SOMALIA NATIONAL BUREAU OF STATISTICS
THE FEDERAL REPUBLIC OF SOMALIA

GOVERNANCE STATISTICS REPORT 2023

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FOREWORD

I am honored to present the first Governance Statistics Report by the Somalia National Bureau of Statistics. This report marks a pivotal moment in the discipline of Governance Statistics, representing the culmination of an arduous yet rewarding journey of engaging key data producers within the Government and collecting, consolidating, and analyzing administrative data in a field that is both complex and critical.

Governance statistics is vital for our nation's advancement; it enables us to measure progress towards crucial developmental goals. Data in this report directly aligns with and responds to Pillar 1 - Inclusive and Accountable Politics, and Pillar 2 - Security and Rule of Law of the Ninth National Development Plan. It provides a quantitative backbone to our qualitative aspirations, offering insights that are indispensable for informed policymaking and effective governance.

Furthermore, this report resonates profoundly with Sustainable Development Goal 16: Peace, Justice, and Strong Institutions as well the World Bank and African Development Banks Country Policy Institutional Assessment.

The journey to this report has been an innovative endeavor by bringing together and engaging bi-laterally with data custodians and producers within key Ministries, Departments and Agencies. The challenges we encountered not only tested our resolve but also enriched our under-standing by strengthening relationships with institutions who routinely collect administrative data within the field. This Report, therefore, is much more than a compilation of statistics; it is a testament to our dedication to evolving and enhancing our data collection practices in governance. Data from this report underscores our commitment to measuring tangible realities that can shape institutional frameworks that foster a society where peace and justice are not mere ideals.

We envision this report serving as a cornerstone reference for practitioners, policymakers, academics, and all stakeholders in the broad field of governance. The Somalia National Bureau of Statistics is committed to continuously refining our methods and expanding our data sources to ensure that future editions of this report offer even greater depth and breadth of insight.

As we present this report, we do so with the hope that it will brighten the path towards a more inclusive, accountable, and just Somalia. The advancement of Governance Statistics as a discipline in Somalia, marks the beginning of a new era in statistical development, one where data not only informs but also inspires action towards a better future for our nation.

Sharmarke Mohamed Farah
Director General
Somalia National Bureau of Statistics

> We envision this report serving as a cornerstone reference for practitioners, policymakers, academics, and all stakeholders in the broad field of governance

ACKNOWLEDGMENTS

Together, we have laid a good foundation for the development of sound policies aimed at fostering a transparent, accountable, peaceful, and just society in Somalia

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ACRONYMS

AD	Administrative Data
ADR	Alternative Dispute Resolution
AfDB's	African Development Bank
AGO	Attorney General Office
AS	Al-Shabaab (AS)
ATMIS	African Transition Mission in Somalia
BRA	Banadir Regional Administration
CID	Criminal Investigation Department
CPJ	Committee to Protect Journalists
CPIA	Country Policy Institutional Assessment
ESA	East and Southern Africa Region
FGS	Federal Government of Somalia
FMS	Federal Member States
GPS	Governance, Peace, and Security
FRC	Financial Reporting Center
IAC	International Armed Conflicts
IHL	International Humanitarian Law
MDA	Ministries, Department and Agencies
NDP-9	National Development Plan-9
NIAC	Non-international Armed Conflicts
OECD	Organization for Economic Co-operation and Development
OHCHR	Office of the United Nations High Commissioner for Human Rights
SDG 16	Sustainable Development Goal 16
SMSJ	Somali Mechanism for Safety Journalists
SNBS	Somali National Bureau of Statistics
SSC	State Supreme Courts
UCDP	Uppsala Conflict Data Program
UNDP	United Nations Development Programe

UN Photo / Tobin Jones

1 INTRODUCTION

1. INTRODUCTION

1.1 Background

Governance statistics play a crucial role in fostering inclusive, transparent, and accountable connections between the government and its citizens in Somalia. Governance issues are embedded in the Somalia National Development Plan (NDP-9) and in the measurement of progress towards achieving the set targets of national development priorities. Specifically, under Pillar One Inclusive and Accountable Politics and Pillar two Security and Rule of Law. In fact, fifty percent of the Pillars data within the NDP-9 (two out four pillars) derive from Governance Statistics. Further, international, and regional development frameworks should also be monitored during the period of the NDP-9, specifically SDG 16 Peace, Justice and Strong Institutions and the World Banks and AfDB's more contextual Country Policy Institutional Assessment (CPIA), which Somalia has been a part of since 2019. Monitoring and reporting on these national, regional, and international Governance Statistics frameworks are essential for achieving the 2030 Sustainable Development Agenda.

The effectiveness of government in Somalia is reflected in its practical interactions with its citizens with the fundamental principles of making these interactions inclusive, transparent, and accountable. This includes providing services, ensuring security, maintaining territorial integrity, and fostering political and social cohesion. However, the prolonged conflict, political instability, and the fragility of state institutions in Somalia has led to public disillusionment, as evidenced by widespread apathy.[1] Challenges such as the security threats posed by Al-Shabaab, and confrontational politics further hinder effective governance. Additionally, the use of the 4.5[2] clan power sharing formula instead of meritocracy impedes the effectiveness of the government and the progress towards good governance. Government effectiveness, as defined by worldwide governance indicators, is the perception of public service quality, the quality of policy formulation and implementation, and the government's credibility in fulfilling its commitments to those policies[3].

1.2 Definition of Governance

Although the concept of "good governance" has been a topic of discussion in political and academic circles for a considerable period, there is no universally accepted and unanimously agreed-upon definition for it[4]. However, within the realm of international affairs, there is a notable consensus that "good governance" pertains to the political and institutional processes and outcomes that are considered essential for attaining development objectives. The Office of the United Nations High Commissioner for Human Rights (OHCHR) defines of good governance as: "the process whereby public institutions conduct public affairs, manage public resources and guarantee the realization of human rights in a manner essentially free of abuse and corruption, and with due regard for the rule of law (OHCHR, 2000)."[5]

1.3 Importance of Governance Statistics

Governance statistics enables the tracking of (NDP-9) implementation, where two out of four pillars aim to enhance the governance, peace, and security, particularly in Pillars 1 (Inclusive and Accountable Politics) and 2 (Security & the Rule of Law). In the context of Somalia, governance statistics hold significant importance in:

- Building a stable and democratic state after decades of conflict.

- Improving the delivery of essential services such as education, health, and water.

- Promoting economic development and creating jobs.

- Protecting the rights of citizens and ensuring that they are treated fairly by their government.

Governance Statistics can also facilitate monitoring and reporting on government actions and contribute to conflict prevention at various levels.

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1   Heritage Institute. (2021). Impediments to good governance. https://www.heritageinstitute.org/wp-content/uploads/2021/03/Impediments-good-governance-2.pdf

2   The 4.5 model is a clan-based power sharing which allocates each of the 4 "major" clan groups an equal share in parliament (Hawiye Darood, Digil & Mirifle and Dir) and half a share to "minority" groups.

3   Kraay, A., Kaufmann, D., & Mastruzzi, M. (2010). The worldwide governance indicators: Methodology and analytical issues. Pol-

icy Research Working Papers. https://doi.org/10.1596/1813-9450-5430

4   Paria City Group on Governance Statistics 2020, HANDBOOK ON GOVERNANCE STATISTICS.

5   OHCHR (2000). What is good governance? Available at: http://www.ohchr.org/EN/Issues/Development/Good Governance/Pp./GoodGovernanceIndex.aspx

1.4   Guide for Readers

The information presented in this report is compiled from different data sources mainly administrative data sources from different Ministries, Department and Agencies. This document also collected data from international organization and civil society. The source for each table/graph is provided alongside its respective presentation. The SDG 16 indicators in this report have been contextualized due to the unavailability of the data and to align with the specific context of governance, peace, and security in Somalia. Some of the partially data-supported indicators can be covered by proxy indicators. Further, in this report we also analyze Somalia's scoring within the World Banks CPIA from 2019, and measure progress by consolidating findings aligning with SDG16 indicators and CPIA themes.

1.5   Purpose of the Governance Statistics Report

The overall purpose of this report is to design and format the Somalia Governance Statistics Report in a user-friendly manner, ensuring it is easily readable and accessible to a wide range of stakeholders.

The production of governance statistics in Somalia serves three main purposes:

- To track progress towards the National Development Plan (NDP-9) and to monitor and assess the performance of governance institutions and systems, identifying strengths, weaknesses, and tracking progress towards development goals.

- To inform evidence-based policy formulation and decision-making processes, helping policymakers identify priority areas for intervention and design targeted strategies to address governance challenges.

- To promote accountability and transparency by providing objective data that allows citizens, civil society organizations, and stakeholders to hold government entities accountable for their performance and outcomes.

1.6   Methodology

The methodology developed for arriving at gathering and analyzing data mostly relied on the administrative data records available pertaining to governance statistics from various government ministries, departments, and agencies (MDAs), in Somalia. This report includes statistical data on governance statistics that has been gathered from both international organizations and civil society. The report uses the metadata methodology of SDGs 16 indicators for measurements and analyses the CPIA themes.

1.7   Study Limitations

This report is based on mainly the administrative data records from the MDAs from the Federal Government of Somalia, five Federal Members States, specifically Jubaland, Hirshabelle, Puntland, Galmudug and Southwest State as well as Banadir region excluding Somaliland. The timeline of the administrative data is 2020, 2021, 2022 and most recent 2023. Another constraint is that criminal justice statistics primarily capture incidents that have been reported to or detected by law enforcement agencies and have entered the formal criminal justice system. As a result, these statistics are prone to undercounting due to the presence of unreported or undetected crimes, commonly known as the "dark figure"[6].

1.8   Scope and Coverage

This report is following the guidelines of Praia City Group[7] Handbook on a framework for governance statistics that includes eight dimensions of governance: Participation in Political and Public Affairs, Access to and Quality of Justice, Safety and Security, Openness, Trust Non-discrimination and Equality, Responsiveness, and Absence of Corruption. Due to the lack of statistical administrative and survey data, this report is limited to the first four dimensions on governance statistics. The report also utilized the SDGs 16 indicators as a guideline, given their strong focus on governance issues. SDG 16 aims to "promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels". This goal addresses three interrelated topics, namely "peace", "inclusion" and "institutions", which are key enablers for the achievement good of governance. The statistics on governance in this report remain small, yet it can

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6   The variation between the number of crimes actually committed and the officially documented number of crimes.

