THE ROLE OF LEGAL EMPOWERMENT GROUPS IN ADDRESSING GENDER-BASED VIOLENCE IN SUB-SAHARAN AFRICA DURING THE PANDEMIC

2022

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Legal Empowerment Network

PARTICIPATING ORGANIZATIONS

- Centre for Rights Education and Awareness, Kenya
- FIDA Uganda
- Informal Workers' Organisation, Sierra Leone
- Kenyan Section of the International Commission of Jurists
- Kenya Human Rights Commission
- Legal Resources Foundation, Zimbabwe
- Sonke Gender Justice, South Africa
- Uganda Network on Law, Ethics and HIV and AIDS
- Women's Legal Aid Centre, Tanzania
- Women Safe House Sustenance Initiative, Nigeria

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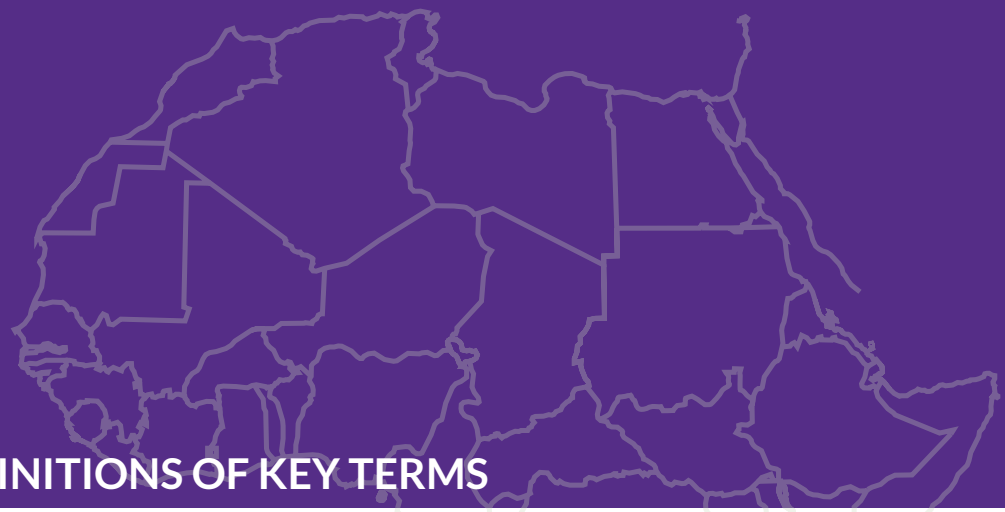
LIST OF ACRONYMS

ADR	Alternative Dispute Resolution
CLV	Community Legal Volunteers – FIDA Uganda
COVID-19	Coronavirus Disease 2019
CREAW	Centre for Rights Education and Awareness - Kenya
DV	Domestic Violence
FIDA Uganda	Uganda Association of Women Lawyers
GBV	Gender-Based Violence
ICJ-Kenya	Kenyan Section of the International Commission of Jurists
IPV	Intimate Partner Violence
IWO	Informal Workers' Organisation – Sierra Leone
JSC	Judicial Services Commission
KHRC	Kenya Human Rights Commission
LRF	Legal Resources Foundation - Zimbabwe
NGO	Non-governmental Organisation
SGBV	Sexual and Gender-based Violence
SOPs	Standard Operating Procedures
SSA	Sub-Saharan Africa
UGANET	Uganda Network on Law, Ethics and HIV & AIDS
VAW	Violence Against Women
WLAC	Women's Legal Aid Centre - Tanzania
WSHSI	Women Safe House Sustenance Initiative - Nigeria



DEFINITIONS OF KEY TERMS

Community-based paralegal: Community-based actors who possess the requisite knowledge of the law and government in order to guide their fellow community members to access justice. They make use of tools such as mediation, organizing, education and advocacy to seek concrete solutions to instances of injustice.

Domestic violence: A pattern of behaviour in any relationship that is used to gain or maintain power and control over an intimate partner.

Gender-based violence: Violence committed against individuals or groups of individuals on the basis of their gender.

Gender justice: The full equality of women and men in all spheres of life, enabling women to define and shape their lives and society on an equal footing with men.

Intimate partner violence: Abusive behaviours between partners in an intimate relationship including physical, emotional and sexual abuse.

Legal empowerment: A process of working directly with communities to understand, use and shape the law in creative and holistic ways.

Sexual and gender-based violence: Physical, sexual and psychological harm which is based on gender norms and unequal power relations.

EXECUTIVE SUMMARY

This report provides an in-depth look at the legal empowerment responses to rising numbers of Gender-Based Violence (GBV) during the pandemic in Sub-Saharan Africa (SSA). The study draws on a 2021 global participatory research led jointly by The Legal Empowerment Network, convened by Namati, and Themis – Gender, Justice and Human Rights (Brazil).

This study considers the role of legal empowerment groups in SSA in addressing the surge of GBV during the pandemic, in the absence of the usual avenues for seeking justice and with severe restrictions on movement and public activities in place. The study examines the role of these groups in responding to violence, providing essential services, ensuring access to justice and protecting vulnerable women and girls from further violations. The study takes an in-depth look at the role of community paralegals and how their official recognition, or lack thereof, affected their ability to respond to and address GBV during the pandemic. The study also documents the valuable lessons learned by grassroots justice organizations from one lockdown period to the next. The research aims to offer insights into how the recognition of and support to legal empowerment groups, and community paralegals in particular, can be improved in order to enable a stronger and more effective response to GBV in future times of emergency and crisis.

The study makes the following key findings:

- During the pandemic, governments of participating countries were responsive to advocacy campaigns and calls for adjusted measures and Standard Operating Procedures (SOPs) for the sake of reducing GBV and increasing access to justice to women and girls facing intimate partner violence (IPV) and domestic violence (DV). In most countries, for second and subsequent lockdowns, GBV mitigating measures were adopted alongside the measures imposed to curb the spread of COVID-19. For example, in countries where legal aid service providers were not initially classified as 'essential' service providers and allowed to keep operating during a total lockdown, governments tended to recognize them as such at a later stage

and in subsequent lockdowns. GBV cases were also classified as 'priority' cases that could be heard even while courts were not operating at their full capacity in later stages of initial lockdowns or when subsequent lockdowns were imposed.

- The GBV crisis, exacerbated by the pandemic, provided momentum for the adoption of laws, policies and programmes that enhance the protection of women and girls against GBV in many of the participating countries. Some of these measures have been in the pipeline for many years. While the increased efforts to prevent and address GBV are applauded and welcomed, the fight against GBV should not require crisis situations in order to garner the needed support.

- During times of lockdown, legal empowerment groups employed innovative strategies in order to reach women and girls facing GBV with services and support. The groups showed ingenuity in working around the restrictions and limitations presented by the measures imposed to curb COVID-19 through hands-on, community level approaches. These strategies included providing support for women in the process of reporting cases with the police and other authorities and collecting evidence, escorting them to receive medical treatment and helping them with the practicalities around escaping an abusive living situation. As far as feasible, holistic solutions were sought. Legal empowerment organizations also raised awareness about the availability of services through the use of radio programs, door-to-door visits and megaphone announcements in communities.

- Community paralegals offer a service that is complementary to the work of lawyers and advocates. Community paralegals address justice gaps in rural areas where lawyers may not be able to set up a profitable practice. They reach out to rural communities through mobile legal aid camps, and legal education sessions and door-to-door campaigns. They are also key in infusing alternative dispute resolution processes with the tenets of

human rights, particularly in GBV cases where cultural practices and power imbalance could easily stand in the way of justice. Paralegals also refer cases that need court representation to lawyers. However, the work of community paralegals is not always appreciated by lawyers who sometimes view them as a threat or refuse to treat them as partners in the promotion of access to justice.

- Legal empowerment groups relied on their partnerships and relationships with local administrations and local law enforcement authorities in order to enable an effective justice response during the pandemic. These relationships and networks tended to strengthen from one lockdown to the next and better systems were in place in order to address GBV in subsequent lockdowns.

- During the early stages of the pandemic, community paralegals played a crucial role in documenting the severe increase in GBV at the grassroots level. The data collected by these paralegals was used to escalate advocacy and strategic litigation in order to address the surge of GBV.

- Even though most community paralegals who are attached to civil society organizations are not officially recognized by the state, they are usually nevertheless respected for the role that they play by law enforcement authorities. In this regard, it is helpful for community paralegals to wear clothing or identity cards which associate them with a particular organization. Conversely, in some contexts, even where the law accords recognition to paralegals, they may nevertheless struggle to garner the support and cooperation of state actors which they need to carry out their work.

- Legal empowerment organizations that rolled out COVID-19 GBV responses in collaboration with previously trained community paralegals reported stronger and more effective initial responses than organizations that placed reliance on untrained and inexperienced community members.

The GBV crisis during the pandemic highlighted the need for state-funded training of community paralegals. At present, training of community paralegals is limited to the training that can be offered within the resources of civil society organizations. These trainings are usually only a few days long and a limited number of participants can be trained. In times of crisis, the pool of trained paralegals is very small. State-funded training will establish a 'wealth of paralegals' who can extend legal aid services and information to the furthest corners of a country.

- Legal empowerment groups faced severe resource constraints during the lockdown and struggled to provide the necessary services to communities in need. There were also difficulties in communicating with communities considering that not all members of rural communities, and particularly women, have their own phones or access to a phone.

Key recommendations to States:

1. In pursuit of Aspiration 6 of the African Union (AU) Agenda 2063, specifically the goal on the achievement of full gender equality in all spheres of life, states should increase state-funded support of services to GBV survivors, particularly through the establishment and maintenance of shelters and cash transfers to survivors. States should also establish specialized GBV courts and police GBV desks in countries where these do not yet exist.

2. State-sponsored training and facilitation of community paralegals will enable them to enhance access to justice even more in times of crisis. In pursuit of Aspiration 3 of the AU Agenda 2063 on good governance, democracy, human rights, justice and the rule of law, states should increase their budgetary allocation for the improvement of access to justice, particularly through the work of paralegals.

3. Also in pursuit of Aspiration 3 of AU Agenda 2063, states should lead the way in ensuring that community paralegals are recognized and respected for the key role that they play in making justice accessible.

4. There is need for increased collaboration and dialogue between the legal fraternity and community paralegals in order to ensure collaboration and an appreciation of the complementary roles that these actors play in the pursuit of access to justice to all.

Key recommendations to CSOs and grassroots justice organizations:

1. There is need for in-depth training and sensitization of community paralegals on gender justice and gender equality to enable these actors to be change agents who challenge the patriarchal status quo in their own communities, including in traditional ADR processes.

2. In the absence of formal or community-level recognition of community paralegals in a particular state, Legal Empowerment Groups are recommended to produce clothing and identity cards that will serve to associate community paralegals with the organizations they work with.

ABOUT THE STUDY

a. Introduction

The widespread national lockdowns, introduced from March 2020 in order to curb the spread of COVID-19, exacerbated gender inequality and led to a worldwide increase in domestic violence and intimate partner violence against women.[1] In all the countries which imposed lockdowns, including countries across Africa, these surges of domestic violence and intimate partner violence went hand-in-hand with the temporary closure of, or decreased access to, all the usual avenues for women facing violence to access justice, protection, medical care and psychosocial support.[2]

During times of strict lockdown, informal justice actors and legal empowerment groups played an indispensable role in mitigating the severe violence and barriers to accessing justice and other services which women faced.[3] In 2021, a participatory research led jointly by The Legal Empowerment Network, convened by Namati, and Themis – Gender, Justice and Human Rights (Brazil) was published.[4] The study examined institutional responses to domestic violence and intimate partner violence during the pandemic and considered the role of legal empowerment groups in 'filling justice gaps, reducing violence, improving service provision, and demanding women can be ensured in times of crisis'.[5]

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[1] NJ Dlamini 'Gender-based Violence: Twin pandemic to COVID-19' Critical Sociology 47:4-5 (2021) 585.

