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Best Practices in Programming for People-Centered Justice

A Compendium of Interventions and Lessons Learned from the
USAID Expanding Access to Justice Program in Somalia

February 2024

The USAID-funded Expanding Access to Justice Program, implemented by Pact in partnership with the American Bar Association Rule of Law Initiative through the Freedom-House-led Human Rights Support Mechanism, contributed to lasting improvements in access to justice and effective mechanisms to address grievances in Somalia. EAJ piloted highly contextualized interventions that grew community engagement with judicial institutions, improved responsiveness of judicial services, and assisted justice seekers in navigating Somalia's complex plural legal environment. Drawing from insight gained through its research and assessments, EAJ explored and adapted new approaches for how international justice practitioners in Somalia can work within locally accepted norms to improve justice outcomes, particularly for women and marginalized groups.

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February 2024

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Contents

Abbreviations and Acronyms.....	iv
Acknowledgments	v
Foreword.....	vi
About the Compendium	vii
Executive Summary	viii
Introduction to the USAID Expanding Access to Justice Program (EAJ)	9
EAJ Intervention Strategies	12
Intervention Strategy 1: Community Engagement.....	16
1.1 Court User Committees.....	17
1.2 Access to Justice Committees	21
1.3 Land Dispute Committees	22
1.4 Land Accountability Platforms	26
Reflections, Learning and Opportunities for Future Programming from EAJ’s Community Engagement Intervention Strategy	28
Intervention Strategy 2: Justice Services	33
2.1 Model Courts	34
2.2 Judges’ Forum	36
2.3 Judicial Ethics Education	38
2.4 GIS Mapping.....	40
2.5 Critical Analysis of Justice Support Models	42
Reflections, Learning and Opportunities for Future Programming from EAJ’s Justice Services Intervention Strategy	44
Intervention Strategy 3: Navigation of Justice Pathways.....	46
3.1 Justice Promoters.....	47
3.2 Community Awareness	54
Reflections, Learning and Opportunities for Future Programming from EAJ’s Navigation of Pathways Intervention Strategy	55
Intervention Strategy 4: Inclusion of Women.....	58
Reflections, Learning and Opportunities for Future Programming from EAJ’s Inclusion of Women Intervention Strategy.....	60
Annex I: EAJ Publications	63

Abbreviations and Acronyms

A2JC	Access to Justice Committee
ABA ROLI	American Bar Association Rule of Law Initiative
ADAM	Academy for Development and Advocacy of Minorities
ADR	Action for Development Research
ADRC	alternative dispute resolution center
ADRU	Alternative Dispute Resolution Unit
AJAT	access to justice assessment tool
APEA	applied political economy analysis
CLA	Collaboration, Learning and Adapting
COP	Chief of Party
CSO	civil society organization
CUC	court user committee
CULC	City University Legal Clinic
EAJ	Expanding Access to Justice Program
FGD	focus group discussion
FGS	Federal Government of Somalia
GIS	geographic information system
GESI	gender equality and social inclusion
ICU	Islamic Courts Union
IDP	internally displaced persons
JSC	justice subcommittee
LAO	legal aid organization
LDC	land dispute committee
MOJ	Ministry of Justice
MULC	Mogadishu University Law Clinic
OCJ	Office of the Chief Justice
PLWD	persons living with disabilities
SCAG	Somali Community Action Group
SGBV	sexual and gender-based violence
SODEN	Somali Disability Empowerment Network
SWDC	Somali Women Development Cooperation
SWLA	Somaliland Women Lawyers Organization
SWS	South West State
UNDP	United Nations Development Programme
UNSOM	United Nations Assistance Mission in Somalia
USAID	United States Agency for International Development
WPS	women, peace, and security
Y1	Year One
Y2	Year Two
Y3	Year Three
Y4	Year Four
Y5	Year Five

Acknowledgments

Pact would like to express its profound appreciation to the partners and stakeholders in Somalia and Kenya whose collaboration, guidance, and dedication made USAID's EAJ achievements possible.

We thank the Federal Government of Somalia for its cooperation. Specifically, we thank the Ministry of Justice (MOJ), the Supreme Court, and the Office of the Chief Justice (OCJ). We also thank the MOJ of Somaliland and the district governments of South West State (SWS) and Bay State for their cooperation.

We acknowledge the U.S. Government's technical, strategic, and financial contributions, without which EAJ would not exist. Specifically, we thank USAID and the USAID Somalia Mission.

EAJ programming achievements are owed to the expertise and collaboration of consortium partners and local civil society organizations who capably implemented program activities.

Special recognition goes to the more than one hundred Justice Promoters, other legal aid providers, and program and partner staff who engaged communities directly to ensure the success of the program. Their devotion to helping people understand and exercise their rights at a time of great volatility in the country underpinned the lasting impact of the program.

The author would like to thank the staff of USAID EAJ and Pact in Kenya who generously shared their time, experiences, and commitment to helping future implementers succeed in expanding access to justice for the people of Somalia.

Foreword

Over 30 years have passed in Somalia since the military dictatorship of Siad Barre came to a traumatic end leaving behind a 20-year power vacuum. Somalia state leadership would reemerge, only anemically, in 2012. During this extended period, basic governance evolved incongruously in different parts of the country. In Somaliland, a large territory in the northwest of the country, historical clan rivalries were pacified to begin building a unified, independent Somaliland State. Although clan-driven fissures remained, the area has experienced relative peace and successfully denied space for violent extremist groups. Under these conditions, Somaliland has begun a journey toward democratic rule with a formal justice sector. In stark contrast, adversarial clans in Somalia's other regions filled the power vacuum left by the fall of the Barre dictatorship. The clans' collective sense of injustice and armed seizure of land and other resources characterized the cycles of violence and occasional, temporary truces.

Somalia's capital city, Mogadishu, in the Benadir Region, experienced one interlude of order for six months, when in 2006 the Islamic Courts Union (ICU), a political organization with no clan allegiance, defeated and disarmed the clan warlords destroying the city. The ICU brought order by establishing Shari'ah courts which brought law and order to volatile neighborhoods. As an Islamist organization controlling a country at the same time that the Taliban was resurgent in Afghanistan, the ICU garnered no international support against the rival Transitional Federal Government which established its authority with the support of foreign troops. The ICU splintered into several different factions, one of which was the radical and violent militia, Al-Shabaab, which sought to control territory and destabilize areas outside of its control.

Entering this environment in 2018, the USAID EAJ was initially designed with Somaliland as its entry point to research the pluralistic Somali legal system and to deliver legal assistance to vulnerable groups in Somaliland through capacity development grants to legal aid organizations – a strategy that could be scaled to other parts of the country, when feasible. As the Federal Government of Somalia (FGS) made occasional gains against AS and other extremist groups, EAJ adapted to align with USAID's Peace and Stabilization Plan in 2020. The program introduced new objectives focused on community engagement in newly liberated districts, strengthening justice services, and improving navigation of justice pathways.

EAJ functioned amidst unique and especially dangerous security risks. In addition to Somalia's volatile environment, the implementation of EAJ put all staff and partners in the position of being enemies of Al-Shabaab by virtue of participating in activities that inform Somalia's citizens of their right to pursue the justice pathway of their choice. Staff and partners had to be constantly vigilant and cautious and were unable to divulge the positive work they are doing under EAJ. It was with great courage and commitment to People-Centered Justice that the staff of EAJ and its many partners inside Somalia worked with communities to bring justice and stability at a crucial period in Somalia's development.

John Furnari
USAID EAJ Chief of Party

About the Compendium

This compendium aims to support practitioners working to expand access to justice by drawing from experiences implementing USAID’s EAJ program in Somalia. The compendium is meant to be a resource for those designing or implementing people-centered justice programs; justice programs in plural legal environments or post-conflict environments; and those planning democracy, human rights, and governance programs in Somalia. The compendium explores in operational detail four EAJ intervention strategies: community engagement, justice services, navigation of justice pathways, and inclusion of women. Activities composing the intervention strategies are introduced with explanations of how they were contextualized for the Somali context. Results of each intervention strategy are presented followed by reflections on lessons learned, lasting improvements attributable to the strategy, and opportunities for future programming. The compendium is designed to be a reference document, structured to allow the reader to navigate directly to any section of greatest interest and relevance to them.

Executive Summary

The USAID-funded **Expanding Access to Justice (EAJ) Program** implemented people-centered justice interventions in Somali and Somaliland from 2018 to 2023. It differed from other justice programs in the region in several meaningful ways:

- The program introduced 63 initiatives dedicated to strengthening justice services, many of which were piloted in Somalia for this first time.
- EAJ generated a rich library of research data, conducting 16 studies across a wide variety of local contexts and critical legal and peacebuilding topics in the pluralistic legal environment of Somalia and Somaliland.
- The program’s interventions applied a robust people-centered justice approach allowing it to meet Somali justice seekers where they are and engaging them within the justice pathways available to them.
- EAJ’s partnership with Somalia’s judiciary, in which it provided technical assistance, contributed to advances in the judiciary’s engagement with communities in recovered areas.
- EAJ advanced international community understanding and acceptance of justice sector programming that engages with Shari’ah and Xeer processes and practitioners to strengthen the rights of women and marginalized groups.



These distinctions are reflective of EAJ’s contributions to lasting improvements in citizens’ ability to access justice and secure solutions to address grievances in Somalia and Somaliland. Learning from the EAJ program improves our collective understanding and provides insights to help implement effective people-centered justice programming in the future.



Key Lessons and Recommendations from EAJ are:

<p>Community Engagement</p>	<ul style="list-style-type: none"> ❖ <i>Piloting of initiatives generated insight into why communities accept or reject justice solutions</i> ❖ <i>Justice engagement platforms can be community-led, sustainable solutions</i> 	<p>Navigation of Justice Pathways</p>	<ul style="list-style-type: none"> ❖ <i>Access and trust were critical factors for success of the models assisting justice seekers to navigate Somalia’s pluralism</i> ❖ <i>Shari’ah justice venues offer opportunities to strengthen individual rights in some contexts</i>
<p>Justice Services</p>	<ul style="list-style-type: none"> ❖ <i>Justice services interventions provided the right venues to accomplish national ethics guidelines</i> ❖ <i>Support to the judiciary can be effective without providing direct funding support</i> 	<p>Inclusion of Women</p>	<ul style="list-style-type: none"> ❖ <i>Individualized support is effective for women to feel empowered to navigate justice pathways</i> ❖ <i>Women’s rights can be strengthened through women-friendly interpretations of Shari’ah tailored to the Somali context</i>

Introduction to the USAID Expanding Access to Justice Program (EAJ)

Project Summary

Duration: August 2018 to August 2023

Funder: United States Agency for International Development (USAID)

Value: \$25 million

Lead implementer: Pact

Geographic coverage: 33 districts in 4 regions

Implementing partner:

- American Bar Association Rule of Law Initiative (ABA ROLI)

Consortium Lead:

- Freedom House

Government of Somaliland and Somalia counterparts:

- Ministry of Justice SWS-GIA
- Ministry of Justice-Somaliland
- Supreme Court SWS-Baidoa District Court
- Supreme Court SWS-Xudur Court
- Supreme Court Wadajir Model Court

Implementing partners:

- Academy for Development and Advocacy of Minorities (ADAM)
- Action for Development and Research (ADR)
- Amoud Legal Aid Clinic
- Bay Women Development Organization (BWDO)
- City University
- Lifeline Organization
- Marginalized Community Advocates
- Mogadishu University
- NAGAAD Network
- Somali Disability Empowerment Network (SODEN)
- Somali Community Action Group (SCAG)
- Somalia Women Development Center (SWDC)
- Somaliland National Disability Forum
- Somaliland Women Lawyers Association (SWLA)

The five-year (2018–2023) USAID-funded EAJ Program contributed to **meaningful improvements to access to justice in Somalia**, many of which are detailed in this compendium. Pact, in partnership with the American Bar Association Rule of Law Initiative (ABA ROLI) through the Freedom House-led Human Rights Support Mechanism, implemented the EAJ program.

Pact provided technical guidance and oversight for all activities and served as the primary point of contact for USAID and the Federal Government of Somalia. Consortium member ABA ROLI provided technical expertise, access to justice models, legal tools, and led the research and collaboration, learning and adaptation (CLA) components of the program. Pact led monitoring and evaluation (M&E), capacity development of program partners, and training of local partners on data collection and geographic information system (GIS) mapping. The EAJ management team consisted of a Chief of Party (COP) from Pact, a Deputy COP from ABA ROLI, and a Research Director from ABA ROLI.

Goal and Objectives

The overall goal of EAJ was *Lasting improvements in access to justice and effective mechanisms to address grievances*. USAID Somalia designed the program to follow a legal empowerment model to grow the provisions of legal aid in Somalia and Somaliland through grants and capacity development support to legal aid organizations (LAOs) complemented by learning from policy research. Justice supply components (providing technical or material support to the formal justice systems of Somalia or Somaliland) were not part of the original program concept. The initial objectives of EAJ were:

Objective 1: *Improved public access to legal information through research, analysis, and policy interventions*

Objective 2: *Enhanced quality and reach of legal aid services*

Objective 3: *Increased capacity and sustainability of access to justice actors*

In Year 1 (Y1), EAJ implementation focused on conducting research and gathering contextual knowledge to design and adapt strategies and activities. The program also piloted activities with local partners in Somaliland where the political and security environment was more favorable than Somalia yet still offered the same plural legal environment and cultural context.

In Year 2 (Y2), EAJ added justice supply activities. With this modification, EAJ was poised to contribute to stabilization in Somalia. EAJ supported state justice institutions as they endeavored to deliver services to - and gain confidence from - communities recently returned to government control in regions of the county's South West State. This pivot did not change EAJ's overall goal, but its target geography, stakeholders and strategy were, leading to three new objectives.

EAJ Objectives from Year 2 Onward

- **Objective 1:** *Support and improve community engagements in justice solutions*
- **Objective 2:** *Strengthen justice services*
- **Objective 3:** *Improve navigation of justice pathways by aggrieved parties*

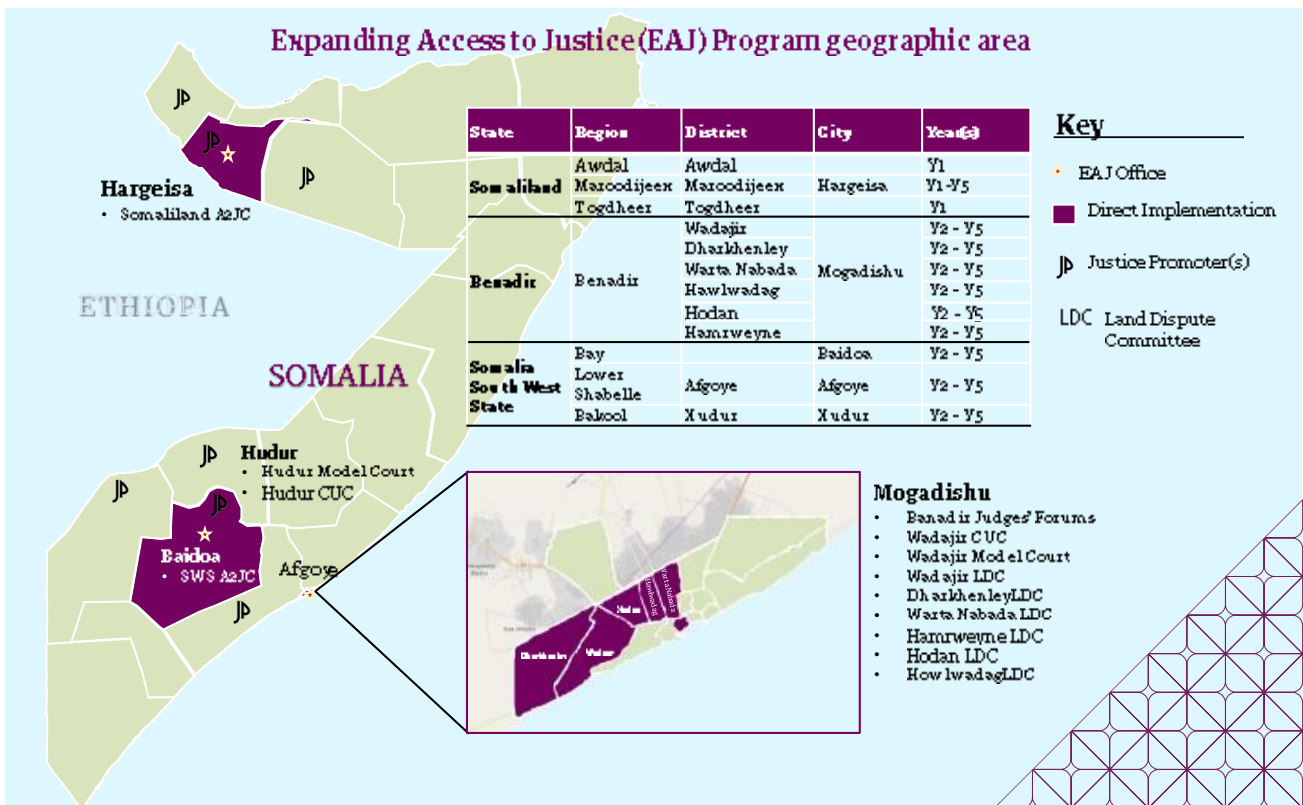
Program Implementation by Year and Geographic Area

EAJ's pivot in Y2 coincided with two other major changes: the arrival of COVID-19 to Somalia and the dissolution of the FGS cabinet. The program used this period, during which most activities underwent postponement, to conduct research on justice pathways in early recovery and intermediate recovered areas¹ and to shape highly contextualized intervention strategies and activities. By the end of Y2, EAJ had introduced interventions in Wadajir District in Mogadishu and parts of Lower Shabelle and Bay regions in South West State. By the end of Year Three (Y3), EAJ was also active in most Mogadishu districts. In Y4, assassinations of key stakeholders in South West State's (SWS) government forced a pause in implementation of some activities and famine in some rural areas drew redirection of program interventions to the growing number of internally displaced persons (IDP) camps. With resumption of activities in South West State, EAJ

¹ Early recovery areas are those recently returned to control under the FGS. Control in these areas is rarely absolute, with the government often able to displace anti-government forces during the day only for communities to see them return at night. Intermediate recovered areas were returned to FGS less recently and enjoy greater stability.

was implementing interventions at full capacity through Year Five (Y5). The graphic below shows the geography of EAJ implementation over five years.

