

LESSONS LEARNT REPORT OF FINAL EVALUATION ON
Time is Now:
Strengthening Police Accountability and Access to Justice in
Somalia Programme

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BY

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1.0 INTRODUCTION

Since 2008, DDG has supported 200 local communities and district authorities in Somalia address public safety and security issues through funding from Denmark, the Netherlands, Norway, Sweden, the United Kingdom and the European Union. Through this work, DDG has built up an acute understanding of the challenges and complexities of operating in a dynamic and evolving context to successfully deliver quality programming improve stability and prevent and manage conflict through measured and context-specific programmes. As such, DDG is able to draw on its expertise in Somalia to develop civilian police oversight and bolster traditional dispute resolution through the *Guurti* and the *Xeer* by building trust, confidence and collaboration between communities and their security providers.

From September 2017 to July 2020, DDG implemented *The Time is Now: Strengthening Police Accountability and Access to Justice in Somalia* programme in South Central Somalia. The programme sought to enable a more community-focused, effective and accountable police architecture in line with the new police model, make traditional conflict resolution mechanisms more representative and better aligned with the formal justice sector while also strengthening their capacity to solve civil disputes. The project was implemented in the following 10 districts: Dollow, Belet-Hawa, Luuq, Kismayo, Baidoa, Xudur, Wajid, Jowhar, Beletweyne and Warsheikh.

DDG's intervention is an integral part of FCDO¹ (formerly DFID's) Somalia Security and Justice Programme and is in line with the Somalia Development Plan on strengthening police and access to justice institutions.

1.1 Programme Goal / Objectives

The programme has four main components:

- Strengthening the accountability, transparency and service delivery of police through capacity development support which is underpinned by a human rights-based approach to policing;
- Building trust and collaboration between police and communities they serve through structured and regular dialogue and creation of community-based police oversight mechanisms;
- Improving access to justice for all Somalis by re-invigorating traditional justice mechanisms to ensure greater inclusivity, representativeness and conflict resolution capacity;
- Contribute to the collective learning of actors working on security and justice development in Somalia to inform policy and legislative development on policing, police accountability and justice sector development at the national level and based on the lessons learned from community-based interventions.

¹ DFID merged with the UK's FCO earlier this month to form the Foreign, Commonwealth and Development Office (FCDO). Source: <https://www.gov.uk/government/news/prime-minister-announces-merger-of-department-for-international-development-and-foreign-office>

2.0 LESSONS LEARNT

2.1 Positive impact of the programme

- Joint trainings on the new policing model, basic policing doctrine and human rights issues enhanced both the police and communities' awareness and knowledge of their respective roles in improving and maintaining security in their districts. Interviews with police station commanders showed these trainings were viewed as relevant by participants and changed their perceptions about their communities which were central to maintaining law and order in their respective districts.
- The programme improved police officers' knowledge and understanding of human rights and their mandate to carry out their duties in a manner that is accountable and human rights-compliant. A November 2019 study by DDG on community-police dialogue and co-operation found that many members of the newly formed Federal Member State (FMS) police have limited human rights awareness.² This lack of knowledge was found to hinder compliance and create an enabling environment for violations to take place thus undermining communities' confidence and trust in police. The programme addressed this issue and sought to build police officers' knowledge through a series of trainings on human rights. Interviews with police station managers from all locations under this project revealed that the trainings were viewed as useful in improving their understanding of citizens' rights, appropriate arrest and detention procedures and the legality of the use of excessive force. Focus group participants in Baidoa, Beletweyn, Dollow, Luuq, Jowhar, Xudur, Wajid and Warsheikh districts also reported notable changes in policing practices following these trainings. Prior to the trainings, police were viewed as harsh, brutal and unfriendly when dealing with suspects or handling cases. Following the training, however, they were seen as friendly, approachable, accessible and responsive.³ 77% of respondents who had either been arrested or had a friend or relative who was arrested described police treatment as good. In addition, 30% of respondents described police accessibility as very good, 44% as good and 24% as average. Overall, the results showed that the joint trainings went some way towards improving police treatment and their essential role in safeguarding and upholding human rights.
- Increased interactions between communities and police were instrumental in maintaining peace and stability and reducing the threat of Al-Shabab. As a result, communities were more willing to report incidents to the police and share vital information about suspicious activities or disputes which might be of police interest. Although this varied from district to district, the monthly and weekly forums gave participants the opportunity to share updates on pressing security issues and discuss communal concerns and complaints against the police. These forums also prompted the signing of a memorandum of understanding (MOU) between police and civilian oversight committees across all districts. Through this agreement, these committees were given the legitimacy to act as intermediaries between communities and police and inspect prison facilities, engage detainees and also work with police to address community concerns. Interviews with Community-Police Dialogue Collaboration (CPDC) members from the project locations reported that these improved relations helped foster mutual accountability. As a result, police were more conscious about upholding peoples' rights, resulting in a decline in the number of complaints made. Interviews with CPDCs also underlined the important role communities played in maintaining peace and security and how any form of police brutality risked alienating communities' police were tasked with protecting. Addressing community complaints therefore not only ensured police observed basic citizens' rights, but also helped safeguard community members' willingness to share sensitive information.

