

# Conflict-Related Sexual Violence: strengthening legal responses in Somalia

**Hon. Deqa Yasin Hagi Yusuf**

Minister of Women and Human Rights Development, Federal Government of Somalia

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Ladies and Gentlemen,

I am very pleased to be here with you today on the International Day for the Elimination of Sexual Violence in Conflict. On behalf of the Government of Somalia, I would like to thank the London School of Economics and the Centre on Women, Peace and Security for their efforts to draw attention to this critical issue.

## **1. New opportunities and recent gender equality achievements in Somalia**

As you know, sexual violence is an important challenge in Somalia. In our country, decades of conflict have increased this burden for women and girls. Sexual violence can destroy the lives of survivors. It also undermines trust in the state, the health and well-being of households, and women's ability to actively contribute to peace and development.

However, Somalia's transition from conflict provides new opportunities to address these and other challenges. In 2012, after decades of conflict and instability, a federal government was established through national dialogue and consensus. Following the creation of these permanent political institutions, Somalia entered into a new period, where longer-term peace and development seem possible.

In 2014, the Ministry of Women and Human Rights was created. Therefore we now have a key government actor for the promotion of women's rights and all human rights.

Last year the central government of Somalia crafted a National Development Plan – the first of its kind to be developed in 30 years. Importantly, our development plan makes a strong commitment to advancing gender equality: It recognizes women's empowerment both as key objective in its own right and as a precondition for sustainable peace and development.

Specific gender equality targets in our National Development Plan include strengthening women's leadership and ensure 30 % representation of women in all areas of decision-making, developing gender-related data, and, importantly, combating all forms of violence against women.

My government and my Ministry have already been able to make progress in several of these areas. Our 2016 elections enabled women to take up 25 % of seats in parliament, up from 14 % in the previous elections. As Deputy Chair of our electoral commission, the Federal Indirect Election Implementation Team, I was able to directly support this achievement and my Ministry has the ambition to do the same looking to our next elections in 2020-21.

My Ministry has also spearheaded the development of an Independent Human Rights Commission through an inclusive process. This led to the nomination of women to almost 50 per cent of seats on the Commission, as well as representation of persons living with disability. This is a landmark achievement for Somalia.

Finally, as you have heard, my Ministry has led the development of Somalia's first dedicated legislation on sexual violence – the Sexual Offences Bill – which was passed through cabinet two weeks ago.

## **2. The Sexual Offences Bill: History of its development and key provisions**

The journey towards this achievement began in 2014, when the Federal Government of Somalia initiated the development of the Sexual Offences Bill. This commitment was a response to the large number of rape cases reported to us by civil society. Our president in particular declared that this could no longer be tolerated.

The Ministry of Women and Human Rights therefore initiated the development of the bill. They requested financial support from the UN, who in turn brought Legal Action Worldwide on board to support the drafting process with their knowledge on international best practices. They worked in partnership with Somali professionals who provided the necessary expertise on the reality in our country. Together with this team, the government then conducted consultations at the national level as well as at the level of the Federal Member States. However, when the Minister finally introduced the draft bill to cabinet, it was rejected with some comments and subsequently stalled.

When I came on board as Minister in 2017, I made it my first priority to pass this bill. For a period of four months I worked to revise the bill with one of the Somali lawyers who had supported the initial drafting, lawyer Tahliil. He has decades of experience working on Somali law, including as a judge, and he did all of this work pro bono. Without his commitment this initiative would not have been possible.

My Ministry then introduced the revised draft to cabinet in August. In September, our Prime Minister made a commitment at the UN General Assembly to pass it. Two weeks ago these efforts succeeded and the bill was finally passed by cabinet.

The Bill still needs to go through parliament. If passed, it will mark a radical shift in addressing sexual violence in Somalia. The bill introduces modern provisions related to sexual offences that did not exist before. It significantly increases protection for survivors, provides for free health care for all survivors – even in private health facilities. It also improves access to justice, providing for punishment of law enforcement officers for any kind of obstruction of justice.

## **3. Key challenges in developing the Sexual Offences Bill**

I would like to use the rest of my brief remarks to reflect on three key challenges that we faced in efforts to pass this legislation through cabinet and three lessons of success I can share in addressing them.

**The first challenge that we faced was that the issues discussed in the bill were highly sensitive in the Somali context.** As opposed to other bills – but like all issues in my portfolio – this bill touched on concerns that are considered part of cultural and religious practices, such as early marriage. This meant that the bill was highly sensitive. It also meant that a wider range of stakeholders needed to be actively involved in developing this work to ensure their buy-in. For example, we very regularly discussed this work with key religious leaders to agree how various provisions work with the Koran and Sharia law.

