

Effectiveness of Anti-Corruption Agencies in East Africa

Rwanda



A review by
Open Society Initiative for
Eastern Africa (OSIEA) and
Transparency International – Rwanda

2017



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CONTENTS

<i>Tables and figures</i>	iv
<i>Acronyms and abbreviations</i>	v
<i>Preface</i>	vi
<i>Methodology</i>	ix
<i>About the researchers</i>	x
<i>Acknowledgements</i>	xi
A. Introduction	1
B. Anti-corruption legal and policy framework	6
C. Office of the Ombudsman: Organisational structure	11
D. Budget	14
E. Staff and skills	14
F. Responsibilities	16
G. Relationships with stakeholders	18
H. Performance	21
I. Recommendations	31

TABLES AND FIGURES

Table 1: Staff skills and competencies gaps	16
Table 2: Reasons for submitting complaints	18
Table 3: Comparison with similar national agencies	21
Table 4: Number of court judgment reviews	23
Table 5: Number of injustice cases	25
Table 6: Number of corruption cases	26
Table 7: Asset declaration submissions	30
Figure 1: Perceived levels of corruption in Rwanda, 2011–2015	3
Figure 2: Organisational structure and staffing	11
Figure 3: The Office’s decreasing budget	14
Figure 4: Rwandan GDP compared to the Office’s budget	22
Figure 5: Public reporting of corruption, 2011–2015	24

ACRONYMS AND ABBREVIATIONS

AOMA	African Ombudsman and Mediators Association
AG	Auditor General
AUCPCC	African Union Convention on Preventing and Combatting Corruption
CID	Criminal Investigation Department
CPI	Corruption Perception Index
EAAACA	Eastern African Association of Anti-Corruption Authorities
GoR	Government of Rwanda
IAAACA	International Association of Anti-Corruption Authorities
ILPD	Institute of Legal Practice and Development
ICT	information and communications technology
MIFOTRA	Ministry of Public Affairs and Labour
MINALOC	Ministry of Local Government
MINECOFIN	Ministry of Finance and Economic Planning
MoU	Memorandum of Understanding
MPs	member of parliament
NGOs	non-governmental organisations
NPPA	National Public Prosecution Authority
OAG	Office of the Auditor General
ODA	overseas development assistance
OoO	Office of the Ombudsman
PAC	Public Accounts Committee
PSF	Private Sector Federation
RBI	Rwanda Bribery Index
RWF	Rwandan franc
RPPA	Rwanda Public Procurement Authority
RNP	Rwanda National Police
RISD	Rwanda Initiative for Sustainable Development
SACCOs	savings and credit cooperatives
TI	Transparency International
TI-RW	Transparency International – Rwanda
USD	US dollar
UNCAC	United Nations Convention Against Corruption
VUP	Vision 2020 Umurenge

PREFACE

This study is part of a series of assessments undertaken in 20 African countries, clustered and compiled in three regions: the East African Community, Economic States of West Africa, and the Southern African Development Community. The studies aim to benchmark the effectiveness of anti-corruption commissions through a systematic audit of state compliance with normative frameworks as well as with continental and regional standards. This is the first standalone study conducted, which aims to assess the effectiveness and the institutional architecture of anti-corruption in Rwanda, which is overseen by the Office of the Ombudsman. The aim of this report is to describe the mandate, implementation and effectiveness of this key institution, which is responsible for putting into effect the uncompromising anti-corruption stance of the Rwandan government.

Corruption has a detrimental impact on the development of any country because it hampers the effective provision of public services, particularly services to the most vulnerable groups of society. Despite the plethora of efforts deployed to combat corruption, it remains endemic in most countries of sub-Saharan Africa. East Africa is no exception. According to Transparency International's Corruption Perception Index for the year 2016, out of the 176 countries and territories studied, rankings for Tanzania (116th), Kenya (145th) and Uganda (151st) remained worryingly low. Rwanda, which is the latest country to be studied under this regional series, leads the EAC member states, and indeed the African continent, with its ranking on the same index at 50th place.

Needless to say high-profile corruption cases have come to light in all the countries under review. While some of the cases have been dealt with through institutions and processes established to deal with corruption and with the outcomes and findings made public, the majority of cases are either still pending, or have simply been smothered by executive orders, or entangled in endless and convoluted political processes. However, efforts have been deployed, at the national, regional, continental and international levels, to establish institutions to combat corruption, and anti-corruption laws have been passed.

The African Union Convention on Preventing and Combatting Corruption (AUCPCC) defines a series of corruption-linked offences (article 4). Its article 5 speaks to 'the legislative and other measures', requiring member states to 'establish, maintain and strengthen independent national anti-corruption authorities or agencies'. Other measures include: the strengthening of internal accounting and auditing systems, in particular in the public sector; the protection of witnesses and informers in corruption cases; denouncing corruption-promoting systems; and educating the populations on

corruption. In another provision, the AUCPCC sets out that ‘the national authorities or agencies,’ responsible for combatting corruption-related offences ‘enjoy the necessary independence and autonomy enabling them to carry out their duties effectively’ (article 20[4]). The current East African Community (EAC) Protocol on Preventing and Combatting Corruption is only in draft form. While the draft does not mention anti-corruption commissions specifically, article 6 does compel the partner states to ‘adopt measures and strategies to strengthen: institutions responsible for enforcing mechanisms for preventing, detecting, punishing and eradicating corruption and related offices [b]’ as well as to strengthen ‘watchdog and good governance institutions [d]’. A current revised draft further states that, ‘the competent authorities shall be vested with prosecutorial powers for the purposes of implementing this protocol’. The scope of the EAC Protocol covers: preventive measures, enforcement, asset recovery and forfeiture, regional cooperation, and technical assistance.

A large number of East African countries had already passed anti-corruption laws and developed agencies devoted to help control corruption before the adoption of the AUCPCC. Nonetheless, there is still strong scepticism within the East Africa region regarding the effectiveness of these institutions, which are vigorously criticised in view of the disparity between governmental anti-corruption rhetoric and the impunity enjoyed by public servants. Whether the emergence of these agencies will give rise to a genuine decline in corruption is hard to establish. It is also uncertain whether they enjoy sufficient independence to enable them to accomplish their mandate effectively. How autonomous and free from executive interference these agencies really are should be examined, likewise their broad mandate and the need to provide them with sufficient resources to deal with the magnitude and significance of systemic corruption.

Rwanda’s Office of the Ombudsman is one of very few anti-corruption agencies that has a wide and defined mandate to arrest, investigate, prosecute, impose sanctions, recover assets and request reviews of court judgments. These powers are unprecedented and far reaching. Added to this, the Office of the Ombudsman is vested with no less than 17 legal instruments that strengthen its mandate as the leading agency in the country tasked with combatting corruption. Its results have been impressive compared to its counterparts both in the East Africa region and on the African continent in general. There are certainly opportunities for peer learning and best practices that other AU member states could gain from Rwanda.

Evidence seems to suggest that numerous anti-corruption agencies have only been put in place to appease international donors. There is doubt as to whether their real objective is to find durable solutions to the corruption problem, or whether they are simply a façade, too undermined and ill-equipped to address the complexities of grand corruption.

Reasons provided for failure to tackle corruption effectively include: the lack of political will; the absence of a national global strategy; inadequate legal frameworks; insufficient or inappropriate resources; limited autonomy; low public confidence; the

lack of an enabling climate and the necessary know-how; the isolation of some agencies; and a general lack of integrity. The country reviews in this study have attempted to verify these conclusions.

In the final analysis, continued efforts are needed to reach a collective agreement as to whether, in fact, anti-corruption-agencies in Africa, particularly in the EAC, constitute effective tools for combatting corruption, or whether greater effort and investment, beyond just political will and effective leadership, are needed to enhance the criminal justice system, accounting and banking standards, and other measures.

In Rwanda's case however, there is evidence of strong political will to combat corruption, and the perception of how government tackles graft reflects positively on the country. The support given to the Rwandan Office of the Ombudsman to effectively deploy its mandate is rare in Africa.

Ozias Tungwarara

Programme Support Division Director, Africa Regional Office (AfRO)

METHODOLOGY

Consultations between AfriMAP (now AfRO) and its partners within the Open Society's Africa foundations, were exploring the viability of conducting a study on the effectiveness of anti-corruption commissions in Africa as far back as 2011. The idea was to conduct a comparative study, which would examine the rationale underlying the successes and failures of the agencies or mechanisms devoted to preventing and combatting corruption in East African countries, so as to establish ways and means of strengthening anti-corruption efforts on the African continent.

Within the context of the general legal anti-corruption framework in each of the countries studied, the agency's responsibilities are assessed together with its status and that of its members, its relationships with the general public and other stakeholders, as well as the agency's overall performance and impact. These reviews culminate in a set of recommendations and solutions to issues such as the relevance of the anti-corruption institutions, and the necessary roles, measures and conditions required for their effective implementation.

In the final analysis, the researchers examined whether in fact the agencies constitute effective tools for combatting corruption, or whether greater effort and investment is called for to rather enhance the criminal justice system, accounting and banking standards, or other measures. The Rwanda study, which was the last country assessment in the East Africa series, is the product of a series of desktop reviews, focused group discussions, and interviews with critical stakeholders, policy-makers, CSOs and law-makers at the national level. All the country reports, including Rwanda, were subjected to rigorous in-country validations, where senior staff members of the agencies and their respective departments, senators, as well as non-state actors were represented, to ensure that the information and data presented in the draft reports were accurate. The reports were also subjected to peer-reviews.

ABOUT THE RESEARCHERS

Rwego Albert Kavatiri: *Programme Officer, TI-RW*

Currently working with Transparency International – Rwanda (TI-RW) as a programme manager, Mr Kavatiri holds a masters degree in Demography and Population Studies from Wits University, South Africa. He is at the same time a demographer (with mastery of a range of data analysis software such as SPSS, STATA), a governance specialist and social researcher. He has spearheaded all the research projects (surveys, barometers, indexes and baseline studies) conducted by TI-RW. As a senior manager of TI-RW, a former governance specialist at the RGAC (Rwanda Governance Advisory Council) and a university lecturer (Kigali Independent University), Kavatiri has an excellent understanding of the Rwandan governance and political context.

Apollinaire Mupiganyi: *Executive Director, TI-RW*

Mr Mupiganyi, a holder of an MSc in management and a postgraduate diploma in international projects management from Switzerland Universities. He has more than 20 years of professional experience both in private and non-governmental institutions. Mr Mupiganyi joined the Transparency International movement in 2007 and he is the Executive Director of the Rwanda chapter. Mr Mupiganyi successfully completed a number of training programmes including ‘Governance and Development’ and ‘Measuring Corruption & Governance and Communicate with Media’ to name a few.