Graphic 1: EAJ drew on learning from Y1 interventions in Somaliland’s plural legal environment to design programming in Benadir and Somalia’s South West State.



Select EAJ Results

In Somalia and Somaliland, EAJ contributed to lasting improvements in citizens’ ability to access justice and secure solutions to address grievances as demonstrated by the following results.

EAJ provided **2,899 individuals** (64% women) with legal services

EAJ reached **41,967 individuals** (61% women) with legal awareness or legal education

EAJ was involved in the resolution of at least **414 cases**

The capacity of **6 legal aid organizations** was strengthened to self-reliant levels

With EAJ support, **63 new initiatives** dedicated to strengthening justice services were introduced

EAJ conducted **16 studies**, adding seven publications (listed in Annex I) to our collective understanding of the justice environment in Somalia²

The judiciary of Somalia has adopted an **ethics code** generated by EAJ that strengthens respect for individual rights as well as new processes and procedures

Legal aid organizations have been afforded greater **access to judiciary institutions** as a result of EAJ justice engagement platforms

² Multiple studies produced by EAJ are cited as references in the 2023 USAID Somalia funding opportunity for the People Centered Governance Activity.

EAJ Intervention Strategies

This section introduces EAJ’s initial design, Y2 pivot, and historical and cultural context which led to the four intervention strategies documented in this compendium.

Initial Design

Resistance to justice sector reform has been a characteristic of international development efforts in Somalia for thirty years. The EAJ program was designed with awareness of this reality and set initial objectives accordingly. The program concept for EAJ steered away from institution-building in favor of policy research and grants to LAOs to expand the reach and capability of legal aid.³ The initial geographic targets were Somaliland, Puntland, and the FGS-administered Benadir Regional Administration. Once effective approaches were identified, the program would then add implementation in Jubaland and SWS.

In Y1, EAJ concept was composed of a comprehensive approach and a limited, scalable approach. The comprehensive approach was implemented in Somaliland and focused on partnership with its Ministry of Justice. The limited, but scalable approach implemented in Benadir, sought to test interventions, conduct targeted research, build key relationships, and generate learning. In its first year, the program forged eleven local partnerships, developed or initiated ten research products, and launched the GIS mapping system and the Access to Justice Committee (A2JC) in partnership with the Somaliland Ministry of Justice.⁴

Y2 Pivot

EAJ’s pivot is important for understanding the design of its four intervention strategies. In Y2, USAID Somalia redirected the program to focus on newly recovered areas in South West State and Benadir, and to add justice supply interventions. This pivot folded EAJ into larger bilateral **stabilization** efforts aimed at supporting the FGS in securing the confidence and support of Somali citizens in areas recovered from anti-government forces.⁵ For FGS to secure confidence and support, it needed to be more effective and inclusive in its delivery of services, particularly justice services.

USAID and EAJ determined that the program must be able to work in areas of varying degrees of political stability. EAJ’s evidence base made it clear that a single approach was unlikely to be effective across areas in different stages of recovery. Therefore, activities in **early recovery areas** were meant to establish foundational levels of trust between communities and key justice actors and extend the government’s basic justice services. Activities in **intermediate recovered areas** were meant to strengthen more advanced justice services.

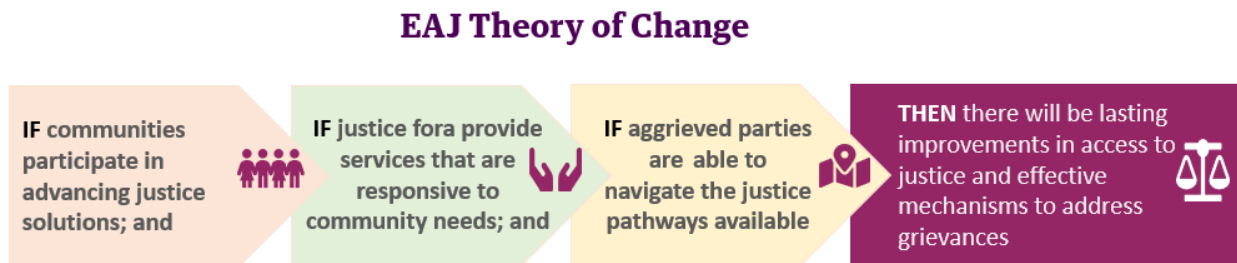
³Throughout its five-year period of performance, EAJ was not structured to provide funds to government institutions, though in-kind grants were permitted and used utilized in some justice supply activities.

⁴ EAJ used a five-month inception period to operationalize in Somaliland, Somalia, and Kenya.

⁵ The United States formally recognized the Federal Government of Somalia in 2013 and support for its state-building agenda is part of USAID’s five-year strategy (2020-2025) for Somalia which “*aims to help Somalia and its people more effectively withstand disruptions and increasingly drive their own development*”.

EAJ's architecture was changed to respond comprehensively to Somalia's justice needs within this context of stabilization. In this new orientation, EAJ's theory of change, objectives and results framework were recrafted to contribute to the USAID Country Development and Cooperation Strategy (CDCS) for Somalia Development Objective 1: *Targeted local institutions govern in a more legitimate manner, diminishing influence of violent extremist organizations*, and specifically contributes to Intermediate Result 1.3: *Communities more effectively address grievances and manage local conflict*.⁶ EAJ's Theory of Change was reshaped accordingly.

Graphic 2: EAJ Theory of Change



This new architecture⁷ positioned the program to focus on increasing justice demand, improving justice supply, and connecting the two through community engagement. This would align EAJ with the standard approach to access to justice projects in most countries.

Historical and Cultural Context

A defining characteristic of the justice landscape in Somalia is the existence of three separate systems of justice: Xeer, Shari'ah/Islamic law, and formal/statutory law. The earliest system, Xeer, may have originated in Somalia thousands of years ago. Xeer (pronounced 'hare') is a framework in which communities - and notably - clans, have co-existed through collective rights and is referred to in this compendium as Somalia's customary justice system.⁸ In the twelfth century, Islam spread through the region and brought with it the Islamic system of justice codified mostly through Shari'ah ("a path" in Arabic) composed of guidance and legal code from Islamic texts. Under Shari'ah, decisions are made according to specific interpretations of the Quaran and the Hadith by Qadis (Muslim judges), Muslim clerics, or Imams. In contrast to the Xeer system, Shari'ah law provides more protection to minorities and individuals, embraces restorative justice, and recognizes equality before the law. Shari'ah became the predominant legal

⁶ Somalia Country Development and Cooperation Strategy December 2020 - December 2025; [Country Development Cooperation Strategy \(CDCS\) - Somalia, 2020-2025 \(usaid.gov\)](#)

⁷ In addition to the above changes to strategy and approach, EAJ implemented organizational and operational changes including introduction of service units and operational centers in Mogadishu and Baidoa.

⁸ Under the Xeer system, justice is not retributive, but seeks the restoration of peace between communities. For example, if a member of one clan harms the member of another clan, within the Xeer system, the clan of the offender may pay compensation to the clan of the victim. Judgments in the Xeer system are typically made by clan elders (*Xeer Begti*) with no written records and in community gathering places. Xeer is deeply inset in Somali culture and has persisted throughout the arrival of foreign governance and justice systems, particularly among rural, poor, and nomadic communities. Xeer favors individuals who belong to more powerful clans and has contributed to Somali's stratified clan structure in which 4-5 clans have become dominant while others are relatively powerless.

framework upon which national-level leadership governed the country.⁹ The formal or statutory justice system, introduced via mandate by Italian and British colonial rule, has contributed substantially to the establishment of Somalia's court system and how the courts are run.¹⁰ The formal system differs from Xeer in being individual-rights based and protective of minorities. It contrasts with Shari'ah by distinguishing between moral judgment and legal decisions; a distinction that can be vital for women seeking justice in a patriarchal environment.

People-Centered Justice

EAJ's understanding of these three challenges was the result of the combined learnings from applied political economy analysis, expert research, depth of knowledge among program staff, and learning from piloting of interventions in Somaliland in Y1. Consideration of these challenges led to the highly contextualized intervention strategies presented in this compendium, setting EAJ apart from other justice programs.

EAJ Intervention Strategies

Community Engagement. EAJ formed "Justice Engagement Platforms" comprised of representatives of the community and of the formal justice system to cooperatively seek justice solutions. **Expected Outcome:** Communities are supported to take ownership of justice solutions and to help nurture justice institutions to be responsive to community needs.

Justice Services. EAJ established collaboration with federal, regional and district justice bodies to strengthen coordination, court function, and efficiency; increase the uptake and resolution of cases involving women and marginalized groups; and enable institutional development.

Expected Outcome: Competency of state justice institutions is increased, more cases are resolved, and formal justice institutions increase service delivery initiatives on their own.

Navigation of Justice Pathways. EAJ engaged legal aid organizations to grow the number of clients assisted and clients' awareness of justice options. EAJ engaged mass media to raise justice awareness and to direct justice seekers to their optimal justice pathway. **Expected Outcome:** Aggrieved parties are supported to pursue justice outcomes based on available pathways.

Inclusion of Women. EAJ included women in justice fora and brought their voices into shaping justice service delivery. **Expected Outcome:** Individual rights of women are respected and not undermined by traditional norms and patriarchal interpretations of law.

Unlike standard access to justice programs that focus on filling gaps to build the formal justice sector, through these four intervention strategies, EAJ sought to fit delivery of justice into Somalia's pluralistic legal reality. In total, EAJ **introduced 63 initiatives** dedicated to strengthening justice services; many of these were piloted in the country for the first time.

⁹ The Provisional Constitution of the Federal Republic of Somalia (in Articles 2, 3 and 4) ensures that Shari'ah law has supremacy and all laws are required to be Shari'ah compliant. Shari'ah is widely understood by all Somali people, and it carries public legitimacy.

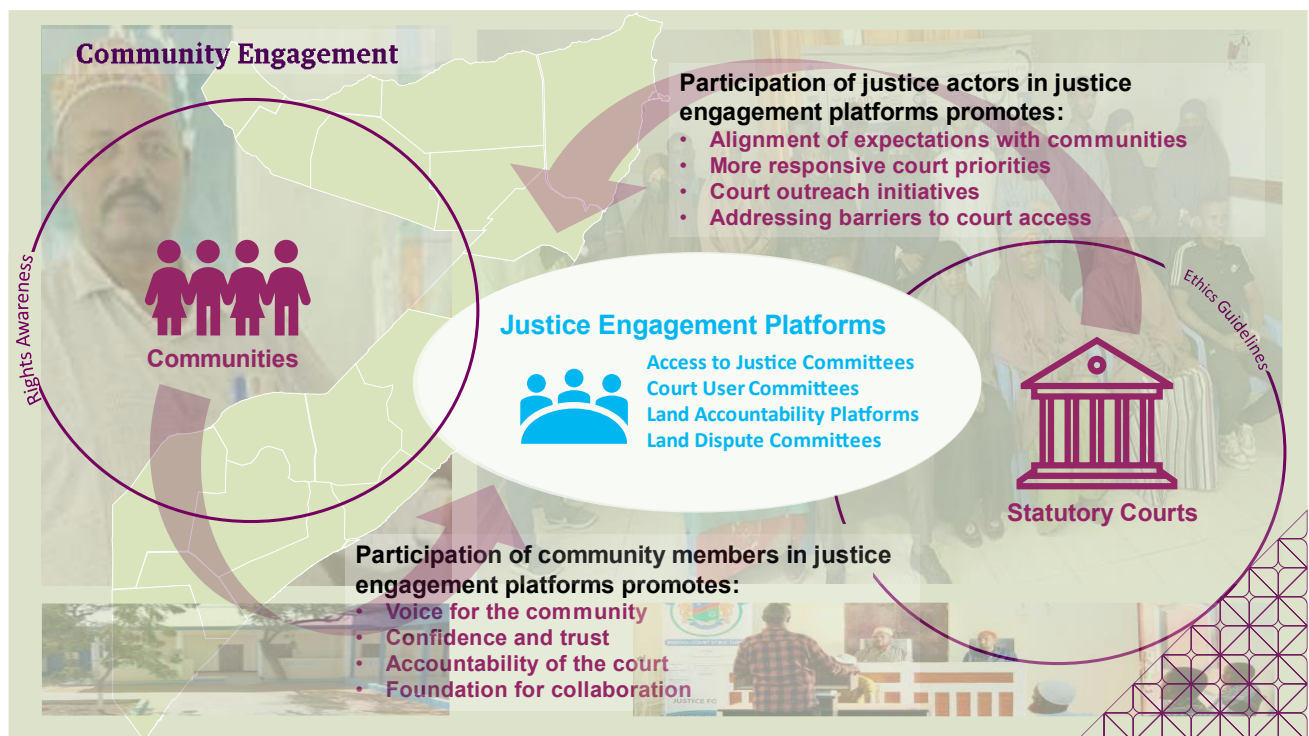
¹⁰ While Shari'ah is recognized in Article 4 of the Provisional Constitution of the Federal Republic of Somalia as having legal supremacy, elements from the formal justice system are apparent such as equality before the law, freedom to practice one's religion, freedom of opinion, and freedom of expression.

Characteristic of many of EAJ's activities, and of its overall approach, is *people-centered justice* in which the Somali justice seeker is respected to determine her or his optimal justice pathway. EAJ sought, therefore, to *meet the Somali justice seeker where she or he is now*, in their community, within the framework of their cultural norms, and faced with the justice pathways available to them.

Intervention Strategy 1: Community Engagement

Coinciding with the establishment of the FGS, operation of the statutory courts returned to Somalia in 2013. As more areas were liberated from extremist control, citizens' access to the courts expanded. However, feelings of mistrust and community perceptions of unfairness challenged greater use of state courts by citizens. EAJ studied citizens' perceptions of trust and fairness and applied these findings in development of an intervention strategy through which the statutory courts and communities accepted each other's participation in collaborative justice forums.

Graphic 2: EAJ's Community Engagement strategy sought to create justice solutions that the community could take ownership of and would help nurture justice institutions to become responsive to community needs and their normative expectations of fairness.



The justice engagement platforms created by EAJ included access to: justice committees, court user committees, justice sub-committees, land dispute committees, and land accountability platforms. These justice engagement platforms were meant to encourage trust-building, spur co-creation initiatives, serve as accountability structures, and put community members and formal justice system actors on a path toward cooperatively finding justice solutions. The strategy was accompanied by measures to collect evidence on community justice needs, justice service performance, and individual case management.

This intervention strategy directly addresses two of the six dimensions of justice from which EAJ derived its concept of justice: that citizens are not impeded from justice forums; and that justice mechanisms address grievances efficiently and fairly. The six dimensions, together, describe what constitutes justice and are mutually reinforcing. EAJ had direct programmatic influence on all dimensions except for enforceable solutions and legal and policy frameworks and had indirect influence on all dimensions.

Graphic 3: EAJ's concept of justice (above) draws from ABA ROLI's Access to Justice Tool's six dimensions of justice.



Graphic 3: EAJ's concept of justice (above) draws from ABA ROLI's Access to Justice Tool's six dimensions of justice.

1.1 Court User Committees

Description: Court User Committees (CUCs) are forums comprised of justice actors and court users assembled together to address barriers to court access and court performance. CUCs meet regularly, discuss barriers, and collaborate on finding and implementing solutions.

Neighboring Kenya successfully adopted CUCs and it is with that familiarity that EAJ introduced the first ever CUCs to Somalia. Under EAJ, CUCs were the community participation element that complemented the larger Model Court activity (read more about EAJ model courts under 2.1 Model Courts in the justice services intervention strategy section) to improve both access and administration of justice. While Model Courts focus on improvement of court operations, CUCs fold the community itself into the process of improving justice outcomes.

Goals: CUCs are established to improve community engagement in justice solutions. The goals of the EAJ court user committees were to:

- Provide a voice for the community in the formal justice system
- Build confidence and trust between the community and the formal justice system
- Grow accountability of the court to the community

- Create a foundation for collaboration to improve access to the formal justice system

Secondarily, CUCs offer opportunities for improved coordination across the justice chain. An effective CUC should be able to set court priorities and expectations, help to hold courts accountable, engage in community outreach, and facilitate coordination throughout the extended justice chain from community leaders, to police, prosecutors, legal aid organizations, and court custodial services.

Operations: CUCs require an existing operational court. The first CUC to be operationalized with EAJ support was in Wadajir District in Mogadishu in Y2. The selection of Wadajir District was the result of an initial assessment by EAJ of potential court facilities and consultation with FGS' Supreme Court. Selection criteria of CUC members included strong representation from the community to promote court accountability while also including sufficient representation of stakeholders across the justice chain to positively impact court function. Membership in the CUC is not fixed and can be expanded over time.

