

PSG 3 Meeting Minutes

Date:	27 January 2016, 10:00 am to 13:30 pm
Venue:	Amisom VIP room, Mogadishu
Chair:	Minister of Justice
Co-Chair:	H.E. name, Chief Justice
Co-Chair:	Tijmen Rooseboom, Deputy Ambassador to Somalia, The Netherlands
Co-Chair:	Luca Trinchieri, European Union

Opening Remarks:

After welcoming and introduction among the participants, the meeting was officially opened by the chair of the meeting Dr. Ismail Jumale the Permanent Secretary (PS) of the Ministry of Justice (MOJ) and welcomed on the floor Somalia Chief Justice to say his words in the meeting.

Honour Somalia Chief Justice:

The Somalia Chief Justice Mr. Aideed Alka-hanaf in his speech which was very wide-ranging stated that

- He is very happy to participate such meeting and appreciated all participants specially UN agencies and international donor who – as he said – assisted Somali justice chain institutions tirelessly every time.
- Judiciary institutions did not get any support from any other agency except some international organizations who provide them some programmes that also derived from basic UN agencies.
- Provisional constitution of Somalia currently states the independence of judiciary institutions and that is why no one of any side that can interfere when we are conducting our duties in any time or elsewhere and we request international donor and UN agencies to assist us in this regard and work with independently.
- He is 100% confirming that judiciary institutions will strongly work with Ministry of Justice (MOJ) and other federal justice chain institutions. Especially he stated that MOJ is responsible for leading of policy side and they are certainly respecting in that regard and will support also.
- When they are conducting their duties in the courts, they give special consideration cases related to women, children and minority groups or vulnerable people.
- IDLO and UK Embassy have trained some Judges in the courts for the newly upcoming cases in the country relating Money Laundering, Pirates and terrorists.
- Their needs – as judiciary institutions – are more, but urgently they need infrastructure and restoration of destroyed buildings of the judiciary institutions in Somalia, because all judiciary buildings in the country have been destroyed during civil war and most of them need full restoration.

- Finally, the Chief Justice sturdily welcomed any support provided to Somalia and appreciated UN agencies for working towards that goal.

Co-chair from Netherland : Tijman noted commitments and meetings starting with Nairobi milestone setting; PSG3 will be strategic in 2016. There are big discussions needing political decision from Somali government and not only funding. We need to know what budget available from Somali side. We need to know what is blocking progress. It is very important to discuss harmonizing regional and federal state so we have one vision. Another discussion that always comes up is infrastructure. We know there is not enough funds, so we need to prioritize. Access to justice is priority for everyone and we need to discuss how to make it happen. Lastly we need to discuss Human Rights is priority that we need to discuss in this working group and we need to make sure someone owning it. Violation of Human rights is unacceptable and no one is allowed to neglect them.

Co-Chair EU: Luca warmly welcomed participants and asked if we needed Somali translations. I support what Tijman has said and wish 2016 to be productive year and to use all the energy to achieve results. We should have strategic discussion on how the service can be delivered. Some of the service requires progress, others require decision, and using existing resources from all sides. We need to start from beneficiary to back.

Gutale MOJ: explained 2016 milestone setting workshop in Nairobi Kenya 14-17 Dec and the reduction of milestones from 12 to 10 which shows slow progress. He highlighted changes in the milestones and the new ones that are priority for this year.

Mitch UN: explained what happen this week, which is particularly note worthy. We have not seen Chief Justice and we are glad to have had him today. Second, the police comes under PSG2. It was extremely positive to have had Somali Police Force joining workshop on Jan 26, 2016 sequencing our priorities and ensuring justice chain is complete. We were happy to see IDLO in yesterday's meeting. You have seen updated milestones revised to fit realities on the ground. The activity exercise that took place yesterday was to support implementation of the milestone. Another important meeting was Sunday Jan 24 the inaugural SWG meeting. We begin discussing at technical level including Justice model. PSG3 has evolved since it begin. It was supposed to be strategic level and worked for about a year. Now we have sub-national entities represented regularly. We will be having technical discussions at SWG. At PSG3 working group discussion will remain strategic and handling contentious issues. One thing we want discuss is progress by milestone and activities will be linked to our milestones. We should have one theme per PSG3. We are looking to you if anyone has comments; we are presenting to you for input. No objections so working group accepted – theme based meeting.

Hamsa MOJ: Justice Model concept note – the objectives and idea behind new justice model to talk about how to realize. The background is the country is state process formation to shape the state of justice institutions within emerging federal states to clarify relations between federal and regional states. The provisional constitution gives basic relations with three levels. Constitution also provides JSC that is in charge of appointment and discipline at federal level. We realize many laws related to justice

sector are pending. We want to have clear responsibility and relation at federal and regional levels. Last PSG3 aimed to developed concept note. I want thank UNSOM and UNDP assisting in drafting concept note. We still need to have discussions at federal and regional levels. We are hoping to have workshop some time in Feb to discuss how we realize at technical level. There are some things that has already been done. MOJ developed Constitutional Court Act that is pending at the parliament and it ties to our Milestone 2 (b). we also had Judicial Organizational Law and we had some discussions. But we still need common understanding at federal and regional levels. Some areas that will require additional discussion is role of AGO, mandate of Ministry of Justice, and define clearly what each institution needs to do. Main objective is to develop Somali justice and correction both federal and regional level. We need to discuss also affordability of the model. We also need to look at constitutional making process that is currently happen, so we can tie to it. Once concept note is agreed, we will have workshop. We had discussion with attorney general and next step is to discuss with Chief Justice and from there regional justice ministry.

