



# Sintidu di justisa

**Participatory barometer on the perceptions and experiences of the population:  
How to improve the governance of justice in Guinea-Bissau**

With support of the European Union







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# **Sintidu di justisa**

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**How to improve the governance of justice in Guinea-Bissau**

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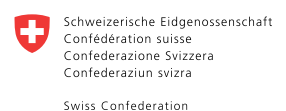
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# List of acronyms

<b>AMCR</b>	Alternative Mechanisms for Conflict Resolution
<b>BAS</b>	Bissau Autonomous Sector
<b>CAJ</b>	Centres for Access to Justice
<b>CENAP</b>	Conflict Alert and Prevention Centre, Burundi
<b>CSO</b>	Civil Society Organizations
<b>ECOWAS</b>	Economic Community of West African States
<b>DSF</b>	Defence and Security Forces
<b>INE</b>	National Statistical Institute
<b>PBF</b>	United Nations Peacebuilding Fund
<b>RSD</b>	Regional Spaces for Dialogue
<b>SCI</b>	Spaces for Citizen Intervention
<b>UNDP</b>	United Nations Development Programme



Figure 1. Consultation session in Buba, November 2018

# Acknowledgements

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In the context of this first participatory barometer on the perceptions and experiences of the population with formal and traditional justice in Guinea-Bissau, Voz di Paz and Interpeace are extremely grateful to their partners. The barometer is a pillar of the project “Making the Black Box Transparent: New Mechanisms and Competences for an Active Citizenship in Monitoring, Evaluating and Advocating for Public Policies in the Justice Sector”, and was made possible thanks to the contributions from the following partners:

- The National Statistical Institute (NSI, or INE in Portuguese) of Guinea-Bissau;
- Build UP, a Non-Governmental Organization working with new technologies for peace consolidation;
- The Conflict Alert and Prevention Centre (CENAP) from Burundi;
- Members from the Steering Committee: Cleunismar Silva, Fodé Mané, Jorge João Gomes, Osiris de Pina Ferreira, Tumane Baldé and Vasco Biagué;
- Radio *Sol Mansi* from Guinea-Bissau, partner since 2010;
- Rádio Jovem, partner since 2011;
- The Network of Communitary Radio Stations that works with Voz di Paz at the national level;
- Members of the Regional Spaces for Dialogue (RSD), entities created by Voz di Paz in the field<sup>1</sup>;
- The interviewers, belonging to different Civil Society Organizations in the entire country, for the realization of this barometer;
- The Ministry of Justice, especially the General Direction for the Administration of Justice in Guinea-Bissau;
- The general population, especially those who participated in the different stages of the barometer.

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<sup>1</sup> For more information on the Regional Spaces for Dialogue, please consult the dedicated case study available on: [www.vozdipaz.org/estudos-e-publicacoes](http://www.vozdipaz.org/estudos-e-publicacoes).

Voz di Paz and Interpeace convey their sincere gratitude to the European Union and its representation in Guinea-Bissau for the assistance received in the context of the project Support for Civil Society Organizations and Local Authorities, for the promotion of Human Rights in Guinea-Bissau, and for the mentoring provided throughout the initiative.

# Introduction

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Figure 2. Interviewer and interviewee during the data collection process, June 2019.



# Introduction

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## **What are the perceptions and experiences of the population with formal and traditional justice systems in Guinea-Bissau?**

*All citizens are equal before the law, enjoy the same rights and are subject to the same obligations, without distinction based on race, gender, or on social, intellectual or cultural level, religious belief or philosophical conviction – Article 24° of the Constitution of the Republic of Guinea-Bissau.*

The participatory barometer on the rule of law in Guinea-Bissau is a quantitative and qualitative study carried out by Voz di Paz with Interpeace, funded by the European Union, to collect the perceptions and experiences of the population with formal and traditional justice in the country. The barometer aims to contribute to an increased participation of citizens in local governance of justice, by providing credible, independent, and representative data about the situation in the country.

The study presents the results from the work carried out across the country between September 2018 and February 2020 that involved more than 4,250 people, with 3,427 direct interviews in 180 communities.

This initiative provides a snapshot of governance of justice in the country, highlighting the main elements that make up the different dimensions of the justice sector. The barometer sought to better understand issues such as the concept of justice, access to justice, the experience with justice proceedings, the role of citizens, and the role of traditional justice mechanisms. A gender analysis was also carried out as part of the initiative.

Major obstacles preventing good governance in the justice sector, as mentioned by participants, include topics of social and economic inequality, corruption, limited access to justice, and lack of trust in the judiciary system. However, seeking recourse through the formal justice system continues to be a valid option for the citizens of Guinea-Bissau – even though it was highlighted that there is a need for further qualified personnel. The findings of this initiative can form a strong basis for structural improvements of the justice sector.

This barometer does not only show the challenges and institutional weaknesses in Guinea-Bissau's justice system, but also highlights the elements of the justice sector that are most relevant for the population. The study also formulates recommendations, solutions, measures, and essential actions to achieve the necessary changes in the justice sector in order to develop a system that is more effective and responds to the population's needs.



# Metodology

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Figure 3. Presentation during a participatory analysis session in Farim, November 2019

# Methodology

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With the aim of promoting citizen participation in local governance of justice, the project *Making the Black Box Transparent: New Mechanisms and Competences for an Active Citizenship in Monitoring, Evaluating and Advocating for Public Policies in the Justice Sector* produced the first participatory barometer for the justice sector in Guinea-Bissau.

This qualitative and quantitative study used participatory methods for the development of the barometer in all its stages. It was critical for the success of this initiative to establish partnerships with various institutions, organizations, and individuals at the national and international level. In order to achieve this, the Voz di Paz and Interpeace team, along with their partners, selected different modalities to make the barometer as representative as possible of the public opinion in the country, given that the objective of the initiative was to capture the population's perceptions of and experiences with the justice system.

**The preparation of the study** included a process of sharing and partnering, between the project team and: Build-up, with whom the strategy<sup>2</sup> and the indicators for the barometer were developed; the National Statistical Institute (NSI, or INE in Portuguese) and the Conflict Alert and Prevention Centre (CENAP) in Burundi.

**The strategy of the barometer** aims to give an overview of the population's perceptions of the justice sector, with the objective to create a space for dialogue between citizens and authorities to improve the justice sector in Guinea-Bissau. The main demographic variables were selected, as well as the statistical method that would best represent the current reality and conditions in the country. The selected method for data collection was carried out with individual interviews using tablets, while the data analysis was conducted using a participatory approach.

**The preparation of the survey** was based upon the methodology of *everyday peace indicators*, combined with a participatory approach. During consultation sessions that took place in all the regions (3 in the capital city Bissau and 10 in other regions), the participants were invited to answer the following question: What are the signs that you look for, in your everyday life, to determine whether there is justice or whether the justice systems is functioning correctly?<sup>3</sup>

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<sup>2</sup> See Annex 1 – Strategy for the barometer.

<sup>3</sup> In Guinea-Bissau Creole, the question was formulated as follows: *kal ki sinal ku ta mostra, na bu dia-a-dia, kuma i ten justiça?*



The consultation sessions served to identify, select and vote for the main signs mentioned, which, once harmonised, were condensed as 27 signs and then classified into five research subtopics.<sup>4</sup> These signs served as the basis for elaborating the indicators and questions of the survey.<sup>5</sup> The survey was validated by the Steering Committee and presented to the Reflection Group. The questions were then translated into Guinea-Bissau Creole to ensure greater ownership but also bring nuanced understanding of a complex set of issues. The interviews were largely conducted in Creole, and in some localities the local languages of the interviewees were used.

The **Steering Committee** is a group of experts in different domains that accompanied the project team and supported the validation of the survey and communication of the results.

The **Reflection Group** is composed of international actors active in the justice sector in Guinea-Bissau. It supported the creation of synergies with different initiatives in the sector and defined ways to reap maximum benefits from the results of the barometer.<sup>6</sup>

The **sampling process**, in order to guarantee the relevance of the research, called upon using a statistically significant sample, with a confidence interval of 95% and a margin of error of 5%. The sampling was stratified according to gender and region and included individuals from the age of 19 years old. The formula used guaranteed that the average of the sample was equal to the average of the general population, based on the most recent population census carried out in 2009.

The final sampling was randomised to guarantee representativeness. The project team randomly selected 2 sectors in each region. In the Bissau Autonomous Sector (BAS), 5 neighbourhoods were selected for each sector. In the remaining regions, 10 *tabancas* (localities) with a minimum of 200 inhabitants were randomly selected in each sector.<sup>7</sup> In the region of Bolama (the Bissagos Archipelago), the sectors of Bubaque

<sup>4</sup> See [Annex 2 – List of the signs identified](#).

<sup>5</sup> See [Annex 3 – Survey of the barometer](#).

<sup>6</sup> For the list of the institutions and organizations that form part of the Steering Committee and the Reflection Group, please see [Annex 6 – Members of the Pilot Committee and the Reflection Group](#).

<sup>7</sup> The selection was done with the support from INE, which provided the data.



**Figure 4. Map of the previously selected sectors, where the data collection took place.**

and Bolama were not randomly selected, given that there was not a sufficient number of *tabancas* with more than 200 inhabitants (the required minimum), and due to logistical difficulties.<sup>8</sup> In each *tabanca*, 19 individuals were interviewed (9 men and 10 women).

Finally, an interview protocol was defined for the random application of the survey, which included the random selection of a starting point in each locality (places of importance such as schools, mosques, churches, football fields, etc.). Then, the sampling started at the right of the starting point, with a number of houses determined by the calculated survey interval and selected the first person to the left of the door of each selected house.

**Data collection** was prepared through the training of 40 interviewers to use the data collection (the app Kobo Collect was used) and on ethical conduct in the field. A field test was carried out (in Bissau) in order to select the 36 interviewers who best mastered these skills. The interviewers are members of Civil Society Organizations from all regions of the country, which were identified and selected during the consultation sessions. For the data collection, each interviewer received a tablet (thanks to the INE) with the Kobo app installed. With this tool, the answers from the interviewees were registered and sent every day to a central server, located in the office of Voz di Paz in Bissau.

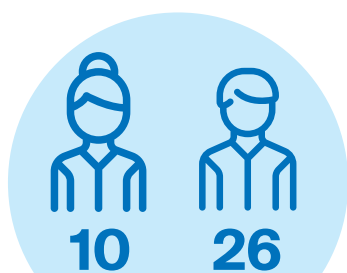
In each region, 4 interviewers were selected (2 for each sector) based on their knowledge of the local context

<sup>8</sup> See [Annex 4 - Sample](#).



June 2019

## Training of the interviewers



**36 Interviewers**

2 for each sector



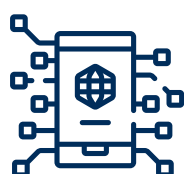
## Data collection at the national level



**3427 Interviewees**

180 communities

18 days



## Data cleaning

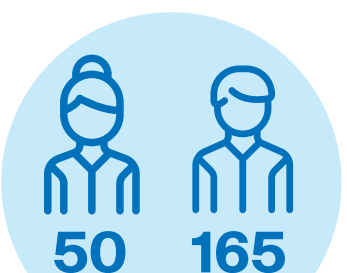


## Creation of the platform



**11**

## participatory analysis sessions



**215 participants**



October 2019

January 2020

and language. For 18 days, they were in direct contact with the communities, carrying out direct individual interviews. The interviewers were also in daily contact with the project team. Monitoring and assistance was facilitated by the platform Kobo Toolbox, which registers the daily entries of the surveys real time, so as to detect any challenges in the field and to quickly and efficiently identify possible solutions. Voz di Paz also undertook monitoring trips to the field, to strengthen the exchanges with the interviewers and to obtain a better idea of the progress of the work.

The data collected in the field were subsequently processed and made available at the online platform [justicapapaz.org](https://justicapapaz.org) to make them accessible to the public, increasing the dialogue and discussions around the justice system in the country.

The **participatory data analysis** was conducted with individuals from various social strata and different sectors of Guinea-Bissau. In total, 11 (eleven) working sessions took place across the country, and 1 (one) session was held with specialists in the following areas: law, sociology, history and economics. During the analysis sessions, participants used an online platform to formulate conclusions and recommendations based on the data produced during the group work. At the end of each session, the groups presented the results, which were then discussed to capture interesting stories or facts that strengthened the data or highlighted the weaknesses.

Regarding **partnerships** during the different stages of development of the barometer, the following partners were involved to strengthen the teamwork and the methodological legitimacy of the barometer:







**The National Statistical Institute – INE** accompanied the different stages of the barometer, provided the techniques used during the field consultations, took part in the internal workshops to prepare the survey and the selection of statistical methods, and participated in the Steering Committee. Moreover, the INE provided 36 tablets for the data collection.



**Build Up**, an international non-governmental organization that has experience with participatory barometers and the use of new technologies for peace consolidation, trained and supervised the project team during 3 workshops in Bissau, held to define the strategy of the barometer, the data collection process, the analysis and the dissemination of results.



**The Conflict Alert and Prevention Centre (CENAP) from Burundi** shared its experience with designing participatory research, both quantitative and qualitative, as well as the elaboration of surveys and management of the public spaces. The exchanges with CENAP took place through Skype sessions and one workshop in Bissau.

# The platform with all the data



The data from the survey are available and accessible online in Portuguese, French and English at [justica-papaz.org](https://justica-papaz.org).

The data are categorised into the five subtopics of the barometer, which all correspond to a specific set of questions.

Users can consult the results for each question, which can be selected in the drop-down list. The answers are disaggregated into five sociodemographic variables (region, urban/rural, age, gender and level of education).

The data for each question and variable are presented in two graphs and tables. Moreover, there is a map for each question, which visually shows the data per region.



**Figure 4.** Snapshot from a participatory analysis session.



# Main data findings

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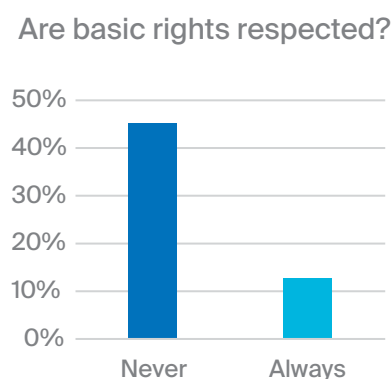


Figure 6. Working group during a participatory analysis session in Bissau, January 2020.

# Main data findings

## For the population of Guinea-Bissau, the concept of justice is marked by social inequalities.

The level of legal compliance in Guinea-Bissau does not satisfy the expectations of the population: almost half the population (45%) is of the opinion that basic rights are never respected. This consideration is strengthened by the fact that 61% of the population is of the opinion that there never is equality in legal compliance, and that people are never punished in the same way for the same types of crime, and that 65% of the legal proceedings are not transparent. An important finding is the different perception of legal compliance between rural and urban regions, with these percentages being higher in the latter (with a difference of approximately 20%).



Even more critical in the eyes of the Bissau-Guineans appears to be the level of social justice: 85% of the population thinks they do not have access to the same economic opportunities and basic services as other citizens and 69% of the population thinks that social inequalities influence access to justice. When taking the different sociodemographic variables into account, it becomes clear that there is a high level of homogeneity among the answers to these questions, which confirms that **the feeling of lacking of social justice is widespread, an important finding for the formal justice system of Guinea-Bissau.**

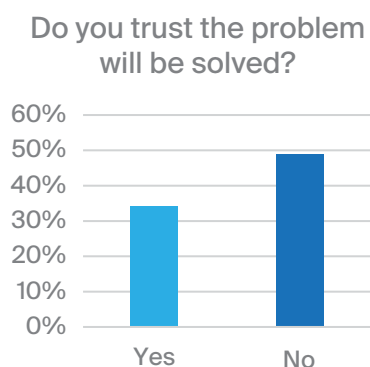
## Access to justice is predominantly determined by social factors

The majority (62%) of the population has turned to a judicial body to resolve a problem, and for those who have not, the main reason mentioned was that they did not have any reason to (67%). Looking at the data, it becomes clear that access to justice is influenced by different variables. Geographic location is an important factor, with urban and rural regions showing different results and levels of access

to judicial services. In rural areas, 19% of the respondents mentioned the lack of institutions to turn to or the long distance to access such institutions as their main reason not to go to the judicial system.

