



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

FINAL NARRATIVE REPORT COVER PAGE

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| Participating UN Organization(s): UNODC, WHO and UNFPA | Project¹ Title: Building Capacity for Response to Sexual Violence in the Criminal Justice System in Somaliland (Project No. UNA040) |
| Focal Point of Participating UN Organization(s): Name: Mrs. Charity Kagwi-Ndungu Address: UNODC ROEA, UN Complex in Gigiri Nairobi, Kenya Telephone: +254 705 859514 Email: charity.kagwi@un.org | Report Number: N/A Project Location(s): Somaliland |
| UN Action pillar of activity: <input type="checkbox"/> Advocacy <input checked="" type="checkbox"/> Knowledge building <input checked="" type="checkbox"/> Support to UN system at country level | Reporting Period: 22 June 2016 to 31 May 2017 as official project duration with received funds. However, through collaboration with UNFPA, the implementation extended to 31 December 2017. |
| Project Budget: US\$150,712 | |

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| List Implementing Partners: <ul style="list-style-type: none"> • Participating UN Organization(s): UNODC, WHO and UNFPA • Other International Organization(s): None • National (government, private, NGOs & others): Ministry of Justice in Somaliland | Project Coverage/Scope: The project covered the following areas of Somaliland ² : Hargeisa, Boroma, Burao, Berbera and Gabiley. |
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| Project Duration/Closed Project: <ul style="list-style-type: none"> • The initial project duration was 22 June 2016 to 31 March 2017. • There was no budget revision but the project expiry date was revised from 31 March 2017 to 31 May 2017. • The project became operationally closed at the end of May 2017 based on the rules and regulations of the funds received. |
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¹ The term “project” is used for projects, programmes and joint programmes

² In total, 6 areas were to be covered in Somaliland. However, due to election that took place in November 2017, stakeholders from Erigavo area were scheduled to benefit from training in the 1st quarter of 2018.

I. Purpose

Project's Outcomes and Outputs

The overall goal of this project was to enhance access to formal justice for survivors of sexual violence in Somaliland. The goal was to be attained through successful implementation of the following outlined outcomes and their respective outputs.

- Outcome 1: Criminal justice actors and health providers are empowered to prevent and respond to Sexual and Gender-Based Violence (SGBV) cases.
 - Output 1.1: Improved capacity of the criminal justice actors and health providers to respond to SGBV.
- Outcome 2: Coordination among stakeholders strengthened
 - Output 1.2: Improved stakeholders' involvement with the Government leadership in addressing SGBV cases.

Linkage to UN Action's Strategic Framework and Somaliland's National Development Plan/Programme

This project was linked to two pillars of the Strategic Framework of UN Action Against Sexual Violence as well as aligned to the Somaliland's National Development Plan/Programme. These were:

- Knowledge-building: The Project contributed to Knowledge-building by building professional knowledge and technical skills among key actors in the criminal justice chain and the health providers on how to collect and treat medico-legal evidence to facilitate legal redress for sexual violence and how to coordinate to ensure correct handling and treatment of medico-legal evidence. The capacity of criminal justice actors and health providers on how to advocate for relevant policies and laws and partners to better provide effective prevention and response interventions for the GBV survivors in Somaliland was strengthened.
- Support to UN system at country level: The project contributed to the results of the UN Joint Rule of Law Programme for Somalia; in particular to the output 1.1.5 of the Justice and Corrections component, which provides for enhanced legal aid support with focus to women's access to justice. Sexual violence is widespread in Somaliland, but formal justice responses are inadequate due to insufficient financial and capable human resources, inadequate coordination between actors and lack of training opportunities for professionals within the criminal justice chain. This support also contributed to Somaliland's National Development Plan II (NDPII) 2017-2021 subsector on Security and Rule of Law that falls under the Governance Sector as well as Social Protection as a cross-cutting component. The Governance Sector is responsible for administering, managing and ensuring fair access to justice in an equitable manner. On the social protection, the government in conjunction with other stakeholders are required to strive to achieve a just and cohesive society by serving the interests of justice by conducting timely and independent prosecution and facilitate equitable application of the law that eases access to the criminal justice system, for the most vulnerable groups such as women, children, people with disabilities, and youth.

