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# 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

Q1 started with political uncertainty due to cabinet changes and enlargement which slowed down the implementation of activities. The Ministry of Justice portfolio which included many different functions changed to a more confined portfolio, Ministry of Justice and Constitutional Affairs, with a new minister. Briefings of the new minister have been undertaken. The overall security situation deteriorated in Mogadishu with targeted attacks and suicide bombs including attacks against a UN convoy which also negatively affected the implementation of activities on the ground.

As a result of discussions with the new minister, supporting the Ministry of Justice and Constitutional Affairs to fulfill its mandate became a priority which resulted in UNDP entering into a letter of agreement with the ministry to provide support including five advisers, equipment and furniture support, as well as 10 law graduates as interns.

This Project supports PSG 3: Justice.

### PUNTLAND

Q1 saw the peaceful transfer of power in Puntland as result of January elections in which Abdi-wali Ali Gaas – former Prime Minister of the Federal Republic - was elected as the new president of Puntland for the coming five years. A new cabinet was appointed including a new Minister of Justice. The new Minister of Justice is the former General Secretary of the Puntland parliament and benefited from UNDP-provided scholarships to legal tertiary education and received a degree. He graduated on the 9th of March 2014 with 47 others including 13 female students. The security situation continued to present challenges in Bari region. In March, a senior military commander was killed in ambush as he was traveling in a car near port town Bossaso. There were other reports indicating an increasing Al-shabab presence in some villages near Bossaso. This deteriorating security situation has impacted negatively on project activities in Bari region especially the work of Bossaso paralegals.

### SOMALILAND

Quarter 1 of 2014 saw a welcome increase in international development initiatives for the Somaliland Judiciary and justice sector generally. This support shows the increasing capacity of the Ministry of Justice & its Judicial Reform Implementation Technical Support Unit. The project made considerable progress in support for the establishment of the 2 new BaahiKoob centers (SARC) in Boorama & Buroa. The High Judicial Council after a competitive recruitment process appointed 24 (7 female) law graduates as Judges/Court Chief Registrars. The HJC also dismissed 2 judges from Hargeisa Courts because of judicial misconduct in accordance with the newly instigated Judicial Code of Conduct and Disciplinary Rules for SL Judges and Prosecutors.

## RESULTS

SL	Indicator	2.4.2.2 Number of citizens receiving legal aid, disaggregated by gender	Y
	Result	990 (f:281; m:709). Legal aid partners provided support for complainants and defendants in 542 cases (383 criminal & 159 civil) with 990 clients including f:281; m: 709). Total included 166 Children, 142 IDPs/Ref and 22 minorities. 98 clients released with legal aid support.	
	Comment	University of Hargeisa legal aid clinic will expand in Q3 and Q4 to east Somaliland	
SL	Indicator	2.2.1.1 Number of public servants that participated in organized trainings	Y
	Result	13 (f:6; m:7) staff members of newly established Buroa & Boorama BaahiKoob Centers trained; 39 (f:16; m:23 including 6 Minorities) scholarships (in University of Hargeisa (15 law students) & Amoud University (31 law students) aimed at future justice professionals	
	Comment	Planning for advanced judicial training program & judicial training for newly appointed judges undertaken with training curriculums prepared and trainees identified. Both trainings will commence in Q2.	
SL	Indicator	2.2.1.2 Number of policies / reforms designed, enacted, and implemented	Y
	Result	Zero fully enacted. Legal policy-making guidelines drafted. Comprehensive Court fee system drafted and is pending for approval.	
	Comment	Support to Ministry to progress with guidelines was processed in Q1 and this will enable the final validation activities to be completed and approved in Q2.	
SL	Indicator	2.4.2.3 Number of legal aid centre's supported	Y
	Result	6 legal aid centers in 2 regions (Hargeisa & Boorama as well as Boon Districts of Boorama region) supported.	
	Comment	University of Hargeisa will expand in Q3 and Q4 to east Somaliland.	
SL	Indicator	2.4.2.1 Number of legal professionals that have received training on sexual and gender-based violence	Y
	Result	None: this activity was delayed due to funding gap	
	Comment	Advanced judicial training program will start in April and includes a module on SGBV.	
SL	Indicator	2.4.2.4 Number of cases fully adjudicated in court, disaggregated by criminal and civil cases	G
	Result	1308. 6 courts in Hargeisa and Berbera recorded 1308 cases including 672 criminal cases & 636 civil.	
	Comment	The 6 courts disposed of 968 cases 534 cri + 434 civil, which is equivalent to 47% completion rate. Quarterly report from other courts not available at the moment. Data gathering and reporting format is under preparation.	
SL	Indicator	2.4.2.5 Number of rape and SGBV cases, disaggregated by dismissals and convictions	G
	Result	81 incidents in Hargeisa, Boorama & Buroa. Out of these, 40 went through formal justice system: 24 prosecuted (3 conviction, 1 acquitted & 20 pending for court trail) & 16 under police investigation.	
	Comment	Among the convictions, there is one case of gang rape with the prisoners sentenced to 20 years of imprisonment. Planning for technical capacity building support for newly established Baahikoob Centers in Buroa and Boorama undertaken in Q1.	

