

October 2018

**JUSTICE SECTOR COORDINATION OFFICE**

**The State of the Justice Sector: A Review  
of the Justice Sector Reform Strategy and  
Investment Plan III**

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# Executive Summary

The Justice Sector Coordination Office (JSCO) is mandated to facilitate, develop, and support the implementation of the Government of Sierra Leone's (GoSL) priority reforms within the Justice Sector while actively soliciting the requisite resources to fund these reforms. Charged with this mandate, the JSCO is responsible for creating and implementing a three-year strategy - the Justice Sector Reform Strategy and Investment Plan (JSRSIP). With the end of each three-year term, the strategy is revised to refocus on the current needs and challenges facing the justice sector in line with the successes and limitations of Ministries, Departments, and Agencies (MDAs). Hence, this review of the JSRSIP III identifies the gaps, limitations, strengths, and weaknesses of the plan and offers suggestions for the upcoming JSRSIP IV which will improve the state of the justice sector.

The JSRSIP III was formulated on five outcomes that were individually mandated, but were intended to work collectively to provide the justice sector with an effective strategy to overcome many of its challenges. The first two outcomes are inherently connected and depend on each other for their success : (1) making justice more easily accessible locally, and (2) the expedition of justice. Performance under these two outcomes can deeply impact the ease of local access to justice services. Hence, the GoSL is working to consolidate and further improve the presence of formal justice structures, magistrate courts, local courts, police stations, and other supporting institutions such as the Local Partnership Boards (LPPB) across Sierra Leone. In addition, although there was an added focus on community policing, chiefdom policing, and legal aid, there is still a need for further improvement. For the expedition of justice, the Fast Track court system that was introduced remains a strong source of rapid justice delivery. Whilst the justice sector greatly benefits from this temporary Fast Track system, a more sustainable solution that can be relied upon in the long term must be developed. Furthermore, the Circuit Courts are often long distances away from people who want to access justice, and this poses a major obstacle to accessing justice for many residents across the country. Despite these challenges, the prior introduction of juvenile, Mobile, and Saturday Sexual and Gender Based Violence (SGBV) courts have consistently improved the expedition of justice and alleviated the back-log that the formal justice system faces.

Additionally, over the last 3 years there has been a notable improvement regarding sexual offence cases, and the overall improvement of court prosecutions caused by the increase in salary for prosecutorial jobs across the nation.

The third outcome concerned the respect for rights and accountability of judicial institutions. Its realisation is essential for sustaining public confidence in the justice sector and rule of law. The review found there is a continuing commitment to implement and strengthen oversight institutions - such as the Independent Police Complaints Board (IPCB) and the Legal Aid Board (LAB) - which fortify accountability mechanisms in the justice sector. The study also found that there is an overall strengthening of anti-corruption institutions and mechanisms that seeks to establish accountability in the public sphere. The evaluation further revealed that the government is committed to empowering critical institutions that are involved in ensuring respect for rights and accountability. These institutions include the Anti-Corruption Commission (ACC), Human Rights Commission's report on Sierra Leone (HRCSL), MSWGCA, and the Office of the Ombudsman. Empowerment is achieved through proactive policy initiatives and financial support.

The fourth outcome dealt with commercial law. The study revealed that the Fast Track commercial court is more effective than other divisions of the court. The Fast Track commercial court is known for its expeditiousness (cases not exceeding six months) and its use of automatic and technologically advanced system that provides both parties with access to court records and case transcripts. The Fast Track court also attracts highly qualified judges as the court offers good salaries and compensation packages. Moreover, the court has a rule of practice where it is custom to ask litigants to undergo an Alternative Dispute Resolution (ADR) meeting prior to court proceedings. Recommending ADR encourages parties to reach a mutual agreement, and subsequently reduce the burden on the court. This can resolve cases entirely or reduce the number of issues between contesting parties. Despite the great benefits and gains made by the Commercial Law Fast Track court, the court is located only in Freetown. This effectively limits other commercial centers like Bo and Makeni from accessing the benefits of the Fast Track Court.

The fifth outcome of the JSRSIP III was to improve the communication and engagement of stakeholders. The review found that although public communication has grown considerably over the past years, its performance still leaves much to be desired . This is because, firstly, institutions do not communicate to the public regarding the challenges they face, and as such the public is often unaware of those challenges. Secondly, while data collection, analysis, and managements systems have indeed been strengthened, they are still in need of significant improvements. In particular, many MDAs and the TWG are not collecting required data. This is coupled with the lack of data management systems and weak monitoring and evaluation capacity across the sector. The JSCO is attempting to ameliorate this by educating the relevant stakeholders on the importance of data and its role in polic, as well as by training institutions on better data collection and analytic practices. Some gains were made in data collection practices, particularly in terms of increased use of various information storing platforms such as the “Legal Empowerment Shared Framework” used by paralegals, and the “National Inmate Identification Management System” operated by the Sierra Leone Correctional Service (SLCS) to record inmates biometric data.

On a more strategic level, most of the limitations and challenges faced by the Ministries, Departments and Agencies (MDAs) in the justice sector over the last three years can be attributed to financial and human resource challenges. On the subject of finance, various institutions across the sector struggle to receive government financial allocations on time, which in turn has implications for activities to be implemented and for the targeted beneficiaries.

On human resources, current resources only permit a small workforce for each organisation despite their responsibility for a large and overwhelming workload. Conjointly, these two challenges prevented institutions from achieving their annual objectives, fulfilling their goals, and ultimately being able to serve the public satisfactorily. Consequently, this undermines the trust and confidence of the public in the sector.

# Acronyms

ASJP	Access to Security and Justice Programme
CP	Child Panel
CBO	Community Based Organisations
CDIID	Complaints, Discipline and Internal Investigations Department
CHISEC	Chiefdom Security Committee
CSO	Civil Society Organisation
DFID	Department for International Development
DISEC	District Security Committee
FSU	Family Support Unit
GoSL	Government of Sierra Leone
HRCSL	Human Rights Commission of Sierra Leone
IPCB	Independent Police Complaints Board
JP	Justice of Peace
JSCO	Justice Sector Coordination Office
JSRSIP	Justice Sector Reform Strategy and Investment Plan
LAB	Legal Aid Board
LG	Leadership Group
LOD	Law Officers Department

LPPB	Local Police Partnership Board
MIA	Ministry of Internal Affairs
MDA	Ministries, Departments and Agencies
MSWGCA	Ministry of Social Welfare, Gender and Children's Affairs
ONS	Office of National Security
TWG	Technical Working Group
UNDP	United Nations Development Programme
UNPBF	United Nations Peacebuilding Fund



## (1.0.) Introduction

The Government of Sierra Leone's (GoSL) commitment to "a Sierra Leone with an effective justice sector enabling increased access to justice, expedition of justice, protection of human rights and opportunities for economic development", has witnessed the formulation of successive reform strategies for the Justice Sector. As the implementation of the Justice Sector Reform Strategy and Investment Plan (JSRSIP) III from 2015 to 2018 draws to a close, the GoSL and its partners thought it prudent to assess its implementation process to determine the extent to which various Ministries, Departments and Agencies (MDAs) of the GoSL met specific outcomes and associated benchmarks. The evaluation of the JSRSIP III, like its predecessors the JSRSIP I & II, is predicated on some assumptions and is also mirrored against the GoSL's "New Direction Agenda". These assumptions include but are not limited to the following:

1. A causal relationship exists between justice systems and national development.

2. Well-functioning justice systems are essential for sustainable peace, political stability and poverty reduction. Sierra Leone's Fragility Assessment Report reinforces this issue:

*Justice is a key element of both peacebuilding and statebuilding. Addressing grievances and injustice is essential to building strong and stable societies and nations. Formal justice mechanisms should be accessible, affordable and seen as fair by citizens. Where feasible, traditional non-state and informal means for dispute resolution and adjudication should be strengthened and aligned with international human rights standards (Government of Sierra Leone, 2014: 7).*

3. Access to justice is a fundamental right and an essential public good in its own right.

4. Fair and speedy dispensation of justice at national and local level provides strong prospects for constructive and sustainable nation-building which is the ultimate goal of the "Agenda for Prosperity".

The New Direction policy manifesto of the Government indicates that enhancing justice delivery is a key priority for the government,

...government will as a matter of utmost urgency undertake an overhaul of the judiciary and the justice delivery system in the country with a view to restoring public confidence in its independence and impartiality and make justice accessible and available for all.

In light of the above, the Justice Sector Coordination Office (JSCO) - with the support of the United Nations Development Programme (UNDP) - solicited the services of an independent consultant to assess the implementation of the JSRSIP III with a view to developing a sector-wide strategy in line with the priorities of the government. The consultant worked closely with the governance structures of the JSRSIP III in developing this report. Various MDAs involved in the implementation of the JSRSIP III and affected by its execution, as well as non-state actors such as Civil Society Organisations (CSOs), were also engaged in the process.

It is important for the reader to note that the first two years of the strategy's life span was plagued with a plethora of challenges resulting from the effects of the outbreak of the deadly Ebola Virus Disease (EVD). As such, understandably so, the priority of the government and its development partners was on eradicating the EVD and stabilising the economy. Nonetheless, the report clearly presents the achievements made and the challenges that the justice sector continues to contend. It is expected that the conclusions and recommendations of the assessment will be of intrinsic significance to the process of developing a new justice sector strategy for the period 2019 – 2022.

