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HYBRID SECURITY GOVERNANCE IN AFRICA
Secret Societies and Women’s Access to Justice in Sierra Leone: Bridging the Formal and Informal Divide

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Abstract

In Sierra Leone customary systems of governance have long been recognized as feasible alternatives to justice provision, particularly as formal institutions have yet to adequately address the barriers women face in accessing justice. However, the focus has often been on the chieftaincy, an institution largely dominated by men, although there are female chiefs. In this paper, I explore women secret societies, under the premise that such institutions might be better able to provide women access to justice. However, the paper shows that customary institutions, including women secret societies, by embracing cultural norms and values that undermine women, can not necessarily serve as a better alternative for women to access justice thus illustrating that hybridity as a concept is not necessarily the best approach to expanding access to justice for the most marginalized. While these societies can be important sources of power, they are constrained in terms of what they do for women: international and national narratives that question FGC, shifting norms regarding the importance of their role in Sierra Leone society and competition between formal and nonformal sources of power, particularly in the domain of GBV, all provide some limitations regarding what they can do in the arena of VAWG.

Introduction

In the wake of decades of civil conflict, democratic transitions and peacebuilding in a number of African States, security sector reform assumed a prominent role in international and security development agendas in the early years of the 21st century. Over time, however, security sector reform has come under fire for being overly state-centric. Reform takes as its starting point, the archetypical Weberian State, which grants monopoly over legitimate use of violence to the state, in addition to other factors. Thus reform has focused principally on the formal systems of security, policing and justice (Albrecht and Burr, 2009; Gbla 2006). In so doing, reform efforts have largely ignored the contested nature and practice of authority in many African contexts, where intersections of formality and
informality dominate and a plurality of actors and institutions, both formal and informal, compete, cooperate and contend for power as the reach of the State remains under-developed.

In recent years however, there has been a growing backlash to this, and increasing recognition of the contested, multi-leveled nature of authority obtaining in many African States, along with a discussion on the need to recognize and include informal systems of security and justice in security sector reforms. There has been growing acknowledgement both on the part of the state as well as international actors, that policing and other forms of security are not simply the domain of the state and that for reform to be successful, it must take on-the ground realities into account (Grindle 2004). Non-state actors can and do play instrumental roles in security provision in various contexts, competing with or working alongside the state (Baker 2008, Lund 2001). Hybridity as a concept has received growing acceptance; it has been seen as a good way to counter liberal mainstream approaches to state building, through recognizing locally grounded “more authentic” structures that in theory enjoy greater legitimacy in countries where the reach of the state is minimal (Mac Ginty and Sanghera 2013). However, as Bagayoko, Hutchful and Luckham write, “Whilst references to the informal security and justice sector have crept into the SSR and state-building toolkits, thus far they have been based upon incomplete empirical understanding of how this sector actually functions, and in particular of the complex interplay between formal and informal actors and institutions, which determine how policies play out on the ground and impact (or not) on the lives of citizens and communities as well as on the security of the state.” (Bagayako et al. 2016:2).
This paper offers a contribution to empirical studies on how hybridity functions in practice, particularly regarding widening access to justice for the most marginalized within society. It focuses on women’s secret societies and asks whether they are a better, alternative source for justice resolution, with a focus on sexual gender based violence (SGBV) crimes. Sierra Leone provides a good frame of reference, because unlike many other contexts, customary actors in Sierra Leone have long enjoyed legitimacy alongside the state, a legitimacy that has even been formally circumscribed within the law. However, discussions on hybridity often lack a gender lens (McLeod 2015) and many of the studies on customary justice in Sierra Leone have tended to focus on institutions largely dominated by men, namely, the paramount chieftaincy system (see for example, Fanthorpe 2006 and Sawyer 2008), which has been criticized for reflecting patriarchal values and perpetuating the constraints women face in accessing justice in Sierra Leone. However, there are other institutions that wield power outside of male institutional structures, such as women’s secret societies, of which less has been written. These societies form the basis of enquiry for this study as these institutions are both perpetrators of violence against women, while at the same time, wield a great deal of power. In light of works that embrace the concept of hybridity and focusing on customary institutions as possible alternatives, it is surprising that there is little focus on these institutions. One would assume that they can and do play integral roles in administering justice for women, and thus should also be seen as a key avenue for interventions.

The paper focuses on bodily integrity as the main security issue since it is one of the key areas of insecurity for women, both during conflict and in the post war reconstruction period with implications on other areas of women’s welfare. Globally, one study estimates
that 1 in 3 women will be raped or abused in her lifetime (Heise, Ellsberg, and Gottemoeller, 1999). Other works have made links between high rates of violence against women and war (Stark 2011, Hossain, et al 2010). Sierra Leone is not immune – during the war, violence against women was extremely prevalent with women raped, kidnapped, forced to fight and also serve as “bush” wives (Coulter 2008). Another study examining knowledge, attitudes and behaviors around AIDS, reported that 76.7 percent of 144 women surveyed reported either being beaten by their male partner, or forced into sexual intercourse (Coker and Richter 1998). Such violence has continued even in peacetime. Since 2009, Rainbo Centres in Kono, Kenema and Freetown have supported over 14,616 women and girls who have experienced both sexual and intimate partner violence. In this study, key informant interviews (KII) and focus group discussions (FGD) reinforce this. SGBV as defined here includes any form of physical violence committed against women and girls, including rape, domestic assault and other forms of physical violence.

In light of the positive ways in which hybridity has increasingly been discussed, and the need for more empirical studies to assess whether indeed hybridity offers better access to justice for the most marginalized, this research examined the following key questions: can organizations that are primarily women based provide better alternatives for women to access justice? Are they perceived as more legitimate than security arrangements encapsulated by the State? Do they serve to strengthen national structures or undermine them? To what extent can these serve as a potential positive source for those that argue in favor of hybridity, and ultimately protect the welfare of citizens, especially women? Such a study is important because despite years of security sector reform in Sierra Leone, civil
society activists, NGOs and scholars alike all acknowledge that justice still does not work for women, suggesting the need for new interventions.

In examining the interplay between formal and customary institutions in Sierra Leone as it pertains to issues of women and justice, the paper proceeds in five parts. I first define the key concepts employed in this paper and outline my methodology. Following this, processes of security sector reform in the formal sector in Sierra Leone are reviewed, looking at the components of reform and their limitations for women. I then review customary systems of justice currently operating in Sierra Leone and problematize the discussion of hybridity between formal and informal sources of justice. Within this frame, secret societies are examined, and their potential to serve as alternative sources of justice for women discussed. The paper concludes with a discussion of the implications of this for the notion of hybridity and whether and how this can benefit women in accessing justice in Sierra Leone.

**Theoretical Framework**

Before continuing, it is important to define the key terms used in this research. Scholars have used varying terms to delineate formal and informal structures and institutions. For example, some scholars use “official”, “modern” and “the State” to refer to the formal sector, while synonyms for the informal sector have included “customary,” “nonformal,” “local” and “traditional.” Regardless of which term is employed, the two concepts are not mutually exclusive. Instead there is overlap between what can be considered “modern” and “customary,” with the concepts in flux depending on societal and cultural changes that take place within societies over time. In Sierra Leone, not only is there much overlap between what is considered the formal sector and the informal sector, institutions that have
historically been perceived as informal, such as the paramount chieftaincy, have actually had their roles formalized through laws and decrees that regulate their interaction with state institutions of security (Baker 2005; Vincent 2012). Thus, the line between what can be considered formal and informal is blurred in practice, in response to various pressures, including cultural change, rules of the state, and changes in the external conditions in which they operate. Nevertheless, for ease of reference, in this paper, justice institutions that are part of the State’s organs are referred to as formal, while largely societal-based institutions including chieftaincy, secret societies and other similar groups are categorized as customary, with the understanding that in practice, the relationships are much more fluid than these terms imply.

