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**Politics  
& Governance**

# **Violence against women in Sierra Leone**

How women seek redress

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Country Evidence

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The views expressed in this paper and all responsibility for the content of the study rests with the authors.

## Acronyms

<b>ADR</b>	Alternative Dispute Resolution
<b>AfDB</b>	African Development Bank
<b>APC</b>	All People's Congress
<b>CBO</b>	Community-based Organisation
<b>CSO</b>	Civil Society Organisation
<b>DFID</b>	Department for International Development
<b>FSU</b>	Family Support Unit
<b>GBV</b>	Gender based violence
<b>GoSL</b>	Government of Sierra Leone
<b>HRW</b>	Human Rights Watch
<b>IRC</b>	International Rescue Committee
<b>MSWGCA</b>	Ministry of Social Welfare, Gender and Children's Affairs
<b>NAC GBV</b>	National Committee on Gender-based Violence
<b>NGO</b>	Non-governmental Organisation
<b>ODI</b>	Overseas Development Institute
<b>PEA</b>	Political Economy Analysis
<b>SLPP</b>	Sierra Leone People's Party
<b>TRC</b>	Truth and Reconciliation Commission
<b>UK</b>	United Kingdom
<b>UN</b>	United Nations
<b>UNDP</b>	UN Development Programme
<b>UNFPA</b>	UN Population Fund
<b>US</b>	United States
<b>USIP</b>	United States Institute of Peace
<b>VAW</b>	Violence against Women

Disclaimer: The views presented in this paper are those of the author(s) and do not necessarily represent the views of ODI or our partners.

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# Table of contents

<b>Executive summary</b>	<b>2</b>
<b>1 Introduction</b>	<b>3</b>
<b>2 Understanding the nature of the problem: What violence against looks like in Sierra Leone</b>	<b>4</b>
2.1 How is violence structured in Sierra Leone?	5
History of conflict	5
Social and cultural norms	5
Political factors	6
Donor and NGO interventions	7
2.2 Forms of violence against women	8
Domestic violence	8
Cultural/communal violence	8
Sexual violence	9
Structural violence	9
2.3 How do the various forms of violence interrelate?	10
2.4 Who are the victims and perpetrators of VAW?	10
<b>3 How do women seek redress for violence?</b>	<b>10</b>
3.1 Challenges in relation to access to justice	12
Obstacles from end users' perspective	13
Political factors	14
Capacity constraints and resource shortages	14
3.2 Other factors influencing how women seek redress	15
Nature of the crime	15
Who the perpetrator is	15
Who the victim is	15
Perceptions of the justice providers	15
3.3 How do women tend to report?	16
<b>4 Summary of findings: Issues to consider in work on violence against women</b>	<b>17</b>
4.1 Forms of violence are interrelated	17
4.2 Justice chains are interdependent	17
4.3 Issues of access and factors influencing how women report matter	18
4.4 Lack of policy implementation can be addressed by working with institutional realities	18
4.5 Applying political economy analysis to violence against women and the justice sector	19
<b>References</b>	<b>21</b>
<b>Annex 1: Interviews</b>	<b>23</b>

## Executive summary

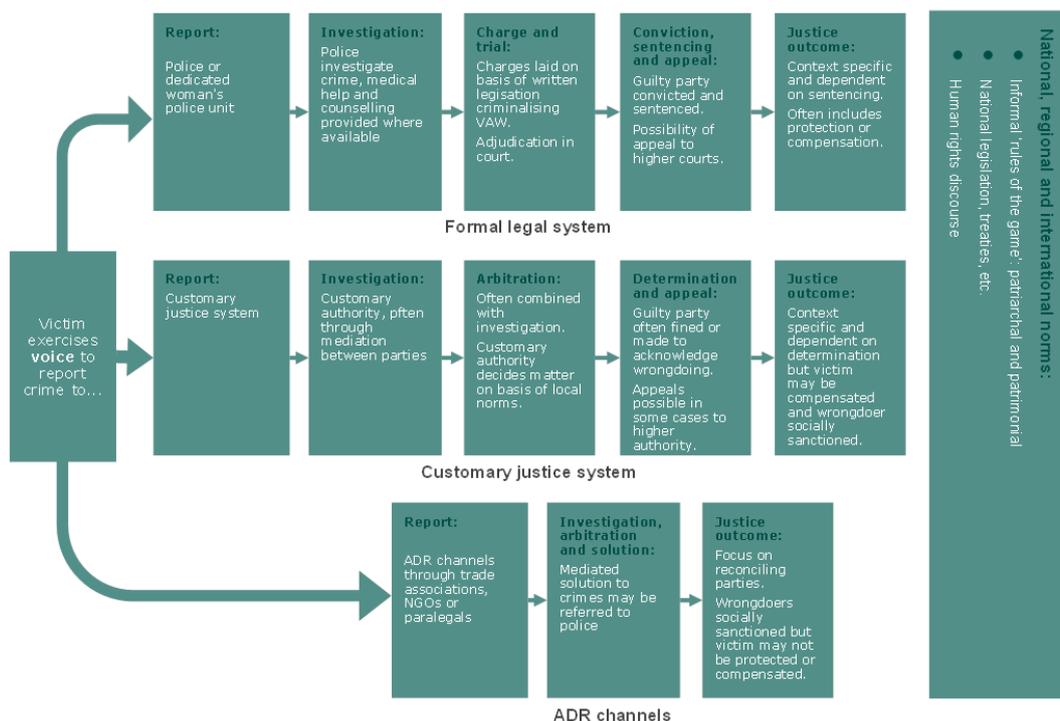
Violence against women (VAW) in Sierra Leone is a persistent problem that can limit the ability of women to contribute to society and development. According to the UN, nearly all Sierra Leonean women suffer some form of violence in their lifetime (UNDP, 2010). Ensuring both men and women understand violence as an infringement of their fundamental rights and have adequate recourse to redress for violence is therefore important in mobilising the entire population in efforts to rebuild the country and move towards development (World Bank 2012).

This paper uses some components of sectoral and ‘problem driven’ political economy analysis (PEA) to understand the relationships between prevailing security and justice institutions and actors and the way women who have experienced violence seek redress in Sierra Leone. In particular, this study focuses on understanding the nature of the problem of VAW, and then works up through the different options women may (or may not) have for seeking redress in Sierra Leone.

Violence in Sierra Leone is shaped by a number of factors, related to cultural attitudes, the history of conflict, the political environment and donor interventions. Influenced by these factors, women in Sierra Leone are subjected to numerous kinds of violence, which are often interrelated. This includes domestic violence (physical, economic and emotional/psychological), communal/cultural violence, sexual violence and structural violence. Interviews revealed that domestic violence and customary practices (such as female circumcision and child marriage) are considered the most common forms of violence. Women’s experiences of violence, however, often do not fit neatly into one category, but rather span a number of interrelated forms. Responses to violence must therefore understand these interconnections and the ways in which one form of violence can lead to others, rather than approaching the issue of VAW in a fragmented way.

In order to seek redress for these forms of violence, at least three justice chains are potentially available for women in Sierra Leone and represent different, and intersecting redress ‘paths’ that women may explore. These include the formal justice system; the customary justice system; and alternative dispute resolution (ADR) channels (see figure 1, below). However, it would be wrong to consider these three separate chains as women often move between them and utilise aspects of the formal, customary and ADR channels. Understanding the chains as intimately linked is thus important in justice programming.

**Figure 1: Security and justice chains for violence against women**



Women face a number of challenges in accessing justice along these three chains, including obstacles from the end user's perspective (such as accessibility, affordability, timeliness, etc.), political factors (such as the impact of the political environment, policy decisions and funding) and capacity constraints and resource shortages (including staffing, equipment and resources).

In addition to overcoming these impediments to access, research reveals that women also take into account a number of other factors in deciding whether and/or where to report violence against them. The nature of the crime, who the perpetrators and victims are and a victim's perceptions of the available justice providers all influence the redress mechanism women are likely to choose. On the basis of these considerations, women tend to report violence first to their immediate family, then to community leaders (often through informal justice mechanisms), increasingly to paralegals and human rights organisations (utilizing ADR mechanisms) and finally, as a last resort, to the police (as administrators of formal law).

Research findings from the report include:

- Forms of violence are interrelated and justice chains are interdependent. As a result, multidimensional approaches that engage across the spectrum of violence and across the multiple avenues for redress are needed to address VAW effectively.
- Issues of access and additional subjective factors play a determining role in the choices women make about where to report instances of violence. Understanding these issues and factors is thus critical.
- PEA can help to achieve a more granular understanding of the problem and can help to unpack issues of structure and agency along the justice chains. It can help to reveal, for instance, the institutional realities within which space for change must be found to achieve effective policy implementation.

This paper sets out a clear explication of the nature of the problem of seeking redress for VAW in Sierra Leone. In order to provide a more prescriptive analysis of where likely spaces for change are located along the justice chains, a fuller PEA is required. This would unpack the power relations and incentive structures at each stage of the justice chain and, importantly, the interactions across the chains, in order to reveal the opportunities that the government, civil society and development partners may be able to capitalize on in order to promote improved response to VAW.

## 1 Introduction

This paper presents the findings of a short case study conducted under the programme Achieving Sustainable Governance Transitions: The Politics of Public Goods and Services, funded by the UK Department for International Development (DFID) and undertaken by the Overseas Development Institute (ODI). The programme combines applied research, proactive outreach and extended engagement with policymakers with the aim of developing practical frameworks to better understand how politics and governance affect the provision of essential public goods, including justice and security.

