

Promotion of the Rule of Law and the Judiciary in Africa (ProLa)  
**CONSULTANCY AND TECHNICAL STUDIES** (CN 81292882)

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# STRUCTURAL OBSTACLES TO ACCESS TO JUSTICE FOR VULNERABLE PEOPLE IN SENEGAL, CÔTE D'IVOIRE AND GHANA

## Ghana

**Study D | May 2025**

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Published by:

Hochschule Kehl - University of Applied Sciences

Kinzigallee 1, 77694 Kehl, Germany

[www.hs-kehl.de](http://www.hs-kehl.de)

Editorial Content Responsibility:

Project Lead Prof. Dr. Ewald Eisenberg

Date of Publication: May 2025

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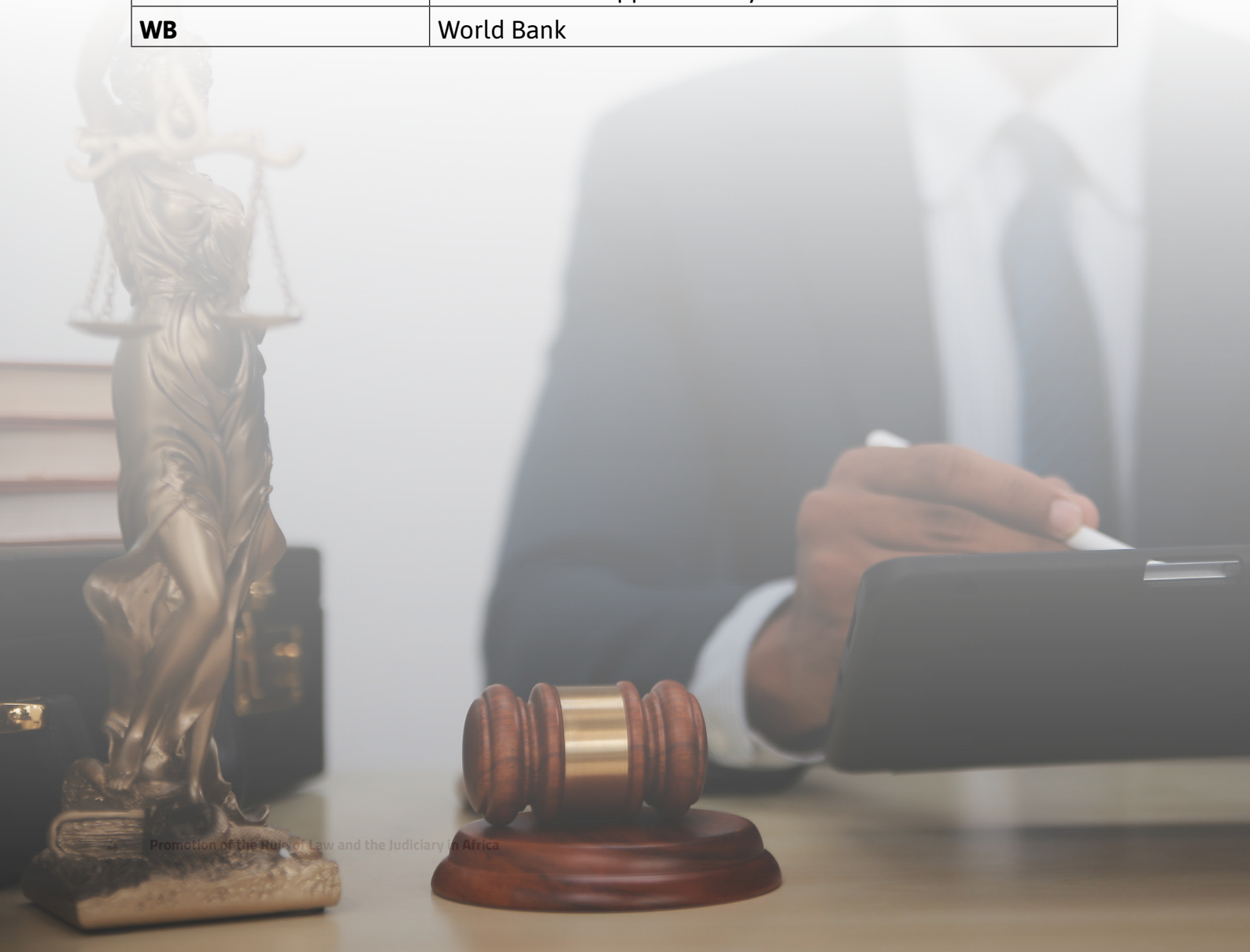
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# List of Abbreviations

<b>ADR</b>	Alternative Dispute Resolution
<b>BECE</b>	Basic Education Certificate Examination
<b>CHRAJ</b>	Commission on Human Rights and Administrative Justice
<b>GHS</b>	Ghanaian Cedi
<b>GIZ</b>	Deutsche Gesellschaft für Internationale Zusammenarbeit
<b>IPL</b>	International Poverty Line
<b>MDGs</b>	Millennium Development Goals
<b>NGO</b>	Non-Governmental Organization
<b>OECD</b>	Organisation for Economic Co-operation and Development
<b>PRoLA</b>	Promotion of the Rule of Law and the Judiciary in Africa
<b>PWD</b>	Person with Disability
<b>SMS</b>	Short Message Service
<b>UNDP</b>	United Nations Development Programme
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>USSD</b>	Unstructured Supplementary Service Data
<b>WB</b>	World Bank



# 1. Context of the study

The GIZ regional project ‘Promotion of the Rule of Law and the Judiciary in Africa.’ (PRoLA) aims to strengthen the rule of law and the justice system in Africa, particularly in Côte d’Ivoire, Ghana, Senegal and Tanzania.

In this context, the objective of the module contributes to the African Union’s Agenda 2063 ‘The Africa We Want’ (Aspiration 3, Objective 11 on the rule of law); to MDGs 5 (gender equality) and 16 (peace, justice and effective institutions).

The methodological approach of the Regional Project aims to promote the rule of law by advocating better access to justice in state courts and by strengthening out-of-court dispute settlement mechanisms. Accordingly, the Project seeks to improve legal services and to take steps to strengthen state and non-state institutions in their efforts to improve access to justice.

Relevant results stemming from the objective of the module are: (1) Strengthening access to justice for vulnerable citizens, in particular women; (2) Strengthening access to justice for economic actors; (3) Aligning judicial structures with the autonomy of the judiciary; and (4) Ensuring easy access to legal information for legal practitioners.

Research shows that the courts in many African countries are overloaded with cases affecting vulnerable citizens and small economic actors, and as such there is a great need to find cost-effective alternative means of resolving disputes. To achieve this goal, all citizens and private businesses need access to justice, either through the public courts or through alternative dispute resolution. However, the capacities of government institutions and non-governmental organizations are not sufficient to guarantee adequate access to justice.

Research shows that courts in many African countries are overburdened with cases affecting vulnerable citizens and small economic actors, and as such, there is a great need to find cost-effective alternative means of resolving disputes. To achieve this goal, all citizens and private businesses need access to justice, either through public courts or alternative dispute resolution. However, the capacities of governmental and non-governmental organizations are not sufficient to ensure adequate access to justice.

Study D provides a quantitative analysis and contains recommendations on the structural obstacles to access to justice for vulnerable people in Ghana.

This study involved conducting field surveys in order to gather the perceptions of litigants regarding the functioning of the judicial system.



## 2. Objectives of the study

The aim of the study was to identify and quantify structural barriers to access to justice based on representative surveys of vulnerable people in Ghana, Senegal and Côte d'Ivoire.

The data are carefully analyzed in separate reports for each country. In some relevant cases, the reports also includes comparisons between different countries. These comparisons help to highlight notable trends, differences and similarities, thus providing a richer and more comprehensive perspective on the topics studied.

## 3. Methodology and Analytical Framework

To answer the question about the structural obstacles to accessing justice for vulnerable people in Ghana, this study is based on a combination of empirical fieldwork and a review of international frameworks on access to justice. A total of **339 structured interviews** were conducted in **urban, peri-urban, and rural areas**, with a regional distribution of **148 in the Northern Zone, 62 in the Middle Zone, and 129 in the Southern Zone**. In addition to these field surveys with citizens, we also conducted **semi-structured interviews with justice professionals** in all three zones to gain insights into the functioning of the judicial system and institutional perspectives on existing challenges.

The interpretation of the collected data was guided by analytical categories drawn from international standards and best practices. In particular, the study applied the **OECD typology of structural obstacles to justice**, which identifies key barriers such as:

- **Geographic barriers** (e.g. long distances to court facilities or poor infrastructure);
- **Social relationships and experiences** (e.g. mistrust in legal institutions, fear, or stigma);
- **Economic costs** (e.g. legal fees, indirect costs, corruption);
- **Service provision gaps** (especially in remote areas);
- **The digital divide** (unequal access to technology and information).

These categories provide a multidimensional lens to assess the interplay between physical, social, and institutional factors shaping access to justice.

Our methodological approach was further informed by the **UNDP Practitioner's Guide on Programming for Justice**, which emphasizes people-centered, rights-based, and locally adapted approaches to justice programming, and by the **UNODC country profiles on legal aid systems**, which offer practical insights into structural and procedural features of legal assistance mechanisms in comparable contexts.

By combining **field data, stakeholder interviews, and comparative analysis based on international frameworks**, this study provides an evidence-based foundation for context-specific recommendations aimed at improving the accessibility and inclusiveness of the justice system in Ghana.

## 4. Analysis of study data

### 4.1 Identification of comparison groups

#### 4.1.1 Basic information on the groups interviewed (key populations with different types of vulnerabilities)

- Total number of **vulnerable people** surveyed according to criteria: 222 people
- Total non-vulnerable people (not falling in any of the above categories): 117 people
- People with a place of residence in rural areas: 151 people
- People with a place of residence in urban areas : 65 people
- People with a place of residence in peri-urban areas : 121 people
- Teenagers aged 18 and below: 1 person
- People aged 60+: 12 people
- Women: 147 , thereof married : 96 ; Single, divorced and widowed : 51
- Foreigners : 1 person and Refugees or asylum seekers : 1 person
- People without BECE: 16 , those with primary school education : 49 people
- PWDs: 4 people
- Unemployed : 47 people
- People in extreme poverty (disposable income less than US\$2.15 per day (WB International Poverty Line [IPL] September 2022)-: 82 people

#### 4.1.2 Identification of vulnerable and non-vulnerable persons

For this study, a vulnerable person is considered to be an individual who meets **one** of the following criteria:

- *be under 18 years of age,*
- *be over sixty years old,*
- *be female and either widowed, single or divorced,*
- *be of foreign nationality,*
- *be a refugee or asylum seeker,*
- *have no diploma or have a primary education diploma as their highest diploma,*
- *suffer from a physical and/or mental disability,*
- *be unemployed*
- *living in a situation of extreme poverty, that is to say living on less than US\$2.15 per day*

The total number of vulnerable people is **222 people** .

The total number of people without vulnerability, that is to say the number of people not concerned by the criteria listed above, is 117.

Also, three groups of people are taken into account. These are the populations living in rural areas (151 people), in urban areas (65) and those living in peri-urban areas (121 people).

## 4.2 Identification of study participants with recent experiences with the justice system

At the beginning of the study, we asked the participants about their recent experiences with the justice system. Only study participants who, since 01.01.2021, had been confronted with a situation in which they needed access to justice were subsequently asked about their experiences with the justice system. The aim of this restriction of the respondents was to prevent the assessment of the justice situation from being distorted by experiences that were too old.

Have you been confronted with a situation where you needed access to justice since 01.01.2021?  
(total : 339 answers)



The analysis presented in paragraph 4.3 below concerns the **139 respondents** who, since 01.01.2021, have been faced with a situation in which they needed access to justice.

## 4.3 Analysis of structural obstacles for vulnerable groups

The respondents' statements on institutions enabling access to justice are examined in order to assess the respondents' satisfaction with the justice system and its various components, and to check for the presence of structural barriers based on the challenges faced by vulnerable people. The analysis focuses on the **139 respondents** who, since 01.01.2021, have been faced with a situation in which they needed access to justice. The analysis most often focuses on study participants who are vulnerable. The responses of non-vulnerable respondents are sometimes indicated for comparison.



