ACCESS TO JUSTICE FOR WOMEN AND GIRLS IN SIERRA LEONE

ASSESSMENT

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An assessment of women’s and girls’ access to justice across Sierra Leone, to inform the implementation phase of the ASJP – a partnership between the governments of the United Kingdom and Sierra Leone
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Executive Summary
This assessment was conducted for the Sierra Leone Access to Security and Justice Programme (ASJP) in August 2012, towards the end of the ASJP’s inception phase. It sits alongside the Family Support Investigation and Reporting Assessment. Both assessments have already been used to inform the inception report and proposed Programme Document for the implementation phase. This report is based largely on a visit to selected districts across Sierra Leone, as well as interviews with key justice sector personnel and a desk review.

A: Key Findings
No woman or girl interviewed for the assessment knew of or had personal experience of a satisfactory resolution of a land dispute or criminal allegation through the formal or informal justice mechanisms.

Women and girls across Sierra Leone face barriers at every level of justice – both formal and traditional. They share common barriers with men and boys such as lack of trained court personnel or physical access to police stations, as well as gender-specific barriers arising either because of the type of issues they face (such as gender-based violence) or because of the gendered impact of these barriers (such as the effect of their daily workloads). Barriers to access to formal justice mean that most women and girls seek justice at the traditional, community levels. This is not to say that women and girls would prefer to have cases resolved by traditional mechanisms, but that their choices are circumscribed by lack of physical access, ineffective or discriminatory justice procedures and poor implementation of national laws.

Women’s and girls’ top two priority areas consist of the following:

a) Violence:
   i. Domestic violence is endemic across the country. The majority of women live in fear of their husband’s violence. It is so prevalent that injuries short of broken bones or bleeding are not usually considered serious enough to warrant intervention. Nevertheless, when women or girls are seriously injured, this does not trigger a concerted response by informal or formal justice providers.
   ii. Sexual violence is also common, including the sexual abuse of adolescent girls, particularly by teachers. Rape within marriage is frequent yet not considered to be a crime. Sexual violence of small girls is considered to be a crime and is often reported to the Family Support Units (FSUs). Even these cases, however, are frequently ‘settled’ between families with no regard to the rights of the child.

b) Land and property:
   i. Women’s rights to ownership of land and property are more often breached than observed. While this is largely to do with ignorance about their rights, it also results from their lack of access to impartial decision-makers. Chiefs tend to find in favour of men or their families (in cases of inheritance) and women do not have access to the appellate procedures that may exist under the Devolution of Estates Act 2007.
   ii. The Registration of Customary Marriage and Divorce Act 2009 was intended to give women legal protection in cases of customary marriages, prevent women in

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1 The Family Support Unit assessment was commissioned at the same time
customary marriages from being thrown out of their homes and land. It is implemented patchily, largely because men are reluctant to register all their marriages and because there is little imperative or encouragement to do so from male leaders.

The **top ten barriers** to women’s and girls’ access to justice consist of the following:

i) **Lack of knowledge and ignorance** about the law and entitlements: Women and girls do not know that they are entitled to claim their rights or that their rights exist at all. Illiteracy, men’s control over information (e.g. through national media), physical isolation and the burden of work prevent women and girls from having access to information, allowing myths to flourish and deter women and girls from seeking to enforce their rights. Women’s rights organisations are also ill-equipped to advocate for women’s or girls’ rights, while service-providers (particularly but not exclusively at the traditional or community levels) tend to rely more on social and cultural norms than on the national law.

ii) **Violence**: As well as representing one of the priority areas in which women and girls need justice, gender-based violence is also a deterrent to seeking justice. This arises either because violence (particularly domestic violence) is so prevalent that it is usually not considered to warrant interventions by justice service-providers or because the risk of backlash is too great to risk seeking justice.

iii) **Laws and policies**: Despite advances in recent years, discriminatory provisions in national laws remain such as there being no provision in the Local Courts Act regarding domestic violence and, until recently, conflicting provision on the age of consent for sexual intercourse. At the community level, bye-laws often deter women and girls from seeking redress. Positive legal provisions such as the Gender Acts are not universally implemented and there is little by way of accountability where they are breached.

iv) **Social and cultural norms**: Victims of violence, including child victims of rape, are pressured to accept financial settlements for the sake of their family and to preserve community relationships. Generally, women and girls who seek justice – particularly in the formal sector - are often considered to have acted against cultural norms. Women and girls do not have equal access to decision-makers such as Chiefs, who are frequently more likely to find in favour of men. Formal justice service-providers share ‘cultural’ assumptions about women and girls that act to the detriment of women and girls seeking to access justice. Female justice providers’ decisions are frequently overruled or ignored.

v) **Poverty**: Women and girls are the poorest of Sierra Leone’s population. They have the least control over financial resources and can least afford to take time away from productive labour to seek justice. Barriers such as delays in court proceedings, expensive procedures or remote access to formal justice mechanisms therefore have a disproportionate impact on women’s and girls’ access. Women and girls are also deterred from seeking justice where to do so may result in further impoverishment.

vi) **Physical access**: Where justice services are remote, women and girls are less able to afford transport, to find the time to travel or to know where to find the services.

vii) **Poor standards of service**: Police officers who treat women and girls with disrespect, inefficiencies in court proceedings, poor case management and poor infrastructure all drive
women to rely on the traditional, community-based mechanisms instead of seeking to enforce their rights in the formal justice sector.

viii) **Lack of female representation**: Women are conspicuous by their absence in justice provision outside Freetown. Women and girls have access to low-level justice provision (by way of Mammy Queens or female chiefs) but there is little representation of their concerns or priorities at district decision-making levels.

ix) **Lack of human resources**: A paucity of sitting magistrates and lawyers (at district and sub-district levels), police prosecutors who are not trained in the national law and a shortage of social workers again drives women and girls to rely on the local, informal justice sector.

x) **Corruption**: Whether real or perceived, women and girls believe that they are more likely to receive a fair determination if they can afford bribes or ‘assistance’ to service-providers.

**B: Key Recommendations**

The Government of Sierra Leone (GoSL) has made significant progress in the last few years. In order to maintain the alignment that characterises DFID’s partnership with the GoSL through the Access to Security and Justice Programme, it will be important to support existing mechanisms and to build on achievements. At the same time, the role of civil society – whether in organised structures or at the community level – is central to increasing women’s and girls’ access to justice.

In order to address the barriers identified above, therefore, interventions are needed in the following, interlinked areas:

i) **Knowledge / information:**
   a) Increasing the **number** of women and girls – particularly those living in more remote areas - who have information about their rights and entitlements and how to access them;
   b) Increasing the **quality** of information accessible to women, girls and their advocates;
   c) Increasing the level of knowledge **about women’s and girls’ rights** amongst service providers in both the informal and formal sector and civil society organisations promoting and providing services to improve women’s and girls’ access to justice;

ii) **Accountability:**
   a) Internal accountability: Steps can be taken to improve the appellate structures such as the capacity of District Appeal Courts to hear appeals from Local Courts, as well as providing help to judicial bodies to comply with obligations and recommendations from national, regional and international monitoring bodies;
   b) External accountability: It is particularly important to build the capacity of local and national women’s and human rights organisations to hold justice services to account;

iii) **Improved use of existing mechanisms:**
   a) Supporting the implementation of relevant national laws and policies, with particular attention to the Gender Acts and the new Sexual Offences Act. This entails education/training, sensitisation and building an effective monitoring and evaluation system by the national structures such as the Justice Sector Coordination Office;
   b) Supporting the roll-out of positive practices employed by the Family Support Units (FSUs) and ensuring that the Standard Operating Procedures for the investigation of sexual offences. Particular recommendations here include addressing the lack of trained social
workers operating in conjunction with the police, instituting effective case management systems, ensuring that police prosecutors and investigators understand evidential requirements and are able to charge appropriately and, not least, assisting communities to understand the jurisdiction of the FSUs.

iv) **Management & reform of systems**: Priorities here include:

   a) Review and reform of bye-laws to ensure that they protect women’s and girls’ rights;
   b) Improving the operation of local and magistrates courts so that women and girls are not deterred from using these mechanisms, for instance by implementing procedures that protect confidentiality and remove unnecessary delays;
   c) Case management: Cases involving women and girls are (or are perceived to be) subjected to more delays than other cases, leading to greater attrition rates for these cases;

iv) **Legislation & policy**: As well as the recommendation above regarding bye-laws, it will be important to review existing laws and their implementation to ensure that they do not deter women and girls from using them and they do not act to the detriment of women and girls. An example here is in the use of financial penalties for domestic violence, which can act to penalise complainants more than perpetrators.

v) **Engaging men**: Decision-making positions are usually held by men, both in the formal and informal justice sectors. While many of these men correctly implement the law, their decisions are often informed more by their own positions and affinity with male perpetrators of violence or male heads of household. It will be important to identify men who hold positions of power and authority to become ‘champions’ of women’s and girls’ rights, to use their positions to advocate for the proper implementation of laws and to challenge the assumption that discrimination against women and girls can be taken for granted.

**ASJP Priority Interventions**

i) **Communication strategy for GoSL**

ASJP is commissioning an assessment to develop a communications strategy for GoSL and ASJP. This assessment should focus on women and girls, taking into account the levels of illiteracy amongst women, girls and community-based service providers. It should also ensure that HROs, WROs and other service providers are sufficiently informed about national law and procedures so that they are in an optimum position to provide accurate and reliable information to women and girls and that they are able to effectively monitor compliance by justice service-providers. The main partners in these efforts will be the JSCO, MoJ and the judiciary.

ii) **Bye-law revision**

An in-depth assessment is needed to (a) analyse those by-laws that need to be repealed or reformed and (b) identify those by-laws which do support women’s and girls’ access to justice as examples of good practice that can be replicated in areas that lack sufficient by-laws. This assessment should be carried out either through or with the Ministry of Local Government and Rural Development and the Special Counsel in the Solicitor General’s office.

iii) **Support to women’s CSOs, WROs and HROs**
a) Examine opportunities for supporting the SL Human Rights Commission to increase its capacity to support HROs and WROs to provide information to and about women and girls and to monitor local justice providers’ compliance with the law.

b) Supporting WROs and HROs to improve their outreach to market women’s associations and children’s organisations. This will both create greater accountability at local level and build a ‘critical mass’ of people with basic legal knowledge. This initiative can be linked to the provision of basic legal information as described below (see ‘Market Based Solutions’ below)

iv) **Campaign on marriage registration**

A concerted campaign is needed to ensure that the whole population is aware of this legislation, its benefits (for women and men) and to dispel myths that prevent its take-up. This is best done with a multi-sectoral approach, working with health, social work and education services as well as male ‘champions’ in leadership positions. Training should be conducted amongst Chiefs, JPs, magistrates, WROs and HROs in conjunction with a public awareness campaign by the GoSL in the form of radio advertisements and jingles, pictoral billboard advertisements and mobile phone text messaging.

v) **Paralegals**

Support to Sierra Leone’s network of paralegal service providers should ensure that they are given sufficient training and oversight to ensure that they are aware of women’s and girls’ rights, that they do not perpetuate gender-based discrimination and that they are able to provide support to community-based organisations by way of information about legal rights and procedures. Training should be delivered by government personnel, legal non-governmental organisations (e.g. LAWYERS) and paralegal organisations. This support should include the creation of a robust, gender-sensitive, monitoring and evaluation system.

vi) **Market- based approaches**

This initiative aims to provide rapid, community-based, accurate and reliable basic legal information, to women, girls and their advocates with information about their entitlements under national law, about how to access this provision and how to hold the justice providers to account. It involves a market-based system of access to information which exploits the use of mobile phone technology and radios.

The initiative is directed at providing information to improve access to justice and increase accountability. It does not purport to replace or compensate for a lack of adequate representation or flaws in the legislation or justice procedures.

ASJP intends to explore, in detail, the feasibility of setting up a system of delivering basic legal advice through mobile technology and radio. The details of this proposal are contained in the body of the assessment report.
Introduction

The Sierra Leone Access to Security and Justice Programme (ASJP) is a 42 month, national partnership between the governments of the United Kingdom (UK) and Sierra Leone. It aims to improve access to security and justice for the whole population of Sierra Leone, by alignment with the Government of Sierra Leone’s (GoSL) own strategies. At the same time, the Strategic Vision for Women and Girls of the Department for International Development (DFID) recognises both that women and girls are amongst the most marginalised in all developing countries and the need to prioritise their access to basic services. To meet its corporate goals, DFID requires that the ASJP improves access to justice for 700,000 across Sierra Leone.

The ASJP commissioned an assessment on Access to Justice for Women and Girls (the assessment) as one of the main activities of the ASJP inception phase activities. The aims of the assessment were: (a) to inform the ASJP as a whole; (b) to identify ways in which ASJP can meet the above DFID goal and (c) to inform the overall ASJP approach to gender mainstreaming. The assessment was conducted over a four week period during August and September, 2012. Terms of Reference are attached at Annex A.

The ASJP also commissioned a Family Support Unit Reporting and Investigation Assessment (the FSU assessment) which was finalised at the same time as this assessment. The two assessments sit together – this one providing a broader assessment of the barriers to women’s and girls’ access to justice across Sierra Leone, while the FSU assessment focuses more narrowly on the existing operation, capacity and potential of the Family Support Units (FSUs).