There has been a growing acknowledgement in both academic and policy circles that multiple actors, including customary or traditional ones, characterize security and justice provision in Africa or what some have called hybridity. This recognition is particularly important in post-conflict contexts where liberal state building projects have often prioritized (re)making the state along Weberian and Westphalian lines that assumes the State has monopoly over security and justice. This has increasingly been seen as problematic, as it marginalizes customary sources of justice that theoretically could be more salient in people’s lives. In this paper, drawing on Bagayako, Hutchful and Luckham, hybridity is understood as referring to “the multiple sites of political authority and governance where security is enacted and negotiated’ including ‘the multiple ways traditional, personal, kin-based or clientelistic logics interact with modern, imported, or rational actor logics in the shifting historical conditions of particular national and local contexts’” (Bagayako et al. 2016: 6). While the concept of hybridity does a welcome job
of problematizing simplistic understandings of justice and security provision in non-western States, the assumption that customary sources of justice are potentially better at providing security for the most marginalized must also be interrogated. There is need for more empirical studies that examine in practice how customary institutions deliver justice to local populations. Although indeed, in many African contexts, customary systems and institutions are a relevant, if not primary source of authority for citizens, they also incorporate tensions and cultural norms that could make their forms of justice equally as problematic as those administered by the formal institutions of the state. Thus, while some have called for formal systems to complement informal ones, and urge that both are taken into account during reform processes, understanding the nature of the latter, must precede this if we are to understand, if, when and how, they can actually help citizens access justice. It is within this framework that secret societies are examined, to understand what outcomes result, particularly as it pertains to women’s access to justice for SGBV crimes.

Women are the focus of this paper because they are often identified as the most marginalized in terms of access to justice. Despite reform efforts, enduring loopholes in security sector reform (SSR) within formal institutions means that they remain under-served in accessing justice (Castillejo 2009, Denney and Fofana Ibrahim 2012). This suggests that the informal sector could potentially provide alternatives, particularly as it is often cited as the most influential in their lives (Baker 2005). However, others have pointed out that customary institutions are also problematic in terms of providing women access to justice, although the focus has been on male dominated institutions of the Paramount Chieftaincy. Could customary institutions that are dominated by women provide better alternatives? Specifically, the paper examines whether and how, informal systems that
regulate culture and life for women, namely secret societies, can serve as a potential alternative system of justice for women. The focus is on receiving justice for SGBV crimes as they are among the foremost security threats faced by women. UNHCR has defined SGBV as, “any act that is perpetrated against a person’s will and is based on gender norms and unequal power relationships. It encompasses threats of violence and coercion. It can be physical, emotional, psychological, or sexual in nature, and can take the form of a denial of resources or access to services. It inflicts harm on women, girls, men and boys.” ¹ While SGBV crimes can indeed be perpetrated against females as well as males, the focus in this paper is on violence against women and girls (VAWG) as they are disproportionately affected.

The questions considered include whether secret societies act as non-state security actors and if so, how they function in this capacity. On whose behalf do they act? Do those on whose behalf they act consider them effective and legitimate? Is there, or should there be an opportunity for them to work in concert with state actors? In short, the paper examines whether and how informal/non-formal/traditional avenues of justice complement, supersede or replace formal institutions, and the potential impact on women’s access to justice, with an eye to informing dominant understandings and policy promotion of security sector reform in ways that will improve citizens’ lives, especially for those that are marginalized and oppressed.

**Methodology**

Data for this paper was collected from qualitative interviews and focus group discussions (FGDs). Semi-structured interviews (SSIs) were conducted with questions tailored to the different interview participants. Interviews were conducted with the following categories of people: participants affiliated with formal systems of justice, namely police, lawyers, and civil society activists, including women’s rights actors and members of international and national NGOs, working on increasing women’s access to justice; key elites within the relevant line ministries of Justice and Ministry of Social Welfare, Gender and Children’s Affairs; as well as members of secret societies, including those in leadership roles like the Soweis. Focus group discussions were also held with women, and men, both members and non-members of secret societies to understand their experiences with justice meted out by secret society members and to see how they experience both the formal and informal avenues of security in their daily lives. I also attended meetings on women’s rights, justice and policing issues to get a better sense of the context in which justice for women operates. Research was conducted in short research trips over 2015-2016 in Sierra Leone. Interviews were conducted in all four geographic regions in Sierra Leone, North, South, East and West. Key informant interviews were conducted in Freetown (Western Area), Bo (South) and Kambia (North) while FGDs were also conducted in Freetown, Makeni (North), and Kenema (East). Three focus group discussions were held in each one of these regions, with a balanced number of women and men, including representatives from the following groups: Ward Committees (local development groups), ‘Mammy Queens’, business women and men, CSOs, teachers, nurses, Family Support Unit representatives of the Sierra Leone Police (SLP), chiefs, and Muslim and Christian Religious leaders.
Security Sector Reform in Sierra Leone: Hallmarks and Limitations

As one of the countries emerging from civil war early in the turn of the 21st century, Sierra Leone along with countries like Liberia and the DRC underwent security sector reform as a means to ensuring greater peace for citizens in the country. These interventions were part of the brand new approach to state reconstruction that surfaced in the late 1980s, with international actors focusing efforts on “state building,” or strengthening governmental institutions as a central component of reconstructing states emerging out of war (Paris and Sisk 2009). This liberal peace-building model acknowledged that for peace to endure, the institutional foundations of fragile countries needed to be strengthened, or in some cases, reconstructed entirely. In addition, despite the tragedy of conflict, scholars have posited that post-war contexts offer potential space for the creation of new institutions and new ways of thinking (Mobekk 2010; Smet 2009; Duffield 2001), including altering patriarchal systems and attitudes that have disenfranchised and marginalized women. Along this vein, they have argued that post conflict contexts can provide an opportune moment to undertake reforms that can promote greater incorporation of the needs of women in the security sector (Meintjes et al. 2001; Koen 2006; Arostegui 2013).

In Sierra Leone, the widespread recognition of weaknesses in the Justice Sector as a contributing reason behind Sierra Leone’s ten-year civil war (Fanthorpe 2001) led to priority given to justice sector reform in the years since war’s end and a variety of reform efforts have been carried out, largely funded by DFID through its Justice Sector Project. Efforts included “initiatives to strengthen the ministry of justice; re-build, train and equip the police; rebuild courts and train the judiciary; undertake legislative reform; provide paralegal assistance and alternative dispute resolution mechanisms; improve the quality of
justice within local courts; and establish oversight mechanisms” (Castillejo 2009, Jackson and Albrecht, 2010). The reform movement in Sierra Leone was part of an overall global approach to rebuilding post war states, and took as its model, the largely Eurocentric view of the Westphalian state that vested authority in the formal institutions of the state, and for the most part, ignored local institutions, traditions and perspectives that competed with the state for legitimate authority.

Thus, in Sierra Leone, DFID’s security system reform process has focused on state-centric institutions like the police, military and judiciary organs (Albrecht and Burr 2009, Gbla 2006). To date, DfID has funded three programs dedicated to transforming and improving the police, with 83 percent of the total budget allocated to Africa-wide security sector reform programs going to Sierra Leone (68.7 million out of 82.2 million pounds) (Denney 2013). Example of reform efforts include the establishment of Family Support Units (FSUs), in the police sector, in 2001 to help address sexual and gender based violence through providing safe and receptive spaces that would encourage women to come forward. The Sierra Leone Police (SLP) also introduced a number of schemes and policies geared toward making the institution more gender responsive, which include, the 2008 Gender Mainstreaming and the Sexual Exploitation, Abuse and Harassment Policies. These policies had as objectives, increasing the recruitment, retention and promotion of female staff as well as articulated formal policies to protect women from sexual harassment and abuse. Another reform initiative was the Police Local Partnership Boards, introduced in 1999 as part of community policing. These represent another step taken by the police to facilitate communication between the police and local communities, involving
communities in detecting and preventing crime, and ultimately promoting smoother relationships between the two (Baker 2007).

