UNDP Somalia • C.2 Project Quarterly Results

Access To Justice Project



PROJECT:
Access To Justice Project

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PROGRAMME: Governance and Rule of Law

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CONTEXTUAL ANALYSIS

FEDERAL LEVEL

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. Disputes between the two had prevented the establishment of an effective justice sector coordination body as well as discussions on commencement of engagement in both institutions. This has led to creation of a Justice Steering Committee which will meet on 22 Oct co-chaired by the Minister and Chief Justice and which will lead coordination of support to this sector. At the same time the UN will now work on building capacities in the Ministry and Judicial Services Council 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.

Judicial security continues to be the main priority for the Judiciary. An assessment will commence in October designed to address this.

PUNTLAND

The context continues to be characterized by weak justice sector institutions that have been put under further strain by the non-payment of salaries for staff for several months. Quarter 3 saw a significant decrease in the level of engagement by partners because early July was the start of the Holy Month of Ramadhan. An important development is the considerable progress that has been made in developing a 5 year Development Plan for Puntland in which justice sector institutions collectively contributed to its compilation and drafting. The plan, once finalized, strengthen ownership and boost ongoing work with the Ministry of Justice. Under the current LOA one of the key deliverables is the convening of Justice Sector Working group which would normalize the process of sector engagement and improve the capacity of the Ministry to lead justice sector reforms including the development of a 5 year Strategic Plan. It is not certain how the upcoming elections will impact project activities.

SOMALILAND

UNDP have supported the Ministry of Justice to finalise a regulatory frame work for legal aid provision including a National Legal Aid Policy, Guidelines on Legal Aid Services and Lawyer; and Legal Aid Code of Conduct. These are now place in Somaliland and will allow for improved oversight of the sector as well as facilitating access to police stations and prisons.

The government also announced their intention to recruit 37 law graduates (50% women) who have completed a UNDP certified one year law graduate internship programme from January 1st 2014. They will be prioritized into a number of sectors including the Custodial Corps, legal advisers in government ministries as well as the courts and AG Office. The government has requested support to continue this programme in 2014 for 20 graduates. They will be trained to replace Judges and registrars who are nearing retirement.