Violence against women (VAW) in Sierra Leone is a persistent problem that can limit the ability of women to contribute to society and development. According to the UN, nearly all Sierra Leonean women suffer some form of violence in their lifetime (UNDP, 2010). Ensuring both men and women understand violence as an infringement of their fundamental rights and have adequate recourse to redress for violence is therefore important in mobilising the entire population in efforts to rebuild the country and move towards development (World Bank 2012).

A considerable number of reports focused on Sierra Leone interrogate types of violence (HRW, 2003; Physicians for Human Rights, 2002; TRC, 2004) and its effects (Concern et al., 2010; UNFPA 2005) experienced by women. Other reports consider issues of access to justice (GoSL, 2007; Parmar et al., 2008; Rennie, 2006; Rosveare et al., 2012). Here, we are interested in connecting these two issues to understand what the key features of VAW are, and how women seek redress through the various justice avenues available to them.

An objective of the study is to contribute to an emerging body of research on the merits of using political economy analysis (PEA) to reflect on the kinds of factors policymakers and practitioners should

consider in developing interventions to address particular policy problems.<sup>1</sup> PEA is ‘concerned with the interaction of political and economic processes in a society: the distribution of power and wealth between different groups and individuals, and the processes that create, sustain and transform these relationships over time’ (Collinson, 2003; DFID, 2009; Duncan and Williams, 2010). More recently, evolutions in PEA thinking have moved from a focus on general country-level analysis to provide more sector- and problem-specific analyses that can identify opportunities for change. Here, we use some components of PEA thinking to understand the relationship between prevailing security and justice institutions and actors and the way women who have experienced violence navigate the various justice chains that exist in Sierra Leone. In order to carry out a fuller PEA that can reveal opportunities for change, it is crucial first to develop a granular understanding of the nature of the problem confronting policymakers and practitioners. Identifying a tractable problem can be a useful departure point for a PEA exercise aimed at drilling down and better understanding how the relevant institutions and actors interact and what, in practice, the opportunities for reform and positive change may be.

Against this background, this study focuses principally on understanding the nature of the problem of VAW, and then works up through the different options women may (or may not) have for seeking redress along the justice chains in Sierra Leone. This articulation of the problem, and the mapping of options for redress available to women along the justice chains, lays the foundation for a fuller problem-focused PEA of redress for VAW, where opportunities for action can be identified. It also contributes to broader thinking about how, in practice, PEA can be applied in the justice and security sectors.

The study involved a literature review and interviews conducted in Freetown in October 2012 with key actors in VAW/gender-based violence (GBV)-related development work, including local and international civil society organisations (CSOs), traditional leaders, legal practitioners, government officials, police officers and donors. The methodology used entailed a disaggregated analysis of the justice chains that exist in Sierra Leone. Section 2 explains the problem to enable an understanding of the structures, institutions, actors and incentives that shape the problem of VAW. Following this, Section 3 presents a mapping of the various justice chains women use to seek redress for VAW in Sierra Leone. This reveals the reality of legal pluralism, which becomes front and centre in the analysis. Justice chain analysis is an established method of breaking down ‘the series of steps that must be taken to access justice [...] When a crime or violation has been committed against a woman, the chain consists of the processes and institutions that she has to navigate in order to seek redress’ (UN Women, 2011; see also Gloppen, 2005). At least three justice chains are apparent in Sierra Leone: the formal system; the customary system; and alternative dispute resolution (ADR). Issues of access and considerations that women take into account in selecting mechanisms for redress are also considered. Finally, Section 4 sets out some key issues that those working on VAW and redress must be aware of, as well as some thoughts on a fuller application of PEA to redress for VAW.

## 2 Understanding the nature of the problem: What violence against looks like in Sierra Leone

In understanding VAW in Sierra Leone, it is important to consider:

- How violence is structured by cultural, historical and political forces;
- The forms violence can take;
- How these might interrelate; and
- Who the victims and perpetrators are.

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<sup>1</sup> This case study is feeding into broader work ODI is undertaking on developing PEA approaches for VAW and the justice and security sectors. A background note building on the wider literature and lessons learnt from programming on VAW will explore further how PEA can be applied in the justice and security sectors.

Understanding these aspects of violence is also crucial in determining the situations in which women are likely to seek recourse to justice, what avenues of justice they are likely to opt for and what factors shape their decisions.

## 2.1 How is violence structured in Sierra Leone?

Violence in Sierra Leone is shaped by a number of factors, related to cultural attitudes, the history of conflict, the political environment and donor interventions. Recognising the influence of these factors on how violence manifests is central to a full understanding of VAW.

### History of conflict

While VAW existed in Sierra Leone prior to the 11-year civil war, the conflict has played a specific role in shaping the way VAW manifests and conditions attitudes and practices that contribute to its incidence. It is estimated that 17% of those displaced by the conflict experienced sexual assault of some form (Physicians for Human Rights, 2002) and that up to 250,000 women and girls experienced abuse (HRW, 2003). The war also led to massive displacement, of more than half of the population (UNFPA, 2007), meaning the social networks and bonds that in the past had afforded women some form of protection were shattered. As a result, women became disaffiliated and increasingly vulnerable to violence, and the limited services and infrastructure that existed prior to the conflict were destroyed.

Under the Truth and Reconciliation Commission (TRC), established after the war as part of the transitional justice process, it was recommended that the government issue an unequivocal apology to women for the violence they suffered during the war and for the impunity with which that violence was met. The government issued this apology in 2010, but a number of other TRC recommendations related to VAW have not been implemented (Swaine, 2012). The Special Court for Sierra Leone, set up by agreement between the UN and the government of Sierra Leone, also sought to address VAW, and secured landmark international prosecutions for forced marriage (ibid.).

In addition to violence experienced during the war, the legacy of conflict has also shaped how women can experience violence in its aftermath (Schroven, 2006). For instance, it has been suggested that rates of violence are higher in the east of Freetown, where a large number of ex-combatants settled at the end of the war (Albrecht and Jackson, 2009). Having had their means of power (through the gun) stripped through demobilisation processes, and finding limited opportunities for employment or education in post-conflict life, ex-combatants often felt the need to assert their authority in new ways, often manifesting as violence against their partners or children. These high levels of violence led to the creation in 1999 of the first Family Support Unit (FSU), then known as the Domestic Violence Unit, in Kissy, in the east of Freetown, to address this rise.

During the war, women increasingly took on new roles within the family and society, as men were increasingly absent from the home as a result of fighting, or were killed or displaced. The proliferation of non-governmental organisations (NGOs) post-war, and the propagation of discourses around women's equality and empowerment and provision of microcredit loans for vulnerable women, has changed the status of many women and also had an influence on the nature of violence women now face. Since the end of the war, men have at times struggled to accept the new, more powerful positions women are occupying (IRC, 2012). In an effort to counteract this, men can react violently against women, who they see as overstepping their appropriate roles in society.

### Social and cultural norms

Patriarchy is engrained in Sierra Leonean culture and is apparent at all levels of society – texturing family, community and political institutions, so the resulting power inequalities are continually reproduced. From a young age, women are routinely taught to be obedient to men, thus creating power imbalances that lay the foundations for VAW (Alie, 2008), and these are perpetuated by both men and women. This happens in a number of ways. Secret societies teach initiates that a good wife obeys her husband and looks after his needs, putting her interests secondary (Bledsoe, 1984; Fanthorpe, 2007). Families frequently teach girls to be obedient to authority and to be passive and quiet. These teachings lead to women being submissive to, and believing they have less rights than, men. This means often women accept poor treatment as normal (UNFPA, 2005). Power imbalances increase the vulnerability of women and girls to VAW, and it is this vulnerability that also prevents those who have experienced violence from leaving abusive relationships or seeking support or justice. Given that these cultural values are reinforced by both men and women, it is important that both sexes are engaged in efforts to address VAW, and that the targets of VAW programmes are not seen to be solely women.

These cultural attitudes permeate public life as well as private life – with women, for instance, forbidden from standing as paramount chief in the north of Sierra Leone. Women are also a rarity in state politics, as set out below.

### Political factors

The political environment has also shaped the manner in which violence occurs, is understood and is treated in Sierra Leone. While the political settlement has undergone significant changes throughout the civil war and post-conflict era (most notably, shifting from highly personalised politics emerging from a one-party state to a multi-party democracy with two dominant political parties), patronage remains a key element of Sierra Leonean society and politics. The patronage system basically means everybody ‘stands for’ someone else in a hierarchy of dependence and obligation based loosely on age, wealth and status (Fithen and Richards, 2005). This system of authority is present not only in formal politics but also at the local level. Sierra Leone retains a constitutionally sanctioned chieftaincy system, with paramount chiefs elected on limited franchise for the country’s 149 chiefdoms. Beneath the paramount chiefs are a number of section and town chiefs, village headmen and elders who play an important role in regulating daily life (Vincent, 2012). Throughout one-party rule (from 1978 to 1991) and the civil war, the patronage system was particularly pernicious among the political elite, with politicians and government officials motivated by personal profits and those of their patrons and clients. At its height, this led to the active destruction of the state itself:

Over time high officials found it in their interests to undermine the formal institutions of the state itself. State office and globally recognized sovereignty provided a license to exploit resources. But to use these resources to finance state institutions would threaten these officials, since an efficient army or civil ministry could provide a base for more efficient or popular rivals to challenge their economic and political power. Up to a point, it became possible for Sierra Leone’s presidents to preside over the collapse of their own states years before fighting broke out, using their coercive control of markets to maintain their holds on power and impose a precarious order (Reno, 2003: 46).

Democracy and bureaucratic cultures of government are now taking root more firmly in Sierra Leone, but patrimonial interests remain and thus skew the manner in which political decision making occurs. This patronage system is also frequently gendered, in that women are less likely to be in positions of authority, given the dominance of patriarchy. Those women who are in positions of authority often do not have strong ties to other women or gender issues, as patronage politics encourages fealty to their patrons or political parties.

