

COURT PERFORMANCE MANAGEMENT IN RWANDA

LEADING THE WAY TO PEOPLE CENTERED JUSTICE



COURT PERFORMANCE MANAGEMENT IN THE REPUBLIC OF RWANDA

Leading the Way to People Centered Justice

Originally published in Vol. 12 | The Court Administrator,
Official publication of the International Association for Court Administration



Niceson Karungi
recently joined Synergy International Systems, Inc. as an e-Justice Expert after more than 10 years managing technology within the Judiciary of Rwanda. She is currently located in Kigali, Rwanda.

In Part 1 of this series, the authors discuss People-Centered Justice focusing on those served by courts instead of those who “run” them -judicial officers, court administrators, and other officials. This is the first of a two-part article that discusses the role of technology in achieving this focus. The authors identify key approaches, based on their experience in Rwanda and elsewhere, that will align the practice of court performance measurement and management with the values and principles of people-centered justice.



Adam Watson
is a Vice President of Account Management and Customer Success at Synergy supporting global e-Justice programs. Located in Tulsa, Oklahoma, he may be reached at Adam.Watson@synisys.com

There is today no longer much doubt whether good measures and indicators of court performance can help achieve worthy ends. The question is whose vision of justice and court excellence they advance. Performance standards and measures for courts are meaningless if they are detached from the people they are intended to represent. Though they may be grounded in historical understanding, democratic vision, and civic ideals, government performance measures are traditionally developed from the perspectives of government managers, not of citizens, and the two perspectives may differ greatly.



Ingo Keilitz
is Principal of CourtMetrics, an independent consultancy in Williamsburg, Virginia, USA, and a Research Associate of the Global Research Institute at the College of William & Mary, Williamsburg.

People-centered justice, the theme of the International Association for Court Administration’s (IACA) 2022 conference in Helsinki, is an approach to international justice that shifts the focus from court rules, procedures, and processes to a results-based focus placing people, families, and communities at the center of justice service delivery. This requires court administrators to go beyond identifying operational improvements that work best for them, and identify what strategies, activities, and processes produce the best results for the people they serve.

*Corresponding author: Adam.Watson@synisys.com.

Rwanda is a regional leader in people-centered justice, with a strong and developing culture of Performance Measurement and Management (PMM). This has been achieved through a strategic planning process based on country vision, international standards, and the expectations of the Rwandan people. It has been enabled through the implementation of advanced technology for data collection, analysis, and reporting, as well as a learning culture that quickly adapts and applies lessons learned.

WHAT DO PEOPLE WANT FROM THEIR COURTS?

The Rwanda justice system's effort to restore justice and order in an economically, politically, and socially shattered country after the 1994 genocide against the Tutsi is a remarkable success story of transformation that continues today. The seemingly insurmountable challenges faced by the Rwanda justice system twenty years ago when it began this transformation are all too familiar: inordinate delays; subjectivity and uncertainty in case disposal; severe resource constraints; prison overcrowding; high rates of recidivism; corruption; limited automation; fragmented communications and coordination across justice institutions; and, generally, lack of trust and confidence in the justice system.¹

In Rwanda, like many other countries, citizens want an impartial justice system that listens to them, is inclusive of all, involves the public in planning and decision making, and protects them before the law, especially those with limited knowledge of legal procedures. These

expectations are well understood. As the President of Rwanda, H.E. Paul Kagame, has said, "Rwandans have high expectations in the government in general, the leadership, and the different institutions, particularly the Judiciary. Citizens expect access to quality justice, and we must give them that."²

People centered justice was clearly articulated more than twenty years ago in the seminal Trial Court Performance Standard (TCPS) which includes 22 standards and measures in five performance areas: access to justice; expedition and timeliness; equality, fairness, and integrity; independence and accountability; and public trust and confidence. The TCPS recognize that people who have been charged with crimes or have business with the courts want ready access to the justice delivered by the courts. They want that access to be safe, relatively convenient, affordable, and fair. This means no inappropriate and unnecessary geographic, economic, social, or procedural barriers to judicial services, which may impede access through mysterious, unduly complicated, and intimidating court procedures. Once they have gained access, they want their cases handled in a just, timely, and expeditious manner. They expect courts to be independent of the executive and legislative branches of government and accountable to the people. And, finally, they expect the courts to maintain public trust and confidence.