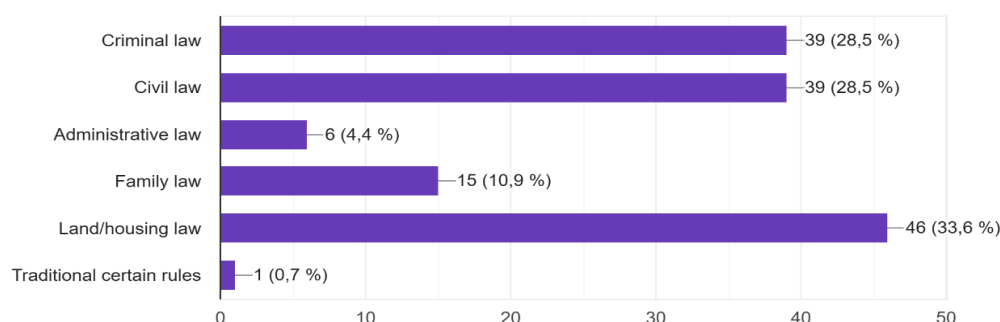
The diversity of the problems takes into account the complexity of the situation that is presented before the courts. The situations have been categorized as follows:

- Criminal law
- Land law
- Civil law
- Family law
- Administrative law
- Housing affairs

This coding was done to facilitate the understanding of the respondents during the data collection period. The following chart shows the allocation of cases to the various categories:

To be classified by the interviewer: Classification of the case in one of the following law categories:

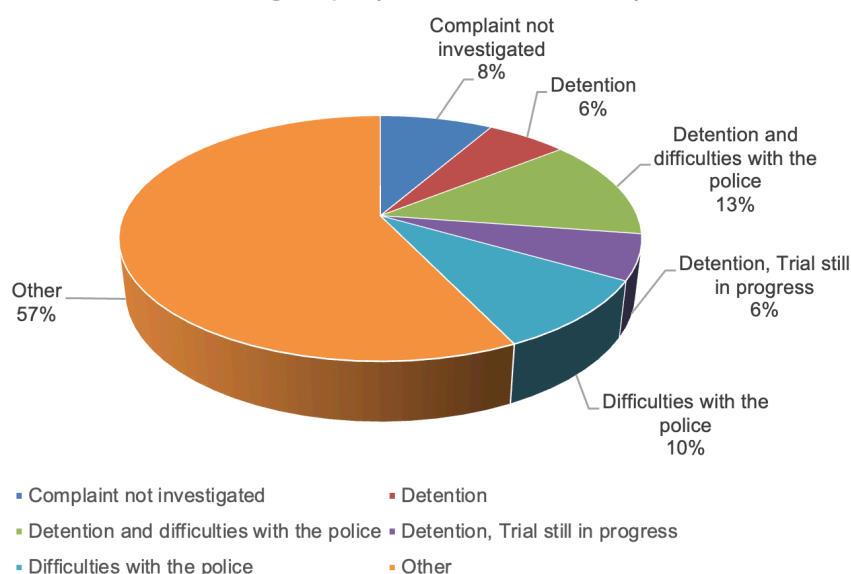
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### 4.3.1 Difficulties encountered by vulnerable groups during the pre-trial phase

Vulnerable persons who had contact with the justice system since January 2021 reported a broad range of difficulties during the pre-trial phase, both through closed-response categories and open-ended feedback. The data show that structural, procedural and social barriers significantly shape their early experience with the justice system.

Challenges faced in the pre-trial phase by the vulnerable groups (Total : 84 answers)



Vulnerable persons who had contact with the justice system since January 2021 reported a broad range of difficulties during the pre-trial phase, both through closed-response categories and open-ended feedback. The data shows that structural, procedural and social barriers significantly shape their early experience with the justice system.

According to the quantitative survey, only a small number of respondents indicated that they faced no challenge. Among those who did, **57%** selected the option **“Other”**, revealing a large volume of experiences that fell outside the pre-coded categories. These responses covered a wide spectrum of issues such as frequent postponements of hearings, lack of communication from legal authorities, intimidation at traditional palaces, and financial inability to follow up on cases.

In terms of specific challenges, **13%** of respondents reported **detention combined with difficulties with the police**, pointing to potentially serious procedural violations or lack of legal safeguards. An additional **10%** reported **difficulties with the police** in general, often related to inaction, delayed investigations, disrespectful treatment, or excessive fees. **8%** stated that their **complaints were not investigated**, reinforcing concerns about the responsiveness and accountability of law enforcement institutions.

A further **6%** had experienced **detention alone**, while another **6%** were in a situation of **ongoing trial proceedings** following initial detention. These responses suggest that pre-trial detention, in particular, remains a significant burden, often accompanied by uncertainty, emotional stress, and social stigma.

The open-ended comments added essential context. Many individuals described **long delays due to court adjournments, relocation of cases across regions** (e.g. from Tamale to Accra or Bolgatanga), and **frustration over lost or mishandled case files**. Others reported that their cases were **settled through traditional systems**, but not always fairly—some mentioned perceived bias, financial pressure, or threats at chief palaces. A few respondents said they were **detained without investigation**, or **not allowed to speak** during proceedings.

Additionally, **financial and logistical barriers** were prominent. These included lack of transport to hearings, inability to pay for legal services, and absence of legal aid. In some cases, individuals dropped cases entirely due to the cost or fear of escalation. Respondents also spoke of **psychological strain**, such as being mocked or shamed in the community, and of cases not being taken seriously due to their social or economic status.

In summary, the data show that **access to justice is obstructed well before cases reach trial**, especially for those with limited legal knowledge, financial means, or social support. These findings highlight the need for:

- improved procedural guidance for first-time justice users,
- proactive case management and follow-up by institutions,
- strengthened police accountability,
- and better integration of traditional dispute resolution mechanisms with state justice standards.

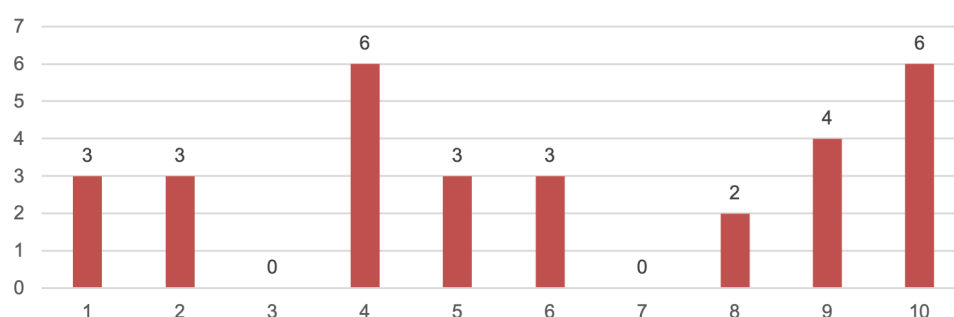
### 4.3.2 Structural obstacles in the court system

The analysis in this chapter concerns all respondents who have had contact with the court system in Ghana since 01.01.2021.

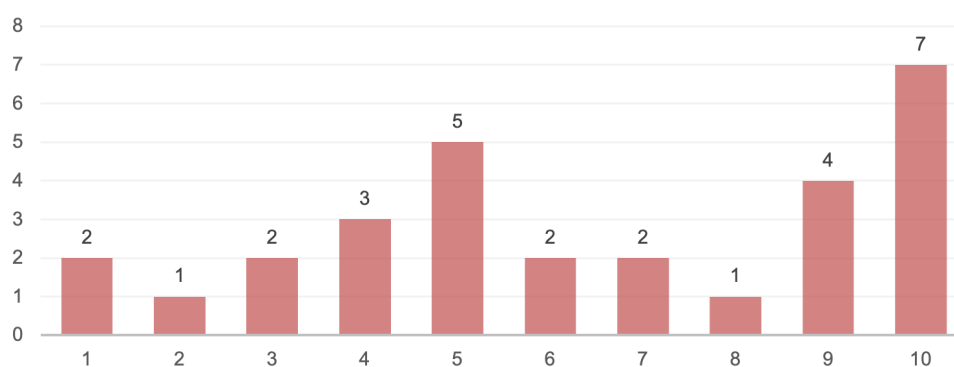
#### A. Assessment of the quality of the judicial system

As part of the survey, both vulnerable and non-vulnerable groups were asked to assess the overall quality of the court system on a scale from 1 (very poor) to 10 (excellent). The results show a relatively **polarized perception** of the justice system, with noticeable differences between both groups.

How do vulnerable groups rate the quality of the court system on a scale from 1 to 10 ? (1= very poor ; 10 = excellent) (Total : 30 answers)



How do non-vulnerable groups rate the quality of the court system on a scale from 1 to 10? (1= very poor ; 10 = excellent) (Total : 29 answers)



Among the **vulnerable groups** (30 respondents), opinions were scattered across the scale, reflecting a **mixed and fragmented experience** with the court system:

- Only **6 respondents (20%)** gave the highest score of **10**, indicating excellent quality.
- An equal number (**6 respondents**) rated the system with **4**, suggesting a rather negative perception.
- Very few respondents chose moderate scores like 7 or 3 (none selected 3 or 7 at all), which highlights a tendency towards **either high praise or clear dissatisfaction**.

- Lower-end scores (1 and 2) were selected by a total of **6 participants**, which—combined with the strong presence of negative open comments—suggests that a significant number of vulnerable individuals experience the court system as inaccessible, slow, or unjust.

In contrast, **non-vulnerable respondents** (29 in total) presented a **more favorable and coherent assessment**:

- The highest score of **10** was the most frequently selected option (**7 respondents, or ~24%**), followed by **5 respondents** who chose **5**, and **4 respondents** who selected **9**.
- The scores were more evenly distributed and leaned toward the higher end of the scale.
- Very low scores (1–3) were present but less dominant, with only **5 respondents in total** choosing these.
- Overall, this group demonstrated **higher confidence** in the performance of the court system, possibly due to more stable interactions with judicial actors, better legal literacy, or fewer socio-economic constraints.

The qualitative justifications provided by both groups reinforce the **complexity behind these ratings**:

**Positive ratings** (mostly 8–10) were justified by:

- Satisfaction with the case outcome,
- Perceived fairness and professionalism of judges,
- Smooth administrative procedures,
- Friendly treatment and effective communication,
- Cases resulting in compensation or fair settlements.

**Negative ratings** (mostly 1–4) were justified by:

- Excessive delays in case resolution,
- Perceived bias or unfair treatment,
- High financial and emotional costs of accessing justice,
- Non-investigation of complaints,
- Lack of transparency or responsiveness from officials.

Several comments reflected a sense of **systemic inequality**, where wealth, political influence or personal networks were seen as determining outcomes—especially by vulnerable respondents. Others pointed to **emotional stress**, lack of legal knowledge, or feelings of exclusion from the legal process.

In conclusion, the ratings and related comments underscore a **gap in trust and satisfaction** between different user groups. While some individuals - particularly from non-vulnerable groups - experience the system as functional and fair, others report **barriers that undermine their belief in justice delivery**.

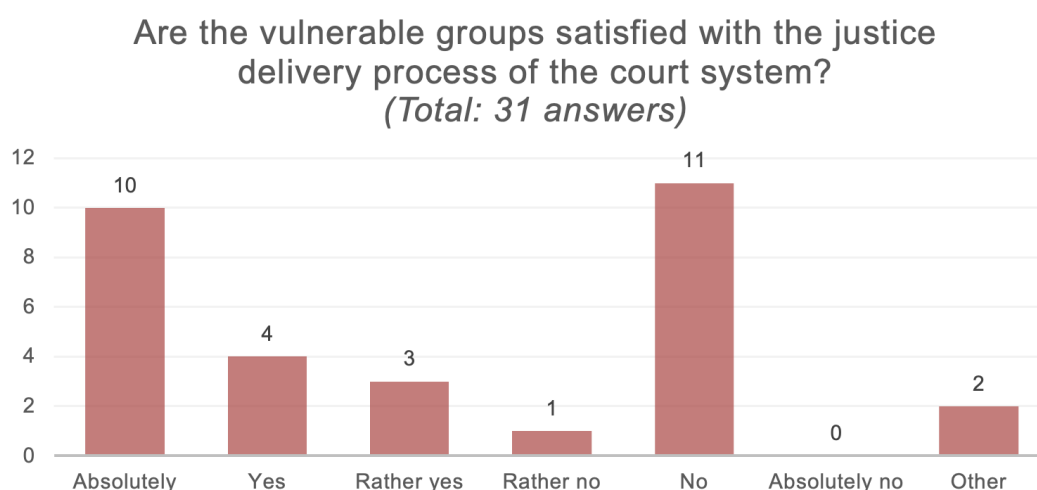
This highlights the need for:

- Targeted communication and outreach to vulnerable populations,

- Better accessibility and responsiveness of court actors,
- And systematic reforms to improve transparency, affordability and perceived fairness of the court system.

### B. Satisfaction with the process of delivering justice

In addition to rating the overall quality of the court system, respondents were asked whether they were satisfied with the **delivery process** as a whole. This included not only the final outcome of their cases, but also the fairness, timeliness, and professionalism of the legal procedures they experienced.