7   Praia Group on Governance Statistics was established in 2015 by the UN Statistical Commission and mandated to develop "a handbook on governance statistics for national statistical offices".

be used as baseline and a benchmark to develop surveys at national level.

1.9   Structure of the Report

In addition to this Chapter, the report comprises of five more Chapters: Participation in Political and Public Affairs, Access to and Quality of Justice, Safety and Security and Openness. The final chapter of the report present the Challenges and Recommendations.

1.10 Data Availability and Data Gaps

The data landscape in Somalia is challenging and complex due to the impact of prolonged conflict and instability on institutions. Accessing essential administrative data is highly challenging as it may be non-existent or of low quality. Moreover, MDAs may be reluctant to share data related to governance, peace, and security due to its sensitivity in nature. When data is available, it often consists of one-time cross-sectional figures rather than panel or longitudinal data, which are crucial for measuring indicators at the outcome level. At times data was difficult to source due to a lack of willingness from some MDAs to share this with SNBS.

Out of twenty-four SDG 16 indicators, 9 have partial data support in Somalia. Almost half of SDG 16 indicators is dependent on administrative data sources which is partially available in Somalia but is very challenging to obtain the data from (MDAs) and substantial efforts are needed to generate disaggregated data obtained from administrative sources. The other half of the SDG 16 indicators will require to conduct a comprehensive survey[8] as they require information on the citizens, their experiences and feelings occurring in the interaction with the public sector in the context of service delivery and transactions which is not available in the country. The identification of the indicators mentioned in this report is based on the availability of data relevant to each indicator.

The primary approach to measuring SDG 16 in Somalia is to initially contextualize the indicator to align with the specific context of governance, peace, and security in the country. This ensures that the measurement framework takes into account the unique circumstances and challenges related to governance, peace and security in Somalia.

1.11 Surveys needed

To effectively measure governance statistics, survey data is needed to gather relevant data. These survey data sets include:

Comprehensive Governance Statistics Survey: This Survey assesses various aspects of governance at the national level, gathering data on government performance, transparency, accountability, citizen participation, rule of law, and other governance-related indicators. Specifically, within the Governance Statistics Survey there needs to be data on crime victims from individuals who have been victims of crime, helping to assess crime rates, types of crimes, and the effectiveness of crime prevention measures. Data on law enforcement and criminal justice institutions should evaluate the performance and efficacy of law enforcement agencies and criminal justice institutions, providing insights into their capacity, transparency, and effectiveness. National Integrity data: this data measures citizens' perceptions and experiences regarding integrity, transparency, and accountability in public institutions, shedding light on issues such as corruption and governance challenges. Data on National Service Delivery: This data should focus on assessing the quality and effectiveness of public services, such as education, healthcare, and infrastructure, to identify gaps and improve service delivery. Finally, Justice Perception data: this data gauges public perceptions of the justice system, including trust in courts, fairness of legal processes, and overall satisfaction with the performance of the justice system.

Business Enterprise Economic Surveys: These surveys target businesses and enterprises, collecting data on economic factors such as business practices, investment climate, and challenges faced by businesses in relation to governance.

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8   See the UNDP Report 2023, Global Progress Report on Sustainable Development Goal 16 Indicators: A Wake-Up Call for Action on Peace, Justice and Inclusion SEPTEMBER 21, 2023

UN Photo /Tobin Jones

2 PARTICIPATION IN POLITICAL AND PUBLIC AFFAIRS

2. PARTICIPATION IN POLITICAL AND PUBLIC AFFAIRS

2.1 Introduction

The Ninth National Development Plan incorporates the Inclusive Politics Pillar as one of its four pillars, which aims to align and synchronize the national state-building process in Somalia. This Pillar focuses on three key areas: peace building efforts and federalism, the constitutional review process, and elections. Additionally, it integrates with the axes of reconciliation and institutional reforms and capacity building. The inclusive politics pillar plays a crucial role in promoting a participatory and inclusive governance framework for sustainable development in Somalia.

Somalia has not conducted direct legislative elections since 1969. According to the provisional Constitution 2012, the parliament consists of two chambers: the Lower House (known as the House of the People or parliament) with 275 members, and the Upper House (the senate) with 54 members. The Article 72 of the Constitution explicitly states that the Upper House should be elected directly by the people of the Federal Member States through a secret and free ballot. The number of members should not exceed 54, based on the 18 regions that existed in Somalia before 1991[9].

On the other hand, the Lower House follows a clan-based system known as 4.5[10]. Under this system, clan elders select delegates who then choose lawmakers. In the 2012 election, 135 clan elders, 30 each from the four main clans and 15 from the coalition of minority clans were responsible for selecting members of the National Constituent Assembly and the 275 members of the House of the People[11]. In the 2017 indirect election, 51 clan representatives (selected by traditional elders) elected each parliamentarian, and the voting took place in one city per Federal Member State.

In the most recent election cycle in 2021, a clan representative consisting of 101 are tasked with electing each Member of Parliament, and the

voting was set to take place in two cities per state, unlike the previous practice of one city. The 4.5 clan system approach has continued in both the 2016 and 2021-2022 elections, with clan elders and delegates selecting parliament members.

This chapter focuses on the women representation and participation in political office, including as members of national legislatives and executive bodies, representation in judicial bodies with power or influence over local matters, and representation in bodies of public service/administration in the federal level and Federal Member States level.

2.2 Women Representation

The constitution of Somalia emphasizes gender equality, prohibits discrimination, and obliges ensuring full participation of women in leadership. NDP-9 targets increasing women's participation in leadership. Yet, women face difficulties in having full and effective participation and equal opportunities for leadership positions. The electoral law stipulates a 30% quota for female representation in the federal parliament and state assemblies.[12] The implementation of a 30% parliamentary gender quota in Somalia aimed to enhance women's political representation. However, despite this progress, women continue to face limitations in terms of meaningful influence and impact in governance, particularly in shaping gender-responsive legislation and policies. In 2022 parliamentary election, only 19 percent of women were elected the House of the People, Leaving many challenges unaddressed.

According to the 2019 and 2022 CPIA (Country Policy and Institutional Assessment) World Bank report, Somalia received a same score of 2.0 for Gender Equality. In comparison, the East and Southern Africa region attained a higher score of 3.3 in this criterion.

Indicator 16.7.1: *Proportions of positions in national and local institutions, including (a) the legislatures; (b) the public service; and (c) the judiciary, compared to national distributions, by sex, age, persons with disabilities and population groups.* This indicator measures decision-making with respect to the sex of members of parliament. It identifies the proportion of women in the parliament, cabinet, Judiciary, and public service positions.

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9   See the Federal Constitution of Somalia, article 72. Available at https://www.parliament.gov.so/images/ Downloads/Dastuur-ka_ku_meelgaarka_SOM_03092012-1_2.pdf

10   The 4.5 model is a clan-based power sharing which allocates each of the 4 "major" clan groups an equal share in parliament (Hawiye Darood, Digil & Mirifle and Dir) and half a share to "minority" groups.

11   Consultative Meeting of the Somali Signatories of the Process for Ending the Transition Communiqué', Galka'yo, 26 March 2012. Accessed 3 September 2023, https://unpos.unmissions.org/sites/default/files/120326%20Galkayo%20Communique_0.pdf.

12   NDP-09 Page 139

Overall, the representation of women in both chambers remains below the target of achieving a 30% quota for women parliamentarians

Table 2.1 provides information on the representation of women in the House of the People and the Upper House Senate. In 2016, out of the 275 members elected to the Lower House, there were 67 women MPs, representing 24% of the total. However, in 2022, the number of women MPs in the House of the People decreased to 54, accounting for 20% of the total MPs. This indicates a decline of 4% in the proportion of women elected to the House of the People from 2016. In the Upper House, the representation of women in 2016 was 24%, which slightly increased to 26% in the 2022 term, reflecting a 2% increase from 2016. The average representation of women between the Upper House and Lower House is 6% higher in the upper house.

Overall, the representation of women in both chambers remains below the target of achieving a 30% quota for women parliamentarians.

The table 2.2 show the seats of the Upper House senates and Lower House member of parliaments by constituency. The senates were distributed as follows: Puntland and Somaliland have been given more seats than the other administrations, with 11 senate members each and with a 27 percent representation of women. Four regional administrations, namely Hirshabelle, Galmudug, Southwest and Jubaland, were given 8 senate members each and at 25 percent of women. There were no upper house seats for Banadir region since Mogadishu's status remains a key outstanding issue in Somalia's political settlement. The distribution of members of parliament in the Lower House was uneven among the constituencies. The Southwest region had the highest number with 69 MPs, followed by Somaliland with 46 MPs, Jubaland with 43 MPs, and both Puntland and Galmudug with 37 MPs each. The Banadir Region had the lowest representation with only 5 MPs. Regarding women's representation, Somaliland had the highest percentage at 28%, followed by Galmudug at 24%. The constituency with the lowest women's representation was Hirshabelle, with only 8% of the 38 MPs being women.

Figure 2.1 provides a comparison of the percentage

Table 2.1 Women Representation in the Lower House and Upper House (Bicameral)

	Lower House		Upper House	
	2016	**2022**	**2016**	**2022**
Men	208	221	41	40
Women	67	54	13	14
Percentage of women	24%	20%	24%	26%
Total	**275**	**275**	**54**	**54**

Source: Inter-Parliamentary Union

Table 2.2 Percentage of Women in Lower House & Upper House Seats by Constituency

	Constituency	Member of Parliaments	% women Lower House	Upper House Senates	% women Upper House
1	Banadir Region	5	20%	-	-
2	Somaliland	46	28%	11	27%
3	Puntland	37	16%	11	27%
4	Jubaland	43	19%	8	25%
5	Galmudug	37	24%	8	25%
6	Southwest	69	19%	8	25%
7	Hirshabelle	38	8%	8	25%
Total		**275**		**54**	

Source: Somali Parliament (The House of the People)