His main research expertise is in the use of qualitative and quantitative methodologies with a particular focus on social accountability tools (PTES, Citizens Scores Cards, front line SMS). This has been acquired through his academic publications as well as a leader of TI-RW’s research programmes. Furthermore, he has participated in a number of radio broadcasts engaging citizens to fight corruption and has led workshops sharing the findings of TI-RW research for the purpose of systemic change.

Vaclav Prusa

Vaclav Prusa holds a masters in International Political Economy of Development from the University of Birmingham, International Development Department, United Kingdom. As a research and monitoring & evaluation expert, he was a technical advisor at GIZ Rwanda on the Good Governance and Decentralisation Programme in Kigali, Rwanda, from 2012–2016.

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RWANDA



A. Introduction

Rwanda is internationally praised for sound governance and, in particular, it is seen as an anti-corruption ‘success story’. Surveys and analysis suggest that corruption has fallen sharply in Rwanda in recent years and at a faster rate than other countries globally, especially in Africa. Rwanda’s position in the ranking of Transparency International’s Corruption Perception Index improved from 83rd place in 2005 to 44th position out of 168 countries in 2015.

The anti-corruption fight is seen in the context of bringing efficiency to public service and restoring a conducive economic environment for doing business. The government has been determined to cut red tape to a minimum, as seen in the example of starting and registering a business. It costs around USD 20 and takes on average three days to obtain a business licence – compared to the sub-Saharan average of 34 days at over 15 times the cost.¹

The fight against corruption is cited as instrumental in improving investor confidence and thus increasing investment in the cash-strapped and impoverished Rwandan economy.

However, no country is entirely corruption free. According to Transparency International Rwanda’s (TI-RW) Rwanda Bribery Index (RBI) 2015,² the judiciary, local government and police are the sectors with the highest incidences of corruption. For instance, on average, RWF 44 000 (USD 61) is enough to bribe a lower court official in order to obtain a favourable verdict. Traffic police on the other hand pocket on average bribes of RWF 15 000 (USD 20) at a time. The private sector is not immune from corruption. It takes on average a bribe of RWF 63 000 (USD 87) per transaction to obtain credit from a bank. Despite gradual improvements, it is estimated that only around 20% of corrupt actions are reported.

The Rwandan Anti-Corruption Policy (2012), recognises the existence of corruption in public finance management, public procurement, human resource management, the traffic police, the justice sector, land service offices, customs, the issuing of licences and construction permits, law enforcement and regulatory institutions, and in the private sector. Within

1 World Bank (2015) *World Bank Doing Business Report*. Washington DC: World Bank.

2 Transparency International Rwanda (2015) *Rwanda Bribery Index 2015*. Kigali: TI-RW.

these sectors, the most common forms of corruption include: embezzlement of public funds, fraudulent procurement practices, nepotism and the general abuse of office and power.

The policy also defines the roles and responsibilities of state actors in combatting corruption.

This study describes the institutional architecture of anti-corruption in Rwanda, spearheaded by the Office of the Ombudsman (hereafter, the Office). The aim of this report is to describe the mandate, implementation and effectiveness of this key institution, which is responsible for putting into effect the uncompromising anti-corruption stance of the Rwandan government.

The research has been conducted mainly through a desktop review of relevant documents and, above all, annual reports and other background documents provided by the Office. A limited number of primary interviews with key stakeholders working with the Ombudsman provided explanation and verification on certain key questions.

It is widely accepted by international and domestic observers that the political commitment towards promoting good governance has been the driving force in preventing and fighting corruption in Rwanda. The zero tolerance motto of the Rwandan anti-corruption policy has been instrumental in supporting coordinated action. According to Transparency International,³ the political will to fight corruption has been demonstrated through consistent policy-making and implementation efforts. Members of the political elite as well as ordinary civil servants have been prosecuted when allegations of corruption have been made against them. There have been several instances of high-ranking officials involved in corruption cases resigning, being dismissed or prosecuted, as demonstrated in 2005 and 2006. Others have voluntarily gone into exile.

As in many areas of public life in Rwanda, the anti-corruption drive is frequently linked to the President of the Republic, His Excellency (HE), Paul Kagame. He is credited with having a firm position on anti-corruption, which has been fundamental for the relatively robust institutional architecture to combat it. Even more importantly, his constant pressure on the public administration to produce results and value for money in the constrained fiscal space has led to fierce rhetoric and the denouncement of corruption at all levels of the public sphere.

Everybody has to understand the consequences of diverting resources that were meant to deliver health, education, agriculture or infrastructural services. In our situation the consequences are huge.⁴

It is worth noting that public proclamations on anti-corruption are the reserve of governmental as well as non-governmental institutions. Civil society is encouraged by the government to act on corruption, especially at the local level of the subsidiary entities

3 Marie Chêne M & Mann C (2008) *Sources of Information on Corruption in Rwanda*. Berlin: Transparency International, Anti-corruption Resource Centre (U4).

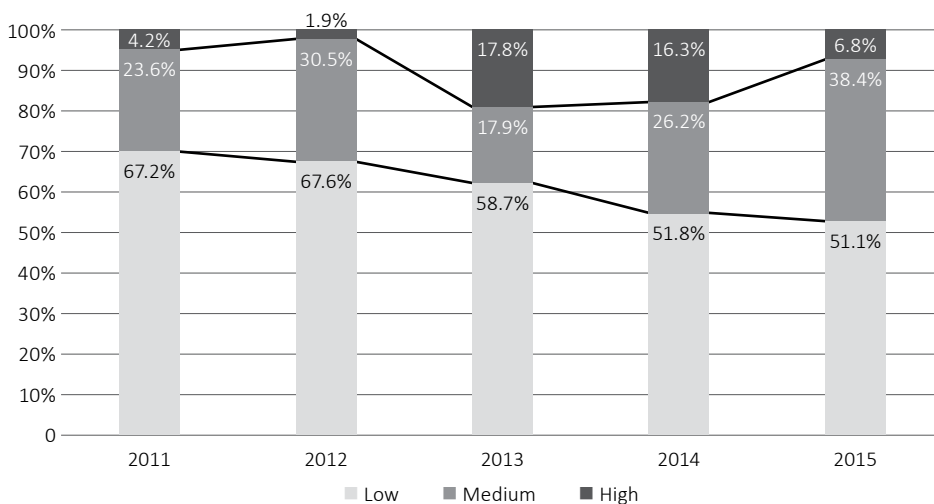
4 Paul Kagame, at the World Economic Forum on Africa, 11–13 May 2016, Kigali, Rwanda.

comprising 30 local government districts. Due to the relative dependence on international development partners, the anti-corruption drive is usually embedded in supported activities of governmental and non-governmental institutions in governance and public service delivery. A few non-governmental organisations (NGOs) have an explicit mandate to fight corruption and injustice in Rwanda. Others address corruption and accountability indirectly through improved service delivery and associated programmes.

State and non-state actors widely agree that corruption in Rwanda is still a cause for concern. For example, the last National Leadership Retreat (in 2015), an executive meeting setting out the governmental priorities every year, concluded that corruption stalls big infrastructure projects, erodes a number of social schemes and disrupts service delivery by public institutions. Recent scandals within the public administration include the dislodging of grand embezzlement schemes within the Rwandan Revenue Authority and removing ghost beneficiaries within social programmes such as social-insurance-for-all (*Mutuelle de Santé*) or One-Cow-per-Family.⁵

Notably, an annual study conducted by Transparency International Rwanda (TI-RW), the Rwanda Bribery Index (RBI), revealed in 2015⁶ that the proportion of respondents who perceived corruption levels as low between 2011 and 2015 had declined from 67.2% to 51.1%, a 16% decrease. On the other hand, the proportion of respondents who perceived the level of corruption to be medium increased from 17.9 in 2013 to 38.4% in 2015, suggesting that in Rwanda the perceived level of corruption is progressively inclined to a medium rather than low level.

Figure 1: Perceived levels of corruption in Rwanda, 2011–2015



Source: Transparency International Rwanda (2015) *Rwanda Bribery Index 2015*. Kigali: TI-RW

5 Office of the Prime Minister (2016) *Report on Implementation of the 12th National Leadership Retreat Resolutions*. Kigali: Government of Rwanda.

6 Transparency International Rwanda (2015) *Rwanda Bribery Index 2015*. Kigali: TI-RW.

One of the most cited factors behind the success in combatting corruption in Rwanda is the sophisticated institutional machinery fighting graft. Some specialised agencies, such as the Rwanda Public Procurement Agency (RPPA) and the Office of the Auditor General, are charged with specific powers within clearly defined sectors to address corruption as one of the ways in which public funds are misspent. The Rwanda National Police (RNP) and the National Public Prosecution Authority (NPPA) spearhead the investigation and prosecution of crimes, some of them corruption related.

The government and all other stakeholders place a great emphasis on working with the public to prevent corruption. Corruption-targeted public campaigns are frequent. The Office of the Ombudsman and other governmental and non-governmental institutions organise countrywide meetings with citizens to mobilise support and prevent corruption. According to the Office's 2013/2014 annual report,⁷ the Ombudsman organised an anti-corruption week, a number of youth anti-corruption days, an anti-corruption football competition and numerous anti-corruption campaigns in the media, especially on widely followed radio stations. Other governmental institutions promote similar popular activities in the framework of 'good governance'. It is obvious that most activities have a preventive character and, above all, target youth.

The attention to corruption in the private sector is appropriate to its share of the Rwandan GDP. The share of private investment in the Rwandan economy is relatively small and fluctuates between 11 and 13%. Notwithstanding the growing value of investment volumes and the slowly increasing private sector, the major bulk of the economy is still made up of public investment and overseas development assistance (ODA) to Rwanda.⁸ The private sector, usually through the Private Sector Federation (PSF),⁹ engages in public appeals to the business community to refrain from corruption, frequently in joint action with the Office of the Ombudsman.

The data shows that, in particular, procurement suffers from a frequent lack of transparency and unintended and purposive procedural errors, especially in public tendering. The RPPA issues guidelines and monitors public procurement, including attempts to improve the transparency of the bidding processes through electronic platforms. The government recently agreed to roll out an electronic public procurement system¹⁰ at all public entities, which should further reduce the face-to-face contact between bidders and contracting authorities and thus also reduce the potential for corruption further.

7 Office of the Ombudsman (2014) *Annual Report 2013/14*. Kigali: OoO.

8 Rwanda Development Board (2013) *Year-end Achievements*. Kigali: RDB.

9 The Private Sector Federation Rwanda (PSF) is a professional organisation, dedicated to promoting and representing the interests of the Rwandan business community. It is an umbrella organisation that groups together nine professional chambers. It was established in December 1999, replacing the former Rwanda Chamber of Commerce and Industry.

