

Access To Justice Project



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PROJECT SUMMARY

With the establishment of UNSOM on 3 June 2013, UNDP's A2J and police projects now work with the Mission as one coordinated rule of law team. The deputies to the heads of UNSOM's police and justice/corrections sections are UNDP staff absorbed by UNSOM's assessed budget. UNDP's programme staff is gradually being co-located with UNSOM staff at UNSOM's headquarters in Mogadishu. UNSOM and UNDP Somalia are committed and continue to take all necessary steps to provide a 'one door to knock on' service for rule of law matters to its national and international counterparts, as requested by United Nations Security Council resolution 2102/13.

To that end UNDP/ UNSOM's Joint Justice Unit, progressed in securing agreement from the Ministry of Justice & Judiciary to jointly work together in leading the process of justice reform. This led to the endorsement of a two year justice operational plan which has subsequently been integrated into the Somali Compact (approved in September 2013) and the creation of a Justice Steering Committee (integrating the work of PSG Working Group 3 in its mandate) which met for the first time in November 2013 co-chaired by the Minister and Chief Justice and which leads coordination of support to this sector. At the same time the UN will now work on building capacities in the Ministry, Judicial Services Council & key justice institutions through an "inception phase", designed to put in place key departments such as a joint implementation unit & drafting unit at the MOJ and capacities at the JSC necessary to take the lead on justice sector reform. Funding was secured at the end of 2013 and put the necessary steps in place for a longer-term justice programme designed to support development of long-term capacities. A rule of law mission led by DPKO and UNDP as the UN Global Focal Point concluded a mission in November 2013 which are now finalizing a multi-year programme of support across Somalia.

2013 saw advancements in Puntland in professionalizing the justice sector. In February 2013 the first law graduates in Puntland's history graduated at Puntland State University. UNDP had supported the establishment of the law faculty in Garowe in 2008. 23 students including 7 women graduated. Over the last year six of those are working in the Judiciary including 1 Supreme Court Judge. Six out of seven of the female graduates have also now found employment mostly within local and international NGOs. January will also see a further 14 female students graduating bolstering the number of female lawyers in Puntland from 1 in January 2013 to 22 in January 2014. Female legal professionals are expected to increase the capacity of the justice system to address women's rights given women are more confident discussing these issues with women lawyers. In Somaliland, the project also saw similar advances with the government recruiting 32 graduates including 15 women into the public sector in December bringing the total hired through the UNDP supported law graduate internship programmes in the last 18 months to 85 including 32 women. There are also now over 75 women now working in the law profession in Somaliland compared to less than 5 in 2008 largely thanks to UNDP supported scholarship & internship programmes.

2013 also saw the conclusion of UNDP's Judiciary training programme. This is a 9 month training course given by University law faculties across Somalia. The majority of serving Judges and prosecutors have now completed this programme. Specialist training was also given by the French National School for the Judiciary for 20 practitioners from across Somalia.

There were improvements noted in oversight of the Judiciary. Codes of conduct are approved in Somaliland and Puntland and Judicial inspection schemes in operation. In the last quarter alone in Somaliland 22 complaints were received against judges and prosecutors with 11 cases investigated and action taken in 7 cases. This year has seen the first such cases largely due to UNDP support to the Judiciary.

Access to justice was also improved in 2013 with legal aid policies approved in Somaliland and Puntland by the respective authorities. These policies seek to guarantee access to those in police custody and guarantees the right to legal aid provision. The provision of legal aid was also improved through the establishment of a Community Paralegal Network in Bosasso and the PSU Legal Clinic in Garowe. The government in Somaliland also agreed with UNDP Support to start a public legal aid programme through the establishment of a public defenders office. The legal aid policy and a legal aid code of conduct (also approved in 2013 with UNDP support) will assist this process. With our assistance, Somaliland also set up regional legal aid coordination committees as well as reception areas in prisons to ensure those on remand had access to a lawyer. UNDP supported legal aid provision across Somalia through nine partners representing 15,299 cases in 2013. Legal aid provision increased across the country aside from Mogadishu due to deterioration in security.