² Tait, S., Thomas Probert and Abdirahman Maalim Gossar, Community-Police Dialogue And Cooperation Lessons Learnt. Danish Demining Group (DDG), November 2019

³ Although some key informants, particularly in Belet-hawa and Kismayo districts, did not share the same views. Some felt the police sometimes used excessive force and targeted individuals for political reasons.

- The programme successfully revamped the *Guurti Plus* through the inclusion of women. The inclusion of women into the council, however, generated mixed opinions from respondents, particularly as it pertains to the institution's efficacy in adjudicating SGBV cases. Interviews with some *Guurti Plus* members, including elders, noted that the inclusion of women into the *Gurti* boosted its capacity and ability to investigate and arbitrate SGBV or rape issues. According to testimonies, *Guurti Plus* members received training on conflict management and mediation and helped resolve over 450 cases (primarily community conflicts) in the past 12 months. The *Guurti Plus* also supported formal government courts; religious leaders and police resolve sensitive SGBV, rape, murder and property dispute cases. Despite these achievements, women focus group participants expressed little or no confidence in the *Guurti Plus* as an effective mechanism to handle SGBV cases. Participants cited the council's favoured use of the 'Maslah' approach – a comprised ruling in which the perpetrator is fined a sum of money or animals to compensate the victim. Most participants believe these traditional norms to be discriminatory against women and the punishment incommensurable with the physical and psychological harm inflicted. The criticism against the efficacy of the council is given additional credence by the rising number of SGBV and rape cases in the country. The study revealed that the formal government courts are popular among respondents compared to the traditional and religious courts combined despite being the oldest institution in use since the collapse of the Somali state. In terms of gender, there were more women (59%) that preferred formal government courts over men (52%) and correspondingly, there slightly fewer women (39%) that preferred traditional or religious courts compared to men (47%). The results showed both women and men have higher preference for using formal courts compared to traditional/religious systems for seeking justice although the degree of preference was higher among women. The popularity of the formal courts is attributed to the myriad shortcomings of traditional justice mechanisms although the reasons among respondents varied. 59% believed the formal government courts were fair in its process whereas 19% felt it provided quick resolution. In addition, 12% of participants felt it was transparent while 5% stated they would respect the court's decision and 5% believed the courts would enforce their decisions.
- CPDC has positively improved co-operation between police and communities through community forums and awareness raising. The civilian oversight committee under CPDC visited prisons to inspect cells, assess sanitation and hygiene conditions and evaluate detainee welfare. The findings of these visits were shared in the weekly and monthly forums. These visits improved police accountability, reduced police mistreatment and misconduct and helped safeguard prisoners' rights. Interviews with CPDCs, particularly in Baidoa, Jowhar, Dollow, Xudur, Wajid, Warsheikh districts, showed that policing practices have since changed as a result. In addition, complaints against police by communities have significantly reduced and violations against prisoners' rights. The study, however, could not determine what percentage these complaints have reduced.
- The capability of police and the *Guurti Plus* to resolve conflicts and disputes improved, resulting in an increase in case referrals and resolutions. Police support to *Guurti Plus* when resolving clan and land conflicts and detaining perpetrators has increased communities' confidence. During interviews, community members indicated they have the phone numbers of police officials they can contact to report any incidents and suspicious activities to. Participants also commended the fast response time by police which in turn improved the communities' confidence and trust in them.
- The evaluation found fully functional gender desks in programme locations except Beletweyn and Xudur districts. These gender desks were seen as an alternative avenue by some to the *Guurti Plus* which was the only platform used to resolve SGBV, rape and domestic abuse cases. Interviews with gender desk officers confirmed their main 'clients' were women who often reported cases of sexual and domestic violence. During focus group discussions with women, participants said that the gender desks were accessible, readily available to hear cases and offered quick assistance to victims of SGBV-related cases. The study, however, found that the levels of awareness of gender desks were fairly limited in some districts. Overall, only 33% of participants indicated they were aware of gender desks, while 28% said

they did not know and 39% indicated they never heard of it. In terms of districts, the awareness levels varied significantly with majority (84% of respondents came from Wajid district, 56% Kismayo, 51% from Dollow, 46% Xudur, 41% Luuq, 29% Baidoa, and 13% in Jowhar districts. Further, Majority of the respondents of who had lowest level of awareness came from Beletweyn with 57% and 43% saying there was no gender desk and didn't know respectively, while in Warsheikh 43% said there's no gender desk, while 47% said didn't know. In terms of gender, there was slight difference in the awareness level; 34% male and 32% female indicated they were awareness of gender desk while 26% male and 30% female said they were not aware of the gender desk. This could be, in part, due to the lack of awareness raising either by the programme or community platforms.