[2] N John, SE Casey, G Carino & T McGovern 'Lessons never learned: Crisis and gender-based violence' Developing World Bioethics 20 (2020) 65.

[3] See Legal Empowerment Network, THEMIS – Gender Justice and Human Rights, Association for the Emancipation, Solidarity and Equality of Women (ESE), Bangladesh Legal Aid and Services Trust (BLAST) and FIDA Uganda Gender Justice During and Beyond the COVID-19 Crisis: Institutional Responses to Gender-based Violence and the Role of Legal Empowerment Groups (2021) ('Global Study').

[4] As above.

[5] As above.

Legal Empowerment Network members from the four regions of Latin America, Eastern Europe, Africa and Asia participated in that study.[6]

This report, while drawing on the global study, has a narrower focus and provides a more in-depth look at the legal empowerment responses to rising numbers of GBV during the pandemic in SSA in particular.

b. Objectives of study

This study considers the role of legal empowerment groups in SSA in addressing the surge of GBV during the pandemic, in the absence of the usual avenues for seeking justice and with severe restrictions on movement and public activities in place. The study examines the role of these groups in responding to violence, providing essential services, ensuring access to justice and protecting vulnerable women and girls from further violations. The study takes an in-depth look at the role of community paralegals and how their official recognition, or lack thereof, affected their ability to respond to and address GBV during the pandemic. Finally, the study documents the valuable lessons learned by grassroots justice organizations from one lockdown period to the next. The research aims to offer insights into how the official recognition of and support to legal empowerment groups, and community paralegals in particular, can be improved in order to enable a stronger and more effective response to GBV in future times of emergency and crisis.

c. Participants

This study was developed through the participation of 10 African grassroots justice organizations which documented and shared experiences of the role taken up by legal empowerment actors in addressing GBV during the pandemic. The participating

[6] As above.

organizations represent the seven Sub-Saharan African countries of Kenya, Nigeria, Sierra Leone, South Africa, Tanzania, Uganda and Zimbabwe. (For more information about the participating organizations, please see Annex I).

The majority of participating organizations work with community paralegals as a key component of their legal empowerment strategy. These organizations are Centre for Rights Education and Awareness, Kenya; Informal Workers' Organisation (IWO), Sierra Leone; FIDA Uganda; International Commission of Jurists – Kenya (ICJ-Kenya); Kenya Human Rights Commission (KHRC); Legal Resources Foundation (LRF), Zimbabwe; the Uganda Network on Law, Ethics and HIV and AIDS (UGANET) and Women's Legal Aid Centre (WLAC), Tanzania.

The participating organizations who do not work directly with community paralegals employ a legal empowerment approach by engaging community members in their GBV response or supporting community-led advocacy. These organizations are Women Safe House Sustenance Initiative (WSHSI) in Nigeria and Sonke Gender Justice in South Africa.

d. Methodology

The study was designed by three collaborating organizations and networks, namely FIDA Uganda, the Kenyan Section of the International Commission of Jurists (ICJ-Kenya) and Namati. The study design was inspired by the global participatory study[7] and research questions were drawn from the global study and refined to examine the focus areas of the role of community paralegals and the impact of their official recognition on their capacity to make a difference in times of crisis.

The three leading organizations selected research participants among organizations across the continent that are known to employ a legal empowerment approach in

[7] See n 3 above.

their quest to prevent and address GBV. Ten organizations were ultimately selected, representing three different regions within SSA and a variety of legal empowerment approaches and areas of focus.

The study mainly focused on qualitative research while also incorporating information collected through surveys and secondary research. Primary research was conducted through a short questionnaire with 21 questions about civil society responses to the COVID-19 GBV crisis, within the particular national, regional and legislative context of the research participants. All research participants completed the questionnaire. Research participants also engaged in semi-structured interviews which further explored points of interest mentioned in the survey. Community paralegals from six of these organizations were also interviewed in order to include their first-hand experiences and perspectives in the report.

Secondary research was conducted in order to complement the primary research. The study team reviewed material such as reports from civil society, regional and international bodies; academic papers and news articles.

This report offers an analysis of the findings and lessons that the study has presented. The bulk of the report relies on the mentioned primary sources. Information from external secondary sources is cited in footnotes. In order to ensure that experiences shared by participating organizations were accurately captured and presented in the study report, a virtual validation meeting was held bringing together all participating organizations.

BACKGROUND AND CONTEXT

a. The impact of the pandemic on levels of GBV in Sub-Saharan Africa

Six out of the seven countries included in this study went through multiple periods of lockdown between March 2020 and January 2022. The exception to this is Tanzania, where no lockdown was imposed. In these six countries, there were periods of weeks or even months where movement was severely restricted, curfews were imposed and many public and private services were not allowed to operate.[8]

Across the board, the immediate impact of the lockdowns was a stark increase in GBV cases, particularly DV and IPV.[9] In Nigeria, for example, the government collected data which indicated 149% increase in reports of GBV from March 2020 to April 2020.[10] A South African national counselling hotline called 'Lifeline SA' reported a 500% increase in the number of GBV cases reported in the first two months of the level 5 lockdown in 2020.[11]

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[8] In Uganda, for example, a five-week lockdown was imposed from 31st March 2020 and another six-week total lockdown was imposed in June 2021. In the time between these two lockdowns, measures were gradually eased. 'Museveni orders two-week lockdown as COVID-19 cases rise' Daily Monitor 31st March 2020 https://www.monitor.co.ug/uganda/news/national/museveni-orders-two-week-lockdown-as-covid-19-cases-rise-1883256; 'Uganda extends coronavirus lockdown for three more weeks' Reuters 14th April 2020 https://www.reuters.com/article/health-coronavirus-uganda/uganda-extends-coronavirus-lockdown-for-three-more-weeks-idUSL5N2C24SS; 'Uganda lockdown: Museveni speech order 42 days lockdown across Uganda to stop spread of variant' BCC 19th June 2021 https://www.bbc.com/pidgin/tori-57516481. South Africa organized their lockdowns in levels with level 5 being the strictest and level 1 being the most lenient level of lockdown.

[9] CM Roy, P Bukuluki, SE Casey, MO Jagun, NA John, N Mabhena, M Mwangi & T McGovern 'Impact of Covid-19 on Gender-Based Violence and Response Services in Kenya, Uganda, Nigeria, and South Africa: A Cross-Sectional Survey' Frontiers in Women's Global Health Vol. 2 (2022) 2-3.

[10] UN Women Gender-based violence in Nigeria during the COVID-19 crisis: The shadow pandemic (2020) 5, as referenced in n 9 above.

[11] B Metsing 'Gender-Based Violence Cases Rose by 500% Since Start of Lockdown – Lifeline' IOL (2020). Available at: Gender-based violence cases rose by 500% since start of lockdown - Lifeline, as referenced in n 9 above.

Participating organizations and Legal Empowerment Groups expressed that they received much higher levels of calls on their toll free GBV reporting lines.[12] They also observed that the daily routines of leaving the home to go to work or run errands provided a measure of respite in situations of domestic violence which were not available during times of lockdown.

> *'When people are going to work or going to the market it somehow limits the instances of GBV but now when you have a lockdown setup and people are already stretched in terms of financial resources; and there have also been previous GBV instances which have exacerbated the situations.'* – **Valerie Zviuya, Acting Executive Director, Legal Resources Foundation (LRF), Zimbabwe**

The added financial strain which the lockdowns created also contributed to the increase in GBV. Conditions were created which led to cycles of abuse running their course at a much quicker tempo.

> *'The rise in the stats as far as GBV and child abuse were concerned, the stats were too high, because maybe women cope somehow when they know they are going to work and they I'll come back later and he will work, and go and drink and then come back and sleep. It's a little better. It's not a solution but it is a little bit better. Now being locked in a house with this person 24 hours daily. Seeing him every day was the greatest challenge. Many women could not cope. We have clients right now who are suffering with mental illnesses who have depression now. It was not easy at all.'* - **Wendy Paloa, Paralegal part of the Masiphephe Network, convened by Sonke Gender Justice, South Africa**

One of the research participants noted that governments' COVID-19-curbing strategy of ensuring that people stay home in order to stay safe was a tragic irony for thousands of women facing DV.

[12] Interview with Valerie Zviuya, Acting Executive Director, Legal Resources Foundation, Zimbabwe.

Confinement to the home setting also created additional challenges preventing women from reporting cases of IPV, since they would still need alternative accommodation where they could stay for the duration of the lockdown.

> *'Our lessons learnt were that there was a lot of abuse going on. When the government said, "You stay home and stay safe," we learned that most women were never safe in their homes. We also learnt that most people, actually those who were abused, cannot access justice services if no one is there to support them. Even when, for example, police is so close, they are scared because they know, "After reporting, I still have to go back to the same house. Then what next?"'* **- Rhonah Babweteera, Head, Gender Equality and Violence against Women Prevention, Uganda Network on Law, Ethics and HIV & AIDS (UGANET), Uganda**

Conversely, in Tanzania, where no lockdown was imposed at any stage during the pandemic, there was no discernible increase in GBV during 2020.[13]

b. Access to justice to women facing GBV during the pandemic

Challenges in accessing justice

Women in SSA facing GBV during the pandemic lockdowns had severe difficulty in accessing justice and other essential services. The Legal Empowerment Groups who offer such services and support also faced severe difficulties in accessing and supporting their clients.

[13] According to Women's Legal Aid Centre (WLAC), an organization based in Tanzania, the organization did not observe a change in the number of reported cases of GBV after the outbreak of the pandemic. Data to support this statement could not be accessed.

> *'It was such a challenge because someone will call you at night and say imagine it's like I am being locked in prison or I am being locked with the perpetrator and what do I do? Where do I run to? Who do I call? Sometimes you are sitting with a client who doesn't even have airtime at that point to even call an emergency number or have a way to go to the neighbours.'* **- Wendy Paloa, Masiphephe Network convened by Sonke Gender Justice, South Africa**

Even where the official directive from government was for courts to remain open, it was nevertheless difficult for them to operate due to the fact that the court officials were constantly exposed to COVID-19.

> *'When COVID-19 really reared its ugly head in Zimbabwe, some of the key institutions that were severely affected by the number of COVID-19 cases were the courts. You would hear this particularl court had 40 cases of COVID-19 and as a result they need to close it down for 5 days to disinfect the premises and isolate those who are not feeling well. So that also affected delivery of services.'* **– Valerie Zviuya, LRF, Zimbabwe**

Where states introduced online court sessions, there were a long list of challenges which impaired access to justice. The platforms were vulnerable to hacking, it was difficult to get witnesses to testify and internet access and affordability also presented a major restriction to women in rural areas in particular.[14] It was also difficult for women who faced GBV to access services due to the absence of public transport in some countries.