### Satisfaction among vulnerable groups

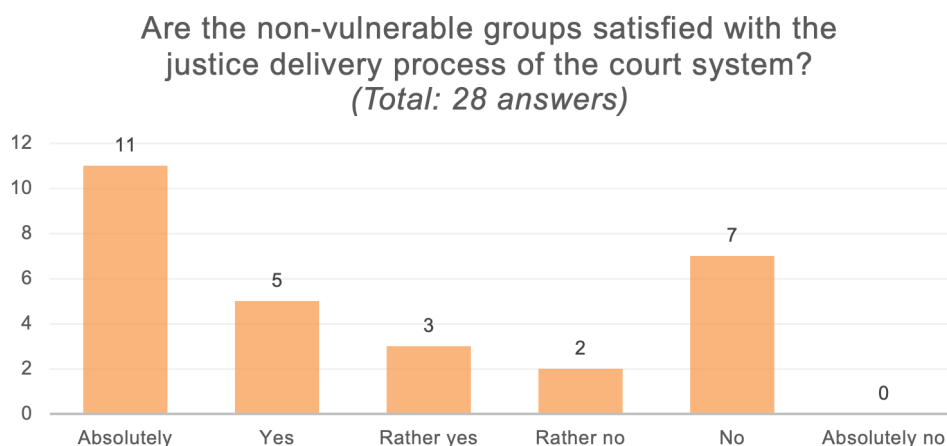
Among the **31 vulnerable respondents**, the picture is **highly polarized**:

- **10 respondents** reported they were **“Absolutely” satisfied**.
- **8 others** gave generally positive answers (“Yes” or “Rather yes”).
- However, **11 respondents** selected **“No”**, and one more chose **“Rather no”**.
- No one chose “Absolutely no”, while **2 answered “Other”**.

This split reflects a complex experience. On the one hand, those who won their cases, received compensation, or felt heard by the judge often rated the process very positively. They highlighted **fair hearings, transparency**, and decisions **based on facts and evidence**. A number of respondents specifically appreciated that judges gave both parties the opportunity to present documentation and arguments. On the other hand, those who expressed dissatisfaction referred to:

- **Delays in proceedings**, leading to loss of trust,
- **Bias** or perceived unfair treatment,
- **Cases ending at the police station** without reaching court,
- **Lack of investigation** or limited seriousness shown by institutions,
- **High costs** and insufficient legal support (e.g. no access to a lawyer),
- And the feeling that the **wealthier or more powerful party tends to prevail**.

Some respondents noted that although they ultimately received justice, the process was **long, stressful and costly**, with delays even diminishing the practical value of financial compensation due to inflation or devaluation.



## Satisfaction among non-vulnerable groups

Among the **28 non-vulnerable respondents**, the tone is generally more positive:

- A clear majority felt **“Absolutely” satisfied** (11 respondents).
- Many mentioned that **cases were resolved fairly and efficiently**,
- And they appreciated the **professionalism** and **structure** of the process.

Yet even in this group, **7 respondents answered “No”**, highlighting issues such as repeated adjournments, lack of firm court leadership, or delayed justice. Notably, even among the satisfied respondents, several mentioned that the process was **time-consuming or financially burdensome**.

## Interpretation

The qualitative data show that **satisfaction is closely linked to perceived fairness and outcome**, but also strongly influenced by:

- Procedural delays,
- Financial constraints,
- Quality of communication from justice actors,
- And the presence or absence of meaningful participation in the process.

Many vulnerable respondents felt **marginalized or poorly supported**, while others praised the system when they felt treated with dignity and fairness.

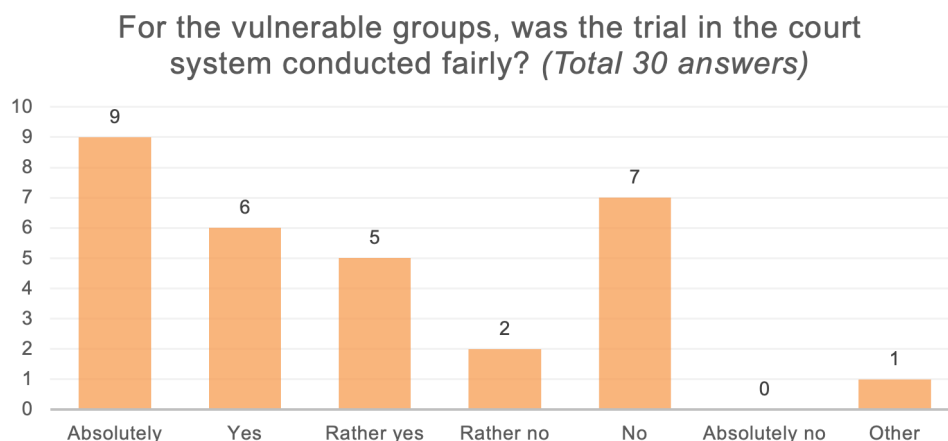
The results suggest that improving satisfaction with the justice system will require:

- Not only structural reforms and improved case management,
- But also, **more consistent support for vulnerable individuals** throughout the legal process,
- And efforts to make justice feel **more accessible, responsive, and equitable**.



### C. Assessment of trial fairness in the judicial system

Whether justice is done is one thing – whether it is perceived as such is another. The sense of fairness during the court trial is a core component of public trust in legal institutions. Respondents were therefore asked if, in their opinion, the trial was conducted fairly.



#### Perceptions among vulnerable groups

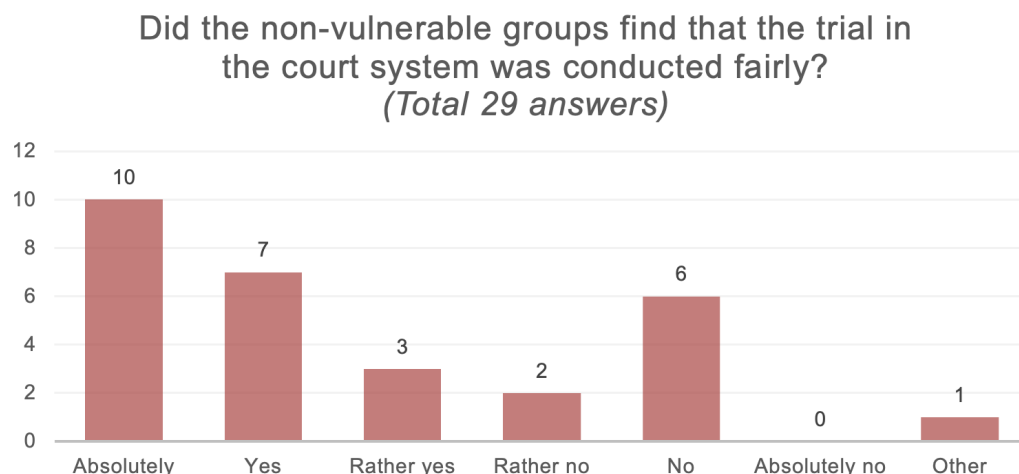
Out of 30 vulnerable respondents:

- **9 answered “Absolutely”**, indicating a strong sense of fairness.
- **6 selected “Yes”**, and **5 “Rather yes”**, together representing **two-thirds (20 of 30)** expressing some degree of satisfaction.
- However, **7 respondents** said **“No”**, and **2 “Rather no”**.
- No one selected **“Absolutely no”**, and **1 chose “Other”**.

The open-ended explanations shed further light on these ratings:

- Those who rated the trial positively described it as **fair, transparent, and participatory**. Many felt respected and appreciated that **both parties were heard**, and **evidence was duly considered**. Some saw fairness in the final outcome – often because they **won the case** or were **compensated**.
- Several mentioned satisfaction even if the process was still ongoing, as long as they were given the opportunity to present their side.
- Conversely, those who rated the process negatively cited **exclusion from hearings, lack of communication**, or **not being allowed to express themselves**. Some reported that they were **not invited to court**, or that the process was **influenced by money or power**. Others experienced **detention without fair trial** or were dissatisfied with **low compensation**.

These comments reflect the complexity of how fairness is experienced—not only in terms of legal correctness, but also of **transparency, dignity, inclusion, and predictability**.



## Perceptions among non-vulnerable groups

Among the **29 non-vulnerable respondents**, the trend was more favorable:

- **10 said “Absolutely”, and 7 said “Yes”.**
- An additional **3** selected “Rather yes”.
- In contrast, **6 respondents** selected “No”, and **2 “Rather no”**, with one choosing “Other”.

Qualitative feedback echoed many of the patterns seen in the vulnerable group, although with generally more positive tones. Satisfaction was linked to **clear proceedings, reasonable timelines, and equal hearing for both parties**. Those expressing dissatisfaction cited **delays, lack of seriousness, or influence from third parties**.

## Interpretation

Both groups show that around two-thirds of respondents found the trial fair, with the remainder expressing dissatisfaction or uncertainty. The vulnerable group, however, displayed **more polarized and emotionally charged responses**.

This finding confirms that **formal equality before the law does not automatically translate into perceived fairness**. Feelings of exclusion, financial burdens, or social disadvantage can all undermine the legitimacy of legal processes—even if they formally follow correct procedures.

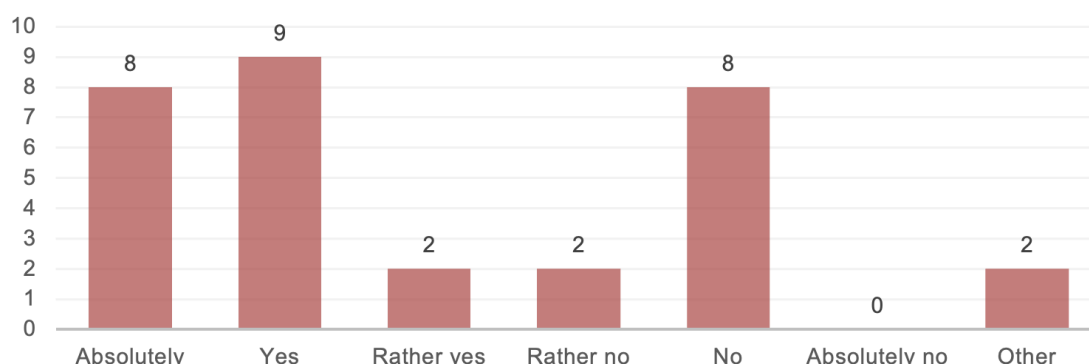
The data highlight the importance of:

- Strengthening procedural safeguards,
- Ensuring consistent and transparent communication,
- Training judges and staff on inclusive practices,
- And providing clear channels for all parties to **feel heard and understood** throughout the trial process.

## D. Satisfaction with the outcome of the procedure in the judicial system

The final verdict is often the most visible and emotionally significant moment of a legal case. It reflects whether justice was served in the eyes of the parties involved. Respondents were asked if they were satisfied with the outcome of their procedure in the court system.

Were the vulnerable groups satisfied with the outcome of the procedure in the court system?  
(Total = 31 answers)



### Satisfaction among vulnerable groups

Among the 31 respondents from vulnerable groups:

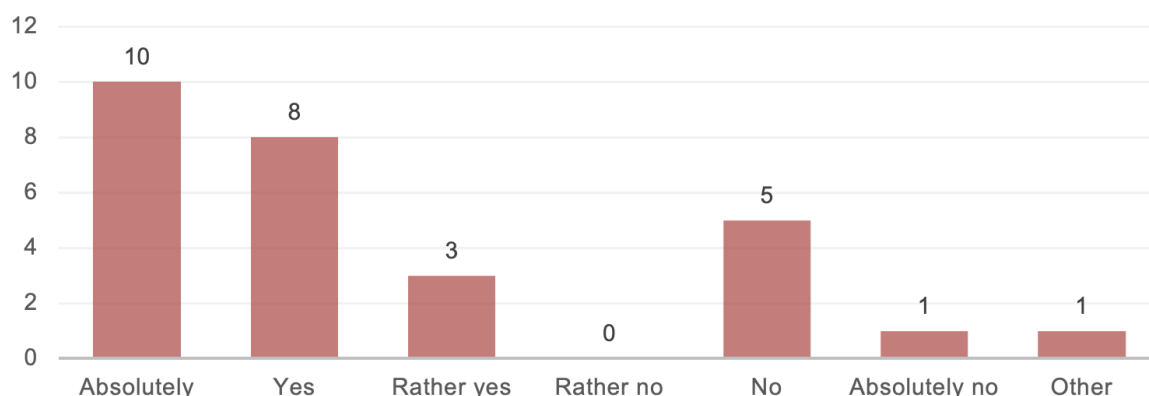
- **8 respondents** stated they were **“Absolutely”** satisfied.
- **9 respondents** selected **“Yes”**, and **2 more** chose **“Rather yes”**.
- This gives a total of **19 respondents (61%)** with some degree of satisfaction.
- **8 respondents** answered **“No”**, and **2 selected “Rather no”**, with no one choosing **“Absolutely no”**.
- **2 respondents** selected **“Other”**.

The **qualitative feedback** from this group reveals a nuanced picture:

- Positive responses often came from individuals who received **monetary compensation**, had the case ruled in their favor, or experienced **respectful and fair procedures**. Respondents appreciated when **evidence was considered, laws were clearly applied, and both parties were heard**.
- Some were satisfied even though the case was still in progress, citing **professionalism** and **transparent hearings** as reasons for optimism.
- However, dissatisfaction was pronounced in cases where:
  - **The complaint was not investigated,**
  - **Justice was delayed or never enforced,**
  - **Out-of-court compromises** were reached under pressure,
  - Or **institutional misconduct or extortion** occurred (e.g. added police fines or lack of follow-up).