10 Known as the '*Umucyo* e-Procurement System of Rwanda'. Since the launch of the e-system, eight public entities, 81 procurement officers and 275 bidders and suppliers have been registered and have started using it as of July 2016, according to the RPPA.

However, the private sector is not immune to corruption. The RBI 2015 shows that the private sector's share of bribery accounts for around 21%. This means that every fifth corrupt transaction happens within or with the participation of private businesses. The data also shows that businesses such as banks, credit-lending institutions and providers of utilities are frequently implicated in petty corruption.¹¹ The extent of grand corruption – especially nepotism in awarding public contracts and access to information leading to commercial advantages – is difficult to estimate. In the absence of hard evidence, some observers note that nepotism may be significant within the private sector in Rwanda.¹²

Zero tolerance to corruption in Rwanda is undoubtedly a proclamation of strong political commitment and a useful tool for reversing a pervasive culture of patronage and clientelism that beset Rwanda's public administration in the past. However, because the culture of whistleblowing among citizens remains very limited, the implementation of specific anti-corruption laws is still challenging.¹³

In the same vein, despite the enactment of the Access to Information Act in 2013, the public, including civil society, has not come forward in significant ways to disclose information on corrupt, or at least unethical, behaviour.

The push to prosecute corruption cases comes, rather unprecedentedly in the African context, from within the executive as opposed to civil society. For example, the 2015 National Leadership Retreat – which brings the highest government officials together around governance challenges and bottlenecks – requested the identification of stalled projects where corruption was suspected. A list of 282 projects was produced. Among them, 30 key projects were identified where suspected corruption was behind poor implementation. Twelve projects implicating managers and other responsible officials were referred to the Chief Internal Auditor for investigation.¹⁴

Furthermore, according to the data from the NPPA, between July 2014 and December 2015, the prosecuting authority was alerted to 524 corruption cases and related offences. Among them, 350 were filed in court, 154 were closed, two were transferred to the military prosecution agency and 18 handed to *Abunzi*.¹⁵ Out of the 350 cases, 285 were brought successfully to trial with 334 people accused. Of these individuals, 293 were convicted while 41 were acquitted.

Special attention has been given to social protection schemes where large leakages of public funds occur due to fraud, mismanagement and corruption. A special task force comprising of the Office of the Ombudsman, the NPPA and the national police (the RNP) identified 101 cases related to mismanagement and the misappropriation

11 Transparency International Rwanda (2015) *Rwanda Bribery Index 2015*. Kigali: TI-RW.

12 ANTICORRP (2014) *Anti-Corruption Policies Revisited: Global Trends and European Responses to the Challenge of Corruption*.

13 TI-RW (2016) *Rwanda Bribery Index 2016*. Kigali: TI-RW.

14 Office of the Prime Minister (2016) *Report on the Implementation of the 12th National Leadership Retreat Resolutions*. Kigali: GoR.

15 Community-based committees in charge of 'traditional' means of justice, which deal with lesser civic offences.

of government funds: 25 for Vision 2020 Umurenge (VUP),¹⁶ 30 for *Mutuelle de Santé*,¹⁷ 17 for *Girinka*,¹⁸ five for *Ubudehe*, seven for fertiliser distribution to farmers, and 17 for savings and credit co-operatives (SACCOs).¹⁹ Among them, 74 cases were filed in court and 20 were closed. A total amount of RWF 670 499 949 was identified as inappropriately utilised. Yet, only an amount equivalent to RWF 82 663 244 (12%) was recovered. This suggests considerable challenges in the recovery of assets in corruption-related cases.²⁰

More systematic and widespread cases of corruption are found – and frequently reported on in the media – at the district level’s 30 subsidiary entities. As part of the decentralisation process in Rwanda, more and more fiscal resources are managed at local level, including some infrastructure and other large-volume investments. Yet, the larger part of the national budget is still managed at national level by central ministries and national-level agencies. As the Office of the Auditor General notes in the consolidated report for the financial year 2014/2015: of all the 157 public entities audited by the Public Accounts Committee (PAC) in May 2016, only 78 received ‘unqualified’ audits, 22 were deemed qualified, with the remaining 57 audited as ‘adverse’. The report indicated that RWF 12.7 billion’s worth of spending lacked financial supporting documents; RWF 3.8 billion’s worth had incomplete financial supporting documents; and that RWF 1.7 billion was classified as wasteful expenditure.²¹

It is in this respect that this report focuses mainly on the effectiveness of the Office of the Ombudsman as an interesting case study of an institution instrumental in the anti-corruption fight in Rwanda. The report seeks to explain the general context as well as the legal and operational landscape. Furthermore, this publication attempts to document the Office’s successes and failures, as well as those of the broader institutional anti-corruption framework.

B. Anti-corruption legal and policy framework

Definition of corruption in the Rwandan penal code

Organic Law No. 01/2012/OL of 02/05/2012, which establishes the penal code, defines corruption and the corrupt actions that are punishable under this legal provision. Corruption is defined as:

- Any act of abuse of a position, power or honour one enjoys within a state organ, in a public or private institution, in a foreign company or in an

16 Vision 2020 *Umurenge* (VUP) is a government social-development programme that subsidises the livelihoods and standards of living for Rwanda’s poorest.

17 Universal health coverage in Rwanda.

18 Social-development programme that distributes cows to the needy.

19 A network of microfinance institutions that provide credit to the economically disadvantaged.

20 Office of the Prime Minister (2016) *Report on the Implementation of the 12th National Leadership Retreat Resolutions*. Kigali: GoR.

21 Office of the Auditor General (OAG) (2016) *Report of the Auditor General on State Finances 2014/2015*. Kigali: OAG.

international organisation working in the country, or power conferred by any other function which is used contrary to the law, by giving to oneself, giving to others or requiring an illegal benefit or a service contrary to the law;

- Any act leading to the accumulation of property without legal justification;
- Using a person with position, power or honour in order to benefit from an illegal advantage or a service contrary to the law;
- Giving or agreeing to give a gift in cash or any other illegal benefit, for the provision of a service or act in an unlawful way, or to reward the provider of the service or act rendered, either by the recipient or an intermediary; and
- Requiring, receiving or accepting to receive a gift in cash or any other illegal benefit for the provision of a service in an unlawful way, or to be rewarded, either by the recipient or an intermediary, once the service is provided or the act is done.

Note that these definitions do not classify embezzlement as a crime punishable by anti-corruption legislation. While embezzlement is part of the penal code, it falls outside the Office of the Ombudsman's authority. The Office has repeatedly complained about this omission, arguing that corruption is often about bribery transactions but seldom about the manipulation and misappropriation of public funds. There is continued effort to include embezzlement in the penal code's definition of corruption, which would permit the Office to investigate and prosecute such crimes within its powers.²²

International legal framework

Rwanda has ratified major global and regional treaties on anti-corruption. The United Nations Convention Against Corruption (UNCAC) was signed in 2003 and ratified in 2006, and the East African Community Treaty, with its strong anti-corruption declaration, has also been approved. Rwanda is among the 34 member states that have ratified and are state parties to the Africa Union Convention on Preventing and Combatting Corruption (AUCPCC).

Further, the Office of the Ombudsman is a member of the following regional and international associations: Eastern African Association of Anti-Corruption Authorities (EAAACA), International Association of Anti-Corruption Authorities (IAAACA), the African Ombudsman and Mediators Association (AOMA), and the Association of Anti-Corruption Agencies in the Commonwealth Africa.

However, the East African Community Protocol on Preventing and Combatting Corruption has been pending, with negotiations going on between the East African Community member states since 2006. Rwanda, as a leader in the field, should prioritise the collective adoption of this regional protocol and ensure it is finalised and tabled for state party signature and enforcement in 2017.

²² Interview with the Office of the Ombudsman, October 2016, Kigali.

National legislative framework

The domestication of international treaties is enacted via a robust legal framework and national guidelines, which are part of the sophisticated institutional infrastructure put in place to fight corruption. It is acknowledged that Rwanda has a very comprehensive legal and institutional framework to deal with corruption. The extensive investment into various institutions that promote vertical and horizontal accountability in a cross-cutting manner is spearheaded by the Office of the Ombudsman and complemented by specialised agencies such as the RPPA (procurement issues) and others. The constitution of Rwanda provides general guidance from which the anti-corruption machinery is built; article 139 stipulates that the Office of the Ombudsman is a ‘specialised organ entrusted with the responsibility to help in resolving important issues facing the country’.

Organic Law No. 61/2008 of 10/09/2008, on the Leadership Code of Conduct (article 9, paragraph 2), states that crimes of corruption include offering and receiving a bribe, favouritism, property fraud and money laundering.

The National Anti-Corruption Policy is the overarching national coordination platform aligning good governance stakeholders in the fight against corruption. According to the document:

the policy sets an ambitious agenda to achieve a public service that appreciates and embraces integrity; accepts the need for transparency and accountability; ensures full compliance with regulatory and legal requirements. It seeks to achieve a well-informed public that demands high standards from public officials and a private sector that operates on a level playing field and acts as a partner in the fight against corruption.²³

The full list of laws and legal provisions with an anti-corruption element includes:²⁴

- The Constitution of the Republic of Rwanda of 2003, modified in 2015;
- Organic Law No. 01/2012/OL of 02/05/2012, instituting the penal code;
- Law No. 76/2013 of 11/09/2013, determining the mission, powers, organisation and functioning of the Office of the Ombudsman;
- Organic Law No. 61/2008 of 10/09/2008 on the leadership code of conduct;
- Law No. 23/2003 of 07/08/2003, on the prevention, suppression and punishment of corruption and related offences;
- Law No. 47/2008 of 09/09/2008, on preventing and penalising the crime of money-laundering and financing terrorism;
- Organic Law No. 037/2006 of 12/09/2006, on state finances and property;

²³ Government of Rwanda (2012) *Rwanda Anti-Corruption Policy*. Kigali: GoR. p. 4.

²⁴ Office of the Ombudsman (2015) *Anti-corruption Initiatives of the Office of the Ombudsman of Rwanda*. Kigali: OoO.

- Law No. 12/2007 of 27/3/2007, on public procurement as modified and complemented by Law No. 05/2013 of 13/02/2013;
- Law No. 35/2012 of 19/09/2012, relating to the protection of whistleblowers;
- Law No. 04/2013 of 08/02/2013, relating to access to information; and
- Organic Law No. 037/2006 of 12/09/2006, on state finances and property.

The absence of high-profile corruption cases in Rwanda can be partly explained by strong anti-corruption public speeches, especially by the head of state. Secondly, the way institutions are structured makes it harder to compromise state resources as ministers in Rwanda do not have the power of chief budget officers. The enactment of the Leadership Code of Conduct (as amended) stands out as a legal provision stipulating integrity as one of senior officials' highest principles. Ministers as well as other political appointees (permanent secretaries, district mayors and other senior district staff) are subjected to checks and balances that give them little room to manipulate public tenders or influence decisions for personal enrichment.