> *'And mainly in Kabale, which was a very hilly place, the lockdown was prolonged. So clients still wanted to come to the office and they would have to walk very, very long distances to reach us. And that was also a challenge in that we believe that some of them could have chosen to just stay at home and suffer the violence instead of moving those long distances.'* **– Joan Maani, Legal Officer, FIDA Uganda**

[14] MAN Kiwanuka 'Institutional vulnerabilities, COVID-19, resilience mechanisms and societal relationships in developing countries' International Journal of Discrimination in the Law (2021) 4-5, 15-18.

Government responses to facilitate access to justice during the pandemic

Fortunately, governments were responsive to advocacy campaigns and calls for adjusted measures and SOPs for the sake of reducing GBV and increasing access to justice to women and girls facing IPV and DV. In Kenya, during the initial stages of the first lockdown, it was almost impossible for women facing GBV to access justice. Transport to police stations were limited and the courts were not hearing cases of GBV as these were not considered 'urgent'. The women's rights movement called upon government to take measures to mitigate and address DV and IPV, brought about by the 'Stay at Home' directive.[15] In response, the government enabled courts to hear cases of SGBV.

> *'At the height of the COVID pandemic, court stations in Kenya were actually closed out to members of the public. Cases were only filed once a week, that is, under a certificate of urgency, and all those who had matters that were already scheduled to appear before court had to take out a new mention date, so it's like you're technically back to square one. So even in terms of access to justice, things were not moving quite swiftly. So we did have discussions at that point in time with the Judiciary on how they could prioritize on cases of SGBV.'* **– Martin Mavenjina, Programme Advisor - Transitional Justice, Kenya Human Rights Commission**

The government in Zimbabwe was equally responsive to calls to recognize legal services as 'essential' and to prioritize the hearing of GBV cases in courts. The recognition of any particular service as 'essential' meant that such services were allowed and also, to some extent, facilitated to operate during periods of hard lockdown when all other 'non-essential' services were temporarily shut down.

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[15] CREAW, FIDA Kenya, Coalition on Violence Against Women (COVAW), Equality Now, GROOTS Kenya, SDGs Forum Kenya, Kenya Female Advisory Organisation (KEFEADO) Advisory note: 'The shadow pandemic demanding concrete actions to protect women and girls from violence during the COVID-19 pandemic' 23rd April 2020. Available at Advisory Note – The shadow pandemic demanding concrete actions to protect women and girls from violence during COVID 19 pandemic - CREAWKENYA

'During the first lockdown GBV was somewhat omitted, not totally but some GBV cases were excluded from the list of priority and also legal services were not a part of the key services. So also again in the initial lockdowns legal services were skipped on that list of essential services but then through advocacy again on the part of the law society and other civil society organizations, legal services began being classified as an essential service. Then GBV really came in and began to appear on the lists of cases which were to be given priority. So it's a combination of both pro-activeness on the part of the law society and also advocacy on the part of civil society organizations.' **Valerie Zviuya, LRF, Zimbabwe**

c. A legal empowerment response to the GBV crisis and the role of community paralegals

In order to address the justice challenges which the pandemic has brought about, including the upsurge in GBV, grassroots groups are employing a 'legal empowerment' process. This process can be defined as direct work with communities 'to understand, use and shape the law in creative and holistic ways'.[16] It is the role of Legal Empowerment Groups to combine legal action with advocacy, negotiation and community organizing in order to work with the groups they serve to resolve their justice problems.[17]

Community paralegals are an essential part of the work of Legal Empowerment Groups. They are often called by different names in different contexts, such as 'champions', 'community legal volunteers' and 'human rights networks'. Community paralegals are active on the frontlines and within communities and use both traditionaland formal institutions in their pursuit of justice.[18]

[16] Global Study (n 3 above) 12.

[17] As above.

[18] As above.

Community paralegals typically have a different role than conventional or professional paralegals who directly support the work of lawyers.[19] Community paralegals, according to the 2012 Kampala Declaration on Community Paralegals 'use knowledge of law and government and tools like mediation, organizing, education and advocacy to seek concrete solutions to instances of injustice'.[20] In countries where there is a measure of legal recognition of 'paralegals', this recognition would rarely apply to community paralegals as these grassroots justice actors by and large operate within civil society and independently from the legal fraternity. Community paralegals are the paralegals that we refer to in this report.

[19] V Maru & V Gauri 'Paralegals in comparative perspective: What have we learned across these six countries?' (2018) 2.

[20] 'Kampala Declaration on Community Paralegals' Kampala, Uganda, 26th July 2012, as quoted in the above.

THE ROLE OF LEGAL EMPOWERMENT GROUPS IN ADDRESSING GBV DURING THE PANDEMIC

a. Community paralegals: the hands and feet on the ground in a time of need

Community paralegals have strong networks on the ground and are known and trusted within their communities, which places them in the ideal position to take up the role of first line responders to GBV. During the pandemic, many organizations relied strongly on their paralegal networks to provide essential services to women facing domestic violence and IPV in times of hard lockdown in particular, when the lawyers and other staff members of the organizations were not able to travel to the communities where they normally work.

In Sierra Leone, for example, paralegals associated with Informal Workers' Organisation played an important role during the periods of lockdown in the country in terms of doing visitations with existing GBV clients, making referrals and engaging in mediations where appropriate. The organization has trained groups of domestic workers on their rights and key laws through their legal empowerment program to become 'community advocacy champions'. These community advocacy champions worked closely with paralegals in terms of reporting cases and making referrals. The organizations themselves would support the paralegals on the ground with legal advice and guidance provided over the phone, where necessary.

'Before COVID we were already engaging them on all these issues so that when COVID came, they were already well informed with the help of our target beneficiaries. If they have any issues they were free to call us on the phone and then we would help them resolve those issues.' **– Chelcy Heroe, Chief Executive Director and Founder, Informal Workers' Organisation, Sierra Leone**

A refresher training conducted with community advocacy champions, associated with Informal Workers' Organisation, Sierra Leone, during the pandemic

The same sentiments were echoed by the Uganda Network on Law, Ethics and HIV and AIDS (UGANET) who placed great reliance on community paralegals and community volunteers during the lockdown periods.

> *'As an institution, we have paralegals nearly in every district in Uganda. But we also have community volunteers in the name of community activists and community leaders who were doing a lot of work during the lockdown, to physically reach out to those close to them, support them, report to police, follow up cases in police, do mediations in their own communities. Actually if there were no such people in Uganda or amidst us, as an institution, we don't think we would have done as much as we did.'* **– Rhonah Babweteera, UGANET, Uganda**

In Kenya, inter-county movement restrictions prevented the ICJ-Kenya lawyers from travelling outside of Nairobi. The organization placed great reliance on their network of community paralegals, who supported women on an individual basis in order to ensure that they were able to report their cases to the police and collect the necessary medical evidence. ICJ-Kenya has paralegal networks in six counties of Kenya, namely Laikipia, Kitui, Kwale, Meru, Taita-Taveta and Trans-Mara consisting of 90 active community paralegals.

> *'We really had to rely on our paralegals. They would only escalate the cases that they were not able to handle. We mainly used the community paralegals who we usually train on basic law and human rights, and in turn, they help the community. They really played a crucial role during the lockdown because that was beyond our reach since our offices are based in Nairobi. But they really played a big role in assisting victims through legal empowerment.'* **– Santana Simiyu, Programme Officer, ICJ-Kenya**

The value of community paralegals was often seen in their ability to simply help a woman who faces GBV to move from point A to B in order to go through the process

of reporting her case, collecting and documenting evidence and obtaining alternative shelter and means of living. Community paralegals would advise on the seemingly minor points which can often make or break the case of woman in a situation of GBV:

> *If it's a case of let's say domestic violence, they would take the woman to the police station to report it, and also they would advise them on the terminology to use, because women often, in the grassroots, they report it as domestic violence, and you know that's not the crime per se, it can be assault. So they would advise them, they'd tell them: "when you go to the police station, report it as assault." And then they'd also advise them to get the necessary evidence, they'd tell them to go to a doctor first.'* **– Santana Simiyu, ICJ-Kenya**

ICJ-Kenya's community paralegals also played an important role in the provision of vital information to women facing GBV during the pandemic and advised their clients to stay with their relatives during the lockdown, rather than to return home to their abusers.

The Centre for Rights Education and Awareness (CREAW) in Kenya also relied on community leaders they call 'champions' to report and refer cases of GBV to them during the lockdowns. These champions played the important role of identifying women within their communities who needed assistance and ensuring that they are connected with the right sources of support.

> *'The services I offered during the pandemic was to identify survivors and link them with CREAW so they could receive counselling, be placed in a support group and receive financial support and justice.'* **– Peris Achieng, Community Champion, CREAW, Kenya**

This first-line response service was greatly valued by the organisation, that would not have had another way of reaching women in communities who were in desperate need of GBV support services during the pandemic.

> *'They do offer that referral service in terms of linking the survivors to us, and they were very crucial during this particular time. Of course, the numbers were high, and often the violence would actually happen at night with the lockdowns. The champions would literally link us up. They'd call and say: "I really need assistance. I have this lady, she's desperate; she needs somewhere to stay right now. Obviously, we can't allow them to stay together." '* **– Elsie Milimu, Programme Officer, CREAW, Kenya**

Wendy Paloa, a paralegal who is part of the Masiphephe Network convened by Sonke Gender Justice, described the strategies that she and her colleagues engaged in to provide services and support to women facing GBV in Soweto, South Africa, during various stages of lockdown. The Network would normally keep track of their clients and had to make sure that they follow up with the women who could not report to their offices during the lockdown. In South Africa, during their strictest phase of lockdown (level 5), movement was only allowed for essential workers and for the purchase of essential items during peak hours.

> *'During the lockdown, I would pretend to be going to the shops to buy some essentials that I need. Me with my colleagues, we would make these group chats and then talk and arrange to go to different areas to check on our clients. We would check on the clients around us, perhaps meet them in the park and give them a referral to a shelter. It was not easy at all.'* **– Wendy Paloa, Masiphephe Network convened by Sonke Gender Justice, South Africa**

It was difficult to find alternative accommodation for women who needed to be moved to a place of safety, and equally difficult to transport these women since they were limited by both the transport restrictions and the constant presence of their abusers at home. Yet, paralegals like Wendy and her team found ways to work around these difficulties and ensure safety for their clients:

'Some of them had to move. If you need to move someone from their homes to take them to a shelter, you have to take their essentials and documents and how do you get that if the husband is there? During level 5, public transport would only be available during peak hours. If the spouse steps out to buy some milk or a newspaper, they would run. We would tell our clients to pack their bags and leave them next door at their neighbours, so that were able to just grab them and run.' **Wendy Paloa, Masiphephe Network convened by Sonke Gender Justice, South Africa**

Paralegals such as Wendy would make their personal resources and even their homes available to women in need, as they saw no other option in ensuring that women facing GBV could access places of safety.

'Some of them came to stay at my place, just to wait for the next peak hour so that they could board a taxi to some place of safety. We would plead with the owners of the shelters to remove the red tape and just accommodate this person for now, until we reach at least level 3 of the lockdown, because they fear for their lives. Or we would take them to the homes of relatives and family members where they could stay temporarily, we would find money from our own pockets to transport them.' **Wendy Paloa, Masiphephe Network convened by Sonke Gender Justice, South Africa**

In Nigeria, volunteers associated with Women Safe House Sustenance Initiative were also willing to open up their own homes and pockets in order to create GBV reporting booths to women in their communities.