## **(1.1.)Methodology**

A mixed-method approach was employed through which qualitative and quantitative techniques were used to collect, collate, process, and analyse the data collected. Field consultations were preceded by extensive desk research to familiarise the consultant with the

existing literature on Justice Sector Reform in Sierra Leone. An interview schedule containing semi-structured questions was designed to carry out field research.

Data for the evaluation exercise was derived from primary and secondary sources. Primary sources of data included one-on-one in-depth interviews, semi-structured questionnaire and Focus Group Discussions (FGD), with personnel in MDA, CSOs and ordinary civilians. This was preceded by a thorough desk review of existing literature, reports and policies of the GoSL and International and local NGOs. Databases established by institutions/organisations involved in justice sector-related issues also served as useful sources for secondary data collection.

## **(1.2.) Limitations of the Review**

Primary data collection was a serious challenge during the review. Most MDAs lack the necessary capacity to generate tangible data on their performance to enable the team measure successes and challenges accurately. Consequently, the research relied on qualitative analysis to gauge success and the challenges that the respective MDAs contend with.

## (2.0.) Findings of the Review

The findings of the review have been categorised under the five main outcomes within the JSRSIP III:



### (2.1.) Outcome

#### One: Justice is Easily Accessible Locally

##### (2.1.1) Increased Number of Operational Formal Justice Structures Across the Country



Kailahun District Council Hall where the Chief Justice and Minister agreed to fast track the deployment of a Resident Magistrate, a Circuit Judge and improve the court system including the Local Court

Since 2015, significant effort has made been by the GoSL and its development partners to increase the number of operational justice structures across the country. At the moment, there is a fair presence of formal justice structures throughout Sierra Leone. 14 districts now have magistrate courts sittings in 33 judicial locations. Since 2016, 18 new judges, 29 state counsel, 14 Legal Aid

Defence Counsel and 40 paralegals have been recruited nation-wide. These increases mark a drastic improvement in the reach of the justice sector and consequently the accessibility of justice in the country. In addition, over the past four years the leadership of the Judiciary embarked on the construction of courts in different parts of the country. So far the following courts have been constructed:

No.	Type of Court	Location	Donor
1	Magistrate Court	Pademba Road	DFID
2	4 Magistrate courts and one High court	Cline Town	DFID
3	Fast Track Commercial Court	Government Wharf	DFID
4	Magistrate Court	York	DFID
5	Magistrate Court	Masiaka	UNPBF
6	Magistrate Court	Mile 91	UNPBF
7	Magistrate Court	Moyamba	DFID
8	Magistrate Court	Ross Road	DFID

These new courthouses have contributed significantly to expanding access to justice and demonstrate a growing commitment on the part of the GoSL and its partners in expanding access to justice.

Furthermore, there has been significant increase in the salaries of officials in the justice sector as illustrated with examples below.

No.	Position	Percentage (%) Increase
1	Solicitor General	112.60
2	Director of Public Prosecutions	128.45
3	Principal State Counsel	741.43
4	Senior State Counsel	826.17
5	State Counsel	1228.34
6	Chief Justice	61.69
7	Supreme Court Judge	113.05
8	Appeal Court Judge	122.65
9	High Court Judge	112.89
10	Master & Registrar	377.71
11	Principan Magistrate	465.52
12	Senior Magistrate	530.86
13	Magistrate	793.34

The increase in salaries have made the justice sector more attractive to legal professionals. However, the conditions of service was not addressed and this has significant implications as legal professionals struggle to access the very basic minimum in terms of vehicles, housing facility and equipment they require to effectively function. Alongside this, the increase in salaries did not affect the administrative and support staff of for instance the MoJ, which demoralises them and affects their willingness to be productive. In addition, significant challenges remain as the current levels of recruitment and other judicial processes fail to match the rising demand for justice.

The growing backlog of cases, coupled with other factors such as the lack of qualified barristers and solicitors outside of Freetown, the expenses incurred in accessing justice, and the inability of the poor to access the courts (especially those from remote and isolated communities), highlights the need for constructing more courts in the rural areas staffed by trained magistrates, judges, and state counsel. At the moment, all districts, with the exception of the newly created districts Kerene and Falaba, as of December 2017 have a sitting magistrate and there are judges in every regional and regional headquarter town. However, this is not enough as chiefdoms and especially remote and isolated communities need to have formal justice structures as part of the promotion of access to and the affordability of justice.

### **(2.1.2) Strengthened Community Engagement in Policing**

With the end of the war in 2002, the Sierra Leone Police (SLP) established the Local Police Partnership Boards (LPPB), the Area Police Partnership Committee (APPC), and the Community Police Partnership Committee (CPPC) as part its reformation and public outreach efforts. The LPPBs consist of local community members and have functioned both as a mechanism that provides early warnings and assists the SLP in reducing crimes, and for

facilitating access to justice for victims of crime.<sup>1</sup> The LPPBs provide referral pathways through which victims may access justice, and also advise the SLP on the local maintenance of law and order.<sup>2</sup> The JSRSIP III focused on strengthening these structures with a principal actor in the Access to Security and Justice Programme (ASJP), a United Kingdom Department for International Development (DFID) funded programme. In rolling out the JSRSIP III, ASJP supported the establishment of more than 40 LPPBs across the country, produced a LPPB Handbook, and trained all the established boards across the country.<sup>3</sup> Interviews and FGDs across the country demonstrated high confidence in the LPPBs. This was largely attributed to the role played by the LPPBs in protecting their communities during the outbreak of the Ebola Virus Disease (EVD) and in resolving intra and inter-community conflicts. However, the LPPB members complained that between 2017 and 2018 there has been a lack of attention from the GoSL as the LPPBs no longer receive the kind of support they were previously ascribed to.<sup>4</sup> This in turn has affected their morale and ability to function effectively. The lack of governmental attention could be a result of the ASJP's conclusion in 2016 and that it was not replaced by a similar programme. The lack of support could also be a consequence of the police lacking the necessary resources to financially support LPPB activities, even if the two actors continue to work alongside each other. Continuing the support to the LPPB and communicating to the public that the LPPB is critical for sustaining public confidence in the security sector. Considering the importance of maintaining that trust, there is a need to have a serious focus on this aspect of the justice reform in JSRSIP IV to promote security and justice in local communities.

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<sup>1</sup>Bangura, I. 2016 "An Assessment of Orthodox Security Sector Reform in Sierra Leone", Center for Security Governance, Canada

<sup>2</sup> See the LPPP Handbook developed by the United Kingdom's Department for International Development's Access to Security and Justice Programme (ASJP) in 2013.

<sup>3</sup> Based on final wrap up notes from the Security Sector Unit of the ASJP, notes done in 2015.

<sup>4</sup> Based on interviews conducted during the review.



### **(2.1.3) Functional and Effective Chiefdom Police force**

The JSRSIP III emphasised the need for a functional and effective Chiefdom Police Force (CPF) but from field consultations, it appears that there has been very minimal engagement with them. Engagements include the provision of training materials and other policing equipment by the JSCO. On the other hand, the JSCO could not find the necessary funding to train the CPF. As such, the CPF was not provided with the material and logistical assistance it requires to professionally carry out their responsibilities. The lack of engagement has led some CPF to not understanding their roles and they are accused by some local community members of being indisciplined and violating the rights of people.

It is important that the next strategy fully integrates this component and ensures that it is satisfactorily addressed.

### (2.1.4) Provision of Legal Aid



The period under review saw the establishment and operationalisation of the Legal Aid Board (LAB). JSCO secured the necessary funding from both government and donors that saw the refurbishment of office space and recruitment of key staff in 2015. 2016 saw a massive expansion in the operations of the LAB – most notably, 6 new offices were opened in 6 of 12 districts upcountry. This allowed the LAB to establish a

presence in every district with at least 2 paralegals deployed in each of the 14 districts, which incidentally had also made the LAB the largest legal aid organisation in the country. The LAB also introduced the Alternative Dispute Resolution (ADR) service which made justice more accessible. Through the LAB's Legal Empowerment programme, ordinary people learned about how fines and arrests work in the Local Court and Informal Court System. The LAB made significant impact on justice, evidenced by more than 50,000 poor and marginalised



people across the country benefitting from legal advice, legal representation, and Alternative Dispute Resolution between 2015 and 2018.<sup>5</sup>

Civil Society Organisations (CSO) such as NAMATI, ADVOCAID and Timap for Justice have also been providing legal aid services to thousands of Sierra Leoneans. For instance, Namati mainly provides services in the Western Area but works with partners across the country; ADVOCAID largely provides legal and other related services to women and girls and works in Western Area, Kenema, Kono, Bo and Makeni; Timap for Justice has 13 offices in the Northern and Southern provinces and the Western Area and undertakes mediation, negotiation, education, advocacy and litigation. Other institutions also provide various services.

