Civil Society Reflection Forum on Advocacy for Sexual Offences Bill

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Hargeisa, Somaliland
BARAAR HOTEL
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**Introduction**

On 25 August 2020, the Somaliland House of Representatives approved the Rape, Fornication and Other Related Offences Bill (Law no 78 of 2020) paving the way for its submission to the Upper House of Parliament for debate and approval; thereafter, if the Upper House approves the Bill, it will be sent to the President for signing so that it becomes law. An analysis of the version of the Bill that has been approved by the lower Houses of Parliament indicates that it falls short of some of its stated objectives—such as ensuring access to justice for survivors of sexual and gender-based violence as well as criminalizing and dispensing appropriate punishment of those found to have perpetrated sexual offence.

With a view to examining the strategies that civil society adopted in their advocacy for the enactment of the legal framework to address sexual and gender-based violence, the Urur Kaab Programme, implemented by FCG Sweden in partnership with Somaliland Non-State Actors Forum (SONSAF) Nagaad Network and Xaqdoon Law Firm convened a forum for CSOs to reflect on their advocacy efforts toward the enactment of Sexual Offenses Bill. The reflection forum was held on 28 October 2020 at Baraar Hotel in Hargeisa and brought together thirty-five participants representing 21 civil society organizations drawn from various sectors including women rights, media freedom, governance and the academia. The list of participants is annexed to this report.

The objectives of the forum were fourfold:
1) To trace the journey towards the development and implementation of legal framework to address violence against women, in particular sexual and gender-based violence (SGBV)
2) Identify and discuss the role of the CSOs in the pursuit of the legal framework to address SGBV
3) Discuss CSOs experience in their advocacy efforts including:
   a. Identify some of the good practices that CSOs adopted in their advocacy efforts for the development of the Sexual Offences Bill and which of these practices should be carried forward in subsequent advocacy efforts
   b. Identify challenges that CSOs faced in their advocacy efforts
      i. How did the CSOs respond to those challenges and what lessons were learnt
      ii. How the CSOs will approach these challenges in subsequent advocacy efforts for the development and enactment of Sexual Offences Act
4) Way forward; what will the civil society need to do going forward so that a legal framework that protects the survivors, punishes the offenders and deters potential offenders is enacted

**Methodology**

The organiser adopted a participatory methodology comprising of presentations, break out group discussions and presentations in plenary of the deliberations at the breakout groups. This was aimed at ensuring that the all the participants had an opportunity to provide input into the deliberations. The hosts of the forum (Urur Kaab, Nagaad Network, SONS AF and Xaqdoon Law Firm) moderated the breakout groups as well as documented the deliberations from these breakout sessions. Additionally, Urur Kaab had engaged the services of a report writer who captured the deliberations in plenary as well as consolidated the input from the breakout groups. The report of the rapporteur has been used in the drafting of this report/briefing note.
1. Session One:

1.1. Opening Remarks
Following the opening prayer, the representatives of Urur Kaab, SONSAF and Nagaad Network welcomed the participants to the forums and outlined its objectives. This was followed by a brief overview of the Urur Kaab programme and the support it is providing to civil society organisations.

1.2. Presentation of the journey towards Sexual Offences Bill
In this session, the presenter set out the journey towards the development of the Sexual Offences Bill and highlighted earlier successes when in 2018, a progressive legislation had been approved by both house of parliament, but this was objected to by, among others, religious leaders on the grounds that some sections of this law were inconsistent with religious teachings. This objection resulted in the draft law being resubmitted to the legislature for reconsideration with the result that a new law titled “Rape Fornication and Other Related Offences (Law No 78 of 2020)” was drafted and approved by the Lower House of Parliament¹. This law did not provide justice for SGBV survivors and did not provide sufficient deterrent to would be perpetrators.

1.3. Presentation of the analysis of the Rape, Fornication and Other Related Offences Law
The second presentation was an analysis of the law that had been enacted by parliament highlighting its contradictions with the Constitution of Somaliland, other international human rights instruments that Somaliland has made a commitment to be bound by as well as its inconsistencies with principles of natural justice (such as no person shall be punished twice for the same offence); additionally, the presentation highlighted that under the new law, there was great possibility of punishing survivors, it contradicts the Children’s Act and attempts to redefine who is a child. In finalising the presentation, the facilitator highlighted how the law approved by parliament failed to meet the objectives for which it was to be developed in the first instance and why there is need for it to be reviewed further if the rights of survivors of SGBV are to be protected.

1.4. Feedback/reactions to the presentations
The presentations were followed by a session for the participants to seek clarification from the presenters as well as share their experiences as a significant proportion of them had been involved in the efforts towards the legal framework to address SGBV.

Amongst the issues raised by the participants in plenary were:
- Why was it necessary for a new law to be drafted; wouldn’t it have been sufficient for the law that had been approved in 2018 to be amended?
- Were CSOs not aware that a new law had been drafted and introduced in parliament?
- What efforts did the CSOs take to object to the introduction of a completely new law?
- Did the CSOs make an attempt to secure the gains that had been made in the law approved/passed in 2018 during the discussions on the new law?
- To what extent did CSOs raise publicity on the Sexual Offences Bill?
- Were there any relationships established with media?

¹ The draft law is currently with the Upper House of Parliament (Guurti) awaiting debate
Did CSOs use social media in their advocacy efforts?
To what extent did the CSOs involve all the stakeholders in their advocacy efforts; for example, to what extent did the CSOs involve religious leaders?
Was mapping of stakeholders and identification of their needs/fears done?

In responding to the foregoing, it was clarified that consultations had been held throughout the process of developing the proposed law with civil society, religious leaders – specifically to check that the proposed law does not offend religious teachings – and communities across all the six regions of the country through more than 20 validation meetings; additionally, parliamentary committees were consulted throughout the drafting process while lawyers from parliament’s legal office formed part of the drafting team.