Moreover, the Office of the Ombudsman, in accordance with Law No. 76/2013 of 11/09/2013 – which determines the mission, powers, organisation and functioning of the Office of the Ombudsman – forces senior officials and other civil servants to declare their assets. The Declaration of Assets Unit within the Office then examines the declarations to check their legality. Officials whose declarations are deemed fraudulent are handed over to the NPPA.

Establishing the Office of the Ombudsman

The establishment of the Office of the Ombudsman originates from the national reflection sessions on the future of Rwanda that were launched by the Office of the President between 1998 and 1999 in Village Urugwiro. The consultations reflected upon the Vision 2020 social-development programme and involved Rwandans from all walks of life, including leadership in the business community, government, academia and civil society. Good governance was among the topics for discussion, which affects Rwandan life across all sectors and the success in which will be crucial for fulfilling the promises of Vision 2020. During this consultation, the Office was also institutionalised as a key player in promoting social equity in Rwandan society.

The Office was legally established by the Constitution of the Republic of Rwanda of 2003 and then written into law as Law No. 76/2013 of 11/9/2013, which determines the mission, powers, organisation and functioning of the Office. The independence of the institution is also anchored in this legal provision. The Office has a complex mandate, including monitoring compliance with the Leadership Code of Conduct, the collection and monitoring of senior officials' declaration of assets, fighting injustice and researching, investigating and prosecuting corruption, and a number of other duties.

The Office is a relatively unique institution in Rwanda as it combines the responsibilities of a traditional ombudsman institution with those of an independent anti-corruption agency. Its mandate is very broadly stated as reinforcing good governance in public, private and civil

society institutions in a number of areas going far beyond a direct fight against corruption. The tasks of the institution are a mixture of structural policy changes on one hand and, on the other, individual outreach to specific problems citizens experience when interacting with the public administration and, to a lesser extent, with the private sector. It is noteworthy that the powers of the Office include an additional layer of responsibility – as an investigator and monitor of corruption in national and sub-national ministries and agencies.

The Office's role has evolved. Initially, it was structured in such a way as to focus primarily on the prevention of corruption through education and training, and through in-depth auditing of government institutions to identify procedural weaknesses that facilitate corruption. Only the Ombudsman and two deputies had the power to investigate corruption-related issues. In 2009 this power was extended to other relevant staff, enabling more investigations.

The main tasks of the Office currently are to:

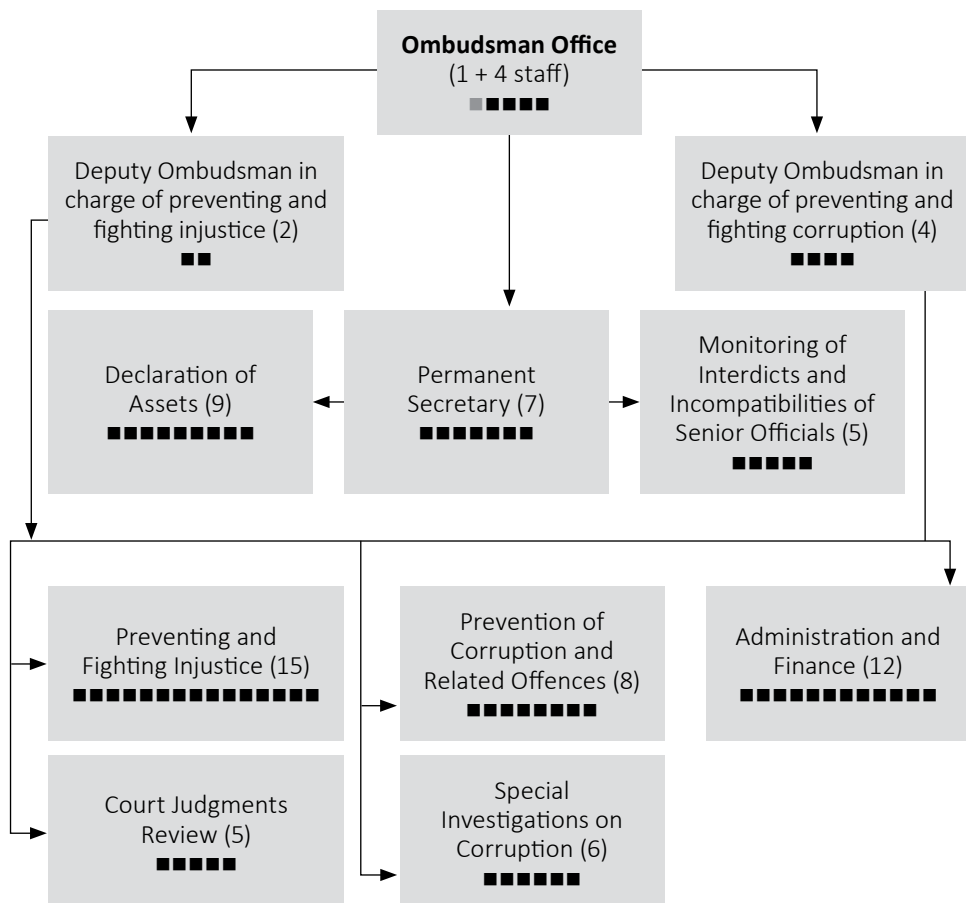
- Act as a link between citizens and public and private institutions;
- Prevent and fight injustice, corruption and related offences in public and private entities;
- Receive and examine complaints from individuals and associations in connection with the acts of civil servants, state organs and private institutions, and mobilise such civil servants and institutions to resolve problems found to be genuine;
- Receive annually the asset declarations from those persons obligated to do so by the law;
- Receive annually the asset declarations from political organisations, and then verify the assets' origins and use;
- Advise the Cabinet and other concerned institutions on ways to strengthen and improve their policy of preventing, fighting and punishing corruption and related offences;
- Follow up on how the anti-corruption (and related offences) policy is implemented by public and private institutions;
- Follow up on how politicians and leaders respect the laws governing their conduct;
- Sensitise and encourage the population to refrain from corruption and related offences, and to train employees in public and private institutions and NGOs for the same purpose;
- Prepare and make public the list of persons definitively convicted for corruption and related offences, and the sentences they received;
- Contribute to strengthening good governance in all institutions by drawing their attention to how they might contravene the law and state policy and have a negative impact on the population;
- Sensitise the population to work together with public and private institutions to build the country by denouncing injustice, corruption and all related offences;

- Advise public and private institutions on how to improve the quality of services delivered to the people;
- Submit its programme and activity report annually to the head of state, both chambers of parliament and to other state organs as provided by the law;
- Follow up on whether the access to information law is being enforced; and
- Perform any other duties as assigned by the law.

C. Office of the Ombudsman: Organisational structure

The Office of the Ombudsman was created as an independent body in 2003, and currently has 78 employees. The Office is headed by the Chief Ombudsman, who is proposed by the cabinet, approved by the senate and appointed by a presidential order. The institution is managed by the Ombudsman Council, which is the highest executive body in the Office, comprising the Ombudsman and his/her two deputies.

Figure 2: Organisational structure and staffing



The Ombudsmen Council is responsible for putting policy in place and coordinates all the activities enabling the Office to fulfil its mission in accordance with the law determining its mandate, competence, organisation and operation, and as per all other relevant laws. The Ombudsman Council executives are also subject to the Leadership Code of Conduct and are overseen by the Parliamentary Bureau of the Senate (as per the Special Official Gazette of 02/10/2015, 2015).

The Office is organised into seven units.

Court Judgments Review Unit

According to Law No. 76/2013 of 11/09/2013 determining the mission, powers, organisation and functioning of the Office:

In the interest of justice, the Office shall have powers to request the Supreme Court to reconsider and review judgments rendered at the last instance by ordinary courts, commercial and military courts, if there is any persistence of injustice. The reconsideration and review shall be made in accordance with the Organic Law establishing the organisation, functioning and competence of the Supreme Court.

Preventing and Fighting Injustice Unit

This unit is in charge of preventing and fighting injustice and other related offences. Its functions are to:

- Examine cases of injustice;
- Carry out field visits to hear cases of injustice and propose appropriate solutions;
- Develop a training programme on the prevention of injustice and corruption;
- Train and sensitise the entire population and local authorities;
- Mediate;
- Monitor and follow up on good governance;
- Prepare and organise training seminars for government employees and staff in private organisations and NGOs, so as to improve their conduct and working methods;
- Train volunteers at local level;
- Set up all possible means of preventing and eradicating injustice, corruption and other related offences;
- Assess the impact of the Office's recommendations given to other institutions; and
- Verify the implementation of the decisions taken by the Office.

Prevention of Corruption and Related Offences Unit

This unit is responsible for receiving and analysing information received on corruption and related offences, investigating cases of corruption and related offences, sensitising

citizens on preventing, rejecting and fighting corruption and related offences, and carrying out operational audits in public and private institutions. The key legal instruments used to carry out this mandate include:

- The Constitution of Republic of Rwanda of 26 /06/2003, as modified to date;
- Organic Law No. 01/2012/OL of 2/06/2012, establishing the penal code;
- Law No. 25/2003 of 15/08/2003, establishing the organisation and functioning of the Office of the Ombudsman, as modified to date;
- Law No. 35/2012 of 19/09/ 2012, relating to the protection of whistleblowers;
- United Nations Convention Against Corruption (UNCAC);
- African Union Convention against Preventing and Combatting Corruption; (AUCPCC)
- Procurement Law No. 12/2007 of 27/03/2007, as modified to date; and
- Law No. 13/2004 of 17/05/2004, relating to the code of criminal procedure as modified to date.

Special Investigations on Corruption Unit

This unit has the function of:

- Receiving and analysing information related to reported corruption cases, either from individuals or institutions; and
- Carrying out preliminary investigations on corruption cases and related offences.

Article 20 of Law No. 47/2008 of 09/09/2008 (Official Gazette No. 12 of 23 March 2009) establishes this unit, which focuses on money laundering.

Declaration of Assets Unit

The Office of the Ombudsman is mandated to receive and verify the asset declarations of senior government officials and other officials as stipulated in Law No. 10-2013 of 11/07/2013. All governing political parties, politicians, and opposition parties are also required to submit their financial statements. The Ombudsman can request disciplinary measures and penalties if declarations are incomplete or are not submitted. Officials whose declarations are deemed fraudulent are handed over to the NPPA. Officials who fail to comply with the above mentioned requirements are 'shamed' by having their names published in the Office's annual reports, which are presented to parliament and available to the general public.