These services have been monumental in providing legal services to marginalised and impoverished communities, and thus broadening the scope of justice. These organisations also operate through paralegals and lawyers in providing their services. To ensure harmonisation and synergy, in 2017 OSIWA funded the development of a five year National Legal Aid Strategy for Sierra Leone (2017-2022). The LAB is in the process of developing a training manual for paralegals and the process is led and coordinated by the Justice Legal Training Institute (JLTI) and LAB, with funding provided by OSIWA and UNDP. The LAB has also pointed out the need to work with the University of Sierra Leone to develop a university-based training



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<sup>5</sup> 2018 Progress Report of the LAB.

programme for paralegals to ensure uniformity in training and accreditation standards. Arrangements for this training programme are expected to be finalised within a year or two.

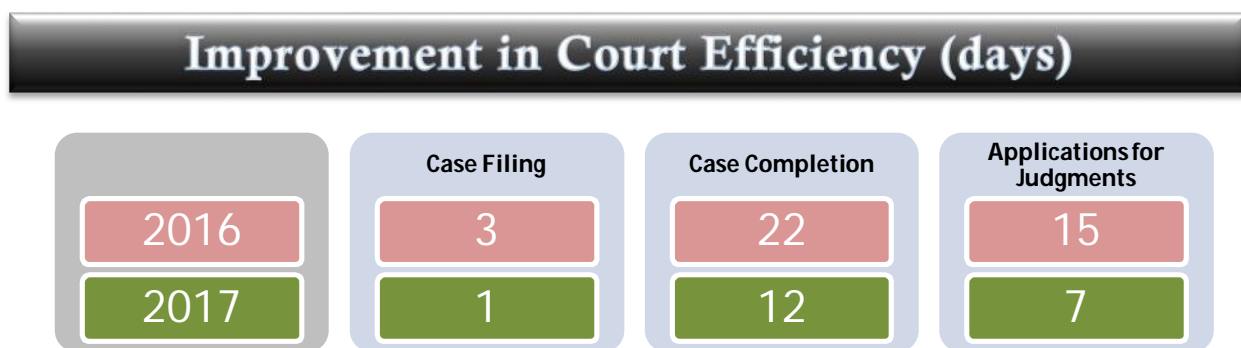
From the interviews and field observations, it was deduced that there is the challenge of duplication of efforts, with CSOs and the LAB not having harmonised efforts. This points at the need for the provisions of the Legal Aid Strategy to be fully implemented. The lack of synergy and harmonization of effects have dire consequences such as inefficient use of the limited available resources. It was also concluded that the demand for legal assistance far outweighs the services that both the LAB and the CSOs currently provide. The challenge is particularly pronounced in poor, marginalised and destitute communities. This highlights the need for significant investment by the GoSL and its development partners in the provision of legal aid/services to poor and destitute Sierra Leoneans.

## **(2.2) Outcome Two – Justice is Expedited**

There is a strong nexus between access to justice and the expedition of justice. Advancements in one area impact the performance of the other, whilst opportunities and challenges in both areas often overlap. The evaluation process noted some of the positive and proactive measures that were initiated by MDAs and CSOs with the objective of expediting justice, especially in Freetown and regional headquarter towns. For example, the Judiciary has increased the number of magistrates and judges stationed in each district across the country. These enhancements enable a broader segment of the population to access justice, and in turn, expedite the administration of justice by decongesting the courts.

Furthermore, the Fast Track system, introduced during the JSRSIP II, continues to be a source of expedition of justice. While the Fast Track system has been criticised as an unsustainable long-term solution, it has produced promising results. In 2016, case filing took three days, while in 2017 it took only one day. In 2016 case assignments took 6 days while in 2017 it took only 2 days. Case completion improved from 22 days in 2016, to 12 days in 2017.

Finally, applications for judgments that enable any party to dispense of a case without trial improved from 15 days in 2016 to only 7 days in 2017.



These figures demonstrate a marked improvement in the Justice Sector's expediency, and portend well for future developments in the Justice Sector as a whole. The judges also now have access to a Justice App which provides a clear picture on how cases are distributed and how many of those cases have been handled within what period of time.

In spite of the progress mentioned above, the system remains clogged with cases. Some cases in the courts are so minor that they could have been dealt with at the police level, or through ADR without having them enter and obstruct the system. Interviewees complained that the police are usually heavy handed and prefer to charge cases to court that they themselves could easily resolve.

### (2.2.1) Improved Prosecution of Cases

There has been an improvement in the prosecution of cases, especially with regards to sexual offences. Salary increases have enabled the recruitment of judicial actors across the country. Every district with the exception of the newly created districts such as Karene in the Northwest has magistrates and every regional headquarter town has a resident judge and state counsel. However, the High Court in Kono appears to be underserviced as it does not have a sitting judge. Furthermore, prosecution is still done at the magistrate court by the police, with the state counsel prosecuting at the high courts. This will change with the passing of the Criminal Procedures Bill into law, as the LOD will fully take over prosecution at every level of the court.<sup>6</sup>

However, despite the efforts to improve prosecution of cases the provinces still experience many difficulties accessing justice and prosecuting cases, because of issues with distance, resources, and lack of information.

A significant challenge for improving the prosecution of cases involving capital offences is maintaining the jury. Jurors are not paid, yet are expected to incur travel costs and other expenses to be present at trials. These issues result in many jurors not attending courts, and the non-presence of a single juror requires an adjournment which subsequently contributes to the overcrowding of courts and the ever-increasing backlog.

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<sup>6</sup> Based on interviews in September with the Director of Public Prosecution in Freetown.

### (2.2.2) Improved Case Management Systems

Based on interviews with officials of the Judiciary, it appears that in the last 3 years, the Judiciary has taken several steps in improving the case management system – including the employment and deployment of more justice sector actors across the country, the use of the Justice App, and the expedition of cases to reduce backlogs.<sup>7</sup> However, the reality is that the system needs many more upgrades in order to reduce the congestion of the courts by cases, remove bottlenecks in the dispensation of justice, and prevent inundation of judges and magistrates with unmanageable caseloads. As much as the initiatives highlighted above are proving to be useful, their success is mostly limited to the Western Area. The rest of the country urgently needs justice to be fast-tracked. Although the Judiciary has established magistrate courts in all districts of Sierra Leone, with the exception of newly established districts, the country requires fairer representation to ensure that justice is dispensed within a reasonable time-frame. Quick and efficient implementation of justice is integral to the Judiciary; without an effective time and case management system, the Judiciary will struggle to convince the public of its commitment to ensuring an equitable and legitimate justice system.



Highlighting some of the challenges encountered in the Judiciary, an Appeals Court Judge stated:

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<sup>7</sup> Based on interviews conducted with officials of the Judiciary between August and September 2018.



“The lack of adequate infrastructure, judicial actors, and satisfactory investment in the justice sector have contributed significantly to the overcrowding of the courts. Higher-court judges are often overburdened, as the magnitude of backlog demands that they not only deal with their delegated duties, but also take on cases from lower courts in order to help decongest the judicial system”.<sup>8</sup>



Another common complaint by members of the judiciary is that there are insufficient resources to deal with witnesses efficiently. Witnesses often show up to the preliminary proceedings and are not informed that it is not the trial; thus, when summoned to appear at trials, they do not show up due to the fact that they are not provided with incentives such as transportation and they have to

use their own money. Another challenge mentioned by judges interviewed, is the lack of research assistants for judges. Unlike prosecutors and defence counsel, members the Judiciary do not have their own research assistants. At the same time, the courts lack stenographers forcing judges to take notes which waste days typing up, and which have implications for the expedition of justice.<sup>9</sup> Courts must be modernised; judges must be provided with stenographers so that they may focus on the application of the law and the dispensation of judgments rather than on tasks which may be easily achieved through efficient use of resources.

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<sup>8</sup> Interview conducted in Freetown in August 2018.

<sup>9</sup> Based on interviews with officials of the Judiciary conducted between August and September 2018.



### (2.2.3) Criminal Procedure Reform Implemented



In January 2017, the JSCO - with support of the UNDP and OSIWA – conducted the review of the Criminal Procedure Bill in two separate retreats. The retreats brought together key stakeholders from the Judiciary, Law Officers’ Department, Sierra Leone Police, Bar Association, and AdvocAid. The Draft Bill progressed

through both the Justice Sector Reform Subcommittee on the Criminal Procedures Act (CPA) and the Rules of Court Commitment. Various stakeholders made critical contributions. Important stakeholders from the Judiciary printed the bill once they completed the review process. Members and Leadership of Parliament conducted further pre-legislative meetings on the merits of the Bill. A successful meeting with the Attorney-General and Minister of Justice ushered a compelling case for the enactment of the Bill into law. Both the Majority and Minority Leaders in Parliament supported the Bill. However, despite this extensive process, Parliament did not enact the Bill into law. Nevertheless, the groundwork was completed and will ultimately lead to the passing of the Bill in 2018.



Additionally, there was a review of Part 5 of the Public Order Act of 1965. A national symposium and review workshop was held which drew on the expertise of both national and international technical experts on media practices. A report of the event was presented to Cabinet, and over 500 copies were printed for circulation to the broader public to garner support to pass the reviewed sections of the law. The Criminal Procedures Act, despite these

efforts, still requires further reviews to reflect modern judicial processes, practices, and international human rights standards.