Figure 2.1 Percentage of Women in Sub-Saharan Africa Parliaments
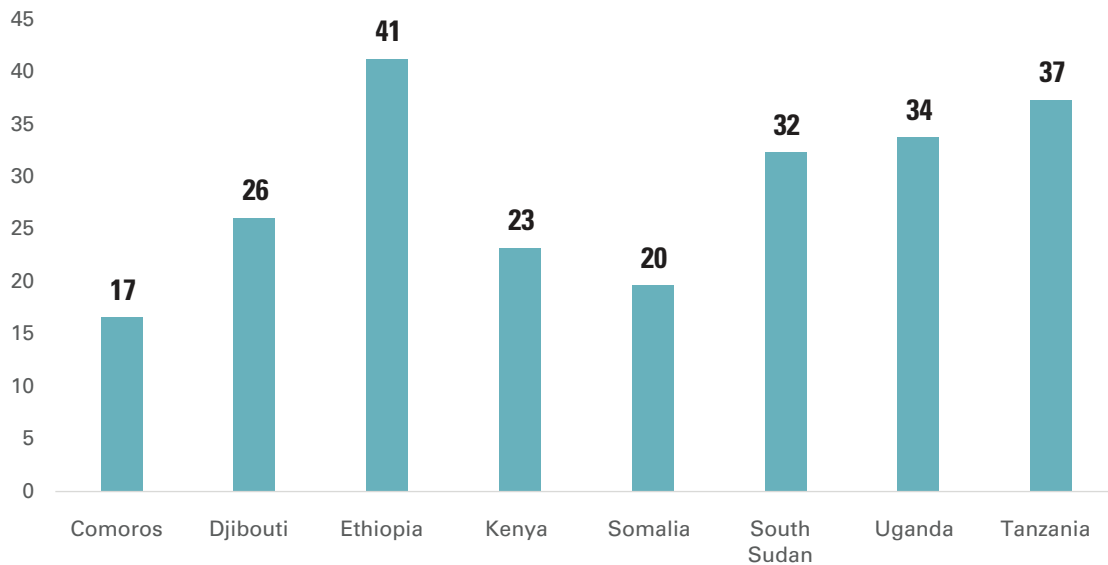
Source: Inter-Parliamentary Union

Table 2.3 Lower House and Upper House Permanent Committee by Sex and Chairperson in 2023

SN	Lower House Committee	Number of Parliamentarians			Chairperson	%Women
		Male	Female	Total		
1	Foreign Affairs Committee	16	3	19	Male	16
2	Defence Committee	13	0	13	Male	0
3	Finance Committee	20	1	21	Male	5
4	Human Rights and Gender Equality Committee	4	7	11	Female	64
Total		**53**	**11**	**64**	**75%**	**17%**
SN	Upper House Committee	Number of Parliamentarians			Chairperson	%Women
		Male	Female	Total		
1	Foreign Affairs Committee	3	2	5	Female	40%
2	Defence Committee	5	0	5	Male	0%
3	Finance Committee	5	2	7	Male	29%
4	Human Rights and Gender Equality Committee	3	2	5	Female	40%
Total		**16**	**6**	**22**	**50%**	**27%**

Source: Somali Parliament (The House of the People)

of women in parliaments across Sub-Saharan Africa. In 2022, Somalia had a relatively low representation of women in parliament, with 20% of seats held by women. Comoros had the lowest representation at 17%.

In contrast, Ethiopia had the highest representation of women in parliament at 41%, while Tanzania followed closely with 37% representation. These figures highlight the variation in women's participation in parliamentary politics across Sub-Saharan Africa, with Somalia ranking among the countries with lower levels of women's representation.

Table 2.3 illustrates the percentage of women in the Committees of both the Upper House and Lower House. In the Lower House Committees, male members dominate with 83%, while women represent only 17%. Additionally, 75% of the Chairpersons in the Lower House are male. Notably, there is no female representation in the Defense Committee of the Lower House. Moving to the Upper House, male members also dominate

It is evident that men have been dominant in government employment. However, there has been a relative increase in the percentage of women joining as civil servants from 5% in 2007 to 36% in 2019

Table 2.4 Women Percentage in the Cabinet Position

Cabinet Ministries	2017	Year 2022
Men	21	23
Women	6	3
Percentage of women	22.2%	11.54%
Total	**27**	**26**

with 73%, while women represent 27% of the Committees. However, the Chairpersons of the four assessed Committees in the Upper House are evenly split at 50% each in terms of gender. It is worth mentioning that the Defense Committee in the Upper House is exclusively male dominated. Similarly, both the Upper House and Lower House share the absence of female representation in their respective Defense Committees.

Table 2.4 displays the current composition of the Cabinet, consisting of a total of 26 members. Among the Cabinet members, there are three women serving as full Ministers, representing 11% of the total Cabinet. In comparison, the previous government, which handed over power in May 2022, had six female Cabinet members, accounting for 22% of the Cabinet at that time[13].

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13   https://www.qaranimo.com/2017/03/21/liiska-golaha-wasiirada-rw-khayre-iyo-beelaha-ay-kasoo-jeedaan/

Table 2.5 presents the percentage of women in various positions within the Courts and the Office of the Attorney General (AGO). It indicates that there are no female judges at both the Federal and Federal Member States (FMS) levels. However, within the AGOs, there is a representation of women in the roles of prosecutors and clerks. The percentage of women prosecutors in the AGOs is 23%, and for clerk positions, it is 26%. It is worth noting that the Attorney General of the Federal Government of Somalia has implemented an "Affirmative Action Policy" to encourage and increase the number of female prosecutors in the AGO office. This policy aims to promote gender equality and participation in the legal system.

2.3 Permanent Civil Servant Intake

Table 2.6 and Figure 2.2 present data indicating significant variations in the number of civil servant intakes over the years, categorized by sex. The years with the highest intakes were 2013, followed by 2014 and 2016. Conversely, the years 2008 and 2007 had the lowest intakes. It is evident that men have been dominant in government employment. However, there has been a relative increase in the percentage of women joining as civil servants from 5% in 2007 to 36% in 2019. This percentage then sharply declined to 17% in 2020 but subsequently increased to 31% in 2022.

Table 2.5 Proportions of Women in the Judiciary Positions in National Institutions by Sex and States

Judiciary	Banadir		Puntland		Jubaland		Southwest		Galmudug		Hirshabelle		Total	%Percentage of women
Gender	M	F	M	F	M	F	M	F	M	F	M	F		
Judges	68	0	74	0	40	0	57	0	31	0	40	0	**310**	0%
Registrars	88		40		20		73		18		0		**239**	N/A*
Office of the Attorney General														
Prosecutors	21	7	13	6	6	0	21	6	4	0	3	2	**89**	23%
Clerks	49	20	7	1	1	0	7	1	2	1	0	0	**89**	26%

Source: Office of the Attorney General (Federal) and Courts   *Didn't receive gender disaggregated data

Figure 2.2   Civil Servant Intake, Jan. 2007 - Dec. 2022
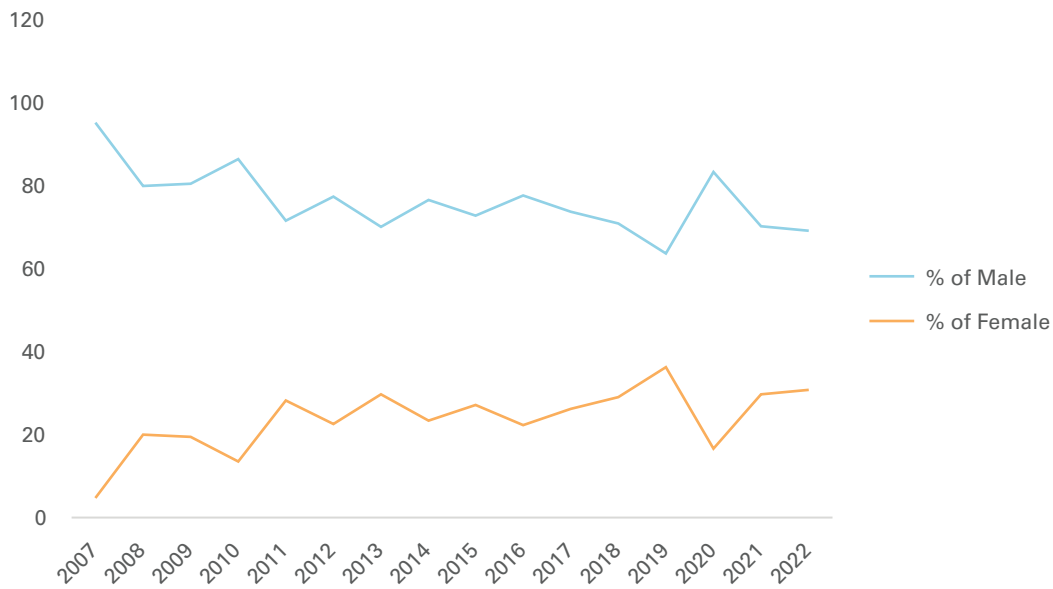
Source: Somali National Civil Service Commission

Figure 2.3   Distribution of Permanent Civil Servants BRA by grade and sex 2022
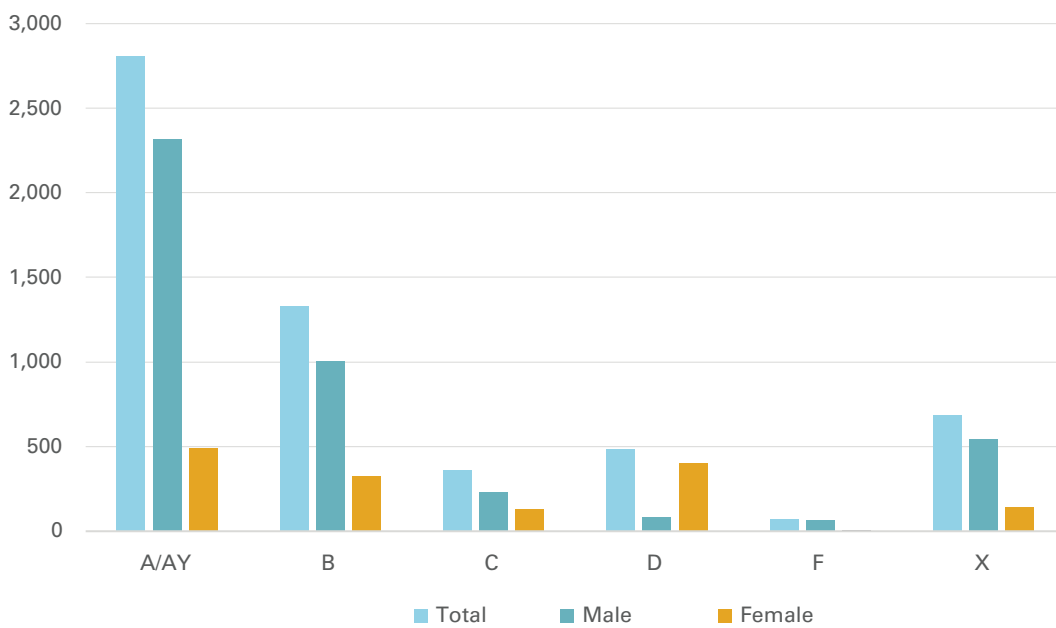
Source: Somali National Civil Service Commission

Table 2.6 Permanent Civil Servant Intake BRA Region, 2007-2022

Civil Servant Intake, Jan. 2007 - Dec. 2022			
Year	Male	Female	Total
2022	135	60	195
2021	180	76	256
2020	130	26	156
2019	158	90	248
2018	188	77	265
2017	219	78	297
2016	552	158	710
2015	341	127	468
2014	709	216	925
2013	973	413	1,386
2012	195	57	252
2011	157	62	219
2010	102	16	118
2009	120	29	149
2008	8	2	10
2007	81	4	85
Total	**4248**	**1491**	**5739**

Table 2.7 Percentage Distribution of Permanent Civil Servants BRA by Grade and Sex

Civil Servant by Grade Dec. 2006-Dec. 2022						
Grade	Male		Female		Total	% by grade
	Counts	%	Counts	%		
A/AY	2,316	82.5	491	17.4	2,807	49%
B	1,003	75.5	325	24.4	1,328	23%
C	231	64.1	129	35.8	360	6%
D	84	17.1	405	82.8	489	9%
F	69	97.1	2	2.8	71	1%
X	545	79.6	139	20.3	684	12%
Total	**4,248**	**74.0%**	**1,491**	**25.9%**	**5,739**	**100%**

Source: Somali National Civil Service Commission

This table below explains the categories/grades of the civil servants.