## RESULTS

SL	Indicator	1.1.1.1 Level of findings and recommendations from relevant research and data analysis that is incorporated in programming decisions is "high", "medium" or "low"	G
	Result	High Judicial Council (HJC) dismissed 2 judges who were found to have committed judicial misconduct. Proceedings were based on Judicial Code of Conduct supported by UNDP and endorsed by the HJC	
	Comment	This is the first time that a judge has been dismissed on the basis of the written Judicial Code of Conduct and disciplinary rules. The HJC and Judicial inspectors need capacity building support in investigating and trying judicial misconduct and related complaints.	
PL	Indicator	2.2.1.1 Number of public servants that participated in organized trainings	G
	Result	29 public servants (f:2; m:27) from Judiciary, Police, MOJ, Ministry of Security and Ministry of Interior attended 3 days training on the Puntland Legal Aid Policy in Galkayo.	
	Comment	This training is the last in a first round of 4 that covered the 4 regional capitals of Puntland. The objective is to sensitize justice sector officials on the need for legal aid and thereby improve adherence to the Puntland Legal Aid policy adopted by heads of institutions in December 2012.	
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	Low: There are discussions on the re-establishment of the Office of Human Rights Defenders in which Ministry of Justice Officials, A2J and UNSOM Human Rights Section have participated.	
	Comment	This process had stalled last year because of questions related to Federalism and how the Puntland government wanted to relate to Mogadishu. It seems that this is no longer an issue and it is hoped progress will be made in the coming quarter.	
PL	Indicator	4.4.2.1 Number of reported incidences of sexual and gender-based violence	G
	Result	60 cases (54 cases on domestic violence alone) were reported to UNDP-supported legal aid providers this quarter.	
	Comment	All 60 cases received various forms of legal aid including 56 with legal representation and 4 receiving mediation support.	
PL	Indicator	4.3.1.2 Number of cases brought to courts to protect women's economic assets	G
	Result	70 cases supported by legal aid partners were filed by women seeking maintenance costs. 47 of these cases were decided in favour of women.	
	Comment	Some economic related cases such as land ownership are rarely reported to legal aid centers because elders generally solve such cases outside courts.	
PL	Indicator	2.4.2.3 Number of legal aid centre's supported	G
	Result	5 legal aid centers supported- 4 of the Puntland Legal Aid Centres (PLAC) in Garowe, Bossaso, Gardo, Galkacyo served by 8 lawyers and 37 paralegals and the PSU Legal Clinic served by 1 lawyer and 4 paralegals	
	Comment	These 5 centres provide free legal aid to vulnerable groups in Puntland i.e. women, children, IDPs, refugees, members of minority clans and persons living with HIV/AIDS.	
PL	Indicator	2.4.2.2 Number of citizens receiving legal aid, disaggregated by gender	G
	Result	254. Total of 254 clients (f:151; m: 90 and 13 children) were provided with free legal aid by 8 PLAC legal aid lawyers and 1 by PSU Legal Clinic lawyer. 106 of supported cases are criminal and 148 are civil cases. 98 out of the 254 cases are family and GBV related cases.	
	Comment	The provision of legal aid services in the Bari region has been facing challenges from the deteriorating security situation there.	

