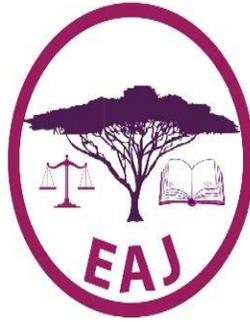




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**EXPANDING
ACCESS TO
JUSTICE**

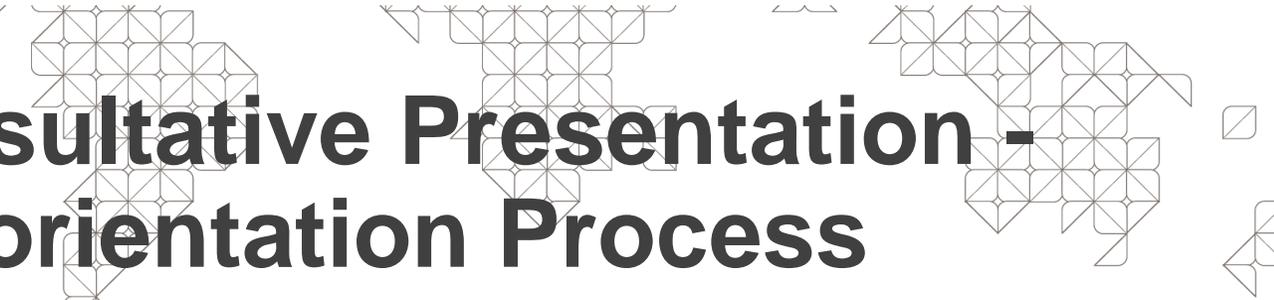


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AMERICAN BAR ASSOCIATION

Rule of Law Initiative



**USAID Consultative Presentation -
EAJ Reorientation Process
Expanding Access to Justice Program
13 February 2020**

1 Principal concepts & changes

- Reorientation will allow the EAJ program to work on justice issues across the Somali stabilization continuum
- The continuum is defined by multiple factors, including the relative degree of security, legitimacy of authority, and presence of basic justice and other services.
- EAJ will employ a flexible toolkit of approaches that will be applied across the contexts in which we will operate
- Three objectives are proposed that accomplish work across the continuum and all Somali geographies to achieve the program's goal
- Single components will no longer support single objectives. Program service units will integrate to provide the support necessary



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Proposed objectives

- **Inclusive community engagement in justice solutions improved**
- **Justice services strengthened**
- **Navigation of justice pathways by aggrieved parties improved**

While our objectives will guide our work across intervention contexts, we will craft distinct interventions strategies that fitted to early recovery settings as well as more advanced environments.



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Proposed objectives – & their activities across the stabilization continuum

Objective	Illustrative distinguishing activities/approaches (Early recovery justice service contexts)	Illustrative distinguishing activities/approaches (Integrated plural justice service contexts)
Inclusive community engagement in justice solutions improved	<p>Aim: Establish basic links between communities and justice actors and identify critical justice needs</p> <p>Improve conditions for engagement in co-creating justice sector solutions through support for constructive, conflict-sensitive dialogue built around identifying and addressing barriers to access to justice</p>	<p>Aim: Foster sustained connections between communities and justice actors to identify services, set service standards, and promote accountability of providers</p>
Justice services strengthened	<p>Aim: Facilitate the provision of basic justice service</p>	<p>Aim: Strengthen the provision of plural justice services that meet community needs</p>
Aggrieved parties able to effectively navigate available justice pathways	<p>Aim: Create basic awareness and facilitate accompaniment for aggrieved parties, addressing access to justice issues</p>	<p>Aim: Create awareness and facilitate accompaniment for aggrieved parties to navigate plural justice services, addressing access to justice issues</p>

Illustrative Early Recovery – Intermediate Work

Inclusive community engagement in justice solutions improved

- Support the establishment of justice
- Foster engagement in feedback mechanisms linked to justice sub-committee
- Collect and bring evidence to regional and national recovery forums

Justice services strengthened

- Basic TA/CD provided to justice through justice sub-committee co-creation process (aim is to facilitate basic service provision)
- Focused TA/CD aimed at supporting the district administration to effectively resolve and refer cases
- Extension of state justice in early recovery community communities through increased coordination criminal justice institutions to address serious crimes

Aggrieved parties able to effectively navigate available justice pathways

- Increase awareness of pathways through media
- Identify individual cases through justice sub-committee
- Support and provide accompaniment to aggrieved parties
- Facilitate and accompany aggrieved party through investigation process for serious crimes



Intermediate – Integrated Plural Justice Services



Inclusive community engagement in justice solutions improved

- Support establishment of court user committees (CUCs) as mechanism for enabling communities and justice sector actors to co-create and monitor justice services
- Support participation in justice-focused accountability platforms (i.e. such as those around land)
- Collect and bring evidence

Justice services strengthened

- TA/CD provided based on needs identified through co-creation process undertaken by CUC
- Roll out district model court concept, either scaling out to additional districts and/or up through appellate courts and Judges' Forum
- Promote women and marginalized group-friendly justice interpretations through Shari'ah

Aggrieved parties able to effectively navigate available justice pathways

- Identify individual cases through CUC
- Support LAOs to deploy justice promoters to provide accompaniment
- Support client access through multiple service points, including walk in clinics, radio clinics/hotlines, etc.