In relation to VAW and women’s rights, there has been significant progress at the level of policy and legislation. The National Policy on the Advancement of Women and the National Gender Mainstreaming Policy were developed in 2000; VAW was recognised as requiring specific responses within the 2008 Poverty Reduction Strategy; a National Action Plan was developed in 2008 to implement UN Security Council Resolutions 1325 and 1820; and the National Committee on Gender-based Violence (the NAC GBV), set up in 2009, brings together government, donor, local and international NGOs working on VAW.

Alongside these policies, Sierra Leone has also developed progressive legislation to deal with VAW. Three ‘Gender Acts’ were introduced in 2007 (on domestic violence, registration of customary marriage and devolution of estates). The Domestic Violence Act ‘situates domestic violence as a criminal act in and of itself and uses a broad definition of domestic abuse which includes physical and sexual abuses, economic abuses, verbal, emotion and psychological abuse’ (Swaine, 2012: 8). The Registration of Customary Marriage Act raises the legal marriageable age and requires customary marriages to be registered. The Devolution of Estates Act aims to address issues of women’s inheritance by allowing men and women to inherit equally and abolishing customary practices whereby widows were often required to marry a member of her deceased husband’s family. In 2012, these Gender Acts were complemented by the Sexual Offences Act, which criminalises rape (with marriage explicitly denied as a defence), indecent assault and harassment and imposes a maximum 15-year sentence for cases of rape. It also entitles victims of sexual offences to free medical treatment, as well as a free medical report (necessary for prosecution). The (female) chief justice has also taken a tough stance on sexual offences in the wake of the new Act, revoking bail for all persons accused of sexual offences at the beginning of the first High Court session of 2012. These policy and legislative changes are clearly important in criminalising VAW, building greater respect for women’s rights, and demonstrating how seriously the government takes issues of women’s security, owing in no small part to ongoing advocacy by women’s organisations and activists (UN Women, 2011).

However, this progress should not be overstated. Enforcement of legislation remains deeply problematic, owing to poor knowledge of the law, cultural resistance, capacity constraints and limited penetration of state enforcement, as well as prevalence of institutional hybridity (IRC, 2012; Swaine, 2012). For instance, while

the Gender Acts specifically call for the registration of customary marriages (which can support women's security by ensuring they have the right to inherit the property of their father or husband), implementation in practice remains deeply problematic. Marriages must be registered at local government offices based in district capitals, which means women living in rural areas, where informal marriages are most common, must travel to regional centres for registration. Furthermore, while campaigning has focused on registering new marriages, very few existing customary marriages are being registered – so the advancements in legislation are not currently having an impact on many women. Impediments to registering customary marriages mean that, despite improved protections within legislation, many women remain vulnerable to dispossession of their homes on the death of their father or husband, or in the case of divorce (UNFPA, 2007).

In addition to the challenges of implementation, other indicators that would suggest women's rights are being taken more seriously in Sierra Leone have not seen great progress. This confused approach to women's rights is representative of 'policy incoherence', revealed by Wild et al. (2012) as a common constraint in service delivery. Despite some important improvements in laws and policies around VAW, the policy environment remains incoherent as a result of the persistence of discriminatory laws and policies alongside progressive ones. For instance, an Equality Act was drafted by the Parliamentary Women's Caucus, but was not even tabled in Parliament because it had weak political support. The Constitution of Sierra Leone (S.27(4)) explicitly states that protection from discrimination does not apply in relation to laws regarding 'adoption, marriage, divorce, burial, devolution of property on death or other interests of personal law', all of which are particularly relevant to women (AfDB, 2011: 16). On this basis, a number of women's organisations we interviewed have been calling for a constitutional review.

Of 124 seats in Parliament, women held just 16 after the 2007 elections and just 15 after the recent 2012 elections. For the 2012 elections, out of a total of 586 candidates vying for parliamentary seats, only 38 women were nominated by a total of 10 political parties and at the local government level there were 337 women out of 1,283 candidates. Political parties continue to rely on patriarchal campaign messages that in some cases promote cultural/communal VAW. For instance, in the 2012 election campaign, the All People's Congress (APC) used posters of the president with the slogan '*De pa dey woke*' ('The father [of the nation] works'). This is shorthand for a local Krio saying '*De pa dey woke, de mammy dey cook*' ('The father works, the mother cooks'), representing patriarchal values at the level of the presidency. In the 2007 elections, both the APC and the Sierra Leone People's Party (SLPP) provided funds for the initiation costs of girls within regions where they were campaigning for votes, essentially endorsing female circumcision at the highest level of office (IRIN News, 2007). The importance placed on women's rights in Sierra Leone is further underscored by the budget of the Ministry of Social Welfare, Gender and Children's Affairs (MSWGCA), which between 2005 and 2010 ranged from just 0.2-0.7% of the national budget (AfDB, 2011).

Any policy and legislative improvements in terms of recognising women's rights must therefore be viewed through the prism of a political settlement that is dominated by patriarchal and patrimonial interests, both in the formal sense of men dominating positions of authority and in the informal sense, whereby men dominate customary settings within the community and family (AfDB, 2011). This results in implementation challenges and policy incoherence, which makes efforts to deal with VAW not straightforward. The political environment, set out here, provides the context in which VAW and redress for it occurs, and shapes the manner in which VAW and women's roles in society are understood.

### Donor and NGO interventions

It is also important to consider how programmes of donors and development organisations are affecting the manifestation of violence against women, albeit mostly unintentionally, and the challenges this can pose to 'do no harm' principles. Since the end of the war, Sierra Leone has undergone massive human rights sensitisation across the country, and awareness of women's rights has certainly increased (although, of course, this is not always attended by the actual enforcement of women's rights). As one interviewee reported, people now know there is something called 'human rights' and have a clearer idea of what this encompasses. People now refer to 'that 50/50 thing' as shorthand for increased women's representation in public life (this is almost certainly the result of advocacy efforts by the 50/50 Group, which has received significant donor support in Sierra Leone). Such awareness has led to some instances of women increasingly asserting their rights and reporting crimes, and the creation of women's forums, where women can share their experiences and support each other. Some women have also become more economically empowered through microcredit projects.

While an increased awareness of rights and access to empowerment opportunities represents an advancement for women's rights, it has also led in some cases to an increase in violence against women, as men seek to reassert their authority in the face of what they perceive to be an attempt to change 'tradition' or the *status quo*: 'Many women faced violent backlash as they achieved success that either eluded their

partners or was perceived as threatening' (IRC, 2012: 12). Donor and NGO programmes therefore play an under-considered role in influencing the ways VAW in post-conflict Sierra Leone is manifesting, and need to be aware of the unintended consequences of their programming. Understanding how programming alters the balance of power within households is critically important, and greater gender analysis could be utilised to recognise and address the impacts on men and the power dynamics between men and women in the home and community.

## 2.2 Forms of violence against women

Women are subjected to numerous kinds of violence in Sierra Leone, which are often interrelated.<sup>2</sup> Here, we examine domestic violence (physical, economic and emotional/psychological), communal/cultural violence, sexual violence and structural violence, which arose in fieldwork as the most prevalent forms of VAW. All of these, except for structural violence, are criminalised in Sierra Leone in the Domestic Violence Act (2007) and the Sexual Offences Act (2012). Domestic violence and customary practices (such as female circumcision and child marriage) are considered the most common forms of violence.

### Domestic violence

Domestic violence takes place within a marriage or partnership and is overwhelmingly perpetrated by men against women (although there are reported incidents of women beating their husbands; in these cases, there is significant social stigma for the male victim). A recent study on domestic violence in West Africa notes that the primary threat to women in the region 'is not a man with a gun or a stranger. It is their husbands' (IRC, 2012: 3). A total of 60% of assault survivors supported by the International Rescue Committee (IRC) in West Africa have suffered violence committed by an intimate partner (ibid.: 3). Domestic violence usually occurs through beating, punching, pushing or wounding. It is frequently considered acceptable in Sierra Leone, and even part of a healthy marriage (as long as it is not too severe), because it exists within the context of entrenched social norms and gender inequities and weak law enforcement efforts. Women have even suggested that domestic violence can be an indication of a husband's love for his wife (UNFPA, 2005). These attitudes are changing with awareness-raising efforts around women's rights and new legislation that criminalises domestic violence. Nonetheless, rates are said to be endemic across the country.

Domestic violence can also be emotional and economic in nature. Psychological violence against women includes routine denigration that harms the victim's mental state. Because this form of violence does not necessarily result in physical evidence of harm, it frequently goes unacknowledged (IRC, 2012). Economic violence is especially challenging in the Sierra Leone context because of the low socioeconomic situation of so many citizens. Economic violence refers to situations in which women are harmed by the denial of economic resources or means. Even though women often constitute the primary labour force in the family, working on farms or in the market, men usually control household finances. Women thus turn over their income to their husbands, who then determine how much money to give back to them for their own maintenance and that of their children. Many interviewees spoke of large numbers of disputes regarding maintenance, with women denied sufficient resources to support themselves and their children (ibid.). Women can also suffer economic violence through dispossession of land in the event of their husband's death or divorce (UNFPA, 2007). This is particularly so if the marriage was not registered (unregistered informal marriages are the norm in Sierra Leone, despite legislation in 2007 encouraging registration so women can access other rights) and the woman therefore has no contractual proof of the relationship that could afford her rights to property or inheritance (although, in practice, even registered customary marriages still often result in the denial of women's rights in the event of a husband's death or divorce). In some instances, women are denied rights to property if they refuse to marry their deceased husband's brother or close relative, which is a traditional practice that allows both the wife and the husband's property to remain within the family (ibid.).

