

**MULTI-DONOR TRUST FUND FOR
UN ACTION AGAINST SEXUAL VIOLENCE IN CONFLICT¹**

TEAM OF EXPERTS: RULE OF LAW/SEXUAL VIOLENCE IN CONFLICT

INTERIM NARRATIVE REPORT COVER PAGE

<p>Participating UN Organization(s): UNDP</p>	<p>Project² Title: Team of Experts support to the implementation of the Somalia Joint Communique on addressing sexual violence</p> <p>Project Number: UNA043</p>
<p>Focal Point of the Participating UN Organization(s): UNDP</p> <p>Name: Innocent Balemba Zahinda Title: Team Leader – Team of Experts</p> <p>Address: Team of Experts: Rule of Law/Sexual Violence in Conflict/Office of the SRSG on Sexual Violence in Conflict United Nations Secretariat 42nd Street & 1st Avenue New York, NY 10017, USA</p> <p>Telephone: +1 212 963 4311 (office) +1 646 371 7703 (mobile) Email: zahinda@un.org</p> <p>Name: George Conway Title: UNDP Somalia Country Director Address: UNDP Mogadishu</p> <p>Telephone: +254 (0)725-238950 Email: george.conway@undp.org</p> <p>Name: Alejandro Alvarez Title: Team Leader, Rule of Law, Justice Security, and Human Rights</p> <p>Address: UNDP</p>	<p>Report Number:</p> <p>Project Location(s): Somalia</p>

¹ Only relevant if project is more than one fiscal year (i.e. 1 January - 31 December)

² The term “project” is used for projects, programmes and joint programmes

<p>Bureau for Policy and Programme Support One United Nations Plaza New York, NY 10017</p> <p>Telephone: 212-906-5942 Email: alejandro.alvarez@undp.org</p>	
<p>UN Action pillar of activity:</p> <p><input type="checkbox"/> Advocacy <input type="checkbox"/> Knowledge building <input checked="" type="checkbox"/> Support to UN system at country level</p>	<p>Reporting Period: 1 January – 31 December 2016</p>
<p>Project Budget: USD 66,716,763</p>	

TEAM OF EXPERTS: RULE OF LAW/SEXUAL VIOLENCE IN CONFLICT

Interim Narrative Report

I. Background

Somalia has faced chronic insecurity; destruction of its social, economic, political, security and legal infrastructure; and widespread human rights abuses, including sexual violence, following decades of conflict and instability. In 2014, 2015, and 2016, conflict-related sexual violence continued to be reported in Somalia, in the context of activities of the terrorist group Al-Shabaab, ongoing inter-clan conflicts and during military offensives. Displaced women and girls and those from minority clans continue to be exposed to the greatest risk. The UN has reported cases of rape and gang-rape, especially in Al-Shabaab controlled areas, where access to services continues to be limited. Somalia's weak legislative framework and the limited capacity of national institutions continue to hamper access to justice, perpetuating a climate of impunity.

Despite these challenges, the Federal Government of Somalia has made efforts to increase engagement on human rights issues, including adopting a Post-Transition Human Rights Road Map for the period of 2013 to 2015 and the signature of the Somali Compact at the New Deal Conference in Brussels.

On 7 May 2013, the Government of Somalia and the United Nations signed a Joint Communiqué on addressing sexual violence. The Joint Communiqué welcomes the assistance of the United Nations Team of Experts on the Rule of Law / Sexual Violence in Conflict (TOE), in the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC) to help the Government of Somalia define and implement a framework of cooperation in line with the priorities expressed in the Joint Communiqué.

In December 2013, the TOE undertook a joint technical assessment mission to Somalia and Kenya. The results of the assessment helped to inform a May 2014 consultation workshop organized by the Ministry of Women and Human Rights Development (MOWHRD), with the support of the TOE. The workshop provided an opportunity for all relevant Government ministries to agree on common objectives and to solicit input from those delivering services in areas affected by the conflict. As a result of these consultations, the Government developed a National Action Plan on Ending Sexual Violence in Somalia to guide its work in meeting commitments under the Joint Communiqué. In June 2014, a draft of the National Action Plan was launched at the Global Summit to End Sexual Violence in Conflict held in the United Kingdom.