However, reforms have been criticized on several levels. Regarding the Police and Local Partnership Boards, Baker (2007) finds that for the most part, they remain elite-dominated, and suffer from a lack of sufficient attention paid to ensuring that community needs were adequately represented. It is also perceived as a foreign import and consequently, lacks ownership among members of the community. Continued female underrepresentation and marginalization within the police also led to the review and revision of the sexual exploitation, abuse and harassment policies in 2014 with better defined institutional mechanisms put in place to address grievances raised by female staff.

More generally, scholars have argued about the sense of focusing reforms on the formal institutions of the state, questioning attempts to reconstruct institutions that did not necessarily work well in the first place. Gender scholars have also critiqued the state-centric conceptualization of security (see for example, Clarke 2008), arguing that where security primarily refers to ensuring the territorial integrity of the nation-state, it is limited and ignores many of the security concerns that women face even in peacetime.

“Human security” has been advanced as an alternative concept, linking security and development, through expanding notions of security to include socio-economic security, and “freedom from want” as well as “freedom from fear,” (UNDP Human Development Report, 1994). Human security thus adds for consideration, security threats that arise from not meeting human welfare needs (Hamber et al. 2006), including, hunger, lack of shelter and so on (FAFO & NUPI 2001). This concept has also been able to include women’s bodily integrity. The latter is especially important since several scholars have pointed out
that violence against women actually increases rather than decreases in the aftermath of war (Meintjes 2001; Barry 2005), including domestic violence. Thus reform processes that focus solely on territorial integrity will be unable to address security concerns that women face.

Hamber et al (2006) take this one step further, calling for a “gendered security approach” in a thought provoking article that illustrates how allowing women to voice their own definitions of security reveals their concerns with the concept as conventionally defined and their desire for “social transformation,” rather than simple reconstruction. Interviewed women generated multidimensional definitions of security, and pointed out that superficial reforms addressing for example, only the obvious military component often failed to address structural inequalities, including hierarchical social relations (Steans 1998) or other contextual factors that impeded women from being able to take advantage of new opportunities provided by reforms. For example, in Sierra Leone, few women participated in the Disarmament, Demobilization and Reintegration (DDR) processes due to stigmatization associated with being a rebel (Mazurana and Carlson 2004), while other authors note that the drive to increase the numbers of women in the police force yielded women whose primary expectation was to cook for male colleagues (Anderlini and Conaway 2004).

Along similar lines, Clarke (2008), has argued that rather than “just adding women in,” encouraging women’s inclusion in conventional security systems, there is a need to rethink the very cultures of these systems. For Clarke, reforms must address “militarized masculinities,” questioning and addressing the very culture within militaries that privilege aggression and violence that contribute to women’s insecurity. Simply adding women to
these cultures without transforming them will not meaningfully address concerns that women face, a point also raised by Bendix (2008). This approach differs fundamentally from the “add and stir” approach inherent in gender mainstreaming, which has focused on numbers, on simply bringing women to the table, whether through having more women present in the police or military forces, within bureaucratic structures assigned with the role of making change happen or conducting gender training (Clarke 2008, Hendriks and Valasek 2010). Furthermore, gender mainstreaming has been criticized as it means there is no dedicated budget, personnel or strong monitoring and evaluation processes in place to assess substantively quantitative and qualitative change, and the focus is on numbers and recruitment policies rather than more substantive discussion on what gender responsive security and justice systems should look like.

Thus, although gender mainstreaming is a step forward from completely overlooking women in SSR, it is also limited. Where women are included, they are incorporated in a pro-forma, technical fashion, where the focus is on ensuring that checklists are met, including bringing women in without addressing underlying constructs including power relations and cultural attitudes and perspectives that strip women of agency and power. Moreover, it takes an instrumentalist, often essentialist view of women, assuming that having more women will automatically result in a security sector that will perform better, including being able to perform security duties such as body searches of other women, or addressing SGBV because as women, they are better placed to understand and respond to violence against women (Hendricks 2012). This utilitarian approach also imbues women with qualities not necessarily substantiated by empirical research as well as ignores findings that suggest women in predominantly male institutions will conform and take on
perceived male character traits such as aggression for example (Clarke 2008). In short, simply being female within sexist institutional cultures does not necessarily lead to more beneficial security outcomes for women, in the face of social gender norms that contribute to their marginalization. Fundamentally then what is desired by feminist scholarship is not to simply talk about inclusion and policies in SSR, but to rethink the very notion of security, as well as how institutions engage around women’s lived realities and security concerns.

It is important to note however, that context does matter. In addition to contributions that make many of the points outlined above regarding SSR, including overlooking women, or adding them in through a checklist approach, Olonisakin and Okech (2011) also point out some countries were able to successfully take advantage of a post-war context because of the opportunity afforded by women to mobilize, leading to strong women’s movements as for example, was the case in Liberia (Alaga 2011). In Sierra Leone, the cultural context has contributed to a justice and security sector that remains problematic for women, in light of tangible as well as conceptual constraints as will be discussed later.

Another critique about security sector reform is the marginalization of customary justice alternatives. While in many instances, it is clear that the state is not the only actor in security and justice, paradoxically it has featured most prominently in reform efforts (Smith-Hohm, 2011). Smith-Hohm (2011) has criticized reform efforts in Sierra Leone for focusing primarily on formal instruments, leaving out non-state actors with possibly greater legitimacy and support from citizens in rural areas. These actors could arguably be seen to dispense justice with more effectiveness and efficiency in addition to having greater legitimacy. For Smith-Hohm, where the state was not seen to be meeting the security needs of the population, there was a tendency to disengage (exit) and seek alternatives. It is within
this context that she believed customary security mechanisms took on salience. In a 2006 perception survey, she found that 26.6 percent of respondents in Sierra Leone said that secret society members were an important source of justice and security, a finding that was further reinforced by FGDs where headmen and Soweis (initiators of Female Genital Cut (FGC) were all listed as actors in whom respondents had a positive impression as dispensers of security and justice (Smith-Hohn, 2011: 103). She concludes,

“The incorporation of traditional non-state actors such as the secret societies in the security arena appears to be a unique feature of Sierra Leone’s post-conflict environment. In terms of security sector transformation, this indicates that it should be easier to acknowledge and integrate such actors into the reform process.”

However, in light of above raised concerns about culture, masculinity and the limitations of the assumptions that institutions with women will automatically lead to better outcomes for women, the question arises as to whether integration is really so easy or so desirable. While indeed customary systems of justice are important, on whose part do they administer justice? What kind of justice is dispensed? Do all citizens benefit equally? Is integration, or hybridity really desired? What would be the best way for them to work together? It is to these questions the paper now turns, first through examining limitations of accessing justice in the formal sector, especially for women, as described both in the literature and field based research, before turning to an examination of the feasibility of alternative customary arrangements, with focus on women’s secret societies.

**Experiencing Justice in Sierra Leone: Limitations of the Formal Sector**

Interviews with a variety of civil society activists, NGO workers and government personnel, noted a host of constraints women continue to face in accessing justice in the
formal sector in Sierra Leone. These issues cut across security as well as justice.

