



Monitoring of PLAC Sustainability:

1. Names of Team Members	1. Mohamed Ahmed Yusuf – UNDP/PPU Programme Analyst 2. Ali Abdullahi Farah – UNDP/RoL Police Technical Officer
2. Dates	16 Oct, 2018
3. Name of Partner:	Puntland Legal Aid
4. Name of Project:	UNDP/RoL Portfolio
5. Duration and Amount of Agreement:	
6. Places visited: Training Center Including Glasses, Office, Toilets, Office of Baidao Mayor and Office of the Minster of Youth	7. Notable Persons Met: <ol style="list-style-type: none"> 1. Abdulkadir Sh. Ahmed Mohamud, Director of PLAC - 907794066 2. Mohamed Nur Ali Garowe, Administrator of PLAC 907788501 3. Mohamud Said Abdirahman, Lawyer of PLAC 907727410 4. Fa'iso Abdillahi ilmi Garowe Lawyer 907793863 5. Qamar Abdiqani Abshir, Coordinator Paralegal 907742054

Monitoring for sustainability of Puntland Legal Aid

1. Executive summary of the report:

This report is the monitoring report of the sustainability of the Legal Aid founded in Garowe, PL in 2015 as an independent, not-for-profit legal entity that seeks to advance the fairness and equity of the justice system, and to improve access to justice, especially for socially and economically disadvantaged people including Internal Displaced People (IDPs), Marginalized, Poor and Minority People in Puntland.

This report contains assessment whether, the support provided to legal aid is appropriate to client need and capability and whether it is sustainable. The monitoring focuses on the way different levels of assistance, geographical coverage, attraction of other donor funds for legal aid and the capability of legal aid technical experts.

However, Puntland Legal Aid services is the first entity that provides free legal services to the poor community in Puntland with the help of UNDP but came across difficult to attract Puntland State and Federal Government funds and other donor agencies.

Legal aid “empowers individuals and communities, contributes to the reduction of poverty and remotes the protection of human rights. It is a vital tool for providing access to justice and promoting the rule of law. Legal aid programs have been implemented in Puntland with the support of UNDP partners since 2005 up to now; more than 14 years.

2. The main aim of the monitoring of PLAC sustainability regarding the function of legal aid are:

- Assess the capability of the legal aid technical staff in terms of their field expertise, training and workshops attended since its establishment that will enable them develop donor relations, fund raising, advocacy for the importance of the free legal aid services for the poor, minority and marginalized people currently overwhelmed in different regions of Puntland
- Analyze to what extent support for legal aid attracted other funds from other international and Puntland State since its establishment and type of tools available for advocacy of the need of legal to poor populations and fund-raising capacities to contributes to the Judiciary system in Puntland
- Examine the extent to which support to the legal aid in Puntland has contributed to access to justice, the reduction of pre-trial detention, and community violence reduction with a view to identifying good practices and gaps to inform future programming and implementation of legal aid programs in Somalia.

- Assess the Puntland state ownership of legal aid in terms of financial and technical support which Puntland State contributed to the legal aid offices located in Garowe, Gardo, Bosasso and Galkacyo and state contribution on how to improve, sustain and expand the legal aid system in Puntland, in the context of the preparation of act for legal aid establishment and developing policies and procedures in line with financial, and management policies.

3. Methodology of monitoring for sustainability of PLAC free legal services in Puntland:

The team that conducted monitoring was comprised two staff members – Ali Abdullahi Farah (Joint Rule of Law Project Officer) and Mohamed Ahmed Yusuf (UNDP Programme Analyst). The monitoring assessment focused on PLAC Projects and funding profiling, capability of fund raising and advocacy for the PLAC staff and capacity building category received since its establishment, trends of PLAC staffing, PLAC geographical coverage, factors hindering for sustainability of the PLAC function and factors that can support the sustainability of the PLAC existence in Puntland. In addition, the monitoring focused total funds received from UNDP and if other donors supported.

3.1. The monitoring was carried out in three categories:

1. Development of assessment tools and preliminary assessment of the document
2. Conduct visits to the offices and discussion with staff of PLAC Garowe
3. Analysis of collected data and drafting of the monitoring report

The methodology, annexed hereto, was developed with the support of RoL staff, Garowe. It consists of six assessment questions. The analysis, observations and recommendations contained below take into consideration the PLAC sustainability which facilitate the smooth implementation of sustainability of PLAC and exist strategy of UNDP which is the only donor agency up to now

4. Summary of the main findings from the monitoring of sustainability of PLAC:

This monitoring summary reports the key findings from assessment conducted for the the donor project received since its establishment in 2005 up to now. Note that, in the interests of brevity, key findings and measures, and the wider context, as set out in detail of the different category in the report are summarized below:

- In Puntland, the right to legal aid has been recognized since 2005. However, the legal framework of Puntland State remains fragmented and is not fully applied. The Constitution and the Code of Criminal Procedure foresee the right to a lawyer for the accused in criminal cases and the mandatory designation of counsel by judges where individuals are not represented. Documents in the shelves, the Bar Association through Legal Aid designates trainee lawyers to defend the accused in criminal cases warranting trial by jury, but there is little to no legal assistance system organized beyond that.
- UNDP has actively supported legal aid since 2005, through the establishment of, and support to, legal aid offices and Paralegal in partnership with UNDP.

