



**SOMALIA UN MPTF**

**PROGRAMME SEMI-ANNUAL PROGRESS REPORT**

**Period: January – December 2020**

<b>Project Name</b>	Somalia Joint Justice Programme
Gateway ID	00112621
Start date	1 August 2018
Planned end date (as per last approval)	30 June 2021
Focal Person(s)	(Name): Doel Mukerjee; Damian Klauss
	(Email): <a href="mailto:doel.mukerjee@undp.org">doel.mukerjee@undp.org</a> ; <a href="mailto:klauss@un.org">klauss@un.org</a>
	(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	<b>Pillar 2:</b> ‘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	<b>Strategic Priority 3:</b> All Somalis benefit from Peace, Security and the Rule of Law, including Justice. <b>Strategic Priority 4:</b> Effective and accountable institutions that respond to needs and rights of all Somalis.
SDG(s)	SDG 16
Location	Somalia
Gender Marker	2

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

	<b>PUNO</b>	<b>Report approved by:</b>	<b>Position/Title</b>	<b>Signature</b>
<b>1.</b>	UNDP	Jocelyn Mason	Resident Representative	
	UNICEF	Mohamed Ayoya	Representative	<i>Mohamed Ayoya</i>
	UNWOMEN	Sadiq Syed	Country Programme Manager	<i>Sadiq Syed</i>



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Total MPTF Funds Received				Total non-MPTF Funds Received		
PUNO	Semi Annual 2020 (2)	Cumulative	Annual 2020	Semi Annual 2020 (2)	Cumulative	Annual 2020
	1 July - 31 Dec 2020	From prog. start date	1 Jan – 31 Dec 2020	1 July - 31 Dec 2020	From prog. start date	1 Jan – 31 Dec 2020
UNDP MPTF	6,581,448.24	17,817,494.20	8,505,948.24			
UNDP UNOPS/DFID					585,000.00	
UNDP TRAC				768,173.79	2,865,167.63	1,256,610.20
UNICEF	175,383.16	668,454.2	175,383.16	573,000	808,030	573,000
UNWOMEN		915,850	450,000			
<b>Total</b>	<b>6756831.40</b>	<b>20,002,722.40</b>	<b>9,131,331.40</b>	<b>1,341,173.79</b>	<b>4,258,197.63</b>	<b>1,829,610.20</b>
JP Expenditure of MPTF Funds <sup>1</sup>				JP Expenditure of non-MPTF Funds		
PUNO	Semi Annual 2020 (2)	Cumulative	Annual 2019	Semi Annual 2020 (2)	Cumulative	Annual 2020
	1 July - 31 Dec 2020	From prog. start date	1 Jan – 31 Dec 2020	1 July - 31 Dec 2020	From prog. start date	1 Jan – 31 Dec 2020
MPTF	5,576,875.41	15,667,047.58	7,303,320.22			
UNOPS/ DFID				101,354.72	577,555.31	351,207.54
UNDP TRAC				768,173.79	2,865,167.63	1,256,610.20
UNICEF	175,383.16	668,454.2	175,383.16	573,000	808,030	573,000
UNWOMEN	144,518.99	830,121.89	429,746.47			
<b>Total</b>	<b>5,896,777.56</b>	<b>17,165,623.67</b>	<b>7,908,449.85</b>	<b>1,442,528.51</b>	<b>4,250,752.94</b>	<b>2,180,817.74</b>

## SEMI-ANNUAL HIGHLIGHTS

- During the reporting period, the programme has kickstarted the community-based, community-led initiatives after the preparatory work done in this area in 2019. In particular, community facilitators trained on community conversations methodology have started to conduct community conversations at sites in all selected locations each of the 5 FMS. Sessions initially focused on the first stages of the Community Conversations process, namely building trust and exploring concerns. Unfortunately, because of the measures taken within the context of COVID-19, it was necessary to suspend further sessions from March until September. The few months without dialogue sessions initially led to a loss of momentum, but following the resumption of activities, participation and engagement have steadily increased.

<sup>1</sup> **Uncertified expenditures.** Certified annual expenditures can be found in the Annual Financial Report of MPTF Office (<http://mptf.undp.org/factsheet/fund/45000> )



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Communities are identifying new concerns resulting from the COVID-19 pandemic, in particular a rise in domestic violence which they attribute to increased anxiety and stress caused by a deterioration of the economic situation in Somalia.

2. The programme continued to support justice service delivery through legal aid, ADR centres and mobile courts, reaching a total of 12,958 beneficiaries in 2020. However, some of the activities, such as mobile courts and training of ADR members, had to be reduced due to the programme's cash flow challenges, and mobile court missions were paused for several months due to COVID-19.
3. The onset of COVID-19 and its spread to Somalia necessitated changes in programme implementation and need for flexibility. Some activities such as judicial trainings and training on Nonviolent Communication were done online. The programme also implemented specific activities aimed at addressing the potential consequences of COVID-19, particularly an increase of SGBV, with the establishment of hotlines in ADR centres and the establishment of a SGBV task force to ensure better coordination among justice chain stakeholders.
4. Support to the Office of the Attorney General in Puntland, especially the Specialized Prosecutorial Units (SPU), continued with the aim of providing technical support and building the capacity of the institution to promote access to justice for survivors/victims of sexual and gender-based violence. As a result of this support, the AGO Puntland handled and recorded 87 SGBV related cases in Puntland.
5. The programme has continued to strengthen systems designed to protect children in conflict with the law through the development and implementation of diversion guidelines at the Federal Government of Somalia level as well as age verification guidelines to ensure children are afforded protections through justice procedures. With the implementation of diversion guidelines in Benadir as well as continued implementation in Somaliland and Puntland, the programme saw 439 (F:77, M:362) children diverted from formal justice system. 4 children's courts have also been established in Puntland.

### HIGHLIGHTS OF KEY ACHIEVEMENTS

The programme has achieved results in both key justice sector institutional capacity-building, as well as bottom-up initiatives for transformative change for justice. The programme has been reflexive in adapting to an evolving operational environment, with both heightened security threats as well as the COVID-19 pandemic, responding rapidly to changing priorities, working modalities and delivery, in order to support Somalia and new justice needs. The programme developed business continuity plans to maintain delivery where possible, so as to minimize the disruption to justice services where necessary and feasible. Alternative modalities have been put in place for both formal and traditional justice mechanisms in the interim. The programme has also supported partners to continue working remotely through online meeting facilities, to facilitate collaboration and coordination within and between institutions. Where precautionary measures as per international guidelines from the WHO and national rules set by the Somali government such as physical distancing cannot be adhered to, activities have been suspended.

The administration and functioning of courts have improved. In Banadir, the case management system in the courts have been revamped, to ensure more seamless case flows through a secure online case recording system. The public information helpdesks have also been reviewed, to increase the information available to court users and improve their experience of navigating the Banadir court system. The professionalization of the judiciary is moving forwards with the implementation of the basic judicial training programme with the establishment of the pool of judicial trainers that started in 2019 is moving forward with the finalization of 9 out of 11 training modules and the training of judicial trainers on module 3.

With the support of the programme the Somali Bar Association (SBA) registered a 22% increase in membership compared with 2019, with 223 registered members (of which 40 are female). Additionally, the draft law and bylaws on the establishment of a legal aid board have been drafted and awaiting submission to the Council of Ministers.



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The programme has also supported access to justice during the reporting period through legal aid services, alternative dispute resolution centres, and mobile courts. Collectively, these have expanded access to justice for 12,958 individuals, (Legal aid services: 8,880, alternative dispute resolution centres: 3,653, and mobile courts: 425). These have brought justice mechanisms closer to communities, particularly in rural areas and increased access to justice for marginalized populations.

The programme has increased the technical capacities of key justice institutions to address juvenile justice and SGBV cases in accordance with international standards. Support to SGBV prosecutorial units in Puntland and Banadir resulted in the prosecution of 105 cases in Banadir and 70 in Puntland. Overall, the FGS AGO registered a rise of 33% of cases in comparison to 2019.

While strengthening the capacity of key justice institutions to deliver quality justice services and improving access to justice for the Somali people, the Programme is also driven by a forward-looking approach, and has initiated projects to encourage transformational change for justice reform. The initiation of the community conversations across 5 sites in Galmudug, HirShabelle, Jubbaland, Puntland and South West State, has started to build trust within participating community members and their community facilitators. Although this initiative was paused for several months due to COVID-19 restrictions, it has enabled the programme to learn about the way forward and how to build the capacities of communities to think creatively.

Transformative change has also been created through the continuation of nonviolent communication training in a number of locations, that continues to transform the perception of the role of women and increase the capacity of traditional elders for empathy in order to take better account of women's needs during the resolution of cases.

Through justice partners, the Programme supported the media awareness campaign on the Puntland Anti-Rape Act and increased community awareness of SGBV risks, with particular focus on the SGBV related cases, punishment, rights of the victim and of the important role played by women, girls and family members as victims/survivors and witnesses. There is a high expectation from the partners that media awareness programmes on the Anti-Rape Act will consolidate efforts to prevent SGBV incidence and facilitate social change in terms of zero tolerance of SGBV. Additionally, the Programme continued to build and strengthen the skills of the Judiciary and traditional actors in Puntland, Jubaland and South West on women's human rights, the rights and protection of victims and witnesses and means of conducting a successful prosecution and sentencing to further emphasize standardization of implementation of the Anti-Rape Act and to improving their knowledge towards the gender responsive justice system and to end SGBV.

### SITUATION UPDATE

During the reporting period, the security situation in Somalia remained volatile with frequent terror attacks by Al-Shabaab and other non-state armed groups. Along with the persistent insecurity, Somalia faces the triple threat of the COVID-19 pandemic, devastating floods and desert locusts. The sustained insecurity, cultural barriers, and natural disasters continue to increase the risk of SGBV and other protection issues for internally displaced persons (IDPs), women and girls, whilst disruption to humanitarian and development assistance as a result of COVID-19 has exacerbated acute and chronic needs of particularly vulnerable persons. The movement restrictions such as stay-at-home orders, curfews, and school closures imposed in response to COVID-19 have also heightened the risk of SGBV, in particular domestic violence and female genital mutilation.

At the onset of the COVID-19 pandemic, the staffing footprint was reduced in order to minimize staff exposure to the virus, ensure that the limited medical capacity was not overwhelmed, and address security threats. From mid to late March, all programme staff relocated to work from home and meetings were shifted to online platforms. This necessitated a period of adjustment to a new and different working modality, but staff and partners were able to quickly adapt and resume coordination.

Political changes and uncertainty continue to affect the dynamics of the justice landscape. There is still no agreement on the framework of a federated justice and corrections system, as there are disagreements on critical aspects of the agreement, including the structure of the court system and the jurisdiction of the Federal Supreme Court and Constitutional Court. In Galmudug, political disputes over the outcome of presidential elections have delayed progress in key justice issues, including



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formation of the Galmudug Supreme Court. Since mid-April 2020, the new Galmudug administration has engaged in dialogue with its political opposition and there are now positive signs of reconciliation through the formation of a cabinet that includes prominent opposition politicians.

Following from the remodelling of the programme results and reporting framework in 2019, in 2020 the programme anchored its interventions in social transformation as a pathway to institutional reform. Local government authorities have been brought on board to support community-led initiatives such as community dialogue, which are designed to find local solutions for justice issues that will contribute to the rebuilding of trust in justice institutions and the development of social contract.

## 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 centres 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 are 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

### PROGRESS ON OUTPUT INDICATOR<sup>2</sup>

INDICATOR	TARGET	Reporting Period (January-June 2020)	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	No decisions have yet been derived due to delayed schedule resulting from COVID-19. Community facilitators conducted initial community conversations at sites in all locations. Initial response to the community conversations have been positive, with interest from local communities to participate.	Master trainers were trained on community conversation methodology and went on to train a pool of 30 community facilitators in each FMS location selected for the pilot project (Baidoa, Dhusamareb, Garowe, Jowhar, and Kismayo). The community facilitators, with the support of master trainers and partner NGOs, have successfully conducted sessions of community conversations across all 5 FMS.
# of people disaggregated by gender, age and vulnerability, actively involved in community conversation sessions		A total of 3,418 people (F: 1,929, M: 1,489) participated in the community conversation sessions.	A cumulative total of 3,538 people (F: 1,996, M: 1,542) have participated in the community conversations thus far.
UNDP ONLY: reports from community conversation sessions			
<b>Output 1.2:</b> Improved access to justice and human rights through a multi-track approach			
# of beneficiaries disaggregated by gender, age and	8000 (50% women, and	8,880 beneficiaries receiving legal representation or paralegal	Cumulative 12,948 beneficiaries received legal representation or paralegal services (F: 8,789 , M: 4,104 , IDPs: no reliable data)

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



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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	50% IDPs) beneficiaries	services (F:5,832, M:3,048, IDPs: no reliable data) 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	3,653 beneficiaries receiving services from the ADR centres (F: 1,666, M: 1,987) Refer to Annex for breakdown of beneficiaries by location.	Cumulative 8,704 beneficiaries received services from the ADR centres (F: 3,624, M: 5,080)
# of beneficiaries disaggregated by gender, age and vulnerability, receiving services through mobile courts Level of satisfaction with services provided based on representative sample drawn from the cases (of total cases) disaggregated by gender, age and vulnerability	500 cases addressed	425 beneficiaries received services through the mobile courts (F: 160, M: 265) Refer to Annex for breakdown of beneficiaries by location.	1,465 beneficiaries received services through the mobile courts (F: 626, M: 839)
2 pilot projects based on community-based response to SGBV and juvenile cases developed through the community dispute resolution centre and implemented in two	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. The implementation of these pilot projects had to be postponed due to COVID-19.	Convergence between community based social norms change programmes and Alternative Dispute Resolution mechanisms have been initiated in 2020. First stage of the projects focusing on training a group of pilot group of participants on Nonviolent communication completed.



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locations in Baidoa and Kismayo			
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	Concept note for bringing justice to the recovered areas developed and shared with the strategic partners and donors.	Concept note for bringing justice to the recovered areas developed and shared with the strategic partners and donors.
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			
<b>SUB-OUTCOME 2 STATEMENT</b>			
Drawing from community consensus, key justice institutions are strengthened to deliver on the priorities identified in the community dialogue with enhanced sustainability			
<b>Output 2.1:</b> 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	Concept of Rule of Law Working Group revised with support from donors and UN to ensure stronger delivery on coordination and strategic planning	Concept of Rule of Law Working Group revised with support from donors and UN to ensure stronger delivery on coordination and strategic planning
# Basic principles agreed upon	Basic principles on federalism on the justice sector emerges from the discussions	The consultations on the Justice and Corrections model have been integrated in the constitutional review process.	The Justice and Corrections Model paper has been approved by the FGS Cabinet in 2018, and the JCM is still pending agreement and approval. 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, Galmudug, 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	Concept note on financial analysis of the justice sector developed and awaiting comments from RoL Working Group	Concept note on financial analysis of the justice sector developed and awaiting comments from RoL Working Group
UNDP ONLY: ToR, minutes of meetings, report on public expenditure review			



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<b>Output 2.2:</b> 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.	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	No additional courts adopted case management systems during reporting period, but the case management system in Banadir was revamped to improve case flow and access to information by relevant court officials	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	Technical and advisory support have continued to be provided to the Office of the Chief Justice to leverage the learnings from the JTI Options Paper, Strategic Framework/Roadmap. The stakeholder consultation planned to support the adoption of the JTI draft charter and the initiation of institutional structures for the JTI have been postponed until Q3 2020. Plans made for the next phase of Judicial Training have also been postponed due to COVID-19, with contingencies being explored for conducting some trainings of trainers online in Q3/4. In the meantime, the international expert on judicial training has developed further training material which has been submitted to the Supreme Court for approval.	In 2019, consultations were 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. The first phase of the Judicial Training of Trainers had concluded.
Model for specialized AGO units established on SGBV and serious crimes (capital crimes)	Specialised GBV and serious crimes	66 SGBV cases (F: 66; M: 0) handled. 2 embedded advisors (SGBV Legal Advisor and AGO Technical Coordinator),	Fully functional SGBV Unit at AGO in Mogadishu, staffed by 4 prosecutors (F: 2, M: 2). Four AGO SGBV Unit prosecutors





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	unit established at AGO FGS	and three interns. A training manual for Somali prosecutors on prosecutorial trial advocacy, particularly on SGBV cases, is in the process of being developed.	(M: 2; F: 2) and three interns (M: 2; F: 1) were mentored by the SGBV Legal Advisor.
Model of juvenile justice system established in Puntland	332 juveniles diverted	<p>439 (F:77, M:362) children diverted from formal justice system.</p> <p>In Puntland, diversion guidelines drafted in 2019 are being implemented. In 2020 4 children's courts were established and case management services for children on diversion were expanded.</p> <p>The programme expanded to Benadir where the Federal Ministry of Justice finalized diversion guidelines in 2021. However, national progress remains stalled with political impediments to enacting of the child rights bill and juvenile justice bill.</p>	Cumulative from Federal and Puntland is 879 children diverted (F:102, M:777).
# of law students benefitting from the programme	30% women	<p>A total of 236 (F:80, M:156) students benefitted from the legal scholarship programme during the reporting period.</p> <p>173 students (F: 56, M: 117). received the legal scholarship to study at Mogadishu University. 63 students (F: 24, M: 39) received the legal scholarship to study at Puntland State University.</p>	
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	No progress	<p>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.</p> <p>Roadmap for the Transfer of Serious Crimes Cases from Military Courts to Civilian</p>



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			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 women lawyers registered	2 bar associations established; 30 lawyers trained	Three embedded staff have been retained, and two embedded staff and two interns have additionally been recruited, to ensure the secretariat's continued functioning. A Trial Advocacy Manual is being developed for the training of lawyers and designing trainings for Somali lawyers and legal graduates. Capacity building initiatives have focused on practical courtroom skills.	The Somali Bar Association Secretariat is operational. 183 registered members (M: 160, F: 25. Workshops have also been conducted in various FMS locations (Baidoa, Garowe, and Kismayo). Capacity injection for SBA was undertaken, with the recruitment of staff and interns for the Secretariat, and Regional Coordinators for Puntland, Jubbaland 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. A Trial Advocacy Manual is also being developed.
# of laws monitored by PLDU	5 laws monitored	12 laws, policies, legislations drafted/reviewed in 2020.	46 laws, policies, legislations drafted/reviewed in 2019.
<p>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</p>			
<b>Output 2.3: Programme management</b>			
# evaluations conducted	1 mid-term evaluation undertaken	The consultant hired to conduct the mid-term evaluation has completed the evaluation and submitted the final report. The programme team has reviewed the report and is in the process of finalizing management responses to the recommendations provided.	A consultant was hired to conduct the mid-term evaluation. The mid-term evaluation has been completed, and management have reviewed the conclusions and recommendations, with draft decisions on next steps for the agreed recommendations.
# of project monitoring visits per quarter, which specifically looks at access to justice for women clients	At least 2 per quarter	Not possible due to COVID-19 restrictions. TPM visit conducted in Q4 and report delivered (see Annex 7)	
# PSCs held during programme implementation	4 PSCs	2 PSCs held	4 PSCs held



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# annual UN Global Focal Point arrangements for Rule of Law's retreat	1	1-day meeting	1-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			

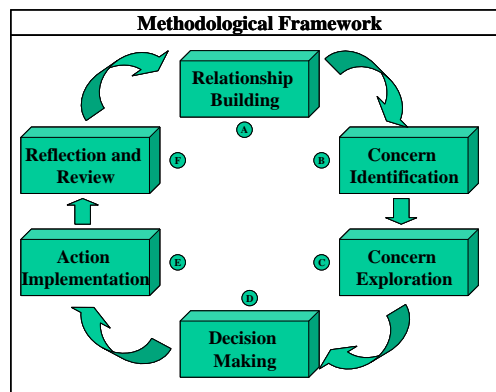
### NARRATIVE

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

##### Community Conversations

To engage local communities in various FMS in an inclusive manner, specific criteria to ensure representativeness were used to select participants for community conversations, including of women and marginalized groups such as minority clans and IDPs, different age groups, and an emphasis was placed on reaching remote areas.

The initial phase started with the training of community facilitators, who have started to conduct community conversations at sites in all three pilot locations in each of the FMS capitals. Initial response to the community conversations has been positive, with interest from local communities. The methodological framework of Community Conversations is based on the recognition that justice issues are complex social issues and that in complex social system, stakeholders need to be engaged in all phases of the change process (from identification of concerns to implementation of solutions). The establishment of feedback loops is also an essential component to enable the system to self-organize and self-regulate.