Even respondents who received a fair ruling expressed **frustration about the duration and emotional toll** of the process. Others noted that although the outcome was legally correct, they had lost confidence due to procedural irregularities or perceived bias.

Were the non-vulnerable groups satisfied with the outcome of the procedure in the court system ?  
(Total = 28 answers)



### Satisfaction among non-vulnerable groups

In comparison, the **28 respondents from non-vulnerable groups** showed higher satisfaction:

- **10 respondents** were “**Absolutely**” satisfied.
- **8 selected “Yes”**, and **3 more “Rather yes”**, totaling **21 of 28 (75%)** with a positive impression.
- **5 answered “No”**, **1 “Absolutely no”**, and **1 “Other”**.

These respondents generally had better experiences with enforcement, follow-up, and procedural clarity. Dissatisfaction, where it existed, was often linked to **delays or resource constraints**, rather than the outcome itself.

### Interpretation

The comparison shows that vulnerable groups are **slightly less satisfied with case outcomes**, despite similar or identical verdicts. This reflects the importance of **procedural justice, perception of fairness**, and **practical enforceability**—not just the legal result.

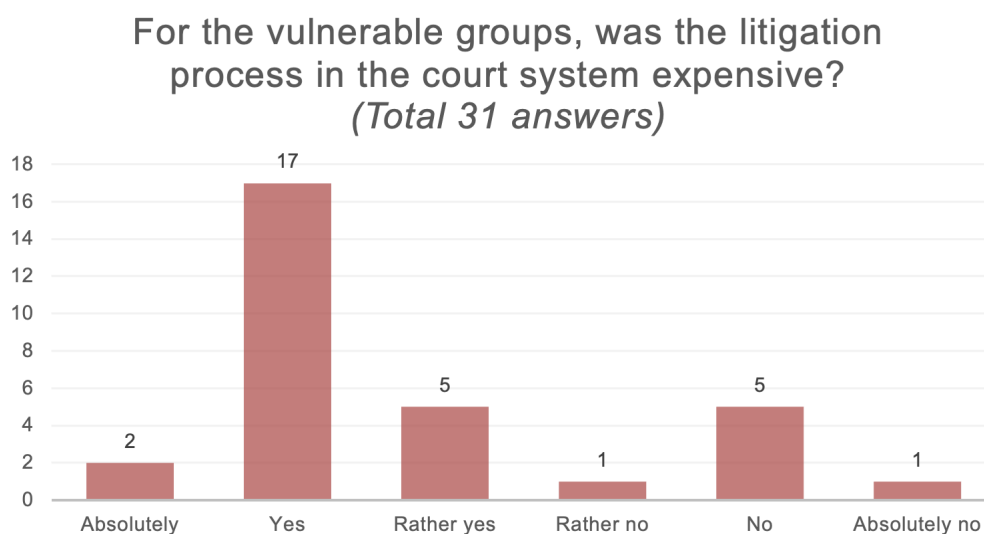
The data underscore that:

- A favorable outcome alone is **not enough** to generate full satisfaction if the process is perceived as exhausting, costly, or unjust.
- Dissatisfaction is more likely when complaints were **not fully investigated, cases dragged on**, or **parties were not properly informed or involved**.
- Courts need to address not only **what decisions they reach**, but also **how those decisions are reached and implemented**.

### E. Process costs

Access to justice is not only about procedural fairness but also about affordability. The costs associated with legal proceedings—such as court fees, legal counsel, transportation, and administrative expenses—can represent a significant barrier, particularly for vulnerable groups. This study examined how both vulnerable and non-vulnerable respondents perceive the financial

burden of litigation in Ghana.



### Perception among vulnerable groups

Among the **31 respondents from vulnerable groups**, **77%** reported that the litigation process was expensive:

- **17 respondents (55%)** answered **“Yes”**,
- **2 (6%)** selected **“Absolutely”**,
- and **5 (16%)** said **“Rather yes”**.

Only **7 participants (23%)** considered the process not to be expensive, spread across the categories “Rather no”, “No” and “Absolutely no”.

Qualitative data strongly supports this perception:

*“I have to pay for a lawyer each time the case is called.”*

*“In every hearing, we had to meet our lawyer to give him transportation. Unfortunately, there were several adjournments (about 40 times)... we ended up spending so much on this case!”*

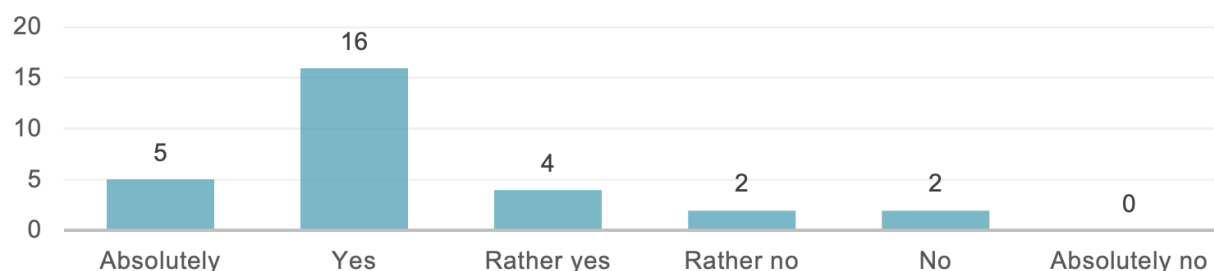
*“It was so expensive that we had to withdraw the case.”*

Beyond court fees and legal expenses, respondents frequently mentioned indirect costs, such as:

- repeated transport to court sessions or police stations,
- payment of informal “facilitation” fees to police officers or court staff,
- lost income due to missed work,
- and borrowing money to pay for legal representation.

These findings highlight how the **cost of litigation can not only delay justice but effectively deny it**—especially when cases are prolonged due to institutional inefficiencies or strategic stalling tactics by opposing parties.

### For the non-vulnerable groups, was the litigation process in the court system expensive? (Total 29 answers)



### Perception among non-vulnerable groups

Out of **29 non-vulnerable respondents**, **86%** also reported the process as expensive:

- **16 respondents (55%)** said “**Yes**”,
- **5 (17%)** selected “**Absolutely**”,
- and **4 (14%)** answered “**Rather yes**”.

Only **4 participants (14%)** indicated that the process was not expensive. While the trend is similar, the **impact appears less severe** for this group. Non-vulnerable respondents were more likely to be able to absorb the costs and continue litigation, although they also criticized high lawyer fees and repeated adjournments.

One respondent put it as follows:

*“My time, resources for lawyers, bailiff, fuel and at times leaving my business to attend court proceedings—it was very expensive.”*

### Interpretation and implications

The data clearly shows that **both vulnerable and non-vulnerable individuals experience legal processes in Ghana as costly**, with a particularly heavy burden on the former. These costs are not limited to official fees but include a range of hidden and informal expenses. The perception of high litigation costs aligns with a broader public view in Ghana that justice is prohibitively expensive, especially for the poor.

This finding underscores the urgent need to:

- **expand access to legal aid**, especially for financially vulnerable individuals;
- **streamline court processes** to avoid unnecessary delays and adjournments;
- and **monitor and reduce informal payments** through increased transparency and oversight.

Affordability is a **key component of access to justice**. Without targeted reforms to reduce the financial burden of litigation, the judicial system risks excluding the very populations most in need of legal protection.



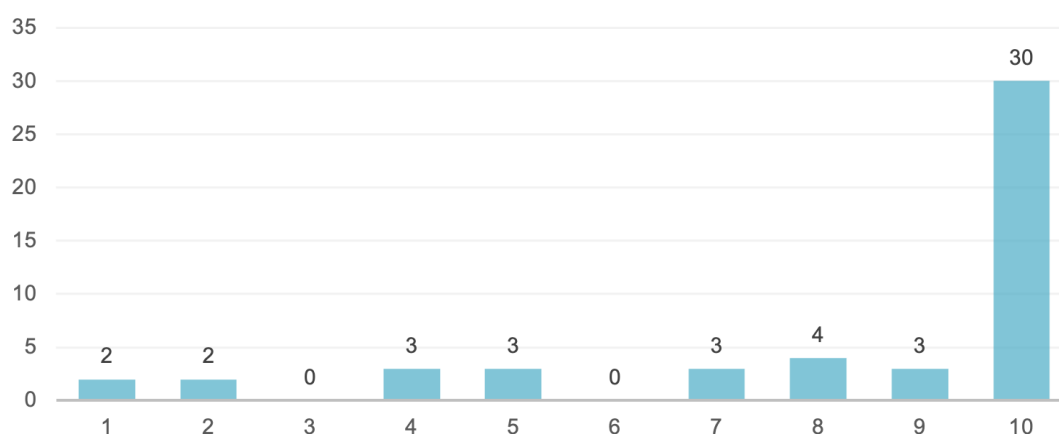
### 4.3.2 Structural obstacles in the traditional system

The analysis in this chapter concerns all respondents who have had contact with the traditional system in Ghana since 01.01.2021.

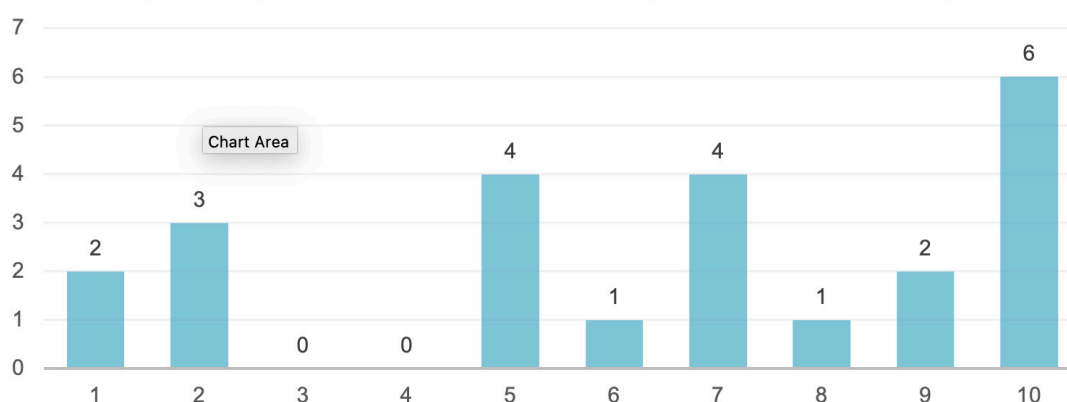
#### A. Assessment of the quality of the traditional system

The traditional justice system continues to play a vital role in dispute resolution in Ghana, particularly for populations with limited access to the formal court system. In this section, we assess how both vulnerable and non-vulnerable groups perceive the **quality of the traditional justice system**, based on a scale from 1 (very poor) to 10 (excellent).

How do vulnerable groups rate the quality of the traditional system on a scale from 1 to 10?  
(1= very poor ; 10 = excellent) (Total : 50 answers)



How do non-vulnerable groups rate the quality of the traditional system on a scale from 1 to 10?  
(1= very poor ; 10 = excellent) (Total: 23 answers)



The survey results indicate that traditional authorities are generally perceived as accessible, efficient, and culturally attuned to the realities of the populations they serve.

## Overall ratings and perceptions

The quality of the traditional system was rated very highly by respondents from vulnerable groups: 30 out of 50 respondents gave the maximum score of 10. Only a small minority rated the system poorly (1 or 2 out of 10), citing concerns such as bias or lack of due process. Similarly, among non-vulnerable groups, the traditional system received favorable ratings, with 6 respondents out of 23 giving it a 10, and only a few rating it negatively.

This positive perception is largely driven by the speed, cost-efficiency, and cultural familiarity of the traditional justice process. Many participants highlighted that proceedings at the chief's palace were swift and that no legal representation was needed, significantly reducing expenses. As one respondent put it, *"The traditional system is fast and fair; you don't need money for lawyers."*

## Reasons for high satisfaction

Several respondents expressed appreciation for the accessibility and low cost of traditional justice mechanisms. For instance, one stated: *"It is very cheap. No transport involved, just some local drinks for the elders."* Others praised the strong moral authority of traditional leaders: *"Based on how you are questioned, you can never lie. The truth is always known."*

Participants also emphasized the participatory nature of the process: both parties are often heard extensively, and outcomes are seen as binding within the community. The system's reliance on local customs and values adds to its legitimacy in the eyes of many users. *"The chief followed due process and made sure justice was given to the right person,"* noted another respondent.

## Structural limitations

Despite the generally positive perception, the traditional system is not without limitations. A notable concern raised by some respondents relates to corruption and bias. There were several mentions of elders accepting bribes, or of partiality due to familial or social ties. For example, one participant observed: *"Some elders took money from the other party to rule in their favor."*

Another frequently cited issue is the lack of thorough investigation: *"The case wasn't properly investigated and determined in an orderly manner,"* commented one respondent. Others pointed to a lack of enforcement capacity: even when decisions were made, they were not always followed through.