The Police

One of the areas that continue to be problematic for women in accessing justice is the police sector. While FSUs have been a welcome addition, research reports indicate the continued low numbers of recruited staff among other issues (CARL 2014). These issues were also identified during interviews. Thus, while women police officers for example, mentioned receiving training in the handling of rape cases and the provision of increased sensitivity and counseling training for women, they nevertheless noted that despite this training, women were still reticent about coming forward out of fear that their cases would not be handled with sensitivity, the lack of availability of female police officers to speak with, or that police would be unsympathetic. Police also continue to face resource constraints, which lead to difficulties in conducting investigations. Difficulties include the inability to pursue perpetrators as they either lack vehicles, the money to buy fuel if vehicles are available, or monies to pay for public transport to undertake investigations. FSUs are also understaffed and overall few in number, with most of them based in Freetown, while many crimes also occur in the rural areas. This means that women sometimes have to travel far distances to access FSUs, costing them transport or wages for missed days, all of which serve to deter women from using police.

The Director of the Rainbo Centres, Tania Sheriff, felt that FSUs are still unable to properly document rape cases, and have charged rape cases to court incorrectly, possibly

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2 Interview with Mira Koroma, Head, Family Support Unit, and Jeneba Shyllon, Protocol Officer, Gender Unit February 1, 2016
3 Interview with Ibrahim Tommy, Director, Centre for Accountability and Rule of Law, April 22, 2016; Interview with Mira Koroma, Head, Family Support Unit, February 1, 2016; Interview with Nicky Spencer Coker, Legal Aid Board, August 28, 2015; Interview with Baindu Massaquoi, Programme Specialist, UNWomen, August 23, 2016.
4 Interview with Tania Sheriff, Executive Director, Rainbo Centres, April 19, 2016.
sometimes, as a way to ensure that cases were dismissed. She also noted that there was an inherent lack of clarity regarding the law, the role of the police and the role of the Centres, both on the part of the general population as well as the FSUs. For example, she mentioned cases where families would seek the assistance of the police in the event that their underage teenage daughter might have been abandoned with a baby, or cases where teenage fathers refused to support the mothers of their babies. In many cases, families went to the police to secure financial support for the baby, months or even years after the incident, rather than pursue charges of rape especially where the girls in question were underage. She noted that for families, the crime was not necessarily the rape, but rather, concern for financial compensation and child-care. FSUs would then refer these families to the Rainbo Centre for physical examination. However, in light of the time passed, these crimes were no longer within the remit of the centre as the issue was now one of abandonment rather than rape. Moreover, families also failed to understand that such issues were the responsibility of the Ministry of Social Welfare, rather than the police.

During interviews, several respondents noted that while FSUs have received considerable training, what they need more are resources. However, donors appear reluctant to provide them with money directly, for reasons that are unclear. Lack of resources including access to transportation, or fuel for cars meant that police found it difficult to conduct investigations, leading to a lack of access to justice for women, that cut generally across cultural, religious, and socio-economic lines.

**Health**

The provision of health care, especially for women suffering from SGBV is also

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5 Interview with Emma Mulhern, Governance Advisor, Irish Aid, September 1, 2015.
problematic. Health care is supposed to be free, but often women are made to pay (BAN 2015; Save the Children 2015). Moreover, hospitals are understaffed with few doctors in relation to the population. The dearth of doctors poses an additional problem for victims of sexual assault as a doctors examination and certification is necessary by law, should women want to take the case through the courts. As already mentioned, there are only three centers dedicated to assisting victims of sexual assault countrywide. The Rainbo Centres, as they are known, function as Sexual Assault Referral Centers and are based in Freetown, Kono and Kenema. They provide medical, psychosocial and legal referral services to women affected by SGBV, and work closely with FSUs, and other government agencies. Among services provided are psychosocial counseling and support as well as assistance in helping survivors plan their next steps, including advice, guidance and even some financial assistance if they want to pursue their case through the formal legal system. While nurses treat women, the Centre also provides a doctor, to facilitate the process for women who wish to take their cases to court. While the health care system is not directly linked to constraints women face in seeking justice through the formal system, the absence of qualified doctors to certify that rape or abuse has taken place means that women are unable to sustain their case in courts as evidence is not admissible. Thus, the lack of health centers that have dedicated staff to assist women does have direct implications on access to justice.

Another articulated concern in interviews\(^6\) has been the lack of forensic equipment, which can provide sample evidence when cases go to court. During a rally organized by outraged women groups in September 2015, following the alleged rape and death of a young sex worker, and attended by government officials including the Minister of Women,

\(^6\) Interview with Nicky Spencer Coker, Legal Analyst, Legal Aid Board, August 28, 2015; Interview with Lois Kawa, Vice Chair, LAWYERS, August 26, 2015.
Gender and Child Affairs, as well as a host of NGOs and IGOs including UNFPA, IPAS, Oxfam, UNFPA promised that they would supply one to the government, although as of July 2017, this has yet to happen.

Role of the Courts/Judiciary

A third constraint faced by women attempting to go through formal channels for redress is posed by the legal system (Denney and Fofana Ibrahim, 2012). Similar to the FSUs, there is a shortage of courts, particularly in the rural areas, and women have to travel long distances in many cases to access courts.

Additionally, because courts often have a backlog of cases, cases are often adjourned, posing a further deterrent, as women not only have to face transportation costs, but also repeated visits before their cases might finally be heard. Other interview respondents noted that courts were often uncomfortable, without air conditioning (AC), and lawyers did not have clerks to assist in taking notes, making it more likely they would adjourn cases because of fatigue or discomfort. While a respondent from Irish Aid noted that they are supporting Saturday courts, as well as the installation of AC units to make the courts more comfortable, a respondent from the Legal Aid Board noted that pursuing one’s case through the court system took time and money, which for many poor victims were in

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7 According to The Government of Sierra Leone Justice Reform Strategy 2008-2010, 70 percent of the population finds it difficult to access formal courts.
8 Interview with Nicky Spencer Coker, Legal Analyst, Legal Aid Board; Interview with Lois Kawa, lawyer, member of CSO, LAWYERS, Interview with Ibrahim Tommy, Executive Director, CARL; Interview with Tigidanke Bayoh, Woman Civil Society Leader, September 9, 2015
9 Ibid.
10 Interview with Emma Mulhern, Governance Advisor, Irish Aid, Interview with Tania Sheriff, Executive Director, Rainbo Centres, April 19, 2016.
11 Ibid.
12 Interview with Nicky Spencer Coker, Legal Aid Board, August 28, 2015
short supply. The Legal Aid Board was convened by an act of parliament to help assist the many numbers of people languishing in prison for petty crimes, and help move cases to trial as some people in prison have spent over two years in remand without having their cases charged to court. However, one of the board’s Legal Analysts also noted that they too are overburdened and under-resourced, and despite significant efforts, prisons remain overcrowded as there are simply not enough lawyers for poor people, and the State only provides legal representation in capital cases (Castillejo 2009).

Another initiative mentioned to help women access justice was to provide transport for women to attend courts.\textsuperscript{13} However, the point was also made that it is not simply getting women to courts; the process itself was intimidating and forbidding for many women who were often illiterate: court sessions are conducted in English (which many women do not necessarily speak) are long and boring, and the process of testifying in open court, often without a lawyer, on sensitive and painful topics all posed barriers.\textsuperscript{14} This was compounded by cultural factors where women are raised to be docile and obedient, and to protect the name of the family, leading women to fear and be reluctant to participate in the process.\textsuperscript{15} For example, Castillejo (2009: 11) writes that women’s organizations have talked about the stigmatization and ostracism faced by women who bring cases against male family members. These women are considered “bad women” and are alienated from their families.

