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RWANDA LEGISLATIVE PROCESS STRENGTHENING

FOURTH QUARTERLY REPORT
(FEBRUARY 1, 2009 – MARCH 31, 2009)

MAY 2009

This publication was produced for review by the United States Agency for International Development. It was prepared by ARD, Inc.

This Fourth Quarterly Report covers the period from February 1, 2009 through to the end of the reporting period on March 31, 2009.

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DISCLAIMER

The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

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ACRONYMS AND ABBREVIATIONS

CNLS	National AIDS Control Commission
CSO	Civil Society Organizations
GOR	Government of Rwanda
ILPD	Institute of Legal Practice and Development
LDU	Legislative Drafting Unit
LITF	Legislative Initiatives Task Force
LPS	Legislative Process Strengthening
MCC	Millennium Challenge Corporation
MINIJUST	Ministry of Justice
NGO	Non-Governmental Organization
OVC	Orphans and Vulnerable Children
PEPFAR	President's Emergency Plan for AIDS Relief
PLWHA	People Living With HIV/AIDS
UNAIDS	Joint United Nations Programme on HIV/AIDS
USAID	United States Agency for International Development

1.0 PROJECT OVERVIEW

The Rwanda Legislative Process Strengthening (LPS) project is funded by the United States Agency for International Development (USAID)/Rwanda Democracy and Governance Office and benefits also from support by the President's Emergency Plan for AIDS Relief (PEPFAR). The LPS is designed to provide the Ministry of Justice (MINIJUST) and other Government of Rwanda (GOR) offices with technical assistance for legislative drafting and in the legislative process, as well as to support Rwanda civil society organizations (CSOs), and non-governmental organizations (NGOs) working on HIV/AIDS and related issues to better understand and participate in the legislative process.

This LPS project was launched in early 2008, and the Work Plan and associated budget were presented for review and approved by USAID in March 2008. The Work Plan proposed activities to support the professionalization of the legislative drafting process in Rwanda while also providing assistance in substantive legal areas. The latter included areas specifically of interest to PEPFAR target populations (i.e., people living with HIV/AIDS [PLWHA], women, and Orphans and vulnerable children [OVC]). ARD mobilized personnel to begin work in April 2008.

The LPS project made progress during the reporting period in association with both Task Area One: Improve Quality of Legislation and Task Area Two: Support PEPFAR-Germane Legislation. For Task Area One: Improve Quality of Legislation, the training of legislative drafters of the Legislative Drafting Unit and Public Seal Assistants was launched in collaboration with the MINIJUST and the Institute of Legal Practice (ILPD). For Task Area Two: Support PEPFAR-Germane Legislation, the LPS held regular meetings with CSOs and NGOs whose work is focused on HIV/AIDS and related issues, provided training with respect to the Rwandan legislative process, and continued forming the Legislative Initiatives Task Force (LITF).

More generally during the reporting period ARD made significant efforts to ramp up the pace of the LPS project activity implementation in response to the USAID request. The Senior Technical Advisor/Manager for the LPS, Dr. Jesse Biddle, made two trips to Kigali to meet with USAID officers, GOR officials, and project stakeholders in order to identify and take required actions. A Revised Work Plan and Budget Modification proposals were submitted for USAID review in March. As well, a key staffing change was made; the Country Director, Catherine Hall, was asked to complete her contributions by the second half of April and Dr. Denis Roumestan was mobilized first as a short-term expert consultant and trainer, and second to serve as the Senior Legislative Expert for the LPS in Rwanda. Moving forward, Dr. Roumestan will be the lead ARD staff member for the LPS in-country and will serve as the day-to-day liaison for the LPS with USAID/Rwanda, the GOR, and local project stakeholders. Dr. Roumestan will work closely with the ARD home office LPS team members to ensure LPS goals and objectives are met and will report directly to Dr. Biddle.

2.0 PROJECT ACTIVITIES

The anticipated project activities fall under two task areas—Task Area One: Improve Quality of Legislation and Task Area Two: Support PEPFAR-Germane Legislation. Project activities acted upon between February 1, 2009 – March 31, 2009 are as follows.

