give provisional membership to unregistered NGOs and to NGOs who have lost their status as NGOs due to political interference. In the former case, it must be proven that such CSO fits all other membership criteria; the provisional period must not exceed 6 months; a pro rata subscription must be paid unless non-payment is justified and accepted by the Steering Committee and/or the General Assembly; such CSO will qualify for capacity-building in so far as it relates to registration as an NGO; the provisional period will lapse on registration as an NGO or on the expiration of 6 months whichever event occurs first.

In the latter case where an NGO has lost its status due to political interference, the LAF must provide all necessary support as to be detailed in the Charter to reinstitute the NGO status. During this phase such member should be given provisional membership status and ought to continue to qualify for all membership benefits it was entitled to before it lost its status. In regard to funding being received from the LACSF by such member prior to losing its status, legally there appears to be very little that the LAF can do to continue such funding without jeopardizing its own status and possibly the funding of the LAF itself.

Another scenario to consider is where a project being funded by the LAF can no longer be funded because they have suddenly and for no legal reason, been denied access to prisons where the core work of the project is based.

It would be wise for the LAF to get a legal opinion on the above 3 scenarios and to amend its Charter accordingly and in the spirit of inclusivity, fairness in administrative action and unequivocal support to members, all of which bring added value to members of the LAF, above and beyond the prospects of funding.

Conclusion 8

The above leads to a related issue and recommendation. Clearly from the findings, members who have been unsuccessful in soliciting funds from the LACSF elect to remain members of the LAF due to real alternative value being received by them in form of capacity building, knowledge sharing advocacy and so on. This is an indication of the growing maturity of members in terms of being able to see value other than that of financial gain.

Recommendation 8

While this trend is evident among members it is recommended that a comparative study be undertaken to determine the existence or absence of a similar trend in non-member NGOs. Incidentally, this is one way of attributing impact and behavioral change to the LAF.

Conclusion 9

Following from the above Conclusion, should the added-value dimensions weaken, then there is a greater possibility of losing members who are not successful with funding requests, as there will then be the perception that there is no more value to be gained.

Recommendation 9

Thus the LAF must ensure that other Outputs 2 and 3 as the tangible non-financial value-added Outputs remain strong, responsive and creative.

Conclusion 10

The outreach work of the LAF is not frequent enough and needs to be expanded to provide more regular visits to members, projects and ultimate beneficiaries.

Recommendation 10

It is recommended that in order to enhance its outreach work, the LAF consider the establishment of regional focal points staffed by part-time staff using existing infrastructure such as members or project offices or through secondments from staff of members/projects where practical and possible. It is also recommended that should this recommendation be implemented, that the LAF also consider provide basic office equipment intended to enhance communication, such as a computer, connected to the Internet with an Email facility and printer.

Conclusion 11

All Secretariat staff are overworked with an abundance of duties to perform. This report has already canvassed the possible appointment of a Training Officer, the appointment of a permanent M&E Officer and the possibility of regional focal points to alleviate this stress. In addition, staff would benefit from a programme of motivation which would not only alleviate stress but will also enhance staff cohesion. They would also benefit from a set of safety, security and handling stress guidelines. In regard to the safety and security, the LAF has begun to develop such guidelines.

Recommendation 11

It is recommended that team-building exercises be undertaken for Secretariat staff alone and also jointly with Steering Committee members.

It is further recommended that the end of the current cycle of funding offers a good instance in time for a revision of job descriptions and that this be undertaken as soon as is practically possible to address issues of workload and delegation.

Conclusion 12

The evaluators have made 1 overnight trip with Secretariat staff and so have first-hand experience of the rigors of travel. These have the effect of creating additional stress for staff. In addition, it would appear that the Daily Subsistence Allowance (DSA) for staff is insufficient.

Recommendation 12

It is recommended that the DSA for staff and members of LAF structures, be reviewed in accordance with market rates.

Conclusion 13

A Basket Fund has not been established for the Sector and donor funding remains disjointed. On the other hand JRL0S has been an effective mechanism for Government, donor and NGO coordination and this model could be utilized in regard to CSO funding for the Sector. It is submitted that this model is not necessarily inconsistent with SWAp, as donors might have bilateral agreements with the Government that do not specifically exclude direct support to civil society. However, while there is evidence to suggest that a Basket Fund is inconsistent with some donors' country plans, there appears to be no reason why the LAF should not seek donor assistance in referring it to other potential donors.

