



SOMALIA UN MPTF

PROGRAMME ANNUAL PROGRESS REPORT

Period: 2019

Project Name	Somalia Joint Justice Programme
Gateway ID	00112621
Start date	1 August 2018
Planned end date (as per last approval)	31 December 2020
Focal Person(s)	(Name): Doel Mukerjee; Damian Klauss
	(Email): doel.mukerjee@undp.org ; klauss@un.org
	(Tel): +252619883848; +252617684988
Participating UN Entities	UNDP, UNSOM Joint Justice and Corrections Section, UN Women and UNICEF (and IDLO as non-UN agency)
NDP Pillar	Pillar 2: ‘To achieve a stable and peaceful Federal Somalia through inclusive political processes, establishing unified, capable and accountable security institutions and establishing independent, accountable and efficient justice institutions.
UNSF Strategic Priority	Strategic Priority 3: All Somalis benefit from Peace, Security and the Rule of Law, including Justice. Strategic Priority 4: Effective and accountable institutions that respond to needs and rights of all Somalis.
SDG(s)	SDG 16
Location	Somalia
Gender Marker	2

Total Budget as per ProDoc	20,299,192.14
MPTF:	
Non-MPTF sources:	PBF:
	Trac:
	Other:



SOMALIA UN MPTF

Total MPTF Funds Received				Total non-MPTF Funds Received		
PUNO	Semi Annual 2019 (2)	Cumulative	Annual 2019	Semi Annual 2019 (2)	Cumulative	Annual 2019
UNDP	0	9,311,546	8,438,092	585,000	585,000	585,000
UN Women	0	465,850	441,650	0	0	0
UNICEF	0	566,971	366,111	303,030	303,030	303,030
TOTAL	0	10,320,137	9,245,853	1,662,737.50	2,496,587.43	1,521,885.71

JP Expenditure of MPTF Funds ¹				JP Expenditure of non-MPTF Funds		
PUNO	Semi Annual 2019 (2)	Cumulative	Annual 2019	Semi Annual 2019 (2)	Cumulative	Annual 2019
UNDP	4,616,915.86	8,369,456.79	7,528,716.26	229,913.93 (UNOP/DFID) 774,707.50 (Trac)	229,913.93 (UNOP/DFID) 1,608,557.43 (Trac)	229,913.93 (UNOP/DFID) 933,855.71 (Trac)
UN Women	208,030.30	400,375.42	392,459.81	0	0	0
UNICEF	4,491	455,679	455,679	0	303,030	303,030
TOTAL	4,829,437.16	9,225,511.21	8,376,855.07	1,004,621.43	2,141,501.36	1,466,799.64

ANNUAL HIGHLIGHTS

1. During the reporting period 1 January to 31 December 2019, the programme has shifted its approach to increase support to bottom-up community-based and community-led initiatives (complementary to prior and existing support to institution-building) – in particular, the community conversations initiative has trained a pool of master trainers as resource persons who have gone on to empower community facilitators to facilitate community conversations around justice, security and land issues, of which will create a safe space for communities to explore their concerns and find their own solutions together with the authorities as to the needs that have to be addressed.
2. To improve access to justice, particularly in rural areas where courts are out of reach, support has been increased for justice mechanisms alternative to formal courts – the 16 alternative dispute resolutions centres resolved 5051 cases (F: 1958, M: 3093), the mobile courts have expanded from 8 to 16 teams in more districts than before that and registered 1040 cases (F: 466, M: 574), legal aid services have also been provided by lawyers and paralegals to 4068 people (F: 3012, M: 1056).
3. Progress has been made on the establishment of the Judicial Training Institute with the establishment of a pool of national trainers made of judges from FGS Supreme court, Banadir and the Federal Members states. Groups of trainers started to train judges in 3 out of the 5 FMS (Puntland, South West, and Hirshabelle), judges and prosecutors have undergone 4-week modules of judicial training that improved their knowledge and skills in the discharge of their duties, some of whom are now judicial trainers conducting training for their peers in a Somali-led process.
4. Particular focus has also been placed on developing future generations of a competent legal workforce – 62 law graduate interns (F: 26 M: 36) have been benefitting from practical training experience in various

¹ **Uncertified expenditures.** Certified annual expenditures can be found in the Annual Financial Report of MPTF Office (<http://mptf.undp.org/factsheet/fund/4SO00>)



SOMALIA UN MPTF

units of the judiciary across the FGS and FMS; and 113 students (F: 36, M: 77) are receiving scholarships to fund their studies at Mogadishu University and Puntland State University.

5. On women's access to justice, the capacity of justice institutions to respond to cases of sexual and gender-based violence has been enhanced with a fully-functional SGBV unit established in AGO Puntland, increased coordination has helped to harmonize available resources and initiatives for gender across justice institutions and sectors, and non-violent communication training has bridged the communication between women and traditional elders.
6. In respect of Juvenile Justice and child rights, during this reporting period the Federal Government of Somalia drafted an inclusive and gender sensitive child rights bill as well as a juvenile justice bill. Both bills are currently under review by parliament. In Puntland where juvenile justice legislation has passed into law, the government has defined diversion guidelines from which 332 children in conflict with the law (61 girls) have been diverted in accordance with the guideline.

HIGHLIGHTS OF KEY ACHIEVEMENTS

The Joint Justice Programme has increased the capacity of formal justice institutions with judicial training on critical knowledge, skills and transformative dialogue on what it means to be good and effective judges. Judicial training has been remodeled to include a six-month comprehensive basic training programme. Focus was placed on developing a programme that could later be embedded within the Judicial training Institute once established by instituting capacity in a pool of Somali judicial trainers to deliver training to their peers. The administration and functioning of courts has also improved with standardization of case management processes, establishment of case recording systems, pilot electronic case management systems in 3 courts, and the introduction of public information helpdesks to guide court users through the court system.

Complementary to this, the Programme has also supported access to justice through legal aid services, alternative dispute resolution centres, and mobile courts. Collectively, these have expanded access to justice for 12837 individuals, (Legal aid services: 4068, alternative dispute resolution centres: 5051, and mobile courts: 1040). These have brought justice mechanisms closer to communities, particularly in rural areas and increased access to justice for marginalized populations.

While strengthening the capacity of key justice institutions to deliver quality justice services and improving the access to justice to reach more people, the Programme is also driven by a forward-looking approach, and has initiated projects to encourage transformational change for justice reform. Training on non-violent communication and community conversations have introduced new tools and opportunities to dialogue on justice, security and land issues in an inclusive manner in a safe space. Since the non-violent communication trainings, women now sit with traditional elders on the decision panel at the alternative dispute resolution centre for example in Baidoa, to hear and solve cases together. This has opened up the space for women to give their views of the cases, share their experiences through stories, and engage in the decision-making process. Early results of community conversations indicate greater inclusion, of women and marginalized populations, and a diverse cross-section of communities in general, as active participants in this community-led effort. These new approaches will also pave the way to improve justice for women, both procedurally and substantively.

SITUATION UPDATE

During the reporting period, the security situation in Somalia remains volatile with frequent terror attacks, mostly conducted by Al-Shabaab, including at the Asasey Hotel in Kismayo in July 2019, at the Ex-Control Afgoye police checkpoint and at SYL Hotel in two separate incidents in December 2019, and at the UN compound I



SOMALIA UN MPTF

January and October 2019. These affected staff presence in Mogadishu and Kismayo, and delayed the implementation of activities. Furthermore, floods in Hiran and evacuations also resulted in gaps in delivery.

The sustained insecurity, drought, cultural barriers and recently floods continue to increase the risk of internally displaced persons (IDPs) and women and girls to SGBV and persistent critical protection issues.

Political changes and uncertainty are also affecting the dynamics of the justice landscape. On 8 January 2019 Puntland lawmakers elected Dr. Said Abdullahi Deni as Puntland President for the coming five years. The president during his campaign has pledged to strengthen justice and security in an effort to promote rule of law. On 15 February 2019, H.E Said Abdullahi Deni nominated his cabinet and the H.E Awil Sheikh Hamid and Dr. Mohamed Ali Farah were appointed as the Minister and deputy minister of the Ministry of Justice, Religious affairs and Rehabilitation respectively. The President of Hirshabelle State, Mohamed Abdi Ware disbanded the Hiraan Region Judiciary on 27 May 2019 and new judges were selected on 18 July 2019. In Jubbaland, elections were held and Ahmed Madobe came into office on 11 August 2019. Electoral disputes and post-election tensions affected activities. A new Attorney-General Suleiman Mohamed Mohamud has also been appointed in Mogadishu on 25 November 2019.

The Joint Justice Programme has remodelled its results and reporting framework to operate on a revised set of outcomes and indicators. Traditionally, lack of justice and security has been perceived as a capacity, legal, institutional or incentive problem. The way forward for the programme has thus evolved to anchor interventions in social transformation, as a pathway to institutional reform. This build on the previous model as envisioned in the programme document, and incorporates a twin approach that combines and reconciles continued investments in institution-building of formal justice with community-based and community-led bottom-up approaches generate transformational social change and inform the strengthening and reform of the justice sector.

QUARTERLY & ANNUAL PROGRESS REPORT RESULTS MATRIX

OUTCOME STATEMENT

Enhanced and accountable justice institutions operating in according with the justice model, increasingly deliver affordable justice services in key population centers in cooperation with location populations. These institutions provide a visible and effective justice presence in support of security transition, facilitates the peaceful resolution of disputes and build trust and demand for federal and State-provided justice services. Judicial authority and independence is provided for in revised legislation including the constitutions.

SUB-OUTCOME 1 STATEMENT

Adequate services are provided to vulnerable people based on community participation in justice reform

Output 1.1: The justice chain, including policing, is strengthened through community-oriented approaches

INDICATOR	TARGET	PROGRESS ON OUTPUT INDICATOR ²	
		Reporting Period (2019)	CUMULATIVE
# of decisions derived from consensus within the community	Set of decisions related to justice and security agreed upon consensus by the community including specific decisions on SGBV/women's access to justice	40 master trainers have been trained on the methodology and tools used for community communications, and they have gone on to train 30 community facilitators in each FMS location selected for the pilot project (Baidia, Dhusamareb Garowe, Jowhar and Kismayo).	

² Fill in only the numbers or yes/no; no explanations to be given here.



SOMALIA UN MPTF

		Community conversation sessions have started in Kismayo, and initial sessions have identified land grabbing as a main issue.	
# of people disaggregated by gender, age and vulnerability, actively involved in community conversation sessions		120 (F: 67, M: 53)	
UNDP ONLY: reports from community conversation sessions			
Output 1.2: Improved access to justice and human rights through a multi-track approach			
# of beneficiaries disaggregated by gender, age and vulnerability, receiving legal aid services Level of satisfaction with services provided based on representative sample drawn from the cases (of total cases) disaggregated by gender, age and vulnerability	8000 (50% women, and 50% IDPs) beneficiaries	4068 beneficiaries receiving legal representation or paralegal services (disaggregated data incomplete – F: 3012, M: 1056, IDPs: 262) Refer to Annex for breakdown of beneficiaries by location.	
# of beneficiaries disaggregated by gender, age and vulnerability, receiving services from the ADR centres Level of satisfaction with services provided based on representative sample drawn from the cases (of total cases) disaggregated by gender, age and vulnerability	2000 beneficiaries received services	5051 beneficiaries receiving services from the ADR centres (F: 1958, M: 3093) Refer to Annex for breakdown of beneficiaries by location.	
# of beneficiaries disaggregated by gender, age and vulnerability, receiving services through mobile courts	500 cases addressed	1040 beneficiaries receiving services through the mobile courts (F: 466, M: 574) Refer to Annex for breakdown of beneficiaries by location.	



SOMALIA UN MPTF

Level of satisfaction with services provided based on representative sample drawn from the cases (of total cases) disaggregated by gender, age and vulnerability			
2 pilot projects based on community-based response to SGBV and juvenile cases developed through the community dispute resolution centre and implemented in two locations in Baidoa and Kismayo	Project concept developed based on emerging practices	Convergence between community based social norms change programmes and Alternative Dispute Resolution mechanisms have been initiated in 2020.	
Strategy on providing justice to recovered areas developed and implemented in one location	Research action about justice needs in recovered areas (including transitional justice) with plan developed		
UNDP ONLY: reports by legal aid service providers on the implementation of activities, reports from ADR centres, reports by mobile court teams of registered cases, # healing/empathic circles for SGBCV survivors and restorative dialogue and behavioural programmes for juveniles in conflict with the law			
SUB-OUTCOME 2 STATEMENT			
Drawing from community consensus, key justice institutions are strengthened to deliver on the priorities identified in the community dialogue with enhanced sustainability			
Output 2.1: Basic principles for a justice model agreed upon by FG and FMS			
# of FMS Rule of Law Working Group	Rule of law working group established and operationalized; bi-monthly meeting	2 rule of law working group meetings at FGS, rule of law working group established in Puntland. There were 9 rule of law coordination meetings in Puntland in 2019.	
# Basic principles agreed upon	Basic principles on federalism on the justice sector emerges from the discussions	5 technical workshops have been concluded between the FGS and FMS judiciary (in Puntland, Jubbaland, South West, Galmudug and Hirshabelle) for further discussions on the Justice and Corrections Model (JCM) and Judiciary Service	The Justice and Corrections Model paper has been approved by the FGS Cabinet in 2018, and the JCM is still pending agreement and approval.