¹ Kampire, Marie Thérèse et al. Assessment of the Judicial Sector in Rwanda. November 2002. https://pdf.usaid.gov/pdf_docs/Pnacr573.pdf [Last accessed March 31, 2022].

² Edmund Kagiri (2020). Rwandans Have High Expectations In Us- President Kagame To Gov't Officials. KT Press, September 21, 2021: <http://www.ktpress.rw/2021/09/rwandans-have-high-expectations-in-us-president-kagame-to-govt-officials/> [Last accessed April 1, 2022]

THE MEASUREMENT AND MANAGEMENT OF JUSTICE DELIVERED

The most important question justice system officials should ask themselves is, How are we doing? Fortunately, today we have well-developed tools of PMM at our disposal to help answer this question.³ PMM is defined in the Global Measures of Court Performance (GMCP), a companion to the International Framework of Court Excellence (IFCE), as the discipline of monitoring, analyzing, and using performance data on a regular and continuous basis (ideally in real or near-real time) for the purpose of improvements in efficiency and effectiveness, transparency and accountability, and public trust and confidence in the judiciary.

Several parts of this definition are worth emphasizing.⁴ First, PMM is a discipline -- a system of ideals, concepts, methods, techniques, and processes. Second, recognizing the truism that performance measurement is of no use if it is not actually used, the term “measurement” is paired explicitly with performance “management” to emphasize that in order to be used effectively measurement must be infused into the very DNA of justice systems’ governance and operations management (e.g., budgeting, resource management, and strategic planning). This expansion of the definition of performance measurement to include performance management is a new development widely seen as a major step in transforming measurement into management for real organizational change.⁵ Third, the discipline of

performance measurement and management is practiced on a regular and continuing basis, ideally in real time or near real time as performance occurs. Finally, the definition aims performance measurement and management toward specific purposes defined by the judiciary.

The continuous improvement approach built into the IFCE directs the Judiciary to assess, analyze, and implement methods to help achieve accountable people oriented PMM. With the 2004 judicial reform, the Judiciary of Rwanda introduced rigorous strategic plans to help implement and monitor judicial strategies aligned with the nation’s vision and priorities. Every year, the Judiciary reports its performance in relation to international standards and targets of performance to the country’s citizens, empowering the public to expect a high level of service from the courts.

It is important to stress that PMM is an essential tool, i.e., a means to an end, not an end in and of itself. It is analogous to the set of indicators on the dashboard of a car. A speedometer, odometer, gas gauge and other indicators on the dashboard do not guarantee a safe, efficient, and effective journey to a desired destination, but it is unlikely without them.

³ When the developers of the TCPS began their work in August 1987 no standards for trial court performance existed. See: Ingo Keilitz (2000). Standards and Measures of Court Performance. In *Criminal Justice 2000*, Volume 4, Measurement and Analysis of Crime and Justice. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, July 2000, 559-593, 583: https://www.ncjrs.gov/criminal_justice2000/vol4_2000.html [Last accessed March 31, 2022].

⁴ See International Consortium for Court Excellence. Global Measures of Court Performance, 5-6: https://www.courtexcellence.com/___data/assets/pdf_file/0030/54795/GLOBAL-MEASURES-3rd-Edition-Oct-2020.pdf [Last accessed March 31, 2022].

⁵ Harry P. Hatry (2010). Looking into the crystal ball: Performance management over the next decade. *Public Administration Review*, 70: s208–s211.

