



Presidential Decree Nr ____ Wednesday, July the 27th 2011 on Puntland's Human Rights Act.
Puntland Human Rights Defender Act (P.H.R.D.A)

Section 1

Chapter 1

Article 1

Terminology

- The Defender of Human Rights means the person who advocates for human Rights;
- The fundamental Rights means the rights that granted to citizens by the Puntland's constitution;
- Regional representatives of the Defender of Human Rights means defender's deputy of the regions;
- The personnel of the Human Rights Office means the employees of the office of the Human Rights Defender;
- Human Rights means the rights of individuals that the state is obliged to protect;
- Economic Rights means that the person has the right to own property;
- Social Rights means that the person has the right to live in the society and protect the rights of other people while his/her rights should be protected by the society;
- Cultural rights means the person's right to Culture, Heritage and good customs;
- Civil rights means citizen's individual rights;
- Political rights means that the citizen can elect and be elected, can join the political parties and run for political office in accordance with the Puntland's constitution.

Section 2

Article 2

Setting up the office

The Puntland government has set up the Office for the Human Rights Defender ✓

Article 3

Seat of the Office

The Office of the Human Rights Defender is in Garowe, the capital city of the Puntland State.

Article 4

Branches of the Office

The Office of the Defender has branch offices in all of Puntland's Regions.

→ Estab. of the office
→ Elections/criteria for selection

- Article

Article 5

The personnel of the office

The Personnel of the Office for the Defence and Promotion of Human Rights consist of as follows:

- (a) The Defender and Promoter of the Human Rights;
- (b) The Regional Representatives of the Human Rights Defender;
- (c) The Personnel assigned to the office for the Defence of Human Rights.

Article 6

Criteria for electing the Defender

The Human Rights Defender shall fulfil the following conditions to be elected:

- a) He/she must be a Muslim and Puntlander citizen;
- b) He/she must be at least forty (40) years old;
- c) He/she must have knowledge and experience in human rights issues;
- d) He/she must be of good behaviour and recognized as a capable person in his/her field;
- e) He/she must not be a member of political or radical religious party;
- f) He/she must not have been convicted of a crime.

Article 7

Appointment of the defender

The Council of Ministers shall submit to the House of Representatives a list of candidates for the post and the House will elect the Human Rights Defender in accordance with the their electoral system. ?

Article 8

Period of the Office

The period of holding the Office of Human Rights Defender is five (5) years.

Renewable?

Article 9

Dismissal of the Defender ?

The Defender can be dismissed due to:

- 1. Death
- 2. Notice of resignation submitted by the Defender to the President and the House of Representatives and being approved.
- 3. Committing and been legally convicted of a crime or being caught while committing criminal activities.
- 4. Inability to fulfil his/her duties due to ill-health certified by Board of Doctors registered with the Puntland's Ministry of Health.
- ? ? 5. The Defender's violation of Islamic share'a, constitution and other country's legislations.

6. The Human Rights Defender can be dismissed with the approval of two thirds (2/3) majority of the House of Representatives on compliance with one of the grounds of article 98 of the Constitution.

Article 10

Appointment of the Regional Representatives

The Human Rights Defender to propose the nomination of the Regional Representatives of the Office of Human Rights Defender to the President for approval.

Article 11

Dismissal of the Regional Representatives

The Regional Representatives of the office of Human Rights Defender can be dismissed due to:

1. Death;
2. Notice of resignation submitted by the Representative to the Defender and approved by the President;
3. The Representative committed and been legally convicted of a crime or being caught while committing criminal activities;
4. Inability to fulfil his/her duties due to ill-health certified by Board of doctors registered with the Puntland's Ministry of Health;
5. The Representative's violation of Islamic shari'a, constitution and other country's legislations;
6. Being biased by self-interest;

Article 12

Sessions of the office

1. The office of the Human Rights Defender should establish its internal regulations and operational plan;
2. The sessions will normally take place at the office's HQ and at any other place agreed upon;
3. The Human Rights Defender to forward the decisions and instructions to the concerned local organisations;
4. The Human Rights Defender will report to the relevant authorities according to their weight and hierarchy;
5. If necessary, the Office can seek experts for practical assistance.

Article 13

The purpose of the Office of Human Rights

1. The Office of the Human Rights Defender and its Regional Representatives were set up under the terms of this Act;
2. The purpose of the Office for the Defence and Promotion of Human Rights is to look at all the violations of the citizen's Human Rights and Fundamental Freedoms without undermining other Puntland's legislations and public rights;

3. The Office of the Human Rights Defender protects and defends against abuses of fundamental freedoms and human rights;
4. The office responds the complaints levelled by citizens by investigating them and presenting the results and solutions of those investigations to the relevant authorities according to their weight and hierarchy.

Article 14

The powers and responsibilities of the Defender's Office

1. The Human Rights Defender has the jurisdiction on the whole of the Puntland State;
2. During their duties, the Defender and his/her representatives have the powers to conduct fact finding investigation, mediation, reconciliation and presenting the result and solution of those investigations to the relevant authorities;
3. The Defender and his/her representatives can interview anyone who might be involved in an ongoing investigation conducted by the office of Human Rights Defender;
4. The Defender and his/her representatives have the power to investigate citizen's human rights violations caused by defamation for personal gains.

Article 15

Criteria for selecting the Personnel of the Office

The Defender and his/her Puntland regions Representatives must not to be Public Servants, Members of the Parliament, members of Political Parties or member of Army and Police forces.

Article 16

The powers and Responsibilities of the Director General of the Office

The powers and responsibilities of the Director General are as follows:

1. The Director General of the Office of the Human Rights shall report to the Human Rights Defender and follows his/her instructions;
2. The Director General is responsible to implement the decisions of the human rights defender, to run daily office activities and to manage other employees in the office.;
3. The Director General attends the meetings held by the defender and his/her representatives;
4. He/she takes meeting minutes for them but has no voting rights;
5. He/she prepares annual budget and financial reports.

Article 17

The Lower Level Staff of the Office

The Lower Level Staff of the Office can be recruited by:

1. Free competition and
2. Defender's appointment

Article 18
Constitutional Oath

Before taking the office, the Human Rights Defender and his representatives have to swear/take puntland's constitutional oath.

Article 19
Pre-eminence

Any law that contradicts this law or inconsistent with it is null and void.

Article 20
Enforcement of this Law

This Law will be enforceable after it is signed by the president and published in Puntland State media.