



One Unexpected, But Welcome Change, At a Time

How Proactive and Collaborative Efforts Can End Impunity for Rape

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On 14 December 2019, the Regional Court of Berbera, in the Sahil Region of Somaliland, ensured justice when it sentenced a young man to 12 years for the rape of a 5-year-old girl. The court went further. It quashed a customary agreement which had been reached between the elders. It arrested and detained the young girl's father and his male relatives who had accepted compensation in exchange for the release of the accused, and refused to free them until they had returned the compensation.

The outcome of this case is a testament to what can be achieved when all the relevant institutions act as they should – promptly, efficiently, collaboratively and with only one shared goal in mind: to protect the vulnerable and respect the rule of law.

The rape of a five-year-old child could not be ignored or side-lined by anyone. The anger, compassion, sense of responsibility and resolve felt by all concerned was channelled in a constructive manner to bring about a prompt and successful prosecution.

From the Berbera branch of the Ministry of Employment, Social Affairs and Family which alerted Horizon to the attack, to Berbera General Hospital which undertook the necessary exams and provided medical care, everyone involved was true to their mandate. Horizon Institute's support for the child and her family, the prosecution which was unflagging in its pursuit of justice, the police officers who took no notice of a customary agreement and the judge who put rape on trial, all showed what can be achieved when everyone does what they can, and what they should, and when they work together to achieve a common objective.

It takes extraordinary courage for a poor woman living in a rural village in Somaliland to put her faith in the formal justice sector and to challenge her husband and her elders. But this child's mother did just that. She trusted the system to punish the man who violated her child and to reject the agreement that guaranteed him impunity. In doing so, she endured

social isolation from her community for disobeying the elders. Without the strength and determination of this mother, and the support she received from the criminal justice system, this case would have ended, as countless others have done in the past.

Justice sector actors in all the regions of Somaliland, and all organizations working on ending violence against women and children, should reflect on the process, the outcome and the lessons of this important decision in Berbera.

In the absence of accessible hospitals, police stations, prosecution offices, courts and organizations they can call upon, families in rural Somaliland, and elsewhere, are forced to accept customary settlements for the crime of rape. They know this only encourages violence against their daughters, wives and sisters, but they see no other option. The rejection of the customary settlement by the Berbera court, and the conviction, shows these families, and others, what the alternative looks like when the justice sector comes together to protect the victims of rape.

Horizon Institute works to promote human rights and the rule of law. We provide free legal advice and assistance to women experiencing violence or other problems that involve the law. To learn more about our services in Somaliland, please visit one of our three Hargeisa locations - Omer Hashi Building, Ayaha IDP near the police station, and Dami IDP near the police station - or our Burao office located in the Asal Jet Building. We can also be contacted by phone in Hargeisa at 523603 or in Burao at 711208.