RESU	ILTS		
SL	Indicator	2.2.1.2 Number of policies / reforms designed, enacted, and implemented	
	Result	Somaliland government approved National legal Aid policy; Guidelines on access to legal aid and lawyers, and adopted a legal aid code conduct and approved plan to implement the national legal aid policy and improve the legal aid system	G
	Comment	MOJ Legal Aid Coordination Unit established cooperation & working relationship between government & legal aid providers. Thus, facilitated adoption of the above instruments to improve the system	
SL	Indicator	2.4.2.2 Number of citizens receiving legal aid, disaggregated by gender	
	Result	4 Legal aid partners provided free legal aid serveces to 2,313 citizens. Among the beneficiaries were 543 female, 269 children, 94 from minorities & 475 IDPs/refugees. 466 detainees were also released from prisons & police custody in SL regions.	G
	Comment	Compared to Q2, legal aid performance was low in this Q3. This is because courts did not work fully in the month of Ramadan (I.e., 1st Month of Q3) as judges and prosecutors took vacation	
	Indicator	2.4.2.3 Number of legal aid centre's supported	
SL	Result	20 legal aid centers in 6 regions in Somaliland including Laas aanood and Boon Distrct of Boorama (Awdal) Region	G
	Comment	Legal aid providers have through their centers made available their services for individuals in the remote villages and districts and contributed to proper delivery of mobile court services	
	Indicator	2.4.2.5 Number of rape and SGBV cases, disaggregated by dismissals and convictions	
SL	Result	79 rape or sexual related offences reported in Hargeisa, Buroa and Boorama: 46 went through formal justice system, 14 conviction, 20 pending and 12 under police investigation. 68 of the incidents were reported to Baahi koob center in Hargeisa	
	Comment	Branches of the Baahi koob center planned for Boorama and Buroa Hospitals to support the Sexual Crime and Juvenile Justice Prosecution Units were not established due to funding gap	
	Indicator	2.4.2.4 Number of cases fully adjudicated in court, disaggregated by criminal and civil cases	
SL	Result	Courts in the towns of 5 administrative regions have adjudicated 2,824 cases including 1,449 civil cases & 1,365 criminal cases. 2,183 cases disposed (i.e., 77% of the cases involved in the reporting period.)	G
	Comment	During Ramadan courts did not work fully, but performed better than Q2. This is due to improved case management and regular judicial inspection and monitoring missions	
	Indicator	2.2.1.1 Number of public servants that participated in organized trainings	
SL	Result	57 (including 30 female & 8 from minorities) scholarship in Universities of Hargeisa & Amoud were supported, and 22 (16 female & 2 from minorities) graduated in this reporting period; 37 including 16 female successfully completed a 9 months judicial internship	G
	Comment	Planned scholarships for 30 females was delayed due to funding gaps. The Government allocated public funds in its 2014 budget to employ above 37 judicial interns in key justice institution	
	Indicator	2.2.2.3 Code of conduct and other necessary supportive and legally binding rules and regulations developed	
SL	Result	Higher judicial council (HJC) organized workshop to improve current court fee system. Good progress reported on judicial Accountability: HJC investigated judicial misconduct complaints and took disciplinary measures against 5 judges based on the code of conduct	G
	Comment	HJC currently working on completion of court fee system to ensure a transparent system is in place in the courts	
	Indicator	2.4.2.3 Number of legal aid centre's supported	
PL	Result	4 legal aid offices in Garowe, Gardo, Galkaio and Bosasso supported a total of 8 lawyers (2 female); 9 interns (4 female); 25 paralegals (11 women and 14 men) provided legal aid and counseling to detainees, women, refugees, IDPs, children and members of minority groups.	G
	Comment	In quarter 4 these will be joined by 10 (4 female) newly recruited and trained lawyers to serve as part of the community paralegal network to rural communities in the greater Bosasso area.	

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PL	Indicator	2.2.1.1 Number of public servants that participated in organized trainings	
	Result	18 (all men) judges from across Puntland trained in Case Management including the provisions of the Puntland Judicial Code of Conduct. This training lays the foundation for the roll out of case management beyond the Garowe courts.	G
	Comment	This training will enable judges to understand their role in case management. Understanding the Code of Conduct reinforces judicial integrity and is a first step in bolstering judicial accountability.	
	Indicator	2.4.2.4 Number of cases fully adjudicated in court, disaggregated by criminal and civil cases	
PL	Result	42 cases were adjudicated in Garowe; 18 of these were criminal and 24 civil. 10 (5 criminal and 5 civil) were appealed to the Nugal Appeal Court.	G
	Comment	Once the Case Management system is rolled out to other courts in Puntland the numbers will increase. Currently there is no reliable system of receiving data from other regional and district courts.	
	Indicator	2.4.2.1 Number of legal professionals that have received training on sexual and gender-based violence	
PL	Result	3 PLAC lawyers(1 woman and 2 men), 2 female PUWLA Lawyers and 6 paralegs, 2 women and 4 men, received training on how to manage SGBV cases through the criminal justice process including skills in interviewing and counseling (advising) SGBV survivors.	G
	Comment	In addition to that, students at PSU go through a module on Human Rights that includes Women's Rights and SGBV.	
	Indicator	2.4.2.2 Number of citizens receiving legal aid, disaggregated by gender	
PL	Result	203 clients (102 women and 101 men) received legal representation from legal aid lawyers, including 106 criminal cases while 97 were civil cases. Paralegals resolved 309 cases (180 women, 129 men and 12 involving children) through mediation and other problem solving methods.	G
	Comment	60% of clients were IDPs; 30% minority/poor; 10% refugees. Majority of the civil cases in which legal representation was provided were family related: 63 maintenance, 15 divorce,2 inheritance	
	Indicator	4.3.1.3 Number of cases that women win in courts or traditional mechanisms to protect their economic assets	
PL	Result	44 cases out of the 55 cases won by women (provided with legal representation by PLAC legal aid lawyers) concerned the economic rights of women: 35 on maintenance, 1 house ownership dispute, 6 cases on debts owed and 2 cases on dowry.	G
	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.	
	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"	
PL	Result	Medium: Legal Aid Policy approved. Dissemination of the Legal Aid Policy is one of the activities to be undertaken by the Ministry of Justice in Quarter 4 under a new LOA starting October 1st 2013.	
	Comment	Efforts to create the Office of the Public Defender seem to have stalled as Puntland discusses the establishment of a National Human Rights Commission in the proposed 5 year Development Plan.	
	Indicator	2.4.2.1 Number of legal professionals that have received training on sexual and gender-based violence	
PL	Result	32 students (14 female) given incentives to serve as interns in various justice institutions including the Courts, the Ministry of Security, the Police, the Ministry of Justice and the Mobile Courts	G
	Comment	The internship programme so far has been the only opportunity for law students to gain practical working skills in the absence of an institutionalized pupilage or clerkship programme.	
	Indicator	2.4.2.1 Number of legal professionals that have received training on sexual and gender-based violence	
PL	Result	107 scholarships provided to PSU law students including 35 to female students: 18 full scholarships; 49 tuition only scholarships; 23 full scholarships to members of the judiciary and law enforcement; 7 tuition only scholarships to judiciary and law enforcement; 10 scholarships to MPs	G
	Comment	44 of these students, 15 of them female, are expected to graduate in November. 20 members of the judiciary and law enforcement officials as well as the 10 MP are part of the graduating class.	
		scholarships; 23 full scholarships to members of the judiciary and law enforcement; 7 tuition only scholarships to judiciary and law enforcement; 10 scholarships to MPs 44 of these students, 15 of them female, are expected to graduate in November. 20 members of the judiciary and la	W

