



Strengthening Justice System and Finalization of the Provisional Constitution

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1. Acronyms & Abbreviations

- JSC: Judicial Service Commission
- MoJ: Ministry of Justice
- CSO: Civil Society Organizations
- FGS: Federal Government of Somalia
- FMS: Federal Member State
- CRP: Constitutional Review Process



2. Introduction & Context

The constitutional review process and justice system reform in Somalia are vital pillars of the country's state-building and governance efforts. With the provisional constitution still under review, there is a pressing need to finalize it in a way that reflects the aspirations of all Somalis. Equally important is strengthening the justice system to ensure inclusive, transparent, and citizen-centric governance.

On June 11, 2024, the Institute for Research Analysis and Dialogue organized its fourth citizen forum, focusing on strengthening Somalia's justice system and finalizing the provisional constitution. The event was attended by the Federal Government of Somalia's Minister of Justice and Constitutional Affairs, alongside justice ministries from the Federal Member States, members of the judiciary, parliamentarians, and representatives from civil society, including women, youth, traditional elders, religious leader, and academia.

Minister Hassan Moallin, the FGS Minister of Justice, delivered opening remarks highlighting the government's efforts in completing the provisional constitution, which is undergoing amendments. He also provided updates on initiatives to strengthen the justice system, emphasizing the need to strengthen judicial independence, amend the constitution, and ensure it aligns with both legal standards and religious principles. The Minister acknowledged the Institute for facilitating this opportunity to engage directly with citizens and gather input on the justice system and the ongoing constitutional review process, which significantly contributes to strengthening the social contract and building public trust.

Participants were given the opportunity to ask the Minister questions, which he addressed in detail, fostering a productive and engaging dialogue.



3. Purpose and Objectives

The primary objective of the citizen forum was to provide citizens the opportunity to interact with leaders as part of promoting inclusive and participatory governance. Specifically, the forum aimed to:

- Provide participants a platform to express their views on the constitutional review process and its implications for justice and governance in Somalia.
- Facilitate discussions on strengthening the justice system at both federal and state levels, with a focus on access to justice, legal reforms, and the role of the judiciary.

4. Approach and Methodology

The forum adopted a participatory and inclusive policy dialogue format, bringing together a wide range of stakeholders, including parliamentarians, members of the judiciary, academia, women, youth, marginalized communities, traditional and religious elders, and members of the general public. The event began with opening remarks from the Minister, followed by a session where participants asked critical questions and shared insights on the topics discussed. The Minister responded comprehensively, encouraging open and transparent discussions.

5. Key Takeaways

- The constitution is not merely a legal document but a social contract that reflects the collective will of the people. Without adherence to it, the legal system loses its legitimacy.
- Islamic Sharia remains the cornerstone of the Somali legal framework, and any law contradicting Sharia is deemed null and void.



- Public participation in justice reforms and the constitutional review process is crucial for promoting ownership and ensuring that the revised constitution reflects the preferences and aspirations of the Somali people.
- Restoring the Judicial Service Commission is essential to separating the judiciary from the executive branch, ensuring impartial legal decisions without political interference.

6. Recommendations

Based on the discussions, the following recommendations were proposed:

- ⇒ Expedite the finalization of the provisional constitution, while ensuring successful engagement of all stakeholders in the process.
- ⇒ Promote public participation in the constitutional review and justice reform processes to foster public ownership and enhance the state-citizen relationship.
- ⇒ Restore the Judicial Service Commission as they are crucial to ensuring judicial independence and the separation of powers between the executive, legislative, and judiciary branches.
- ⇒ Strengthen the capacity of key institutions involved in justice and constitutional reform to enable them to effectively deliver on their mandates.
- ⇒ Develop a realistic timeline and roadmap for completing the provisional constitution.
- ⇒ Conduct widespread public awareness campaigns on the significance of the constitution as a social contract and the ongoing justice reforms.

7. Annexes

Video recordings and pictures from the event (already shared)