



Federal Republic of Somalia  
Ministry of Justice

## Terms of references (TOR) of

### Legal Aid and legal Awareness Coordination unit

The current Provisional Constitution of Somalia compels to the Somali government to appoint a free of charge lawyer (Free Lawyer) for the defendant who can't have a lawyer **a.** whenever there is necessary to protect a Somali citizen who is unable to pay off defense expenditures, **b.** Whenever there is a community or individuals who represent or following the public interest of the country if accused in front of any court, and **c.** according to Article 29 Number 5 declares "every child has the right legal aid for by state if the child might otherwise suffer injustice". In according these statements of the provisional constitution, Legal aid is an important part of Somalia's justice system. It helps people to resolve legal problems that may go to court and makes sure that people are not denied justice because they can't afford a lawyer. The Legal Aid and the Legal Awareness coordination unit is a statutory entity under the Ministry of Justice. The unit's mandate is to administer an efficient and coordinated legal aid system and legal awareness strategy in Somalia.

The unit has to main sub units which are legal aid and legal awareness programs:

#### 1. Legal aid

At the domestic level, this unit will laid a solid foundation for the provision of legal aid with the right to access to justice being clearly codified in the Constitution as well as various other laws and orders. The unit will coordinate the effective and sustainable provision of accessible and quality legal aid services to poor and vulnerable people of the Somali citizens.

#### *Specific Main Functions*

- In consultation with all relevant stakeholders, drafting, reviewing and finalize the national legal aid policy to facilitate access to places of detention and prison facilities as well as ensuring the rights of those accused to access to a lawyer at all stages of the trial process.
- In collaboration with all federal states developing a National Plan of Action to be executed by all State Legal Services Authorities.

- Administering the national Legal Aid Scheme for the citizens provided by both the state and the NGOs.
- Establishing panels of attorneys and lawyers in the near future to execute legal aid duties in fulfillment of its mandate.
- Making sure that all legal aid lawyers meet required standards of experience and competence, and have the systems in place to meet their clients' needs. Lawyers can only provide legal aid services if they have approval from the Ministry and a valid contract. To get approval, they need to apply to the Ministry showing they have the relevant skills, experience and systems to effectively serve their clients. The Ministry may also carry out audits or quality checks on lawyers to ensure that their services reach the required standards of quality and value.
- The unit will establish a set of checks and balances in place to ensure that legal aid providers comply with the required service standards. The unit may also carry out audits or quality checks on providers to ensure that their services reach the required standards of quality and value.
- Ensuring that legal aid providers (NGOs) have the approval from the ministry to monitor and evaluate the quality of their service. Existing legal aid providers can extend the duration of their approval by submitting an application for re-approval prior to the expiry of the approval.
- Actively collaborating with all state and non state actors in the implementation of the national legal aid policies and strategies, and also in developing and finalizing Standard Operating Procedures (SOPs) for licensing of lawyers, notaries and legal professionals practicing in Somalia.
- Closely monitoring on specific cases in the court such as GBVs etc, and making sure that the vulnerable people in the community such as women and children have the necessary legal support and justice they need.
- Having consultative discussions with the ministry, Judicial Service Commission, Somali Courts, Bar Association, Women's Lawyers Association and legal education providers, review and approve drafted judicial inspection scheme and Codes of Conducts as well as organize and conduct consultation workshops on it with relevant stakeholders, and finalize it.
- Keeping, and updating the data base of the professional lawyers and notaries.

- Regularly visiting the central prisons, and making sure that the detainees get their legal rights.

## **2. Legal awareness**

Legal awareness and empowerment is the gateway to justice for all the citizens. It is difficult to access the justice system without being aware of one's legally protected rights and knowledgeable about the mechanisms available to claim those rights. The primary mandate of the unit is to seek justice for all, safeguard their rights, and promote citizen's legal rights and duties. The unit monitors the proper implementation of all the legislations enacted to protect the rights of the citizen so as to enable them to achieve equality in all spheres of life.

### **Specific Main Functions**

- Develop integrated indigenous national legal awareness strategy in consultation with all relevant stake holders.
- Increases public awareness of the legal aid system in Somalia, by implementing Legal Literacy Programs in communities, schools, colleges, health clinics, police stations, and court houses as a means of making legal services accessible to all.
- Increasing the awareness for the traditional actors about the legal rights and the functions of the justice institutions.
- Producing and administering outreach programs to ensure that different segment of the society are targeted with different strategies and means, by considering issues of local importance wherever appropriate.
- Planning and implementing specific legal awareness raising strategy to government officials including courts, lawyers etc about some specified topics such as corruption, etc.
- Initiating a Countrywide Legal Awareness Program for Women and Girls. The awareness program will be implemented through Non Governmental Organizations (NGOs) and reputed institutions and aims to empower women and girls with the knowledge of their legal rights and duties, ultimately to be able to share power equally, gain full access to the means of development and to inspire a whole generation of women to work together towards achieving equality and justice.

- The unit takes the significance of reaching outside state capitals to districts, towns, and villages, and from literate to semi literate and illiterate citizens, who are facing greater constraints.