The twelve members of the Wadajir CUC proposed by EAJ were:¹¹

- Six community representatives, including women, youth, and minority group representation
- Two representatives of the court
- One representative of the police
- One representative of the district administration
- Two representatives from civil society/legal aid organizations

For the Wadajir CUC, the District Court Chair would also serve as the CUC Chair. The committee met every two months on average. Given that CUCs involve actors in the justice system, agreement from the local government is a prerequisite to implementing this initiative. EAJ engaged with the government at the state and district level to introduce the CUC concept. Once members were identified and introduced to the CUC concept, EAJ provided logistical and secretarial support. This responsibility was handed over to the CUC itself over time. An important action at the first CUC meeting (held at the courthouse) was the discussion and adoption of bylaws.

Court User Committee Concept

The concept of community participation in the judicial institution-building was foreign to Somalia. A symbolic early action of the Wadajir CUC, the first in Somalia, was to translate the term CUC for community members to better understand its purpose.

¹¹ The selection exercise for the Wadajir CUC benefitted from the existence of a Wadajir Court Infrastructure Program Oversight Committee already established by the USAID Transition Initiatives for Stabilization + project which had already gathered most of these representatives.

Expansion: In Y4, EAJ supported the establishment of a second CUC in Xudur (Hudur in local Maay language) in Somalia's South West State. EAJ, in cooperation with the Chief Justice of SWS, identified eight individuals (five male, three female) to begin composition of the Xudur CUC. The appointment process was transparent with selections officially approved by the Chief Justice. The eight members (3 female and 5 male) of the Xudur CUC were:

- Four representatives of the court (3 judges and 1 lawyer)
- One representative of the police
- One community activist
- Two community representatives

EAJ Support for the Wadajir CUC

- Sponsoring initial meetings
- Serving as the CUC Secretariat (until Y5)
- Conducting a study trip for CUC members to learn from a mature CUC in Kenya including observations of live court sessions
- Generating posters illustrating court processes which were posted in the court, the Attorney General's office, the police station, and other district administrative buildings
- Refurbishment of the court with furniture and supplies

EAJ arranged study trips for the Wadajir and Xudur CUCs to learn from mature CUCs in Nairobi and Garissa, Kenya. Topics discussed at Wadajir CUC meetings included linkages between the court and the community, raising awareness of the court in the community, and improving verdict execution.¹²

EAJ also convened regular internal CLA sessions with program staff which focused on assessing the Wadajir CUC activity and discussing lessons learned to apply them to the very different socio-political context of Xudur. These discussions affected the composition of the Xudur CUC. Noting in discussions that residents of Xudur had a greater dependence on Shari'ah law, EAJ emphasized the selection of community members who were Ulama (Muslim scholars).

Contexts: Table 1 below shows a data from EAJ's baseline Access to Justice Assessment Tool (AJAT) of the districts where EAJ established CUCs. The table shows community members' response to the question "What justice institutions exist in your community." It is notable that statutory courts garnered the most responses, but Al-Shabaab courts were also a significant response except in Xudur where no respondents identified Al Shabaab courts. The statutory courts handle only a handful of cases in each district. In Xudur, where the baseline suggests that statutory courts were only the fourth most known justice institution, the number of cases managed by the courts was only 5-6 per month.

¹² Inclusion of the police was important as the court and community representatives who expressed the need for improved execution of verdicts heard police explain that they often receive conflicting verdicts, court decisions delivered too slowly, or decisions that are beyond the capacity or jurisdiction of the police.

Table 1: EAJ baseline AJAT survey of district leaders (October 2020)

What justice institutions exist in your community?								
	Hodan	Hamar Jabjab	Wadajir	Weydow	Kismayo	Dolow	Baidoa	Xudur
Statutory court	2%	78%	74%	92%	66%	27%	86%	47%
Religious court	0%	12%	37%	2%	91%	68%	82%	53%
Elder councils	52%	56%	61%	2%	88%	84%	97%	100%
Police stations	82%	48%	52%	100%	88%	62%	88%	59%
Al Shabaab courts	0%	14%	24%	0%	1%	0%	45%	0%
Lawyer's offices	0%	20%	20%	0%	12%	0%	8%	2%
ADR Units/Mechanisms	90%	56%	24%	41%	21%	3%	4%	2%
Local/state officials	0%	54%	20%	2%	2%	0%	2%	0%
Influential individuals	22%	32%	7%	0%	2%	0%	2%	0%

Given these and similar data, Wadajir and Xudur presented compelling and different contexts in which to pilot the CUC model. In Wadajir, EAJ was able to build on greater familiarity with the formal court system, but in a complex plural legal environment. In Xudur, the plural legal environment may be less complex and contentious, but is an environment where people had low familiarity with the district court.

Following three years of implementation, EAJ asked the same question, ‘*What justice institutions exist in your community?*’ to 381 clients of the program in five regions. The largest majority of respondents reported the existence of statutory courts (79%, 300 responses) and police stations (73%, 280 responses) in their communities. State justice institutions, rather than elder councils (63%, 241 responses) and religious courts (44%, 166 responses), had, in a comparison of the results of the two surveys, become the more well-known justice institutions. This is an indication, though not evidence, that CUCs were part of a change in how these two communities perceived their respective district courts over the course of the activity.

Court User Committee Results

Under EAJ, the CUC activity was effective in demonstrating to the state judiciary that there is value in inviting community input into court function, in encouraging court engagement with the community, and in promoting the adoption by courts of best practices from others.

- The Somali judiciary accepted the CUCs as an effective mechanism. From a baseline position of reticence on the part of the judiciary to involve non-officials in court processes out of concern that doing so would impinge on the legitimacy of the court, the judiciary changed perspective to such an extent that CUCs were added to the 2023 Justice Strategy Matrix of the Office of the Chief Justice for all Benadir and South West State courts.
- The Wadajir CUC increased its appreciation for community input and demonstrated an ability to implement community outreach for improving access by placing informative posters illustrating court processes posted at the court, police station, Attorney General’s office; and complemented these posters with an awareness raising campaign. This was the first community outreach conducted by the Wadajir court.
- The Wadajir and Xudur courts demonstrated ability to adopt best practices by integrating administrative procedures learned in the Kenya CUC study tours.

1.2 Access to Justice Committees

Description: A2JCs are coordinating bodies which bring together justice actors for the purpose of improving their coordination. EAJ established two A2JCs: one in Somaliland beginning in Y1 and one in SWS beginning in Y3. Both the Somaliland and SWS A2JCs were partnerships with the state ministries of justice and began with a letter of intent between the ministry and EAJ.¹³ Each A2JC was comprised of 20-36 members representing the state-level judiciary, the custodial corps, police, LEOs, civil society organizations (CSOs), United Nations Development Programme (UNDP), and in the case of the SWS A2JC, United Nations Assistance Mission in Somalia (UNSOM).

Goals: The A2JC served as a distinct body for state and non-state actors to interact and discuss challenges impacting the justice system.

Operations: With input from the Somaliland and SWS Justice Ministries, EAJ provided terms of reference for the A2JC. Each ministry served as coordinator for the A2JC in their respective areas and scheduled, organized, and facilitated meetings themselves. Somaliland and SWS A2JCs held a total of 16 meetings. A2JC members selected a chairperson to oversee meetings.

Each body showed some ownership over the mechanism. The SWS A2JC, for example, chose to form ‘development groups’ and a ‘Planning and Coordination Committee’ that would address individual challenges identified by the committee. EAJ’s organizational support for the A2JCs evolved into capacity development support. The program conducted planning and visioning workshops for the A2JCs using Pact’s Organizational Network Analysis tool which empowers networks to become stronger by measuring and facilitating networks’ abilities to achieve the results they define for themselves.¹⁴ The workshop served to catalyze members’ voluntary efforts to address challenges raised in committee discussions.



Members of the Somaliland A2JC participate in a visioning session. Photo credit: Pact Kenya.

Each A2JC identified improvements to processes and operations that the committee could act on. The need for online case management systems,

¹³ The South West State A2JC received a ministerial decree recognizing its establishment.

¹⁴ Pact’s Organizational Network Analysis is used human rights programming and is available in its handbook <https://www.pactworld.org/library/organizational-network-analysis-human-rights-programs-and-campaigns>

standardized court documentation, and addressing gaps in institutional case flow were common themes across both A2JCs. Running for more than three years, the Somaliland A2JC, in particular, served as a valuable resource for the program's understanding of the alignment of the judicial system with the plural legal environment. EAJ worked with the Somaliland A2JC to validate its justice promoters pocketbook, a guide to help justice seekers navigate justice pathways by educating EAJ-supported paralegals on the constitution, and juvenile and penal codes.

Access to Justice Committee Results

Civil society actors lacked sufficient forums through which they could advocate to government actors. A2JCs served as an effective forum not only for advocacy, but also for coordination between government and civil society actors as well as between civil society actors. The following policy measures and coordination resulted from dialogues begun at EAJ A2JC meetings.

- The Somaliland Ministry of Justice (MOJ) drafted new legislation in the form of the Sexual Offense Bill and Legal Aid Bill.
- The Somaliland MOJ granted SWLA permission to offer legal aid services to female inmates of Gabiley Prison.
- The Somaliland Ministry of Interior granted legal aid organization SWLA permission to offer legal aid services inside of police stations in Hargeisa, Burao, Gabiley, and Borama.
- The Director General for the Ministry of Internal Security ended inappropriate behavior of some Baidoa area police in IDP camps after legal aid organization SWS raised concerns at the South West State A2JC.
- Responding to concerns voiced by the Custodial Corps of SWS for water pipe repairs and an ambulance at Baidoa prison, **MOJ Director General encouraged action** and participating CSO Isha Human Rights Organization donated an ambulance and repaired the broken water pipes.
- CSOs Nagaad Women Umbrella and SWLA agreed to a **reciprocal referral of women in need of legal aid services** and women in need of shelter or psychosocial assistance.

1.3 Land Dispute Committees

Description: Land Dispute Committees (LDCs) are groups of respected community leaders convened to review local level court decisions on land rights cases, offer their opinions on the court's decisions and assist in identifying peacebuilding measures beyond the reach of the statutory court's legal decisions.

Goals: At the time of its introduction, the formal, statutory court system was struggling to adjudicate land dispute cases.¹⁵ Some justice seekers were moving their cases to Al

Shabaab courts where decisions, from their perspective, were faster, free of clan bias, and more likely to be enforced. Al Shabaab courts, which could often be found in the outskirts of several cities, offered verdicts enforced by violence and without appeal.¹⁶ LDCs are meant to infuse legitimacy and greater prospects for enforcement into the formal justice system by bringing the voice of respected community members into the judicial process for aggrieved litigants to hear. Community leaders' involvement can lend vital social legitimacy to the formal court system's adjudication measures and also support needed enforcement of decisions.

Operations: LDCs established by EAJ were composed of groups of 10 elders from a diversity of backgrounds in each target district. Community dialogues precede the selection of LDC members, in which approximately 20 community members from civil society are gathered to learn about their individual land rights and to understand justice delivery concepts. An outcome of the community dialogue is the selection of one participant to serve on the LDC. Criteria for LDC membership includes age and community trust. LDCs are composed of older community members who have earned trust and are knowledgeable about the community's history. It is the community members in attendance who select a new member to serve on the LDC.

As part of the process of introducing the community to the LDC model, the District Commissioner was consulted and asked to offer support for the LDC in facilitating

Land Disputes in Mogadishu

In a city with fast-rising property values, a prolonged civil war, a large returning diaspora, a history of land-grabbing, violence around resource capture, and lack of a national land registry, land disputes are an alarming source of instability. In the first two years of EAJ, Al-Shabaab was undermining Somalia's courts and gaining leverage from overseeing land disputes through taxation of property transfers.

Daily APEA

EAJ's innovative APEA approach provided ongoing analysis from four Somali experts residing in different regions. The regional experts provided regular community-level data from pre-designed questionnaires. Findings were often sensitive and used to shape EAJ planning and implementation decisions.

¹⁵ In 2018-2020, Somalia's courts were dealing with numerous factors challenging adjudication of land disputes. Large numbers of returning diaspora greatly increased the volume of cases, violence between litigants and clans over land dispute cases was common, there was an epidemic of land grabbing, forged land titles were widely used, and the courts themselves were beset by interference, corruption and poor enforcement. In this period, SWS suspended the statutory courts' handling of land dispute cases altogether. Expanding Access to Justice Program. 2020. Access to Justice Assessment Tool: Baseline Study; Page 2. Nairobi, Kenya: Pact and the American Bar Association Rule of Law Initiative.

¹⁶Ibid.

land dispute resolutions, particularly when marginalized¹⁷ members of the community are involved in land dispute cases. LDC members volunteer their time and receive no compensation, not even reimbursement for transportation costs. They also receive no tangible evidence of their position such as an office from which to conduct meetings. Under EAJ, the role remained completely voluntary.

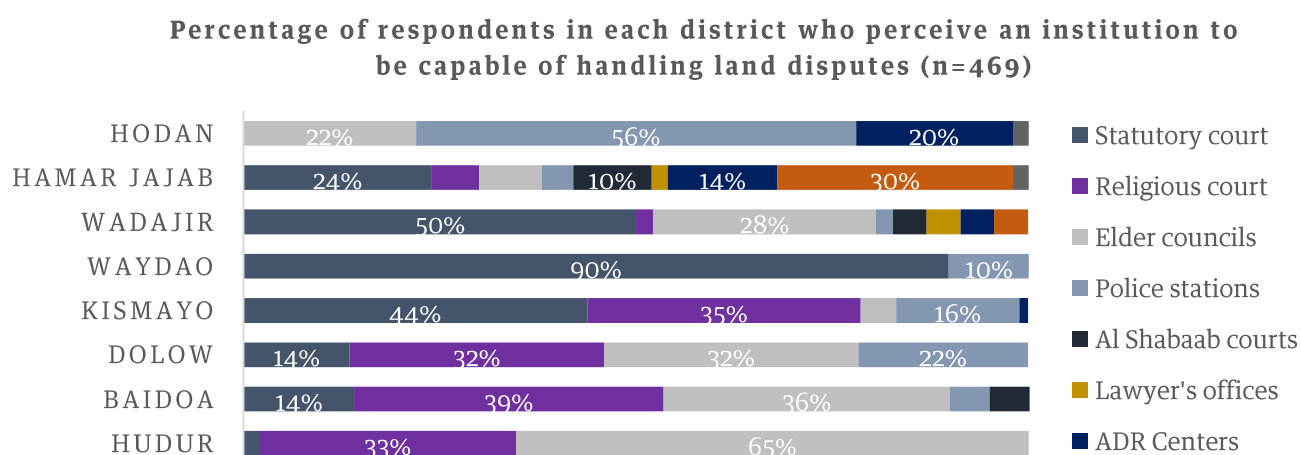
Characteristic of EAJ's strategic approach, the project's research, applied political economy analysis (APEA), and CLA discussions led it to explore interventions that could build upon culturally accepted norms and pre-existing community-trusted institutions.¹⁸ In Mogadishu, on the issue of land rights, the institution that communities trusted most was elders who continued to serve as the first stop for aggrieved land dispute parties. Elders were also able to enforce their verdicts better than could the statutory courts. Enforceability was one of the factors making Al-Shabaab's courts popular. In short, elders lending their informal enforcement power strengthened LDCs as an answer to Al-Shabaab courts for land disputes.

Geography: Two sets of data from EAJ's Justice Barometer perceptions survey taken in eight districts in 2020 demonstrate why EAJ chose to introduce a community engagement activity that drew on community resources to add legitimacy to the statutory court's handling of land dispute cases - and why districts like Hodan and Wadajir were targeted. The perceptions data showed that displaced and rural/remote districts perceived very few options for adjudication of their land disputes. This was most apparent among respondents in Waydao, a large IDP outside of Mogadishu, and in highly isolated Xudur. Survey participants in the urban Mogadishu districts of Hamar Jajab and Wadajir perceived a much larger number of institutions capable of handling their land dispute cases. Hodan and Xudur presented interesting contexts because although they are both districts in Mogadishu, residents surveyed perceived few options for adjudication of their land dispute cases and neither perceived any statutory institutions, the court, police stations, alternative dispute resolutions centers, or lawyer's offices as capable of handling land dispute cases. This contradiction made them compelling targets to draw on legitimacy of the community to improve land dispute outcomes.

¹⁷ EAJ necessarily defined 'marginalized' to include those who lack access to or power in Somali justice systems. This can include members of powerless clans as well as minorities, internally displaced persons, women, children, and minorities.

¹⁸ Lauren Serpe, Mason Ingram, Kate Byom, Nimble adaptation: Tailoring monitoring, evaluation, and learning methods to provide actionable data in complex environments. In: WILEY, 2022, Pages 103-104.

Table 2: Perceptions of Institutional Capacity to Handle Land Disputes by District



Digging further into why, even for urban districts, significant numbers of survey respondents informed EAJ that they viewed elder courts, Al Shabaab courts and other non-statutory venues among institutions capable of handling land dispute cases, EAJ asked an additional survey question: what are the reasons for your perception of an institution being able to handle land dispute cases? Most citizens in Hodan surveyed on that question responded that availability was the reason. The reasons least provided were the skills of individuals in the institution, followed by affordability and less corruption. In Hodan, police stations were overwhelmingly the leading institution perceived as capable. In Wadajir, where statutory courts were the leading institution seen as capable followed by elder councils, availability and fairness were leading reasons for this perception. Hodan and Wadajir represented the two districts in which, overall, survey respondents felt like limited availability was the leading reason for the ability of local institutions to handle land dispute cases.