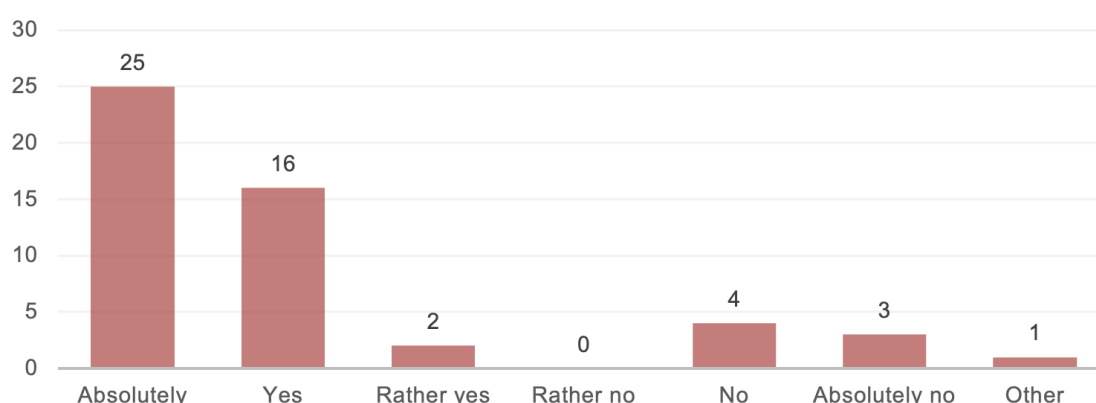
Finally, in complex land-related disputes or cases requiring formal documentation, the traditional system was seen as insufficient, leading some cases to be escalated to formal courts. *"The traditional way of solving it was better, but the documentation demanded use of the formal justice system,"* one participant explained.

Overall, the traditional justice system in Ghana is viewed positively, especially among vulnerable groups. It is perceived as more responsive, affordable, and community-oriented than the formal justice system. However, its reliance on oral testimony, lack of procedural safeguards, and vulnerability to influence highlight the need for capacity-building and closer coordination with formal legal institutions.

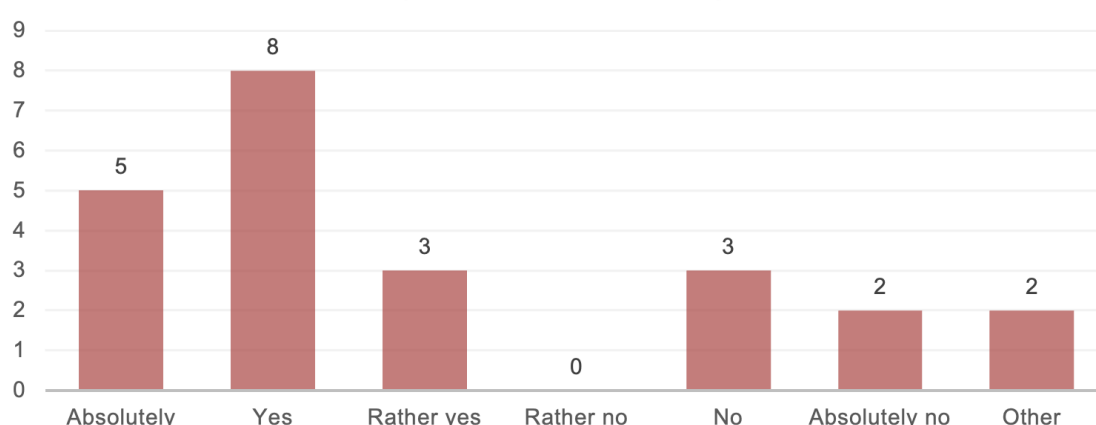
## B. Satisfaction with the process of delivering justice

The level of satisfaction with the justice delivery process in the traditional system is generally high among both vulnerable and non-vulnerable groups. Among the vulnerable groups, **41 out of 51 respondents** (i.e. 80%) stated that they were “absolutely” or “yes” satisfied with the justice delivery process, while only **7 respondents** expressed dissatisfaction (“no” or “absolutely no”). A similar trend is observed among non-vulnerable groups: **16 out of 23 respondents** indicated satisfaction, while only **5 respondents** were not satisfied with the process.

Were the vulnerable groups satisfied with the justice delivery process of the traditional system?  
(Total: 51 answers)



Were the non-vulnerable groups satisfied with the justice delivery process of the traditional system ?  
(Total : 23 answers)



Respondents appreciated the **simplicity, speed, and cultural familiarity** of the traditional process. Many highlighted the **low cost and absence of legal complexity** compared to the formal system. Several participants commended the chiefs for their **listening skills, firmness**, and ability to offer **fair and balanced solutions**:

*“The entire justice delivery process was fair, and everyone was given the opportunity to provide all their evidence and witness.”*

***“They do not give judgement until they have convinced they have the truth.”***

***“It was a smooth and fast process.”***

However, the traditional system was **not without criticism**. A number of respondents mentioned **concerns about impartiality, delays, and the influence of money** in some decisions. In a few cases, respondents expressed **deep frustration** with the process, perceiving it as biased or even physically unsafe:

***“Some elders took money from the other party in order to rule in his favor.”***

***“Sometimes they physically assault the accused.”***

***“We were denied justice.”***

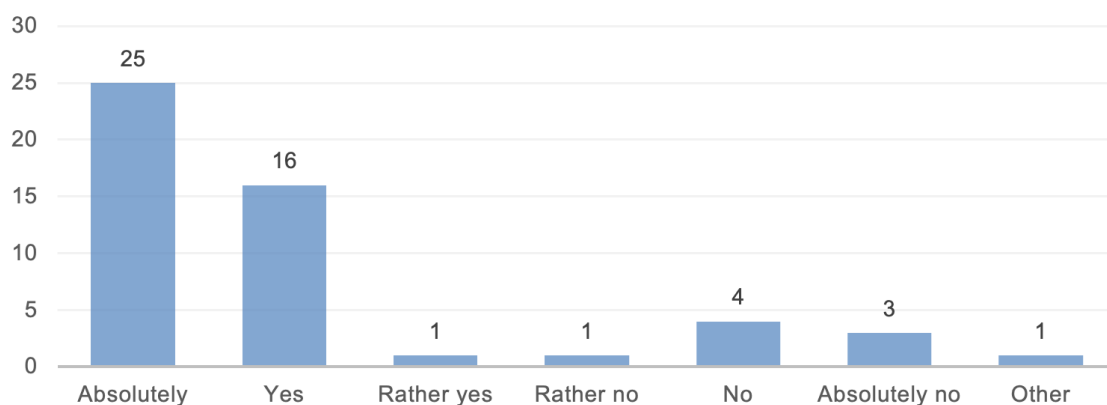
It is also notable that some respondents appreciated the traditional justice process **despite acknowledging its imperfections**, due to its **accessibility** and **community-based nature**. For others, **trust in the system has eroded** due to specific negative experiences or concerns about **lack of professionalism and consistency**.

In summary, the data suggests a relatively **high level of trust in the traditional justice delivery process**, especially when compared to the formal judicial system. However, **localized inconsistencies and power dynamics** pose risks to fairness and accountability, especially for vulnerable individuals.

### **C. Assessment of trial fairness in the traditional system**

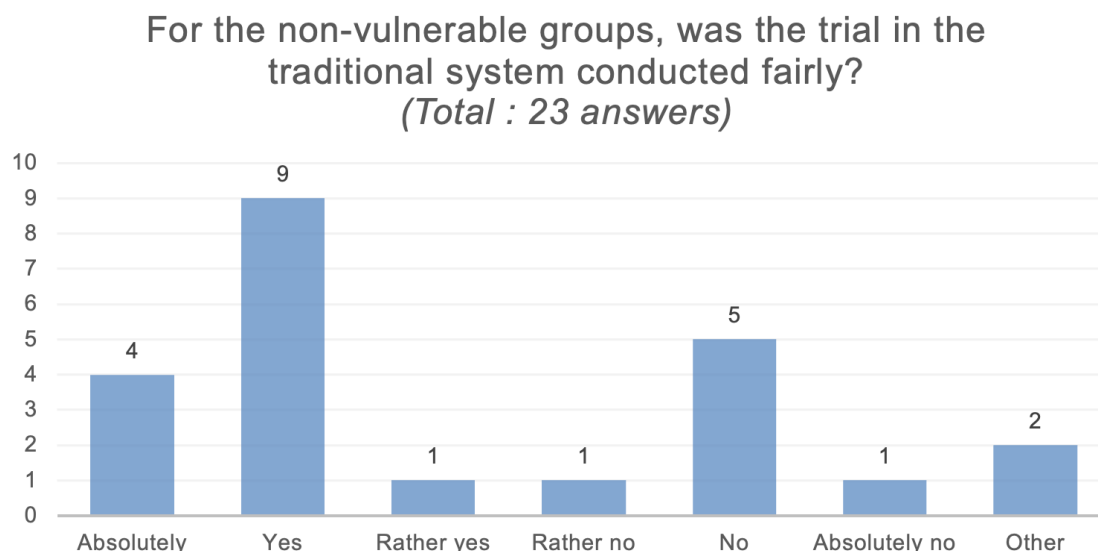
The assessment of fairness in trials conducted by traditional authorities reveals a predominantly positive perception among both vulnerable and non-vulnerable groups, although some critical voices persist. Among the vulnerable respondents, 25 out of 51 (nearly half) indicated that trials were conducted “absolutely” fairly, and another 16 responded with a simple “yes”. Only a minority—8 individuals in total—expressed dissatisfaction (with “no” or “absolutely no”).

For the vulnerable groups, was the trial in the traditional system conducted fairly?  
(Total : 51 answers)



Respondents frequently cited **the inclusive nature of the process**, where “both parties were involved”, and the “opportunity to present all evidence and witnesses” as central elements of fairness. One participant explained: *“Everything was done openly so there was no partiality.”* Another emphasized: *“The chief gave room for both parties to come and state their case, just that the other party refused to appear.”*

Among non-vulnerable participants, the picture is similarly positive, though slightly more reserved. 13 out of 23 respondents rated the trials as either “absolutely” fair or simply “yes”.

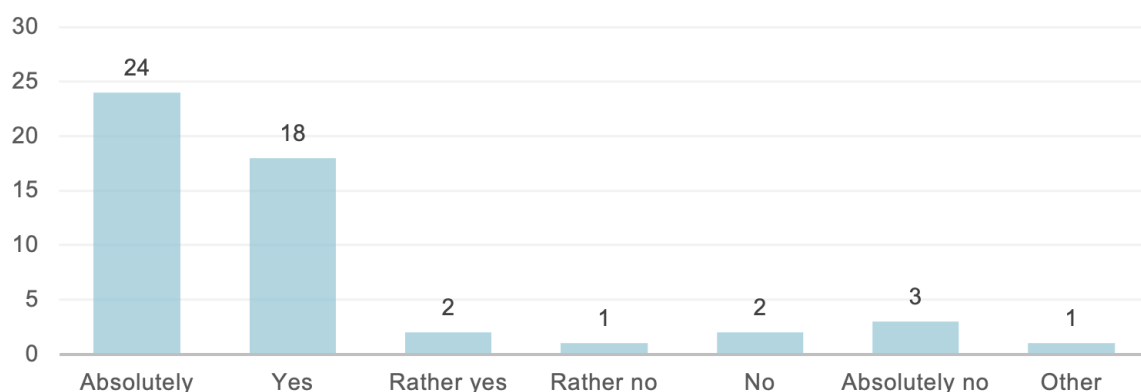


A smaller part of respondents stated explicitly that they believed the trial was not fair, indicating that **concerns about bias, lack of thorough investigation, or social influence** continue to play a role. One participant noted: *“The palace didn’t do well in resolving the matter fairly. They shortchanged the crop farmer in favor of the fish farmers.”* Despite these outliers, the **overall trend underscores a broad trust in traditional dispute resolution processes**, particularly among vulnerable groups, who appear to appreciate the accessibility, clarity, and familiarity of such proceedings. However, the perception of fairness is not immune to **concerns about power asymmetries, local allegiances, or insufficient procedural rigor**, which can compromise outcomes in more complex or contested cases.

#### **D. Satisfaction with the outcome of the procedure in the traditional system**

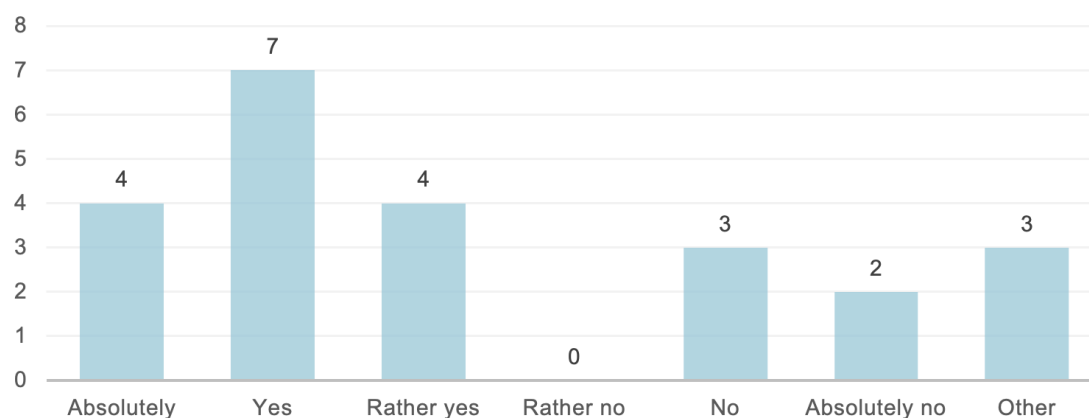
The majority of respondents from both vulnerable and non-vulnerable groups reported high levels of satisfaction with the outcome of their cases in the traditional justice system. Among vulnerable groups, 24 respondents (47%) stated they were “absolutely” satisfied with the outcome, and another 18 (35%) chose “yes,” indicating overall positive experiences. Only 6 respondents (12%) expressed dissatisfaction to varying degrees, including 3 who reported being “absolutely not” satisfied.