Access To Justice Project

PROJECT:
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PROGRAMME:
Governance and Rule of Law

REPORT PERIOD:
1 January to 31 December 2013

DATE SUBMITTED:
1/15/2014 1:04:35 PM

STATUS:
Final

DONORS:
UNPOS
UNDP TRAC
UNDP BCPR
Sweden
European Commission
UK AID
Norway
Denmark
Germany
Counter Piracy Trust Fund

CONTEXTUAL ANALYSIS

FEDERAL LEVEL

Judicial security was the most pressing issue given the upsurge in the killing of judicial personnel with 4 killed and 2 injured in Mogadishu in November 2013 alone as well as the attack on Benadir Court earlier this year which killed at least 30 people including 2 legal aid lawyers. To that end the UN Justice and Corrections Unit supported completion of a Judicial security assessment including development of a plan to look into short and longer term responses. This will be finalized by February 2014. Improving the security of Judges has been identified as a top priority by the Chief Justice and Minister of Justice given the prevalence of attacks against judicial personnel.

The Chief Justice and Minister of Justice also agreed to co-lead justice sector reforms. This was an important milestone negotiated by the Unit and succeeded in commencing development of a programme of reform as well as the inaugural meeting of the Justice and Corrections Steering Committee which met in November.

PUNTLAND

2013 saw an increase in security incidents with alleged Al-shabab attacks in Bossaso including an attack on the Bosasso Central Prison. In a separate incident the General Prosecutor of the Bari region and several judges were targeted in a grenade attack in a hotel in Bosasso. These incidents have impacted negatively on the work of justice sector actors particularly in Bosasso and Bari region. An important development was the adoption of the Puntland 5 year Development Plan which sets out justice sector priorities for the government of Puntland. The priorities set out in the plan coupled with Puntland's sign up to the Somali compact reflect a shared understanding of necessary reforms in the justice sector making it possible to have concerted action toward reform.

The continued non-payment of justice sector personnel has significantly demotivated judges with a notable slowdown in the rate of completion of cases as well as concerns regarding corruption within the justice sector.

SOMALILAND

It has been positive to note government commitment to realising the judicial reform strategy. An official legal Gazette was launched at the beginning of 2013 allowing new laws to be disseminated for the first time. The High Judicial Council took action for the first time against non-performing and corrupt judges as well as hiring 85 graduates into the justice system including 32 women. This included the first female senior registrars and an additional 5 prosecutors. The government also approved & enforced for the 1st time a legal aid regulatory framework and which has seen an improvement in access for those in detention and on remand. Developments within the AG Office have also seen an increase in the number of successful prosecutions on crimes relating to sexual offenses (A total of 171 cases went to trial) with 54 successful prosecutions (73 cases are still pending). The finalization of the new UN rule of law programme will provide welcome multiyear funding to support implementation