Underlying all of the constraints mentioned by interview respondents was the sentiment that there was a culture of impunity, and lack of concern when it came to SGBV crimes. Despite an increasing number of these crimes being reported, there was no corresponding

\textsuperscript{13} Interview with Emma Mulhern, Irish Aid, September 1, 2015
\textsuperscript{14} Interview with Christiana Davies Cole, Project Officer, LAWYERS, August 22, 2016; Ms Baindu Massaquoi, Programme Specialist, UNWomen, August 23, 2016
\textsuperscript{15} Interview with Emma Mulhern, Irish Aid
increase in the number of convictions. Respondents appeared to agree that rape is still yet to be taken seriously as a crime, and the perception that rape and other acts of violence against women can be perpetrated with impunity is supported by the low number of convictions or lack of apparent consequences for these crimes.\textsuperscript{16} Despite ongoing reforms in the justice sector, many of the underlying reasons behind violence against women remain unaddressed, as does the physical capacity for both the police and the law courts to deliver justice.

Respondents confirmed findings in the literature: that it is difficult for women to access justice in the formal sector, suggesting a role, and even in some cases, a preference for informal actors. As Smith-Hohm has pointed out, where the state is unable to perform key duties such as securing justice for citizens, informal institutions for security and justice can pose an appropriate alternative. However, the feasibility as well as appropriateness of justice meted out by these institutions all depend on the power relations that are inherent within these institutions as well. In terms of informal sources of justice, chiefs and native courts are often cited as an alternative. Less discussed have been secret societies, although several authors have acknowledged that they have a role to play in ensuring access to justice and security. I turn now to a discussion of customary alternatives to justice in Sierra Leone.

\textbf{Mapping the Informal Justice and Security Sector in Sierra Leone.} \textsuperscript{17}

\textsuperscript{16} Interview with Honorable Rugiatu Neneh Turay, Deputy Minister, Ministry of Gender, Children and Women’s Affairs, August 24, 2016; Nicky Spencer Coker, August 28, 2015; and Emma Mulhern, September 1, 2015.

\textsuperscript{17} This section is heavily indebted to Fanthorpe and Gaima’s 2012 review of informal justice in Sierra Leone for the Access to Security and Justice Programme.
Sierra Leone provides one example of a country where customary actors do play an acknowledged role in security and justice provision. However, this has not necessarily led to better justice outcomes for women despite attempts to reform this institution and to formalize it. In this section I examine the historic role of the chieftaincy in providing justice in Sierra Leone, and review attempts made by the State to formalize these roles.

Emerging out of the system of indirect rule implemented by Britain, Sierra Leone had a dual governance system where constitutional rule co-exists with customary law, although the former ostensibly takes precedence where conflicts arise. Between 1896 and 1951, the so-called Protectorate, as the hinterlands beyond Freetown were called, was governed under indirect rule; Chiefs were responsible for judging all civil and criminal cases in their jurisdiction in cases between “natives,” that is, Africans that lived in the Protectorate as opposed to Freetown, the colony, who were governed under British (common) law. Although a series of acts have tried to bring the chieftaincy increasingly under the jurisdiction of the State, for the most part, it continues to function largely separate from, and independent of the state. Acts and ordinances like the Protectorate Courts Jurisdiction Ordinance of 1932, the 1937 Chiefdom Councils Act, the 1963 Local Courts Act, and the Local Courts Act of 2011 all show clear attempts to regulate the institution, providing clear boundaries regarding jurisdiction and adjudication powers. In practice however, overstepping of boundaries is the norm. Similar to the colonial era, the increasing retraction of the state in the 1980s facilitated by structural adjustment crises as well as Steven’s neopatrimonial policies led to a situation in which Chiefs had significant autonomy which they abused. According to a Ministry of Local Government Report cited in Fanthorpe and Gaima, “chiefs of all ranks were presiding over informal courts, often levying heavy fines
without issuing receipts or paying monies into chiefdom bank accounts” (2012: 11). Moreover, although not legally supposed to adjudicate, as per the 1975 Amendment Act, chiefs were long exercising this role, even before the crises of the 1980s. At the same time, chiefs enjoy considerable legitimacy in Sierra Leone although some authors argue that their excessive punishments, fines and authoritarian approach were a no small contributor to the civil war (Richards 1998).

An enduring legacy then, of colonial rule, has been the juxtaposition of two forms of control and policing, where “formal” systems of justice imposed by colonizing powers uneasily co-exist with traditional sources of justice that were often the locus of customary agents charged with the oversight and administration of justice (Eggen 2011). Although scholars such as Mamdani (1996), have pointed to the troubling nature of so-called traditional sources of leadership, arguing that colonial powers altered customary forms of rule in ways that legitimized authoritarianism, and invented tradition through the creation and promotion of chiefs that supported colonial rule, while at the same time undermining pre-existing checks and balances, traditional institutions as embodied in structures such as the chieftaincy remain very salient in the lives of many. This is true in Sierra Leone. Though excesses of the chieftaincy system have been blamed in part for the civil war (Richards 1998, Hanlon 2005), some of which continue in the post war era (Fanthorpe 2006), they nevertheless remain an important source of authority, justice, and policing in rural areas (Jackson 2007). Citizens are more familiar with their chief than elected public officials (M’Cormack-Hale 2013). Afrobarometer data from the most recent round administered in Sierra Leone in 2015, also show that citizens trust customary actors more than both local council as well as central government officials with 34 percent of
respondents stating they trusted traditional leaders “a lot” compared to 12.2 percent that stated the same for local government. Similarly, citizens expressed low amounts of trust in both the police and the courts, with 40.9 percent of respondents saying they did not trust the police at all and 29.6 percent saying the same of the local courts. In Sierra Leone, even with the caveat that chiefs in theory do not adjudicate (although they do so in practice), they are very active in arbitration and rural community members overwhelmingly indicated preference to chiefs over local courts and the Sierra Leone police, citing timeliness, and a fairer judgment (Fanthorpe and Gaima 2012).

Village residents often cite greater access to chiefs than state institutions as the latter simply lack the resources to effectively project force and security in significant ways beyond main urban centers. According to Baker, in 2008 there was one police representative for every 625 people, or 8,000 police serving 5 million people (Baker 2008a: 555). At least 70 percent of Sierra Leoneans do not have access to the formal justice system (Baker 2008a), and instead, access justice through the network of community-based local courts that have functioned under paramount and local chiefs. Despite decentralization and the revival of local government in 2004, chiefdoms remain in place as the lowest tier of government. Chiefdom governance is performed by 149 paramount chiefs and over 15,000 sub-chiefs (section chiefs and town chiefs), who are at the frontline of the justice sector, and have oversight of numerous cases at the community level (Fanthorpe and Gaima 2012). Thus, despite numerous abuses noted by chiefs, they are nevertheless a respected institution and rather than abolition, most people, when asked, would call for reform (Fanthorpe 2006).
As the above makes clear, while customary institutions are clearly recognized as justice providers in Sierra Leone, the emphasis of attention and reform are on chiefs, who are often the most visible and well-known authority structures in local communities. However, they are not the only actors. During focus groups in target communities, respondents mentioned other customary actors to whom they would turn. In terms of preference, family members and/or elders were often cited as the first point of contact when troubles arose. According to Hawa Samai, head of Amnet, an advocacy network that fights to end FGM, “You will find out that most of the women will go to elders – whether women or men that they believe command respect in their communities; to seek advice, redress to their situation. Because they know there is no financial obligation is sought. It is part of their duty as the most respected person, and serves to enhance their visibility in their community, a role to show that they are important.”