Table 3: Reasons for perception of institution being able to handle land dispute cases

Reasons for perception of institution being able to handle land dispute cases								
	Hodan	Hamar Jajab	Wadajir	Waydao	Kismayo	Dolow	Baidoa	Xudur
<i>Most affordable</i>	6%	10%	43%	4%	4%	59%	22%	24%
<i>Fairer than others</i>	10%	22%	59%	2%	29%	11%	46%	16%
<i>Only one available</i>	64%	10%	63%	29%	11%	5%	23%	4%
<i>Least corrupt</i>	8%	18%	30%	6%	15%	11%	66%	57%
<i>Fastest process</i>	22%	16%	30%	39%	12%	14%	55%	14%
<i>Appropriate mandate</i>	38%	50%	26%	18%	36%	14%	14%	0%
<i>Most skilled individuals</i>	2%	16%	11%	2%	10%	3%	6%	2%

With this and similar data, EAJ proceeded to design platforms grounded in community-level legitimacy through respected elders that could provide alternative land dispute resolution - an additional avenue - for justice seekers lacking access or trust in the statutory courts.

Expansion: In Y3, through local partner Action for Development Research (ADR), EAJ established four pilot LDCs in the Mogadishu districts of Dharkenley, Hamrweyne, Hodan and Wadajir. LDCs hold monthly meetings (more often in the case of emergencies) to discuss cases brought to them by community members. ADR served as the secretariat for LDCs, providing scheduling and notetaking. All cases reviewed by the LDC were reported to ADR and EAJ. Cases lacking agreement by the LDC and involved parties were closely reviewed by EAJ’s legal assistance partners ADR and City University Legal Clinic (CULC) which could provide support by connecting justice seekers with law firms or help them to pursue an appeal at the Appeals Court. A total of 20 LDCs were established across five Mogadishu districts.

LDCs were an essential part of EAJ’s approach to improving access to land rights justice by connecting community awareness activities with committee formation and legal services.

Land Dispute Committee Results

Results of the LDCs activity show that these justice engagement platforms contributed to the resolution of land dispute cases, including for women and minorities; that they connected aggrieved parties with the state courts for complex land disputes; and that there are indications of their ownership participating community members.

- EAJ-supported LDCs resolved 58 land disputes in Mogadishu.
- LDC members confirmed EAJ data showing a decline in the number of land dispute cases brought forward in their districts.
- LDCs helped to connect aggrieved parties with the formal justice system. An independent evaluation of the LDC activity, conducted by Social Impact/ELMI, found that LDCs improved coordination between the administration and parties in land disputants’ cases.
- LDCs were effective in including **marginalized groups** in the land dispute resolution process. The independent evaluation of the LDC activity found that minorities are well represented in the LDCs.
- By Y5, LDC members viewed the committees as their own and were invested in their success, indicating that local ownership of this type of community engagement model is possible.

1.4 Land Accountability Platforms

Description: Land accountability platforms convene state administrative and judicial actors with community representatives to improve the quality of representation for aggrieved parties in more complex, volatile land dispute cases. Land accountability platforms were a recommendation emerging from EAJ’s Access to Land Rights study which observed the statutory courts struggling to compete with Al Shabaab courts and extra-judiciary means for land dispute case adjudication.

Goals: While LDCs created a new institution where decisions in local land dispute cases could gain legitimacy from established community elders, it could not offer reconciliation to aggrieved land dispute litigants who were parties in especially volatile land disputes. Land Accountability Platforms served to provide a local, accessible source of advice and to help aggrieved land dispute litigants in the most volatile cases remain engaged by the justice system. Rather than litigants turning away from state institutions for retribution, this alternative entry point to justice pathways was meant to keep these litigants engaged in state-sanctioned justice pathways by including community representatives.

Operations: Establishment of these platforms began with ADR consulting commissioners from each of four districts to request their cooperation. A crucial element was the involvement of the police as participants in the platforms. Land accountability platforms were comprised of police,¹⁹ women’s group representatives, community representatives (primarily community elders) and the aggrieved parties in land disputes. ADR helped to facilitate land accountability platform meetings. For many meetings, ADR invited the public to participate, providing a valuable opportunity for broader public engagement.

Four land accountability platforms across four districts of Mogadishu held a total of 48 meetings under EAJ. In Land Accountability Platform meetings, disputing parties, the community, and representatives of statutory institutions engaged in dialogue with legal experts on hand to offer technical knowledge. By involving the community, the platform ensured that aggrieved parties’ voices were heard beyond the state institutions many of them distrusted. It also provided a justice pathway to those who, perhaps frustrated by formal judicial processes, were considering turning to extra-judiciary resolution or to Al Shabaab courts.

¹⁹ The role of police in Somalia’s statutory justice system at this time often went beyond enforcement duties. In Kismayo courts, for example, plaintiffs were required to approach police officers to obtain a form which, once notarized, allows them to initiate a preliminary hearing. Expanding Access to Justice Program. 2020. Access to Justice Assessment Tool: Baseline Study; Page 31. Nairobi, Kenya: Pact and the American Bar Association Rule of Law Initiative.

Land Accountability Platform Results

Results from the land accountability platform activity are difficult to measure. Land Accountability Platform meetings handled complex land dispute matters which had proven unresolvable via other forums. Its value may be that aggrieved parties had one more forum in which to be heard before pursuing desperate measures. For people-centered justice programming at large, the activity demonstrated that this type of forum in which government, civil society and community representatives work together can function in areas where this type of cooperation is rare.

- New approach piloted to address a critical situation connecting statutory justice actors with communities that was accepted by both parties in volatile parts of Somalia.
- Extended EAJ programming into new Mogadishu districts: Hawlawdag, Warta Nabada and Dharkenley.
- Offered a venue for aggrieved parties to be heard.
- Legal aid provided to aggrieved individuals in four Mogadishu districts.
- Showed a desire among the public for peaceful land administration on which future interventions could build.

Reflections, Learning and Opportunities for Future Programming from EAJ's Community Engagement Intervention Strategy

EAJ's intervention strategy for supporting and improving community engagement in justice solutions was to leverage channels that already enjoy local legitimacy and to complement inclusion of community representatives in those channels with the education of the public. Through this combined strategy, EAJ sought to avoid the failures of thirty years of justice programming in Somalia in which new institutions were ineffective due to lack of community acceptance. Piloting of justice solutions that attempt to foster cooperation between communities of low trust and a state apparatus still establishing itself, particularly in complex and dangerous areas of Somalia, presented considerable challenges. Reflections on EAJ's Community Engagement strategy, including challenges and learning that could benefit future programming, are explored in this section.

Piloting of initiatives generated insight into why communities accept or reject justice solutions

EAJ brought several justice engagement platforms (A2JCs, CUCs, Land Accountability Platforms, and LDCs) to Somalia for the first time and learned valuable insights into why communities accept and engage with a platform or reject it. EAJ found that acceptance of justice engagement platforms (and justice solutions, in general) by communities where traditional concepts of justice are strongest is grounded in justice platforms' compatibility with Xeer cultural norms and will be more effective if elders are included. Acceptance by communities where Islamic tradition is stronger is achievable through compatibility with the Shari'ah and inclusion of ulama/imams.

Knowledge of communities' level of trust in formal justice institutions is key to running effective programming. EAJ briefings and publications shared this learning with the international community.²⁰

Land dispute committees were part of a positive change in perceptions in Benadir

The justice engagement platforms supported by EAJ were positioned to confirm the legitimacy of statutory court decisions by involving locally legitimate actors. For justice seekers who question the legitimacy of statutory courts or do not trust state institutions, platforms like the LDC, which include elders from their own community, may be reassuring. LDCs were designed to be of minimal cost, fast, resistant to corruption, competent, and fair. Litigants who had argued their case to the statutory court, but questioned the legitimacy of the verdict, could be reassured with the engagement and opinions of respected community members. Serving only as a general comparison, the EAJ baseline study found that, in Somalia, citizens did not perceive statutory courts as capable of handling land disputes. In contrast, the EAJ client satisfaction survey, conducted four years later, found that a majority of respondents in Benadir perceived statutory courts as the most able to deal with land disputes. While it is not possible to attribute this difference in perceptions to EAJ interventions, the EAJ LDCs handling of hundreds of land dispute cases across Benadir which worked to legitimize statutory court decisions, was part of a societal change taking place in which confidence in the statutory courts to handle land dispute cases grew.

Demand for LDC services was high

In addition to the more than four hundred land dispute cases managed through EAJ interventions, there is an indication that citizens would use more community engagement platforms to pursue land dispute grievances, if established. The public frequently called into land dispute radio shows conducted by EAJ to raise awareness of land rights and to direct aggrieved parties to justice pathways such as LDCs. The most popular topics surrounded disputes arising from rent price increases. After these popular radio programs, ADR received calls from a large number of Mogadishu residents who had listened to the program, but lived in district that did not have an LDC. ADR referred these cases to LAOs working in the appropriate districts.

Advocating for the establishment of court user committees helped drive acceptance of community involvement

Establishment of a CUC marks a significant intervention into a justice system by opening it to community involvement. In Somalia, this concept initially caused unease with actors in the judicial system. Their primary concerns were that including community representatives in the court structure would impede the court's work by preventing free exercise of authority and introduce security risks, particularly in the volatile context of Mogadishu. To address these concerns, EAJ developed TORs for the CUC, defining the roles and responsibilities of the committee and the proposed committee membership, for the government's input and approval. Perhaps of greater significance, EAJ made a concerted effort to explain to actors in the judiciary the importance of gaining citizens' trust at a time when trust in the statutory courts was low due to reasons such as perceived corruption and clan bias. As EAJ explained the value of involving the community platforms along with statutory court actors, it could make the case to the judiciary

²⁰ USAID pointed future implementers to this insight by referring to EAJ's CUCs in its 2023 notice of funding opportunity for the USAID People Centered Governance Activity for Somalia calling for their mapping and consideration under the intermediate result of Increased participation of citizens in decision-making.

that this community engagement would help improve citizens' trust in the statutory courts. The judiciary approved EAJ's establishment of such platforms and the CUC concept was included in the Office of the Chief Justice's forward-looking strategy matrix.

EAJ justice engagement platforms enabled adaptation of interventions to local contexts

In Wadajir, due to security challenges, some CUC members were unable to participate in meetings and community engagement activities. With guidance from EAJ, the Wadajir CUC came to serve as a mechanism to promote social cohesion through community engagement activities that address confidence-raising. In contrast, the Xudur CUC, having a relatively more stable, cohesive social base, focused more on strengthening competence of the formal court.

Ongoing work is needed to ensure community engagement in justice platforms is accepted by formal judicial bodies

Members of the CUCs and LDCs established by EAJ encountered the same problem of acceptance from different sources. CUC members expressed in interviews with EAJ monitors that they felt a lack of acceptance from the judiciary which invested few resources into the platform. LDC members explained that they lacked acceptance and trust of their communities without proper identification²¹. This question is at the core of EAJ's grassroots approach – how much support can an international development program provide before the legitimacy of a community engagement platform is compromised? EAJ implemented a volunteer approach with minimal compensation. However, even the introduction of titles such as CUC Member or LDC Member, necessarily alters existing dynamics. Establishment of justice engagement platforms must account for and monitor these dynamics.

In early recovery areas of Somalia, security is an issue for justice engagement platforms

In interviews, CUC Members expressed fear of reprisals by anti-government forces. Al-Shabaab, for example, has regularly targeted government officials, including the bombing at the Ministry of Education in Mogadishu in October 2022. Community members and state judiciary actors alike demonstrate courage when participating in justice engagement platforms and their security should be an important consideration.

Justice engagement platforms had an important role in advising the judiciary

Results of the SWS A2JC demonstrate how justice engagement platforms can bring challenges and solutions to the attention of the judiciary for action. In its adoption of the model into its 2023 Justice Strategy Matrix, the Office of the Chief Justice recognized the CUC for its ability to play the same role. Article 109A of Somalia's Provisional Constitution creates a *Judicial Services Commission* responsible for overseeing Somalia's judicial services. However, this institution remains highly controversial and lacks legitimacy from the public's perspective. The CUC offers a similar role in advising the FGS on solutions to obstacles to effective delivery of judicial services.

²¹ Findings from interviews of LDC members. Six out of ten LDC members noted the lack of identification as challenges to the LDC's effectiveness.

Useful case data emerged from justice engagement platforms

EAJ and ADR both conducted land dispute studies that separately confirmed that land disputes are the largest justice issue related to instability in Mogadishu²². Data from these studies shows that more than half of judicial cases in Somalia are related to land ownership and that in Mogadishu that percentage could be as high as 80%²³-85%²⁴. Using a digital data collection platform that supported offline data entry, EAJ's local partners collected data on cases brought to the LDCs. Data showed that between November 2022 and March 2023, women accounted for 33% of land rights violation cases reported to the LDCs, an increase over previous periods. More than half of the cases brought by women during this period were resolved. While it is not possible to directly attribute this increase to the intervention, elements of positive social change such as this can be identified and reinforced through the right interventions.

Justice engagement platforms and community outreach were essential to identifying and reaching marginalized groups in need

A2JCs, CUCs, and LDCs were all designed to promote inclusion of women and marginalized groups in justice solutions. EAJ found that these platforms, perhaps due to their accessibility or hybrid community-state nature, allowed the program to provide legal assistance to marginalized groups that would have been challenging to engage directly. EAJ made use of extensive outreach to raise awareness of justice engagement platforms. This included radio, television, community awareness sessions, walk-in-clinic referrals, help desks, call centers and hotlines, and door-to-door outreach. EAJ local partner SODEN actively led several such outreach measures. Of the hundreds of persons with disability cases handled by SODEN, land disputes brought to LDCs consistently surfaced as the most critical cases allowing the CSO to deliver important assistance to this marginalized community.

Composition of justice engagement platforms should consider the local context

The communities served by the Wadajir and Xudur district courthouses have marked differences. In Wadajir, there is greater acceptance of the statutory courts while in Xudur, Shari'ah is dominant. EAJ was intentional about having the composition of the CUCs account for these contextual characteristics so that the committees reflected the values of the communities they served. For the Xudur CUC, EAJ encouraged the participation of more elders while in the Wadajir CUC, increasing the representation of marginalized groups.

Justice engagement platforms can be community-led, sustainable solutions

Long term sustainability of justice engagement platforms organized by EAJ will not be known until well after the project closes, but the Wadajir CUC serves as an example that communities and the judiciary can operate a justice engagement platform together with minimal program support. The Wadajir CUC relied on significant involvement from EAJ for its establishment and its start-up, but gradual handover of this responsibility was built into the strategy. In its second meeting, the Wadajir CUC chose to assign members to three self-managed working groups: awareness raising, coordination between civil society and the NGOs and the court, and

²² Expanding Access to Justice Program. 2020. *Pathways and Institutions for Resolving and Disputes in Mogadishu*. Nairobi, Kenya: Pact and the American Bar Association Rule of Law Initiative.

²³ Rift Valley Institute and Heritage Institute for Policy Studies study on land in Mogadishu.

²⁴ Action for Development Research. July 2019. *Land Disputes in Mogadishu*.

coordination between the CUC and the court. EAJ remained as the secretariat of the CUCs for its initial meetings until the CUCs took over this responsibility themselves.

There is need for alternative dispute resolution mechanisms

Indicated by the large number of justice seekers who used the LDCs, and the significant number of cases resolved by them, it is apparent that this justice engagement platform tapped into a significant demand. Establishment of the LDCs was an efficient method of alternative dispute resolution as it worked with elders already respected by their communities; a method more operationally uncomplicated than how the statutory courts work. To address unmet demand for justice and to alleviate the statutory courts, LDCs or similar alternative dispute resolution mechanisms should be considered - particularly for land disputes.

Experiences and case data from the LDCs contributed to two EAJ policy documents addressing land dispute issues: *Pathways and Institutions for Resolving Land Disputes in Mogadishu* (2020) and the policy brief, *Land Disputes in Mogadishu* which recommend further exploration of alternative dispute resolution mechanisms. ADR's work establishing alternative dispute resolution mechanisms, specific to LDCs under EAJ, is a new capability that could be applied to a range of mechanisms that connect communities with the formal justice system while unburdening the courts

EAJ evidence demonstrates positive effects on community perceptions, with important caveats

The endline of the EAJ longitudinal justice perceptions study showed that EAJ's community awareness activities likely had a positive effect on community perceptions of justice, particularly among traditionally marginalized groups.²⁵ However, the study concluded that the progress is susceptible to volatile periods of greater social tension. The conclusion for future implementers is that the timing of interventions matters to their effectiveness and that marginalized groups should absolutely be targeted. Community engagement activities like those implemented by EAJ should be accompanied by interventions that address broader political dialogue and stabilization.

²⁵ Expanding Access to Justice Program, *Access to Justice Assessment Tool: Endline Report*. April 2023.