'Right now, and since during the pandemic, I have been running a first responder's booth for any woman facing GBV. The booth is in my home. The initial support that I gave was to provide them with moral support and advise them on the necessary steps they can take if they want to. I have care packs in my house that I give to anyone who needs it.' **Yemisi Emmanuel, Volunteer, Women Safe House Sustenance Initiative (WSHSI), Nigeria**

Women receiving care packages from WSHSI response booths in Nigeria

FIDA Uganda also placed strong reliance on their community paralegals, called 'Community Legal Volunteers' (CLVs) who intervened in cases at community level, with some guidance and support provided by the FIDA lawyers over the phone. The CLVs worked in their own communities and could often walk between the homes of their clients, the police, medical centres and other service providers, so they were not prevented from carrying out their work by the ban on public and private transport.

> *'...those people were helpful because they were at the grassroots, they were in the communities, they knew what was going on there and they were more reachable than we were in our offices.'* **- Joan Maani, Legal Officer, FIDA Uganda**

Cases were referred to the police and other partners. In cases of economic violence, the CLVs conducted mediations between parties which often led to amicable solutions for the women and children involved:

> *'The CLVs were conducting the mediations between parties. Some apologized and promised not to do what they had done again. For some, the men started providing for the children. For some cases where the men were not allowing the women to work, as a result of the mediations, the women were allowed to work and look for some small money to cater for their families.'* **- Joan Maani, Legal Officer, FIDA Uganda**

The CLVs faced many challenges and difficulties in ensuring access to GBV services to women in need. They were facing severe resource constraints and were also stripped of many of the support structures and services they would normally rely on.

> *'Obviously referrals were not easy as offices were closed and people were broke. They were still receiving their funds for airtime So they would go to the clients themselves then they would give us a call or they would call a lawyer we referred them to and they would explain the issue to them and then they would mediate and give them legal advice over the phone.'* – **Shilah Nasaazi, CLV Liaison Person, FIDA Uganda**

Overall, community paralegals were the hands and feet on the ground reaching out to their communities, responding to emergencies, following up with clients who are known to periodically face domestic violence and doing all in their power to make justice and other essential services available to these women. Community paralegals were prepared to respond immediately and provide a solution to women facing GBV in the weeks and months following initial lockdowns while much of the activity of legal empowerment groups were halted and before provision could be made for such groups to be recognized as 'essential workers' that were exempted from some of the restrictions.

b. Forming partnerships with community administrations

During periods of lockdown, legal empowerment organizations relied heavily on their relationships with community justice actors and community administrations. According to ICJ-Kenya, paralegals at the grassroots, who could not access technological communication tools to work virtually, relied on their relationships with traditional leaders in order to be made aware of cases of GBV in their areas of operation. Local leaders would inform paralegals of cases, enabling them to respond and offer services to these women.

> *'So that's when they forged the partnerships with elders, chiefs so the chiefs and the elders could tell them about what's happening in different villages. So if they would hear of a case of domestic violence, they would tell the paralegals and they would actually go to those homes. So that's also one unique way that they work. They form partnerships with the local administration and that's how we know what's happening in the different, let me call them villages.'* **– Santana Simiyu, ICJ-Kenya**

The paralegals associated with ICJ-Kenya would only escalate the cases to the organization which they were not able to resolve or handle on their own.

FIDA Uganda employed a similar strategy where they worked closely with the local police and Local Council leaders in their various areas of operation.

> *'We came up with a strategy of working together with the Child and Family Protection Unit of police at Iganga Central Police, where whenever they were faced with domestic violence cases, they would reach out to us and we were always available to assist the clients, to provide them with the legal services that they needed and the legal advice, and to take on their cases generally. That was made possible with the fact that we were able to get movement permits for during the time the country was in total lockdown.'* **Joan Maani, Legal Officer, FIDA Uganda**

In Zimbabwe, local leaders offered a useful alternative reporting avenue for women who were not willing to press charges against their abusers at police level.

> *'A challenge that I faced was that a lot of women did not like the idea of reporting their husbands to the police so they decided to report to their village head and they counselled. It settled the disputes because the headman promised them that if they abuse women they'll be arrested, and they paid a fine to the headman.'* **– Agatha Shekete, Community Paralegal, LRF, Zimbabwe**

The relationship of FIDA Uganda's CLVs and police officers were mutually beneficial in terms of the GBV response as these actors made referrals to one another and responded to cases in areas that were out of reach for one or the other.

Police officers attended FIDA Uganda's community awareness-raising activities during the pandemic, which enabled them to carry these activities out without running the risk of arrest. The Police also provided an opportunity for women to report cases to them following the awareness-raising sessions, which made their services much more accessible to communities.

> *'We also had Child and Family Protection Officers (of the Uganda Police Force) who were able to partner with CLVs when needed. These CLVs would host meetings where they would invite community members to educate them about issues ranging from how to prevent and protect against COVID-19 to domestic violence during the lockdowns. If you need police services, sometimes they would come with police forms so that people could report incidents. And also in cases where the police were not able to make it to the communities to handle the cases, there were times where the CLV's would collaborate with police and go handle cases on their behalf.'* **– Shilah Nasaazi, CLV Liaison Person, FIDA Uganda**

FIDA Uganda also has close relationships with district officials, the Probation and Social Welfare Officers and Community Development Officers in their 20 districts of operation and worked closely with these in order to make mutual referrals and pool resources and services in order to address cases of GBV. These district officials were often in a better position to access people at community-level during the lockdown than FIDA's lawyers were, who could not move beyond the towns and cities where their offices are located before obtaining movement permits. Local leaders also have strong relationships with FIDA Uganda's CLVs. These local leaders and CLVs worked together to intervene in cases where people were facing violence, with some guidance and support from the FIDA lawyers provided over the phone.

For UGANET, their relationships with police helped them to save lives in the early stages of the pandemic before they were able to obtain movement permits.

'We explained to the officers on the road. They would see us ferrying wounded women in the vehicle. They would see us ferrying very pregnant women, wounded at the same time, rushing them to hospital, and it would be upon an individual security person to allow you continue very fast, or toss you here and there: "Where's your permission? Where's this?" And you would be like, "Look, it's not about permission right now, it's about saving this life." And some of them would say, "If you really have to pass, you have to pay something." But because we had a relationship with some senior officers in the police, we would call them up and they would order them to release us to continue to hospital.' **– Rhonah Babweteera, UGANET**

By the second lockdown, Legal Empowerment Groups have strengthened their relationships and network with local administrations and law enforcement agencies in order to ensure a more coordinated response.

'But also, of course, our strengthened relationship with the district officials, with police, by 2021 of course it was stronger. More referrals, more phone calls, more consultations from us. That was different from 2020. Even in Kabale, in the first lockdown, yes, we had a relationship with the district officials, they were able to give us the movement permits, but by 2021, it was even stronger, in that in the first lockdown I could even say I went and presented myself as a person of FIDA and maybe the RDC told me come back later, but in the second lockdown, I'm like, "I'm from FIDA, I need a movement permit" and there and then it was signed.' **- Joan Maani, FIDA Uganda**

UGANET also attributes its increased impact and expanded GBV response in Uganda's second lockdown to the fact that the organization had a much stronger network of partners after the first lockdown.

'At least by the time we got into the second lockdown we had already mobilized, we had a responders' forum where the Ministry of Gender was, where we had police officers, where we had different actors. This time round it was not now UGANET by itself and her working partners in police but it had many different responders across the country.' **– Rhonah Babweteera, UGANET**

c. Community paralegals: collectors of essential information in periods of lockdown

During the initial stages of the first lockdown, it was evident from reports made to national GBV reporting lines, the police and GBV essential service providers that there was an immediate and dramatic increase in levels of GBV.[21] However, very little accurate data was available on the exact magnitude of the GBV crisis in the initial stages of lockdown.[22] Women's rights activists and organizations mostly relied on the statistics of cases of GBV which they received and handled before and after the lockdown, but these statistics were limited and influenced by the fact that NGOs were far less accessible than before the lockdowns were instituted. The Kenya Human Rights Commission (KHRC), working with their human rights networks (community paralegals), devised a solution to this lack of data on GBV and other human rights violations during the lockdown.

The KHRC works with approximately 200 Human Rights Networks who are active in all counties of Kenya and who are trained on human rights, governance and legal issues on a periodic basis. The Human Rights Networks have also been trained to use tools for documenting and reporting on critical cases, including GBV. The Human Rights Networks have also been trained on escalating the violations which they have documented to the most appropriate authorities and assisting survivors in accessing justice. Some of the cases that are documented by Human Rights Networks become the subject of strategic litigation, either instituted by the Human Rights Networks themselves in their counties of operation, or instituted in collaboration with KHRC.

[21] Roy et al, n 9 above, 2-3.

[22] As above.

'(Human Rights Networks) are key in as far as providing us with accurate information is concerned. Now, they are usually on the ground and we deployed monitors in all the 47 counties for a period of about six months. We came up with tools that enabled them to document a broad range of human rights and governance issues, including SGBV in the context of the pandemic. It's from the reports of these monitors that we would issue out statements responding to contemporary human rights issues including GBV.' – **Martin Mavenjina, KHRC**

Since KHRC was able to collect data on GBV and other human rights violations in the very early stages of the pandemic, they could publish policy briefs on the impact of the pandemic on levels of GBV as early as May 2020.[23] These policy briefs, setting out data on the increase in GBV from the time that the first lockdown was imposed in Kenya, were instrumental in KHRC's advocacy efforts to ensure that the judiciary prioritised hearing GBV cases during the pandemic. The preliminary findings of human rights violations were shared with the National Council and Administration of Justice, which resulted in the issuing of a statement on the rising cases of GBV by former Chief Justice David Magara.[24] The monitoring exercise culminated with the publication of a report entitled *Wanton impunity and exclusion: A report based on human rights violations amid the COVID-19 pandemic in Kenya (2020)* which provides and analyses the data collected on GBV and other human rights violations as monitored in 27 counties in the period of April to August of 2020.[25]

[23] See KHRC Nairobi, Nyeri and Meru County Human Rights Monitoring: Reports of the impacts of Covid-19 to the vulnerable groups and general public April-May 2020 (May 2020) and KHRC Machakos and Kitui County Human Rights Monitoring: Reports of the impacts of Covid-19 to the vulnerable groups and general public April-May 2020 (May 2020), both available at https://www.khrc.or.ke/publications.html?limit=5&limitstart=15

[24] See https://covaw.or.ke/advisory-opinion-statement-the-shadow-pandemic-demanding-concrete-actions-to-protect-women-and-girls-from-gender-based-violence-during-the-covid-19-pandemic/

[25] Available at https://www.khrc.or.ke/publications/223-wanton-impunity-and-exclusion-a-report-based-on-human-rights-violations-amid-covid-19-in-kenya-april-august-2020/file.html

The case study of KHRC illustrates the crucial role of community paralegals as collectors of essential information on GBV and other human rights violations at the grassroots level. The role taken up by KHRC's Human Rights Networks as monitors of GBV during the early stages of the pandemic lockdown were essential for timely and effective advocacy to address the rising numbers of GBV.

d. Community paralegals: Creative preventers of GBV at the community level

Community paralegals have showed ingenuity, creativity and commitment in terms of preventing and addressing GBV in the variety of communities and settings where they found themselves during the lockdowns. FIDA Uganda has documented various cases of innovation on the part of CLVs in order to address GBV during the lockdown periods, often with very little support or resources from the organization.

