SGBV and security and justice in Somalia

Plural justice system
- Xeer (traditional, customary legal system)
- Statutory system (district and local courts)
- Shari’ah (Islamic courts)

Male pressure
- SGBV survivors under immense social pressure, particularly from men, to bring cases to the xeer

Maintaining peace
- Xeer plays critical role in maintaining peace and preventing escalation of conflict

Women’s rights
- Focus on communal rights and conflict resolution means that women’s individual rights are unlikely to be considered
Somalia Security and Justice Programme (SSJP)

2016-2021
Somalia Security and Justice Programme (SSJP) – focus on strengthening security and justice institutions

2020-2021
SSJP research to inform future S&J programming – conducted by First Call Partners and Consilient Research

2022-2029
Research used to inform SSJP phase II - Nabagelinta Soomaaliya – 7.5 year programme
Nabadgelinta Soomaaliya
Area-based and problem driven
Develop, implement and test integrated and locally appropriate solutions to address S&J challenges shared by different groups, including those who are the most marginalised. Will initially focus on three S&J problems: Land, Accountability and SGBV.

Innovative and adaptive
Deliberately adaptive approach to learning, delivery, programming and management. The programme is committed to innovating, experimenting and learning both from what does and does not work to improve safety, security and justice for Somalis.

Inclusive and equitable
Support more inclusive and equitable access to S&J by identifying and supporting the transformation of unequal power relations and discriminatory social norms. We strive to include women, youth and marginalised groups in the identification and resolution of their own safety, security and justice problems.

Social norms and behaviour change
Work across the whole ecosystem that surrounds and influences communities’ choices and actions, employing strategies to shift attitudes, behaviours and norms at both individual and systems levels.

Stakeholder engagement and co-creation
Work with diverse stakeholders, including political leaders, formal (statutory), customary and religious S&J actors, civil society, women’s rights organisations and communities. Support Somalis in target districts to identify S&J challenges and collectively design solutions.

Islamic programming approach
Ground interventions in commonly accepted Islamic principles, and work in collaboration with religious duty bearers and religious state institutions that promote individual and communal wellbeing.
Methodology
Methods

1. **Multiple Literature Reviews**
   - Interviews with security forces
   - Not possible in Somaliland

2. **Research Design**
   - Interviews not possible with members of particular security organisations

3. **4 Target Locations**
   - Baidoa, Burco, Hargeisa and Kismayo
   - Fear and hesitation towards forthright reporting in Kismayo

4. **Mixed Method Research**

   - 111 Key Informant Interviews
   - 2 rounds of qualitative research
   - 40 focus group discussions
   - Somalia Security and Justice Programme Report
   - 2 quantitative surveys
   - 150 members of security forces
   - 1522 members of public

**Fieldwork Challenges**
Dynamic framework
Findings
SGBV and the role of the xeer

• Elders, drawing from the xeer, remain the principal adjudicators for SGBV cases and have several incentives to remain as such.

• Women wish to play a bigger part in their case and favour survivor-centred resolutions but also often prefer the xeer.

• Male family members hold most influence over how a case of SGBV is handled, and usually pressure survivors to bring their cases to the xeer.

• Rejecting male family members’ preferences could lead to serious consequences for survivors.
Factors that motivate family preferences for xeer

- **Custom**
  - People have always used xeer

- **Knowledge**
  - Her family members and elders know xeer well, but not statutory law

- **Family honour**
  - The family will be shamed because the police and courts will not maintain privacy

- **Payment**
  - Compensation payments (xaal) are lucrative for her family members & elders

- **Justice**
  - Don’t believe police will treat her well, or that court decision will be fair or enforced

- **Retaliation**
  - If rapist is punished, his clan might retaliate or do the same to a rapist from her clan
Citizen perceptions of incentives for the *xeer* to adjudicate SGBV cases

- It is their tradition and part of their duties
- Allows them to prevent conflict between groups
- They make money in the process, including from *xaal*
- They maintain their status and importance
- They believe they are preserving the dignity of the woman and protecting her
- They want to protect the perpetrator from harsh punishment
Intersectionality

• Members of marginalised groups, such as IDPs and those from minority clans, are more likely to support a SGBV survivor’s preference for statutory courts, likely linked to the centrality of clan power in *xeer* proceedings and enforcement.

• Women from marginalised or locally-weak clans who are married to a man from a locally-powerful clan are less likely to report IPV given their lack of clan power.
Formal SGBV services

- **SGBV services**: Services for SGBV survivors, including OSCs, are few, unreliable and often ill-equipped, insufficiently capacitated, with limited availability.

- **Female police**: Female police officers perceived to be more supportive, more likely to maintain confidentiality, and more likely to refrain from corruption.

- **Gender desks**: Awareness of gender desks in police stations is very low and their performance is variable.
Translating evidence into programming
Critical issues for programme design

- Women’s knowledge about rights and options for security and justice
- Paralegal support and accompaniment
- Strengthening SGBV formal security and justice services
- Engaging with the multiple factors influencing elders’ behaviour, including incentives and motivations to handle SGBV cases:
  - Working with elders to agree on a set of xeer protocols for referring SGBV cases to formal justice system and SGBV services?
  - To what extent should / can the programme attempt to influence the xeer without interfering in the important role it plays in communal rights, supporting peace and preventing escalation of conflict?
- Reducing stigma against survivors
- Working with men and boys on SGBV response and prevention
Thank you!