Having asserted this the caution is that "There are a number of donor policies and practices that can help to strengthen networks in this regard. The donor-network relationship is a complex one, and when there is too much guidance and direction, networks can become detached from their understanding and appreciation of their own competencies." (Ferri, 2004) The Mid-Term Evaluation (Human Solutions Consulting, 2009) makes references to the example of Uganda and Tanzania in this regard where networks have imploded, partly because they were donor-driven.

Recommendation 13

It is recommended that the LAF test a variety of strategies to make donor coordination more effective. Whatever the strategy employed, the LAF needs to strengthen its lobbying of donors for more coordination by presenting new value propositions, while ensuring its own independence

Conclusion 14

The projects funded by the LAF do not appear to be sustainable.

Recommendation 14

In order to enhance the sustainability of members and their projects and to ensure that a dependency on the LAF is not created, the LACSF Guidelines ought to be amended in a manner that provides for projects requesting funds after having received at least 1 grant, be required to show some degree of co-financing. It is submitted that for the second year of funding this ought to be 10%, increasing by 10% for each cycle. This means that members and projects ought to diversify their funding base to complement funds being received from the LAF.

Conclusion 15

One of the conditions of the EKN-Kigali funding is that projects not use more than 7.5% of the funds granted to them for operational costs such as salaries. It is also common cause that core funding as opposed to project funding is increasingly difficult to solicit in Rwanda as it is practically all over Africa. This may explain why projects have staff who are stretched to their capacity in terms of workload.

“Donors can also revisit some of the traditional assumptions about networks. Our study shows that in terms of funding levels, support is needed for core funding and not just for projects. Often the things that network members value most in their networks are the things that take the most time to develop, but require the least amount of money. That being said, it appears that donor support is most crucial in the network startup phase, lasting approximately five years. After this point, many networks are able to find alternate or self-generated forms of funding.” (Ferri, 2004)

Recommendation 15

It is therefore recommended that the 7.5% be increased on a case-to-case basis and through negotiation with EKN-Kigali in respect of future funds, be capped at an agreed maximum.

Conclusion 16

With the current cooperation agreement in place between EKN-Kigali and DIHR, EKN-Kigali disburses the funds to a DIHR account in relation to the LAF initiative. On the basis of a cooperation agreement concluded between DIHR and LAF, DIHR then disburses funds to an LAF account. These funds are administered by the Finance and Administration Manager of the LAF and authorizations are effected by the LAF Coordinator.

In the immediate term, DIHR acting as Grant Manager to the LACSF has worked well and has been cost effective. EKN-Kigali funds for the sub-budget line 204 specifically (and not the whole Output 4) are kept in a DIHR account and disbursed from this DIHR account to the projects. This is so because DIHR is the current Grant Manager the LACSF. However such funds are nevertheless also administered by the Finance and Administration Manager of the LAF and authorizations are effected by DIHR as Grant Manager.

The findings of this report have already established that there are appropriate mechanisms in place ensuring that the LACSF is administered according to strict guidelines ensuring transparency, accountability and equity. All stakeholders and members are unanimous in their assertion that funds managed by the LAF have been done so with the utmost honesty.

Recommendation 16

It is therefore recommended that in order to build local capacity and to ensure that Rwanda's first indigenous grant making mechanism be established, that the LAF becomes the new Grant Manager of the LACSF, with DIHR making a gradual withdrawal yet maintaining technical input as long as it is both viable and necessary.

The Selection Committee will remain independent and the LAF as Grant Manager will have its Coordinator attend Selection Committee meetings as an observer and will carry out the instructions as per the Selection Committee. It is suggested that this arrangement will not compromise the existing set-up in any negative way and that a completely independent grant making mechanism (which will be finance intensive to operate) is unnecessary given that the LACSF is for all practical purposes being currently being administered by the LAF.