Both these assessments came towards the end of ASJP’s inception phase. The inception report proposes the direction for the ASJP throughout its implementation phase. This enabled the results of the assessment to be incorporated into the inception report.
Background

Sierra Leone is one of the poorest countries in the world. The majority of the population is rural and depends on subsistence agriculture. In overall human development terms, the country ranks 180 out of 187 countries for which data is available\(^2\). It also ranks amongst the lowest countries in terms of gender equality at 137 out of 146 in 2011\(^3\). The decade-long civil war has left a legacy of poverty, poor infrastructure and fragile governance.

In a country where most people are poor, women and girls are the poorest. They are also subjected to endemic levels of gender-based violence – particularly domestic violence – and other discriminatory practices and social norms that circumscribe their potential.

Access to formal, government services is restricted for the majority of Sierra Leone’s population, especially those outside the capital, Freetown, or district centres. Barriers include a lack of trained legal professionals (including judiciary), delays, physical access, pressure to ‘settle’ cases and the financial cost of pursuing justice, be it through formal or traditional channels. As significantly, the majority of Sierra Leoneans have little knowledge about their legal rights or formal mechanisms for seeking justice. They are dependent, therefore, on traditional, customary or informal mechanisms that are more accessible.

It is a misnomer to refer to these community-based mechanisms as ‘informal’, as they are often formalised and structured.

Sierra Leone’s colonial history means that its legal system is derived from a combination of English, common-law law and procedure and customary law. Legal proceedings are always conducted in the English language although traditional mechanisms use local languages.

ASJP Approach\(^4\)

The ASJP adopts a government-led approach, whereby programme activities are aligned with those in the government’s national justice strategy, and, as far as possible, working within and in support of government systems and processes. As a result of inception phase activities, including this assessment, ASJP will focus on six clearly defined programme outputs with measurable performance indicators. This entails, at the central/policy level, a stronger focus on core capacity building for key justice sector ministries, departments, and agencies (MDAs), in


\(^3\) 2011 Human Development Report

\(^4\) Taken from the Inception Report submitted to DFID, September 2012
particular working to strengthen basic planning, resource allocation, and monitoring and evaluation (M&E) processes.

In addition to intensive support to the cross-sectoral co-ordinating mechanisms, in order to strengthen the operationalization of the JSRSIP, ASJP is adopting a focus on “bottom-up” interventions in up to eight focus districts (four, initially) to test what works on the ground and feed that knowledge up into national planning and resource allocation processes. There will be a strong focus on engagement with traditional justice providers (on whom the vast majority of the population relies), as well as with the district administration. This allows for a direct link between the justice sector issues being tackled at the district level and technical assistance at the national level in relevant justice sector MDAs, with assistance provided to support policy reform and strengthen accountability mechanisms based on lesson learned from the districts.

The ASJP will maintain a clear focus on the role of civil society organisations (CSOs) at the district level as advocates for change and for legal empowerment.

The approach described above aims to achieve ASJP’s target of improving access to justice for 700,000 women and girls.

**Methodology**

The consultant responsible for conducting the assessment was contracted by Social Development Direct, one of the ASJP consortium member organisations; and represents that organisation on the ASJP Strategic Oversight Committee. This ensured that the consultant was already fully aware of the ASJP approach and aims. The assessment consisted of desk review, meetings with key stakeholder personnel in Freetown and a week-long field visit to district centres and more remote areas. The field visit was conducted by the consultant, the ASJP Gender Adviser and an ASJP Programme Officer with particular expertise in women’s and girls’ access to justice.

The desk review focused on relevant documentation from Sierra Leone and examples of practice from other, similar contexts. In Freetown, interviews were conducted with representatives of the GoSL ministry counterparts, non-governmental organisations (national and international), UN entities and donors.

The field work consisted of discussions with human rights organisations working on women’s and girls’ issues, child protection and general human rights, focus group discussions with
women in remote communities and district centres, representatives of the Chiefdom structures and women leaders.

The findings of the assessment were presented to the ASJP team and DFID representative at the end of August. Feedback from the presentation has been incorporated into the report.

The methodology is attached at Annex B, the itinerary at Annex C and the bibliography at Annex D.

**Framing the assessment**

In order to act as a guide to ASJP and its partners, the assessment took the following approach. Starting at the broad level of justiciability, the approach travels through the levels of the GoSL plan for the justice sector, through an analysis of what needs to be done to improve women’s and girls’ access to justice to a more detailed plan for what the ASJP can do in this regard:

**A: Justiciability of rights:**

It is a fundamental principle of human rights that they are justiciable. The term ‘justiciability’ refers to the ability to claim a remedy before an impartial body when a violation of a right has occurred or is likely to occur. Justiciability implies access to mechanisms that guarantee recognized rights. In other words, the existence of a legal remedy – understood both in the sense of providing a procedural remedy (effective access to an appropriate court or tribunal) when a violation has occurred or is imminent, and the process of awarding adequate reparation to the victim – are a defining features of a fully-fledged right.

Responsibility for the human rights of citizens lies primarily with the national government. The GoSL is a state party to the major international and regional human rights instruments, including the UN Convention on the Elimination of All forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC), the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights (ICCPR and ICESCR respectively) and the African Charter on Human and People’s Rights, its Protocol on the Rights of Women in Africa (the Maputo Protocol) and Charter on the Rights and Welfare of the Child. In signing up to these instruments and through its Constitution, the GoSL embraces human rights principles, including justiciability. In terms of access to justice, this means that the GoSL embraces the principle that not only do all citizens have these human rights – including land rights, the right to
freedom from violence and the right to due process – but that they should be able to have their entitlement determined by an impartial body.

In terms of improving women’s and girls’ access to justice, this means that women as well as men, girls as well as boys, have satisfactory access to mechanisms by which they can challenge real or potential violations of their rights. Justiciability sits alongside other human rights principles including non-discrimination on the basis of sex, age or marital status (inter alia), universality (that human rights apply to everyone) and indivisibility (that rights are inter-dependent).

B: The Justice Sector Reform and Implementation Plan (JSRSIP) II:  
The GoSL’s JSRSIP II reinforces the government’s commitments to ensuring that justice is expedited and accessible and that rights and accountability are respected. The JSRSIP II explains that justice includes formal, statutory justice mechanisms and the informal or traditional institutions and seeks to put in place mechanisms to ensure that they all comply with national law. As explained above, the ASJP seeks to be aligned with the JSRSIP II plan.

Justice is accessible locally: Women and girls are less likely than their male counterparts to be able to travel to seek justice, or to take the time away from subsistence farming and family responsibilities to pursue claims for their rights. They also lack the financial wherewithal or the knowledge about rights that are pre-requisites for accessing justice at the district centre or capital levels. These factors, in combination with traditional, social norms, mean that most women and girls seek justice at the very localised level, through traditional mechanisms at the chiefdom and village level, using traditional leaders such as the Mammy Queens or Chiefs. It is telling, however, that women and girls are willing to take their complaints to human rights organisations where they exist, as either an alternative or a supplement to other mechanisms.

At this level, it is important to remember that seeking justice is not necessarily the same as having justice. Where decisions are made on a discriminatory basis, or without due regard to the impact on the parties, justice is still inaccessible. An unfair tribunal is, effectively, no tribunal. During the field work, the team found that women ceased to use mechanisms – whether formal or traditional – when they found them to be discriminatory, negative or ineffective in other ways.

Justice is expedited: The JSRSIP II recognises that delays play a major role in preventing Sierra Leoneans from seeking or obtaining justice. For women and girls, delay has a particular influence on whether they (or their families) pursue even serious criminal cases or seek to
‘compromise’ or ‘settle’ the case at family level. For example, where a girl alleges rape, even if the police are able to respond and investigate quickly, she may wait several weeks for the first appearance at court and many more weeks, with repeated adjournments, before the case is determined. For poor families, the financial and time burden may be too heavy, making them more likely to accept an offer of financial settlement from the alleged perpetrator’s family.

Corruption (real or perceived) also plays a part here. Where a victim of serious crime believes that her case will only progress expeditiously if she has legal representation (which she cannot afford) she is less likely to ‘stay the course’ of the litigation; to appear repeatedly at court for her case to be adjourned for lack of court time. Defence lawyers are likely to take advantage of this and apply for adjournments to obtain evidence, in the hope that the victim will eventually fail to appear.

Rights and accountability are respected: As explained above, Sierra Leone is a State Party to major international and regional human rights instruments. CEDAW defines discrimination against women as "...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

By ratifying CEDAW, States commit themselves to undertake a series of measures to end discrimination against women in all forms, including:

- to incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
- to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and
- to ensure elimination of all acts of discrimination against women by persons, organizations or enterprises.

In order to comply with its obligations, the GoSL must also ensure that the justice system ensures the protection of women (and, by extrapolation, girls) from acts of discrimination.

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5 Article 1 CEDAW
6 Article 2 CEDAW
including gender-based violence or expropriation of land and property. Furthermore, it is obliged to ensure the elimination of gender-based violence – defined as act of discrimination\(^7\).

Sierra Leone has made significant progress towards the above, by passing a set of Gender Acts, including, most recently, the Sexual Offences Act. It is also taking steps to address the barriers to women's and girls' realisation of their rights by measures such as a pilot project in Western Area by the Director of Public Prosecution whereby he reviews all cases involving gender-based violence with a view to fast-tracking them through the criminal process.

The GoSL has adopted other strategies, such as the Sierra Leone National Action Plan on the Implementation of UN Security Council Resolutions 1325 and 1820 which underscore the need to respect international law. It has also put in place structures such as the National Action Committee on Gender-Based Violence (NAC-GBV).

The challenge for the GoSL, the ASJP and partners will be to ensure that the impact of these strategies and structures is felt at the local level. Women and girls interviewed for the assessment described how the cost of seeking justice for sexual offences is often prohibitive because police (even some in the FSUs) are not aware that medical reports are free to obtain, or may be powerless to compel medical personnel to provide them free of charge; or because police officers may require 'help' with fuel costs to investigate an allegation.

In addition to these issues, the widespread ignorance (including amongst men and boys) across Sierra Leone regarding women’s and girls’ rights\(^8\) means that government strategies, the law itself can mean little to communities without access to information.

**ASJP’s approach to access to justice for women and girls**

As described in ASJP’s Programme Document (11 May 2012), the programme’s focus is to support the improvement of:

- access by the poorest and most marginalised to justice services and
- quality service delivery by the government justice agencies.

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\(^7\) General Recommendation 19 (1992)
\(^8\) African Development Bank Group (2011): Sierra Leone Country Gender Profile
Greater access will be achieved by the population:

- knowing their rights,
- knowing how to articulate their demands,
- understanding what they can expect from each institution (formal and traditional) within the justice sector,
- and holding the government to account.

DFID’s global approach is to assume that justice services are of an acceptable quality, so that improving access to justice is a matter of ensuring availability and take-up of these services. The assessment found, however, that access to services that purport to deliver justice is only effective where those services do deliver justice that adheres to basic human rights principles – notably those of non-discrimination. The field of education provides a useful analogy, where it is increasingly acknowledged that access to education involves being taught by trained, literate teachers in a safe and conducive environment. So, where justice is delivered in a way that perpetuates discriminatory social norms, or fails to provide redress for violations such as gender-based violence against women or girls, it is necessary to do more than merely improve access. Put bluntly, if a police officer treats a woman or girl with disrespect and blames her for the violence perpetrated against her, she has no access to justice even though the police station may be on her doorstep. Similarly, if a chief or local court imposes a financial penalty against a man who refuses to support his family which results in further impoverishment of that family, the female complainant will not have had access to justice.

Lack of physical access compounds the above issues. For instance, where a woman or girl has to travel a long distance to reach a police station or a magistrates court, she is less likely to spend the time and money involved if she has little confidence that, on arrival, her case will have been put to the bottom of the list or that police or court staff will treat her with disrespect.

For this reason, the ASJP programme document goes on to explain that improved service delivery will be achieved by government agencies’:

- increasing their responsiveness to the population’s demands,
- developing their institutional capacity,
- implementing key new legislation.
The assessment found that, in testing whether government agencies (or other service providers) have increased their responsiveness to the population’s demands, it is necessary to disaggregate ‘the population’ to ensure that the needs and demands of women and girls, as well as men and boys, are taken appropriately into account.

Why increase access to justice for women and girls?

The GoSL, DFID and the ASJP agree that there is both an imperative and an instrumental need to improve women’s and girls’ access to justice.

The imperative need (“It’s the right thing to do”) stems from the following facts: Women and girls constitute at least half the population of Sierra Leone but are largely excluded from public life and decision-making at the household and community levels, as well as at the lower levels of public institutions such as village councils. At the same time, they are subjected to endemic levels of discrimination, including gender-based violence and represent the most marginalised of the marginalised. Moreover, human rights principles, on which the GoSL, DFID and the ASJP are based, maintain that justice is a basic human right that should not be denied on any grounds, least of all because of gender-based discrimination.

The instrumental need (“It serves a function”) also stems from the fact that women and girls are systematically subjected to discrimination and marginalisation. An analysis of barriers to access to justice from women and girls, therefore, illuminates barriers to adequate justice for all, whether informal or formal. Reversing this situation – removing the barriers – must lead, therefore, to improved access to justice for all. The police investigation of sexual violence is one example: When a police service is professionally ready to investigate cases of sexual violence, with literate, impartial and respectful officers operating according to the law in clean police stations, this professionalism will have a positive impact on policing as a whole. The pre-requisites will be met, for example, for policing that is intelligence-led rather than operating mainly as a public order force.

Similarly, addressing issues such as corruption in the courts’ process, in order to improve access for women or girls, means that the community as a whole will have greater confidence in the whole justice system.