#### **(2.2.4) Improve the System of Bail Application**



The Review Report of the JSRSIP II indicated that the Bail Policy of 2009 does not promote a fair and transparent adjudication of bail applications, as the bench uses their ‘discretion’ in the adjudication of bail applications with no fair standard set. To overcome this challenge, the Judiciary with the technical support of UNDP and the US Department of State –

Bureau of International Narcotics and Law Enforcement Affairs developed and published a Bail Policy and drafted Sentencing Guidelines, which was passed by the Rules of Court Vommittee and is binding on the courts. These initiatives are integral to improving judicial procedures, responsiveness, and accountability which together have the potential to improve public perception of the justice sector.

CSOs funded by donors also conduct independent inspections of detention facilities, check records of the detainees and pick up cases of suspected violations of the rights of detainees. Advocaid, for example, is undertaking the “Bail is Free Campaign” and is also providing legal aid to girls and women in conflict with the law.



#### **(2.2.5) Strengthen Witness/Victims Protection Mechanisms**

Domestic abuse is a prominent issue that victims have consistently reported for decades. During interviews, both the SLP and the Human Rights Commission on Sierra Leone

(HRCSL) indicated that domestic violence is among the most reported type of cases, with women and girls usually being the victims. To support the Judiciary, in a bid to overcome this challenge, the United Nations Children’s Fund (UNICEF) provided funding for the training of magistrates on gender and juvenile justice. The agency also financed the refurbishment of the juvenile courts.

To uphold the anonymity and integrity of the sexual assault and juvenile victims, SGBV and juvenile cases are tried on Saturdays when members of the general public is not e in court. The SGBV courts are also equipped with trained medical personnel to conduct medical examinations necessary for sexual assault and domestic violence cases when appropriate. However, the Judiciary contends with significant challenges in obtaining witnesses to attend and testify during trials. Usually, witnesses indicate that there are no witness protection services and they fear intimidation and other consequences related to them testifying. There is the need for a comprehensive and effective witness protection service to be established and it is important that this is emphasised in the JSRSIP IV.

### **(2.2.6) Strengthen Alternative Dispute Resolution Mechanisms**

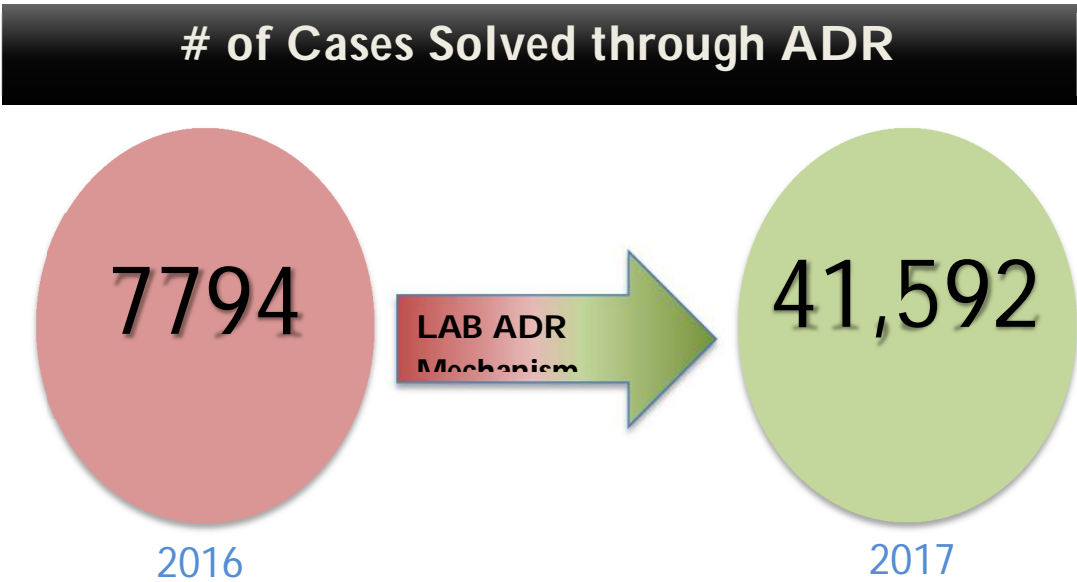
ADR aims to deliver justice and reconcile the parties, unlike the adversarial process where the winner takes all in the formal judicial system. Civil matters can also be withdrawn from the courts if both parties agree to a settlement with ADR.

The Justice Sector increasingly employs ADR mechanisms to overcome the congestion in judicial processes. A good example is with the Commercial Court set up by the Judiciary. This court undertakes arbitration and mediation activities, which have proved to be very effective since these mechanisms reduce the need for complex court procedures and provide benefits for businesses and the economy.

Many other state institutions have employed mechanisms such as mediation and arbitration to resolve legal disputes outside of the formal court system. The Office of the Ombudsman,

the HRCSL, the Ministry of Social Welfare, Gender, Children’s, and Women’s Affairs (MSWGCWA) and the LAB all made and are continuing making significant gains in promoting access to justice at the local and national levels through these alternative conflict resolution mechanisms. For instance, the LAB mediates police and civil matters in the courts, as well as other matters referred to it by the courts. The LAB have also implemented ADR services that mediate matters of a non-criminal nature or civil matters that are usually taken to the police even though they are not meant for the criminal justice system. These matters include debt and microcredit, maintenance issues, inheritance, ownership of land, labour matters, landlord and tenant marital and family issues.

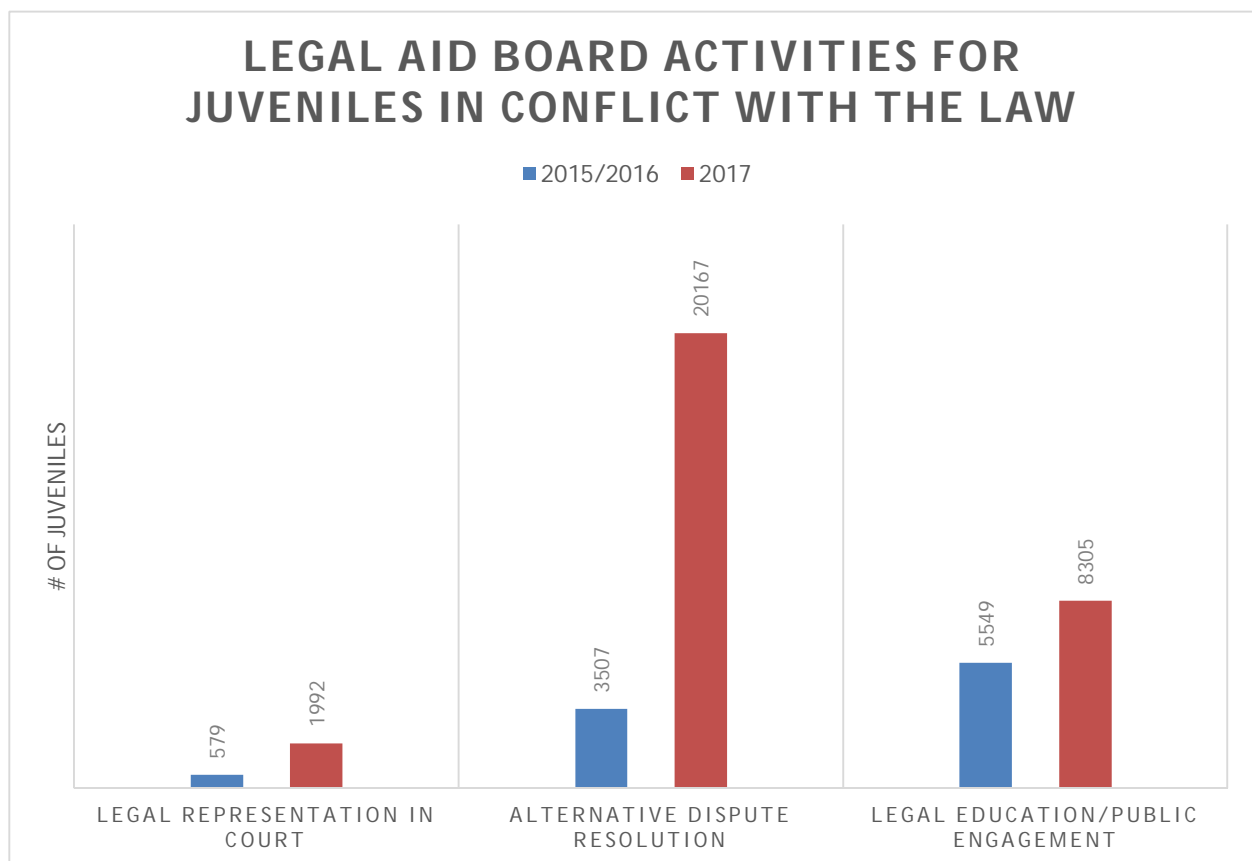
In the 2015/2016 year, the LAB resolved a total of 7,794 cases through ADR. In 2017 there is a sharp increase in the number of cases resolved through the same method – with 41,592 cases resolved through ADR as of the end of year. This is indicated below.



