



PROJECT PROFILE

Expanding Access to Justice

EAJ Justice Assistance Programming

The Expanding Access to Justice (EAJ) program seeks to achieve lasting improvements in access to justice and mechanisms to address grievances for stability in Somalia. In pursuit of this goal, the EAJ program involves communities in developing justice solutions, strengthens available justice services, and promotes improvements to the navigation of justice pathways by aggrieved parties. EAJ seeks to sustainably anchor justice assistance programming in both localization and individual empowerment of clients to improve justice experiences and to advance procedural justice outcomes. EAJ undertakes justice assistance programming through: partnerships with Legal Aid Organizations, promotion of the role of Justice Promoters, targeted Case Review and Response capacity, and the dissemination of information about justice needs and services through the Justice Information Sharing System.

EAJ's justice assistance approach responds to diverse community dynamics and myriad challenges present in the Somali context. EAJ's approach reflects an awareness of security risks to our staff and partners and to the communities we seek to serve. In addition, EAJ justice assistance approaches navigate the disrupted social structures, absent state institutions, and trust deficits existing within communities across the stabilization spectrum.

EAJ Partnership with Somali Legal Aid Organizations

EAJ prioritizes the strengthening of contextually appropriate legal and justice support services in Somalia through partner legal aid organizations. Alongside direct grant support, EAJ works with organizations across the country to address community needs with awareness-raising activities designed to improve legal literacy and awareness of justice options, and by delivering direct justice and legal assistance services to individuals in need. In addition to funding support, EAJ provides training, mentoring and guidance on technical issues to improve partner organizations' ability to support clients to navigate Somalia's plural justice environment. Each of EAJ's partners implements distinct programming tailored to their context and organizational structure.

In Mogadishu, EAJ is partnering with City University of Mogadishu (CU) to establish a virtual Legal Aid Clinic and Clinical Legal Education Program to both provide much-needed legal assistance to individuals from marginalized communities, while also creating unique opportunities for students to obtain practical legal experience and to cultivate an appreciation of public interest legal service among Somalia's next generation of legal practitioner. In addition to generating greater public awareness about legal rights and justice avenues, the clinic will provide remote assistance to aggrieved clients through a phone-in service staffed by legal professionals, with support from clinic law students.

In Southwest State, EAJ partners with the Somali Community Action Group, or SCAG, to address the weak public awareness of rights and limited availability of justice-support services experienced by women, youth and other marginalized groups in Baidoa's IDP camps. SCAG reaches the community through public education on radio and television and via social media, and through a free phone-in justice-assistance hotline. Some of EAJ's other partners include organizations, such as the Somali Women Development Centre, Somali Disability Empowerment Network, Somaliland Women Lawyers Association in Somaliland, and Mogadishu University.

By working through partners, EAJ ensures that justice-solutions are locally informed and sensitive to community dynamics. Additionally, by providing technical and capacity development support to partners, EAJ ensures that the contribution to Somalia's justice solutions is durable and long-lasting.

EAJ supports Justice Promoters to assist Somali communities

The Justice Promoter approach, which entails a community-based paralegal model contextualized to Somalia, will establish justice promoters as a first port of call for justice seekers and vulnerable individuals. Justice Promoters support aggrieved parties in identifying their optimal pathway through the pluralistic justice environment, between xeer and shari'ah forums, state courts, and peace committees. By exploring their clients' interests and evaluating likely benefits and costs of varied justice assistance pathways, Justice Promoters will not only address immediate justice needs, but will enhance understanding of justice services and thereby lastingly empower individual justice seekers. In each community, Justice Promoters are selected, in consultation with the community and from among community members with good social-standing and in-depth knowledge of local socio-political dynamics. Justice Promoters will reflect the clan, social and gender diversity of the communities that they serve and will leverage their social capital to deliver positive outcomes for clients. In cases in which an aggrieved party determines to direct their grievance to a state court, the Justice Promoter will work closely with local LAOs to enable legal advice and assistance via a lawyer.

EAJ's Case Review and Response capacity improves provision of justice assistance

To address the justice needs of individuals in early recovery contexts and to improve identification of broader justice capacity gaps, EAJ developed a Case Review and Response (CRR) capacity through a dedicated CRR team, led by the EAJ Justice and Legal Support Adviser. The CRR responds to the limited justice options and complex pathways existing in early recovery contexts, which are typically characterized by low levels of stability and minimal government formation. The CRR team convenes EAJ justice experts, personnel with local contextual insights, and security staff to advise field teams to address urgent justice support matters. Individual cases are referred into the CRR through a variety of channels including EAJ partner organizations, EAJ paralegals as part of the Justice Assistance Field Team (or JAFT) and community forums. The CRR prioritizes the effective documentation and validation of cases and provides advisory support. On a case-by-case basis, the CRR works with partners to assess options for client recourse. In extreme circumstances, the CRR team may support the transfer of a case to a distant court or will relocate an at-risk individual. The CRR will foster linkages with other service providers and will connect clients with medical or psychosocial assistance, where possible.