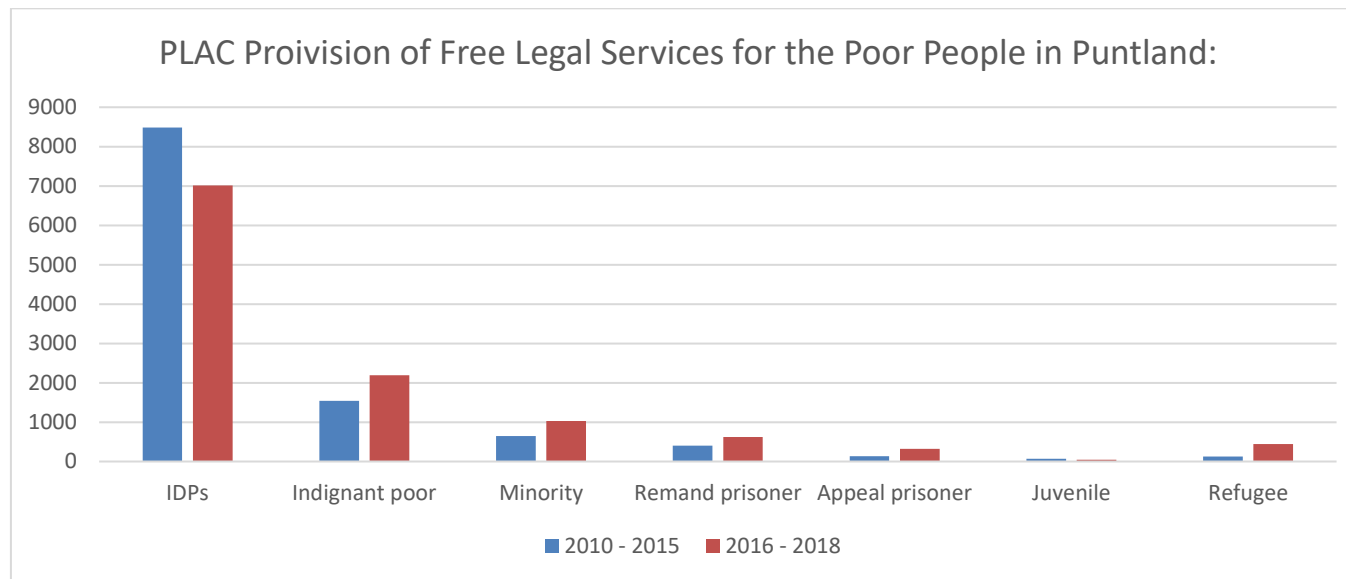


Chart 1: illustrating trends of free legal aid services provided by legal aid which UNDP supported

- The data provided for this report demonstrates that between 2010 up to 2015, legal aid programs delivered legal services to almost 11,400 people including 8485 IDP, 400 remand prisoners and 135 appeal prisoners. In addition, also demonstrated that between 2016 up to 2018, legal aid provided free legal services to almost 11666 people as seen IDPs are the most people received legal support from legal aid lawyers.

- Although prison overcrowding and the high incidence of excessive pre-trial detention remain an ongoing problem in PL, the provision of legal assistance through these programs has contributed substantially to relieving the situation. The capacity of legal aid providers to deliver direct services to the population has demonstrated a stronger and quicker impact than other institutional reform initiatives or other efforts aimed at reducing pre-trial detention in PL.
- Legal Aid set out an encouraging dial to the Puntland State to engage on legal aid in to the state yearly budget to establish a fund for this sector of free legal services, as well as the inclusion of the Puntland Development Plan. Although a legal aid system has yet to be institutionalized, positive steps have been taken, however the legal aid lawyers pave the way to break the barrier but yet to continue the pressure of the state administration to recognize the establishment act of legal aid as a state owned entity which have had a positive impact on the functioning of the justice system, generating national pressure for improved performance of institutions as well as covering the increased demand for justice from the local population.
- Legal Aid had received financial support from UNDP through Diakonia from 2005 which funded one lawyer for each location (Galkacyo, Bosasso and Garowe) and 32 Paralegals in Galkacyo. Besides, 2006 UNDP took over the implementation of the legal aid from Diakonia which from 2006 - 2007 provided with total funds of 996,196.4 USD for both lawyer, paralegals and offices running costs. However, from 1st November 2015 up to 31st September 2018 (**Amendment 10**), got financial support from UNDP through RPA with total funds of 1,153,197 USD although some month legal aid was in gap and not received funds including 1st – 15th June, 2017, 16th June – 31st June, 2018 and 1st - 8th October, 2018 which shown that legal aid did not received financial support in 38 days since its establishment.
- It was checked the capacity trainings which legal aid lawyers and staff received to understand better whether the capacity trainings received contributed to techniques required for the sustainability of legal aid or just to the required standards of the donor project requirement. However, noted two types of trainings attended; in 2012 attended financial administration system and reporting and in 2017 attended HACT, procurement, financial and narrative/progress reporting which both enhanced the capacity of adopting the required standards, processes and procedures of the donor agency.
- During this monitoring, it was noted that legal aid stakeholders and staff were not initiated any other program design, implementation, and monitoring and evaluation to other donor agencies except for project supported by UNDP which one way or another shown lack of Programme development capacity as more than 90% of the staff are specialized for law and sharia.
- PLAC geographical coverage, distribution of lawyers and paralegals analyzed and found as illustrated in the below table the location of the office, number of lawyers and paralegals provided free legal services for the poor people. Nevertheless, yet needs to think the sustainability for