Implementing Partners

The main implementing partners in relation to this project were:

- WHO at the global level for collaborating with UNODC in the development of the global medico-legal toolkit which was contextualized to Somaliland through the development of the Sexual Assault Protocol.

- UNFPA at the country-level which has a mandate of ensuring better coordinated Gender-Based Violence (GBV) Prevention and Response, promoting reproductive rights and elimination of harmful practices such as female genital mutilation/cutting and child/forced marriages. UNODC also benefits from the GBV networks established by UNFPA in Somalia.
- Ministry of Justice of Somaliland as the principle national partner charged with the mandate to formulate policies or laws that will ensure access to an effective, efficient and fair justice system, which engenders a high degree of public trust and confidence. It is also the ministry under which the Department of Women and Children Justice falls. The Ministry played a vital role in coordinating the invitations and ensuring full participation of the relevant national stakeholders preventing and responding to SGBV cases in Somaliland.

II. Resources

UNFPA contributed to the trainings undertaken in other areas out of Hargeisa through its own funding.

There was no budget revision but the project expiry date was revised from 31 March 2017 to 31 May 2017 and approved by the Resource Management Committee.

III. Implementation and Monitoring Arrangements

UNODC's partnership with UNFPA Somalia expanded the area of coverage in terms of the project implementation through the UNFPA established country GBV networks and the resources it put in to extend the trainings to the other areas of Somaliland other than training the stakeholders in Hargeisa. The government's acknowledgement of the SGBV problem and willingness to have the project's activities extended to other regions as well as the stakeholders' acknowledgement of the SGBV problem in the country and their strong interest to build their knowledge in medico-legal examination led to a positive impact to the implementation of this project. The government through the Ministry of Justice also facilitated coordination and participation of the national counterparts in all the regions where the training took place.

The project relied on the use of performance indicators set for the project to monitor its progress in achieving the immediate results of the project. However, part of the long-term outcome of having the Sexual Offences Bill (SOB) enacted into law, appears to be almost being realized. This is because the Parliament of Somaliland passed the Sexual Offences Bill in parliament in January 2018. This can also be attributed to continued lobbying made during the trainings in presence of the Ministry of Justice officials for the need to have a dedicated/comprehensive law to prosecute SGBV cases. The Ministry of Justice assured the stakeholders, UNFPA and UNODC of its commitment to push for enactment of the SOB. The SOB is yet to go through the House of Elders before the President assents to it.

Early marriage policy was developed under the support of UNFPA in 2016 but was not validated due to challenges posed by the religious leaders and since then it is still a draft despite several training provided to all concerned stakeholders. Early marriage is very sensitive in Somaliland but if integrated with other programmes it may work better. For this reason, UNODC and UNFPA supported the Ministry of Justice of Somaliland to train traditional and court Qadis on the consequences of early marriage as a result of rape cases.

The lessons learnt during the implementation of the project were:

- Somali culture limits the population to discuss openly matters to do with sex or reproductive health. That is why there are no awareness programmes taking place in Somaliland. Only one

awareness campaign on the issue took place in Hargeisa. This leads to poor data collection as the survivors and witnesses do not come out to report for fear of being castigated by the community. It was suggested that the experts to work towards including family health education in the school curriculum and also cooperating in terms of sensitizing the population all over Somaliland

- Parallel legal systems (Sharia law, state law and the customary law) have caused challenges to investigation and prosecution of SGBV cases, as well as, ensuring justice to the survivors. Considering that community elders and religious leaders have a vital role in decision-making of the country's national matters, there is a need for initiatives to include training and sensitization of the community and religious leaders in order to increase their interest and commitment in advocating for the rights of women and children.
- There was lack of capacity building in the area of medico-legal examination for main actors, for example, the police/CID, health workers and prosecutors, making this particular training to be the first-ever to be conducted in Somaliland. The doctors/nurses do not give a detailed report on rape cases. Therefore, continuous training in this area needs to be incorporated in the future projects on capacity building.
- There was lack of coordination among justice actors, law enforcement and health workers, in particular the police and the health workers. It emerged that a rape victim cannot receive any treatment from the hospital unless he/she presents to the doctor/nurse a letter from the police. Despite it not being a law but a communiqué from police, doctors/nurses who have attempted to provide treatment to survivors without a letter from police have been arrested. This demonstrates that the police lack knowledge on matters relating to human rights, as well as, highlights the need to have a specific law to guide on the investigation and prosecution of sexual and gender-based violence offences.