Improving access to justice for women and girls prevents further violence & other violations. For instance, many men who beat up their wives do so in the knowledge that she has no recourse
to justice – that he has impunity. Improving the wife’s access to justice removes this culture of impunity and makes violent individuals think twice. A family of a widow who knows that the local chief structure works with impartiality and according to the law may be less enthusiastic about ‘claiming’ her land if they know she can easily get justice.

Lastly, improving access to justice increases women’s and girls’ disposable income. The assessment found that women have to spend money if they seek justice at any level above the Mammy Queen or town chief. Women in Sierra Leone have very little money of their own – most of the product of their labour going straight to their husbands who then decide how much they will allow the wife to have. Women seeking justice, therefore, often have to decide between household basics, health or education and pursuing their complaint through the justice systems. In addition, as women are the primary workers in the household, overcoming barriers to justice (e.g. going repeatedly to the district centre for court hearings) involves days away from productive labour and therefore economic cost. It is well known that increasing the money available to women increases the likelihood of children being educated or healthy and improves the development potential of the family and community.

**Measuring improvements in women’s and girls’ access to justice**

DFID guidance\(^9\) concentrates on improved access to justice mechanisms, whether or not they are taken up and whether or not they are of a good quality. In Sierra Leone, however (as described above), the barriers for women and girls are not limited to access to the services but are more to do with access to justice, *per se*. For these reasons, it is proposed that the ASJP measure improved access to justice for women and girls in the following ways:

a) **Disaggregating by sex**: This applies to general indicators, such as the numbers for recruitment and retention of police officers in rural areas. Care must be taken, however, not to assume that this alone improves access for women and girls as, even where there are increased numbers of police women, this alone does not improve the accessibility of police stations. This is actually an example of a ‘reverse indicator’ whereby *not* having increased numbers of women police officers can be assumed to prevent women’s and girls’ access.

b) Measuring whether interventions have a particular impact on women and girls: For instance, reform of a bye-law on ‘fighting’ to enable community-based intervenors to detect who is the aggressor and who the victim is likely to have a greater impact on women experiencing

domestic violence and to encourage them to make use of these services, although the intervention itself is gender-neutral.

c) Measuring interventions that are targeted at women and girls: For instance, where police officers are trained in the Standard Operating Procedures for dealing with cases of sexual violence, this intervention should lead, over time, to an increase in reporting and follow-through of cases where women and girls are predominantly the victims.

The following sub-indicators are proposed:

**Sub-Indicator 1:** Women and girls’ awareness of the existence of and the right to use the services and how they can obtain them (DFID proxy indicator Option 1)\(^{10}\); plus

**Sub-Indicator 2:** Local physical availability of the services (DFID proxy indicator Option 3)\(^{11}\) plus

**Sub-Indicator 3:** The direct and indirect cost to a women, girl or family of girl per interaction with the service is both reasonable and is considered reasonable by the intended users plus

**Sub-Indicator 4:** The service is perceived by women and girls as being accessible to them and of an acceptable quality\(^{12}\).

It will be noted that these indicators should be regarded as a ‘basket’ – that for access to justice to be truly improved, each indicator should have a positive rating.

**Women’s and girls’ priority areas**

The assessment found that, with hardly any variation, women and girls across Sierra Leone and their advocates, whether in district centres or remote villages, had the same priorities and the same concerns about the justice system.

**Violence:**

Women and girls interviewed for the assessment reported that gender-based violence occurs in many forms. The most prevalent, by far, is domestic violence, including physical, sexual and economic (deprivation of resources, including as a ‘punishment’ for failure to perform household

\(^{10}\) This can be further broken down: Number of women and girls who are aware of the existence of a a) Mediation service, b) Para-legal service, c) Legal Aid service d) Local Court service (of acceptable quality), e) Magistrates Court (of acceptable quality) in their geographic area, and how they can be accessed.

\(^{11}\) This can be measured as: The number of women and girls who live within a half-day’s (dry-season) travel from the service provision point.

\(^{12}\) This can be further broken down: (i) Number of women who report satisfactory outcome of a dispute or case involving gender-based violence or land issues; (ii) Number of women who report that they would recommend a female family member to use the same justice mechanism.
duties). Other gender-based violence includes sexual abuse of girls (by trusted adult men or male peers), female genital mutilation and rape by strangers. Women and girls (as well as men and boys) tend to view these acts of violence as sitting along a spectrum of violation. At one end of the spectrum, sexual violence within marriage and physical violence falling short of serious injury is so prevalent that women and girls usually consider these acts as not warranting pursuing a complaint. Further along, sexual violence against girls by teachers (a commonly-cited occurrence) or other trusted adult men is considered to be problem, but is described in terms of ‘teenage pregnancy’ rather than an issue of sexual abuse. Sexual exploitation of girls is regarded as a regrettable manifestation of corruption (‘sex for grades’ or sex for public services) rather than sexual violence. It is commonly thought that some action should be taken, but not always by a legal process. At the other end of the spectrum, the rape of younger girls (under 14) as well as very severe domestic violence is considered egregious violations that warrant a prosecution.

Women activists also reported that women and girls are vulnerable to sexual violence by men outside their own community – particularly in areas near international borders. Women in Kailahun district, for instance, describe increased sexual abuse in areas where there is frequent traffic from Liberia or Guinea. This has implications for sub-regional programming; more research is needed in this area to assess the potential for cross-border policing and work with border officials.

Women, girls and their advocates therefore identified freedom from violence as a priority and an area in which they seek, but are most often denied, justice. Their need for safety is thwarted by barriers at every turn – both within the formal and traditional justice structures.

Land and property:

Women (more than girls) report having little or no recourse to their rights to land or property. Sometimes this arises as a result of customary rules regarding ownership of land, where land belongs to the family of the man, rather than to the individual so that when the man dies, the land reverts to the family and the wife and her children have no rights to remain, even where they have worked the land for many years. In other cases, families simply drive women and their children off land, even though they are the rightful owners under the Devolution of Estates Act.

A significant obstacle, here, relates to the non-implementation of the Registration of Customary Marriage and Divorce Act. Women recognise that this legislation gives them rights and support
its implementation, although some older women state that it is something they will encourage their daughters to do, even if they do not pursue it themselves. Men, on the other hand, are largely resistant to the implementation of the legislation and refuse to take part in registration, viewing it as preventing them from having carte blanche to use land as they wish. This is particularly so in polygamous marriages.

**Improved participation in justice mechanisms:**
Women state that they are more likely to use justice mechanisms where the decision-maker is female as they have greater trust in the impartiality of women justice providers. This is not to say that they expect women to always find in their favour, but that they consider women to be less biased and to take a fairer approach. This applies whether talking about women police officers, female chiefs or women in decision-making bodies such as village councils or JPs.

**Knowledge about rights and justice:**
Women, girls and their advocates all stated (as described above) that lack of knowledge about the justice system, how to navigate the process and what to expect are major obstacles to their access to justice. For instance, many women and WROs believe that a criminal case can only be adequately prosecuted where the victim/complainant has her own legal representation. Partly this is due to ignorance about the criminal justice system and partly because their own experience (or reports from other women who have gone through the system) have led them to believe that they need a lawyer to push their cases through the system and to protect them from the need to pay bribes or use undue influence.

Women and girls are the least literate and least likely to speak English (the lingua franca of the legal system). This, combined with their poverty, lack of free time and exclusion from public life mean that they have limited access to information. Men control information within the family and community, including resources such as radios. In more remote areas, this means that women have no option but to believe what they are told by their own men or the male leadership. Even women in positions of relative power (such as female chiefs or Mammy Queens) are largely excluded from information.

**Effective remedies for all violations:**
Women and girls state that they want only what they are entitled to by law or tradition. They know as a matter of common sense that this includes remedies for violations, yet perceive that they do not have access to these remedies. Women repeatedly stated that they had no personal
experience and knew of no-one with personal experience of successful resolution of disputes or redress for violations. They tend, therefore, to pursue cases only out of desperation. Market women, who are repeatedly subject to theft or violence, stated that they rarely ask the police to intervene on their behalf, even where they know the identity of the perpetrator. In cases of domestic violence, women are reluctant to pursue a complaint where it may result in their humiliation, where the penalty is financial (thus increasing the financial burden on the family i.e. themselves) or where there will be no long-term, satisfactory resolution.

Women who provide justice services in the traditional structures report that men often ignore their decisions until the case is referred to a male chief. In the East of Sierra Leone, where many men were associated with armed groups or the armed forces\(^\text{13}\), this is particularly acute, where men still have a culture of violence and resort quickly to violence as a means of conflict resolution. These women also state that they get variable support from the male leadership; their decisions are often overturned if the male chief is more sympathetic to the man, even where he has clearly broken the law.

**Particular remedies for egregious violations:**

Women and girls do not, necessarily, want perpetrators to go to prison. Rather, they seek a shared sense of outrage, whether this results in imprisonment, the perpetrator being ostracised from the community or labelled as a perpetrator. This is particularly in cases of rape of young children or very serious domestic violence.

**Restoration over punishment:**

The assessment found that women and girls across the country – including those with no education or exposure to outside influence – defined justice as having a fair hearing for a dispute; they want an impartial tribunal (formal or traditional) that will listen to both sides and make a fair and considered decision. This does not mean that they always want their side of the story to prevail; rather that the decision is made with full information, on the basis of a clear and predictable set of values and rules.

Women’s and girls’ lives in most of Sierra Leone are privatised within the community if not the household. Outside of district centres, most live in close-knit communities. This means that disputes (criminal, civil or family) take place within the community and between people who know each other. When asked what ‘resolution’ they want for disputes or criminal allegations,

\(^{13}\) Distinction as in Article 4 of the Optional Protocol on children involved in armed conflict to the Convention on the Rights of the Child
most women and girls said that they wanted restoration. They want to be in the position they would have been in if the violation had not occurred, more than they want the perpetrator to be punished – except in the case of egregious violations.

**Barriers to women’s and girls’ access to justice**

Women and girls experience barriers to access to justice at almost every turn. The assessment found that, with some geographical variations, women and girls either have negative experiences of the justice system (both formal and traditional) or are deterred from attempting to access justice. Even where justice is apparently available (e.g. through the chieftancy system of dispute resolution), it systematically fails women and girls to the extent that they cannot be said to actually access justice. These barriers can be divided into three categories:

Firstly, the generic barriers to access to justice that are experienced by men and boys are also experienced by women and girls. Lack of trained judicial and court personnel, corrupt service deliverers, the impact of poverty and lack of knowledge about their rights – to name but a few examples – are shared by all across Sierra Leone. Where these barriers are more acute, such as outside the district centres, the impact is felt by women and girls as much as by men and boys.

Secondly, some barriers, while experienced by men and boys as well as women and girls, have a particularly detrimental impact on women and girls, even where the crime or dispute is not itself ‘gendered’. For instance, where there are repeated delays, a man victim of a theft is more likely to be able to take the time needed to attend the magistrates’ court on many occasions than a woman who has to take time away from productive and reproductive labour. A crowded, dirty police station with no private interview facilities and unprofessional personnel is more likely to deter a woman or girl from reporting a crime as they face the additional burden of being likely to be overlooked or treated with disrespect than a man.

Thirdly, women and girls experience particular barriers. These arise from the type of crimes or other disputes that they are likely to bring to the justice system (domestic violence, sexual violence or issues arising out of other forms of gender-based discrimination such as land disputes with their husbands’ families) and because of their particular level of marginalisation. In addition, social norms can themselves constitute a barrier to access to justice where, for instance, women are expected to tolerate levels of criminal behaviour such as domestic violence or are to succumb to family pressures not to pursue complaints or litigation for the
‘good of the family’. Moreover, women and girls may be reluctant to access justice if the result is detrimental to themselves or their family, such as financial penalties against husbands who default on paying maintenance or are violent.

**Barriers to formal and traditional justice**

The barriers to formal justice start from women’s and girls’ own lack of knowledge about the system and their entitlements.

