

overcoming barriers^{to} justice



This *Bulletin* considers the many routes

to justice, from community spaces to formal systems, and how our counterparts work within each to advocate for their communities. From Bangladesh to Guatemala and Sudan to Colombia, Inter Pares counterparts influence alternative systems, accompany women through formal systems that are discriminatory, and seize transitional processes to seek truth and justice. *Overcoming Barriers to Justice* offers examples of transformation within varied, and often imperfect, justice systems.



Improving paths to justice

Legal systems can be a powerful tool for justice. Strategic litigation in national courts can set important precedents. The use of international courts when national ones provide no remedy is also crucial in some struggles. These can be important paths to justice and have been used successfully by some Inter Pares counterparts. Too often, however, legal systems are expensive, slow and corrupt; seeming to exist to defend the entrenched rule of the rich and powerful.

In many parts of the world, in response to challenges within formal legal systems, communities pursue justice through alternative structures. In the villages of Bangladesh, for example, many take their disputes to a traditional system known as *shalish*. In the highlands of Guatemala, traditional leaders listen to and resolve disputes. While these alternatives can be more affordable and effective – they have their challenges. As with formal legal systems, ►

Counterparts in Bangladesh and Guatemala are choosing to influence alternative justice systems, and over time, improve them.

◀ they too reflect the societies in which they exist, often reinforcing existing structures of power and privilege and, sometimes being used to skirt accountability and promote impunity.

This, then, presents a challenge for communities seeking justice: to pursue a flawed formal system, or a flawed alternative? Inter Pares counterparts in both Bangladesh and Guatemala are choosing a third option: to influence alternative justice systems, and over time, improve them.

Last year in a Bangladeshi village, a young girl was raped by a neighbour while her father, Nazim was at work. The community found out and attempted to convene *shalish* to address the situation. Knowing that the judges selected by the community are often wealthy, ultra-conservative men who are notorious for ruling against women, Nazim's neighbour hoped he could escape punishment.

Acutely aware of the misuse of *shalish*, landless group members supported by our counterpart Nijera Kori actively monitor and intervene in these processes. In the case of Nazim's daughter,

they protested and ensured that a criminal case of rape was filed. Landless groups members have built a strong reputation for fairness and knowledge of the law, so an increasing number are being selected as judges. Others attend as observers to ensure that rulings are fair. Their participation has turned the tables and their involvement almost always results in fair decisions.

Similarly in Guatemala, women's groups face a situation where male traditional leaders charged with resolving disputes simply do not acknowledge violence against women as a problem. They are, or at least



claim to be, unaware of laws and government anti-violence campaigns. In response, Inter Pares' counterpart Network of Women's Organizations of Ixcán (*Red de Organizaciones de Mujeres del Ixcán - ROMI*) supports women's groups in meetings with these leaders where women, loudly and strongly, demand that they acknowledge this violence as a problem. Slowly, the men are changing their attitudes and accepting that violence against women is a crime.

There are many paths to justice, whether it be a formal legal system, or a community-based alternative. At the heart of changing these systems are people – people who know their rights and organize to defend them. When they organize to demand their rights, they can achieve justice. Inter Pares is honoured to support our counterparts in this important work. 



The Network of Women's Organizations of Ixcán (ROMI) supports women in Guatemala to engage male traditional leaders to acknowledge and incorporate women's rights when resolving disputes.

Photo credit: Lise-Anne Léveillé

Access to the law for all

“Access to justice is the legal expression of equality, if not citizenship.”



or El Salvador. In El Salvador, our counterpart La Colectiva Feminista also relies on lawyers to assist women who are experiencing violence and raises awareness among justice officials about the barriers including cultural prejudices that exist in the system.

Supporting people seeking justice to know their rights and to find their way through the day-to-day legal system is key to increasing access to justice.

For many people, legal questions only arise when there is a problem, and the only solution is recourse to the justice system. Shouldn't access to justice go beyond conflict resolution and demonstrate equality, as expressed above by Pierre Noreau, professor in the Faculty of Law at the Université de Montréal?