Amongst the conclusions reached from this session were:
- Civil society advocacy approaches were fragmented
- There were different motivations for civil society engagement in the advocacy for Sexual Offences Act; amongst these are pursuit of funds from donors
  - There is risk of “projectisation” of the search for a legal framework to comprehensively address SGBV; some CSOs may be worried that if the law is enacted, funding will no longer be available – and hence there is an incentive to keep the initiative going on for longer
- Civil society have limited understanding of Shariah law and hence were not able to respond to the accusations that the law they proposed offended religious teachings
- It is necessary that civil society develops effective counter-narratives to the misinformation that the proposed law is inconsistent with religious teachings
- There is a poor perception of civil society in the society and hence the communities may not identify with or support advocacy initiatives by CSOs

2. Session Two: Group Work

To ensure that all the participants gave their input on successes, challenges, lessons learnt and what civil society should do so that the original objectives of: (1) ensuring justice for the survivors of sexual and gender-based violence; (2) appropriate punishment for the offenders; and (3) sufficient deterrent for potential perpetrators are met, the participants were distributed into 3 break out groups and assigned questions as follows

2.1. Group 1
   2.1.1. In the advocacy for Sexual Offences Bill, what are some of the things that civil society did well?
   2.1.2. Which of the things that civil society did well would you recommend civil society continue to do?

2.2. Group 2
   2.2.1. In the advocacy for Sexual Offences Bill, what are some of the things that civil society did not do well?
   2.2.2. How (differently) should civil society have handled the things that they did not do well?

2.3. Group 3
   2.3.1. What types of partnerships should civil society establish in their advocacy for Sexual Offences Bill?
   2.3.2. What should civil society consider in establishing the proposed partnerships?
At the conclusion of the discussions in the breakout groups, the participants presented their responses in plenary; these are captured in the tables here below:

**Group 1**

<table>
<thead>
<tr>
<th>What are things civil society did well?</th>
<th>Which are the things civil society needs to continue doing?</th>
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<tbody>
<tr>
<td>Initiated the process of developing Sexual Offences Act – including identifying the need and drafting of the Bill</td>
<td>Consistent advocacy until the Bill that meets the original objectives is enacted</td>
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<td>Invested resources (human, financial, networks) to raise awareness on the Bill and lobby lawmakers for its enactments</td>
<td>Continuous public education to build support for the Bill</td>
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<td>Steer the debate and persist even in face of challenges</td>
<td>Increase sphere of influence to include Sheikhs and others</td>
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<tr>
<td></td>
<td>▪ Develop counter narratives to misinformation that Bill contradicts religious teachings</td>
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<td></td>
<td>▪ Strengthen relations with media to disseminate the counter narrative</td>
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<tr>
<td></td>
<td>Improve coordination amongst civil society</td>
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<td></td>
<td>Develop new advocacy strategy/improve existing strategy</td>
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**Group 2**

<table>
<thead>
<tr>
<th>What are the some of the things CSO did not do well?</th>
<th>How differently should those things be done?</th>
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<tr>
<td>• There is limited awareness amongst CSOs on the Bill</td>
<td>▪ Establish a strong taskforce that will drive the process; such taskforce should have committed leadership</td>
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<td>• Civil society as a sector was not fully involved in the advocacy efforts</td>
<td>▪ Taskforce to involve all stakeholders including religious leaders, elders, government counterparts, civil society</td>
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<td>• There was limited lobbying of parliament/parliamentary committees</td>
<td>▪ Establish better partnerships with government</td>
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<td>• Limited visibility: engagement with media was not effective</td>
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- Indifference of government officials – CSOs didn’t explain sufficiently to government officials why the Bill is necessary
  - CSOs had limited influence on government officials
- Government is not willing to work with CSOs
- Language used was in some cases not culturally sensitive and difficult for people to understand
- CSOs have poor relationships with the Ulima
- There was limited input by the community, efforts to involve them were not adequate
- Poor coordination amongst CSOs, role of umbrella bodies was not visible
- Some CSOs became pro-government
- Advocacy efforts are project based; no efforts in absence of donor funded projects

**Group 3**

<table>
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<tr>
<th>What type of partnership CSO should establish?</th>
<th>What should CSO consider as they get into these partnerships?</th>
</tr>
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<tbody>
<tr>
<td>Establish a task force comprising of CSOs, religious organizations, community-based structures, village committees and human right organizations</td>
<td>Allocation resources (budget and personnel)</td>
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<tr>
<td>Partnership with religious leaders and the Ministry of Religious Affairs and Endowments</td>
<td>Mandate of the task force would include:</td>
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<tr>
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<td>- Identify and engage partners (the media, House of Representatives, House of Elders, Ministry of Endowment and Religion Affairs)</td>
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<td>- Identify existing structures, policies that can be support advocacy efforts on SOB</td>
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<td></td>
<td>- Raise awareness on the SOB (using methods such as poetry, songs, drama/plays, comedy, public forums)</td>
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<td>- Carry out the advocacy targeted at identified stakeholders</td>
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**Plenary discussion**

The presentations by the various break out groups were followed by plenary discussions in which there was consensus that while CSOs had invested considerable efforts and resources, the process was not fully inclusive as demonstrated by the lack of knowledge amongst some CSOs on the Bill. Further, the participants expressed the view that while there were engagements with religious leaders, not enough effort had been deployed in reaching the conservative clerics who were able to influence the Somaliland leadership not to operationalise the Sexual Offences Bill when it had been initially enacted in 2018. Additionally, the participants opined that this was not an issue for which
there was popular support, all indicative of limited awareness on the importance of the Bill amongst members of the public – including those that it was aimed at protecting.

Amongst the proposals made were to lobby the House of Elders (Upper House) to reject the Bill or propose more than 4 amendments and this would require the Bill to be returned to the House of Representatives (Lower House) for debate – and this would provide an opportunity for CSOs to lobby for the enactment of a law that meets the needs of survivors for justice and deters would be perpetrators.

Other proposals made were on separating Zina (fornication) from rape since the two are different and addressing rape in the same legal framework that address Zina (a moral) issue risks diminishing the seriousness of sexual violence

3. Conclusions, recommendations and way forward

3.1. Conclusions

3.1.1. Civil society has made commendable investment of efforts and resources in pursuit of a legal framework to address sexual and gender-based violence. Though progress has been uneven (in 2018, the Sexual Offences Bill had been approved by both Houses of Parliament only to be returned to the Lower House when the religious leaders petitioned the President), this investment (of efforts and resources) has resulted in significant progress towards the desired objective

3.1.2. There have been commendable efforts towards involving other stakeholders, for example as demonstrated by the numerous validation meetings that have been held and working closely with actors in both public (members of parliament, parliament’s legal department) and non-state sectors. Nevertheless, some of the key stakeholders may have felt left out and hence petitioned for the Sexual Offences Bill not to be enacted. The fact that these stakeholders (religious leaders) were able to influence the halting of a process civil society has invested many years in is indicative of their influence over the law making (and other public) functions.