The starting phase was very promising with a total of 1,604 people (F: 893, M: 711) participating in the community conversations, although the suspension of activities from March to September due to COVID-19 created a loss of momentum. The programme tried to adapt by supporting community conversations on radio in HirShabelle and Galmudug, however those were stopped due to concerns over security risks raised by participants. Community conversations slowly resumed between August and November depending on the FMS with a refresher training for community facilitators. Bi-monthly sessions are currently taking place in each pilot location with a limited number of participants due to social distancing. The reports from the sessions shows that participants remain deeply interested in justice issues. While community facilitators and master trainers succeeded in helping the community to identify their concerns, they quickly jumped to the solutions without allowing time for the communities to question their assumptions and explore their social dynamics. The result is that the dialogue often remains too superficial and does not move towards the generative stage where it creates new insights and therefore new possibilities and



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new solutions. In order to address this weakness, the programme began holding regular debriefing sessions and facilitated online community conversations with the master trainers to help them question their own assumptions and expand their perception.

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

#### **Legal aid/Mobile courts and ADR centres**

The Programme supports access to several justice initiatives including legal aid services, alternative dispute resolution mechanisms, and mobile courts. During the third quarter of 2020, the programme organized a third-party monitoring mission to assess the level of satisfaction of the beneficiaries (see Annex 7).

#### **Legal aid:**

A total of 8,880 individuals (F:5,832, M: 3,048) received legal aid services through legal representation by a lawyer or paralegal, aggregated from Puntland with 3,331 beneficiaries (F:2,544, M: 787), SWS with 773 beneficiaries (F:365 M: 408), Jubbaland with 736 beneficiaries (F: 250, M: 486), Hirshabelle with 100 beneficiaries (F:37, M:63) and Banadir with 3,940 individuals (F:2,636, M: 1,304). In Banadir and Puntland, legal aid services are provided by the SWDC and the Puntland Legal aid centre, respectively. In the other FMS, the Ministries of Justice hired paralegals to provide legal advice, counselling and mediation, and legal awareness. Paralegals were hired in May/June in South West (3) and HirShabelle, whilst in in Jubbaland (3) and Galmudug (2) the recruitment process was completed in August. Paralegals have started to work in each of the locations and visit ADR centres, police stations and prisons. The induction training and the subsequent mentoring sessions provided by UNDP revealed that paralegals do not always know the limit of their work and unconsciously tend to perpetuate some cultural practices that might prove harmful to women or minority groups. This highlighted the need to provide a more comprehensive initial training on the mission and tasks of paralegals and also reflection sessions on existing social norms and cultural practices.

The programme also provided a pilot for lawyers' representation in 10 cases in Galmudug, Jubbaland, South West and HirShabelle with payment on a case-by-case basis. Priority was given to female or minority groups' claimant and SGBV cases then other serious criminal cases and land cases. The lawyers had been selected among the licence lawyers from the FMS Bar Association following a written test. South West and Hirshabelle implemented the pilot project and supported a total of 57 cases (M:31; F: 26 ) in court . Galmudug had until the end of the year no licences lawyers and the Jubbaland Ministry of Justice could not find any agreement with the Jubbaland Bar Association particularly regarding the payment of lawyers. To ensure better coordination in the provision of legal aid, the FGS and FMS Ministries of Justice organized monthly coordination meetings with the legal aid providers, the police, the Attorney General's Office, and judiciary to discuss challenges and identify solutions.

A legal aid expert was hired as a consultant to review the status of legal aid in Somalia and provide support and recommendations on how to establish a sustainable legal aid model. Draft laws and bylaws on legal aid have been developed, however they are still awaiting adoption by the Council of Ministers. However, Puntland moved forward with the establishment of the legal aid interim board and proposed members are awaiting their appointment.

#### **ADR centres**

A total of 3,653 individuals (F:1,666 M: 1,987) benefitted across the 16 Alternative Dispute Resolution (ADR) centres located in districts in Banadir and five FMS (Galmudug, HirShabelle, Jubbaland, Puntland and South West State). These ADR centres continue to provide justice services to the people on issues mainly involving inheritance, marriage and family disputes, land disputes, as well as minor criminal cases. The ADR centres create bridges by referring cases to the formal justice system and other organizations providing legal or psychosocial counselling. With the support from the programme, the FGS MOJ developed a Code of Conduct (CoC) for the ADR Centres' adjudicators meant to guide elders and sheiks on the application of judicial principles, and guidance on how to avoid and report a conflict of interest. Training was provided to the adjudicators in Banadir and three centres in Puntland.



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Interviews conducted with some beneficiaries revealed that the ADR centres are particularly attractive for justice seekers as it is free of cost, efficient and reliable. Because solutions are reached with consent of the parties, the compliance rate of decisions is high (around 80%) in comparison with the formal justice system. With the COVID-19 pandemic, the programme has supported the purchase of PPE supplies (gloves, hand sanitizers, soap for hand washing, and face masks), as well as the development of measures to restrict the number of personnel present in the ADR centres and to adhere to physical distancing rules, in order to prevent COVID-19 from spreading inadvertently as a result of people seeking or providing justice through the ADR centre. All Federal Member States organized radio awareness campaigns that engage with the audience and explain the services the centres are providing.

The training on Nonviolent Communication aimed at triggering social change through the awakening of compassion and empathy continued in Baidoa for 60 new participants (30 traditional elders and religious leaders and 30 women leaders). The NVC training has triggered many changes in the ADR centre with for example an increased participation of women in the resolution of cases or the questioning of some social norms. Traditionally, in cases of marital disputes where the couple had children, traditional elders pushed for women to stay with their husbands as it was deemed in the best interest of the child, this practice has recently changed in the ADR centre with the elders inquiring deeper into the needs of all the parties to find the best outcome. The training of transformative changes in the way dispute are solved in the centres by continued in Baidoa 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 behaviour, through the continuation of the Nonviolent Communication training. Results from the impact survey of this training on the training conducted by New York University showed a positive impact of the training on women's access to justice among the target group. However it also shows that more needs to be done to share the training with the local community. (See Annex 3 for details about training sessions and locations). However, unfortunately, due to COVID-19, the training had to be interrupted

### Mobile courts

Due to COVID-19 and cash flow challenges with the programme, the number of mobile court missions decreased in comparison to 2019. The 16 mobile court teams across the five FMS provided access to justice services for a total of 425 individuals (F: 160, M: 265). The Galmudug mobile court team reached 84 beneficiaries (F:25, M:59) through missions from January to September 2020 in the villages, cities and IDP camps in the four most populated districts: Galkayo, Balanbalem Duriel and Abudwak, and conducted awareness sessions attended by 40 beneficiaries (F: 14, M: 26). The Jubbaland mobile court team conducted 12 missions, with six missions each in Garbaharey and Kismayo, reaching 63 beneficiaries (F:20, M:43). The Puntland mobile court team conducted five missions across five regions in Puntland, covering a total of 52 villages, reaching 200 beneficiaries (F:73, M:127). The SWS mobile court team conducted three missions reaching 26 beneficiaries (F:15, M:11). During the second half of 2020, HirShabelle mobile courts conducted four missions in Daanyeerey, Koongo, Xagaa dag and Calanley districts resolving 52 cases (F: 27, M:25). As part of the learning agenda, the programme organized online sessions with the five FMS ADR coordinators to share experiences and reflect on issues such as how to involve women in the mobile courts, how to ensure that the mobile courts reach out to the most vulnerable and minority groups, and the types of cases and locations to prioritize. The sessions resulted in a series of action points that will be reviewed and implemented.

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

### SGBV Awareness

Through Ministries of Justice in Jubaland, South West and Puntland, UN Women supported trainings for 310 (F:77, M:233) traditional elders, religious leaders and youth with an aim to increase the knowledge and awareness of gender justice among



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elders, religious leaders and youth and to improve the referral of criminal cases between customary and formal justice systems particularly focusing on the women's rights in Islam, customary law, national laws and current trends of rape and role of traditional and religious elders in prevention of SGBV cases and ensure women's access to justice. As a result of these trainings, the workshops in Puntland established a group of elders who work on effective referrals of SGBV cases to courts, resolving them through the customary justice models. Furthermore, the traditional elders support to courts facilitates the compensation of SGBV victims without using it as a defense or impunity measure for favoring the perpetrators and as well based on the criminal and civil laws in the country. Secondly, the religious leaders in Bosaso conducted and addressed communities on the grave consequences of the SGBV during community gatherings, especially Friday prayers where men in large numbers gather in mosques, engaging them sessions towards the fight against SGBV.

### **Two projects on community-based project response to SGBV and juvenile justice**

The strategy for identifying suitable training participants within those projects has been developed. The training sessions have been postponed until 2021 due to COVID-19.

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

During the second quarter of the year, the FGS MOJ and donors have worked together to develop a new strategy to allow the RoL Working Group to engage in more strategic discussions. On 15 July, the FGS Rule of Law Working Group agreed to adopt the new set up of RoL CAS Strand 2C WG meeting that will focus on strategic issues and to consider the MAF priorities as a basis for discussion in this forum. However, no RoLWG meetings took place since 15 July due largely to the cabinet shuffle. Puntland continued to organize its rule of law coordination meetings, focusing on coordination of criminal justice chain actors. The other FMSs also started to launch their respective RoLWG meetings. Their first meetings focused on agreeing on the terms of reference and presenting the different Rule of Law programmes and the three other ones that took place in each FMS focused on coordination and challenges caused by the impact of the measures taken in the context of COVID-19. The MOJ in some FMSs requested more coaching to organize these meetings and achieve results, and the programme organized a series of online training sessions on how to lead effective meetings with a series of coaching sessions for the staff of the Ministries of Justice in each FMS. While progress had been noted in developing agendas, the training revealed the need to increase their capacity for problem solving and systematic thinking. Based on this finding, the programme started a series of online training sessions in three of the FMS on creative problem solving and reframing problems.

The adoption of a federated justice and corrections model has stalled due to the political situation and the suspension of the Constitutional Review process.

A concept note on the financial review of the justice sector was developed and submitted to the FGS MOJ, the Supreme Court, and donors. However, the financial review could not take place due to a lack of funding and will be postponed until a new programme is approved. The consultancy on court fees prompted the Supreme Court to reorganize the court fees management system and transferred it entirely to the Ministry of Finance for better accountability and transparency.

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

#### **Information desks**

Information desks are established and operational for Banadir Regional Court, Banadir Appeal Court, and the Supreme Court, and guidelines for court users including the amount of court fees charged for each type of case have been developed and printed. During the second semester, the help desks were extended to Wadajir district court. In order to reach out to the public, the FGS Supreme Court organised a series of public discussions and awareness sessions on the work of the courts and how to file cases with the courts and AGO. In Jubbaland and South West, the judiciary established help desks based on the same model as



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Banadir. Jubbaland help desk staff received an online training from the FGS SC on receiving clients, while training will be conducted in South West in 2021.

### **Case management**

The case management system in Banadir was revamped to improve case flow and access to information by relevant court officials. In Puntland, the programme continues to support manual case registration in Garowe and Gardo to enable the development and improvement of a case recording system. While manual recording systems are slowly being established in each FMS, there is a need to enhance the current electronic case management system in place in Banadir before expanding it in the next FMS. Through the programme, the FGS Supreme Court participated in two webinars on court case management organized by the consultancy firm Synergie International System, which has established numerous case flow integrated management systems, including in Rwanda. The programme has had several consultations with the firm on how to support the same initiative in Somalia.

### **Judicial Training**

The implementation of basic judicial training and the further building of capacities of the national pool of judicial trainers suffered numerous delays due to COVID-19 as well as cash flow problems. However, in September 2020, the international judicial training expert resumed her work and continued developing the training programme for judges which includes a basic and an intermediate training programme. The consultant finished developing 9 training modules out of 11 training modules of the basic training programme.

In November, the training on session three of the basic training module “Preparation and first hearing until the plea and control of the court” of the basic training programme was provided to the 35 national judicial trainers. In December, four judicial trainers delivered sessions one and two of the basic training programme to judges in Kismayo who were unable to participate in the training last year. All judges except for the newly appointed ones in Galmdug have completed modules one and two of the basic training programme. The international judicial trainers provided coaching to the national trainers and observed increasing capacities in facilitating the training and mastering the subject matter. However, the establishment of a strong judicial training team will require continuous investment and support for the next five years. In parallel to the training, the international consultant is also developing guidelines for the Supreme Court to monitor the judicial training, evaluate its impact, and assess the performances of judges. The draft guidelines are currently under review by the Supreme Court.

As part of the programme’s efforts to establish the Judicial Training Institute (JTI), the programme provided technical and advisory support (through an embedded Senior Technical Advisor) to the Office of the Chief Justice (OCJ) to set the groundwork for the JTI establishment by leveraging learnings from the Options Paper and Roadmap produced in 2019. The embedded Technical Advisor revised and finalised the JTI Charter with guidance from the Chief Justice. The programme also procured office and IT equipment needed to operationalise the JTI. However, the Institute has still not been legally established due to disagreements between the Ministry of Justice and the Supreme Court regarding the structure and control of the JTI: the Supreme Court is of the view that the JTI should be under its supervision while the Ministry of Justice considered that it should be under the Judicial Service Commission once established. Until those issues are resolved, the programme is still providing support with the establishment of the pool of national trainers and the development of training curricula.

Though the Puntland Ministry of Justice, the programme supported the development of the Training Manual for Judicial Authorities in Puntland on Gender Responsive Justice Based on Anti-Rape Law. The developed manual was validated by the Puntland state relevant actors and serves as a user-friendly tool to guide the judiciary of Puntland on how to bring Sexual and Gender Based Violence (SGBV) cases to trial and ensure effective prosecution and sentencing, while supporting the victims throughout the process in order to build the confidence of victims, witnesses and other parties in the justice system of Puntland. The Puntland Ministry of Justice trained 38 (F:11 M:27) Judges, prosecutors and traditional elders on this gender responsive justice manual.



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### SGBV Unit

The programme continued to provide support to SGBV units at the FGS and Puntland Attorney General's Offices (AGO) through the coaching and mentoring of four prosecutors (F: 2; M: 2) and three interns (F: 1; M: 2) in Mogadishu and four prosecutors (F: 2; M: 2) and interns (F: 1; M: 2) in Puntland. The FGS AGO processed 105 SGBV cases in Mogadishu in 2020 and the Puntland AGO handled 87 cases. In Mogadishu, there was a spike in received cases from March to May 2020 due to lockdown measures brought by the COVID-19 pandemic. Overall, the Federal AGO experienced a 33% rise in reported SGBV cases in 2020 (vis-à-vis 79 reported cases in 2019). To better equip the two AGOs in handling increased SGBV reporting, the programme procured equipment needed to enable prosecutors to work remotely and improve evidence collection. It also convened a special prosecutors' meeting aimed at addressing emerging issues (including the COVID-19 pandemic); organized a meeting of the SGBV Task Force; undertook FMS Engagement Missions in each FMS as well as in Puntland's regions on the impact of COVID-19 on increased SGBV reporting procured office and IT equipment for the AGO; developed a SGBV trial advocacy manual and trained 42 prosecutors (F: 10; M: 32). The Puntland Sexual Offences Act was printed and disseminated, and SGBV data collection was strengthened.

An SGBV Task Force meeting was held on 20 August 2020 to coordinate activities of justice chain institutions in addressing the COVID-19 pandemic's effect on SGBV case reporting. The Task Force members (F:10; M:15) were drawn from frontline organisations such as the Criminal Investigation Department, Somali Police Force, Somali Women's Development Centre, AGO, SBA, and Madina Hospital. Challenges noted during the meeting include the lack of forensic evidence, socio-cultural barriers to SGBV reporting, and the inability to crosscheck suspected offender's fingerprints for previous crimes. Meeting outcomes included the Task Force's decision to develop measures on how to handle juvenile offenders of SGBV crimes (in the absence of a juvenile justice law), to introduce capacity development initiatives to strengthen the capacity of personnel working to combat SGBV crimes, and to introduce a special bench of judges to handle SGBV crimes.

A special prosecutors' meeting to promote knowledge sharing on emerging issues was held on 1 December 2020, participated in by 44 prosecutors (F: 10; M: 34). The meeting enabled prosecutors to share best practices, challenges and upcoming initiatives to address key COVID-19 related challenges, including increased SGBV reporting. Lessons learned that were shared included the adoption of remote working and increased technological adoption by prosecutors. It was agreed that the Federal and FMS AGOs would strive to:

- Strengthen regional coordination and cooperation.
- Establish regular communication and information sharing across FMS.
- Enhance capacity, knowledge, and skills of prosecutors across FMS; and
- Explore the establishment of an independent Judiciary police to enforce court judgements.

### Juvenile justice

Diversion policies have been agreed to in Puntland, Somaliland, and FGS and capacity building efforts are ongoing. In Puntland, 4 child courts were established, and social workers deployed to detention facilities. In Puntland, a UNICEF diversion programme has been piloted with 300 children, a new online database has been adopted and 439 children (F:77, M:362) were released from detention. Across Somalia, 165 justice and security officials were trained, 1,278 children were reached with essential legal aid, response, referral to services, and diversion from the police stations with the help of the Ministry CPU. 23 child protection desks supported through the Ministry of Justice Child Protection Unit serve as the first contact point for children in contact or conflict with the law.

### Law Graduate Interns and Law Students





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The programme has provided support to improve the professionalization of the justice sector, through the training of next generation legal professionals.

173 students (F: 40, M: 70) received legal scholarships to study at Mogadishu University, among which 71 started their studies in 2020. All the students registered in 2020 come from the Federal Member States (Jubbaland, South West, Galmudug and HirShabelle); 63 students (F: 24, M: 39 among which 21 from Jubbaland and 22 from minority groups) received scholarships to study at Puntland State University. Following the measures taken to mitigate the spread of the viruses, both universities adapted their programme to provide online lessons. Puntland University resumed normal classes in June 2020 and Mogadishu University in July. To ensure that enrolments of students translate into the development of a 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 students that have been funded through the programme, and identify challenges that result in dropouts. This new data recording system has been implemented, improving the granularity of data received and the financial accountability of the funds.

In Puntland, 52 students passed the end of the year exam in September with 16 with a grade Q, 11 either failed or could not attend the exams.

51 law graduate interns (F: 17, M: 34) have undertaken internship programmes at various units of the judiciary, including the Office of the Supreme Court, Ministries of Justice, and FGS and FMS District Courts. Galmudug: 4 interns (F: 3, M: 1) are currently working to support different justice institutions including MoJ office, formal courts, mobile courts and ADR centres. HirShabelle: 5 interns (F:1; M:4) benefit at various units of the judiciary, including Office of the SC, MoJs, and District Courts (both FGS and FMS). Jubbaland: 12 interns (F: 2, M: 10). Puntland: 22 interns in 2020 (F:8, M:14). Seven graduate students are attached at different departments of the MOJ, and 15 students still studying in their 3<sup>rd</sup> year are also attached to different justice institutions to gain more practical sessions. SWS: 8 interns (F:3, M:5). The institutions and the programme provided them with different training on reporting, legal drafting, human rights, gender to improve their professional skills.

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

Following the review (on 2 September 2019) of the Roadmap for the Transfer of Serious Crimes Cases from Military to Civilian Courts, the programme and the Federal MOJ convened a high-level meeting on 11 July 2020 to garner political will for the approval and implementation of the Roadmap. The meeting was attended by senior representatives from the justice and security institutions, including the Minister of Justice, the Chief Justice, the Attorney General, the Minister of Defence, the Commissioner of the Somali Police Force, Chief Judge of Banadir Regional Court, and the Deputy Commissioner of the Custodial Corps who highlighted the need to create a dedicated “Judicial Police Unit” with an allocated budget that will be submitted by the Minister of Justice to the cabinet in 2021.