Conclusion 17

Related to the above, the evaluators have evaluated the LAF as an independent legal entity against EKN-Kigali's Checklist for Organisational Capacity Assessment (COCA). (EKN-Kigali, Undated) In all respects, the LAF has been shown to be "Highly Satisfactory", this being the highest possible graded assessment on the Checklist.

Recommendation 17

As such it is recommended that should EKN-Kigali elect to make further grants for the LAF, that this be done directly with the LAF as the legal recipient of such funds.

Conclusion 18

In terms of an agreement between DIHR and the Government, should DIHR not continue to be the legal recipient of funding for the LAF, all associated assets be donated to a third party in the form of an NGO.

Recommendation 18

Should any future funding agreement be signed between EKN-Kigali and the LAF (as opposed to with DIHR), all assets in the name of DIHR or purchased on behalf of the LAF must be transferred to the LAF. Accordingly, DIHR ought to lobby the government to ensure that this happens.

Conclusion 19

The LAF heralds a new approach for how CSOs work together and this has augured well for Government who can talk to the LAF rather than a myriad of organisations. Thus this an efficient method of consultation and collaboration and it has worked very well with high levels of Government satisfaction with the LAF. However, the LAF needs to bear in mind that there is always the possibility in the future that it would be called upon to defend its independence.

Recommendation 19

While there is no current evidence to suggest this, the LAF must nevertheless develop strong lobbying skills and social capital to ensure that it is never subsumed by Government nor for that matter, donors. In regard to social capital, the growing maturity of its members as already alluded to, is affirming. This social capital needs to be developed with communities as ultimate beneficiaries and this can be achieved

through greater visibility and communication with them. The enhancement of social capital may also alleviate some concerns by INGOs on the independence of the LAF and possibly enhance their trust that the LAF will represent all members including INGOs with appropriate decorum.

Conclusion 20

The above Conclusion is also relevant the LAF not being subsumed by the Secretariat itself and the ability of the LAF to consistently speak with a consensual voice that is representative of its members. For example in an emergency situation that has developed unexpectedly and without warning, the Coordinator of the LAF Secretariat may be asked by the media to comment on sensitive issues and it may be impractical to convene a meeting of the Steering Committee or to call its President to deliberate over this. The Coordinator is then faced with the unenviable task of making an ad hoc decision that may result in comments that may be potentially damaging to the LAF in one way or the other.

The above scenario could easily be transposed on the Head of a member organisation asked or pressurized for views or comments on the LAF.

Recommendation 20

It is therefore recommended that the Charter of the LAF be amended to reflect that the Coordinator of the Secretariat is the ex officio spokesperson of the LAF and that he or she will only represent views and make comments that have been previously approved by the Steering Committee or its President or which are consistent with the policies of the LAF and where this is not possible or practically impossible, that such views and comments are made in his or her personal capacity.

A further recommendation is that procedures be developed for the Secretariat and the Steering Committee to ensure that utterances and attendance at official and unofficial meetings are properly documented particularly in relation to what was said, what was decided, what needs to now happen and by whom and that this is shared within the LAF structures. A mechanism to monitor dissemination of such report and follow-up actions also needs to be developed.

5.3. Main Conclusion

With the establishment of the LAF as an independent legal entity and with the possibility that the LAF could act as Grant Manager for the LACSF, there is a window of opportunity to establish the LAF as a truly indigenous network in Rwanda. It is submitted that this opportunity be an element of the strategic engagement of the LAF by donors and in this case, EKN-Kigali.

The LAF has become somewhat of an anomaly in its success when compared to other legal aid/access to justice/paralegal/advice office networks, as evident in South Africa for example by the collapse of the National Community-Based Paralegal Association and the National Paralegal Institute.

Reasons for this anomaly lie in the utility of the LAF by Government and EKN-Kigali, members, ultimate beneficiaries and other stakeholders. This is indicated by an emergent yet strong social capital, effective leadership, governance and management, joint learning, and mutually beneficial partnerships and collaboration. (Ferri, 2004)

This should not be overshadowed by the flaws in the design of the programme intervention nor that this has been aggravated by the lack of a monitoring and evaluation policy and plan both underpinned by the measurement of impact.