3.1.3. The foregoing also leads to conclusions that civil society does not have as much influence over the law-making processes and this fact came to the fore during the discussions wherein the participants opined that government officials were not fully committed to working with civil society. This lack of commitment on part of government to work with civil society could also be attributable to limited understanding on the part of the government officials on why the law is necessary; this was a view expressed in plenary when it was opined that civil society did not effectively lobby the government

3.1.4. The extent to which civil society approached advocacy for the enactment of Sexual Offences Bill as a cohesive unit is doubtful; views were expressed to the effect that some organisations were not aware of the Bill and its contents; from our experience, advocacy efforts are more likely to be successful when there is mass movement for change or at least a significant proportion of the stakeholders are in support of an issue.

3.1.5. Despite efforts to raise awareness on the Bill amongst the community, there seems to have been little appreciation of the Bill or its implications amongst the stakeholders. During the discussions, it was stated that community participation was not effective and when religious leaders organised demonstration against the Bill on the grounds that it was inconsistent with religious teachings, they received support from members of the community who participated in the demonstrations
3.1.5.1. This may also be partly attributable to low visibility of the advocacy efforts; views were expressed to the effect that engagement with media was not sufficient and there was limited public awareness on the issue.

3.2. Recommendations

3.2.1. As the original objectives for which a legal framework to address sexual and gender-based violence (provide justice and support for the survivors, punish the perpetrators and provide deterrence) was sought have not been achieved, it is necessary that advocacy efforts towards the enactment and implementation of a sufficient legal framework continue.

3.2.1.1. While it has initially been envisaged that such efforts would target the Upper House of Parliament, there are indications that the Upper House is inclined to approve the Bill; this coupled with the life of current parliament coming to an end in next 3-4 months, calls for re-strategizing including developing scenarios and what actions would be taken under each scenario.

3.2.2. In continuing with the advocacy, it is necessary that all the stakeholders (both supporters and opponents) are brought on board. In doing this, it is recommended that civil society carries out comprehensive mapping of stakeholders, their interests (and fears) and design approaches that are suited to each of the stakeholder.

3.2.2.1. In particular, it would be necessary to invest more efforts in engaging those stakeholders who have previously opposed the development of legal framework proposed by civil society. Amongst the classes of stakeholders’ civil society should pay particular attention to are the religious leaders, politicians and media practitioners.

3.2.3. Advocacy efforts are successful when those affected by an issue take part in the advocacy processes. In this regard, it is necessary that mechanisms for engaging communities are identified and adopted. Consistent public education will be necessary, and in this regard, civil society should consider establishing strategic relationships with the media for purposes of building awareness on why it is important to have legal framework to address SGBV and implore the public (using the media, both traditional and social media) to appeal to their elected representatives (members of parliament) to enact the proposed law.

3.2.4. Alongside using the media for awareness raising, it is necessary that a public information campaign is designed so that issue of sexual and gender-based violence is given the necessary prominence and visibility. This will require a well-coordinated media campaign using both traditional (radio, television, newspapers) and online/social media including engaging social-media influencers (where necessary) to popularise the issues.

3.2.5. Considering that Somaliland will be commencing its elections soon, the civil society should strive to make the enactment of the proposed Sexual Offences Bill a theme for the campaign; as politicians conduct their campaigns, civil society should mobilise the public/electorate to ask the politicians to articulate their positions on SGBV.

3.2.6. To address the indifference of government officials to advocacy, and considering the challenges of reaching all the law makers, civil society should identify influential individuals in each of the relevant government departments as well as in political parties and educate these to champion the proposed legal framework.

3.2.6.1. Working with political parties, the civil society is advised to lobby the leaders of political parties to mobilise their members in parliament so that they can support the legislative proposals on Sexual Offences Bill when these are tabled both in the relevant parliamentary committees and on the floor of the entire house. The support
of the political parties would result in support of the proposals by the CSOs by the members of these political parties

3.2.6.2. Identify the relevant parliamentary committees and identify influential personalities/opinion leaders in those committees; these would then be lobbied to influence their fellow legislators to support the law to address sexual and gender-based violence proposed by civil society

3.2.6.3. Within the executive arm of government, identify the relevant ministries, departments and agencies and thereafter identify potential champions who would be engaged to drive the necessary policy reforms in their respective institutions. In identifying the proposed champions in parliament, the executive and political parties, it would be necessary that civil society establishes what are their motivations, interests (and fears) so that appropriate engagement strategies are developed and deployed

3.2.7. Advocacy initiatives are more likely to be successful when they are supported by critical mass and in this regard, it will be necessary to carry a significant proportion of the civil society along. This can be achieved through the existing civil society networks/umbrellas or where necessary establishment of new ones. The CSOs umbrellas will mobilise their members to support the advocacy efforts and where necessary participate in the advocacy activities

3.3. Way Forward

As a way of moving forward the proposals/recommendations that were generated in plenary, the participants proposed establishment of a task force made of committed and capable CSOs (with expertise on the subject matter). This task force would establish its procedures including drawing up an action plan for the implementation of the recommendations

As there is in place a coalition of CSOs that have been leading the advocacy efforts towards the development and implementation of legal framework to address SGBV, it would be prudent to explore the capability of this coalition rather than establish a completely new task force. If necessary, the membership of the coalition could be expanded so as to accommodate the diversity of actors with interest in legal framework to address SGBV and thereafter, terms of reference for this coalition drawn up. Urur Kaab is committed to support this task force/coalition in its convening and planning
About Urur Kaab
This is a three-year (January 2020 – January 2023) programme funded by the Delegation of the European Union to Somalia and implemented by FCG Sweden. The purposes of the programme are to:

“Strengthen the capacity of CSOs working in governance and democracy sector to mobilise Somalia/Somaliland citizens to participate more effectively in democracy and governance reform processes through representation, participation, transparency and accountability”

Urur Kaab is founded on the realisation that civil society has an essential role to play in facilitating dialogue within and between communities, promoting civic engagement in governance and democracy, observation, reconciliation and healing around elections and implementation of national development plans.