However, while geographic location contributes to explaining some of the challenges of access, **social factors, especially level of education and gender, seem to influence the accessibility of the judicial system.** Recourse to the judicial system to resolve a problem increases exponentially with the level of education, showing a difference of 26% between people with no schooling and those with a medium to higher education. Gender<sup>9</sup> is also a factor that shows a considerable discrepancy, as 52% of women have appealed to the judicial system, compared to 74% of men. In general, this can be explained by the fact that the better educated segment of the population has a clearer understanding of the judicial mechanisms and the ways to use them. Moreover, when there is a problem that involves a woman, this is not always taken to the formal judicial system, given the social obstacles that impede the full autonomy of women.

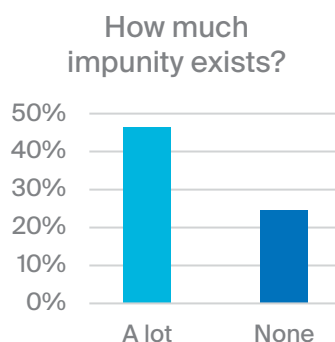
Economic considerations seem to confirm this tendency. **The majority of the population (53%) indicated that the costs to access the judicial system are high**, and this percentage increases with the level of education, with the most educated being the most critical. On the other hand, 35% of the women interviewed answered that they did not know whether the costs were reasonable, low or high, compared to 17% of the men, showing that women are less involved in judicial matters.



## Experiences with structural problems in the formal judicial system undermine the trust in bringing about justice

The majority of the population of Guinea-Bissau thinks that the judicial system is not independent: 73% believes that money is a fundamental element that influences judicial decisions, and 55% of the population thinks that there is a lot of interference with the proceedings of the formal judicial system. Half of the people interviewed finds the level of impunity in the formal judicial system high: 47% confirms that there is impunity among influential people and that sentences are only sometimes served.

More critical are perceptions around the performance and the efficiency of judicial staff: 73% of the population thinks that they do not respect the law, 69% thinks they do not respect norms and ethical values, and 91% thinks that monitoring of judicial staff should be enhanced – this underlines a strong-felt need, which was also confirmed in the participatory analysis and in the recommendations that were formulated.

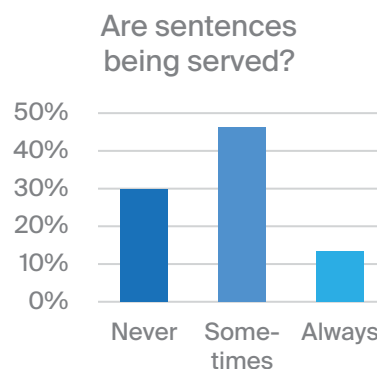


**The lack of independence, the high level of impunity and the low level of performance and efficiency of the formal judicial system undermine the trust that the system can resolve disputes.** While the majority (72%) of the population still considers the formal judicial system a valid option to resolve their problems, only 34% of the population trusts that their problems will be solved by turning to the judicial system.

<sup>9</sup> For a more comprehensive view on this, please see the gender-based analysis on the following pages.



**While it is not the role of the police to administer justice, the majority of the population considers it an unavoidable actor to this effect.** When asked, “who would you go to first” in the formal judicial system to solve a problem, 78% of the population responded “the police.” This can be explained by the fact that the police are the institution that is most accessible and closest to citizens, both in urban and rural settings, which makes them an essential actor to be included in efforts and interventions to improve the judicial system.



## It is difficult to measure the level of awareness among citizens regarding the role of the formal judicial system

64% of the population confirms that citizens can contribute to the good performance of the judicial system. This indicates that citizens consider that they have a role to play in contributing to the good functioning of the judicial system (their civic duty) and that their duties vis-à-vis the judicial system (civic education) are rather clear. No significant differences were observed when looking at the different sociodemographic variables.

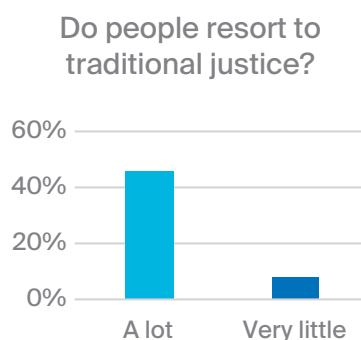
The situation around the recognition of the formal judicial system as a means for peaceful resolution of conflicts and normalisation of social relations is more fragmented. 22% of the interviewees are of the opinion that the formal judicial system contributes a lot to

the peaceful resolution of conflicts and 21% think that it does not contribute anything. This fragmentation can also be observed regarding the level of trust in the formal judicial system, which is not influenced by the different sociodemographic variables. This shows that there is no clear idea that state institutions, and particularly in this case judicial institutions, are there to serve the citizens.

While **the perception of a civic duty is shared by the population and can be a basis for a more conscious citizenship, work is needed in recognising the role of the formal judicial system** and its benefits. This points to the need to improve the experiences with the judicial system.

## Traditional justice remains important in the lives of the population

Traditional justice remains important for the population: 61% believe that traditional justice is the best method to solve conflicts. However, preferences shift considerably with sociodemographic variables. Notably, in urban settings, 62% of the population prefers the formal judicial system, which contrasts with the general tendency across the country. In the same way, the preference for traditional justice goes down as the level of education goes up: within the segment of the population with the highest level of education, only 33% expressed a preference for traditional justice.



This distinction can also be noted with regard to the level of corruption and the use of traditional justice: 46% of the interviewees believe that traditional justice is often used by the population, but this percentage decreases to 23% in urban areas and even to 18% among the segments of the population with a high level of education. It is worth noting that in the same urban setting, and among the same population with a high level of education, perceptions of corruption in traditional justice systems are highest. 67% of the population thinks that traditional justice systems are not corrupt, and this percentage goes down to 53% in urban settings and 37% among people with a higher level of education. This underlines that the legitimacy of traditional justice mechanisms is widely divergent among the Bissau-Guinean population and is depen-

dent on the different levels of experience with traditional and formal judicial systems.

Taking these substantial differences into account, the findings confirm the value and appreciation of traditional justice. This is explained by the idea that, besides any preferences for one way of conflict resolution over the other, there are conflicts that are better resolved by traditional justice. Without substantial differences according to different sociodemographic variables, 91% of the population is in agreement with this idea. This shows **the importance of traditional justice in the lives of the population, despite the varying degrees of legitimacy people accord to traditional justice as a way of resolving conflicts.**



# Gender analysis

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Figure 7. A participant in the consultation session in Canchungo, October 2018.

# Gender analysis

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Initially, Voz di Paz and Interpeace viewed gender as a transversal topic for the entire initiative. In accordance with the methodology, however, the indicators, the data collection and the analysis were established in a participatory way. In this participatory approach, specific questions linked to gender did not come up as relevant in any of the stages of the initiative. During the initial consultations and the final analysis, no gender-specific element was included.<sup>10</sup> However, in the survey, with a statistically significant and representative sample from the Bissau-Guinean population, the data disaggregated by gender show that there are significant differences in terms of perception of justice. The perception of justice in the country suffers little to no changes across the gender variable, being very similar for both men and women. The fact that gender apparently has little relevance for the perception of justice leads to an important conclusion, namely that there are structural problems in the judicial sector in Guinea-Bissau that go beyond sociodemographic differences. Indeed, the situation of the sector seems to be so critical that both genders are equally affected, given that the dissatisfaction is a feeling shared by the entire population.

However, an analysis of the results with a focus on gender is still relevant to highlight the differences that, even if marginal, can be found between men and women. Some of the main issues and conclusions are the following.

## **The variable gender has no influence on the perception of justice in the country**

Bissau-Guinean men and women are equally dissatisfied with the level of legal compliance in the country. Although women seem to hold slightly less critical opinions, there are no significant differences between gender groups in terms of their perception of the respect for basic rights, unequal treatment and punishment, and the lack of transparency in the proceedings of the formal judicial system (variations of 4%, 2% and 6%, respectively).

Regarding the level of social justice, even if critical opinions are the majority throughout the society, women seem to have a less negative perception. However, even with a small percentage, it is worth noting that there were approximate-

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<sup>10</sup> Given the lack of availability of a large number of women to participate and speak about these topics, and generally due to different factors, the percentage of women participating in these stages was lower than 50%. However, the 240 women who did participate did not mention any element related to gender.

ly twice as many women as men who replied “I don’t know” to questions regarding the latter indicator,

which may indicate that the differences in perception could be influenced by access to information.

## Bissau-Guinean women seem to have more limited access to justice than men

Only approximately half of the women (52%) state they have turned to the formal judicial system, as compared to 74% of the men. This difference in access is confirmed by the level of knowledge of each gender group: over a third of women (35%) state that they do not know the costs of the formal judicial system, while this is the case of only 17% of the men. This points to a clear difference between the gender groups in terms of access to the judicial institutions in the country, with women encountering more difficulties. This discrepancy shows the lack of a real participation of women in

judicial processes, which can be explained by various factors. For example, the very nature of the conflicts in which women may normally get involved may cause these conflicts to be resolved at the level of the *moransa* (extended family) or the community, rather than by formal institutions.<sup>11</sup> Regarding the elements that contribute to or undermine the resolution of the problem, both men and women shared similar perspectives, and were in agreement about the broad lines in terms of the functioning of the judicial institutions.

## Experiences with judicial proceedings are affected by feelings of insecurity among women

The perceptions regarding the levels of independence and impunity of the judicial powers are in general shared by both gender groups. However, it can be observed that women tend to be less critical with respect to the influence of money, and the interference and impunity in judicial processes. The performance is also assessed less critically by women, who however share the same perception as men when it comes to laws, professional norms and the need for a better control over judicial staff.

The differences between the gender groups in terms of experiences with judicial proceedings are most evident in the level of trust in the judicial system. Both men and women state that, if confronted with a problem, they would go to the formal judicial system, and

they present the same levels of trust in the resolution of the problem. However, when it comes to security at the moment of reporting or testifying, the difference is striking. While men are divided between feeling safe or unsafe, the majority of women (48%) feel very unsafe, while only 22% of women state they would feel very safe, compared to 34% of men. It could be the case that these perceptions of safety are not only related to the formal system itself, but also to the positions of women in their communities. Feelings of insecurity, together with other factors, can provide part of the explanation why women turn less to the formal judicial system, which is not only due to their role in the communities, but also to the type of conflicts in which they are involved.<sup>12</sup>

## The role of citizens is perceived in a similar way by both gender groups

The relatively low level of civic engagement in the judicial system is observed in a similar way by both gender groups. Moreover, in spite of a minor difference

(5%), the perception that people can contribute to the good functioning of the judicial system is also shared by both gender groups. Therefore, even if there is lit-

<sup>11</sup> As became clear from the study *Nô Obi Mindjer ku Mininu* (2019), available at [www.vozdipaz.org/estudos-e-publicacoes](http://www.vozdipaz.org/estudos-e-publicacoes)

<sup>12</sup> *Ibid.*

the recognition of the role of the formal judicial system, the contrary occurs with respect to the role of citizens, the importance of which is recognized by all. If one takes all the challenges into account that women

face if they want to participate in the judicial system, the recognition of this civic role is positive. As such, we can conclude that the lack of participation is not due to a lack of will, but to other social factors.<sup>13</sup>

## Traditional justice plays an important role and is recognised by both men and women

Traditional justice is recognised to the same extent by men and women (60% and 62%, respectively) as the best course to resolve conflicts. This is largely due to the reconciliation approach in settling the conflict by the different parties. Traditional justice is very important for women, in spite of their subordinate role in these institutions.<sup>14</sup> Moreover, the perspectives of both gender groups coincide in terms of favouring one or the other judicial system and the types of conflicts that are best resolved by traditional justice. Even though traditional justice practices can involve and affect men and women in different ways, the recognition of its importance is shared by both groups.

The majority of the population is of the opinion that the formal judicial system should always seek to collaborate with traditional leaders. Women are slightly less enthusiastic about this option (62% against 70% of men) and value traditional justice to a lesser extent. Still, communities' reliance on traditional justice and the perceived absence of corruption are perceptions shared by both men and women. Therefore, in spite of various nuances, the level of legitimisation of traditional justice is equal for both gender groups.

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<sup>13</sup> For an exploration of the factors that limit the participation of women, see the reports *Fala di Mindjer* and *Nô Obi Mindjer ku Mininu*, both available at [www.vozdipaz.org/estudos-e-publicacoes](http://www.vozdipaz.org/estudos-e-publicacoes).

<sup>14</sup> The subordinate role of women in institutions of traditional justice was highlighted by the participants in the study *Nô Obi Mindjer ku Mininu*. For more detailed information, the report can be consulted at <https://www.vozdipaz.org/estudos-e-publicacoes>.



# Conclusions of the participatory analysis

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Figure 8. Working group during participatory analysis session in Bubaque, November 2019.



# Conclusions of the participatory analysis



65%

thinks that the judicial sector is not transparent.



61%

thinks that there is no impartiality in the functioning of the judicial system and that people who have committed the same crimes are punished in distinct ways



45%

thinks that basic citizen rights are not being respected



85% - 88%

thinks that the access to basic social services and to economic opportunities is not the same for all



69%

thinks that social inequality significantly hampers access to justice

The conclusions presented in this section were formulated by the participants who took part in the sessions in which the results of the barometer were analysed, following a logical chain based on the platform data (Observations → Conclusions → Recommendations). Subsequently, the conclusions were harmonised by the project team. In addition, the qualitative data that resulted from the consultations and the plenary discussions were further strengthened with specific stories and examples from participants.

## 1) Formal justice procedures are neither sufficiently transparent nor egalitarian

Transparency is generally considered to be one of the fundamental principles of justice. However, the results from the barometer, which measure the perceptions and experiences of the population with the judicial system, show that the citizens have little trust in the functioning of the formal judicial system as they do not deem the system to be transparent.

The **lack of transparency** is reflected in the ways in which citizens perceive judicial proceedings and how they are being treated when they find themselves in front of the judicial system. Factors include the lack of respect for human rights, social inequality, the manner in which processes are conducted and the difficulty to understand 'legal language'. These factors therefore impede a large portion of the population to have access to the judicial system. According to the population, this creates a negative impact on the credibility of the judicial system.

**Statistical data from the survey conducted at the national level show that 65% of the population do not**

**deem the judicial system to be transparent.** Interviewees state there is much incoherence, such as formal notifications that do not include formal documentation and the absence of registered testimonies in judicial proceedings. It has been confirmed that judicial staff do not treat cases with clarity, which gives the population the perception that information is being omitted. For example, the manner in which fees are determined and charged is not transparent, and processes often last for months without a clear reason for the delays.

The participants in the barometer consider that the judicial system has been specifically designed with the intention to favour certain parts of society. According to the results, **61% of the Bissau-Guineans state there is no impartiality in the functioning of the judicial system** and that **people who have committed the same crimes are punished in distinct ways (61%), affecting in most cases those that have less resources or social influence.** Moreover, the **lack of respect for basic citizen rights (mentioned by 64% of the interviewees)**<sup>15</sup> by judicial staff and especially the police (who often administer justice) contribute to the perceived absence of transparency.