THE RIGHT MEASURES, THE RIGHT DELIVERY, AND THE RIGHT USE OF PERFORMANCE DATA

Developing the right performance measures and making sure that they are used effectively, can be translated operationally into three requirements:

■ The Right Measures

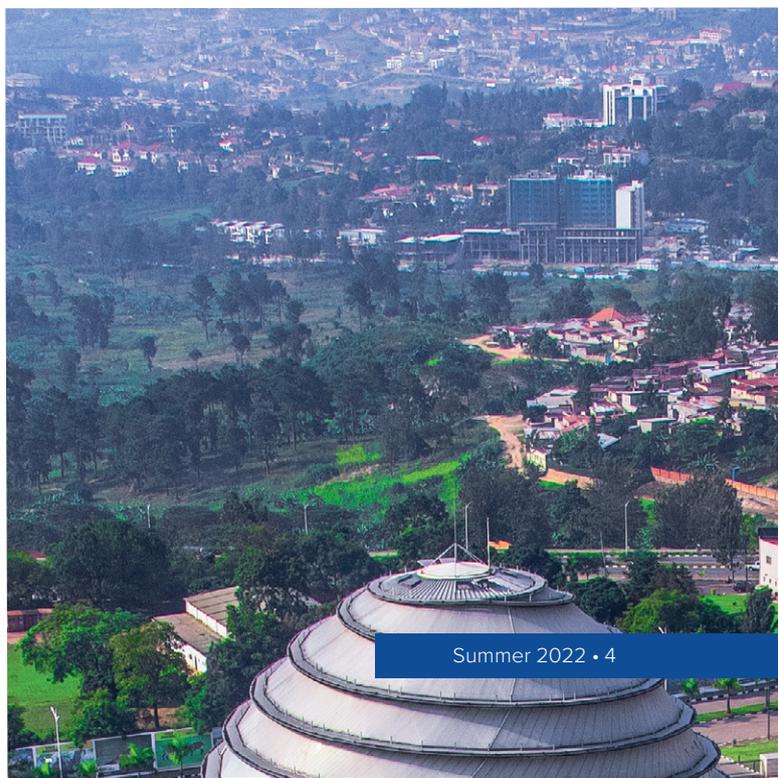
The right measures are measures that matter and count what counts, measures that are aligned with agreed-upon success factors aimed to deliver timely, quality, accountable and accessible people-centered justice. The key measures of the GMCP are court user satisfaction, case clearance rate, backlog, access fees, on-time case processing, pre-trial custody, court file integrity, trial date certainty, employee engagement, collection of fines and fees, and cost per case. However, each jurisdiction should identify and develop performance measures to reflect its unique vision and values. In Rwanda, some of these performance measures are more essential or commonly used than others – such as the rate of case backlog, case clearance rate, and on-time case processing. Other key measures are different – such as the rate of case adjournment.

■ The Right Delivery and Distribution of Performance Data

Data related to the selected measures should be collected and delivered to the right people, at the right time, and in the right way. This is increasingly enabled by IT, through performance dashboards, business intelligence, and data visualization applications that let users view critical performance information at a glance. Users navigate easily through successive layers of strategic, tactical, and operational information on-demand, allowing them to spot patterns, anomalies, proportions, and relationships that they otherwise would miss. This requirement also involves making performance findings publicly available through reports and web-based platforms for citizen engagement. In Rwanda, this is being done through the Integrated Electronic Case Management System (IECMS) and the Judicial Performance Management System (JPMS).