2.1 TASK AREA ONE: IMPROVE QUALITY OF LEGISLATION

Activities under this task area are designed to improve the quality of the laws drafted in Rwanda. The focus is on improving the work performed by the community of legislative drafters in Rwanda and assisting the MINIJUST and the GOR to refine the legislative drafting process and enable more inclusive consultation with citizens and civil society.

2.1.1 Activity 1: Provide Legislative Drafting Expertise

Project Anticipated Results: The legislative drafting systems and processes of the executive branch are improved and better institutionalized (e.g., with a drafting handbook), and select draft legislations are improved in policy and legal areas that are germane to PEPFAR target populations and of interest to USAID/Rwanda.

Timing: April 2008 – September 2009.

Results during February 1, 2009 – March 31, 2009: The MINIJUST is the key GOR office for the LPS as it both serves to oversee and provide guidance for the project, and the drafters working in the ministry are the primary project beneficiaries. At the same time, the ILPD was identified by the GOR as a dedicated unit to provide training and related technical support for legal drafters in Rwanda. Further, USAID, the Millennium Challenge Corporation (MCC), and other international donors are also supporting or intend to support the ILPD. Accordingly, the LPS has sought to develop consultative relations with the ILPD, while also ensuring project activities are developed in close conversation and with the direct guidance of the MINIJUST.

During the reporting period, LPS enhanced the content of the training curriculum, which has been under development for supporting the training needs of the community of Rwandan legislative drafters. The new curriculum, which reflects considerable input from Dr. Denis Roumestan, was approved by the MINIJUST and ILPD as it addressed specifically the training needs of GOR legislative drafters with a view to improving the efficiency of the Legislative Drafting Unit (LDU) (see **Annex 1**). The training itself started on March 2, 2009 with the content of Module One as part of the delivery of three planned Modules. As explained in the previous Quarterly Report, each module was designed to be delivered independently but to cumulatively build with the modules that followed.

This first training module also included a strategy for developing and putting in place a Legislative Drafting Handbook; the initial outline, handbook ideas, and generally the basic contents and structure of the handbook were developed during this training in a collaborative fashion with the trainees from the Legislative Drafting Unit.

2.1.2 Activity 2: Train Legislative Drafters

Project Anticipated Results: Baseline training and select substantive trainings provided for legislative drafters.

Timing: Trainings provided intermittently during April 2008 – September 2009.

Results during February 1, 2009 – March 31, 2009: During the reporting period, the LPS held several meetings with the MINIJUST so as to provide a relevant training to the Legislative Drafting Unit and the Public Seal Assistants.

During the reporting period, LPS conducted the training of nine legislative drafters from the MINIJUST on Module One as part of the delivery of the three Modules. This training lasted for five days, March 2 – 6, 2009, in Karongi District and was conducted by Dr. Denis Roumestan, Catherine Hall, and international consultant Anne-Edline Francois. The training was organized around three layers: Legislative Background, Drafting Techniques, and Improving Efficiency. The topics covered in this training included: Introduction to Legislative Drafting; Legislative Background I and II; Drafting Techniques I to IV; Improving Efficiency I and II; and Structure of Legislative Drafting Handbook.

Attending this workshop also were Ms. Vastina Rukimirana, the Rector of ILPD; Dr. Jesse Biddle from the ARD home office; and Mr. Jean Pierre KAYITARE, the Head of the Legislative Drafting Unit at the Ministry of Justice.

Training for the Module Two began on March 31, 2009 with much the same format, and its content will be reported in the next Quarterly Report.

The LPS obtained from ILPD its support for the content of the training as well as an agreement to provide a certificate to acknowledge the achievement of drafters that successfully complete the modular training. The ILPD itself is considering developing a Master's Degree program for legislative drafting, and the successful completion of the initial baseline modular training could be a prerequisite or could enter into this program. The evaluation of the trainees was aimed to meet or exceed international standards in legal practice (the passing mark in Module One was 50%; the passing mark for Module Two and Three will be 60% and 75%, respectively).