Also mentioned frequently in FGDs across communities, as well as KII, were civil society organizations. These were the second most frequently mentioned, along with the Family Support Unit. Civil society organizations were seen as intermediary bodies that mediated between citizens, and formal institutions of the state such as the police and law courts set up to protect women. While secret societies were mentioned by respondents, it was often as an afterthought, or in response to probing. I turn now to a discussion of Secret Societies, before examining the role they play in helping women access justice, as described by research informants.

**Women Secret Societies – A Brief Overview**

As highlighted above, much of the research on customary alternatives for justice have

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18 Interview with Hawa Samai, CEO, AMNET, April 20, 2016
focused on chiefdom structures as well as chiefs as the principal customary sources of authority. However, women Secret Societies have also been named as avenues of justice, although less has been written on their roles.

Known as Bondo in the North and in Freetown and Sande in the South, Secret Societies play instrumental roles in all aspects of community life. These include education in both practical skills-based crafts and cultural and historical traditions, regulation of members’ activities as well as serve as a source of mutual insurance for members. According to Carol MacCormack:

“Sande is a women’s secret society that initiates girls into womanhood and makes them eligible for marriage. Since social grace, good health, fertility, successful childbirth and nurturance are not matters to be left to nature but are conditions and events caused by Sande wisdom, rites and practical experience, it is an institution that continues to assist women throughout their adult life. (1979: 27).

A primary function then of Sande/Bondo is to inculcate girls with the values that are seen as necessary for a girl to be a good wife and mother, thus conforming to traditional culturally prescribed gender norms. Outside of these functions, the societies also are relevant political and social instruments; prominent politicians often have to belong to a society before they can be elected, and they are seen as appropriate repositories for economic self-help (Fanthorpe 2007).

The primary hallmark of initiation into Bondo Society is through seclusion in the Bondo ‘Bush’, undergoing female circumcision and what are considered other rites of passage into womanhood. In addition, secret societies have their own body of rules that regulate the behavior of both members and non-members alike. They thus articulate very specific values about women and the roles they play in society, in addition to regulating and controlling their behavior.
Regulations Governing Secret Societies

Unlike the chieftaincy system, there are few laws with direct implications on the practices of Secret societies’, and they remain largely outside the domain of the state. However, there have been some rulings that have had implications on their practices, and while these societies are ostensibly informal cultural systems regulating women’s behavior, they also exhibit some level of formality and have mobilized to counter and advocate against policies they believe are detrimental to their existence.

Bosire (2012) notes that the Sowei Council, with country-wide representation of Bondo leaders was born in 1993, in the wake of a meeting organized by a prominent Sierra Leonean doctor and anti-FGC campaigner in which they were invited to discuss the adverse health and human rights issues associated with FGC. This core group is made up of well-educated members and is the focal point of contact with the rest of the membership body through which they formulate a common stance on salient issues, and mobilize against rulings or laws they believe might adversely impact their activities. A good example of this is the Child Rights Law, passed in 2007. While the law does not prohibit cutting, it forbids any practice that “dehumanises or is injurious to the physical and mental welfare of a child”; which for some activists would include FGC. The Society interpreted this act as one in which the state and other activists were “trying to tell them what to do.” For Bosire (2012), the formal organization of the disparate groups under one umbrella body indicated a desire to not only articulate a unified stance in defense of their position, but also indicated an awareness that such formalization would provide them with greater legitimacy in their communications with government. The Council is also registered with the Ministry of
Social Welfare, further blurring the formal and informal divide. In the wake of this act, some village chiefs and Bondo leaders have raised the age of cutting to 18.

However, there are no laws that ban FGM outright, although Sierra Leone is signatory to some laws that implicitly refer to FGM. These include, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which while ratified in 1988, was not reported on until May 2007, and the Child Rights Bill, passed in 2007, but with the clause explicitly calling for a ban on FGM removed. The state has passed other laws that have tried to address some of the limitations of customary law, especially as it relates to women. Largely through the collective work of local women’s rights groups and international pressure (Centre for Accountability and Rule of Law, 2007; Fofana Ibrahim 2015), Sierra Leone parliamentarians passed a series of bills in 2007 and 2012, collectively known as the Gender Justice Laws to address widespread discrimination and violence experienced by women and girls. The three laws, Registration of Customary Marriage and Divorce Act (2007), Domestic Violence Act (2007) and Devolution of Estate Act (2007) sought to address the rights of women in customary marriage, age and consent of marriage and the implications of the lack of registration of customary marriages and divorce for women’s legal rights; made domestic violence a criminal offence; and addressed women’s property inheritance rights which under customary law they did not have. The Sexual Violence Act of 2012, sought to strengthen punishments meted out to perpetrators of sexual violence, and address issues relating to the prosecution of these offences, including lack of witness protection to victims as well as remedies and compensation. More recently, in 2015, the government ratified the Maputo Protocol, a continent-wide initiative aimed at enshrining various rights for women in Africa including
ending child marriages, and promoting women’s economic empowerment, but has resisted introducing a law that would outlaw FGM (Guilbert 2015) facing stiff resistance from civil society pressure groups.

The impact of these law reforms have been mixed. Knowledge about them tends to be concentrated in Freetown, although women parliamentarians have reported visiting their constituencies to sensitize them about these laws (M’Cormack-Hale 2015). It would seem that such visits are yielding fruit, although women are still subject to unjust rulings (Fanthorpe and Gaima 2012: 23). While the laws do address issues of women’s rights considerably, activists have been unable to address the aspect of cutting, which has successfully been fought by Soweis and members within these societies.

While the laws do address issues of women’s rights considerably, activists have been unable to address the aspect of cutting, which has successfully been fought by Soweis and members within these societies.

While secret societies wield considerable power, and in a society that is often described as deeply patriarchal, have been able to assert their power over both formal institutions as embodied by structures like the police, their role begs the question of whether this power sits in line with traditional institutions as embodied by the chieftaincy or challenges them in ways that promote women’s agency and power.

There are several reasons why one might assume they might be seen as a better alternative than chiefs, especially in light of literature discussing the importance of women’s inclusion in institutional structures as a way to address the concerns that have been raised about the problems women face in accessing justice. Women’s Secret Societies’ are widely revered, if not feared, and therefore rarely interfered with. Without question, secret societies have been able to challenge male forces as well as play a role in the security and justice sector. Fanthorpe writes that, “Rural men in particular fear and respect the women’s society, especially its putative power to punish them both spiritually
and physically if they mistreat their wives or otherwise transgress Sande/Bondo medicine laws.” (2007: 19). Charley and M’Cormack (2012) recount an example of this in their narration of the difficulty that male police officers had in taking action to assist a mother who accused the Bondo Society of kidnapping her daughter and forcing her to undergo initiation as men are banned from the “Bondo Bush.” Secret society members command enormous respect and fear to which even chiefs are subject. As Bosire (2012: 93) has commented, “not even the chief will go uncensored if they are perceived to act contrary to what is generally regarded as a breach of Bondo society ‘laws.’” He illustrates this through a narrative of a focus group statement made by a Sowei council member:

Like chief D, he called Sowei J and he pulled [removed – my italics] the Sowei from the bush. We are against any disturbance to our people [members], this is what we stand for and even die for. If he tries to remove one of our Soweis, we will stand up to him [challenge him] (people cheering). So after we finished, we went and asked him why he did a thing like that. He could not answer. He just dodged. That resulted in a quarrel. The case was taken to the other chief. We stayed there the whole day but the chief could not respond to us. But we showed him we are women. We stood our ground and even demanded he pays us back. He still owes us. He only paid half of this amount. It is still with him [he knows he still has to pay us the remaining money]. That is how we left the place. We say unity is strong. If you do something in unity, it will be productive but as soon as you fall apart, you will be destroyed (PRO comments during focus group) (Bosire 2012: 93).