The Case Review and Response capacity was developed to respond to the extreme limitations in access to justice services experienced by individuals living across southern Somalia. The CRR team is based in Mogadishu, but serves and supports cases in the Bay, Bakool, Banadir and Lower Shabelle regions.

EAJ's CRR Service Area in Southern Somalia



CRR Composition

- Led by the EAJ Legal and Justice Support Advisor
- Justice Assistance Field Team, which includes EAJ paralegals based in target communities
- Advisory Personnel, with security and contextual insights
- EAJ research Unit, which provides contextual information
- Vates Corp security team providing security information and case identification and corroboration in high risk areas

While Somali communities that are emerging from conflict often express a desire for justice, identifying and encouraging individuals with justice needs to come forward presents significant challenges. EAJ's networked approach leverages a range of capacities to identify individuals that require justice assistance, including through:

1. Community structures such as the Justice Committees that will be established in Marka, Janaale and Afgoye;
2. EAJ's paralegals on the ground and other members of the Justice Assistance Field team including our security provider, Vates, who lends us their extensive networks;
3. EAJ's LAO partners or other CSOs;
4. Media and social media reports

EAJ has also developed tailored strategic communications messages to encourage communities to come forward with their justice issues.

Operational approach of the Case Review and Response unit:

As cases are received, the CRR team convenes and coordinates to determine preliminary actions. The CRR initiates information collection and verification, which is led by the Justice Assistance Field Team. EAJ paralegals and EAJ partner CSOs utilize case intake tools that collect basic information about clients as well as perceived perpetrators. Following the initial vetting, the CRR team works in tandem with field partners to assess options for client recourse and advises as to next steps. Depending on the facts of the case, the client may need legal assistance, medical or psychosocial support, financial support to defray costs of services - or a combination of support services. EAJ continues to build and strengthen the capacity to intervene directly. EAJ paralegals have completed mapping exercises to identify CSOs, medical facilities, courts and police stations in their respective geographical zones. EAJ developed the CRR model through recognition that broader coordination and the marshalling of more disparate resources are required to begin meeting the needs of clients in contexts where justice pathways are not established or readily available.

Providing justice assistance in a high-risk environment

The CRR approach poses a number of challenges and dynamic risks, including security risks to EAJ personnel, partner personnel, and clients - who are often deterred from coming forward by perceived threats from Al Shabaab or from adverse parties to the dispute. Notable challenges that are more pronounced in this context include:

- Disrupted social structures;
- Diminished trust in institutions or service providers;
- Elders who may lack legitimacy or be undermined,
- State courts that are not present, or are not trusted,
- Government, which can be viewed as a perpetrator of violence,
- Unique clan dynamics and minority repression,
- Al Shabaab co-opting the mantle of shari'ah justice provider
- And the impact of Coronavirus and the limitations it places on person to person contact

Maintaining value in a context of limited options for positive justice outcomes

While EAJ seeks to secure the best outcome possible for each client, EAJ also recognizes that in the complicated environment of Southern Somalia, in many instances, clients will face limited options and in some instances will have no resort to recourse. In such instances, EAJ will nonetheless serve to gather information that can further inform our approach and the approaches of partners to improve justice options, such as through the JIS.

Justice Information Sharing System (JIS):

EAJ consolidates the case information collected through the CRR with information received through other partners to create the Justice Information Sharing system (JIS). The JIS seeks to create a platform for compiling and disseminating de-identified case and crime incident information that will improve a broader understanding of justice needs, justice service provision, community dynamics, and potential justice service gaps. Ultimately creating a more comprehensive image of justice needs and assistance options in focal communities. The JIS seeks to build upon EAJ data collection and partner information collection with the intention that a deeper information base will inform decision-making and resource allocation. Requested case data is initially very basic, including only 7 data points. EAJ will convey compiled data to regional and national coordination forums, including regularly presenting JIS data through the Early Recovery Working Group: Thus far, the JIS approach received support from Governor of LS, SWS MoJ, SWS Ministry of Interior, Federal Ministry of Interior.

The image below depicts a heat map of justice incidents identified through EAJ's partner and security provider, Vates Corp. The map reflects a concentration of incidents around Banadir and Afgoye and the Afgoye corridor, reflecting the higher density of population in those areas.

Also noteworthy are the high incidents near Waanlaweyn which reflect increases in intercommunal violence in mid-July, 2020. The JIS seeks to track and aggregate incident data on an ongoing basis to analyze and to identify trends. The JIS will provide information to existing coordination bodies, including the Early Recovery Working Group for Lower Shabelle, and will establish an improved understanding of justice dynamics to inform the design of evidence-based interventions and resource allocations in this challenging stabilization zone.

Of the cases identified in Lower Shabelle, the JIS identified a high prevalence of incidents perpetrated by security forces against civilians, with most incidents perceived to have been perpetrated by Somali National Army. Using information derived from the JIS, EAJ will improve responsiveness to community justice needs and, when direct service is infeasible, will coordinate and advocate to the international community to develop the capacity to respond to justice needs.