To facilitate the civil society to address the foregoing, amongst other, concerns, the FCG implemented Technical Assistance for Civil Society Capacity Building Programme is addressing four core elements of civil society capacity. These are: 1) Organisational and management capacity; 2) Constituency relations; 3) Technical know-how; and 4) Collaborative synergies

Addressing the foregoing four elements of civil society capacity will result in civil society that is legitimate (organic and representing needs of its constituents), credible (operationally effective and technically/programmatically capable) and resilient (adaptive and sustainable)

About Somaliland Non-State Actors Forum (SONSAF)
Founded in 2005 by various civil society organizations, professional associations, business groups, traditional leaders, and religious leaders, SONSAF is the largest non-state actor platform in Somaliland. It brings together over 60 organizations in Somaliland and works to represent and advocate on core governance and democratization issues. SONSAF’s mission is to strengthen the voice of Somaliland non-state actors and to enable them to have a vibrant space especially in the decision-making arena by constantly engaging in policy dialogue activities

About NAGAAD Network
NAGAAD was founded in 1997 and it is the largest women umbrella in Somaliland. It represents 46 women civil society organization from across the six regions of Somaliland. Nagaad was formed to serve as an organized, collective voice of women who were determined to fight for their socio-economic and political rights as equal citizens of Somaliland. The network advocates for women and children’s empowerment and has operational offices in all six regions, and representative in Nairobi.

About Xaqdoon Law Firm
Xaqdoon Law Firm is one of the largest and oldest law firms in Somaliland. It provides legal services to its clients including local and International Non-governmental organizations, UN agencies, companies and individuals. Xaqdoon is registered with Somaliland government and has been operational since 2006 in the Republic of Somaliland and Somalia. Xaqdoon has extensive expertise and experience in different legal issues.
Annexes: Agenda, Concept note, Legal analysis of the 78/2020 bill, List of participants

AGENDA

<table>
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<tr>
<th>Venue</th>
<th>Baraar Hotel</th>
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<td>Date</td>
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Civil Society Reflection Forum on Advocacy for Sexual Offences Bill

XEERKA KUFSIGA, SINADA IYO XADGUDUBYADA LA XIDHIIDHA
(XEER Lr. 78/2020)

<table>
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<tr>
<th>Time</th>
<th>Session</th>
<th>Description</th>
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| 09.00 – 09.30 | Welcome Remarks and Introductions           | • Urur Kaab, Nagaad Network and SONSASF formally welcome participants to the forum  
• Participants introduce themselves  
Forum Objectives  
Participants understand and adopt the workshop agenda and objectives and level expectations |
| 09.30 – 10.30 | CSOs advocacy on Sexual Offences Bill       | • Presentation to highlight the history of the Sexual Offences Bill and how CSOs have been engaged  
• A presentation of analysis of the Xeer Lr. 78/2020 |
| 10.30 – 11:00 | Tea/Coffee Break                             |                                                                                                                                                                                                             |
| 11.00 – 12.10 | Reflections on CSOs engagement on SOB       | In groups, participants discuss  
• Good practices CSOs adopted in their advocacy efforts;  
• Challenges that were encountered  
• How CSOs addressed challenges and lessons learnt |
| 12.10 – 13.30 | Prayers and Lunch Break                     | Groups present their discussions/conclusions at plenary  
• Feedback/ questions and answers |
| 13.30 – 14.30 | Planning for next steps                     | • CSO generate their plans for amendment to the law (so it guarantees rights of victims)  
• Way forward |
| 14.30 – 14.45 | Vote of thanks and closure                  |                                                                                                                                                                                                             |
Concept Note for Reflection Forum on CSOs Advocacy on Sexual Offences and Law no 78/2020

Background

On 25 August 2020, the Somaliland House of Representatives approved Rape, Fornication and Other Related Offences Bill (Law no 78 of 2020) paving the way for its submission to the Upper House of Parliament for debate and approval; thereafter, if the Upper House approves the Bill, it will be sent to the President for signing so that it becomes law. An analysis of the version of the Bill that has been approved by the lower Houses of Parliament indicates that it falls short of some of its stated objectives such as ensuring access to justice for survivors of sexual and gender-based violence as well as criminalising and dispensing appropriate punishment of those found to have perpetrated sexual offence.

The search for legal framework to deter sexual violence has been going on since 2015 when Legal Action Worldwide (LAW) provided technical assistance to the Somaliland Ministry of Labour and Social Affairs in drafting the Sexual Offences Bill. The development of the legal framework was informed by the proliferation of rape and other sexual offences. According to Somaliland Women and Law Initiative (WALI), there were over 520 reported cases of rape and other forms of sexual violence in 2018 while a further 460 cases were reported in 2019. While these numbers are worrying, rape and sexual offences are amongst the least reported cases since the victims (women and girls) have limited awareness on how and where to report cases and no official data of reported cases is published.

The draft Sexual Offences Bill was over time discussed by stakeholders and went through several changes before finally being presented to parliament for debate and approval in 2018. The Bill was approved by both Houses of Parliament but before it could be assented to by the President, it was objected to by sections of the society including religious leaders on the grounds that it was inconsistent with Islamic law. This resulted in the law being sent back to parliament for amendment so that it is consistent with Islamic law. It is this amended version of the Bill that has been approved by parliament.

Status of current law

An analysis of the law approved by parliament have identified same provisions that will make it challenging to comprehensively combat rape and other sexual offences; as such, the extent to which this law will be a deterrent to sexual violence and ensure justice for victims of sexual offences remains doubtful. Amongst the problematic provisions are:

1. Under its objectives, ensuring justice for the victims only gets a brief mention with most of the objectives focusing on issues such as disease prevention and prevention of fornication.
2. The law prescribes double punishment for those who will be adjudicated guilty of sexual offences: those imposed by Islamic law as well as jail sentences ranging between 5 – 10 years (if offences is committed for economic gains such as prostitution) or 10 – 15 years (where those involved in the unlawful act are within prohibited from getting married).
3. The law is silent on sexual harassment; as such, there is no recourse for women if there are demands for sexual favours at the workplace (the law only prohibits actual physical contact by imposing a sentence of 1-3 years)

4. A woman who has been given away in marriage by her parents or guardian without her consent can only request for dissolution after the fact; the law is silent on whether she can protest being married against her will before being given away in marriage

5. Under the law, persons who can report an offence are: the victim; parent/guardian; someone authorised by the victim; police; and Attorney General. The implication of this is that if someone else other than those listed above becomes aware that an offence is being committed, he/she does not have a legal basis for reporting

6. The law authorises the giving away of minor or person with mental illness in marriage “if in the opinion of the parent or legal guardian, such marriage is in the best interest of the minor or person with mental illness”. Through this provision, the law fails to protect those who are most vulnerable and assumes minors and persons with diminished mental capacity are capable of understanding and fulfilling marital obligations