Categories/Grades of Civil Servants			
A/Ay=	Bachelor's degree and above	**D=**	Cleaners
B=	Secondary Certificates	**F=**	Professional Skills
C=	Intermediate Certificate	**X=**	Technical Skills.

Table 2.8 Federal Member State Civil Servants by State and Sex in the year 2022

Federal Member State Civil Servants by State and Sex in the year 2022							
Federal Member States	Puntland	Jubaland	Galmudug	Southwest	Hirshabelle	Total	%Percentage
Male	2973	575	132	143	124	3,947	74%
Female	1157	124	43	23	28	1,375	26%
Total	**4,130**	**699**	**175**	**166**	**152**	**5,322**	**100%**

Source: Somali National Civil Service Commission

Table 2.7 and Figure 2.3 provide an overview of the distribution of government employees in BRA by grade and sex. The percentage of women in the civil service is relatively low, accounting for only 26% compared to men at 74%. When considering the different grades, the majority of female government employees are in the cleaner category, comprising 83% of female civil servants. On the other hand, the Professional Skills category is predominantly male, with 97% of employees in this category being male and only 2% being female. Furthermore, a significant majority of civil servants with bachelor's degrees and above are male, making up 83% of this group, while females account for 17%. These findings suggest that women constitute a smaller portion of the civil service, with evidence indicating that they primarily work in lower-ranking positions.

Table 2.8 and Figure 2.4 present data on civil servants in the Federal Member States (FMS). Among all FMS civil servants, males dominate at 74%, while females account for 26%. Interestingly, there is a similarity in the representation of women in civil service between the Benadir Regional Administration (BRA) and the FMS, both standing at 26%.

When examining the distribution across FMS, Puntland has the highest number of civil servants, constituting 77% of FMS civil servants. On the other hand, Hirshabelle has the lowest percentage of civil servants among the FMS, standing at only 3%.

Figure 2.4   Federal Member State Civil Servants by State and Sex in the year 2022
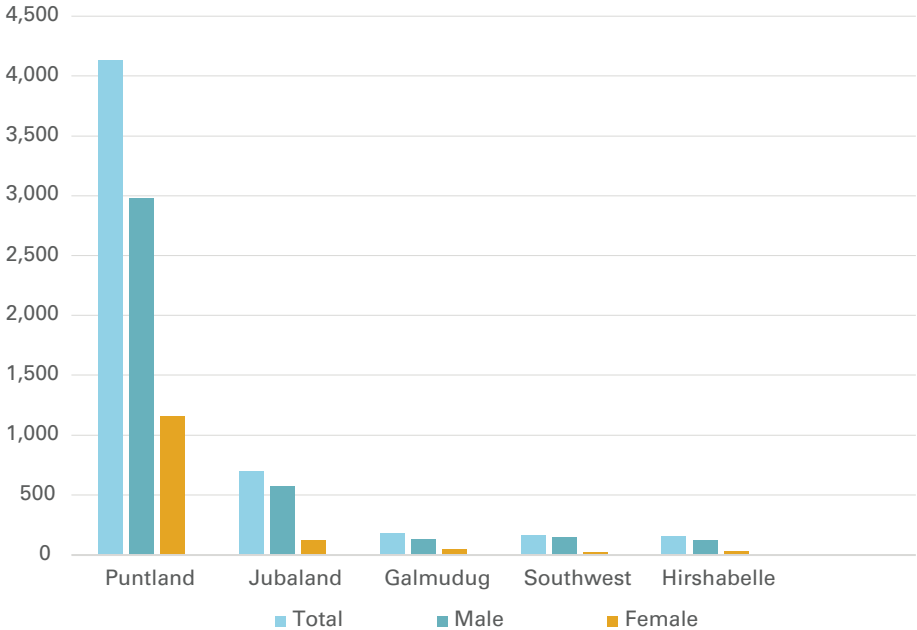
David Mutua/UN Photo

3 ACCESS TO JUSTICE

3. ACCESS TO JUSTICE

3.1 Introduction

Access to justice refers to individuals' capacity to pursue and attain redress through formal or informal justice institutions in alignment with human rights principles and standards[14]. Ensuring access to justice is a fundamental principle of upholding the rule of law. By promoting access to justice, individuals are empowered to express their opinions, exercise their rights, challenge discrimination, and hold decision-makers accountable. The delivery of justice should be fair, unbiased, and free from discrimination. The independence, impartiality, and integrity of the judicial system are crucial for upholding the rule of law and preventing discrimination in the administration of justice. It is the responsibility of states to take all necessary measures to provide equitable, transparent, efficient, non-discriminatory, and accountable services that facilitate access to justice for everyone.

According to the World Bank CPIA 2019 and 2022 report, in the dimension of (b) quality of the legal and judicial system, as measured by independence, accessibility, legitimacy, efficiency, transparency, and integrity of the courts and other relevant dispute resolution mechanisms; under the criteria of Property Rights and Rule-Based Governance, Somalia received the lowest score of 1.0 in 2019 and 2022 report. In contrast, the East and Southern Africa region achieved a higher score of 2.7 in this criterion.

3.2 Challenges of Access to justice

Despite considerable progress and reforms made in the last decade on access to justice, many justice gaps continue to affect the population of Somalia. The justice system in Somalia encounters a multitude of diverse challenges including the independency of the justice system, inadequate compensation, lack of protection/violence against criminal justice personnel and lack of enforcement.[15] Somali citizens encounter difficulties in accessing justice primarily due to limited awareness of their rights, limited proximity to justice services, and insufficient availability of legal aid. The Federal Government allocates a

budget for the access to justice institutions such as the judiciary, police, and the ministry of justice. The budget allocated for these institutions is small and hardly covers any extensions or expansion[16].

3.3 Justice System in Somalia

In Somalia the majority of the five Federal Member States (FMS) and Benadir Region Administration (BRA) utilize a three-tiered justice system inherited from the Siyad Barre regime. The Court of First Instance, the Appeals Court and at the pinnacle of this hierarchy is the State Supreme Court (SSC), which serves as the highest court within the Federal Member States (FMS). While certain states, such as Puntland, have made significant progress in aligning their local laws and achieving coherence and integration within their judicial systems, other states like Galmudug and Hirshabelle have fallen significantly behind in institutionalizing their respective judicial branches. Each FMS in Somalia has its own constitutions accompanied by set of laws and guidelines for the crimes. The majority of the states apply a combination of British Common Law, Italian Continental Law, Shariah, and customary Xeer in their statutory courts. This results in a mixture of legal influences and practices within the justice systems across the different states.

This chapter focuses on two Indicators 16.3.1 (proportion of victims of violence who report these crimes), contextualizing this indicator as the number of civil, family and criminal cases reported to the courts and Office of the Attorney General (AGOs) of five federal member states and Banadir region in the year 2022, and 16.3.2 (unsentenced detainees as a proportion of the prison population) as means to assess the rule of law and access to justice.

3.4 Cases Reported to the AGOs and Courts in Somalia

Indicator 16.3.1: *Proportion of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms.* Essentially, this indicator seeks to assess the operational effectiveness of Justice institutions

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14   See Teresa Marchiori. (2015). A Framework for Measuring Access to Justice Including Specific Challenges Facing Women. UN Women. https://rm.coe.int/1680593e83

15   See the Heritage Institute for Policy Studies "Rebuilding Somalia's Broken Justice System" 2021

16   See the Heritage Institute for Policy Studies "Rebuilding Somalia's Broken Justice System" 2021

responsible for upholding the rule of law. Its goal is to analyze and evaluate how well these institutions function in practice. The administrative data recorded by AGOs, and Courts are not disaggregated nor based on the people who sought service, but rather the number of cased filled. Due to lack of available data on victims of violence this indicator has been contextualized as the number of cases reported to the Courts and AGOs of five Federal Member States and Banadir region in the year 2022. Therefore, it is not clear how many victims were involved in the 6,114 cases reported by the AGOs and 9,342 cases filed in the Courts.

The annual report of the Prosecutors Conference published in 2022 stated that 6,114 occurrences of criminal cases were reported to the Federal Attorney General and five Federal Member States Attorneys across the country excluding Somaliland. According to the table 3.1 below, 68 percent were

Convicted or Acquitted. Almost 18 percent of these criminal cases were pending at the time of the report. 14 percent were disposed by the Attorneys Generals. Overall, 82 percent of the criminal case were resolved either convicted or disposed of by AGO. The highest number at 41 percent of the total case were filed in Puntland State followed by Banadir region at 27 percent while the least cases were filed in Hirshabelle 5% approximately.

The figure 3.1 presented below illustrates the annual increase of access to justice in the AGO (Attorney General's Office) within the Benadir Regional Administration (BRA) over the past three years. Notably, in 2022, there was a significant increase in the percentage of cases compared to the preceding years, 2020 and 2021. This rise indicates an improvement in the population's access to justice within the BRA.