> *'The CLVs continued to play their part. For the domestic violence cases they would do door to door check-ins with clients, the ones that had been pending before lockdown, especially the DV cases, we had a mentorship session with the regions and we would go through some of the questions that they have, some of the scenarios they face with the clients and how to solve them because obviously they couldn't come to office because office was closed.'* **- Shilah Nasaazi, CLV Liaison Person, FIDA Uganda**

CLVs in the Kampala area took it upon themselves to sensitize and educate the men in their areas of operation about GBV and domestic violence. As men would gather in the early evenings to play cards or board games, the CLVs would use this as an opportunity to talk to them about GBV and how to prevent it.

> *'The male CLVs were very helpful because they were able to connect with the men in the communities and to teach them about GBV and domestic violence. The guys would meet with the fellow guys since most of them had those groups to discuss football and such. Even if it was against the law to meet they would still go because they were frustrated and they didn't have money. Their wives were on their cases because they needed money but there was no money because no one was working.'* **- Shilah Nasaazi, CLV Liaison Person, FIDA Uganda**

During these meetings with men, the CLVs would provide coaching on how they could deal with their mounting economic stress, pressures and frustrations during the lockdown. They encouraged the men to step out and just take a walk if they felt that they were getting too frustrated at home or to come to the men's meetings and talk about what they were facing. Some CLVs arranged soccer games in order to help the men to find relief from the stress that they were under. The CLVs themselves acknowledged that their methods were not a long term solution to addressing the multifaceted underlying factors which lead to DV and GBV, yet they believed that their methods of addressing men's immediate frustrations played a part in diffusing the volatile home situations which so many women faced during the total lockdowns.

Some of the community paralegals associated with the Legal Resources Foundation (LRF) in Zimbabwe took the initiative to start online support groups for women in their communities, in order to educate them about GBV and enable them to identify the early warning signs and need for intervention. The online groups also served as a source of counselling and psycho-social support to women.

> *'After there was restrictions in movement I managed to create an online group which I used to counsel such women. We would talk about causes of GBV, economic abuse of women, stalking, sexual abuse, verbal abuse, threats and intimidation. Some women were emotionally disturbed so I gave them emotional support. I also encouraged them to report their cases if they face such challenges.'* **– Agatha Shekete, Community Paralegal, LRF, Zimbabwe**

Susan Tafumba, a FIDA Uganda CLV working in Nakawa market, dealt with a particular set of challenges in terms of preventing and addressing GBV during the lockdowns in Uganda. In order to ensure that the food markets can keep operating, while minimizing the risk of spread of COVID-19, market vendors who wished to continue running their businesses were instructed to stay within the market area for the duration of the total lockdown.

> *'Since I have a family, I had to sleep in the market, I am not living with my husband, I am a single mother with two children and a maid at home, so I had to leave the children at home with the maid and come to sleep in the market, but it was so hard during that time because we were not supposed to go back home so you just had to communicate with them, if you're tempted to go there transport was so expensive as we used to use lorries which could charge up to Ugx 100,000 (USD 28)'* **- Susan Tafumba, FIDA CLV, Nakawa Market, Uganda**

The women vendors who decided to sleep in the markets faced a variety of challenges and dangers during the lockdown period. They lacked privacy and safe, demarcated spaces where they could make beds for themselves, which exposed them to GBV inflicted by male vendors and market leaders.

> *Then another problem we had no privacy, we had a lot of issues during the night, we had to bathe but had nowhere to bathe, so what we did was wait until the middle of the night at around maybe 3, then you just go into a dark corner somewhere and try to bathe, as a woman this was very hard for us... I could also talk about sexual harassment during the lockdown. Some parents were forced to sleep with their kids in the market, men could then utter big words to them, insult the mothers in front of the children. At least we didn't experience rape, but there were other forms of physical violence. We tried to complain, but you cannot control the night, people misbehave during the night, some of them could drink and there is no controlling a drunkard, so you could just spend sleepless nights fearing what would come next.* **- Susan Tafumba, FIDA CLV, Nakawa Market, Uganda**

Susan and the 5 other CLVs working in Nakawa market decided to address the sexual harassment and GBV which women were facing while sleeping in the market by working with the Chairman of the market to hold meetings with men where GBV was discussed and discouraged. The partnership with the market Chairman in this regard was crucial as the Chairman had the power to impose simple punishments on male vendors and clients who committed GBV. These punishments would include banishing the perpetrator from the market for a set period of time. The CLVs raised awareness

about GBV and were proactive in ensuring that individual cases were reported and addressed through the market authorities.

> *'We tried our level best, we were 6 so we had meetings on how to handle such cases, for example if a man insults a woman we could call the man and talk to him and then we could talk to chairman to convince him to allow us to have meetings with men about such issues such as GBV, this really helped us a lot. We would just approach those people slowly you just talk to them, some of them at times they could change, and then others we would report to the chairman of the market, some simple punishments were given to some other people for those acts.'* **- Susan Tafumba, FIDA CLV, Nakawa Market, Uganda**

The innovation of community paralegals to prevent and address GBV in their own communities and social settings addressed a crucial gap during times of hard lockdown.

A FIDA Uganda CLV raising awareness on GBV in a market in Wakiso district

e. Ensuring access to courts to GBV survivors during the lockdown

In Zimbabwe, the government issued practice directives during the lockdown which guided the operation of the courts. According to these practice directives, GBV cases were classified as 'high priority cases' during periods of lockdown. However, there were some challenges in the implementation of this practice directive. The LRF, through their help desk initiative, were present in courts throughout the periods of lockdown in order to assist people in the court if they needed additional print-outs of documents and support them with trial preparation. Through their presence in the courts, the LRF noticed that some courts decided not to attend to any matters at all, in the name of preventing the spread of the pandemic, while others turned GBV survivors away because they did not consider their cases of verbal assault or economic violence as 'extreme GBV'. The LRF intervened to address this state of affairs by engaging the Judicial Services Commission (JSC) and reporting what they have observed on the ground in the courts.

> *'There was no reason for classification to say 'this was extreme GBV and this is not, and that there was also no reason for us not to have a standard operating procedure to say that in Gurumunzi court you will not be attended to because staff here are contracting the virus whereas you can get assistance in another court. What we requested was that they immediately react and we were asked to provide the evidence of where this was happening. It then took less than 24 hours for the JSC to issue standard operating procedures for all courts in Zimbabwe. It was quite a major win for the organization.'* **– Valerie Zviuya, LRF, Zimbabwe**

This success of the LRF illustrates the capacity of Legal Empowerment Groups to be advocates of drastic, meaningful and sometimes even quick change in terms of ensuring access to justice to women facing GBV. The fact that the LRF were active in courts, available to serve clients and present to observe the injustices which were taking place there, enabled them to bring about a big improvement in access to justice to women facing GBV during the pandemic.

f. Pandemic crisis: a catalyst to garner support for establishing a GBV shelter in Kampala

The availability of alternative accommodation for women facing DV or IPV is a crucial component of an effective legal empowerment approach. Women who face DV or IPV are often hindered from pursuing justice against their abusers, due to the fact that after reporting the matter to the police and initiating the process of obtaining a protection order, they often have no choice but to return to the same house and continue living with the perpetrator. Alternative options for safe and temporary accommodation were far more limited during the pandemic lockdown as women could not easily travel from their homes to go and stay with friends or relatives in different towns or regions. This lack of alternative accommodation, compounded with the severe economic downturn, left women with very few options in terms of escaping an abusive home environment. Shelters were thus crucial for an effective and holistic GBV response during the pandemic.

UGANET, based in Uganda, provides country-wide SGBV prevention and response services to women and children. Before the pandemic, the organization has employed legal empowerment strategies without the benefit of their own shelter in any of their operating districts. While it has been part of the vision of the organization to establish such a shelter, they were not able to garner the needed authorization and financial support to set it up. However, the severe scourge of GBV which women faced immediately after the first lockdown was imposed in Uganda heightened the urgency with which government ministries and development agencies approached GBV and presented an opportunity for UGANET to realize their vision.

> *'In the first few days of putting up the call centre, we realized that most women who were calling were actually in harm's way, they were in danger, their lives were being threatened. Others were being beaten seriously. Others had been thrown out with nowhere to go. Systems locked down. Public transport shut down… And then we sat as a team, still online, and agreed that we needed to do something about it. And because all along we had a dream of building a GBV shelter for abused women and girls, we decided to utilize that as the greatest opportunity for us to get the women and young girls out of danger.'* – **Rhonah Babweteera, UGANET**

UGANET's plans to establish a GBV shelter in Kampala were supported by the Ministry of Gender, Labour and Social Development and the Commissioner of Gender and Women Affairs in particular. Due to the exacerbated GBV crisis, the Ministry was willing to allow UGANET to move ahead with the establishment of the shelter, even without meeting all the regular requirements and without obtaining all the local level approvals and authorizations that would normally be required. The organization managed to raise UGX 40 million (USD 11,720) from a single donor, which, while a helpful start, could not cover the costs of all that goes with running a shelter such as food, bedding, medical care and psychosocial support services. The organization was soon able to garner support from two other development partnership as well as a host of individual donors and had the resources they needed to open the shelter.

The shelter started taking in women along with their children. Even though it only had the capacity to house 25 people at a time, there was a stage where 35 women along with 9 children were living in the shelter, sleeping on mattresses on the floor.

> *'We had to improvise, bought mattresses and bedding, we said we shall not do with beds, we can put mattresses everywhere, for as long as someone is safe. We had that big number of people in there.'* **– Rhonah Babweteera, UGANET**

Some of the women who were taken in were living with HIV, unbeknown to their partners, and they were not able to access medicines during the lockdown. Other women were rescued from situations where HIV positive partners were trying to force them into sexual acts without using protection. These women could receive their needed medication while living in the shelter and were protected from further abuse from their partners.

When the initial lockdown was eased in May 2020, many women who were too trapped in their situations of abuse to even reach out for help could finally make calls or travel to UGANET's offices in order to report their cases and seek help.

> *'we realized that the impact of the very first lockdown was very, very high. The impact was tough. The numbers were high of the women and girls abused, and those who could not even move during the lockdown until it was eased a bit, those who couldn't call, started calling and reaching out, reaching out to police, reaching out to us directly. So we even had larger numbers at the time when the lockdown was slightly eased.'* **– Rhonah Babweteera, UGANET**

There was a big number of women who needed to be resettled and supported to get back to their homes after the first lockdown including domestic workers who were abused by their employers during the lockdown and had to sleep in unfinished buildings because they could not use transport to travel to places of safety. UGANET highlighted a particular case where a HIV positive mother who was also living with tuberculosis (TB) and her baby were locked out of their house every night for weeks on end:

> *'We had a mother who was HIV positive with TB, with a little baby of about nine months with HIV and TB as well, who was being thrown out of the house. During the night she sleeps out in the cold and then during the day as the man walks away, he forces them into the house. It was only someone who was walking very early in the morning that found her still outside and then she told the guy what happens to her every day. He went and reported to the Local Council leader who had heard about our toll free line.'* **– Rhonah Babweteera, UGANET**

UGANET's shelter supports the organization's legal empowerment work as women whose cases are being handled by UGANET lawyers through the courts and police have safe temporary accommodation and are relieved from dependence on abusive male partners. UGANET's shelter is the first of its kind to be established in Uganda as it also operates as a wellness centre where women are able to heal: body, mind and soul. Women are also provided with skills training to enable them to live independently of the abusive men in their lives. The skills which women can be trained in include beading, baking, weaving, mushroom growing, backyard gardening and making soap, sanitizer and vaseline. Many of the women who ended up in the shelter have been reluctant to report their abusers to the authorities since they were dependent on them to provide for their children.