Monitoring of Interdictions and Incompatibilities of Senior Officials Unit

This unit's mandate is to train public officials and to investigate the misconduct of senior public officials with respect to the Leadership Code of Conduct. It also monitors the implementation of the access-to-information law (Law No. 04/2013 of 08/02/2013). Issues of personal integrity and ethics, including corrupt behaviour, are also the focus of this unit.

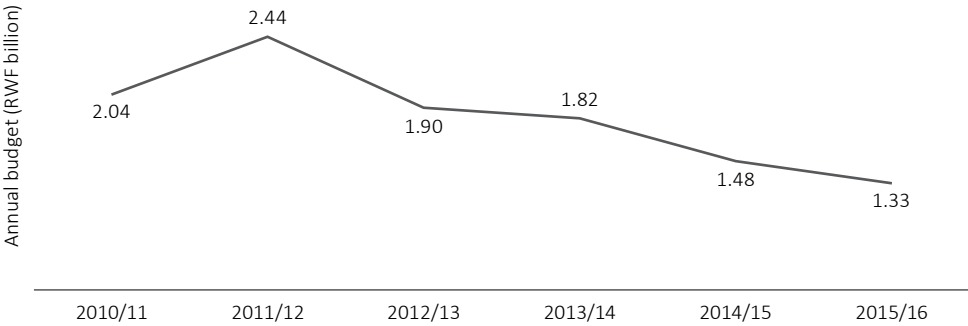
Administration and Finance Unit

This unit provides financial management and overall administration services to the Office.

D. Budget

Like all public institutions in Rwanda, the Office of the Ombudsman prepares an annual budget that it submits to parliament for approval. After approval, the budget is executed in accordance with procurement processes guided by the Public Procurement Law. The expenditures are audited by an internal auditor and externally by the Office of the Auditor General.

Figure 3: The Office’s decreasing budget



Source: Author’s research, 2016

The budget peaked in the fiscal year 2011/12 at RWF 2 444 597 151 (USD 3 029 241), but has decreased steadily since then. In the fiscal year 2015/16, the budget was only 54% of the 2011/12 figure. It appears that the budget has decreased while the Office’s tasks and responsibilities have increased. This is surprising in light of the fact that the Rwandan economy has been growing at the annual rate of 5–11% in the last decade. The national budget has grown, albeit at a slower pace.

The funding challenge was highlighted in interviews with Office staff, who claim to have initiated negotiations with the Ministry of Public Affairs and Labour (MIFOTRA) to increase the number of agency staff. Furthermore, some Office activities may receive funding from the European Union.

E. Staff and skills

As provided for in article 21 of the law establishing the Office, for each position in the Ombudsman Council, the government submits the names of the candidate agreed upon by Cabinet to the Senate for approval. Approved candidates are appointed by a presidential

order. The same article stipulates that the Ombudsman shall serve a five-year term, while the deputy ombudsmen serve four-year terms. These terms of office are only renewable once, and via the same procedure. These contracts can be terminated when the officer concerned:

- Resigns or is assigned to a different position;
- Is not reappointed after the expiry of the first term;
- Fails to discharge his/her duties, is no longer considered a person of integrity, or no longer shows the dedication, foresight and competence which served as the basis for his/her appointment;
- Dies, or suffers from an illness which prevents him/her from discharging his/her duties as certified by an authorised medical committee;
- Concludes his/her two terms of office.

The prosecution of the Ombudsman and deputy ombudsmen is clearly specified in the establishing law in its article 46, whereby the Ombudsman and deputy ombudsmen cannot be brought before courts because of what they reveal in fulfilling their responsibilities. They are individually prosecuted if involved personally in criminal procedures, but they wouldn't be sent into provisional detention unless they are caught red-handed in the act of committing a felony.

Although the Office has its own code of conduct, the code of conduct provisions on leadership in Organic Law No. 61/2008 of 10/09/2008 also apply. And, according to articles 35 and 36, the ombudsmen's conduct is overseen by the Bureau of the Senate in parliament. The Office is also tasked with ensuring that the implementation of this organic law and all other codes of conduct are integrated smoothly.

The Rwandan public administration's human resource department emphasises the importance of relevant academic qualifications and work experience for Office positions, with each position on the organogram having a detailed description of the precise competencies required.

Office staff are recruited according to standardised public administration procedures involving a civil service exam as well as background checks and vetting. All non-administrative staff must have four years of post-secondary education and then continue training while at the Office. Furthermore, performance reviews are conducted in order to monitor and promote individual performance. The staff salary scale is public and transparent, and regulated by the MIFOTRA and regulated under law as per the Special Official Gazette of 01/03/2013.²⁵

Despite the general improvement in staff technical competencies and academic qualifications, the Office has recognised some gaps that need to be addressed in order to improve capacity (see Table 1).

²⁵ The transparency of the fringe benefits and enumeration of the Rwanda public service is seen as a commitment to integrity and good ethics. The Office of the Ombudsman salary scale for all technical positions can be accessed here <http://www.mywage.org/rwanda/home/salary/public-wages/office-of-the-ombudsm> [accessed 10 April 2017].

Table 1: Staff skills and competencies gaps

Department	Missing skills
Declaration of Assets Unit	Valuation, finance, audits and psychology
Prevention of Corruption and Related Offences Unit	Communication, public relations, political science, administration and sociology
Special Investigation on Corruption Unit	Intelligence, detective skills, communication, public relations, political science, administration and sociology
Preventing and Fighting Injustice Unit	Counselling, communication, conflict management, public relations, political science, administration and sociology

Source: Office of the Ombudsman (2015) *Report of the Assessment of the Activities and Structure of the Office of the Ombudsman*. Kigali: OoO

The capacity gaps associated with the budget constraints constitute a definite hindrance to the Office's performance. As a matter of fact, according to the Office's 2015/2016 annual report,²⁶ despite the timeliness of the budget transfers, the allocated funds to the agency for the fiscal year 2015/2016 were deficient such that some activities were not achieved, namely: sensitisation campaigns; outreach programmes in districts aimed at handling injustice; investigations into declared assets; investigations into some cases of corruption; and the review of court judgment cases, to name a few.

F. Responsibilities

The Office of the Ombudsman has a robust and wide-ranging mandate which combines prosecution, investigation, and even asset freezes and requests of recovery in the cases prosecuted by the Office. Moreover, the Office is tasked to be at the frontline of the prevention against corruption through daily close contact with citizens. Research on corruption in Rwanda is also within the institution's range of responsibilities.

Such a far-reaching mandate is unprecedented for similar types of agency. Indeed, it is challenging for the Office to deliver sufficiently on its mandate considering its limited financial and human resources. This was emphasised during key informant interviews, which revealed that 'despite rendered powers, the [Office] investigates and prosecutes few cases. Investigation is usually conducted by the national police under the Criminal Investigation Department [CID] and prosecution by the National Public Prosecution Authority'. The interview highlighted that the Office investigates only those corruption-related cases reported to it while the national police, through the CID, investigates all economic-related crimes including but not limited to corruption, embezzlement, fraud, forgery, etc. Of these cases, only corruption cases fall under the Office's mandate. The Office

²⁶ Office of the Ombudsman (2016) *Annual Report 2015/2016*. Kigali: OoO. p. 66.

was given prosecutorial power in 2013 and became operational in 2016 when prosecutors were appointed. Since then, the Office prosecutes corruption cases when deemed necessary.

It is worth noting that strengthening the Office's financial and human capacity would increase the effectiveness and efficiency of investigations and prosecutions of corruption-related cases. Here follows a discussion of the Office's actual powers, as stipulated by the legislative framework.

The Office has the power to request the documents, testimonies and explanations necessary for its investigations from public bodies, parastatals, private organisations and NGOs. It may hear evidence from anyone, and request the necessary testimony from that person to assist with the smooth running of the investigation.

It has the power, after receiving written notification, to request that administrative sanctions be imposed upon any employee, whether from the public or private sector, who acted unjustly towards a person, an organisation or an independent association, and to determine what should be done so that those who suffered the injustice may be granted redress. If the Office's decisions are delayed or not respected, the only solution is to appeal to higher authorities or to use the power dictated by the relevant law.²⁷

The Office is permitted to request the temporary suspension of anyone suspected of corruption and related offences. Notwithstanding the principle of presumption of innocence, the Office has the power to request the competent authority to temporarily suspend a civil servant, parastatal staff or employee of a private institution or NGO suspected of corruption and related offences.

The Office has the power to investigate all activities relating to the responsibilities of the Office that are brought to its attention.

With regards to powers of prosecution,²⁸ particular cases are transferred to the relevant agency, such as the NPPA or the military's prosecution department. However, the Office can prosecute those cases falling under its jurisdiction, informing these other prosecution agencies that it is doing so. Should the Office find that a particular case is already in the hands of another prosecution agency, it then leaves that agency to continue with the case. The Office can collaborate with another prosecution agency in the prosecution process.

If injustice persists in a particular case, the Office has the power to request that the Supreme Court reconsider and review judgments made by ordinary, commercial and military courts.

The Office can function as a bailiff when other institutions mandated with this task with a written request have failed to do so. In cases under its jurisdiction, the Office has the power to recover any questionable assets.

The abundance of laws and other legal provisions make the Office's mandate very clear. However, the laws themselves can be interpreted and applied beyond a simple definition

27 Interview with the Office of the Ombudsman, October 2016, Kigali.

28 Article 34, Law No. 76/2013 of 11/09/2013.

of corruption – making the mandate rather complicated to carry out. Interviews with members of NGOs revealed that ‘the case of “injustice” related cases shows that the public and, to the lesser extent institutions, perceive the [Office] as an instance of last resort to address any issue where injustice is suspected’. However, the office does not actually act as a last resort because after its investigation, it can then submit the case to the relevant institution for further processing.

G. Relationships with stakeholders

Receiving and following-up complaints

One of the serious constraints against citizen reporting is that the Office of the Ombudsman is situated in Kigali. The highest demand for counselling and legal aid is among the rural, impoverished population, who are unlikely to travel to the capital to submit a complaint. The Office tries to mitigate this by encouraging reporting via internet cafes and outreach programmes.

Furthermore, interviews with Office staff revealed that citizens can first use the relevant, local administrative channels to handle their complaints, turning to the Office as an instance of last resort. It is also important to note that most complaints are actually not directly related to corruption but rather to ‘injustice’.

The most frequent complaints concern land disputes, followed by complaints related to court judgments, and administrative and labour disputes. According to official records, land disputes and complaints related to court judgments that are perceived unfair make up around 60% of all cases. This statistic is consistent with other institutions that work with citizens’ complaints. The majority of Rwandans depend on land and, due to the genocide and its aftermath, heritage and ownership as well as land partitions are of constant concern at both policy and individual levels.