Tables 1 and 2 below summarise the main barriers to justice that women and girls experience in the formal and traditional justice sectors respectively:
### Table 1: Barriers to Women’s and Girls’ Access to Justice in the Formal Sector

<table>
<thead>
<tr>
<th>Barrier</th>
<th>Police</th>
<th>Magistrates Court</th>
<th>High Court</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lack of knowledge / ignorance</td>
<td>W/G do not know their entitlements to protection by the criminal law/ police; W/G do not know what is needed to pursue a case through the criminal justice system; W/G do not know which cases should come to police; Police do not know which cases are ‘FSU’ cases and which are ‘ordinary’ cases; Police (including FSU personnel) do not know the law; Police (including FSU personnel) do not know procedures (e.g. age assessment, use of forensic evidence)</td>
<td>Police prosecutors, court staff &amp; magistrates do not know law; Court staff &amp; magistrates not trained to deal with W/G; W/G believe they need their own lawyer; JPs lack knowledge about how to deal with cases involving children;</td>
<td>No knowledge or experience of High Court; Judges inexperienced in dealing with VAWG;</td>
</tr>
<tr>
<td>Violence</td>
<td>Endemic levels of violence means that most gender-based violence is considered normal Reporting a case can result in backlash; W/G do not consider that all cases of violence warrant pursuing; W/G experiencing repeated violence lack the self-esteem necessary to pursue cases</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Law / Policy</td>
<td>Laws may discriminate against W/G (e.g. corroboration requirement in rape cases); Lack of clarity regarding age of consent; No provision in Local Courts Act for DV; No provision for civil remedies for DV (e.g. restraining orders)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Procedural</td>
<td>Police are not trained in or do not implement SOPs or guidelines; Cases adjourned repeatedly; Court not user-friendly for W/G;</td>
<td>Court language is English;</td>
<td></td>
</tr>
<tr>
<td>Barrier</td>
<td>Police</td>
<td>Magistrates Court</td>
<td>High Court</td>
</tr>
<tr>
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<td>--------</td>
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<td>------------</td>
</tr>
<tr>
<td>Few social workers to provide the required support as per procedures; Only one forensic evidence facility; W/G cases are referred to nearest FSU if none exists at local police station; Confusion as to whether girls’ cases are handled by police or social workers; Court procedures for dealing with cases in camera are not clear;</td>
<td>System of prioritising cases for listing may not be transparent; Cases may be wrongly charged, resulting in delays or attrition; Court language is English;</td>
<td>(Very few cases get to High Court)</td>
<td></td>
</tr>
<tr>
<td>Social norms</td>
<td>Police reluctant to believe W/G; Police over-ready to ‘settle’ W/G cases of violence; Family pressure to withdraw cases often overwhelms W/G who wishes to pursue; Violence against younger girls is considered a family matter, not a matter of individual choice; Court staff may subscribe to social norms that prevent them dealing professionally with girls’ or women’s cases</td>
<td>SGBV cases may not be heard in camera; W/G discouraged from ‘shaming’ family; Mags sitting as District Appeal Court place undue reliance on ‘cultural’ values as advised by JPs;</td>
<td></td>
</tr>
<tr>
<td>Poverty</td>
<td>W/G cannot afford time to attend police station or to pay for police to attend crime scenes; W/G cannot afford to pay for the medical report and transportation</td>
<td>W/G cannot afford to attend court; Financial penalties punish complainant; W/G cannot afford to pay for perpetrators food in holding;</td>
<td>W/G cannot afford to attend court; W/G cannot afford to bring their witnesses to court</td>
</tr>
<tr>
<td>Barrier</td>
<td>Police</td>
<td>Magistrates Court</td>
<td>High Court</td>
</tr>
<tr>
<td>--------------</td>
<td>------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Corruption</td>
<td>Highest bidder may win the case;</td>
<td>W/G cannot afford to bring their witnesses to court</td>
<td></td>
</tr>
<tr>
<td></td>
<td>W/G perceive other barriers e.g. delays as due to corruption; compromises; women being offered money to drop the case that they can’t turn down because of corruption.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Physical access</td>
<td>Remote villages not served by police stations; FSUs not available at all police stations;</td>
<td>Courts only in district centres, serve remote areas infrequently; Courts not accessible for people with disability;</td>
<td>Courts only in district centres; Not accessible to people with disability</td>
</tr>
<tr>
<td>Human resources</td>
<td>Few trained police officers; Few social workers at FSUs and to work with the police in non-FSU stations</td>
<td>Magistrates sit infrequently; Few trained police prosecutors, clerks and magistrates</td>
<td>Few judges, sitting infrequently;</td>
</tr>
</tbody>
</table>

**TABLE 2: BARRIERS TO WOMEN’S AND GIRLS’ ACCESS TO JUSTICE IN THE TRADITIONAL SECTOR**

<table>
<thead>
<tr>
<th>Barrier</th>
<th>Mammy Queen</th>
<th>Chief</th>
<th>Mediators or paralegals #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Knowledge /ignorance</td>
<td>Neither W/G, men &amp; boys nor MQ know W/G’s entitlements;</td>
<td>Chiefs do not know about W/G entitlements; Chiefs do not know about the limits on their jurisdiction;</td>
<td>HROs/WROs do not know about W/G entitlements;Little training or technical support from SL HR Commission or int’l organisations</td>
</tr>
<tr>
<td>Violence</td>
<td>Seeking advice in DV cases may result in backlash;</td>
<td>W/G do not consider all gender-based violence worth pursuing a case; Repeated violence lowers W/G lack self-esteem so they do not seek justice</td>
<td>Endemic levels of gender-based violence and other discrimination means that most cases are considered ‘normal’</td>
</tr>
<tr>
<td>Legislation &amp; policy</td>
<td>Some customary laws discriminate against women (e.g. family ownership of land); By-laws may militate against complaints (e.g. financial penalties for DV or for sex between children; domestic violence is often regarded as ‘fighting’ whereby the woman is also culpable)</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Corruption</td>
<td>W/G may have to take small payment to mediate disputes</td>
<td>Chiefs may take payments to mediate disputes; Highest bidder often wins</td>
<td>HROs/WROs do not know what are legitimate payments e.g. to Chiefs or formal structures</td>
</tr>
<tr>
<td>Poverty</td>
<td>MQ may not be able to take time away from work to hear disputes; MQ impose fines or expect payment;</td>
<td>W/G may not be able to pay Chiefs’ requirements; Chiefs impose fines or expect payment;</td>
<td>HROs/WROs are only in district centres so W/G cannot afford time or transport to get to them; HROs/WROs cannot afford to travel around chiefdoms to advise W/G; HROs/WROs lack funding to dedicate time or get training;</td>
</tr>
<tr>
<td>Procedural</td>
<td>MQs are not present in all villages;</td>
<td>Chiefs may decide cases according to custom rather than law; Men may refuse to abide by decisions of female chiefs or even male chiefs;</td>
<td>HROs/WROs do not know about correct procedure so cannot advise correctly;</td>
</tr>
<tr>
<td>Social norms</td>
<td>MQs decide cases according to social norms instead of law; Chiefs may overturn MQ decisions if contrary to man’s interests;</td>
<td>Chiefs are likely to decide cases according to social norms instead of law; Chiefs often overrule MQs who are considered to be mediator, while Chiefs are considered to be decision-makers;</td>
<td>HROs/WROs do not know how to advise on law contrary to social norms; Mediators or paralegals are often embedded in the community and find it difficult to give advice that contradicts social norms;</td>
</tr>
<tr>
<td>Physical access</td>
<td>MQs not present in all villages</td>
<td>Chiefs may not be present at times suitable for W/G;</td>
<td>HROs/WROs only present in district centres; HROs/WROs cannot travel for training;</td>
</tr>
<tr>
<td>-----------------</td>
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<td>---------------------------------------------------</td>
<td>---------------------------------------------------------------------</td>
</tr>
<tr>
<td>Human resources</td>
<td>MQs not trained in law or mediation techniques</td>
<td>Chiefs not trained in law or mediation techniques – likely to rely on custom/tradition</td>
<td>HROs/WROs largely unfunded and unsupported by national or international organisations</td>
</tr>
</tbody>
</table>

# Mediators here refers to people who work in human rights or women’s rights organisations, as distinct from the other mechanisms who also mediate. Paralegals here includes trained paralegals working for organisations. Some paralegals take on a mediation function.
What needs to be done:

Through ASJP, DFID supports the GoSL and its partners to improve access to justice by the poorest and most marginalised. In doing so, both DFID and ASJP recognise that ASJP’s work should be complementary to the work of others. The GoSL, Sierra Leonean civil society and other donors are all committed to playing their full role. As ASJP moves into its implementation phase, therefore, it will need to identify where it is best placed to take the most active role, where it is better to adopt a supportive position and where it is best to simply ensure that it is coordinated with other actors.

In short, interventions are needed in the following categories:

a) Knowledge / information
b) Accountability
c) Improved use of existing mechanisms
d) Management & reform of systems
e) Legislation & policy
f) Engaging men

a) Knowledge / information:

This can be divided into three categories:

(i) More knowledge for women and girls: Throughout the assessment, women, girls and their advocates explained that women and girls know little or nothing about their own rights, let alone how to obtain or enforce them. Women, girls and their advocates agree that increased knowledge – about rights, about the way the justice system (traditional and formal) should operate and what to do when it fails them – is crucial to improving women’s and girls’ access to justice. Absent this knowledge, women and girls are powerless to obtain justice either at traditional or formal fora.

(ii) More women and girls have knowledge: The paucity of knowledge as described above is even more acute outside district capitals. While some women (fewer girls) have some knowledge about their rights and the justice system, they tend to live in Freetown or the district capitals, be literate and a member of an advocacy or human rights organisation. The implications of this finding are both that improving women’s and girls’ knowledge in the more remote communities can have a greater impact than may be expected and that organisations
located in the district centres need to increase their outreach to women and girls living ‘off the beaten track’.

(iii) More knowledge about women and girls: It is clear that providers of justice services (except those involved in legal aid or human rights advocacy) need to know more about women’s and girls’ rights under national law (let alone regional or international law) and that they need to know more about the realities of most women’s and girls’ lives to understand how they can use their positions to increase women’s and girls’ access to justice. For instance, a Justice of the Peace or a Chief who does not know that women’s and girls’ rights are protected and so make their decision entirely according to ‘custom’ – usually interpreted to the detriment of women and girls. A magistrate who does not appreciate the difficulties of finding time and money to attend court, combined with family pressures to ‘settle’ a case of rape, may refuse to adjourn a case when the complainant fails to attend.

b) Accountability:
Accountability mechanisms can be internal and external; internal in terms of the right of appeal against decisions made in contravention of law or procedure and external in terms of scrutiny by independent bodies either inside or outside the justice system.

(i) Internal accountability: it is a principle of the rule of law that decisions (and those who make them) should be accountable to laws that, in turn, adhere to international standards\textsuperscript{14}. Sierra Leone’s system of judicial accountability is currently weak. There is little by way of judicial review from public bodies, the appellate system is fraught with delays and lack of judicial capacity and there is widespread ignorance about how to access any form of appeal or review.

(ii) External accountability: Access to effective justice involves scrutiny by independent bodies outside the justice system. These may be national human rights institutions or non-governmental organisations, the media or civil society organisations that form around a specific issue or grievance (e.g. a death in custody or a particularly lenient sentence handed down to a sex offender). They may also be professional organisations such as the Bar Council, legal aid providers who detect an unsatisfactory trend in the delivery of justice or parliamentarians who seek to bring the law in line with international standards. Additionally, regional or international human rights bodies such as the Treaty Monitoring Bodies or Special Procedures of the Human

\textsuperscript{14} UN Document: S/2004/616 The Rule of Law and Transitional Justice in Conflict and Post-Conflict Countries
Rights Council provide a level of scrutiny and review to help governments comply with their obligations\textsuperscript{15}.

In addition to these forms of accountability, there is a role for service-providers to hold each other accountable. Professional standards institutions or the Public Service Reform Unit are set up to improve standards of service delivery and to ensure that no extraneous factors exert influence over decision-making. In the informal justice sector, local councils have a role in ensuring that chiefs make decisions in the best spirit of tradition. The success of these structures depends, however, on the accountability mechanisms described above (internal and external) and on the public at large knowing that, for instance, there is a complaints mechanism. Women and girls interviewed for the assessment and their advocates had little or no knowledge about these mechanisms.

With regard to women and girls, there is a particular urgency to support and build the capacity of civil society organisations working at the community level and the National Human Rights Commission which has an important role in supporting local human rights organisations (HROs) (including women’s rights organisations (WROs), providing education and monitoring tools and developing networks of HROs and WROs. Para-legal organisations also play an important role in accountability as they have ‘on the ground’ information and are well-placed to identify trends in the delivery of justice.

c) Improved use of existing mechanisms:

The GoSL, through the JSRSIP II and associated strategies, is striving to improve existing mechanisms including traditional, customary and formal justice structures. It is continuing to undergo legal reform, including the Gender Acts passed in 2007\textsuperscript{16}, the new Sexual Offences Act, the Local Courts Act and the Criminal Procedure Bill, all of which are designed to bring national law and policy in line with regional and international standards. In addition, civil society (both within and adjacent to the justice system) seeks to ensure that national laws are implemented properly. The traditional justice system has a long history and much potential for

\textsuperscript{15} Sierra Leone has a relatively good record of reporting to the Treaty Monitoring Bodies. Its National Report was considered by the Working Group on the Universal Periodic Review in May 2011.

\textsuperscript{16} The Domestic Violence Act, the Devolution of Estates Act and the Registration of Customary Marriage and Divorce Act.
improving access to justice at the local level. The investigation and prosecution of cases relating to families, children and violence against women are undertaken by the Family Support Units (FSUs). Although variable in their capacity and frequently unaccountable, these mechanisms are a frequent recourse for women and girls who have been subjected to violations or abuses of the law. The challenge, therefore, is to improve access to these instruments and institutions, which includes making them compliant with national and international law.

Sierra Leone’s Ministry of Social Work, Gender and Children’s Affairs (MoSWGCA) has responsibility for the role of social workers and probation officers in relation to criminal cases involving children and families and in relation to non-criminal cases where children are at risk of harm. Social workers are assigned to the Family Support Units, although their work-load often prevents them from fully fulfilling this function. The issues relating to the FSUs are dealt with in more detail below.