The LPS is further preparing this training to be delivered for a broader group of drafters working in diverse ministries and Parliament. The timeframe for this additional training will be confirmed in the next Quarterly Report.

2.1.3 Activity 3: Create Legislative Tracking Tool

Anticipated Results: Information on the progress of draft legislation in the legislative process made available and more transparent for the GOR, CSOs, and other stakeholders.

Timing: Legislative tracking tool designed and discussed with CSOs in October – December 2008.

Results during February 1, 2009 – March 31, 2009: In October, 2008, the LPS designed a template for a legislative tracking tool that was based on initial LPS research into the lawmaking process in Rwanda as it relates to the executive and legislative branches of government. During the reporting period, the LPS presented versions of this tool in training activities for officers from CSOs and NGOs working on HIV/AIDS and related issues as a way to help educate them in terms of how they and their organizations can understand and better participate in lawmaking. See below under Activity 4 and **Annex 2** for details on the participants for these trainings. In

addition, this tool and a discussion of the overall legislative process was included in the Module One of the training activity for legislative drafters noted above.

The Legislative Tracking Tool document has been revised and enhanced and is also to be presented to all the legislative drafters (in the LDU and other ministries as well as Parliament). A workshop will be held to this effect during the next reporting period, and validation by the MINIJUST and Parliament will be followed by printing and distribution to the stakeholders, including CSOs and NGOs interested in HIV/AIDS and related issues (see below under Activity 4). During the validation, the LPS will also make inquiries with the MINIJUST to determine the GOR's level of in a web-based application of the Legislative Tracking Tool.

2.2 TASK AREA TWO: SUPPORT PEPFAR-GERMANE LEGISLATION

Activities under this project task area will support the improvement of draft legislations and the revision of existing legislations that impact on the lives of PLWHA and OVC groups by assisting CSOs to better understand and participate in the legislative process.

2.2.1 Activity 4: Train CSOs to Understand the Legislative Process

Project Anticipated Results: Rwandan CSOs and NGOs better informed regarding the legislative process and legislative calendar, and better understand how to engage executive and legislative branch officials in dialogue and advocacy on legislative issues.

Timing: Initial training in October 2008 and subsequent trainings on a quarterly basis.

Results during February 1, 2009 – March 31, 2009: During the reporting period, CSO and faith-based organizations were invited for consultative meetings held at the ARD/LPS office on February 25, 2009 and March 20, 2009. Discussions in these meetings concentrated on a) set-up of the legislative Initiative task force, b) explanation and training on the Rwandan legislative process, and c) presentation of the template for the Legislative Tracking Tool. Under the explanation and training on the Rwandan Legislative process the Senior Legislative Expert, Dr. Denis Roumestan, presented a graphic chart that summarized the Legislative Process which was well received by the participants (see **Annex 3**). These meetings were also attended by representatives from the National AIDS Control Commission (CNLS), the Joint United Nations Programme on HIV/AIDS (UNAIDS), and USAID. **Annex 2** presents a cumulative list of the organizations and officers who have attended one or more of these training activities.

Additionally during the reporting period, the LPS began drafting a Legislative Process Handbook that is to be distributed to CSOs and NGOs working on HIV/AIDS and related issues. This handbook is intended to complement the training activities noted above for these Rwandan organizations and will contain a version of the Legislative Tracking Tool.

2.2.2 Activity 5: Coordinate Legislative Workshops

Anticipated Results: Select draft legislation improved (including ones germane for PEPFAR target populations) following legislative workshops, the practice of public consultation on draft legislation further embedded in Rwanda, and key legislation shepherded forward by coalitions of interested GOR officials and non-governmental CSOs.

Timing: The GOR's legislative calendar and priorities will determine the opportunities and timing for legislative workshops.

Results during February 1, 2009 – March 31, 2009: The LPS has met with the Deputy Speaker of the Chamber of Deputies about a workshop or workshops to consider specific draft legislation, such as the Gender-Based Violence Bill and the Reproductive Rights Bill.