What is important is that members of the LAF have a basis for perceiving benefits directly attributable to the LAF, namely:

- Enhanced efficiency, reach and impact through the multiplier effect of increased access to:
 - capacity building
 - information and knowledge sharing
 - technical expertise
 - financial resources
- Solidarity and support
- Increased visibility of issues
- Influence over Government policy
- Best practices
- Reduced isolation
- Increased credibility
- Overwhelming benefits as opposed to cost

“Networks are not institutions, and the same rules do not apply. Donors can help by de-linking networks from the formal project cycle. Networks take time to develop, and often funding is terminated just at the point when burgeoning networks are beginning to come into their own. Donors would also be wise to let go of their customary results orientation when they support networks, and trust that they will do their jobs.” (Ferri, 2004)

“Our study shows that in terms of funding levels, support is needed for core funding and not just for projects...it appears that donor support is most crucial in the network startup phase, lasting approximately five years. After this point, many networks are able to find alternate or self-generated forms of funding. Donor assistance in referring networks to other potential donors would be another positive contribution.” (Ferri, 2004)

It is submitted that in the case of the LAF, that despite it being in operation for 4 years, its development has been exponential in practically every aspect and that furthermore, despite the technical inconsistencies in evaluating impact, the LAF has been very much result orientated.

5.4. Main Recommendation

It is therefore recommended that EKN-Kigali consider any future funding of the LAF as a wise investment in the future social development of Rwanda thereby contributing to “A Rwanda where the indigent and vulnerable groups have equitable access to justice”. (Legal Aid Forum, 2010)

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Appendix A: Framework for Evaluation Questions

(A) Needs Assessment

- Have the problem(s) which the programme intended to tackle been accurately analysed?
- Have the identified problems been broken down into short, medium and long term needs? For each of these categories, has a target population been identified?
- Has LAF's response to the identified needs been satisfactorily explained? In particular, does the logframe establish a clear link between these needs and:
 - the objectives of the partner country;
 - the objectives of RNE?

Point (A) relies on the analysis of the problem envisaged in the development of the logical framework.

(B) The objectives to be achieved

- Have the objectives of the programme been clustered, scaled and broken down into:
 - general objectives;
 - specific objectives;
 - operational objectives?
- Have these objectives been specified according to:
 - geographical areas;
 - associated target population?

(C) The intended results and the indicators necessary to evaluate them

- Have the general and specific objectives been expressed in terms of intended effects (i.e. impacts, results, outcomes)? Are the objectives specified in this way accompanied by target levels providing an indication of what would be considered a success (partial or total) for actions implemented under the project or programme?
- Have appropriate indicators been included to measure:
 - necessary resources (financial/human resources perspective);
 - outputs;
 - results (outcomes);
 - and the impacts of the project or programme?
- Can these indicators be verified objectively?

Items (B) and (C) refer respectively to the analysis of the objectives and to the stage of the logical framework approach when objectively verifiable indicators are developed.

(D) Added value of the Commission intervention

Coherence

- Does the document verify that there is harmonisation between the objectives of the project or programme, and with the objectives of:
 - other donors?
 - the national policies or sectoral programmes of the partner country?

Coordination

- Have sufficient coordination mechanisms been envisaged between those carrying out implementation projects within the same sector and/ or the same region, whatever the source of funding?

Complementarity

- Can one verify that there is no duplication between the intervention being considered and other interventions of the beneficiary country and/or other donors, in particular other RNE programmes/other donors?
- Can one verify that the different activities anticipated for the sector and/or region are harmonised?
- Has the possibility of synergies between similar activities or within the same sector been examined?

Point (D) reiterates elements of the analysis of strategies envisaged in the logical framework approach.

(E) Alternative intervention options and risks

Alternative intervention options

- Are there several alternative intervention options?
- Is at least one of these described in detail, drawing lessons learnt from other implementations in similar contexts?
- Can one show that LAF has it has sufficient alternatives and has properly canvassed risks?

Risks

- Have the main risks and assumptions linked to the intervention been accurately identified?
- Does LAF identify the means intended to mitigate these risks?

Point (E) refers to the analysis of strategies and the identification of assumptions of the logical framework approach.