As mentioned previously, complainants seek the services of the Office as the ‘last resort’ institution that can overturn decisions made by other institutions – 63% of complainants claim that other organs have failed to address their issues. As seen in the table below, there are various reasons that citizens seek redress from the Office.

Table 2: Reasons for submitting complaints

Why do you prefer to bring your complaint to the Office?	Frequency	Percentage
I have no money to pay a lawyer	50	14.88
Other institutions have failed	210	62.50
I only trust the Office of the Ombudsman	74	22.02
Other reasons	2	0.6
Total	336	100.00

Source: Office of the Ombudsman (2015) *Report on the Assessment of the Activities and Structure of the Office of the Ombudsman*. Kigali: OoO

Relationships with state and civil society institutions

One of the main functions of the Office is the coordination of activities for preventing and fighting corruption. This is largely done through the chairmanship of the National Advisory Council to Fight against Corruption and Injustice, established by Presidential Order No. 64/01 of 12/02/2014, which determines the responsibilities, organisation and functioning of the Advisory Council.

This presidential order specifically states that the Advisory Council's purpose is to facilitate the exchange of information on corruption between the various anti-corruption institutions in order to prevent collusion and to determine their collective tasks and responsibilities.²⁹

Although the Office is on the frontline of preventing and fighting corruption and other related offences, the success of the anti-corruption agenda in Rwanda is the result of a combined effort between 'pillars of integrity' institutions. The Office has bilateral partnerships with the most relevant state institutions. The main institutions that cooperate with the Office at national level are the Rwanda National Police, the Supreme Court, the National Public Prosecution Authority, the Ministry of Justice, the Ministry of Local Government and other national security services.

In addition, the Office cooperates with non-governmental and civil society organisations whose missions are in line with its mandate. The Office has specific agreements with some civil society bodies – namely, Transparency International Rwanda (TI-RW), the Rwanda Initiative for Sustainable Development (RISD) and the Institute of Legal Practice and Development (ILPD) – to exchange information and best practices. Data and specific research is widely shared, and some NGOs, notably TI-RW, serve openly as a point of reference in the analytical and preventive work on corruption. In this way, the Office is able to improve its research capacity, which, as stated previously, is part of its mandate.

The Ombudsman is also a chair on the Voice and Accountability Technical Working Group, under which development partners and governmental and non-governmental institutions coordinate initiatives according to pre-determined themes. This dedicated group looks at citizen participation in accountability and transparency with regards to corruption. It has proven to be an efficient way of broadening initiatives and stimulating inclusive policy-making. However, this particular thematic group was rather dormant³⁰ between May 2015 and February 2017, when it resumed its activities.

The Office is required to present the annual report for the past fiscal year and an action plan for the coming fiscal year to both chambers of parliament. It publishes annual reports in English, French and Kinyarwanda on its website³¹ and communicates

29 Presidential order No. 64/01 of 12/02/2014 determining the responsibilities, organization and functioning of the advisory council

30 Ministry of Local Government. (2013) *Governance and Decentralisation Sector: Strategic Plan 2013/2014–2014/2015*. Kigali: GoR.

31 See <http://ombudsman.gov.rw/en/?Annual-Reports> [accessed 24 April 2017].

the main results to the public in the form of aggregated statistics under the main working streams mandated to it by law.

The institution also publishes a citizen charter,³² which explains the main services provided to the public and is mandatory for all public institutions. The document details focal points for different streams of responsibilities, including the time provision for each service and a complaint procedure in case a service is not supplied. These documents are available both in English, French and Kinyarwanda.

The Office benefits from support from those development partners who support good governance, but so far this assistance is limited to training, exchange visits and other technical support. According to one key informant interviewee, this support is likely to be expanded to other Office initiatives such as research, among others.³³

Sensitisation campaigns

One of the main functions of the Office of the Ombudsman is to build citizens' awareness on corruption and on their rights and responsibilities in fighting it. In fact, this has been one of the Office's first responsibilities and the 'front-line' contact with citizens still shapes a significant part of its agenda.

Various training programmes, largely to public officials in national and sub-national institutions, are an important part of the awareness-building task. For example in 2013/14, 2 427 officials were trained on combatting corruption in the delivery of services.³⁴ The target audience is almost exclusively made up of lower-ranking public officials who provide services to the public and are perceived as the most likely to be involved in bribery.

Another responsibility in this category is to deepen awareness of key laws and executive provisions that the Office monitors. Awareness training on the Leadership Code of Conduct and the access-to-information law have been in focus in recent years. Public relations officers, auditors, legal officers and journalists comprise the primary target audiences.

According to the Office's annual reports, working with the media has been an important component of public relations. Radio, television (to a lesser extent) and popular websites serve to promote the Office and its mandate. Public figures such as popular national singers have been enlisted to spread key messages. A quarterly magazine, *Umwunyiri*, mainly reports on the activities of the Office and the general anti-corruption agenda.

Ad-hoc activities such as week-long anti-corruption campaigns are popular in Rwanda and serve as the main means to reach citizens. Anti-corruption discussions at universities, football competitions under the anti-corruption motto, the celebration of the international anti-corruption day, and other events, are some examples of the public

32 See <http://ombudsman.gov.rw/en/?Brochures> [accessed 24 April 2017].

33 Interview with one of Rwanda's development partners, October 2016, Kigali.

34 Office of the Ombudsman (2014) *Annual Report 2013/2014*. Kigali: OoO.

awareness activities organised by the Office. These activities usually draw the attention of the media and policy-makers.

H. Performance

This section looks at the Office's main areas of intervention against key benchmarks such as financial allocations and staffing, results and overall impact. Due to the limited scope of the study and the broad mandate of the Office in Rwanda, the assessment is not exhaustive but focuses rather on key areas of the institutional portfolio.

The Office's budget is comparable to other institutions with similar powers internationally and in the region. However, the Office's powers and responsibilities are quite unprecedented in terms of the horizontal and vertical coverage of the areas under its mandate.

The table below shows that per-capita expenditure for the Office is USD 0.15, which is slightly more than in Ethiopia and Kenya, and slightly less than in Uganda. The case of Botswana stands out in this respect as the country perceived to be one of the most transparent and least corrupt on the continent. The relatively robust budgeting of Botswana's Ombudsman per capita, and in relation to the strength of the economy, may be a contributing factor.

Rwanda is exceptional for the relatively low number of staff and their extremely broad mandate. Ethiopia, Uganda and Kenya boast higher staff numbers; however, they are much larger countries and their anti-corruption agencies also include sub-offices. Overall, Rwanda's Office of the Ombudsman's financial resources are in line with regional standards relative to the wealth and size of its economy.

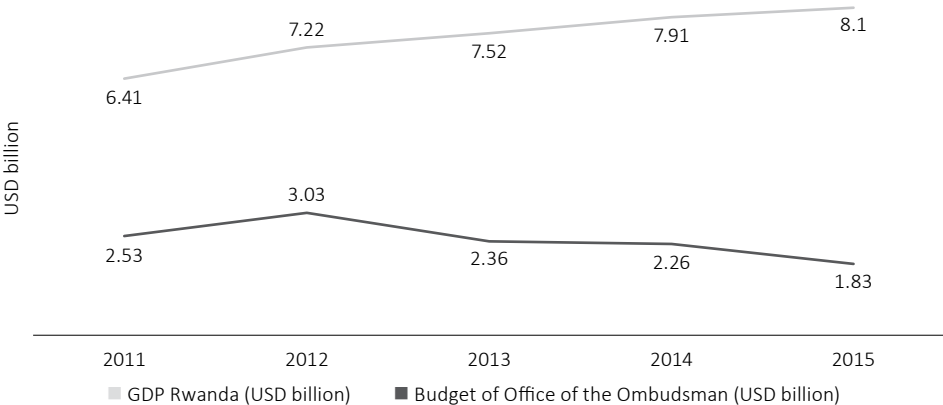
Table 3: Comparison with similar national agencies

	Population	No. of Staff	Staff to population (millions)	Annual budget (USD)	GDP/ capita (USD)	Per capita expenditure (USD)	Expenditure as % GDP/ per capita
Rwanda	11 000 000	78	7.09	1 647 519	638	0.15	0.04
Ethiopia	94 100 000	308	3.27	2 000 000	505	0.02	0.03
Kenya	44 350 000	70	1.58	3 882 923	1 245	0.09	0.03
Uganda	37 580 000	376	10.01	10 988 460	572	0.29	0.01
Botswana	2 020 000	294	145.54	8 305 513	7 315	4.11	0.09
Slovenia	2 060 000	41	19.90	2 180 704	23 289	1.06	1.07

Source: Author's research

Economic growth oscillates between 6–7% per annum and public service expenditure has also grown.³⁵ The Office of the Ombudsman defies the trend in this respect as its budget has declined steadily since 2012.

Figure 4: Rwandan GDP compared to the Office’s budget



Source: Ministry of Finance and Economic Planning (2015) *Fiscal Performance Report*. Kigali: MINECOFIN

Court Judgment Review Unit

As explained previously, the Office of the Ombudsman is mandated to petition the Supreme Court for the review and revoking of court decisions in accordance with Organic Law No. 03/2012/OL of 13/06/2012. The law articulates conditions under which a court judgment can be revoked or reviewed. In such a case, the Office notifies the Chief Justice about its decision. A case may be opened when:

- There is unquestionable evidence of corruption, favouritism or nepotism during the course of the proceedings, unbeknownst to the losing party;
- There is irrefutable evidence that the judge ignored;
- The judgment cannot be executed due to the poor drafting of its content.

This function is relatively new to the institution and there are concerns that one bailiff and four court judgment review officers with a director are grossly inadequate to address the general dissatisfaction with court rulings among Rwandans. A study conducted by TI-RW shows that the public questions equal access to judges and judicial personnel as well as their competence, especially in lower-level courts. Dissatisfaction stems from a perceived lack of impartiality as well as non-compliance with court procedures and even laws. Corruption within court administration and among judges is also an issue. While judges have been largely successful in addressing the backlog of court cases, the highest judicial standards have not always been met.³⁶

35 Ministry of Finance and Economic Planning (2015) *Fiscal Performance Report*. Kigali: MINECOFIN.
 36 Transparency International – Rwanda (2015) *Professionalism of Rwandan Courts*. Kigali: TI-RW.

In light of the above, the rationale for an institution of last resort on judicial issues and other perceived grievances of injustice is more than justified. It is evident that the Office receives a large number of cases of which only a fraction are sent for revision. The rest of the cases are denied or are pending.