7. If a person who is accused of rape or other sexual offences is “of good standing in the society, then he cannot be arrested”. This provision is in itself discriminatory since it creates categories of people who are of good standing and those who are not without having taken the latter through process to determine that they are not of good standing. Additionally, it provides opportunity for those perceived to be of good standing to subvert justice by interfering with witnesses, threatening the victims, etc

8. The requirement of evidence of four witnesses to establish a guilt of a person is placing an impossible burden on the prosecution and the victim. Through this provision, the law assumes that rape and other sexual offences will happen in public or with knowledge of others

**Addressing gaps in the current law**

It is with a view to addressing the foregoing gaps that Urur Kaab, the EU supported Technical Assistance to Civil Society Programme implemented by FCG Sweden is supporting human rights (including women’s rights) organisations and other stakeholders working on access to justice to convene a reflection forum to examine the approaches that civil society adopted in their advocacy for the Sexual Offences Bill, types of partnerships that were established, what worked well and what are some of the lessons learnt in the process. The forum will also identify actions required to ensure that the law is amended so as to grant justice to the victims and be sufficient deterrent to offenders

The objectives of the half day forum to be held on 28 October 2020 at Baraar Hotel are:

1. Reflect on civil society advocacy for the enactment of the Sexual Offences Bill (later renamed Rape, Fornication and Other Related Offences Bill)
2. Identify some of the good practices that CSOs adopted in their advocacy efforts
3. Identify and discuss some of the challenges (both internal and external) that were encountered and how CSOs responded to these
   a. What key lessons have emerged from CSOs responses to these challenges
4. Develop a way forward i.e., actions that CSOs will need to implement so that the law is more responsive to the needs of the victims and ensures they get justice
Summary

“The Rape, Zina and Related Offences Bill” passed by the House of Representatives of Somaliland’s bicameral Parliament violates fundamental human rights. It will perpetuate, if enacted into law, sexual and gender-based offences, instead of tackling the commission of sexual offences and providing access to justice for survivors. Children will be at greater risk. The Bill is unique in terms of its terminology, scope and punishment. It introduces new legal and policy outlook detrimental to the rights of women and girls.

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I. INTRODUCTION

1. This legal brief analyses the “Rape, Zina and Related Offences Bill” recently approved by the House of Representatives of Somaliland. On 28 August 2018, the President of Somaliland signed the Rape and Sexual Offences Act into law after it was passed in an overwhelming majority by the House of Representatives. Immediately after signature, members of the House of Elders and religious leaders opposed the law which criminalises interventions of clan elders in rape cases. The outcry spearheaded by Imams of mosques accused the government of enacting a law that contradicts “Sharia.” The Minister of Religious Affairs in response said the Act would be reviewed.
2. On the early week of April, the President of Somaliland Muse Behi Abdi has submitted to the House of Representatives an amendment made to the Rape Act. In August 2020, The House of Representatives approved the proposed draft. The approved draft has a new name and has a substantial difference to the original Rape and Sexual Offences Act of 2018. The proposed changes alter the entire objective of the law and make almost impossible to convict anyone. It imposes a draconian punishment. The original law aimed to have a legal framework that is different from the current outdated Penal Code. The Bill says the objective of the law is to implement the punishment laid down by Sharia for Zina and rape. The amendment mixes rape with consensual sex.

II. BACKGROUND

3. The Republic of Somaliland, located in the Horn of Africa, declared separation from Somalia in 1991. Since the declaration of the restoration of independence in 1991, Somaliland has been undergoing a democratisation process. The approval of the constitution in a referendum in 2001 led to embarking a journey towards democracy. The first election was held in 2002 for local councils. The presidential election followed in 2003 and the election of the House of Representatives was conducted in 2005. Smooth transfer of power through democratic means occurred in Somaliland in 2010 and 2017. In 2010 the then incumbent president was unseated by an opposition contender, a rare occurrence in Africa.

4. The constitution has a Bill of Rights. In part three of chapter one of the constitution, there are sixteen articles on the fundamental freedoms and human rights. Starting from article 21 to article 36, the constitution covers fundamental human rights. According to the Constitution, “the articles which relate to fundamental rights and freedoms shall be interpreted in a manner consistent with the international conventions on human rights and also with the international laws referred to in this Constitution.”

5. The treaties and human rights declarations recognised by the constitution include the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights. In article 10 (1) the constitution says, “the Republic of Somaliland shall observe all treaties and agreements entered into by the former state of Somalia with foreign countries or corporations provided that these do not conflict with the interests and concerns of the Republic of Somaliland.” The International Covenant on Civil and Political Rights is among human rights treaties entered into by the former state of Somalia. In paragraph 2 of article 10, the constitution further states that “the Republic of Somaliland recognises and shall act in conformity with the United Nations Charter and with international law and shall respect the Universal Declaration of Human Rights.”

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2 Somalia ratified the ICCPR in 1990
6. Therefore, the interpretation and understanding of the provisions of the constitution should be read in line with international human rights law. Standards and principles enshrined in the ICCPR and its jurisprudence, as well as the provisions of the Universal Declaration of Human Rights, apply to Somaliland. In legislating a new law, the Bill of Rights is binding on the Parliament. Any legislation furthering the protection granted by the constitution is consistent with the constitution. The same applies to the other two branches of the state: the executive and the judiciary.

7. Paragraph 2 of article 36 states “the Government shall encourage and shall legislate for the right of women to be free of practices which are contrary to Sharia and which are injurious to their person and dignity.” These practices include gender and sexual based violence. Elimination of sexual and gender-based violence requires legislative interventions among other policies and actions.

8. Although Somaliland, as an unrecognised state, cannot ratify the Convention on the Rights of the Child, the government of Somaliland committed itself to respect and implement the Convention on the Rights of the Child (CRC). For instance, the CRC is cited in both the Juvenile Justice Act and Child Right Bill. Accordingly, Somaliland has a self-imposed obligation to respect and protect the rights of children.

9. Somaliland applies the Somali Penal Code. The Code contains articles criminalising rape and other few sexual offences. The Penal Code is outdated criminal law enacted in the early 1960s. The definition of rape is narrow and focuses only use of force, coercion and threat to prove the commission of rape. Consequently, civil society organisations and lawyers have been advocating the replacement of the Penal Code provisions and introduction of a modern special law to set out sufficient substantive rules tackling sexual offences. Moreover, the Criminal Procedure Code is also old-time law inadequate to incorporate modern technology and medical advancement, such as forensic science in the law of evidence. The ‘suspension’ of the 2018 Act forced the prosecution office to continue applying the Penal Code.