(F) Lessons learnt from similar experiences in the past

- Does LAF outline the results or conclusions of project evaluations, geographical evaluations (at national or regional level) or thematic/ sectoral evaluations?
- Do they outline information provided by the ROM (Result Oriented Monitoring) system for similar projects and programmes? Does a ROM system exist?
- Does the document indicate how this information can be used to improve the design of the project/programme?

(G) The amount of funding, staff resources and other administrative expenditure to be allocated in line with the principle of cost-effectiveness

- Does the programming documents outline the implications of the proposed option in terms of costs (broken down into funding, staff resources and other administrative expenditure)?
- Has an analysis been done of whether the means envisaged are appropriate for the objectives of the intervention?

Point (G) corresponds to the stage of the logical framework approach when the means and costs are identified.

(H) Monitoring system

- Are the proposed methods for data collection, storing and handling which correspond to the indicators (specified in point c)) satisfactory?
- Does the document envisage a monitoring system including indicators and target levels for:
 - funding;
 - staff resources;
 - administrative resources;
 - timescales?

- Will this system equally allow monitoring of:
 - the outputs;
 - the results of a project or programme?
- Will the monitoring system be fully operational from the outset of implementation of the project or programme?
- Has an evaluation programme been established?

Appendix B: Scoring Grid for Evaluating the LAF

Scoring Grid for Evaluating the LAF

Please tick **one** of the numbers between 1-5 which best scores each issue on the grid.

- 1 = unacceptable = criteria mostly not fulfilled or totally absent
- 2 = weak = criteria partially fulfilled
- 3 = good = criteria mostly fulfilled
- 4 = very good = criteria entirely fulfilled
- 5 = excellent = criteria entirely fulfilled in a clear and original way

This is an anonymous questionnaire.

Problems and needs (Relevance)	Score				
The extent to which the objectives of the development intervention (programme) are consistent with beneficiaries' requirements, country needs, global priorities and partners' and RNE's policies.					
The extent to which the project has been consistent with, and supportive of, the policy and programme framework within which the project is placed, in particular RNE's Country Strategy Paper and National Indicative Programme, and the Rwandan Government's development policy and sector policies	1	2	3	4	5
The quality of the analyses of lessons learnt from past experience, and of sustainability issues;	1	2	3	4	5
The programme's coherence with current/on going initiatives;	1	2	3	4	5
The quality of the problem analysis and the project's intervention logic and logical framework matrix, appropriateness of the objectively verifiable indicators of achievement;	1	2	3	4	5
The extent to which stated objectives correctly address the identified problems and social needs, clarity and internal consistency of the stated objectives;	1	2	3	4	5
The extent to which the nature of the problems originally identified have changed;	1	2	3	4	5
The extent to which objectives have been updated in order to adapt to changes in the context/mid-term review;	1	2	3	4	5
The degree of flexibility and adaptability to facilitate rapid responses to changes in circumstances;	1	2	3	4	5

The quality of the identification of key stakeholders and target groups (including gender analysis and analysis of vulnerable groups) and of institutional capacity issues;	1	2	3	4	5
The stakeholder participation in the design and in the management/implementation of the project, the level of local ownership, absorption and implementation capacity;	1	2	3	4	5
The quality of the analysis of strategic options, of the justification of the recommended implementation strategy, and of management and coordination arrangements;	1	2	3	4	5
The realism in the choice and quantity of inputs (financial, human and administrative resources);	1	2	3	4	5
The analysis of assumptions and risks;	1	2	3	4	5
The appropriateness of the recommended monitoring and evaluation arrangements.	1	2	3	4	5
	1	2	3	4	5
Achievement of purpose (Effectiveness)					
The effectiveness criterion, concerns how far the programme's results were attained, and the specific objective(s) achieved, or are expected to be achieved.					
Whether the planned benefits have been delivered and received, as perceived by all key stakeholders (including women and men and specific vulnerable groups);	1	2	3	4	5
Whether intended beneficiaries participated in the intervention;	1	2	3	4	5
In terms of institutional reform, whether behavioural patterns have changed in the beneficiary organisations or groups at various levels; and how far the changed institutional arrangements and characteristics have produced the planned improvements (e.g. in communications, productivity, ability to generate actions which lead to economic and social development);	1	2	3	4	5
If the assumptions and risk assessments at results level turned out to be inadequate or invalid, or unforeseen external factors intervened, how flexibly management has adapted to ensure that the results would still achieve the purpose; and how well has it been supported in this by key stakeholders including Government, Commission (HQ and locally), etc.;	1	2	3	4	5
Whether the balance of responsibilities between the various stakeholders was appropriate, which accompanying measures have been taken by the partner authorities;	1	2	3	4	5
How unintended results have affected the benefits received positively or negatively and could they have been foreseen and managed;	1	2	3	4	5
Whether any shortcomings were due to a failure to take account of cross-cutting or over- arching issues such as	1	2	3	4	5

