

## Sharing Lessons from the Field:

### Access to Justice in the Democratic Republic of Congo

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In the eastern part of the Democratic Republic of Congo (DRC), Cordaid literally drives lawyers and judges in 4x4 Jeeps to remote areas where communities lack any access to justice. This is part of the “4x4 Justice program,” an innovative way to improve access to justice for the local people. The project has seen exciting and encouraging results in this complex setting of the Congolese bush. This article will share some of the principles that Cordaid uses in its grantmaking, highlight lessons learned, and discuss how funders can apply these lessons in order to generate the highest possible impact.



Many funders are increasingly focused on the measurable impact of their grants. Evaluating the effectiveness of grantmaking is often more difficult in human

rights than in other areas, as focused, practical programs in this field tend to yield greater results than elaborate or complicated ones. Cordaid has seen this play out in some of the most challenging contexts in the world.

#### ***The Cordaid 4X4Justice program:***

- Trains paralegals to mediate in local conflicts
- Increases the knowledge of local community members through workshops on human rights and injustice (e.g. sexual violations)
- Organizes mobile clinics to provide legal advice and explain the workings of the judicial system, thus giving communities the tools to translate words into actions
- Brings local cases to court by referring community members and their cases to lawyers and, when necessary, providing the financial support to hire lawyers to follow up on high-impact cases
- Engages and enhances the formal system by offering advanced legal training to judges and magistrates and by synchronizing formal and informal judicial systems
- Targets communities, lawyers and magistrates to educate them on the judicial system through a mix of communication media (such as cinema, comic books, Facebook, text messages, radio, TV, and print), using documentaries and showcasing real-life cases from informal judicial systems

The documentary [\*Justice for Sale\*](#) offers more information about the 4x4 Justice program.

Ensuring access to justice is essential for the promotion of human rights. For Cordaid, the access to justice principle focuses on the individual within the justice system and refers to the availability, accessibility, and affordability of fair and impartial judicial institutions for all. Access to justice is itself a fundamental human right, as set out in Article 8 of the Universal Declaration of Human Rights.<sup>1</sup> But it is also a precondition for the protection and enjoyment of other rights: it protects the individual against violations of their rights by the government, enterprises, or other individuals. However, the guiding principle of access to justice is often lacking in fragile situations and poor or even absent governance as in eastern DRC. Providing access to justice addresses the accountability and integrity of a state and begins to break the cycle of impunity, which finds its roots in the absence of a justice system.

Between 1998 and 2003, the DRC was the epicentre of what was called “Africa’s World War,”

<sup>1</sup> Article 8 of the Universal Declaration of Human Rights: “Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.”

the deadliest conflict since World War II. Violence and terror have continued unabated over the last decade, especially in the eastern provinces of the country. The deficient justice system—which is understaffed, under-resourced, and lacks independence—allows for high rates of impunity. A lack of accountability for crimes committed is widely believed to contribute to the cycle of retaliatory violence. Government administration at the local level is unable to respond to the needs of the population, creating power vacuums and allowing militias, military forces, and other strongmen to step in and exert control.



For Cordaid, the 4x4 Justice program in the DRC has revealed the following lessons:

First, a pragmatic and flexible attitude is needed when working on rule of law issues in a complex and fragile socio-political situation. Funders should focus on achievable goals, keeping local practices and needs at the core of the intervention.

Cordaid cooperated with well-established and embedded local partners to host workshops and trainings for local NGOs, communities, and paralegals. Mixing Cordaid's expertise with local partners' knowledge ensured a healthy dose of pragmatism and realism.

Second, based on Cordaid's long-term experience in fragile and conflict-affected situations—and reinforced by research—rule of law interventions cannot and should not replace the role of the national government. Funders must take care not to impose or create a parallel rule of law system but instead focus their interventions on the needs and priorities of local communities. The importance of this approach is reinforced by [critical literature](#) on extensive rule of law programs implemented by bilateral and multilateral donors, which have often ignored the historical context of local institutions. Given that much of the conflict in the DRC was fuelled from the bottom up, it is even more important to respect local needs in a realistic manner.