RESULTS

SL	Indicator	2.2.1.2 Number of policies / reforms designed, enacted, and implemented	G
	Result	"Medium": National legal Aid policy approved; Guidelines on access to legal aid and lawyers, and legal aid code of conduct adopted and approved. Regional Legal Aid coordination Committees established in Buroa, Berbera, Boorama & Erigavo to enforce the approved legal aid regulatory frame work	
	Comment	Unlike 2012, initial reports have indicated that legal aid providers are getting better access to prisons to serve prison inmates. However, dissemination and awareness raising campaign on the new Legal Aid Regulatory Framework is needed and will be done in 2014	
SL	Indicator	2.4.2.2 Number of citizens receiving legal aid, disaggregated by gender	G
	Result	4 UNDP supported legal aid providers served and provided free legal aid services to 10,915 clients. Among these were 3,247 women, 1,106 children, 1,976 IDPs/Refugee and 404 minorities. 2,573 individuals were released from Prison & police custody	
	Comment	Due to funding gap all activities and works of the legal aid partners were not fully funded. However, the performance of the legal aid partners proved the sustainability of the legal aid provision. 2013 saw a modest increase in cases compared to 2012 with 10,915 cases compared to 9,551 in 2012.	
SL	Indicator	2.4.2.3 Number of legal aid centre's supported	G
	Result	20 legal aid centers in 6 regions in Somaliland including Laas aanood and Boon District of Boorama (Awdal) Region	
	Comment	Legal Aid Centres have and made legal aid services available to individuals in the remote villages and districts of Somaliland and have significantly contributed to the proper delivery of mobile court services .	
SL	Indicator	2.2.1.1 Number of public servants that participated in organized trainings	G
	Result	142: 75 (27 F) judicial interns + 10 prosecutor intern (5 F) were hired in 2013 + 57 (40 F) scholarships supported.	
	Comment	32 (15 F) Judicial interns were officially hired on January 1 2014 after completing internships at the end of 2013. This is in addition to the others who have been hired during the course of 2013. 20 scholarship students (16 F) graduated in 2013.	
SL	Indicator	2.4.2.5 Number of rape and SGBV cases, disaggregated by dismissals and convictions	G
	Result	326 rape cases reported (Hargeisa (90%), Boorama & Buroa). The AG Office proceeded with 171 cases securing 54 convictions. 40 cases collapsed due to lack of evidence or following acquittals; 8 cases were released on Agreement by elders and whilst 73 are pending due to ongoing police investigations	
	Comment	48 % of cases reported to Baahi Koob didn't go to trial. Improving investigation & judicial capacities as well as awareness raising on reporting rape incidence is required in 2014. Increase in caseload from 195 in 2012 to 326 in 2013 due to improvements in capacities and increased awareness raising.	
SL	Indicator	2.2.2.3 Code of conduct and other necessary supportive and legally binding rules and regulations developed	G
	Result	Higher judicial council (HJC) started drafting comprehensive court fee system. HJC initiated enforcing the Judicial Code of conduct it adopted in 2012 and good progress emerged on judicial accountability with 8 Judges sanctioned.	
	Comment	HJC has through its judicial inspection scheme investigated judicial misconduct complaints: It has taken disciplinary measures against 8 judges and prosecutor. 2013 was the first time that HJC hold judges accountable to judicial misconducts based on written code of conduct & disciplinary procedure .	
SL	Indicator	2.4.2.1 Number of legal professionals that have received training on sexual and gender-based violence	Y
	Result	107: Module on Sexual Assault and Gender offered as part of law curriculum to 57 scholarships students including 40 female and to 50 prosecution and judicial interns including 22 female	
	Comment	The human rights curriculum developed by universities in conjunction with UNPOS for judicial training includes elements on Women's Rights and GBV. But Planned judicial training was delayed due to funding gaps	

RESULTS

SL	Indicator	2.4.2.4 Number of cases fully adjudicated in court, disaggregated by criminal and civil cases	G
	Result	Court in 4 regions (Hargeisa, Berbera, Boorama, Laas anod) of SL rendered 9,227 cases including 4,172 civil and 4,160 crime), and disposed 6,886 cases (75% performance rate). Compared to 2012 (all SL Courts adjudicated 6,127 cases), there is good progress noted.	
	Comment	The progress reported is due to, among others, UNDP's support to reform the case management systems and operations of the Mobile court as well as the judicial training program. Disposal rates did drop by 5% compared to last year indicating the need to expand the case management across the country.	
PL	Indicator	2.4.2.2 Number of citizens receiving legal aid, disaggregated by gender	G
	Result	1145 clients (599 women, 546 men) received legal representation from legal aid lawyers in 596 criminal cases and 549 civil cases. Paralegals resolved an additional 931 cases (467 women, 421 men and 43 cases involving children) through mediation and other problem solving methods.	
	Comment	PLAC lawyers accompany Mobile Court Teams to districts in a combined effort to provide justice to rural communities. These joint missions in which legal awareness sessions are also conducted is one of the methods the project is using to deepen access to legal services in rural communities	
PL	Indicator	2.4.2.1 Number of legal professionals that have received training on sexual and gender-based violence	G
	Result	In November 2013 10 paralegals in Bosaso (7 male and 3 female) were trained on the provisions of the new Puntland Family Law Act which was passed in 2012 . This act regulates many aspects of SGBV such as rape.	
	Comment	This training was intended to enhance the capacity of paralegals to resolve family law related disputes in the target community including guardianship of children, maintenance, divorce, marriage and inheritance.	
PL	Indicator	4.3.1.3 Number of cases that women win in courts or traditional mechanisms to protect their economic assets	G
	Result	159 out 191 cases won by women in the courts (provided with legal representation by PLAC legal aid lawyers and 1 by PSU Legal Clinic) concerned the economic rights of women: 116 (72%) being maintenance cases.	
	Comment	Currently it is difficult to gather data relating to cases determined by traditional elders because there is no system in place yet for registering decisions reached by elders or religious leaders.	
PL	Indicator	2.3.3.1 Level of progress on establishing human rights institutions, safeguards, and oversight arrangements with a focus on enhancing women's security is "high", "medium", or "low"	Y
	Result	Medium: Legal Aid Policy approved and 2 dissemination workshops were under taken in Bosaso and Garowe with the participation 27 justice sector officials. Improving access to legal aid for all and women in particular protects women's rights and enhances their security.	
	Comment	Efforts to create the Office of the Public Defender seem to have stalled. In the just adopted 5 year Development Plan a National Human Rights Commission will be established. It not clear whether the 2 institutions will co-exist or whether one is being abandoned in favour of the other	
PL	Indicator	2.4.2.3 Number of legal aid centre's supported	G
	Result	5 Legal Aid Centers supported in Garowe, Bosasso, Gardo and Galkayo. 9 lawyers (2 F), 9 interns (4 F) and 39 paralegals (17 F) provide legal aid services in these centers to women, IDPs, refugees, members of minority clans, children, detainees and the poor.	
	Comment	The number of legal aid centers supported rose by 1 with the establishment of PSU Legal Aid Clinic in Quarter 4. Currently 1 lawyer and 4 paralegals (all female) serving at the Clinic. The Clinic is currently serving the population within Nugal region providing valuable experience to law students.	
PL	Indicator	2.4.2.1 Number of legal professionals that have received training on sexual and gender-based violence	G
	Result	42 interns are given incentives to serve with justice sector institutions including the Ministry of Justice, the Courts, the Ministry of Security, the Puntland Legal Aid Centre and the Puntland Custodial Corps. Interns supported in past years have in some cases secured jobs in those institutions.	
	Comment	The internship programme provides an opportunity for students to gain critical practical lawyering experience in the absence of an institutionalized pupillage or clerkship programme in Puntland. Pupillage /clerkship is a mandatory part of legal education in other jurisdictions.	