Were the vulnerable groups satisfied with the outcome of the procedure in the traditional system?  
(Total : 51 answers)



This trend is largely mirrored by non-vulnerable groups, where 4 respondents (17%) indicated they were “absolutely” satisfied and 7 (30%) selected “yes.” Notably, 4 others chose “rather yes.” Despite this, some dissatisfaction persisted: 5 participants (22%) expressed a negative or strongly negative view.

Were the non-vulnerable groups satisfied with the outcome of the procedure in the traditional system?  
(Total : 23 answers)



Across both groups, qualitative responses suggest that satisfaction often stemmed from the perception that truth prevailed and all parties were given the opportunity to be heard. For example, one participant stated, “Justice was delivered... We all accepted the verdict.” Others appreciated the procedural clarity and cultural familiarity of the traditional setting: “It was fast and not biased.”

At the same time, several respondents expressed disappointment, citing issues such as inadequate compensation, biased decision-making, or undue influence from community elites. One dissatisfied respondent reflected: “Though the case was ruled in our favor, no compensation was paid.” Another noted, “The case was judged without hearing from the accused.”

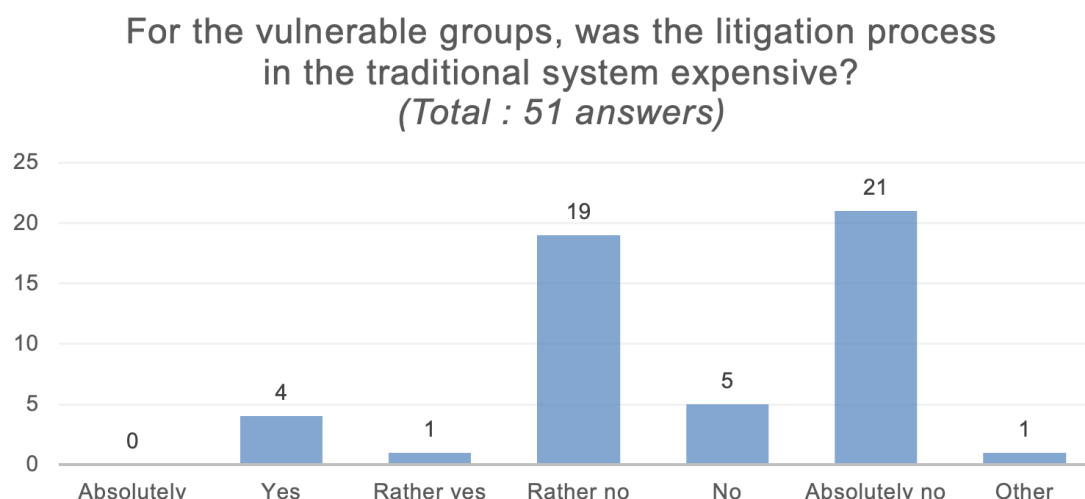
In summary, the traditional system appears to have delivered outcomes that were generally viewed positively by the majority of both vulnerable and non-vulnerable respondents. However,



the persistence of critical voices highlights the need for safeguards to ensure fairness and full implementation of decisions.

### **E. Process costs in the traditional system**

Overall, the traditional justice system was perceived as significantly less expensive than the formal court system—especially by vulnerable groups. The vast majority of vulnerable respondents (40 out of 51) stated that the traditional process was “Rather no” (19) or “Absolutely no” (21) expensive. Only a small minority experienced it as costly, with just 4 respondents selecting “Yes” and none selecting “Absolutely”.



This impression was confirmed by the financial data provided. Most respondents reported very modest expenses, ranging from no cost at all to only symbolic payments, such as GHS 20–50 for customary items like kola nuts or alcohol (commonly referred to as “cola money”). Several participants explicitly highlighted:

***“The litigation process was free.”***

***“I only needed to present some cola nuts as custom demands to register my complaint at the Palace.”***

***“We didn’t spend much. We only gave money as cola as tradition demands.”***

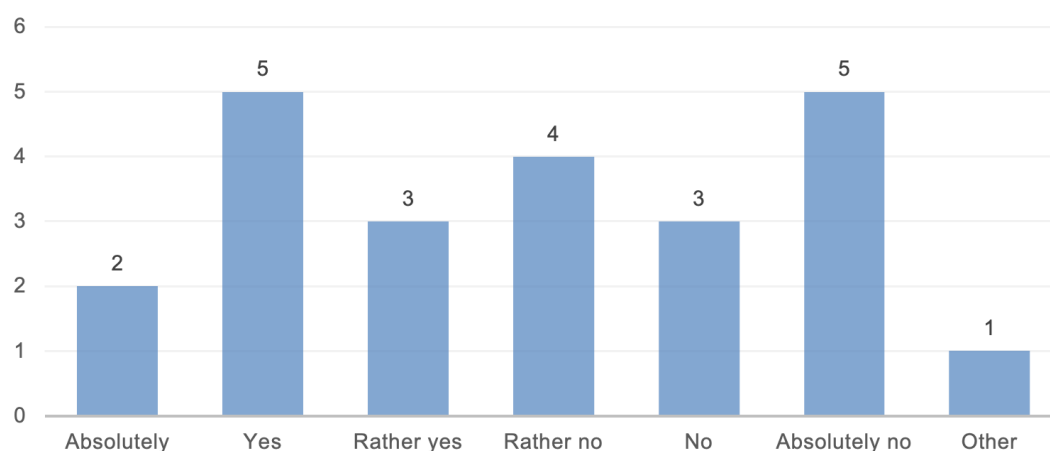
When costs did occur, they were usually associated with transportation or small honoraria to the elders. In some cases, costs could still accumulate—especially when cases dragged on or required repeated travel. One participant explained:

*“Despite spending on some stool members and transport to the council, I find the situation to be quite manageable.” (GHS 500)*

A few exceptions stood out. Some respondents—particularly those with land disputes—reported substantial costs. For example, one individual stated:

*“I stopped engaging the Police Service and Chiefs” and claimed total losses of over GHS 25,000.*

For the non-vulnerable groups, was the litigation process in the traditional system expensive?  
(Total : 23 answers)



When comparing vulnerable and non-vulnerable groups, both perceived the traditional process as generally affordable, but the vulnerable group reported an even more positive experience. While **only 6 out of 51 vulnerable respondents described the process as expensive** (“Yes” or “Absolutely”), **10 out of 23 non-vulnerable respondents** did so - representing a considerably higher proportion. This indicates that while traditional justice was broadly seen as financially accessible, socio-economic status still influenced how costs were perceived.

Interestingly, some respondents also reported symbolic or no costs, describing the process as “customary,” involving only “GHS 30” or “a bottle of schnapps”.

However, others noted higher expenses due to the payment of council members, repeated travel, or accompanying formal procedures. One respondent stated:

“I spent close to GHS 1,500 in the process of having this case resolved.”

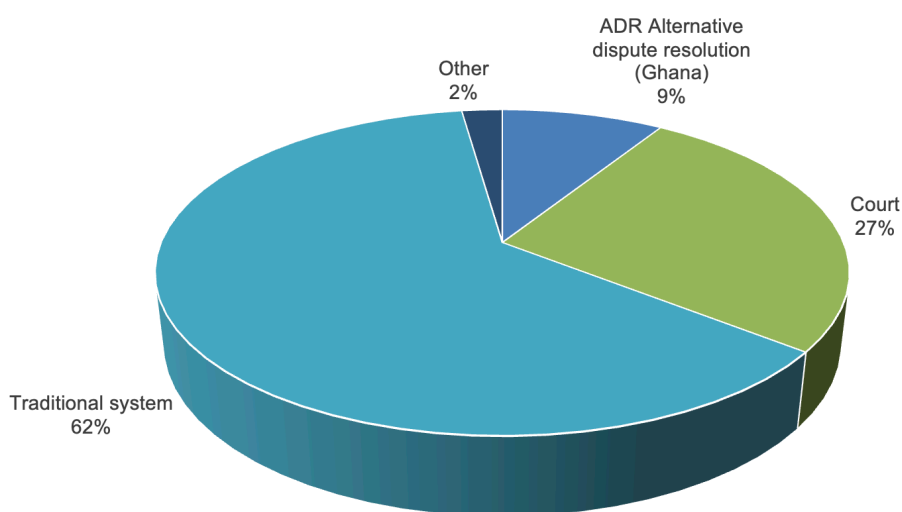
In summary, the traditional justice system is widely viewed—especially by vulnerable users—as a more cost-effective and accessible alternative to the formal court system. Symbolic costs rooted in tradition often replaced legal and administrative fees, contributing to its appeal. However, this accessibility can be diminished when cases are prolonged or involve land disputes, which tend to incur higher costs across both groups.

## 4.4. Institutions of choice

The preference for a conflict resolution institution was assessed independently from actual justice system experiences since January 1, 2022. This approach made it possible to include a broader sample of 222 participants and thus generate a more comprehensive picture of preferences and perceived legitimacy across different mechanisms.

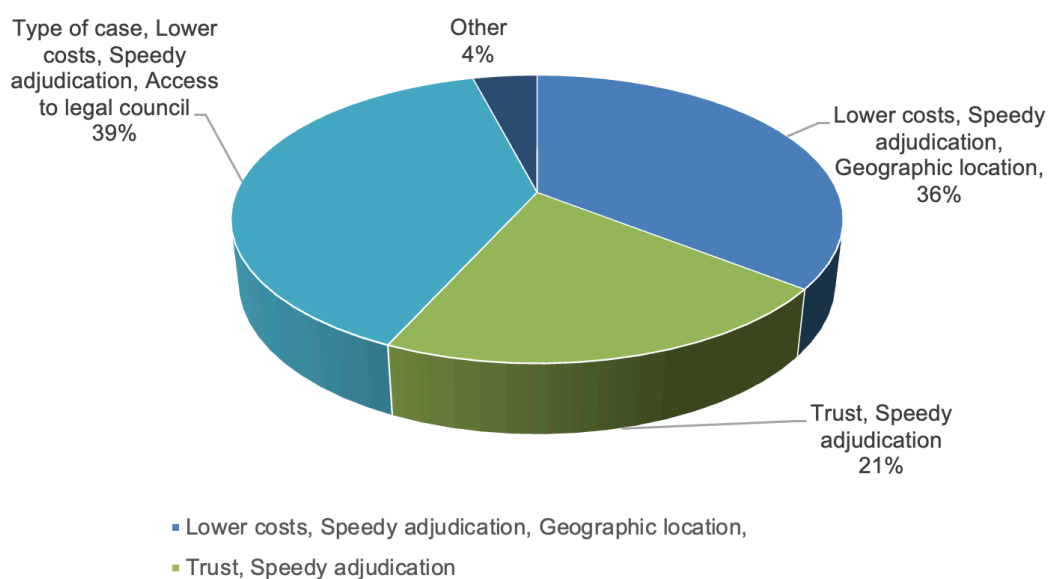
The data show a clear preference for the traditional system among vulnerable groups. 62% of respondents indicated that, if given a choice, they would prefer to settle disputes through the traditional system. The court system was the second most preferred institution (27%), followed by Ghana’s Alternative Dispute Resolution (ADR) mechanism (9%), with 2% selecting other options.

If they could choose between the different dispute resolution institutions, which one would the vulnerable groups prefer? (Total :222 answers)



The reasons for choosing the traditional system were largely pragmatic: 39% cited a combination of case type, lower costs, speedy adjudication, and access to legal counsel as decisive factors. Another 36% emphasized lower costs, quick resolution, and geographic proximity. For many, the traditional system represents a low-barrier mechanism that is perceived as affordable, accessible, and rooted in community trust. Respondents repeatedly mentioned that there is “no need for a lawyer,” that the process is “fast,” and that elders are “trustworthy,” especially when matters involve land or family conflicts. Additionally, the use of local languages in hearings allows for greater participation and understanding.

Why would the vulnerable groups choose this institution ?  
(total : 222 answers)



The court system was preferred by 27% of participants, with trust, case type, and access to legal representation being the most cited reasons. Many respondents indicated they trusted the court to “follow laid-down procedures,” “deliver fair rulings based on evidence,” or “provide stronger legal finality.” A significant number noted that the court was the most appropriate forum for complex or criminal cases. However, there was also widespread concern about the high cost of accessing court justice, particularly legal representation and transport.