## RESULTS

PL	Indicator	2.4.2.4 Number of cases fully adjudicated in court, disaggregated by criminal and civil cases	G
	Result	51 cases (25 criminal and 26 civil) in Garowe were adjudicated. No data received in this quarter from other courts in Puntland.	
	Comment	It is difficult to receive reliable regular data from other courts because record keeping is poor. The project hopes to role out case management support to other courts outside Garowe.	
FL	Indicator	2.4.2.2 Number of citizens receiving legal aid, disaggregated by gender	G
	Result	711 clients (f:335; m:376). 3 legal aid partners provided free legal aid services and undertook 404 criminal and civil cases. Among the legal aid beneficiaries were 414 IDPs and 132 SGBV survivors.	
	Comment	In Q2 legal aid activities will increase as the result of new agreements in the pipeline for all 3 legal aid partners (1 already finalized and signed). There are plans to start the provision of legal aid services outside Mogadishu in the newly recovered areas especially in Baidoa and Beledweyne.	
FL	Indicator	2.4.2.3 Number of legal aid centre's supported	G
	Result	3. The 3 legal aid partners in Mogadishu supported a total of 11 lawyers (f:6; m:5) and 51 paralegals (f:8; m:43), 20 interns (f:10; m:10)).	
	Comment	These 11 lawyers and 51 paralegals plus the 20 interns are the backbone for providing the free legal aid services and there are plans in the future to increase the number to enable these partners to expand their activities.	
FL	Indicator	2.4.2.1 Number of legal professionals that have received training on sexual and gender-based violence	G
	Result	50 disadvantaged students (f:25; m:25) continue to benefit from UNDP supported scholarships at Mogadishu University's Faculty of Sharia and Law. 37 of these (12f; m:25) are in their 4th semester while 13 female students are in their 2nd semester. The degree includes SGBV modules	
	Comment	The Minister of Justice and Constitutional Affairs stressed the need to inject a new pool of graduates into the Judiciary and the Ministry making this scholarship initiative more important than ever. The curriculum taught 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	132. The 3 legal aid partners took 132 SGBV cases to court; and secured 84 convictions and 48 dismissals.	
	Comment	For survivors of SGBV reporting their cases is challenging due to the dysfunctional justice system and more importantly the fear of retaliation from offenders. As more convictions are obtained confidence levels in taking cases to court should rise.	
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	Zero. UNDP partnered with IDLO to support the Ministry of Justice and Constitutional Affairs to establish a legal/legislative drafting unit within the ministry to improve the drafting capacity of the Ministry to draft much needed new laws.	
	Comment	There was some delay in starting the implementation of the agreement due to the fact that a new Minister of Justice was appointed and it required time to engage with him and get his approval for implementation. The Minister has approved everything and activities will begin early next quarter	
SL	Indicator	Number of cases adjudicated by Mobile Courts (MC).	G
	Result	MC heard 321 cases 201cri & 120civ with 737clients (f:167; m:570 inc.11 Children, 99 minority, 114 IDPs). Per Region: Hargeisa( 82cases, 215 clients) Berbera (45 cases,82 client) Buroo (50 cases,119 clients) Erigavo (70 cases, 121 clients) Boorama (52 cases, 95 clients) Gabiley (22 cases, 105 client	
	Comment	UNDP support to MCs covered half of activities of the MC in this Quarter.	

## RESULTS

SL	Indicator	Number of women & child sections established in SL at AG office.	G
	Result	1 Women and Child Section in Berbera Regional office of the AG established making 4 in total operational.	
	Comment	There are 4 Women and Child Sections in Boorama, Berbera, Buroa and Hargeisa	
PL	Indicator	Number of cases adjudicated by Mobile Courts.	G
	Result	Mobile Courts recorded 95 cases. 65 of these cases being civil and 30 criminal. 33 of these cases were filed by women.	
	Comment	Mobile Courts are also facing the security challenges being reported in the Bari region. A further deterioration of security will significantly impact on the work of Mobile Courts in the region. The project is monitoring the security situation and is satisfied that project work can continue.	
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.	
	Comment	The Office of the Attorney General has been very cooperative providing data as required. After completion of new premises for AG Office in 2013 the AG's Office are very receptive to capacity building support and partnership on justice sector development activities.	
PL	Indicator	Level of Performance of the High Judicial Council is "high", "medium" or "low".	Y
	Result	Medium: Until the beginning of March 2014 the Case Management project was being run in collaboration with the council. The Judicial Inspection Scheme has been restarted in which the project is providing a Technical Advisor to boost the capacity of the council to carry out its mandate.	
	Comment	The High Judicial Council needs support to roll out a case management system beyond the Garowe Courts. Without proper case management systems in the other courts it will be difficult to measure the level of service delivery by the courts and the impact of UNDP support.	
ALL	Indicator	Improved security for judges and judiciary staff, legal professionals and justice institutions	G
	Result	A Judicial Security Review Report was concluded in Q1. An Operational Plan has been submitted to UNDP. A validation process will be conducted in April 2014, and the findings shared with justice institutions in Mogadishu and Garowe. Implementation of the recommendations will be carried out in Q2	
	Comment	Training curricula has been developed to train judicial staff and their security personnel. Tenders will be conducted in Q2 for a security company to roll them out. Topics include weapons training, basic 1st Aid skills, security incident tracking, threat & incident report production.	
SL	Indicator	Number of site visits by Managers and project staff	G
	Result	Two Project staff paid 4 visits to 12 projects sites in Berbera, Buroa and Boorama. Likewise, same project staff has regularly and on weekly basis visited to monitor and/or support technically to 12 A2J project sites in Hargeisa	
	Comment	The project intends to hire more staff to the project to ensure proper and efficient monitoring. Expected in Q2	
PL	Indicator	Number of site visits by Managers and project staff	G
	Result	1 international staff and 2 national officers visit partners on a regular basis. Support is provided to partners in the implementation of project activities.	
	Comment	Monitoring visits of staff to Mudug region where legal aid and mobile courts operate was limited due to security situation in Galkayo.	