Table 3.1   Crime Reports Forwarded to the AGO by States and BRA, 2022

States and BRA	Filed cases[a]	Pending[b]	Convict-ed/ Acquitted	Disposed of by AGO[c]
BRA	1,678	747	709	222
Puntland	2,518	65	2,385	68
Jubaland	414	65	252	97
Galmudug	467	70	274	123
Southwest	744	110	463	171
HIrshabelle	293	45	85	163
Total	**6,114**	**1,102**	**4,168**	**844**

a   Filed cases refer to: all cases brought before the Attorneys during the year in reference.
b   Pending cases refer to: the cases which had not been determined/resolved by State Attorneys and AGO during the year in reference.
c   Disposed of cases refers to: all cases that were resolved/determined before proceeding to the courts by State Attorneys and AGO during the year in reference.

Source: Office of the Attorney General (Federal)

Figure 3.1   Percentage of Cases Reported to the AGO Banadir Region in the year 2020 - 2022.
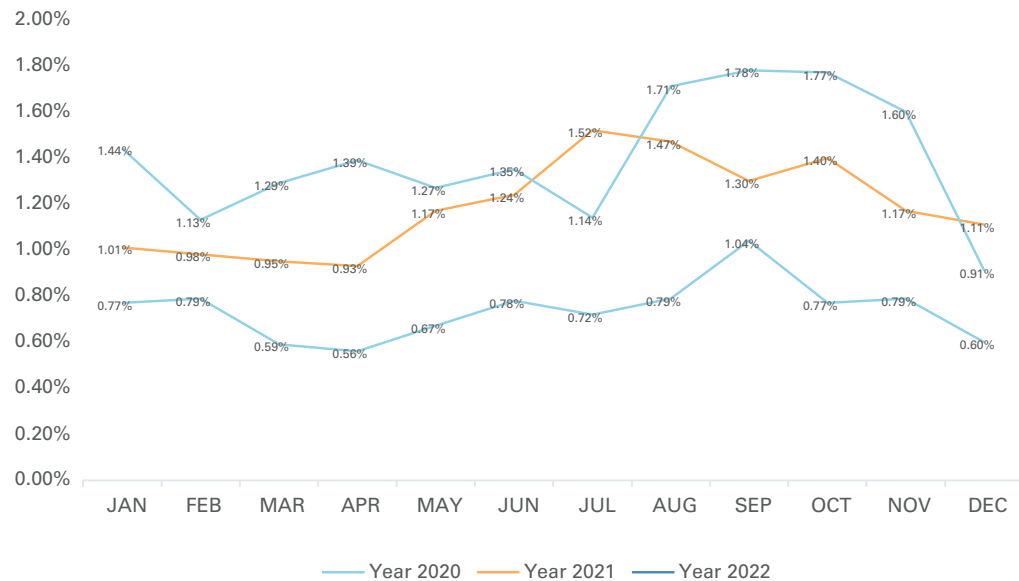
Source: Office of the Attorney General (Federal

Table 3.2 Proportions of Women in the Judiciary Positions in National Institutions by Sex and States

Judiciary	Banadir		Puntland		Jubaland		Southwest		Galmudug		Hirshabelle		Total	% Percentage of women
Gender	M	F	M	F	M	F	M	F	M	F	M	F		
Judges	68	0	74	0	40	0	57	0	31	0	40	0	**310**	0%
Registrars	88		40		20		73		18		0		**239**	N/A*
Office of the Attorney General														
Prosecutors	21	7	13	6	6	0	21	6	4	0	3	2	**89**	23%
Clerks	49	20	7	1	1	0	7	1	2	1	0	0	**89**	26%

Source: Office of the Attorney General (Federal)   *Didn't receive gender disaggregated data

Table 3.3 Number of Prosecutors Per caseload by Sex and States in 2022

States and BRA	Filed cases	Prosecutors		Total Prosecutors	Per caseload per prosecutors
		Male	Female		
BRA	1,678	21	7	28	60
Puntland	2,518	13	6	19	133
Jubaland	414	6	0	6	69
Galmudug	467	4	0	4	117
Southwest	744	21	6	27	28
Hirshabelle	293	3	2	5	59
Total	**6114**	**68**	**21**	**89**	

Source: Office of the Attorney General (Federal)

Table 3.4 Number of Cases Reported to the Courts by States and BRA, 2022

	Filed cases	Pending	Completed
Supreme Court (federal)	97	56	41
BRA	2,945	1,083	1,862
Puntland	N/A	N/A	N/A
Jubaland	1,167	103	1,064
Galmudug	1,907	76	1,831
Southwest	1,050	230	820
HIrshabelle	2,176	169	2,007
Total	**9,342**	**1,717**	**7,625**

Source: Judiciary Annual Conference Book, 2022

Table 3.2 presents the percentage of women serving as Judges and Registrars in the Courts, as well as Prosecutors and Clerks in the Office of the Attorney General. It reveals that there are no female judges in the Courts at both the Federal and Federal Member States (FMS) levels. However, in the Attorney General's Offices (AGOs), 23% of prosecutors and 26% of clerks are women. The Attorney General of the Federal Government of Somalia has implemented an "Affirmative Action Policy" to promote and enhance female representation by encouraging more women to become prosecutors in the AGO office.

Table 3.3 displays the data for the number of prosecutors and filed cases in the Federal Member States (FMS) and BRA (Benadir Regional Administration) in the year 2022. Puntland state had the highest caseload, with 19 prosecutors handling 2,518 cases, resulting in an average of 133 cases per prosecutor. Galmudug, on the other hand, had only 4 prosecutors handling 467 cases, resulting in an average of 117 cases per prosecutor. Southwest had the lowest caseload, with an average of 28 cases per prosecutor.

Table 3.4 presents data on the cases processed by Federal and FMS (Federal Member States) Courts

The majority of unsentenced detainees are male, accounting for 94% of the total, while unsentenced female detainees make up only 6%

Table 3. 5   Number of Cases Reported to ADR by FMS & BRA in July 2022-to June 2023

States and BRA	Federal & FMS ADR	
	Number of Cases Filled	% of Cases Filled
Banadir	432	10
Puntland	2,292	53
Jubaland	557	13
Galmudug	473	11
Southwest	432	10
HIrshabelle	172	4
Total	**4,358**	**100**

Source: Ministry of Justice and Constitutional Affairs

in 2022. The Courts of Somalia, excluding Puntland, received a total of 9,342 cases. Out of these cases, 82% were completed or resolved, while 18% were still pending in the Courts.

In terms of distribution by states, Benadir had the highest number of cases reported to the Courts, representing 32% of the total cases. Hirshabelle state followed with 23% of the cases. On the other hand, the Federal Supreme Court had the lowest proportion of cases, accounting for only 1%.

Table 3.5 below provides information on the number and percentage of cases reported to Alternative Dispute Resolutions (ADR), which serves as an informal justice system in Somalia, categorized by the Federal Member States (FMS) and BRA (Benadir Regional Administration). The data reveals that Puntland and Jubaland had the highest percentages, accounting for 53% and 13% of the cases, respectively. Galmudug state constituted 11% of the reported ADR cases, while Hirshabelle represented only 4%.

3.5   Unsentenced Detainees in BRA

Indicator 16.3.2: *Unsentenced detainees as a proportion of overall prison population.* This indicator signifies respect for the principle that persons awaiting trial shall not be detained in custody unnecessarily. This, in turn, is premised on aspects of the right to be presumed innocent until proven guilty. The prison population data obtained

Table 3.6   Proportion of Unsentenced Detainees by Sex in Banadir Region 2023

Detainees		M	F	Total
Sentenced	Count	1,707	19	1,726
	%	99%	1%	100%
Unsentenced	Count	548	34	582
	%	94%	6%	100%
Total		**2,255**	**53**	**2,308**

Prison population in Banadir Region on November 09, 2023.

from the AGO office does not provide the inclusion or exclusion of the detainees under the18 years of age and for people with disabilities.

The information presented in table 3.6 above pertains to detainees in two prisons and one detention center located in the Banadir region of Somalia, namely Mogadishu Central Prison, Mogadishu Prison and Court Complex, and CID detention center. The table specifically highlights the proportion of unsentenced detainees in the region based on their gender. Out of a total of 2,308 detainees, 582 (25%) fall into the unsentenced category. The majority of unsentenced detainees are male, accounting for 94% of the total, while unsentenced female detainees make up only 6%.

The prisons in Mogadishu are currently facing severe overcrowding, far beyond their original intended maximum capacity. This issue is further compounded by inadequate infrastructure. For instance, the central prison in Mogadishu was initially designed to house around 400 to 500 inmates[17]. However, over the past three years, the average number of detainees has more than doubled, reaching 1,193 individuals. This overcrowding situation has significant implications for the public health and well-being of the inmates.

17   Saferworld, January 2022., Detainee and detention center conditions in Mogadishu, Kismayo and Baidoa Macro data analysis and reporting.

There are no female judges in the Courts at both the Federal and Federal Member States (FMS) levels. However, in the Attorney General's Offices (AGOs), 23% of prosecutors and 26% of clerks are women. The Attorney General of the Federal Government of Somalia has implemented an "Affirmative Action Policy" to promote and enhance female representation by encouraging more women to become prosecutors in the AGO office

UN Photo / Ilyas Ahmed

4 SAFETY AND SECURITY

4. SAFETY AND SECURITY

4.1 Introduction

Security and Rule of Law Pillar within the Ninth National Development Plan (NDP-9) envisions the establishment of a shared National Security framework in Somalia. This vision aims to create an inclusive, sustainable, and effective national security system in collaboration with domestic and foreign partners. The pillar encompasses various initiatives focused on transformation and reform within the security sector. These initiatives aim to enhance security and promote the rule of law in Somalia, contributing to the overall development and stability of the country.

Security is vital for economic development, poverty reduction, and human well-being. It safeguards lives, possessions, and enables participation, mobility, and protection. Improved security at the national level fosters investment, economic activities, and social stability, while also facilitating effective governance. At the individual level, security ensures freedom of movement, education, and economic opportunities, particularly benefiting women.[18]

Although there have been advancements in weakening its operational capabilities, Al-Shabaab (AS) remains the foremost menace to the survival of the Federal Government of Somalia (FGS) and the achievement of peace and security in the country. AS continues to present a significant security challenge to Somalia, as well as to neighboring nations.[19] The broader sense of safety and security in a country can be measured by the amount of crime and violence and the quality of the government's response to the crimes and violence.