However, not all of the controversy involved in working on the sexual offences Bill resulted from real concerns about the actual initiative and how it addressed cultural and religious practices. Some was the result of misinformation about what was being done. This contributed to the sensitivity of the initiative and proved an additional challenge.

**As a country coming out of conflict, a second challenge that we faced in developing the legislation was a lack of resources.** The generally limited resources available are a particular challenge when it comes to gender equality issues, such as the Sexual-offences Bill. As I mentioned, because of their sensitive nature, they require buy-in from a wide range of stakeholders. Therefore extensive consultations are required to avoid backlash. But these consultations must of course be funded.

Because so few resources are available, my government and my Ministry is dependent on support from international donors to carry out our work. This is absolutely critical. But it also comes with its own challenges. In particular, donors often have their own priorities, which do not always match those of the government. Co-ordination among donors and with government must be improved.

**Third and finally, following decades of conflict the needs and opportunities in Somalia are so great that everything is a priority.** This is a challenge in two ways. First, women's needs themselves are so vast that it is often difficult to prioritise and decide where to start. Second, we face so many challenges that it is not always clear to everyone why gender equality, including sexual and gender-based violence, should be a priority.

#### **4. Key lessons and strategies for success in developing the Sexual Offences Bill**

**My first lesson is that you need to become an expert on the measures that you are working on, especially when dealing with such sensitive issues.** This is what I did with the Sexual Offences Bill. I knew the law by heart. This really helped me defend this very sensitive initiative. When the law was discussed, I could always answer all of the questions easily and rapidly. When it went to cabinet I went there myself without a lawyer or consultant present and clarified any misunderstandings on the spot. This gave my colleagues and other stakeholders confidence that I knew what I was doing and understood the sensitivities of the context. It also helped me correct misinformation and criticism of the bill immediately - before it could influence discussions and spread further. Knowledge is power.

**Second, it is critical to understand the context and balance great ambition with a degree of realism.** Given the cultural context, some gender equality issues can be advanced more easily than others. You have to be strategic and move where you can. Moving too fast, too soon, risks provoking backlash. This can be a difficult lesson for progressive people like myself and others to accept - but it is key to success.

**My third and final lessons is the importance of building strong networks.** This includes the need to **build strong alliance with key leaders, usually men.** My Ministry started engaging with several key Ministers on the Sexual Offences Bill early on and some of them became critical partners. Our Deputy Minister of Education, for example, came to my home and discussed the bill with me paragraph by paragraph. He was very supportive and helped lobby in favour of the initiative. He is also very knowledgeable about the Koran and could therefore help navigate discussions with religious leaders. Along with other Ministers, he spoke strongly in favour of the bill when it went to cabinet. Most importantly our Prime Minister also soon became a great leader in enabling the Sexual Offences Act to go forward.

Especially given the lack of resources, we also relied on **the support of committed individuals and our friends and partners from civil society.** In particular, as I already mentioned, the Sexual Offences Act would not have been possible without the strong personal commitment of the lawyer who worked with me pro bono. Amongst other partners, I can also count on the support from IIDA Women's Development Organisation – the organisation I worked for before joining the government. They and other civil society organisations are sometimes able to help me with pro bono work. Talking to them about their work with communities also provides an important reality check.

On a personal note, because working on gender equality can be very challenging, especially in a context like Somalia, it is also important to have a personal support network. I am lucky to have a family who understand what I am going through and fully support me at every step.

In sum, advancing responses to sexual and gender-based violence in Somalia is as important as it is challenging. However, our recent history also shows that significant progress is possible even in the most challenging environments and I believe that with the right strategies for success much can be achieved for Somali women and girls in the coming years.

## **5. Outlook: Key steps, challenges and opportunities moving forward**

The first step, of course, will be to now **pass the Sexual Offences bill in parliament**. To ensure this can be achieved, advocacy by and with all stakeholders must be consistent, timely and coordinated – as well as appropriately resourced.

**Implementation of the law will be our next challenge.** Everybody has a role here, including government, civil society and donors. We need everyone to contribute. However our joint efforts must to be coordinated and led by government to ensure they do not do harm and translate into effective responses and real, positive change in women's lives.

## **6. Conclusion**

This evening is a great opportunity to exchange on these next steps and gather new ideas for the way ahead. So I look forward to hearing your comments and questions. For now, thank you for your attention.