Bosire also notes that chiefs financially benefit from the Bondo, receiving income from marriage levies and license fees collected by the Society, and thus are enmeshed in reciprocal ties – support of Bondo in exchange for material and cultural support.

Politicians are also loath to interfere in Secret Society Business. Although female genital cut is a common practice throughout Sierra Leone, it is also a highly political issue, demonstrated by the fact that despite international campaigns and pressure from rights activists in the capital to put an end to the practice, the strength of Bondo is such that
politicians have been reluctant to oppose, and in fact have continued to endorse the practice, for fear of losing the support of its powerful champions who are able to deliver votes (Bosire 2012; Charley and M’Cormack 2012).

Clearly then, these organisations wield a lot of power. However, to what extent can this power benefit women? Which women benefit? In practice, secret societies are an appropriate illustration of the idea that institutional female representation is not a sufficient condition for transformation, and that cultural contexts must also be taken into account. As customary institutions, these organisations also serve as custodians of customs and traditions in their societies, customs and traditions that ultimately privilege men, and maintain the status quo. As Fanthorpe and Gaima note, the skills and behaviour taught to pubescent initiates are those that are sex-specific, thus reinforcing and reproducing new societal members that conform to conventional expectations and do little to challenge prevalent gender norms.

The institution also can reinforce insider-outsider relations and perpetuate relations of inequality and exclusion even between women. Secret societies have power to sanction behavior -- women who are not members of secret societies are ostracized, or forced to join. For example, Soweis within Bondo Society, and other society members have at various points attacked women that have criticized the practice, with victims sometimes receiving little to no support from the police. For instance, in 2008, Manjia Balema Samba, a female journalist reporting for UN Radio, was stripped naked, beaten and paraded around town in Kenema District by Bondo Society members, following an interview that highlighted health and other concerns with the practice. Despite police intervention, no arrests were ultimately made.
They also have laws against infraction of their codes, and can and do mete out punishments for perceived violations. For example, uninitiated women/girls who in some way trespass on Bondo boundaries can also be forcibly initiated or made to pay a fine. In May 2014, a 9-year-old girl who allegedly trespassed by climbing a tree near the Bondo Bush and witnessed goings on within was forcibly initiated after her father failed to come up with the fine levied by the Society for the violation (Fonti 2014). Three days after the initiation, the girl died, with post-mortem results revealing excessive bleeding as the cause. While arrests have been made, and the matter was under investigation, the case has revealed some of the tensions between formal and informal modes of justice, as police were loath to touch the case given perceptions about the power of these organizations. Part of the fear of Bondo is steeped in the ideology of secrecy, ritual, and use of magical power (Bosire 2012: 124-125), and transgression of laws and mores can lead to spiritual unbalance. For example, Fanthorpe and Gaima write,

> [t]he powers that the societies control are also believed to be morally discerning. Having been ritually transformed into adults through the agency of these powers, initiates are required to observe a range of laws and protocols in order to keep themselves in spiritual balance (and thus alive and sane). Many ‘society’ laws are the same as general laws, e.g. people should not steal, fight or kill. (2012: 5)

Internal relationships among women within the Societies are also characterized by power differentials. Relations between Sande leaders and initiates are hierarchical, and initiates can be made to work on the farms of leaders, with their unpaid labor helping to increase the wealth of the leadership. One could argue that “justice” is also selectively applied – girls discovered to have had sex prior to marriage could face heavy fines, which were then shared among leaders (Bledsoe 1984). As such this research illustrates that women are not homogenous and have diverse interests depending on their positionality in
various frames.

**Secret Societies and Justice and Security Today**

Interviews conducted with Soweis, members of Secret Societies and CSO activists and citizens reveal a mixed picture regarding their participation in security and justice. While the literature paints a picture of a very active presence, interviews reveal a more nuanced story. First, in practice, it would appear that although Secret societies can play a role in enabling women to access justice, theirs is not a very big role, and in fact, is constrained in part by the State. In interviews and FGDs, Secret Societies were not the first point of reference when asked about the possible role that informal institutions could provide for women’s access to justice. Even a study on how women seek redress against GBV does not mention secret societies among its discussion of informal justice mechanisms (Denney and Ibrahim 2012). While Castillejo (2009) mentions that Secret Societies can and do function in administering justice, she limited this observation to disputes between society members, rather than in cases of SGBV, noting that in these cases, justice was often skewed in favor of the more powerful/senior society member.

Participants across all three FGDs, tended to outline the same approach taken by women regarding help-seeking in the wake of an attack. The most common crimes committed against women listed by Makeni respondents were sexual harassment, domestic violence (physical and psychological) and rape. In Makeni, respondents listed seeking help at the Family Support Unit (FSU); from local authorities; human rights activists and institutions such as Access to Justice Law Centre, or Timap for Justice; or community elders. In particular, they noted that area or section chiefs were often the first

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19 Focus Group Discussion, Makeni, 9th August 2016
point of contact. However they also noted that many times women found it difficult to access justice as perpetrators from wealthy families or local law enforcement would side with the perpetrators against the female victims. For the bulk of respondents then, lack of political will explained on-going high levels of abuse of women and girls. They found that local chiefs for example, were more likely to protect the interest of perpetrators of the violence. While traditional by-laws were a customary mechanism that FGD respondents across all communities noted as one way in which chiefs help to address the issue of VAWG, the frequent mention of compromise and settlement negated the impact of these laws. Culture and tradition were blamed for the difficult time that women had in accessing justice for crimes committed against them\(^20\). Women respondents in Makeni (Northern Sierra Leone) touched on the difficulties women face in accessing leadership positions and the expectations that they should be subservient to men as contributing to the lack of access to justice.\(^21\)

In Freetown, the capital, respondents were more likely to make a distinction between rural communities and urban communities, regarding first point of contact in cases of abuse. Freetonians were more likely to say that rural community members would be more likely to turn first to family members, who in turn might take them to traditional authorities such as paramount, town and section chiefs. They believed that social norms against reporting domestic violence was one of the reasons women were more likely to turn to traditional authorities. However, they again raised concerns with these authorities, citing the greater likelihood of compromise, through either advocating payment to a victim, or suggesting that a child marry her rapist. According to FGD respondents, however, urban

\(^{20}\) Interview with Mr. Joseph Mansaray, Head of Family Support Unit, Makeni, August 2016.
\(^{21}\) Makeni FGD and Interview with Ya Sampa Nyadae, **Sowei Head**, Makeni, August 2016.
dwellers would be more likely to turn to local government structures first, particularly councilors or council chair persons, before going to FSUs. Nevertheless, here too they cited problems of community and family intervention as the largest women faced in getting justice, followed by financial constraints. Also mentioned was bribery of the police by the alleged perpetrator and police corruption, with cases cited of police asking victims and their families for money in return for taking the matter/case forward.

When Secret Society members were mentioned, it was within the context of customary actors and generally only after mention had been made of chiefs and subchiefs. Concerns raised were very much in line with those articulated about the role of chiefs, where they were seen to be overly open to compromise or to adjudicating in ways that disenfranchised women. On the other hand, in interviews with Secret Society members, they affirmed their standing as leaders and opinion shapers in their local communities, and their role in maintaining access to justice in their communities. However, they were quick to comment that they tended to avoid more contentious cases, instead, working on smaller cases that involved minor domestic infractions.