*“When citizens’ basic rights are not being respected, that does not contribute to an efficient judicial system. For this system to be transparent, it is necessary to inform and raise the awareness of the entire population with respect to legal proceedings, different types of laws and different types of legal topics.”*

– Brindim Sambú, São Domingos

The complexity of judicial proceedings, the heavy bureaucratic processes and the use of complex legal

terms further contribute to the absence of understanding legal proceedings. This problem is even more pronounced among the less educated segments of the population. This lack of understanding is worsened by the difficulty to access information and by the poor knowledge of the rights and duties of citizens.

*“The population needs to be made aware [...] [so that] they understand that they need to appeal to these authorities, which can provide effective guidance to them, and in this way the judicial system will be respected.”*

– Rino da Silva, Buba

The question of social justice was debated during the consultations and throughout the barometer process. The majority upheld that there can be no discussion of justice without talking about social justice, which is considered a weakness in Bissau-Guinean society. There is a strong perception that the poorer, less privileged segments do not have fair access to justice and are more severely punished. This shows that economic opportunities are not the same for everyone in the country. To illustrate this, it has been found that 85% of the population thinks that access to basic social services is not equitable and **88% considers that not all citizens have the same economic opportunities**, which causes **social inequality** to prevail, which **according to 69% considerably impairs access to the judicial system.**

*“The riches of a country are for all its sons and daughters, justice is also the equitable division of what we have to live.*

– Marquês Na Flor, Catió

<sup>15</sup> To the question “Are citizens’ basic rights respected in the proceedings of the formal justice system?”, on a scale from 1 (never) to 5 (always), 45.17% of the interviewees replied 1 and 18.35% replied 2, which corresponds to a total (rounded off to whole numbers) of 64%.

## 2) Corruption is a major obstacle to justice and has a major financial cost

When discussing the judicial system of Guinea-Bissau, corruption is the topic most often mentioned by participants. Corruption affects the lives of the entire population, either directly, through the weakening of the judicial institutions and their credibility or through the co-optation of judicial staff, or indirectly, by making public services more precarious.<sup>16</sup>

*“The serious illness of our judicial system is the generalised corruption in the State apparatus.”*

– Capitão, Mansôa

According to the national results of the barometer, **39% of the interviewees who turned to the judicial system to solve a conflict but did not succeed** stated that **the main obstacle to resolving the problem was corruption**. Considering these findings, the participants pointed to some of the factors that create this situation: the influence of money in judicial decisions, the high level of interference with the judicial system, the disrespect for the law and professional ethics among judicial staff, and the lack of effective control over their actions.

Indeed, **73% of the interviewees confirmed that money is a fundamental factor in judicial decisions**. The most common narrative unfolds along the lines of: the one who has most money normally gets a favourable decision. The idea that the judicial system only favours the wealthy runs deeply in the minds of the population, so that a citizen who finds himself in a judicial dispute against someone with more money or influence often prefers to withdraw from the process and seek other ways to resolve the issue, despite the fact that their rights are infringed or threatened.<sup>17</sup>



39%

of those who attempted to solve their problems through the formal justice system but were unsuccessful state that the main obstacle was corruption



73%

thinks that money plays a fundamental role in legal decisions



53%

thinks that the costs of the formal judicial system are high, of which 39% thinks the main reason is corruption

*“For the judicial system, a poor person is never right.”*

– Mariama Baldé, Gabú

The data collected also showed that corruption severely affects the costs of the judicial system, much more than the operating costs themselves. **53% of the population considers the costs of the formal judicial system to be high**. Of these, 39% stated that the main reason for this is corruption. Passive corruption<sup>18</sup> was a heavily discussed topic during the participatory analysis sessions in all regions of the country – with various very concrete examples being shared. More-

<sup>16</sup> In the report *Global Corruption Barometer – Africa 2019* (p. 13), the president of Transparency International, Delia Ferreira Rubio, states that “public sector corruption doesn’t exist in a vacuum. Foreign bribery and money laundering divert critical resources away from public services, and ordinary citizens suffer [the] most.” The report is available at: [https://www.transparency.org/files/content/pages/GCB\\_Africa\\_2019\\_Full\\_report\\_PT\\_WEB.pdf](https://www.transparency.org/files/content/pages/GCB_Africa_2019_Full_report_PT_WEB.pdf).

<sup>17</sup> The perception of corruption is also influenced by the lack of knowledge of the proceedings and the costs of legal processes, by the slowness of processes, and by the lack of trust in judicial institutions. These elements ultimately inflate the perception of corruption in the country, causing citizens to withdraw, as they believe that justice will not be done and that it is pointless to lose more time by repeatedly going to court.

<sup>18</sup> Set of practices including to request or receive undue benefits for oneself or for someone else, directly or indirectly, or receive a promise of such benefits.

over, it was stressed that many of the delays in the processes are also due to corruption, and that these delays cause withdrawals and the transfer of processes to other institutions, which render access to the judicial system more costly (and ineffective) for the population and the state.

For all these reasons, corruption constitutes a major obstacle to the achievement of justice in Guinea-Bissau. It removes the judicial institutions and its employees from the structuring principles of the Judicial Power, perpetuates social injustices, deepens inequalities in the country, and impairs access to justice.

*“People need to start understanding that justice is not a sector for people who want to get rich.”*

– Dulcineia Pereira, Canchungo



Figure 10. Participant in a participatory analysis session in Gabú, October 2019.



### 3) The qualifications and capacities of judicial staff are key elements for an efficient judicial system

The Constitution guarantees the right to justice for all its citizens, granting them the freedom to seek legal services to assert their rights. This civil right has the potential to flourish but is faced with serious impediments in the judicial sector. This initiative aimed to identify experiences and perceptions of the judicial sector.

In legal discourse, when competence is discussed, this refers to aspects of jurisdiction, to determine by whom or by which institution a given dispute should be resolved, or even which structure (formal, traditional, lower or higher) is eligible to treat a certain matter under consideration. However, in this study the term refers to competent personnel acting in accordance with general legal principles.

The participants in the different stages of the barometer referred to qualifications and professional abilities as competence, to indicate that an individual has the technical qualifications necessary to fulfil their functions and that they are guided by ethical and deontological values that set the course in the formulation of their decisions. If judicial staff have these qualities, that makes them efficient and responsive to the expectations of delivering “justice”. While competent personnel is considered as positive resilience, corruption brings negative resilience to the sector.

The results of the barometer regarding this topic show that **among the interviewees who sought assistance from the tribunal or the police, 64% had their problem resolved. Of these, 50% believe that it was the competence of staff which made the process effective.**

When analysing the data, the participants in the participatory analysis sessions in the regions highlighted the work carried out by the Centres of Access to Justice (CAJ), which are linked to the Ministry of Justice. Their objective is to facilitate the access to information around the functioning of the judicial system in Guinea-Bissau and to provide legal orientations to the most vulnerable groups.



64%

of those who sought assistance from the formal justice sector had their problem resolved, and 50% of these mention the competent staff as the element that most helped them

The participants furthermore indicated that, in spite of the various efforts undertaken by the State in partnership with several international and national organizations to increase access to legal services, there is a large gap in terms of sufficient competent personnel to respond to the population's needs at the national level. Moreover, there were many cited examples of poor working conditions among judicial staff, such as precarious and sometimes unhealthy facilities, lack of resources to provide an adequate service, lack of stationary materials, etc.

*“If the right conditions are not being created for the judicial staff, it is unlikely that they will respect their work.”*

– Sene Camará, Bigene

The results from the barometer provide an overview of the situation in the judicial system in the country and especially the staff working in the sector. The information that was collected in this context indicate that an improvement of the response to users of the judicial bodies can only be achieved with the creation of good working conditions, making the necessary resources available, appreciating and monitoring the judicial staff members.

*“The State needs to guarantee the safety of judicial staff, because many times, when a politician is convicted and goes to prison, the judge who convicted them and his family are exposed to harassments and reprisals.”*

– Marcelino Vaz, Gabú



Figure 10. Participants in the participatory analysis session in Quinhámel, October 2019.

## 4) Politicians and Defence and Security Forces are perceived as actors jeopardizing the independence and effectiveness of the formal justice system

Interference and impunity weaken any judicial system in the world. In Guinea-Bissau, the formal judicial system is deemed to be weak by all groups in society, as interference and impunity often occur, undermining citizens' trust in the judicial sector.

According to the interviewees, there are people who are considered to belong to the political elite, and who are never held accountable or punished for their crimes. This group is considered by society as the worst offenders in terms of interference with the judicial sector, and the use of harassment, bribery, threats and their social status to weaken the judicial power.

*"Justice in Guinea-Bissau is only [enforced upon] the poor."*

– Aladje Suleimane Djaló, Canchungo

The study found that **55% of the population believes that there is significant interference by influential people, with politicians, members of the defence and security forces, and judicial staff being at the top of the list of those who interfere the most** in the functioning of the formal judicial system. This interference is linked to impunity, with **47% of the interviewees stating that these same individuals often enjoy impunity**. Such statements are stronger and more visible in the **region of Cacheu**, with **86%**, and in the **Bissau Autonomous Sector (BAS)**, with **75%**. Among the people mentioned as enjoying impunity, **members of the defence and security forces and politicians** were mentioned by the population (**51%**) as those who **interfere the most**. The same groups were mentioned in all regions, except for a few where only staff of defence and security forces were mentioned as the ones who **enjoy most impunity**.

*"Even if we would advocate for the legislators to make a law that makes it difficult to interfere with the judicial system, they wouldn't do it, because it is themselves, together with other politicians, who most interfere with the judicial processes."*

– Corca Djaló, Prábis



55%

thinks that there is a lot of interference from influential people



47%

thinks that influential people often enjoy impunity



51%

thinks that members of the defence and security forces and politicians interfere the most with the judicial system



"Justice in Guinea-Bissau has a face" or "Justice in Guinea-Bissau is only enforced upon the poor" are examples often heard during the various consultations held. Judicial decisions are not only impacted by the interference of influential people, but in most cases also by money. More than two thirds of the population (**73%**) believes that **money influences judicial decisions** – an important indicator of the corruption in the sector. This perception of the influence of money on judicial decisions is stronger among people with a higher level of education.

Participants cited that one of the fundamental changes that need to occur is separating the judicial sector from politics and political appointments. Moreover, it was stated that judges, who should safeguard respect for the law, must have the courage to report obstruction of the sector. The full independence of the justice sector from other State powers is critical in the judicial reform.

*“Our judges should have the capacity to report. [...] The judge should not be afraid, because wherever he goes, he will always have his diplo-*

*ma. They may even transfer him, but they cannot take his right to work away from him.”*

– Rudo Correia Junior, Safim



Figure 11. Group work during consultation in Mansôa, October 2018.



## 5) Lack of law enforcement and application of ethics and deontology principles prevent people from collaborating (denouncing and testifying) with the judicial sector

When talking about professional, ethical and deontological values, participants refer to the values and obligations that any professional should respect in the exercise of their functions, which contribute to creating and strengthening relationships of trust between institutions and people who seek their services.

However, the results of the barometer show that the lack of respect for professional, ethical and deontological values among staff of the justice sectors is one of the reasons why people have little trust in the formal justice system. As such, many citizens refrain from collaborating with the sector. The absence of confidentiality mechanisms among judicial staff is one of the main factors preventing citizens from reporting to or testifying before judicial authorities.

*“Citizens don’t go to the authorities to report anything because professionals in the justice sector do not respect the professional confidentiality of every report that they receive.”*

– Paula Gomacha, Bissau

Furthermore, cultural and traditional barriers represent other moral impediments to collaboration with the authorities, as the communal way of sharing and living causes people to remain silent and “protect” each other from issues that could affect the entire community. Consequently, those who report a situation may be treated as traitors.

Respect for professional values becomes essential and should prevail during the entire course of a judiciary process in order to encourage more collaboration with the judicial sector. **The statistical data** from the barometer show that, at the national level, **54% of the population does not feel safe to report or testify**<sup>19</sup>. This feeling of insecurity was most pronounced in urban zones (53%, against 39% in rural areas). Cacheu and Tombali are exceptions, as in those areas 51% and 45%, respectively, feel very safe. The results fur-



54%

does not feel safe to report or testify



73%

thinks that judicial staff is not respecting the law



69%

thinks that judicial staff is not respecting professional norms

ther indicate that this feeling of insecurity is rooted in **non-compliance with the laws and professional norms among staff of the justice sector**, which is mentioned by **73% and 69% of the population**.

The data show furthermore that people with a higher level of education take a more critical position towards the lack of compliance with the law among staff of the judicial sector, and the higher their level of education, the more critical they are (going from 66% to 97%). It can also be concluded that the citizens of urban zones are more critical than those from rural zones (83% and 70%, respectively).

*“As there is no safety for all, we don’t dare to express ourselves about the things that are wrong. As there is no safety, we don’t dare to say the truth and to report to the justice sector.”*

– Abdulai Djaura, Bissau

According to the participants, ethical and deontological practices are part of the principles that should in-

<sup>19</sup> To the question “Do you feel safe to report or testify before the formal justice system”, on a scale from 1 (very unsafe) to 5 (very safe), 42.19% of the people replied 1 and 12.17% replied 2, which would indicate a rounded total of 54%.

form the professional performance particularly of judicial magistrates, who should base their actions and the credibility of their decisions on the legal tools that they possess. The compliance with these values strengthens and bolsters the necessary collaboration of the population with a functioning judicial sector. When these values are not being lived up to, it exposes those who have opted to collaborate with the judicial system by reporting or testifying. In the absence of confidentiality mechanisms, if/when their identity

is revealed, these citizens are not only exposed to very high risks but also exposed as traitors vis-à-vis their communities, making them very vulnerable.

*“I was exposed as I reported someone to the authorities and the responsible policeman told his family that I was the one who had reported him. Who protects the whistle-blowers?”*

– Alberto Suleimane Djaló, Canchungo

## 6) Collaboration with the justice system is conditioned by insecurity

The full enjoyment of civic rights should go together with the fulfilment of duties and obligations. Citizen participation in governance is normal in a system that understands the rights and duties of the population. In Guinea-Bissau, there are still numerous challenges and limitations that obstruct the realisation of these principles.

The results from the barometer show that the majority of the Bissau-Guineans are conscious of the fact that they can and should participate, to exercise their citizenship in the construction of an effective and efficient judicial system in the country. However, the conditionalities related to the security situation, which lead to fears, limit citizen participation. This is illustrated as **64% of the population** considers that **people can contribute to the good functioning of the judicial system**, **46%** state that **people never report crimes within their communities**, and **47%** report that **people never voluntarily testify in legal cases**.

Crosschecking the data at the national level with the perceived feelings of safety to report or to testify, only **38% of the people feel safe to report or to testify**. This points to a contradiction: the civic consciousness of the duty to participate with the justice system does not correspond to a willingness to report or to testify, which leads to the conclusion that guaranteeing safety is essential for an effective realisation of citizenship to improve the rule of justice in the country.

*“The authorities should collaborate with the population, so that when people report crimes, they are not identified [...]. Law enforcers don’t keep secrets, that’s why people are afraid to report crimes.”*

– Sene Camará, Bigene



64%

think that people can contribute to the good functioning of the judicial system



46%

state that people never report crimes within their communities



47%

report that people never voluntarily testify in legal cases

The data from the survey also indicate that this perception of insecurity is most evident in **urban areas** (53%, against 39% in rural zones) and among **women** (49%, against 35% of men). This insecurity is associated with structural aspects, such as the absence of laws and legal norms for protection of plaintiffs and witnesses, as well as social norms that condemn people who “betray their communities”, when they report crimes committed by or testify in cases against community members.

*“Sometimes, women suffer from all kinds of abuse at home, but they do not report because they are afraid that they will lose their marriage or that their husbands will take revenge.”*

– Hodrinirla Monteiro, Caió



Figure 12. Interviewer and traditional leaders during the data collection, June 2019.