■ The Right Use

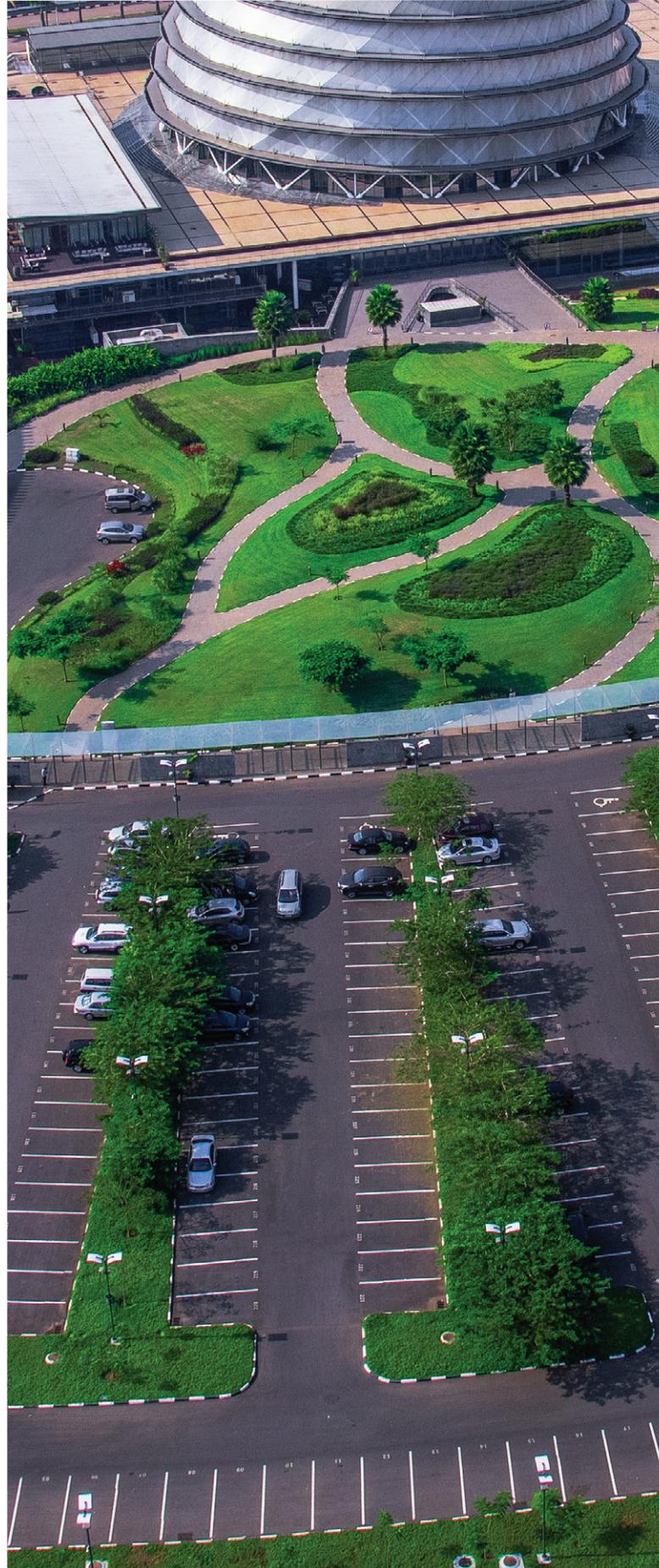
Adopting, implementing, and learning from measures of performance requires a delivery and distribution system (e.g., performance “scorecards” or “dashboards”) that must be integrated with key management processes and operations, including budgeting and finance, resource and workload allocation, strategic planning, organizational management, and staff development. Tracking these measures and adopting changes for better performance is an integral part of PMM. If the right measures are developed, and accurate real-time data is generated and interpreted but is not acted upon, effective judicial performance can never be achieved. In Rwanda, the Judiciary’s strategic plan is broken down into annual action plans that define specific activities and targets to be achieved. Findings lead to course corrections for ongoing plan implementation, or changes incorporated into the next annual action plan. This might include new reforms, automation, trainings, or legal services that advance people centered justice.



MANAGING THE PERFORMANCE OF PEOPLE CENTERED JUSTICE IN RWANDA

Even when compared to the justice systems of countries with far more technical and human resources, the progress made by Rwanda is worth sharing. An important element of this transformation is an innovative case management system –the IECMS launched in 2016. Powered by modern information and communication technology, it augments the judicial system’s human capacities and competencies to provide judicial services to the people of Rwanda. The IECMS is a single point of entry for all Justice, Reconciliation, Law & Order Sector (JRLS) institutions in Rwanda – the Judiciary, Civil Litigation Services, Rwanda Correctional Services, National Public Prosecution Authority, Rwanda Investigation Bureau, and the Bar Association – automating workflow and facilitating real-time and seamless information sharing.⁶

After five years of successfully tracking performance measures through the IECMS⁷ including internationally recognized measures such as case backlog, on-time case processing, rate of case adjournment, and case clearance rate, the Judiciary implemented JPMS to track the implementation of the Judiciary’s seven-year strategic plan. The JPMS helps users to break down court performance to the case level tracking each step of case processing from case filing to registration, to hearing, to judgment, and to closure while measuring court and staff performance as the case progresses. This ensures that organizational performance and staff performance (both that of judicial officers and administrative staff) are well aligned.