The LPS further engaged a Rwandan legal expert and consultant, Mr. Idi Gaparayi, in order to develop a detailed report on the legal issues of interest, and the need for legislative reform. This report was initially drafted during the reporting period and is intended to contribute to CSO understanding of the issues. In addition, the report will be presented to the MINIJUST, the Ministry of Health, the CNLS, key representatives of other GOR Ministries, Committees of Parliament, and other stakeholders. These bilateral workshops should help generate a consensus on required legal reforms, and the LPS will remain prepared to provide technical input as may be required, such as into the drafting of a bill and the holding of legislative workshops.

2.2.3 Activity 6: Coordinate Legislative Initiatives Task Force

Anticipated Results: Information sharing and the capacity for joint action on legislative matters increased among the CSO community.

Timing: The Legislative Initiatives Task Force will be formed in February – April 2009.

Results during February 1, 2009 – March 31, 2009: During the seventh meeting that was held on March 20, 2009 with CSOs and faith-based organizations, criteria were proposed for setting up the Legislative Initiative Task Force, along with its composition and activities. The LPS is planning another meeting with CSOs and faith-based organizations to effectively create the LITF. The LPS is still seeking a formal approval or recognition, and thus an open door for greater collaboration, from the National AIDS Control Council (CNLS). This collaboration should effectively start once the LPS Work Plan has received formal approval by the MINIJUST and subsequent consultations have occurred between LPS and CNLS.

ANNEX 1: COPY OF THE LEGISLATIVE DRAFTING TRAINING CURRICULUM

Module 1: Fundamentals of Legislative Drafting

Content:	<p>Part I: Legislative drafting background. Rwandan constitutional system of government, regional integration, international public law and domestication of treaties, constitutionality of laws, legislative power vs. administrative power, political context, internal regulations. The Purpose of Legislation.</p> <p>Part II: Drafting Techniques. Basic principles of legislative drafting. Analysis techniques (gathering information from policy makers, purpose of intended legislation, identifying priorities). Research techniques (understanding national, regional and international context of legislation, vocabulary in the 3 official languages, existing substantive law, principles and mechanisms, implementation of the law).</p> <p>Part III: Improving efficiency. standardization, concept of agency, standards, forms, procedures, Structure of the legislative handbook</p>
Learning Outcomes	Participants know the background, the basic principles and theories of legislative drafting, and start developing the skills a legislative drafter should have. Participants will contribute their ideas to the drafting of a legislative drafting handbook.
Target group:	- Core legislative drafters at MINIJUST (the Legislative Drafting Unit, or LDU) - In subsequent phases: legislative drafters at other ministries; members and staff of parliament.
Duration:	5 days
Period:	March 2-6, 2009 (depart Sunday, March 1; return Saturday, March 7; venue: Centre Bethanie at Kibuye)
Partners:	MINIJUST, ILPD, USAID/ARD

Module 2: The Drafting Process

Content:	<p>Part I: Legislative Drafting Background: From political idea to drafting legislation; the 5 stages of legislative drafting, the role of the drafter (drafting vs. translating; drafting vs. interpreting, legal opinion).</p> <p>Part II: Drafting Techniques: Structure of the law., scope of the law, numbering, definitions, principle and exceptions, the civil and common law traditions. Defining a Rwanda legislative trilingual style.</p> <p>Part III: Improving Efficiency: Forms, standards and procedures. Content of the legislative drafting handbook.</p>
Learning Outcomes	Drafters will be aware of the logical sequence of the legislative process. Participants have understood drafting process and techniques. Drafting priorities identified, saves time by avoiding drafting proposals that may never be adopted, drafters learn how to prepare coherent and intelligible draft laws. Participants will make recommendations so as to improve efficiency of the drafting process. Participants will contribute their ideas to the drafting of a legislative drafting handbook.
Target group:	- Core legislative drafters at MINIJUST. - In subsequent phases: legislative drafters at other ministries; members and staff of parliament.
Period:	March 30 - April 3, 2009 (4 days; venue TBD)

*Lu et approuvé
par Kayitare Hienso
Deputy Attorney General
Legislative Drafting
27/02/09*