III. REDENITION OF RAPE

10. “The Zina, Rape and Related Offences Bill (hereafter referred as the Bill)” is a new law, but not an amendment to the existing Rape and Sexual Offences Act of 2018 (hereafter referred as the 2018 Act). Although there are many articles from the 2018 Act retained in the Bill, the fundamental clauses have been removed and replaced with new provisions contrary to the original Act. The Bill makes a complete change to the perspective of 2018 Act. It reframes the entire subject as Zina (consensual sex). The basis and foci of the Bill

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3 Article 21(1) of the constitution.
is Zina, rather than sexual offences. Zināʾ (زِنَاء) or zina (زِنًا) is an Arabic term that donates sexual intercourse between people who are not married.⁴

11. The Law has been renamed as the Law of Rape, Zina and Related Offences (Xeerka Kufsi, Sinada iyo Xadgudubada La Xidhiidha). Rape has been defined as forceful Zina. In article 3(3) the objective of the Bill include “implementation of the punishment prescribed by Sharia for the different types of Zina (such as the consensual one and the one used by force or coercion) and related crimes.” For the Bill, rape is a Zina, which downgrades the gravity of the crime of rape. Consensual sex is a crime punishable in accordance with Sharia. According to article 4 of the Draft, Zina is any consensual sexual intercourse between two people who are not married to one another.

12. The Bill criminalises Zina and rape in the same article. Article four is titled Crimes of Zina and Rape. The first paragraph covers the “Crime of Zina”. The second paragraph is “the Crime of Rape (Forced Zina).” According to the Bill, rape means every sexual intercourse made by one or more persons against another person of the opposite sex without marriage or [person] of the same sex, by using coercion, force, threat weapon or kidnapping.

13. The law is complex, written in vague language and removes consent from the definition of rape. The Rape and Sexual Offences Act (2018) which this Bill intends to replace was prepared to broaden the definition of rape which is narrowly defined in the Penal Code. The new Bill takes the same approach as that of the outdated Penal Code.

14. A victim of rape has to prove the occurrence of force, coercion, threat or kidnapping. Absence of one of these factors would make the act Zina, meaning the victim might be subjected to the harsh punishment of Zina.

IV. VIOLATIONS OF CHILDREN’S RIGHTS

15. The Bill contradicts international human rights laws that protect children from abuses and exploitation and exposes children to sexual abuses, including rape and other forms of sexual offences. Instead of tackling abuses against children, it protects perpetrators. Also, the law is inconsistent with the Juvenile Justice Law of Somaliland.

❖ Who is a child?

16. According to the UN CRC, “a child means every human being below the age of eighteen years unless, under the law applicable to the child, a majority is attained earlier.” Article of

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[http://www.oxfordislamicstudies.com/article/opr/t125/e2577](http://www.oxfordislamicstudies.com/article/opr/t125/e2577)  
last retrieved 23 September 2020
the Juvenile Justice Law of Somaliland defines child as “any human being below the age of 15 years old.”

17. The Bill removes the age factor in defining the age of the child and introduces biological "signs" to determine if a person has attained majority. According to the Bill any person under the age of 15 or has signs of maturity is recognised as a child by the Bill. A person becomes an adult when he/she reaches 15 years, or signs of maturity becomes visible. A person under the age of 15 can be categorised as a child under the Bill. Hence nine years or ten years old may be dealt as adults. This will have a drastic negative impact on the rights of children, as shown below.

18. Reference to biology in age determination sets in motion multiple interpretations that do not serve the best interest of the child. For example, the law does not define what it means signs of maturity. Such vague statements in the Bill will put children at further risk. Age is significant for children’s exercise of other rights. As explained in paragraphs 21-24 of this brief, this might also apply to children who are in conflict with the law and victims as well.

- **Child Marriage**

19. Article 12(3) allows child marriage. The guardian has the power to marry a child (see paragraph 16 of the analysis) to an adult person. The definition of child in the Bill already allows the possibility of dealing a child under 15 as an adult if the "signs of maturity become visible." Consequently, this is the first time in the history of Somaliland, a written formal law enacted by a Parliament permits the marriage of children.

20. It is worth to note that the nature of the Bill is criminal law. Hence the inclusion of marriage in the Bill oversteps the scope of the Bill and expands to areas governed by other laws. The Civil Code sets out the age of majority as the attainment of 18 years of age, and the Child Rights Bill (which is not yet approved by the Parliament) contain articles that will be affected by this Bill. Therefore, the Bill has substantial risks to children in Somaliland in general, not only victims or those accused of sexual offences.

- **Criminal responsibility**

21. In 2008, the then president of Somaliland Dahir Rayale Kahin signed the Juvenile Justice Bill into law after both houses of the Parliament approved the Bill. The Juvenile Justice Law (hereafter referred to as the Law) was enacted to replace the articles of the Criminal Procedure Code and Penal Code relevant to children. The JJ Law provides procedural rules, establishes new institutions and gives a new definition for child and criminal responsibility.

22. In article 1, the JJ Law defines a child as "any human being below the age of 15 years old". Article 10(1) of the Law states "whoever, at the time he committed an act, had not
attained fifteen years of age shall not be liable." In article 3, the JJ Law stipulates that the
Juvenile Justice Law "shall have precedence over any other law or provision in all matters
concerning the administration of Children Justice."

23. The Bill is incompatible with Juvenile Justice Law. By redefining the age of a child, the
courts and law enforcement agencies will face the reality that the two laws have divergent
definitions. Commonly, courts give precedence to new laws over old laws. Therefore,
children who are in conflict with law will face the uncertainty of whether the Juvenile Justice
Law applies or if the Bill has precedence.

❖ Rape and sexual abuses against children will go unpunished.

24. In the Penal Code and the 2018 Act, sexual intercourse with a girl below a minimum age
with or without her consent constituted rape. According to the Penal Code and the
jurisprudence of criminal law, a minor person does not have the capacity to consent to
sexual activities. The Penal Code and 2018 Act prohibit a person from engaging in any
type of sexual activity with a child. Article 4 (B)(6) of the Bill says "if a minor, or a mentally
ill individual, commits Zina, no punishment is due. However, it is necessary for the
guardian of the minor, or the mentally ill person, to impose disciplinary action which is in
accordance with Sharia law." In this paragraph, children and mentally ill persons are
treated as capable of giving consent. Henceforth, those who rape children will not be
charged with rape. This has far-reaching implications. An increasing number of rape
survivors in Somaliland are children. If this Bill gets enacted, many of them will no longer
be treated by the law as victims.