### **Somali Bar Association**

In 2020, the Somali Bar Association (SBA) registered a 22% increase in membership compared with 2019, with 223 registered members (of which 40 are female). The percentage of practicing lawyers per FMS is 74% in Banadir, 53% in Puntland, 100% in Jubbaland, and 77% in Southwest. Data for Galmudug and HirShabelle is not available and the support of the programme did not cover those two states. Throughout the year, the programme strengthened the SBA’s operational capacity to register lawyers in a database and formalize its operating procedures. Following the development of the Trial Advocacy Manual by international and Somali legal experts to enhance Somali lawyers’ courtroom skills, the programme supported the SBA in training 61 lawyers (F: 12; M: 49). The lawyers trained were from Mogadishu (F: 7; M: 34), Puntland (F: 4; M: 6), Southwest (F: 1; M: 5) and Jubbaland (F: 0; M: 4). Furthermore, the SBA with the programme’s support conducted training for 72 legal graduates (F: 23; M: 49) on criminal law and procedure, civil law and procedure, and trial advocacy skills. This adds to the 53 legal graduates already trained in 2019.



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### **PLDU**

The legal drafting unit developed new draft laws, including the Quranic Schools Act, the Information Management Centre (IMC) bill, and the Religious Council Act, and reviewed several draft laws and legal documents including the Legal Glossary Terms (with translation into Somali), and the Sanction and Financial Target Bill. It also reviewed the business License bill submitted by the ministry of Commerce and Industries before being sent to the Office of the Prime Minister. translated legal documents such as the Arab League Convention Against Corruption and the African Union Convention on Prevention and Combating Corruption.

PLDU also supported the process of the establishment of the Judicial Service Commission and the Anti-corruption commission, although the proposed members had still not been approved by the Upper House, contrary to assurance of the Ministry of Justice that they will be approved before the end of the year.

The text of the sexual intercourse law adopted by Parliament which caused great concern within the international community due to its lack of conformity with international standards was reviewed by PLDU.

In Puntland, the legal drafting department supported the finalization of the legislative comments on the Quranic schools' bill and continued drafting the FGM bill in consultations with the high council of the religious leaders of Puntland. The act is critical to pave the way for further legislation and will need the full endorsement of religious leaders before it is taken. The legislative unit also reviewed the Female Genital Mutilation bill.

### **Output 2.3: Programme management**

An independent consultant completed the mid-term evaluation and the final report was submitted to the programme team. The programme team has reviewed the report and finalized the management responses to the recommendations provided, including the next steps for agreed recommendations that identify key actions and indicative timeline. The list of recommendations and the responses has been provided in the Annex for reference.

The programme team has agreed to provide a series of capacity-building trainings for key staff of the Ministry of Justice in Galmudug, HirShabelle, Jubbaland, Puntland and South West State. During the reporting cycle, reporting and monitoring training was completed for HirShabelle, Jubbaland, Puntland and South West State, with a total of 33 participants (F5: M:28). The theoretical and practical sessions in the training module increased the capacity of relevant partners to report on and monitor their activities and results more effectively and efficiently. Further trainings had been implemented on financial management, gender, leading effective meeting and creative problem solving.

### **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, and four Programme Steering Committee meetings were organized.

The Programme supported the rehabilitation of the FGS Ministry of Justice. Work should be finalised at the end of January 2021. The programme also supported the procurement of equipment of Huddur court which was built through crowd funding, and contributed to the Rehabilitation of the Supreme Court, which has been finalised.

UN Women Somalia Office with support of the regional office participated in a multi-Country Study on Access to Justice for Survivors of Violence Against Women and Girls, including Mapping of Disposal of Cases by Courts. The study targeted East and Southern Africa with a focus on ten countries- Burundi, Ethiopia, Kenya, Malawi, Mozambique, Somalia, South Sudan,



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Tanzania, Uganda and Zimbabwe. In Somalia, the firm conducted the survey in four main areas of Mogadishu, Kismayo, Baidoa and Garowe. The study used Focus Group Discussion (FGD) and Key informant interviews (KII) to for data collection. The study helped map the legislative and policy frameworks, analyze with evidence various challenges faced by women survivors of violence in accessing justice and provided recommendations for addressing these barriers as well as establishing systems to promote access to justice for women in ESAR with special reference to study countries. A consolidated draft report of the study was still under review by the end of this reporting period.

### **COVID-19 Response**

In this reporting period, the COVID-19 pandemic affecting Somalia and globally have resulted in significant delays in the implementation of activities and delivery of the programme. Contingencies have been made to facilitate business continuity where possible, with alternative modalities in the interim. Training, particularly those conducted by international consultants, have been done online. Rule of Law Working Group and PSC meetings have also been conducted entirely or partly online. Some of the activities that had been suspended, such as Community Conversations, have resumed with special measures to ensure social distancing and the use of PPE. Hotlines for ADR centres were established in two FMS to provide support to potential victims of domestic violence. A SGBV task force was established to address the likelihood of increased SGBV due to COVID-19 and ensure better coordination among justice chain institutions in Mogadishu.

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

The measures taken to prevent the spread of COVID-19 caused many delays in the implementation of activities and prompted the programme to adapt. Some activities were suspended and caused a loss in momentum. The pilot project on SGBV was also seriously delayed and will only be undertaken next year. Training by international consultants such as the training of judicial trainers or the training on Nonviolent Communication proved difficult, particularly at the beginning due to technological challenges that made it difficult to follow the training schedule. In addition, the COVID-19 pandemic had a personal toll for some national partners, including the death of the HirShabelle State Minister of Justice in April 2020.

Cash flow problems due to the late transfer of funds in the UNMPTF account meant that activities such as mobile courts had to be suspended. Additionally, the need to save funds for next year in order to ensure continuity of services until a new programme is in place meant that some activities such as judicial training, support for help desks, and case management in some FMS, had to be cancelled or reduced.

Lack of agreement between the FGS and FMS on several important political issues continues to constitute one of the main challenges for the achievement of 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. Related to this, weak relations between the federal government and federal member states continues to be a barrier 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.

Recognising that institutions typically reflect existing societal dynamics and tend to perpetuate inequalities, the programme has slowly moved away from the traditional view of Rule of Law reform to instead adopt a bottom-up approach that is based on the recognition that societies and communities are complex adaptive systems. However, entrenched traditional ideas of Rule of Law are still widely shared by government institutions, communities programme staff and partners. This requires deep transformative change to let of traditional methods and embrace more complex, community-based approaches. This process has started with the Community Conversation project, which focuses on generative dialogue, however broad transformation will only occur over a longer period of time.



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### Peacebuilding impact

The Justice Programme does not receive funds from the PBF, although it works closely with the ‘Dhulka Nabaada’ Joint PBF project that focuses on land issues.

The JJP programme supports both the expansion of formal justice institutions and the reform of traditional dispute resolution mechanisms. Through support to alternative dispute resolution centres, the programme seeks to develop conflict resolution mechanisms that are free, fast and efficient while building the trust of the population, which contributes to strengthening existing community structures in preventing conflicts and promoting peace. The training on Nonviolent Communication is particularly critical as it is aimed at helping ADR members to unpack the underlying needs of parties to a dispute in order to allow for the emergence of sustainable and “win-win” solutions to conflicts. During the reporting period, the 16 ADR Centres across Somalia assisted a total of 3,653 beneficiaries (F:1,666; M:1,987) empowering citizens to realize and reclaim their rights, and in the process creating linkages between the informal and formal justice service providers. The community dialogues have also started to help communities explore their justice concerns and the root causes of lack of justice and security. While it will take time for this project to produce an impact, it is the starting point of a transformative process. Finally, mobile courts have allowed remote communities to access justice. Priority is always given to cases that might otherwise escalate into community violence. For example, in Jubbaland, upon urgent request from Waamo IDP camp coordination, the Supreme Court organized an emergency mobile court session to settle a land disputes between a divorce couple that created a lot tension in the camp and threatened to escalate into communal violence.

### Catalytic effects

With funding from the Peacebuilding Fund, the Dhulka Nabaada project focuses on land dispute resolution mechanisms. Land disputes are a primary conflict driver 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 (Jubbaland and South West State), and can thereby supplement it in these FMS but also expand conflict mechanisms to other FMS.

Despite the challenges posed by COVID-19, in 2020 the CAAFAG reintegration programme has expanded and the alignment of diversion procedures for children in conflict with the law and of children formerly associated with armed forces and groups is being conceptualized. A pilot programme involving obtaining well-being and self-efficacy measures of children in reintegration programmes has been developed with 30 trainers in Mogadishu. This programme is pioneering in the Somali context evidence based psychosocial, vocational and recreational support mechanisms which are being monitored and evaluated through individualized self-efficacy scores. For these highly affected and traumatized young people the scale up and acceptance of restorative justice approaches that aim to rebuild trust between the young people and the community are absolutely critical and growing in acceptance as a consequence of the work of this programme.

### 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 and the transformation of social norms.

Steps have been 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. The training of ADR members on Nonviolent Communication has created a deeper connection between women leaders and male elders and enabled the elders to better understand women’s concern while solving disputes.



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With regards to the community conversations, every group of master trainers in the five FMS includes female and youth trainers, and the training of trainers focused on SGBV. The community facilitators have been selected on the basis that they are representative of local communities and specifically include women leaders, minority clans and youth. Community conversations have been conducted inclusively, to include diverse participants that bring together a range of perspectives about the issues of the community.

In relation to sexual and gender-based violence (SGBV) specifically, support to SGBV prosecutorial units has contributed to an increase in the number of rape cases being prosecuted. Since the onset of COVID-19, particular attention has also been focused on monitoring the trends regarding sexual and gender-based violence with the establishment of the SGBV task force in Mogadishu.

Proportion of gender specific outputs in Joint Programme <sup>3</sup>	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> <sup>4</sup>	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 incorporates 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 and IDLO 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.

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
No. of Joint Programme outputs specifically designed to address specific protection concerns.	Result (No.)
	0
Result (Number)	

<sup>3</sup> Gender Specific Outputs are those that are specifically designed to directly and explicitly contribute to the promotion of Gender Equality and Women's Empowerment.

<sup>4</sup> 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.



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No. of Joint Programme outputs designed to build capacity of duty bearers to fulfil their human rights obligations towards rights holders.	2
<b>Other</b>	
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).	<b>Results (Yes/No)</b>
	No
Have FMS(s) been engaged in one or more of the following: design, planning, implementation, coordination and/or monitoring of the Joint Programme?	<b>Results (Yes/No)</b>
	Yes
<b>Describe nature of cost sharing:</b>	
N/A	
<b>Communications &amp; Visibility</b>	
<p>Communication has focused on the achievements of the ADR centres, shared on social media and UNDP website. This included a profile of the 2nd female lawyer in Puntland: <a href="https://vimeo.com/466075179">https://vimeo.com/466075179</a></p> <p>UN Women Somalia produces newsletters programmes including the joint justice programme interventions. The newsletter covers key success stories from the fields, in particular activities around women's access to justice, ending SGBV and effective prosecution of SGBV related cases.</p> <p>The programme supported media and social media awareness campaigns in support of the implementation of activities to ensure that awareness of the services reaches communities. This also contributes towards the community-based approach of the interventions and enhance the sense of ownership of the activities.</p>	
<b>Looking ahead</b>	
<p>The programme has developed a reflection paper on the lessons learned from the programme and the way ahead. In this paper, the programme recommends funding its interventions on the recognition that communities and societies are complex adaptive system and that justice issues are complex social issues. Consequently, it will focus on setting the conditions for change to happen and act as an enabler for new patterns of behaviours, structures, and organizations to emerge through an organic process<sup>5</sup>. To allow for such a paradigm shift to happen, programme and implementing partner staff should be trained on complexity theory as well as generative dialogue and transformative justice to accompany the implementation of the programme and the development of the new programme.</p>	

<sup>5</sup> Processes are organic if initial conditions are set, and emergence occurs as a result of the interaction of people, ideas or networks without predetermined outcomes expected.

## ANNEX 1. RISK MANAGEMENT

Type of Risk <sup>6</sup>	Description of Risk	Mitigating Measures
COVID-19 transmission in Somalia	Staff exposure to the virus and inadvertently be a vector for the disease in Somalia, limited medical capacity may be overwhelmed, global travel restrictions resulting in limited freedom of travel outside the country including for medical reasons should the need arise	<ul style="list-style-type: none"> <li>• Reduce footprint of staff at duty station, by implementing work from home / telecommuting arrangements for both international and national staff, with international staff leaving for their home or otherwise chosen location.</li> <li>• Prioritization of activities related to supporting Somalia in its response to COVID-19, as well as recovery efforts.</li> <li>• Mobilizing alternative modalities for implementation, such as online meetings and capacity-building activities</li> <li>• All implementation activities that do not adhere to precautionary measures e.g., physical distancing, are suspended, and deferred on a rolling basis.</li> </ul>
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

<sup>6</sup> Environmental; Financial; Operational; Organizational; Political; Regulatory; Security; Strategic; Other.

		accountability of the judiciary. The JCM is not yet endorsed by the national security council (NSC).
Corruption in the public sector	UN RoL activities undermined as a result of corruption	Strengthen oversight mechanisms and M&E
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 Jubbaland, 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.



## ANNEX 2. MONITORING AND OVERSIGHT ACTIVITIES

Monitoring Activity	Date	Description & Comments	Key Findings / Recommendations
Field visit to Garowe	27 January – 15 February 2020	<p>Objectives</p> <ul style="list-style-type: none"> <li>• Meeting the Rule of Law Team and assess the technical needs requested by the IPs.</li> <li>• Explore coordination areas and modalities between the EU CAP Nester and the Rule of Law Programme</li> <li>• Find institutional arrangement, challenges and priority needs of the institutions</li> <li>• Preparing IP for the new rule of law programme</li> <li>• Meeting with UNSOM Judicial Adviser (Conducted by Justice Technical Specialist – Somaliland)</li> </ul>	<ul style="list-style-type: none"> <li>• Puntland State University: <ul style="list-style-type: none"> <li>○ Internship programme requires improved orientation, planning and mentorship for interns from placement institutions.</li> <li>○ Expansion of moot court competition to other universities.</li> <li>○ Introduction of short diploma/certificate courses and improved linkages with Africa universities and international legal entities.</li> </ul> </li> <li>• MOJRAR: <ul style="list-style-type: none"> <li>○ Creation of institutional capacity building plan for MOJCRA.</li> <li>○ Review of Strategic Plan.</li> <li>○ Support for establishment of working group on policy and law consultations.</li> <li>○ Support for RoL working group meetings.</li> <li>○ Legal Aid board consultations.</li> <li>○ Technical support and training in legislative drafting.</li> </ul> </li> <li>• PLAC: <ul style="list-style-type: none"> <li>○ Support for awareness raising of PLAC activities.</li> <li>○ Support for training of PLAC lawyers – may be included in IDLO training.</li> <li>○ Discussion on diversity and sustainability of PLAC funding.</li> </ul> </li> <li>• EUCAP: <ul style="list-style-type: none"> <li>○ Coordination on creation of a legal competition on maritime law.</li> </ul> </li> </ul>

			<ul style="list-style-type: none"> <li>○ Coordination on development of MOJCRA training plan.</li> </ul>
Field visit to Jowhar	30 January 2020	Meeting with master trainers and NGO supporting community conversations. (Conducted by Justice Technical Specialist, Reporting and Monitoring Officer, and Project Officer)	<ul style="list-style-type: none"> <li>• Received feedback on community interest in participating in community conversations</li> <li>• Engaged in substantive dialogue about how clan affiliations affect both the formal and traditional justice mechanisms, and expectations of justice</li> <li>• Emphasized importance of not providing cash or in-kind incentives for communities to participate in community conversations, so as to ensure genuine participation</li> </ul>
Field visit to Garowe	2-4 February 2020	<ul style="list-style-type: none"> <li>• Discussion with MOJRAR on JJP</li> <li>• Meeting with Deputy Minister of MOS &amp;DDR and DG MOS&amp;DDR</li> <li>• Meeting with Deputy Chief of Staff of Office of President and RSO</li> <li>• Meeting with UNSOM Head of Office</li> <li>• Meeting with YESO</li> <li>• Meeting with ROL team</li> </ul> (Conducted by ROL Portfolio Manager)	<ul style="list-style-type: none"> <li>• Coordination with EUCAP on legal drafting and moot courts with UNDP</li> <li>• To support in the development of an institutional capacity development plan for PLAC and MOJRAR in 2020 to ensure that progress and sustainability can tracked.</li> <li>• Review qualitative indicators for JJP to address progress on transformative change</li> <li>• Team agreed to compile the 2020 Work Plan for ROL&amp;S Portfolio and extract Q1 WP for all projects include JJP, JPP, JSSGP, PCVE, HR and M&amp;E to ensure greater visibility of UNDP's work and have monitoring plan in Puntland. Also, the team agreed to prepare quarterly workplans for the justice and JPP projects with short monthly progress which would be shared with the head of area office.</li> </ul>
Field visits to Baidoa, Kismayo and Garowe	9 February – 3 March 2020	Objectives: <ul style="list-style-type: none"> <li>• Attend community conversations sessions,</li> <li>• Organize preparatory sessions with community facilitators</li> <li>• Hold debrief sessions with community facilitators</li> <li>• Provide contributions/suggestion for CCE programme improvement</li> </ul> (Conducted by UNDP Project Officer, UNDP Police Expert, UN Women ROL Programme Specialist)	<ul style="list-style-type: none"> <li>• Conduct some exchange programmes between the facilitators in different locations and hold more capacity building training</li> <li>• UNDP rule of law regional teams to fully engage and participate on the CCE by attending the sessions, observe and make progress reports in close collaboration and support to the NGO</li> <li>• Emphasize support role of NGOs, so that community facilitators can fully engage in facilitation Identify some internal synergies with other UNDP portfolio programmes for possible intervention on issues that could be identified by the CCE sessions and make interlinkages on the</li> </ul>

			existing programmes such as ADR, legal aid , mobile court missions
Field visit to Baidoa	10 March 2020	Meeting with mobile court team to better understand how the mobile courts are going, identify possible ways of improving, and report in a richer way on the mobile courts as a mechanism for access to justice. (Conducted by Justice Technical Specialist, Reporting and Monitoring Officer, and Project Officer)	<ul style="list-style-type: none"> <li>Received information on composition of mobile court team, processes for creation of cases, case selection and prioritization criteria, stages in mobile court operations, elements of case hearings, case flows, and certain emblematic cases</li> <li>Identified perception of elders associated with ADR centres</li> </ul>
Rule of Law Working Group Meeting	5 March 2020		<ul style="list-style-type: none"> <li>Provide a concept note on financial analysis of the justice sector</li> </ul>
Programme Steering Committee	5 March 2020		<p>Decisions taken</p> <ul style="list-style-type: none"> <li>Develop a concept note for the next programme by mid-2020</li> <li>Provide a written justification for the extension of the JJP until end of 2021</li> <li>Finalize the midterm evaluation and share with donors</li> </ul>
Programme Steering Committee Meeting	21 April 2020		<p>Decisions taken</p> <ol style="list-style-type: none"> <li>Programme extension as described – approved</li> <li>Amendment of AWP, with additional resources for reconstruction of building, and additional time – approved</li> <li>Business Continuity Plan – for awareness and consideration, amendment as circumstances change, to bring to PSC as they emerge, and to engage at technical level regarding changes</li> </ol>

### 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.	Puntland MoJ		February 2020	40	0	40	Gender justice and women's rights	Bosaso	Minister of Justice Puntland
2.	Puntland MoJ		February 2020	26	14	40	Gender justice and women's rights	Gardo	Minister of Justice Puntland
3.	Puntland MoJ		February 2020	45	5	50	Refresher Training on Women's rights from international human rights perspective, prosecution and sentencing of SGBV'	Garowe	Minister of Justice Puntland
4.	Women ADR leaders		17 March 2020	0	30	30	Non-Violent Communication	Jubbaland	International NVC consultant
5.	Puntland ADR centres		11-16 April 2020	20	0	20	Refresher training for ADR	Puntland	Minister of Justice Puntland
6.	UNDP JJP Project Officers		14, 16 April 2020	5	3	8	Reporting, Monitoring & Evaluation Training	Online	UNDP Reporting and Monitoring Officers
7.	Gardo District Court staff		2-3 May 2020	5	0	5	Orientation Training	Puntland	High Judicial Council Inspection team
8.	Jubbaland MOJ		11, 13, 17 May 2020	8	1	9	Reporting and Monitoring Training	Online	UNDP Reporting and Monitoring Officer, Project Officer
9.	HirShabelle MOJ		18-20 May 2020	10	1	11	Reporting and Monitoring Training	Online	UNDP Reporting and Monitoring Officer, Project Officer
10.	SWS MOJ		31 May, 2, 4 June	6	1	7	Reporting and Monitoring Training	Online	UNDP Reporting and Monitoring Officer, Project Officer
11.	Puntland MOJ		10, 15 June	4	2	6	Reporting and Monitoring Training	Online	UNDP Reporting and Monitoring Officer, Project Officer
12.	Banadir 3 ADR		17,19 August	8	22	30	Code of Conduct for ADR adjudicators	In-person	ADR centre coordinator
13.	Puntland		28 August	3	3	6	Training of trainers on the Code of Conduct for ADR adjudicators	Online	ADR centre coordinator Puntland
14.	MoJ Jubbaland		Sep to Dec 2020	0	50	50	Adult literacy course for the women at the ADR center and women in police	Kismayo	Ministry of Justice Jubaland
15.	MoJ South West		Sep to Dec 2020	0	50	50	Adult literacy course for the women at the ADR center and women in police	Baidoa	Ministry of Justice South West
16.	Puntland MoJ		16, 17 and 18 Sep 2020	0	40	40	training for women lawyers' associations and representative from women groups	Garowe	Minister of Justice Puntland