18   NDP-9
19   NDP-9

In the World Bank CPIA 2019 and 2022 report, in the dimension (c) crime and violence as an impediment to economic activity and citizen security under the categories of Property Rights and Rule-Based Governance, Somalia obtained same score, the lowest score of 1.0 while the East and Southern Africa region (ESA) scored 2.7, indicating a higher level of performance of

(ESA) region in these areas. This chapter focuses on intentional homicide, conflict related death, human trafficking, and illicit financial flows. Special attention is paid to analysis of real incidents and patterns of specific types of crimes that have the potential to inflict physical, sexual, or psychological harm on individuals and communities in Somalia particularly Banadir Region. Additionally, the chapter also considers illicit financial flows and conflicts between the state and other actors as part of the analyses.

4.2 Intentional Homicide Offences

Indicator 16.1.1: *Number of victims of intentional homicide per 100,000 population, by sex and age.* If the data are properly disaggregated, this indicator measures the most extreme form of violent crime and also provides a direct indication of lack of security. In the Somalia context where data on intentional homicide victims are not available, the number of intentional homicide offences, that is the number of incidents involving one or more victims recorded by the FMS Office of the Attorney Generals and Banadir region is used as a proxy.

Table 4.1 below presents data on intentional homicide offenses reported by states and the BRA (Benadir Regional Administration) in 2022. It reveals that the Banadir Region accounted for 133 out of the total 452 offenses reported to the Attorney

> Al-Shabaab (AS) remains the foremost menace to the survival of the Federal Government of Somalia (FGS) and the achievement of peace and security in the country

Table 4.1 Number of Intentional Homicide Offences by States and BRA in 2022

States and BRA	Filed cases	Pending	Convicted/Acquitted	Disposed of by AGO
BRA	133	77	38	18
Puntland	116	7	108	1
Jubaland	23	9	10	4
Galmudug	48	10	34	4
Southwest	99	21	65	13
Hirshabelle	33	12	17	4
Total	**452**	**136**	**272**	**44**

Source: Office of the Attorney General Somalia

Figure 4.1 Number of Criminal Cases in BRA by Type in the year 2022.

Figure 4.2 Number of Criminal Cases in BRA Region by Police Stations in 2022
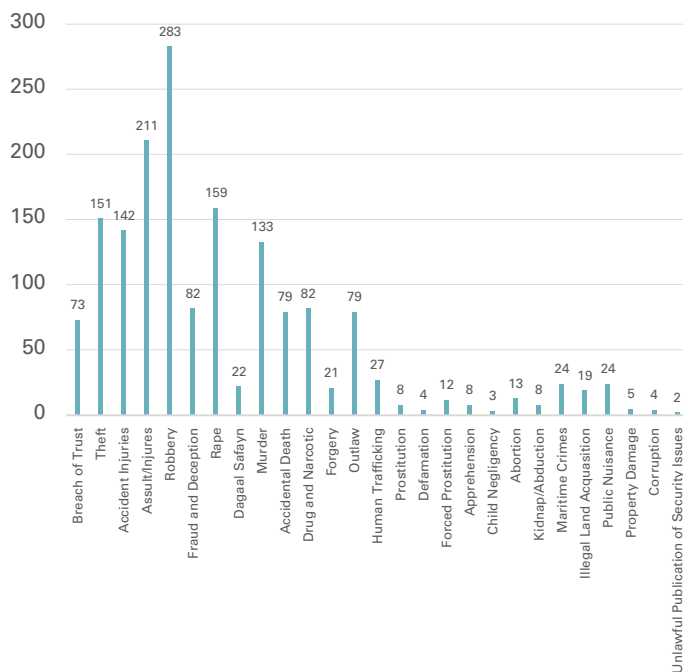
General's Office (AGO), representing slightly more than half of the reported offenses.

A significant number of these offenses are still pending in the Banadir Courts. Puntland recorded 116 offenses, followed by the Southwest state with 99 offenses. Jubaland had the lowest number of intentional homicide offenses reported, with 23 cases.

Figure 4.1 displays the count of criminal cases that were referred to the Office of the Attorney General of the Federal Government of Somalia. Among the 1,678 crime cases recorded in the Banadir region, the highest number of cases were related to robbery, with 283 instances reported. This was followed by injuries, with 211 cases, and gender-based violence, with 159 cases. On the other hand, the lowest number of crimes reported in the Banadir Region was only 2 cases of unlawful publication of security issues.

Figure 4.2 illustrates the criminal cases reported to the AGO (Office of the Attorney General) in the Banadir region, categorized by police stations. Among the cases recorded by the police stations, the CID (Criminal Investigation Department) had the highest number of reported cases, with 229 instances in the Banadir region. This was followed by the Dharkeynlay station, which recorded 185 cases, the Traffic station with 165 cases, and the Hoden station with 139 cases, respectively. The H/Jajab is the lowest reported Police Stations at 33 cases.

Figure 4.3 presents the distribution of criminal cases in the BRA (Benadir Regional Administration) based on sex and age groups. Among all the crimes committed in the Banadir region, the age group of 18-35 for males had the highest number of cases, with 1,175 out of 1,678 cases, accounting for 63% of the total. In comparison, the same age group for females had 76 cases, representing 5% of the total.

Conflict Related Death	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
State-Based Violence	2,150	1,937	1,625	913	1,111	1,201	1,943	1,918	2,213	1,946	1,945	2,174	3,040
Non-State Violence	554	109	257	0	9	2	41	49	160	172	82	3	4
One-Sided Violence	18	72	108	132	127	51	89	104	134	101	93	92	71
Total Number of Death	2,722	2,118	2,990	1,045	1,247	1,254	2,073	2,071	2,507	2,219	2,120	2,269	3,115
Per 100,000	22.6	17.3	24.0	8.1	9.3	9.1	14.5	13.9	16.2	13.8	12.8	13.2	17.7

In the age group of 14-18, males accounted for almost 13% of the crimes, while females in the same age group accounted for 3% of the cases. Additionally, in the age group of 35-60, males had a higher percentage of crime cases at 10%, compared to females in the same age group with 1% of the cases.

4.3 Conflict Related Death

Indicator 16.1.2: *Conflict-related deaths per 100,000 population, by sex, age and cause.*[20] This indicator measures the prevalence of armed conflicts and their impact in terms of loss of life in order to prevent future armed conflicts. International Humanitarian Law (IHL) recognizes two categories of armed conflicts: international armed conflicts (IAC) occur between two or more states, while non-international armed conflicts (NIAC) are prolonged armed confrontations that take place between the armed forces of a government and one or more-armed groups, or between such groups within the territory of a state. A non-international armed conflicts is taking place in Somalia where the government of Somalia backed by clan-based militia groups, (Ma'awisley) is engaged war against Al-Shabaab. The African Transition Mission in Somalia (ATMIS), the United State of America and other partners are providing support to the Somali government to fight against al-Shabaab.

We relied on the Uppsala Conflict Data Program (UCDP) data series of conflict related death (UCDP): state-based conflict, non-state conflict and one-sided violence to assess changes in conflict-related deaths over the years. However, the data were not disaggregated by sex and age.

The table 4.2 below show the total number of conflict related death in the year 2010 to 2022. It highlights the state-based violence is high

Figure 4.3 Number of Criminal Cases in BRA Region by Sex and Age in 2022
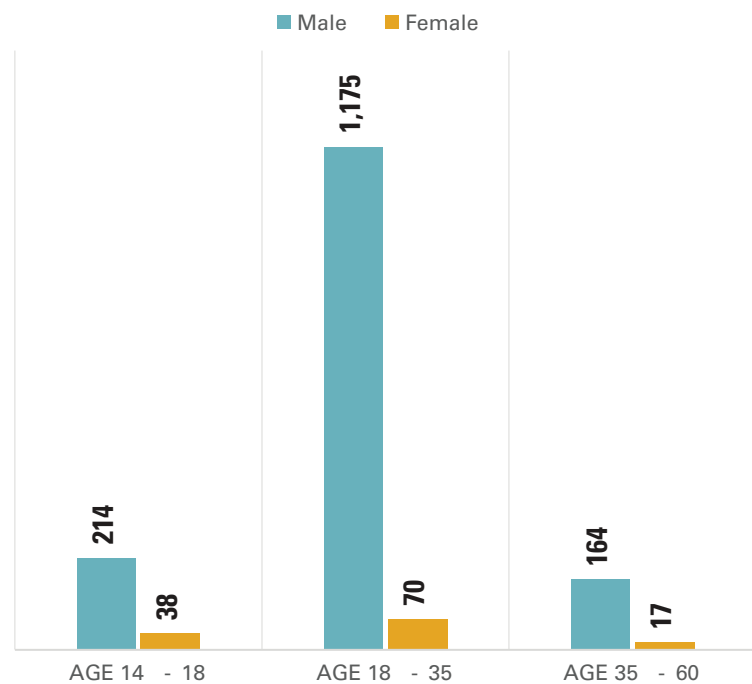
Source: Office of the Attorney General Somalia

compared to the non-state violence and one-side violence. When comparing the years per 100,000 population it shows 2012 was the highest year at 24 per 100,00 population followed by 2010 at 22.6 and 2022 at 17.7, the lowest year of the conflict related death is 2013 at 8.1 per 100.000 populations. In 2022, the level of violence increased, reaching 3,100, While both one-sided violence and non-state conflict showed low levels of intensity. The increase in fatalities and political violence incidents in 2022 corresponded with government operations to fight Al-Shabab.

20   https://ucdp.uu.se/country/520

Table 4.3   Number of Cases of Human Trafficking Filed by States and BRA in the year 2022.

States and BRA	Filed cases	Pending	Convict-ed/ Acquitted	Disposed of by AGO	Percentage%
BRA	27	8	12	7	54
Puntland	21	0	20	1	42
Jubaland	2	0	2	0	4
Galmudug	N/A	N/A	N/A	N/A	N/A
Southwest	N/A	N/A	N/A	N/A	N/A
HIrshabelle	N/A	N/A	N/A	N/A	N/A
Total	**50**	**8**	**34**	**8**	

Source: Office of the Attorney General Somalia

4.4 Human Trafficking

Indicator 16.2.2: *Number of victims of human trafficking per 100,000 population, by sex, age and form of exploitation.* This indicator aims to assess the extent of human trafficking by examining the number of victims based on their profiles and the types of exploitation they have experienced. In Somalia context where the data availability is an issue, this indicator has been contextualized to the number of cases of human trafficking reported to the AGO offices of FMS and BRA in 2022.