ADR mechanisms were selected by 9% of respondents. Here, the preference was motivated by the perception of ADR as a neutral, independent, and less costly option. Respondents appreciated the possibility of mutual agreement and compromise, and the fact that ADR tends to be less adversarial than court proceedings. However, its limited visibility and institutional anchoring compared to traditional systems and courts may have contributed to its lower preference rate.

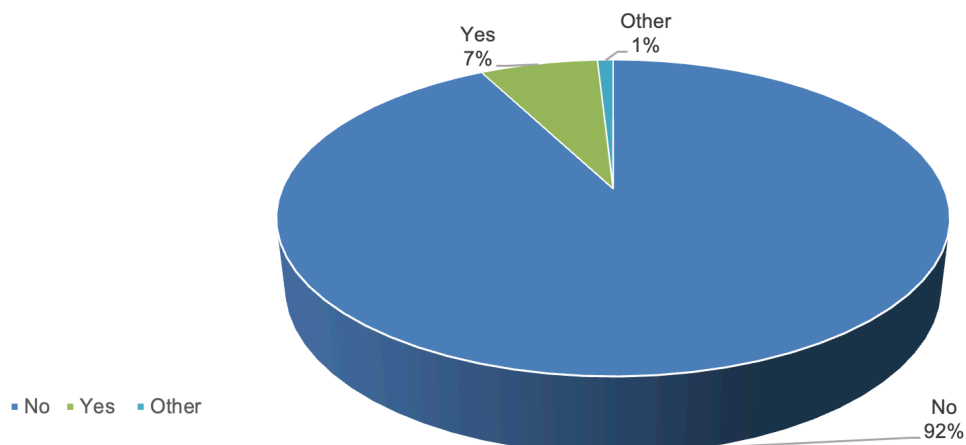
Importantly, some respondents expressed a fundamental mistrust in all institutions, citing corruption, partiality, or political influence. Others reported a withdrawal from justice-seeking altogether, due to personal safety concerns or past negative experiences. This highlights the need to not only improve institutional effectiveness but also rebuild trust in the broader justice landscape.

In sum, the traditional system remains the preferred institution of dispute resolution for the majority of vulnerable respondents, especially where speed, cost, and proximity are key considerations. Nonetheless, trust in courts and interest in ADR options suggest that people value procedural fairness and the potential for impartial mediation—especially in more complex cases. A hybrid or complementary approach that strengthens traditional justice while improving access to formal and alternative systems could enhance overall justice delivery in Ghana.

## 4.5 The role of legal assistance

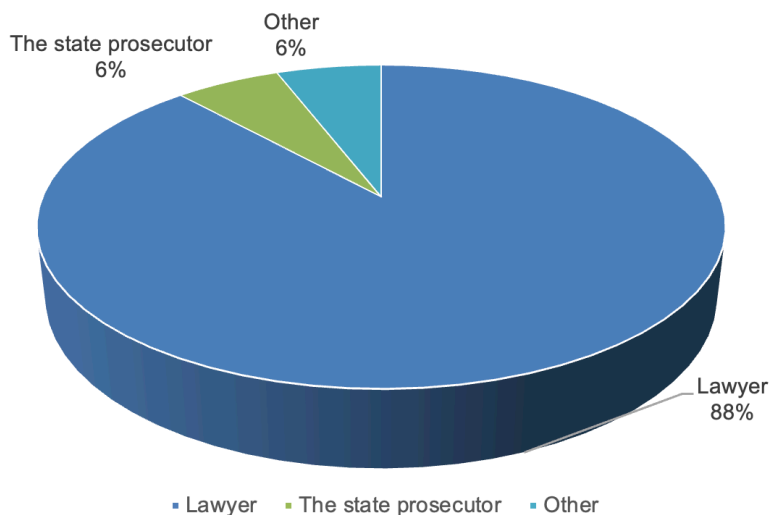
Access to legal assistance remains extremely limited for vulnerable groups. Among 222 respondents, only 7% reported having benefited from any form of legal support, while 92% stated they had not received any assistance at all. This underlines a major access gap in the justice system, particularly for those who may be most in need of guidance or representation.

Have vulnerable groups benefited from legal assistance?  
(total : 222 answers)



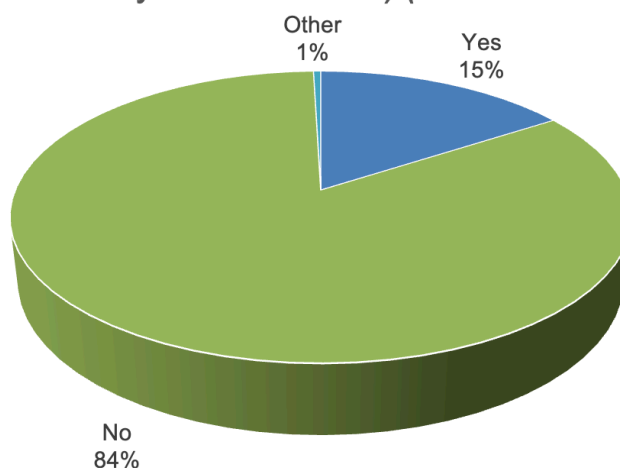
Among the small group that did receive legal assistance (17 respondents), the vast majority (88%) were supported by a lawyer, while a few others mentioned state prosecutors (6%) or unspecified providers.

Who has provided the vulnerable groups with legal assistance? (17 answers)



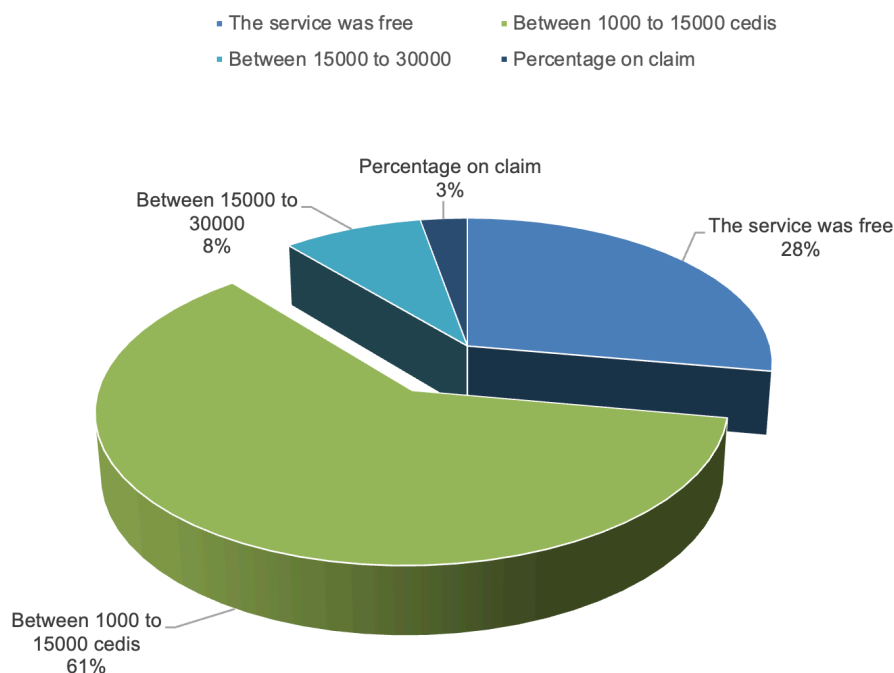
However, legal aid services appear to be far from systematically available. Only 15% of all respondents said they were aware of institutions offering legal assistance—such as legal clinics, law centers, NGOs, or community organizations—while 84% had no knowledge of such services.

Do the vulnerable groups know institutions that offers legal assistance ? (Legal clinics, law centres, law shops, NGOs, community associations..) (Total : 221 answers)



In terms of cost, out of the 36 respondents who provided information on expenses for legal assistance, 28% stated the service had been free. However, the majority paid significant amounts: 61% reported paying between 1,000 and 15,000 Ghanaian Cedis, while 8% paid even more (up to 30,000 Cedis). Only 3% reported paying a percentage on claim, and one respondent mentioned paying GHS 200 plus 15% of the awarded legal cost.

### How much did the legal assistance cost to the vulnerable group ? (TOTAL : 36 answers)



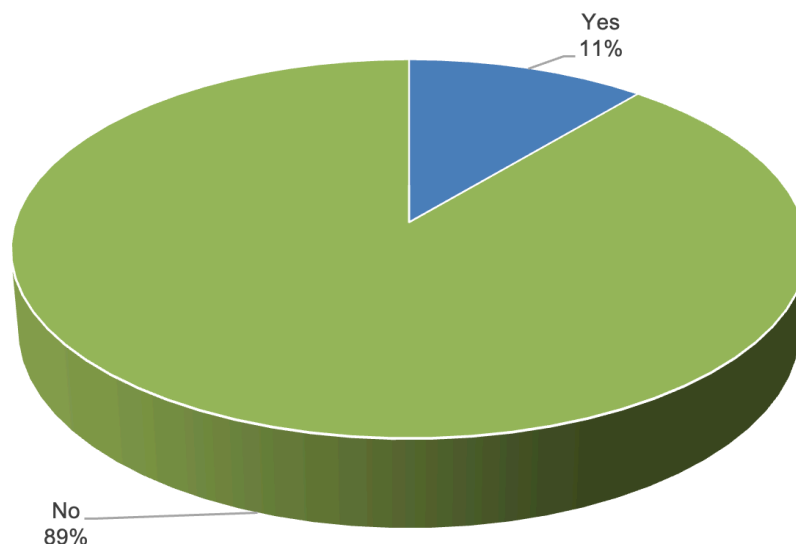
Qualitative insights suggest that when legal assistance was free, beneficiaries often rated the service positively. For example, one respondent who received support from **OSAD Legal Services PRUC** rated the service 9 out of 10, noting that although it was free, “they put up their best.” Another person who approached the **Commission for Human Rights and Administrative Justice (CHRAJ)** also gave a positive rating (7/10), highlighting the rapid resolution and calling for greater public awareness of CHRAJ’s services.

Some beneficiaries also approached **Legal Aid Ghana**, but one reported being turned away because their opponent had already sought representation from the same institution—pointing to a systemic limitation in the reach of state-funded legal services.

Even among those who accessed help from institutions like courts, legal aid, or CHRAJ, travel and accessibility remained a concern. Transport costs varied significantly, with some respondents reporting expenses up to 150 Cedis or more to reach the relevant institution. Suggestions for improvement focused on expanding the geographical coverage of legal aid services and increasing public awareness.



Have vulnerable groups already requested these legal assistance services ? (Total : 36 answers)

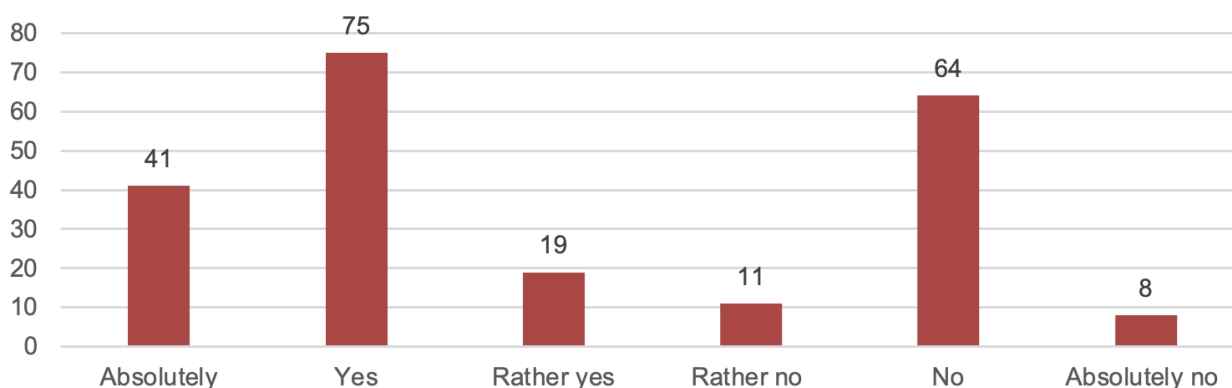


In summary, legal assistance is currently an exception rather than the rule for vulnerable groups. While those who receive it often value the service, widespread inaccessibility—combined with high costs, limited awareness, and geographical concentration—remains a key structural obstacle in achieving justice for all.

#### 4.6 Assessment of equality of access / costs of access to justice

The question of whether the justice system in Ghana provides **equitable access for all, regardless of social status**, revealed a society deeply divided in its perceptions and experiences. Out of 218 respondents, **over one-third (33%)** felt **clearly excluded** from equitable justice access: 64 answered “No” and 8 “Absolutely no.” Only 41 respondents (19%) expressed full confidence with “Absolutely,” while a total of 135 respondents (62%) responded affirmatively in varying degrees, from “Rather yes” to “Yes” or “Absolutely.”