#	Target Group		Dates	# of participants			Title of the training	Location of training	Training provider
	Ministry. District or UN staff	Others		M	F	Total			
17.	MoJ Jubbaland		19 to 20 October 2020	30	30	60	Training on Women's rights from the perspective of sharia law and International Human Rights in reforming the traditional justice system including community-based dispute resolution processes to harmonize with the women's rights.	Garabahrey	Ministry of Justice Jubaland
18.	Puntland ADR		6 October 2020	6	30	36	Code of conduct for adjudicators		ADR clerks
19.	FGS and FMS judicial trainers		November 2020	29	6	35	Training of judicial trainers session 3	Online	UNDP International Judicial expert
20.	Jubbaland Judiciary		21-29 November	23		23	Basic training programme for judges, session 1 and 2	In-person	National pool of trainers
21.	FMS MOJ		August to November 2020	12	8	20	Leading effective training	Online	UNDP Justice technical specialist
22.	South West, Galmudug and Jubbaland		September to November 2020	8	6	14	Creative problem solving	Online	UNDP Justice technical specialist
23.	South West ADR centre		November 2020	30	30	60	Nonviolent communication	Partly online/Partly in person	Nonviolent Communication trainer and ADR coordinator
24.	MoJ Puntland		December 2020	27	11	38	Training on the developed manual under the Anti-Rape Act for prosecutors, judges and traditional actors	Garowe	MoJ Puntland
25.	AGO Puntland		22-26 Dec 2020	14	6	20	Training on gender justice, investigation and prosecution of SGBV cases to address bias and gender stereotype.	Garowe	AGO Puntland
Totals:				359	349	708			

**ANNEX 4. BENEFICIARIES OF LEGAL AID SERVICES, ADR CENTRES, MOBILE COURT DURING REPORTING PERIOD**

	Location	Female	Male	Total
<b>Alternative Dispute Resolution Centres</b>	Galmudug	52	89	141
	HirShabelle	65	102	167
	Jubbaland	142	184	326
	Puntland	632	1129	1761
	Banadir	336	77	413
	SWS	439	406	845
<b>Mobile Courts</b>	Galmudug	25	59	84
	HirShabelle	27	25	52
	Jubbaland	20	43	63
	Puntland	73	127	200
	SWS	15	11	26
<b>Legal Aid</b>	Jubbaland	250	486	736
	Puntland (PLAC)	2,544	787	3,331
	SWS	365	408	773
	Banadir (SWDC)	2,636	1,304	3,940
	HirShabelle	37	63	100
<b>Total</b>		<b>7,658</b>	<b>5,300</b>	<b>12,958</b>

# **ANNEX 5. LOCATIONS OF ADRCS, MOBILE COURTS AND LEGAL AID SERVICES**

Legal Aid		
Location	District	Total
Puntland	Garowe, Gardo, Galkayo, 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, Bossaso, Burtinle and Garowe	7
Banadir	Karaan and Hodan	2
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

## ANNEX 6. MID-TERM EVALUATION – RECOMMENDATIONS AND UNDP MANAGEMENT RESPONSE

A. Strategic Level Recommendations				
<b>Evaluation Recommendation or Issue 1:</b> <p>Taking into the respective value and cost of justice sector sub-systems and the comparative value and role of the UN in view of its role to strengthen capacity, introduce innovative features and approaches, serve as convenor bringing together stakeholders, support coordination and strategic planning via evidence-based data etc., all this with scarce resources serving as JJP budget, respect an equitable budget share between the formal and traditional justice sectors</p>				
<b>Management Response: Agree</b> <p>The programme implementation currently balances the formal justice institution development with the demand side of justice where the traditional justice sector works closely with the community groups to generate the demand for justice services and also to find out on local solutions.</p> <p>The programming cost for the JJP is complemented with the senior technical expected who are provided to the UNSOM Joint Justice and Corrections Section through the GPP who are contributed by the member states. Therefore, the UNSOM and UNDP through the programme also focuses on the coordination of not only the activities which fall within the JJP, but also supports the government to coordinate regular justice coordination meetings at the Federal Member States which provides the ability of the NGO/CSO and other International Community funded projects to be coordinated across thematic areas and also take up area based approach in the implementation.</p> <p>Coordination meetings are currently being undertaken at the FGS Level through the Rule of Law working Group and at Puntland and South West.</p>				
Key Action(s)	Time Frame	Responsible Unit(s)	Tracking*	
			Status	Comments
1.1. Efforts shall be made to activate coordination meetings on justice issues across all FMS	By Q4 2020	FGS MOJ with UN		
1.2. RBB budget should complement the Joint Justice programme budget	Q4 2020 for planning for 2021	UNSOM JJCS		



1.3.				
<b>Evaluation Recommendation or Issue 2:</b> Design and introduce district clusters served by a single court-house, rather than pursuing the approach of one court per district which is financially unsustainable, at least for the time being (justice staff only receiving allowances way beyond the pegged salary, for the time being, due to budget shortages)				
<b>Management Response: Agree</b> This is imminently reasonable and we should take this on board in the programme – it is consistent with increasing services rather than building an unsustainable system and infrastructure. The financial analysis will inform this point.				
Key Action(s)	Time Frame	Responsible Unit(s)	Tracking	
			Status	Comments
2.1. Financial analysis	October 2020	Supreme Court with UNSOM/UNDP		
2.2.				
2.3.				
<b>Evaluation Recommendation or Issue 3:</b> Accelerate finalization of the Justice Training Institute and use it for pre- and in-service training of justice sector staff, as soon as possible				
<b>Management Response: Agree</b> The programme is supporting the capacity building of the acting Judges, Attorney Generals and Lawyers. The establishment of the JTI is yet to be finalized due to the FMS and FGS agreement and Cabinet approval. This issue remains beyond the scope of the programme.				
Key Action(s)	Time Frame	Responsible Unit(s)	Tracking	
			Status	Comments
3.1. Technical support on the development of the Justice and Correction's Model continues along with the development of the Constitutional Review process.	Continuous	UNSOM PAMG, JJCS with UNDP Inclusive Politics Portfolio support on Constitutional Review	Ongoing	
3.2.				

3.3.				
<p><b>Evaluation Recommendation or Issue 4:</b></p> <p>Revisit (descriptive/aspirational?) justice chain model: By comparing with actual model, identify and address weaknesses and embrace strengths and potentialities of current hybrid practice</p> <ul style="list-style-type: none"> <li>a. Map the xeer in all regions to identify commonalities and differences, to then engage in an evidence-based discussion about the possibilities, as well as the potential pros and cons, of harmonizing the xeer to further formalize the informal to the extent necessary and helpful, by building on the promising model of the ADR centres to mainstream gender and human rights into the practice of traditional, customary mediation and jurisdiction;</li> <li>b. Map actual justice sector model to gauge differences vis-à-vis the official model (review existing flow chart to differentiate a descriptive, truthful “status/quo/as is” design from the aspired-to, ideal process) to ban unlawful clan-biased interference by clan elders in favour of indicted perpetrators or sentenced felons belonging to their respective clan; but also to launch a discussion about the dormant potential for enhancing A2J, that could be mobilized and realized by fully assuming and tapping into the positive aspects of de facto hybrid nature of the justice system (in this respect, compare examples of legal pluralism and related best practices from other countries incl. village/laymen’s courts and tribal elders’ tribunals in Guinea-Bissau, gacaca courts in Rwanda, village courts in Bangladesh, traditional justice in PNG, traditional justice and mobile courts in Timor Leste, legal pluralism in Comoros and Mayotte etc.);</li> <li>c. Professionalize ADR (by introducing equipment like a proper ADR case management filing system, computers for typing up depositions, decisions etc.);</li> <li>d. Consider how underlying inequities (majority/minority clan, gender) can be better addressed; consider, e.g., to use the judiciary for addressing individual justice as redress mechanism to punish the perpetrator under criminal law and ask for monetary repair to be paid to the victim as an individual (rather than the victim’s clan) under civil law if it cannot be treated under criminal law as part of the criminal case; and use traditional justice to address clan-based reconciliation); criminal justice proceedings should go ahead for domestic violence and sexual assault cases, regardless of any informal or civil settlement;</li> <li>e. Restorative justice: formalize post-release reintegration by strengthening linkage between DDR process, technical and vocational training, community conversations, community service (including at ADR centres);</li> <li>f. Study possibilities of enhancing the capacity of the islah/solha complex in the traditional community-based segment, as preventative measure to stop quarrels and differences between parties from escalating and exacerbating to the point of acts of violence and other transgressions being committed</li> </ul>				
<p><b>Management Response: Partially agree</b></p> <p><b>Recommendation 4 in general:</b></p> <p><b>Agree that the focus shall remain on building an appropriate justice system architecture, that takes into account the social structure and adapted to reality rather than forcing a imported model that is unlikely to take roots</b></p> <p><b>Recommendation 4 a: e on mapping the Xeer in Somalia as several</b> organizations have mapped the Xeer however while it is always interesting, it requires resources and does not seem to produce results in transforming Xeer into a more women friendly or human rights oriented system. The Xeer has developed</p>				

over centuries and reflects the social dynamics, structure, and norms in a society therefore any transformation of Xeer requires social change and transformation. UNDP has started this through its Nonviolent Communication project. **The JJP focus remains on supporting and building access to justice services and therefore the investments are made in the ADR centers** as a way to promote an integrative law approach focusing on healing, restoring harm, restoring peace in the community, reconciliation, win-win solutions, This will enable the center to also serve as providing services in the context of transitional justice. The concept of ADR centers has started to evolve in some FMS for example South West where it has been turned into a Community Dispute Resolution Center (CDRC) with the establishment of a women section. This concept should be expanded to other FMS and also include the youth. Issues such as trauma healing should also be brought into the fold of activities at such CDRCs.

**Recommendation 4 b: Agree**, this model should be developed based on the context. This should be the topic of Community Conversations sessions. Some focus will maintain on building the formal system, and linking the two system, with the possibility of the formal system as judicial review of traditional settlements to be submitted to the communities for consideration.

**Recommendation 4 c: Agree**. However there is a need to be very cautious since this might lead to competition among elders to be part of the ADR and further politicization of the elders who will vie for influence. While professionalization of ADR regarding the technical aspects such as case management and filing system is agreed, other issues such payment of members of ADR members should be discussed within the community conversations sessions and if agreed, the community should explore how this will be funded.

**Recommendation 4 d: Disagree**. Criminal justice proceedings should go ahead for domestic violence and sexual assault cases, regardless of any informal or civil settlement. Blunt separation of the justice system to manage individual cases with the formal justice and clan-based reconciliation with the traditional justice system is impossible as it draws an artificial bright line distinction between individual and clan issues when they intertwine. Furthermore, the assertion that the formal criminal justice deals with individual justice is not entirely true. The criminal justice system is mainly focusing on the perpetrator, punishment and public order, the need of the victims is largely ignored in the justice process particularly in Somalia . For example, the victim does not play an active role in the process. Needs such as recovering the sense of safety, dignity etc. This does not mean that the formal justice sector should be ignored, however the statement that the formal justice system is about addressing individual justice cannot be supported. The formal justice system can provide some part of the response but it needs to be complemented with a restorative justice process to ensure an integrative law approach.

**Recommendation 4 e: Agree**. The current programme is starting to develop restorative justice mechanisms in two pilot activities and this would be further expanded. However, one must be aware that restorative justice programmes require capacity that takes time to develop (this has been confirmed by experience in Nepal) and therefore this will require sufficient investment.

**Recommendation 4 f: Agree**. This is part of the integrative law approach and NVC programme.

Key Action(s)	Time Frame	Responsible Unit(s)	Tracking	
			Status	Comments
4.1. Develop a concept note on the Community Dispute resolution center and integrative law approach including restorative justice	Q3 2020	UNDP	Ongoing	

4.2. Ensure professionalization of ADR center's members and justice model part of the CC sessions	Q4 2020	UNDP		
4.3. Expand pilot on Nonviolent Communication in Baidoa and Kismayo to other FMS	Q2 2021	UNDP with UNWomen and UNICEF		
<b>Evaluation Recommendation or Issue 5:</b> Re-establish the chain of justice (Justice & Police and Corrections JPs) during the next programme cycle by articulating the nexus between holding the perpetrator during pre-trial and trial/prosecution and serving a prison term in case of related sentence, incl. the (re)integration component				
<b>Management Response: Agree</b> Strengthen the coordination between the JCP and JPP and also programmes working with the prosecutors and police especially CID (UNODC programme on with US State Department). The approach to be undertaken shall be through the Global Focal Point Arrangement. To initiate thematic discussions in the GFP to improve the chain of justice.				
Key Action(s)	Time Frame	Responsible Unit(s)	Tracking	
			Status	Comments
5.1. Quarterly coordination meeting among programme managers of the GFP focusing on police-prosecutors programmes	Q3 2020	UNSOM		
5.2.				
5.3.				
<b>Evaluation Recommendation or Issue 6:</b> Consider introducing (at least some elements of) restorative justice (cf. Nepal, South Africa, Rwanda; incl. South-South cooperation drawing on experience of mediation/truth and reconciliation professionals from those countries including Rwandan <i>gacaca</i> staff since those laymen courts were also mobilized as additional fora to serve the purpose of reconciliation and social integration); restorative justice pilot studies to be taken up on experimental basis; to be up-scaled if found effective). NB.: The complexity of such an undertaking might warrant for the interventions to be framed as a wholly independent programme outside the JJP, but still under the remit and umbrella of the RoL portfolio;				
<b>Management Response: Agree</b> It would be important to ensure that sufficient time is provided for the restorative justice programme to develop as this requires specific capacities and skills. JJP is working on building capacities on this through its NVC projects in Kismayo and Baidoa.				

Key Action(s)	Time Frame	Responsible Unit(s)	Tracking	
			Status	Comments
6.1. Develop concept note on integrative law approach	Q3 2020	UNDP		
6.2. Contact restorative justice actors in other countries to learn from experience. Organise Zoom meeting with RBAS regional Advisors	Q3 2020	UNDP	Done for Nepal	
6.3.				
<b>Evaluation Recommendation or Issue 7:</b> Strengthen UN-internal programmatic coordination through joint programming, both within JP/ROL and beyond ROL to tap into dormant potential synergies: <ul style="list-style-type: none"> <li>a. CCE &amp; UNICEF social norms community approach &amp; JPLG;</li> <li>b. al-Shabab child soldiers (teenagers): UNICEF interfaces/synergies re Integrated Childhood Programme;</li> <li>c. in addition to using formal justice for dealing with high-risk/high-profile al-Shabab indictees, building on experience and data from clan elders role in the DDR and inter-clan war mediation, consider emulating Rwanda's approach using gacaca courts to also manage transitional justice – NB: by pilot testing ADR centers' value for transformative justice using mediation and reconciliation between communities with al-Shabab fighters; such an approach would be most timely in view of the overall security situation for otherwise there remains a risk of an endless spiral of violence in terms of clans seeking redress of killings by eye-for-eye style revenge against al-Shabab perpetrator's respective (sub-)clan/family;</li> <li>d. Enhance coordination with IOM/UNHCR's A2J work for IDPs (add to JP or joint programming);</li> <li>e. UN Women's stand-alone "Women in Peace"/WTLG programmes interfacing with the JJP; MoWHRD/Jubaland advocating for draft bill to legally enforce ban on i. FGM, ii. forced early marriages, iii. child care in divorce cases (alimony), iv. property rights in divorce cases)</li> </ul>				
<b>Management Response: Agree</b> This is done through the GFP arrangements for RoL, which has been reactivated in December 2019.				
Key Action(s)	Time Frame	Responsible Unit(s)	Tracking	
			Status	Comments
7.1. Finalize ToC from GFP	2020	GFP secretariat		
7.2. Quarterly meetings GFP in Mogadishu and FMS	2020	GFP secretariat		
7.3.				
<b>Evaluation Recommendation or Issue 8:</b>				

Reconsider MPTF programming restrictions flowing, or derived from, its budget line system set up according to sectoral silo logic (a cross-silo/holistic SDG approach under the new SF might be hampered unless this is addressed)				
<b>Management Response: Disagree</b> The MPTF is a funding mechanism which has flexibility of funds to be used within programmes and also is reorganised with the donors based on the NDP pillar contributions.				
Key Action(s)	Time Frame	Responsible Unit(s)	Tracking	
			Status	Comments
8.1.				
8.2.				
8.3.				
<b>Evaluation Recommendation or Issue 9:</b> Look into building the body of administrative law and building related legal institutional/technical capacity				
<b>Management Response: Agree,</b> However this can be done only when there is agreement on those institutions through the Justice and Corrections Model.				
Key Action(s)	Time Frame	Responsible Unit(s)	Tracking	
			Status	Comments
9.1 Technical support on the development of the Justice and Correction's Model continues along with the development of the Constitutional Review process.	Continuous	UNSOM PAMG, JJCS with UNDP Inclusive Politics Portfolio support on Constitutional Review	Ongoing	
<b>Evaluation Recommendation or Issue 10:</b> Operational Costs: <ul style="list-style-type: none"> <li>a. formal courts: Find ways for regular payment of JS staff; b. traditional JS: Introduce case incentive payments and at least partial transport support for high-risk mediation (ex.: interclan war Kismayo over water borehole resulting in 40 casualties);</li> <li>b. to be handled at community-level through community conversations</li> </ul>				

<b>Management Response:</b> <ul style="list-style-type: none"> <li>Financial/budget planning paper is under development and shall be discussed more widely with the MOF.</li> <li>This question will be submitted to the communities within the community conversations project</li> </ul>				
Key Action(s)	Time Frame	Responsible Unit(s)	Tracking	
			Status	Comments
11.1. Financial/budget planning paper	Q3 & Q4 2020	UNDP & UNSOM		
11.2. Include this topic in the community conversations' sessions	Q2 2021	UNDP		
11.3.				
<b>B. Technical/Operational Level Recommendations</b>				
<b>Evaluation Recommendation or Issue 11:</b> Ensure speedy unobstructed transfer of cases of mobile court cases marked for referral to the docket at regular district court level, by eliminating gate-keeping etc. (NB: the LoA entails detailed ToRs stipulating transfer delays and technical steps, however, these are not always followed since exposed to gate-keeping/corruption, lack of knowledge/understanding etc.); consider related refresher trainings and, in particular, the introduction of monitoring measures, complaint mechanisms and penalties for offenders (i.e., negligent or corrupt clerks)				
<b>Management Response: Agree</b> Need to have first a better understanding of mobile court operations. First workshop took place in Baidoa with mobile court teams but need to have further meetings in Baidoa and in other locations. In depth information through third party monitor shall be undertaken				
Key Action(s)	Time Frame	Responsible Unit(s)	Tracking	
			Status	Comments
12.1. Third party monitoring to understand better the problems	Q3 2020	UNDP		
12.2. Quarterly review meeting of mobile courts	Starting 4 <sup>th</sup> Quarter 2020	UNDP		