## RESULTS

PL	Indicator	Number of Partner Reports Received on Time	G
	Result	Partners submit project reports on time.	
	Comment	Project staff continuously engage with partners to improve their reporting capacity. Despite improvement made by some partners capacity is generally weak and requires increased focus from UNDP.	

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## ACTIVITY HIGHLIGHTS

### FEDERAL LEVEL

UNDP entered into an agreement with Ministry of Justice and Constitutional Affairs (MOJC) to support the Ministry to fulfill its mandate by providing a package of support which includes placement of five advisors in the ministry for a period of nine months, contribution to equip and furnish the offices of the Ministry, as well as placement of law graduates (50% of whom will be women) to gain valuable work experience at the Ministry with a view to retaining them on a permanent basis.

### PUNTLAND

On the 9th of March 2014 the 2nd batch of UNDP-sponsored law students graduated from the Puntland State University with a law degree. A total of 47 law students graduated (45 UNDP-sponsored and 2 self-sponsored). Among the graduates were 13 female students, 9 policemen, 8 members of the Judiciary (judges & registrars), 10 members of parliament and 5 officers of the Puntland Custodial Corps (Corrections Service). The new Minister of Justice, Religious Affairs and Rehabilitation (MOJRAR) as well as the new Minister of Public Works -both UNDP supported- graduated. This graduation is another important step in the gradual professionalization of the justice sector in Puntland. Further, the 13 female graduates raises the number of female legal professionals to 21 from 1 in 2012.

### SOMALILAND

Two BaahiKoob Centers established at Boorama and Buroa. SL High Judicial Council has, after a public and competitive recruitment process, appointed 24 new staff including 7 female law graduates from Somaliland University as Judges/Court chief registrars. Theselaw graduates will be assigned offices after completion of 10 months judicial training. The High Judicial Council has dismissed 2 judges who are found to have committed judicial misconduct: This is the first time a judge was dismissed based on the written Judicial Code of Conduct and disciplinary rules

## PARTNERSHIPS

A new partnership is developing in relation to the efforts of UNSOM and UNDP to support the establishment of the Office of Human Rights Defender in Puntland. The drive to push the process forward after the Office of Human Rights Defender was established by law in November 2011 involves UN agencies and international NGOs such as Diakonia and the Norwegian Refugee Council as well as local NGOs. In addition partnerships with CSO legal aid providers have been further strengthened through improved coordination and information sharing.

At FL UNDP Access to Justice Project is now fully embedded within UNSOM ROLSIG and planning activities for the UN Rule of Law Joint Programming Framework are being undertaken in conjunction with the UN Country Team under the Global Focal Point Arrangements.

In Somaliland regular coordination taking place with the DFID funded Horizon Institute (for justice activities) and DFID funded Adam Smith International (in relation to linkages with support to policing).