## 7) Traditional justice could strengthen the formal justice reconciliation capacity

Justice in Guinea-Bissau is characterised by the coexistence of several systems of justice that regulate people's everyday lives: traditional justice, put in place by traditional leaders and their respective structures in the communities, executed and institutionalised by the State. Even though this is referred to as legal pluralism, it is worth noting that the State has not yet institutionalised any alternative method of solving conflicts, leaving therefore the formal justice sector as the only institution with effective and "sovereign" decision-making power.

The participatory justice barometer highlighted the recognised value of the formal justice system, showing how legality is cited as one of the most relevant arguments by people who prefer the formal justice system to solve their disputes. The data reveal that **38% of the population considers the formal justice sector to be the best institution to solve conflicts, while 68% of these people cite the legality and the respect for the laws as their main reasons.**<sup>20</sup>

Regarding the traditional justice system, which is more present in people's everyday lives, the results showed that **91% of the population believes that certain conflicts can better be solved by the traditional justice system** and **61% considers it is the most appropriate way to solve conflicts.**

Among those who prefer the traditional justice system, the main reason cited are the reconciliation aspects (30%), followed by its knowledge of reality (20%). These results were confirmed during the participatory analysis sessions. Many statements confirmed that various conflicts are solved within the communities themselves. In those cases, the role of the traditional leaders (*régulos*, *tabanca* leaders, religious authorities) does not only consist in solving the problem, but also in reconciling the conflicting parties.

Considering the attributes of both systems, the population was also asked about collaboration between the sectors. **For 66% of the interviewees, the formal jus-**



38%

considers the formal justice sector to be the best institution to solve conflicts, and 68% of these people cite the legality and the respect for the laws as their main reasons



91%

believes that certain conflicts can better be solved by the traditional justice system



61%

considers the traditional justice system to be the most appropriate way to solve conflicts, of whom 30% cite the reconciliatory aspects, and 20% its knowledge of the reality



66%

thinks that the formal justice system should always seek collaboration with the traditional justice system

**stice system should always seek collaboration with the traditional justice system.** Many of the consulted explained that traditional leaders can be important allies to make sure that judicial processes proceed correctly, putting judicial staff in touch with the realities in the field, and proposing reconciliatory solutions to cases.

*"The chief of the hamlet knows what happens in the hamlet, the chief of the tabanca knows what happens in the tabanca, and the régulo knows what happens in his regulado."*

– Adja Djenabu Baldé, Contuboel

<sup>20</sup> To the question "For which reason do you prefer the formal justice system", 42.86% of the respondents replied "Legality" and 21.20% "Respect for the law".



The results of the barometer show the preference of the population for traditional justice, as well as the lack of trust in the formal judicial system – because of corruption, and the lack of the material and human resources necessary for its proper functioning. However, the numbers from the barometer and the analysis do not indicate a dichotomy or a conflict between the two systems. On the contrary, they highlight the urgent need for collaboration and coordination in the quest for justice and social peace in the country.

The **preference for the traditional justice system** was also highlighted in the study about traditional conflict-solving mechanisms *Nô Obi Mindjer ku Mininu*, realised by Voz di Paz and its partner Interpeace. The surveyed population did not recognise itself very much in the formal justice system, which was centred upon the individual and out of sync with the collective and communal lifestyle of the population. The formal justice system was associated with penalties and punishment and was little known for its reconciliatory role. This distance – both physically and psychologically – that separates the formal system from the population is filled by the traditional justice system, based on practices within the community, respecting traditional values (even though these are also not immune for being questioned) and communal ties, and characterised by its goal to reconcile the conflicting parties.<sup>21</sup>

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21 The report is available at: [www.vozdipaz.org/estudos-e-publicacoes](http://www.vozdipaz.org/estudos-e-publicacoes).

## Institutional conclusions

### 1) Access to justice in Guinea-Bissau is unequal

Access to justice is one of the central issues in law and a fundamental right enshrined in various national and international legal instruments. Moreover, it is one of the key indicators of good governance and the functioning of the judicial institutions. At the national level, it is guaranteed by the freedom of people to take court action to solve their disputes or to assert their rights when they feel these have been violated. However, there is a problem linked to the distribution of these freedoms across the country, which has been recurrently mentioned during the consultations regarding access to justice in Guinea-Bissau.

#### Distribution of judicial infrastructure over the country

The geographical coverage of courts in the country reflects the difficulties that citizens face to access justice. Data from 2016 show that the average distance people have to travel to find a court of first instance varies according to region. While in Bissau, this distance is 2.5 km, the average distance in the other continental regions is 28 km, with Gabú and Quinara registering the largest distances, with an average of 39 and 52 km, respectively.<sup>22</sup> These distances are even more significant if one takes the quality of the roads in the country into account, as well as the problems and costs related to transportation.

Apart from the Regional Courts, which are located in the capital cities of the regions, there are the Sector Courts, which are located closest to the population. These courts have been created in the 1990s with the aim of covering all administrative sectors of the country. They are competent to rule in less complex cases, also relying on local customs and without using all procedural formalities. Currently, there are 22 Sector Courts in the country<sup>23</sup>, 6 in Bissau and 16 in the other regions<sup>24</sup>, even though they are not all in operation.

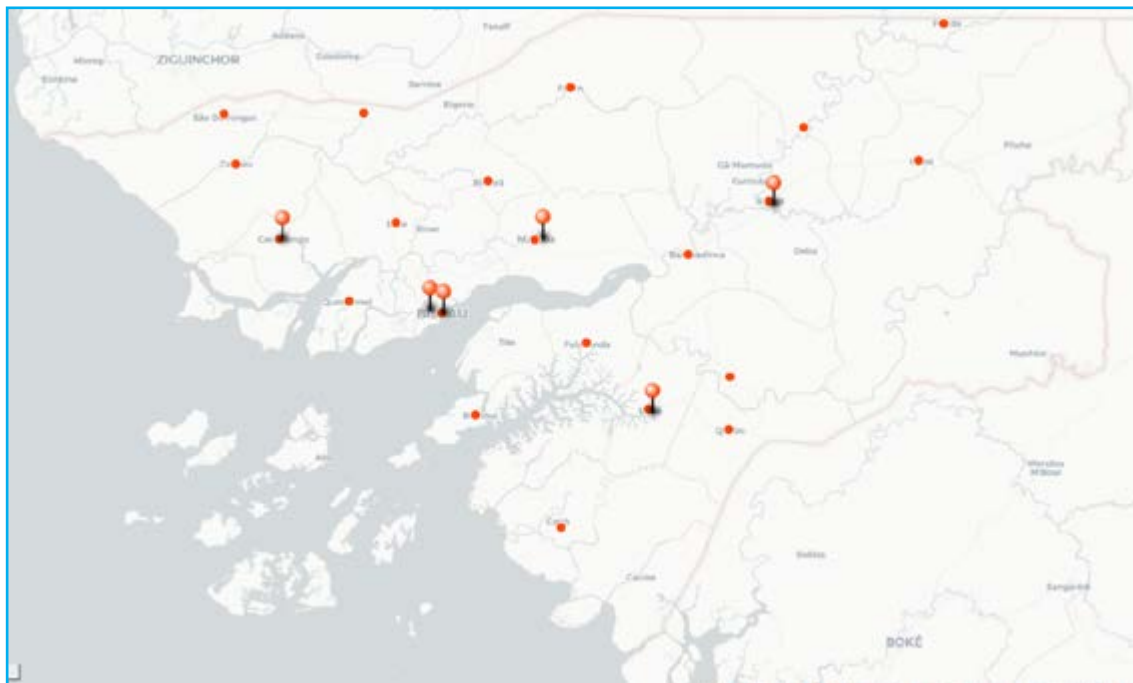
To fill the various gaps identified in terms of the populations' access to justice, a public service for legal and judicial assistance (Gabinete de Informação e Consulta Jurídica – GICJU) was created in 2011. This service coordinates all Centres for Access to Justice (CAJs). Currently, there are 6 CAJs active in the country, two in Bissau (Bairro Militar and Bissau Velho), one in Canchungo, one in Mansôa, one in Bafatá and one in Buba. These Centres guide and assist the population, especially the most vulnerable segments, to gain access to justice.

The map on page 54 shows the distribution of courts of first instance (both regional and sector courts) and CAJs across the country.

<sup>22</sup> Carlos Sangreman, Bubacar Turé and Rita Cavaco "Acesso à Justiça, Direitos e Prisões na Guiné-Bissau: Dados e Percepções 2010-2018" in *Justiça e Direitos Humanos na Guiné-Bissau: Debates e Perspetivas* (2019).

<sup>23</sup> According to an inquiry undertaken in April 2019 by the United Nations Development Programme (UNDP).

<sup>24</sup> Quinhámel, Safim, Bula, Canchungo, Ingoré, São Domingos, Mansôa, Farim, Contuboeil, Galomaro, Gabú, Pirada, Bambadinca, Catió, Quebo and Fulacunda.



**Figure 1 – Locations with at least one court of first instance (circles) or CAJ (pins).**

All this shows that, paradoxically, between the legal instrument and reality, access to justice can be hampered by geographical, economic, cultural, social and moral obstacles. These obstacles affect each individual to a different extent but form one of the main challenges for authorities and citizens to guarantee access to justice for everyone.

### **The influence of sociodemographic variables on access to justice in Guinea-Bissau**

An aspect that was mentioned during the barometer as greatly impacting access to justice was **social inequality**. Social inequality was mentioned as an essential issue for the population, which considers that one cannot talk about justice without considering social justice. As stated before, the large majority of the population of Guinea-Bissau considers that they do not have access to basic services (85%) or economic opportunities (88%) like other citizens, and that this inequality also forms an obstacle in terms of access to justice. This problem is even more pronounced in the regions Gabú and in Bissau Autonomous Sector.

When talking about social justice, people often believe that the capital city of Bissau is privileged, as services and opportunities are concentrated here. However, perceptions of inequality are even more significant in the urban areas, reaching 91%. This can be explained by the fact that social differences are more pronounced in urban centres, while in rural zones the conditions and access to basic social services are almost identical for the entire population.

As mentioned in the conclusions above, the majority of the population of Guinea-Bissau (62%) indicates that they have gone, or know someone who has gone, to a court or to the police to solve problems. Regional data show a significant variation in this aspect: the regions Biombo, Tombali, Bolama-Bijagós, Cacheu and Bissau Autonomous Sector are above the national average, with percentages in answers regarding access to justice that go from the maximum of 78% to the minimum of 65%. The regions Quinara, Bafatá,



Gabú and Oio have under-average percentages, which vary from 58% to 41%. The region Quinara showed a certain particularity, as 59% stated they never sought formal justice (police/court), nor knew anyone who did, against only 41% of the interviewees who replied in the affirmative. This can be related to the weak presence of State authorities in this region of the country, and to the conditions of the courts in this region. Quinara is known for being very isolated and for lacking functional public infrastructure. In some locations, one could consider the State is completely absent. In fact, 10% of the people in this region who declared they had never sought formal justice mentioned that there were no institutions, 12% said the court was too far and 7% said they were in a bad condition. These percentages are considerably higher than in the other regions, which shows the isolation of the region compared to the rest of the country.

When asked about the **factors that affect access to justice**, the majority replied that they never had the need, while 14% said **there were no authorities where they were living** and only 7% referred to the socio-cultural aspect of the preservation of peace within the community. The percentage mentioning the lack of authorities was only 2% in urban areas, showing that this void is mostly felt in rural zones, where the percentage goes up to 16%. This implies that people in rural zones have less access to justice because of a lack of State infrastructure. From a regional perspective, the percentage of responses that indicated the lack of authorities (either courts or police) as the reason why they lacked access to justice highly varied from one region to the next. The most relevant data when compared to the national average (of 13%) were the regions of Bafatá (25%), Cacheu (24%), Oio (23%) and Gabú (16%).

Regarding those who sought justice in the different regions, when asked about the obstacles encountered in solving their problems, it can be observed that **corruption** was mentioned as the main problem in all the regions (39%), with peak values in Gabú (63%), Oio (43%) and Bissau Autonomous Sector (47%). Exceptions were the areas known to be isolated, where the **lack of personnel** was seen as the main obstacle (Bolama-Bijagós with 28% and Quinara with 32%).

The **costs of accessing justice are considered to be high in all regions**, and by the majority of the population (national average of 53%). This question was also discussed in the analysis of the specialists, who confirmed the result. Especially mentioned were the fees (seals, sealed documents, forms, etc.) needed to file a suit, costs that can be related to transportation, and the current practice of staff charging travel expenses. In the region of Gabú, the lowest number of people replied that the costs were “high” (37%), whereas Bolama-Bijagós had the lowest number of people stating the costs were “reasonable”, with 6%. Regarding the answer “I don’t know”, the variation between 25% and 39% among the different regions shows that, still, many people have no idea of the real costs of accessing justice. Neither the survey nor the analysis allowed us to grasp why this number was so high.

## 2) The performance of judicial staff is essential to guarantee the trust of the population in the system

Full compliance with the functions of a civil servant is more than realising everyday tasks, and expectations regarding staff of the judicial sector are even higher. In reality, when the unsatisfactory performance of judicial staff is discussed, elements mentioned include: disdainful service, violation of the norms, and acts and behaviours that harm the moral and physical integrity of citizens.<sup>25</sup>

One of the strongest results of the barometer, and the most homogeneous across demographical variables, was related to the exercise of control over judicial staff. According to 91% of the interviewees, **more control over judicial staff was needed**, without relevant variations among the sociodemographic variables, with the exception of the region of Quinara, where the percentage was lower, at 70%.

Moreover, regarding the behaviour of judicial staff, 73% of the population stated that **they do not comply with the law** and this perception is shared homogeneously across all sociodemographic variables. This criticism is most pronounced in urban areas (83%), with Cacheu and Bissau Autonomous Sector registering the peak values of 86% and 87%, respectively. Tombali showed a particular tendency, with the lowest percentage of respondents (56%) declaring that judicial staff do not comply with the law.

For the perceptions and experiences of respondents **regarding respect of professional and ethical norms among judicial staff**, answers were roughly the same at the national level for all variables. The national tendency is to consider that judicial staff do not respect professional and ethical norms, with the national average at 69%, with a slight increase according to the level of education. At the regional level, Cacheu, Gabú and Bissau Autonomous Sector presented a value of approximately 79%, while Oio and Tombali approached the 54%.

*“We should moralise the judicial apparatus, and everyone should respect it. If a person is a professional, they respect their professional deontology.”*

– Fodé Lai Fofana, Catió

Besides these observations, the obstacles to the exercise of civic duties referred to in this report should be added. These are related to the insecurity that results from the non-respect for the professional, ethical and deontological values among judicial staff, most notably regarding confidentiality.

These elements underline the crucial importance of the judicial staff and the role they could play to transform the governance of the judicial sector in Guinea-Bissau. Such a transformation is necessary to win the trust of the citizens in the judicial system and results from a higher degree of accountability and responsibility in the exercise of its duties.

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<sup>25</sup> Many people in different localities shared the experience of having been treated in undignified ways, as staff of the judicial sector spoke in bad ways with citizens. In Bubaque, the case was told of a policeman who ordered an elderly person to carry a motorbike to the police station. In Gabú, a woman was detained because she was claiming her right to know why and by whom a complaint against her had been filed. Many complained about the way they had been told to shut up, etc.

# Recommendations from the Participatory Analysis

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Figure 14. Consultation session in Quinhámel, October 2018.

# Recommendations from the Participatory Analysis

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The following recommendations were formulated by the participants using a logical chain of the following type: Observations → Conclusions → Recommendations. They were subsequently harmonised within the team. The recommendations were further strengthened with the qualitative data resulting from the consultations and plenary discussions, contributing stories and experiences of the participants as a way to strengthen data.