gender, environment and poverty during implementation.					
Sound management and value for money (Efficiency)					
The efficiency criterion concerns how well the various activities transformed the available resources into the intended results (sometimes referred to as outputs), in terms of quantity, quality and timeliness. Comparison should be made against what was planned.					
	1	2	3	4	5
Operational work planning and implementation (input delivery, activity management and delivery of outputs),and management of the budget (including cost control and whether an inadequate budget was a factor);	1	2	3	4	5
Management of personnel, information, property, etc,	1	2	3	4	5
Whether management of risk has been adequate, i.e. whether flexibility has been demonstrated in response to changes in circumstances;	1	2	3	4	5
Relations/coordination with local authorities, institutions, beneficiaries, other donors;	1	2	3	4	5
The quality of information management and reporting, and the extent to which key stakeholders have been kept adequately informed of project activities (including beneficiaries/target groups);	1	2	3	4	5
Respect for deadlines	1	2	3	4	5
Extent to which the costs of the programme have been justified by the benefits whether or not expressed in monetary terms in comparison with similar projects or known alternative approaches, taking account of contextual differences and eliminating market distortions;	1	2	3	4	5
Partner country contributions from local institutions and government (e.g offices, experts, reports, tax exemption, as set out in the LogFrame resource schedule), target beneficiaries and other local parties: have they been provided as planned?;	1	2	3	4	5
Secretariat inputs (e.g. procurement, training, contracting, either direct or via consultants/bureaux): have they been provided as planned?;	1	2	3	4	5
Technical assistance: how well did it help to provide appropriate solutions and develop local capacities to define and produce results?;	1	2	3	4	5
Quality of monitoring: its existence (or not), accuracy and flexibility, and the use made of it; adequacy of baseline information;	1	2	3	4	5
Did any unplanned outputs arise from the activities so far?	1	2	3	4	5

	1	2	3	4	5
Achievement of wider effects (Impact)					
The term impact denotes the relationship between the project's specific and overall objectives.					
Whether the effects of the project have been facilitated/constrained by external factors;	1	2	3	4	5
Have produced any unintended or unexpected impacts, and if so how have these affected the overall impact;	1	2	3	4	5
Have been facilitated/constrained by programme management, by co- ordination arrangements, by the participation of relevant stakeholders;	1	2	3	4	5
Have contributed to economic and social development;	1	2	3	4	5
Have contributed to poverty reduction;	1	2	3	4	5
Have made a difference in terms of cross-cutting issues like gender equality, environment, good governance, conflict prevention etc.;	1	2	3	4	5
Were spread between economic growth, salaries and wages, foreign exchange, and budget.	1	2	3	4	5
Likely continuation of achieved results (Sustainability)					
The sustainability criterion relates to whether the positive outcomes of the programme and the flow of benefits are likely to continue after external funding ends or non-funding support interventions (such as: policy dialogue, coordination).					
The ownership of objectives and achievements, e.g. how far all stakeholders were consulted on the objectives from the outset, and whether they agreed with them and continue to remain in agreement;	1	2	3	4	5
Policy support and the responsibility of the beneficiary institutions, e.g. how far donor policy and national policy are corresponding, the potential effects of any policy changes; how far the relevant national, sectoral and budgetary policies and priorities are affecting the programme positively or adversely; and the level of support from governmental, public, business and civil society organizations;	1	2	3	4	5
Institutional capacity, e.g. of the Government (e.g. through policy and budgetary support) and counterpart institutions; the extent to which the project is embedded in local institutional structures; if it involved creating a new institution, how far good relations with existing institutions have been established; whether the institution appears likely to be capable of continuing the flow of benefits after the project ends (is it well-led, with adequate and trained staff, sufficient budget and equipment?); whether counterparts have been properly prepared for taking over, technically, financially and managerially;	1	2	3	4	5

