

Quantitative Assessment – Women’s access to justice through Xeer

This is a portion of a survey on the topic of **women’s access to justice**. The project is focused on **Xeer**, the customary justice system that is widely used in Somalia. The survey was given to a final sample of 1,017 women from **7 districts** in Somalia and Mogadishu. Our client wants to know about different barriers women face in accessing justice through **Xeer** as well as prevalence of **issues** such as intimate partner violence (IPV) and rape, more generally. There is a short blurb in Annex 1 which introduces **Xeer**; you will not need to know more than that to address the following questions.

1. Respondents were asked “**Do you know anyone - or have you heard about anyone - who is a victim of rape or sexual assault?**” Please use the variable “**sgbv**” and the demographic variables (see **Annex 2**) to write 2-3 paragraphs on the **people and groups** that are most likely to know someone who has been a victim of rape.¹ You do not need to describe the results of *each* demographic group, just talk about trends that you think are interesting.
 - a. In your analysis, you should also **discuss how confident you are in the data** you present. What are some possible limitations of this data or reasons why conclusions may not be definitive?
 - b. Please also **create 1 graph, table, or other figure** to present data around one of the trends you discuss.
2. We asked **half the sample** about IPV and half the sample about rape. Please use the variables in the following table to describe (in 2-3 paragraphs) **women’s differing priorities** in resolving cases of IPV vs cases of rape.
 - a. In your analysis, you should **also discuss how confident you are in the data**.

Variable name	Question	Response options / Value labels
sgbv_ideal_outcome1	In a rape case, I want you to think about what is important in resolving the case. Which of the following is most important?	1 The offender is punished 2 The individual victim is compensated or made whole or supported 3 The victim's family / group is compensated or made whole or supported
sgbv_ideal_outcome_why	Why is this an important outcome? Even if there are multiple reasons, please select the one that you think is most important.	1 It will make the victim feel better. 2 Offenders should suffer the same amount of harm as they caused the victim. 3 It will deter future similar crimes or actions in the community. 4 It will make the victim feel better. 5 It will make the family whole 6 It will keep good relations between groups
dv_ideal_outcome1	In an IPV case, I want you to think about what is important in resolving the case. Which of the following is most important?	1 The offender is punished 2 The individual victim is compensated or made whole or supported 3 The victim's family / group is compensated or made whole or supported
dv_ideal_outcome_why	Why is this an important outcome? Even if there are multiple reasons, please select the one that you think is most important.	1 It will make the victim feel better. 2 Offenders should suffer the same amount of harm as they caused the victim. 3 It will deter future similar crimes or actions in the community. 4 It will make the victim feel better. 5 It will make the family whole 6 It will keep good relations between groups

¹ In the variable sgbv, 1 denotes a “yes” answer.

3. Respondents were randomly placed into one of two sub-groups which determined if they would respond to the IPV survey module or the rape survey module. In other words, the women who responded to the variables with the prefix “sgbv_” are different from the women who responded to the variables with the prefix “dv_”. (The variable “random_half” identifies which survey module a respondent was allocated to). We expect the characteristics of each sub-group to be similar, though this is not guaranteed, even with randomization. Using the demographic variables (see Annex), compare the characteristics of the two sub-samples and identify any important differences.
 - a. Consider the **potential implications of differences in subgroups** on any analysis which compares responses of the two subgroups – for example the analysis conducted in Question 2.

Annex 1. Somali Customary Justice – Xeer

The legal and judicial frameworks in Somalia are plural.²⁵ Statutory, customary, and religious institutions co-exist and often cooperate. Elders and statutory courts frequently invoke shari’ah principles. Only the violent extremist insurgent group Harakaat Al Shabaab Al Mujaheddin (*Islamic Youth Movement*, abbreviated to Al Shabaab) operates courts that do not collaborate with any other justice providers.

The customary *Xeer dhaqamed* is rooted in Somalia’s clan system, an agnatic, segmentary framework for group identities that traditionally determines the delineation of home territory (*deegaan*).²⁶ Like many customary justice institutions, *xeer* aims at conflict prevention through collective compensation rather than law enforcement via individual punishment. It is implemented and passed on orally by elected elders. The *xeer* comprises a general framework for processes, punishments, and some local regulation for relations of production- Otherwise, it consists of re-negotiable localized agreements between clans that stipulate rights and duties for hosts (*guri*) and guests (*galti*) in each *deegaan*. These are rooted in nomadic herders seeking access to pasture, but take on a different shape among the more sedentary agro-pastoralist communities in the southern inter-riverine and riverine regions, where location joins lineage as an important source of identity, and thus relations to elders.²⁷

The above is an excerpt from:

Expanding Access to Justice Program. 2020. Access to Justice Assessment Tool: Baseline Study. Nairobi, Kenya: Pact and the American Bar Association Rule of Law Initiative.

Annex 2. Demographic and Characteristic Variables

The following variables are related to respondent demographics and characteristics. Use these variables to address questions 1 and 3.

Variable	Question	Response Options / Value labels
age	What is your age?	[integer]
children_girls	How many of your children are girls?	[integer]
education	What is the highest level of schooling you have completed?	0 none 1 madrassa (quranic school) only 2 some primary 3 completed primary 4 some secondary 5 completed secondary 6 college or above
female_police	As far as you know, are there any female police officers in the closest police station ?	0 no 1 yes
hh_size	How many members, INCLUDING YOURSELF, are part of your household?	[integer]
idp	IDP status (1 yes, 0 no)	0 non-IDP 1 IDP
land_own_in	Do you and your husband own land in \${district_label} ?	0 no 1 yes
majority	majority (1) clan or non-majority (0)	0 non-majority clan 1 majority clan (Note that, given Xeer is negotiated through clan structures, clan dominance within a district is an important determinant of negotiating power in accessing justice through Xeer. This variable identifies whether an individual is a member of the dominant clan in their district.)
marital_status	What is your marital status?	1 married 2 single 3 divorced 4 widow/widower 5 separated 99 refused to answer
police_loc	Do you know where the nearest police station or police post is?	0 no 1 yes
rural	rural (1) urban (0)	0 urban 1 rural
time_here	How long have you lived in this district ?	1 less than one year 2 between 1-5 years 3 more than 5 years 98 i don't know
walk_night	Do you feel comfortable walking around this area alone at night?	0 no 1 sometimes 2 yes