## 1) Strengthen awareness of the legal frameworks and mechanisms that protect citizens' rights

Every law that has been published by the public authorities becomes binding, meaning that no individual can be dispensed from compliance, even if they allege that they had no knowledge of the law in question.

The participatory analysis formulated recommendations for the population to take ownership of the laws, which therefore included a **better dissemination of the content of the Constitution of the Republic and other legal norms**. This dissemination should occur through the means of communication that are most accessible to the majority, above all using radio, which has the largest outreach in the country. It was also highlighted that using simple language instead of complex legal terms would be essential, as well as using the languages most commonly spoken in the country.

*“Not only the city centres need awareness-raising. It should be taken to all sectors and sections of the country, to the most remote tabanca.”*

– Saico Umaru Emabló, Gabú

It was also recommended to **raise awareness of the population and judicial staff regarding fundamental rights and the functioning of the judicial system**. Specifically, it will be important to not only increase the knowledge of the population regarding the formal justice sector, but also incentivise the compliance among ju-

dicial staff on the principles of court decision-making, including jurisdiction, due legal process, the right to full defence<sup>26</sup> and human dignity.

*If a member of the judicial staff knows that you are a well-informed person who knows his rights, they cannot disrespect you or proceed in an incorrect way.”*

– Gil Alberto N’també, Pitche

In addition, it was emphasised that judicial staff should be engaged with their institutional function. It should further be taken into account that all privileges, of all existing stakeholders, should be exercised to benefit the entire society.

*“A staff member of the Judicial Power, when they sign a work contract, should understand that their salary is being paid for their work and not to give favours to this or that person to earn more money. It is necessary to have some principles!”*

– Germana Gomes, Quinhámel

The participants also recommended the **strengthening of civic education in schools, starting with primary education**. In the actual configuration of the school curriculum, the issue is discussed across disciplines and as a result insufficient attention is given to the topic. As such, it was proposed to develop the curriculum to include subjects of citizenship, civic duty, and justice into the everyday life of school children. From a macro-systemic approach, it was also recommended to increase the populations’ access to formal education.

Based on this set of measures, the participants believe in a mentality change among the population regarding their rights and duties in relation to the judicial system, and in compliance with the principles and the constitutional and other norms by judicial staff in the exercise of their functions.

### Expert recommendations

Simplifications in the dissemination of laws and proceedings could allow people better access to legal information and bring about greater understanding.

The inclusion of civic education in the primary school curriculum and in higher education could raise awareness among the population about their rights and duties, and especially in the legal sphere. Civic education with younger generations could also contribute to preventing crimes and conflicts and promote a culture of legality.

<sup>26</sup> The right to full defence guarantees that no one can be sentenced without having had the possibility to effectively participate in the process leading to the court ruling.





## 2) Improve the working conditions and capacity of judicial bodies

To ensure compliance with the law and improve the functioning of the judicial sector, it is necessary to have a broad network of judicial staff working together in a collaborative, coordinated and punctual way in all cases submitted to them.

*“The working conditions in the judicial sector need to be improved. One of the things that cause corruption is the situation in which judicial staff find themselves, especially outside the capital.”*

– Ivânia Cardoso, Buba

With this in mind, the population recommends improving working conditions of the sector and restructuring the judicial and penitentiary establishments. Specifically, this must mean not only paying **fair salaries and benefits for staff**, but also the **modernisation of courts, police stations, prisons and other judicial establishments**.

*“We want justice, but we don’t have prisons. The famous prison of Mansôa has only 37 spots. At the moment, there are only 22 beds. The rest is broken. And we cannot put prisoners to sleep on the floor. [...] In Bissorâ, prisoners sleep in the same room where they defecate.”*

– Vandriano Umaru Buaro, Mansôa



Figure 15. Sector Court in Bigene, entrance.

As mentioned earlier, there were many discussions on the functioning of the Centres for Access to Justice (CAJs) as a key structure to provide information and legal assistance to the vulnerable population. The participants recommended the **broadening of the competences and the geographical coverage of the CAJs**. The idea is that they could operate in the entire territory, accompanying their clients throughout the judiciary process, from the filing of the complaint to the implementation of the sentence.

Guaranteeing adequate working conditions and remuneration for staff of the judicial sector would also value the role of these professionals and enable a high-quality judicial service, in compliance with Article 32 of the Constitution, which guarantees that justice cannot be denied because of a lack of economic resources.

### Expert recommendations

The institutionalisation of alternative mechanisms to solve conflicts (AMSC) could guarantee the treatment of the simplest cases in order not to overburden the judicial system and to expedite the resolution of conflicts. There are many credible organisations and institutions that could support the Ministry of Justice and the judicial institutions in this endeavour.







### 3) Reinforce supervision over the selection and performance of justice operators

Judicious and rigorous selection processes could contribute to institutions being staffed with competent resources. Regular oversight of judicial staff would also help to promote trust in the judicial institutions and how decisions are made.

The implementation of these measures would, according to the participants in the analysis sessions, strengthen good professional conduct, respect for the laws and proceedings, and the accountability of the staff of the judicial sector.

*“The political class should be kept far from the judicial institutions. There should be capacity-building campaigns with politicians and staff of the judicial sector about the boundaries between them [and non-interference].”*

– Pedro Nancassa, Farim

Furthermore, it is believed that a functional<sup>27</sup> and permanent mechanism for inspection and evaluation would help to end the culture of impunity and interference by magistrates, politicians and members of defence and security forces. It would furthermore strengthen the measures and practices taken to combat corruption more broadly speaking. The oversight should also address questions of violation of human rights and other crimes, regardless whether they are politically motivated.

*“The mechanisms to make staff of the judicial sector liable need to be strengthened, because in that way the incentives for corruption could be removed.”*

– Roby Mendes, Gabú

However, the participants highlighted that the application of oversight measures must be based on clarity and transparency, audited, and with recommendations and reasonable penalty for the offenders implemented, if necessary.

In addition, it was recommended that **auditing of staff revenues should be carried out** as a way to improve the functioning of the system.

**Recruitment by open competition** for certain posts was also recommended in ensuring autonomy and efficiency of judicial staff. Open competitions lower the risk of pressure, interference, intimidation, harassment, threats, and attacks by influential actors. In addition, using an open competitive approach would ensure that competent staff are hired.

*“If a functionary does not act in accordance with his oath, they should be immediately suspended from their activities. [...] There should be open competitions to select the most capable functionaries.”*

– Octávio Pereira, Komo

<sup>27</sup> The judicial system in Guinea-Bissau has internal control mechanisms, but these are not functional. A need identified by the members of the Steering Committee was, for example, the strengthening of the autonomy and the efficacy of the services of judicial inspection. This control would be the responsibility of the Superior Council of Magistrates, whose inspection service currently lacks the financial autonomy to be able to operate.

### Expert recommendations

The mechanisms for the inspection, evaluation and selection of judicial staff should be combined with capacity building, so that they can truly foster the construction of a legal culture in this country.

Apart from the selection process, there should also be clear and transparent criteria for magistrates wishing to make promotion in their careers.



Figure 16. Working group during the participatory analysis session in Mansôa, October 2019.



## 4) Improve the proximity and access to justice institutions

The formal judicial sector should become more accessible to citizens. To this end, it is recommended to **expand the number of courts according to the size of the national territory**<sup>28</sup>. This would help in tackling the difficulties that citizens face when they need to go to court. This could be done through measures that aim to:

1. Reduce the physical distance to courts, such as regional courts, which are considered to be very far from communities, and **strengthen sector courts**, which are confronted with limitations in terms of decision-making and provision of services. Moreover, the possibility to expand the courts and other judicial establishments to the sectors where they are currently absent should be considered, in order to facilitate access of all communities.

*“If someone is in Cambadju and has a problem that they need to take to court, where is the court? The regional court is in Bafatá and the sector court is in Bambadinca. Just imagine the distance between Cambadju and Bambadinca! How many kilometres?”*

– Demba Baldé, Bafatá

2. **Reduce the economic costs of accessing justice**, as it is considered an obstacle for citizens wishing to take legal actions. Because citizens have different economic means, judicial costs should reflect the economic situation of each individual.

*“If you want to file a complaint against someone in the tabanca and your process is brought before the court, with all that money they charge for displacement and everything, you won’t be able to solve the problem. In the end you will give up.”*

– José Augusto Nhare, Mansôa

3. **Reduce delays** in processing cases with the expansion of the justice establishments. Ideas highlighted such as fixing of a minimum amount of cases per month per establishment and reducing congestion in the regional courts to ensure speedier processes.

*“Many times, you have a case and you go to the authorities and to court until you give up. There is no justice, because cases are not concluded. They remain pending in court until the point that people decide to take the law into their own hands.”*

– Eusébia Malaca, Mansôa

The participants stressed that judicial institutions must be equipped with detention areas to make the work of the authorities more efficient, reducing the number of cases of prisoners fleeing (a common occurrence). According to the consultations, detention areas at police stations are inadequate and prisoners often occupy the same space as police officers.

There is a high level of social pressure when a person wishes to start a process. It is perceived that “whoever takes you to court is your enemy”. To address this social pressure, it is recommended to **raise the awareness and strengthen the reconciliatory aspect of the formal judicial system**. Involving traditional leaders, Civil Society Organizations and grassroots associations is necessary to help address this aspect.

<sup>28</sup> It was noted that most of these establishments were not built in a way that would be adequate for people with deficiencies. The construction or rehabilitation of these judicial establishments should take access for this group, considered vulnerable, into account with the goal of facilitating their movement and the exercise of their rights.

## Expert recommendations

Sector courts should resume their role and original structure to solve conflicts at the local level. The delegation of power to sector courts, a higher degree of autonomy to take decisions, and a better accessibility, potentially with cost-free services, could make these institutions more approachable to the population.

It would also be important to disseminate the framework-law for sector courts, so that people can access these services.



Figure 17. Practical exercise during the training of interviewers. June 2019.





## 5) Implement protection measures for plaintiffs and witnesses of crimes

Individuals need to be protected in the enjoyment of their rights and the exercise of their civic duties.

The responsibility of citizens with regards to the judicial system should be motivated by their capacity to contribute, through their participation by reporting crimes that occur in their communities and/or by being available to voluntarily testify in judicial cases. For this to take place, **protection mechanisms must be implemented** in strict observance of the laws and the legal instruments for the protection of citizens.

In Guinea-Bissau, the Ministry of Justice, through the General Direction for the Administration of Justice and in coordination with other institutions, is currently developing a draft project in order to protect plaintiffs and witnesses. This project will subsequently be submitted to the National Popular Assembly for approval.<sup>29</sup>

The participants also strongly emphasised the **urgent need for a law that guarantees the protection of plaintiffs and witnesses**. The findings of the barometer pointed to the link between the insecurity of potential plaintiffs and witnesses and the absence of protection laws. To change this situation, it is important that such a law be approved, enacted and complied with, to ensure a better participation of the population in the governance of justice in the country.

The **creation of a safe hotline for anonymous reports** is another action that could contribute to a better functioning of the system and lead to greater collaboration with the judicial sector in the communities. This is

important, as people may want to report crimes without being necessarily identified, thus protecting their physical and moral integrity.

*“Even if there would be a law to protect witnesses, if there is no confidentiality among the competent authorities, there will always be threats. There should be some form of cooperation, so that when someone reports a crime, this will remain a secret.”*

– Mamadu Djaló, Buba

There was also discussion about the need to create other **protection measures for witnesses** in legal cases, for the reason that their public exposure when they make declarations could impact their well-being and safety. It is necessary to underline that many people are afraid to testify, whatever the situation may be, as they may be often misunderstood, misinterpreted or even viewed negatively by those who think that this might create divisions within a community. It is necessary to **raise the awareness among the population** to remove this social barrier, and to promote the role of the witnesses as someone who cooperates to strengthen the well-being and the security in the communities, and not as someone who divides the people.

*“The population should be made aware of the importance of reporting crimes, so that people will have the courage to report.”*

– Mário Fernandes, Catió

<sup>29</sup> The work to prepare this draft project is also being undertaken by the Public Prosecutor's Office and the National Popular Assembly, in collaboration with the Bissau-Guinean League for Human Rights.



Figure 18. Interviewer informs the chief of the tabanca before starting his work, in the region of Bafatá. June 2019.



## 6) Strengthen collaboration between formal and traditional justice

The issue of cooperation between formal and traditional justice was mentioned as a key solution for the formal judicial sector to be better equipped to solve conflicts related to local customs. This recommendation is based upon traditional leaders' knowledge of local realities and understanding of everyday life. This is especially useful in cases of inheritance, land ownership and the ties between people in a community. It was clear that traditional practices and the foundations of the traditional conflict-solving mechanisms that are based on reconciliation are highly valued. The aspect of reconciliation, if strengthened in the formal judicial sector, could help to fill a gap and increase the recognition from the population for the formal judicial system.

*“There are aspects of traditional justice that have a lot of value, which need to be valued and could be incorporated within formal justice.”*

– Armando Mussa Sané, Mansôa

The data from the barometer shows the preference of the majority of Bissau-Guineans for traditional justice.<sup>30</sup> Nevertheless, over the course of the participatory analysis, many reports of personal experiences revealed that both the formal and the traditional justice systems have their upsides and downsides. However, cooperation between the sectors could be realised through the **inclusion and the consultation of traditional leaders during legal cases**, particularly when it comes to issues involving inheritances and land ownership. These consultations would aim to clarify facts and bring knowledge of the past and the present, resulting in better justice outcomes.

*“It is important that the formal judicial system calls upon traditional leaders to participate in cases. In that way, they can work together so that justice is done rightly.”*

– Valério Ié, Biombo

Surprisingly, even though the results of the survey showed that divorce was the second category to be most adequately dealt with by the traditional justice system<sup>31</sup>, the participatory analysis advised against this kind of cooperation in those cases. The participants explained that cases are often concluded with an outcome favouring men, maintaining women in a subordinate position. For this reason, some participants would not recommend the inclusion of traditional leaders in divorce cases.

Another recommendation made by the population was for the State to recognize **some decisions taken by the traditional justice system**. They recommended that some decisions, taken by *régulos*, *tabanca* leaders and other traditional authorities according to custom, notably those related to certain types of conflicts, such as inheritances and land ownership, should be confirmed by judges and thereby recognised as a valid legal ruling, establishing rights and obligations among the litigant parties. The implementation of this recommendation would reduce the pressure on courts and increase the speed with which courts can work through cases.

Stronger cooperation between the two systems would serve to improve the services and functioning of both systems.

<sup>30</sup> See the conclusion about cooperation between the two judicial systems.

<sup>31</sup> From the people who confirmed that some conflicts are best resolved by the traditional justice system, 16% declared that these include divorces.

## Expert recommendations

Measures to close the gap between traditional and formal justice should be promoted and encouraged through **advocacy work targeting the competent authorities**.

This process should be coordinated by the Ministry of Justice, with the Office of the Public Prosecutor, the sector courts and the CAJs as the main actors to implement the mechanisms of cooperation with traditional justice actors. Sector courts play a fundamental role to imbed informal institutions within the formal system.

In this context, the recognition of some decisions taken by traditional justice should be promoted. This would contribute to the adaptation of the formal judicial sector to the reality of the country – which is not reflected in the current legal frameworks. However, the contribution from traditional to formal justice should be considered with caution and concretised for very well-defined sectors and stages. Reservations remain regarding the integration of traditional justice at the stage of inquiry, since even if the knowledge of local realities could help in certain specific cases, the methods of traditional justice do not respect certain principles of the modern State, such as Human Rights and the presumption of innocence, and could make the production of evidence more difficult. However, when it comes to the integration of offenders, traditional justice is adequate and its capacity in restorative justice could be further enhanced.