RESULTS

	Indicator	2.4.2.4 Number of cases fully adjudicated in court, disaggregated by criminal and civil cases	
PL	Result	From January to June 2013, the Puntland Courts have adjudicated 2, 824 cases including 1449 civil cases and 1, 365 criminal cases. 21 83 cases were disposed of	G
	Comment	It is not easy to gather data for all the courts across Puntland (all the regions and districts)in a timely manner because the Case Management system is only operational in Garowe.	
	Indicator	2.4.2.2 Number of citizens receiving legal aid, disaggregated by gender	
FL	Result	1137 (653 female; 484 Male) 3Legal aid partners undertook 415 cases (345 criminal &4 civil). Among the beneficiaries were, 197children, 133 minorities and 808 IDPs/refugees and 67 poor. They provided legal aid to 117 GBV survivors including 98 survivors of rape and procured 12 convictions	G
	Comment	Legal aid provision is still limited only to Mogadishu area due to security limitations to legal aid partners to establish offices in newly liberated areas.	
	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"	
FL	Result	Low: A joint Project Document was drafted by UNSOM, UNDP, OHCHR on support to the establishment of a National Human Rights Commission at the Federal Level. TOR for an international consultant to facilitate the consultation process with national stakeholders has been drafted, work to commence in Q4	
	Comment	A costed plan will be prepared by the consultant to allow for resource mobilization from donors and the government to facilitate the planning and operationalization of the NHRI.	
	Indicator	2.4.2.3 Number of legal aid centre's supported	
FL	Result	3 legal aid offices in Mogadishu supported a total of 11 lawyers (6 female) 51 paralegals, 20 interns (10 female); provided legal aid and counseling to detainees, women, refugees, IDPs, children and members of minority groups	G
	Comment	1 legal aid partner lost 2 lawyers in the attack at Benadir court which hampered performance slightly in Q3 but the partner has now hired adequate replacements and performance is expected to improve	
	Indicator	2.4.2.1 Number of legal professionals that have received training on sexual and gender-based violence	
FL	Result	67 students consisting of 37 (12 female) students benefiting from UNSP scholarships and 30 students (15 female) undertaking internships successfully completed their 1st and 3rd academic years respectively that includes modules on human rights and sexual gender based violence responses.	G
	Comment	A further 13 female students will benefit from scholarships in Q4. A new MCGA with the university will commence in October 2013. However, scholarships are not planned in Q4 due to funding limitations	
	Indicator	# of cases heard by mobile courts disaggregated by gender, offence & region	
SL	Result	6 MCs adjudicated 367 cases (229criminal;138civil) with 790 clients including 143wom, 115child, 98IDPs &108Minori. Per Region:(Hargeisa 82 cases & 192clients) Erigavo(62cases & 153 clients) Buroa(54 & 109 clients) Boorama(46 & 99 client) Berbera (44 & 88 clients) Sup Court 61 cases & 149 clients)	G
	Comment	Mobile courts disposed 291 cases in the reporting period. However, the absence of sufficient transportation for Mobile Court teams is a challenge to the performance of the mobile courts	
	Indicator	# of Juvenile Court sections established with trained personnel	
SL	Result	45 Judges appointed to serve Juvenile cases in 45 courts in SL, but the planned specialized training for these judges in Q3 did not take place due to funding gaps.	R
	Comment	Funding gaps hindered the project to deliver specialized training to Juvenile Court judges, but implementation will commence when funding is available	
	Indicator	Number of court and justice premises rehabilitated	
SL	Result	2 Construction of new office Boorama Prosecution office & Amoud legal clinic were completed and handed over to the Government. Additional new working space for the Office of the Attorney General is also completed but awaiting hand over.	Υ
	Comment	Budgetary constraints delayed construction/rehabilitation of the MOJ office at Buroa & the Odweyne District court	