12.3. Monitoring from Programme team in locations	Starting 4 <sup>th</sup> Quarter 2020 (if situation normalize)	UNDP		
<b>Evaluation Recommendation or Issue 12:</b> Governance: Embrace JP modality's advantages by doing away with separate bilateral single-agency LoAs between a JJP participating agency and specific justice sector entity by instead having all participating agencies sign joint high-level UN-IP LoAs with each joint/common partner entity, respectively (do away with the current practice of overloading the LoA with specific technical details such as ToRs so as to speed up the signing of the agreement; operational details to be addressed through separate subsequent decree-type addendums to the LoA)				
<b>Management Response: Agree</b>				
Key Action(s)	Time Frame	Responsible Unit(s)	Tracking	
			Status	Comments
13.1. discussion to undertaken between UNDP, UNWomen and UNICEF on common disbursement tools	Q4 2020	GFP		
13.2.				
13.3.				
<b>Evaluation Recommendation or Issue 13:</b> Strengthen UN-internal coordination and synergies with gender-specific activities outside the JJP: <ul style="list-style-type: none"> <li>a. the coordination of gender-specific A2J activities currently supported by UN Women and/or UNDP both within and outside the JJP, and UNFPA's design efforts in view of a legal aid package;</li> <li>b. UN to facilitate dialogue and coordination between MoJ and the Ministry of Women and Human Rights Development given overlaps in A2J work (cf. Jubaland, where MoWHRD, supported by UN Women and UNFPA, is preparing an ambitious access-to-justice programme for survivors of GBV including domestic violence, under-age marriage, FGM etc.);</li> <li>c. through UN-internal coordination mechanisms and fora, broker agreement with SGBV database stakeholders to develop the existing case registration database (conceived under the humanitarian Gender sub-cluster and operated by UNFPA) into a full-fledged case flow/management database able to aggregate data and calculate performance indicators (such as success rate, average duration of cases etc.) for evidence-based M&amp;E and applied research purposes, in the interest of strengthening SGBV A2J services and genuine RBM</li> </ul>				
<b>Management Response: Agree.</b>				
One representative of the programme should be part of the Gender Theme Group and SGBV sub cluster / also done within the GFP				



Key Action(s)	Time Frame	Responsible Unit(s)	Tracking	
			Status	Comments
14.1. Liaise with Gender Theme Group (GTG) and MARA and SGBV sub-cluster to include one member from JJP	Q3 2020	UNDP		
<b>Evaluation Recommendation or Issue 14:</b> Gender-specific legal code to be revisited (e.g., life-threatening following wife battery/domestic violence still require the agreement of the husband; cf. vignettes about abused wife with dead foetus in her womb who would have died had the husband not finally agreed to the operation after his clan elders weighed in on him in the last minute)				
<b>Management Response: Partially agree</b> As mentioned above, it is very unlikely that a code will change the practice as they seem to be deeply embedded in the society. These topics should also be part of the community conversations, which helps in the transformative change in communities. During the learning process the communities may decide that a code is then necessary. A community agreement on this is more likely to be implemented than a legal code				
Key Action(s)	Time Frame	Responsible Unit(s)	Tracking	
			Status	Comments
15.1. Include topics in community conversations	Q2 2021	UNDP		
15.2.				
15.3.				
<b>Evaluation Recommendation or Issue 15:</b> Organize inter-regional exchange and consider setting up (virtual) communities of practice for experience sharing among specific categories of justice sector experts, esp. in the informal sector (i.e., ADR women's representatives, CCE MTs/facilitators etc.) who until now do not have fora to swap lessons learned and best practices, discuss issues and challenges to develop new ideas etc.				
<b>Management Response: Agree</b> This has already been done with ADR coordinators, should be expanded.				
Key Action(s)	Time Frame	Responsible Unit(s)	Tracking	
			Status	Comments

16.1. Team of women leaders, traditional and religious leaders to go to Huddur and Garbaharrey three trips to visit ADR	Zoom call could be attempted in Q3 on trial basis	UNDP		
16.2. Visit from ADR Jubbaland to South West	Q4 2020	UNDP		
16.3. Workshop in Baidoa on integrative law with representatives of ADR centers in Puntland, Galdmudug and Hirshabelle	2021	UNDP		
<b>Evaluation Recommendation or Issue 16:</b> Initiate a legal rights and A2J communication campaign: <ul style="list-style-type: none"> <li>a. Ramp up sensitization/communication (through a media campaign possibly also involving community conversation platforms to the extent feasible) so that people know about their rights including the underlying basic tenets (civic education), and the services available to them;</li> <li>b. Use a communication campaign (radio, tv, social media, community theater, newspapers, ulemahs etc.) to inform the public about official legal court fees and court fee exemptions (once those have been clarified), and at the same time crack down on existing practices of corruption (gate-keeping: illegally applied overhead fees or “premium” for regular service etc.) by prosecuting such as criminal offence;</li> <li>c. Consider possibilities of introducing mechanisms (block-chain, if possible) to protect a process from such practices, and at the same time identify and denounce corruption;</li> <li>d. Consider the strategic value of using ADR centres and/or community conversations as legal resource information conduits (study international examples of legal information centers in South Africa, Timor Leste, Nepal... including related services, materials and equipment, staffing structure, budget)</li> </ul>				
<b>Management Response: Mostly disagree</b> <b>Recommendation 16 a and b:</b> <b>Agree.</b> A revised communications strategy shall be developed for the JJP to improve stakeholders communications. The communications strategy will include on how the community conversations impact transformative change and shall also include other activities to help in formalizing the functioning of the formal justice system. <b>Recommendation 16 c: Agree.</b> With increased awareness and information sharing, the demand and awareness of issues related to court fees and availability of free legal aid services can be explored. <b>Recommendation 16 d: Agree.</b> Paralegals are being hired in all FMS and their capacity will be built to do legal awareness. A paralegal will be based in each ADR centers for legal information.				
Key Action(s)	Time Frame	Responsible Unit(s)	Tracking	
			Status	Comments

17.1. Hiring of paralegals in all FMS	Finalized by Q2 2020	UNDP	Ongoing	
17.2. Build capacity of paralegals for legal awareness	Q3 and Q4 2020	UNDP	Design stage	
17.3.				
<b>Evaluation Recommendation or Issue 17:</b> Enhance the support of the indigent in formal courts, through the SBA				
<b>Management Response: Agree</b> The legal aid system is being designed and established in a progressive manner.				
Key Action(s)	Time Frame	Responsible Unit(s)	Tracking	
			Status	Comments
18.1. Bylaws for interim legal aid board drafted and submitted to MOJ FGS for comments	Q2 2020	UNDP		
18.2. Interim legal aid board to be established in Banadir	Q3 2020	Ministry of Justice FGS		
18.3.				
<b>C. M&amp;E Recommendations</b>				
<b>Evaluation Recommendation or Issue 18:</b> Retroactively identify and introduce baseline values and final targets for all those indicators that are stilling missing related data points				
<b>Management Response: Agree in part</b> It is not possible to retroactively introduce baseline values for most of the indicators as the data does not exist, but some missing targets can be filled in				
Key Action(s)	Time Frame	Responsible Unit(s)	Tracking	
			Status	Comments
19.1. Fill in missing final targets	Q2 2020	UNDP		
19.2.				
19.3.				
<b>Evaluation Recommendation or Issue 19:</b>				

SMARTen draft traffic light matrix (in line with revised copy submitted by IC on March 27, 2020)				
<b>Management Response: Agree</b> Already completed for Q2. The traffic lights shall be updated at the end of each Quarter.				
Key Action(s)	Time Frame	Responsible Unit(s)	Tracking	
			Status	Comments
20.1. The traffic lights shall be updated at the end of each Quarter.	Quarterly activity	UNSOM JJCS		
<b>Evaluation Recommendation or Issue 20:</b> Introduce revised traffic light matrix as primary programme MER tool				
<b>Management Response: Disagree</b> The JJP has a draft MER masterplan that includes various components to meet the specific needs of this programme				
Key Action(s)	Time Frame	Responsible Unit(s)	Tracking	
			Status	Comments
21.1.				
21.2.				
21.3.				
<b>Evaluation Recommendation or Issue 21:</b> Use representative sampling tool to inform the Key Performance Indicator: "Women/vulnerable groups/youth/men having trust in justice services (formal courts and alternative dispute resolutions mechanisms)" ; target: "Noticeable increase in levels of trust"				
<b>Management Response: Agree</b> Conjoint experiment study to be developed and conducted				
Key Action(s)	Time Frame	Responsible Unit(s)	Tracking	
			Status	Comments
22.1. Methodology developed with SDG 16 project	Q2 & Q3 2020	UNDP SDG 16		

22.2. Survey to be conducted	Q4 2020	UNDP SDG 16		
22.3.				
<b>Evaluation Recommendation or Issue 22:</b> Design and implement qualitative applied research protocol to test the hypothesis that A2J is not simply predicated on the sequence of stabilization of an area leading to the stability of, and trust in, institutions; and that, neither, sustainable stabilization is predicated on the presence of justice services (as well as other, public/social, services); but that, rather, it is about a mutually reinforcing, iterative dynamic process				
<b>Management Response: Agree.</b> This approach is being taken for the work in the newly recovered areas with close coordination with the Stabilization work and that of Peace and Dialogue with community based engagement work to access the justice requirements in newly recovered areas as a pilot project. Detailed implementation plan can also be explored in the development of the next Country Programme Document.				
Key Action(s)	Time Frame	Responsible Unit(s)	Tracking	
			Status	Comments
23.1. Concept note designed on working in newly recovered areas	Q2	UNDP-UNSOM		
23.2. Implementation plan developed with CAS Strand 4	Q3	UNDP-UNSOM with MOJ and OPM		
23.3. Research study undertaken	Q3 and Q4	MOJ, OPM with UN		
<b>Evaluation Recommendation or Issue 23:</b> Carefully study the strengths and weaknesses of the Puntland-based SPU (specialized prosecutorial units) to fine tune the model for country-wide replication of forensic labs				
<b>Management Response: Disagree</b> FMS do not have the basic capacities let alone dealing with forensic evidence. Additionally there is no need to replicate the lab, one in a country is sufficient.				
Key Action(s)	Time Frame	Responsible Unit(s)	Tracking	
			Status	Comments
24.1.				
24.2.				

24.3.				
<b>Evaluation Recommendation or Issue 24:</b> Study the use of, and fine tune, the newly existing electronic MIS/case file system which was just introduced in Benadir, at the level of the Supreme Court and AGO; so that it can be enhanced and a national JS-MIS can be designed and introduced in the future, thus replacing the manual case management systems				
<b>Management Response: Agree</b> This is included in the programme. The rolling out plan is part of the 2020 AWP				
Key Action(s)	Time Frame	Responsible Unit(s)	Tracking	
			Status	Comments
25.1.				
25.2.				
25.3.				
<b>Evaluation Recommendation or Issue 25:</b> Consider if and how the M&E and applied research functions (incl. under the three previous recommendations) could be integrated culminating in a data and research unit ensuring an oversight function; or possibly even an evidence/data-driven policy think tank (cross-pollination with the JTI curriculum and hands-on research assignments for in-service trainees should then also be considered)				
<b>Management Response: Agree</b> <ul style="list-style-type: none"> <li>The SDG 16 Programme is working on an M&amp;E system within the MOJ which will integrate outcome level data on progress in the criminal justice chain using SDG 16 indicators;</li> <li>Further the Federal Supreme Court is in the process of establishing an M&amp;E unit which is expected to be integrated into the JTI at a later stage.</li> </ul>				
Key Action(s)	Time Frame	Responsible Unit(s)	Tracking	
			Status	Comments
26.1. TOR for M&E Unit at Supreme Court	Q3 2020	Supreme Court		
26.2. Established of M&E Unit at Supreme Court	November 2020	Supreme Court with support from JJP		

26.3. Support to M&E Unit in MOJ through SDG 16	2021	MOJ with support from UN SDG 16		
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\* The implementation status is tracked in the ERC.

# **THIRD PARTY MONITORING REPORT OF**

## **THIRD PARTY MONITORING - JJP**

### **Legal aid, mobile courts and ADR**

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**Implemented by;**

**Funded by;**

**UNDP**

**Submitted to:**

**UNDP**

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Prepared by:

Researchcare Africa

P.O Box 100506-0010,

Nairobi, Kenya

[consult@researchcarefrica.com](mailto:consult@researchcarefrica.com)



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# Acronyms

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ADR	Alternative Dispute Resolution
FMS	Federal Member States
MOJ	Ministry Of Justice
SGBV	Sexual And Gender Based Violence
SWDC	Somali Women Development Centre
UNDP	United Nations Development Programme

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## Executive Summary

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The monitoring conducted feedback survey on the beneficiaries of legal aid, mobile courts and ADR centre implemented by different institutions across the FMS states (Puntland, South West, Galmudug, Jubaland and Hirshabelle) and Banadir region. At total of 450 beneficiaries interviewed. The findings are summarized below.

### **A. Legal Aid**

- The beneficiaries accessed the Legal aid services in the year 2019 and 2020.
- Majority of the respondents were involved in cases related to marital dispute (31%), physical Injury/body harm (21%), domestic violence (18%), debt (10%) and land dispute (6%).
- All most all the beneficiaries received legal support from the legal aid centres in banadir and Puntland either through a lawyer (41%) or a paralegal (55%).
- Overall, 77% of the cases were resolved within 2 months while 23% took more than 2 months.
- The respondents were satisfied with the overall legal aid service, outcome of their cases and overall legal aid process
- Almost all (96.7%) of the respondents have not encountered any problem while using the legal aid services. Only 3.3% (n=4) have reported to have encountered problem related to high cost of transport to the legal aid centres.
- 99.2% of the respondents have not experienced any retaliation as a result of accessing the legal aid services.
- The beneficiaries suggested the expansion of the legal services to reach more locations for accessibility (33%), increase staff (13%) and increase working hours (1%). However other beneficiaries either did not had any suggestion (45%) or were satisfied (7%) with legal aid services

### **B. Mobile Courts**

- During the survey, 200 beneficiary respondents were targeted. However, 126 respondents were interviewed. In Puntland, out of the 100 beneficiaries targeted, only 26 were interviewed. The Judiciary (Puntland) indicated that the mobile courts activities could not be conducted as required as the movement was affected by covid-19 Pandemic.
- Majority of the respondents were involved in cases related to land dispute (33%), debt (24%) marital dispute (24%) physical injury/body harms (8%).

- Majority of the respondents (76%) indicated that their cases were resolved within a month while 16% have their cases resolved in 2 months.
- Overall, 80% of the respondent indicated that the court decisions have been enforced while 14% have indicated otherwise
- Almost all the respondents (96%) did not make any payment. only 4% of the overall respondents who are from Puntland have reported to have paid for the court process.
- The respondents were satisfied with the mobile court services, the outcome of the case and the overall process.
- Overall, 45% of the respondents indicated that the mobile court services come to their community on weekly basis while 25% and 15% indicated monthly and daily respectively.
- Almost all the respondents (97%) have not encountered any problem while using the mobiles courts
- Most of the respondents requested an increase of the number of days in serving the community (30%), reach more rural villages (12%) and improve staff and court capacity (12%).

### **C. ADR Centres**

- During the survey, 203 beneficiary respondents were targeted and interview across the five member states. The beneficiaries accessed the ADR services in year 2018, 2019 and 2020.
- Overall, land dispute (34%), marital dispute (23%) physical injury (17%) formed largest cases handled by the ADR centres.
- Majority of the respondents (76%) indicated that their cases were resolved within two months while 24% have their cases resolved their cases more than months.
- The respondents were satisfied with convenience of the ADR locations, opening hours, and general services, outcome of the cases, its usefulness and the waiting time.
- Besides, almost all (98.5%) of the respondents have not encountered any problems while using the ADR centers
- 99.5% of the respondents have not experienced any retaliation as a result of accessing the ADR centers.
- Majority of the beneficiaries either did not had any suggestion (45.8%) or were satisfied (10.8%) with ADR services. The rest of the beneficiaries suggested; the expansion of the ADR centers to reach more locations(25.1%), improve the capacity of the ADR Staff (7.9%), increase the work days(3.9%) and involve traditional Elders(2%).

## **Recommendations**

<b>Activity</b>	<b>Recommendation</b>
Legal Aid	There is need to expand the legal services to reach more locations for accessibility and increase staff
Mobile Courts	There is need to increase of the number of days in serving the community, reach more rural villages and improve staff and court capacity.

ADR Centres	There is need to expand of the ADR centers to reach more locations and improve the capacity of the ADR Staff
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# I.0 Introduction/Background

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## I.1 Background of the project

The Programme supported community based interventions in federal member states and Banadir region where it focused interventions shall be undertaken for women clients, including Sexual and Gender Based Violence( SGBV) survivors and to reach out to, legal aid services, mobile courts and when appropriate to ADR centres. Formal institutions will engage closely with traditional justice mechanisms in the FMS and at district level to gain trust from the communities through mobile courts. The whole process will be supported by legal aid and legal awareness to empower communities to claim their legal and human rights. Needs and effectiveness of mobile courts and legal awareness will be assessed by the security and justice district committees.

The expansion of these services through mobile courts to compliment the police deployment in the

Transition districts would be of critical importance to have a well-balanced governance system which will ensure stabilization post Transition. The ADR Centre approach provides a model for collaboration between the Government and community elders on conflict resolution, with potential benefits for the disputants. Elders and Government Mobile courts and legal aid initiatives have helped justice providers reach out to communities.

Progress has been made during the last couple of years with the organization of mobile courts, provision of legal aid and awareness, training of justice personnel and equipment and infrastructure, however, the needs remain immense, requiring long term investments in institution building. At the same time, it is urgent to step up the delivery of basic justice services to the communities to increase the legitimacy of the state as well as support stabilization and transition efforts. A focus will remain on building the foundation of a viable formal justice system and ensuring that traditional justice mechanisms are in conformity with human rights standards.

## 2.0 METHODOLOGY

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### 2.1 Approach

The third party monitoring was guided by the use of the survey questionnaire approved by UNDP. The monitoring targeted beneficiaries of Legal aid, mobile courts and ADR centre implemented by different institutions across the FMS states (Puntland, South West, Galmudug, Jubaland and Hirshabelle) and Banadir region. The TPM team members were trained and deployed in respective federal member states to interview the beneficiaries.

Survey intended to select and interview a sample of 20 beneficiaries for each activity (ADR, mobile courts and Legal aid) in each location in the 5 FMS except Mogadishu which a sample of 40 beneficiaries were to be selected. The survey targeted the beneficiaries in following locations for the three activities (Legal aid, mobile courts and ADR centres):

1. Legal aid activities were implemented by Puntland legal aid Center in Bosaso, Gardo, Garowe and Galkacyo districts in Puntland states. In addition, SWDC implemented legal aid activities in Mogadishu.
2. Mobile courts activities were implemented by Judiciary (Puntland) in Garowe, Bosaso, Gardo, Hayland and Galkacyo districts. The Judiciary (South west) implemented the mobile courts activities in Baidoa district while the Judiciary (Jubaland) implemented it in Kismayo and Garbaharey districts. Ministry of justice in Galmudug implemented in Dushamareb district and MOJ in Hirshabelle implemented it in Jowhar districts.
3. ADR activities were implemented by Ministry of justice (Puntland) in Bosaso, Burtinle, Hayland and Garowe district. The Ministry of justice in South west state implemented it in Baidoa and Hudur districts; The Ministry of justice in Jubaland implemented it in Kismayo and Garbaharey. Finally, the Ministry of justice (Hirshabelle) implemented it in Jowhar district.
4. In summary, the data collected was from 13 districts across the five FMS and Banadir implemented by 10 Institutions namely; SWDC, Judiciary (Puntland), Puntland legal aid Center, MOJ (Puntland),



MOJ (ADR centers) in South west state, Judiciary (South west), MOJ (ADR centers) in Jubaland, Judiciary (Jubaland), MOJ (ADR centers) in Galmudug and MOJ (ADR centers) In Hirshabelle.

A sample of 520 was targeted, however, due to covid-19; some of the institutions have not reached the intended beneficiaries. Therefore, fewer beneficiaries were interviewed as indicated in table I. At total of 450 beneficiaries interviewed.

**Table I Sample targeted and achieved**

Activities	Targeted	Achieved	Achieved in percentage (%)
Legal aid	120	120	100%
Mobile courts	200	127	64%
ADR	200	203	102%
Total	520	450	87%

## **2.2 Training and data collection and analysis**

Researchcare trained field monitors on the questionnaire and deployed them to the respective project locations. The research team administered the questionnaire during the data collection. The research team used a mobile based data collection system ONA for the survey. Data was collected using mobile and tablet devices and transmitted to secure online cloud servers on a daily basis. Once data cleaning was completed, data processing and analysis was undertaken using SPSS. Descriptive statistics was computed to examine the state of each variable studied. The findings from the quantitative data of the survey were presented in the form of frequency distributions and cross-tabulations.