## 7) Strengthen the traditional mechanisms of conflict resolution with Human Rights perspectives

Traditional justice is a system for conflict resolution that is well consolidated in Guinea-Bissau and deemed effective by the population. However, it needs to evolve in some areas, especially with regard to human rights and gender equality, as was highlighted by participants in all localities of the country.

**Building the capacities of traditional leaders in the areas of human rights and mechanisms of peaceful resolutions of conflicts** is fundamental for aligning their practices with the principles of the democratic constitutional State. This is especially critical vis-à-vis the dignity of human beings as individuals and equality between men and women. Additional capacity building would also help to ensure that family ties and friendships, and economic and political interests do not interfere with decisions made or discriminate against women and young people.

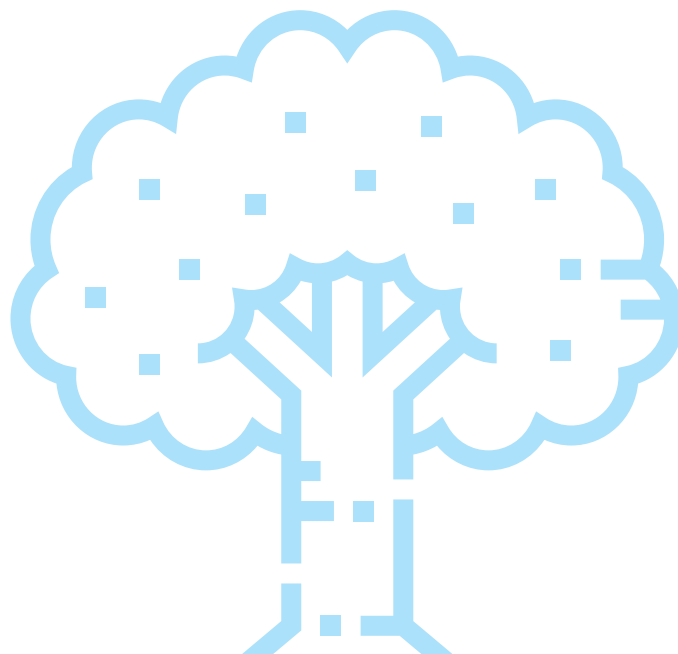
According to many participants, this capacity building could awaken the interest of *régulos*, *tabanca* leaders and religious authorities for the functioning of the formal judicial system and thus incite them to review the ways in which they take decisions, as well as the quality of their decisions. In this context, the issue of gender equality received special attention in the plenary discussions in all regions. Many comments were made about the potential positive impacts of this ca-

capacity-building initiative, in terms of the inclusion of women and for the communal process for conflict resolution, as well as in terms of the quality of the rulings of traditional leaders in cases that involve women. In the same vein, the matter of young people was also brought up, be it less often. According to the participants, young people could be more often heard and involved within the communities. This would increase their feeling of belonging and stimulate their cooperation and responsibility for the security and well-being in the communities.

*“Traditional leaders should tell their communities that habits and customs do not stand above the law, because the law stands above anything else, but they should also help the State to raise our children in the community.”*

– Luís da Silva, Buba

In sum, the recommendation for the preparation of the traditional leaders for the new social, political and juridical configuration in Guinea-Bissau does not only aim to qualify them as makers of customary law within the community, but also to strengthen the capacity of the communities and their members to go after their rights and to participate in the local governance of justice.



## Institutional recommendations

### 1) Strengthen social control over justice operators' performance

Social control is a set of mechanisms that allow a society to maintain a certain degree of social cohesion, be it horizontally or vertically, and thus forming one of the bases of a society. The Constitution of the modern democratic State and the challenges of good governance increasingly demand participation and inclusion of all citizens, through instruments and policies created and supported by the State itself. As a result, governance would become more transparent and equitable, nourishing trust between rulers and ruled, reflecting citizens' aspirations and ensuring the balance of power within a given context.

The participants in the barometer widely defended, in all its phases, the need to implement control mechanisms over judicial staff, concentrating on internal institutional mechanisms like inspection and auditing. However, **if justice for all is to be achieved, an external perspective from society is essential** to assess the functioning of judicial institutions and the performance of the staff of the judicial sector, within a context of popular participation for good governance. In this sense, citizen control seems to be essential, as illustrated by the following quote:

*“Without external control, the judicial sector will continue to be a black box without anyone knowing what is inside. Only the judicial staff know.”*

– Member of the Steering Committee, Bissau

If necessary, this control needs to be oriented to respond better to the needs it aims to satisfy. That is why this system of social intervention in the judicial sector needs to be well structured, guaranteed and articulated, in order to capture both its **ideological and its practical dimension**. The former implies a judicial sector that is representative of the national reality, of the way of thinking and living of the Bissau-Guineans, safeguarding positive aspects of their beliefs and socio-cultural practices. The latter means the creation and dissemination of laws and mechanisms of citizen intervention, as well as the creation of spaces for citizen intervention, ensuring that these mechanisms are functioning effectively and are taken into account by the State. Only in this way can we be sure to comply with one of the main principles of the democratic constitutional State, with a judicial sector of the people, for the people, and defending the interests of the people.

The implementation of these measures of citizen participation in the judicial sector could for example occur through the work of an **observatory**, through **instruments of electronic governance**, through the **coordination between judicial institutions and civil society organisations** with a recognised reputation, or otherwise through the **installation of committees for legal assistance**, and the **establishment of regular sessions of citizen involvement** with the judicial actors and administrators in all sectors of the country.

Aside from these participatory mechanisms, another highly useful instrument in the exercise of judicial citizenship would be the implementation of the **principle of openness**<sup>32</sup>, ensuring the presence of the public during hearings and the possibility of **examination of documents** by interested individuals. This

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<sup>32</sup> The principle of openness establishes the duty to officially disclose administrative acts, so they become public knowledge, allowing citizens to freely access this information, and making administration more transparent.

would guarantee a popular control over the work of courts, lawyers and all other legal staff.

Society needs to be able to intervene in the judicial sector, following a set of principles, norms and values that are shared among social actors and judicial institutions, based on the **conviction that the function of laws and regulations is to create and manage a system of collective expectations, and to guarantee peace and social cohesion**. Following this understanding, control would *inter alia* aim to ensure that staff of the judicial sector adopt behaviours and attitudes that fit within the normative principles of the functioning of justice and **of a judicial sector that adheres to principles of equality and impartiality**.

In sum, the compliance with legal prerequisites and the application of social control mechanisms are a fundamental base for transparent governance in the judicial sector, and therefore, for stronger citizen confidence in these institutions, thus ensuring social cohesion, not only vertically but also horizontally.

## 2) Continue monitoring progress using the barometer

The realisation of the participatory barometer allows for an assessment of the current state of governance in justice Guinea-Bissau. Its results give a truthful portrait of the population's perceptions of and experiences with the formal and traditional systems of justice in the country. The lack of participatory quantitative tools may obstruct reflections about the sector. The realisation of the barometer constituted, therefore, an innovative exercise with potential for synergies, as it may reveal itself as a tool to frame or inform such work at the national or international level.

The participants in the barometer stressed the need and the importance of quantitative data, showing the impacts that these can have on the perception and understanding of such issues. It was confirmed that this type of data contributes to sustaining the different qualitative analyses, and to legitimating and strengthening the position of citizens demanding improvements in the sector.

From this perspective, considering the innovation and the importance of the process and its results, the realisation of new rounds of the barometer, with the periodical implementation of the process of inquiry and analysis, using the same survey and methodology, would serve to provide updated data. These statistics have the potential to raise the interest of citizens and authorities in the state of governance and the priorities for reforming the sector. In this way, access to updated data allows the population and the different stakeholders to measure the progress made over the years.

The periodical realisation of the barometer, every three or five years, could ensure that after every round the results would lead to advocacy actions by CSOs towards the competent authorities, and the development of more effective policies based upon realistic data. Moreover, the appropriation of the barometer by institutions and CSOs would not only enable a periodical and participatory monitoring, but also a higher degree of citizen involvement with the judicial sector at the local and national level.

In this sense, the barometer constitutes an important element to strengthen social control over governance in the judicial sector, contributing to the implementation and concretisation of the policies that are necessary for a measurable improvement of the performance of the sector. Therefore, the barometer and its indicators can and should be used continuously to evaluate local governance and public policies in the judicial sector in Guinea-Bissau.



# Conclusion

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Figure 19. Consultation session in Catió, November 2018.



# Conclusion

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*“As long as there is no justice, there cannot be peace in Guinea-Bissau.”*

– Pedro Dafé, Bafatá

Voz di Paz and Interpeace use the methodology **Participatory Action Research** as one of the instruments to ensure the inclusion and full active participation in the search for the consolidation of peace.

The results of the survey show an immense dissatisfaction with the governance of justice in the country, shared among the entire population, regardless of the different socio-demographic variables. In general, many see problems and irregularities in the judicial sector since the very foundations of the sector are not being respected. Moreover, the main actors identified as obstructing the governance of justice are the ones that should constitute a reference for its implementation. Politicians, the Defence and Security Forces, and staff of the judicial sector are widely mentioned as the main actors responsible for impunity and interference with the judicial sector.

The results of an assessment of the interaction between formal and traditional justice showed a clear preference among the population for traditional justice, which they believe is more appropriate in solving some problems. One of the factors that weighed most heavily against the formal justice system was corruption, considered to be one of the main obstacles to the implementation of justice. Competent personnel, on the other side, was considered a fundamental element for a satisfactory and just judicial sector.

The wide dissatisfaction with the sector, caused by the negative factors and the actors that obstruct its good functioning, points at the need for improvement. This must be achieved with a firm commitment by the State in making justice effective and within the reach of all citizens, in respect of the stated principles of the Constitution of the Republic, which include justice for all. The prerequisites for such commitment were discussed in the participatory data analysis sessions, which formulated recommendations and concrete actions, including mechanisms that safeguard **involvement and accountability of everyone and especially judicial staff**, the **simplification of proceedings** and the improvement of the capacity to provide legal services. Such measures, satisfying the objectives and mission of the two organizations that are implementing the project, would strengthen the sense of a democratic Constitutional State and of participatory and inclusive governance based upon the respect for the rights and duties of all members of society.



The data from the barometer is available online and can be used as an instrument for public use, serving the needs of different institutions, organizations and individuals working in the sector or in research. Moreover, the quantitative, credible and representative data about national opinions may contribute to the development of other analyses.

# Annexes

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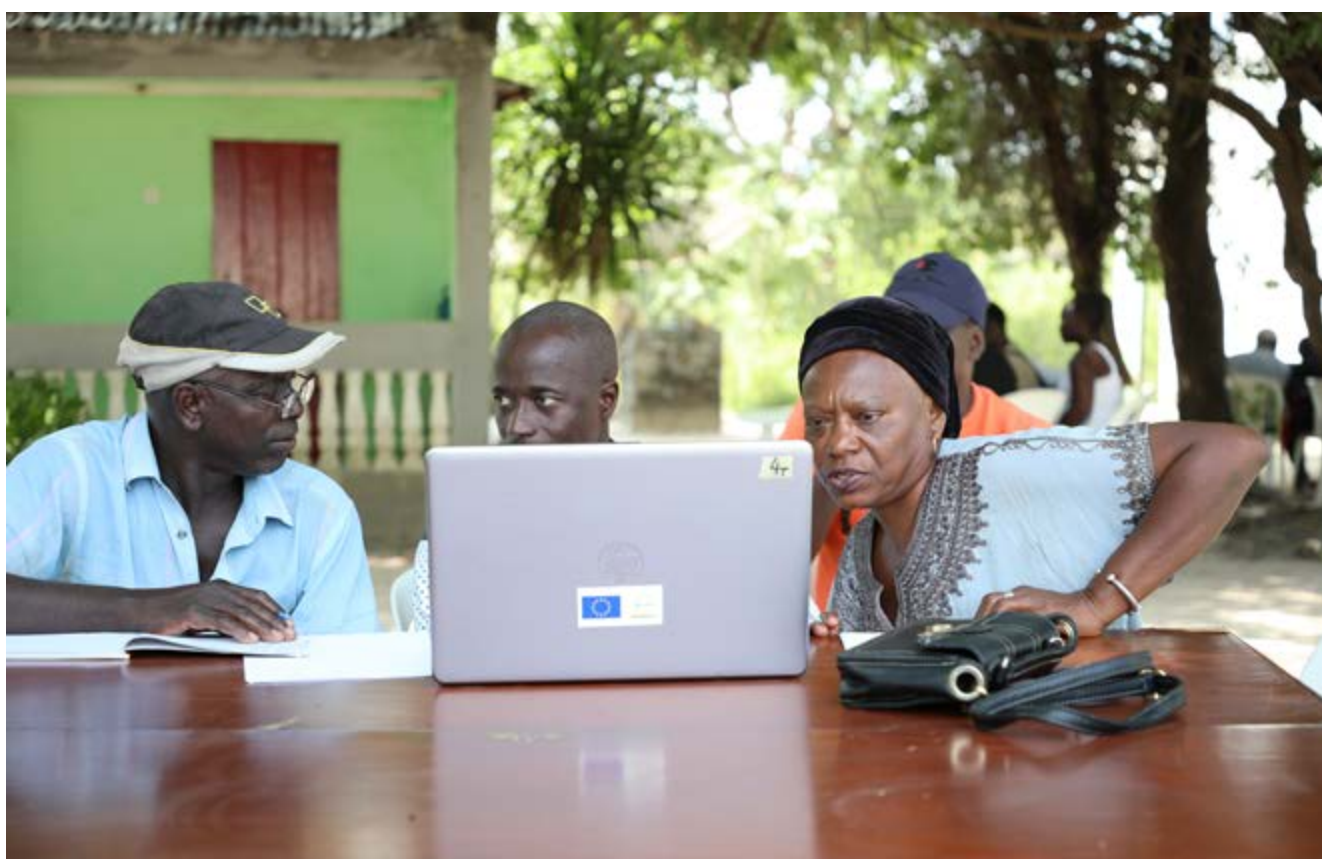


Figure 20. Working group during a participatory analysis session in São Domingos, November 2019.

# Annexes

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## Annex 1 – Strategy of the barometer

### Purpose of the barometer:

#### Final objective to which it contributes:

Spur dialogue between citizens and the government about a justice system that leads to solutions.

Legitimise the idea that the lack of justice is a central problem in Guinea-Bissau and to better understand the issues related to it.

#### Strategical contribution

Provide citizens with a tool so they can themselves demand systemic changes from the government through dialogue and discussion.

Make the government reflect on what people expect from it in relation to the judicial system, in order to influence the reform process.

### Impact of the barometer

The barometer is used to describe, i.e. the data describes the interviewees' perceptions of and experiences with the judicial system. The data does not foresee the results of some kind of reform. However, it can still be used by citizens to recommend and advocate for solutions.

There are two target groups: the authorities and the public. Regarding the public, the objective is to make people understand that they have an interest in demanding a change in the judicial system. This is done by equipping them with useful information. Another objective is to give the public the opportunity to reflect upon their situation in terms of justice, and to become aware of their rights and the situation of others. Regarding the authorities, the objective is to provide the authorities with a chance to reflect upon and be confronted with what the public expects from it and from the judicial system.

## Topic of the barometer:

Perceptions of and experiences with formal and traditional justice in Guinea-Bissau.

It was decided not to include the issue of knowledge in the barometer, in order to reduce the size of the inquiry and to produce the data that is most useful for its purpose.

## Subtopics:

**The concept of justice:** perceptions about the importance of justice and the role of the judicial sector in good governance.

**Access to justice:** the level of public access to judicial institutions, mechanisms of access to justice, obstacles that hinder or incentivise the access to justice, and the effects of these obstacles for access.

**Experiences with legal proceedings (traditional and formal):** concrete experiences with the judicial system and the processes citizens were involved in.