A situation analysis on SGBV was conducted in both Somaliland and Puntland.

IV. Results

Main results under each outcome include:

Outcome 1: Criminal justice actors and health providers are empowered to prevent and respond to Sexual and Gender-Based Violence (SGBV) cases.

- Successful situation assessment into the SGBV within Somaliland and Puntland that informed the development of the training curriculum on medico-legal examination and coordination. The analysis was also vital in the development of the Sexual Assault Protocol.
- The Sexual Assault Protocol developed for Somaliland based on the medico-legal global toolkit was finalized, translated into Somali language and printed for distribution to stakeholders for use within their regions as a reference tool in responding to SGBV cases.
- Provision of technical input to the Sexual Offences Bill for Somaliland and South Central Somalia by UNFPA and UNODC.
- A training curriculum on medico-legal examination was developed and used to conduct a first ever training on medico-legal examination for stakeholders involved in prevention of and response to SGBV was held in Hargeisa, Somaliland. In Hargeisa, 39 participants drawn from Ministry of Health, Ministry of Justice, Ministry of Interior, prosecution services, health services, Criminal Investigation Department and police were successfully trained. Recognizing the effects of SGBV in the society and the importance of the training, the Ministry of Justice requested for similar training to be held in other areas of Somaliland. Therefore, similar trainings were held in Boroma,

Burao, Berbera and Gabiley. A total of 120 participants (30 participants in each training) were successfully trained.

- The project also contributed to the push for parliament to pass the Sexual Offences Bill through the continuous advocacy of the importance to have a law on SGBV during the trainings on the medico-legal examination. The Bill was passed by the Parliament of Somaliland on 6 January 2018. Thereafter, it was forwarded to the Upper House of Parliament (House of Guurti) for debate and it was passed by the House of Guurti on 7 April 2018. The Bill now awaits the Presidential assent to become law.
- Traditional Qadis (courts) are scattered in both urban and rural. The project engaged 60 of those traditional Qadis and trained them on consequences of early marriage (both social and health consequences). The Ministry of Justice provides license to these people and encourages them to report any marriage that is under the age of maturity. The challenge in terms of religion, 15 years old girl/boy is already mature and may report any marriage engagement under that age. Regular capacity building is still required.
- Based on the UN Action funding and the results of this project, UNODC and UNFPA developed a joint project proposal to use it to fundraise for extended interventions in which some aspects of this project will be a part moving forward.

Outcome 2: Coordination among stakeholders strengthened.

- Formation of GBV Working Groups in Somaliland and Puntland to provide support to the implementation of joint activities, which demonstrated commitment from the respective authorities (Somaliland and Puntland). The working groups played an important role in identifying the right people to be invited to the training.
- A training curriculum on coordination was developed and used to conduct training on coordination, advocacy, social mobilization and conflict management in partnerships/coalitions for stakeholders involved in prevention of and response to SGBV. The training was held in Hargeisa, Somaliland. Thirty-four participants drawn from Ministry of Health, Ministry of Justice, Ministry of Interior, prosecution services, health services, Criminal Investigation Department and Police were successfully trained.
- The collaboration between UNODC, UNFPA and the Ministry of Justice in Somaliland ensured that the project was implemented successfully to achieve its objective.

The main challenges experienced were:

- Difficulties in securing availability of the national counterparts for consultative meetings.
- The insecurity instances that have affected the implementation plans.
- Strong involvement or the vital role the community and religious leaders play in decision making of national matters including policy formulation and legislation poses a risk on the sustainability of the overall objective of this initiative.
- Cultural limitations

The lessons learnt are already highlighted under section III of this report.

The key partners and their role have already been highlighted under section I of this report.

Cross-cutting issue pertinent to the results being reported on was the training on the consequences of early marriage for traditional and court Qadis. Forced/early marriage is often linked to rape because majority of girls married under age have encountered some form of GBV (mainly rape) and then marriage is enforced to both parties after the incident. A survivor marries the rapist.