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## 3.0 FINDINGS

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### 3.1 Respondents information

#### 3.1.1 Gender of the respondents

Fifty four percent (n =245) of the respondents were male while the rest (46%, n=205) were female. More male respondents were interviewed for Mobile courts (65%) and ADR (59%) compared to Legal aid which has more female respondents (65%) as indicated in table 2.

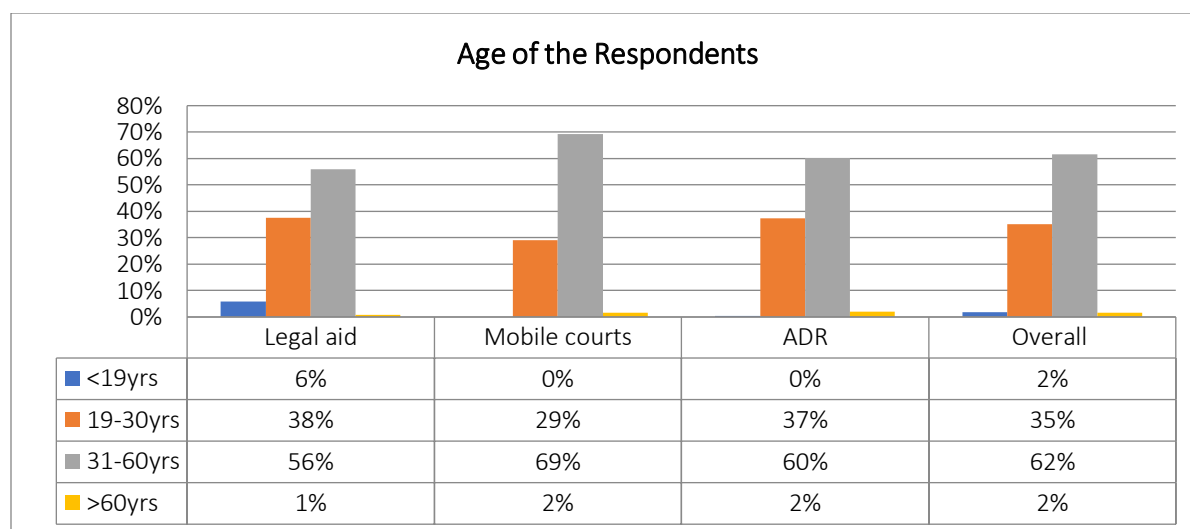
**Table 2 Gender of the respondent**

Gender of the respondent	Activities			Total(n=450)
	Legal aid (n=120)	Mobile courts (n=127)	ADR (n=203)	
Male	35%	65%	59%	54%
Female	65%	35%	41%	46%
Total	100%	100%	100%	100%

#### 3.1.2 Age of the respondents

Overall, majority (62%) of the respondents were aged between 31-60 yrs. This was the same across the three activities (legal aid-56%, Mobile courts-69%, and ADR-60%). Besides, 35% of the respondents were aged between 19-30 yrs. few persons (6%) of 18 years and below were supported by legal aid activity (figure 1).

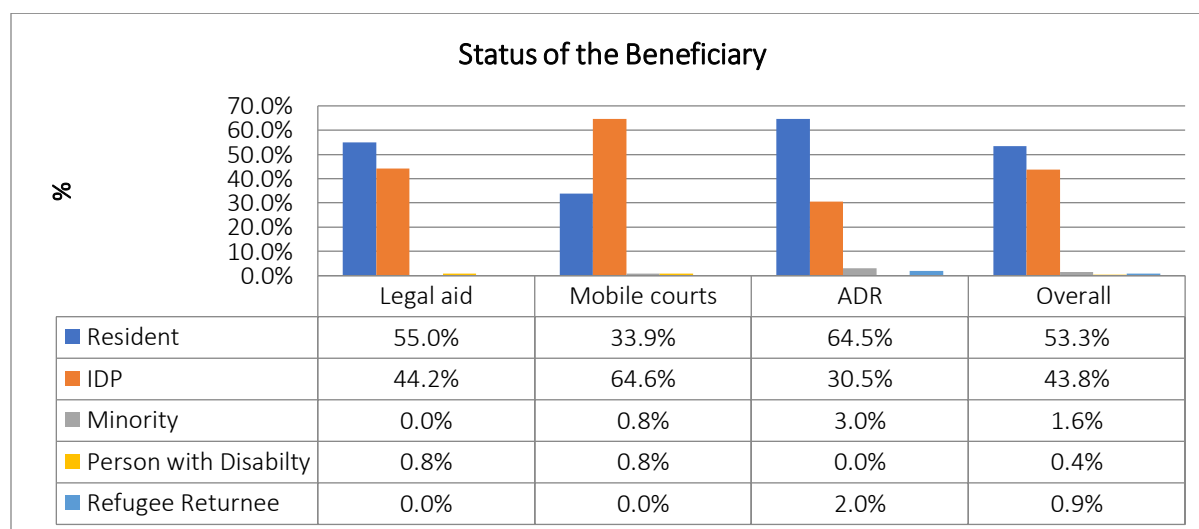
**Figure 1 Age of the Respondents**



### 3.1.3 Status of the beneficiary

Mobile courts supported mostly IDPs (64.5%) while Legal Aid (55%) and ADR (64.5%) supported mostly residents. Overall, 53.3% of the respondents were residents or host community members while 43.8% were IDPs. The rest were minority clans (1.6%), person with disabilities (0.4%), and refugee returnees (0.9%).

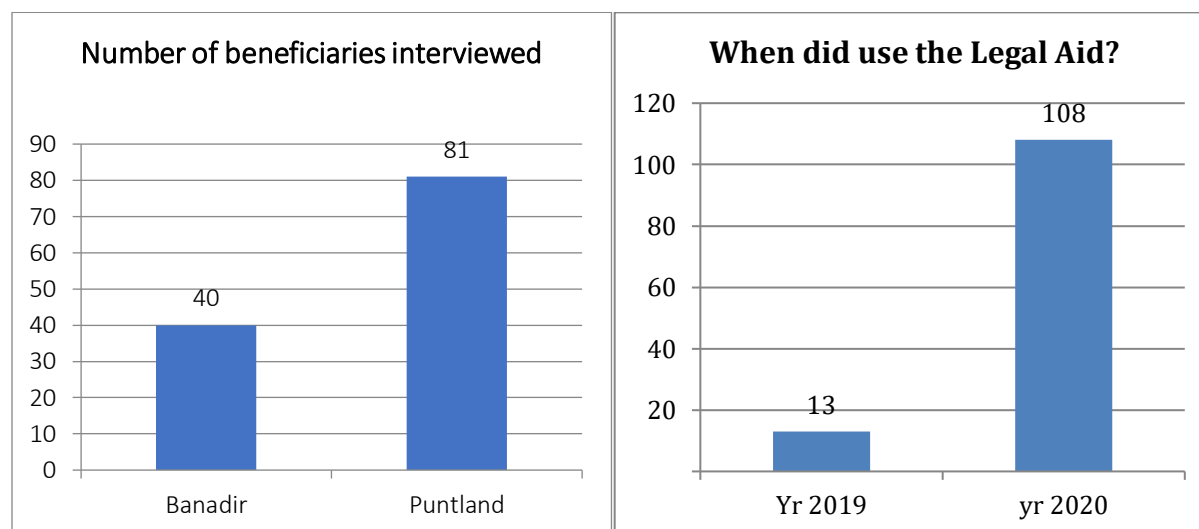
**Figure 2 Status of the Beneficiary**



## 3.2 Legal Aid

During the survey, 121 beneficiary respondents were targeted and interviewed as indicated in table 3. Eighty one (81) respondents were from Puntland while 40 respondents were from Banadir region. The beneficiaries accessed the Legal aid services in the year 2019 and 2020. For instance, 108 respondents accessed the services in 2020, while 13 in 2019.

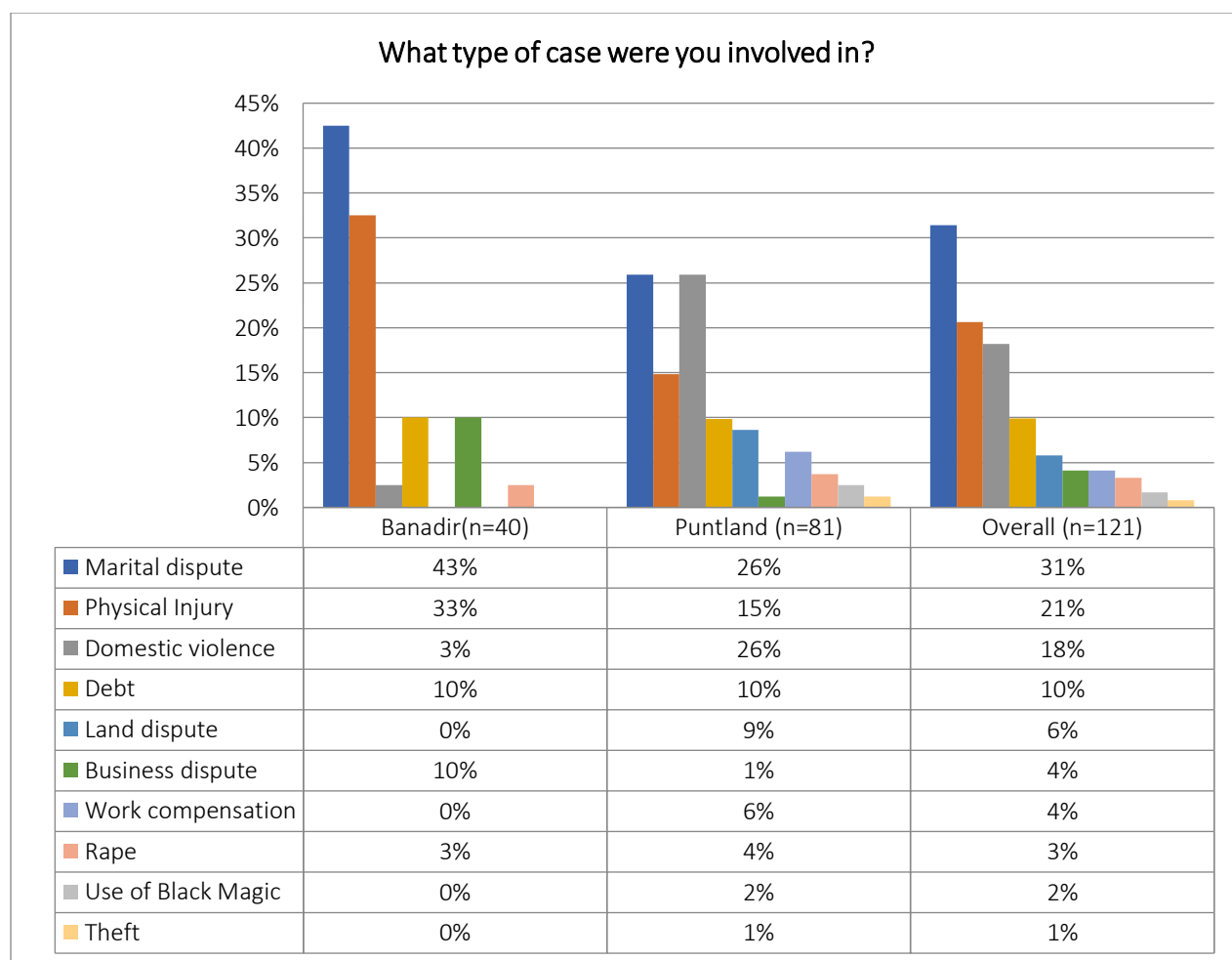
**Table 3 Number of beneficiaries interviewed for Legal Aid activity and the year they used the Legal Aid services**



### 3.2.1 Cases involved in the legal Aid

Majority of the respondents were involved in cases related to marital dispute (31%), physical Injury/body harm (21%), domestic violence (18%), debt (10%) and land dispute (6%). Other cases involved included business disputes, work compensation, rape, use of black magic and theft as indicated in figure 3.

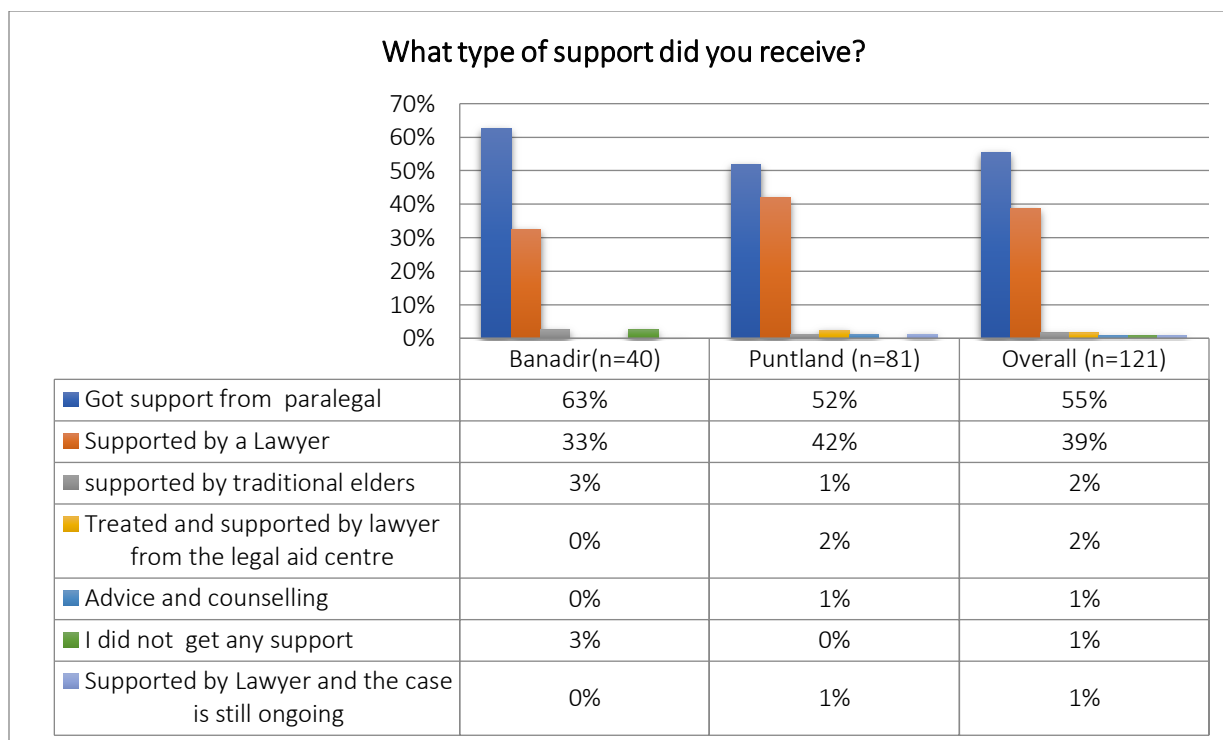
**Figure 3 Cases involved in the legal Aid**



### 3.2.2 Type of support the beneficiaries received

All most all the beneficiaries received legal support from the legal aid centres either through a lawyer (41%) or a paralegal (55%). 2% were supported by traditional elders through the legal aid system. 1% did not get any support (figure 4).

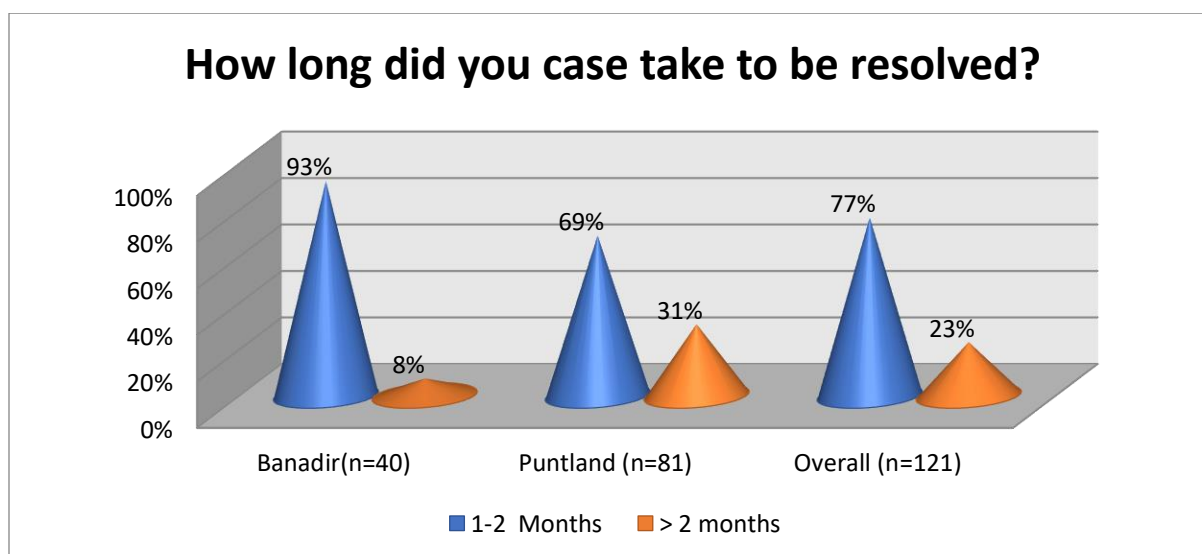
**Figure 4 Type of support the beneficiaries received**



### 3.2.3 Time taken to resolve the cases

Overall, 77% of the cases were resolved within 2 months while 23% took more than 2 months. Almost all the cases in Banadir were resolved within two months(93%) compared to Puntland in which 69% of the cases were resolved within 2 months while the rest took more than 2 months (figure 5) as indicated in figure 5. When asked whether they made any payment for the services, 95% said no, while 5 % (n=6) made payment.

**Figure 5 Time taken to resolve the case (n=126) for Legal aid**



### 3.2.4 Performance of the legal aid services

The respondents were asked on a scale from 1 to 10 on how the legal aid performed based on the following questions (table 4). The respondents were satisfied with the overall legal aid service, outcome of their cases and overall legal aid process. The respondents also scored the opening hours/availability of the paralegals or lawyers and the waiting time for the paralegals or lawyers as 7 out of 10. The convenience of the location of the paralegals or lawyers was scored lowest (6.2 out of 10).

Besides, almost all (96.7%) of the respondents have not encountered any problem while using the legal aid services. Only 3.3% (n=4) have reported to have encountered problem related to high cost of transport to the legal aid centres. 99.2% of the respondents have not experienced any retaliation as a result of accessing the legal aid services. Only one person has reported that he faced a threat from the accused.