Module 3: Harmonization of Legislation

Content:	<p>Part I: Legislative Drafting Background: the request for drafting, qualifying the bill (organic vs. ordinary law; new law vs. amending law, law vs. regulation).</p> <p>Part II: Drafting Techniques: Miscellaneous Words and Expressions. The meaning of words. Vagueness, ambiguity and instability of words. Simplicity, Precision, Definition, Presentation, miscellaneous matters of style. Words and expressions to avoid, words & expressions to use carefully, expressions of time.</p> <p>Part III: Improving Efficiency: Legislative Handbook. Construction of draft legislation in harmony with the Constitution and existing law</p>
Learning Outcomes	Participants have understood detailed drafting techniques. Drafters will focus on consistency of form and language in conforming draft law and existing law. Drafters will participate in the drafting of a legislative drafting handbook that clarifies rules of construction.
Target group:	- Core legislative drafters at MINIJUST. - In subsequent phases: legislative drafters at other ministries; members and staff of parliament.
Language:	French, English, Kinyarwanda
Period:	April 14-17, 2009 (4 days; venue TBD)

Nota: After completion of each Module, participants will be tested on their practical assimilation of the materials presented. Upon successful completion of the three Modules, participants will be awarded a Certificate.

ANNEX 2: CSOS AND NGOS TRAINED IN THE LEGISLATIVE PROCESS

CSO List of Participants

Updated as of May 20, 2009

N°	Names	Organizations and Title	Email	Telephone	Frequency of attendance						
					1 ST	2 ND	3 RD	4 TH	5 TH	6 TH	7 th
01	CATHERINE E.Hall	ARD/Country Director	kittyhall9@gmail.com	0788301233	X	X	X	X	X		X
02	RUSAGARA Felicien	RRP+ ICAP Technical assistant	Rusagara2@yahoo.fr	0788487331		X	X	X	X		
03	NGARUKIYE Stanis	ARD/Consultant	tostan2000@yahoo.fr	0788304030	X	X	X	X	X	X	X
04	MUERKATETE .M Beatrice	ICYUZUZUO/Program manager	katete6@yahoo.fr	0788485056	X	X	X				
05	NZEYIMANA Richard	Profemme Twese Hamwe M&E	rुकazawally1@yahoo.fr	0788514006	X	X	X				
06	MAFUREBO Joseph	WE-ACTx	mafurebo@yahoo.fr	0788618384	X	X	X	X			
07	SINGIRANKABO Ignace	RCLS Religious Organization network	ignasce@gmail.com	0788304707		X	X	X			
08	Kate Uher	Rwanda Women network	rwawnet@rwanda1.com	0583662	X	X	X				
09	RUSANGANWA Leon	Rwanda NGOs' Forum on HIV/AIDS	info@ngoforum.rw leonrusang@yahoo.fr	0788303054		X	X				