Cross cutting functions

Service units will replace components

Cross-cutting project function	Illustrative distinguishing activities/approaches (Early recovery justice service contexts)	Illustrative distinguishing activities/approaches (Integrated plural justice service contexts)
Grants	<ul style="list-style-type: none"> - Reliance on flexible, small grants - Tighten ability to ensure rapid deployment of grants 	<ul style="list-style-type: none"> - Mix of primary and small grants, including with some utilization of rapid response
Capacity Development	<ul style="list-style-type: none"> - Rapid assessment of partner CD needs, focused on what is operationally required for implementation 	<ul style="list-style-type: none"> - For primary grantees, utilization of more compressive assessment tools and CD approaches
Research	<ul style="list-style-type: none"> - Research/analysis will be focused on meeting programmatic needs, aimed at informing decisions - Emphasis on synthesizing existing information - Focus on ongoing contextual analysis and actor mapping 	<ul style="list-style-type: none"> - Similar focus on meeting defined program needs, synthesis of existing information, and practical contextual analysis - Targeted long-term research tied to project learning agenda
Justice-focused Technical Assistance	<ul style="list-style-type: none"> - Emphasis on rapid deployment of basic TA justice service providers - Maintain capacity to provide remote TA 	<ul style="list-style-type: none"> - Provide comprehensive TA to partners and undertake ongoing monitoring to ensure quality of services provision - Support introduction of clinical legal education programs to improve quality of future practitioners
Security	<ul style="list-style-type: none"> - Security will be integrated as a service unit of the all-service unit operational center approach to be employed - Security issues will be extended beyond standard employee safety practices to also assess the implications of all decision-making on the recovery environment 	<ul style="list-style-type: none"> - Security will be adapted to meet the requirements of new implementation areas and types of work and integrated into the operational center approach
Strategic Communication	Similar approaches will be utilized across the continuum support justice actors in improving their messaging to reach communities to support the objectives of the program	

EAJ Proposed Approach

Stabilization continuum

Early Recovery Justice

An all-EAJ component team employs an operational approach to respond to all areas of work – reactive and project managed.

Central to the approach is an ongoing review of the following types of information-

- Plural legal cases
- Justice services
- Operating context

Early Recovery

Test parallel approach of use of partners and EAJ internal capacity to developed context-based approaches to supporting plural cases and justice service development with the aim of promoting a ROL and diverting communities from Al-Shabaab courts

Early recovery justice services

Operational Team – Mogadishu-based

Daily meetings of combined EAJ staff to manage all areas of work-

- Program & grants
- Legal & media
- Security
- Analysis & research
- MERL

Intermediate to

Provide technical and funding support to LAO and representative organization partners to provide justice service, develop practitioners, and support expansion of access to justice.

State justice institutions and plural redress mechanisms

- Model court with CUCs supporting district plural justice services
- Judges' Forum with possible national platform

Advanced integrated plural justice services

External stakeholders

- Justice Community of Practice
- Justice & ROL Working Group
- Federal recovery committee
- Service providers – psychosocial, legal, medico-legal, sharia
- Federal and member state partners

Integrated, Cooperative Plural Justice



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Proposed Theory of Change

IF communities participate in advancing justice solutions,*

AND IF justice institutions provide services that are responsive to community needs,

AND IF aggrieved parties able to navigate the justice pathways available to them

THEN there will be lasting improvements in access to justice and effective mechanisms to address grievances

*A key assumption of the proposed TOC is that communities will require a baseline level of security, social relations, and trust in order to realistically and effectively participate in creating justice solutions. Therefore, in early recovery contexts, we expect trust-building, and trauma healing interventions may need to precede or run parallel to justice-focused interventions. This understanding will be reflected in our results framework and our early recovery/stabilization approach.



Next Steps Towards the Development of the Reorientation Plan

- Service Unit Managers will develop proposals to align the objectives with their services unit work, its intermediate result areas, activities, along with their capacity and costs
- Pact's Global Security Manager will travel to Somalia/ Nairobi to advise on the strengthening of security assessment and planning processes, including that for new early recovery work
- Senior Management will meet in the third week of February to present on service unit proposals and integrate them into the reorientation proposal





Thank you