### **(2.2.7) Strengthen Juvenile Justice Systems**

Numerous challenges exist within the juvenile justice system and have led to its ineffectiveness in rehabilitating children in conflict with the law. The current system does not use restorative measures, but instead largely focuses on criminalising and punishing children. In addition, inconsistencies in the system present a variety of issues that reflect the system's insensitivity to the unique nature of juveniles. For example, children are often subjected to pre-trial detention periods that are more than the lawful period of 72 hours. They are also held in police cells alongside adults, denied legal representation, and subjected to remand detention periods exceeding two or three years. Not only do these practices conflict with international standards, but they also clash directly with the GoSL's commitments to protect and promote child welfare, as stipulated in the Child Rights Act of 2007, the JSRSIP III, the Child Justice Strategy (2014-2018), the Children and Young Persons Act of 1944, the Government's Agenda for Prosperity and more recently the "New Direction policy".

In response to some of the challenges mentioned above, the JSCO helped establish the Child Justice Working Group (CJWG) in 2015 comprises of key justice institutions, child protection agencies, and development partners. The JSCO further collaborated with the CJWG to develop a training manual, train 250 child justice actors across the country, and develop a Diversion Policy in July 2017 aimed at diverting children in conflict with the law from the formal judicial system. The Diversion Framework, endorsed by organisations such as the SLP, the MSWGCWA , UNICEF, and international NGOs, has offered a promising opportunity to improve the juvenile justice system significantly. The framework proposes specific sets of diversion approaches that are unique to the situation of the children. Some of these diversion include an oral/written apology, reparations, mediation, and education/training programmes. The CJWG conducted a nationwide training for 150 child justice actors on Diversion.



A Diversion Framework is currently being rolled out in 10 police stations across the country as a pilot project. There has also been significant progress in strengthening the ADR mechanisms for children. As children fall within the vulnerable group category, alongside women and the aged, set by the Legal Aid Board, those in conflict with the law receive legal assistance without any preconditions. This categorisation enables children to qualify for the scheme without being subject to the "Means Test" and thus, enhances access to justice for juveniles. The LAB reports that 30,464 children benefited from the scheme in 2017, including 1,992 who received legal advice and representation, and 20,167 benefiting from ADR services. This is a marked improvement from the 2015/2016 year, where the LAB assisted a total of 9,635 youths for the same services.

Two Juvenile Courts are now in existence, 1 in Freetown and 1 outside of the capital, to improve on the rights for juveniles. Additionally, certain days are set aside by magistrates for juvenile cases. Nonetheless, funding for juvenile courts, ADR mechanisms and referral mechanisms for psycho-social and medical assistance for young people remain a major challenge. Additionally, the conditions of remand homes for juveniles is appalling and poses immediate and clear risks to the safety, security and welfare of the residing children. The GoSL as the principal duty bearer have to ensure the safety, security and welfare of children in conflict with the law. Thus, there is the need for constructing modern and decent remand homes for children in conflict with the law, and these facilities need to meet the relevant international standards.

## **(2.3.) Outcome Three – Respect for Rights and Accountability**

Since the end of the conflict, the GoSL has understood that traditional security actors - military, paramilitaries, and the police – are seen by the general public as instruments for political control. As such, it has attempted to develop a security and justice sector with more democratic control mechanisms. Thus, the JSRSIP I, II and III focused on establishing civilian oversight structures including the Ministry of Internal Affairs (MIA), the Ministry of Defence, Parliamentary Committees on Internal Security and Justice, the Police Council, the IPCB, and the Complaints, Discipline, and Internal Investigations Department. The democratic and civilian-led nature of these structures has helped ensuring justice and security actors comply with its core mandate. These structures provide external oversight over the functionings of security and justice sector bodies, and support the journey to peace and prosperity by aiding both sectors in departing from strictly state-centric institutions. This section focuses on the efficacy of the established institutions and how they are promoting respect for rights and accountability.

### **(2.3.1) Strengthened Anti-Corruption Institutions and Mechanisms**

Ensuring accountability in the public sphere is a critical issue in the fight against corruption. Since its establishment in 2000, the Anti-Corruption Commission (ACC) has come to symbolise a major policy agenda by the GoSL to improve not only accountability, but the judicious use of public resources and the creation of opportunities for economic development. This broader commitment to reform has enhanced the status of both the Commission and the discourse of corruption in the public domain. Consequently, this has led to increased awareness by the public on strategies to prevent corruption. The ACC has powers under the amended *Anti-Corruption Act 2008* to prosecute cases on its own. In recent years, the ACC has moved from a more conventional approach of fighting corruption to preventing the conditions that enable corruption to flourish. As a result, the Government has provided significant



resources to improve systems and procedures in MDAs and create mechanisms for public reporting of corruption.

However, interviews have indicated that the ACC is faced with many challenges. Since its inception, the ACC has been often perceived by the general public to be a political tool for intimidating political opponents.<sup>10</sup> There appears to be mixed feelings among interviewees on Government's commitment to fighting corruption. Sierra Leone scored 30 points out of 100 on the 2017 Corruption Perceptions Index reported by Transparency International. Corruption Index in Sierra Leone averaged 25.53 Points from 2003 until 2017, reaching an all time high of 31 Points in 2012 and a record low of 19 Points in 2008.

Corruption remains a national challenge which no single institution can overcome. Thus, meaningful amelioration of the problem requires the total involvement of all stakeholders in the justice sector. Furthermore, stakeholders should be given benchmarks of achievable outcomes in the fight against corruption. The GoSL should consider the possibility of constructing a separate court dedicated to trying ACC cases, so as to ensure that these cases are fast-tracked and justice is dispensed within a reasonable time-frame. This is an important measure even if it does not necessarily eradicate the challenges faced at the appellate level.

### **(2.3.2) Protection of Rights**

Sierra Leone Correctional Centers suffer from congestion due to the significant backlog of cases in the courts. This over-congestion immensely affects the rights and overall welfare of inmates, particularly those in remand. Sierra Leone Human Rights Commission's Report of 2017 states that:

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<sup>10</sup> Based on an interview conducted in Freetown on 15 July 2018.

“As of August 22, 2017 the country’s 19 prisons, designed to hold 1,935 inmates, held 4,148. The Freetown Male Correctional Center, designed to hold 324 inmates, held 2,059 persons, including 926 convicted prisoners, 284 prisoners on remand, and 849 prisoners on trial. Some prison cells measuring six feet by nine feet held nine or more prisoners. As of August 22, prison authorities reported seven deaths in prisons and detention facilities due to malaria, respiratory infections, and typhoid fever but claimed none of the deaths was due to actions of staff members or other prisoners.”<sup>11</sup>

In addition, inmates wait for very long periods before their case is submitted and processed in the formal judicial process at the High Courts. Due to the poor environment of the facilities and the culture of manhandling people in conflict with the law, there has been consistent violations of the rights of those detained. This challenge is compounded by the fact that over the years adequate monitoring systems and structures geared towards police cells, prisons, and courts have been absent.

To remedy the challenges, the JSRSIP III called for measures that could transform Corrections System and its associated processes. The strategy included the implementation of numerous programs intended to reduce the prison congestion problem. For instance, A new female correctional facility opened in Bo in 2016, increasing the number of female correctional centres in Sierra Leone to three (Freetown, Bo, and Kenema). This is in line with Rule 11(a) of the Mandela Rules for Prisoners of 2015, which states that, “*Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women, the whole of the premises allocated to women shall be entirely separate.*”

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<sup>11</sup> See the HRCSL Report of 2017. It is important to note that during interviews with staff of the SCSL, they indicated that these figures remain more or less the same and the prisons system has remained clogged for decades.

Despite the effort, there are still many challenges related to congestion, reflected in the fact that centers are each holding 250 inmates when their standard holding capacities is between 75 to 80; or the fact that the current inmate-officer ratio of 7:1 far exceeds the standard inmates to officer ratio of 3:1. The latter led to concerns from institutions such as the HRCSL and Prison Watch regarding security threat to both inmates and officers.

The evaluation also found the MDAs and CSOs have made reasonable progress in their mission of ensuring accountability and respect for rights . More importantly, the evaluation showed the GoSL's commitment to empowering critical institutions such as the ACC, HRCSL, MSWGCA and Office of the Ombudsman. Empowerment is achieved through proactive policy initiatives and financial support, and it has helped these organisations in achieving the objectives and indicators identified in JSRSIP III. Key areas that were tackled include the Government's commitment to fighting corruption, juvenile justice, and independent inspection mechanisms for places of detention. Some challenges that were encountered under this component include the inability to carry out effective initiatives due to financial constraints and poor coordination mechanisms among MDAs.

### **(2.3.3) Compliance with National and International Reporting Obligations**

Decisions made by those in the higher echelon of decision-making shows the justice sector is increasingly compliant with its national and international reporting obligations. The review of the JSRSIP III is itself a national reporting mechanism that informs the government and its partners of the gains made since the strategy's roll-out. In addition, all MDAs are required to provide annual reports and establish performance benchmarks to be approved by the Office of the Chief of Staff alongside other required agencies. Meanwhile, reports such as those published by the HRCSL have proven very useful in providing the general public with an overview on the state of human rights in Sierra Leone.