SOMALIA UN MPTF

		Commission. The Supreme Court and FGS MOJ have also conducted 7 consultations in the FMS (Puntland, Jubbaland, South West, Galdudug, Hirshabelle, and Banadir) on the JCM.	
Public expenditure review of the justice sector including propositions for sustainable financing model of the justice sector	Workplan for the PER		
UNDP ONLY: ToR, minutes of meetings, report on public expenditure review			
Output 2.2: Institutional and technical capacities of key justice institutions are established and informed from the community dialogue			
Model information desks (information desk needs identified by the community in outcome 2)	2 information desks established as pilot in 3 institutions	Information desks established and operational for Banadir Regional Court, Banadir Appeal Court, and the Supreme Court. Guides for court users have been developed and finalized.	
# courts with manual case filing system and case flow and standardization system with ability to record disaggregated data per type of cases (including SGBV)	Courts in 2 FMS capitals	At least 7 courts in 3 FMS have manual case management systems, with others in different stages of development. Electronic case management system operational in Banadir (in all 14 Banadir district courts), with disaggregated data. Case information sharing protocols established.	
Judicial training institute designed to strengthen the capacity of judicial officials to deliver justice	Policy framework for judicial training agreed	Consultations have been undertaken and progress made on the Strategy and Charter for the establishment of the Judicial Training Institute, institutional options, the judicial training programme master plan, as well as the selection of national trainers. A paper has been developed to examine the institutional options for establishing a judicial training institute (see Annex 4). Development of the judicial	



SOMALIA UN MPTF

		<p>training master plan progressed with conclusions from 2-day consultation workshop with all FMS, Banadir Regional and Supreme Courts; Office of the Attorney General and Attorneys of FMS.</p> <p>The first phase of the Judicial Training of Trainers had concluded, with the support of 1 international consultant and 1 senior national legal advisor to the Chief Justice’s Office. 36 members from the Supreme Court, Attorney General’s office, FMS Courts, and attorneys underwent training and have started equipping themselves with relevant skills and knowledge to improve the discharge of their duties. The training of judicial trainers started in Mogadishu, and the trainers went on to train judges in Jubaland, Hirshabelle, and Puntland.</p>	
Model for specialized AGO units established on SGBV and serious crimes (capital crimes)	Specialised GBV and serious crimes unit established at AGO FGS	<p>Fully functional SGBV Unit at AGO in Mogadishu, staffed by 4 prosecutors (F: 2, M: 2). Four AGO SGBV Unit prosecutors (M: 2; F: 2) and three interns (M: 3; F: 0) were mentored by the SGBV Legal Advisor.</p> <p>The SGBV Unit recorded in Puntland 90 rape cases which otherwise could have gone to the traditional system of justice. Out of these 43 cases were convicted, 11 cases are under investigation, 15 is under trial in the court after the investigation and 8 acquitted due to the lack evidence. At the same time, in 13 cases the accused has not yet been apprehended.</p>	90 cases have been handled and recorded in Puntland (43 convicted, 11 under investigation, 15 under trail, 8 acquitted, 13 accusers not arrested.
Model of juvenile	332 juveniles diverted	Diversion guidelines have been	



SOMALIA UN MPTF

justice system established in Puntland		developed and are being implemented. Advocacy and engagement with the Ministry of Justice, Juvenile Courts and the police resulted in the release of 332 children (Girls: 61, Boys: 271), of which included 84 Ethiopian children, from detention.	
# of law students benefitting from the programme	30% women	70 students (F: 278, M: 43) received the legal scholarship to study at Mogadishu University. Of this 70, 15 students are from Galmudug, 16 from Jubbaland, 16 from South West State, and 15 from Hirshabelle. 7 students were selected based on positive discrimination. 43 students (F: 9, M: 34) received the legal scholarship to study at Puntland State University. 62 law graduate interns (F: 26, M: 36) have undertaken internship programmes at various units of the judiciary, including the Office of the Supreme Court, Ministries of Justice and District Courts at both FGS and FMS.	
Develop & finalize a roadmap for transfer of high-risk cases to the civilian courts through a stakeholder consultation	Roadmap and strategy for transfer of high-risk cases to the civilian court, agreed upon	FGS MOJ produced a draft road map for the transfer of cases from military to civilian courts, which was discussed formally at a stakeholders' consultation. Roadmap for the Transfer of Serious Crimes Cases from Military Courts to Civilian Courts was developed and reviewed (2 September 2019). The Roadmap is awaiting presentation to the Council of Ministers by the Federal MoJ.	
# of bar associations established and functional with % of	2 bar associations established; 30 lawyers trained	The Somali Bar Association Secretariat is operational, with 2 advisors. 183 registered members	



SOMALIA UN MPTF

<p>women lawyers registered</p>		<p>(M: 160, F: 25): 114 in Mogadishu, 52 in Puntland, 7 in Jubaland and 10 in Southwest. Workshops have also been conducted in various FMS locations (Baidoa, Garowe, and Kismayo) for sensitization on the Advocates' Act, and to assess their capacity-building needs. Capacity injection for SBA was undertaken, with the recruitment of an SBA Technical Coordinator, Admin and Finance Officer and Regional Coordinators for Puntland, Jubaland and Southwest, along with the set-up for SBA offices in Garowe, Kismayo and Baidoa. SOPs were developed for the SBA in finance, procurement, human resources, asset management and ICT. 85 Somali lawyers from Benadir (M: 41; F: 8), Puntland (M: 12; F: 8), Jubaland (M: 6) and Southwest (M: 10) also attended training on Legal Ethics and Case Management.</p>	
<p># of laws monitored by PLDU</p>	<p>5 laws monitored</p>	<p>46 laws, policies, legislations drafted/reviewed in total. The PLDU drafted/reviewed 12 laws and policies, as well as the Legal Documents on the National Anti-corruption Strategy Review at the FGS. 10 laws and policies were drafted/reviewed in Jubaland State. 13 laws, policies and legislations were drafted/reviewed in Hirshabelle. 7 laws and policies were reviewed in South West State. 3 laws were reviewed and updated in Puntland. (See Annex 5) Additionally, a child rights bill and juvenile justice bill have been drafted at the Federal Government level.</p>	



SOMALIA UN MPTF

UNDP ONLY: # established information desks that would specifically help women clients, written procedures and protocols, asset registration, data produced, strategic framework, results of court monitoring project, # of cases processed by AGO’s SGBV units, # of juveniles diverted from the formal justice system benefitting from the community based care programme, graduation of students in law programme with practical legal education introduced, registration of lawyers, report from workshops, training reports, PLDU reports			
Output 2.3: Programme management			
# evaluations conducted	1 mid-term evaluation undertaken	A consultant was hired to conduct the mid-term evaluation.	
# of project monitoring visits per quarter, which specifically looks at access to justice for women clients	At least 2 per quarter		
# PSCs held during programme implementation	4 PSCs	2	
# annual UN Global Focal Point arrangements for Rule of Law’s retreat	1	1 two-day meeting	
IDLO management and staff costs			
Bossaso courts			
UNDP ONLY: evaluation reports, bi-annual reports, PSC meeting minutes and reports, retreat reports, IDLO reports, renovation of Bossaso court			

NARRATIVE

Output 1.1: The justice chain, including policing, is strengthened through community-oriented approaches

Community Conversations

During the reporting period, the community conversations project focused on kickstarting this new approach and getting the FGS and FMS on board. This project is helping to change the approach to justice – from a top-down approach to one that engages community-led and community-centred approaches that inform the strategic level.

To engage communities in jointly seeking solutions to rule of law issues including justice, security and land issues, the programme has partnered with local NGOs to create a resource pool of persons from local communities, through a seven-day training program. These master trainers have been critical to kick-starting and facilitating community conversations, and are funneling this out to their communities by training community facilitators. A total of 150 community facilitators have been trained, with 30 in each FMS (Baidoa, Dhusamareb, Garowe, Jowhar, and Kismayo). The master trainers and community facilitators for community conversations are now equipped with the basic skills for engaging communities on transformational processes on justice, security and land related issues, to unpack the underlying social dynamics and power relations.

The project has made initial progress to engage local communities in various federal member states in an inclusive



SOMALIA UN MPTF

manner, including women and marginalized groups such as minority clans and IDPs. The initiative has started in three pilot locations in each FMS capital. Community conversation sessions facilitated by these community facilitators started in Kismayo in December and are planned for all the other FMS locations in January 2020. Initial response to these sessions has been positive, with interest from local communities to participate.

This has also started to strengthen local NGOs capacity to develop appropriate strategies for community and individual-centered responses, as their thinking about how to support their communities have started to evolve to focus more on empowerment and innovation from within the communities instead of relying on interventions from the international community.

Non-Violent Communication

UN Women provided support nonviolent communication trainings in South West State in two batches and in one batch in Jubaland State during the reporting period. The training focused on how to use non-violent communication to bring transformative changes. The Non-Violent Communication model is the symbiotic integration of four main components: (1) consciousness, as in a set of principles and perspectives that support living a life of compassion, collaboration, courage, and authenticity both within ourselves and in our interactions with others; (2) language, understanding how our words and the words of others contribute to either connection or distance, helping or hurting, compromise or conquest in an interaction or situation; (3) communication, knowing how to ask for what we want without threatening, demanding or coercing, how to hear others without absorbing self-criticism or blame, and how to move toward mutually beneficial and positive outcomes for all parties involved; and (4) means of influence, learning how to share our power with others instead of using our power over others, in order to facilitate an environment where all parties feel equally honoured, valued, respected, and safe. A total of 30 selected women and 30 selected elders were given the training in each location. The training in Jubaland and South West States was conducted for 4 days separately each for women and the elders. Then the elders and women are put together for additional one day training.

Training on non-violent communication, as a process for compassionate interpersonal communication, was implemented in South West State and Jubaland to improve women's access to justice. 30 selected women and 30 selected elders underwent the training, which included theory and practical participatory exercises on self-empathy, empathetical listening, appreciation, discussion and role plays. Participants draw on their experiences including issues related to sexual and gender-based violence, land issues, and conflict resolution based on win-win solutions

Preliminary results from a mid-line survey by researchers from New York University aimed at measuring the impact shows encouraging results on traditional elders. Comparisons were made between a randomly selected target group made up of 60 women leaders and 60 traditional and religious leaders in Baidoa and Kismayo and a control group. For example, traditional elders in the target group exhibited greater willingness to engage with women and their concerns through changed attitudes, norms, and behaviors by 24% more than those not receiving the training. Also, 60% of traditional elders in the target group said they were willing to support women's inheritance to land while 63% of elders in the control group oppose it. On the other hand, women in the target group showed greater pessimism towards the traditional justice system. Feedback from women in the session suggest that this might be due to greater empowerment and therefore greater expectations for social change.

The training also helped in creating a base of trainers amongst the participants. These trained community women and elders further reached to 280 women and 230 male community members to discuss issues using nonviolent communication methodology. Some early results have already been observed. For example, women have started mediating successfully in some cases of family conflicts. At least two cases of early marriage and three cases of FGM has been prevented. Since the training, women now sit with traditional elders on the decision panel at the alternative dispute resolution centre in Baidoa, to hear and solve cases together. This has opened up the space for



SOMALIA UN MPTF

women to give their views of the cases, share their experiences through stories, and engage in the decision-making process.

Output 1.2: Improved access to justice and human rights through a multi-track approach

The Programme supports access to several justice initiatives, including legal aid services, alternative dispute resolutions mechanisms, and mobile courts. A total of 4068 individuals (F: 3012, M: 1056) received legal aid services through legal representation by a lawyer or from paralegal services, aggregated from 3750 in Puntland (F: 2905, M: 845), and 318 in South West State (F: 107, M: 211).

The number of alternative dispute resolution centres has expanded in the reporting period and now covers a greater geographical reach. For example, a new centre was established in Dhusamareb, Galmudug. Greater capacity has also been instituted, through increase in resources such as data officers and coordinators (e.g. Kismayo and Garbaharey). A total of 5051 individuals (F: 1958, M: 3093) benefitted, across the 16 alternative dispute resolution centres located in districts in Banadir, and 5 FMS (Galmudug, Hirshabelle, Jubbaland, Puntland and South West State). These alternative dispute resolution centres continue to provide justice services to the people on issues ranging from inheritance, to land and property disputes, and create bridges with the formal justice system with case referrals. However, traditional justice mechanisms can often be discriminatory, particularly against women and members of minority clans. Training was implemented to mitigate and prevent discriminatory practices, enhance their knowledge about human rights, and encourage social transformation through changes in attitudes and behavior. (See Annex 3 for details about training sessions and locations)

Mobile courts have also been extended to cover more districts, and expanded access to justice particularly in rural areas by bringing justice services closer to communities. There is now a total of 16 mobile courts teams, across the 5 FMS (Galmudug, Hirshabelle, Jubbaland, Puntland, and South West), and a total of 1040 individuals (F: 466, M: 574) received justice services this way.

(See Annex 4 and 5 for detailed information on beneficiaries of this multi-track approach, and the locations of legal aid services, alternative dispute resolution centres, and mobile courts)

Output 2.1: Basic principles for a justice model agreed upon by FG and FMS

5 technical workshops have been concluded between the FGS and FMS judiciary (in Puntland, Jubbaland, South West, Galmudug and Hirshabelle) for further discussions on the Justice and Corrections Model (JCM) and Judiciary Service Commission. The Supreme Court and FGS MOJ have also conducted 7 consultations in the FMS (Puntland, Jubbaland, South West, Galdudug, Hirshabelle, and Banadir) on the JCM.

Output 2.2: Institutional and technical capacities of key justice institutions are established and informed from the community dialogue

Case Management Systems and Public Information

Manual case management systems have been developed in at least 7 courts throughout different FMS. In Hirshabelle, courts in Jowhar, War Sheikh, and Balcad have manual case management systems. In South West State, Baidoa and Hudur have manual case management systems. In Puntland, 2 courts have manual case management system. Furthermore, in Galmudug, case file procedures have been harmonized, with standardized case information sharing and data storage practices among judicial actors. Jubbaland Supreme Court has also conducted a workshop to standardize the procedures for case file management.



SOMALIA UN MPTF

On top of manual case management systems, electronic case management systems are being piloted in Banadir, at the Banadir Regional Court, Banadir Appeal Court, and Supreme Court. This has improved the filing of cases, by ensuring that all case material is stored in a central database and improving the ease of access by relevant judges responsible for specific cases. Availability of information relating to case flow and case outcomes makes it possible to now trace inefficiencies and improve accountability.

To improve the ease of accessing court services, information desks have been established to guide individuals through the process of filing for cases and further. This has also been reinforced by the development of the Litigants' Charter. Working with the Jubaland and Southwest Ministries of Justice, IDLO developed Litigants' Charters for Jubaland and Southwest respectively. The Litigants' Charters aim to educate the general public on how the formal justice system operates and enable them to navigate justice chain institutions in claiming their rights. Following the review and approval of the Litigants' Charters by the Jubaland and Southwest Ministries of Justice, the Litigants' Charters were translated into Somali.