Family Support Units:
The report of the in-depth assessment of the investigation and reporting function of the FSU is available and so is not repeated in detail here. In brief, the main issues identified include the following:

i) Significant improvements have been made to increase the responsiveness of the FSUs and to combat a culture of impunity for gender-based violence against girls and women;

ii) The principle of having an embedded social worker is not consistently applied or successful. In many instances, these ‘social workers’ are untrained community volunteers. In other cases, pressure of work means that the social worker may not be available to deal promptly with FSU cases;

iii) Poor FSU infrastructure can militate against effectiveness. Where the FSU is in fact a room in the police station with a public corridor, complaints cannot be heard confidentially. In some instances, people with no relation to the work of the FSU can come in and out of the waiting or interview area. In some cases, there is no separate interview area for complainants.

iv) Case management, including charging and recording varies between FSUs. This seems to indicate that those FSUs with a lower case-load charge and record more appropriately, whereas others either lack reliable records or charge inconsistently.

v) Community confidence in the FSUs varies, although without any discernible pattern. In some areas they are considered to be instrumental in disrupting the family structure, while in others they are regarded as important mechanisms for enforcing the rule of law in a country that has gained an international reputation for high levels of sexual violence.

vi) There is a lack of an internally driven SLP/MSWGCA service delivery plan with accompanying budget which allows external players too much room for manoeuvre in terms of directing the pace of change and sometimes its content;
vii) Staff turnover in FSUs contributes to loss of institutional memory, although this can also bring fresh approaches and prevents FSUs from getting stuck in old ways.

viii) A nascent monitoring and evaluation framework\textsuperscript{17} will help to ensure quality and effectiveness of the FSUs, as long as it receives sufficient support from GoSL bodies.

ix) There is no earmarked budget line for the FSUs in either the national or SLP budget. This has implications for the sustainability of the FSUs which are currently over-reliant on international donors and contributes to a perception that they are donor-led.

x) There is strong commitment by central GoSL bodies to ensure that the FSUs operate effectively and to rolling out the FSU procedures across the country. In particular, the DPP and the Justice Sector Coordination Office recognise the need to make prosecution of sexual and gender-based violence effective and they demonstrate their support for the FSUs.

d) Management and reform of systems:

Linked to (c) above, there remains a need to reform and improve the management of justice systems. There is, for instance, a system of bye-laws which apply at chiefdom level, many of which are either discriminatory against women and girls or are interpreted to the detriment of women and girls. For instance, domestic violence may be categorised by bye-laws as ‘fighting’, which makes penalties applicable to both the man and woman. The assessment team heard that this may either deter women from making a complaint against their husband or may deter Mammy Queens from intervening as they find themselves having to penalise the victim. In other cases, bye-laws which emphasise financial penalties for domestic violence may act to the detriment of women who need the family money to feed and clothe their children (often the trigger factor for the violence in the first place). The need, here, is to conduct a comprehensive analysis of bye-laws to ensure that they are compliant with national law and, where there are gaps, to replace, reform or create bye-laws that protect and promote the rights of women and girls. Another example relates to the procedure by which cases are brought from FSUs to the magistrates’ courts. Women and girls repeatedly report that they have little faith in the magistrates’ court process and are reluctant to entrust their complaints and concerns to this institution. The task here, therefore, is to both reform the systems where necessary and to improve the management of these institutions so that they provide access to justice for all, including women and girls.

\textsuperscript{17} Sierra Leone Police, SOPs Project Team, internal mimeo: A Framework for Monitoring Compliance with SOPs, 2011; and Sierra Leone Police, SOPs Project Team, internal mimeo: Report Of Implementation Consultation: November 2010 For Standard Operating Procedures For The Investigation Of Sexual And Domestic Violence Offences, 2011.
e) Legislation and policy:

Again linked to (c) above, there are laws and policies in place that purport to ensure access to justice for all – including women and girls. The reality, however, is that these laws and policies either prevent access to justice for women and girls or are implemented in a discriminatory fashion. For instance, the system of financial penalties for domestic violence or for a man’s refusal to provide financial support to his family can act against the interests of the woman complainant, thus reducing her likelihood of seeking redress through these institutions and, in turn, reducing her access to justice. In other cases, the procedure for seeking justice militates against the marginalised, of which women and girls are at the most extreme. For instance, the requirement to appeal against a decision of the local court by way of written application means that most women and girls who are illiterate and have no access to legal advice and assistance, cannot make this appeal and so they are left having to comply with a potentially unjust decision made by an untrained tribunal.

There are positive signs, however, with the passing of the ‘Gender Acts’ and the new Sexual Offences Act which aims to remove any ambiguity about the age of consent to sexual intercourse. Until this Act was passed, it was not an offence to have ‘consensual’ sex with a girl over 14 years, although the CRC states that a child (under 18 years) cannot consent to sex.

The challenge will be to ensure that these laws are implemented. The laws relating to customary marriage and to inheritance of land and property are useful examples of where positive laws are more likely to realise their intended impact on women’s and girls’ rights with a concerted effort towards implementation at the local level.

Engaging men:

Men occupy positions of leadership at local level and decision-making at family, community and local levels as well as in the judicial system. While there are some women in these positions (e.g. Mammy Queens or female town chiefs), their decisions are largely ignored by men involved in disputes or even by the chieftdom hierarchy. Men also constitute the majority of the police service, including police prosecutors and the judiciary, particularly at the lower levels. Many of these men are cognisant of the need for women and girls to have better access to justice, while others are content with the status quo. The task here, therefore, is two-fold: Firstly,
it is necessary to support the efforts of men who do want to improve the situation for women and girls for instance by providing opportunities for them to publicise their commitment and to become male ‘champions’ of women’s and girls’ rights. Secondly, there is a need to educate men who are content with the status quo to understand how an improvement in women’s and girls’ rights improves their own standard of living and that of other men and then to help them to use their position as male leaders to make these changes.

**What should ASJP do?**

Improving women’s and girls’ access to justice goes to the heart of the ASJP. The proposed, overall approach, therefore, is as follows:

a) To mainstream access to justice for women and girls throughout the programme by:

   i) Ensuring that programme indicators are sex-disaggregated and that they measure the impact of interventions on women and girls;

   ii) Adopting a ‘women and girls lens’ to ensure that all interventions promote access to justice for women and girls as well as men and boys;

   iii) To ensure that no interventions perpetuate or exacerbate discrimination against women or girls;

b) Throughout the life of the programme, to identify specific interventions that will improve women’s and girls’ access to justice.

In keeping with DFID’s and ASJP’s commitment to alignment with GoSL strategies and approaches, interventions will be identified that sit well with existing strategies and policies and those which are being developed. In order to break away from ‘business as usual’ or an ‘add-on’ approach to standard interventions that do not address women and girls, interventions need to be innovative. They will, of course, need to be relevant to women and girls across Sierra Leone, including those living in remote areas and those who are further marginalised due to factors such as disability or marital status.

The ASJP inception report includes an annexe on mainstreaming gender. Most of that annex (attached here as Annex E) addresses what ASJP can do to ensure the above
Normative framework

ASJP recognises that the primary responsibility for the rights of women and girls in Sierra Leone lies with the national government and so it is the national laws and policies that will primarily frame interventions to improve access to justice for women and girls. Nevertheless, Sierra Leone is a state party to the major regional and international instruments as described above and is therefore receptive to support to ensure that its national laws and policies comply with regional and international instruments.

At national level, the normative framework for access to justice for women and girls consists mainly of the Constitution, the criminal law and procedure and civil law and procedure, especially that relating to family law, marriage and inheritance.

In addition, Sierra Leone has a set of relevant policies, including the following:

- National Gender Strategic Plan (2010-2013);
- National Referral Protocol: Pathways to Service Provision for Child Victims/ Survivors of Sexual and Gender Based Violence, Sierra Leone (undated);
- National Child Justice Strategy for Sierra Leone, June 2006);
- Sierra Leone National Action Plan for GBV;
- Building a Better Sierra Leone Free from Violence Against Women (5 year plan) (in draft);

Finally, as ASJP represents a partnership between the governments of the UK and Sierra Leone, relevant DFID documents include the DFID Strategic Vision for Women and Girls, the How to Note on Violence Against Women and Girls, Gender Equality Action Plan for Africa (2009 – 2012) and the Operational Plan for Sierra Leone (2009 – 2015). All these, along with the UK National Action Plan for the implementation of UN Security Council Resolutions 1325 and 1820, emphasise the need to increase access to justice for women and girls and recognise that gender-based violence constitutes a major obstacle to women and girls’ full participation in public life and the realisation of their rights.

The assessment found little variation in the barriers that women and girls identify across the country – whether regarding the formal or traditional sectors. As described in the snapshot above, women and girls identify both the quality and the accessibility of justice mechanisms as obstacles to their achievement of justice. For instance, where female chiefs act as mediators or resolvers of disputes, barriers include both that their decisions are uninformed by national law
and that men in marital disputes (they usually only deal with ‘women’s’ cases (i.e. gender-based violence or family-based land disputes) tend not to abide by their decisions but take them to the male chief if they do not like the outcome. In the formal sector, repeated delays in court hearings (due to adjournments or a lack of sitting magistrates) militate against women and girls taking many days away from productive labour and paying for transport to the district centre.

There are many barriers in common between the formal and traditional justice sectors. For instance, lack of knowledge amongst women and girls themselves, their advocates and those who purport to dispense justice means that, often, justice is almost arbitrary or depends over much on custom and social norms. Women’s and girls’ ignorance about their entitlements means that they simply do not seek redress or resolution in many cases, including sexual violence against adult women or out of school adolescent girls. Women’s and girls’ advocates who are ignorant about the law or legal procedure are not in a position to give accurate or reliable advice and may deter women and girls from seeking justice. For instance, the assessment found a common misconception amongst WROs and HROs, that victims in criminal cases need legal representation to appear in court.

Violence is, itself a barrier to women and girls accessing justice. In domestic violence cases, particularly, the backlash against a woman for ‘daring’ to report a case to police means that women will put up with quite serious violence for fear of making it worse, even though that violence is likely to increase in seriousness in any event.

There are some differences, however, between the formal and traditional sectors in terms of the barriers faced by women and girls. Poverty, lack of physical access and lack of trained personnel are more significant barriers to women’s and girls’ access to the formal justice sector than the traditional justice sector, while social norms act as a determinant both of the likelihood of women or girls seeking justice and of the decisions made by the traditional institutions.

This mosaic of barriers to women’s and girls’ access to justice cautions against assumptions about why they may seek traditional or customary justice over formal justice. For instance, while women and girls cannot afford the time or transport costs to attend court, face repeated delays and are dealt with by personnel who are untrained in dealing with vulnerable victims, it is impossible to say whether they choose to seek justice at the local or community level or whether, absent these barriers, they would choose formal justice.
Overcoming the barriers

As already stated, the shared approach of the GoSL, DFID and ASJP is to promote access to justice by both improving the quality of services at both practical and institutional levels (the *supply*), improving the knowledge base of the population and making them better equipped to *demand* these, improved services. Table 3, below, proposes means to overcome the barriers identified above.

**TABLE 3: OVERCOMING BARRIERS TO WOMEN’S AND GIRLS’ ACCESS TO JUSTICE**

<table>
<thead>
<tr>
<th>BARRIER</th>
<th>RESPONSE</th>
<th>HOW and WHO</th>
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<tbody>
<tr>
<td>Law / policy</td>
<td>By-Law project: identify discriminatory by-laws for reform or repeal, draft positive by-laws; Ensure new Sexual Offences Act is promulgated and implemented; Ensure Registration of Customary Marriage and Divorce Act and other Gender Acts are implemented; Test implementation of existing laws;</td>
<td>Commission SL HRO/CSO to conduct research of all by-laws; Explore with MoSWGCA and JSCO; Support the JSCO, MoJ and MoSWGCA to conduct an ‘implementation campaign’; Support strategic litigation by SL HROs/lawyers organisations, using international &amp; regional human rights law;</td>
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<tr>
<td>Knowledge</td>
<td>Communication strategy for GoSL to promulgate laws; Radio distribution to women’s and youth groups; Strengthen networks with children / youth groups for disseminating information; Provide legal information training to HRO/WROs; Market-based approaches using mobile phone and radio; Educate judiciary on dealing with W/G’s cases;</td>
<td>Use results of ASJP communication STTA; Use network of HROs/WROs/ youth groups to distribute radios; Work through MoSWGCA, child protection networks, UN / INGOs; Support SL HR Commission to provide training to HROs/WROs on law, procedure and int’l/regional law; Train and equip network of women and girls primary, secondary advisers and a responsible NGO (see primary interventions for more detail, below) Through MoJ &amp; JSCO provide ‘briefings’ for magistrate &amp; judges on relevant int’l, regional and national law; support SL NGOs to provide</td>
</tr>
<tr>
<td>BARRIER</td>
<td>RESPONSE</td>
<td>HOW and WHO</td>
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<tr>
<td>Procedure</td>
<td>Support and promote the use of existing SOPs by SLP for sexual offences;</td>
<td>Ensure SLP have resources to disseminate and train personnel in SOPs;</td>
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<td></td>
<td>Support monitoring by HROs/WROs of use of SOPs in all police stations (inc</td>
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<td>FSUs)</td>
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<td></td>
<td>Explore the possibility of developing SOPs across the criminal justice</td>
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<td></td>
<td>system;</td>
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<tr>
<td>Violence</td>
<td>Full assessment of potential initiatives to combat VAWG</td>
<td>GoSL with UN Women; Use DFID’s How to Note on VAWG as starting point</td>
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<tr>
<td>Poverty</td>
<td>Adopt market-based approach to provision of legal advice in remote areas;</td>
<td>ASJP explore options of working with mobile phone companies and experienced</td>
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<td></td>
<td></td>
<td>paralegal organisations;</td>
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<tr>
<td></td>
<td></td>
<td>SL Human Rights Commission provide in-capital and in-district training for</td>
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<td></td>
<td></td>
<td>HROs/WROs</td>
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<td></td>
<td>Support HROs/WROs to obtain training on W/G rights &amp; legal entitlements;</td>
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<tr>
<td>Corruption</td>
<td>Support GoSL initiatives to combat corruption by educating W/G not to</td>
<td>Information campaign on corruption;</td>
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<td>give bribes and service-providers not to expect them;</td>
<td>LPPBs ensure female membership to communicate with W/G re rules on corruption;</td>
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<td></td>
<td></td>
<td>LPPBs work with HROs/WROs to monitor compliance at local police stations;</td>
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<td>Work with SLP local commanders to counter corruption in local police</td>
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<td></td>
<td>stations (inc. FSUs)</td>
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<tr>
<td>Social norms</td>
<td>Identify and support successful strategies to combat discriminatory norms;</td>
<td>Use ASJP grants scheme</td>
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<tr>
<td>Physical</td>
<td>Use existing networks of HROs/WROs, MQs, Chiefs and child/youth groups;</td>
<td>Use existing networks of HROs/WROs, MQs, Chiefs and child/youth groups;</td>
</tr>
<tr>
<td>access</td>
<td></td>
<td>Ensure dissemination and training in SOPs across SLP;</td>
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<tr>
<td></td>
<td>Train police in use of SOPs &amp; guidelines where there is no FSU;</td>
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<tr>
<td>Human</td>
<td>Examine recruitment and retention policies for male &amp; female police,</td>
<td>MDA partners including the PSRU</td>
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<tr>
<td>resources</td>
<td>prosecutors, social workers,</td>
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### ASJP Priority Interventions

#### Communication strategy for GoSL
ASJP is commissioning a team of consultants to carry out an assessment and develop a strategy for GoSL and ASJP to ensure that laws and policies are communicated effectively across the country. This assessment should focus on women and girls, taking into account the levels of illiteracy amongst women, girls and community-based service providers. It should also focus on ensuring that HROs, WROs and other service providers are equally informed about national law and procedures so that they are in an optimum position to provide accurate and reliable information to women and girls and that they are able to effectively monitor compliance by justice service-providers. The main partners in these efforts will be the JSCO, MoJ and the judiciary.