Third, given the particularities of the security and justice system in eastern Congo, a 'mobile' justice intervention was most effective in reaching the many remote communities that are hours away from any access to formal justice. In several areas, logistical problems make it difficult to transport accused persons or prisoners, and as a result the authorities will simply let them go. This sense of impunity has heightened local tensions in eastern Congo. Providing local access to justice helped to ease these tensions.

Fourth, long-term capacity building of paralegals, lawyers, judges, and magistrates is an important element of sustainable social change that leads to a more secure environment. As such, an ideal access to justice program has an 'over the horizon' view, which gradually hands the entire process over to the local partners and communities. One possible path is a two-year intensive guidance program, followed up by two to four years of light assistance for strategically chosen communities.

A long-term commitment can pose challenges for funders working on a short-term project. However, Cordaid took a long-term view and is currently working to design income-generating activities for the mobile judicial clinics in order to build a self-sufficient program. The ideas are still in the developmental stage, but an example is providing a community with a DVD player to screen a justice movie. The community collects a small contribution for the screening, which it uses to fund the training of paralegals. This can increase local ownership, sustainability, and thus the impact of the program. Income-generating activities typically require minimal financial backing from a grantmaker, but the grantmaker can assure partners that it will provide technical expertise when needed.

Lastly, continuous community education campaigns on the function of the judiciary, access to justice, and individual rights ensures a higher level of understanding and motivates people to bring cases before the court. This begins to break the cycle of impunity and diminishes the rate of violence. Every person who, after seeing a movie or attending a workshop, refrained from seeking vengeance through “guns for hire,” should be seen as contributing to a more sustainable peace. Furthermore, these cases act as role models for the whole of an affected community.

Funders must take care that their campaigns and communications do not exclude certain parties like strongmen, opposition parties, or particular social or ethnic groups. It is advisable to keep engaging with the formal structures and local authorities and to talk with anyone who is relevant within a specific location. Refusing to engage with certain spoilers has a guaranteed negative backlash for the effectiveness of the program.

Throughout Cordaid’s work in challenging contexts like DRC, we’ve seen that focused, practical programs—and a healthy dose of realism—can achieve lasting results in access to justice specifically and in the field of human rights more broadly. Engaging all parties, educating the community on the role of the judiciary, and building capacity are key to ensure sustainability beyond the grant program. However, understanding the local context lies at the foundation of this work. Funders must listen to people’s worries and figure out what lies behind them. Although the quote is attributed to the philosopher Epictetus, a wise Afghan man said: “We have two ears and only one mouth. So we can listen twice as much as we speak.” This is the core of a grantmaker’s role: in the end it is the people in the communities themselves, with their understanding of their specific challenges, who will make real and inclusive changes.

The full report will be available at [www.cordaid.org](http://www.cordaid.org) on October 1<sup>st</sup>, 2014. Please contact [Erica ten Broeke](#), Partnership Development Manager, Security & Justice for more information, and [click here](#) for additional resources.

*Here is one illustrative testimonial on the 4x4 Justice program in DRC:*

Mme Henriette, 45, was active in several local organizations before she received training as a paralegal. She actively used conflict mediation techniques and started to advise people in her community on legal issues. However, as she made progress, the local authorities deemed it dangerous to their power base and claimed she undertook illegal activities (anti-Kabila advocacy) for which she had to be detained. When she presented herself to the local authorities, her election card was revoked along with her husband’s, and she was told to pay a steep fine. The harassment continued, eventually leading Mme Henriette and her family to flee the village.

Mme Henriette turned to her local trainers for help, and together they wrote letters to the local authorities asking them to stop the harassment and return the election cards. Cordaid’s partner organization wrote a letter addressing the family’s security situation and requesting that the local authorities let the family return. At the time of writing, Cordaid has been able to confirm that Mme Henriette and her family were able to return to the village and resume life as before.

Following this experience, Mme Henriette requested further training in the documentation of human rights abuses and on engaging with security actors like the police and military. Testimonials like this reinforce Cordaid’s belief in the 4x4 Justice approach, motivating their continued focus on dedicated access to justice programs for disconnected communities.