Judicial Training

Consultations have been undertaken and progress made on the Strategy and Charter for the establishment of the Judicial Training Institute, road map, institutional options, the judicial training programme master plan, as well as the selection of national trainers. The Judicial Training Institute Options Paper draws on the experiences of countries in the region and globally on the mechanisms available, particularly the institutional framework and governance structure. (See Annex 6 for the full paper)

The first phase of the Judicial Training of Trainers had concluded, with the support of 1 international consultant and 1 senior national legal advisor to the Chief Justice's Office. 36 members from the Supreme Court, Attorney General's office, FMS Courts, and attorneys underwent training and have started equipping themselves with relevant skills and knowledge to improve the discharge of their duties. The training of judicial trainers took place in Mogadishu. This resource pool of judicial trainers have gone on to train their peers in Jubaland, Hirshabelle and Puntland, which has contributed to building up a Somali-led process of capacity-building in the justice system. It is the first time that a pool of national trainers have been established, and is the start of a long-term process.

On 7-10 November 2019, 10 Banadir-based judges also participated training on adjudicating serious crimes, that have reportedly increased their knowledge on juvenile justice, evidence and witness protection, judgement writing, and human rights protection. Moreover, IDLO is developing a benchbook on violent extremism for Somali judges, which will provide a quick reference guide and best practices to guide judges in adjudication of such cases.

SGBV Unit

The Office of the Attorney General in Puntland was supported in establishing Specialized Prosecutorial Units with an aim to boost the institutional capacity of AG offices to promote access to justice for victims of sexual and gender-based violence. The capacity-building has included effective data collection and management of SGBV cases, and early and speedy investigation and prosecution of SGBV cases. As a result of the support, during the reporting period, the specialized prosecutorial unit in Puntland recorded 90 rape cases. Out of these 90 cases, 43 cases were convicted, 11 cases are under investigation, 15 are under trial, and 8 acquitted due to the lack of evidence, and in 13 cases the accused have not yet been arrested. A special taskforce was established to coordinate and oversee the implementation of the Puntland Rape Act. The Puntland Rape Act was used to convict perpetrators of rape for the first time.

With the support of the Programme, the Attorney General's Office in Banadir held its annual Prosecutors' Conference (21-23 September 2019), undertook relationship-building missions (in Southwest, Hirshabelle and Puntland), handled 79 SGBV cases, and spearheaded the SGBV Task Force (holding four SGBV Task Force



SOMALIA UN MPTF

meetings in Mogadishu and undertaking a knowledge-sharing mission to Puntland). The SGBV Advisor mentored four prosecutors (F: 2, M: 2) in the AGO SGBV Unit and three interns (F:0, M: 3). Of the 79 cases (F: 67, M: 12) received by the AGO SGBV Unit in 2019, 14 cases resulted in convictions.

On 22 June 2019, the SGBV Task Force launched the new medical evaluation form, developed to ensure uniformity with international best practices and ensure that the main needed evidence areas are covered by the form. Other SGBV Task Force meetings (held on 22 August, 30 October and 20 November 2019) focused on addressing existing gaps and coordinating inter-agency collaboration in tackling SGBV crimes, such as evidence collection and handling, interference by traditional justice mechanisms, exchange of technical know-how, and strengthening cooperation with donors and development actors. On 19-23 December 2019, 23 members of the SGBV Task Force undertook a mission to Puntland, during which they engaged on technical cooperation, capacity building and standardization of referral forms with key stakeholders

Law Graduate Interns and Law Students

70 students (F: 278, M: 43) received the legal scholarship to study at Mogadishu University. 43 students (F: 9, M: 34) received the legal scholarship to study at Puntland State University. To ensure that enrolments of students translate into the development of the supply of legal professionals, the monitoring and evaluation team has instituted changes in the documentation and reporting processes, to track the progress of first-year enrolments to graduation, map the employment pathways that the legal scholarship has created for the cohorts of students that have been funded through the programme, and identify challenges that result in drop-outs.

62 law graduate interns (F: 26, M: 36) have undertaken internship programmes at various units of the judiciary, including the Office of the Supreme Court, Ministries of Justice and District Courts at both FGS and FMS.

Roadmap for the Transfer of Serious Crimes Cases from Military to Civilian Courts

Through the capacity injection of a Legal Officer and a Policy Officer in the Serious Crimes Coordination Unit (SCCU) of the Federal MoJ, IDLO supported the development and review (on 2 September 2019) of a Roadmap for the Transfer of Serious Crimes Cases from Military to Civilian Courts. Recommendations from the review (participated in by the Office of Prime Minister, Military Court, AGO, Ministry of Internal Security, Somali Police Force and the SBA) included reducing the scope of transfer of cases from serious crimes to violent extremism and ensuring that initial arrests are made by the police (as opposed to National Intelligence and Security Agency). The Roadmap will be presented to the Council of Ministers for approval.

Somali Bar Association

The SBA currently has 183 registered members (M: 160, F: 25): 114 in Mogadishu, 52 in Puntland, 7 in Jubaland and 10 in Southwest.

In 2019, the highlights of SBA's activities, under this Programme, include two series of trainings (for lawyers and legal graduate interns), the establishment of its offices in Mogadishu and three FMS strengthening its Secretariat, conducting regional engagement missions, the development of a Strategic Framework and Pupillage Guidelines to strengthen its governance, undertaking an exposure visit to Rwanda and the development of its Standard Operating Procedures (SOPs), and the capacity-injection of a Technical Coordinator and Regional Coordinators.

To strengthen the relationship between the SBA and federal bar associations and sensitise lawyers in the FMS on the Advocate's Act, the SBA undertook regional engagement visits in Puntland (52 lawyers in attendance),



SOMALIA UN MPTF

Jubaland (10 lawyers in attendance) and Southwest (25 lawyers in attendance) in June 2019.

Training has been conducted for legal graduates (M: 44; F: 9) on Legal Writing Skills, Criminal Law and Procedure, and Civil Law and Procedure. Following a needs assessment, a training manual on Legal Ethics and Case Management has also been developed and 1500 copies have been distributed in Banadir, Puntland, Jubaland and South West. Both Banadir-based lawyers and lawyers from the FMS have received training on the Criminal Justice System and Key Human Rights, Case Management Skills and Tools, the Role of Criminal Defence Lawyers and Stakeholders, Legal Ethics, and the Enforcement of Legal Ethics. Through these activities, a community of practice has been built, and capacity of the legal profession enhanced.

Other Key Achievements

UNSOM continues to lead the coordination mechanism for the relevant pillar of the Somalia National Development Plan. Regular Rule of Law Working Group and Programme Steering Committee meetings are organized with the support of the UN and the leadership of the Ministry of Justice of the Federal Government of Somalia. In this reporting period, two Rule of Law Working Group meetings were organized with the participation of all stakeholders, including the federal member states. In addition, two Programme Steering Committee meetings was organized, and an extraordinary Rule of Law Working Group meeting was held to discuss justice activities in the newly-recovered areas in Middle Shabelle.

ROL contribution to Supreme Court Rehabilitation, Galkayo Prison construction and Renovation of the National Somalia University Compound

On October 24, 2019, PIU commenced procurement of infrastructure development project for construction of 3,774 meters boundary wall for the Somali National University, Gahyer campus in Mogadishu. An open Invitation to Bid (ITB) was prepared using the World Bank Standard Bidding Document for Procurement of Works contract and published in Hiiraan and Ministry of Finance websites for a period of 45-days. By the submission deadline on December 9, 2019 at 10:00 AM, Twenty-Seven (27) bids were received.

Subsequently, an evaluation committee including observers from the sub-project beneficiary, and the UN risk Management office was established on December 3rd 2019 by the Director General of the Ministry of Finance, FGS to undertake bid evaluation exercise. The committee concluded successfully the evaluation and recommendation process on December 14th, 2019.

In this reporting period, the Ministry of Justice, Ministry of Finance and Correctional department of FGS met with representatives from Ministry of Justice of Southwest and Galmudug States in Mogadishu to discuss the progress on Baidoa and Galkayo prisons and prioritize construction phases for both prisons. The reason for prioritization of phases was the fact that the funding available for construction of Baidoa and Galkayo prisons are not enough to cover the entire design prepared for the prisons.

On 25th September 2019, the Ecotech consultant team and PIU engineer travelled from Mogadishu to Galkayo to perform site assessment of Galkayo prison sub-project in Galmudug state. The team visited the proposed project site and assessed the proposed land for the Galkayo prison sub-project. The technical assessment entailed verification of land ownership and land size, availability of water nearby the facility, access road and finally market assessment on materials, machinery and labor for the construction of the prison.

Challenges (incl: Delays or Deviations) and Lessons Learnt:



SOMALIA UN MPTF

The lack of agreement between the FGS and FMS on several important political issues constitutes one of the main challenges for JJP in achieving key programme goals. The limited progress on reaching an agreement on a federated Justice and Corrections Model has left several programme objectives pending, including a review of the legal framework and establishment of key institutions.

Another key challenge is the barrier that weak relations between the federal government and federal member states causes for implementation. Commitment and political will by the federal government to take greater ownership and invest in building the capacity of formal justice institutions and actors, to function in tandem with community-oriented and community-led approaches to justice reform, is urgently needed.

Furthermore, the delays due to the attacks on AAIA, in Mogadishu and Kismayo has impacted the designing and implementation in legal aid and community conversations. However, during the second quarter of 2019, when the security situation had been stabilised, the implementation was sped up.

Interventions have historically focused on capacity building and technical training, based on the assumption that the lack of capacity in formal justice institutions is one of the main problems hindering access to justice. While the lack of capacity contributes to poor justice services, a fundamental problem that has not been addressed adequately is the mindset of stakeholders. Entrenched views about appropriate and acceptable means for conflict resolution, the role of women in society and in the justice sector, the legitimacy of formal justice mechanisms, power dynamics between majority and minority clans, and other significant issues are the result of personal, family, community and social experiences perpetuated over generations. To achieve meaningful change in the access to effective justice for all, the conceptualization of necessary interventions should thus not only target capacity-building, but also work towards shifts in perspective and social transformation. Furthermore, there are complex interactions between and within the various formal and informal justice mechanisms, which are affected by a range of moderating factors, such as clan dynamics. While each project supports specific interventions, the issues, actors and communities they engage exist within this greater complex environment that cannot be mapped exhaustively.

Providing tools and facilitating the process for communities to address the complex issues related to justice and security can empower beneficiaries to take ownership of their issues and create localized solutions. This complements existing efforts to strengthen formal justice institutions and mechanisms.

Lack of legislation for SGBV cases in the southern states makes it difficult to establish specialized prosecutorial units at the AGOs.

Peacebuilding impact

The Justice Programme does not receive funds from the PBF. However, it works closely together with the 'Dhulka Nabaada' Joint PBF project, which focuses especially on land issues, and the 2 programmes are complimentary.

The programme supports both the expansion of formal justice institutions and the reform of informal dispute resolution mechanisms. Through support to Alternative Dispute Resolution Centres (ADR), the programme contributes to strengthening existing community structures in preventing conflicts and promoting peace. During the reporting period, the 16 ADR Centres across Somalia resolved a total of 1,909 cases (F:699; M:1210), empowering citizens to realise and reclaim their rights and in the process creating linkages between the informal and formal justice service providers. Community dialogues and mobile courts further contribute to peacebuilding by arranging public discussions and education about rights, significant issues, the role of the formal justice system, and exploring how to make justice services more accessible to the people. This contributes to greater confidence and trust among community members in the formal justice system as a means of resolving conflict.

The programme also supports the reform of informal dispute resolution mechanisms. Through the support to



SOMALIA UN MPTF

Alternative dispute resolutions, the programme supports existing community structures for the prevention of conflicts and promote women access to justice.

Community dialogues, women participation for the community level decision making, awareness compounds contribute to peace building by having discussions and educating the public about their rights, rights of women and girls, issues affecting them, addressing issues affecting women and participation of the decision making, bringing the services closer to the community, resulting in greater confidence.

Catalytic effects

With funding from the Peacebuilding Fund, the Dhulka Nabaada project focuses on land dispute resolution mechanisms. Land disputes are one of the major reasons for conflict in Somali society. The JJP complements this project through its support to traditional dispute mechanisms and intends to address the pressing land issues across Somalia through capacity building and conflict resolution. The JJP is implemented in all FMS, including where the Dhulka Nabaada project is implemented, Jubaland and South West State, and can thereby supplement it in these FMS but also expand conflict mechanisms to other FMS.

Funds received through the PBF for reintegration programming have helped to support ongoing development and conceptual clarity of the former CAAFAG (children associated with armed forces and armed groups) reintegration programme. This programme mirrors effective programming that we are building within the justice programme. With the development of diversion guidelines in Puntland and the drafting of juvenile justice legislation at the Federal level, there is growing understanding within government and the community that restorative justice approaches – similar to those used in the cases of CAAFAG – should be applied to children under the age of 18. In 2020, we intend to build the rigor and measurability of interventions made by social workers, programme partners and the government in supporting children in conflict with the law, as well as CAAFAG, are supported in their transition to positive pathways through childhood.

Gender

The Joint Justice Programme mainstreams gender throughout all its activities, ensuring that gender markers and concerns are articulated in the description of the activities and that gender-sensitive indicators are in place. The programme implementation has specifically focused on access to justice and participation in justice reform for women and vulnerable groups.

Steps are taken to promote the inclusion and active participation of women in all activities, and to encourage leadership of women. For example, in the alternative dispute resolution mechanisms, the programme enhances access to justice for women by increasing and ensuring their participation and addressing their issues in the ADR centres. Continuous training is given to the elders and religious leaders at these centres to help them transform their perceptions of women and change social norms. With regards to the community conversations, every group of master trainers in the 5 federal member states includes female and youth trainers and the training of trainers focused on SGBV. It has also been agreed with the partner NGOs and the master trainers that the community facilitators engaged will be representative of local communities and specifically include women leaders, minority clans and youth and the community conversations should include diverse participants to bring together a range of perspectives about the issues of the community.

In relation to sexual and gender-based violence (SGBV) specifically, the team has measured progress on the prevention of SGBV and analysed the enduring challenges with regards to SGBV in the rule of law sector.

An extensive study to evaluate key formal and informal justice mechanisms in Somalia and analyse their inclusiveness and responsiveness to women, children and other vulnerable groups, particularly minority clans and IDPs, was also completed. The study covered Mogadishu, Baidoa, and Garowe. The study provided a gender



SOMALIA UN MPTF

assessment and contextual background to the differential experience with justice services, and the disparities in satisfaction with both formal and informal justice mechanisms. The results highlight the current barriers in place that prevent these groups from accessing justice, and its recommendations and possible entry points to improve inclusivity and access across both formal and informal justice mechanisms, will be used to inform the programme’s implementation.