Intervention Strategy 2: Justice Services

Decades of civil war, state collapse, and insurgency devastated Somalia's statutory justice sector. People in Somalia turned to clan elders and religious leaders to seek justice. Although the FGS has been growing more capable in recent years, state justice institutions are not independent of the government executive authority or of clan politics and continue to struggle for resources. At the beginning of EAJ, Somalia's justice actors had not received standardized training and lacked coordination across the justice chain. Judicial decisions were too often unenforced, and police enforcement often fell along clan lines. In 2020, citizens perceived justice services provided by the government as unresponsive to their needs, slow, political, expensive, and unenforceable.²⁶

In Somalia's pluralistic legal environment, people know that they have alternatives to the statutory courts (read more about Somalia's pluralistic legal environment under *Intervention Strategy 3: Navigating Justice Pathways*). When asked what justice institutions exist in their community, respondents to EAJ's baseline study living in South West State most often replied, "elder councils" (97% of Baidoa respondents and 100% of Xudur respondents).²⁷ Another popular response was "religious courts". This finding is no surprise given that communities only had access to elder councils and religious courts during the decades of formal state collapse, and given that these alternatives enjoy legitimacy and moral authority through generations of Xeer tradition and Islamic practice that the statutory justice sector does not. Through the lens of their customs, people more often view Xeer and Shari'ah verdicts as 'fair'.

Another alternative to the statutory court's justice services are entities like the radical and violent Islamic insurgent group Al-Shabaab.²⁸ Al-Shabaab uses its own justice services to counter government control, recruit, and raise funds.²⁹ The existence of Al-Shabaab in Somalia's legal landscape undermines the government and is a principle destabilizing force. When people turn to Al-Shabaab for justice it is generally due to a perception that their verdicts are faster, more equitable, and more likely to be enforced.³⁰

After its Y2 pivot, EAJ designed interventions to strengthen the institutions of Somalia's judiciary. It did so through an evidence-based approach, rejecting popular models of institution-building support that had been ineffective in Somalia (one example of EAJ's critical analysis of justice support models is explored in this section). The four activities implemented by EAJ under this intervention strategy were: Model Courts, Judges' Forum, Ethics Education, and GIS Mapping.

Graphic 4: at the core of EAJ's justice services strategy were the Model Court and the Judges' Forum which aimed to contribute to greater institutionalization of Somalia's judiciary and

²⁶ Expanding Access to Justice Program. 2020. *Access to Justice Assessment Tool: Baseline Study*. Nairobi, Kenya: Pact and the American Bar Association Rule of Law Initiative.

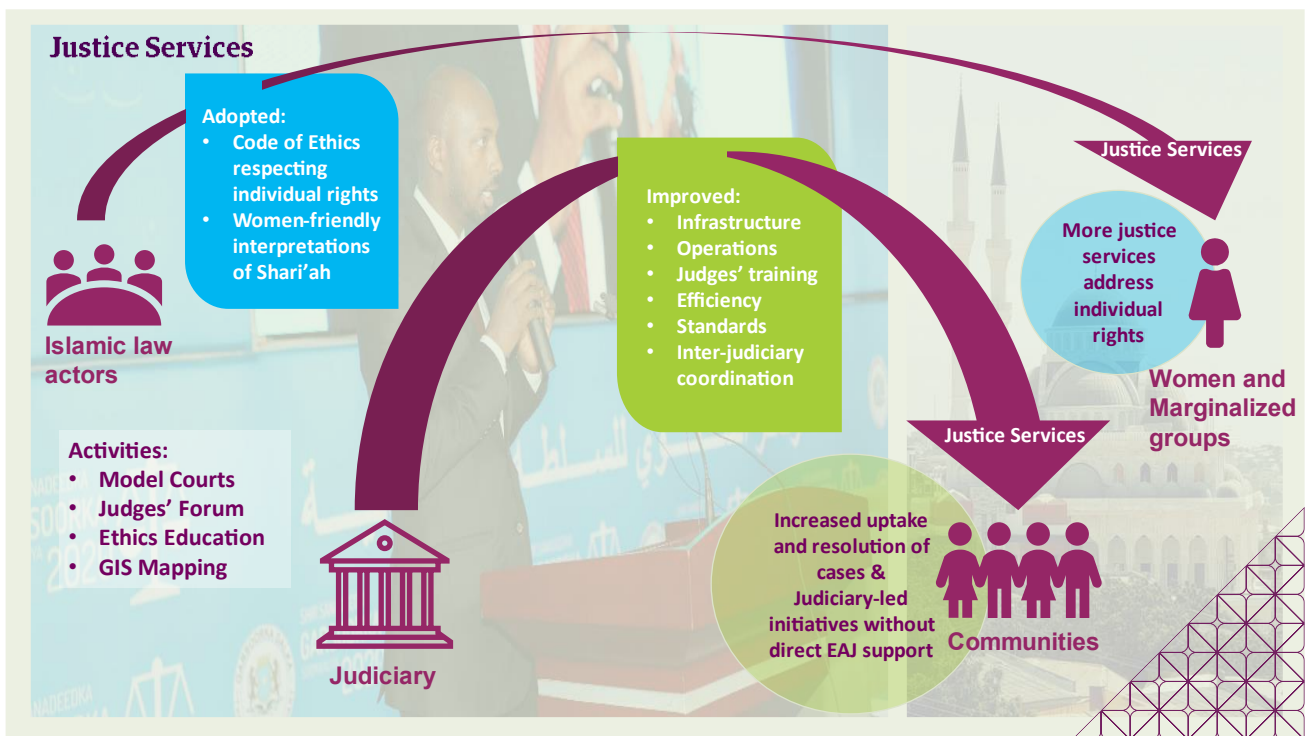
²⁷ Ibid.

²⁸ Expanding Access to Justice Program. 2020. *Pathways and Institutions for Resolving Land Disputes in Mogadishu*. Nairobi, Kenya: Pact and the American Bar Association Rule of Law Initiative.

²⁹ Bashir Mohamed Caato. "In Somalia, al-Shabab's courts win more converts." Al-Jazeera, 24 September 2022, <https://www.aljazeera.com/features/2022/9/14/in-somalia-citizens-eal-shabaabs-justice-system-to-the-state>.

³⁰ Expanding Access to Justice Program. 2020. *Access to Justice Assessment Tool: Baseline Study*. Nairobi, Kenya: Pact and the American Bar Association Rule of Law Initiative.

improved delivery of justice services. They were reinforced by ethics education of justice system actors and GIS mapping of state justice assets.



This intervention strategy was closely monitored to understand its effectiveness for adaptation to other areas. Judicial ethics education led to adoption of ethics standards across the justice chain and GIS mapping gave the judiciary greater capability to address gaps in its services provision. Each of these four activities were designed to become lasting improvements which could be owned and continued by state justice institutions beyond EAJ.

2.1 Model Courts

Description: Model Courts are courts that are provided additional support and thereby serve as an example of effective court function.

Goals: The EAJ Model Court activity aimed to improve community confidence in court services by identifying and then addressing gaps in court function. Precise support provided is determined by the needs of the court and its local context. Successful support should enable the court to adjudicate more cases and with better consistency, thereby increasing community confidence in the system.

Operations: EAJ implemented the model court activity in two districts, Wadajir District and Xudur District, in close cooperation with the Office of the Chief Justice of Somalia and the district administrations.

Initiating the model court activity began with a model court assessment in Y3 and regular dialogue with the OCJ which resulted in the identification of Wadajir as the initial target for the activity.

The assessment examined the court's current practices, and staff operations and procedures; information supported the development of a Model Court Manual. EAJ provided questionnaires to the district court staff to understand their roles resulting in TORs for each court staff position³¹. These two products were presented to the OCJ and the district court for their input.

In total, the Wadajir District Model Court took about one year to establish. Throughout this process, EAJ also garnered buy-in from Wadajir District Court staff to also establish the CUC, a complementary activity that added a community engagement element (read more about CUCs under the Community Engagement intervention strategy). The most significant delays were in securing approval for the activity at the federal level (read about OCJ concerns over adopting the CUCs under the Community Engagement section) and solving procurement challenges. A manual shared with the judiciary documented the process of establishing a model court.



Wadajir district courthouse after rehabilitation. Photo credit: Pact Kenya.

Technical and In-Kind

Assistance: To address judges' ability to lead court proceedings, EAJ developed two benchbooks: the Wadajir Court Civil Benchbook and Wadajir Court Criminal Benchbook which are guides that judges can refer to in making decisions while court is in session.

Following a review of infrastructure needs with the court staff, EAJ provided an in-kind grant to equip the Wadajir District Court with computer hardware, software, and a furnished courtroom.

Expansion: Using its learned experience in Wadajir, in Year Four (Y4), EAJ engaged with the judiciary of Xudur District in Bakool Region of SWS with the support and cooperation of the Somalia and SWS MOJs to establish a model court there.

In Y4, Somalia's judiciary suffered a tragic loss with the assassination of SWS's Minister of Justice, a partner of the EAJ program. Al-Shabaab claimed responsibility for the bombing that killed the minister and eleven others, and which occurred a few days after the group also killed a district governor. These incidents punctuated a large number of attacks by militant anti-government forces targeting officials, police stations and state institutions over the course of the program. The SWS MOJ worked in earnest to recover from the assassination and endorsed EAJ's proposal to bring the model court model to Xudur, an early recovery district that was under FGS control, but still surrounded by violent Islamic extremists.

³¹The TORs not only outline the functions of each position but provide guidance for hiring and performance standards enabling performance evaluations.

Contextual

Analysis: To inform future model court interventions, EAJ conducted a contextual analysis of both the Wadajir and Xudur model courts and the dynamics of the surrounding communities. This analysis provided further depth and detail to EAJ’s research and helped guide the search for viable formal justice solutions that could be effective and also accepted as legitimate by surrounding communities.

Similar to the Wadajir model court activity start up, EAJ engaged in discussions with the district administration to set up the Xudur Model Court. An example of these discussions is a meeting between members of the EAJ team and the SWS Chief Justice to identify how to solve the lack of electricity at the Xudur court. A renewable energy solution was identified and agreed upon which allowed EAJ to proceed with an in-kind grant for equipment to support court operations.

Results of the Wadajir and Xudur Model Courts:

The model court and the court use committee activities overlapped, exemplifying EAJ’s systems approach, but making it impossible to decouple the individual contributions of the separate intervention strategies to improve court operations. The Xudur District Court did experience an increase in the number of cases brought to it during the EAJ project, but it is not possible to determine whether these were cases that would have been brought to community elders or other justice institutions if not for the model court activity.

- **Two district courts better prepared to handle cases** through refurbishment of courthouse. *
- **Standardization of courts improved** through adoption by two district courts of court civil and criminal bench books.

*Ideally, the state would invest its own resources in court refurbishment.

2.2 Judges’ Forum

Description: Regular convening of judges used to identify and address judicial sector priorities.

Goals: Judges’ forums aim to strengthen the capacity of the judicial sector by providing a designated forum for issues to be addressed directly by judges. State courts were reintroduced in Somalia in 2012.³² Without a longer history to develop the profession and the institutions needed to support judicial careers, Somalia’s judiciary is characterized by:

- Lack of judges trained in Somali law (judges tended to be trained in Islamic law or state laws of other countries such as Egypt, Sudan, and Yemen)³³
- Lack of standardized curriculum or exams for judges³⁴

³² President Hassan Sheikh Mohammed funded an initiative to rebuild federal government institutions.

³³ Expanding Access to Justice Program. 2020. Access to Justice Assessment Tool: Baseline Study. Nairobi, Kenya: Pact and the American Bar Association Rule of Law Initiative.

³⁴ In mid-2021 (Y3 of EAJ) the charter of the Judicial Training Institute of Somalia was finalized.

- Lack of a coordinating body for judges (e.g., Judges Association)
- Lack of security for judges leading many to conduct rent-seeking through the court system
- Political pressure on judges from clan and business leaders

EAJ conducted extensive engagement with the judiciary. Initially, this engagement was only to gain judiciary approval for activities. After the pivot in Y2, EAJ began to work with the judiciary to address state institutions' ability to coordinate effectively across its own justice chain. EAJ and the FGS OCJ reached an agreement at the beginning of Y3 for the program to support the establishment of the bi-annual Benadir Judges Forum.

The idea for the Forum was ambitious: it aimed to include judges from all levels of courts present in Benadir: the Supreme Court, the Appellate Court, the regional court, and district courts. The goal of the forum was to provide a platform for collaboration and exchange of ideas and concerns among judges which the judiciary could take ownership of to independently identify and implement improvements to justice service delivery. The forum was the first of its kind of Somalia.

To prepare for the activity, EAJ met with the Somali Bar Association, the SWLA, and prominent law firms to identify challenges that the Judges' Forum should address. EAJ included representatives of these organizations to assist in facilitating discussion at the forum.

Operations: The first Judges' Forum was held in Y3 in Mogadishu and was well attended with 75 judges from Benadir participating. The judiciary demonstrated early ownership of the forum, such as by organizing remarks from the Chief Justice, the Attorney General, and the Appellate Court Chief Justice themselves. This ownership, strongly encouraged by EAJ, grew over the course of the first three forums with some judges presenting research findings and recommendation in thematic areas and their active participation in plenary dialogues.³⁵ At the second Judges' Forum, attended by 69 judges, the Attorney General again participated, and the participants revisited topics raised at the first forum to advance on action plans.



Chief Justice Bashe Y. Ahmed convenes the first Judges' Forum. Photo credit: Pact Kenya.

Eighty judges attended the third Judges' Forum. Like the prior two, judges represented all levels of courts in Benadir. Part of the third forum was devoted to reviewing commitments made in the first two. Some recommendations stemming from discussion at the three Judges' Forums were actualized. Chief Justice Hon. Bashe Y. Ahmed closed the third forum with a policy

³⁵The second forum was adapted to focus on three thematic areas that garnered open discussion from the first forum: delays in the administration of justice; challenges in the condition of prisons and the treatment of prisoners; and the roles and responsibilities of the district courts in Benadir.

address in which he announced the launch of new anticorruption policies and implementing measures to be rolled out to the courts.

Results of the Benadir Bi-annual Judges' Forum:

The Judges' Forum activity met its intended outcomes of establishing an ongoing, judiciary-owned forum capable of advancing judiciary reform and delivered results in the form of judiciary action on issues discussed at the forum.

- **Judiciary takes ownership of an institution-building activity** by including the Judges' Forum in its Judiciary Strategy Matrix. The Chief Justice recognized the Judges' Forum to be the core of a future state-wide Judges' Association.
- A recommendation from the forum was adopted and is being implemented: **improving budgetary support for court operations** and remuneration of judicial officers through the Ministry of Finance.
- A recommendation from the forum was adopted: **rehabilitation of court infrastructure**.
- A recommendation from the forum was adopted: process of **unifying and standardizing court documents** (standard templates for marriage, succession, and affidavits were developed and all districts are required to follow).
- Judges raised a concern at the forum which was addressed - concern that local police were refusing to execute court verdicts until after police headquarters instructed them to do so. The Office of the Chief Justice raised the issue with top police commanders and, following training, police stations began to follow **procedure to immediately act on court verdicts**.
- The Attorney General addressed concerns raised by Judges' Forum participants about the lack of cooperation between prosecutors and judges. He **declared his intention to bring together judges and prosecutors in a separate meeting to address cross-institutional challenges**.

2.3 Judicial Ethics Education

Description: Training for justice system actors on the moral bases of judicial decision-making in Somalia or Somaliland.

Goals: Enhanced protection of individual rights, particularly for women and marginalized groups such as members of minority clans and persons living with disabilities. A common thread throughout EAJ's interventions was exploration of ways to strengthen human rights that would be locally accepted. Somalia's unforgiving political-security and plural legal environment had proven repeatedly the failure of attempts to impose concepts of justice from outside. Demand for individual rights in Somalia was significant and, according to the program's studies, unfulfilled.³⁶ EAJ's research products³⁷ and the program's political economy and CLA approaches

³⁶ Expanding Access to Justice Program. 2020. Negotiating in/justice: mapping the dynamics of the Lower Shabelle hybrid order. Nairobi, Kenya: Pact and the American Bar Association Rule of Law Initiative.

³⁷ EAJ's *Shari'ah in Somalia* (2020) research report provided an early in-depth look at Shari'ah jurisprudence as a vehicle for promotion of individual rights.

led it to explore entry points for promotion of individual rights through local interpretations of Shari’ah law.

Operations: Following recommendations from its research, EAJ convened a roundtable discussion on individual rights with imams and representatives of local Shari’ah justice institutions with local partner Insaaf Law Firm. This first roundtable set the stage for more roundtable discussions and dialogue in giving Imams, Ulama and other Shari’ah scholars and legal practitioners a venue to examine Shari’ah’s consideration of individual rights and particularly women’s rights, the rights of persons living with disabilities, and the rights of members of marginalized groups such as powerless clans. Through these dialogues, EAJ and its local partners were able to hear practitioners of Shari’ah law discuss the contrast between their informal justice processes and the government-supported statutory justice process.

In one roundtable session held with Ulama in Baidoa and focused on individual rights, participants agreed that although Shari’ah was the most legitimate individual rights-based justice institution in the country, citizens did not have detailed understanding of the law and the law received no government institutional or enforcement support. In addition, the participants noted, Shari’ah justice systems never benefit from international donor support. Notably, these participants recommended the establishment of better relations between the Ulama and the government. Another notable development from these roundtable discussions was women-friendly interpretations of Shari’ah which, the roundtables confirmed, could be found in Somalia.