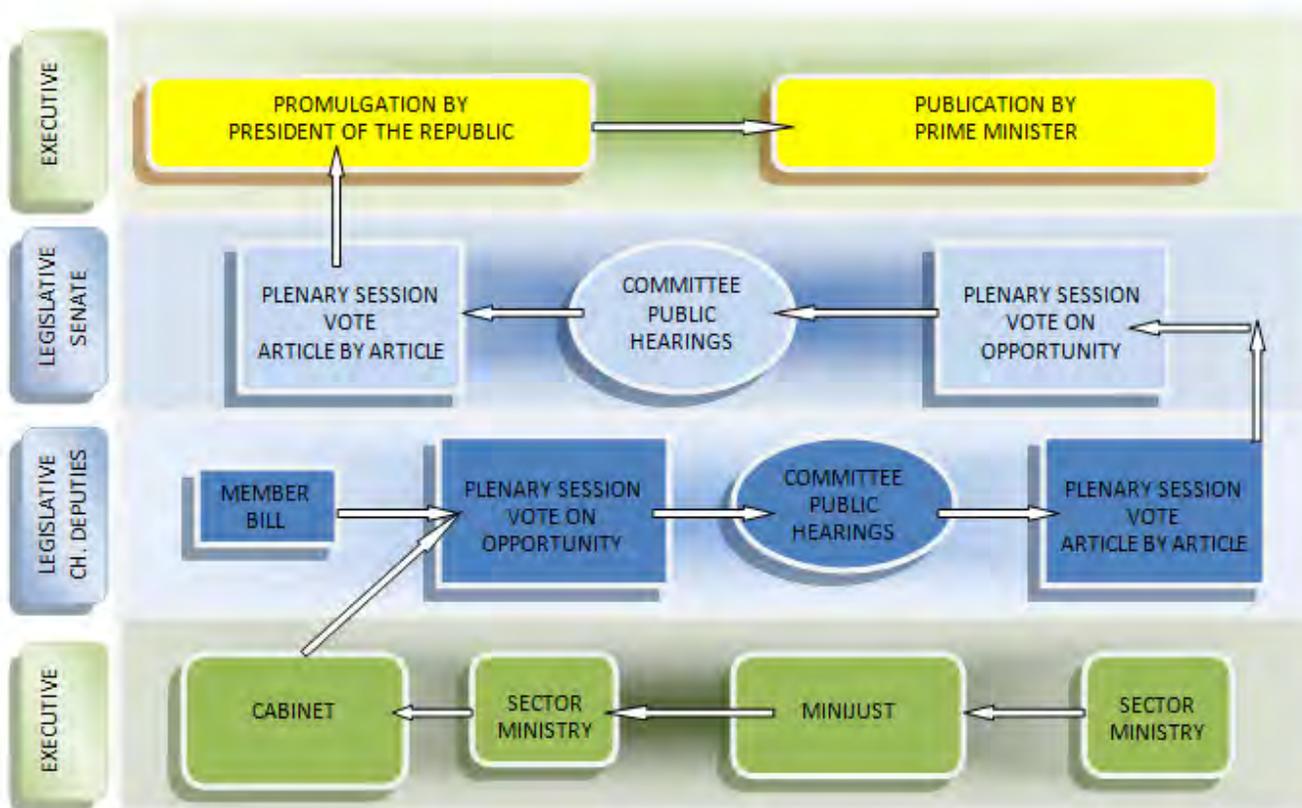
N°	Names	Organizations and Title	Email	Telephone	Frequency of attendance						
					1 ST	2 ND	3 RD	4 TH	5 TH	6 TH	7 th
10	LUCIA Lois	Rwanda NGOs' Forum on HIV/AIDS (UN Volunteer)	Lucia.lois@gmail.com			X	X	X	X	X	
11	MARI PAZ Ortega Rodriguez	(RCLS) Religious Organization network (UN) Volunteer)	selling_the_drama_86@hotmail.com	0783420900		X	X	X	X		
12	NAYIGA Faith	SHAKA JURU/ Secretary	nayifaplus@yahoo.com	0788593815	X	X	X				
13	UZAMUKUNDA DJADIDA	SHAKIJURU		0783260601		X	X				
14	MUKANKURANGA Grace	SWAA-Rwanda/ Palliative Nurse	mukagraced@yahoo.co.uk	0788596647	X	X	X				
15	BAGWENEZA Benard	Umbrella of people living with disabilities /SE	bagweberna@yahoo.fr	0788686221		X	X				
16	NYIRAMANYANA Chantal	AVVAIS	Mvision08@yahoo.fr	0788556911		X	X				
17	NKURUNZIZA Alex	CLADHO	nkurufloor@gmail.com	0788863546		X					
18	UMURUNGI Asumpta	AVEGA	avega@rwanda1.com	0788520122		X					
19	NKURUNZIZA David	AJPRODHO	Nziza1977@yahoo.com	0788633811		X					
20	NGUTEGURE Bellancilla	HAGURUKA	haguruka@oldmail.rwanda1.com	0788863749		X					
21	MUKASEKURU Deborah	ANSP+		0788761985		X					
22	Uwiherekeje Joyeuse	Clinique medicale STE IRITA	uwijoyeu@yahoo.fr	0788673124					X		
23	SAFARI EMANUEL	CLADHO	manusafari@yahoo.fr	0788499022					X		
24	NIZEYIMANA Izabelle	ICW Rwanda	nizizabelle@yahoo.fr	0788595245					X		
25	TWAGIRIMANA Francois	ANSP+	Oneperwa1@yahoo.fr	0783385658					X		
26	KANDAMA M Chantal	AVEGA		0788748540					X		
27	RWAGATWA Alphonse	RRP+Gasabo		0788435321					X		
28	MUKARWAYO Thacienne	RRP+ Kicukiro		0788675844					X		
29	UWABASINGA Rose		uwabasinga@yahoo.fr	0788530468					X		