(Refer to Annex 8 for a gender assessment of existing laws.)

Proportion of gender specific outputs in Joint Programme ³	Total no. of Outputs	Total no. of gender specific Outputs
	2	0
Proportion of Joint Programme staff with responsibility for gender issues (<i>as of end of 2019</i>) ⁴	Total no. of Staff	Total no. of staff with responsibility for gender issues
	14	11

Human Rights

The Joint Justice Programme follows the human right principles in its implementation. The human rights-based understanding of access to justice, underpins the interventions that aim to improve the equal access to justice for all. This includes not only access, but also effective justice, that incorporate both procedural and substantive justice. Furthermore, the programme considers the intersectional impacts of discrimination, and is alive to the clan as well as gender-based issues that perpetuate the existing power dynamics and social structures.

In this Programme, UN Women supports boosts the institutional capacity of AG offices to promote access to justice for victims of sexual and gender-based violence, and address the particular protection challenges relating to women and girls. One of the main responsibilities of the Specialized Unit is effective data collection and management on SGBV cases while focusing on the use of specialized prosecution services to reduce the existing gaps that affect women and girls to access justice and to increase the effectiveness of case management through early and speedy investigation and prosecution of SGBV cases. The support was extended to build the capacity of specialized units as well.

In support to this programme, UNICEF also supported the deployment of trained social workers with the government in Puntland and aim to expand this initiative to other member states. The aim of the programme is to ensure survivors are given sufficient support throughout the legal process and, conversely, that children in contact with the law (either as alleged perpetrators of crime or other) are provided age appropriate guidance and support to understand their legal rights and to navigate administrative processes. The social workers are trained to advocate on behalf of children, support transition in to diversion programmes where appropriate, prepare child reports and to advocate for children within the legal process.

Has the Joint Programme included a protection risk assessment in its context analysis, including on gender issues, and taken measures to mitigate these risks to ensure they are not exacerbated, or new risks created?	Result (Yes/No)
	Yes

³ Gender Specific Outputs are those that are specifically designed to directly and explicitly contribute to the promotion of Gender Equality and Women’s Empowerment.

⁴ Staff members are those contracted to undertake work for the Joint Programme including full time staff, consultants, advisors, interns, etc. Staff members with responsibility for gender issues are those who have gender related activities included in their Terms of Reference.



SOMALIA UN MPTF

No. of Joint Programme outputs specifically designed to address specific protection concerns.	Result (No.) 0
No. of Joint Programme outputs designed to build capacity of duty bearers to fulfil their human rights obligations towards rights holders.	Result (Number) 2
Other	
Does the Joint Programmes have a national cost-sharing component (i.e. funds and/or other resources provided by the FGS and/or FMS (including in-kind contributions)? (if ‘Yes’, describe below).	Results (Yes/No) Yes
Have FMS(s) been engaged in one or more of the following: design, planning, implementation, coordination and/or monitoring of the Joint Programme.	Results (Yes/No) Yes
Describe nature of cost sharing:	
<p>Communications & Visibility</p> <p>Hirshabelle, on 26th March 2019 https://www.radiomuqdisho.net/wasiirka-cadaaladda-hirshabeelle-oo-u-furay-odoyaasha-dhaqanka-siminaar-ku-saabsan-habka-xalinta-khlifaaafaadka-dadban-sawirro/</p> <p>The sixth group of UNDP sponsored law students graduate from Puntland State University, on the 7th of April 2019 http://www.so.undp.org/content/somalia/en/home/presscenter/pressreleases/2019/sixth-group-of-undp-sponsored-law-students-graduate-from-puntlan.html</p> <p>Standardization and Systematization of Case Files Structures workshop in Dhusamareb, RTN Somali TV, on 27th April 2019 https://youtu.be/5Q9zupP4YAs</p> <p>Moot court Puntland State University, on 26th May 2019 https://www.facebook.com/DabaraaniMediaInc/videos/436879226859765/?comment_id=436911290189892&co</p>	
<p>Looking ahead</p> <p>Community-driven interventions are producing encouraging results as they focused on the particular needs of the community, and the inclusive and people-centric approach empowered collective responsibility. The master trainers for community conversations are now equipped with skills for engaging communities on transformational processes on justice, security and land related issues. Their transformative leadership competency and facilitation skills will thus scale up community responses to security, justice and land issues, through their support of community facilitators.</p> <p>From July 2019, IDLO has been conducting a research to assess the impact of the alternative dispute resolution centres through key informant interviews, users’ satisfaction surveys, direct observations and case file reviews. The first findings will be shared by the end of January 2020 and will inform the agenda of a national ADR conference in early February 2020. They will also inform the content of a policy paper on ADR to be issued by</p>	



SOMALIA UN MPTF

March 2020.

The JJP is also supporting the establishment of a library at the Benadir Courts Complex for the Judicial Training Institute to be shared by the AGO and the Courts by procuring legal reference resources and refurbishing the designated library space, which is expected to be completed by the end of January 2020. The legal references procured address knowledge gaps within the Judiciary, including within the areas of Islamic law, legal research and writing, criminal procedure, civil procedure, professional ethics, probate and administration, legislative drafting and statutory interpretation, and trial advocacy.

An international consultant has been recruited to carry out the development of gender responsive justice training manual based on Puntland Rape Act. The manual will be used to train formal justice institutions to enhance effectiveness of formal court officials to dispense justice expeditiously and in conformity with the principles of gender equality, fair trials and human rights standards enshrined in the Puntland Rape Law. The development process of the manual has started.

Following the recruitment of the Communications Specialist in UNDP Somalia, opportunities for visibility of programme activities to showcase the results of the programme have been identified and more media coverage will follow.

UNICEF aims to finalise diversion guidelines at the Federal government level which will mirror the work already piloted in Puntland. The guidelines will be followed by social work support and programme development to ensure that children in contact with the law are appropriately represented and supported through the legal system. And to ensure that diversion processes have the greatest chance of success.



SOMALIA UN MPTF

ANNEX 1. RISK MANAGEMENT

Type of Risk ⁵	Description of Risk	Mitigating Measures
Tensions and conflicts in South-Central and Banadir	All activities in South-Central and Banadir might be affected if the Joint Programme is forced to suspend implementation due to increased security risks.	Through making extensive use of national coordination mechanisms, empowering national programme staff and continuing to build capacity with all programme counterparts, the Joint Programme will be able to continue implementation in key districts where other programmatic interventions of Transition, CRESTA and JPLG shall be undertaken.
Insecurity	The Programme intended to support access to justice for the newly recovered areas, which at times remain difficult to access. Difficulty in securing international expertise to come to Somalia. Delayed recruitment processes may impact on the implementation pace of the Programme	The Programme initially planned to expand the mobile court activities to the newly recovered areas from al-Shabaab in the Afgooye district in Lower Shabelle. However, the lack of access to the district prevented the Programme to extend the mobile court activities to these areas. The Programme continues to monitor the security situation in close collaboration with the local MoJ to assess when mobile courts can be extended to these areas. The Joint Programme may have to re-prioritize activities. Possible mitigation measures include a committed focus on technical capacity development of institutional counterparts.
Increase in internal political divisions	An increase in internal political divisions will have detrimental effect on all activities and interventions under the Joint Programme.	While keeping track of all political developments, the Joint Programme will continue to build strong relationships with all local and FMS partners, with a focus to support a harmonized approach to RoL development across Somalia.
Interference with judiciary	Compromise or influence of the justice system if independence of the judiciary is interfered with by the executive	The Programme supported the justice and correction model to ensure the independence of the judiciary as well its roles and responsibilities to enable proper functioning of the justice system. The Programme also supported the intended activities of the judiciary to make sure that it receives support as an independent institution, thereby contributing to improving the transparency and accountability of the judiciary. The JCM is not yet endorsed by the national security council (NSC).
Corruption in	UN RoL activities undermined as a result of corruption	Strengthen oversight mechanisms and M&E

⁵ Environmental; Financial; Operational; Organizational; Political; Regulatory; Security; Strategic; Other.



SOMALIA UN MPTF

the public sector		
Community disinterest	Community conversation project and community-based interventions in general will not work and result in perpetuation of the status quo	Build and maintain strong relationships with NGO and master trainers who are supporting the initiative, to ensure regular communication and progress checks, as well as team reflections to address any anticipated or actual issues that arise in a timely manner. Consult with colleagues who have implemented similar models for other programmes for lessons learned.
Lack of interest in women's empowerment interventions	The limited interest of justice and judiciary for women's empowerment interventions	Together with partners, it was agreed that 30% of the positions under this programme would be reserved for the recruitment of female candidates. The letters of agreement work as a mitigation strategy to ensure that women's interests are represented in the justice and judiciary.
Quality of judicial documentation and work at FMS	High quality of judicial documentation at FMS capitals needs to be ensured.	During January to June 2019, the Programme supported the standardization and systematization of case files procedures and protocols in Jubaland, South West State, Galmudug and Hirshabelle to ensure that judicial documentation is improved and of high quality. Also, as part of enhancing the quality of the judiciary documents and capacity, a training needs assessment was conducted to support the judiciary in its capacity-building planning related to achieving harmonized, consistent and high-quality trainings and documentation procedures.
Elections	Potential of dramatic changes to the political landscape can impact the Joint Programme implementation. Depending on the preparations for the elections the Joint Programme may have to realign its priorities especially the locations for the programme implementation	The Joint Programme may have to re-prioritize activities. Possible mitigation measures include a committed focus on technical capacity development of institutional counterparts.



SOMALIA UN MPTF

ANNEX 2. MONITORING AND OVERSIGHT ACTIVITIES

Monitoring Activity	Date	Description & Comments	Key Findings / Recommendations
Field visit to Garbaharey, Jubaland	26 January 2019	This was a field visit led by the UNDP Resident Representative and the Rule of Law and Security Portfolio Manager as well as other team members. The aim was to assess the situation outside of state capitals and inform planning for 2019 UNDP support to Jubaland state. During the mission, the UNDP team met with the Vice President of Jubaland, Governor of the Gedo region, and Mayor of the Garbahery district.	1. Expand mobile courts to Garbaharey district based on the request of the judges and community leaders. Provide judges and prosecutors for trainings. Continue supporting the ADR centres in Garbaharey
Field visit to Garowe, Puntland	7-20 February 2019		
Rule of Law Working Group Meeting	26 February 2019		<p>Action Points:</p> <ul style="list-style-type: none"> • The RoL working group members agreed that the next meeting would be scheduled in April, 2019 as tentative dates. • The two Bulletins on SDG 16 M&E would be shared through the MoJ Coordinator to the Rule of Law working group. • It was decided that all presentations should be circulated to the group before they are presented at the Rule of law working group giving sufficient time for the participants to understand and prepare for the working group and meeting. In the future more time should be provided for the Federal Member State presentations on the progress made in the area of rule of law. • Regional PCVE focal persons of the Federal Member states to reach out to the line ministries especially those working on justice and security. • Inter-Ministerial task force on PCVE at the FGS to be undertaken to provide regular coordination, knowledge sharing and status updates.



SOMALIA UN MPTF

Field visit to Garowe, Puntland	27 February – 3 March 2019	This was a field visit led by the Rule of Law and Security Portfolio Manager and team members in Garowe. The aim was to meet the new Ministers of MOJRAR and MOS &DDR. Initiate the process for the Joint human rights project to be implemented in Puntland and Update head of Garowe Area office on ROL & Security Portfolio. During the visit, the UNDP team met with the Minister of Justice, Minister MOS&DDR, Minister of women and director of Puntland Human Rights Defender.	<ol style="list-style-type: none"> 1. Police team to provide assistance to MoS &DDR on Work Request 2. Galkayo new project shall be initiated by the Puntland police team and the radio room which has recently been refurbished should be formally handed over. 3. Mission support to be provided to Galmudug and Puntland to resolve the container issue in Bossasso. Container could have equipment from EUCAP Somalia which UNDP transported from Djibouti
Visit to the Galmudug capital city	13 March 2019	This visit was led by the Rule of Law and Security Portfolio Manager together with national staff members. The team met with chiefs of cabinets in Galmudug, the Minister of Justice as well as judiciary representatives. The aim was to evaluate and	<ol style="list-style-type: none"> 1. Expansion of the ADR centres to the Galmudug areas and judiciary capacity building
Follow-up visit MoJ staff, Baidoa, South West State	23-24 April 2019	Meeting with MoJ staff to discuss the reporting formats (individual and semi-annual detailed reports), financial procedures, LOA management, procurement process as well recruitment process	Key issues have been addressed and follow-up visits need to be continued at the ministry to ensure staff work within the rules and regulations
Programme Steering Committee Meeting	6 May 2019		<p>Key decisions:</p> <ul style="list-style-type: none"> • MOJ to conduct internal consultation and agree for UNDP to advertise the terms of reference and initiate the procurement of legal aid services for the federal member states; UNDP to initiate contracting of NGO's to undertake community level justice and security dialogue. • UNDP to finalize the UNOPS UN-to-UN agreement for transfer of DFID funds. Upon agreement, the annual work plan to be revised and submitted for virtual approval. • Amend the 2019 Joint Corrections Programme (JCP) work plan and open discussions on construction activities for the Kismayo Prison to allow Ministry of Justice to have clearer understanding of proposed activity. The detailed



SOMALIA UN MPTF

			<p>costing of the Kismayo prison shall be worked out through a bilateral discussion before the proposal is submitted for the revision of the Joint Justice and Joint Corrections workplans.</p> <ul style="list-style-type: none"> JCP Programme Document and RRF to be amended to reflect an increase of USD 1.3 million in funding.
Field visit to Garowe, Puntland	27-28 May 2019	<p>The aim was to discuss the progress of the first Moot court of Somalia with Puntland State University (PSU); To discuss innovative methods of planning and mobilising students through the Innovation programme, and introduction to JSSGP with State Security Office and identify workplan.</p> <p>During the visit, the UNDP team met with Puntland State University- law clinic and the State Security</p>	<ol style="list-style-type: none"> Innovation boot camp was introduced to the students and it was discussed that after mid-June an innovation camp would be introduced to design the next moot court with the PSU; An additional discussion on PCVE and some specific cases on violent extremism can be taken up as part of the boot camp with the PCVE Technical Specialist and PCVE Focal Point in Puntland. UN team should provide legal commentaries on the Moot court video on the trial procedure to further opportunities for learning
Programme Steering Committee Meeting	11 September 2019		<p>Key decisions:</p> <ul style="list-style-type: none"> The sub-outcome to the programme document was approved. Changes to the Results and Resources framework (RRF) were approved in principle. UNDP was asked to provide some further information in the RRF within one week to the donors. The 2020 work plan will be circulated to the donors by 15 October and the approval process will be done electronically and on a non-objection basis. The inclusion of UNOPS as a Participating UN Organization was approved based on the adoption of the PSC meeting Minutes of 6 May 2019.