Table 4: Number of court judgment reviews

Activity	2012/2013	2013/2014	2014/2015	2015/2016
Received cases	647	1 749	2 396	2 635
Cases sent to Supreme Court for review	14	47	82	73
Cases without evidence of injustice	50	529	946	628
Unprocessed/undergoing analysis in the Office	583	1 266	1 368	1 934
Confirmed by courts for review due to injustice		18	20	30
Judgments reviewed by Supreme Court		3	9	13

Source: Office of the Ombudsman, annual reports 2012/2013–2015/2016

The above table shows that the number of cases whose judgments were overturned between 2012 and 2016 is small (ranging between 18 and 30) and only a few of them (between three and 13) have effectively been reviewed by the Supreme Court. For example, in 2013/14, of the 1 749 complaints received, only 47 (2.6%) were sent to the Supreme Court for review, and the Office of the Inspector General of Courts and Tribunals confirmed only 18 cases for review due to injustice. As the Office does not have the power to revoke these decisions on its own, it is within the Supreme Court’s mandate to overturn the decisions.

However, it is apparent that only a negligible number of injustice cases are revoked by the Supreme Court. Moreover, there is a progressive increase of cases that the Office has yet to analyse and then submit to the Supreme Court for review (as per its mandate). For example, in 2015/16, 73% of all cases submitted for review remain unprocessed or are undergoing analysis. The volume of pending cases raises questions about the capacity of the Office to adequately process substantial volumes of submitted cases. While the number of cases of injustice has quadrupled, the unit’s staffing remains constant.

Prevention of Corruption and Related-Offences Unit

The activities of the National Anti-Corruption and Injustice Advisory Council are coordinated under this unit, which acts as a secretariat for the Council to organise meetings, monitor the implementation of the resolutions adopted by the National Council and to follow up on the functioning of the advisory councils at district level.

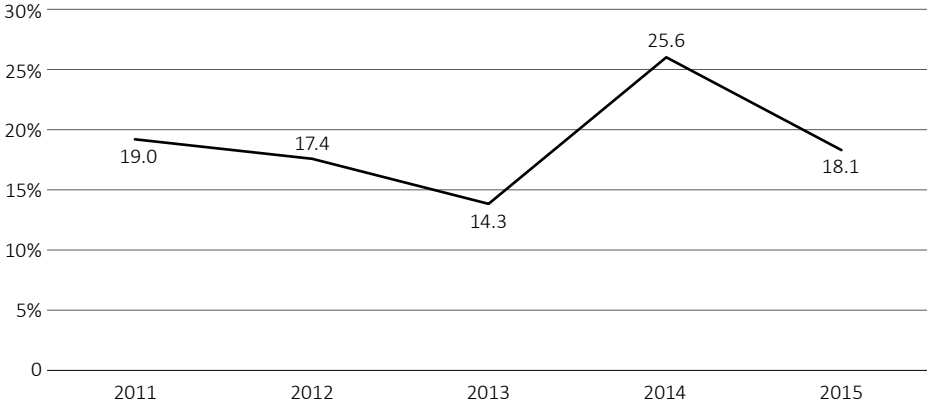
However, interviews revealed that there is a considerable variation in the performance of the local-level advisory councils. Some meet regularly and implement an array of activities, some are barely established and do not contribute significantly, and others are outright dysfunctional. There is thus a concern about how effective the implementation of the agreed national anti-corruption policies has been at local level.

In carrying out its corruption prevention duties, this unit mainly undertakes to train public officials and disseminate anti-corruption messages to the public through various channels. It is unclear how effective these campaigns really are, however. For example, local government officials are the most frequent attendees at training events. Local government is the most vulnerable to corruption in Rwanda, with the second highest proportion of bribes. The police and the judiciary, which are ranked amongst those institutions most prone to corruption, also attend regular training sessions.

In addition, the unit conducts system reviews of public and private institutions and assesses government projects and programmes in order to identify potential corruption loopholes in their functioning or implementation.

One of the major issues in the fight against corruption is the low rate of reporting. Various sources indicate that in 2015 only around 18% of those who encountered corruption reported it to the authorities. The trend has proved stable over an observed period of five years. Fear is cited as the main reason for not reporting corruption.³⁷ This data suggests that more needs to be done to prevent corruption in key institutions by increasing user-friendly channels of corruption reporting including information and communications technology (ICT). The unit needs to continually encourage the public to report corruption while at the same time providing meaningful assurances of confidentiality and protection to potential whistleblowers.

Figure 5: Public reporting of corruption, 2011–2015



Source: Transparency International Rwanda (2015) *Rwanda Bribery Index 2015*. Kigali: TI-RW

37 TI-RW (2015) *Rwanda Bribery Index 2015*. Kigali: TI-RW.

Preventing and Fighting Injustice Unit

This unit processes the highest number of individual requests submitted under the docket of ‘injustice’. These cases encompass a number of areas, usually related to a judicial decision or handling of a dispute by an authority. Land-related disputes, family disputes, etc., are frequent areas of complaint brought to the Office of the Ombudsman.

With 15 full-time staff, thousands of citizen submissions are received through different channels such as letters, email and cyber cafés, outreach and the anti-injustice week. These cases are analysed, solved or passed on to other institutions for follow-up.

Table 5: Number of injustice cases

Activity	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
Received	4 755	4 017	3 487	1 694	2 791	1 767
Solved	3 286	3 280	4 779	1 543	1 324	909
Sent to other Institutions	924	1 108	179	463	970	688
Under investigation	784	575	1 105	588	497	170

Source: Office of the Ombudsman, annual reports 2010/11–2015/16

It emerged from the findings that due to increased awareness campaigns through radio talk shows, outreach activities and other sensitisation campaigns, the number of cases submitted to the office between 2010–2013 is relatively high (between 3 487 and 4 755) considering the unit only has 15 staff members. It can also be noted that in some periods, such as 2012/13, the number of solved cases is higher than the number of cases received. According to the interview with the director of the unit, this was due to the fact that during an outreach programme, the Office worked jointly with local government authorities and together were able to handle a large backlog of cases.

In addition, the above table shows an overall decrease of cases received by the Office between 2010 and 2016 as well as a significant decrease in solved cases, cases sent to other institutions and ones under investigation (especially in 2015/16). According to the 2015/2016 annual report, there were 660 cases received via letters, of which the unit solved 358 (54%), while the backlog cases from 2014–2015 accounted for 51.9%. This implies that greater public awareness needs to be made to emphasise that the Office should be consulted only as an agency of last resort. The established anti-corruption advisory committees at district, sector and cell levels should play this role.

Special Investigations on Corruption Unit

The Special Investigations Unit is explicitly responsible for investigating corruption and related offences, and is authorised to receive and analyse information and evidence pertaining to all reported corruption cases. This directive firmly shifts the power of the

Ombudsman's towards an active role in law enforcement. The Ombudsman and deputies have had such power since the establishment of the Office, but other staff members have only had judicial police power since 2009. The table below provides an overview of the cases received and handled under this unit.

Table 6: Number of corruption cases

Year	Received cases	Concluded cases			Pending cases
		Maladministration or closed cases due to lack of evidence	Investigated and submitted for prosecution/ to court	Referred to the police	
2010/2011	73	28	2	0	43
2011/2012	120	83	0	0	37
2012/2013	53	27	3	0	23
2013/2014	119	91	11	1	16
2014/2015	74	43	3	4	24
2015/2016	89	43	11	6	29

Source: Office of the Ombudsman, annual reports 2010/11–2015/2016

The data shows that investigators are able to conclude around half of the received cases on their own, with those not falling under the Office's mandate being referred to the police, for example, complaints related to embezzlement or forgery.

The Special Investigation on Corruption Unit has six investigators, which seems to be adequate given the number of received cases (less than 100 cases in the whole year). Moreover, most of the cases handled are either related to maladministration or closed due to lack of evidence whereas those cases that are investigated and submitted for prosecution remain few. However, it is true that investigating corruption cases requires considerable time due to the necessity for collecting evidence, which is frequently one of the main challenges.

Apparently, apart from some cases in the districts where corruption cases are related to public tenders involving big budgets, most corruption cases involve public institutions at lower levels where citizens seek services. The Office periodically publishes lists of corruption, with the range of corrupt transactions usually not exceeding USD 100, indicating that these are almost exclusively cases of petty corruption.³⁸

³⁸ Office of the Ombudsman, 2015/2016 annual report.

Cases of grand corruption³⁹ are relatively rare in Rwanda. State ministers and senior officials have been accused of corruption in the past, but this is uncommon and they have generally resigned before the prosecution officially logged a case. More significant cases of corruption can be seen in procurement and large governmental social welfare systems. For example, the Office of the Auditor General identified a total of retrack so sum on same line RWF 1 627 988 639 (about USD 2 million) reported in fraudulent cases identified since 2011. Despite this relatively negligible amount, most of these public funds have not been recovered to date.⁴⁰

Interviews with the Ombudsman and the NPPA revealed that political appointees, such as ministers and heads of institutions, do not have a direct influence over procurement, bidding, etc., as there are fewer opportunities to influence these proceedings for private gain. However, interviews with national police confirm that it is very challenging to get plausible evidence on suspected high-ranking individuals ‘as “big fish” know how to play the game’ and hide evidence.⁴¹

The anti-corruption awareness campaigns and HE Kagame’s speeches may also be a powerful deterrent. The ‘shaming’ of those caught red-handed and the reported cases of high-ranking individuals sentenced for corruption seems to have a very powerful preventive effect. It is however important to mention that there are relatively few investigators with the capacity to analyse bidding processes, illicit money flows and asset declarations, which may contribute to the scarcity of grand corruption cases brought to successful prosecution.

The enactment of the Leadership Code of Conduct (as amended) stands out as a legal provision stipulating integrity as one of senior officials’ highest principles. Ministers as well as other political appointees (permanent secretaries, district mayors and other senior district staff) are subjected to checks and balances that give them little room to manipulate public tenders or influence decisions for personal enrichment. The issue of the political commitment to fight all levels of corruption is also difficult to substantiate. Although there is evidence of a firm stance coming from the highest executive levels, the ‘operationalisation’ and testing of the commitment remains a challenge as long as most of the victims of corruption do not report the case due to the fear of self-incrimination or intimidation.

39 According to a newly developed Transparency International legal definition, ‘grand corruption is the abuse of high-level power that benefits the few at the expense of the many, and causes serious and widespread harm to individuals and society. It often goes unpunished.’ See http://www.transparency.org/news/feature/what_is_grand_corruption_and_how_can_we_stop_it

40 Office of the Auditor General (2016) *Report of the Auditor General on State Finances 2015*. Kigali: OAG.

41 Interview with a police officer, October 2016, Kigali.

Case study: High profile corruption cases

Marc Kabandana, the former director general of the then Rwanda Institute of Administration and Management (RIAM), defrauded the government of RWF 286 million by embezzling public funds and flouting tendering procedures. The spokesperson of the NPPA, Augustin Nkusi, revealed that between 2008 and 2009, Kabandana drew RWF 14 million in unjustified allowances and paid out RWF 272 million to a ghost construction company that allegedly carried out renovation work on the institute's premises. The intermediate court of Nyarugenge sentenced Marc Kabandana to five and a half years in prison.