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SL	Indicator	# of women & child sections established in SL at AG office	
	Result	3 Women & Child Sections in Hargeisa, Borama & Buroa. There is also a plan to establish the 4th Unit in Berbera in Q4.	G
	Comment	Absence of Baahi koob services affected performance of women and Child section in Buroa and Boorama. A new Baahi koob center expected to become operational by November 2014.	
PL	Indicator	Number of Cases heard by Mobile Courts disaggregated by gender and nature of case	
	Result	143 cases adjudicated by Mobile Courts. 63 of these were filed by women. 37 were criminal and 106 were civil.	G
	Comment	Security is a challenge in some areas where Mobile Court teams encounter armed civilians who attempt to impede the enforcement of judgments.	
	Indicator	Gardo Prison operational	
PL	Result	Yes, the Prison is operational. 90, (58 men; 32 women) benefited from the literacy classes and healthcare services provided in the month of September. 1 computer and 1 printer were provided to Gardo prison in July and staff were trained on how to use them.	G
	Comment	The prison advisor continues to mentor middle and junior officers of the custodial corps at Gardo prison. Inmates attend literacy classes and are provided with healthcare services through WAWA	
	Indicator	Level of Performance of the High Judicial Council is "high", "medium" or "low"	
PL	Result	Medium: Case Management continuing well; completed construction & furnishing of new HJC Office building and it was handed over to the High Judicial Council in July, providing more space and equipment to improve the performance of the HJC.	Υ
	Comment	The Case Management Project has progressed satisfactorily. However, the inspection project was suspended due to management issues. A new LOA to restart the Inspection Project in Q4 has been drafted.	
	Indicator	Level of Performance of the Office of the Attorney General is "high", "medium", or "low".	
PL	Result	High: Completed renovations and furnishing of the Attorney General's Office. It was handed over in July.	G
	Comment	Technical support to the Office of the Attorney General is required to improve the skills of prosecutors to investigate and prosecute cases. This is likely to happen in the Quarter 4.	
	Indicator	Number of site visits by Project Managers and Project Officers	
PL	Result	60: international staff and 3 national officers based in Puntland visit partners to monitor and support partners in the implementation of project activities on a weekly basis (on average one partner per day).	G
	Comment	Monitoring/support visits slowed down significantly during Ramadhan because partners slowed down significantly and in most cases would be absent or worked for a few hours per day.	
	Indicator	Number of partner reports received in time.	
PL	Result	All partners provided monthly and quarterly reports on time.	G
	Comment	The quality of reports fluctuates. Immediately after the LOA management training quality went up. There seems to be a deterioration since pointing to the need for continuous engagement on reporting.	