SOMALIA UN MPTF

Field visit to Garowe, Puntland	22-24 October 2019	The aim was to assess the situation and inform planning for 2020 support to Puntland. During the mission, the UN Women team met with Minister of Justice, AG, Minister of Women and other civil society organizations.	<ol style="list-style-type: none"> 1. Increase the quarterly case reporting 2. Provide gender responsive training for the justice actors based on the Puntland Ant Rape Act.
Field visit to Baidoa, South West state	19-21 November 2019	This visit was led by the rule of law portfolio and met with Ministry of Justice of Justice and Judiciary. The objective was to evaluate and monitor the implementation of the activities as per the LOA with UN Women.	<ol style="list-style-type: none"> 1. Provide 3 months literacy course for women at the ADR center in Baidoa and as well Police women to improve literacy of female elders and police officers in the South West State which will ultimately enhance their collaboration, and increase participation to the local community in the South West State by providing them a better opportunity.
Visit to FGS MOJ	28 November 2019	Visit by ROL M&E team to review progress of legal scholarship programme for Mogadishu University	Reviewed progress of legal scholarship programme, new reporting system to be implemented
Field visits to Baidoa, South West State Garowe, Puntland Jowhar, Hirshabelle Kismayo, Jubbaland	December 2019	Meetings with NGOs supporting community conversation project, and master trainers	<p>Agreed with the NGOs and master trainers on the following criteria for the community conversations, to protect the integrity of the process:</p> <ol style="list-style-type: none"> 1. Community facilitators should be selected from the three identified locations 2. No government officials should be selected as community facilitator except if deemed appropriate a representative of local authority or community police 3. Local government and community police can attend training of community facilitators to observe the sessions 4. No payment of participants to the session or community facilitators
Field visit to Garowe, Puntland	1-3 December 2019	Meetings with master trainers of community conversations, Puntland State University, ADR centre in Garowe, and IDP camp committee regarding legal aid services	<p>PSU: reviewed progress of legal scholarship programme, new reporting system to be implemented</p> <p>ADRC: to review how to make it more meaningful particularly for women</p> <p>PLAC: link up UNODC mentoring programme of CID and PLAC so that UNODC mentor can follow</p>



SOMALIA UN MPTF

			up on the cases
Rule of Law Working Group Meeting	4 December 2019		



SOMALIA UN MPTF

ANNEX 3. TRAINING DATA

#	Target Group		Dates	# of participants			Title of the training	Location of training	Training provider
	Ministry, District or UN staff	Others		M	F	Total			
1.		Traditional Elders, religious and Women leaders	16-25 February	30	30	60	Training on Nonviolent Communication	Kismayo	Jubaland Ministry of Justice with the support of UN Women
2.	Ministry of Justice Galmudug		4-6 March 2019	25	15	40	Formal justice, Somali traditional xeer and human rights	Dhusamareb	MoJ
3.	Ministry of Justice Hirshabelle State of Somalia	Judges, Prosecutors, Police officers, Ministry Staff and women group reps and youth	16 th March to 17 th march, 2019	28	7	35	Basic Legal Drafting Skills	Jowhar	MoJ HS
4.	Ministry of Justice and judicial affairs, Hirshabelle State of Somalia	Traditional Elders, religious and Women leaders	26 th March to 27 th March 2019	60	0	60	Traditional Restorative Justice and Alternative Dispute Resolution as well the interaction between formal and informal justice	Jowhar	MoJ HS
5.		IDPS	27-28 March 2019	12	8	20	Rights of vulnerable populations	Bosaso	PLAC



SOMALIA UN MPTF

#	Target Group		Dates	# of participants			Title of the training	Location of training	Training provider
	Ministry. District or UN staff	Others		M	F	Total			
6.	Ministry of Justice Galmudug		27-28 March 2019	25	0	25	Standardization and systemization of case file procedures and structures	Dhusamareb	MoJ
7.	Judiciary Staff		30 March- 2 April	31	4	35	Support Standardization of case files and procedures workshop	Kismayo, Hotel Qiilmawaye	Two facilitators:
8.		Jubaland Judiciary	31 March-3 April 2019	31	3	34	Case files and standardization workshop	Kismayo	JL Supreme Court
9.		Community	12-13 April 2019	20	50	70	GBV prevention and process of GBV response	Galkacyo	PLAC
10.		Traditional Elders, religious and Women leaders	6-15 April	30	30	60	Training on Nonviolent Communication	Baidoa	South West Ministry of Justice with the support of UN Women
11.	Ministry of Justice Hirshabelle		18-22 April 2019	33	3	36	Standardization and systemization of case file procedures and structures	Jowhar	MoJ
12.	Policy and Legal Drafting Unit, Ministry of Justice, FGS		23-25 April	35	5	40	Legal drafting procedures	Mogadishu	MoJ
13.	Ministry of Justice Hirshabelle		25 April 2019	25	10	35	Basic legal training for Judges, Prosecutors, ADR elders, youth representatives, women groups and Police officers.	Jowhar	MoJ



SOMALIA UN MPTF

#	Target Group		Dates	# of participants			Title of the training	Location of training	Training provider
	Ministry, District or UN staff	Others		M	F	Total			
14.	Judiciary		27-28 April 2019	25	0	25	Standardization and systematization of case file structures and procedures	Dhusamareb	Galmudug MOJ
15.	Ministry of Justice Hirshabelle State of Somalia	Prosecutors, judges, clerks and Data	27 th April-28 th April, 2019	19	1	20	Assessment training for the judiciary personnel	Jowhar	MoJ HS
16.		Traditional Elders, religious and Women leaders	8-14 June	30	30	60	Training on Nonviolent Communication	Kismayo	Jubaland Ministry of Justice with the support of UN Women
17.	Ministry of Justice South West		26-30 June 2019	36	7	43	Standardization and systemization of case file procedures and structures	Baidoa	MoJ
18.		Young Lawyers, Law Graduates	29-30 Jun & 1 July 2019	44	9	53	Introduction to Legal Writing and Legal Analysis	Mogadishu	Somali Bar Association with IDLO Support
19.	Mobile Court Team in Garbaharey		15-16 July 2019	2	18	20	Training for mobile court team in Garbaharey	Garbaharey, Gedo Hotel	SC Jubaland supported by UNDP rule of law
20.	Ministry of Justice FGS	Police and prosecutors	27 th July 2019	15	6	21	Diversion systems for offending juveniles	Baidoa	MoJ FGS
21.	Ministry of Justice	Director Generals,	29 th -30 th August	20	1	21	Basic legal and Policy Drafting	Baidoa	MoJ SWSS



SOMALIA UN MPTF

#	Target Group		Dates	# of participants			Title of the training	Location of training	Training provider
	Ministry, District or UN staff	Others		M	F	Total			
	Southwest State of Somalia	Departmental Directors, prosecutors	2019						
22.	Ministry of Justice Southwest State of Somalia	Traditional Elders, religious and Women leaders	28 th August 2019- 7 th September 2019	30	30	60	Training on <i>Nonviolent Communication</i>	Baidoa	MoJ SWSS
		Youth Training	19 September 2019	23	17	40	Training and engagement of the society in the fight against SGBV	Garowe (Puntland)	Puntland Ministry of Justice with the support of UN Women
23.	Ministry of Justice Southwest State of Somalia	Judges, prosecutors, Registrars, Data clerks and police	24 th September 2019	14	1	15	Standardization and systemization of case file procedures and structures	Hudur	MoJ SWSS
24.	Ministry of Justice Southwest State of Somalia	Prosecutors, judges, elders	24 th -25 th September 2019	17	3	20	Mobile court Training	Hudur	MoJ SWSS
25.	Ministry of Justice Southwest State of	Traditional elders, youth leaders, women	25 th September 2019	22	8	30	Legal awareness Workshop	Hudur	MoJ SWSS



SOMALIA UN MPTF

#	Target Group		Dates	# of participants			Title of the training	Location of training	Training provider
	Ministry. District or UN staff	Others		M	F	Total			
	Somalia	leaders, religious leaders and selected members of the public							
26.		Judges	September 2019	31	6	37	Training of Judicial Trainers	Mogadishu	
27.	Ministry of justice of Hirshabelle State of Somalia	Judges, prosecutors, Registrars, Data clerks, police and MOJ staff	13 th to 14 th October 2019	20	5	25	Consultation work on Justice and correction model	Jowhar	MoJ HS & MOJ FGS
28.		Judges	16-22 October			37	Training of Judicial Trainers	Mogadishu	UNDP Consultant
29.	Ministry of Justice Southwest State of Somalia	Traditional elders, youth leaders, women leaders, religious leaders and selected members of the public	26 th Oct, 2019	21	10	31	Legal Awareness Workshop	Baidoa	MoJ SWSS
30.		NGOs	27 October-3 November	25	14	40	Community Conversations	Addis Ababa	International consultant



SOMALIA UN MPTF

#	Target Group		Dates	# of participants			Title of the training	Location of training	Training provider
	Ministry, District or UN staff	Others		M	F	Total			
			2019						
31.		Judges	26 October-7 November 2019	30	0	30	Judicial training	Baidoa	Judicial trainers
32.		Judges	11-21 November			37	Training of Judicial Trainers	Mogadishu	UNDP Consultant
33.	Ministry of Justice Southwest State of Somalia	Prosecutors, judges, elders	20 th Nov-21 st Nov, 2019	19	1	20	Mobile Court Training	Baidoa	MoJ SWSS
34.	Ministry of Justice Southwest State of Somalia	Director Generals, Departmental Directors, prosecutors	26 th -27 th November	27	5	32	Basic legal and policy Drafting	Baidoa	MoJ SWSS
35.	Ministry of Justice Southwest State of Somalia	Traditional Elders, religious and Women leaders	28 th Nov-1 st December 2019	30	30	60	Training on <i>Nonviolent Communication</i>	Baidoa	MoJ SWSS
36.	Ministry of Justice Hirshabelle State of Somalia	Traditional Elders, religious and Women leaders	1 st Dec-2 nd December 2019	25	10	35	Training on <i>Standard procedure of ADR(SOP)</i>	Jowhar	MoJ HS



SOMALIA UN MPTF

#	Target Group		Dates	# of participants			Title of the training	Location of training	Training provider
	Ministry, District or UN staff	Others		M	F	Total			
37.		Judges	27 November-7 December 2019	35	0	35	Judicial training	Hirshabelle	Judicial trainers
38.		Judges	9-18 December 2019	30	0	30	Judicial training	Puntland	Judicial trainers
39.	Ministry of Justice Hirshabelle State of Somalia	Director generals, Ministry staffs, judges, Departmental heads and civil society reps	18 th -19 th December 2019	25	5	30	Basic legal drafting training	Jowhar	MoJ HS
40.	MOJ Jubaland		24-25 December 2019	23	7	30	Two-day consultation workshop on legal and policy drafting	Agan hotel, Kismayo	MOJ Jubaland supported by UNDP rule of law
41.	MOJ Jubaland		28-30 December 2019	30	20	50	ADR workshop-Kismayo	Agan hotel, Kismayo	MOJ Jubaland supported by UNDP rule of law
42.	MOJ Jubaland		29 December	22	8	30	ADR Workshop-Garbaharey	Garbaharey town	MOJ Jubaland



SOMALIA UN MPTF

#	Target Group		Dates	# of participants			Title of the training	Location of training	Training provider
	Ministry. District or UN staff	Others		M	F	Total			
			2019					supported by UNDP rule of law	
43.	MOJ Jubaland		31 December 2019	19	6	25	Justice sector coordination	Maamus Hotel, MOJ Jubaland supported by UNDP rule of law	
44.	MOJ Jubbaland			31	5	35	Training on standardization of case file management	SC Jubbaland	
45.	MOJ FGS						Training Workshop on Legal Drafting Procedures for FGs MOJ	Mogadishu FGS MOJ	
46.		Banadir Courts					Electronic case management training for Banadir Supreme Court, Banadir Regional Court, Banadir Appeal Court staff	Mogadishu	
47.		Banadir Courts					Public relations training for information officers on help desk for Banadir Supreme Court, Banadir Regional Court, Banadir Appeal Court	Mogadishu	
48.		Judges					Training of Judges	Mogadishu, Baidoa Judicial trainers	
Totals:				1125	428	1627			



SOMALIA UN MPTF

ANNEX 4. Beneficiaries of Legal Aid Services, ADR Centres, Mobile Courts

Legal Aid Services

Location	Male	Female	Total
Puntland – Legal representation	254	861	1115
Puntland – Paralegal services	591	2044	2635
South West State	211	107	318
Total	1056	3012	4068

ADR Centres

Location	Male	Female	Total
Baidoa	31	48	79
Hudur	62	106	168
Banadir	552	516	1068
Dhusamareb	38	28	66
Jowhar	310	116	426
Kismayo	91	29	120
Garbaharey	34	30	64
Puntland	1975	1085	3060
Total	3093	1958	5051

Mobile Courts

Location	Male	Female	Total
Baidoa	21	30	51
Hudur	52	64	116
Dhusamareb	35	21	56
Jowhar	70	46	116
Jubbaland	48	64	112
Puntland	348	241	589
Total	574	466	1040



SOMALIA UN MPTF

ANNEX 5. Locations of ADRCs, Mobile Courts and Legal Aid Services

Legal Aid		
Location	District	Total
Puntland	Garowe, Gardo, Galkacyo, Bossaso	4
Hirshabelle		1
Total		5

ADR Centres		
Location	District	Total
Galmudug	Dhusamareb	1
Jubbaland	Kismayo, Gabaharey	2
South West	Baidoa, Hudur	2
Puntland	Dhahar, Bosaso, Burtinle and Garowe	7
Banadir		3
Hirshabelle	Jowhar	1
Total		16

Mobile Courts		
Location	District	Total
Hirshabelle	Jowhar ,Balcad and War sheikh	3
Galmudug	Galkayo, Balanballe, Abudwak and Guri'el	4
South West	Baidoa, Hudur	2
Puntland		5
Jubbaland	Kismayo, Garbaharey	2
Total		16



SOMALIA UN MPTF



ANNEX 6: The Establishment of a Judiciary Training Institute: Background Options Paper

1. 0 Introduction

The emerging tradition of judicial training is underlined by the recognition that an independent and effective judicial system is vital to securing a democratic society founded on access to justice, the rule of law and respect for human rights. The primary role of the judiciary is to independently and impartially administer justice. To effectively administer justice, judges are required to know the law. This latter imperative requires that judicial personnel are qualified and trained persons, equipped with technical knowledge, contextual understanding, and ethical orientation to administer the law without any undue or improper influences. Thus institutional arrangements ought to be established to enable the judicial branch to deliver its mandate free from interference and that judges and other judicial personnel will perform their functions competently to ensure that the courts are the fountain of justice. Consequently, judicial training is a crucial ingredient in securing effective and efficient administration of justice by the judiciary.