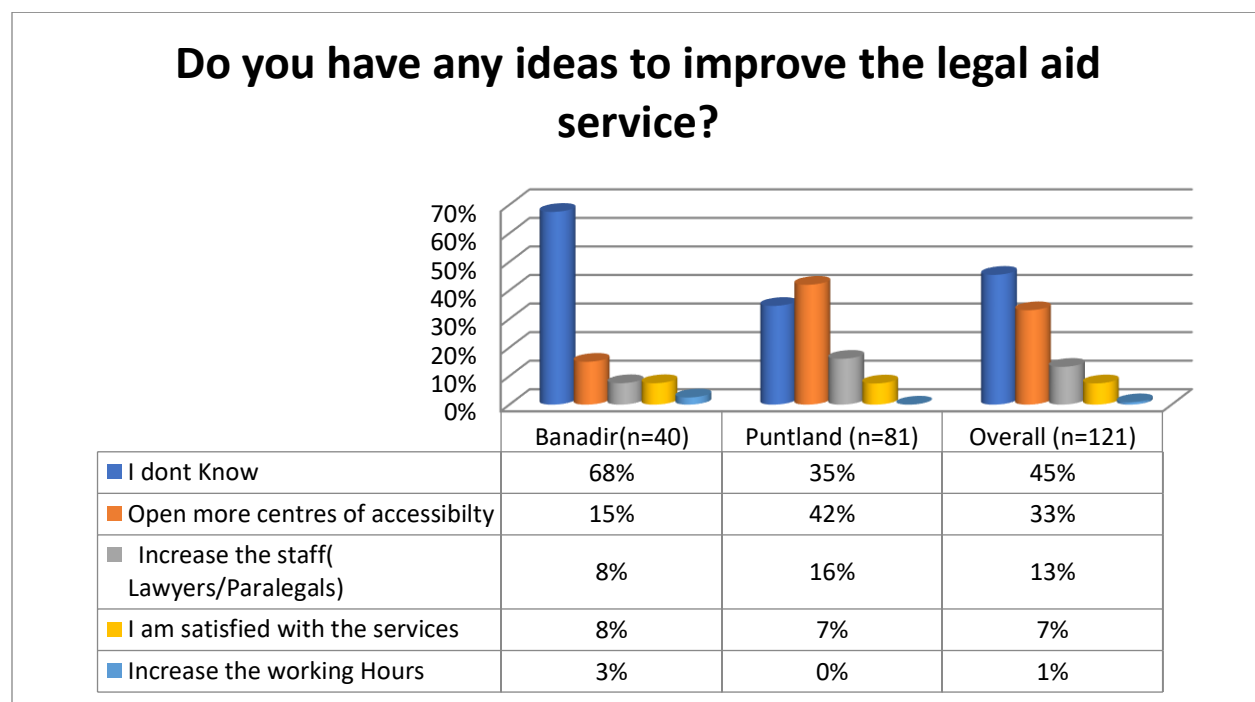
**Table 4 Performance of the legal aid services**

Feedback Questions	Average score (On a scale from 1 to 10)
On a scale from 1 to 10, how convenient is the location of the paralegals or lawyers?	6.2
On a scale from 1 to 10, how convenient is the opening hours/availability of the paralegals or lawyers?	7.3
On a scale from 1 to 10, how satisfied are you with the legal aid service?	8.2
On a scale from 1 to 10, how satisfied are you with the outcome of your case?	8.1
On a scale from 1 to 10, how fair do you think the legal aid process was?	8.0
On a scale from 1 to 10, how satisfied are you with the waiting time for the paralegals or lawyers?	7.3

### 3.2.5 Ideas to improve the legal aid service

The beneficiaries suggested the expansion of the legal services to reach more locations for accessibility (33%), increase staff (13%) and increase working hours (1%). However other beneficiaries either did not had any suggestion (45%) or were satisfied (7%) with legal aid services.

**Figure 6 Do you have any ideas to improve the legal aid service?**



### 3.3 Mobile Courts

During the survey, 200 beneficiary respondents were targeted. However, 126 respondents were interviewed. In Puntland, out of the 100 beneficiaries targeted, only 26 were interviewed. The Judiciary (Puntland) indicated that the mobile courts activities could not be conducted as required as the movement was affected by covid-19 Pandemic. Therefore, the mobile courts in Puntland reached only few



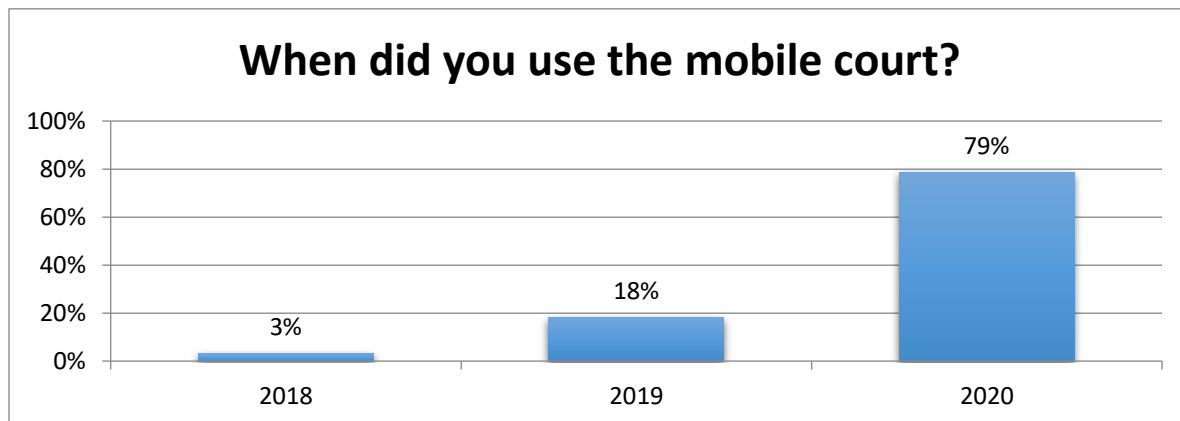
beneficiaries. Besides, the mobile courts in other regions were working and the sample targeted for interview achieved (table 5).

**Table 5 Mobile courts beneficiary targeted vs. respondents interviewed.**

Regions/FMS	Targeted	Achieved	Achieved (%)
Puntland	100.00	26.00	26%
South West	20.00	20.00	100%
Jubbaland	40.00	40.00	100%
Galmudug	20.00	20.00	100%
Hirshabelle	20.00	20.00	100%
Total	200.00	126.00	63%

All the 126 beneficiaries interviewed in the five federal member states have used the mobile courts. The respondents used the mobiles in 2018(3%), 2019(18%) and 2020(79%).

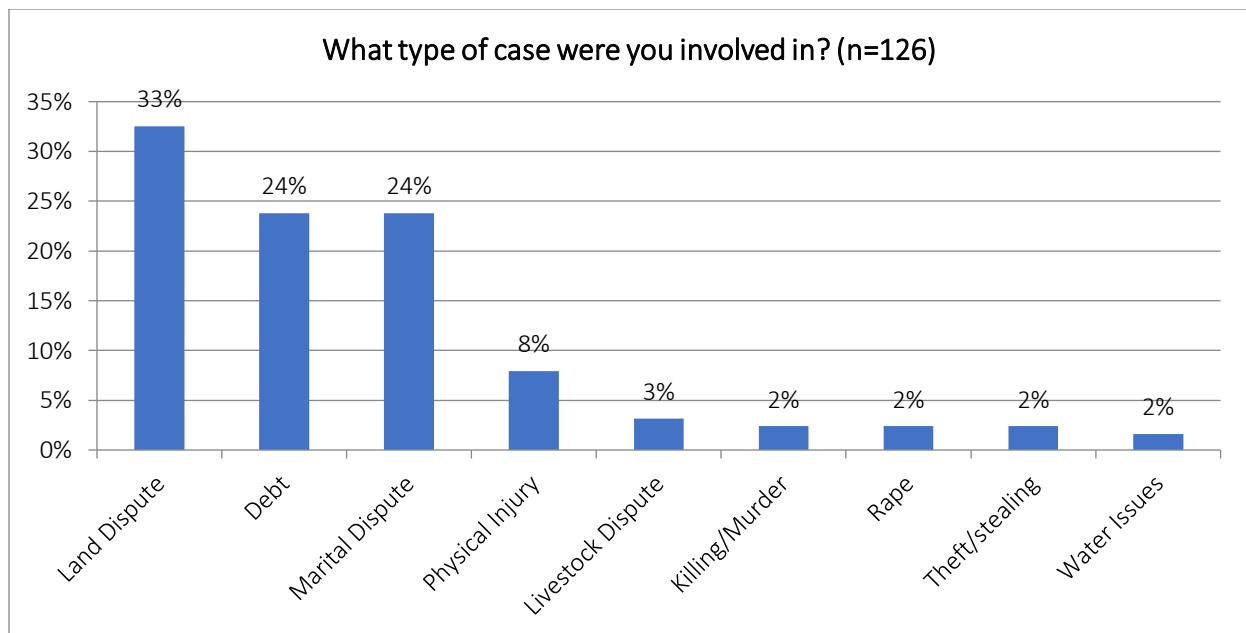
**Figure 7 when did you use the mobile court?**



### 3.3.1 Cases involved in the mobile courts

Majority of the respondents were involved in cases related to land dispute (33%), debt (24%) marital dispute (24%) physical injury/body harms (8%). Other cases involved included livestock, killing/murder, rape, theft and water related issues as indicated in figure 8.

**Figure 8 Type of cases the beneficiaries were involved (mobile courts)**



In terms of regions, the mobile courts in Hirshabelle have managed mainly land disputes, while mobile courts in south west and Galmudug have managed mainly land dispute and debt cases. Besides, the mobile courts in Jubaland and Puntland managed mainly debt and marital dispute. Cases related to killing/murder and rape was reported in Hirshabelle. Physical Injury was reported across the states except south west state (table 6).

**Table 6 Type of cases the beneficiaries were involved (mobile courts) per region**

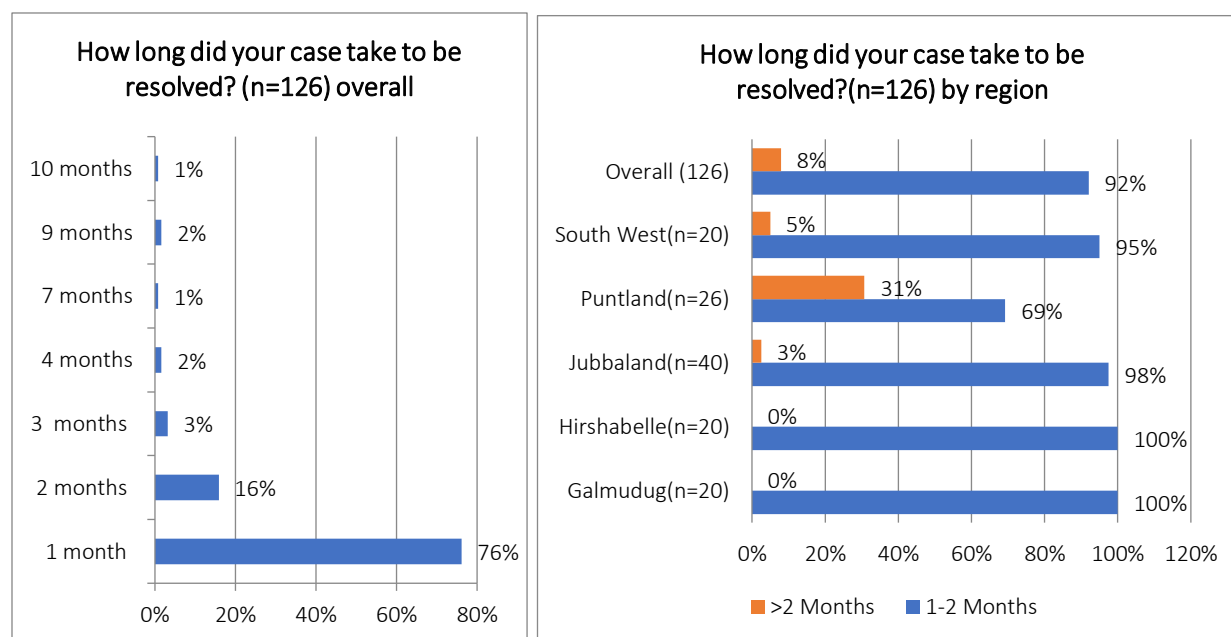
What type of case were you involved in?	Galmudug (n=20)	Hirshabelle (n=20)	Jubaland (n=40)	Puntland (n=26)	South West (n=20)	Overall (126)
Land Dispute	8	12	9	3	9	41

Debt	3	0	13	7	7	30
Marital Dispute	3	1	13	9	4	30
Physical Injury	3	2	2	3	0	10
Livestock Dispute	1	0	1	2	0	4
Killing/Murder	0	3	0	0	0	3
Rape	1	2	0	0	0	3
Theft/stealing	0	0	1	2	0	3
Water Issues	1	0	1	0	0	2
Total	20	20	40	26	20	126

### 3.3.2 Time taken to resolve the case

Majority of the respondents (76%) indicated that their cases were resolved within a month while 16% have their cases resolved in 2 months. The rest of the cases were resolved within 3 to 10 months (figure 9). Except in Puntland, the rest of the states have resolved their cases within 2 months. However, 31% of the cases in Puntland have taken more than 2 months to resolve.

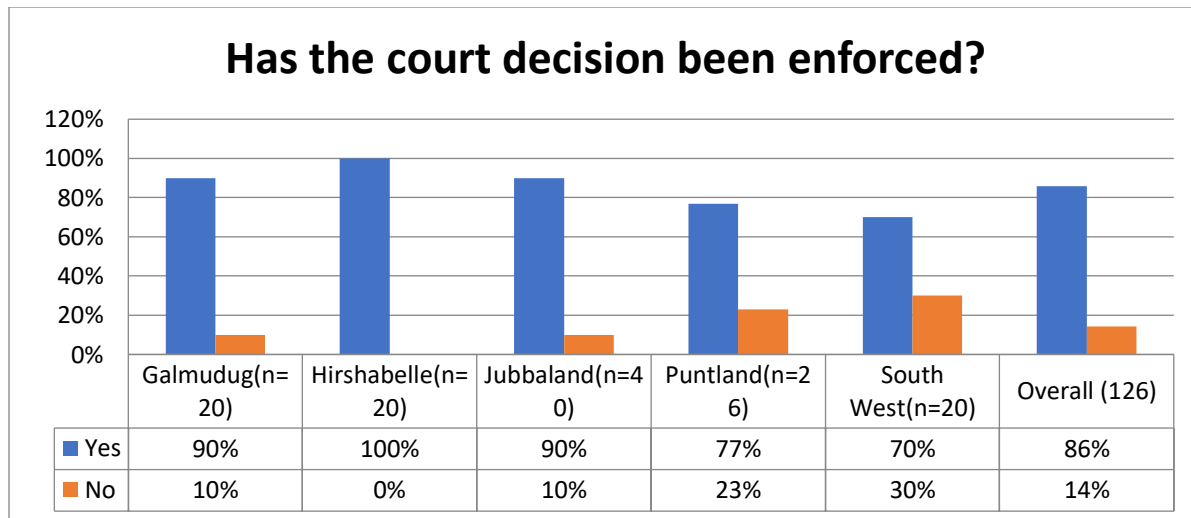
**Figure 9 Time taken to resolve the case (n=126) for Mobile courts**



### 3.3.3 Enforcement of the court decisions

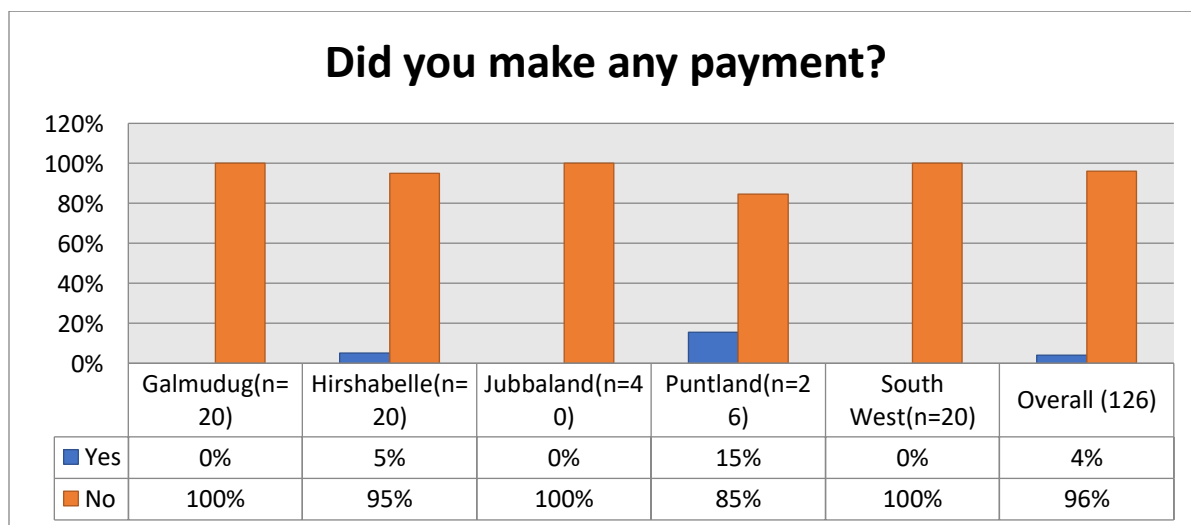
Overall, 80% of the respondent indicated that the court decisions have been enforced while 14% have indicated otherwise. Southwest state (30%) and Puntland (23%) had the lowest decision enforcement (figure 5).

**Figure 10 Enforcement of the court decisions**



Almost all the respondents (96%) did not make any payment. only 4% have reported to have paid for the court process. Most of the respondents who paid fees for court were from Puntland (15%) and Hirshabelle (5%).

**Figure 11 did you make any payment for the case**



### 3.3.4 Level of satisfaction on the court process and outcome

The respondents were asked their level of satisfaction on a scale of 1 to 10, where 1 is lowest and 10 being the highest level satisfaction on the mobile court services, the outcome of the case and the overall process. The respondents rated an average of between 8- 9 across the five Member states, indicating high level of satisfaction (table 7).

**Table 7 Level of satisfaction on the court process and outcome**

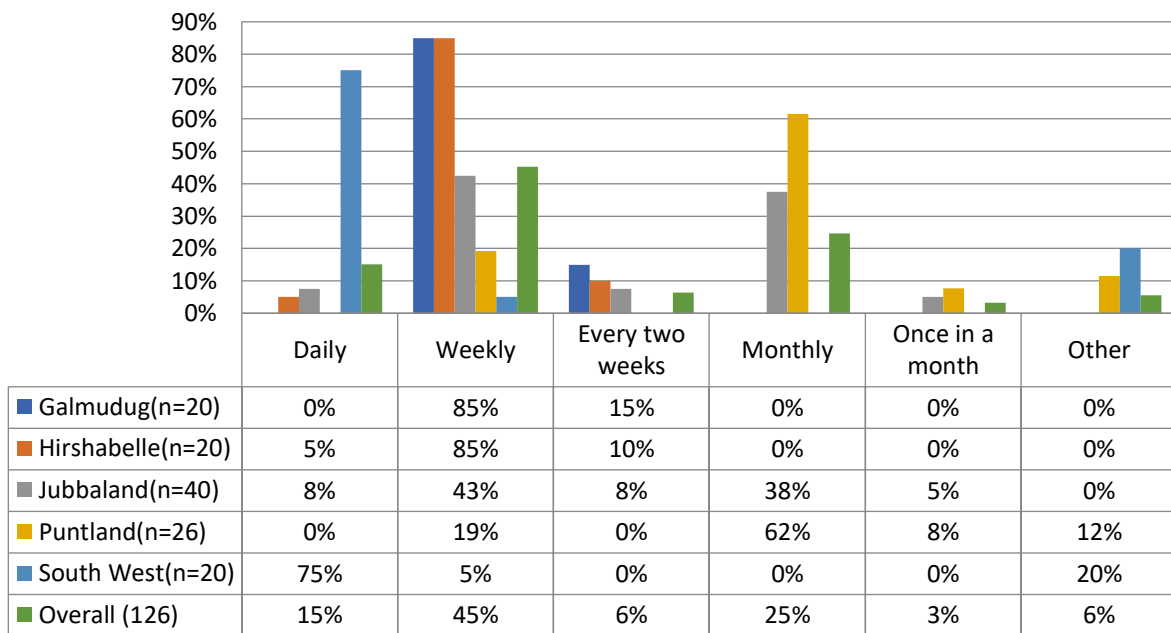
<b>Level of satisfaction (on a scale from 1 to 10)</b>	<b>Galmudug</b>	<b>Hirshabelle</b>	<b>Jubbaland</b>	<b>Puntland</b>	<b>South West</b>	<b>Overall</b>
How satisfied are you with the mobile court service?	8.3	8.2	8.8	9.3	9.2	8.8
How satisfied are you with the outcome of your case?	8.8	8.5	9.1	9.3	8.9	9.0
How fair do you think the process was?	8.6	8.4	9.0	9.2	8.9	8.8

### 3.3.5 Availability of Mobile court service

Overall, 45% of the respondents indicated that the mobile court services come to their community on weekly basis while 25% and 15% indicated monthly and daily respectively. Besides, majority of the respondents (85%) in Galmudug and Hirshabelle indicated that the mobile courts serve their community in weekly basis, while majority of the respondents in Puntland and southwest reported monthly (62%) and daily (75%) services respectively. Majority of the respondents in Jubaland reported both weekly (42%) and monthly (38%) services.