'The question would be asked, "If I take him to court, who is going to provide for me and my children tomorrow? I don't have anything, I don't do anything. I don't have money to do anything on my own, so you can't take him to prison." So we said no woman enters our shelter home and leaves without a single skill in her head.' **– Rhonah Babweteera, UGANET**

The shelter continued to operate after the first lockdown ended. It was ready to receive women and children as soon as Uganda's second lockdown of 2021 was announced. In early 2022, after all COVID-related restrictions have been lifted, the shelter continues to operate and to provide temporary housing and a place of safety to women facing GBV. While the shelter could not strictly adhere to record-keeping requirements in their initial emergency response, they have since upgraded their systems and keep meticulous records of every woman they take in.

'We made so many mistakes definitely but as we move along lessons are learnt … at the end of the day, we felt it was the best that we could do for our country. At that moment, it was about following up cases, ensuring justice is done. But right now we have to make sure that every document that is required for a shelter home to keep a woman is there. Record keeping is much better now. By then it was all about, Is she safe? Yes. Does she have a bed? Yes. Does she have food? Yes. Has she been treated? Yes. The rest we didn't want to know. But right now we go back and read what the Ministry required us to do and we improve.' **– Rhonah Babweteera, UGANET**

UGANET seized a valuable opportunity in mobilizing the resources and support for the establishment of a long-awaited shelter in Kampala. Now, even after the GBV crisis caused by the pandemic lockdown has subsided, the shelter continues to serve women and children who are trapped in situations of DV.

The measures imposed to curb the spread of the COVID-19 pandemic and the resultant GBV crisis created conditions which legal empowerment groups were able utilize to move their long-term GBV advocacy forward.

Other legal empowerment organizations have also leveraged the increased focus on GBV brought about by the pandemic-curbing measures in order to successfully advocate for policies and laws to better address and prevent GBV beyond the pandemic. CREAW in Kenya, for example, successfully advocated for the adoption of the 'Policare Policy', which provides for a response to GBV that integrates the National Police Service and establishes 'one stop' centres for comprehensive service provision to women facing GBV.[26] The Policy was adopted in October 2021.

g. Innovations to overcome movement and operation restrictions

With the initial lockdowns, most governments did not consider legal aid service providers and NGOs engaged in legal empowerment work as 'essential workers' that could be exempted from the severe restrictions on movement and operation. Under these circumstances, some organizations expressed innovation in addressing GBV simply by refusing to allow the restrictions from preventing them from doing their work. Many legal empowerment groups risked run-ins with the police and even arrest for the sake of addressing GBV and providing key services to women in situations of DV.

> *'We forced ourselves on the road, and we were battling it out with police officers. We kept explaining to each one of them, "Yes, we are not essential workers according to the government. But look at the nature of the work we are doing, it is very essential for the well-being of the women."'* **– Rhohah Babweteera, UGANET**

Some organizations expressed that, from one lockdown to the next, they learnt the importance of prioritizing the safety of women facing GBV ahead of the need to observe SOPs in order to avoid the risk of being arrested.

26 https://home.creaw.org/2021/10/18/kenya-launches-its-first-policy-for-police-integrated-response-to-gbv/

> *'With the second lockdown what we learnt was that we really didn't have any reason to sit back in the fear of security, that we shall be arrested on the road, that we shall be I don't know what… We made sure that this time round with the second lockdown we moved and rescued every woman we could rescue. We moved and forced police to move out of their corners to support our people. We moved and supported police to ensure that criminals were apprehended and taken to court. And also the government by that time had learnt that the system cannot die completely.'* **– Rhonah Babweteera, UGANET**

Organizations were generally braver in facing pushback from security forces in subsequent lockdowns than they were in the very first lockdown. In some countries, the COVID restrictions were enforced somewhat arbitrarily and organizations initially feared pushing any boundaries that may create the perception of flouting SOPs.

> *'So in the first lockdown what we did not do well was we did not even try to conduct let's say awareness sessions, we did not even try. Remember there was a restriction that no more than 20 people could be in a gathering, so we did not even try to even have the 20 people trained or taught about the violence that is going on in their communities. But in the 2021 lockdown, at least we knew the restrictions were there but we found a way of going around it and protecting ourselves even better even though we had to meet people in the communities.'* **– Joan Maani, FIDA Uganda**

Community paralegals also prioritized GBV prevention activities in their communities, even at the risk of facing pushback from law enforcement authorities. Fortunately, the police did become allies of community paralegals and legal empowerment groups in many instances and supported these actors in their efforts to address and prevent GBV. This was the case for a FIDA Uganda CLV who organized soccer matches for men in his community in order to help them to find an outlet for their mounting fears and frustrations during the lockdowns.

'A CLV told me that the police were on his case because he was gathering people but then he explained to the police officer why he was doing it and then soon after the police started joining the matches. But they would tell them it's only up to a certain time, like it shouldn't exceed 7pm. Also it was a slum area so it was not that rigid about the restrictions but more than that, I think people recognized the social value as a means of relieving tension.' **– Shilah Nasaazi, FIDA Uganda**

The fear of COVID-19 also greatly subsided after the first lockdown and with the roll-out of the vaccine, which also enabled organizations to take a braver approach to their responses in subsequent lockdowns.

'In the first lockdown, that is when COVID-19 had just come. We were also scared about it so we couldn't even move an inch, which was not the case for me personally in the second lockdown, yes, we knew COVID is there, we were scared about it, but at least this time we knew how to protect ourselves better than in the first lockdown.' **– Joan Maani, FIDA Uganda**

For some organizations, visibility was more important than movement and operational permits. Familiarity of the police with an organization's work and branding allowed its officers and community paralegals to carry out their work without restrictions.

'What UGANET did, we went so much into advocacy. We had a lot on media, social media, and both formal and informal. So everyone was listening in, they knew us. Even the police, at one point, you would just mention UGANET, you pull out your identification and you're allowed to move. (The traffic police would say) "Oh, so you're the people supporting our people suffering. You go, go and support the women." So what we learnt also was that publicizing our work, making it known to the communities, helped us a lot thanks to our donors who allowed us to do media campaigns and speak to the world on television and radios.' **– Rhonah Babweteera, UGANET**

CHALLENGES FACED BY LEGAL EMPOWERMENT GROUPS IN ADDRESSING GBV DURING THE PANDEMIC

a. Lack of state-funded services to support women facing GBV

Across the board, Legal Empowerment Groups faced challenges in that there is a lack of state-funded economic support as well as shelters for women facing GBV. While this has been a challenge pre-pandemic, the GBV crisis exacerbated by the lockdowns accentuated the urgent need to address this lack. In South Africa, for one, community paralegals found that the widely publicized, state-funded 'green door' shelter services were nothing more than a skeleton. The shelter services that were made available by the state were dismally inadequate to serve the high numbers of women facing GBV.

> *'We don't have enough shelters in South Africa. In every township, we used to have a 'green door', funded by the Department of Social Development. During the lockdowns, I have learned that these are just skeletons, they don't really exist. You would phone the official numbers and they would not be available. The state-run shelters would also tell you they are full. There is one run by the SAPS (South African Police Service) in particular. When I call they would tell me that they are full. But then, when I went there myself, pretending to just be visiting someone, I would find they have empty beds. It is a hustle. You have to fight, when it comes to GBV, you always have to fight.'* **– Wendy Paloa, Paralegal in Masiphephe Network convened by Sonke Gender Justice, South Africa**

Women who face DV or GBV in a home setting are often financially dependent on their abusive partners, which makes it very difficult for them to report their partners and seek support in escaping the abuse. Some organizations, such as CREAW, were able to secure donor funded cash transfers for their clients which enabled them to move out of their homes and start independent lives. However, a limited number of women facing GBV can be supported through donor-funded initiatives and there is a need for states to recognize the urgency of provision of cash relief transfers to women facing GBV.

b. Limited reach due to lack of recognition of community paralegals

Some Legal Empowerment Groups find that the community paralegals they work with are limited in their reach and impact due to the fact that they are not formally recognized by the legal fraternity in their respective countries. This has been the experience of ICJ-Kenya.

> *'Sometimes, due to the lack of recognition, you'd find maybe in the justice sector, different actors in the justice sector would sort of look down upon them because of the fact that they're not recognized. They know lawyers, but they don't know paralegals. So it's like they look at them like quacks. So their recognition is important.'* **– Santana Simiyu, ICJ-Kenya**

Official recognition of community paralegals is the first step in ensuring state funding for their work. Some organizations recommend the adoption of a state-recognized curriculum which would be the qualifying factor for recognition as 'paralegals'.

> *'I think most of these people have the experience on how to handle such matters, but they haven't really been given an avenue by the state to be able to get that paralegal status. I think there's a strong call right now to have curriculum adopted and recognized by the Council of Legal Education, so that these people who have passed the particular special curriculum can then have paralegal status. Like in the instance of COVID, they would definitely have had such a letter, they'd have that recognition, that card. And in the same way, as lawyers, we had our LSK card and that was the pass.'* **– Elsie Milimu, CREAW, Kenya**

In the view of CREAW, state recognition of community paralegals could even ease the process that CSOs go through in order to raise funds to support their work.

> *'If they could have their recognition, that would be easier for us to even justify in terms of sourcing for funding for them, that, "Yeah, here are the guys, here are their qualifications, these are the numbers we're working with in this project. We want to train them and we want to be able to facilitate them over the duration of the project." Right now we really are struggling to be able to get funding for them.'* - **Elsie Milimu, CREAW, Kenya**

Even where the law does provide a measure of recognition to community paralegals, there remains a challenge in ensuring that the community, law enforcement actors and the legal fraternity recognize and respect community paralegals for the role that they play. This has been a major challenge faced by IWO in Sierra Leone.

> *'Paralegalism is just emerging in our country and so a lot of people are yet to recognize it and so you can have your paralegal organization but you have to accept people are still not well-versed on what a paralegal actually does, so you are going to have to also explain the role of paralegals and that they don't stand in the court but they help people within the local context to use law for their own good, so that's the issue around all that.'* **– Chelcy Heroe, Informal Workers' Organisation, Sierra Leone**

In Kenya, there is also a measure of pushback from lawyers against the recognition of community paralegals, on the basis of a belief that clients who would have been willing and able to engage the services of law firms will instead opt for the services of community paralegals who do not charge fees for their services. In the view of ICJ-Kenya, lawyers and paralegals serve vastly different segments of the population and the people who are served and supported by community paralegals would have no other way to access justice.

> *And I know in Kenya, there's a big issue, lawyers think that paralegals will take their work, but I'm also a lawyer myself but since I've understood the work, I know that they can't take away the work of lawyers because people who would go to a paralegal wouldn't afford to go to a lawyer. Even with no paralegals, these are not people who would go to a lawyer seeking legal advice. The role that paralegals play is quite important.'* **– Santana Simiyu, ICJ-Kenya**

The LRF in Zimbabwe have been training community paralegals since 1984. They would typically deploy these paralegals in the rural areas where registered lawyers would not be willing to work, due to a lack of prospects of making fees.