### Cultural/communal violence

In relation to cultural or communal violence, it is estimated that approximately 80-90% of women in provincial Sierra Leone undergo circumcision as part of secret society initiation practices around the time of puberty (in reality between the ages of approximately 6 and 16) (AfDB, 2011: 34; Fanthorpe, 2007; IRIN News, 2007). While it is difficult to get accurate statistics, this prevalence appears to now be changing. As awareness of women's rights and health concerns around circumcision increases, there are moves by civil society groups

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<sup>2</sup> A vast literature exists on categories of VAW (see, for instance, Ellsberg and Heise, 2005). In this analysis, the categories of VAW as used in Sierra Leone are adopted.

and the MSWGCA for the practice to be delayed until 18 years of age, when a woman can choose for herself whether to go through with it. Indeed, in some areas, communities and the *soweis* (the women who conduct circumcision) have signed memoranda of understanding to wait until women are 18. While some *soweis* are adhering to these agreements, they are not widespread and in many places initiation continues to happen when girls are underage. Furthermore, as girls stay in school longer and even carry on tertiary education in urban centres, they are less likely to undergo initiation. This is in part because initiation is seen to be required prior to marriage, and girls who stay in school are less likely to get married at an early age; as a result, initiation is delayed and women increasingly choose not to undergo the procedure at a later time. This also reflects that women who pursue education and employment in urban areas become less attached to what were referred to in interviews as ‘traditional ways’.

A further form of cultural or community violence is early or child marriage (US Department of State, 2010). Traditionally, particularly poorer families might betroth their daughters at a young age (even birth) to wealthier families within the community (UNFPA, 2007). Girls are often assumed to be ready for marriage once they reach puberty and this can lead to child marriages. Child marriage is also closely connected to initiation of girls, wherein an older man financially supports the initiation costs of a young girl and in return is allowed to marry her after the ceremony. Such marriages have negative implications for the health and welfare of girls and young women, particularly in relation to early childbirth and limitations on their educational opportunities.

### Sexual violence

Cases of sexual violence have also seen an increase in Sierra Leone, although it is likely that this owes to greater reporting of crimes rather than an increase in incidents (Foglesong, 2012). Sexual violence, as set out in the Sexual Offences Act (2012), includes rape and sexual assault. While the Act sets out definitions of these crimes, they are often understood differently within communities, where legal definitions do not always carry the weight they are presumed to. For instance, a recurrent theme in interviews was the fact that rape is rarely considered a crime within marriage or partnership, as consent is not deemed necessary, with wives often viewed as the property of their husbands – despite the fact that the Sexual Offences Act stipulates that marriage is not a defence for rape. In fact, interviewees indicated that rape was also rarely considered to have occurred among adults. ‘Rape’ in many communities in Sierra Leone is considered to refer only to the rape of a young girl by an older man, despite statutes defining it in a significantly more expansive sense. This suggests that a wide range of sexual violence, while technically criminalised in legislation, is not necessarily considered criminal within society. This is reinforced by reporting statistics that suggest sexual violence occurs at significantly higher levels among girls than it does among women. The Rainbo Centres,<sup>3</sup> for instance, report that, since 2003, 99% of clients attending sexual assault referral clinics have been between the ages of 6 and 20 (Swaine, 2012). Researchers and practitioners working on VAW in Sierra Leone, however, suspect that, rather than violence decreasing substantially when girls turn 18, crimes against adult women are simply not reported as frequently as they are not considered as serious as crimes against girls.

Sexual violence against schoolgirls is a particular problem, with numerous reports of teachers taking advantage of female students, often resulting in early pregnancy and girls dropping out of school. The prevalence of this specific form of sexual violence was reported in interviews as relating to the abuse of power by teachers, or as ‘transactional sex’ by girls, in order, for instance, to pass exams or get out of paying school fees.

### Structural violence

Finally, women continue to face structural violence in Sierra Leone, which emerges from a discriminatory or exclusionary political settlement in which women are denied equal opportunities (Swaine, 2012). For instance, there is a discriminatory clause in the country’s Constitution that makes it impossible for women in the north to stand for election as paramount chiefs on the basis of their sex, and few women can afford to run for election because men continue to be the political gatekeepers of the process and/or they are not in control of their own finances; these represent structural impediments to women’s free and equal participation in society. This exclusion is self-reaffirming, as women’s difficulty in gaining election means women are largely absent from political life (there were just 16 women in a Parliament of 124 members after the 2007 elections). This in turn means either that women’s issues do not receive the attention they should, or that it is

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<sup>3</sup> The Rainbo Centres provide free counselling and medical care for women suffering from violence in Sierra Leone. There are two Rainbo Centres in the country, one in Freetown and one in Kono (Eastern province).

men who consider these issues. This reinforces patriarchal power relations that limit the opportunities for women to participate in political life.

### 2.3 How do the various forms of violence interrelate?

While the above forms of violence can happen in isolation, more frequently they are connected and overlapping. For instance, structural violence often creates the enabling conditions for all other forms of violence, by instilling power imbalances between women and men. Economic violence was reported in interviews as often being the trigger for domestic violence. For instance, when women ask their husbands for *chop* (food) money or other forms of maintenance and men do not have any money to give, or feel their wives are asking for too much, they react violently. Similarly, rape or early marriage can result in pregnancy, which can create the conditions for future economic violence, because pregnant girls are more likely to drop out of school and are therefore more likely to be financially dependent on their partners for maintenance. Child marriages can also be related to sexual violence, as sexual intercourse within such a marriage constitutes statutory rape.

Women's experiences of violence therefore often do not fit neatly into one category or another, but rather span a number of interrelated forms. Responses to violence must therefore understand these interconnections and the ways in which one form of violence can lead to others, rather than approaching the issue of VAW in a fragmented way.

### 2.4 Who are the victims and perpetrators of VAW?

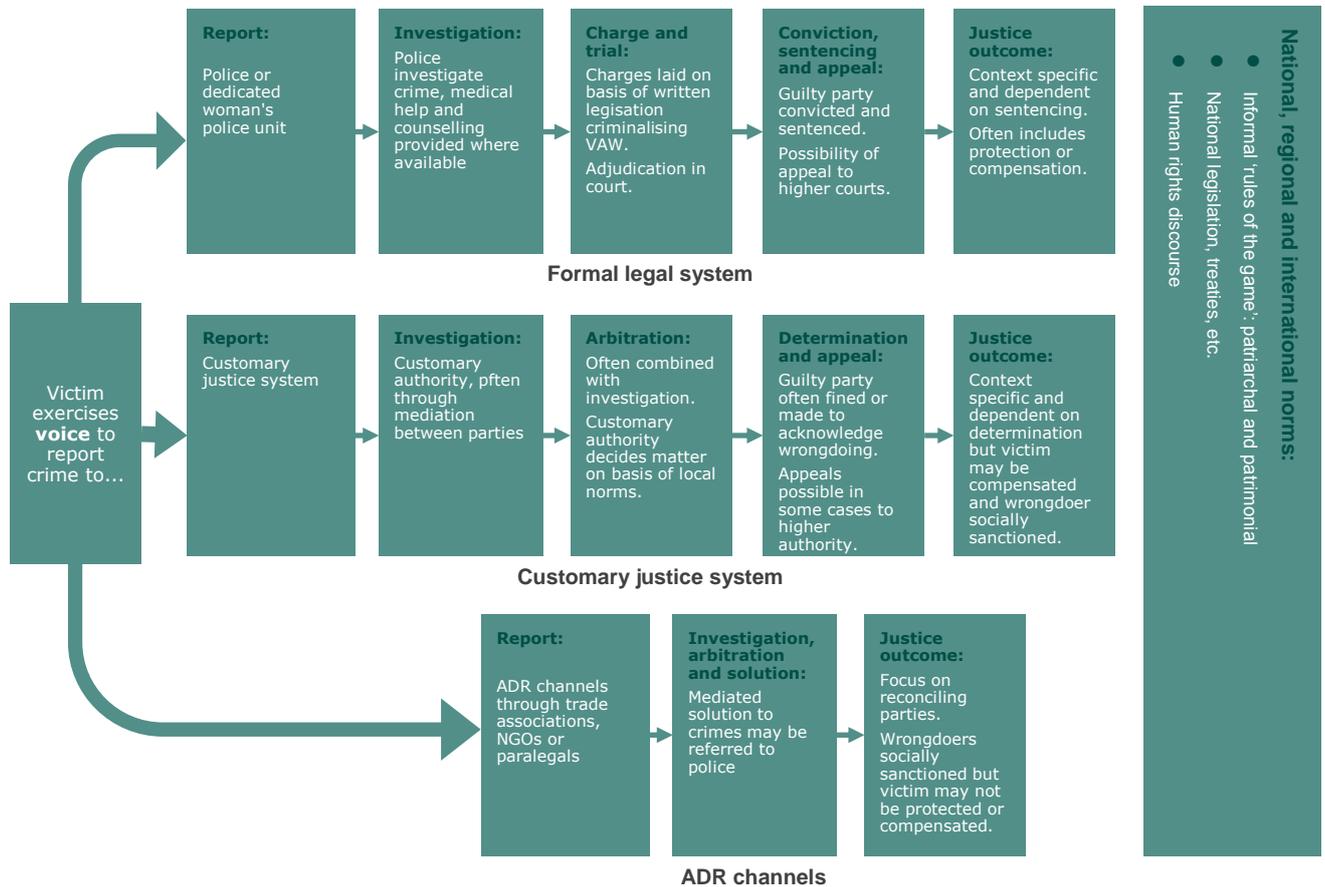
While domestic violence against women cuts across many societal divides in Sierra Leone, prevalence rates are higher among vulnerable groups such as uneducated women, who are often more dependent on their husbands for resources. Some interviewees suggested that violence was also higher in the north of the country, where traditional Islamic values predominate, and where female literacy levels are the lowest, but it was not possible to substantiate these claims. It was also suggested that violence was more common in polygamous settings, owing to jealousies among wives. However, others pointed to the prevalence of 'girlfriends' in non-polygamous households, seeing both settings as equally likely to trigger violence. In terms of sexual and physical violence, women in the sex industry are often more at risk of violence both from clients and from others, given that they are often out late at night, and are stigmatised by society as promiscuous, therefore attracting little sympathy or protection from law enforcement agencies. Women who work on farms are also at higher risk because they are often alone in isolated areas all day. Finally, schoolgirls were also seen to be at higher risk of violence owing to their vulnerability to male teachers.