N°	Names	Organizations and Title	Email	Telephone	Frequency of attendance						
					1 ST	2 ND	3 RD	4 TH	5 TH	6 TH	7 th
30	MARIAM Benchid	RRP+	mariabenchid@hotmail.com						X		
31	HABAMUGISHA Theonest	RRP+ Ngororero	habumugishatheoneste@yahoo.fr	0788812346					X		
32	UWISANZE Bernadette	RRP+ Musanze	uwiberoz@yahoo.fr	0788567490					X		
33	MUNEZA Sylvie	RRP+ Nyarugenge	lgihozo03@yahoo.fr	0788460710					X		
34	KANANGA Andrew	Legal Aid Forum-Rwanda	legalaidrwanda@gmail.com	0788307174					X		
35	RUTURWA Dieudonne	UNAIDS	Dieudonne.ruturwa@undp.org	0788302646			X	X	X	X	
36	N. BAPFAKURERA Suzanne	RRP+ Huye		0783639019					X		
37	MAGEZI NDAYISENGA CHARLES	AEE	cwrministry@yahoo.co.uk	0788304030						X	
38	RUTABAYIRU Raymond	ARCT-RUHUKA	arct@rwanda1.com							X	
39	CYULINYANA Philomene	FRS2+	philoxyu@yahoo.fr	0788558164						X	
40	NTIREGANYA Eugene	PAMASOR-Rwanda	m.pamasor@yahoo.fr							X	
41	UWIZEYE GRACE	EPR	lizagracia@gmail.com	0750244225						X	
42	HAKIZIMANA Azariias	ZION TEMPLE		0788359920							X
43	IDI Tuzinde Gaparayi	ARD/USAID		0788791917							X
44	NYIRABUKEYE Therese	ACTION FAMILIALE EGLISE CATHOLIQUE		0788748553							X
45	Dr Denis Roumestan	ARD/ Consultant		0788457021							X
46	GUILLAUME Bucyana	USAID		0788308432							X
47	MWAMIKAZI Claire	EE Rest		0788649378							X
48	RUNEZERWA Isaac	EE Rest		0788629742							X
49	SHAMSI KAZIMBAYA	SWAA-RWANDA		0788301299							X
50	GASORE Constantin	Evangelical Restoration Church		0788538213							X
51	SHEIKH BAKARE SAIDI	AMUR		0788504868							X
52	BENA FADYA	AMUR		0788848643							X
53	NSHIMIYIMANA CHRISO	EEAR (FRIENDS CHURCH)		0788501515							X

N°	Names	Organizations and Title	Email	Telephone	Frequency of attendance							
					1 ST	2 ND	3 RD	4 TH	5 TH	6 TH	7 th	
54	MUNYAMAHORO Charles	Eglise Methodiste Libre Au Rwanda		0788451383								X
55	GASOBE MICHAEL	AESD		0788840517								X
56	MUHEMELI JAMES	AFRICAN CHRISTIAN CHURCH		0788411850								X
57	NKURIKIYIMFURA JOVENAL	ADEPR		0750235957								X
58	MUKANSANGA Stephanie	CECA		0788425712								X
59	Nkunda William	ENARWA		0788641843								X

ANNEX 3: CHART ON THE RWANDAN LEGISLATIVE PROCESS

Legislative Process



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