Table 4.3 provides information on the number of recorded human trafficking cases by AGOs (Attorney General's Offices) and FMS (Federal Member States) in Somalia, totaling 50 cases. The majority of human trafficking cases occurred in the Banadir Region, accounting for 54% of the cases, followed by Puntland at 42%. Jubaland had the lowest recorded percentage of human trafficking cases at 4%. No data on human trafficking cases has been reported for the Southwest, Galmudug, and Hirshabelle states. Out of the total cases, 84% have been resolved, while 16% are still pending in the courts.

4.5 Illicit Financial Flows

Indicator 16.4.1: *Total value of inward and outward illicit financial flows (in current United States dollars).* This indicator refers to value illicitly generated, transferred, or utilized that is moved from one country to another. Somalia has passed the Anti-Money Laundering and Countering the

Table 4.4   Anti-money Laundering and Counter-terrorism Financing

Anti-money Laundering and Counter-terrorism Financing	2023
Number of cases reported to AGO Office (Federal)	118
Ongoing Cases (under investigation)	42
Number of cases resolved	76
Suspicious individuals	136
Number of Bank Accounts investigated	1,616
Number of Bank Accounts investigated and freeze	47

Source: Office of the Attorney General Somalia

Financing of Terrorism Act in 2016. The Act enacted establishment of the Financial Reporting Center (FRC) whose function is to analyze reports of suspicious transactions from banks and other institutions, and to disseminate the results of the analysis to the relevant authorities. The available data of this indicator is limited to data presented in the table below.

This table 4.4 presents number of bank accounts investigated by Office of the Attorney General (Federal) is 1,616 accounts, 47 of these accounts were investigated and frozen. The suspicious individuals related to Anti-money Laundering and Counterterrorism Financing are 136 individuals. The total number of specious cases reported to the Office of the Attorney General (Federal) is 118 cases, 42 of the case are under investigation and 76 cases has been resolved.

A non-international armed conflicts is taking place in Somalia where the government of Somalia backed by clan-based militia groups, (Ma'awisley) is engaged in war against Al-Shabaab.

UN Photo / Sourav Sarker

5 OPENNESS

5. OPENNESS

5.1 Introduction

According to the Organization for Economic Co-operation and Development (OECD), it defines "an open government" as "a culture of governance that promotes the principles of transparency, integrity, accountability and stakeholder participation in support of democracy and inclusive growth"[21] (OECD, 2016). Freedom of expression grants specific rights and responsibilities to the media. The media play a crucial role in informing the public about matters of public interest and serve as a vital platform for public debate, scrutiny, and reflection. As such, independent media and quality journalism are regarded as the guardians or "watchdogs" of a democratic society. The principles of open government, as a component of good governance, aim to establish transparent, efficient, and accountable institutions, aligning with the 2030 Agenda for Sustainable Development and its objective of SDG 16 (ESCWA, 2019[22]).

Somalia's 2012 Provisional Federal Constitution, specifically Article 18, provides explicit guarantees for the right to freedom of opinion and expression, encompassing freedom of speech and media. This constitutional provision is further reinforced by the state constitutions of Somaliland (2000), Puntland (2009), the Southwest State (2014), Jubaland (2015), the Galmudug State (2015), and Hirshabelle (2016),[23] which also recognize and protect the right to freedom of expression. However, despite having federal laws that are theoretically applicable nationwide, the implementation and enforcement of these laws are not consistently uniform across Somalia.

According to the World Bank CPIA 2019 and 2022 report, Somalia received a scored of 2.0 in the 2019 report while in the 2022 report Somalia scored lower score at 1.5 in the dimension of (b) access of civil society to timely and reliable information on public affairs and public policies under the criteria of Transparency, Accountability, and Corruption in the Public Sector.In comparison, the East and Southern Africa region achieved a higher score of 2.7, reflecting a better performance in these aspects.

This chapter focuses on two aspects related to openness, namely violence against journalists

and access to justice, aligning with two indicators from SDG 16 (16.10.1 and 16.10.2). It explores the freedom of expression for the media and the right to access information.

5.2 Violence Against Journalist

Despite the provisional constitution's provision for press freedom, journalists often encounter harassment, arbitrary detention, suspension, fines, and violence from both state and non-state entities. In 2020, the President approved amendments to the media law that seemingly aimed to protect journalists' rights but also contained vague clauses[24] criminalizing the dissemination of "false information," reports that contradict the "national interest," and incitement to violence and divisions. The law grants extensive regulatory powers to the Ministry of Information over the media[25]. However, in 2020 the Attorney General of Federal Republic of Somalia Mr Sulayman Mohamed Mohamoud appointed a special prosecutor for crimes against Journalists in an attempt to improve media freedoms and end impunity for crimes against journalists. The office started proceedings against some perpetrators whom were reported to commit crimes against journalists.[26]

According to the Committee to Protect Journalists (CPJ's)2022 Global Impunity Index, For the eighth consecutive year, Somalia retains its position as the top-ranking offender on the index[27]. Freedom of expression faced limitations, with journalists occasionally targeted by security forces, Al-shabab[28] and subjected to threats, harassment, intimidation, physical assault, arbitrary detentions, and legal prosecution[29]. From 2022 to 2023, journalists continued to face fatalities, detentions, and physical violence. The following information provides specific details:

Indicator 16.10.1: *Number of verified cases of killing, kidnapping, enforced disappearance,*

21 https://doi.org/10.1787/9789264268104-en
22 https://dubaipolicyreview.ae/can-open-government-be-implemented-in-the-arab-world/
23 See The precarious enjoyment of freedom of expression in Somalia (UNSOM Report 2018)
24 https://reutersinstitute.politics.ox.ac.uk/news/matter-life-and-death-dangers-being-journalist-somalia-today
25 https://freedomhouse.org/country/somalia/freedom-world/2023
26 https://sonna.so/en/somalias-a7orney-general-appoints-special-prosecutor-for-crimes-against-journalists-insomalia/
27 https://cpj.org/reports/2022/11/killing-with-impunity-vast-majority-of-journalists-murderers-go-free/#table
28 https://reliefweb.int/report/somalia/report-independent-expert-situation-human-rights-somalia-isha-dyfan-ahrc5478-enar-ruzh
29 See Committee to Protect Journalists, "Killing with impunity: vast majority of journalists' murderers go free – 2022 Global Impunity Index" (New York, 2022).

Table 5.1   Journalists Killed, Injured and Detained/arrest in Somalia June 2022-June 2023

Type of Violence	Count	Percent
Killing/Murder	4	6%
Injured	8	12%
Detained/Arrested	53	82%
Total of Cases	**65**	**100%**

Source: Somali mechanism for safety Journalists (SMSJ) report 2022-2023

arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months. This indicator aims to assess the extent to which human rights and fundamental freedoms are upheld and enjoyed, including rights such as freedom of opinion, freedom of expression, access to information, the right to peaceful assembly, and freedom of association. It recognizes that acts of violence, enforced disappearances, torture, arbitrary detention, kidnapping, and other harmful actions targeting journalists can have a suppressive impact on the exercise of these fundamental freedoms. The available data on this indicator is what is shown in the table below.

This table 5.1 presents the journalist killed, injured, and detained/arrested in Somalia from June 2022 to June 2023. During that period 65 cases of violence against journalist were recorded, 4 were killed/murdered, 8 were injured and 53 were detained or arrested.

5.3   Access to Information

Indicator 16.10.2: *Number of countries that adopt and implement constitutional, statutory and or policy guarantees for public access to information.* This indicator relates directly to "public access to information", which is wider than the established fundamental freedoms of expression and association. The right to access public information is an integral part of the fundamental freedom of expression, as outlined in Article 19 of the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights. These documents assert that freedom of expression includes the right "to seek, receive, and share information and ideas through any means and without limitations.

Although Article 32 of Somalia's Provisional Constitution affirms that "Every person has the right of access to information held by the state"[30]. There has been a lack of progress in drafting an access to information law. As a result, Somali citizens are currently being denied their right to access information. Access to information is a pivotal tool that empowers civil society, journalists, and citizens to hold those in power accountable and address corruption. However, in Somalia, accessing government information is challenging, and the issue of opening data to the public remains unaddressed.

Accessing information holds significance for two primary reasons:

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30   Somalia Provisional Constitution

> Access to information is a pivotal tool that empowers civil society, journalists, and citizens to hold those in power accountable and address corruption. However, in Somalia, accessing government information is challenging, and the issue of opening data to the public remains unaddressed

- Access to information is intricately linked to freedom of expression and the active involvement of citizens in public life. The presence of diverse information sources, including print media, radio, TV, and social media, enables individuals to access multiple viewpoints on social matters and government policies. This access is vital for individuals to form their own perspectives, engage in meaningful discussions, and contribute to public affairs. The media plays a pivotal role in establishing a platform for public debates and facilitating conversations on crucial subjects, underscoring the significance of access to information for their effectiveness and societal influence.

- Access to information is essential for transparent and accountable government administration. It enables the public to understand and evaluate government policies and actions, such as the sale of state-owned companies or the environmental impact of projects. Transparency empowers citizens to participate in informed discussions and hold authorities accountable.

UN Photo / Fardosa Hussein

6

CHALLENGS AND RECOMMENDATIONS

6. CHALLENGES AND RECOMMENDATIONS

6.1   Challenges

Somalia faces challenges in data availability and quality. Limited institutional capacity, inadequate data collection systems, and insufficient resources effects the timely and accurate collection of governance-related data. Specifically:

There is a need for improved coordination and harmonization of data collection efforts among various government entities, international organizations, and non-governmental organizations. Inconsistent methodologies, definitions, and data collection practices across different sources and time periods make it challenging to compare and analyze governance statistics data. An area such as governance statistics is very sensitive in nature. The collection of sensitive administrative data in Somalia is often fragmented with different institutions and agencies collecting data independently. This lack of coordination and standardization makes it difficult to collect a data and to ensure consistent data quality and reliability. Lack of standardization and harmonization efforts impede the ability to track progress, identify trends, and make meaningful cross-sectional and longitudinal comparisons.

Additionally, the ongoing security threats and conflict in Somalia can further complicate sensitive data collection efforts. Instability and insecurity hindered to access the administrative data.

Disaggregating data by various demographic factors such as gender, age, ethnicity, and geographic location is essential for a comprehensive understanding of governance dynamics. However, there are challenges in obtaining and disaggregating data, which limits analysis and decision-making based on a nuanced understanding of the population.

Ensuring the long-term sustainability of governance statistics initiatives is a challenge in Somalia. Dependence on external funding, limited resources, and the absence of a dedicated budget for data collection and analysis can hamper the continuity and reliability of data production and dissemination efforts.