RESULTS

PL	Indicator	2.4.2.1 Number of legal professionals that have received training on sexual and gender-based violence	G
	Result	In the 2013/2014 academic year (started October 2013) 63 scholarships were provided (10 full and 14 tuition only for women students) to PSU faculty of law students. In the 2012/2013 academic year (ended Sept. 2013) 107 scholarships were provided.	
	Comment	The 107 scholarships included 23 full scholarships to the members of the Judiciary and law enforcement as well as 10 scholarships for MPs. 44 of these students (15 female) will graduate in Jan/Feb 2014. 20 members of the judiciary and law enforcement and all the 10 MPs will be graduating in 2014.	
PL	Indicator	2.2.1.1 Number of public servants that participated in organized trainings	G
	Result	8 judges & 1 prosecutor completed 6 months judicial training; 18 judges trained in Case Management and Judicial Code of Conduct; 8 jurists-all male- (judges and professors) attended TOT training on Combating Organized Crime and Piracy; and, 27(18 male, 9 female) on the Legal Aid Policy.	
	Comment	The 6 months judicial training benefited 33 (53%) of the 53 judges and 10 prosecutors that were serving in the Judiciary at the time of completion. The judges are now 66. There are plans to deliver the TOT on Organized Crime and Piracy to all the judges & prosecutors in Puntland funds permitting.	
PL	Indicator	2.4.2.1 Number of legal professionals that have received training on sexual and gender-based violence	G
	Result	3 PLAC Lawyers (1Female, 2 male); 2 Female PUWLA Lawyers and 6 paralegals (2 female, 4 male) received training on how to manage SGBV cases through the criminal justice process including skills in interviewing and counseling (advising) SGBV survivors.	
	Comment	The same training was given to the 10 paralegals (4 female, 6 male) who were recruited and trained in August and September 2013 to form the Bosaaso Community Paralegal Network serving rural communities in the greater Bosaaso area under the oversight and supervision of PLAC.	
FL	Indicator	2.4.2.2 Number of citizens receiving legal aid, disaggregated by gender	G
	Result	2308 clients (1113 female:1195 male) were provided with free legal aid. 1182 criminal and civil cases were undertaken by 3 legal aid partners. Among the legal aid beneficiaries were 602 GBV (305 rape) survivors, 1200 IDPs, 17 children, 98 poor and 203 minorities.	
	Comment	Legal aid services were provided in Mogadishu, because of limited access to surrounding areas where security is still a challenge. There was a decline in service provision in Q3 &4 because of funding gaps. With the new bridging funds in Q1 2014, legal aid activities will increase	
FL	Indicator	2.4.2.3 Number of legal aid centre's supported	G
	Result	3 legal aid offices in Mogadishu supported a total of 11 lawyers (6 female) 51 paralegals, 20 interns (10 female)	
	Comment	Provided legal aid and counseling to 2308 clients consisting of detainees, women, refugees, IDPs, children and members of minority groups	
FL	Indicator	2.4.2.1 Number of legal professionals that have received training on sexual and gender-based violence	G
	Result	50 students (25 male: 25 female) benefited from UNDP supported law scholarships. 37 of these (25 male: 12 female) completed their 3rd semester while 13 female students completed their 1st semester. The performance was good with 78% passing their exams & the remainder who'll need to resit exams	
	Comment	These were the 1st UNDP supported scholarships in Mogadishu it was very successful. 140 Internships were also provided giving the students practical experience and skills for future work in the justice system. The curriculum includes modules on human rights & sexual gender based violence responses	
FL	Indicator	2.4.2.5 Number of rape and SGBV cases, disaggregated by dismissals and convictions	G
	Result	297 reports of SGBV were reported to legal aid partners, however majority of the survivors declined to take the matter to court. Out of 22 cases taken to court there were 12 convictions	
	Comment	Major challenges were experienced by survivors who sought legal recourse. 2 survivors who alleged being raped by government security forces were tried and convicted together with journalists who interviewed them, for embarrassing the state institution, and 1 that accused AMISOM officers was harassed	