The adequacy of the project budget for its purpose particularly phasing out prospects;	1	2	3	4	5
Socio-cultural factors, e.g. whether the project is in tune with local perceptions of needs and of ways of producing and sharing benefits; whether it respects local power- structures, status systems and beliefs, and if it sought to change any of those, how well- accepted are the changes both by the target group and by others; how well it is based on an analysis of such factors, including target group/ beneficiary participation in design and implementation; and the quality of relations between the external project staff and local communities;	1	2	3	4	5
Financial sustainability, e.g. whether the products or services being provided are affordable for the intended beneficiaries and are likely to remained so after funding will end; whether enough funds are available to cover all costs (including recurrent costs), and continued to do so after funding will end; and economic sustainability, i.e. how well do the benefits (returns) compare to those on similar undertakings once market distortions are eliminated;	1	2	3	4	5
Technical (technology) issues, e.g. whether (i) the technology, knowledge, process or service introduced or provided fits in with existing needs, culture, traditions, skills or knowledge; (ii) alternative technologies are being considered, where possible; and (iii) the degree in which the beneficiaries have been able to adapt to and maintain the technology acquired without further assistance;	1	2	3	4	5
Wherever relevant, cross-cutting issues such as gender equity, environmental impact and good governance; were appropriately accounted for and managed from the outset of the project.	1	2	3	4	5
Mutual reinforcement (coherence)					
The extent to which activities undertaken allow RNE to achieve its development policy objectives without internal contradiction or without contradiction with other Community policies. Extent to which they complement partner country's policies and other donors' interventions.					
Whether results and impacts mutually reinforce one another;	1	2	3	4	5
Whether results and impacts duplicate or conflict with one another.	1	2	3	4	5
Connection to higher level policies (coherence)					
Extent to which the project/programme (its objectives, targeted beneficiaries, timing, etc.):	1	2	3	4	5
Contradicts other donor policies;	1	2	3	4	5
Is in line with evolving strategies of donors and their partners.	1	2	3	4	5



Appendix C: Terms of Reference for the Evaluation

Terms of Reference - Consultancy - 3-year Evaluation

Terms of Reference for a 3-year evaluation of the Rwandan Legal Aid Forum under the project “*Building the Foundations of Access to Justice in Rwanda*.”

Position: Experienced consultancy team to carry out a 3-year evaluation of the project

Location: Rwanda

Duration: Approximately 15 days at least 12 of which should be spent in Rwanda. Fieldwork should take place in September 2010.

1. BACKGROUND

1.1. Overall objective and aims of the project

The Legal Aid Forum (LAF) is a network of legal aid providers working towards a vision of ‘*equitable access to justice for all*’ with the mission ‘*to promote equitable access to justice for the indigent population and vulnerable groups, through the provision of accessible and high quality legal aid services*’. It was started in 2006 following a study on legal aid that highlighted the existence of many positive initiatives, but noted limited collaboration and fragmented service provision. The LAF thus aims to create a space for organisations to share information and best practises, collaborate around capacity building and identify areas where combined efforts will strengthen advocacy and research.

The strategic plan 2008-2010, developed following a Legal Aid Baseline Survey and Needs Analysis (2007), focuses on 4 key output areas:

- I LEGAL AID FORUM: Existence of a functioning and sustainable Legal Aid Forum
- II CAPACITY BUILDING: A number of Legal Aid Providers with the skills and capacity to provide quality and accessible legal aid services to indigent population and vulnerable groups
- III RESEARCH & ADVOCACY: Presented research and analysis that advocates for amendments to the Legal Aid Framework and monitoring of developments
- IV LEGAL AID PROJECTS: Legal aid services provided to the indigent population and vulnerable groups in specific thematic and geographic areas

The LAF is currently funded by the Royal Netherlands Embassy in Rwanda and DANIDA through the Danish Institute for Human Rights (DIHR). DIHR also provides technical support to the LAF.

1.2 Organisational structure

The LAF is a membership based organisation governed by its Charter adopted by the members on 12 May 2009, amending the initial Charter adopted on 26 October 2006.