EAJ learned that Somalia’s judiciary was the only one in the region that did not have a judicial ethics code. Judicial ethics training has been offered to judges, but this has been based on international principles of judicial conduct.³⁸ The program determined that its in-depth understanding of the judicial landscape of Somalia, working relationship with judiciary leaders, access to judicial forums, and valuable insights from Shari’ah roundtables, meant that it could address this gap. A uniform ethics code could improve the performance of the judiciary, promote consistency, and introduce a new force for accountability of the courts. EAJ spotted an additional opportunity: to introduce an ethics code crafted specifically for Somalia’s unique history and challenges. An existing judicial ethics code could have been introduced from outside but would have missed this opportunity for a homegrown and purpose-built judicial code of ethics that reflected local values.



Shari’ah and Islamic Law and Ethics Training for Justice Promoters and other legal staff. Photo credit: Pact Kenya.

In Y3, EAJ collaborated with a renowned Somali scholar to craft the “Local Values-based Judicial Ethics Booklet”. The booklet drew from interpretations of Shari’ah

³⁸ Some judges in Benadir have received training on the 2001 Bangalore Principles of judicial conduct which teach the core values of independence, impartiality, integrity, propriety, equality, and competence and diligence.

law accepted as legitimate by the people of Somalia, while at the same time held judges to internationally recognized standards against corruption, nepotism, and unjust verdicts. USAID, the OCJ, MOJ, the Ministry of Religious Affairs, and select scholars reviewed the booklet.

Results of Judicial Ethics Education:

Through dialogues convened under the judicial ethics education activity, EAJ was able to identify local interpretations of Islam that are friendly to women's rights and realized agreement among Muslim clerics for the need to connect with government justice systems. These achievements were captured and scaled nationally when the state judicial training body adopted the EAJ-developed ethics booklet into its curriculum.

- Development of the “**Local Values-based Judicial Ethics Booklet**” and its adoption by the Judicial Training Institute as part of the training curriculum
- 94 individuals from civil society received **judicial ethics training**

2.4 GIS Mapping

Description: Interactive geographic information system map of justice service points such as courts, offices of the attorney general, prisons, NGOs offering legal aid, alternative dispute resolution centers, police stations and hospitals in Somaliland and SWS. This map could be used by the public to locate services they need and also by the ministries for more efficient targeting of assets in services provision or to improve security of ministry assets.

Goals: The ministries of justice of the Federal Government of Somalia, Somaliland and SWS seek to improve their provision of justice services. In many areas, justice system and related assets (such as legal aid clinics operated by NGOs) are unknown to much of the public. This is especially true in early recovery areas. Ministries also needed to understand what gaps existed in their services coverage to more efficiently target communities in need. EAJ's GIS Mapping activity responded to these ministries' requests and worked with them as partners to not only create the interactive map to train ministry staff on skills needed to maintain and enhance the map.

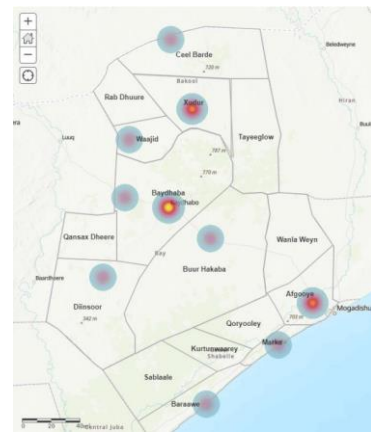
Operations: After proposing the GIS Mapping activity to the ministries of FGS, Somaliland and SWS in response to their requests for support, EAJ gained endorsement for the activity from senior Ministry of Justice decision-makers. It was agreed that the activity would be implemented as a partnership. Mapping was conducted by ministry of justice staff trained and mentored by EAJ on data collection, analysis, and map making. An in-kind grant provided hardware and software for GIS map generation. Data collected was stored and shared using the KoboCollect application.³⁹

³⁹ <https://www.kobotoolbox.org>

Challenges encountered in the implementation of the activity included physical security during data collection, conflicting claims of ownership among ministries involved, concerns over sharing information publicly, and sustaining the initiative through changes in government administration.

During the data collection process, enumerators in Marka discovered recent targeted killings of a judge and a doctor by militia groups forcing a change in the collection process and reinforcing the importance of cautiousness in the government's operations in volatile areas. After that incident, data collection in volatile areas was handled by EAJ engaging a consultant to identify and virtually train local enumerators to remotely collect data.

With several ministries involved in the initiative including the Ministry of the Interior, the Ministry of Health, and the Ministry of Justice, discussions were needed to resolve competing claims of ownership of the data collected.



Operations: Data collection in SWS covered all 14 districts not under control by Al Shabaab. Data collection in Somaliland was less complete. Implementation of the activity presented opportunities for the SWS MOJ to undertake a state-wide initiative that required it to manage security challenges, conflicting data ownership claims, concerns over data sharing and data privacy, and continuing a ministry-wide initiative across multiple administrations.

GIS mapping for SWS. Photo credit: Christopher Kinyua Mwangi, Pact Kenya.

Results of GIS Mapping of Justice Services:

The rollout of the GIS Mapping activity provided valuable lessons for the Ministry of Justice in navigating political transitions, addressing security concerns, and data ownership and privacy. It showcased the potential for technology to inform decision-making in the justice sector.

- The MOJs of FGS and SWS are **equipped with GIS tools and knowledge** to effectively collect and analyze data to inform decision-making in the justice sector.
- The government of SWS has made an **interactive map available to the public** to find justice services in their areas: <https://moj.sws.so/justice-centers-map>
- Data is being used to make **evidence-based decisions** and address gaps in government services provision. Information from the activity's data collection was used to prioritize the upgrading of Xudur prison based on analysis of data collected.

2.5 Critical Analysis of Justice Support Models

Description: Systematic and continuous research, monitoring and evaluation scrutinizing access to justice services activities.

Goals: To ensure EAJ justice services activities were based on evidence. EAJ employed a monitoring, evaluation, research, and learning system that enabled it to respond to its volatile environment.⁴⁰ Given the program's approach of applying largely untested community-based justice interventions to the Somalia and Somaliland contexts, it needed to engage in traditional and non-traditional information gathering. The intensive analytic efforts, disseminated in reports and presented to stakeholders, enabled the program to share insights regularly which helped to establish the program's standing among local partners, government, practitioners, and donors. Regarding the justice services strategy, EAJ's evidence-based approach led it to reject traditional models of institution-strengthening support for the Somali state judiciary.

Operations: By Y2, international donors and decision-makers in the FGS regularly requested EAJ to support the Alternative Dispute Resolution Unit (ADRU) housed in the MOJ. Under the ADRU framework, Alternative Dispute Resolution Centers (ADRCs) had been established across Somalia for nearly 10 years. Justice seekers can file cases at these centers and receive resolutions that can be filed at state courts. Standard operating procedures, developed by the MOJ, govern the ADRCs. Since their establishment, no comprehensive research had investigated the impact of the program which has become a signature element in eliciting donor support and the key modality through which other donors engage with customary justice in Somalia.

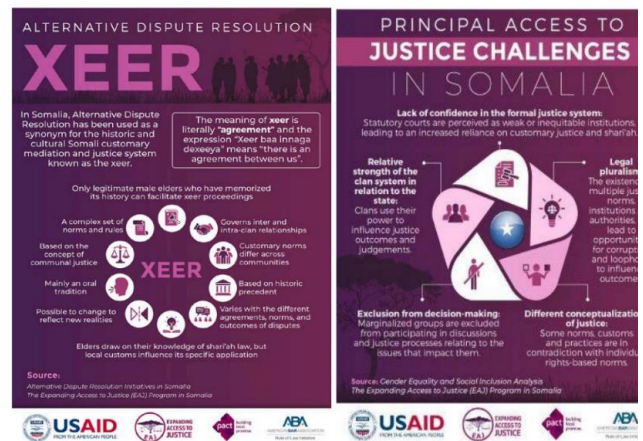
ADRC Focus: EAJ extended its field research to the effects, efficiency, and impact of the ADRC approach while still seeking the most promising intervention strategies to support in its own program.

Findings from the research showed that the ADRC initiative, in practice, often provided services that replicated the efforts of reputable elders who would otherwise resolve conflicts and address justice issues at the community level, i.e. before the conflict needed a formal institutional process. ADRCs are meant to ensure adherence to human rights and gender equality principles, however only two of seven practitioners at ADRCs who were interviewed as part of EAJ's research reported that they had received human rights training. Many informants stated that their ADRCs did not conform to international human rights standards. EAJ's research also found that ADRCs struggled to resolve land dispute cases and sexual and gender based violence (SGBV) cases for the same reasons that elders struggled when applying Xeer-based norms: these kinds of cases present opposing solutions depending on whether the judicial paradigm applied prioritized individual or communal rights - presenting downstream legitimacy challenges - and struggled to

⁴⁰ Lauren Serpe, Mason Ingram, Kate Byom, Nimble adaptation: Tailoring monitoring, evaluation, and learning methods to provide actionable data in complex environments, In: WILEY, 2022, Pages 1/03-104.

balance power differentials between aggrieved parties. In addition, funding of the ADRCs at the local level to keep them functioning disrupted the role of elders who would usually provide similar services for free using traditional means and thereby represented a significant opportunity cost. Finally, the research found that the ADRCs still face intractable enforcement issues. The conclusion of EAJ's field research into the ADRCs approach was that the initiative was not effective or efficient in addressing persistent challenges in the justice field. EAJ determined to cooperate where appropriate with ADRU, but not to direct resources to the initiative.

EAJ shared its findings with the Somalia MOJ in coordination meetings where it proposed other ways of supporting the ministry and incorporated its findings in the aforementioned 'Alternative Dispute Resolution Initiatives in Somalia' research report which influenced donors in the justice sector.⁴¹ This research report generated widespread interest and served as a valuable resource for EAJ partners in co-design sessions. EAJ's local partners were particularly concerned about the research's findings surrounding the lack of success of ADRCs in supporting SGBV cases according to international human rights standards. This concern reinforced EAJ's efforts to address these needs in its own interventions.



EAJ publications sharing results of its critical analysis of justice support models.

Results of Critical Analysis of Justice Support Models:

EAJ's heavy research focus guided its programming and delivered an evidence base that positively shaped its interactions with local partners, government, and the international development community in Somalia

- Steered EAJ away from ineffective approaches and provided **actionable findings** on how to work effectively with customary law actors.
- Demonstrated how research can provide practical solutions when taken as part of a larger **evidence driven approach** to inform programmatic strategies.

⁴¹ EAJ's *Alternative Dispute Resolution Initiatives in Somalia Report* is available at: https://ejaprogram.org/new/eaj_resources/

Reflections, Learning and Opportunities for Future Programming from EAJ's Justice Services Intervention Strategy

Prior to the Y2 pivot, EAJ had not planned to implement justice supply interventions. When redirected to do so by USAID, it generated local-level research to understand the dynamics of both statutory justice processes in the districts it served and those communities' perceptions of those processes. Where and when possible, EAJ married its justice services activities with its community engagement and navigation of justice pathways activities.

Research led to an expansion of the scope of the Judges' Forum

By the time EAJ reached an agreement in principle with the OCJ to conduct the Judges' Forum, it had collected a sizeable amount of data on the performance of the courts and found inconsistent application of the law stemming, in part, from differences among the judges themselves. Because Somalia lacked a national government for a generation, there was a notable absence of mechanisms through which judicial careers could be developed in a consistent manner and with similar technical approach. Somalia's 80+ judges have served a broad diversity of judgments because they have studied and practiced in a broad diversity of legal environments. Many judges bring an understanding of Yemeni jurisprudence or that from Western Europe. At the same time, judges in Somalia are relatively young, too often are not appointed based on a merit system, and are trying to function in a judiciary system in need of reform and greater resources. This awareness, combined with EAJ's positive working relationship with the OCJ, contributed to the significant expansion of scope of the Judges' Forum including consideration of national judicial ethics guidelines.

Justice services interventions provided the right venues to accomplish national ethics guidelines

A meaningful achievement that relied on EAJ justice services interventions was the adoption by the Somali judiciary, and in particular, the Judicial Training Institute, of the "Local Values-based Judicial Ethics Booklet". This was the first locally legitimate judicial ethics guideline introduced to Somalia and was born out of EAJ's engagement with the judiciary through its justice services activities. The Model Court and the Judges' Form were both part of the learning and validation process for this achievement.

The judiciary took ownership of the Benadir Judges' Forum

Offices of the Somali judiciary took ownership of the Judges' Forum. Over the course of the first two Judges' Forums, the judiciary took an increasingly larger role in arranging presentations and study results from its judges, included participation of the attorney general, and followed-up on issues raised in previous forums. At a later forum, the Chief Justice used the forum as a venue to announce a new judiciary policy. The OCJ included judges' forums as an initiative in its new Judiciary Strategy Implementation Matrix revealed in March 2023 and announced his intention for them to serve as the core of a future state-wide judges association.⁴²



Social media post of the Chief Justice on the topic of the Judges' Forum.

Support to the judiciary can be effective without providing direct funding support

Since 1991, there have been international justice interventions working in the country. The task of coordinating all justice sector programming in Somalia falls to UNSOM. In 2012, the Provisional Federal Constitution of Somalia was adopted and donors pledged support to political transformation in the country after which the number of justice programs increased. Some programs, like the ADRCs, went unevaluated for nearly ten years. All justice programs are at risk of unknowingly supporting patronage systems which have increasingly spread into justice development program funding streams.

In contrast, EAJ's strategy did not rely on direct funding support to justice actors. Rather, EAJ primarily provided technical assistance (with sparse in-kind assistance) and thereby relied on cooperation from state justice institutions as key partners. To attain this, the program devoted considerable time and resources to establishing trust with the Somali judiciary. Reinforcing findings from other studies, this led to a significant investment in time and even ownership of activities by judiciary actors. Under EAJ, it was the technical support given that promises the most meaningful and lasting improvements in access to justice.

Some positive effects of statutory court reform can be easily canceled out by external events

Findings from the EAJ endline study show that, although the program's efforts to reform statutory courts likely positively affected perceptions of justice, this can be 'canceled out' by periods of social tension. During such periods, trust earned by the state judiciary can be easily reversed by larger fissures in society and violence, regardless of the ongoing reform efforts. The study notes that statutory court reform should be implemented in coordination with other types of interventions such as political dialogue and emergency responses to be most effective.⁴³

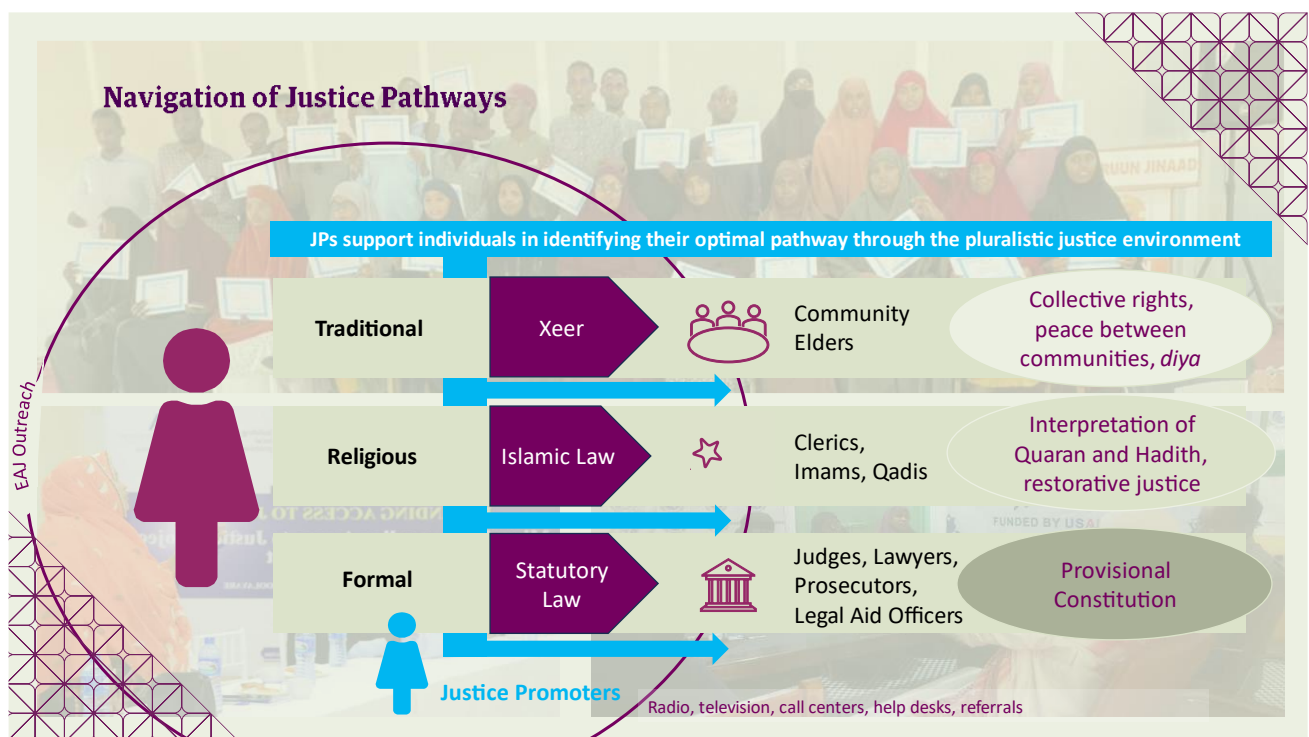
⁴² A Somalia judges association would allow the judiciary to join the East African Magistrate and Judges Association, a publicly stated goal of the Office of the Chief Justice.

⁴³ Expanding Access to Justice Program. *Access to Justice Assessment Tool: Endline Report*. April 2023.