In 2009, the Office started investigating the former director general of the Central Public Investment and External Finance Bureau (CEPEX), Mr George Katurebe, who was then arrested over the mismanagement of public funds totalling RWF 453 million. The spokesperson of the National Public Prosecution Authority (NPPA), Augustin Nkusi, revealed that Katurebe stood accused of complicity in exonerating STRABAG, a German road-construction company, from paying a fine imposed against them by the government. The government had signed a contract with STRABAG to construct the Kigali–Bugesera road, specifying the exact time the construction should take. The contract contained penalty clauses concerning fines the company would face in the event of construction delays. STRABAG failed to meet its contractual obligations, and was liable to pay a fine of RWF 453 million.

According to Nkusi, with the assistance of the permanent secretary, Vincent Gatwabayenge, in the Ministry of Infrastructure, Katurebe exonerated STRABAG from paying the stipulated fine. Gatwabayenge was placed in custody and has since been charged with embezzlement. The two were accused of having caused government loss, which is punishable under article 17 and 18 of the Anti-Corruption Law. Gatwabayenge, who features in Katurebe's case, had earlier been denied bail by the same court and is also accused of having inappropriately allocated RWF 1.7 billion to STRABAG to construct site-centres on the Kigali–Bugesera road during the construction period. According to Nkusi, both the government and STRABAG had agreed to hire an intermediary who would determine how much extra money the government was supposed to pay. A French expert recommended that the government pay STRABAG € 90 757 but instead Gatwabayenge gave authorisation for the company to be paid € 226 893. 'He has since failed to justify why he authorised the paying of the extra money,' said Nkusi. Gatwabayenge was on trial for his alleged role in mismanaging public funds and corruption charges.

In the same year, the executive secretary of the Eastern Province, Charles Gasana, was arrested on charges of embezzling public funds in collusion with businessman Alexis Mugarura and former permanent secretary Vincent Gatwabayenge. According to the spokesman for the Attorney General, Augustin Nkusi, the two officials were suspected of violating the law governing public procurement by over paying Alexis Mugarura, the owner of a construction company, for finishing construction work on the government offices of the Eastern Province.

Declaration of Assets Unit

Case study: Asset declaration and arrests

The former Nyabihu district executive secretary, Mr Habyarimana, was arrested over the misappropriation of public property and illicit enrichment. The arrest follows declarations of assets by district executive secretaries and other officials. Habyarimana is said to have registered some of his assets in the name of his brother-in-law.

Asset declaration schemes have been introduced in many countries as a way of enhancing transparency and encouraging integrity as well as citizen trust in public administration. They aim to prevent conflicts of interest among public officials and members of the government and to prevent illicit enrichment or other illegal activities by monitoring the fluctuations in the wealth of individual politicians and civil servants.

In the absence of agreed international standards on asset disclosure requirements, studies point to a set of core principles that governments should consider when adopting such policies. First, the leadership in all three branches of government should be obligated to declare. Second, all declarations should be made public; and lastly, declarations should cover a wide range of potential opportunities for self-enrichment, such as income, gifts, assets, liabilities and all conflicts of interest.

Experience also shows that ‘credible asset declaration regimes need to clearly define who should declare what to whom, at which frequency, establish a review mechanism with explicit criteria for verification, provide for public access to these declarations, and applicable sanctions for failure to declare’.⁴²

It goes without saying that Rwanda has a very ambitious asset declaration plan in terms of the volume of public officials covered. The World Bank describes the Rwandan income and asset disclosure system as targeted and robust. The Office is responsible for the entire Income Asset Declaration (IAD) system and closely monitors submission compliance.

The Office publishes the data on compliance and includes the names, positions and disciplinary measures of those who fail to declare or justify their assets. Those officials who have a clear submission record are not named, according to Law No. 76/2013 of 11/9/2013. The number of officials expected to declare their assets is rising rapidly. Whereas in 2007 only 4 023 public officials were supposed to declare, in 2015/16, 9 884 asset declarations were requested. This is more than a 100% increase. In contrast, the numbers of those who failed to declare is steadily falling. In 2007, over 10% of required officials did not make declarations while, in 2015/16, less than 1% failed to declare. This success is largely credited to being able to make the asset declaration submission

42 Chêne M (2011) *Asset Declaration Rules for Politicians*. Available at https://www.transparency.org/files/content/corruptionqas/Asset_Declaration__Rules__for__Politicians.pdf [accessed 8 May 2017].

online, coupled with the administrative sanctions dealt out every year to those who fail to comply with the law. Submitting online declarations has simplified the management of this procedure considerably, overcoming the administrative hurdles associated with asset declaration submissions in the early years of the policy.

The Rwandan case is also unprecedented in terms of the sheer number of public servants required to disclose. The vast majority of countries in Africa requiring asset declaration do not publish the results. In the case of Rwanda, the coverage of the asset declarations does not seem to be matched by any increase in responsible staff charged with the verification.

Moreover, as the Office of the Ombudsman acknowledges, the prevention of corruption and embezzlement is as important as punishing perpetrators. The culture of watching over public officials at various levels is a very powerful deterrent. In this respect, the policy has certainly been successful in Rwanda. Social and printed media regularly emphasise the importance of integrity in the Rwandan public service, and cases of unethical behaviour, especially at lower government levels, become public knowledge.

The unit is also charged with increasing awareness about asset declarations. Especially in the early days, before an online system was introduced, many public officials did not know how and when to declare. Announcements on local radio shows and in newspapers, SMS messages and other means of dissemination were then used to communicate the message. Since 2014, when the online system went live, the process has improved considerably. In 2015/16, 415 declarations were verified, which is almost four times fewer than the year before. The more important question then is how effective the verification of asset declarations is, given the limited man power. The eight investigators in this unit are responsible for almost a thousand asset declarations each, which might be difficult to handle effectively.

Table 7: Asset declaration submissions

Activity/ Years	2007/ 08	2008/ 09	2009/ 10	2010/ 11	2011/ 12	2012/ 13	2013/ 14	2014/ 15	2015/ 16
Supposed to declare	4 023	4 929	5 690	7 563	8 154	8 627	8 777	9 565	9 884
Declared	3 526	4 478	5 690	6 731	7 660	8 416	8 742	9 537	9 824
Not declared	497	451	0%	832	494	211	35	28	60
Verified	157	227	736	736	1 122	1 032	1 320	1 571	415
Declared political parties	4/8	7/9	9/9	10/10	10/10	10/10	10/10	11/11	11/11

Source: Office of the Ombudsman, annual reports 2007/08–2015/16

Monitoring of Interdictions and Incompatibilities of Senior Officials Unit

This unit is tasked with conducting investigations into senior public officials' misconduct, interdictions and incompatibilities. The law defines 'misconduct' to encompass ethics, integrity and even patriotism. The unit has investigated the misuse of public vehicles, unjustified absenteeism at work and unlawful remuneration (such as undeclared gifts).

The Office's annual reports also reveal that this unit issues audit-like recommendations to a number of national and sub-national institutions. In 2012/13 for example, the unit made 287 recommendations for public financial audits at local government offices, hospitals, schools and other specialised public agencies. Unlike the Office of the Auditor General, the Office focuses on loopholes that enable corruption in private and public institutions.

I. Recommendations

Based on the findings of this study, the following recommendations are made.

- Organic Law No. 01/2012/OL of 02/05/2012 instituting the penal code defines corruption and the corrupt actions punishable under this legal provision. However, the definition does not classify embezzlement as a crime punishable by the anti-corruption legislation. This needs to be rectified.
- Rwanda has ratified all the major global and regional treaties against corruption. However, the East African Community Protocol on Preventing and Combating Corruption has been pending since 2006. Rwanda, as a regional leader in combatting corruption, should lead the drive to prioritise the regional protocol and ensure it is finalised and tabled for state party signature and enforcement in 2017.
- The Office's budget does not correlate with the additional tasks it has been given since its inception. Moreover, despite the general improvement in staff technical competencies and academic qualifications, the Office has identified capacity gaps that need to be addressed. In order to solve these problems, either the Office's mandate needs to be revised or its budget substantially increased.
- The Office, local government authorities and the established anti-corruption advisory committees at district, sector and cell levels need to sensitise the public to the fact that the Office is an institution of last resort only.
- Funds for conducting research on corruption should be provided by the government and/or its development partners.
- The Office is mandated to petition the Supreme Court for the review and revoking of court decisions in accordance with Organic Law No. 03/2012/OL of 13/06/2012. There are concerns that one bailiff and four court judgment review officers with a director are grossly inadequate to address the general dissatisfaction with court rulings among Rwandans.

- Similarly, with 15 full-time staff in the Preventing and Fighting Injustice Unit, thousands of citizen complaints are handled through different channels including outreach, anti-injustice weeks, emails, cyber cafés and letters. Only around 54% of complaints were solved by the unit in 2015/2016. The staff contingent at this unit needs to be increased.
- The Prevention of Corruption and Related Offences Unit is mainly tasked to work at district level through local anti-corruption and injustice advisory councils. Institutionalising national anti-corruption policies at the local level, especially the sub-national anti-corruption and injustice advisory councils, requires a coordinated effort by all anti-corruption stakeholders to ensure that they are implemented properly.
- Since 2014, the asset declaration system has improved considerably since it became possible to declare online. Given the limited human resources, the more important question is how effective the verification of asset declarations can be. The Office should therefore make every effort to improve the effectiveness of the verification of asset declaration and to strengthen its capacity in as far as the investigation and prosecution of corruption cases are concerned. Grand corruption cases should be given priority.



With reportedly over USD 50 billion lost annually through graft and illicit practices, combatting corruption in Africa has been challenging. However, laws and policies at the continental, regional and national levels have been promulgated and enacted by African leaders. These initiatives have included the establishment of anti-corruption agencies mandated to tackle graft at national level, as well as coordinate bodies at regional and continental levels to ensure the harmonisation of normative standards and the adoption of best practices in the fight against corruption.

This continent-wide study of anti-corruption agencies aims to gauge their relevance and effectiveness by assessing their independence, mandate, available resources, national ownership, capacities and strategic positioning. These surveys include evidence-based recommendations calling for stronger, more relevant and effective institutions that are directly aligned to regional and continental anti-corruption frameworks, such as the African Union Convention on Preventing and Combatting Corruption (AUCPCC), which Rwanda – the country reviewed in this current report – has ratified.

Rwanda ranks amongst the least corrupt countries in Africa and has registered strong results in combatting graft through the Office of the Ombudsman, which has a far reaching – and unprecedented on the continent – mandate to arrest, investigate, prosecute, impose sanctions, recover assets and request court reviews.