#### By-law revision
As described above, many by-laws are discriminatory against women and girls, while in many areas by-laws that could protect women and girls do not exist. An in-depth assessment can be conducted which (a) analyses those by-laws that need to be repealed or reformed and (b) identifies those by-laws which do support women’s and girls’ access to justice as examples of good practice that can be replicated in areas that lack sufficient by-laws. This assessment should be carried out either through or with the MoLGRD, by the Special Counsel in the Solicitor General’s office or in conjunction with that office.

#### Support to women’s CSOs, WROs and HROs
There are many civil society organisations across Sierra Leone, with varying levels of capacity and a variety of functions. These range from, for instance, market women’s associations and trade unions with women’s branches, through child protection or child welfare committees and village women’s groups through to organisations which are set up to promote and protect the human rights of women and girls or the population more generally.

These organisations are often the first port of call for women and girls seeking information about the justice system, support to access justice or even for the resolution of disputes. As noted
above, many if not most of these organisations lack even basic information about national law and procedure, with the result that they are ill-equipped to provide accurate information.

Support to these organisations can take the following forms:

(i) The SL Human Rights Commission has a role to support HROs and WROs and to spread information about entitlements to human rights. To date, this body has limited outreach and is under-resourced either to provide this information or to assist local organisations to monitor local justice providers’ compliance with the law. It is recommended, therefore, that ASJP examine opportunities for supporting the SLHRC to increase its capacity with regard to the rights of women and girls.

(ii) Another option is to increase the potential of community-based organisations such as market women’s associations or child welfare committees by supporting WROs and HROs to improve their outreach to these organisations. Conducting training seminars (using non-documentary materials) on women’s and girls’ rights to organisations that deal with women and girls would both create greater accountability at local level and build a ‘critical mass’ of people with basic legal knowledge. This initiative can be linked to the provision of basic legal information as described below (see ‘Market Based Solutions below)

**Campaign on marriage registration**

As described above, women’s and girls’ ignorance about the marriage registration laws (and men’s reluctance to comply) prevents women and older girls from being able to access their land and property rights. A concerted campaign is needed to ensure that the whole population is aware of this legislation, its benefits (for women and men) and to dispel myths that prevent its take-up. Training should be conducted amongst Chiefs, JPs, magistrates, WROs and HROs in conjunction with a public awareness campaign by the GoSL in the form of radio advertisements and jingles, pictoral billboard advertisements and mobile phone text messaging. Male ‘champions’ in significant positions such as high-level politicians, religious and traditional leaders can be enlisted to promote marriage registration.

The GoSL has conducted campaigns for birth registration and for women and girls to give birth in government facilities which have been largely successful. Lessons can be learned from these campaigns, where appropriate. At the same time, medical facilities where women attend for ante-natal care or for delivery can serve as information points for women to learn about the benefits of marriage registration and how to go about getting their marriage registered.
This campaign should be coordinated with other government services such as through school management committees or social workers.

**Paralegals**

ASJP is exploring support to Sierra Leone’s network of paralegal service providers. It is imperative that these paralegals are given sufficient training and oversight to ensure that they are aware of women’s and girls’ rights, that they do not perpetuate gender-based discrimination and that they are able to provide support to community-based organisations by way of information about legal rights and procedures.

Training on women’s and girls’ rights can be conducted in a sequenced manner, whereby legal non-governmental organisations (e.g. LAWYERS), paralegal organisations and government personnel including the police work with community-based WROs to develop appropriate training, which is then delivered to paralegal organisations to deliver the training to their own personnel, with up-dates at regular intervals.

Support to paralegal organisations, including assistance with training, will require monitoring and - over time - evaluation. Whether this forms part of the mainstream monitoring of ASJP support to paralegal organisations or is specific to the up-take of training on women’s and girls’ rights, it will rely on robust indicators developed in collaboration with WROs and the GoSL.

**Market based approaches**

The following is based on the assessment’s findings that (a) at the traditional or community level, women and girls lack access to justice of an acceptable quality, rather than because there is a lack of those who are tasked – or task themselves – with providing justice and (b) that, in the formal justice sector, women and girls lack both access to the justice providers and access to justice of an acceptable quality. The need, therefore, is for rapid, community-based, accurate and reliable basic legal information, to provide women, girls and their advocates with information about their entitlements under national law, about how to access this provision and how to hold the justice providers to account.

This initiative involves a market-based system of access to information which exploits the use of mobile phone technology and radios. It is predicated on the belief that, with adequate information, women and girls will be better able to avail themselves of justice that does exist and will be able to determine for themselves whether the justice they receive is of an acceptable
quality. It does not purport to replace or compensate for a lack of adequate representation or flaws in the legislation or justice procedures.

This approach is also predicated on the belief that women and girls are the most appropriate people to provide basic legal information to other women and girls. This increases women’s and girls’ access to information in that they are more likely to seek advice from their peers; at the same time, it improves the status of women and adolescent girls within their communities, thus moving towards greater gender equality.

There is increasing mobile phone coverage across Sierra Leone, although some areas remain outside any network. Where there is network coverage, most adults and many youth have a phone of their own or access to one. The assessment also found that, while there is radio coverage across the country, women and girls currently have limited access to radios; most are owned by men who (usually implicitly) control what women can listen to – and when.

It is recommended that ASJP explore in detail the feasibility of setting up a system of delivering basic legal advice through mobile technology and radio, the details of which are as follows:

A: ASJP to:

i) Identify a reliable non-governmental organisation (NGO) that is already providing some legal advice at community level; either a paralegal organisation, WRO or HRO;

ii) Investigate the possibilities of entering into an agreement with a mobile phone provider to provide lower-rate text (SMS) messaging service, in return for positive publicity;

iii) Provide training to the selected NGO regarding women’s and girls’ rights and the need for them to have access to quality justice;

iv) Assist the NGO to have a specialist group of advisers, based at district centre level, on an ‘on-call’ basis;

v) Assist the NGO to develop a cadre of women and older adolescent girls (secondary providers) who are numerate and literate to be record-keepers and to provide peer supervision for the next cadre (below). This can include women and girls who are already active within the community such as market women or participants in child welfare committees respectively;

vi) Assist the NGO to train a cadre of women and adolescent girls (primary advisers) at the community level – including illiterate women and girls – in the basics of national law and women’s and girls’ entitlements;
vii) Provide this cadre with mobile phones with paid-up accounts to be used only for the legal advice service;

The women and girls will then be available to other women and girls (and men and boys) within the community to give basic legal advice within their sphere of knowledge. If they receive requests for information that is outside their sphere of knowledge, they will be expected to send a text message to the secondary providers for immediate response. If the secondary providers consider (or the woman or girl with a query requests), the secondary provider can either contact the NGO or advise the woman, girl or primary adviser to phone the NGO for more in-depth advice.

The secondary advisers will provide supervision on a regular (fortnightly) basis to the primary advisers, keeping records which show the type of query received, the type of advice given and the results of that advice. The primary advisers will be taught how to record information using a pictorial guide and a simple method of recording numbers. This information, in turn, be monitored by the responsible NGO which will be responsible for collecting and analysing the data obtained. The data will be fed into a central data-base to provide information on the issues that women and girls are facing, the responsiveness of justice providers and trends in the delivery of justice at both formal and traditional levels.

It is important that this service is delivered at no cost to the women and girls making the queries. Rather, ASJP will purchase the air-time (hopefully at a lower cost by reaching a mutually beneficial agreement with the mobile phone provider).

In addition to the above, regular text messages can be sent to phones across the country carrying ‘justice messages’ (e.g. “Women shouldn’t suffer in silence, domestic violence is a crime” or “Don’t corrupt our police service. Justice is free!”)

B: In order to maximise the use of the mobile phone provision and to reach those women and girls who live in areas without mobile phone coverage, radio will be used as follows:

i) ASJP will identify the radio station with the best coverage across the country;

ii) Women and girls will be asked which time of day is the best for them to listen to radio programmes (for instance when they normally spend time together). For in-school girls, teachers can be asked for the best time for girls to listen to the radio as part of the school day or in its margins;
iii) The women and girls identified to act as secondary advisers (above) will need to be given their own radios (solar-powered or wind-up);

iv) The NGO identified above will work with the radio station to produce short informational sessions (these can take the form of mini-soap operas, discussions between WROs and justice providers or phone in sessions) which are broadcast at the optimum times. Issues for discussion will be identified by the GoSL and civil society. For instance, the provisions of the new Sexual Offences Act, the Local Courts Act or (when passed) the Criminal Procedure Act are likely to be amongst the early subjects;

v) The NGO, WROs, HROs or the secondary providers will hold discussions with women and girls in the community to find out (a) if they are listening to the radio programme (b) whether it is relevant to their issues (c) what they have learned and (d) whether they can put into practice what they have learned;

vi) The information gained will be collected and analysed by the responsible NGO to complement, by qualitative information, the quantitative data obtained through the mobile phone advice service described above.

Where the level of marginalisation prevents women or girls from having access to radios in their communities (e.g. where this would result in a backlash), another method can be used.18

The radio shows produced as above can be recorded and the tape distributed to the secondary providers. These women and girls can play the tape to groups of women in women’s meetings and the ensuing discussion also recorded. The tape of the recording is then sent back to the NGO who works with the radio station to edit the discussions and produce a sequel which is then broadcast the following week at the same time. This will entail providing the secondary advisers with tape recorders and training to facilitate discussions.

**Conclusion**

The need to improve women’s and girls’ access to justice is both urgent and important. The main obstacles include unsatisfactory justice in the traditional sector, lack of access to justice providers and unsatisfactory justice in the formal sector. The range of interventions proposed above aim to support the mainstream GoSL and ASJP outcomes. They also adopt an equity approach, in that they address specific barriers faced by women and girls to reflect the

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18 This method was used by the NGOs supporting the Truth and Reconciliation Commission at the end of Sierra Leone’s civil war
particularities of gender-based discrimination and marginalisation. These interventions include those which can be implemented easily in the short term (e.g. developing a GoSL communication strategy) and those which will require longer-term investment (e.g. developing market-based approaches). Improving women’s and girls’ access to justice will both ensure that government gains made in improving the delivery of access through government and traditional institutions are consolidated across Sierra Leone and in making progress the goals of gender equality espoused by the governments of both the UK and Sierra Leone.
Annex A: Terms of Reference  
Access to Security and Justice Programme (ASJP), Sierra Leone  
Draft Terms of Reference  
Women and Girls Access to Security and Justice Assessment

Programme Summary:

DFID’s Access to Security and Justice Programme (ASJP) supports the Government of Sierra Leone (GoSL) to implement key aspects of the Justice Sector Reform Strategy and Investment Plan 2011 – 2013 (JSRSIP II). The programme engages with GoSL Ministries, Departments and Agencies (MDAs) as well as non-state actors and focuses on improving access and service delivery of security and justice services nationwide.

As a DFID-GoSL partnership, ASJP ensures that the core principles of both primary stakeholders guide activity planning and implementation. As such, ASJP is a locally-driven programme with a keen focus on value-for-money and sustainability. ASJP’s long-term objective is to provide an exit strategy for DFID with the GoSL taking increasing responsibility for funding and delivering justice and security as core state functions.

ASJP aligns with the JSRSIP II and centers around four key Outputs:

- **Output 1**: Justice is easily accessible locally;
- **Output 2**: Justice is expedited;
- **Output 3**: Rights and accountability are respected; and
- **Output 4**: Building capacity for accessible and sustainable justice and security.

Each of these Outputs is further subdivided into specific Intervention Areas.