Intervention Strategy 3: Navigation of Justice Pathways

The aspiration to expand access to justice in Somalia must contend with the country’s complex pluralistic legal environment. EAJ sought to innovate and contextualize a paralegal program which would have a community-wide impact even beyond individual cases and demonstrate lasting social change. In the first year of the project, EAJ, LEOs, and the Somaliland MOJ co-designed an innovative new community-based paralegal model that the program would call the “Justice Promoters model”. The program is highly contextualized to Somalia and differs from typical community-based paralegal programming models by departing from the usual focus on formal judicial system-driven support to clients.

Graphic 5: EAJ’s Navigation of Justice Pathways strategy is centered on the activity of training and deploying community members to assist justice seekers. This is complemented by awareness raising and legal education activities for justice seekers in Somalia, particularly women and members of marginalized groups, being unable to access justice systems.



In December 2023, USAID provided Freedom House, Pact and ABA ROLI with the report of an external evaluation of the EAJ Justice Promoters approach. Findings from that report, conducted by Washington, DC-based LINC LLC and completed in November 2023, are included in this section of the compendium.

3.1 Justice Promoters

Description: The Justice Promoters model identifies and trains community-based paralegals and positions them to engage with justice seekers in their communities, providing them with information on their rights and justice pathways so that each justice seeker has sufficient awareness to choose their optimal justice pathway.

Goals: The Justice Promoters model aims to support individuals in identifying their optimal pathway through the complex pluralistic justice environment, between Xeer, Shari’ah, state courts, and peace committees. By understanding, and then exploring their clients’ interests and evaluating the likely costs and benefits of contrasting justice venues, as well as possible outcomes of different strategies and explaining these possible outcomes to their client, Justice Promoters intend to not only address immediate justice needs, but also enhance understanding of justice services and thereby offer longer-term empowerment of clients.

Development: Justice Promoters are volunteers from the communities they serve, selected in consultation with those communities. They are community members with in-depth knowledge of local socio-political structures and fissures who have earned the trust of the community. Justice Promoters may receive transportation and communication cost reimbursements, but no other compensation. The selection of Justice Promoters considers gender and the presence of different social groups, particularly sub-clans, to reflect the composition of communities they serve. As with other EAJ interventions, the Justice Promoters model builds on pre-existing social capital. EAJ’s local partners manage Justice Promoters and coordinate closely with EAJ on training Justice Promoters, emphasizing a thorough understanding of the legally plural justice landscape, including navigation of Xeer, Shari’ah, state courts, and peace committees. In cases in which the client decides to pursue their case through the formal judicial system, the Justice Promoter will work with local legal aid organizations which can provide legal advice and assistance in bringing the case to court.

Standard community-based paralegal program	The EAJ Justice Promoter model
<ul style="list-style-type: none"> • Outcomes are individual cases • Focus on urban centers • Focus on the formal judicial system • Services provided only by trained paralegals 	<ul style="list-style-type: none"> • Outcomes are individual cases and greater awareness of rights by the community at large • Enables expanded services to rural communities • User-driven justice pathway selection • Service providers (“Justice Promoters”) include law school students and lawyers working in concert with paralegals

With understanding of the Somalia context, buttressed by a large amount of research conducted in its first year and co-design with local partners, EAJ placed clients fully at the center of its community-based paralegals model. Clients were given agency to choose which justice system they wished to use to pursue their case. This is a profound departure from most access to justice programming in Somalia over the last 30 years with an important implication: this meant that EAJ was prepared to support clients who choose non-formal justice pathways, including Xeer and Shari'ah venues for justice. In total, seven EAJ grantees participated in the Justice Promoter initiative, meaning they worked with EAJ to recruit, train, supervise and give technical support to Justice Promoters in geographic areas where they had strong familiarity with the local context. The seven participating partners including four LAOs based in Benadir (SODEN, ADR, CULC and MULC); one in SWS (SCAG); and two in Somaliland (ADAM, SWLA).

The Justice Promoter model benefited from valuable lessons learned from the implementation of an earlier activity that was also intended to provide a local destination for aggrieved parties to solve disputes peacefully - Justice Sub-Committees (JSCs). Piloted in the early recovery area of Lower Shabelle, JSCs were community representative groups that brought together nine community members (traditional elders, women, youth, and religious leaders) who are interested in promoting individual rights-based justice. EAJ intended for JSCs to listen to the parties involved in local conflicts, consider peaceful solutions, and to transfer cases to EAJ's Case Review and Response Team, made up of legal professionals. Although six JSCs were established and actively worked with parties in local conflicts, no cases were forwarded to the Review and Response Team as designed. Closer scrutiny found that the lack of knowledge and trust of among citizens in Lower Shabelle in state-backed justice systems accounted for this outcome. Learning from this experience helped to shape the Justice Promoters model, building on deep trust and greater awareness raising for each community.

Operations: Once outlined, the Justice Promoter model was incorporated into the co-design of grant proposals to be piloted in Somaliland. With implementation delayed by COVID-19, EAJ concentrated on development of training curricula for LAO Program Officers who served as supervisors of the Justice Promoters and training materials for the Justice Promoters themselves.

Rollout of the Justice Promoter model began with induction and grant administration training for local partners to introduce them to the model and to ensure they were capable of onboarding and deploying Justice Promoters. The second phase of this induction training focused on effective oversight of the model, monitoring, and

USAID Rule of Law Policy

In April 2023, USAID launched a Rule of Law Policy which outlined USAID's new guidance to employing people-centered approaches. In the policy, USAID states its intention to pilot new solutions and, "When appropriate...strengthen informal and customary justice systems, which USAID recognizes have an important place in many rule of law ecosystems." EAJ's Justice Promoter approach, while

support techniques. EAJ conducted training of trainers workshops for implementing local partners first in Somaliland, then in SWS and Benadir. In its first two quarters of operation, 182 (67 female and 115 male) Justice Promoters were trained.

To recruit and train Justice Promoters effectively, EAJ needed in-depth understanding of the areas in which the model would be deployed. Local partners worked with EAJ to conduct weeks of extensive community visits to villages to explore the local communities' justice pathways, challenges, and experiences. Focus group discussions (FGDs) and community mapping assessments involved large numbers of community members and provided valuable information. It was common across these FGDs and community mapping assessments to learn from community members that the majority of them seek justice in the informal, customary justice system, particularly through elders and sheikhs, rather than through the state courts.

Training:

Based on the results of the study, EAJ designed training for both Justice Promoters and the local partners managing the program at the community level. All Justice Promoters, regardless of their geographic area, received training on navigation of justice pathways, Do No Harm principles, conflict sensitivity, and referral methods. EAJ provided additional training that was issue-specific and context-specific such as Shari'ah jurisprudence (particularly principles that align most closely with the rights of vulnerable and marginalized groups and equality before the law), protection of women and children against violence, women's property and inheritance rights, and rights in marriage and divorce.

Survivors of gender-based violence

In Somalia, there is a cultural expectation that women do not address a justice institution without being accompanied.⁴⁴ Justice Promoters can accompany a female survivor of domestic violence to receive medical attention, obtain necessary documentation at a police station and approach justice providers, all of which may have been out of her reach.

⁴⁴ Abdullahi Ali. *Through the Economic Cost of Discrimination: The Way forward for Women in the Somali Customary Justice System*. Strathmore University Law School, Strathmore Law Review Vol. 5 No. 1 (2020). Nairobi, Kenya.

Local partners with legal expertise such as ADAM, SCAG and SODEN worked with EAJ to organize specialized training for Justice Promoters on the rights of persons living with disabilities and the United Nations Convention on the Rights of Persons with Disabilities. At these trainings, experienced legal advocates conducted courses for Justice Promoters and facilitated discussions on navigation of Somalia's justice pathways, case review and management processes, human rights in state laws and the Shari'ah, and gender and diversity awareness. Periodic trainings served as knowledge-building platforms, but also brought Justice Promoters together for cross-learning, networking, debates, and sharing challenges and experiences.

One particular facet of the Justice Promoter training that set EAJ apart from other access to justice programs in Somalia was the inclusion of Shari'ah and Islamic law and ethics. EAJ developed an advanced training curriculum for Justice Promoters and other legal staff of local partner organizations that enabled them to understand issues they encountered in their daily justice promotion work through the framework of Shari'ah law, Islamic law and the ethical principles of both. Topics covered Shari'ah principles found in Somalia's justice system, women's rights, disability rights, treatment of minorities and issues around marriage, inheritance, and child rearing. The training aimed to build the capacity of participants to recognize the likely outcomes of pursuing Shari'ah pathways with their clients and their potential to protect and enforce individual rights. More than one hundred Justice Promoters received the Shari'ah and ethics



EAJ Justice Promoter conducting door-to-door justice awareness in Towfiq in Baidoa. Photo credit: SCAG.

Gabooye Minority

To reach marginalized groups, EAJ sought local Justice Promoters known to, and trusted by, those communities. The Gabooye are an historically marginalized clan and have been forced to relocate in large numbers to IDP camps or refugee camps in other countries due to violence and displacement. A higher percentage of Gabooye children do not have an opportunity to attend school. Shamsa Hassan, a community organizer and social justice worker in the Gabooye village of Daami B village near Hargeisa in Somaliland, is an example of the kind of individual EAJ sought to become a Justice Promoter. She actively participated in EAJ-supported community awareness programs including justice roadshows and COVID-19 prevention in the initial years of the program. She also led village clean-up days. Recognizing her active role in the community and her advocacy for marginalized women, ADAM onboarded Shamsa to be a Justice Promoter.

training, making EAJ one of the first access to justice programs to integrate Shari'ah education into its core programming.

To supplement training, EAJ developed guidebooks and pocketbooks for Justice Promoters, adapted for the geographic areas they were serving. EAJ developed the Justice Promoters Pocketbook to help justice promoters understand the justice pathways referral mechanism, basic legal provision in the Somaliland and Somalia constitutions, juvenile law, and penal codes.⁴⁵

The evaluation of the Justice Promoters approach conducted by LINC for USAID found that the training program was effective in ensuring that Justice Promoters not only helped justice seekers navigate justice pathways to achieve resolution to their cases, but also empowered them with knowledge of the law and their rights.⁴⁶ The evaluation, which surveyed 276 clients of the Justice Promoters activity, found that clients from marginalized groups, especially, benefited from this achievement.

Starting from early in Y3, recruitment, training, deployment and refresher and issue-specific training of Justice Promoters continued, growing the numbers of trained Justice Promoters deployed by the program into the final year of the program.

Expansion: After deployment in Somaliland in Y3, EAJ expanded the Justice Promoter model to Lower Shabelle and SWS. The number of Justice Promoters grew from 90 to 140. Additional local partners, BWDO and Lifeline Organization, were involved in identifying, training and deploying new Justice Promoters. Concurrently, a demand for the work of Justice Promoters emerged. One partner, MULC, advocated for social work students to be included as Justice Promoters because they could extend outreach efforts to hard-to-reach potential clients hampered by varying challenges including stigma, lack of transport, and other access to justice shortcomings. EAJ adopted this recommendation and MULC supported a diverse team of volunteer justice promoters.

With the deployment of a sizeable cadre of trained Justice Promoters accomplished, EAJ could develop the complete approach. Justice Promoters held a key position in the collection of data from communities, provided expertise and local contextual knowledge to community-based justice awareness activities, and provided a critical entry point for the program to translate research and learning into practice at the community level.

Data

Collection: To enable Justice Promoters to track their cases accurately and to provide EAJ with data on performance and trends, the KoboCollect mobile application platform was customized in English and Somali. Justice Promoters recorded all cases encountered via the free-to-use KoboCollect app starting with an intake form. For higher-capacity Justice Promoter and local partner organizations, adoption of the platform was simple and the ability to collect and collate case data noticeably

⁴⁵ The accuracy of the pocketbook was validated by authorities, including justice officials, human rights organizations, civil society representatives, women's lawyers associations and UNDP.

⁴⁶ *Expanding Access to Justice (EAJ) Performance Evaluation Final Report*. LINC, 2023. Washington, DC. Page 55.

improved the reliability of case reporting and improved decision-making on other areas of interest the partners had in supporting their clients. Given the great diversity of Justice Promoter backgrounds and a recruiting emphasis on more experienced, trusted community members, some experienced difficulty adapting to the platform. LINC’s external evaluation of the Justice Promoter approach, which drew on a survey of 276 clients of the activity and 35 Justice Promoters along with interviews with 58 key informants, recommended adopting a more effective case management system capable of providing regular updates to clients to alleviate delays and uncertainty.⁴⁷

**Justice
Awareness
Activities:**

Embedded in the communities, strongly networked and knowledgeable of local justice challenges, Justice Promoters became a valuable resource for EAJ’s justice awareness activities occurring at the local level. Concurrent with the Justice Promoters’ work, EAJ, through its partners, piloted “Know-Your-Rights” events, public justice lectures, door-to-door weekly information sessions, women’s justice actor pressure groups, radio and television shows, call centers and walk-in clinics, and meetings with judges. Justice Promoters played a key role in most of these activities and expanded their capacities in doing so. This key role reinforced the value of continuing to invest in Justice Promoters with new trainings, experiences, and skills.

While EAJ’s efforts to identify, train and deploy Justice Promoters was effective in the relatively short time of the initiative, it was clear early on that most cases handled by them were brought to them by clients who sought them out.

Therefore, outreach initiatives to educate community members on the existence of Justice Promoters and how to find

them were key to the effectiveness of the model. EAJ complemented the outreach work of its local partners by leveraging the reach of mass media. Through a partnership with M2A, a communications company with extensive experience in Somalia, EAJ developed and broadcast radio dramas and public service announcements to inform people about Justice Promoters resource. One radio public service announcement was titled, “What do Justice Promoters do, how can they help you and how can you contact one?” and one radio episode was titled, “A Day in the Life of a Justice Promoter”.



An EAJ Justice Promoter speaks on the weekly ‘Legal Education’ radio program supported by EAJ. Photo credit: Mogadishu University Law Clinic.

⁴⁷ *Expanding Access to Justice (EAJ) Performance Evaluation Final Report*. LINC, 2023. Washington, DC.

Local partners tailored outreach to their specific local contexts. SODEN, for example, which sought to educate persons living with disabilities (PLWDs) on the program's resources launched a call center with a hotline to help the PLWDs access legal information, assistance, counseling, referrals, and advice in concrete cases. Trained Justice Promoters operated the hotline and answered calls from clients.

Local partner SCAG, which focused on access to justice services primarily in IDP camps in Baidoa, developed three live radio call-in events in the style of radio talk shows focusing on individual rights of IDPs, women, marginalized groups, and SGBV survivors. The shows aired on Warsan Radio and SCAG enlisted qualified journalists to moderate the events.

SWDC, SWLA, and SCAG focused outreach activities on the engagement of women. Following the roadmap set by the project's women, peace and security (WPS) strategy to support women's participation and leadership in preventing conflict and promoting stable, lasting peace, a goal of EAJ interventions was to "Improve access to justice and security for women and girls in Somalia to reduce reliance on Al-Shabaab justice." The EAJ gender equality and social inclusion (GESI) strategy, conducted in Y1, had already identified access points for EAJ in addressing barriers to women's access to justice.

Justice Promoter Results:

EAJ applied several assessment techniques to gauge the effectiveness of the Justice Promoter activity. In addition, USAID at the time of writing was completing an external evaluation of the activity with results expected to be ready in early 2024. EAJ's own assessment showed that the activity was effective in engaging aggrieved members of communities that are hard to reach by other legal aid interventions, and effective in injecting legal education into those communities. The impact of legal assistance provided under the Justice Promoters activity is not possible to quantify, but it has proven its effectiveness as a method of bringing legal assistance and education to communities in challenging environments.

- **2,899 cases** (64% of which were brought by women) managed by EAJ Justice Promoters. Of these, 77% were civil in nature and 23% were criminal.
- Clients perceived trained Justice Promoters as helpful and qualified. Of 381 EAJ clients surveyed by Pact, only 7% of respondents felt that the legal representation they received under EAJ was unhelpful to their case (6%) or that the person providing representation was not qualified (1%).
- The District Court in Burao gave EAJ (SWLA) **permission for Justice Promoters to participate in case proceedings** in the district court with support from their lawyers.
- EAJ trained eight Somali **CSOs on data collection** tools and processes.
- 63 (45% of Justice Promoters) **women were trained** and gained experience as community-based paralegals.
- **JPs were especially effective in early and intermediate recovered areas.** In Pact's client satisfaction survey, 51% of respondents in Bay and 50% of respondents in Bakool reported satisfaction with the effectiveness of assistance from Justice Promoters.

3.2 Community Awareness

Description: Community outreach activities ranging from door-to-door awareness sessions in IDP camps to live radio call-in talk shows aired on Shabella Television.

Goals: EAJ integrated outreach activities into its local partnerships to raise public awareness of justice access issues, educate the public on their rights, and to inform aggrieved parties where to turn to pursue legal cases.