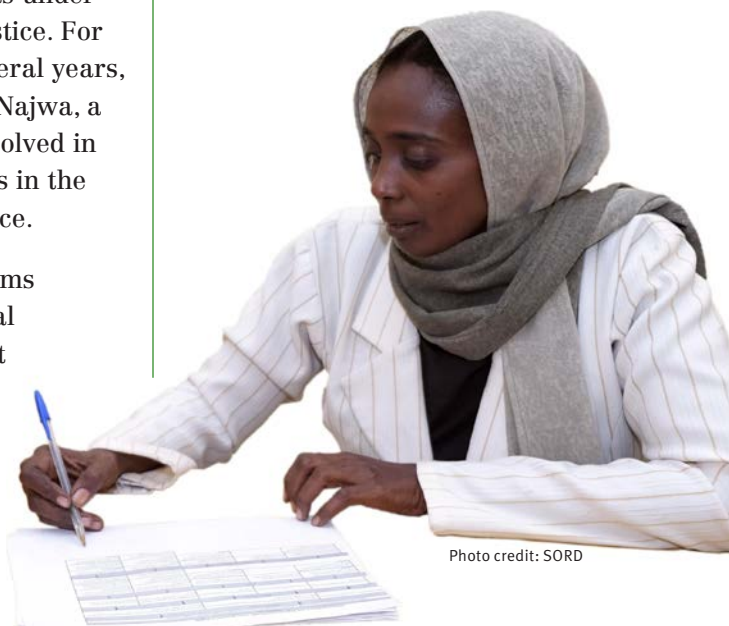
Inter Pares and our counterparts believe that the answer is yes. One of the ways that we promote social justice is by facilitating access to the formal justice system.

It is important that the law and the various ways of accessing this system be widely understood so that everyone has a sense of equality before the law and dares to demand justice. The Sudanese Organization for Research

and Development (SORD), our counterpart in Sudan, has a large gender justice program that facilitates access to justice for women and aims to reform discriminatory laws and policies, for example those that allow child marriage or conflate adultery and rape. Through its legal clinics, SORD supports women to understand their rights under the law and to access justice. For example, for the last several years, SORD has accompanied Najwa, a young woman who is involved in a lengthy divorce process in the context of spousal violence.

Access to justice for victims of gender-based or sexual violence remains difficult everywhere, whether in Sudan or Canada

For Inter Pares and our counterparts, the formal justice system is a tool to access equality. Supporting people seeking justice to know their rights and to find their way through the day-to-day legal system is key to increasing access to justice. The road to full access remains long. 



Seeking truth and justice for the LGBTIQ+ community in Colombia

Colombia's fifty years of armed conflict has left gaping wounds across the country, some of which are only recently coming to light.



Photo credit: Bill Fairbairn

Colombia Diversa, Inter Pares' counterpart, has played a key role in exposing how all armed actors specifically targeted LGBTIQ+ persons, resulting in a staggering 4,000 LGBTIQ+ victims. According to their findings, these were neither isolated nor random attacks, but rather sustained practices rooted in patriarchal and systemic gendered inequality and entrenched cultural prejudices that helped armed groups win legitimacy among and exercise control over civilian populations.

The signing of the peace agreement in 2016 was accompanied by a new framework for transitional justice in Colombia – a process for countries emerging from conflict where large-scale or systematic human rights violations are too numerous to address in the

normal justice system. Transitional justice recognizes the dignity of victims, acknowledges violations, and aims to prevent them from happening again.

With the support of Inter Pares, Colombia Diversa is seizing this opportunity to seek truth, justice and guarantees of non-recurrence for LGBTIQ+ victims and survivors. They are working closely with LGBTIQ+ activists and survivors to document prejudice-based

violence in the conflict, produce detailed reports for Colombia's Truth Commission and other related transitional justice institutions, and provide legal representation and psychosocial support to victims and survivors.



In 2020, Colombia Diversa published *Orders of Prejudice: Systematic Crimes Committed against LGBT People in the Colombian Armed Conflict*.

In a context where unfamiliarity, mistrust and marginalization are the norm, Colombia Diversa is promoting healing and providing practical tools to empower LGBTIQ+ victims and survivors to share their stories and access justice.

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Inter Pares is honoured to support Colombia Diversa as they continue to promote the meaningful participation of the LGBTIQ+ community in peace building efforts, bolster their access to transitional justice and reduce impunity for LGBTIQ+ survivors of the armed conflict. 

Inter Pares

221 Laurier Avenue East, Ottawa, Ontario K1N 6P1 Canada

Tel: 613-563-4801 • Toll free: 1-866-563-4801 • Fax: 613-594-4704 • info@interpares.ca • www.interpares.ca

With the support of thousands of Canadians, Inter Pares works in Canada and around the world with social change organizations who share the analysis that poverty and injustice are caused by inequalities within and among nations, and who are working to promote peace, and social and economic justice in their communities and societies.