The recognition that an effective judiciary is the foundation of rule of law, access to justice, and protection for human rights underlines the criticality of competence, independence and impartiality of the judiciary. The principle of an independent judiciary, as guaranteed by Somali provisional constitution, international and regional instruments for the promotion and protection of human rights, is essential to the promotion of the rule of law. To guarantee impartiality in applying legal standards and ensuring respect of citizens' rights, the Judiciary must be independent of the Executive and Legislative powers. The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the African Charter of Human and Peoples' Rights require states to guarantee their citizens a fair, public trial before an independent, impartial court.⁶ Similarly, the Arab Charter on Human Rights stipulates that States parties shall guarantee the independence of the judiciary and protect magistrates against any interference, pressure or threats.⁷ These legal instruments all contemplate that judicial training will be implemented as a mechanism to guarantee the competence, impartiality and independence of the judiciary.

This paper examines options for establishing a judicial training institute in the Federal Republic of Somalia. The paper is based on the increasing need and demand for training among judges, prosecutors and other judicial personnel in Somalia on the emerging legal areas and practical judicial competencies including case management, advocacy skills and court administration. It draws on the experiences of African countries and globally on the mechanics for establishing judicial training institutions, their

⁶ According to article 10 of the Universal Declaration of Human Rights and article 14, para-1 of the International Covenant on Civil and Political Rights. Although it does not have the status of a treaty, the Universal Declaration of Human Rights, adopted by a resolution of the United Nations General Assembly on 10 December 1948, is considered to be legally binding.

⁷ This refers to Article 12 of the Arab Charter on Human Rights, adopted in Tunis in May 2004 at the 16th Summit of the League of Arab States. The Charter entered into force in March 2008. As member state of the Arab league, Somalia has yet to ratify.



SOMALIA UN MPTF

institutional framework and governance structure, the scope and methodologies of judicial training and mechanisms for cooperation with stakeholders and partners.

1.1 Defining judicial training

The standard terminology of legal education is to be distinguished from judicial training. Legal education, especially the academic type, focuses mostly on the content of law as the primary emphasis of instruction. Its foundational variant aims to provide a pathway to entrance into the legal profession, whereas continuing legal education targets building advocacy skills and legal knowledge among legal professionals as part of their professional development. It emerges that what constitutes the judiciary varies across jurisdictions, but judicial training generally entails practical instruction for judges, prosecutors and other court staff on various elements of the administration of justice. It is a form of legal education only in the sense that it invariably entails instruction on legal skills. Its primary objective is to provide judges, prosecutors and judicial personnel with practical competencies and skills required to effectively manage cases from initiation to final decision.

This preliminary question of what constitutes judicial training is related to another important question of who are its main targets or beneficiaries. The general practice is that judicial training primarily targets judges, prosecutors, and court staff. It will already be clear that this cohort of groups included in judicial training will typically be persons who are considered part of the judiciary, though it will invariably include professionals who are not judicial personnel in the strict sense. The choice is conditioned by the structure of the legal system but ultimately local contexts will determine the inclusion of the following in judicial training programs: Justices of the peace or other laypersons administering justice; Members of administrative tribunals appointed by the executive; Members of judicial committees incorporating laypersons such as judicial councils or court user committees; The legal profession, civil society groups collaborating with the judiciary on specific projects including alternative dispute resolution; and Staff from Ministries of Justice, the Office of the Attorney General or the Office of the Public Defender.

Judicial training in the context of civil law and common law systems

A. Civil law system

1. Careerist
2. JT prepares new judges and experienced judges, but may also prepare aspirants to judicial career
3. Mandatory participation
4. Fixed, comprehensive curriculum (possibly with mentoring component)
5. Several months (possibly up to a few years) in duration
6. Faculty may be permanent
7. Lecturers devote considerable time to theory; often follow traditional law school educational model

B. Common law system

1. Judges selected later in life (ages 40 to 50), after careers as practicing attorneys, prosecutors, academics
2. JT prepares only new judges and experienced jurists, not aspirants
3. Usually voluntary participation
4. Usually no standardized curriculum. Topics are on varying, select subjects
5. Almost always short-term – 1 or 2 days to 1 or 2 weeks
6. Faculty almost always brought in ad hoc; small administrative staffs
7. Emphasis on practical problem-solving. How-to-do it study of specific problems. Peer group educational model of continuing legal education

Source: Judge Peter J. Messitte, *Globalization of Judicial Training (JT)*, 2006.

1.2 Varieties of judicial training actors



SOMALIA UN MPTF

It becomes clear from comparative experience that differences in legal systems and local contexts make for variation in the structure, form and name of the judicial training institution. There is certainly something significant in naming, but some of the variation in nomenclature is based on historical contingency or circumstance, typically the preferences of their founders. In some cases the choice of name may have to do with the status of the institution and the requirement for compliance with regulatory or accreditation systems for institutions of higher education. Therefore, where a committee is appointed to oversee judicial training, it follows that its name will reflect this status. It emerges that the choice of name will also be influenced by the need to distinguish the judicial training entity from its counterpart responsible for legal education. The conclusion to be drawn from comparative experiences is that these differences in naming do not provide an adequate basis for categorization, though they illustrate the variety of judicial training entities as shown below:

1. **Judicial schools**, overseen by the Judiciary, responsible for initial education for those seeking a judicial career as judges or prosecutors, and continuous training;
2. **Judicial training institutes**, generally responsible for providing induction courses and continuous training for judges and court staff;
3. **Judicial training committees**, typically appointed by the Chief Justice to organize or coordinate continuous training for the judiciary without necessarily having an institutional form to deliver training;
4. **Civil service training schools or training departments**, generally responsible for training Executive branch officials.
5. **Judicial commissions or High councils**, which provide training directly or through delegation (the only current example is Italy);
6. **Supreme Courts**, which provide training directly to the entire judiciary, by virtue of being the apex court;
7. **Prosecution services training facilities**, both in countries where prosecutors are considered part of the judiciary and in those where they are not.

Judicial Training Organisations

Three basic types of organisational structures deliver judicial training:

- State judicial schools
- Committees of judicial self-governing bodies
- Multiple organisations (usually involving university-affiliated bodies)

At one end of the spectrum are the formal state judicial schools (France, Spain, Portugal, Germany), run by the judiciary and involved in both the recruitment and training of judges. At the other end are less structured training organisations with no formal premises, usually either committees within judicial associations (Denmark, Italy).

Source: Cheryl Thomas, *Review of Judicial Training and Education in other Jurisdictions*, 2006.

1.3 Purposes of judicial training

It is implied from the phrase judicial training that its purpose is to educate members of the judiciary. However, judicial training is not an end goal in itself, in the sense of merely imparting knowledge and skills for its own sake. Its purposes vary depending on the legal system and local context. These purposes or policy objectives in turn determine the form and structure of judicial training. The following purposes emerge from a review of comparative experience, much of it related to improving judicial outcomes:



SOMALIA UN MPTF

- (i) To prepare newly appointed judges, prosecutors and court staff for their responsibilities in the administration of justice;
- (ii) To ensure that judges, prosecutors and other court personnel have adequate command of substantive law and legal procedures to carry effectively perform their responsibilities;
- (iii) To provide continuing education for judges, prosecutors and other court personnel in new adjudicatory, advocacy, and court management techniques, methods, skills and related competencies required to perform their tasks;
- (iv) To inculcate professionalism and ethics among judges, prosecutors and other court personnel;
- (v) To provide, in the context of the civil law tradition, a screening mechanism for candidates seeking careers in the judiciary.

Purposes of judicial training

In reform programs, training may have additional purposes:

- To build a reform coalition within the judiciary or overcome resistance to reform
- To introduce new methods and practices
- To introduce new values, outlooks, and attitudes
- To identify problems which may have to be resolved by other reforms
- To build solidarity and a sense of common purpose.

Source: Linn Hammergren, *Judicial Training and Justice Reform*, 1998.

2.0 Emerging Principles of Judicial Training

The establishment of judicial training entities is a relatively recent phenomenon, but its antecedents can be linked to a longstanding need for legal and judicial reform to secure better access to justice. This increasing recognition of the importance of judicial training is attributable to the recognition that judicial training is an essential ingredient of judicial independence and impartiality. The United Nations Basic Principles on the Independence of the Judiciary stipulates that judges shall be free to promote their professional training to protect judicial independence.⁸ The linkage is that to adjudicate disputes before them effectively and efficiently, judges require practical skills and competencies including knowledge of law and understanding of social context. This requirement similarly applies to public prosecutors, whose performance is dependent on effective advocacy skills to bring criminal offenders to justice. The value of judicial training is further linked to the requirement that judges and legal practitioners who litigate or prosecute cases before them understand emerging areas of law in the increasingly complex questions that find themselves before the courts.

The Draft Arab Principles of a Good Judiciary: A Benchmarking Tool

The principles are as follows

1. Principle 1: Independence,
2. Principle 2: Integrity,
3. Principle 3: Competence, and
4. Principle 4: Efficiency and Effectiveness.

The third principle (competence) requires the following:

- Adequate qualifications for judges and judicial personnel
- Adequate judicial training system
- Specialized, continuous training program
- Specialized judicial institute
- Adequate resources (Note: human and financial resources)
- Foreign language training

Source: United Nations Development Program, 2018.

⁸ United Nations General Assembly Resolution 40/32 of 29 November 1985 and 40/146 of 13 December 1985..



SOMALIA UN MPTF

The growing recognition of the importance of judicial training has seen the emergence of efforts to establish international and regional standards and guiding principles of good judicial training practice. The varying legal traditions certainly complicates the identification of universal normative principles, yet there is considerable convergence because legal systems are increasingly hybridized as they borrow from each other. Moreover, the search for minimum standards also reflects the important position occupied by judges and prosecutors in democratic societies, as affirmed by international human rights bodies, which is to secure respect for the rule of law and human rights.⁹ This movement to establish judicial training standards also underlines the growing interest in exchange of experience on best practice among judges and legal professionals, particularly in relation to the establishment of judicial training institutions, the content and delivery of their training programs, and the need for funding and support commitments from government authorities. It will be seen from what follows below that these concerns ultimately address the complex question of self-regulation, including through judicial training, as an important facet of judicial independence.

The most notable transnational networks which have generated guiding principles to address these questions are the European Judicial Training Network (EJTN) and the International Organization for Judicial Training (IOJT). The former whose membership comprises judicial training institutions from Europe, have been successful in laying down a foundation for a Europe-wide unified approach to judicial training, despite the varieties of legal traditions in the continent. The guiding principles are intended to help judges and prosecutors to be competent, independent and impartial, by structuring and resourcing judicial training accordingly. It will be noted that the guiding principles adopted by the EJTN in 2016, provided the inspiration for the declaration that followed a year later under the auspices of the IOJT. The convergence in the principles adopted by the EJTN and the IOJT as illustrated below demonstrate an emerging international consensus on judicial training norms:

1. Judicial training is a multidisciplinary and practical type of training, essentially intended for the transmission of professional techniques and values complementary to legal education.
2. All judges and prosecutors should receive initial training before or on their appointment.
3. All judges and prosecutors should have the right to regular continuous training after appointment and throughout their careers and it is their responsibility to undertake it. Every Member State should put in place systems that ensure judges and prosecutors are able to exercise this right and responsibility.
4. Training is part of the normal working life of a judge and a prosecutor. All judges and prosecutors should have time to undertake training as part of the normal working time, unless it exceptionally jeopardises the service of justice.
5. In accordance with the principles of judicial independence, the design, content and delivery of judicial training are exclusively for national institutions responsible for judicial training to determine.
6. Training should primarily be delivered by judges and prosecutors who have been previously trained for this purpose.
7. Active and modern educational techniques should be given primacy in judicial training.
8. Member States should provide national institutions responsible for judicial training with sufficient funding and other resources to achieve their aims and objectives.

⁹ See for example, United Nations Human Rights Committee, CCPR General Comment No. 13: Article 14 (Administration of Justice) *Equality before the Courts and the Right to a Fair and Public Hearing by an Independent Court Established by Law*, 1984.



SOMALIA UN MPTF

9. The highest judicial authorities should support judicial training.¹⁰

Declaration of Judicial Training Principles

Principles

1. Judicial training is essential to ensure high standards of competence and performance. Judicial training is fundamental to judicial independence, the rule of law, and the protection of the rights of all people.

Institutional framework

2. To preserve judicial independence, the judiciary and judicial training institutions should be responsible for the design, content, and delivery of judicial training.
3. Judicial leaders and the senior judiciary should support judicial training.
4. All states should:
 - (i) provide their institutions responsible for judicial training with sufficient funding and other resources to achieve their aims and objectives; and
 - (ii) establish systems to ensure that all members of the judiciary are enabled to undertake training.
5. Any support provided to judicial training should be utilized in accordance with these principles, and in coordination with institutions responsible for judicial training.

Training as part of the judicial role

6. It is the right and the responsibility of all members of the judiciary to undertake training. Each member of the judiciary should have time to be involved in training as part of their judicial work.
7. All members of the judiciary should receive training before or upon their appointment, and should also receive regular training throughout their careers.