In April 2014, the Government of Japan provided a financial contribution of US\$300,000 to support implementation of the TOE's project, which was planned to start on 1 April 2014 and was initially scheduled to conclude on 31 March 2015. During this period, a deteriorating security situation, as well as disputes between the President of Somalia and the Prime Minister paralyzed government activities, including the MOWHRD, one of the TOE's primary interlocutors, and the main entity overseeing the issue of conflict-related sexual violence. On 16 April 2015, the TOE requested and was granted by the Government of Japan a no-cost extension for the project until 31 December 2015. During the remainder of 2015, Somalia continued to face political turmoil, cabinet reshuffles, and limited access due to insecurity, including attacks targeting government officials, infrastructure, as well as the African Union Mission to Somalia (AMISOM). These attacks led to the shrinking of humanitarian and development space, which affected the timely delivery of the project in support to Somalia. However, it is important to

underscore that despite these challenges the government demonstrated a strong commitment and leadership, including through the MOWHRD, Ministry of Justice and the national police to address sexual violence. On 29 January 2016, the TOE requested and was granted an additional no-cost extension until 31 December 2016 by the Government of Japan for the US\$300,000. In addition, on 26 February 2016, the Government of Japan pledged an additional US\$500,000 for the TOE's work in Somalia.

In an effort to efficiently and effectively deliver on the project in cooperation with partners on the ground, enhance coordination, and build synergies with partners, the TOE worked with the United Nations Development Programme (UNDP) and United Nations Support Mission in Somalia (UNSOM) to imbed support for National Action Plan activities into the Somalia Joint Rule of Law Programme, thus preventing duplication of implementation modalities.

II. Objectives

Building on the Joint Communiqué, the TOE's support focused its efforts toward the following objectives: (i) supporting the Government in developing, implementing, and monitoring the National Action Plan; (ii) supporting the Government in identifying and clarifying legislative reform priorities relating to sexual violence; (iii) assisting the Government in assessing the national level justice sector capacity to respond to issues of sexual violence; and (iv) developing a strategy for providing technical support to the police, the prosecution, and the judiciary to respond to sexual violence.

III. Progress/Results

Output 1: Government supported in developing, consulting, implementing, and monitoring the National Action Plan on Sexual Violence in Conflict

The TOE has actively supported the Government of Somalia in developing, consulting, implementing and monitoring the National Action Plan on Sexual Violence in Conflict. The TOE's assistance began with support to the SRSB-SVC during her initial assessment mission to Somalia. During this mission the TOE was able to help identify key issues for inclusion in the Joint Communiqué. This support was followed by a technical assessment in December 2013 and support to the May 2014 consultation workshop on the National Action Plan.

Following approval of the National Action Plan, the TOE actively supported the Government to establish a Steering Committee, which serves as a platform for coordination, management, and implementation of activities under the National Action Plan. The Team also supported the creation of a coordination cell within the Federal MOWHRD. The Steering Committee is comprised of United Nations agencies, Federal Member States, as well as civil society organizations. The Steering Committee is co-chaired by the MOWHRD and UNSOM. Through its clear linkages with the Somali Compact which spell out the Peace and State Building Goals, the Joint Communiqué signed between the United Nations and the Federal Government of Somalia, and the GBV Strategy 2014-2016, the Steering Committee contributed to ensuring all these policy documents, are mutually reinforcing and strengthen national efforts to ensure long-term peace and state-building according to the principles of human rights, gender equality, accountability, mutual respect and justice.

In addition to support to the Steering Committee and the coordination cell at the Federal level, the TOE also sought to support outreach and awareness raising at the regional level. This support included efforts to organize technical consultation workshops on the National Action Plan through the regional MOWHRD in the Interim Jubba Administration (IJA) and in the Interim South West Administration (ISWA), as well

as meetings and public outreach with community leaders and women's groups. As of 31 December 2016, these activities had not taken place as a result of insecurity, the ongoing electoral process, and political dynamics between the Federal Government of Somalia and the state authorities in the regions. However, the preparatory work has been done, in consultation with the regional MOWHRD. The workshops are scheduled to take place in early 2017. Despite delays in the outreach in IJA and ISWA, community outreach programmes whose aim was to raise awareness on the need to end sexual violence in conflict were conducted at the Federal level. These activities included media debates, radio programmes to explain the National Action Plan and obtain a buy-in, and the airing of messages on sexual violence which emphasized the need for everyone to work together to end sexual violence, and the impact of sexual violence on the society.

In further support of the Federal and Regional MOWHRD, the TOE supported the identification of equipment needs and facilitated the provision of such equipment through UNDP (Somalia) for distribution to the MOWHRD and regional ministries. The purpose of this support was to better enable the MOWHRD to support the implementation and monitoring of the National Action Plan.