**Figure 12 Availability of Mobile court service**

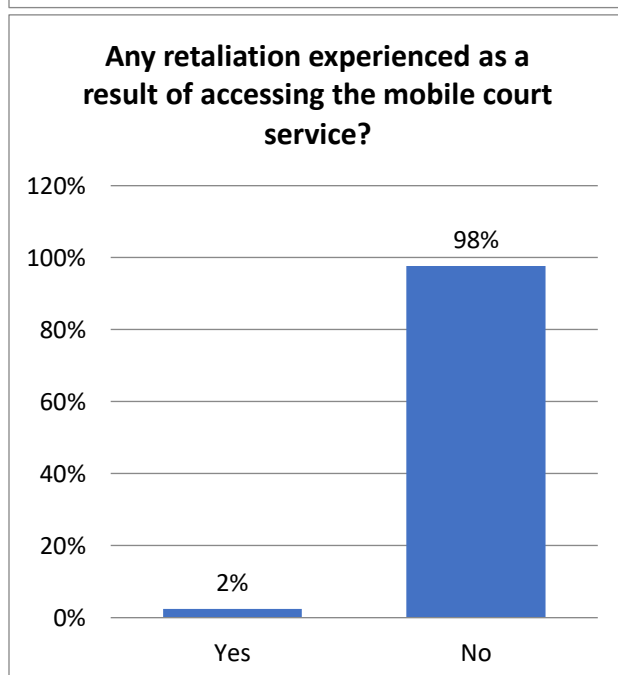
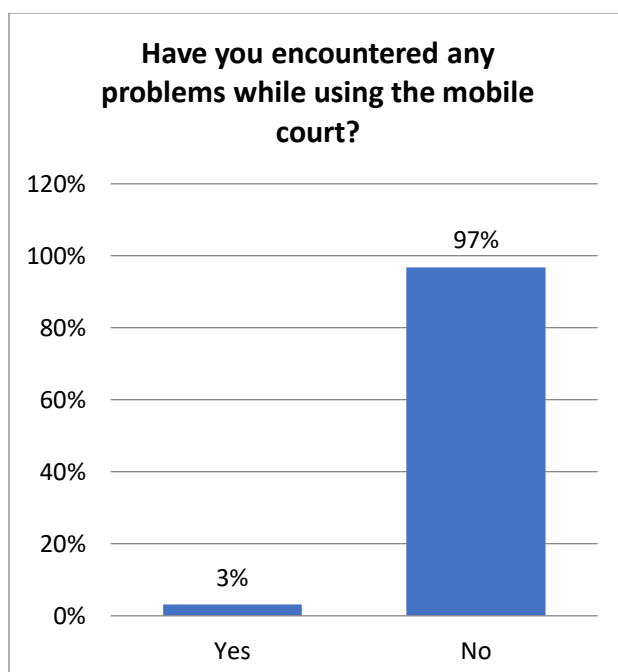
## How often do mobile court services come to your community?



### 3.3.6 Problems encountered during the court process

Almost all the respondents (97%) have not encountered any problem while using the mobiles courts while 3% (n=4) indicated to have encountered a problem, mainly threats from the accused. In addition, 2 % (n=3) said that they experienced retaliation as a result of the mobile court services. This was mainly threats from the accused. For instance, one of respondents said that “the accused was in the defence forces and threatened to kill me”.

**Figure I3 Problems encountered during the court process**



### 3.3.7 Improvement of the mobile courts

Most of the respondents requested an increase of the number of days in serving the community (30%), reach more rural villages (12%) and improve staff and court capacity (12%). Few respondents also mentioned the need to have permanent courts (2%) and public awareness on the mobile courts (2%). However, 40% of the respondents could not say improvement required while 2% were satisfied with mobile courts services (table 8).

**Table 8 Improvement of the mobile courts**

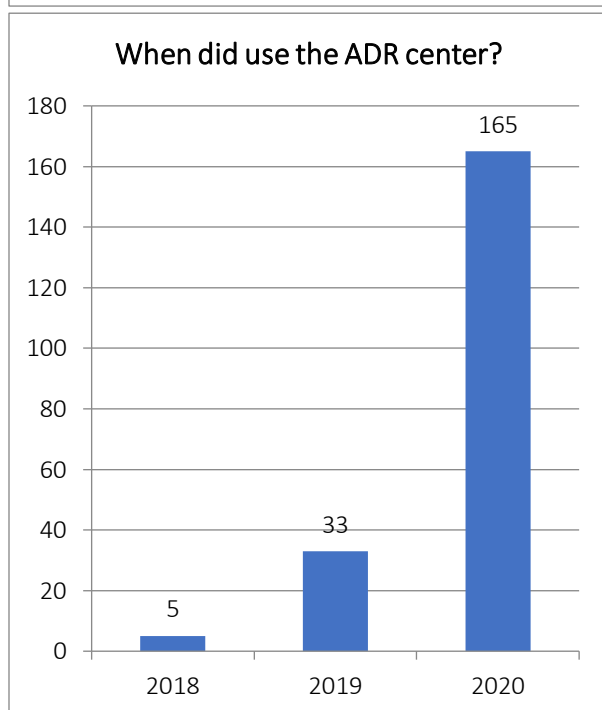
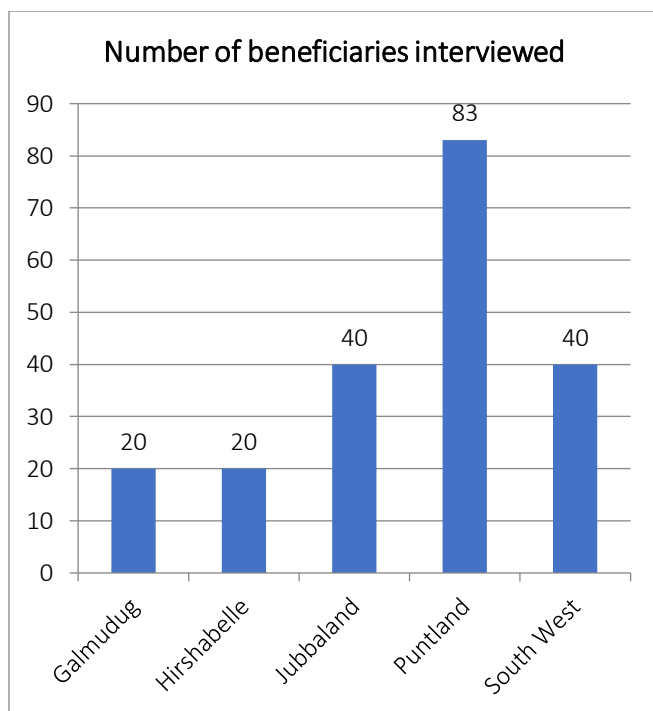
Improvement of the mobile courts	Galmudug (n=20)	Hirshabelle (n=20)	Jubbaland (n=40)	Puntland (n=26)	South West (n=20)	Overall (126)
I don't Know	25%	35%	53%	50%	25%	40%
Increase the number of days in serving the community	40%	50%	18%	38%	15%	30%
Reach more rural Villages	15%	5%	18%	0%	20%	12%
Improve Staff and court capacity	5%	5%	13%	0%	40%	12%
Need permanent Court	5%	0%	0%	4%	0%	2%
Public Awareness on the Mobile courts	0%	5%	0%	8%	0%	2%
Satisfied with their work	10%	0%	0%	0%	0%	2%
Total	100%	100%	100%	100%	100%	100%

### 3.4 ADR Centres

During the survey, 203 beneficiary respondents were targeted and interview across the five member states as indicated in table 9. The beneficiaries accessed the ADR services in year 2018, 2019 and 2020. For instance, 165 respondents accessed in 2020, while 33 accessed in 2019 and 5 in 2018.

**Table 9 Number of beneficiaries interviewed for ADR activity and the year they used the ADR centers**





#### 3.4.1 Cases involved in the ADR centres

Overall, land dispute (34%), marital dispute (23%) physical injury (17%) formed largest cases handled by the ADR centres. Others cases involved included; debt, gender based violence, neighbors' dispute livestock dispute and theft as indicated in table 10.

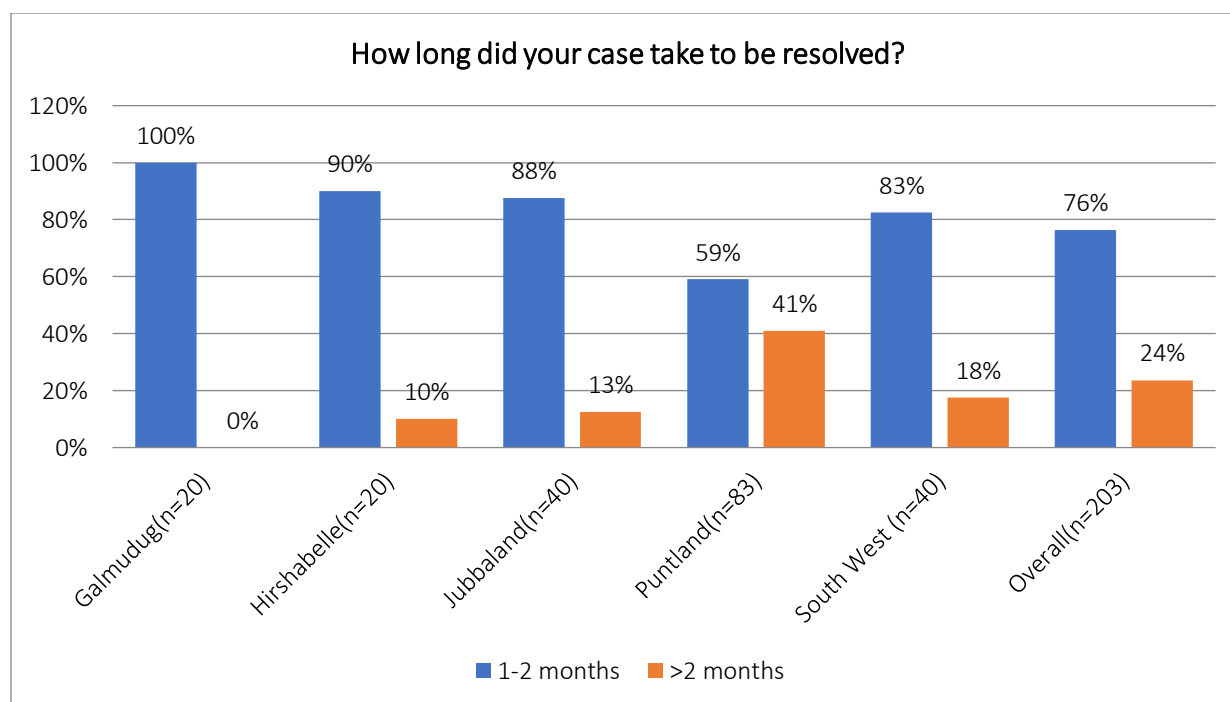
**Table 10 what type of case was you involved in (ADR)?**

<b>What type of case were you involved in?</b>	<b>Galmudug (n=20)</b>	<b>Hirshabelle (n=20)</b>	<b>Jubbaland (n=40)</b>	<b>Puntland (n=83)</b>	<b>South West (n=40)</b>	<b>Overall (n=203)</b>
Land Dispute	25%	35%	30%	30%	53%	34%
Marital Dispute	35%	35%	33%	17%	15%	23%
Physical Injury	0%	0%	25%	30%	0%	17%
Debt	10%	0%	10%	5%	18%	8%
Gender based violence	0%	5%	3%	10%	10%	7%
Neighbors dispute	30%	20%	0%	2%	5%	7%
Livestock dispute	0%	5%	0%	2%	0%	1%
Theft	0%	0%	0%	4%	0%	1%
Total	100%	100%	100%	100%	100%	100%

### 3.4.2 Time taken to resolve cases

Majority of the respondents (76%) indicated that their cases were resolved within two months while 24% have their cases resolved their cases more than months. Almost the beneficiaries in Galmudug (100%), Hirshabelle (90%), Jubaland (88%), and southwest (83%) reported that their cases were resolved within two months. However, 41% of the respondents from Puntland have their cases resolved more than 2 months but not more than 12 months. When asked on whether they made payment for the services, only 4% have made any payment while the rest have not.

**Figure 14 how long did your case take to be resolved (ADR)**



### 3.4.3 The performance of the ADR Centres

The respondents were asked on a scale from 1 to 10, how the ADR centres performed based on the following questions in table II. The respondents were satisfied with convenience of the ADR locations, opening hours, and general services, outcome of the cases, its usefulness and the waiting time. The average resulting score was more than 7 out of 10 as indicated in table II. Besides, almost all (98.5%) of the respondents have not encountered any problems while using the ADR center. Only 1.5% (n=3) have reported to have encountered problems. Two out of the three respondents said that the waiting time was long while the other respondent said that the process was dominated by men. 99.5% of the respondents have not experienced any retaliation as a result of accessing the ADR center. Only one person has reported that he faced a threat from the accused as he was from a minority clan.

**Table II the performance of the ADR Centres**

Feedback Questions	Average score (On a scale from 1 to 10)
How convenient is the location of the ADR center?	7.7
How convenient are the opening hours of the ADR center?	7.6
How satisfied are you with the ADR service?	8.2
How satisfied are you with the outcome of your case?	8.3

How fair do you think the process was?	8.4
How useful do you think the ADR center is?	8.2
How satisfied were you with the waiting time of the ADR center?	7.4

#### 3.4.4 Improvement on the ADR centres

Majority of the beneficiaries either did not had any suggestion (45.8%) or were satisfied (10.8%) with ADR services. The rest of the beneficiaries suggested; the expansion of the ADR centers to reach more locations(25.1%), improve the capacity of the ADR Staff (7.9%), increase the work days(3.9%) and involve traditional Elders(2%). Other suggestions of improvement are indicated in table 12.

**Table 12 Improvement on the ADR centres**

<b>Do you have any ideas to improve the ADR center?</b>	<b>Frequency</b>	<b>Percent</b>
I don't Know	93	45.8%
expand to reach more locations	51	25.1%
Satisfied with the ADR work	22	10.8%
Improve the capacity of the ADR Staff	16	7.9%
Increase the work days	8	3.9%
Involve traditional Elders	4	2.0%
Increase public Awareness about the ADR	3	1.5%
Enforce the decision of the ADR	2	1.0%
Include women in the ADR	1	0.5%
Increase ADR centres	1	0.5%
Increase the ADR staff	1	0.5%
Make the cases confidential	1	0.5%
<b>Total</b>	<b>203</b>	<b>100.0%</b>

## 4.0 RECOMMENDATIONS

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Activity	Recommendation
1. Legal Aid	There is need to expand the legal services to reach more locations for accessibility and increase staff
2. Mobile Courts	There is need to increase of the number of days in serving the community, reach more rural villages and improve staff and court capacity.
3. ADR Centres	There is need to expand of the ADR centers to reach more locations and improve the capacity of the ADR Staff

## 5.0 Annex

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### Annex I: Respondent information



Survey Respondents  
for Legal aid\_ADR and

### Annex 2: Survey Questionnaire for Legal Aid, ADR and Mobile courts 2020

THIRD PARTY MONITORING - JJP  
Legal aid, mobile courts and ADR questionnaire

#### Instructions:

Randomly select a sample of 20 beneficiaries for each activity (ADR, mobile courts, Legal aid) in each location in the 5 FMS (including all ADR centers) except Mogadishu legal aid which a sample of 40 beneficiaries will be selected.

Institution	Region	Location	Activities	Sample
1. NGO SWDC	Banadir	[1]Mogadishu	[1]Legal aid	40
2. Judiciary (Puntland)	Puntland	[1]Garowe [2]Bosaso [3]Gardo	[1]Mobile courts	100

		[4]Hayland [5]Galkacyo		
3. Puntland legal aid Center	Puntland	[1]Bosaso [2]Gardo [3]Garowe [4]Galkacyo	[1]Legal aid	80
4. MOJ (Puntland)	Puntland	[1]Bosaso [2]Burtinle [3]Hayland [4]Garowe	[1]ADR	80
5. MOJ (ADR centers) in South West State	South West	[1]Baidoa [2] Hudur	[1]ADR	40
6. Judiciary (South west)	South West	[1]Baidoa	[1]Mobile courts	20
7. MOJ (ADR centers) in Jubaland	Jubbaland	[1]Kismayo [2]Garbaharrey	[1]ADR	40
8. Judiciary (Jubaland)	Jubbaland	[1]Kismayo [2]Garbaharey	[1]Mobile courts	40
9. MOJ (ADR centers) in Galmudug	Galmudug	[1]Dushamareb	[1]Mobile courts [2]ADR	40
10. MOJ (ADR centers) In Hirshabelle	Hirshabelle	[1]Jowhar	[1]Mobile courts [2]ADR	40
Total				520

Beneficiary details (respondent)

1.	Respondent's name	.....
2.	Gender of the respondent	[1]Male [2]Female
3.	Age of the respondents	.....yrs
4.	Telephone contact of the respondent	.....
5.	Marginalised group? Eg. IDP, disabled	.....

**Section I: Mobile courts: ask these questions if you have selected Mobile courts**

No	Question	Response
1.	Have you used a mobile court?	[1] Yes [2] No
2.	When did you use the mobile court? (indicate the month and year)	-----m//-----year
3.	What type of case were you involved in?	.....
4.	How long did your case take to be resolved? (Indicate duration in months)	.....Months
5.	Has the court decision been enforced?	[1] Yes [2] No
6.	Did you make any payment?	[1] Yes [2] No
7.	On a scale from 1 to 10, how satisfied are you with the mobile court service?	.....scale (Integer)



8.	On a scale from 1 to 10, how satisfied are you with the outcome of your case?	.....scale (Integer)
9.	On a scale from 1 to 10, how fair do you think the process was?	.....scale (Integer)
10.	How often do mobile court services come to your community?	[1] Yes [2] No
11.	Have you encountered any problems while using the mobile court? If yes, what problems?	[1] Yes [2] No .....
12.	Any retaliation experienced as a result of accessing the mobile court service? If yes, what retaliation?	[1] Yes [2] No .....
13.	Do you have any ideas to improve the mobile court service?	.....

**Section 2: Alternative Dispute Resolution (ADR) centres: ask these questions if you have selected ADR**

Question	Questions	Response
1.	Have you used an ADR center?	[1] Yes [2] No

2.	When did use the ADR center? (indicate the month and year)	-----m//-----year
3.	What type of case were you involved in?	.....
4.	How long did your case take to be resolved? (indicate the duration in Months)	.....Months
5.	Did you make any payment?	
6.	On a scale from 1 to 10, how convenient is the location of the ADR center?	.....scale (Integer)
7.	On a scale from 1 to 10, how convenient are the opening hours of the ADR center?	.....scale (Integer)
8.	On a scale from 1 to 10, how satisfied are you with the ADR service?	.....scale (Integer)
9.	On a scale from 1 to 10, how satisfied are you with the outcome of your case?	.....scale (Integer)
10.	On a scale from 1 to 10, how fair do you think the process was?	.....scale (Integer)
11.	On a scale from 1 to 10, how useful do you think the ADR center is?	.....scale (Integer)
12.	On a scale from 1 to 10, how satisfied were you with the waiting time of the ADR center?	.....scale (Integer)
13.	Have you encountered any problems while using the ADR center? If yes, what problems?	[1] Yes [2] No  .....
14.	Any retaliation experienced as a result of accessing the ADR center? If yes, what retaliation?	[1] Yes [2] No

		.....
15.	Do you have any ideas to improve the ADR center?	.....

### Section 3: Legal aid: ask these questions if you have selected Legal aid

No	Question	Response
1.	Have you used legal aid?	[1] Yes [2] No
2.	When did you use legal aid? (indicate the month and year)	-----m//-----year
3.	What type of case were you involved in?	.....
4.	What type of support did you receive?	.....
5.	How long did your case take to be resolved? (indicate the duration in Months)	-----Months
6.	Did you make any payment?	[1] Yes [2] No
7.	On a scale from 1 to 10, how convenient is the location of the paralegals or lawyers?	.....scale (Integer)
8.	On a scale from 1 to 10, how convenient is the opening hours/availability of the paralegals or lawyers?	.....scale (Integer)
9.	On a scale from 1 to 10, how satisfied are you with the legal aid service?	.....scale (Integer)
10.	On a scale from 1 to 10, how satisfied are you with the outcome of your case?	.....scale (Integer)

11.	On a scale from 1 to 10, how fair do you think the legal aid process was?	.....scale (Integer)
12.	On a scale from 1 to 10, how satisfied are you with the waiting time for the paralegals or lawyers?	.....scale (Integer)
13.	Have you encountered any problems while using the legal aid service? If yes, what problems?	[1] Yes [2] No  .....
14.	Any retaliation experienced as a result of accessing the legal aid service? If yes, what retaliation?	[1] Yes [2] No  .....
15.	Do you have any ideas to improve the legal aid service?	.....