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ACTIVITY HIGHLIGHTS

FEDERAL LEVEL

A monthly donor/UN justice coordination forum started for the purposes of information sharing as well as discussing & obtaining agreement on strategic priorities for the sector. Three meetings have now been held with the second also involving police colleagues and representatives from the Federal Government including the Chief Justice, Ministries of Justice & Interior and Police Commissioner. The 'inception proposal" was presented by the UN and government at this meeting. The Ministry and Chief Justice have also now agreed to jointly chair a Justice Steering Committee which will meet on 22 October for the first time and lead coordination of this sector.

Progress was also made on securing agreement for establishment of a drafting unit at the ministry. This will start in guarter 4.

PUNTLAND

The activity highlights for this quarter include recruitment and training of 10 paralegals, 4 women and 6 men, for the Bosasso Community paralegal network and the launch of a monthly radio programme for the Puntland Legal Aid Centre (PLAC). The paralegals will serve in the greater Bosasso area improving access to legal services. They will provide legal advice, mediate cases, make referrals and help inhabitants navigate difficult administrative procedures of government institutions. They were trained in basic law, paralegal skills such as interviewing and problem solving, managing GBV cases, women's rights and human rights. PLAC also launched a monthly 1 hour radio programme to raise awareness of the people of Puntland in legal issues including human rights.

SOMALILAND

A regulatory frame work for legal aid provision including National Legal Aid Policy, Guidelines on Legal Aid Services and Lawyer, and Legal Aid Code of Conduct are now in place. At the same time a revised lawyers act was passed through parliament which will improve regulation of the profession

37 (17 female) law graduates completed a 1 year graduate internship programme. The government has allocated funds in the 2014 budget to officially employ these interns into the public sector from January 1st as legal advisers.

Progress was seen on accountability within the judiciary: it is the first time in Somaliland that the Higher Judicial Council handled judicial misconduct complaints and took disciplinary measures against judges accused of misconduct.

PARTNERSHIPS

The Project continued to engage with a number of government partners including the Judiciary, Ministry of Justice and AG Office as well as non-governmental partners concerned with the wider justice sector including lawyers associations, women lawyers associations, legal aid providers and university law faculties.

The project is also a member of both the Protection Cluster and GBV working groups in both Nairobi and Somalia which it participates in along with its partners. During the reporting period the project provided presentations to the GBV WG along with the Police Project on legal responses to GBV across the regions and also a presentation to the Protection Cluster in Nairobi on the work of the police and justice projects.

A new partnership has been developing between the project and the Puntland Women Lawyers Association (PUWLA) which is a new organization formed by female PSU law graduates some of whom were beneficiaries of UNDP scholarships. This partnership is still very nascent and will be cultivated as one of the project's contributions to improving women's access to justice in Puntland.

As mentioned above the project has been engaged in improving synergies within the sector with the formation of an international justice sector forum which now meets monthly in Nairobi. In Somalia the project continues to be closely involved in justice sector coordination groups in Hargeisa & in Q4 in Mogadishu and Puntland.

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PEACE AND CONFLICT

The project contributed to peace building capacity by training 10 paralegals, 4 women and 6 men in mediation skills to enable them to help resolve disputes in the greater Bosasso area. In addition, the continued services of the Mobile Courts and the growing capacity of the justice system to handle disputes means that communities will increasingly have recourse to the courts to resolve disputes thereby minimizing chances inter-clan 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

The project continued to prioritize the increase of women into the legal profession. Progress was highest in Somaliland where 17 women who have just completed a one year law graduate internship programme will be hired in the public sector from January 2014 as legal advisers (including others who will be absorbed into the AG Office). 20 female law students and graduates are also benefiting from work experience in various legal institutions in Puntland although due to lack of public funds it is unlikely they will be absorbed in the public sector in the short-term.

Management of GBV cases also witnessed improvements in Somaliland. The AG Office has established dedicated departments in their regional offices to prosecute sex offenses. In 2013 they have dealt with 159 incidents with 109 which went to trial and convictions secured in 40 cases (72 are still ongoing).

