



Press Statement

The Rape and Sexual Offence (Law Lr.80/2018)

On 28th of August 2018, the President of Somaliland H.E. Muuse Bihi Abdi, officially announced the signing of the Rape and Sexual Offences Bill into Act, after the House of Representatives approved the bill on July 29th, 2018. The signing of this Rape and Sexual Offences Act by the president is a historic occasion to the Somaliland people and other stakeholders who took part the process of this bill into an official act. The development of this act was initiated by Somaliland House of Representatives in 2011 as a result of continues constituent consultations, meetings ,field hearings and regional visits facilitated by International Republican Institute (IRI), where the House of Representatives (HoR) recognized urgent need of an act to tackle the rape issues raised by their constituents. During and after that period, Somaliland civil society organizations as Nagaad Umbrella the Focal point were technically supporting this bill with the HoR.

06 January 2018, the House of Representatives approved the first draft of the Rape and Sexual Offence Bill, then submitted to the upper House of Guurti as their parliamentary bill procedure in accordance with the Somaliland constitution.

All the civil society organizations were animated by the first victory that has been achieved in this bill after the approval of HoR. Most also acknowledged that the House of Representatives approved the first Bill in Somaliland Tackling the Rape and sexual offences issues. But CPA was gradually cautious about the status of the Rape and Sexual Offence Bill, Particularly about the role the House of Guurti will play since there were some civil society allegations and actions blaming this bill as irreligious, while requests were also sending to Guurti to discard the whole bill.

Unfortunately 08 April 2018, House of Guurti have passed amendments with 15 articles of the bill, most of the Guurti amendments affected a number of articles, including those relating to the proceeding of the cases, lowering the punishments of those who found guilty, the procedure of filing a complaint and those related to a substantive provisions, and limiting 48 hours, the timeframe that victims can report a rape or other sexual offences cases, while the original draft that House of Representatives approved have no limited time to report any rape-related cases and has punishments up to 30 years to the rape and sexual offenders.

Once Guurti made those amendments which touched some of the core articles of the Bill, Center for Policy Analysis (CPA) recognized that the civil society organizations who was previously involved in technically helping this bill with Somaliland House of Representatives (HoR) didn't aware of the negative impact of those amendments made by Guurti, except Mr. Gulied Ahmed a lawyer and chairman of Human Right Center (HRC) who sent the alert of the impact of some amended articles to the community.

CPA made a complete legal analysis on the amendments made by Guurti and recognized that those amendments changed the spirit and concept of the bill. CPA also predicted that those amended

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articles will legally give favor for Rape and sexual offenders if the House of Representatives (HoR) accept Guurti's amendments.

CPA also acknowledged the need of informing Somaliland Civil Society on the impact of the amended articles, as well as the need to set up an advocacy plan against those amendments to persuade the House of Representatives (HoR) to reject Guurti's amendments and approve the Bill in their original format.

On 25th July 2018, CPA organized a workshop where 35 Civil Society Organizations attended. CPA presented the legal gaps of the amendments made by Guurti to the participants, and finally, the civil society attendees selected a task force to lead the advocacy against the amendments made by Guurti. This task force was included in most of the civil society networks and independent experts.

In their first Advocacy activity, Somaliland Civil Society Organizations including the Executive Director of Somaliland Non-State Actors Forum (SONSAF) lead by the Task Force and with the guidance and help of CPA met with the Speaker of House of Representatives, some of house subcommittee's chairs and member of Parliaments. Those MP's were explained on how Guurti's amendments are against the concept and spirit of the bill, they were shared with a summary of the legal Analysis on the Guurti's amendments prepared by CPA and requested them to approve the bill as its original format. The Civil society organizations lead by the task force with the help of CPA held also dozens of different meetings, and consultations to the MP's, to inform them about the unacceptable changes made to those core articles of the bill. Political party women's wings were also informed to those amendments, who as part of advocacy sent their call of HoR to reject those amendments.

Luckily, on 29th July 2018, the House of Representatives rejected the Guurti's amendments and approved the bill as its original format.

Meanwhile, Somaliland Civil Society Organizations with the support of CPA sent an appeal to the president to sign the Rape and Sexual offence Bill into law. The president of Somaliland H.E. Muse Bihi Abdi was keen on approving this Bill. In his last Constitutional speech with the Houses of Parliament, he sent his request to the parliament to approve the Rape and Sexual Offence Bill. Finally, the president signed the Rape and Sexual Offence Bill into Law.

CPA impressed with the Task Force Lead by Mss. Ayan Ahmed Hashi for the work they have put in over the last month on the advocacy against the amendment made by Guurti. The task force put together a well-coordinated plan during the advocacy.

CPA, on behalf of the Taskforce is also appreciating the president on his signature of the Rape and Sexual Offence Bill into Law, the House of Representatives who initiated the draft of this bill, and Civil Society Organizations who helped technically the House of Representatives (HoR) in the draft stage. Similarly, CPA is expressing its sincere thanks to USAID, Creative, and IRI for their support from beginning up to end of this Bill through the help of Somaliland House of Representatives and Civil Society organizations.

See annexes on the list of the last Task Force and the legal analysis about the advocacy against the amendments made by the Guurti.

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About Centre for Policy Analysis

CPA is a think tank center that was established to help the countries of Horn of Africa region to build, peace, democracy, human rights and effective governance systems where all citizens are equal. CPA is based in Hargeisa, the Capital of Republic of Somaliland.

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Annex I: List of the last Task Force on the advocacy against the amendments made by the Gurti.

No	Name	Institution/Organization
1	Ms. Ayan Ahmed Hashi	Independent Women Activist and Task Force Leader.
2	Mr. Abdirahman Gas	Executive Director, Network Against FGM (Nafis Network)
3	Mr. Yahye Hanas	Executive Director, Somaliland Journalist Association (SOLJA)
4	Ms. Raqiya Yusuf	Director, Complaint section, Somaliland National Human rights Commission (SLNHRC)
5	Ms. Su'ad Ibrahim	Former Progression Country Representative
6	Mr. Ahmed Yusuf	Human Rights Defender.
7	Ms. Nafisa Shirwac	Professional Lawyer, and Candle light Staff
8	Mr. Abdihakim Da'ar	Lecturer, University of Hargeisa. (UOH)

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