25. The permission to marry children (with no age limitation) will make the human rights
violation and a harmful practice committed against children unpunished and perpetrators
will enjoy impunity and legal protection.

V. DOUBLE PUNISHMENT, AMPUTATION, LASHING AND STONING TO DEATH

26. Article 4 (T)(1) of the Bill states that the punishment of “Rape (forced Zina)” is the
punishment laid down by Sharia for Zina and “Ta‘zir” punishment of 5 to 15 years of
imprisonment. The punishment of rape and Zina is Huduud. “Hudud (Arabic: حدود Ḥudūd,
also transliterated hadud, hudood; plural of hadd, حد) is an Arabic word meaning "borders,
boundaries, limits". In the religion of Islam, it refers to punishments that under Islamic law
(Shariah) are mandated and fixed by God.6 The Bill does not explain what it means
Huduud punishment. But the common understanding is that Huduud means lashing and
publicly stoning to death. For instance, the Bill states that both Huduud and imprisonment

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5 B is the first Somali alphabet. The Bill uses the Somali Alphabet, and we let it in that form.
6 http://www.oxfordislamicstudies.com/article/opr/t125/e757 last retrieved 23 September 2020
will be imposed on those found guilty of Zina or rape if the punishment of Hudud is not death. This means the Draft is giving the judges to sentence either lashing or stoning to death depending on if the accused is unmarried or married, respectively. The same punishment applies to sex workers.

27. If a victim of rape sustains a mental or physical injury, the perpetrator shall be executed, according to article 4(T)(3). The same applies if the victim contracts HIV/AIDS or “incurable decease.”

28. The Bill imposes two parallel punishments for each offence. For instance, it imposes rape convicts Hudud punishment and imprisonment of 5 to 10 years, unless the Hudud punishment is death.

29. According to article 4 (b) (4), if a person intentionally spreads HIV/AIDs through consensual sex, he/she will be punished in accordance with the punishment laid down by verse 33 of Suratul Maida (المائدة). The punishment mention in this verse is the removal of hand and feet.

VI. POSSIBILITY OF PUNISHING SURVIVORS

30. Article 22(sh) of the Bill says if the person accused of a rape "is a person known of goodness and integrity, he shall not be arrested unless found guilty and the person who made the accusation deserves to be disciplined to protect the dignity of the people with goodness and integrity." This will force many survivors not to report, and those who report could be subjected a punishment for reporting a rape. It will also provide those in authority (religious leaders, traditional elders, government officials) to enjoy impunity.

31. Article 19(3) states that if a complaint submitted by a person cannot be proven (becomes false) the judge shall impose the complainant 2 to 3 years of imprisonment.

32. A victim of rape has to prove the occurrence of force, coercion, threat or kidnapping. Absence of one of these factors would make the act Zina, meaning the victim is subject to the harsh punishment of Zina. This implication is exposed by the reference of the Bill on Sharia. In Sharia a person who cannot prove the accusation of Zina is subject to punishment.

33. According to article 35(2), if the “if a victim of rape is known of Zina [making consensual sex], that can downgrade the claim [of being a victim of rape] unless there are other strong evidence.” Contrary to the rules of evidence in the Criminal Procedure Code, the character and history of the victim can be used as evidence to dismiss a complaint of rape in this Bill.

VII. ADMISSIBLE EVIDENCE
34. The most difficult, complex and poorly drafted part is article 34 of the Bill which covers evidence and burden of proof. According to article 23(3) of the Draft, medical reports (medical examination report) cannot be used as evidence of a commission of rape or other related sexual offences.

35. As explained in paragraph 10 of this Analysis, the Bill groups rape and Zina as one. Therefore, the evidence for rape is that of Zina in Sharia. Zina and rape must be proved by the testimony of four adult male witnesses. The eyewitnesses are required to testify, seeing on their own eyes the act of penetration. Confession is the other acceptable proof for the commission of Zina and rape. Unless four eyewitnesses testify or the accused person(s) confess, the court cannot pronounce a guilty verdict.

36. For imprisonment punishment (tasiir) of rape, the following evidence can be accepted: 
   a. Confession
   b. Two adult men who are eyewitnesses. This excludes women to be witnesses.
   c. Other evidence such medical reports can be accepted as circumstantial evidence but cannot be based on conviction.

37. The complexity of evidence system instructed by the new Bill is not consistent with the evidence rules of the Criminal Procedure Code. Because the Bill has two parallel punishments (a. Sharia-Huduud; and b. imprisonment), it provides two parallel evidence. For Huduu, a testimony of four witnesses is required. To sentence imprisonment, a testimony of two witnesses corroborated by medical evidence and circumstantial evidence is required.

38. In summary, the vaguely worded evidence rules in the Bill favour substantially to those accused of rape. It puts more barrier to an already complicated process. Opposite to the original idea of introduction of rape law, the Bill leaves out forensic science and pushes it to a place lesser than the credibility given by the existing evidence law (the Criminal Procedure Code).

VIII. FINANCIAL COMPENSATION (DIYA) IN RAPE CASES

39. Diya (Arabic: دية) in Sharia is financial compensation paid by the perpetrator or his/her family to the victim of his/her heir. When compensation is paid, the accused person is free, and the case is closed. According to article 4(T)(6) of the Bill, if a person rapes and murders the victim, the punishment is the death penalty. However, if the family of the victim accepts financial compensation (Diya) or forgives, the perpetrator will go free.

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40. Literally, the paragraph relates to murder cases as a result of rape. But it can be interpreted to apply all rape cases. Because the Bill imposes death penalty to many other rape cases (for example if the accused is a married person or if he inflicts incurable decease), the question of accepting blood compensation and forgiveness raises.

IX. IMPOSING CODE OF CONDUCT

41. Article 16 imposes a punishment of imprisonment of 3 to 6 months to a person who publicly shows the human body (Arabic: "awrah) obliged by Islam to be covered. The article does not define what awrah means. This could be misused by those who have strict interpretation and views most of the women's body as awrah.