Training content and methodology

8. Acknowledging the complexity of the judicial role, judicial training should be multidisciplinary and include training in law, non-legal knowledge, skills, social context, values and ethics.
9. Training should be judge-led and delivered primarily by members of the judiciary who have been trained for this purpose. Training delivery may involve non-judicial experts where appropriate.
10. Judicial training should reflect best practices in professional and adult training program design. It should employ a wide range of up-to-date methodologies.

Source: *International Organization for Judicial Training, 2017.*

3.0 Comparative experiences in Judicial Training in the Eastern Africa

The globalization of judicial training institutions has seen the emergence of similar entities in across Africa as elsewhere. There is in the Eastern African region, one form or another of a body mandated to facilitate training of judges, magistrates, prosecutors and other judicial personnel. It emerges from a review of these entities that there exists common features in the establishment of the judicial training bodies, but considerable variety exists in their levels of advancement depending on the nature of the legal system and the degree of robustness of the judicial system. The judicial training institutes in Kenya, Tanzania and Uganda are similar in the sense that they were established at the initiative of the Chief Justices of the respective countries, and are therefore domiciled within the judicial branch of government. The Institute for Legal Practice and Development is particularly unique, because its mandate extends beyond training for judges to include vocational training and continuing legal education for legal professionals.

There are various factors leading to the emergence of judicial training institutes in Eastern Africa

¹⁰ General Assembly of the European Judicial Training Network, *Judicial Training Principles*, 2016.



SOMALIA UN MPTF

as follows.

- The first is related to the globalization of judicial training. The establishment of Eastern African countries has followed developments elsewhere, with some of the activities gaining active support from development partners such as the World Bank.
- The second factor relates to the growth of judiciaries, more especially the increase in the number of judges over the past few years. With some of the new cohort of judges being appointed from outside the judiciary, the need for judicial training is ever growing.

Key numbers of top Constitutional Judicial officials in Kenya, Rwanda and Uganda

Judicial designation	Kenya	Rwanda	Uganda
Supreme Court Justices	7	7	11
Court of Appeal	19	13	12
High Court Judges	78	32	54
Commercial High Court Judges	-	6	-
Employment and Labor Relations Court Judges	13	-	-
Environment and Land Court Judges	34	-	-
Intermediate Court Judges	-	99	-
Commercial Court Judges	-	15	-
Primary Court Judges	-	145	-
Magistrates	527	-	273

- The third impetus came from the wave of judicial reform witnessed in the past few decades.
- Finally, the establishment of the East African Judicial Education Committee (EAJEC) by the East African Community in 1996, has provided a momentum for the establishment of judicial training institutes in the East African Community partner states, with the objective of fostering common standards and principles for judicial education for judicial officers at both national and regional levels.

It appears that in terms of the range of functions performed by the judicial training institutions, much of it focuses on training of judges, magistrates and registrars in that order of priority. There is a general recognition of the need to train non-judicial staff but much of the focus remains on the higher levels of the judiciary. This is perhaps attributable to the primacy given to the highest courts as precedent setters in common law systems as well as operational challenges of administering training courses to large numbers as well as funding constraints. It is notable that this general list does not include prosecutors because these are not considered part of the judicial systems of Kenya, Uganda and Tanzania. They constitute the part of the legal system, and are categorised as part of the executive branch of government. In this sense the ILPD of Rwanda differs from its Eastern African counterparts as it has a wider mandate, which includes training of prosecutors and providing vocational training and continuing legal education for legal professionals.



SOMALIA UN MPTF

4.0 Observations and lessons to be learned from comparative experiences

The primary observation to be drawn from comparative experiences is that the judicial training institute, academy, school, center or college or whatever other name is given to it, is a growing feature in the repertoire of mechanisms required to reform and strengthen the administration of justice. As suggested in the preceding pages, the institutional models which can enhance the competence of the judicial staff are enormous. In principle the premise of this development is clear, that judges and prosecutors need the right combination of knowledge, attitudes and competencies to discharge their duties with independence and impartiality. The primary lesson emerging from comparative experiences is that judicial training is a necessity not merely to impart technical legal knowledge, but also to equip the judge or prosecutor with an adequate understanding of social context. This takes into account the fact that the nature of the judicial or prosecutorial office often requires the judge or adjudicator to understand human relationships and to intervene in complex and difficult situations.

4.1 The requirement for objective and independent judicial training underlined

The point needs reiteration from the emerging principles sketched above and the experiences of judicial training elsewhere that the transmission of knowledge and values, which is the very vocation of judicial training, must be accompanied by certain conditions and precautions that ensure the appropriateness of training programmes and of the organization which implements them, in the light of the requirements of open-mindedness, competence and impartiality which are bound up with the exercise of judicial duties. The very essence of the involvement of the highest judicial authorities in the establishment and oversight of the judicial training institute reflects this requirement for objective and independent judicial training.

4.2 The institutional framework for the establishment of most judicial training institutes is flexible

As described above, the establishment methodology of judicial training institutions are numerous. The creation of such an institution does not require an act of parliament or even a policy passed by the executive. These institutions emerge, oftentimes, as a result of a reform agenda by the judiciary as it happened in Kenya. The premise here is that the independence of the judiciary, which is a constitutional cornerstone of the separation of powers, requires effective and efficient courts. Thus, the need and demand are far more important than the formal foundations for institution building as the administrative establishment and functioning of judiciary training institutions by direction of Chief Justices in Eastern Africa will already illustrate.

“The appointing instrument of the Judiciary Training Institute is a letter appointing the Director of the Institute. We are not established by any law, and we are not a legal personality. We have never had a functional board since we were established but the Institute has performed its mandate well over the years, and continues to grow.”

Source: Interview with a member of the Secretariat of one of the judicial training institutes in Eastern Africa, August 2019

4.3 The changing nature of the pool of candidates for judicial appointment and new emerging areas of law warrants judicial training



SOMALIA UN MPTF

The emergence of a new generation of judges and prosecutors who are recruited from outside the judicial career necessitates specialized instruction as a bridge between their experiences elsewhere and the responsibilities of the judicial office. It emerges that because judging requires specialized skills beyond technical legal knowledge, these new judicial officials require both pre-service and in-service training to enable them perform their judicial functions efficiently and effectively. This requirement also relates to career judges, who have to undertake training in emerging areas of law besides learning new techniques in case management.

4.4 The importance of participation in global and regional judicial training networks

The growth of regional and global judicial networks provides judges, prosecutors and judicial personnel with forums on which to exchange experiences and learn best practice from each other. These forums have recently been engaged in norm formulation, such as the development of the principles of judicial training highlighted above and hence there is merit in greater participation in them. There is further merit for a country seeking to establish and develop its own judicial training institute to begin to participate in these networks, for ultimately judicial training thrives on collaborative ventures incorporating a diverse cohort of actors.

“The Judiciary of the Republic of South Sudan sent its representatives as observers in meetings of the East African Judicial Education Committee. Any non-member state may participate in the Committee as an observer.”

Source: *Interview with a member of the Secretariat of one of the judicial training institutes in Eastern Africa, August 2019*

4.5 The imperative of choosing a judicial training model which strengthens judicial collegiality

The essence of the practical instruction entailed in judicial training provides a forum where judges, prosecutors and judicial personnel can learn from each other and thereby nurture collegiality in a manner that enables each judge, prosecutor or judicial officer to bring their intellectual strength and diverse experiences into the work of the judiciary. It appears that one justification for selecting judges to head judicial training institutes is to secure the legitimacy and respect for the institution, and thereby its ability to achieve its objective. There is also merit in this model in the sense that it creates a sense of peer engagement in the learning environment.

4.6 The need to develop the potential for democratization of judicial training through massive on-line learning

It has been often noted that judicial training concentrates its focus on the highest levels of the judicial structure while neglecting those on the periphery. There is therefore in some countries attempts to decentralize training programs to ensure equitable and if not equal access by those outside the center. This might present challenges in some contexts where funds are limited and facilities are

“The Judiciary has had budget cuts instigated by the executive and parliament, and this has really affected the Judiciary Training Institute as training is not seen as a priority. In future we hope to secure some form of autonomy to secure our own budget but this might also be risky especially if we become targeted by politicians for empowering judges to challenge them.”

Source: *Interview with a member of the Secretariat of one of the judicial training institutes in Eastern Africa, August 2019*



SOMALIA UN MPTF

inadequate to accommodate decentralized activities but one lesson emerging from best practice is the establishment of massive online training programs to complement hands-on or face-to-face training seminars. This ultimately is a demand taken by judicial training institutes to ensuring that their training methodologies and platforms are appropriate to their objectives.

4.7 The requirement for state funding and more as a condition for effective judicial training institutions

It emerges from the foregoing that judicial training is an imperative for an independent and impartial judiciary. This notwithstanding, one tendency which is to be noted is inadequate funding or in some cases near failure to finance judicial training. The consequence of this is an over-reliance on external funding, which in turn implies a real risk of sustainability and inability of the judiciary to establish its own training priorities. The emerging best practice indicates a growing attention given by judicial service commissions or high councils to funding judicial training in their budgeting. The guiding principles highlighted above are suggestive of future trends in terms of funding judicial training.

4.8 Prospects of an incremental approach to institution building

It was noted that judicial training is not entirely a new phenomenon though the specialized judicial training institution is. In some jurisdictions judges, prosecutors and judicial personnel were for a time occasional students in government or civil service training schools. This raised difficulties especially when such training exposed them various sorts of improper pressures and ultimately some judiciaries established internal committees to coordinate and facilitate judicial education. These judicial training committees have provided the momentum for the establishment of judicial training institutes. This points to the potential for an incremental approach, which is what is implied if not entailed in the administrative establishment of judicial training institutes by Chief Justices to pave way for more institution building.

4.9 The establishment of a judicial training institute should be informed by local contexts

This is a standard lesson in institution building but it still needs emphasis because of the potential for tailor-making the institutional arrangements for judicial training institutions suitable to the circumstances of each country. The one notable observation is that judicial training institutes are a recent phenomenon, and there is still much room for institutional innovation in terms of their form. This point emerges from the recent declaration of judicial training principles, a development which demonstrates that much more remains to be done than has been done in terms of creating the most robust institutional frameworks for judicial training bodies.

4.10 Linking judicial training to the ultimate objective of serving public justice needs

The ultimate objective of judicial training is to secure better justice outcomes for the public. Its purpose is not merely to impart technical knowledge to secure more efficient judicial decisions that have little bearing



SOMALIA UN MPTF

on the ultimate consumers of the justice system. This is the consideration that ought to inform any judicial training initiative lest it be treated as an end in itself. It emerges from a review of experiences that this understanding requires more attention especially in the delivery of judicial training to ensure that ultimately it gives the judge, the prosecutor or the judicial personnel the attitudes and skills for administering justice.

5.0 Institutional options for the Federal Republic of Somalia

The importance of judicial training is today more widely recognized than ever before. It emerges from the foregoing that nations seeking to establish their judicial training institutes from a clean slate have a wide range of lessons to draw upon. This is an advantage which their counterparts did not have when they charted the new paths in the past. The emergence of judicial training principles, which though they remain only persuasive, is still another development clarifying potential areas of contestation. It is notable that there is a large body of practice by which judiciaries take the lead in establishing judicial training institutions. This as we have seen is a normative requirement for securing judicial independence.

There are three main options available for the Judiciary to move towards concretizing the objective of establishing a judicial training institute in that order of preference. The first is to immediately appoint a senior and respected judge or legal academic as director or coordinator of the proposed Judiciary Training Institute. This is the practice as the table below on comparative experiences demonstrates. The second option is to appoint a judicial training committee as a precursor to the establishment of the Institute. This has precedent in several countries. In the alternative the third and less viable option is to establish a department of training within the judiciary. This is the least recommended option. The policy decision needs to be made within the judiciary. However, it is recommended that the Chief Justice consult with relevant partners including the Ministry of Justice

The mechanism through which body was established and the establishing authority	The scope of mandate the primary targets of its activities	The governance and management framework including any relations with the Judicial Services Commission
<ul style="list-style-type: none"> ▪ The Judiciary Training Institute (Kenya), was established in 2008 by the Chief Justice via a letter appointing the Director – a High Court Judge- to begin its operations. There is no law 	<ul style="list-style-type: none"> ▪ The JTI exercises its mandate as advised and directed by the JSC. This mandate includes: <ul style="list-style-type: none"> (i) continuous judicial education to Judges and judicial officers; induction training of judiciary staff (ii) research and publication of bench books. 	<ul style="list-style-type: none"> ▪ The JTI does not have a board of directors. Its governance is overseen by the Chief justice and the Training Committee of the Judicial Service Commission. ▪ The JTI is



SOMALIA UN MPTF

<p>establishing the JTI.</p>		<p>managed by a Director, who is also a Judge of the Court of Appeal. There are three Deputy Directors in charge of curriculum development, research and policy, and finance and administration.</p> <ul style="list-style-type: none"> ▪ The core faculty is made of judges and retired judges teaching on a needs basis.
<ul style="list-style-type: none"> ▪ The Judicial Training Institute (Uganda), was established in 2004 by the Chief Justice initially as the Judicial Studies Institute, through an administrative directive. There is no statute establishing the JTI but for Office Instruction No. 02 of 2017 issued by the Chief Justice. 	<ul style="list-style-type: none"> ▪ The JTI is mandated among others to <ul style="list-style-type: none"> (i) provide training judiciary staff and staff of the Justice Law and Order Sector institutions; (ii) carry out research on the improvement of the administration of justice. 	<ul style="list-style-type: none"> ▪ The JTI has a Governing Council which makes policy. ▪ The JTI is managed by an Executive Director, who is also a Judge of the High Court. He is assisted by 3 Deputy Registrars research, law reporting and research and training. ▪ The core faculty is made of judges, retired judges and legal experts from outside the judiciary, invited to teach when training programs are conducted.