**Citizens' responsibility for the judicial system:** the role of citizens in the judicial system, the perception of the roles that citizens should play and the obstacles that hinder the realisation of such roles.

**The difference between traditional and formal justice:** the reasons to choose one or the other, the legitimacy and the relative importance of each system in the eyes of the communities, the mechanisms of restitution and the treatment of human rights in both systems.

Moreover, two overarching topics were identified:

**Corruption and impunity:** for each subtopic, the impact of corruption and impunity, and the link with perceptions of and experiences with the judicial system, as well as the influence of politics on the judicial system.

**Vulnerable groups:** for each subtopic, the particular impact on vulnerable groups, such as women, children and the illiterate.

## Characteristics of the barometer:

**Ideal number of questions / duration of the survey:** Minimum of 20 questions, maximum of 50. A shorter survey would not suffice for all indicators, a longer one would make the work of the researchers very complex.

**Regularity of research:** This barometer is planned to take place only once. It can be repeated or reused in future projects, but that would not be one continuous line of research.

**Demographical and geographical questions:** At the demographic level, it is important to take factors like age, gender and level of education into account. With respect to geography, data has been categorised by regions, with Bissau as a region. The city of Bissau and the capital cities of each region were considered urban zones, whereas the rest of the country was considered rural.

**Statistical method:** It was decided to use a statistically significant sample at the regional level, in order to be able to represent the entire population and produce results that are more credible for researchers and the gov-

ernment. This means: a sample of which the average is equivalent to the average among the entire population. The difficulties in selecting a random sample are recognised, as well as the confidence that the public already places in research, but still for this barometer it was preferred to have a random sample.

**Method for data collection:** Data collection was done through interviews, and not administered by the team, as an interviewer is necessary to gain the trust of the participants. In order to collect data, the interviewers used a mobile application, Kobo Collect, to save time and financial resources in the data processing.

**Method for data analysis:** A participatory data analysis has been realised at the regional and national level. This analysis was both quantitative and qualitative.

- Quantitative data analysis: What is interesting about the data? For example, which replies are related to the others, etc.
- Qualitative data analysis: Once interesting data have been identified, the question is how these results can be explained. This is done in order to identify participants' interpretation of the data and through consultations.

## Necessary tools

For data collection: A data collection application called Kobo Collect and tablets, which were provided by INE.

For data management: An online platform, Kobo Toolbox.

For data analysis: A tool for participatory analysis, like Gacukuzi (platform developed for Interpeace's partner in Burundi)



## Annex 2 – List of the information collected

N°	Information collected during the consultations
	<b>Interference of the political power and the DSF in the judicial sector</b>
1.	Fragility of the institutions; fear Superiors in the hierarchy (phone calls)
2.	<b>Misuse of power (there are first- and second-class citizens, “<i>bu sibiamin i kim</i>”)</b>
	<b>Respect for and effective compliance with the laws</b>
	First by the judicial powers (judges, prosecutors...) Rule of law Observance of rules of legality and competence for judicial offices Ensuring the safe circulation of people in the spaces of the ECOWAS Respect and compliance
3.	Promoting trust in judicial organs End the complicity of the authorities with prisoners and offenders (crooks in uniform; prisoners who make <i>uargas</i> for police officers; robberies with professional weapons). Freedom of expression and demonstration, and professional ethics Auditing of institutions Constitution of the Republic, Human Rights and recognition of the authorities (both formal and informal)
	<b>Fighting corruption</b>
	Harassment, bribery Egoism/egocentrism Appropriation of public goods
4.	Transparency; honesty and truthfulness Satisfaction among judges (good salary); bribes (vulnerability of judges and <i>régulos</i> ) Respect for rights; freedom of expression; human rights and responsibilities of civil servants Poor people without access to justice
	<b>Promoting Social Justice</b>
	Equitable distribution of goods/income and resources Respect for public goods and national heritage Respect for everyone's rights Give everyone what they are entitled to
5.	Equality of opportunities (including gender); gender parity and equality Access to basic social services, public and accessible means of transportation Recruitment through open competition; fair salary Misuse of public goods Providing vulnerable (e.g. disabled) people with access to physical spaces and services Human rights

N°	Information collected during the consultations
	<b>Punishment for crimes committed (judge and convict)</b>
6.	<p>Punish State representatives as a reference (rulers and parliamentarians)</p> <p>Judge, convict and enforce the sentence (applicability)</p> <p>Isolate prisons (open the prisons located on islands again)</p>
	<b>Impartiality</b>
7.	<p>Stop influence/interference, ethnic tendencies</p> <p>Apply the law equally to everyone; respect for rights; ensure confidence in the judicial system; proportionality of laws</p> <p>Credibility of the judicial system and the representatives of formal and traditional justice (honesty and transparency)</p> <p>Combat nepotism/favouritism.</p>
	<b>Access to justice</b>
8.	<p>More infrastructure (courts, prisons); Enlargement</p> <p>Available human resources</p> <p>Mechanisms for citizen support (MCS); Involve NGOs and CSOs in dissemination and awareness-raising efforts</p> <p>Reduce costs or legal fees; illegal charges</p> <p>Slowness vs speed (safeguarding the essence and reduce the risk of losing processes)</p> <p>Movement of police officers</p> <p>Incentivise agents that need to be supported by the State and not citizens; recovering stolen or confiscated objects</p>
	<b>Ensure the effective independence of the judicial power</b>
9.	<p>Own means; Appointment of personnel and safety of judges</p> <p>Administrative vs. political power (manipulation, bribery/corruption)</p> <p>Magistrates exempted from decision-making</p> <p>Recruitment for key positions through open competition</p>
	<b>Functioning of inspection services in the judicial sector</b>
10.	<p>Control the staff of the judicial sector; hold them accountable</p> <p>Control the administration of the judicial sector; Inspection of the process (during cases and after the sentence)</p> <p>“Who controls the judges, the public prosecutors and others?”</p>
	<b>Improve the performance of the judicial institutions</b>
11.	<p>Continuous training and capacity-building of staff; professional deontology</p> <p>Improve working conditions, improve staff</p> <p>Increase the speed of processes</p> <p>Traditional beliefs (<i>mandji</i>)</p> <p>Adequate court rooms and prisons; building the capacities of prison guards</p> <p>No disputes among judicial staff; Coordination</p> <p>Ensure the periodic mobility of staff (too strong ties hamper decision-making)</p>

N°	Information collected during the consultations
	<p><b>Value the role of traditional authorities in conflict resolution</b></p> <p>Their institutionalisation; respect and legitimacy</p> <p>Limits of traditional power; Relevance</p> <p>They know the local reality and the customs (committees, <i>régulos</i>, and chiefs of <i>tabanca</i>)</p> <p>12. Their role is to reconcile; preference (slowness and complexity of formal justice)</p> <p>Building the capacity of mediators</p> <p>Effective in solving small conflicts</p> <p>Cooperation between formal and informal justice systems</p> <p>Geographic coverage; Security</p>
	<p><b>Moralisation of society</b></p> <p>Civic responsibility; familiarity; respect for social norms, religious culture, Golden Rules</p> <p>Dialogue for conflict resolution</p> <p>13. Civic education on school curricula</p> <p>Limits between civic rights and duties</p> <p>Reporting of rape within the family</p> <p>Respect: peace, truth and honesty</p>
	<p><b>Incentivise civic responsibility in people and cooperation between them and the authorities</b></p> <p>Promote active, participatory and responsible citizenship</p> <p>Truthfulness and honesty</p> <p>14. Civic responsibility and respect for the authorities</p> <p>Guarantee confidentiality and protection of complainants</p> <p>Professional ethics and deontology</p> <p>Not covering up for criminals</p> <p>Cooperation with plaintiffs</p>
	<p><b>Strengthening State authority</b></p> <p>Presence</p> <p>15. Resources and means</p> <p>Inspection and balance</p>
	<p><b>Stability of governance</b></p> <p>Prevalence of the public interest; Coherence among rulers; Rational use of power; Honesty</p> <p>Passive corruption</p> <p>16. Cooperation among authorities</p> <p>Nonpartisan governance (Government # of political party)</p> <p>Decentralisation of power (autarchies)</p> <p>Nonpartisan employment</p>
	<p><b>Good functioning of judicial institutions</b></p> <p>17. Working conditions; training and capacity-building of personnel, good salary</p> <p>Capacity to investigate criminal offences</p>

N°	Information collected during the consultations
<b>Reforms in the judicial sector</b>	
18.	Transparency Training; Legal framework (the case PGR); Restorative justice Rotation of personnel and capacity-building
<b>Safety of the population</b>	
19.	Safety for plaintiffs and witnesses; professional confidentiality High-security prisons Control and monitoring of firearms; patrolling for the safety of people and goods
<b>Honesty</b>	
20.	Fear of sin (religion), truth Traditional beliefs ( <i>mendji</i> ) Enabling of adequate working conditions and personnel
<b>Respect for professional ethics and deontology</b>	
21.	Oath
<b>Respect for citizens' basic rights and freedoms</b>	
22.	Freedom of expression and of demonstration Participation; be heard before being judged Security and public protection for judicial staff and people cooperating with them Food security Stop abuses by the authorities; democracy in decision-making
<b>Transparency in legal administration</b>	
23.	Honesty of judicial staff Truth and honesty
<b>24. Judging and convicting politicians and influential people</b>	
<b>Raising the awareness of communities about justice</b>	
25.	Inform; know the laws Role (the justice sector protects and does good)
<b>Transparency in public administration</b>	
26.	Loyalty, professional ethics and deontology Governing with transparency (licences, contracts...) Transparent justice (credibility)
<b>Respect for rights</b>	
27.	Human rights Fair treatment Equality within the family (members)

## Annex 3 – Survey of the barometer

### Conceptualization of indicators and questions

Indicator	Questions	Type of question/ answer	Why is this question necessary?
0. Demographical questions			
	0a. Region	Multiple choice – 1 answer	
	0a.1 Sector	Multiple choice – 1 answer	
	0a.2 <i>Tabanca</i>	Multiple choice – 1 answer	
	0a.3 Urban or Rural Area	List – 1 answer	
	0b. How old are you?	Multiple choice – 1 answer 19-25 26-30 31-35 36-40 41-50 51-60 61+	
	0c. Gender	Multiple choice – 1 answer Man Woman	
	0d. What is your level of education?	Multiple choice – 1 answer No schooling 1-4 years of schooling, 5-6 years of schooling, 7-9 years of schooling, Lower secondary school, Higher secondary school, Higher education	
	0e. What is your ethnic group?	Multiple choice – 1 answer Fula, Balanta, Mandinga, Papel, Manjaco, Mancanha, Bijagós, Beafada, Others – specify	

Indicator	Questions	Type of question/ answer	Why is this question necessary?
<b>Subtopic 1: Concept of Justice</b> On a scale from 1 to 5, to what extent do you agree with the following statements?			
<b>1.a – Level of compliance with the law (respect for rights, transparency, compliance of sentences)</b>	1a.1 – In the application of formal justice, are basic citizen rights respected (freedom of expression and demonstration, free participation, security, be innocent until proven guilty...)	On a scale from 1 to 5, where 1 means “never” and 5 means “always”.	Measure the perception of the population regarding respect for fundamental rights by the formal judicial system
	1a.2 – The formal judicial systems treats all citizens in the same way.	Scale 1-5 (never-always)	Measure the level of impartiality in the formal judicial system
	1a.3 – People are punished in the same way after committing the same crimes.	Scale 1-5 (never-always)	Measure the level of impartiality in the formal judicial system
	1a.4 – The proceedings of the formal judicial sector are transparent.	Scale 1-5 (never-always)	Measure the level of transparency in the formal judicial system
<b>1.b – Level of social justice (equal opportunities and equal access to services for all)</b>	1b.1 – Do you think that your level of access to basic social services (education/health) is the same as for other citizens?	Multiple choice (yes, no, I don't know, I don't want to respond)	Measure the differences between citizens in their ability to access basic social services
	1b.2 – Do you think that your level of access to economic opportunities (employment, salary) is the same as for other citizens?	Multiple choice (yes, no, I don't know, I don't want to respond)	
	1b.3 – To what extent does social inequality hamper access to justice?	Multiple choice (a little, moderately, a lot, I don't know, I don't want to respond)	Measure how social inequalities impact access to justice.



Indicator	Questions	Type of question/ answer	Why is this question necessary?
Subtopic 2: Access to Justice			
2.a - Access and functioning of judicial institutions (means, human and material resources, mechanisms and services)	2a.1 – Have you or do you know someone who has gone to a court or to the police to resolve a problem?	Multiple choice (yes, no, I don't want to respond)	Measure the efficiency of the functioning of judicial institutions in terms of access to justice
	2a.2 – <u>If you answered NO to question 2a.1</u> , why did you/they not go?	Multiple choice – top 3: I never needed to, there is none, it is too far, the conditions are bad, to preserve the peace within the community, I prefer other methods to resolve conflicts, I don't know, others – please specify, I don't want to respond	
	2a.3 – <u>If you answered YES to question 2a.1</u> , has the problem been resolved?	Multiple choice (yes, it is still pending, no, I don't know, I don't want to respond)	Measure the efficiency of the functioning of judicial institutions in terms of access to justice
	2a.4 – <u>If you answered YES to question 2a.1</u> , how long did the process take?	Multiple choice (0-3 months, 3-6 months, 6 months to 1 year, more than 1 year, I don't know, I don't want to respond)	Measure the efficiency of the functioning of judicial institutions in terms of access to justice
	2a.5 – <u>If you answered YES to question 2a.3</u> , which factors helped you to resolve the problem?	Multiple choice – only 1: competent personnel, citizen services (CS), good working conditions, speed, compliance with the rules, I don't know, others – please specify, I don't want to respond)	
	2a.6 – <u>If you answered NO to question 2a.3</u> , which obstacles did you experience?	Multiple choice – top 3: lack of personnel, lack of services, inadequate working conditions, slowness, loss of documents, corruption, none, others – please specify, I don't want to respond	Measure the efficiency of the functioning of judicial institutions in terms of access to justice

Indicator	Questions	Type of question/ answer	Why is this question necessary?
<b>2.b – Judicial costs for the population (processes, corruption, trust)</b>	2b.1 – The costs of the formal justice system (courts/police) are:	Multiple choice (high, reasonable, low, I don't know, I don't want to respond)	Measure whether judicial costs can form an obstacle for accessing justice
	2b.2 – <u>If you answered HIGH to question 2b.1</u> , what is the main reason?	Multiple choice – 1: transportation, judicial costs by itself, corruption, communication, documentation, lawyer fees, displacement of judicial staff, relocations, I don't know, others – please specify, I don't want to respond	Measure the factors related to judicial costs that can form economic obstacles for accessing justice
<b>Subtopic 3: Experiences with the proceedings of the judicial sector</b>			
<b>3.a – Level of independence of the judicial power (interference, appointments, corruption)</b>	3a.1 – There are people who say that money (economic power) influences judicial decisions. There are other people who say that this is not the case. What do you think about this?	Scale (1 – money has no influence, 5 – money is fundamental)	Measure the judicial power's level of independence in relation to economic power
	3a.2 – To what extent is there interference in the performance of the formal justice?	Scale (1 – no interference, 5 – a lot of interference)	Measure the judicial power's level of independence in relation to political power: the more independent the judicial power is, the better quality of justice citizens will have.
	3a.3 – <u>If your answer to question 3a.2 was between 2 and 5</u> , who is interfering?	Multiple choice (up to 3): politicians, rulers, police, army, people with influence in the community, judicial staff, others – please specify, I don't know, I don't want to respond	Measure the factors that interfere with the performance of the political power and that affect the experience of justice of the citizens