The LRF has institutionalized its training and provides a two year course to equip community paralegals to take up legal empowerment work, but have faced similar challenges as paralegalism faces in Kenya.

> *'Unfortunately from 1984 until now, we have faced quite a lot of resistance particularly through the Law Society. There are people who misunderstand that paralegals operate to take work which is meant for lawyers, that has been the major challenge.'* **– Valerie Zviuya, LRF, Zimbabwe**

These challenges show that legal empowerment organizations have a long way to go to ensure that the community paralegals they work with are recognized both on paper and in practice. Some Legal Empowerment Groups, however, have found that clothing and identity cards which associate community paralegals with a particular organization is sufficient to enable these grassroots justice actors to work with both law enforcement authorities and communities.

> *'We had them branded with jackets that read "paralegals", and a paralegal is an individual that is known in this country to be part of the justice system, so when they get out there to do their work, they're supported and police listens to them. The justice system actually accords them the respect they deserve. So our paralegals being that they were branded, made it easy for them to reach out to so many people within their communities. And remember, these paralegals are drawn from the same communities, so they are people who are known by the community. They are known to be part of them.'* **– Rhonah Babweteera, UGANET**

FIDA Uganda has equally found that equipping CLVs with clothing and identity cards that would associate them with FIDA is sufficient to ensure the cooperation from at least the police. During periods of lockdown, this association was often sufficient to warrant the CLVs to be exempted from the movement restrictions which were imposed on all but essential workers.

'The branded T-shirts, IDs and other materials we made for our CLVs really helped because during lockdowns you're not allowed to move and police will ask you: "Why are you moving, what makes you think you can move?" So those things really helped.' **– Shilah Nasaazi, CLV Liaison Person, FIDA Uganda**

c. Limited resources and capacity to train community paralegals and facilitate their work

The Legal Empowerment Groups that have participated in this study express that their reach and impact through the work of community paralegals is limited by the fact that they can only offer training as far as their resources will allow. This means that a limited number of community paralegals can be trained and the training is often less intensive and expansive than the organizations would have preferred. Legal Empowerment Groups are of the view that state-funded training to community paralegals would make a drastic difference to their reach, capacity and readiness to respond to emergencies.

'I think it will make a significant difference if paralegals were able to receive more support from the government of Kenya. And the reason why I say that is because the way most CSOs, even ourselves train paralegals is your training is usually restricted to the amount of funding you have. I mean, we wish we could actually train and empower more paralegals in Kenya, but like any other civil society organization, we all operate on a budget. So you're only able to do that much.' **– Martin Mavenjina, KHRC, Kenya**

The participants expressed that having access to a large pool of state-funded and trained paralegals would have made a significant difference to the impact that they could have made during the pandemic and particularly in times of hard lockdown.

'So if the government of Kenya empowers paralegals by actually regularizing trainings for paralegals and does not leave this to be a CSO affair, then we would have had a wealth of paralegals, and with the wealth of paralegals, it simply means that maybe the issue of GBV might have been highlighted broadly and it could have prevented perpetrators from actually committing these violations.' **– Martin Mavenjina, KHRC, Kenya**

The LRF in Zimbabwe also strongly supports the notion of state-funded and supported paralegals in order to serve rural communities in the country.

> *'Considering the paralegal model that Zimbabwe should adopt, we are not only looking at civil society NGOs like the LRF and other organizations in terms of using and adopting paralegals, we are also looking at the government structure, particularly, the legal aid directorate, should have a structure of paralegals that are sponsored by the government and who should have a district and rural presence, so that they don't only rely on the LRF to assist our rural communities.'*
> **– Valerie Zviyua, LRF, Zimbabwe**

The need for a large pool of paralegals that have received extensive training through state-funded programmes was best illustrated through the lessons learned by WSHSI, Nigeria through their initial emergency GBV response during the first lockdown in Nigeria in 2020. In order to provide emergency response services to women at community level, WSHSI set up reporting booths in public places such as shops, hair salons, gas stations and churches.[27] These booths were facilitated by willing community members who did not receive training prior to taking up their roles within their communities. Since WSHSI did not have a pool of trained paralegals to draw from at the start of the first pandemic lockdown, they decided to move ahead with willing volunteers who expressed interest in addressing the GBV crisis. Looking back on the period of emergency response and through subsequent trainings, it became clear to WSHSI that relying on trained paralegals for the facilitation of their reporting booths would have been much more effective and impactful.

> *'Last year we reflected on the period and considered how helpful the training would have been for these people as all the centres were not doing as well. For some of the centres the facilitators did not have enough knowledge on what GBV was, how it works, the forms of GBV, how to respond to victims who come to report and a number of things like that. So we decided we have to move forward with this and have trainings.'*

[27] For a detailed description of WSHSI's community reporting booth model, see the Global Study (n 3 above) 42.

The organization came up against many challenges in addressing patriarchal attitudes in people who made themselves available as GBV champions at the community level.

> *'In one of the role plays a woman came to a community leader to report a case of domestic violence and after reporting the man said: "Are you sure you didn't do anything to provoke your husband, because I know your husband is a good man he would never beat you". So I said: "What are you doing? We have been talking about this for so long, that is not the response to give somebody who's been beaten up."* **Wuraoluwa Ayodele, Programs Director, WSHSI**

The organization was disappointed to find that some of their community volunteers could not grasp a gendered approach to physical violence, let alone economic and psychological violence. They made the tough decision to disengage all the volunteers who were running GBV response booths but were not capable of grasping the basic tenets of gender justice.

> *'So we decided that for everyone who didn't do well, wasn't going to get a certificate so that we wouldn't be promoting safe spaces that were not actually safe. We also decided that quality would be better than quantity and so it is not about having hundreds of centres but maybe around 20 to 30 which can effectively carry out and tend to the needs of victims.'* **– Wuraoluwa Ayodele, Programs Director, WSHSI**

Going forward, the organization will use a far stricter screening process in selecting facilitators for their community response booths and will also invest in extensive training to ensure that these facilitators have an in-depth grasp of GBV and their role in supporting survivors. These safety measures, however, were simply not possible before rolling out an emergency GBV response during the first lockdown. The organization would have greatly benefited from a pool of trained paralegals whom they could have called upon.

Apart from state-funded training, the work of community-based paralegals would also greatly benefit from state-funded support to cover administrative fees, communication, transport and monthly stipends. Most community paralegals are not

paid at all for the work they undertake and at best, receive a small amount of money from CSOs to support their transport within communities, communication costs and to enable them to buy paper to make copies and print. Community paralegals often lack the basic tools and resources that they need to undertake their work, as was experienced by a community paralegals associated with LRF in Zimbabwe who conducted community awareness-raising and education sessions.

> *'The big challenge, I did not have some helping aids like pamphlets, t-shirts or what so that I will enforce access to information on GBV. I needed something to be my learning or information aids in conducting my lessons in GBV so that they will get more access to information.'* - **Precious Zulu, Community paralegal, LRF, Zimbabwe**

d. Shortcomings of alternative dispute resolution mechanisms to ensure a human rights-based approach in cases of GBV

Many Legal Empowerment Groups and the community paralegals who are associated with them place a great measure of reliance on alternative justice systems, even in the absence of limiting factors that came with the pandemic. Very few cases at the grassroots level will be resolved through courts and this would often include GBV cases as well. A challenge in this regard is the fact that traditional ADR mechanisms are not always infused with a human rights approach and would not necessarily ensure a gender just outcome.

> *'I'd say the concern with all this is, you know, there's the alternative justice systems that also legal empowerment groups in the grassroots use. This is whereby disputes are solved through other justice systems outside the court system. And it can be through the traditional dispute resolution mechanism and you know that this does not promote gender justice in most traditions because Africa is a patriarchal society. In a time like the pandemic when courts had to scale down their operations, most of disputes were solved using the alternative justice system. There's a big need for this to be in tandem with human rights.'*- **Santana Simiyu, ICJ-Kenya**

The tenets of culture would often be so strongly present in the traditional ADR processes that the community paralegals themselves may support 'reconciliation' between a couple where a woman faces domestic violence as an acceptable outcome of the process. There is need for sensitization and training among community paralegals to enable them to be change agents who challenge culture and traditions of gender injustice in their own communities.

'So it's really good to train these legal empowerment groups on alternative justice systems, but what they need to be trained more about is "what is culture but is a violation of human rights". So that's something that I observed, that it's important for legal empowerment groups also to be the ones to champion the application… Would I say the instilling of human rights in the use of alternative justice systems, particularly because of gender injustice.' **- Santana Simiyu, ICJ-Kenya**

CONCLUSION

The study finds that, during the pandemic, governments of participating countries were responsive to advocacy campaigns and calls for adjusted measures and SOPs for the sake of reducing GBV and increasing access to justice to women and girls facing IPV and DV. In most countries, for second and subsequent lockdowns, GBV mitigating measures were adopted alongside the measures imposed to curb the spread of COVID-19. For example, in countries where legal aid service providers were not initially recognized as 'essential' service providers and allowed to keep operating during a total lockdown, governments tended to recognize them as such at a later stage and in subsequent lockdowns. GBV cases were also classified as 'priority' cases that could be heard even while courts were not operating at their full capacity in later stages of initial lockdowns or when subsequent lockdowns were imposed.

The GBV crisis exacerbated by the pandemic provided momentum for the adoption of laws, policies and programmes that enhance the protection of women and girls against GBV in many of the participating countries. Some of these measures have been in the pipeline for many years. While the increased efforts to prevent and address GBV are applauded and welcomed, the fight against GBV should not require crisis situations in order to garner the needed support.

During times of lockdown, legal empowerment groups employed innovative strategies in order to reach women and girls facing GBV with services and support. The groups showed ingenuity in working around the restrictions and limitations presented by the measures imposed to curb COVID-19 through hands-on, community level approaches. These strategies included providing support for women in the process of reporting cases with the police and other authorities and collecting evidence, escorting them to receive medical treatment and helping them with the practicalities around escaping an abusive living situation. As far as feasible, holistic solutions were sought. Legal empowerment organizations also raised awareness about the availability of services through the use of radio programs, door-to-door visits and megaphone announcements in communities.

Community paralegals played an indispensable role in addressing and preventing GBV during the pandemic. They offer a service that is complementary to the work of lawyers and advocates. Community paralegals address justice gaps in rural areas where lawyers may not be able to set up a profitable practice. They reach out to rural communities through mobile legal aid camps, and legal education sessions and door-to-door campaigns. They are also key in infusing alternative dispute resolution processes with the tenets of human rights, particularly in GBV cases where cultural practices and power imbalance could easily stand in the way of justice. Paralegals also refer cases that need court representation to lawyers. However, the work of community paralegals is not always appreciated by lawyers who sometimes view them as a threat or refuse to treat them as partners in the promotion of access to justice.

Legal empowerment groups relied on their partnerships and relationships with local administrations and local law enforcement authorities in order to enable an effective justice response during the pandemic. These relationships and networks tended to strengthen from one lockdown to the next and better systems were in place in order to address GBV in subsequent lockdowns.

During the early stages of the pandemic, community paralegals played a crucial role in documenting the severe increase in GBV at the grassroots level. The data collected by these paralegals was used to escalate advocacy and strategic litigation in order to address the surge of GBV.

Even though most community paralegals who are attached to civil society organizations are not officially recognized by the state, they are usually nevertheless respected for the role that they play by law enforcement authorities. In this regard, it is helpful for community paralegals to wear clothing or identity cards which associate them with a particular organization. Conversely, in some contexts, even where the law accords recognition to paralegals, they may nevertheless struggle to garner the support and cooperation of state actors which they need to carry out their work.