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### PEACE AND CONFLICT

Continuing security threats against the UN, particularly at federal level, made programme implementation in Q1 extremely difficult. Security environment remains high risk with the attack on the UNCC compound in June 2013 and the attack on the UNHCR convoy in Q1 highlighting the risk for UN to operate. At FL movement restrictions around Mogadishu have impacted on the ability of the project to make implementation agreements with partners, including the Ministry of Justice, and to monitor implementation. Allied with this UNDP is working with justice sector institutions to bolster security of justice institution personnel who, no less than UN staff, face considerable threats which impact heavily on activities. Over the rest of the year this issue will come to the fore as the results of a comprehensive security assessment and plan completed by a consultancy company hired by UNDP are discussed and implemented.

### GENDER

During this quarter 13 female students graduated from PSU faculty of law and all of them were beneficiaries of UNDP scholarships. 3 of these female graduates have been hired as practicing lawyers by KAALO NGO while the rest are members of Puntland Women Lawyers Association which the project hopes to support in the next quarter. The increasing number of female legal professionals in Puntland from a low of 1 in 2012 to 21 in 2014 will impact positively in the push for improved access to justice for women as well as the overall goal of achieving gender equality and equity in Puntland. The project also continued to support legal aid centers, mobile courts and Bossaso paralegal network to provide legal support for vulnerable groups with a particular focus on women and children.

In SL HJC appointed 7 female judicial trainees. Women also benefited from A2J activities in SL: 16 scholarships: 168 Mobile court clients; 64 served by AGO/Baahi Koob & 281 legal aid beneficiaries

### UPCOMING QUARTER

In PL a Mobile Courts Review meeting will be held to review past activities. The project will support the MOJ to carry out a needs assessment including the drafting of a sector Strategic plan. Discussions underway on the re-establishment of the Office of Human Rights Defender with UNSOM Human Rights Section counterparts and the government.

In SL advanced judicial training for 57 judges, prosecutors and 15 police investigators (CID) will be undertaken and judicial internship training for 24 law graduates appointed as judicial trainees will be launched in Q2. Two review workshops (Mobile Courts and the enforcement of the Judicial Code of Conduct and Disciplinary Rules for judges and prosecutors) to be undertaken.

At FL partnership agreements with MOJ and Judiciary will be progressed and also agreements with CSOs to be implemented including extensive legal aid services in Mogadishu. Training of CSOs in legal aid and reporting to be conducted. Mobile Courts to re-start.



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### REFLECTIONS / LESSONS

UNDP's support to mobile courts and legal aid in Puntland has contributed to reduce conflict among communities as these mechanisms provide people fora for resolving problems through the formal or informal systems of justice without resorting to violence. Also UNDP scholarships have had a remarkable impact on the professionalization of justice services with the new graduates being recruited to serve in various positions in government institutions. Many beneficiaries of UNDP scholarships are now working as Judges, registrars and lawyers in Puntland and this injects new blood and skills into the system. In addition, through the female law graduates UNDP is contributing to gender equality and equity in Puntland by improving women's social status, participation in public life through service in NGOs and hopefully very soon, Puntland will have female judges and prosecutors. Currently there are 21 female lawyers in Puntland rising from 1 in 2012.

At FL the first quarter has shown a noticeable increase in engagement and capacity from the Ministry of Justice and also the Judiciary. These institutions are now taking further increased responsibility for justice sector development. This increased engagement also requires the UN to ensure that justice institutions are fully involved at all stages of planning and implementation of justice programming in order to bolster justice institutions leadership and ownership role and enhance sustainability. Such involvement is being encouraged by the UN as part of the UN support to the Somali Compact PSG 3 Working Group processes and the ongoing development of the Rule of Law Flagship Programme.

<b>CUMULATIVE PROJECT FINANCIAL SUMMARY</b>	
APPROVED BUDGET	2,065,802.00
TOTAL (DISBURSEMENTS + COMMITMENTS)	811,393.00
BALANCE OF FUNDS	1,254,409.00
% DELIVERY (AGAINST APPROVED BUDGET)	39.28%

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## 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
- IDPs: Internally displaced persons
- JCWG: Justice and Corrections Working Group
- JSC: Judicial Services Council
- MC: Mobile Courts
- MOJ: Ministry of Justice
- PLAC: Puntland Legal Aid Centre
- PSG: Peace and Statebuilding Goal
- PSU: Puntland State University
- ROLSIG: Rule of Law and Security Institutions Group
- SGBV: Sexual and Gender Based Violence
- SWDC: Somali Women Development Centre
- SWLA: Somaliland Women Lawyers Association
- MOJC: Ministry of Justice and Constitutional Affairs