At the international level, through the Universal Periodic Review (UPR) process the GoSL submits comprehensive reports on its justice personnel and human rights in Sierra Leone to the United Nations (UN) Human Rights Council. This report is commented on by all member states in the Council to ensure compliance with International Human Rights Standards. Similarly, respective MDAs report to the UN on the achievement of the Sustainable Development Goals (SDGs).

### **(2.3.4) Strengthened Accountability and Oversight Institutions and Mechanisms**

Institutions such as the Ant-Corruption Commission (ACC), the Independent Police Complaints Board (IPCB), the LAB, the HRCSL and the Office of the Ombudsman have succeeded in improving public confidence in them and consequently the security and justice sectors as a whole.<sup>12</sup> These institutions - established out of the desire to strengthen respect for rights and accountability - are helping to curtail excesses of state actors by fighting corruption and ensuring institutions conform with accountability principles and standards. The SLP for instance has the MIA, the Police Council and the Parliamentary Committee on Internal Affairs overseeing its activities. At the same time the Office of National Security (ONS) provides coordination support and functions as a conduit for institutions wishing to engage with the police, and vice versa. In July 2013, the IPCB was established through an Act of Parliament to 'receive and investigate complaints of a serious nature, and thereby to increase the public's confidence in policing'.<sup>13</sup> As part of its post-conflict modernisation process, the SLP also established the Complaints, Discipline and Internal Investigations Department (CDIID) to discipline officers who conduct themselves unprofessionally.

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<sup>12</sup> UNDP-JSCO, 2017: "Perception survey on Justice and security Sector Service Delivery" Freetown, Sierra Leone.

<sup>13</sup> IPCB, 2016: "Report on Focus Group Engagements" Freetown, Sierra Leone.

The mandate of the LAB include the provision of oversight for legal aid service providers<sup>14</sup> and to promote cooperation, collaboration and coordination among legal aid service providers. CSOs consulted indicated that they would prefer to see the LAB better perform its oversight responsibility than focus on direct implementation of activities. This is indicated affects their relationship as they compete for resources and the attention of the donors.<sup>15</sup>

It was observed and confirmed during interviews that there is a need to significantly improve oversight functions as MDAs see oversight institutions as burden rather than as support mechanisms. Following this, oversight institutions and bodies also appear to lack the will and the ability to undertake effective oversight. This is especially the case as they are affected by a multiplicity of financial and human resource challenges, which in turn affect their ability to coordinate, provide the necessary support to other institutions, and even to collect and manage basic data on the functions and performance of the MDAs. This ultimately reduce the institutions' capability in keeping corrupt practices in check.

Closely tied to the above is the lack of effective oversight structures and mechanisms for judges that can ensure their efficiency and effectiveness. It is important to note that there is in existence an Ethics Committee set up between 2016 and 2017, geared with the responsibility of addressing unprofessional behaviours and conducts of judges. This Committee needs to be strengthened by investigating complaints and addressing the concerns of the public. The lawyers have a similar model which is the General Legal Council, where complaints and concerns against lawyers are addressed.

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<sup>14</sup> See the Legal Act of 2012.

<sup>15</sup> Based on interviews with CSOs providing legal aid services.

To further strengthen judges' accountability and transparency, there should be the provision of incentives based on fair and credible assessments. Such incentives may include promotion, increased responsibilities, among others. A strong and accountable justice delivery system needs to emerge from the next strategy.

On a positive note, the judiciary has – for the first time - recruited a Public Relations Officer who interfaces with the public on all matters bothering on the judiciary. This appointment has substantially increased the public's capacity to seek information and clarification on matters concerning the judiciary. It has helped demystify judicial authorities and held them to public account on some crucial matters. Thus, a shift from the negative public perception and lack of confidence in the judiciary and the justice sector as a whole is gradually occurring.

## **(2.4.) Outcome Four – Commercial Law and Justice Improved**

84% of the interviews with knowledge on the operations of the Fast Track Commercial Courts (FTCC) indicated that the FTCC has been providing very good and efficient services. They attributed their conclusions to the courts automated nature, the accessibility of court records, availability of transcripts, and efficient scheduling. Furthermore, due to the high salaries offered by the Fast Track courts, corporations are often represented by the best lawyers within the country. The Commercial Court is staffed with experienced lawyers and proficient judges who write high quality and detailed judgements. Indeed, with the establishment of the fast-track commercial court, there is increasingly a practice of demanding litigants first attempt to go through alternative dispute resolution before reaching out to the courts. This helped expedited processes at the commercial courts.

One weakness identified with commercial law is its porous nature and its old arbitration law. The current lack of arbitration mechanisms has resulted in an unexpected influx of cases to the court. With respect to contracts, as there is no appropriate arbitration law, external acts are often relied upon, leading to inconsistency and uncertainty in the application of the law. Implementing a uniform and credible arbitration method may further decongest the courts and improve justice-delivery across the country. Fortunately, an arbitration committee established a few years ago has just concluded its work and produced a report which will inform policy-makers and the GoSL moving forward. Another weakness identified in the commercial law system, and applicable to the justice sector as a whole, is the need to ensure proper enforcement of court orders. Interviews strongly indicated that future strategies must devise methods to ensure that judgments are justly enforced after justice has been delivered.

The efficiency of the commercial law courts, and the quality of justice delivery, demonstrate a trend of growing improvement that may provide an example to other types of courts across the country. However, the same weaknesses that are so pervasive throughout the justice sector

also plague the commercial courts. Among those mentioned above are delays and corruption, which the next strategy should focus on addressing.

### **(2.4.1) Capacity of the LOD, Judiciary and Lawyers in private practice strengthened**

As indicated under Outcomes 1 and 2, significant effort was made by the GoSL to strengthen both the judiciary and the LoD, with improving the salaries and conditions of service of staff and employing and deploying more judges, magistrates and state counsel. These officials have also benefitted from some study tours or training undertaken by partners such as UNICEF and UNDP. However, there has been minimal direct investment in training or capacity building related to commercial law. Coupled with this, there has been no recorded capacity building support to private lawyers on commercial law. This has to be looked into and addressed by the next strategy to strengthen the capacity of the different actors.

### **(2.4.2) Capacity of the LoD Improved to Ensure Coordination and Cooperation with MDAs**

This LoD needs to ensure that it focuses on improving coordination and cooperation with MDAs in relation to ensure complementarity of efforts. This is an area that the next strategy has to improve on, especially as it has the potential of significantly contributing to creating a conducive and enabling environment for investors and business interests. This will have direct and immediate positive influence on economic growth and development.

To ensure the efficiency and effectiveness of the LoD, it will be very important for it to be transformed into an autonomous government subvented agency. Such a shift will strategically position the LoD to better deliver on required services. This shift should allow for a modernization process that will get the financial and technical support of the government and its partners, backed with the availability of significant political will.



## **(2.5.) Outcome Five – Communication and Stakeholder Engagement Improved**

This outcome was added in the JSRSIP III to promote synergy and the harmonization of efforts and activities between the MDAs and civil society. It was identified in JSRSIP II's review that the lack of cooperation, collaboration and coordination among justice sector actors posed a crucial challenge that usually lead to the duplication of efforts and the lack of data to accurately assess progress made in the sector. Furthermore, this outcome was geared to ensuring that a horizontally integrated approach was adopted that would enhance access to and the dispensation of justice in Sierra Leone. The progress made under this component is assessed in the subsections below.

### **(2.5.1) Public Information, Education and Communication Improved**

Public communication has grown considerably over the past few years; however, it still requires significant improvement. The Judiciary recruited a Public Relations Officer who now communicates with the public to provide information. This reflects the broader improvement in Judiciary and LAB's level of public engagement following the implementation of the JSRSIP III. However, according to the 2017 perception survey there are still significant challenges in the sectors studied. First of all, some GoSL institutions appear to be less effective in communicating their achievements to the public. Similarly, most of the respondents also indicated that institutions do not communicate the challenges that they contend with, and as such the public is unaware of the problems institutions are contending with.

Inasmuch as several achievements have been made, some institutions of the GoSL appear to be less effective in communicating those achievements to the public. Most of the respondents, however, indicated that the institutions do not communicate the challenges that they contend with, and as such the public is unaware of the problems institutions are facing. With their limited understanding of the achievements and challenges faced by institutions in the justice

sector, interviewees made conclusions based on their perceptions, rumours and incomplete accounts of events. The conclusions made were largely not favourable to MDAs in the justice sector and this needs to change, as it is important for people to have confidence and trust in the sector. A lot has been achieved but people are unaware of the achievements and as such, to them very little or no gain has been made over the years.

## **(2.5.2) Data Collection, Analyses and Management Systems**

### **Improved**

The monitoring component of the JSRSIP III is one of the weakest components of the strategy. Very little data collection is done by MDAs and the TWG. Even in cases where data is collected and analysed, the processes and techniques used are not the most effective. This is due to the lack of data management systems and weak monitoring and evaluation capacity across the sector. This incapacity affects the possibility to analyse, share and use data to inform policy, planning, and decisions made by the MDAs. The collection of performance data to guide the implementation of activities may have helped guide the selection of activities undertaken by the MDAs.