One important project is review of penal code and procedure, which is very important to align with international principles and current situation of the country. I thank IDLO for supporting us on that. We have two working groups: one lead by ministry with AGO, courts, Bar Association and hoping to include parliament; and policy/political level committee including minister of justice, AGO, and Chief justice. We had innagural meeting last week and we circulated people concern process of penal reform and we got some reactions from UN agencies and we thank them.

Col. Dahir: updates on how federal and regional states could work on corrections and better coordinate. We want send delegates to regions and meet with regional heads to discuss and agree on how we could work together. It is important we talk not only regional commissioners but political level decision on how we could work together. We will be celebrating anniversary of corrections and we are planning to invite regional commissioners. We would request UN agencies support in inviting them. Currently, there are some regional states we currently support and provide assistance and nominated some of the staff. We had corrections officers from Kismayo and Galmudug who attended workshop here and we built good rapport. On Fed 14 there will be meeting were all regional level officers will come to discuss relations and cooperation going forward. We are requesting support on logistics and necessary facilities during the workshop.

SWG Team Leads

Corrections: Ahmed – we had privilege of been informally operating last year plus. We reviewed ToR in detail and agreed it reflects need of the corrections; we also discussed and agreed to have working group calendar and have meeting the first Monday of every month; we discussed division of work and also sub-divided on specific areas with leads in each area in line with milestones. We also recommended accommodating emerged regional states which have not been part of JROL. Implementing Partners share specific plans they will implement at regional and federal level.

Access to Justice: Abdi only shared Feb priorities – Justice Model in cooperation with Judiciary SWG, Legal Awareness, and juvenile justice with specific focus on access of justice.

Judiciary: Hamsa noted endorsed ToR, we understand overlap of responsibilities in some areas with access to justice and we plan to have close coordination with them; we briefly talked about justice model; we decided we meet monthly a day or two before PSG3 for financial and practical reason; we believe Justice Model is our priority for Feb and we plan to conduct consultation on anti-corruption. We had issues on the naming because we do not only need with judiciary, so we sought to come up with new name that represents all the work we do.

Comments: Shirwac IDLO – asked what was wrong with the name and noted we need to have full participation of judiciary. This will further strengthen relations between ministry and judiciary. Hamsa noted the group was co-chaired by Ismail from Supreme Court. Mitch supported Shirwac on keeping Judiciary for SWG.

Updates from Implementing Partners

IDLO-Shirwac: supports participation of chief justice to maintain momentum of closer judiciary and ministry cohesion which we did not have before. We have ambitious milestone and IDLO is contributing to the realization of the milestones. Issues include:

- Penal Code and Procedure
- Training of judges and prosecutors on counter-terrorism with the support of the British Embassy
- Access to Justice: TDR Policy in collaboration with the Ministry of Justice
- Somali Bar Association: institutional capacity building aspect and also substantive issues including the GBV, identify other areas we are working with them also include Human Rights
- In consultation with UNODC we are working on the support of the Attorney General Office

DOEL UNDP: updated on the public perception survey explained objectives, process, and plans including presentations made by company conducting the survey to the stakeholders both police and justice. The company came with 50 questions for policy and justice with focus on federalism. Focal points of police and ministry questionnaires will be shared.

Hamlima SWDC: We conduct awareness campaigns and inform the public about their rights and how to get access to justice; we advocate to establish juvenile; there are limited female legal professionals; SWDC provided me with practical experience and this led to increase of number of girls in university and 40 students including 25 lawyers and some now serve as lawyers and prosecutors and some working at the ministry of justice. I recommend to increase support to female lawyers, so women have access to females they can truly explain their problems rather than talking to men which limits their true access. Police investigations should also include female investigators to deliver services. She has witnessed cases where women came to court and saw only men and they were intimidated and they left. It is important as chief justice said to have specialized women and children judges trained for the purpose to handle these cases.

IDLO-Shirwac we having discussion to provide training on sexually based violence.

SSWC-Hinda: we provide legal aid service. Women are most of victims.

Sharmarke from Galmudug state and Mohamed Hassan from ISWA: Also brief state their view about planned work plans and agreed milestones and stated that their Ministries of Justice will closely work with MOJ and other national and international agencies in order to achieved ROL programmes. Finally, they suggested that workshops and consultation to be held some of them in the regions not all in Mogadishu only.

Member from UN-WOMEN: She stated, that the UN-women will as soon as possible support establishment of Gender Units in MOJ and Ministry of Justice in Puntland and will start process to establish in other regions late on.

Luca EU– two reminds – today we proved we can have substantive discussion and not get lost in technical details. We have not talked about budget but we covered important points. Second reminder I consider success we discussed gender without having on the agenda, so we are truly cross-cutting. We have very good start on 2016. Chief Justice remarks included independence of justice and how PSG3 can support judiciary and how relations between ministry and courts is improving; we heard milestone of 2016; couple of proposals Mitch raised and we have agreed upon how to use the milestones to guide our work through the year; so we will use them as map to measure how much we advanced and the other one is to have discussion on themes related to milestones as we did today Justice Model. I particularly note two things from Hamsa presentation: first is affordability and what can be done this time and context and second what is the relationship with constitutional review process and we will need to brainstorm in how to ensure no conflict between justice model and new constitution. Donor community waited for perception survey and we hope it is done and have data collected by April and have result first half of this year. It is extremely important and highlight of the day to receive first hand account on what is happening on the ground and need to increase women access to justice and increase of female legal professionals.

Conclusion and Support for next PSC:

1. Revised milestones
2. Justice Model
3. Providing basic package to Galmudug

Next PSG3 will be on first week of March