Those who commit violence against women similarly cut across societal divides, but often share a sense of feeling threatened by women's empowerment and a need to keep them in their place. It was also frequently pointed out that men in positions of authority – such as school teachers, employers or community elders – are more likely to abuse their power (AfDB, 2011).

## 3 How do women seek redress for violence?

While there are three 'justice chains' in Sierra Leone (formal, customary and ADR – as set out in Figure 1), it would be wrong to consider these discrete paths that women select (Chopra and Isser, 2011). Rather, women move between these chains and utilise aspects of the formal, customary and ADR channels, some of which are legal and some of which are illegal (Table 1 breaks down the various justice providers and their legality into the three justice chains). Movement between the justice chains is through both 'forum shopping' and referrals from customary and ADR channels to the formal system, and from the formal system back to customary channels. Understanding these chains as intimately linked is thus important in programming (Manning, 2009). Interventions should not focus on 'formal' or 'informal' justice as separate systems, but rather on the reality of the various forums that women move between to seek redress.

**Figure 1: Security and justice chains for violence against women**



**Table 1: Legality of justice providers**

Justice Chain	Justice providers	Legality
Formal	Magistrates courts (including Saturday GBV Court) High Court Court of Appeal Supreme Court	Legal Legal Legal Legal
Customary	Mammy queens <sup>4</sup> Sub-chiefs Paramount chiefs Local courts	Legal for mediation; illegal for adjudication Legal for mediation; illegal for adjudication Legal for mediation; illegal for adjudication Legal (but with strict jurisdictional limits)
ADR	Paralegals NGOs/community-based organisations (CBOs)	Legal for mediation; illegal for adjudication Legal for mediation; illegal for adjudication

How women navigate between these justice chains and where they choose to report is influenced by at least two important factors: 1) issues related to access to justice providers; and 2) broader considerations that influence where women choose to seek redress for violence.

These are dealt with in turn below and involve unpacking the stages of the justice chains above. Access issues influence how women can seek redress, given structural constraints, whereas the broader considerations that women were reported to weigh in making decisions about how to report demonstrate how perceptions and personal experience also influence where a women is likely to report. While a detailed account of each stage is beyond the scope of this study, the below examination of obstacles and considerations that women weigh in accessing justice begins to reveal the various political economy factors that shape each stage of the justice chain. The below analysis thus seeks to understand the factors that shape access to redress for VAW in Sierra Leone.

### 3.1 Challenges in relation to access to justice

A number of obstacles can prevent women from accessing justice providers in Sierra Leone, which must be addressed if women are to be able to seek redress for violence in a straightforward way. These issues of access shape the ways in which women seek redress for violence against them. As demonstrated below, the majority of these constraints relate to the formal justice system (although constraints surrounding the customary and ADR systems are also raised). The access issues to be covered can be grouped into three categories: obstacles from end user perspectives; political factors; and capacity constraints and resource shortages.

**Table 2: Categories of access issues**

<b>Obstacles from end users' perspective</b>	<ul style="list-style-type: none"> <li>• Knowledge of the law and mechanisms for redress</li> <li>• Physical accessibility</li> <li>• Affordability</li> <li>• Timeliness</li> <li>• Linguistic accessibility</li> <li>• Legal cultural accessibility</li> <li>• Social stigma</li> </ul>
<b>Political factors</b>	Impacts of political environment, policy decisions, funding and institutional factors
<b>Capacity constraints and resource shortages</b>	Impact of staffing, equipment, resources and structural environment

<sup>4</sup> A mammy queen is a woman within the community who is considered wise and well respected. She is often the wife or sister of a chief, but may not always be related to him.

## Obstacles from end users' perspective

At the broadest level, knowledge of the law and the available mechanisms for redress are central to women's access to justice (USIP, 2010). If they do not know that what is happening to them is a crime, or what to do about what is happening to them, they will not be able to utilise the protection systems put in place to address VAW. In many ways, this knowledge or awareness challenge has been addressed more effectively than the other obstacles to justice to follow. This is not to say that all women in Sierra Leone know that VAW in all its manifestations is a crime, or how to access the various mechanisms through which they can seek redress. However, in part because sensitisation campaigns are a tried and tested modality for many development organisations, and because these can be relatively straightforward, there has been substantial support in this area of programming. As a result, many women in Sierra Leone are aware of their rights. While knowledge is thus a necessary condition in accessing justice, though, it is far from sufficient, as is apparent from the following additional obstacles that can prevent women from realising their rights.

Physical accessibility is a major issue in accessing justice for women. When police stations and, to a lesser extent, local courts are not geographically accessible, the ability of women to seek redress through these channels becomes increasingly difficult (Castillejo, 2009; GoSL, 2007; Parmar et al., 2008; Rennie, 2006; Rosveare et al., 2012). In Sierra Leone, FSUs have been set up to deal specifically with crimes involving women and children, but there are just 44 across the country, 14 of which are located in the Western Area. In many communities, FSUs are simply not available. In such situations, women can, of course, report to police stations, but these can also be distant, meaning women have to take time off work or away from their children and pay for travel to a station or FSU to report a crime. In addition to the limited coverage of FSUs, even where these exist within a community, the officers who staff them may be poorly trained, there may be a lack of confidentiality or they may be inadequately resourced to provide a reliable service.

Travel costs owing to geographic accessibility raise a further obstacle to access: affordability. If justice providers are geographically distant, reaching them can become unaffordable for many women. In addition to travel costs, there are also the earnings lost for the time a woman is away from her work. The fees, fines and bribes involved in reporting to the justice provider can also make justice less affordable. For instance, police are renowned for continuing to require bribes to get a case moving (even if this is just to fill resource gaps – like paying for petrol for the police to visit a crime scene or to investigate; or paying for paper to type up a crime report). If the police charge a crime to court, the formal justice system is used, leading to additional costs for the complainant. For instance, they must travel to magistrates courts (located only in district capitals) and potentially pay the costs of a lawyer (again, the Legal Aid Act 2012 technically means every citizen has access to free legal representation, but there are simply not enough qualified legal professionals to ensure this happens in practice). Often, under-qualified police prosecutors represent women, given the absence of state prosecutors, while the male defendant hires a defence lawyer and is thus more likely to escape conviction.

In addition, cases of sexual violence require a medical report to be charged to court. While the Sexual Offences Act (2012) states that such medical services should be free of charge, this does not appear to always be adhered to, and there are few medical facilities that can issue the reports, again meaning that women often have to travel to obtain one. Indeed, a number of interviewees reported that there was just one pathologist in the country who can certify cases of rape, based in Freetown. Similarly, the justice provided by chiefs and local courts can involve fees and fines, which have in the past often been disproportionate (although this is, at least in theory, being addressed by the new Local Courts Act, which prohibits chiefs from issuing fines and sets strict limits for the local courts). Given that women in Sierra Leone are usually from low socioeconomic backgrounds (in 2007, it was estimated that 75% of women in the country live on less than \$0.50 per day), affordability is a major obstacle in accessing justice (Barnes, 2007).

A lack of timeliness in the justice system can also create accessibility issues for women. In the formal justice system, magistrates courts regularly adjourn cases, and it can take up to two years for a case to be called for an initial hearing. Adjournments are common because of weak capacity, which means judges are overburdened with caseloads (Castillejo, 2009). Currently, not every magistrates court in the country has a resident magistrate, meaning some magistrates must cover multiple courts and travel between them. Cases must therefore wait until the magistrate is in town to be heard. Given the backlog of cases to be dealt with on the magistrate's arrival, many people travel to court (with their witnesses) only to have their case adjourned and rescheduled. It is not uncommon for a case to be adjourned several times before it is finally heard. The likelihood of a complainant being able to travel to the magistrates court with the required witnesses on each occasion is low, given the costs of travel and lost earnings while away from work. If the complainant is not present when the case is called, the case is dismissed.

Language can also create an accessibility challenge for women. The formal justice system operates in the official language, English, but this is spoken predominantly by the educated elite, based in Freetown and other major towns. Women in Sierra Leone are less likely to be educated than men, and are thus the least likely to speak English. There can also be linguistic obstacles in reporting to the police, who are often moved frequently throughout the country (despite a policy meant to ensure they remain in each post for two to three years) and do not necessarily speak the local language, placing them at a linguistic remove from the population they are meant to police.

Connected to this is the issue of broader cultural resonance of justice systems. Many women are not familiar with the formal legal system and its processes, and reporting through these mechanisms can be an intimidating experience. The formal legal system is renowned for being overly formalised, with court proceedings operating in 'legalese', which does not help in creating a comfortable environment for women reporting violence against them.

The social stigma that can surround a woman who reports to the formal legal system can also be an obstacle to accessing justice. First of all, reporting in this way makes it public knowledge that a woman has suffered some kind of violence. The stigma attached to having been raped or otherwise assaulted can often lead to the woman being victimised for having been 'spoiled'. Second, a woman can be stigmatised as a bad family or community member by reporting a member of her family, a neighbour or a respected or senior person within the community. In these cases, women are likely to be pressured to resolve the matter through traditional mediation rather than the formal legal system.