Objectives of this Assignment:

This assignment will provide information that is crosscutting and affect every intervention area of the programme. The areas that will be most specifically affected and influenced by the assessment are the following Output(s) and Intervention Area(s)

- **Output 1**: Justice is easily accessible locally
  - **Intervention Area 1.6**: Capacity and effective oversight of informal justice
  - **Intervention Area 1.7**: Traditional dispute resolution, mediation and paralegal services and oversight
  - **Intervention Area 1.8**: Legal Aid
- **Output 2**: Justice is expedited
  - **Intervention Area 2.1**: Improved Prosecution
- **Output 3**: Rights and Accountability are Respected
- Intervention Area 3.3: Respect for Gender Rights
- Output 4: Building capacity for accessible and sustainable justice and security
  - Intervention Area 4.2: Capacity building of sector institutions to deliver JSRSIP priorities supported under ASJP outputs 1---3, including gender mainstreaming
  - Intervention Area 4.3: Build capacity of non---state actors to demand improved security and justice

Length of assignment: 25 days

Start Date: 30 July 2012

End Date: 31 Aug 2012

Purpose of this Assignment:

The purpose of the assignment is to conduct an access to security and justice assessment for girls and women in Sierra Leone, with the direct input of the ASJP Gender Advisor. The assessment will review, not only barriers and challenges, but also, provide the programme with tangible next steps to overcome the identified barriers to justice. The fieldwork will be used to develop programme strategies to integrate the identified approaches to increasing women’s access in the activities supporting the government’s implementation of the JSRSIP II. In addition, the assessment will build upon existing expertise within the programme and provide concrete validation to the strategies developed or innovative ideas in new strategy development to achieve increased access to justice for 2.3 million women and girls. The STTA for the assessment will conduct high quality field-work to this end.

This assessment aligns with and supports the achievement of work outlined in the JSRSIP II because it will provide the necessary, validated strategies to inform programme activities to increase access to security and justice for 2.3 million women in Sierra Leone. In addition, the ASJP has committed to work towards mainstreaming gender and incorporating strategies that address the unique needs of men and women in programme interventions and activities. This assessment will provide the necessary, up-to-date, information to inform the gender mainstreaming strategy, and thereby enable all ASJP intervention areas enhanced by current research from the field.

The STTA for this assessment will bring a specialization in conducting high-quality, high-level research, and the analyses and evaluation of the research data. The STTA will also be able to dedicate the time required to conduct detailed field work. The dedicated time as well as the research expertise will complement the in-house expertise specifically related to gender and gender relations in Sierra Leone.

Duties and Responsibilities:

- Organise and conduct consultative meetings with relevant stakeholders and selected women’s organisations.
- Combine and synthesize findings from previous access to justice studies on Sierra Leone to provide a comprehensive and unified overview of the issues that girls and women encounter in accessing justice and security services.
• Gather initial information for programme design on women’s perceptions and usage of formal and traditional justice sector institutions, current access to services, knowledge of rights, and understanding of their rights and services available.
• Research messages and modes of message delivery that will have the largest impact on women in understanding their rights, services available and potential increasing their ability to demand access to justice.
• Research potential legal advocacy strategies to give women access to free legal aid.
• Research security and justice sector attitudes and beliefs towards women and the types of violence committed against them.
• Meet with and assess the capacity of relevant organisations to deliver services or training targeted to and in support of women and girls access to security and justice.
• Conduct a desk review and provide a detailed report containing recommendations for implementation. Topics of desk review to include:
  o Market-systems approaches to engage women and girls in accessing security and justice including a review of promising practices, good practice program designs, impact and costing;
  o Research backed strategies including how to engage multi-media, SMS, social norms marketing and other platforms to increase awareness;
  o Reports reviewing tangible programming to improve girls and women's access to both informal and formal justice and security systems comparative to best practices and current proposed methods; and
  o Land rights, women and inheritance.
• In-country fieldwork (rural site visits included) on the questions proposed and to validate assumptions and recommendations made.

Deliverables:
• Weekly briefs on progress submitted to the ASJP gender advisor and team leader
• Assessment tools
• High quality access to security and justice for girls and women in Sierra Leone report with key recommendations for key stakeholders and for use in the development of the programmes gender strategy.
• Powerpoint presentation summarizing the above
• Brief on women and girls perceptions and access to services.
• Outline of advocacy strategy and key messages
• Outline of M&E strategy

Reporting:

The consultant will report to the ASJP Gender Advisor. Overall, project oversight is the team leader and weekly debriefs to be held with both.

Education:
• Masters Degree in International Public Policy, Anthropology, Women’s Studies, Humanities or relevant field.

Experience:
• Minimum 5 years relevant experience in research and evaluation
• Experience in research on gender-based violence or women’s protection and empowerment in highly professional, large-scale non-state organization or within State systems
• Experience in conducting or supporting research, assessments and monitoring and evaluations targeting girls and women
• Knowledge of programmes in sub-Saharan Africa required, West Africa or Sierra Leone preferred.
• Knowledge of experience working with or on large donor funded projects.

Other Attributes:

• Self-motivated with the ability to produce large amounts of work product in a short period of time;
• Ability to work with minimal supervision;
• Fluency in spoken and written English;
• Excellent writing skills
• Strong verbal and analytical skills, including the ability to successfully and effectively liaise with a variety of people in a multi-cultural setting
• Strong computer skills: ability to work effectively and accurately with MS Word, Excel and PowerPoint.
Annex B: Methodology

Assessment on Women’s and Girls’ Access to Justice in Sierra Leone

Background

The purpose of the Assessment on Women’s and Girls’ Access to Justice (‘the assessment’) is to develop a strategy for the Sierra Leone Access to Security and Justice Programme (ASJP) to meet the requirement to improve access to justice for 2.3 million women and girls living in Sierra Leone.

There are multiple obstacles to women’s and girls’ access to justice. These include poverty, gender-based violence, oppressive social and cultural norms, limited access to services and service providers varied knowledge levels and poor infrastructure.

While the assessment will gather more detailed and nuanced information about the obstacles to women’s and girls’ access to justice, it will focus on developing options for addressing these obstacles.

The following will comprise focal areas for the assessment:
• Protection from crime (particularly crimes of violence and forced disenfranchisement)
• Redress for criminal acts (particularly those relating to violence and relating to land-ownership and land-use)
• Issues of land-ownership, land-use and inheritance as they relate to women and girls
• Women and girls in conflict with the law
• Women and girls associated with men and boys in conflict with the law
• Women’s and girls’ need for reliable information concerning their rights and legal entitlements under the law of Sierra Leone
• Access to legal advice and representation
• The current country context for women and girls

The assessment will address access to both formal and informal justice mechanisms. In particular, it will make recommendations for using the positive aspects of plurality of justice provision in Sierra Leone to improve women’s and girls’ access to justice.

As Sierra Leone is a fragile, post-conflict state, the assessment will strive for the highest levels of conflict-sensitivity. It will also adhere to rigorous ethical standards.

The assessment will build on foundational work conducted by the ASJP’s Gender Adviser.

The assessment will be conducted by an international consultant in close collaboration with the ASJP’s Gender Adviser. The assessment will be conducted over 25 days between 30 July and 31 August 2012. The ASJP team in Freetown will provide all necessary logistical support.

Questions and Report Structure

The below questions should provide the structure to the report. The questions will be answered in terms of access to security and justice in both formal and customary settings as well as in rural and urban
environments. Other distinctions will be considered as they arise. The questions should also gather information on access to justice and security for women and girls not only victims but as suspects as well.

1. What is the current legal and customary climate for women and girls in Sierra Leone?
   a. The guiding national policies,
   b. Current laws and statutes,
   c. Current overarching customary laws and practices.

2. What is access to security and justice?
   a. What do women and girls see as access to justice and security?
   b. What do Government and NGO partners see as access to justice and security for women and girls?
   c. What are the main differences in what women and girls want and need and what government and NGOs provide?

3. Why and how do women and girls access justice (formal/customary and rural/urban)?
   a. What and where are the entry points?
   b. What are the complaints?

4. What services are available for women and girls?
   a. Victim services
   b. Legal aide

5. What are the main obstacles to women and girls’ ability access to justice and security in Sierra Leone?
   a. Are there regional differences?
   b. What are the main obstacles to providing access to women and girls?
   c. What is the impact on women and girls?

6. What are ways to overcome the obstacles?
   a. Programme strategies
   b. Policy recommendations
   c. Capacity needs

Methodology

The assessment will take place in three stages; a literature review, field work and finalisation.

Stage 1: Literature review

This will include relevant international research and background documents from the ASJP team. The literature review will pay particular attention to the following:

- Definitions of ‘access to justice’
- Commonly-recognised obstacles to women’s and girls’ access to justice in developing countries
- The situation for women and girls in Sierra Leone
- The international, regional and national normative framework
- Relevant case-studies on women’s and girls’ access to justice in similar contexts
• Relevant case-studies on improving women’s and girls’ access to other, basic services in similar contexts
• Existing assessments and other documents carried out or created by the ASJP team
• Market-systems approaches
• Multi-media campaigns
• Issues of land rights and inheritance

Stage 2: Field work

This will be carried out in two sub-stages; Freetown-based interviews and discussions with women, girls and service providers in districts outside Freetown. The districts will be selected to provide an indicative ‘snapshot’ of the obstacles women and girls face in accessing justice and the potential for overcoming these obstacles.

The consultant and the Gender Adviser will conduct the field-level research, accompanied by a translator for community-based discussions.

Freetown-based interviews (6-12 August): These will consist of semi-structured interviews with stakeholders from government, civil society (international and national) and donors, as well as the ASJP team. The purpose of these interviews is to gain a broader understanding of the obstacles and potential strategies for overcoming these obstacles. It will also provide an understanding of the capacity of national partners to address the obstacles and to assess capacity-building needs of these partners.

Interviewees will include:
• Government Partners (MoSWGCA, MoJ, Judiciary, MIA, SLP, Prisons and MoLGRD)
• Bar Association
• Donor Agencies (DFID, Irish Aid, USAid, EU)
• International organisations (UNWomen, UNDP, UNFPA, UNICEF, World Bank)
• International NGOs (IRC, Advocaid, Oxfam, ActionAid)
• National NGOs (50/50, FAWE, MAROPNET, LAWYERS, TiMAP, WJPN, CGG, CARL, DCI, Network Movement for Justice and Peace, Centre for Accountability and Rule of Law)

District-level interviews (13-21 August): These will be carried out in four districts (Koinadugu, Kenema, Moyamba and Western Rural), selected on the basis of: access to services, remoteness, poverty levels, levels of education, extent of women’s participation and levels of existing service delivery. They will provide indicative, ‘snapshot’ information.

These interviews will take the form of semi-structured, individual discussions with women and girls, focus group discussions and semi-structured interviews with service providers (formal and informal).

Stage 3: Finalisation (21-31 August)

Before leaving Sierra Leone, the consultant will produce a draft, outline report and PowerPoint presentation on initial findings and conclusions. This will be presented to AJSP, DFID and government and other stakeholders as appropriate. It may be necessary to have more than one presentation.
ASJP team members will review the preliminary report outline and presentation by 26th August. A final report and presentation will be delivered to the Gender Adviser and ASJP Team Leader by 31st August.

Risks

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<thead>
<tr>
<th>Risk</th>
<th>Mitigation strategy</th>
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<tbody>
<tr>
<td>Low level of understanding and ownership by national partners may result in reluctance to participate in research or in finding solutions</td>
<td>Early meetings with government and civil society representatives in Freetown and with traditional leaders and civil society in districts; Advance warning to relevant people in districts</td>
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<td>Deteriorated infrastructure and seasonal factors may constrain travel to and between districts</td>
<td>Good planning with ASJP logistics team; Back-up plan for alternative districts</td>
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<td>ASJP has recently conducted an assessment on the Family Support Units, which may result in ‘interview-fatigue’ with stakeholders</td>
<td>Where possible, duplicate meetings and questions will be avoided; The Gender Adviser will supply all relevant documentation and interview notes from the FSU assessment</td>
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<td>Stakeholders’ sensitivities regarding formal / informal justice mechanisms may obstruct their receptiveness</td>
<td>Presentation of preliminary assessment results will be handled with regard to these sensitivities, including consideration of separate presentation sessions</td>
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Annex C: Itinerary

Monday, August 06, 2012 - Freetown

• Debrief with ASJP Gender Advisor
• Meetings with ASJP Advisors

Tuesday, August 07, 2012 - Freetown

• ASJP Program Officers
• Ministry of Local Government and Rural Development
• LAWYERS

Wednesday, August 08, 2012 - Freetown

• ASJP leadership
• 50/50
• Timap for Justice

Thursday, August 09, 2012 - Freetown

• SLP, AIG Morie Lengor
• Oxfam

Friday, August 10, 2012 - Freetown

• DFID
• CARL
• Human Rights Commission of Sierra Leone

Sunday, August 12, 2012 – Kamasiki

• Mother’s Club
• Mammy Queens and elder

Monday, August 13, 2012 – Kabala

• Mammy Queens
• Women Traders Group
• Women’s Network – comprising women representatives from Koinadugu women’s Network, Women against Poverty, AFAMTU women’s organization, FAWE, CDHR, etc.
• MoSWGCA
• SLP, FSU’s

Tuesday, August 14, 2012 - Moyamba

• LPPB (Kabala Town)
• Child Welfare Committee
• DISEC – District Security Committee

Wednesday, August 15, 2012- Moyamba
• Women’s Form
• Ministry of Social Welfare Gender Children’s Affairs
• Magistrate’s Court Clerk
• Police Prosecutors
• Mammy Queen’s

Thursday, August 16, 2012 – Daru

• Daru Women’s Association
• Mammy Queens
• Manny Queen and Female Chief
• Child Welfare Committee

Friday, August 17, 2012 – Kenema

• Court Clerk
• Women’s Group
• Mammy Queens and Female Chief
• Village Chief and Community Elders