capability and funding sources of the established offices and importantly the necessity to systematically re-enforce the legal services for needy people.

Year of the legal aid and paralegal establishment	Location	Donor	Name of staff	Roles
2005-(Legal Aid)	Garowe	Diakonia	1 Lawyer	Legal Aid services at the court
2005 (Paralegal)	Garowe	Diakonia	32 Paralegals	Resolution outside of the court
2007(Paralegal)	Garowe	UNDP	5 Paralegals	To provide free Legal aid services in vulnerable groups
2005(Legal Aid)	Bosaso	Diakonia	1 Lawyer	Legal Aid services at the court
2009 (Paralegal)	Bosaso	UNDP	10 paralegals	To provide free Legal aid services in vulnerable groups outside of the court.
2010(Lawyer)	Bosaso	UNDP	2 Lawyer	Legal Aid services at the court
2005-(Legal Aid)	Galkio	Diakonia	1 Lawyer	Legal Aid services at the court
2005 (Paralegal)	Galkio	Diakonia	32 Paralegals	Resolution outside of the court
2007(Paralegal)	Galkio	UNDP	5 Paralegals	To provide free Legal aid services in vulnerable groups
2008 (One Lawyer was established)	Gardo	UNDP	1 Lawyer	To provide free Legal aid services in vulnerable groups at the court.
2009 (4 Paralegal Added)	Gardo	UNDP	4 Paralegal	To provide free Legal aid services in vulnerable groups outside of the court.

Table above for geographical distribution of legal aid offices, lawyers and paralegals.

5. Measures recommended to sustain the legal aid functions to stand its own feet:

The assessment conducted for legal aid was not shown any sign of sustainability of the legal aid services in Puntland as UNDP is the only source of funds for legal aid as there is no tools for sustainability developed like neither legal aid master plan nor part of Puntland Development Plan, not have advocacy and fund raising strategy and legal aid staff did never contemplate to have international consultant to provide support for donor relations and prepare project proposals for legal aid services. However, the following measures realized important that UNDP to support the sustainability issue :

1. Establish State Level Committee comprised of Ministry of Justices, Courts, Bar association, Legal Aid to discuss with concerned parties to develop law on legal aid. Finalize and adopt the law on legal aid; favor a system that does not grant a monopoly to the Bar, as provided by the draft law. Advocate for compulsory legal aid for the indigent into the lawyers' traineeship program and ensure the progressive allocation of funding under the national budget (% per year) into a framework of yearly budget allocations.
2. Effective Strategy of fundraising must be set out by legal aid with help of UNDP which is a strategic priority for every nonprofit organization as a source for annual budget and endowment assets to sustain its function. Viewing fundraising through a strategic lens focuses on advancing the legal aid's mission and vision and not merely on meeting immediate dollar goals.
3. Medium Term of Effective Institutional Capacity Development of the legal aid leadership is vital to support the foundation upon which strategic fund raising can be established within legal aid either from the subscribers of bar association, fees from cases managed by senior bar lawyers, donor relations, government funds, establishing legal training center, etc. Trainings on shared responsibility, delegations, agreeing on legal aid best practices and clarifying leadership roles is a strategic necessity.
4. Provide effective technical expertise which means to hire two international consultants one expert for law Programme development and one expert for institutional capacity building to develop donor advocacy relation and fund-raising strategy of legal aid to be in place in Building a community of donors engages donors as partners in vision and mission. In addition, to review the current draft policies and procedures available that are limited to Human Resource Policy, Financial Policies and Procedures, Management Manual, Legal Aid Profile, etc. In addition, legal aid need to get support for developing other core policies including but not limited to Policies on employee manual, hour of works and breaks, personal use of legal aid property, paid and unpaid leave, FMLA, workers compensation, hiring, personal records, performance review, termination, independent contractor, confidentiality and nondisclosure, noncompete agreement, sexual harassment, substance abuse/drug testing, flexible schedule, telecommuting, plus more others.

