

## Legal Theories Underpinning Access to Justice for Victims of Sexual Violence in Refugee Camps in Africa

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**Abstract :** Legal theory has been referred to as the explanation of why things do or do not happen. It also describes situations and why they ensue. It provides a normative framework by which things are regulated and a foundation for the establishment of legal mechanisms/institutions that can bring about a desired change in a society. Furthermore, it offers recommendations in resolving practical problems and describes what the law is, what the law ought to be and defines the legal landscape generally. Some legal theories provide a universal standard, e.g. human rights, while others are capable of organizing and streamlining the collective use, and, by extension, bring order to society. Legal theory is used to explain how the world works and how it does not work. This paper will argue for the application of the principles of legal theory in the achievement of access to justice for female victims of sexual violence in refugee camps in Africa through the analysis of legal theories underpinning the access to justice for these women. It is a known fact that female refugees in camps in Africa often experience some form of sexual violation. The perpetrators of these incidents may never be apprehended, prosecuted, convicted or sentenced. Where prosecution does occur, the perpetrators are either acquitted as a result of poor investigation, inept prosecution, a lack of evidence, or the case may be dismissed owing to tardiness on the part of the prosecutor, which accounts for the culture of impunity in refugee camps. In other words, victims do not have access to the justice that could ameliorate the plight of the victims. There is, thus, a need for a legal framework that will facilitate access to justice for these victims. This paper will start with an introduction, and be followed by the definition of legal theory, its functions and its application in law. Secondly, it will provide a brief explanation of the problems faced by female refugees who are victims of sexual violence in refugee camps in Africa. Thirdly, it will embark on an analysis of theories which will be a help to an understanding of the precarious situation of female refugees, why they are violated, the need for access to justice for these victims, and the principles of legal theory in its usefulness in resolving access to justice for these victims.

**Keywords :** access to justice, underpinning legal theory, refugee, sexual violence

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