⁶ Adam Curtis Watson, Regis Rukundakuvaga, and Khachatur Matevosyan (2017). An Information Systems Approach to Justice Sector Case Management and Information Sharing. *International Journal for Court Administration*, 8(3), pp.1–9. DOI: <https://www.iaacjournal.org/articles/abstract/10.18352/ijca.233/> [Last accessed March 31, 2022].

⁷ Ibid pp.1

ADAPTING TO PEOPLE CENTERED JUSTICE THROUGH CONTINUOUS IMPROVEMENT

Consistent with the demands of people centered justice, at each stage of service delivery, court users in Rwanda are able to provide feedback or express their concerns directly through the IECMS. These comments are then systematically addressed and responded to by the Judiciary in a timely and transparent manner. As Rwanda embraces the concepts of performance monitoring to improve service delivery in courts by consistently analyzing issues, they have regularly adopted necessary changes, good practices, proposed reforms, and adapted laws and procedures to conform to the hopes, expectations, and aspirations of the Rwandan people. In 2018 and 2019, Rwanda modified civil⁸ and criminal⁹ procedural laws respectively to accommodate innovative justice delivery.

One of the reforms adopted was advancing the utilization of IECMS and other court technologies to improve court service delivery. As a result, access to justice by citizens was improved especially during Covid-19 when the number of cases filed in court, rather than decreasing because of restricted access to physical government services, actually increased by 1.7% between 2019/2020 and 2020/2021. The filing of cases on merit increased by 5%.¹⁰ And most importantly, according to Rwanda's Citizen Report Card from 2020, 88.7% of citizens have expressed their trust in the courts, while 79.1% trust that the Judiciary is operating independently.¹¹ In the

annual report of the Judiciary (2020/2021), the Hon. Chief Justice of the Republic of Rwanda, Dr. Ntezilyayo Faustin, expressed his conviction that investment in the use of technology played a major role in the year's achievements which improved access to justice, timeliness and quality of the judicial services delivered. While this promoted good governance of the courts,¹² it more importantly promoted a people-centered culture with tangible results for Rwanda's citizens, families, and communities.

⁸ Official Gazette n° Special of 29/04/2018: Law relating to the civil, commercial, labour, and administrative procedure. [https://www.rwandabar.org.rw/attached_pdf/Law%20relating%20to%20the%20Civil,%20Commercial,%20Labour,%20and%20Administrative%20Procedure%20\(CPCCSA\)-1614248406.pdf](https://www.rwandabar.org.rw/attached_pdf/Law%20relating%20to%20the%20Civil,%20Commercial,%20Labour,%20and%20Administrative%20Procedure%20(CPCCSA)-1614248406.pdf). [Last accessed March 31, 2022].

⁹ Official Gazette n° Special of 08/11/2019: Law relating to the criminal procedure. <https://gazettes.africa/archive/rw/2019/rw-government-gazette-dated-2019-11-08-no-special.pdf>. [Last accessed March 31, 2022]

¹⁰ SUMMARY OF THE PERFORMANCE OF THE JUDICIARY DURING THE YEAR 2020-2021. https://www.judiciary.gov.rw/fileadmin/Publications/Reports/Annual_Report_-_Summary.pdf [Last accessed March 31, 2022].

¹¹ <https://www.judiciary.gov.rw/fileadmin/Publications/Reports/CRC-2020.pdf> [[Last accessed March 31, 2022]]

Synergy International Systems, Inc. is a global technology and consulting company that empowers organizations and governments to become more data-driven in achieving their impact.

To find the latest Synergy content, please visit synisys.com.
Follow Synergy on LinkedIn, Facebook and Twitter.

Email: mail@synisys.com

Website: www.synisys.com

© Synergy International Systems, Inc. 2022. All rights reserved.
10/2022