The membership comprises over 30 Rwandan civil society organisations, the Rwandan Bar Association, the Corps of Judicial Defenders, university legal clinics, trade union organisations and a number of international organisations supporting the work of national legal aid providers.

Under the overall guidance of the General Assembly, an elected Steering Committee of 9 organisations assures the planning and development of the LAF and a small Secretariat is responsible for the day-to-day management of the LAF activities.

LAF organs also comprise an Internal Audit Committee mandated to review the financial and administration management by the Secretariat of the LAF resources and assets.

A grant making structure has been developed under the LAF since 2008, named the Legal Aid Civil Society Fund, to which LAF member organisations can apply singularly or jointly for legal aid project funds. This Fund is currently managed by DIHR.

2. OBJECTIVES OF THE EVALUATION

The objectives of the evaluation are:

- To measure and assess the effectiveness, impact, relevance, sustainability and efficiency of the LAF project in working towards the realisation of its objectives per output area (I to IV) over the last three-year of operations. Within those output areas specific attention needs to be paid to the capacity building aspects for the members of the Forum, the functioning of the elected Steering Committee, as well as to the functioning of the Project Fund (PF) and its selection criteria and decision making process. The PF in particular is a crucial tool for facilitating access to justice and legal advice at the local level. The output of the activities financed by the PF will require analysis at the local beneficiary level.
- To provide an analysis of the role of LAF in the Justice Sector SWAP process and setting.
- To analyse and document the lessons learnt and provide recommendations for the next operational phase of the LAF from 2011 onwards.

3. METHODOLOGY

The evaluation should combine a number of different techniques and approaches including but not limited to:

- A review of background literature, policy documents, project documents and materials; and
- Field work comprising semi structured interviews, field visits, focus group discussions, roundtables – with LAF members, Secretariat staff, partners, core stakeholders and beneficiaries at the local level.

The final report should be written in English in a clear concise style of writing.

4. EVALUATION PROCEDURE

The evaluation will take place in September 2010 for a period of approximately 15 days. At least 12 of those days should be spent in Rwanda.

By September 30, 2010 the final report shall be provided to the Royal Netherlands Embassy in Kigali, P.O. Box 6613, Kacyiru, Kigali, Rwanda or alternatively by email to frieda.nicolai@minbuza.nl or by fax no: +250 252 584503.

5. CRITERIA

It is envisaged that a team of 2 people will carry out the consultancy bringing different expertise and perspectives. The team should have, at a minimum, the following qualifications and experience:

- **Professional Experience:** at least 10 years of experience working on human rights and/or access to justice projects including specific experience in carrying out external evaluations. At least one member of the team should have significant experience working with donors and an in-depth knowledge of different approaches to funding civil society initiatives.

Prior experience and knowledge of Rwanda's developments within the justice system and evolution of civil society is highly desirable.

- **Education:** a post graduate degree in a relevant discipline such as human rights, law, anthropology, sociology, international relations.
- **Language:** fluency in either English and French in order to be able to read documents and communicate effectively in both languages.
- **Skills:** excellent oral and written communication skills and the ability to build a rapport with people of differing experiences and backgrounds.
- **Other:** willingness to travel to and stay in rural areas.

6. APPLICATION PROCEDURE

Interested consultants from Rwanda or other countries should submit an application containing the following elements:

- A 2-4 page concept paper including substantive and methodological aspects;
- Curriculum vitae of the proposed consultants and the particular relevant expertise that each consultant brings to the evaluation; and
- Proposed consultancy fees, budget and timetable.

Consultants may either apply as a team or individually and a proposal for a team will be discussed at the short-listing stage.

Notes:

- A DSA according to donor standards will be provided.
- Translation of documents and meetings in Rwanda from Kinyarwanda to English, if and when required, will be arranged by the Legal Aid Forum.

Applications should be sent electronically by 15 August 2010 5pm (Rwandan Time) to the Royal Netherlands Embassy to the following email addresses: frieda.nicolai@minbuza.nl and KIG@minbuza.nl

Confirmation of receipt of applications will be sent. If a confirmation is not received the applicants should check or re-send. Only short-listed candidates will be contacted.