As a result of delays in the implementation of the National Action Plan due to insecurity, the electoral process, and political dynamics, the National Action Plan, which was scheduled to expire on 31 December 2016, was extended until June 2017 with the agreement of the Government of Somalia. Prior to June 2017, the National Action Plan will be reviewed and revised based on progress made to date. The TOE will support the review of the National Action Plan and will actively engage in supporting the implementation of the recommendation.

Output 2: Support to the Government in identifying and clarifying legislative reform priorities relating to sexual violence

The TOE has sought to respond to one of the key concerns in Somalia, specifically the inadequacy of the legal framework to address sexual violence crimes. The TOE contributed to efforts by Somalia to organize consultations to review its legal framework. It should be noted that the legal system of Somalia is built on the common law, Islamic law, as well as customary law practices. The consultations were an opportunity to consult practitioners and legislators on what type of laws and policies Somalia should enact to address the crime of sexual violence. These consultations comprised relevant government ministries: Women Human Rights and Development, Defense, Justice, National Security, Education, Higher Education, Religious Affairs and Health, as well as the Somali Armed Forces and the Somali Police Force. Civil society organizations were also consulted and contributed to the process.

The process resulted in the identification of key areas that needed improvement. These included: (i) the importance of supporting the Policy and Legislative Drafting Unit (PDLU) in the Ministry of Justice through the provision of expertise in legislative drafting, specifically with sexual violence expertise; (ii) the review of the Penal Code and the Criminal Procedure Code to ensure that they effectively address sexual and gender-based violence; (iii) the development of procedures, policies and protocols on the protection of victims and witnesses; (iv) the adoption of an IDP policy that integrates the protection of displaced women and children from sexual violence; (v) the development of a policy regarding legal assistance; (vi) a review of the roles, responsibilities and the jurisdiction of traditional justice; and (vii) enacting strong laws prohibiting sexual violence.

Based on the needs identified above the TOE has supported the development of a legal aid policy which aims to ensure quality legal aid for those seeking assistance. This support was coupled with training on the legal aid policy to civil society organisations, key ministry personnel, and members of the Somali

National Police. The TOE contributed to efforts by Somalia to draft a “Sexual Offences Bill” (2014), which was submitted to Parliament. The TOE’s contribution included the provision of recommendations and drafting support that (i) defined sexual violence comprehensively, in line with the Rome Statute; (ii) strengthened and regularized the punishment proposed for such crimes; (iii) embedded strong protection mechanisms for victims and witnesses; and (iv) added specific provisions for reparations for survivors of sexual violence crimes. The TOE also contributed to the efforts of Somaliland to draft the “Somaliland Rape and Sexual Violence Law” to ensure compliance with international standards. Sexual violence is now clearly defined by this law, which also strengthens penalties for the commission of this crime. The resulting legislation should provide strong legal basis upon which sexual violence crimes can be addressed. In addition, the TOE provided recommendation with regard to way forward in the implementation of the recently adopted Sexual Violence Act of Puntland.

Output 3: Assistance to the Government in assessing national level justice sector capacity to respond to issues of sexual violence

Based on the TOE’s technical mission to Somalia, the Government has engaged in dialogue and consultations to review and analyse the capacity of the justice sector in addressing conflict-related sexual violence.

The MOWHRD and the Ministry of Justice have been the primary interlocutors for the TOE on the issue of conflict-related sexual violence. A series of consultations were organized by these Ministries, which brought together government and non-governmental entities. These consultations helped explore the current challenges faced by the justice system, including: (i) the delivery of justice for sexual crimes; (ii) the tools at the disposal of Somalia to address sexual crimes; (iii) the capacity of the judiciary both in Mogadishu and the country more broadly to prosecute crimes of sexual violence; and (iv) obstacles impeding access to justice. These consultations helped identify serious capacity gaps including a basic understanding of the crimes of sexual violence, availability of human resources and the inadequacy of existing tools, infrastructure and resources.

These consultations also helped Somalia identify a number of actions including: (i) establishing joint training for police, prosecutors, judges and legal aid providers; (ii) strengthening the capacity of military courts with respect to investigations; (iii) introducing sexual violence investigation techniques into police training curricula; (iv) establishing specialized units in the police regarding sexual violence offenses and offenses against women and children; and (v) establishing protocols and mechanisms to protect victims and witnesses who come forward to seek redress.