X. HOMOSEXUALITY

42. Homosexuality is punishable in accordance with Sharia (article 6). Again, the Bill does not define what it means punishment imposed by Sharia. However, paragraph two and three of article 6 indicates that the punishment of homosexuality is death. It is familiar and basic legal knowledge a punishment shall be expressly stated by the law. This Bill refers, in many parts, punishment to "Sharia. The vagueness will put many people at risk of being executed. For instance, article 6(2) says "any person who has intercourse with a person of the same sex by using force commits the crime of rape by homosexuality and shall be punished, when proven, the punishment of Zina and imprisonment between 10 to 20 years if the punishment [in Sharia] is not the death penalty."

XI. WITCHCRAFT

43. Article 14 includes a superstitious belief that has never become a part of any law in Somaliland. A person who commits Zina or rape by using fal (in Somali the world fal has close meaning, but not entirely same, of witchcraft) shall be punished "to the punishment imposed by Sharia for magicians which are the death penalty." The Bill does not state how one can prove the existence of witchcraft before the court of law. Vagueness, ambiguity and superstitious belief incorporated in law and punishable to death are extremely dangerous.

XII. ACCESS TO JUSTICE FOR WOMEN AND CHILDREN IN SOMALILAND

44. The government of Somaliland has endorsed the Sustainable Development Goals (SDGs) and incorporated it with the Somaliland National Development Plan II (NDPII). The following Goals, accepted by Somaliland, are a cornerstone for access to justice and ending gender inequality and gender-based violence:
SDG 16.3: Promote the rule of law at the national and international levels and ensure equal access to justice for all; and
SDG 5.3: Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation.

45. Women and children already face challenges in accessing to justice. The 2018 Act aimed to provide access to justice, eliminate harmful practices including child marriage and punish perpetrators within the formal legal system to prevent traditional leaders intervening sexual offences and solving cases outside of the judiciary.

46. This Bill works in contrary to the Goals set by the government of Somaliland and international human rights laws endorsed by the constitution. As detailed in the previous paragraphs of this brief, women's and children's rights to access to justice will be dramatically hindered by the many barriers enshrined in the Bill, including, inter alia:
   - The inadmissibility of forensic evidence.
   - Obligating eyewitnesses.
   - Rejection of women as witnesses.
   - Probability of punishing survivors, which will decrease reporting of sexual offences.
   - Allowing clan elders to agree on cases by paying money compensation.
   - Narrowly defining rape; and
   - Dealing with children as adults.

XIII. ADVOCACY ARGUMENTS

47. According to article 128 of the constitution, the constitution is the “supreme law of the land, and any law which does not conform to it shall be null and void.” Fundamental rights and individual freedoms include the provisions prohibited by the constitution to be subjected to any amendment. Moreover, “the legislative, executive and judicial branches of the state and the local government of the regions and the districts of the Republic of Somaliland, of all levels, shall be bound by the provisions of [the Bill of Right]. Hence, the Parliament shall not pass a law that infringes human rights. As stated in article 8 and 36 of the constitution, women have equal enjoyment of the rights and freedoms enshrined in the constitution. Discrimination in its all forms is outlawed by the constitution.

48. Regarding the interpretation of “the articles which relate to fundamental rights and freedoms shall be interpreted in a manner consistent with the international conventions on human rights and also with the international laws referred to in this Constitution.” Therefore, legislations that are against the constitution or international human rights laws should be annulled.

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8 Somaliland Constitution, article 127
9 Somaliland Constitution, article 21
49. The fact is that women's rights enshrined in the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights are violated by the Bill. In addition to that, children's rights stipulated in the Convention on the Rights of the Child, the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights are also violated by the Bill.

50. Henceforth, the Bill violates both the constitution of Somaliland and international human rights laws. It is vague law, poorly drafted with contradictions and full of unclear terms. The implementation of the Bill, if signed into law, will undoubtedly cause children and women as well as boys and men to suffer human rights abuses.

**xiv. CONCLUSION**

51. The 2018 Act was a result of years of public consultations and involvement of stakeholders. It was not a perfect Act, and there were loopholes. However, it fulfilled the necessary standards in tackling rape and sexual offences and ascertaining procedure compatible with the 21st century and the inclusion of evidence. Also, it provided a procedure helpful for reporting offences and getting needed assistance. The Bill (2020) lacked public consultations to allow stakeholders (particularly civil society involvement) and to provide those who will be responsible for its implementation the opportunity to contribute. Hence there was no openness and transparency in the process of its drafting.

52. It will be very difficult, if not impossible, to prosecute suspects of rape. The Bill makes hard survivors of rape and other sexual offences to report in fear of reprisal and punishment. The complicated evidence rules are a novice and irreconcilable to Somaliland's legal system and justice sector. The Bill sets in motion a completely new outlook. The vast majority of police officers, prosecutors, lawyers and judges are trained in formal laws and have no substantial knowledge of Sharia and its jurisprudence.

53. The Constitution of Somaliland in letter and spirit aims to protect women's rights. A law that endangers women and girls and is inconsistent with established evidence rules and criminal procedure breach the constitution and international human rights laws. For instance, child marriage and forced marriage are permitted by the Bill contrary to the international human rights laws.

54. To sum up, this Bill is in violation of the constitution, international human rights laws and applicable evidence law and trial procedure. It is a paradigm shift that is opening a door for future harsh legislations. Children will particularly face a dangerous situation. The Bill grants impunity for perpetrators of sexual and gender-based violence.
XV. RECOMMENDATIONS

55. This is not a policy briefing. Therefore, the recommendation we herein provide is limited to the possible legal avenues. The analysis recommends stakeholders to conduct coordinated advocacy to prevent final approval of the Bill. The Bill is currently with the Guurti which, legally, has the power to propose amendments. If the Guurti, approves the Bill in its current form, the President is the next step. The constitution gives the President the power to veto a law and return to the Parliament. Therefore, the advocacy needs to focus on the President who has enormous influence in the Guurti plus his mandate to veto any Bill.

56. Advocacy in these institutions requires setting up a strategy based on cooperation and coordination of all stakeholders, civil society, international partners, donors and diplomats. The primary decision-maker who can change the Bill is the President of Somaliland. The emphasis of this recommendation is to direct most of the attention and pressure on the President's office. Apart from the influence and powers of the office of the President, the Cabinet first proposed the Bill. Thus, it is not an issue the executive can refer to the Parliament. The House of Representatives approved the proposed Bill of the executive (the Cabinet).

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The views expressed in this analysis are the author’s own and do not necessarily reflect the views of Save the Children.