Legal empowerment organizations that rolled out COVID-19 GBV responses in collaboration with previously trained community paralegals reported stronger and more effective initial responses than organizations that placed reliance on untrained and inexperienced community members. The GBV crisis during the pandemic highlighted the need for state-funded training and facilitation of community paralegals. At present, training of community paralegals is limited to the training that can be offered within the resources of civil society organizations. These trainings are usually only a few days long and a limited number of participants can be trained. In times of crisis, the pool of trained paralegals is very small. State-funded training will establish a 'wealth of paralegals' who can extend legal aid services and information to the furthest corners of a country. It is also important to provide community paralegals with in-depth training that will enable them to withstand the pressures of patriarchal norms and cultural expectations in their work and infuse ADR processes at the community level with a human rights-based approach. State-funded facilitation of these actors will also enable them to carry out their work with the necessary resources and tools at their disposal.

Overall, the dedication and commitment of community paralegals at the grassroots level made an undeniable difference to the GBV response which Legal Empowerment Groups were able to roll out during the pandemic. These community paralegals should be recognized for the key role that they play in enhancing access to justice to women at the community level and should be supported in their work through state-funded training and facilitation. It is important, however, to ensure that state recognition and facilitation of community paralegals do not translate into the over-regulation of these actors: they should be supported to maintain their autonomy and flexibility in order to continue to play their key role at community level.

RECOMMENDATIONS

The study makes the following recommendations to states:

- In pursuit of Aspiration 6 of the African Union (AU) Agenda 2063, specifically the goal on the achievement of full gender equality in all spheres of life, states should increase state-funded support of services to GBV survivors, particularly through the establishment and maintenance of shelters and cash transfers to survivors. States should also establish specialized GBV courts and police GBV desks in countries where these do not yet exist.

- Informal justice actors, including community paralegals, play an indispensable role on addressing GBV in times of crisis and emergency. State-sponsored training and facilitation of community paralegals will enable them to enhance access to justice even more in times of crisis. In pursuit of Aspiration 3 of the AU Agenda 2063 on good governance, democracy, human rights, justice and the rule of law, states should increase their budgetary allocation for the improvement of access to justice, particularly through the work of community paralegals.

- Also in pursuit of Aspiration 3 of AU Agenda 2063, states should lead the way in ensuring that community paralegals are recognized and respected for the key role that they play in making justice accessible. This can be done through the adoption of laws and policies which recognize and define their role coupled with statements from government leaders calling on communities, law enforcement agencies and the legal fraternity to recognize these actors.

- There is need for increased collaboration and dialogue between the legal fraternity and community paralegals in order to ensure collaboration and an appreciation of the complementary roles that these actors play in the pursuit of access to justice to all. Such dialogues could be facilitated by the judiciary alongside civil society.

Key recommendations to CSOs and grassroots justice organizations:

- There is need for in-depth training and sensitization of community paralegals on gender justice and gender equality to enable these actors to be change agents who challenge the patriarchal status quo in their own communities, including in traditional ADR processes.
- In the absence of formal or community-level recognition of community paralegals in a particular state, Legal Empowerment Groups are recommended to produce clothing and identity cards that will serve to associate community paralegals with the organizations they work with.

ANNEX I: About participating organizations

- **Centre for Rights Education and Awareness, Kenya**

  The Center for Rights Education and Awareness is a national non-governmental women's rights organization currently operating out of Kenya as one of its member countries. It was founded in 1999 and aims to create greater access to justice for women and girls and eliminate gender based violence and all forms of violence against women and girls. CREAW uses innovative, holistic and grassroots approaches to address issues surrounding the welfare of women and girls and engage with both men and women to advocate for better conditions. The group focuses on limiting the impact of structures which undermine the advancement and prosperity of women and girls such as suppressive and discriminatory practices and attitudes and laws adopted in the region. CREAW works with a number of complementary institutions and groups in order to meet their goals and are members of the National Gender Based Violence (GBV) working group coordinated by the National Gender and Equality Commission (NGEC), the National Women's Steering Committee and Solidarity for African Women's Rights (SOAWR).

- **Informal Workers' Organisation, Sierra Leone**

  The Informal Workers' Organisation is a civil society non-governmental organization based in Sierra Leone. The organization seeks to restore dignity, humanity and advocate for the rights of marginalized communities with a focus on domestic workers in particular. IWO implements a variety of different grassroots programs which aim to aid domestic workers and members of vulnerable communities as they navigate issues relating to access to justice and human rights. The organization uses lawyers and paralegals to assist domestic workers and others in need of representation or legal aid. In addition to providing legal aid services, the organization also works to advocate for issues such as unfair living conditions and treatment of domestic workers and have been featured in a series of radio and television programs in hopes of bringing

light to the plight of domestic and informal workers. Since its inception, IWO has trained hundreds of domestic workers, stakeholders and activists on how to challenge institutions and workplaces which seek to undermine the rights of informal workers. Additionally, the group has established several mechanisms which function to aid in the daily lives of informal workers such as the creation of savings groups and modern training centers.

- **FIDA Uganda**

  FIDA Uganda is a non-profit organization that was established in 1974 as a branch of the Federación Internacional De Abogadas (FIDA), which was established in Mexico in 1944. FIDA Uganda's three main objectives are: 1) To enable women in Uganda to access quality and affordable legal services as a means to achieve human rights, gender equality, and sustainable development; 2) To promote social accountability, rule of law, and gender responsive governance at local, national, and regional level and 3) To promote accountability for the enactment and implementation of legal and policy frameworks for women's social economic justice. FIDA Uganda's approach to promoting gender equality is to tackle systemic and structural issues that promote inequality, improve legal protection for women, and support redress for human rights violations.

- **Kenyan Section of the International Commission of Jurists**

  The Kenyan Section of the International Commission of Jurists (ICJ-Kenya) is a non-governmental, non-profit and a member-based organization. Established in 1959, ICJ-Kenya is the only autonomous national section of ICJ based in Geneva, Switzerland. It is registered as a Society under the Societies Act, Chapter 108, Laws of Kenya. The organization has a membership drawn from the Bar and the Bench. ICJ-Kenya has a well-defined organizational identity comprising its vision, mission, and organizational values. The organization envisions a just, inclusive,

and equitable society where everyone lives in dignity. Its mission is to promote human rights, democratic governance, justice, and the rule of law in Africa. The organization carries out its work under the thematic areas of democratic governance and the rule of law, human rights and economic justice.

- **Kenya Human Rights Commission**

  The Kenya Human Rights Commission (KHRC) was founded in 1992 and registered in Kenya in 1994 as a national NGO. The main aims of the group include the promotion of access to justice and human rights to all in addition to instilling a long lasting democratic culture in the country. Initially, the group focused on monitoring and highlighting human rights abuses and violations in the region. The KHRC has broadened their scope to economic, social and cultural rights and began advocating and actively engaging with state institutions to address these issues. Examples include their 2010 report highlighting abuses taking place within the LBGTQ+ community, advocating for the decriminalization of homosexuality in the country and their mediation with Kenyan police in 2004.

- **Legal Resources Foundation, Zimbabwe**

  The Legal Resources Foundation was founded following Zimbabwe's independence in 1980 by a group of lawyers committed to protecting justice and democracy within the newly liberated nation. The foundation thus began its operations in 1985 and almost immediately took a number of steps to legitimize their plight within the region. First they created the Harare legal projects center in addition to publicizing a series of reports documenting key cases coming up relating to human rights in the region. They also introduced a pilot paralegal program aimed at increasing the availability of legal actors in peripheral and marginalized areas and bringing the law to the people. Since their inception the LRF has expanded to include 5 provincial centers and 15 Legal Advice Centers spread across the country. The LRF remains bound by

their aims of providing direct and affordable legal aid and facilitating access to justice for marginalized and vulnerable communities. Another programmatic pillar of the LRF is the legal education component. LRF conducts legal education sessions within communities raising awareness on human rights at grassroot level. The publications component also complements the legal education work of the organisation. LRF produces pamphlets which simplify legal provisions and the law in general. These pamphlets are further translated and distributed in communities throughout Zimbabwe. The pamphlets and resources cover a large variety of legal areas such as property rights, birth certificates, wills and HIV/AIDS and the law. LRF also jointly produces the Zimbabwe Law Reports with the Judicial Services Commission.

- **Sonke Gender Justice, South Africa**

Sonke Gender Justice is a South African based non-profit organization established in 2006 which aims to strengthen the capacity of the state and its adjoining institutions in dealing with issues relating to gender-based violence, violence against women, gender mainstreaming and access to justice. Today, Sonke has established a growing presence on the African continent and also plays an active role internationally. Sonke works to create the change necessary for men, womxn, young people and children to enjoy equitable, healthy and happy relationships that contribute to the development of just and democratic societies. Sonke pursues this goal by using a human rights framework to build the capacity of government, civil society organisations and citizens to achieve gender equality, prevent gender-based violence and reduce the spread of HIV and the impact of AIDS.

Sonke and its MenEngage Africa Alliance partners work alongside a variety of international actors including United Nations agencies and other civil society organisations across 22 African countries. In South Africa, Sonke is a convener of the Masiphephe Network within Diepkloof, Soweto. This Network works

towards reducing vulnerability to GBV and strengthening local governance GBV prevention and response through the collaboration of community-based stakeholders. Sonke also uses utilises several strategies to support Sonke's objectives. These include strategic litigation; conducting research; drafting legal and policy submissions; and facilitating workshops which aim to educate and empower communities.

- **Uganda Network on Law, Ethics and HIV and AIDS**

  The Uganda Network on Law, Ethics and HIV/AIDS is a non-governmental organization established in 1995 to fight the impact of HIV/AIDS on Ugandans by advocating for laws and practices which promote access to health and legal services. As a part of their legal program, UGANET fully runs and operates legal aid clinics in 10 districts and supports over 100 paralegals operating within these centers. Additionally, the group also works in collaboration with other organizations to promote and adopt policies founded upon human rights principles within the overall health-care sector. UGANET thus aspires to strengthen the legal, human rights and ethical framework within the Ugandan healthcare sector. The group maintains a highly expansive network within Uganda composed of stakeholders, medical professionals, paralegals, patients and government workers. The group also prioritizes servicing marginalized and vulnerable communities such as the urban poor, persons with disabilities, orphans and vulnerable children and sex workers.

- **Women's Legal Aid Centre, Tanzania**

  WLAC is a non-governmental, non-profit organization established in 1989 dedicated to empowering women and vulnerable groups to attain their rights and pursue access to justice. Some of WLAC's functions regionally and nationally include providing legal aid and empowering and educating paralegals and other legal actors operating within marginalized communities, lobbying to change discriminatory policies and engaging in consistent advocacy to educate the masses on the law in relation GBV, VAWG and vulnerable populations.

- **Women Safe House Sustenance Initiative, Nigeria**

  Women Safe House Sustenance Initiative (Nigeria) is a non-profit organization that was established in 2016 which provides shelters, healthcare, community response centers, financial sustenance, and legal services for women and girls facing gender-based violence. Through an approach focused on 'holistic and comprehensive crisis services / interventions for survivors', the organization's mission is to protect and rehabilitate women and girls from all forms of gender-based violence in Nigeria.

FIDA UGANDA

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