RESULTS

FL	Indicator	2.1.1.1 Number of required laws, disaggregated by draft by the legislative or executive branch, enacted by Parliament, and implemented by the executive	Y
	Result	UNDP entered into a Responsible Partner Agreement with IDLO to support the establishment of a legal/legislative drafting unit with the Ministry of Justice to improve the capacity of the Ministry to draft suitable legislation in line with international human rights and legal norms.	
	Comment	Establishment of the legal drafting unit is planned for Q1 2014. There is buy in from the Federal Government & the justice stakeholders to support the optimal operations of this unit once it is formed. Intensive training and mentoring of the Unit's staff will also be done to ensure sustainability	
SL	Indicator	# of cases heard by mobile courts disaggregated by gender, offence & region	G
	Result	1,302 crime & civil cases with 2,607 clients (566 Female; 338 child; 981 IDPs/Ref & 108 Minorities).	
	Comment	There has been a large increase in the caseload compared to 2012: 567 were heard compared to 1302 last year. This has been due to improved reporting, data on the number of beneficiaries as well as case numbers and improved efficiencies. They are now dealing with over 10% of entire court caseload.	
SL	Indicator	level of performance of the AG Office is "high", "medium" or "low"	G
	Result	MEDIUM: New offices were built and handed over in Q4 in Boromo as well as expansion of the HQ. Women and Child Desks were established in Boromo and Burao. 20 Graduate Prosecutors now work in the AG Office including 10 women. Code of conduct also approved covering the AG Office	
	Comment		
SL	Indicator	# of Juvenile Court sections established with trained personnel	Y
	Result	45 Judges appointed to serve Juvenile cases in 45 courts in SL following agreement reached between UNDP and the Supreme Court, but the planned specialized training for these judges did not take place due to funding gaps	
	Comment	Specialized training to Juvenile Court judges will commence in 2014 subject to funding and in agreement with UNICEF	
PL	Indicator	Number of Prisoners and staff provided with health services including screening and drugs.	G
	Result	80 prisoners and staff provided with health services and literacy classes in Gardo Prison.	
	Comment	The implementing partner, WAWA has set up a clinic in Gardo prison which is run by one doctor and 2 nurses. Prison staff selected and trained on basic 1st aid. WAWA have exited in Q4 due to prior agreement and due to lack of funds.	
PL	Indicator	Number of auxillary health workers (staff and prisoners) to support the work of the health clinic in Gardho Prison	G
	Result	4 staff (2 women) trained as support staff; 4 staff & 1 female prisoner trained in public health	
	Comment	The support staff were trained in sanitation, drugs management, water and hygiene, mental health, health education and personal hygiene. 2 were retained to support the prison health clinic. Activity concluded in Q4 due to prior agreement and due to lack of funds to continue into 2014	
PL	Indicator	Number of Cases adjudicated by Mobile Courts disaggregated by gender and nature of case	G
	Result	Mobile Courts adjudicated 522 cases 340 of these being civil and 182 criminal cases. 194 of these cases were filed by women and 328 men.	
	Comment	Security continues to be a challenge in some areas where Mobile Court Teams encounter armed civilians who attempt to impede the enforcement of judgments. Insecurity in Bari region with recent terrorist attacks in Bosasso and election related anxieties impeded the work of the Mobile Courts in Q4.	