Indicator	Questions	Type of question/ answer	Why is this question necessary?
<b>3.b – Level of impunity (first- and second-class citizens)</b>	3b.1 – Does a convicted person complete their sentence?	Multiple choice – 1 choice (always, sometimes, never, I don't know, I don't want to respond)	Measure the level of compliance with the law, helping to measure the quality of justice in the country
	3b.2 – To what extent do influential people (politicians, members of the armed forces, judicial staff) go unpunished?	Scale (1 – no impunity, 5 – a lot of impunity)	Measure the presence of cases of impunity and to what extent these can be verified, helping to measure the quality of justice in the country.
	3b.3 – <u>If your answer to question 3b2 was between 2 and 5</u> , who goes unpunished most often?	Multiple choice – 1 choice (politicians, members of the armed forces, judicial staff, others – please specify, I don't know, I don't want to respond)	Measure the presence of cases of impunity and to what extent these can be verified, helping to measure the quality of justice in the country.
<b>3.c – Level of performance (efficiency, internal control, compliance with professional ethics)</b>	3c.1 – Do judicial staff (judges, employees, etc.) respect the law?	Multiple choice (yes, no, I don't know, I don't want to respond)	Measure the efficiency of staff, which is a fundamental element for a good quality of justice
	3c.2 – Do judicial staff (judges, employees, etc.) respect professional norms and ethics (impartiality, confidentiality, integrity)?	Multiple choice (yes, no, I don't know, I don't want to respond)	Measure the level of compliance with the law and professional norms among staff, helping the quality of experiences with the judicial sector
	3c.3 – Is there a need for more control over judicial staff?	Multiple choice (yes, no, I don't know, I don't want to respond)	Measure to what extent internal control over staff is perceived as a tool to improve the quality of justice

Indicator	Questions	Type of question/ answer	Why is this question necessary?
<b>3.d – Level of trust in the judicial system among the population</b>	3d.1 – If you had a problem, would you go to the (formal) judicial system?	Multiple choice – 1 choice (yes, no, I don't know, I don't want to respond)	Measure how often people went to the judicial power: the more often they went, the more they trust it
	3d.2 – Do you trust that your problem will be well resolved by the judicial system?	Scale 1 (very little) to 5 (a lot)	Verify the motivations that cause people to go to the judicial system (the motivations for their trust)
	3d.3 – <u>If your answer to question 3d.1 was YES,</u> to whom would you first go?	Multiple choice – 1 answer (police, judge, court, CAJ, lawyer, others – please specify, I don't know, I don't want to respond)	Verify which organs people trust the most
	3d.4 – Do you feel safe to report or testify before the formal judicial system?	Scale 1 (very little) to 5 (very)	Measure citizens' perceptions regarding their level of safety
<b>Subtopic 4: The role of citizens</b>			
<b>4.a – Level of citizen engagement with the judicial sector (reporting, collaboration, civic responsibility)</b>	4a.1 – Do people in your community report crimes to the formal judicial system?	Multiple choice (always, sometimes, never, I don't know, I don't want to respond)	Measure the cooperation of the population with the judicial sector
	4a.2 – Do people volunteer to testify in legal cases?	Multiple choice (always, sometimes, never, I don't know, I don't want to respond)	Measure the level of civic responsibility of the population in terms of their role in legal cases
<b>4.b – Level of awareness (knowledge and consciousness about their roles, rights and duties, behaviour and recognition for the judicial sector)</b>	4b.1 – Does the formal judicial sector contribute to the peaceful resolution of conflicts?	Scale 1 (nothing) to 5 (a lot)	Measure to what extent citizens recognise justice as a means to peacefully resolve conflicts and normalise social relations
	4b.2 – Can people contribute to the good functioning of the judicial sector? (report cases, collaborate, complete their sentences, respect the decisions of the judge)	Scale 1 (nothing) to 5 (a lot)	Measure the perception of the population about their contribution to the functioning of the judicial sector (civic duty) Measure the knowledge of citizens regarding their duties in front of the judicial system (civic education)

Indicator	Questions	Type of question/ answer	Why is this question necessary?
Subtopic 5: The role of traditional justice			
<b>5.a – Importance of traditional justice (role, preference, limits)</b>	5a.1 – What is in most cases the best way to resolve conflicts?	Multiple choice (Traditional, formal, I don't want to respond)	Measure the level of general preference for traditional justice
	5a.2 – <u>If you answered FORMAL</u> , what is the main reason you prefer the formal judicial system?	Multiple choice (impartial, legal, knowledge of reality, ability to reconcile, speed, obeys the laws, coercion power, less corruption, cheaper, respect for women's and children's rights, others – please specify, I don't know, I don't want to respond)	Measure the factors that explain preferences for the formal judicial system
	5a.3 – <u>If you answered TRADITIONAL</u> , what is the main reason you prefer traditional justice?	Multiple choice (impartial, legal, knowledge of reality, ability to reconcile, speed, obeys the laws, coercion power, less corruption, cheaper, respect for women's and children's rights, others – please specify, I don't know, I don't want to respond)	Measure the factors that explain preferences for traditional justice
	5a.4 – Are there conflicts that would be better solved by traditional justice?	Multiple choice (yes, no, I don't know, I don't want to respond)	Measure the level of concrete preference for traditional justice
	5a.5 – <u>If you replied YES to question 5a.4</u> , what kind of conflicts?	Multiple choice – more than one choice allowed (inheritance, divorce, forced marriage, land, theft, damage to property, sexual violence, witchcraft, others – please specify, I don't want to respond)	Define the spheres/ sectors where a preference for traditional justice can be observed

Indicator	Questions	Type of question/ answer	Why is this question necessary?
<b>5b – Level of legitimization of traditional justice (recognition and institutionalization)</b>	5b.1 – Do you think the formal justice system should seek to cooperate with traditional leaders for conflict resolution?	Multiple choice – 1 answer (always, never, sometimes, I don't know, I don't want to respond)	Measure the cooperation between the formal and traditional justice systems
	5b.2 – Do you value traditional justice?	Scale 1 (very little) to 5 (very much)	Measure recognition of traditional justice
	5b.3 – Do you think traditional justice is demanded by society?	Scale 1 (very little) to 5 (very much)	Measure how often people seek traditional justice
	5b.4 – There are people who say that traditional justice is becoming corrupt. There are others who say that this is not the case. What do you think about this?	Scale (1 – they are absolutely not corrupt, 5 – they are very corrupt)	



## Annex 4 – Sample

Region	Sector	Tabanca	Total population	Population >19
Bafatá	Xitole	Madina Afia	230	105
		Corrubal	250	114
		Mina	264	121
		Madina Maudu Buk	596	272
		Ga-Sonco	404	185
		Cambessé	680	311
		Tchumael	495	226
		Sintchândje	374	171
		Sintchã Moli	347	159
		Darsalame	566	259
	Gamamu	Manside	712	325
		Demba Jopel	237	108
		Mansaine	485	222
		Priame de Cima	562	257
		Cuntuba	2034	930
		Ga Nhala	408	186
		Tabato	223	102
		Sintcha Queda	247	113
		Priame de Baixo	592	271
		Sare N'hana (sare nghana)	318	145
Bola- ma-Bi- jagós	Bolama	Gantongo	500	229
		Galinhas Islands (Ambancanam)	470	215
		Bolama Island – Bairro Ga-Beafada	329	150
		Bercolom	240	110
		Bolama Island – Bairro Assomada	876	400
		Bolama Island – Bairro Sansala	594	271
		Galinhas Islands (Ametite)	366	167
		Bolama Islands – Bairro 14	393	180
		Ga - Mindjor	215	98
		Farancunda	359	164
	Bubaque	Bubaque Island (Bubaque Town Bairro Morcunda)	627	287
		Bubaque Island (Bubaque Town Bairro Luanda)	306	140
		Bubaque Island (Bubaque Town Bairro Buba)	744	340
		Bubaque Island (Bubaque Town Bairro Estancia)	1201	549
		Bubaque Island (Etimbato)	359	164
		Soga Island (Eticoba (Ambuduco))	244	112
		Bubaque Island (Bruce)	414	189
		Bubaque Island (Bijante)	420	192
		Bubaque Island (Bubaque Town Bairro Comercial)	249	114
		Canhabaque Island (Inore)	241	110

Region	Sector	Tabanca	Total population	Population >19
Biombo	Quinhámel	Urtungul	602	275
		Claque na Isna	357	163
		Dorce	2150	983
		Reino Bijimita	760	347
		Quecene	626	286
		Canha	270	123
		Pinhosseno (Sabor Papel)	685	313
		Ondame	3667	1676
		Ponta Blimate	555	254
		Quilande	897	410
	Safim	Safim Town Bairro Centro de Cidade (Quinhaque)	939	429
		Ponta Vicente da Mata	760	347
		Itozinho	539	246
		Safim Town Bairro Reino de Safim	621	284
		Nghanighani	375	171
		Brene	475	217
		Incaite	223	102
		Monte Cristo	267	122
		Ponta Adolfo Ramos	552	252
		Nbue (Ponta Rapaz)	461	211
Tombali	Bidanda	Botche Cul	206	94
		Cafal Balanta	492	225
		Tubadim	107	49
		Amdalai	518	237
		Ilheu de Melo	348	159
		Cabedú Balanta	362	165
		Catesse	536	245
		Darssalame I	701	320
		Mejo	297	136
		Saleiro	364	166
	Catió	Catio Town Bairro Catio Fula	514	235
		Catussame	439	201
		Camassapa	226	103
		Iusse	302	138
		Cabelol Nine	647	296
		Cabumba Mato	712	325
		Cubaque	286	131
		Cufar	219	100
		Catio Town Bairro Amedalai	601	275
		Cantone	768	351

Region	Sector	Tabanca	Total population	Population >19
Cacheu	Bula	São Vicente	706	323
		Ponta Ofencambe	629	287
		Dabatiar	232	106
		Blequisse	376	172
		Utaque	426	195
		Chaquemone I	465	213
		Djita Dimpil	381	174
		Bula Town – Bairro Pubos	1075	491
		Bula Town – Bairro Umon	627	287
		Canjinha de Baixo	368	168
	Caió	Pexice Island – Nangam	310	142
		Cadjugute I	860	393
		Pexice Island – Bissangue	338	154
		Jeta Island – PRIT	453	207
		Barala	311	142
		Tubebe Utchand Ubibie	640	292
		Blei	431	197
		Temambú	356	163
		Jeta Island – Pijate	281	128
		Cassuquita	413	189
Oio	Mansaba	Letó	256	117
		Madina Salada (Madina Mandinga)	244	112
		Lubacunda	377	172
		Cussara Ba	919	420
		Bironque	850	388
		Manhau	1205	551
		Ndjassane	375	171
		Mores	2933	1340
		Olossato	2497	1141
		Mansomine	350	160
	Mansôa	Tchalana - III	340	155
		Maque	486	222
		Missira - I	280	128
		Enxale de Baixo	327	149
		Malafo	517	236
		Cubui - II	208	95
		Date	481	220
		Massina - II	375	171
		Qui - Seel ( See - Quife )	204	93
		Braia Cufos	335	153

Region	Sector	Tabanca	Total population	Population >19
Quinara	Tite	Enxude	568	260
		Djufa	492	225
		Flora	264	121
		Porto Djabada I	849	388
		Djabada Beafada	272	124
		Branbanda	245	112
		Brandão	642	293
		Foia	788	360
		Ponta Nova de Água	243	111
		Bissassema de Baixo	278	127
	Fulacunda	Bodjol	332	152
		Madina	384	175
		Bambadinca Beafada	209	96
		Lamane	289	132
		Nauanhe	293	134
		Cubambol	385	176
		Gã-Djatra	402	184
		Gandua Porto	681	311
		Imbam	220	101
		Dodoco	359	164
Gabú	Pitche	Afia	249	114
		Capassa	630	288
		Bentem Maunde	491	224
		Ufoia Baleri - 1	295	135
		Joncoro - 1	255	117
		Sintchã Imabe	338	154
		Dunane	242	111
		Pitche Town – Bairro Quenhercunda	1408	643
		Camabé	257	117
		Gebacunda	427	195
	Gabú	Coana	247	113
		Gabú Town – Bairro Algodão	5976	2731
		Bani Uelingará	340	155
		Sare Delo Mamadu	327	149
		Gabú Town – Bairro Sambolo	282	129
		Cundaga	206	94
		Gabú Town – Bairro Praca (Nema 1)	597	273
		Tassilimã	594	271
		Badjefa	275	126
		Gabú Town – Bairro Bada	505	231

Region	Sector	Tabanca	Total population	Population >19
Bissau	Sector 2	Bairro de Amedalai	2411	1102
		Bairro de Pefine	1618	739
		Bairro de Rossiu	633	289
		Bairro de Calequir	5708	2609
		Bairro de Sintra Nema	5672	2592
	Sector 1	Bairro de Mindara	5897	2695
		Bairro de Setembro	2798	1279
		Bairro de Reino Gã-Beafada	6155	2813
		Bairro de Varela	3395	1552
		Bairro de Ilheu de Rei	319	146

## Annex 5 – Glossary

**Alternative Mechanisms for Conflict Resolution:** Consensual proceedings that can form an alternative to lawsuits in courts, involving the intervention of a third party that is neutral towards the issue, which could include, for example, mediation or conciliation.

**Barometer:** The participatory barometer is a process of research action through which the public is consulted about a specific topic.

**Centres of Access to Justice (CAJ):** Structures of the Ministry of Justice, supported by UNDP, which aim to provide the public with information about their rights and the judicial system, offering advice, orientation and legal assistance.

**Chief of *Tabanca*:** Figure of traditional authority. It is linked to the beginning of the *tabanca* and therefore has more legitimacy than other actors. The Chief is always informed and invited when there is a conflict that needs to be resolved. Chiefs of *Tabanca* have knowledge of norms and values that are important in the eyes of the community (like geographical divisions and the transfer of spaces between families or *tabancas*).

**Draft project:** Preparatory study for a draft bill.

**Formal justice:** Also known as State justice. A system composed of legal practices following from written laws and applied by public State institutions (like courts and the police).

**Moransa:** A set of houses inhabited by one family household.

**Professional ethics and deontology:** A set of standards of conduct, ethical and legal rules, that need to be followed when one exercises a certain profession and that guide the behaviour of professionals.

**Regional Dialogue Spaces:** These regional structures belonging to Voz di Paz are permanent dialogue groups, composed of members who act as mediators in local conflicts, and influential figures in their communities.

**Régulo:** This is the figure at the top of the traditional hierarchy and under whom reside various *tabancas*, where he exercises his “sovereignty” and is represented by assistants (*djargas*). Normally, *regulos* are the last resort in local conflict resolution and can take the final decision. Not all *tabancas* reside under a *régulo*, and the importance of this figure can vary considerably depending on the ethnic group and the part of the country.

**Spaces of Citizen Intervention (SCI):** Spaces for the exercise of citizenship in each region, promoting the interaction between citizens and authorities, and forming an appropriate forum to expose ideas and participate actively in the construction of justice and other important topics.

**Tabanca:** Settlement or rural community, village.

**Traditional justice:** Also known as *tabanca* justice. A system composed of practice to manage and solve conflicts within the community, by traditional leaders, using dialogue and aiming to reconcile and to maintain harmony within the community.

## **Annex 6 – Members of the Steering Committee and the Reflection Group**

### **Institutions represented by the members of the Steering Committee:**

Legal Council of the Popular National Assembly

Supreme Court of Justice – SCJ

Public Prosecutor’s Office

Bissau-Guinean League for Human Rights – LGDH

University Amílcar Cabral – UAC

National Statistical Institute - NSI, or INE in Portuguese

### **Organizations represented in the Reflection Group:**

European Union – EU

United Nations Peacebuilding Fund – PBF

United Nations Development Programme – UNDP

United Nations Children’s Fund – UNICEF







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