Examples of EAJ outreach activities included:

- ADAM television talk shows to discuss challenges to minority clans' access to justice
- SCAG door-to-door awareness sessions in IDP camps and radio call-in programs
- SODEN radio talk shows promoting the rights of persons with disabilities
- CULC weekly Know-Your-Rights sessions in IDP camps
- SWLA engagement with elders in rural areas to ensure clan elders accommodate women
- SWDC weekly information sessions for communities and individual households
- MULC walk-in legal clinic and legal aid hotline
- ADR televised lawyers' roundtables
- SWS Law School radio programs informing the public of justice pathways

Operations: Support from private sector legal advocates strengthened community awareness activities. EAJ local partner ADR, for example, contracted with the Garnaqsi Advocates and Legal Consultants law firm to refer land dispute cases from the LDCs, radio programs, or call-ins to ADR's legal hotline. The law firm assisted clients with navigation of the formal justice system, ensuring they were aware of - and able to get to - court proceedings as well as helped to track case progress. This option was important for complex land dispute cases that required formal court adjudication and exposed participants in the LDCs to an additional resource benefiting community members.

Community Awareness Results:

EAJ's community awareness activities reached a large number of individuals and was effective in reaching members of vulnerable, hard to reach, and marginalized communities.

- **41,697 citizens reached** with legal awareness, education, or assistance.
- At least **30 IDP camps reached** through EAJ awareness raising initiatives.
- Marginalized community members reached.

Reflections, Learning and Opportunities for Future Programming from EAJ's Navigation of Pathways Intervention Strategy

Access and trust were critical factors for success of the Justice Promoter model

In response to the redirection of EAJ to early recovery areas, one of the model's effective features was that it provided access to justice on the ground where only local actors can navigate complex socio-political dynamics. A legal aid expansion program which funds a law clinic to send paralegals into communities, for example, would likely not have been as effective. As an example, when EAJ introduced its JSC (a representative groups that brings together community members who are interested in promoting individual rights-based justice) concept to serve as the main outlet for solving community grievances and disputes in the Marka District of Lower Shabelle Region, no cases were reported by the justice sub-committees to EAJ for referral. EAJ learned that low trust and low awareness among the community were the underlying reasons. The very active approach of the Justice Promoter model answers both problems. EAJ made the decision to drop its Case Review and Response activity in favor of the Justice Promoter model.

While locally based, becoming a Justice Promoter increases an individual's exposure to risk

If the Justice Promoters initiative was the answer to the operational challenge of reaching and engaging community members in newly recovered areas, it is important to recognize that the security burden becomes redirected onto Justice Promoters themselves. It was not unusual for Justice Promoters to find themselves involved in cases where lives were threatened. Justice Promoters, therefore, are placed in a position where they are protecting the lives of community members and may themselves be at risk. During EAJ's implementation of the initiative, no security incidents were reported. The mitigation strategy employed by EAJ was to work with local legal aid organizations knowledgeable about the local security context and for those local partners to identify and recruit Justice Promoters that had deep knowledge of their security environment and whom the community chose through a selection process. In addition, EAJ's thorough and continuous training program developed the capacity and skills of Justice Promoters, including on the topic of security measures.

Shari'ah justice venues offer opportunities to strengthen individual rights in some contexts

The significance of the initiative to train EAJ-supported Justice Promoters on the tenets and applications of Shari'ah law in Somalia is that the program confidently asserted - and demonstrated through implementation - that, in the context of the areas it was working, Shari'ah justice venues could offer effective individual rights-based outcomes for aggrieved individuals. This is particularly true for women, PLWDs, and members of other marginalized groups. EAJ's research and dialogues with Shari'ah practitioners identified interpretations and jurisprudence of Shari'ah that fostered women's access to justice and expressed support for guaranteeing women their individual rights. One result produced by EAJ was an easily accessible pocketbook for Justice Promoters that helped them to represent or defend clients using legal arguments that are in their best interest as individuals, but also Shari'ah compliant.

There is an important role for psychosocial support in working with justice seekers

In surveying 276 Justice Promoter clients and conducting dozens of interviews, LINC's evaluation of the activity found that one of the most important predictors of client satisfaction was the clients' perception that the Justice Promoter was caring and willing and able to answer questions. Satisfied clients conveyed that Justice Promoters listened effectively, acted as an advocate, and acted in a supportive manner. The design of the Justice Promoters activity focused on recruiting community members who were service-oriented, trusted and respected. LINC's evaluation offers a recommendation that extends this concept of support for clients further: *"Ensure that JP counseling and assistance includes access to psychosocial support for clients, as it significantly contributes to their satisfaction and well-being throughout the legal process."*⁴⁸ This would require an additional investment from the project. Future implementers may consider this additional element, but as EAJ did, should first seek evidence that psychosocial support for justice seekers contributes to positive outcomes beyond higher satisfaction with Justice Promoters working with them. The evaluation's establishment of a clear link between psychosocial support for clients and client satisfaction with community paralegals is a valuable insight on which to further explore the role of psychosocial support in working with justice seekers.

Local partners and their capacity development were essential for the model's effectiveness

EAJ designed the Justice Promoter model as an intervention that could be effective in Somalia's plural legal environment. Its initial design targeted the relatively stable operational environment of Somaliland prior to deployment and expansion to more contentious areas. The initial design was deliberately cost effective in terms of expansion of the reach of legal aid into communities. However, the design relied heavily on the management capabilities of LEOs who recruit, train, and manage individual Justice Promoters. EAJ was able to accompany the initiative with Pact's evidenced capacity development program for eight local partners participating in the initiative.

While the Xeer system favors clan relations over individuals, it may sometimes be the optimal pathway

Xeer-based processes are underpinned by patriarchal and clan power dynamics which results in women and marginalized groups, in particular, often faring poorly in Xeer decisions.⁴⁹ However, this is not universal. In some cases, conformity with Xeer-based norms proved to be the most effective justice pathway. For example, EAJ Justice Promoters and supervising lawyers at SODEN assisted in cases in which parents, fearing stigma, had denied access to education for their children living with disabilities. The project lawyers took these cases to community leaders and were able to resolve a majority of them with children being able to access education. EAJ's initiatives recognized the legitimacy that Xeer processes enjoy among citizens and worked with Xeer practitioners to make those processes more inclusive of women and marginalized groups and respectful of human rights.

⁴⁸ *Expanding Access to Justice (EAJ) Performance Evaluation Final Report*. LINC, 2023. Washington, DC. Page 62.

⁴⁹ *Expanding Access to Justice Program*. 2019. *Gender Equality and Social Inclusion Analysis*. Nairobi, Kenya: Pact and the American Bar Association Rule of Law Initiative. Page 23-27.

The JP activity was effective in supporting the most marginalized

Findings from LINC’s evaluation of the Justice Promoter activity found that women and poorer and less educated clients, including representatives of marginalized groups, were the most satisfied with Justice Promoters of all the clients. The evaluation posited some reasons that could help account for this result such as the types of cases brought to Justice Promoters by female clients or cultural pressure for women not to speak negatively about their experience. However, the evaluators arrived at the hypothesis that this is likely due to lower expectations among clients entering the process with less agency, resources and education. Evaluation findings showing that clients in South West State in Somalia were generally more satisfied than clients in Somaliland likely supports this hypothesis as justice seekers in Somaliland benefit from a more stable justice system, possibly raising their expectations of favorable outcomes. If true, this hypothesis validates the emphasis in the activity’s design for meeting marginalized clients where they are in the community, perhaps connecting community members with pathways to justice who had not expected to receive any support.

Intervention Strategy 4: Inclusion of Women

A focus of EAJ was improving justice outcomes for women and marginalized groups. EAJ mainstreamed inclusion of women throughout its activities. Design of EAJ interventions drew from its research products that considered women's access issues to be central (some research products, including *Women, Peace and Security and Individual Rights* and *Vulnerable Groups-friendly Interpretations of the Shari'ah* examined the impacts of women explicitly). Implementation of EAJ interventions adhered to its GESI guidelines developed from its comprehensive Y1 GESI analysis. In addition, EAJ created three sub-objectives directly targeting WPS issues in Somalia and treated SGBV as a standalone advocacy topic.

EAJ Inclusion of Women Sub-Objectives

- **Sub-Objective 1:** *Increased advocacy for women-friendly interpretations of Shari'ah-based solutions among justice providers*
- **Sub-Objective 2:** *Increased inclusion of women in formal and informal justice mechanisms and peacebuilding fora*
- **Sub-Objective 3:** *Improve Justice Results for Women and Girls in SGBV cases*

Women experience distinct challenges in accessing justice in Somalia. Xeer tradition discourages women from approaching elders directly and women lack the ability to fully participate in Xeer hearings.⁵⁰ In the statutory system, men are expected to accompany women to court. This access issue compounds a number of factors that result in many women being unable to achieve fair outcomes, particularly in cases of SGBV. Without access to justice systems, the vulnerability of women is exacerbated. This, in turn, encourages women and their families to seek redress in Al-Shabaab courts.

The importance of outreach to the community is explained in the other three intervention strategies explored in this compendium. It is important to note that in the context of Somalia, where women face exclusion from participating in adjudication processes that impact them, community engagement may be their best opportunity for representation. Through justice engagement platforms, EAJ was able to exert a positive structural difference to include women and their voices - for example, seven women were included in the Wadajir and Xudur Court User Committees - but the normative challenge of exclusion based on gender roles required further programming.

EAJ supported women beyond representing their communities in justice engagement platforms by supporting women as key actors in shaping justice services and enabled them to be more effective in addressing grievances that drive conflict. EAJ established the **Women's Justice Actors Pressure Group** comprised of twenty women lawyers, advocates, prosecutors, and police officers which advocated for women's justice issues leveraging its strong and unique network. Local

⁵⁰ Peterson, Brenton D., and Manar Zaki. 2023. "An Empirical Examination of Xeer Practices in Somalia."

partner SWLA conducted **direct advocacy** with judges on addressing the problem of women litigants dropping their court cases by increasing the processing speed of women's cases. With local partner SWDC, EAJ developed a policy brief on enhancing women's participation in the Somali judiciary.

Concurrently, EAJ developed solutions that addressed immediate challenges that women and girls face in Somalia. Justice Promoters were trained on women's rights (as well as issues such as marriage, childcare and inheritance) and educated community members on these rights as part of their regular outreach activities. Women were also intentionally recruited to be Justice Promoters (about 40% of Justice Promoters were women). Local partner ADAM conducted targeted **justice sessions** for women. EAJ trained female justice providers on referral pathways for SGBV survivors. SWLA organized dialogues with elders focused on women's inclusion in customary justice processes and EAJ organized a roundtable in Mogadishu with Shari'ah practitioners focused on including women justice actors and women justice users in Shari'ah processes.

EAJ's perceptions survey and external research indicate positive trends toward women's access to justice, most notably in urban areas such as Mogadishu. An increasing number of women brought land dispute cases forward and an increasing number had their cases resolved. Recommendations from the implementation of EAJ activities for improved justice outcomes for women are common across the intervention strategies: more rights-based awareness and education, more participation of women in decision-making, stronger enforcement mechanisms, and engaging with decision-makers, men, and boys on women's rights.



A lawyer from ADAM talks with women in Gabiley as part of a justice session. Photo credit: ADAM.



A participant discusses ways to enhance women's participation in Somalia's judiciary. Photo credit: SWDC.

Inclusion of Women Results

EAJ was able to include women in justice solutions by working with communities to establish new justice forums, platforms and dialogues that included women. Results from these activities demonstrate some sustainability, such as indications that women may be included permanently in some forums as a result of greater understanding of women's rights by all parties.

- 99 women included in substantive roles in justice or peacebuilding processes.
- 1,783 women received rights awareness through information sessions.
- 290 individuals (mostly women) participated in legal awareness sessions focused on women's participation in the justice system.
- 91 elders participated in dialogues on inclusion of women in Xeer justice processes.
- At the SWDC publication event for their policy brief to increase women's rights within the judicial system (particularly pursuing cases without representation by male family members), the SGBV Coordinator at the Ministry of Women and Human Rights Development committed to working with SWDC on the recommendations raised in the policy brief.
- In SWLA advocacy sessions with elders, 15 participating Xeer leaders committed to **including women in all Xeer-based institutions** and allowing women to be heard if they are party to a conflict or grievances.

Reflections, Learning and Opportunities for Future Programming from EAJ's Inclusion of Women Intervention Strategy

Individualized support is effective for women to feel empowered to navigate justice pathways

Women face barriers in all of Somalia's justice pathways. Family members, clan representatives or clerics who may 'support' women in their claims, often do not prioritize the wellbeing of the women justice seeker. Women often cannot navigate these pathways independently. The external evaluation of the EAJ Justice Promoters model found that, even though men and women were equally likely to say that the Justice Promoter supporting them helped them to understand their options and improved their knowledge of the justice system, women were noticeably more satisfied with their Justice Promoter experience (93.2% of women were very satisfied; 81.8% of men were very satisfied).⁵¹ Reinforcing this indication that women felt more empowered through individualized support through paralegal assistance, surveyed women clients also felt happier with their Justice Promoter despite more men surveyed experiencing a resolution to their case. The individualized support that was most helpful, according to the evaluation, was psychosocial

⁵¹ *Expanding Access to Justice (EAJ) Performance Evaluation Final Report*. LINC, 2023. Washington, DC. Page 31.

support. Clients were most satisfied when they viewed their Justice Promoter as caring. EAJ thereby brought to women an important type of support: the ability to pursue their rights independently. The external evaluation recommends building on this type of support with provision of counseling support for clients.

Women's rights can be strengthened through women-friendly interpretations of Shari'ah tailored to the Somali context

To address the rights of women, EAJ explored, found, and promoted women-friendly interpretations of Shari'ah for the Somali context. Program-trained female researchers helped to propose strategies to mainstream women-friendly interpretations throughout all EAJ intervention strategies. Their research report, *The Shari'ah in Somalia*⁵², captured interpretations of the Shari'ah that expressed support for guaranteeing women their individual rights particularly as they pertain to marriage, divorce, child rearing, and domestic violence. The report served as the primary source for justice seekers and justice providers to be able to make Shari'ah-based arguments in support of individual rights. Vehicles for this included the Pocket Book for Justice Promoters, training curricula for judicial personnel, and discussion topics for roundtables with elders and clerics.

EAJ advanced acceptance of Shari'ah programming among international practitioners

Under Somalia's provisional constitution, no law can contradict the Shari'ah. However, it was the pattern of foreign-funded justice programs in Somalia to eschew the Shari'ah for various reasons. A theme of EAJ's work was to demonstrate to international practitioners that interventions can be implemented through Shari'ah norms and that this made interventions acceptable to the community and could strengthen women's rights.

Advocacy on the Family Act, women judges and women's land rights is needed

ADR data from land dispute committees shows positive trends in land dispute outcomes for women. Under EAJ, a large number of stakeholders, justice users and providers alike, agreed with recommendations in forum dialogues to advocate for the adoption of the Family Act in Somaliland, for appointment of women judges and more awareness of women and young girls on SGBV cases with improved reporting.

Interventions may have affected communities' engagement with Xeer justice systems in multiple ways

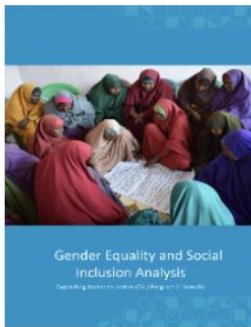
The EAJ endline study revealed interesting data showing that women across all demographic groups reported that Xeer justice processes were less honest than they did at the baseline. This was not true of male respondents. An important goal of EAJ was the reduction in the number of judgments ignoring women's rights. Historically, women have often been treated more like commodities and their rights have been disregarded in favor of family and clan peace. EAJ's interventions aimed to raise awareness of women's rights among women, their communities and Xeer practitioners; and demonstrate to Xeer practitioners the value of opening their processes to greater participation by women and respect for women's rights. The endline study found that the percentage of women who regard the Xeer process as honest fell by a significant 21%, indicating

⁵² Abdirizak Ahmed, Sagal Ali, Erica Harper, Tanja Chopra, and Robin Mydlak. Expanding Access to Justice Program. 2020. *Shari'ah in Somalia*. Nairobi, Kenya: Pact and the American Bar Association Rule of Law Initiative.

that awareness raising measures may have had their intended impact. The study also considers, however, that interventions such as EAJ's justice services activities could have led to some minor changes in the way that elders adjudicate Xeer. One example provided in the study, offered by a key informant, is that SGBV cases brought to the Xeer system were no longer resolved with forced marriage of the survivor to the perpetrator.⁵³

⁵³ Expanding Access to Justice Program. *Access to Justice Assessment Tool: Endline Report*. April 2023.

Annex I: EAJ Publications



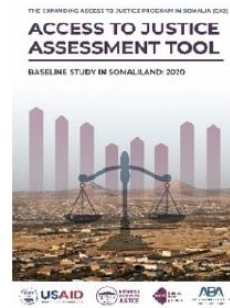
Erica Harper (2020).
**Gender Equality and Social
Inclusion Analysis.**



Robin Mydlak (2020).
**Access to Justice
Assessment Tool –
Baseline Study for
Somalia.**



Abdirizak Ahmed, Sagal Ali,
Erica Harper, Tanja Chopra
& Robin Mydlak (2020).
The Shari'ah in Somalia.



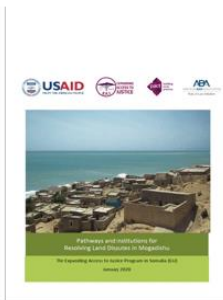
Petra Burcikova &
Robin Mydlak (2020).
**Access to Justice
Assessment Tool –
Baseline Study for
Somaliland.**



Joakim Gundel (2020).
**Alternative Dispute
Resolution Initiatives in
Somalia.**



Robin Mydlak (2021).
**Stabilization & Access
to Justice in Somalia.**



Joakim Gundel (2020).
**Pathways and Institutions
for Resolving Land Disputes
in Mogadishu.**

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