They gave several reasons for this. Once central reason that recurred was that the State did not permit adjudication on cases of sexual violence and abuse by local authorities and had asked that all such cases be referred to the proper formal authority, including the police, and then the courts. Another reason provided was that these cases were often frustrating due to compromise. Several Soweis mentioned that in the course of pursuing justice, they would spend time with a victim, and act as a facilitator helping the victim navigate the formal system through assisting with transport to go to the police, or accompanying them on courts visits, only to find that victims could be persuaded to drop the case through
financial incentives. When they would urge the victim to not comply, the victim would become upset with Soweis for encouraging them to not drop the case. As one Sowei put it, “We run into families that want to compromise. We end up taking on a case, going to the police, but when the perpetrators give money, the wronged family ends up wanting to drop the case, and bad mouthing us for trying to help.”

Another problem they raised was navigating the barriers inherent in the formal justice system. They were not equipped to handle the costs that came with this engagement, including frequent case adjournment that required multiple trips to the court, or the lack of forensic equipment that would help to strengthen cases of rape and other forms of violence against women. Finally, nearly all FGD members expressed some level of rancor about the current state of the law on cutting. Although it was repeatedly expressed that this topic was not a central issue in the research, Sowei members frequently mentioned that they felt discriminated against, both by the State as well as those advocating against cutting. A ban was placed on cutting and Bondo activities during Ebola that has yet to be formally lifted by the government. Sowei members expressed that such attempts to stifle their work, as well as what they perceived to be constant attacks and disrespect, left them disinclined to assist in areas of securing justice for women.

For the majority of other respondents, there was some consensus, once prompted, that indeed secret society members could play a role in promoting justice for women; however, the fact that they were not an immediate reference shows that there is more emphasis on the formal sector and formal institutions for accessing justice, although this could be a function of the nature of the respondents, who as civil society activists have a

22 Sowei Focus Group Discussion, April 18, 2016.
primary function to assist women in accessing justice and security, using formal, rather than informal systems.

Both CSOs and Secret Society members mentioned that the types of justice issues to which secret societies had jurisdiction tended to be smaller domestic disputes, especially those that were child related. These included pregnancy of underage girls, (where sex was consensual), disputes between mothers and children, encouraging girl school attendance, addressing peer pressure that for example, prevented children from attending school, or advocating for improved services such as water to help lower rates of teenage pregnancy in fetching water over long distances.

CSO Respondents also raised concerns with the nature of justice dispensed by secret societies. Several mentioned that it is important to recognize that these institutions do not dispense justice in line with human rights mandates. Many believed that their involvement in dispute resolution could be problematic because their justice rulings often prioritized keeping community peace, even to the detriment of the female aggrieved member. Prevalent cultural attitudes, which secret societies reinforce, suggest that despite their power, they do not behave in ways that challenge the behavior that contributes to violence against women or girls, nor would they be likely to encourage punitive justice mechanisms against perpetrators. As Denney and Ibrahim write, drawing on Bledsoe (1984) and Fanthorpe (2007): “Secret societies teach initiates that a good wife obeys her husband and looks after his needs, putting her interests secondary” (2009: 4). In practice, this meant that battered wives might be counseled to return to their husbands, while the husbands would be admonished to not beat their wives. An additional concern raised was that they used tradition and culture to inform their decisions, and were not necessarily
trained about available laws regarding some of the issues around which they adjudicated, and instead used criteria such as the importance of safeguarding the honor of a family name or ensuring that peace was maintained over possibly seeking justice for aggrieved women.

Thus, both the literature and interviews to date suggest that Secret Societies, while indeed wielding much power, do not necessarily serve as a viable alternative for women to access improved justice. Concerns revolved around two main themes: 1) The cultural context in which they both operate and are part of in which patriarchal attitudes and values can serve to constrain women’s behavior along circumscribed lines, and 2) their differential rulings depending on who was a member or not. Regarding the latter, Soweis themselves said they adjudicated equally whether women were members or not. However, this was challenged by civil society activists who mentioned the suspicion with which outsiders were perceived.

**Soweis and the Promise of Institutional Hybridity – A Feasible Alternative for Women?**

As can be seen from the discussion about the relationship between the state and informal institutions, namely customary courts and chiefdom administration of justice, there have been clear attempts to regulate non-state actors’’ dispensation of justice. Customary justice and security mechanisms exist but with very circumscribed roles. At the same time, CSOs and NGOs have been working as the link between citizens and the state’s formal mechanisms of justice. Where victims have insufficient money to lodge complaints to the police, or to travel long distances to attend a court case, or require assistance in visiting a health centre for rape kits, CSOs have been able to accompany them and help them navigate these systems. Most CSO respondents were quick to say that they were the
main actors that citizens turned to as a first point of reference when in need of justice or security assistance.

As mentioned earlier, Secret Societies were not the first point of reference when asked about the possible role that informal institutions could provide for women’s access to justice. Even a study on how women seek redress against GBV does not mention secret societies among its discussion of informal justice mechanisms (Denney and Ibrahim 2012). While Castilejo (2009) mentions that Secret Societies can and do function as justice actors, she limited this observation to disputes between society members, rather than in cases of SGBV, noting that in these cases, justice was often skewed in favor of the more powerful/senior society member.

Once prompted, most (non-society) respondents agreed that they could play a role in promoting justice for women; however, the consensus was that the role they played was ultimately problematic because their level of justice was one that prioritized keeping community peace, even to the detriment of the female aggrieved member. Prevalent cultural attitudes, which secret societies reinforce, suggest that despite their power, they could behave in ways that fail to challenge the behavior that contributes to violence against women or girls, nor would they be likely to encourage punitive justice mechanisms against perpetrators. However, it is important to note that in interviews, many Soweis pointed out that while they were ready to assist women in securing punitive justice for serious crimes, including SGBV, their frustration has been women’s reluctance to pursue these issues following bribes, rather than their own reluctance. At the same time, they have been able to successfully intervene in minor domestic disputes, including helping to facilitate better relationships between parents and their children, and encouraging parents to send their
children to school.

**Informal processes and Women’s Rights: The Role of Women’s Secret Societies**

It is clear that women’s secret societies can and do wield enormous power. The presence of these organizations do raise some questions of the assumptions of complete state control over the safety and security of citizens, especially in rural communities, where the absence of significant police presence particularly in remote areas mean that these organizations can be seen as one of the actors in the justice and security sectors. However, my research suggests that the contention over FGC, as well as state emphasis on formal sector structures of security mean that they have less input into SGBV crimes, which was the main focus of this study. Where they do act, power differentials between women in secret societies suggest that their rulings can disenfranchise or impinge on the rights of women. The examples above all illustrate the power of these societies’, from police reticence in interfering in Bondo Bush cases, to their threatening actions against women who are not part or who advocate against them, all serve to problematize a simplistic discourse that assumes that where women wield power, they are able to challenge entrenched patriarchy and women’s oppression. While the examples above show that the informal sector can indeed be a place of power and influence for women, just because women play powerful roles within these societies does not mean that they function in ways that advance women’s empowerment. For example, Bledsoe (1984) has argued that Sande elite women side with elite men, as well as exploit subordinate women.

These contradictions illustrate the complexities embedded within these competing notions of justice, as well as raise questions about how hybridity can and does function as authors such as Bagayako et al (2016) have discussed. Scholars have pointed to the “uneasy
co-existence” between formal and traditional sources of authority. This research shows that in truth, they can reinforce each other. Socio-cultural factors that lead to hindrance of justice in the formal sector are also present in the informal sector, with the consequence that women ultimately continue suffer in both. While Secret Societies can and do challenge male figures, and have been able to secure justice for women, including for example, ensuring that women have access to land, most rulings, including domestic abuse cases are guided by a cultural framework that continues to privilege men and advocates a circumscribed understanding of the role of women. In the same way that these power relations must be questioned in order for women to enjoy justice in the formal sector, the same must be done in the informal sector.
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