### **Political factors**

The political environment is also critical in shaping the accessibility of justice for women. This played out most recently in relation to changes around the local courts, the highest customary justice avenue. Historically, local courts have had a reputation for administering disproportionate fines, poorly treating those who use them and suffering from politicisation (Amnesty International, 2006; Maru, 2006). In an effort to address this, a new Local Courts Act was passed in 2011 that shifts responsibility for the local courts from the Ministry of Local Government and Rural Affairs (where it has been since independence) to the judiciary, thus streamlining the formal and customary justice systems and limiting political involvement in the local courts. Thus, it is now the chief justice, rather than a government minister, who oversees the local courts. While this is seemingly a positive move, it has also (at least to date) had the unintended consequence of the local courts being somewhat relegated to a secondary concern. The chief justice is yet to engage in any meaningful way with the local courts now that they are part of the judiciary. There is a perception that her background as a lawyer operating within the formal justice system means she is more concerned with formal justice and sees this (as many formally trained lawyers in Sierra Leone do) as superior to customary law. The effect, then, of the new Local Courts Act, may be that the local courts receive less attention than they deserve, as a much more utilised justice system than the formal courts.

### **Capacity constraints and resource shortages**

Finally, the pervasive capacity constraints and resource shortages that all levels of the justice system in Sierra Leone must contend with can also limit the ability of women to achieve justice. Because due process cannot be adhered to, justice becomes especially elusive. This plays out in some of the above constraints, for instance with plaintiffs having to pay for police supplies to have a case investigated, or having a case repeatedly adjourned because there is no local magistrate. A further example of the impacts of resource constraints on the quality of justice achieved is demonstrated by the conditions in which the 'Saturday GBV Court' functions. This was set up specifically to address the backlog of GBV cases, but resource constraints can mean it does not operate as effectively as it should. For instance, because the Court's air conditioning system does not work, it must keep the windows open; as it is on the main street in the centre of Freetown, the room becomes very loud, meaning those providing evidence must shout to be heard. Women must thus shout their experiences of violence and thus have no privacy in proceedings. These kinds of challenges make justice more difficult for women to access and are highly relevant in women's decisions about whether to use formal courts or not.

Issues of access to justice for women who have experienced violence are thus multifaceted, ranging from knowledge of rights, laws and means of redress, to physical access, affordability, cultural considerations and the political factors and resource constraints that shape the quality of justice that can be achieved. How women navigate the various justice avenues available to them is therefore influenced and shaped by these issues of access. Some are factors women weigh up in deciding where to report (such as affordability, geographic accessibility, etc.); others represent more structural constraints that women may not explicitly consider, but that nonetheless shape the options available (such as knowledge of rights and laws, political

context). In addition to these structural constraints to access, women also choose where to report instances of VAW according to a number of more subjective considerations, set out below.

## 3.2 Other factors influencing how women seek redress

Overwhelmingly, interviewees working with women who have experienced violence indicate that, at the most fundamental level, women want the violence to stop. They want to live in safe home environments for themselves and their children. Beyond this shared aim, however, the kind of redress women seek depends on a number of subjective considerations that vary from woman to woman. As a result, there is no one desirable path to justice for women experiencing violence. Rather, multiple paths can facilitate the various outcomes women seek. In addition to the above issues of access that shape the avenues of redress available to women, women take into account other considerations in deciding where to report.

### Nature of the crime

In cases of sexual violence, women do often want conviction and, potentially, imprisonment. This reflects in part the significant awareness raising carried out in relation to rape and sexual assault in Sierra Leone, which are increasingly recognised as very serious crimes. This can be contrasted with cases of domestic violence in which, unless very severe, women usually opt for mediation or reconciliation through customary or ADR mechanisms, rather than prosecution. This owes partly to a second consideration: who the perpetrator is.

### Who the perpetrator is

If the perpetrator is unknown to the victim, women are more likely to push for prosecution. However, in cases where the perpetrator is a husband, neighbour or respected community member (and this situation is much more common), women are more likely to opt for mediated resolution, as prosecution is perceived to be likely to lead to further disharmony in the community. Furthermore, where the perpetrator is someone within the household or community, women often feel they have nowhere to go to escape the situation, as safe houses and shelters are very rare across Sierra Leone.<sup>5</sup> This means it can be more difficult to report violence when they live with or alongside the perpetrator.

### Who the victim is

The position of the woman who has experienced violence also influences what outcome she is likely to opt for. Women in urban areas who are more educated will often be more likely to utilise the formal justice system, or ADR channels. In contrast, women in rural areas are most likely to opt for customary justice. These decisions have an impact on the justice outcome, with the formal justice system more likely to result in prosecution, and customary and ADR channels more likely to result in mediated settlements.

The economic situation of the woman who has experienced violence also has an impact on the justice she is likely to seek. Where a woman is economically dependent on her partner or husband, she is less likely to push for prosecution, as she will not have sufficient means to support herself or her children.

Whether or not the woman wants to keep her marriage is also an important consideration. It is generally accepted that, if a woman opts for prosecution through the formal legal system, the marriage is over. Even in cases of severe violence, it cannot always be assumed that a woman wants to end her marriage; this may influence her decision on where to report.

### Perceptions of the justice providers

Interviews revealed that many Sierra Leoneans view the police as particularly corrupt and believe they will 'sit on' or 'disappear' cases and, as a result, are not a useful mechanism for achieving justice. In particular, people routinely point to the continued petty corruption of the police, which can be traced at least in part to their poor conditions of service and pay. That being said, impressions of the police have improved substantially since the end of the war, largely thanks to far-reaching security sector reforms that have attempted to ensure the police are more community oriented and serve the 'local needs' of the communities they are mandated to protect. Even by 2004 improvements were palpable, with 46% of respondents indicating that there had been 'a great improvement' in police conduct and just 15% feeling there had been 'no improvement' (Baker, 2005: 176). It should also be noted that the police are often the most demonised of the security/justice services because they are the 'front-facing' arm, with the greatest engagement with the public. As a result, people are much more likely to have opinions about them, and it is possible that the

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<sup>5</sup> Health Poverty Action is supporting an interesting initiative to address this by setting up safe houses within the homes of women in the community.

armed forces and the judiciary, for instance, simply escape similar perceptions because people do not engage with them on a daily basis in the same way they do with the police.

Similarly, others feel chiefs and other traditional authorities are likely to encourage women to return to abusive partners or relationships, and will therefore not help women attain justice. Paul Richards has written extensively about the oppressive justice systems of chiefs in Sierra Leone and how they can deny basic rights to those who use them (1996; 2006).

These perceptions of justice providers as corrupt or unreliable underlie the ‘common constraint’ of performance monitoring/oversight in service delivery (Wild et al., 2012). These beliefs, which belie issues of trust in institutions, strongly influence where a woman is most likely to report a crime. They are not static over time or place – the police, for instance, are much more trusted within Freetown than in the rest of Sierra Leone. Similarly, attitudes are constantly changing – and not just in linear directions. While the police have become more trusted with reforms, and the human rights implications of some customary dispute resolution are questioned with greater awareness, this is not to suggest that police are uniformly on the ascendance and chiefs on the descent. Rather, these changes are mediated by other factors, such as people’s longstanding connection to customary practices that are intimately connected to identity (Fanthorpe, 1998; 2005).

These considerations, along with the access issues set out above, influence and shape the likelihood of redress being meaningful to the woman seeking some kind of justice. All of these issues coalesce to determine what the most desirable form of justice is for a particular woman who has experienced violence. With these multiple considerations in mind, a common justice ‘path’ for VAW did emerge in interviews; this is set out below. However, this should be caveated against the much more nuanced combination of considerations already discussed that informs women’s decisions.

### 3.3 How do women tend to report?

The beginning of the justice chain for many women lies in reporting violence to their families. This might be specifically to seek intervention, but is often also simply to confide. Families commonly encourage a woman to return to her husband, in part because of the importance placed on the family unit, but also because a woman’s brothers, for instance, may not see it as their duty to support their sister or want the added burden of taking care of an abused sister who is likely to have a number of children. This responsibility belongs to her husband and his family. In cases where violence committed by a partner is particularly severe, the victim’s family may intervene by speaking with the perpetrator, particularly where the victim’s family is well respected within the community. In some cases, the family may accompany the woman to the chief, police or a local human rights/paralegal organisation for them to resolve (which they choose will depend on some of the factors outlined in the section above). What kind of ‘resolution’ is available through the various channels, set out below, and who the resolution satisfies are open questions. While many matters may be considered ‘resolved’, this may be to the satisfaction of the community or family rather than the woman herself. Thus, while interviewees talked of matters being ‘resolved’ at the various levels, this often means the matter is considered closed, rather than the victim feels she has achieved satisfactory redress.

Where violence is not resolved at the family level, women in the provinces are most likely to report next to a community leader, such as a mammy queen, leader of a trade association or chief (in Freetown, women may either report to a tribal headman, or skip this step). Research findings indicate that most victims of violence (and victims of crime more generally) prefer to utilise informal/traditional channels of mediation (Amnesty International, 2006; GoSL, 2007; Parmar et al., 2008; World Bank, 2008; Zombo, 2006). This level of dispute resolution is often the most trusted, as people are familiar with the traditions and processes, and community leaders are seen as more relevant to their lives than state-provided services such as the police (Vincent, 2012). Mammy queens and trade associations provide advice to the plaintiff and may intervene by speaking with the perpetrator. Chiefs are likely to tell a woman she must return to her husband in cases where the violence is considered not severe. Alternatively, a chief may arbitrate a dispute between a woman and her partner/perpetrator, usually resulting in a fine for one or both parties. The aim of such arbitrations is to ensure mediation so the couple stays together and/or community harmony is preserved. As a result, women’s rights are not the sole consideration in chiefs’ decision making, and broader community interests can subvert them. Chiefs are now legally bound to refer sexual violence cases to the police, and chiefs indicated in interviews that this was increasingly happening in practice. As a result, chiefs are much more likely to be dealing with domestic violence or physical violence within the community.