RESULTS

PL	Indicator	Gardo Prison operational.	G
	Result	Gardo Prison is operational and Some minor rectification works are being undertaken by a contractor. Inmates are receiving numeracy and literacy classes. In November there 124 inmates: 9 female and 115 male. 104 were convicted while 20 were on remand.	
	Comment	The contract of the Prison Advisor ended and there is no possibility of a renewal due to the lack of funds. The prison authorities have expressed satisfaction with the work that has been done by the Prison Advisor to mentor middle and junior ranking officers in the prison management.	
PL	Indicator	Level of Performance by the High Judicial Council is "high", "medium", or "low".	Y
	Result	Medium: Case Management in Garowe is progressing satisfactorily though there is room for improvement. New Offices for the High Judicial Council and equipment were completed and handed over in Q3.	
	Comment	Case Management was only implemented in the Garowe courts and it is hoped it will be rolled out to the other regions in 2014. The Judicial Inspection Scheme will most likely be restarted in Q1 of 2014.	
PL	Indicator	Level of Performance of the Office of the Attorney General "high", "medium" or "low".	G
	Result	High: The performance of the office of the Attorney General is satisfactory. A new building to house the Office of the Attorney General was completed and handed over together with equipment in Q3.	
	Comment	The Office of the Attorney General has been very cooperative in the provision of data to project staff indicating a more efficient recording and data collection system.	
FL	Indicator	Number of courts rehabilitated	Y
	Result	Rehabilitation of the ground floor of Benadir Court & new court entrance to improve security: bill of quantities are awaiting completion of judicial security assessment	
	Comment		
FL	Indicator	# of cases heard by mobile courts disaggregated by gender, offence & region	R
	Result	The project was suspended due to a deterioration in security and targeting of Judges.	
	Comment	A judicial security assessment is on-going designed to look at measures which will mitigate this including possible measures that would allow this project to re-start.	
ALL	Indicator	Improved security for judicial personnel	G
	Result	A Judicial Security Assessment was conducted in December 2013 providing practical measures and risk mitigation plans to improve the security of court houses & judicial personnel in the 3 regions of Somalia. An inception report has been finalized and short-term measures identified for implementation	
	Comment	Targeted assassinations of judges & judicial personnel increased in Mogadishu. The CJ identified this as a top priority to increase the independence of the judiciary. Improving security will also pave way for the full exercise of civilian courts mandate to take cases of serious crimes e.g. terrorism	
SL	Indicator	Number of site visits by Managers and project staff	G
	Result	2 national project officers paid 25 visits to project sites outside Hargeisa city, and likewise visited on weekly bases to partner's main seats at Hargeisa to monitor and support in the implementation of 13 project activities thereto.	
	Comment	Given the volume of activities in Somaliland, the project is exploring hiring new staff to ensure consistent and systematic monitoring of all projects	

RESULTS

PL	Indicator	Number of site visits by Managers and project staff.	G
	Result	220: 2 international staff and 2 national officers visit partners continuously on average 1 partner per day to monitor and support partners in the implementation of project activities.	
	Comment	Monitoring visits are also undertaken to other regions like Bosasso and Gardo. Staff also accompany Mobile Courts in their district missions to monitor the work of Mobile Courts.	
FL	Indicator	Number of site visits by Managers and project staff.	Y
	Result	There was limited visits of the international staff in Mogadishu due to declining security situation and limited residential accommodation following the attack on the UNCC in June 2013. This continues to be a challenge of effectively monitoring projects in Mogadishu.	
	Comment	National project staff are however continually engaged with the local partners and conduct weekly visits and attend partner events.	
ALL	Indicator	Number of Project Boards facilitated	G
	Result	Project Boards were successfully facilitated .	
	Comment		
ALL	Indicator	Number of Partner Reports Received on Time	G
	Result	Partners submit project reports on time.	
	Comment	Project staff continuously engage partners on reporting in order to improve the quality of reports. Improvement has been slow with notable fluctuations from month to month partly because of language skills. Staff have undertaken training on MCG/LOA Management and report writing	