2.2 Unintended consequences of the programme

- The establishment of the *Guurti Plus*, CPDC committees and the inclusion of women into these bodies was largely welcomed across the districts. The continued involvement of these bodies in dispute resolutions and engagement with government institutions and police, however, amplified their visibility thereby increasing the chance of being targeted by Al-Shabab. During focus group discussions, female *Guurti Plus* members in Jubaland and South-west states spoke at length about the security threats they face from the militia group. In Belet-hawa, female police officers declined to be trained as gender officers because of the high security concerns in the districts owing to the fact that their roles would significantly magnify their visibility.
- The programme piloted infrastructures through constructing or rehabilitating existing buildings for the administration, police, CPDCs, *Guurti Plus* and the courts. During their routine monitoring visits, CPDCs in Warsheikh discovered that there was a shortage of proper toilets in the existing police station. The committee then started a community initiative that successfully resulted in the construction of new toilets, water tank and mosque. Similarly, in Xudur, the community came together and started an initiative to construct new buildings for the court.
- The successful formation of the *Guurti Plus* and CPDCs and their effectiveness in undertaking their roles within their respective communities led to their recognition and registration in Baidoa with the Ministry of Interior and the Ministry of Justice in South-west state as independent conflict resolution bodies. Similarly, the district administrations in Kismayo, Belet-hawa, Dollow and Luuq issued endorsement letters to the *Guurti Plus* and CPDCs as a way of recognising their contributions. In Dollow, the administration signed endorsement letters recognising the *Guurti Plus* as a legal and an independent justice mechanism. All CPDCs signed MOUs with the respective police station managers allowing these civilian oversight sub-committees full access to prison facilities.
- The study underlined communities' increasing involvement in policing activities. Interviews with CPDCs in Baidoa, Dollow, Jowhar, Xudur, Warsheikh and Wajid districts reported the creation of community neighbourhood watchdogs to complement policing activities. As a result, citizen-police engagement improved significantly and helped reduce the number of security threats in some cities although this varied across districts with little change in some locations such as Beletweyne and Jowhar. Community members voluntarily took up and formed community neighbourhood watchdogs which took on a policing role and reported suspicious activities and persons to CPDC and police. The neighbourhood checkpoints were patrolled by these entities which also conducted searches on suspicious individuals. In Xudur, for example, community members collaborated with police by helping them conduct searches in checkpoints and identify suspicious individuals.
- Following the failure of the District Commissioner (DC) to intervene and resolve in inter-clan conflicts coupled with an outbreak in armed confrontations in Wajid, the *Guurti Plus* lobbied the Ministry of Interior and the Governor of Bakool region to replace the DC. The recommendation of the *Guurti Plus* was taken into consideration and resulted in his swift replacement as well as that of his Deputy. The new District Commissioner, in co-operation with the *Guurti Plus*, Ministry of Interior officials and Governor then came together to de-escalate the situation.