An increasing number of paralegal and human rights organisations have emerged in Sierra Leone since the end of the war in 2002, which has augmented the justice landscape and provided women with an additional

avenue for seeking redress. Penetration of such organisations varies across the country and, as a result, so does usage of these services. Whether people choose to report disputes to paralegals and human rights groups is also influenced by perceptions of the other justice providers in the community – whether the chief and police are respected, for instance. It is also important how these new providers and their approaches are received within the community – whether or not human rights are welcomed as a way to improve people’s wellbeing or whether they are seen to be an affront to traditional culture. That being said, there is evidence that groups like Timap for Justice, BRAC, Health Poverty Action and LAWYERS, who all provide paralegal and legal advice or protection services in different parts of the country, are increasingly utilised in the communities where they have a presence. As a result, in some instances, women are increasingly likely to report violence to paralegals or human rights groups, and are certainly likely to do so before reaching what is often considered the ‘final stage’ of reporting in Sierra Leone: the police.

The police were frequently referred to in interviews as the justice channel of last resort for women reporting violence. This is perhaps skewed by the nature of the violence being discussed, as women are substantially more likely to report instances of sexual violence (particularly rape) to the police than they are other forms of violence. However, across the board, it was felt that the police, including the FSUs, are under-resourced (meaning justice is physically difficult to access and not timely), often corrupt and connected to a formal justice system that many women do not understand. As a result, women generally go to the police only if they have not received a satisfactory response at other levels of dispute resolution.

## **4 Summary of findings: Issues to consider in work on violence against women**

### **4.1 Forms of violence are interrelated**

In seeking to understand the nature of the problem of VAW, our research revealed that such violence is frequently interrelated. As a result, women often experience multiple forms of violence in tandem. This suggests that programming to address VAW also needs to take a comprehensive approach. Physical domestic violence cannot easily be separated out from economic violence, cultural/communal violence or structural violence, and it is important that programming reflect the relationships between the various forms. This is particularly important in relation to physical and non-physical forms of violence. VAW programming can fall into the trap of separating out physical violence from non-physical violence, assuming that the physical represents the greatest threat to women’s wellbeing. However, in doing so, programming misses the fact that much physical violence is triggered by forms of non-physical violence (in Sierra Leone, we found that economic violence was the most commonly cited trigger for physical violence). As a result, programming must seek to understand the relationships between various types of violence in order to ensure it engages with the overlapping reality of how violence happens.

### **4.2 Justice chains are interdependent**

While three justice chains can be discerned in the Sierra Leone context, these do not function independently of each other in a discrete way. Rather, women move in and out of the three justice systems, or may engage more than one chain at a time. These chains are, in practice, therefore, component parts of one broader justice system. It is important to note that this is ‘in practice’. Not all parts of this justice system are constitutionally sanctioned or legal (in fact, chiefs’ adjudications are illegal, although they can mediate as long as no fees or fines are allocated). However, in reality, these are the chains that women use. The justice system we speak of, then, is the reality of the justice system in practice, not the justice system at law.

This poses a particular problem for programming. Should programmes work solely with legal redress channels, or should they also work with the acknowledged illegal providers? There are many factors to be considered in navigating this challenge – such as the quality of the service of the illegal providers, how utilised and respected they are and what the repercussions of working with them will be for relations with the state. Much has been written about this challenge (e.g. Baker, 2005; Scheye, 2007; UNDP, 2010). In the case of Sierra Leone, the only illegal channel that was commonly referred to in interviews was adjudication by chiefs. Given that chiefs are allowed (and even encouraged) to play arbitration functions, engaging with the ways in which they administer justice should not be too problematic. While it may be unrealistic currently to assume that chiefs will give up their adjudication functions entirely (primarily because they derive part of their income from these services, and they are

highly in demand as the most utilised justice provider in the provinces, with even the police referring cases to them), certainly sensitisation programmes engaging with them seem to have had some success in ensuring, for instance, cases of sexual violence are referred to the police.

### 4.3 Issues of access and factors influencing how women report matter

Our research identified two sets of issues as influencing how women seek redress for VAW:

- 1 Issues related to access to justice (including obstacles from the perspective of end users; political factors; and capacity constraints and resource shortages); and
- 2 More subjective considerations to do with women's relationships and perceptions related to the violence they have suffered and the justice avenues available to them. This fundamentally has to do with how they make decisions to act on such experiences of violence.

Identification and examination of these issues should assist programmes attempting to engage with the issue of redress for VAW to understand the multitude of factors that can be entry points for change.

### 4.4 Lack of policy implementation can be addressed by working with institutional realities

While significant progress has been made in terms of putting in place new laws and policies (it is no mean feat that domestic violence and sexual violence are explicitly criminalised and that women now have codified inheritance rights, for instance), there is a need to focus now on implementation. Programming needs to develop a stronger focus on how to translate new policies and procedures into practice. In part, this involves putting in place the structures that will facilitate implementation (e.g. improving access to health clinics so women can actually benefit from laws providing victims of sexual violence with free health care; or providing improved access to government offices at which customary marriages can be registered). This kind of work around investing in the structures necessary for implementation must then also be paired with work to address perhaps the greatest accessibility challenge – that of culture.

Even where provision of laws/policies is effectively capacitated and equipped, services that can provide greater choices for women who have experienced violence need to be normalised so utilising them becomes commonplace. This may be done most effectively by working with already existing and accepted organisations/people in women's lives, such as mammy queens, chiefs, trade associations and some human rights CBOs. Where change can be introduced by already-known and trusted groups or individuals, resistance is likely to be lower. For example, interviews revealed the potential for chiefs in rural areas, who may not have access to information on the latest laws and policies, to be trained by urban chiefs who are more familiar and up-to-date with legal developments. In particular, tribal heads in Freetown<sup>6</sup> meet regularly to share information and often attend training sessions with the government and human rights groups. Those we met demonstrated an awareness of legislative and policy changes and felt they were well placed to introduce these to their rural colleagues and sub-tribal heads in Freetown and the Western Area. Such approaches may help reduce resistance from traditional authorities that can emerge when changes are seen to be an affront to their power or tradition.

In order to confront the similar challenge of those who resist changes in women's rights, IRC is leading some initial programming on working with men and boys to sensitise them to women's rights and ways they can work with their wives and other female family members to make joint decisions and resolve disputes peacefully. Although the project is still small scale, IRC reports a decrease in VAW in the communities in which it is working. Given that a primary reason for high levels of VAW in Sierra Leone is rooted in the attitudes of men, implementation of new legislation and policies could be facilitated by getting boys and men on board.

Overcoming cultural resistance and ensuring changes occur in practice can also be facilitated through greater coordination at the local level. While there are frequent calls for improved coordination at the national level, given that the greatest challenge is not one of needing clearer policies, laws or guidelines, but rather one of getting those policies, laws and guidelines to be implemented and become meaningful at the local

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<sup>6</sup> There are 16 tribal heads in Freetown, each representing a different ethnic group from across the country. They act as chiefs for their ethnic groups within Freetown, where there are no paramount chiefs as in the rest of the country. Each tribal head also has representative heads (sub-tribal heads) in each ward in the municipality of Freetown.

level, coordination seems most important on the ground, that is, ensuring that police, local court staff, chiefs, mammy queens, health clinic staff, paralegals and other human rights organisations meet to discuss how issues of VAW are being dealt with within the community, what changes in legislation and policy mean for their work and how they can support each other to provide the best services possible for women. This is already happening in some communities – for instance Port Loko – where relevant actors have initiated their own discussions on how to deal with the kinds of crimes and other issues being experienced by the community. This is not to suggest coordination is not needed at the national level – indeed, many interviewees noted that the NAC GBV group could work much more effectively – but rather the emphasis on coordination is probably more important at the local level where things really happen than at the political level in Freetown.

## 4.5 Applying political economy analysis to violence against women and the justice sector

This study has attempted to draw on the increasingly used ‘justice chain model’ to demonstrate the various avenues of redress that exist in Sierra Leone. This has revealed at least three chains used in seeking redress for VAW: formal; customary; and ADR. Starting with a granular or ‘thick’ analysis of the problem, as in this report, reveals a fuller picture of how women experience violence and the factors that influence how they seek redress. Such analysis can meaningfully inform programme design, rather than being used to confirm programming approaches. Similarly, in-depth research should be undertaken throughout the lifespan of a programme as part of monitoring efforts to ensure interventions continue to engage with the reality of the problem on the ground.

In terms of applying PEA approaches to justice and security issues, this report has sought to make a contribution by proposing a granular/in-depth analysis of different forms of VAW, thus contributing to a better identification and understanding of the problems policymakers and practitioners are likely to confront. In addition, the mapping of the justice chains and the extent to which they offer different entry points for women to seek redress provides a useful starting point to analyse the underlying factors that explain how these work – or not – in practice and what political economy factors are likely to affect outcomes at different stages. Figure 2 sets out an example of the kinds of questions that could be addressed at different stages of one of the justice chains in Sierra Leone.

**Figure 2: An example of applying PEA to stages of a justice chain**



Disaggregating each stage of the justice chain can provide insights into the opportunities for change within the justice system in relation to VAW. This is likely to be most useful when it is targeted at a particular policy problem, such as why convictions for sexual violence are so low, or why women use the formal legal system so infrequently.