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ACTIVITY HIGHLIGHTS

FEDERAL LEVEL

UNDP & UNSOM's justice work was integrated into one justice & corrections team and to that end progressed in securing agreement from the Ministry of Justice & Judiciary to jointly work together in leading the process of justice reform. Disputes between them had prevented the establishment of an effective coordination body as well as discussions on commencing engagement. This agreement has led to the creation of a Justice Steering Committee which met for the first time in November; a new inception programme which started in December and development of a multi-year programme of support linked to the Compact which will start in 2014.

Work continued on finalizing the judicial security assessment which will finish in February identified as a key priority given continued attacks on judges.

PUNTLAND

In February 23 students (7 females) of UNDP-supported law students graduated (1st graduation ceremony of law students for PSU). In April the last batch of 9 Judges and 1 prosecutors completed the 6 months judicial training at the East African University to bring the number of judges and prosecutors who had completed the training to 33 (53%). The Ministry of Justice was able to convene and successfully chair the first Justice Sector Working Group attended by government institutions, national NGOs, international NGOs and other UN Agencies. In Q3 the Bosasso Community Paralegal Network was launched after the recruitment and training of 10 paralegals (4 women and 6 men) in August and September 2013. Q4 also saw the launching of the Puntland State University Legal Clinic.

SOMALILAND

The Government has recruited 32 graduates including 15 women who have completed the 1 year UNDP supported legal internship programme in key justice institutions such as Ministry of Justice, Law reform Commission, Solicitor General and Prison Administration. Likewise, good progress has been reported on the accountability of the judiciary and legal aid providers: High Judicial Council received 22 complaints against judges and prosecutors and investigated 11 of these. It has taken disciplinary measures including warnings, suspension and a pay cut for 6 judges and 1 prosecutor. The government began enforcing the recently adopted Legal Aid Regulatory Framework in the regions giving legal aid lawyers better access to detention centers.

PARTNERSHIPS

UNDP and UNSOM are now working in an integrated unit as one integrated rule of law team. The inception proposal which has started will be undertaken together as will the longer-term rule of law programme which will start later in 2014.

UNDP/UNSOM are also working with the UN system including UNICEF, UNODC, UNMAS, UN Women and UNOPS to develop a one UN programme.

In Mogadishu, UNDP entered into an agreement with IDLO to support the establishment of a functional Judicial Service Commission within the Judiciary, a legal drafting Unit at the Ministry of Justice. This will seek to develop national capacity draft legislation by establishing a Legal Drafting Unit to ensure that draft legislation complies with the Constitution and international human rights standards, including standards governing the protection of women and children. A legal drafting manual will also be developed to provide comprehensive guidance, including through specialized training, to the Ministry of Justice and other entities involved in lawmaking. A complete review of the criminal and civil codes and procedures will also be conducted and laws incompatible with the provisional Federal Constitution will be identified and reviewed. A Joint Implementation Unit will also be established at the MOJ to facilitate improved policy debate.

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PEACE AND CONFLICT

Legal aid lawyers, paralegals as well as the mobile courts continue to contribute to the resolution of community disputes through mediation. Overall the project contributes to peace building through the strengthening of justice sector institutions thereby providing the people with reliable fora for the peaceful resolution of disputes.

As mentioned above the project successfully mediated a long-running dispute between the Ministry of Justice and Judiciary in Mogadishu which had been one of the reasons blocking commencement of activities at the federal level.

In Puntland non payment of public sector salaries including for the justice & policing sector are having a detrimental effect across the majority of our interventions. This has led to a slow down in achievements seen with introducing court management systems and also delayed planned training activities.

GENDER

In Somaliland the government has just recruited 15 female lawyers who have completed a UNDP supported one year legal internship programme. A total of 32 women have now been hired into the public sector as a direct result of this programme in the last 18 months to positions in the Judiciary, civil service, AG Office and Law Reform Commission.