SOMALIA UN MPTF

<p>The Judiciary Training Institute (Tanzania), was established in 2010 by the Chief Justice, through an administrative directive.</p>	<ul style="list-style-type: none"> ▪ The JTI is mandated to <ul style="list-style-type: none"> (i) train judges, magistrates and other judicial personnel (ii) support legal research for judges 	<ul style="list-style-type: none"> ▪ The JTI is managed by a Director, who serves simultaneously as a Judge of the High Court. ▪ The core faculty is made of judges, former judges and legal experts from outside the judiciary.
<p>The Institute of Legal Practice and Development (Rwanda), was established by the Attorney General and Minister for Justice in 2008. Legislation, Law No. 65/2013 has since been enacted a few years ago to regulate its organization and operations.</p>	<ul style="list-style-type: none"> ▪ The ILPD is mandated to <ul style="list-style-type: none"> (i) provide initial professional training to judges, prosecutors, lawyers, bailiffs, notaries; (ii) offer continuing legal education to other personnel in other ministries such as clerks, investigators and mediators; (iii) conduct research and publication of law reports. 	<ul style="list-style-type: none"> ▪ The ILPD is governed by a Board of Directors and managed by a Rector assisted by Directors responsible for continuing legal education, training and research, and administration. ▪ The ILPD has a lean faculty supplemented by visiting lecturers comprised legal practitioners from within and outside the justice sector.

6.0 Conclusion

There has emerged a global consensus that judicial training is essential to ensure high standards of judicial competence and performance. Judicial training is fundamental to securing judicial independence, the rule of law, and the protection of human rights. The United Nations Basic Principles on the Independence of the Judiciary thus stipulates that judges shall be free to promote their professional training. The principle is



SOMALIA UN MPTF

also recognized regionally among African states as well as the Arab League. It is particularly clear from the regional experiences outlined in this paper that there are enormous opportunities to give priority to judicial training as a component of state building and transformation of judicial services to the people.



SOMALIA UN MPTF

ANNEX 7: LIST OF LAWS AND POLICIES REVIEWED BY THE POLICY AND LEGAL DRAFTING UNIT (PLDU) IN 2019

Banadir

No.	Law/Policy	Institute	Action	Time	Status
1	National Legal Aid Policy	Ministry of Justice and Judicial Affairs	Translated into Somali, Reviewed and amended and after that shared with concerned Unit in the Ministry for implementation.	April 2019	This policy has been completed and adopted by the Council of Ministry and current is applied.
2	Legal Documents on National Anti-corruption Strategy Review	Ministry of Justice and Judicial Affairs	PLDU Team amended, reviewed and made legal approach corrections on this document.	April 2019	The PLDU team have discharged their duties and obligations properly and promptly on this strategy and sent back to the original office in the ministry in order to submit the Council of Ministers of the Federal Government of Somalia as soon as possible for final approval but still not submitted.
3	Land Disputes Resolution Act	Ministry of Justice and Judicial Affairs	PLDU Team drafted, amended, reviewed and made legal approach corrections on this Act.	August 2019	Initial draft of this Bill has been completed bur it remains at the Ministry of Justice and it will be finalized after the budget to held public consultations is available.
4	Training Institute on Judiciary and Legal Professionals Act	Ministry of Justice and Judicial Affairs	PLDU Team drafted, amended, reviewed and made legal approach corrections on this Act.	August 2019	Initial draft of this Bill has been completed but it remains at the Ministry of Justice and it will be finalized after the budget to held public consultations is available.
5	Human Trafficking and Smuggling Act	Ministry of Justice and Judicial Affairs	PLDU Team drafted, amended, reviewed and made legal approach corrections on this Act.	September 2019	Initial draft of this Bill has been completed but it remains at the Ministry of Justice and it will be finalized after the budget to held public



SOMALIA UN MPTF

					consultations is available.
6	Office of Public Ombudsman's Act.	Ministry of Justice and Judicial Affairs	PLDU Team drafted, amended, reviewed and made legal approach corrections on this Act.	September 2019	Initial draft of this Bill has been completed but it remains at the Ministry of Justice and it will be finalized after the budget to held public consultations is available.
7	Reviewed and contributed Report on Universal Periodic Review	Ministry of Women and Human Rights	Amended, reviewed and corrected by referring through other related national laws	January 2019	This Report has been sent back to the concerned Ministry.
8	Somali Road Traffic Bill	Ministry Transportation and Civil Aviation	Amended, reviewed and corrected by referring through other related national laws	January 2019	This Bill has been sent back to the concerned Ministry and finally it was submitted to the Council of Ministers for approval and it remains there.
9	Local Municipalities Bill	Ministry of Interior, Federalism and Reconciliation Affairs	Amended, reviewed and corrected by referring through other related national laws	February 2019	This Bill has been sent back to the concerned Ministry and finally it was submitted to the Council of Ministers for approval and it remains there.
10	Protection of Children's Breastfeeding Act	Ministry of Health and Public Service	Amended, reviewed and corrected by referring through other related national laws	February 2019	This Bill has been sent back to the concerned Ministry and finally it was submitted to the Council of Ministers for approval and it remains there.
11	Private Security Agencies Bill	Office of National Security Advisor and Ministry of	Amended, reviewed and corrected by referring to the national and international standards of Security related provisions	March 2019	This Bill has been sent back to the concerned Ministry and finally it was submitted to the Council of Ministers for approval and it remains there.



SOMALIA UN MPTF

		Internal Security			
12	Small Arms and Light Weapons Bill	Office of National Security Advisor and Ministry of Internal Security	Amended, reviewed and corrected by referring to the national and international standards of Security related provisions	March 2019	This Bill has been sent back to the concerned Ministry and finally it was submitted to the Council of Ministers for approval and it remains there.
13	Federal Police Force Act	Ministry of Internal Security	Amended, reviewed and corrected by referring to the national and international standards of Security related provisions	March 2019	This Bill has been sent back to the concerned Ministry and finally it was submitted to the Council of Ministers for approval and it remains there.
14	National Defense Act	Ministry of Defense	Amended, reviewed and corrected by referring to the national and international standards of Security related provisions	September 2019	This Bill has been sent back to the concerned Ministry and it was submitted to the Council of Minister and they approved and finally it was submitted to the Parliament.

Jubbaland

1. Notary Bill
2. Water Bill
3. Education Bill
4. Technical and Vocational Education Training Bill
5. Lawyers Bill
6. Environment and Energy Bill



SOMALIA UN MPTF

7. Quality Control Bill
8. Female Genital Mutilation Bill
9. Sexual Offences Bill
10. Fishing Bill

Galmudug

1. Land Robbery Bill
2. Illegal Check Point Bill
3. Rape and Sexual Offenses Bill

Hirshabelle

1. Structural Policies for the Ministry of Justice and Judicial Affairs of Hirshabelle State of Somalia.
2. Advocates' Act
3. Financial and procedure manuals
4. Human Resource
5. Anti-Corruption Policy



SOMALIA UN MPTF

6. Strategic Plan

South West State

1. Structural Policies for the Ministry of Justice and Judiciary Southwest State of Somalia.
2. Sexual Offences Bill
3. Notary Bill
4. Child rights bill
5. Anti corruption bill
6. Urban land law
7. Legal aid act

Puntland

1. Quranic and Madrasa Act
2. Piracy act
3. Notaries act



SOMALIA UN MPTF

ANNEX 8. GENDER JUSTICE ASSESSMENT

Does the law ensure gender equality and protection from violence?

The law provides for gender equality and/or protection from violence.	Yes
Some gender justice aspects of the law have been addressed, but significant gaps remain. Some important gender inequalities in the law are yet to be addressed and/or there are significant gaps in legal protection from violence.	Partly
The law does not provide for gender equality and/or there is no or minimal protection from violence.	No
No available data.	

<p><i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i></p> <p>Somalia has not acceded to CEDAW. Consultations on accession are ongoing and assessment of existing laws against CEDAW is in progress.</p>	
<p><i>Constitution</i></p> <p>Article 11 of the Provisional Constitution provides that all citizens have equal rights regardless of sex, and that the State must not discriminate against any person on the basis of gender.</p>	
<p>CRIMINAL LAWS</p>	
<p><i>Domestic violence</i></p> <p>Somalia does not have a law that specifically addresses domestic violence. Domestic violence can be addressed by prosecuting the offender for assault under Article 440 of the Penal Code. The Ministry of Justice is revising the family laws. Religious laws and</p>	



SOMALIA UN MPTF

<p>practices can protect women from domestic violence. Codification of the Sharia law has been proposed.</p>	
<p><i>Marital rape</i></p> <p>Marital rape is not specifically criminalized. Women owe a duty of obedience to their husbands and are expected to fulfil conjugal duties in the marriage. Criminalization of marital rape is included in the draft federal Sexual Offences Bill but is highly contested. There are also provisions available under Sharia to address this issue, but they need to be formalized.</p>	
<p><i>Rape (other than of a spouse)</i></p> <p>Rape is criminalized by Article 398 of the Penal Code. Whoever with violence or threats has carnal intercourse with a person of the other sex shall be punished with imprisonment for five to 15 years. The draft federal Sexual Offences Bill will reinforce the criminalization of rape.</p>	
<p><i>Exoneration by marriage</i></p> <p>There is no marry-your-rapist provision in the Penal Code. Customary law may be applied in such cases to exonerate an abductor or rapist if marrying the victim preserves honour.</p>	
<p><i>Abortion for rape survivors</i></p> <p>Abortion, with or without consent and for honour, is prohibited by Articles 418–422 of the Penal Code, including for women who have been raped.</p>	
<p><i>Sexual harassment</i></p> <p>Article 24 of the Provisional Constitution prohibits sexual abuse in the workplace. The Puntland Sexual Offences Act 2016 prohibits sexual harassment. The Somaliland Sexual Offences Law 2018 is not being implemented. The draft federal Sexual Offences Bill will prohibit sexual harassment.</p>	
<p><i>Honour crimes: Mitigation of penalty</i></p> <p>The Penal Code Article 443 requires reduction of sentences for a person who kills a female relative (spouse, daughter, or sister) or her sexual partner in the sudden heat of rage “for the offence caused to his or her honour and to the honour of his or her family” after finding her in a sexual act. There is need for investigating the actual practices in the courts of law.</p>	
<p><i>Adultery</i></p> <p>Adultery is an offence under Article 426 of the Penal Code.</p>	



SOMALIA UN MPTF

<p><i>Female Genital Mutilation / Cutting (FGM/C)</i></p> <p>Article 15 of the Provisional Constitution prohibits FGM/C. There is a draft federal law prohibiting FGM. A decree in Somaliland and legislation in Puntland prohibiting FGM have also been drafted but await endorsements.</p>	
<p><i>Human trafficking</i></p> <p>The Provisional Constitution provides that a person may not be subjected to slavery, servitude, trafficking, or forced labour for any purpose. The Penal Code includes some trafficking, forced prostitution and abduction offences. However, there is no comprehensive anti-trafficking legislation addressing prevention and protection measures. A draft Trafficking in Persons law has been submitted to the Council of Ministers.</p>	
<p><i>Sex work and anti-prostitution laws</i></p> <p>Prostitution is prohibited by Articles 405–408 of the Penal Code.</p>	
<p><i>Sexual orientation</i></p> <p>Homosexual conduct between consenting adults is criminalized by Article 409 of the Penal Code.</p>	
<p>PERSONAL STATUS LAW</p>	
<p><i>Minimum age of marriage</i></p> <p>The Family Code sets the minimum age for marriage at 18 years for both males and females. However, females between the ages of 16 and 18 can marry with their guardian’s consent. The Family Code is seldom applied in legal practice. The Ministry of Justice is working on proposals for family laws since 2018. In most areas, Sharia and customary laws are used to address family matters.</p>	
<p><i>Male guardianship over women</i></p> <p>Muslim women require consent of a <i>wali</i> (male guardian) to marry. Marriage cannot happen without the consent of the woman.</p>	



SOMALIA UN MPTF

<p><i>Marriage and divorce</i></p> <p>A husband can divorce by verbal repudiation (<i>talaq</i>) outside of the court. A wife has the right to divorce on specified grounds based on a sound argument presented to the court. In practice Sharia rules apply to marriage and divorce, including the wife’s duty of obedience. The Civil Code 1973 gives women the right to independently own property.</p>	
<p><i>Polygamy</i></p> <p>Polygamy is allowed by Sharia law. The Family Code allows polygamy in limited specified circumstances. The Family Code is seldom applied in legal practice. Women can include stipulations in the marriage contract stating that they do not agree to polygamy.</p>	
<p><i>Guardianship of children</i></p> <p>Fathers are the guardians of children.</p>	
<p><i>Custody of children</i></p> <p>After divorce or separation, the mother retains custody of her children when they are young, but she loses custody if she remarries. A draft Child Rights Bill will address this issue.</p>	
<p><i>Inheritance</i></p> <p>Sharia rules of inheritance are applied. Women have a right to inheritance, but in many cases receive less than men. Daughters receive half the share that sons receive.</p>	
<p>NATIONALITY LAW</p>	
<p><i>Nationality</i></p> <p>Somali women do not have the same legal rights as men to pass citizenship to a child or a foreign spouse under the Law on Somali Citizenship of 1962. A draft Child Rights Bill will address this issue by providing that women can pass their nationality to their children.</p>	
<p>LABOUR LAWS</p>	



SOMALIA UN MPTF

<p><i>Right to equal pay for the same work as men</i></p> <p>The Private Sector Employees Laws of Somaliland and Puntland require that male and female workers who do the same work should receive equal remuneration. The Provisional Constitution states that every labour law shall comply with gender equality.</p>	
<p><i>Dismissal for pregnancy</i></p> <p>The Provisional Constitution states that all women workers have a special right of protection from discrimination. Employers are prohibited from dismissing women because of pregnancy by the Private Sector Employees Law for Somaliland and Puntland.</p>	
<p><i>Paid maternity leave</i></p> <p>Under the Somali Civil Servant Law, 2006, (Article 33) women are entitled to 4 months of material leaves with full salary and after that two hours for breastfeeding every working day for a year. For Somaliland and Puntland, the respective Private Sector Employees Law provides that women are entitled to 16 weeks of maternity leave and nursing breaks at work (article 15 of Puntland Labour Code for Private and Business Organisations, Labour Code no. 65).</p>	
<p><i>Legal restrictions on women's work</i></p> <p>Under the Labour Code of 1972, women are restricted from being employed for night work (10:00 pm-6:00 am) at factories, commercial enterprise and farms. It is also unlawful to employ women for night work at factories, commercial enterprise and farms under Article 8 of the Puntland Labour Code. A new draft federal Labour Code is being prepared which will provide equal labour rights for women.</p>	
<p><i>Domestic workers</i></p> <p>There are no specific legal provisions on the protection of the rights of domestic workers. The federal Labour Code Bill 2019 is in the Ministry of Labour and Social Affairs waiting to be presented to the parliament. The Labour Code Bill 2019 adopts a broad definition of a worker.</p>	