Considering the advantages, over the past three years the JSCO and the justice sector have attempted to build Monitoring and Evaluation (M&E) Capacity, particularly with respect to monitoring, collecting, and managing data. The JSCO implemented many platforms to record and store data. For instance, the “Legal Empowerment Shared Framework” used by paralegals and the “National Inmate Identification Management System” that records prison biometric data. The justice sector is consistently attempting to increase awareness on the importance of data collection and management. In this regard, the JSCO offers 6 training seminars every year to relevant partners and stakeholders to show these organisations how to improve their data collection methods and to use data for policy formulation and reform. Attendees are being taught how to store information offline, online on clouds, and to backup both their hard-copies and soft-copies.

Despite these improvements, the justice sector faces a number of challenges. Firstly, the importance of data collection, maintenance and usage is either not understood or appreciated by officials in the sector. This attitude and approach to data has to change to enable data support the setting of strategic policy direction and subsequently development/transformation in the sector.

Secondly, if and when data is received, individuals who received it express concern about its credibility. Indeed, it is known that different stakeholders have reported contradictory data, and each data set could lead to substantially different results. This demonstrates the need for more collaboration between parties, as well as an inquiry into the root causes of why justice sector actors report contradictory data. It could be attributed to the fact that not much investment is made in the collection of quality data and institutions do not have M&E units with officers charged with collecting and analyzing data. So unsieved or wrong data is usually provided for the consumption of partners and the general public. This goes a long way in undermining the confidence of partners and the public in the sector.

## (3.0.) Governance Arrangements

The Governance structure for the implementation of the JSRSIP III comprises the Leadership Group (LG), Technical Working Group (TWG), the Justice Sector Coordination Office (JSCO), and MDAs.

**The Leadership Group** consists of the heads of the main justice sector institutions and is chaired by the Vice President. This group is charged with setting the strategic and policy direction for reform, and makes major decisions on justice-related issues. This group is designated as the highest-level coordination and oversight body. The LG receives recommendations and decisions by the TWG and makes the ultimate decision on whether or not to proceed or change the submissions.

Leadership Group Members	
<ul style="list-style-type: none"><li>• Vice President</li><li>• Chief Justice</li><li>• Attorney General and Minister of Justice</li><li>• Inspector General of Police</li><li>• Director of Prisons</li><li>• Chairman of the Law Reform Commission</li><li>• Financial Secretary</li><li>• National Security Coordinator</li></ul>	<ul style="list-style-type: none"><li>• Minister of Internal Affairs</li><li>• Minister of Local Government and Rural Development</li><li>• Minister of Social Welfare, Gender, and Children's Affairs</li><li>• Ombudsman</li><li>• Chairman of the Anti-Corruption Commission</li></ul>

**The Technical Working Group** consists of the administrative heads of departments of all LG institutions, and is chaired by the Secretary of the Vice President. This group serves as the major support group in the Justice sector and encourages information sharing, problem-

solving, efficient practices, and discussions of upcoming challenges. The TWG also deals with all technical matters which are then forwarded, if necessary, to the LG.

The TWG includes the Master and Registrar of the Courts, Permanent Secretaries of the Ministries of Local Government and Rural Development, Internal Affairs, Social Welfare, Gender, and Children's Affairs, Representatives from SLP, Office of the Ombudsman, LRC, HRCSL, and the Sierra Leone Correctional Service.

**The Justice Sector Coordination Office** serves as the coordination unit for executing the JSRSIP III. Its responsibilities include harmonising the activities of the LG and the TWG, and liaising with MDAs to ensure that the relevant MDAs' activities correspond with the JSRSIP III.

Establishing the LG as a group comprised of various MDAs involved in implementing the JSRSIP, as well as the TWG and JSCO created a major source of policy direction. In addition, these groups provide political support for MDAs and CSOs to carry out their activities and act as conduits through which MDAs can report on specific issues.

The coordination and oversight mechanisms of this governance structure have been highly effective. A crucial factor underlying the success is the JSCO's leading role and its effectiveness in assisting MDAs in adhering to the JSRSIP III. However, many MDAs contend with financial constraints that prevented optimal fulfilment of the JSRSIP III's outcomes. Despite this obstacle, there have been no cases of complete non-cooperation.

## (4.0.) Overall Impact

The JSRSIP III has been moderately effective in increasing local access to justice through the amelioration of community policing and justice delivery services. Since 2015 there has been an increase of formal justice institutions across Sierra Leone, accompanied by numerous judicial actors. Indeed, all districts of Sierra Leone now have at least 1 magistrate and 1 state counsel. Community policing approaches and organisations have also enabled local access to justice and have helped garner more public confidence in the justice sector. In addition, the LAB has expanded to include 6 new offices across the country. It is indisputable that the JSRSIP III was a key factor in improving access to justice throughout Sierra Leone.

The use of grassroots/community based approaches such as the LPPBs have also gone a long way in providing access to justice. This is compounded with the establishment of the LAB and other institutions such as the IPCB who generally took a pro-poor approach in providing and delivering justice services to the people. Many more people are aware of their rights now than before and they make effort to reach out and demand for justice, rather than try to take it into their own hands as was the case before and during the war in Sierra Leone.

The expediency of the justice sector has also significantly improved compare to the pre-2015 situation. The Judiciary now spends less time on cases and more cases are dealt with each day. However, the demand for justice far outweighs the supply, which presents immense implications on the rights of those in conflict with the law. The use of ADR has been very helpful in cushioning the limitations of the judiciary and in resolving minor cases which would have further clogged the system. This points to the need for the use of ADR, with paralegals trained and empowered to effectively deal with minor cases in communities. However, such efforts have to be harmonised to ensure complementarity of efforts, and a common training package should be developed for these actors. If it receives adequate investment, ADR has the potential of further improving access to justice and reducing the number of cases that end up in the courts. This is especially the case as conflicts are resolved

in the local communities and victims do not need to travel out of their communities in search of justice.

Improvements in accountability and the protection of rights may also be attributed to the JSRSIP III. Institutions such as the police are much more accountable to civilian oversight bodies. The Judiciary is also much more transparent in its activities and the employment of a Public Relations Officer has gone a long way in promoting the public's understanding of the activities of the Judiciary. Nonetheless, there is the need for a clearly defined oversight structure for judges and magistrates. The establishment of such a structure will go a long way in ensuring transparency and accountability and improving the performance of the judges and magistrates. The ACC is widely perceived to be a political instrument for the coercion of political opponents and a stronger, independent and more transparent ACC will go a long way in mitigating corruption and preserving the interest of the ordinary Sierra Leonean.

The Fast Track Commercial Court is creating very positive impact and is inspiring confidence in the business community. However, it has an isolated presence in Freetown and needs to be established in at least regional headquarter towns so that victims do not have to travel to Freetown to seek justice for issues that could easily be settled in their regions.

It was deduced from the study that all the institutions studied suffer from inadequate financial, technical and human resource challenges. In most cases, there is the lack of political will on the part of the government to invest in the justice sector. Such challenge lack limits the ability of the institutions to maximize their performance and make a positive difference in the lives of ordinary Sierra Leoneans.

## (5.0.) Sustainability

Most of the activities undertaken are not sustainable and would require significant further investment to enable the intended beneficiaries continue to access justice in a timely and satisfactory manner. For instance, there is a growing demand for justice and that demand exceeds by far exceeds the capacity of the sector to supply justice. Thus, there is the need to build additional courtrooms, and recruit more magistrates, judges and state counsel. Those recruited should be provided with the support needed to foster their deployment and functionality within deployed areas. This will also call for progressive review of salaries and conditions of service to make them competitive in a bid to mitigate high turnovers in the sector.

Coupled with the point mentioned above, even though the grassroots/community based approaches such as the employment of ADR mechanisms and local courts are less expensive to run, they require financial and technical support to maximise outputs and ensure sustainability.

With the massive investment required, there should be alternative sources of funding as Government seeks to meet the financial demands of the MDAs. The high level of reliance on a few donors such as DFID and UNDP leaves very little room to secure funding, and it also limits flexibility in terms of activities that could be undertaken.

The MDAs have very limited financial and technical capacity to implement some of the Acts developed such as the Corrections Act of 2014. It is highly ambitious and there is very little prospect to realise the objectives of the Act within the financial space provided by the government. Thus, the SLPS is struggling with the development of a Strategic Plan that is realistic and achievable.

It should be noted that to strengthen the sustainability component of the next strategy, there should be a conscious effort to use local structures that could continue to function with very



little financial support. Also, institutions should seek to tailor their activities to be Relevant, Acceptable, Credible, Easy and Robust (RACER). At the same time, government should seek to increase funds provided to MDAs with the intention of reducing the dependence on donors.

## (6.0.) Conclusion

Based on the findings and analysis above, the conclusions are presented in a SWOT analysis format.