Going forward, more work can be done to further analyse how some of the key elements of the political system in a context such as Sierra Leone interact with the specific sectoral characteristics at play in the delivery of justice and security (McLoughlin, 2012; Wild et al., 2012). Based on some of the findings of this report, it appears that issues of policy incoherence (e.g. in relation to why some formal rules have been updated but others have not; overlapping jurisdictions between different types of courts; etc.), and lack of programmatic commitments (e.g. women's issues not represented owing to patronage), are likely to be factors that explain why women do not seek redress or, when they do, why the expected outcomes are not achieved.

More work is also needed to further understand the relationship between some of the technical features of the justice chains, such as issues of resourcing, accessibility and implementation capacity, and the political factors that shape the functioning of the justice system. Importantly, this study has highlighted that demand characteristics, including women's perceptions of existing redress mechanisms and their functioning, are particularly key to a better understanding of what kind of theory of change might be needed to support women seeking redress from violence. This case study thus provides a launch pad from which a fuller PEA could be undertaken, in order to test the usefulness of such an approach in the justice sector.

## References

- AfDB (African Development Bank) (2011) 'Sierra Leone: Country Gender Profile'. Tunis: AfDB.
- Albrecht, P. and Jackson, P. (2009) *Security System Transformation in Sierra Leone, 1997-2007*. Birmingham: Global Facilitation Network for Security Sector Reform, Birmingham University.
- Alie, J.D. (2008) 'Reconciliation and Traditional Justice: Tradition-based Practices of the Kpaa Mende in Sierra Leone', in L. Huyse and M. Salter (eds) *Traditional Justice and Reconciliation after Violent Conflict: Learning from African Experiences*. Stockholm: International IDEA.
- Amnesty International (2006) 'Sierra Leone: Women Face Human Rights Abuses in the Informal Legal Sector'. New York: Amnesty International.
- Baker, B. (2005) 'Who Do People Turn to for Policing in Sierra Leone?' *Journal of Contemporary African Studies* 23(3): 371-390.
- Barnes, K., with Albrecht, P. and Olson, M. (2007) 'Addressing Gender-based Violence in Sierra Leone: Mapping Challenges, Responses and Future Entry Points'. London: International Alert.
- Bledsoe, C. (1984) 'The Political Use of Sande Ideology and Symbolism'. *American Ethnologist* 11(3): 455-472.
- Castillejo, C. (2009) 'Building Accountable Justice in Sierra Leone'. Working Paper 76, Madrid: FRIDE.
- Chopra, T. and Isser, D. (2011) 'Women's Access to Justice, Legal Pluralism and Fragile States', in P. Albrecht, H.M. Kyed, D. Isser and E. Harper (eds) *Perspectives on Involving Non-state and Customary Actors in Justice and Security Reform*. Rome: DIIS and IDLO.
- Collison, S. (2003) 'Introduction', in S. Collinson (ed.) *Power, Livelihoods and Conflict: Case Studies in Political Economy Analysis for Humanitarian Action*. HPG Report 13. London: ODI.
- Concern, Ibis, Catholic Relief Services and Plan (2010) "'Give us a Chance": National Study on School-related Gender-based Violence in Sierra Leone'. Freetown: Concern, Ibis, Catholic Relief Services and Plan.
- DFID (Department for International Development) (2009) 'Political Economy Analysis'. How to Note, A Practice Paper. London: DFID.
- Duncan, A. and Williams, G. (2010) 'Making Development Assistance More Effective by Using Political Economy Analysis: What Has Been Done and What Have We Learned?' Paper 16. Brighton: The Policy Practice.
- Ellsberg, M. and Heise, L. (2005) 'Researching Violence Against Women: A Practical Guide for Researchers and Activists'. Geneva: WHO.
- Fanthorpe, R. (1998) 'Locating the Politics of a Sierra Leonean Chiefdom'. *Africa* 68(4): 558-583.
- Fanthorpe, R. (2005) 'On the Limits of Liberal Peace: Chiefs and Democratic Decentralisation in Post-war Sierra Leone'. *African Affairs* 105(418): 27-49.
- Fanthorpe, R. (2007) 'Sierra Leone: The Influence of the Secret Societies, with Special Reference to Female Genital Mutilation'. Geneva: UNHCR
- Fithen, C. and Richards, P. (2005) 'Making War, Crafting Peace', in P. Richards (ed.) *No War No Peace*. Oxford: James Currey.
- Foglesong, T. (2012) 'Aligning Indicators and Ambitions: How to Improve Indicators Used in Programs to Reduce Violence against Women and Girls'. Cambridge, MA: Harvard Kennedy School.
- Gloppen, S. (2005) 'Public Interest Litigation, Social Rights and Social Policy'. Conference on New Frontiers of Social Policy: Development in a Globalizing World, Arusha, 12-15 December.
- GoSL (Government of Sierra Leone) (2007) 'Justice Sector Reform Strategy and Investment Plan 2008-2010'. Freetown: GoSL.
- HRW (Human Rights Watch) (2003) "'We Will Kill You If You Cry': Sexual Violence in the Sierra Leone Conflict'. New York: HRW.
- IRC (International Rescue Committee) (2012) 'Let Me Not Die before My Time: Domestic Violence in West Africa'. Geneva: IRC.
- IRIN News (2007) 'Female Genital Mutilation a Vote-winner in Sierra Leone', 17 March, [http://www.afrol.com/printable\\_article/15927](http://www.afrol.com/printable_article/15927)
- Manning, R.E. (2009) 'Landscape of Local Authority in Sierra Leone: How "Traditional" and "Modern" Justice and Governance Systems Interact', in Z. Yongmei (ed.) *Decentralisation, Democracy and Development: Recent Experience in Sierra Leone*. Washington, DC: World Bank.
- McLoughlin, C., with Batley, R. (2012) 'The Effects of Sector Characteristics on Accountability Relationships in Service Delivery'. Working Paper 350. London: ODI.
- Maru, V. (2006) 'Between Law and Society: Paralegals and the Provision of Justice Services in Sierra Leone and Worldwide'. *Yale Journal of International Law* 31(427): 427-476.
- Physicians for Human Rights (2002) 'War-related Sexual Violence in Sierra Leone: A Population-based Assessment'. Cambridge, MA: Physicians for Human Rights.

- Parmar, S., Hinson, Z., Myung, S. and Ong, L. (2008) 'Access to Justice for Cases of Sexual Violence in Sierra Leone: An Internal Report of Findings and Recommendations for the International Rescue Committee'. Boston, MA: Human Rights Program, Harvard Law School.
- Rennie, N. (2006) 'Silenced Injustices in Moyamba District'. Freetown: Justice Sector Development Programme.
- Reno, W. (2003) 'Political Networks in a Failing State: The Roots and Future of Violent Conflict in Sierra Leone'. *International Politics and Society* 2(2003): 44-66.
- Richards, P. (1996) *Fighting for the Rainforest*. London: James Currey.
- Richards, P. (2006) 'Agrarian Underpinnings of the Sierra Leone Conflict', in R. Kaarsholm (ed.) *Political Culture and Development in Africa*. Oxford: James Currey.
- Roseveare, C. et al. (2012) 'Sierra Leone Access to Justice for Survivors of Sexual and Domestic Violence'. Freetown: GoSL, TIMAP and IRC.
- Scheye, E. (2007) 'Interview with Gordon Peake for Innovations for Successful Societies', New York, 27 November.
- Schroven, A. (2006) *Women after War: Gender Mainstreaming and the Social Construction of Identity in Contemporary Sierra Leone*. Berlin: Lit Verlag.
- Swaine, A. (2005) 'Learning from Practice: The Experiences of GBV Programming by Irish Joint Consortium Members'. Final Report, February.
- TRC (Truth and Reconciliation Commission) (2004) *Witness to Truth*. Report of the Sierra Leone TRC Vols 1-3. Freetown: TRC.
- UNDP (UN Development Programme) (2010) 'Sierra Leone: Sexual violence Remains Unpunished', 10 February, <http://content.undp.org/go/newsroom/2010/february/sierra-leonesexual-violence-carrying-on-with-impunity.en>
- UNFPA (UN Population Fund) (2005) 'Gender-based Violence in Sierra Leone: A Case Study'. New York: UNFPA.
- UNFPA (UN Population Fund) (2007) 'Sierra Leone: Getting at the Roots of "Survival" Sex', in *Programming to Address Violence against Women*. New York: UNFPA.
- UN Women (2011) 'In Pursuit of Justice: 2011-2012 Progress of the World's Women'. New York: UN Women.
- US Department of State (2010) *2009 Human Rights Report: Sierra Leone*. Washington, DC: US Department of State.
- USIP (United States Institute of Peace) (2010) 'Guiding Principles for Stabilisation and Reconstruction'. Washington, DC: USIP.
- Vincent, J.B.M. (2012) 'A Village-up View of Sierra Leone's Civil War and Reconstruction: Multilayered and Networked Governance'. Research Report 75. Brighton: IDS.
- Wild, L., Chambers, V., King, M. and Harris, D. (2012) 'Common Constraints and Incentive Problems in Service Delivery'. Working Paper 351. London: ODI
- World Bank (2008) 'Dynamics of Change: How "Traditional" and "Modern" Justice and Governance Systems Interact in Rural and Peri-urban Sierra Leone'. Draft for the Justice for the Poor and Understanding Processes of Change in Local Governance Program.
- World Bank (2012) *Gender Equality and Development: World Development Report 2012*. Washington, DC: World Bank.
- Zombo, P. (2006) 'Baseline Study for Women and Youth Issues Mediated/Adjudicated by the Traditional Courts in the Western Area'. Freetown: Justice Sector Development Programme.

## Annex 1: Interviews

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