Did the vulnerable groups feel that the environment allowed access to justice for all in an equitable manner regardless of the social status ? (Total : 218 answers)



This nuanced distribution reflects the complexity of legal access in Ghana: while some respondents affirm constitutional guarantees of equality before the law, many others described **structural and systemic barriers**—particularly for the poor and vulnerable.

## Main Themes from Qualitative Feedback:

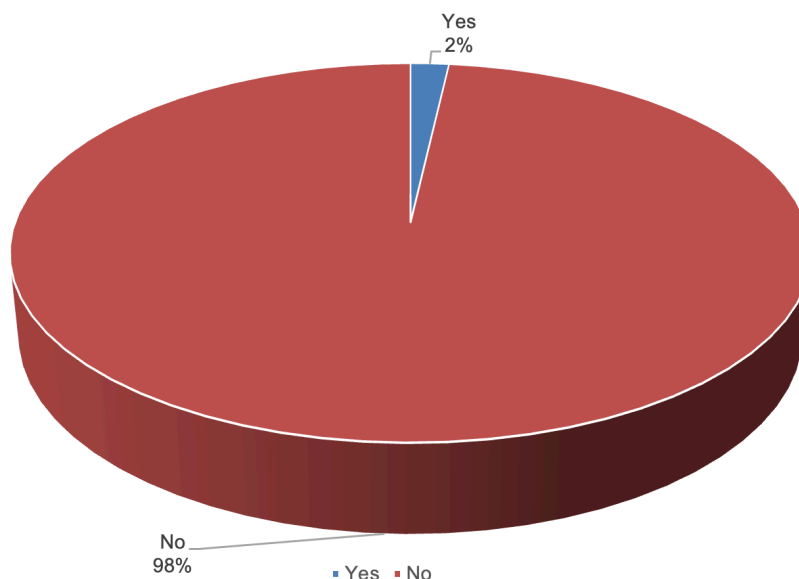
1. **Reference to the 1992 Constitution:** Many respondents cited Ghana’s Constitution as a foundation for justice and equality. However, their faith in its practical implementation was often tempered by a sense of disillusionment. Statements like *“the 1992 Constitution spells out justice, but political and financial power override it”* were frequently repeated.
2. **Perceived influence of wealth and status:**
  - A recurring theme was the **privileged access of wealthy or politically connected individuals** to favorable rulings.
  - One respondent noted: *“Paying highly to a good lawyer with a bad case can still win you the case. How many people are rich enough to afford that?”*
  - Others emphasized that the **cost of accessing justice** effectively excludes low-income groups, particularly where legal fees and travel costs are involved.
3. **Distrust in justice delivery mechanisms:**
  - The **court system is perceived by many as biased**, inefficient, or open to manipulation.
  - Several respondents shared personal or observed experiences where *“influential people walked free”* while the vulnerable lacked the resources to pursue their cases.
4. **Mixed perceptions of the traditional system:**
  - While some viewed it as **more accessible** or **community-oriented**, others pointed out **biases in favor of men or local elites**.
5. **Recognition of equality in principle, not in practice:**
  - Numerous respondents acknowledged that *“justice is for all according to the law,”* but followed this with the caveat that **social status, money, or connections still play a major role** in practice.
6. **Hopeful but cautious optimism:**
  - A minority shared positive experiences—e.g., *“I had no title or position, yet judgment was in my favor”*—suggesting that fair outcomes are possible, even if inconsistent.

In summary, while **legal equality is clearly articulated in Ghanaian law, the lived experience of justice is deeply shaped by socioeconomic factors**. There is a notable **gap between legal principle and practical application**, with wealth, status, and power continuing to shape access to—and outcomes within—the justice system. Addressing these disparities will require both **institutional reform** and **targeted support for the vulnerable**, including affordable legal aid, decentralization of services, and public sensitization on legal rights and processes.

## 4.7 The role of mediation

The data reveals a striking lack of awareness among vulnerable groups regarding **institutions offering mediation services**. As illustrated in the chart, **98% of respondents** stated they were **not aware** of such institutions, with only **2%** answering in the affirmative. This suggests a **massive information and visibility gap** in the mediation landscape.

Do vulnerable groups know about the institutions offering mediation services?  
(Total : 222 answers)



Among the very few respondents who were aware of mediation services, several cited **DOVVSU (Domestic Violence and Victims Support Unit)** or **CHRAJ (Commission on Human Rights and Administrative Justice)** as providers. Others mentioned **religious leaders, chieftaincy institutions, or informal community efforts**, often learning about them through **social media, radio, religious gatherings, or advocacy efforts**.

### Utilization and Perceptions:

- Only a **handful of respondents** had ever requested mediation services.
- Most of the services received were **either free or involved modest costs** (e.g., GHS 50–500), though some participants criticized even these as unaffordable.
- **Ratings of the services** varied drastically:
  - One participant rated **DOVVSU a 10**, citing *“fair justice delivery.”*
  - Another rated **CHRAJ a 3**, stating: *“I wasn’t treated fairly and properly.”*

This inconsistency suggests both **good practice** and **systemic service deficits**, with accessibility, professional conduct, and empathy being key concerns.

## Barriers to Access:

- **The cost of travel** to mediation institutions was frequently cited (e.g., GHS 100 or 500), which is **significant given the economic vulnerability of the respondents**.
- In addition, many respondents highlighted **a lack of localized services**, recommending that institutions “*expand into all regions*” and “*deploy more personnel*” to ensure accessibility.

## Key insights and recommendations:

### 1. Public sensitization is urgently needed:

- Institutions offering mediation must significantly expand **outreach and education**, especially through radio, community events, and religious platforms.
- Many participants who eventually accessed services did so through **indirect or informal channels**, indicating a lack of official information.

### 2. Decentralization and mobile mediation services:

- Deploying **community-based or mobile mediation units** could improve access in rural and underserved areas.
- A nationwide **mapping and registration** of existing mediation structures (formal and informal) could support coordination and referral.

### 3. Capacity building for mediation staff:

- Several respondents mentioned **insensitive or unprofessional treatment** at mediation institutions.
- Training on **trauma-sensitive approaches, conflict resolution**, and **client interaction** should be prioritized.

In conclusion, while mediation has the potential to offer **low-cost, locally grounded alternatives** to formal legal processes, it remains **largely invisible and underutilized** by the vulnerable populations in Ghana. Systemic investment in **visibility, professionalization, and accessibility** of mediation services is crucial to realize its potential in promoting inclusive access to justice.

## 5. Conclusions of the study

This study sought to examine the structural obstacles that vulnerable groups in Ghana face in accessing justice. Based on a quantitative survey of 339 individuals—222 of whom met vulnerability criteria—and complemented by qualitative inputs, the findings offer a detailed picture of how different justice mechanisms are perceived and utilized. The data underscore the complexity of access to justice, which is influenced not only by institutional availability but also by socioeconomic, cultural, geographic, and informational factors. These findings echo international insights, such as those of the OECD (2021), which highlight five major categories of access barriers: geographic limitations, social dynamics, financial burdens, gaps in service provision, and digital divide.

The following conclusions synthesize the main patterns observed in the study. They highlight both the strengths and limitations of the existing justice system from the perspective of its users and provide insights for future policy action.

### 1. Structural Barriers Persist Despite Formal Access Options

The study confirms that structural barriers continue to hamper vulnerable groups' effective access to justice in Ghana. While the country has established a formal system of courts, complemented by Alternative Dispute Resolution (ADR) mechanisms and a robust network of traditional justice institutions, these pathways are not equally perceived as accessible or effective by all. The barriers identified are not merely technical or procedural but are rooted in broader socioeconomic vulnerabilities—particularly for women, the poor, and rural residents.

### 2. Traditional Justice Systems: Cost-Effective but Not Unproblematic

The traditional justice system is widely perceived as the most accessible and cost-effective route to resolving disputes. Respondents consistently cited its low cost—often limited to symbolic offerings such as cola nuts—and its geographical proximity as key advantages. This system's informal nature allows for rapid conflict resolution, and it benefits from high levels of trust in many communities.

However, the very informality that makes the traditional system accessible also raises concerns about accountability and impartiality. Several respondents described decisions as being influenced by the social status of the parties involved. Furthermore, certain cases—particularly those involving land, gender-based violence, or administrative injustice—may exceed the capacities or impartiality of traditional leaders.

### 3. State Justice System: Trusted but Financially and Procedurally Inaccessible

The formal court system is perceived by many as trustworthy and legitimate, especially when legal outcomes are enforced or when dealing with complex or high-stakes cases. However, it is simultaneously seen as prohibitively expensive and bureaucratically challenging. Vulnerable groups reported being deterred from seeking justice due to high legal fees, transportation costs, and a system perceived to require connections or unofficial payments. Many participants voiced frustration over lengthy procedures and repeated adjournments, further increasing costs and discouraging use.

These obstacles are not just individual grievances—they represent systemic barriers that effectively exclude the poor and vulnerable from accessing formal justice.

#### 4. ADR and Mediation: A Marginal Role Despite Institutionalization

Surprisingly, despite its prominent place in Ghana's justice policy, the ADR system played only a minor role in the lived experiences of our respondents. Awareness of ADR institutions was limited, and very few had made use of them. While many who did found ADR to be more affordable than courts, responses also included complaints about a lack of visibility, perceived informality, and weak enforcement of outcomes.

The potential of ADR and mediation remains underutilized. Without active outreach, education, and capacity development, this mechanism risks becoming a "white elephant" in the justice landscape—present in policy but absent in practice.

#### 5. The Justice System as a Mirror of Social Inequalities

Ultimately, the study reveals a justice system that mirrors existing social inequalities. The more vulnerable an individual is, the more likely they are to rely on informal, less regulated systems—or to abandon justice-seeking altogether. Those with more economic means or better networks are more likely to access and benefit from formal legal channels.

This underscores the need for a differentiated strategy in justice sector reform—one that recognizes the diversity of users and the unequal constraints they face.

## 6. Recommendations of the study

### To the attention of the Ghanaian State

#### 1. Strengthen Legal Aid Services Nationwide

Increase the budget and institutional capacity of the Legal Aid Scheme to attract qualified lawyers, ensure greater geographical coverage, and provide reliable legal support for vulnerable populations.

#### 2. Enhance the Effectiveness of the Traditional Justice System

Recognize the popularity of traditional dispute resolution mechanisms and invest in their effectiveness and procedural fairness, especially in rural areas. Ensure that informal systems complement, rather than undermine, formal legal standards.

#### 3. Improve Regulation and Support for ADR Mechanisms

Develop a national strategy for ADR, including training, certification of mediators, and integration into court referral systems. Ensure that ADR is publicly visible and accessible beyond urban centers.

#### 4. Support Legal Awareness and Education Campaigns

Launch nationwide sensitization campaigns—via radio, TV, signboards, and mobile messaging—to inform citizens of their legal rights and available justice mechanisms. Prioritize local languages and low-literacy formats.

#### 5. Promote the Use of Local Languages in Legal Communication

Translate essential laws, rights-based information, and procedural guidelines into widely spoken local languages. Facilitate access through schools, community centers, and digital tools.

## **6. Institutionalize Civic Education on Access to Justice**

Integrate access to justice and civic rights into school curricula and adult education programs to build long-term awareness and legal empowerment.

### **For the attention of Civil Society and NGOs**

#### **1. Expand Outreach to Rural and Vulnerable Populations**

Support legal education and basic legal assistance at the community level, especially in areas underserved by state institutions. Facilitate mobile legal clinics and community-based paralegals.

#### **2. Bridge the Information Gap on ADR and Legal Pathways**

Create simple materials and peer-led training to explain the differences between court processes, ADR, and traditional systems. Clarify procedures and guide citizens through available options.

#### **3. Engage in Strategic Litigation and Legal Empowerment**

Represent vulnerable persons in landmark cases to highlight systemic barriers and raise public awareness. Offer training on self-representation where legal aid is unavailable.

#### **4. Contribute to Monitoring Access to Justice**

Collect anonymized data on legal needs, satisfaction with different justice channels, and remaining barriers. Share findings with authorities and international partners to shape reform.

### **For the attention of Technical and Financial Partners**

#### **1. Invest in Low-Cost, High-Impact Legal Access Initiatives**

Support targeted interventions with immediate benefits—such as legal helplines, mobile legal units, or the digitization of public legal information in accessible formats.

#### **2. Support Inclusive Access to Legal Information**

Fund pilot initiatives to publish core laws and rights-based content in local languages. Prioritize formats that are accessible via radio, SMS, USSD, and basic smartphones.

#### **3. Strengthen the Capacity of Traditional and ADR Systems**

Provide technical assistance for the training of traditional leaders and mediators, while respecting the informal and culturally embedded nature of their work.

#### **4. Support Research and Comparative Learning**

Encourage further research on the effectiveness, accessibility, and fairness of different justice pathways (court, traditional, ADR). Promote cross-country learning with other African contexts.

#### **5. Foster Innovation through Civil Society Partnerships**

Partner with local NGOs to develop community legal education programs and digital tools that support access to justice for vulnerable groups.



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CONSULTANCY AND TECHNICAL STUDIES

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