2.3 What could be done differently?

- The SSJP made significant contributions towards strengthening the justice system through the training of traditional elders, mainstreaming of women's roles in the councils and creation of gender desks. The programme, however, overlooked the importance of religious courts despite their complementary role in the arbitration of complex cases. This oversight risks being employed as a propaganda tool by certain factions which might portray the programme as one promoting western ideals. Future interventions should therefore consider the critical role religious courts play in their communities.
- Although the programme revised and documented the *Xeer* agreement, there was limited awareness and visibility across districts. As such, there is an urgent need to increase awareness among communities and improve elders' literacy levels as well as existing justice mechanisms. Increasing the availability of the documented *Xeer* in the Somali language will also be critical in improving communities' understanding.
- Despite the successful provision of trainings by DRC/DDG teams, programme staff recommended the provision of additional training manuals and IEC materials in Somali as well as audio and visual aids in order to properly relay information to participants. It also recommended that future programmes consider organizing exchange forums which could expose *Guurti Plus* members and court officials to different dispute resolution settings as a way of improving their capacity to arbitrate disputes, mete out justice, maintain security and contribute to their districts' development.
- In as much as the programme has advocated for the successful inclusion of women into the *Guurti Plus*, their roles and visibility are still limited compared to their male counterparts. This was due to the multiple roles women had in the household as well as being breadwinners constrained them to fully participate in the daily activities of the *Guurti plus*. This, coupled with their vulnerability when accessing high risk areas, has limited women's involvement in conflict resolution and peacebuilding initiatives. As such, there is an urgent need to provide more capacity building trainings so that they are able to take an active role in dispute resolutions, especially at the town level.
- The study noted the limited engagement with media outlets across all locations. Interviews with programme teams confirmed that media was utilised towards the end of the programme to raise awareness about the program implementation due to Covid-19 to complete the remaining phases. Given the varied levels of awareness among respondents regarding gender desks, for example, local media could have been utilised to improve communities' understanding of this particular intervention. The media remains a critical awareness raising tool and its strategic use during project implementation could have helped maximise the programme's impact. F
- Interviews across the districts overwhelmingly noted the improved ties and trust between police and community members and how this resulted in increased information sharing and incident reporting to security and justice actors. It is therefore imperative that momentum is maintained in order to build on the programme's successes.

2.4 Success Stories

- The programme piloted infrastructures through the construction of new buildings or rehabilitation of existing ones. Key informant interviews with police heads and court officials reported that as a result of these new and improved spaces, their work was more visible and has enabled them to better serve their communities. Focus group discussions with CPDC members in Warsheikh and Xudur also showed how they encouraged their respective communities to expand police station buildings and court respectively.
- The creation of "Isxilqaan" (self-help groups) by CPDCs in Warsheikh, Beletweyne and Jowhar helped improve the security situation in these locations. These groups were engaged in clearing dense bushes which were known criminal and gang hideouts. Interviews with CPDCs in Jowhar district also revealed the support to the police in the fight against criminal networks that were selling Bhang by destroying farmlands along the River Shabelle bank; where the weed was grown.

- Improved police practices and handling of citizens was noted across all programme locations. The qualitative findings revealed improved confidence and renewed trust between police and communities which resulted in an increase in information sharing and reduction in police victimization and brutality. Interviews with key informants attributed this change to the DRC/DDG programme. Better suspect handling following arrest and improved awareness and understanding of the legality of using excessive force were also cited in other districts as well.
- The programme also established civilian oversight committees which are CPDC sub-committees mandated to improve police accountability and reduce instances of police brutality across programme locations. This oversight committee compiled community complaints against police and presented them during the monthly and weekly security and justice forums for action to be taken. The oversight committees also conducted regular visits to police stations to find out if any forms of abuse had occurred and assessed living conditions inside prison facilities. In addition, the committees filed reports if there were concerns or instances of negligence to the police station manager for immediate action. These visits, however, were often curtailed by security concerns, particularly in Belet-hawa, due to increased personal threats from Al-Shabab. As a result, there is a danger this could reverse the gains made over time if there are no assurances from the administration to safeguard committee members' security.
- The creation of gender desks, inclusion of women into the *Gurti Plus* and the revisions of the *Xeer* agreements to accommodate SGBV clauses have all been welcomed as positive, raising expectations among women and excluded communities that access to justice will continue to improve. Interviews with women *Guurti* members reported a rise in the number of women victims who preferred that their cases are arbitrated by the council thus demonstrating increased confidence in this mechanism. This rise was attributed in part to the inclusion of women into the council although the number of cases reported by women was still lower when compared to the number of cases reported to other justice forums such as the courts and police. Moreover, women's positive contributions in the *Guurti Plus* were also acknowledged by male elders, who noted that their participation enhanced their investigative capacity. Overall, the inclusion of women into the *Guurti Plus* was seen as positive and elevated the position of women as peace agents in Somali society. However, their influence in decision making, particularly in SGBV cases, generated mixed reactions, especially among women's groups and key informants. A number of women doubted the efficacy of the *Guurti Plus* as a fair mechanism for handling SGBV cases. This view is consistent with the survey results which show that 51% of respondents prefer police handle sexual attacks over other institutions compared to 7% who prefer traditional courts.
- The monthly security and justice sessions and community police dialogue forums continue to be held across districts following the programme closeout. Interviews with focus group participants and key informants lauded the forums as useful and relevant because of the improved relations and trust between the communities and police. This is reflected in the survey results whereby 35% of respondents ranked the level of trust in police as very good, 50% as good and 12% as average.
- Following CPDCs efforts to sensitize communities about their roles, community volunteers started working with police as community neighborhood watchdogs. These volunteers help identify and report any suspicious activities and persons in the checkpoints to police in the evenings.