Strengths	Weaknesses
<ul style="list-style-type: none"><li>• Very good existing laws and policies that could be effectively implemented</li><li>• Established structures that could be found in different parts of the country</li><li>• Very strong Leadership and Technical Working Groups and Coordination Unit (JSCO)</li><li>• Existing technical capacity even though limited</li><li>• Some institutions have very good leadership that are open to reform</li></ul>	<ul style="list-style-type: none"><li>• Funding from government is inadequate and does not meet the actual needs of the different agencies. This limits their ability to undertake activities, roll-out strategic plans and meet the benchmarks identified in the JSRSIP II.</li><li>• Poor coordination, cooperation and collaboration among stakeholders. This is a challenge faced at the intra and inter-departmental levels. This is also the case between MDAs and CSO.</li><li>• Limited trained and qualified personnel. This is a serious challenge faced especially by the Judiciary which has very limited number of magistrates and judges</li><li>• Weak oversight of some of the justice institutions due to limited financial and technical capacity</li><li>• Perceived political interference in the justice sector</li><li>• Existence of obsolete laws such as the Immigration Law of 1964 and Liquor Licenses Act of 1960. These laws affect the dispensation of justice within the context of present day Sierra Leone and should be reviewed.</li><li>• Over-reliance on donors and unstable donor support. In cases where donors accept to provide funding, such funds are only made available if</li></ul>

	<p>the priorities of the MDA involved correspond with theirs'. Some institutions are left frustrated and dysfunctional when donor funds run out and they spend much more time trying to mobilize resources, thus, leaving very little room to plan and implement activities.</p> <ul style="list-style-type: none"> <li>• Limited M&amp;E mechanisms put in place by the different MDAs</li> <li>• Limited capacity to undertake programmatic issues</li> <li>• Limited institutional focus on reform</li> <li>• Weak IT and ICT capacity across the sector. This cripples performance, entrenches manual processes and leads to bottle-necks in the system; affects information sharing that would have been useful in collecting, collating and analysing information that should inform policy change.</li> <li>• Inability to support existing and new laws. There is the willingness to introduce and popularize new laws but implementation process becomes very weak.</li> <li>• Limited inter and intra departmental coordination, cooperation and collaboration mechanisms and structures. This affects flow in communications and planning.</li> </ul>
<h2 style="text-align: center;">Opportunities</h2>	<h2 style="text-align: center;">Threats</h2>
<ul style="list-style-type: none"> <li>• Willingness on the part of CSO to cooperate with MDAs</li> <li>• Increased awareness of justice and human rights related issues in local communities. This has led to increased demand for justice especially in remote areas</li> </ul>	<ul style="list-style-type: none"> <li>• The effects of the outbreak of the Ebola disease on the sector</li> <li>• Changing priorities of the GoSL</li> <li>• With demand for justice outweighing the supply of justice, there is fear of discontent and people taking justice into their hands</li> <li>• Deterioration in the political system in the country</li> </ul>

- Increased number of SGBV cases due to the level of awareness. This momentum could be maintained with improvements in the supplied side of justice.
- Established security and justice structures such as CHISECS, DISECS, Local Courts, LPPBs, Child Panels set up across the country
- Existing legislations create the required platform for strengthening justice and security even in remote and marginalised communities

- Financial and human resource challenges faced by the MDAs. This will affect their ability to roll-out their strategic plans
- Changing donor priorities. Most donors are focusing on health and education related issues.

## (7.0.) Recommendations

To overcome the challenges and to improve on the prospects mentioned above, several actions have to be undertaken by the different stakeholders in the justice sector. These actions are mentioned below under each thematic area.

### Justice is Easily Accessible Locally

- The government needs to prioritise investment in the justice sector to ensure that it has the financial and technical capacity to efficiently and effectively perform their functions. This is crucial because the demand for justice and the government's role in addressing the growing justice needs by providing the required services has increased drastically. As such, more formal justice structures need to be established staffed with qualified magistrates, judges and state counsel. This has to be coupled with competitive salaries and conditions of service, adequate training, exposure, peer to peer learning and the material support they require.
- The next strategy has to prioritise primary justice service provision, as it is less costly, more accessible and acceptable in local communities. Thus, investments in the local courts and ADR mechanisms could essentially reduce the number of cases that go through the formal system and end up clogging it. This is an area that the LAB and CSOs could play a meaningful and more strategy role. However, with the use of ADR, paralegals should have a harmonised training and accreditation. Similarly, local court officials should be provided with capacity building opportunities, with their courts monitored to ensure that they are human rights and the rule of law compliant.
- Closely tied to the recommendation above is the need to ensure a horizontally integrated approach to working with CSOs. CSOs are a vital value addition to accessing justice in Sierra Leone and they are integral to the success of the justice sector and have to be treated as such. Inasmuch as there is much more progress made in this direction compared to pre-2015, there is more room for improvement.

- The next strategy should have a component on minority rights, including albinism and People with Disability (PwD). A minority groups access to justice may be vastly different from that of the majority, and it is important to ensure that there are safeguards and laws in place to protect these groups from abuses and violations of their rights. As such, there should be sensitive and flexible approaches to protecting and promoting human rights.

## Expedition of Justice

- The Criminal Procedures Act is still in the process of being enacted. However, the relevant actors should try to bring the process to an end as it has been ongoing for over several years. The executive needs to work with the House of Parliament to make sure that it is passed within the first year of the next strategy. When passed it has to be fully enforced to ensure relevance and effectiveness.
- To ensure the efficiency and effectiveness of the LoD, it will be very important for it to be transformed into an autonomous government subvented agency. Such a shift will strategically position the LoD to better deliver on required services. This shift should allow for a modernization process that will get the financial and technical support of the government and its partners, backed with the availability of significant political will.
- Inasmuch as significant progress has been made with the case management system, it is evident that much more needs to be done to decongest the courts and the Correctional Service Centers. This calls for a holistic approach including training the police on the use of discretion, investments in ADR mechanisms at the community level, community awareness and sensitization activities on social cohesion, expanding of formal justice structures and services, reduction of time spent per case and the use of alternative sentencing measures.
- The recruitment of stenographers for judges while dealing with witnesses would greatly expedite courtroom activities, as well as obtaining research assistants for judges. At the moment, judges must handwrite while witnesses are examined.

Interviews with justices have indicated that witness interviews greatly retard the expediency of the court, and this is further exasperated when there are multiple witnesses. With stenographers, judges will be able to more efficiently dispense of cases, and thus contribute to reducing the enormous backlog that strains the judicial institution. Furthermore, unlike the prosecutors and defence counsel, members of the Judiciary does not have support of research assistants. Equipping the judiciary with research assistants would enable judges to more rapidly dispense with cases and deliver judgments.

- In order to enhance justice for victims of SGBV, there is need to amend the Sexual Offences Act of 2012 to include a provision that criminalises out-of-court settlements. Extra-judicial resolution of serious offences against women and girls continue to pose a serious impediment to efforts aimed at combating violence against women.
- The FSUs need to be provided with the logistical and material support they require to investigate and deal with reported SGBV cases. The units are not reaching adequate assistance at the moment and that is affecting their ability to deliver on services required from them.

## **Respect for Rights and Accountability**

- Sierra Leone's approach to bail and sentencing has greatly improved over the course of the JSRSIP III. Indeed the Bail and Sentencing Working Group underwent a massive public education campaign on the country's new Bail and Sentencing Guidelines. There is great hope that these Guidelines will address the huge existing discrepancies in bail and sentencing of similar crimes within Sierra Leone. While this approach represents the beginning of a journey for the improvement of the bail and sentencing circumstances within Sierra Leone, it will be important to monitor the concrete effects, or lack thereof, of the guidelines.
- In addition, the justice sector must develop a more effective time and case management system. In the absence of such systems, the Judiciary will struggle to convince the public of its commitment to ensuring a fair and credible justice system.

- The next strategy should enable networking sessions with human rights-based organisations to share reports/observations on the justice system with a view developing adequate responses. At all levels, there must be an unbridled commitment to addressing the challenges that will continue to confront the justice system.
- MDAs have developed new strategies aimed at overcoming the challenges encountered in meeting the benchmarks of JSRSIP III. In the past, there was very little alignment with the JSRSIP III. The JSCO should encourage such alignment with a focus gearing towards ensuring that the JSRSIP IV succeeds.

## **Commercial Law and Justice Improved**

- There is the need to strengthen three elements of Commercial Law sector, namely, (1) the enforcement of court orders, (2) increase of arbitration mechanisms, and (3) the establishment of more Fast Track Commercial Courts; and the effort should start at towns that serve as regional headquarter towns. To strengthen the resolve, viability, and reliability of the Fast Track Courts, there is the need to have effective ADR process and institute mechanisms to enforce court orders.

## **Communcation and Stakeholder Engagement Improved**

- While many MDAs have made significant progress in delivering justice related services, they often do not communicate those achievements to the public nor do they communicate the obstacles they contend with. Thus, the public is often unaware of these progress or challenges, and subsequently base their conclusions of the sector on opinion rather than on facts. In response to these problems, the sector requires a comprehensive communication strategy that would employ radio/TV programmes and community outreach initiatives. Such programmes would increase public confidence in the justice sector.
- The JSCO should work with MDAs to establish an effective data collection, collation and management system that will help reduce discrepancies and contradictions and



provide credible and uniformed data across the sector. Such data, and its subsequent analysis, may support policy and strategy development, and thus give institutions greater success in the future.