In Puntland the project gave 24 scholarships for female law students at PSU. Seven have already graduated with a further 14 graduating in January 2014. At this time last year there was only 1 female lawyer in Puntland practicing. The female graduates have now formed a Puntland Women Lawyers Association which the project hopes to support in 2014. The project also supported hiring a further 10 paralegals in Bosasso who will focus on providing advice and support to vulnerable groups including women.

In Mogadishu the project commenced scholarship support for the first time providing 13 to female law students.

UPCOMING QUARTER

The major focus will be in supporting the bridging and Inception project which is intended to link current UNDP Rule of Law activities with a new Rule of law (ROL) programme which will commence in 2014. The project includes both on-going activities (bridging phase) as well as new initiatives (inception phase) for the new ROL programme that anticipates putting necessary infrastructure in place and building the capacity of the Somali Government so that ROL institutions are prepared and capable to implement a robust ROL programme supported by the UN and the international community at large. Activities have been prioritized based on those that are critical for the running of police and justice services and have been already planned and ready for implementation (bridging phase); as well as activities that have been agreed by Government counterparts and are aimed at building the foundation of the Justice and Police sectors for the anticipated new multi-year programme.

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REFLECTIONS / LESSONS

UNDP’s support to mobile courts in Somalia is contributing to gradually improve decentralized justice service delivery particularly in Somaliland & Puntland where they currently deal with over 10% of the entire caseload of the Courts. In Somaliland there has been a substantial increase in the caseload from 255 cases in 2008 (first year of operation); 567 cases in 2012 and 1302 cases (assisting 2,607 beneficiaries) in 2013. Although still largely reliant on UNDP, there are encouraging signs that some of the pre-conditions for them to continue without international support are in place, in particular the increased demand amongst citizens; that they are implemented under the lead of the Judiciary as well as the fact that this is widely accepted by Community leaders and the authorities.

Investments in legal education have produced impressive results particularly in Somaliland. UNDP supported the establishment of Hargeisa University, the 1st law faculty over a decade ago. At the time there were less than 10 lawyers in the region (and no women lawyers). To address this UNDP supported scholarship programmes prioritizing women and from 2012, graduate internship programmes. We have seen 85 graduates including 32 women hired into the Judiciary, Attorney General’s Office & government. There are now over 75 female law graduates working in the legal sector as lawyers, employed in the non-profit sector and in the justice system including the first deputy AGs & prosecutors and 1st senior registrars. Both the Chief Justice & Minister of Justice are optimistic that it is only a matter of time before women are also appointed as Judges. This best practice is now being replicated in Puntland where we have seen the 1st graduation of law students in 2013 & a request to support graduate internship programmes.

There have also been improvements in the area of Gender based violence in Somaliland. This has also been largely due to political commitment as well as commitment by the international community to support long-term interventions. There are a significantly higher number of cases now going to Court as well as survivors coming forward for treatment & support at the Baahikoob at Hargeisa Group Hospital. This year we have seen 326 rape cases coming forward largely due to efforts by UNDP and the hospital in publicizing the service as well as a focus on capacity building of the staff working at the Centre. The Government has also publicly supported the Centre helped by the fact that it is situated at the public hospital (this has also given added credibility to the statistics produced). As a result the government has lent their support to the centre encouraging survivors to use it and been increasingly prepared for sexual assault cases to be dealt with by the court. We have seen 171 cases going to Court in 2013 with 54 successful prosecutions (73 are still pending). This is also a good example of cross project and sector collaboration with the UNDP Police project.

CUMULATIVE PROJECT FINANCIAL SUMMARY	
APPROVED BUDGET	5,602,855
TOTAL (DISBURSEMENTS + COMMITMENTS)	5,207,532
BALANCE OF FUNDS	395,323
% DELIVERY (AGAINST APPROVED BUDGET)	93%

Access To Justice Project



*Empowered lives.
Resilient nations.*

LIST OF ACRONYMS USED

- AG Office: Attorney Generals Office
- ASWL: Association of Somali Women Lawyers
- COGWO: Coalition of Grassroots Women's Organisations
- EAU: East African University, Puntland
- HJC: High Judicial Council
- IDLO: International Development Law Organization
- JCWG: Justice and Corrections Working Group
- JSC: Judicial Services Council
- MOJ: Ministry of Justice
- PLAC: Puntland Legal Aid Centre
- PSU: Puntland State University
- SWDC: Somali Women Development Centre
- SWLA: Somaliland Women Lawyers Association