2013 has also witnessed an increase in women law professionals in Puntland with 7 graduating this year & 15 in January 14.

UPCOMING QUARTER

In Puntland a legal aid clinic will be established at PSU providing an opportunity for law students to learn lawyering skills. The Bosasso Community Paralegal network, recently trained, will be launched in Q4. The MOJ will be supported to start a Justice Sector Working group that will enable it to lead justice sector reforms.

In Somaliland, the MOJ will launch a public defender's office to provide state provided legal aid. The government has for the 1st time provided a budget to do so. UNDP will support this as a pilot in Q4 & if successful plan to reduce support to non-governmental legal aid providers whilst increasing support to this office.

At the federal level UNDP/UNSOM will commence support to establishing an implementation unit & drafting unit at the MOJ; launch an assessment on judicial security and assist with the establishment of the JSC.

New funding sought under the bridging and inception proposals will support all of these new activities

Access To Justice Project



REFLECTIONS / LESSONS

Through the work of the Mobile Courts and Legal Aid lawyers it is emerging that the people of Puntland are willing to engage state institutions (formal courts) so long as they are available, effective and reliable. Support for justice sector institutions to increase their presence and effectiveness is helping to cultivate acceptance of state institutions in principle thereby contributing to anchor a sustainable rule of law. One of the ways in which effectiveness seems to be realized is through continuous and principled cooperation with other institutions that are familiar and more dominant in people's lives such elders and religious leaders. This for example is one of the ways in which the Mobile Courts and even other courts in general have been dealing with the challenge of enforcing court decisions. This growing presence and effectiveness is threatened by the non-payment of salaries which among other things makes it difficult for institutions to retain qualified staff.

Improvements in public financial management in Somaliland have led to a four fold increase in state revenues since 2009 which in turn is leading to improvements in budgets being allocated to the Courts. Judges, Prosecutors and registrars are all paid on time and have also been given increases in pay this year. The Courts will also be allocated increased operating budgets in 2014 allowing them to provide more effective services to its citizens. The Minister of Justice and Chief Justice have also jointly agreed to meet the Presidents Office to discuss a phased plan to transfer lower court budgets to the Courts. These are currently managed by the Ministry. This would provide for establishment of an office of court administrator at the Supreme Court. When enacted this will increase independence of the Judiciary.

The thawing of relations between the Ministry of Justice and Judiciary at the federal level have allowed the UN to obtain traction in commencing meaningful engagement in the sector. This has already allowed for starting of coordination functions as well as agreement on key activities which will start under an "inception phase" allowing key institutions to take the lead in justice sector reform.

The Somali Compact under cross-cutting issue of respect for human rights supports the establishment of a human rights commission in line with the Post-Transition Human Rights Road map for Somalia 2013-2015.

UNSOM and UNDP played a critical role in the last quarter into PSG3 discussions including defining priorities with our government partners. This has formed the core of the approved Somali Compact. New funding for a period of six months will create an enabling environment to realize those priorities & for government leadership. A rule of law mission later this year will seek to work with Somali (including Somaliland) partners in devising a concrete plan to realize this objective as well as allowing for implementation of approved national justice plans.

CUMULATIVE PROJECT FINANCIAL SUMMARY		
APPROVED BUDGET	3,997,488	
TOTAL (DISBURSEMENTS + COMMITMENTS)	3,885,868	
BALANCE OF FUNDS	111,621	
% DELIVERY (AGAINST APPROVED BUDGET)	97.21%	

Access To Justice Project



LIST OF ACRONYMS USED

MOJ: Ministry of Justice

AG Office: Attorney Generals Office

HJC: High Judicial Council

JSC: Judicial Services Council

PLAC: Puntland Legal Aid Centre

PSU: Puntland State University

SWLA: Somaliland Women Lawyers Association

SWDC: Somali Women Development Centre

ASWL: Association of Somali Women Lawyers

COGWO: Coalition of Grassroots Women's Organisations

EAU: East African University, Puntland