Another challenge arises from the divergence between the nature of the data needed for administrative purposes, particularly for operations, and the nature of the data required for statistical purposes. This discrepancy is primarily due to the fact that data collection mechanisms are typically under the administrative control of the authorities rather than statistical authorities.

The constraint associated with administrative data on crime, is that the primary focus is on operational and management purposes, which often leads to a lack of standardization required for producing comprehensive statistics. Additionally, these data may not be fully inclusive of all relevant information, particularly regarding certain characteristics of victims or perpetrators that may not be deemed operationally significant.

From a methodological perspective, it is a significant challenge to coordinate and harmonize data repositories across various ministries, departments, or agencies. This coordination involves aligning definitions, formats, and schedules to ensure the compatibility, consistency, and comprehensiveness of the data.

Collecting administrative data on governance statistics faces significant challenges primarily due to the reluctance of ministries, departments, and agencies to share the data. This reluctance can be attributed to several key factors:

 Ministries, departments, or agencies may view the data they possess as sensitive or confidential. They might be concerned about the potential misuse or misinterpretation of the data, leading to reputational or legal risks. Consequently, they may be hesitant to share the data with other entities.

Government entities might perceive the data they hold as their proprietary information, and they may be reluctant to share it due to concerns about losing control over its usage and dissemination. They may prefer to maintain exclusive control over the data to ensure its accuracy, integrity, and appropriate usage.

Within government structures, bureaucratic processes, complex procedures, and interdepartmental coordination challenges can obstruct the sharing of data. Obtaining necessary approvals, navigating bureaucratic hierarchies, and addressing institutional barriers can slow down or impede the flow of data between different entities.

Some Ministries, departments, or agencies may lack a culture of data sharing. This can be

due to limited awareness of the benefits of sharing data, concerns about potential misuse or misinterpretation, or a lack of clarity on data sharing policies and frameworks. The absence of a collaborative mindset and a shared understanding of the value of data sharing can impede the collection of administrative data on governance statistics.

6.2   Recommendations

Based on the findings from the consultation workshop, and the experience of administrative data collection related to governance statistics, it is advised that the Somali National Bureau of Statistics (SNBS) takes the following actions to enhance the collection and coordination of administrative data for governance statistics:

1. SNBS needs to collaborate with other Ministries, Departments, and Agencies responsible for education, health, justice, police, finance, and relevant sectors to establish coordinated protocols for data collection and sharing. This would foster close, structured, and ongoing relationships between the SNBS and these institutions, leading to improved data quality and consistency. Signing Memorandums of Understanding (MOUs) with these institutions would facilitate access to the required administrative data.

2. A major electronic reporting system is needed to produce disaggregated data on governance, peace, safety, and security. It is clear that data reporting automation and digitization is necessary to meet the needs for disaggregated data. This is true to most administrative data producing institutions. One example would be the Somalia Police Forces and Prisons. Central prison and police stations have data on various forms of violence and homicide disaggregated by age and sex geographic locations. However, these data are collected manually. To fill in existing gaps in data compilation, we suggest a gradual automation of the data entry systems at the police force stations. In addition, once the data entry is automated, the creation of a centralized database is important to serve as a hub of police and prison data. The heavy financial implication of this recommendation is recognized. This, of course, entails financial support needed to support the IT system, purchase of computers, and provision of training to staff. However, it could be a gradual

process, where automation could be initiated in Bandir Region then big cities and slowly cascading into towns and rural areas.

3. The governance statistics data gap in Somalia revealed the necessity for targeted technical efforts with administrative data producers. To address the limited data landscape and enhance institutional capacities related to data, efforts should be made to improve data collection, standardization, and coordination mechanisms among different institutions. This can be achieved through the implementation of data governance frameworks, offering training and re-sources to improve data management skills, and establishing partnerships with international organizations and experts to support data related initiatives. By prioritizing data infrastructure and capacity-building, Somalia can strengthen its ability to generate reliable and comprehensive data, enabling evidence-based decision-making and effective governance.

4. Strengthen coordination, standardization, and data security. Address the challenges related to sensitive data collection in governance statistics in Somalia by improving coordination and standardization among institutions and agencies. This can include establishing mechanisms for collaboration, developing data sharing agreements, implementing robust data security measures to protect sensitive administrative data, clarifying data ownership and usage rights, and providing incentives for collaboration and information exchange. Additionally, develop strategies and protocols to mitigate risks associated with ongoing security threats and conflict, enabling safe and efficient data collection in such environments.

5. SNBS has a crucial role in ensuring data quality, particularly when dealing with multiple sources of administrative data. They need to act as the custodian of data quality, paying close attention to the consistency of concepts, definitions, and classifications, as well as ensuring overall data integrity. By taking on this responsibility, the SNBS can guarantee the reliability and coherence of the data collected from various administrative sources.

6. The owners of administrative data are mostly MDAs other than SNBS. it is advised that the Somali National Bureau of Statistics (SNBS) takes the leading role in promoting the use of administrative data and enhance

their working relationships with government ministries and even public sector enterprises. By strengthening these arrangements, SNBS can facilitate better access to and utilization of administrative data for statistical purposes.

7. The consultation workshop revealed that coordinating various data producers and collecting administrative data pose significant challenges. To address this, it is recommended that the SNBS takes the initiative to establishes a dedicated unit within MDAs responsible for collecting administrative data specifically related to governance statistics.

8. Provide training and capacity-building programs for data producers involved in governance statistics. This includes enhancing their skills in data collection methodologies, statistical analysis techniques, data management practices, data visualization and communication, quality assurance and validation, ethical considerations, and data privacy.

9. Half of the SDG 16 indicators rely on survey data. Conduct a targeted Governance Statistics Survey to collect comprehensive data on selected indicators related to governance statistics in Somalia. Prioritize and identify the key Indicators such as discrimination and equality, law enforcement and criminal justice institutions, corruption, transparency, account-able institutions, public service delivery and inclusive decision-making processes. The collected information will support evidence-based decision-making, policy development, and targeted interventions to advance good governance practices and contribute to sustainable development. Sustained effort in addressing the remaining data gaps for SDG 16 indicators in the medium-term will pave the way to address challenges in building peace, strong institutions and ensuring inclusion in Somalia.

10.   Foster general awareness, interest and promote the importance of Governance Statistics in Somalia through targeted communication and outreach efforts, aiming to promote understanding, engagement, and utilization of governance statistics for evidence-based decision-making and policy development. The focus should be on key stakeholders such as government officials, policymakers, civil society organizations, and researchers.

By implementing these recommendations, SNBS can enhance its capacity to collect and coordinate administrative data, leading to more reliable and comprehensive Governance Statistics in Somalia

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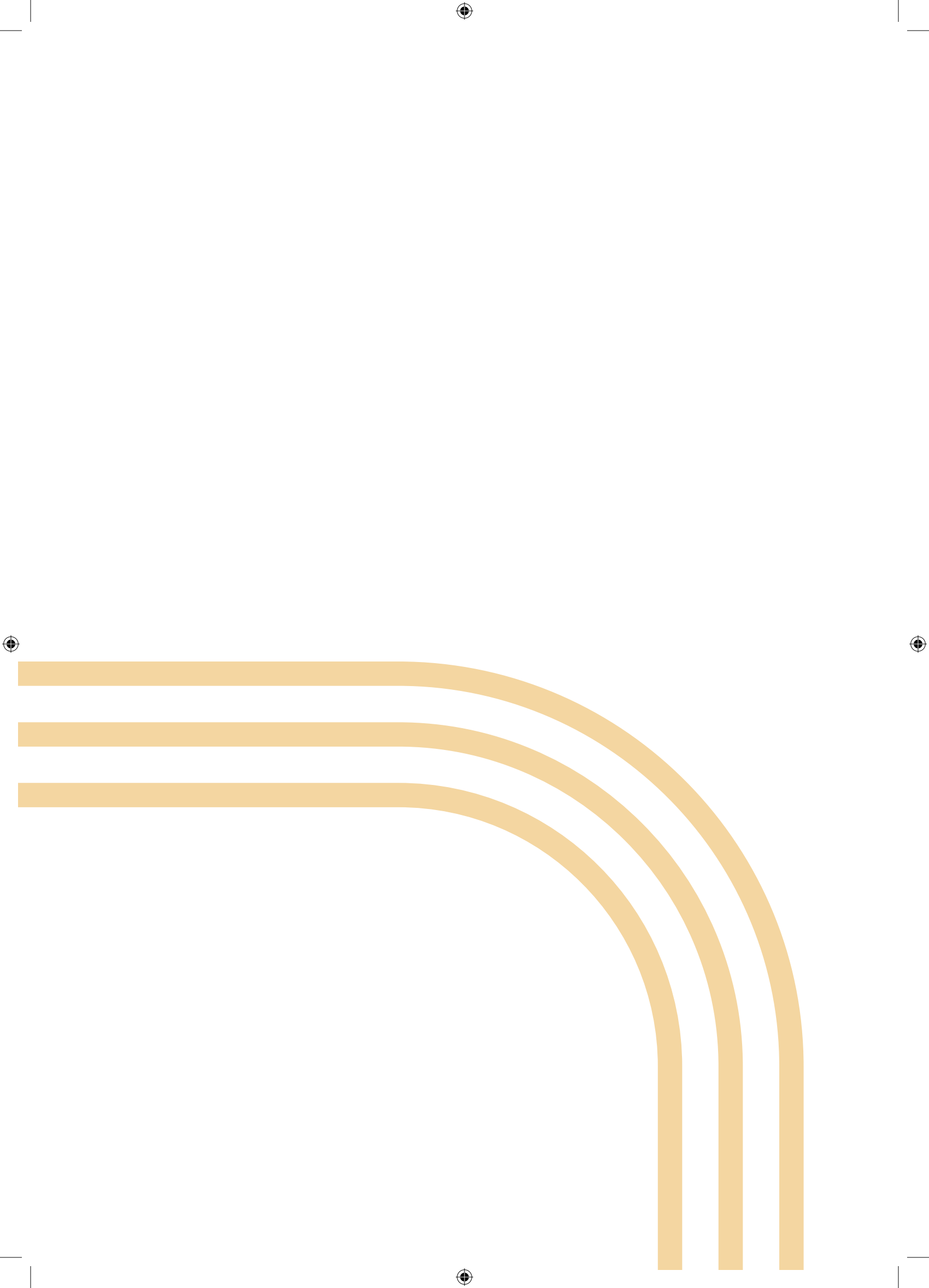
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