Output 4: Strategy for providing technical support to the police, prosecutors, and the judiciary to respond to issues of sexual violence developed

In line with the National Action Plan and the needs articulated through the extensive consultation process, the TOE actively supported the development of civilian and military justice capacities in Somalia. Specifically, the TOE supported consultations with the Somali National Police aimed at defining a strategy for police in addressing conflict-related sexual violence. Through these consultations it was agreed that a special police unit was necessary to address issues of women and children. Based on this agreement, the TOE and UNSOM supported the development of the terms of reference for the Woman and Child Protection Unit (WCPU). The terms of reference were then validated in a workshop, approved and adopted by the Somali National Police. The focus of the newly established WCPU is to provide a coordinated multi-sectorial approach in investigating and preventing sexual and gender-based violence, conflict related sexual violence, and violence against children in all its forms. The WCPU provides

survivor-friendly services and provides access to the victims to additional services that may be required such as medical services, psychosocial support, access to a safe house or other places of safety as may be necessary on a case by case basis, and to legal aid services. The WCPU also provides specific services regarding all forms of violence against women and address protection issues pertaining to children in conflict with law. In further support of the WCPU the TOE supported the identification and training of mobile training teams to provide training to Somali National Police on addressing sexual violence. The TOE also supported the procurement of investigation tool kits related for use in investigating sexual violence cases.

In addition to support provide in Somalia, the TOE also supported capacity building efforts of Somalis outside of Somalia. In August 2015, the TOE supported a three-day training in cooperation with the International Conference on the Great Lakes – Regional Training Facility. The workshop brought together eighteen military and justice officials including representatives from Somalia to strengthen their capacity on investigating and prosecuting sexual violence crimes and the use of forensic evidence in sexual violence cases. The workshop contributed to strengthening the capacity of national actors to address sexual violence in their justice systems and fostered ties between international practitioners and national justice authorities.

In November 2016, through an experience sharing exercise hosted by the Government of Côte d’Ivoire on “Addressing Conflict-Related Sexual Violence by National Armed Forces in Africa”, the TOE supported the participation of the Somali military. The aim of the exercise was to promote south-south experience sharing and to initiate the development of guidelines for African armed forces on addressing conflict-related sexual violence. The conference brought together senior military officers from *Forces Armées de la Côte d’Ivoire* (FACI); *Forces Armées Centrafricaines* (FACA); *Forces Armées de la République Démocratique du Congo* (FARDC); *Forces Armées et de sécurité du Mali* (FAMA); Sudanese People’s Liberation Army (SPLA), and Somali National Armed Forces (SNAF). It was also attended by representatives from the military components of MONUSCO, MINUSMA, the United Nations Operation in Côte d’Ivoire, United Nations-African Union Mission in Darfur, United Nations Mission in the Republic of South Sudan, and African Union Mission to Somalia, as well as representatives from the African Union, UNDP, the United Nations Institute for Training and Research, the Nordic Centre for Gender in the Military, and the Kofi Annan International Peacekeeping Training Centre. This was an opportunity for the SNAF to learn from others’ experiences, best practices, tools and strategies to prevent and respond to sexual violence. It was also an opportunity to analyse and discuss challenges they are faced with, and how this could be addressed through cooperation with other armed forces in Africa. The exercise resulted in the identification of the elements that will serve as the basis for the development of “Guidelines on addressing conflict-related sexual violence by armed forces in Africa”, which will also be a useful tool for the SNAF.

IV. Challenges and Way Forward

Efforts to support the implementation of the National Action Plan will continue to face political and security challenges particularly as the efforts relate to work outside of Mogadishu. However despite these challenges the Federal Government as well as the regional governments continue to place strong emphasis on addressing conflict-related sexual violence.

Going forward, the TOE will seek to assess and strengthen progress made under the National Action Plan by supporting the MOWHRD in organizing a workshop to review progress made toward the implementation of the National Action Plan and by supporting the MOWHRD in developing a follow on mechanism to the National Action Plan. The TOE will also seek to strengthen coordination between

formal justice institutions in the regions and civil society and service providers by developing and disseminating legal awareness materials and training civil society and service providers on best practices in working with the justice institutions in handling cases of conflict-related sexual violence. In addition to these new activities the TOE will continue to support training of the Somali National Police and military, as well as efforts strengthen the legislative basis for addressing sexual violence.

END/