Saturday, August 18, 2012 – Kenema

• Local Police Partnership Board

Tuesday, August 21, 2012 - Freetown

• International Rescue Committee
• Ministry of Social Welfare, Gender and Children’s Affairs

Wednesday, August 22, 2012 - Freetown

• UNDP, Access to Justice Program
• UNICEF
• Irish Aide
Annex D: Bibliography

African Development Bank Group (2011): Sierra Leone Country Gender Profile


Department for International Development (2012): How to Note on Violence Against Women and Girls

Government of Sierra Leone: Justice Sector Reform Strategy and Implementation Plan II

Government of Sierra Leone (undated): Sierra Leone National Action Plan on 1325 and 1820


Government of Sierra Leone (undated): The Reporting Strategy of the Republic of Sierra Leone to International Human Rights Treaty Bodies


International Rescue Committee (2012): “Let me not die before my time” Domestic Violence in West Africa

The Justice, Law and Order Sector Programme (undated): Study on Gender and Access to Justice. Uganda

Moore, M (2011): Justice for Girls? Girls in conflict with the law and sexual exploitation in Sierra Leone:


Saferworld (2010): Addressing violence against women in security and justice programmes: Briefing Note

Legislation:
Anti- Human Trafficking Act [No. 7 of 2005]
Child Rights Act [No. 7 of 2007]
Constitutional and Statutory Instruments Act [No.6 of 1999]
Criminal Procedure Act [No.32 of 1965]
Devolution of Estates Act [No. 21 of 2007]
Domestic Violence Act [No. 20 of 2007]
Local Courts Act [No. 10 of 2011]
Prevention to Cruelty to Children (Amendment Act) Act [No. 9 of 1963]
Registration of Customary Marriage and Divorce Act [No. 1 of 2009]
Registration of Customary Marriage and Divorce Act [No. 1 of 2009]
Registration of Customary Marriage and Divorce Act [No. 24 of 2007]
### Annex E: ASJP’s Gender Mainstreaming Approach

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<tr>
<th>SJP Outputs</th>
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<th>Intervention Area Result</th>
<th>Strategic Activities</th>
<th>Examples of How We Will Seek to Mainstream Gender</th>
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<tbody>
<tr>
<td>1 LOCAL POLICING (SLP)</td>
<td>Local policing services (by SLP) are more responsive and accountable to community needs and are more respectful of the law and human rights in focus districts</td>
<td>1.1 Improved GoSL police oversight and accountability mechanisms</td>
<td>1.1.1 Technical assistance for establishment of IPCB (policies/procedures etc) 1.1.2 Technical assistance to MIA and SLP to improve oversight mechanisms</td>
<td>Work with the SLP and WR/CSOs to ensure the complaints mechanism developed for the SLP has effective female participation and that the mechanism is able to adequately address the needs of women and girls. Support the SLP to ensure complaint mechanisms are appropriate for women particularly in relation to VAWG</td>
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<td>1.2 Increased level of reporting and improved quality of investigation</td>
<td>1.2.1 Technical assistance to SLP to identify general good practice on reporting and investigation from FSUs and integrate this into routine crime reporting and investigation protocol and doctrine 1.2.2 Support application of good practice on reporting and investigation in focus districts as part of integrated cross-sectoral training</td>
<td></td>
<td>This intervention area is specifically designed to enhance access to justice for women and girls. See year one work plan for detailed activities</td>
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<td>1.3 Improved level of communication and collaboration between communities and SLP in focus districts</td>
<td>1.3.1 Technical assistance to SLP to support the development of Local Needs Policing operational plans 1.3.2 Support development of sustainable LNP training package 1.3.3 Support capacity development for LNP in focus districts as part of integrated cross-sectoral training</td>
<td></td>
<td>Support SLP and LPPBs to increase greater and more effective participation of women in LPPBs (in particular women’s rights defenders) and youth representation that includes girls Ensure training includes human rights, women’s rights, legislation relating to women and girls and police as well as roles and responsibilities of other justice service providers relating to matters affecting women and girls. Support LPPBs to consult with community women when developing their outreach strategy</td>
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**Note:** The table above presents a summary of ASJP’s Gender Mainstreaming Approach, detailing specific strategies and activities aimed at improving access to justice for women and girls in focus districts. Each strategy is designed to enhance accountability, reporting, communication, and collaboration, with the ultimate goal of increasing effective participation of women, particularly in relation to VAWG.
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| 2 LOCAL COURTS | Increased efficiency of local courts and increased capability to deliver services in conformity with the law and human rights standards in focus districts | 2.1 Judiciary able to oversee the development and operation of the Local Courts | 2.1.1 Technical assistance to Judiciary to support sustainable Local Court oversight mechanisms and implementation of Local Courts Act | Work with Judiciary to include in oversight and implementation:  
- Review of financial penalties levied in cases that affect women and girls;  
- Appropriate handling of VAWG cases - including appropriate referrals;  
- Development of training materials which comply with relevant legislation (e.g. Sexual Offences Act)  
- Development of recruitment plans to increase the number of women local court personnel |
| | | 2.2 Improved capacity of local courts in focus districts to implement their mandate in line with the law and human rights standards | 2.2.1 Facilitation of training for LC staff and Chiefdom Police in focus districts as part of integrated cross-sectoral training  
2.2.2 ‘Seed funding’ support to core LC functions in focus districts |  
| | | | |  
| | | | |  
| 3 INFORMAL JUSTICE PROVIDERS AND CHIEFDOM POLICE | Increased availability of skilled informal justice service providers and increased capability of providers and chiefdom police to deliver services in conformity with the law and human rights standards in focus districts | 3.1 Stronger capacity of MoLGRD to oversee traditional justice providers and chiefdom police | 3.1.1 Technical assistance to MoLGRD to support the development of sustainable training, performance standards and oversight mechanisms  
3.1.2 Support application of performance standards / oversight mechanisms in focus districts  
3.1.3 Capacity development for oversight function of National and Districts Councils of Paramount Chiefs | Work with MoLGRD to:  
- Ensure integrated cross-sectoral training includes rights of women and girls under national law  
- Support the MoLGRD to develop policies and sustainable plans to improve the status of female chiefs and to increase the participation of women in local decision-making bodies at village / chiefdom level  
- Ensure minimum standards include women’s and girls’ rights and gender equality.  
In line with focus District Engagement Plans, support MoLGRD to develop policies and sustainable plans to address key gender issues e.g. policies and bye-laws to ensure they do not discriminate against women or girls – including reviewing financial penalties for gender-based disputes or crimes.  
- Capacity development on gender issues e.g. rights of women and girls under national law |
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<td>3.2</td>
<td>Traditional justice providers and chiefdom police in focus districts have increased awareness, knowledge and skills in relation to the law and human rights standards</td>
<td>Strategic Activities</td>
<td>Examples of How We Will Seek to Mainstream Gender</td>
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| 3.2.1       | Support MoLGRD to undertake orientation and support skills development of traditional justice providers and chiefdom police in focus districts including in partnership with CSOs as part of integrated cross-sectoral training | - Work with MoLGRD to include rights of women, girls and male youth under national law in orientation and skills development in focus districts (through integrated cross-sectoral training)  
- Work with MoLGRD to ensure that female leaders receive orientation and skills development  
- Targeted engagement with male Chiefs, Imams and Pastors etc. in focus districts including participation in integrated cross-sectoral training |
| 3.3         | Strengthened regulation of paralegals | Strategic Activities | Examples of How We Will Seek to Mainstream Gender |
| 3.3.1       | Support the establishment of standardisation and regulation of paralegals through a functioning Legal Aid Board in accordance with the Legal Aid Act. | - Regulatory standard should ensure that paralegals’ advice is consistent with national law and human rights standards on women’s and girls’ rights |
| 3.4         | Increased availability of local skilled community paralegals / (non-traditional) mediators in focus districts | Strategic Activities | Examples of How We Will Seek to Mainstream Gender |
| 3.4.1       | Provide grants to paralegal/mediator service and other sustainable legal assistance providers in focus districts including support to develop local and national network  
3.4.2 Develop and test model(s) of market-based legal advice provision in focus districts (including mobile phone delivery) | - Legal Assistance and Community Justice Fund key focus on access to justice for women and girls e.g. support to networks of women’s rights organisations within and across focus districts  
- Key focus: legal advice for women and girls |
<p>| 4           | Faster and better processing of criminal cases | Policies and procedures in place within the judiciary to ensure sustained backlog reduction nationally | Support development of improved case management processes and practices in the judiciary (in accordance with CPA, if passed) | Work with Judiciary to ensure appropriate processes and practices in relation to cases involving women and girls, including VAWG |</p>
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<td></td>
<td>4.2 improved quality of prosecution of crimes</td>
<td>4.2.1 Technical assistance to DPP and SLP to develop plan to improve prosecution services including sustainable training programme 4.2.2 Support roll out of plans 4.2.3 Support capacity building for police prosecution in focus districts as part of integrated cross-sectoral training</td>
<td></td>
<td>▪ Work with DPP and SLP to ensure training includes on handling VAWG cases, drawing lessons from FSUs and other, relevant initiatives ▪ Work with judiciary and court staff to increase understanding of how to make court processes more conducive to attendance by victims of gender-based crimes ▪ Include integrated cross-sectoral training on appropriate charging of sexual violence crimes for police prosecutors</td>
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<td>4.3 Improved legal advice to accused in criminal cases</td>
<td>4.3.1 Technical assistance to Legal Aid Board to establish policies and procedures for sustainable criminal legal aid provision 4.3.2 Grants to criminal legal aid providers to test models of cost effective provision</td>
<td>Work with the Legal Aid Board to ensure women and girls as well as men and boys are able to obtain criminal legal aid that procedures for obtaining legal aid</td>
<td>▪ Legal Assistance and Community Justice Fund will include support to organisations that: take on VAWG cases by fiat of the DPP; provide legal advice and assistance to female defendants with children; and whose policies and procedures include gender dimensions (with an emphasis on young men defendants)</td>
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<td></td>
<td>Activities incorporated in Outputs 1 (IPCB, MIA, SLP, and other) and 6 (MIA capacity building)</td>
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| 5
VOICE AND ACCOUNTABILITY | Increased citizen engagement with justice services in focus districts | 5.1 Raised public awareness and citizens’ empowerment in relation to rights and opportunities for justice in focus districts | 5.1.1 Provide grants to CSOs and local media in focus districts to deliver awareness/education campaigns and to support community empowerment around legal rights and responsibilities linked to integrated cross-sectoral training | Awareness / education campaigns: key issues (targeting men and boys as well as women and girls) may include:  
- VAWG  
- Policing functions and role of police relating to family issues and VAWG  
- Registration of customary marriage  
- Women’s access to land  
- Popularization of the gender acts and the new Sexual Offences Act  
Community empowerment: Grants from Justice Awareness Voice and Accountability Fund to -  
- Support women’s rights/ civil society organisations to train advocates/activist in the community who are knowledgeable about rights, the law, referral pathways, accountability mechanisms and advocacy.  
- Support networks of women’s rights/ civil society organisations who share information and learning on what works in their communities |
| 5.2 Strengthened community engagement with and CSO monitoring of justice services provision in focus districts leading to effective advocacy and engagement with police and decision makers at local and national levels | 5.2.1 Provide grants to CSOs for monitoring of justice services in focus districts | Grants from Justice Awareness Voice and Accountability Fund to -  
- monitor VAWG cases and civil cases affecting women (e.g. land / inheritance rights) |
| | 5.2.2 Provide grants to CSOs to strengthen civil society policy engagement and advocacy including through developing and linking into local and national networks | Fund criteria should ensure significant involvement of women and girls in monitoring cases, whether or not they involve ‘women’s issues’ |


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<td>6 CORE CAPACITY BUILDING</td>
<td>Justice sector effectively coordinated and managed by relevant agencies to ensure delivery of JSRSIP II and foundations laid for sustainable long term justice delivery</td>
<td>6.1. LG, TWG and JSCO effectively coordinate policy making, planning, resource allocation and M&amp;E across the sector</td>
<td>6.1.1 Clarify and consolidate role, functions and purpose of justice sector co-ordinating structure including JSCO</td>
<td>Work with JSCO to ensure M&amp;E systems measure access to justice for women, men, boys and girls</td>
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<td>6.1.2 Support development of effective M&amp;E system for JSRSIP II</td>
<td>6.1.3 Technical assistance to strengthen JSCO engagement with core government processes (including budget process, M&amp;E, human resources) and linkage to national systems</td>
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<td>6.1.4 Support the development of local coordination mechanisms in focus districts potentially linked to integrated cross-sectoral training</td>
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<td>6.2. Increased capacities of key S&amp;J MDAs in oversight, policy, planning, budgeting, MIS and M&amp;E (potentially Judiciary, MIA, MoJ, Police, Prisons, MoLGRD)</td>
<td>6.2.1 Technical assistance to support core functions (planning, budgeting, and M&amp;E) in collaboration with relevant government actors eg. PSIU, MOFED and HRMO</td>
<td>6.2.2 Technical assistance in relation to a limited number of specific agreed policy/oversight areas, linked to District Engagement Plans</td>
<td>Work with MDAs to strengthen linkages where appropriate with NaC-GBV and MoSWGCA</td>
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<td>6.2.3 Support to strengthening sectoral data management system</td>
<td>Work with MDAs to seek opportunities to mainstream gender and prioritise access to justice for women and girls in developing policies</td>
<td>Consider gender-aware budgeting throughout technical assistance</td>
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<td>Work with MDAs to ensure systems disaggregate data on access to justice for women, men, boys and girls</td>
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